

BOARD MEETING DATE: November 7, 2014

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the October 3, 2014 meeting.

RECOMMENDED ACTION:

Approve Minutes of the October 3, 2014 Board Meeting.

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Sandra McDaniel,
Clerk of the Boards

SM:dg

FRIDAY, OCTOBER 3, 2014

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at the Millennium Biltmore Hotel Los Angeles, 506 South Grand Avenue, Los Angeles, California. Members present:

William A. Burke, Ed.D., Chairman
Speaker of the Assembly Appointee

Mayor Dennis R. Yates, Vice Chairman
Cities of San Bernardino County

Supervisor Michael D. Antonovich (arrived at 10:05 a.m.)
County of Los Angeles

Mayor Pro Tem Ben Benoit
Cities of Riverside County

Supervisor John J. Benoit
County of Riverside

Councilmember Joe Buscaino
City of Los Angeles

Councilmember Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Supervisor Josie Gonzales
County of San Bernardino

Dr. Joseph K. Lyou
Governor's Appointee

Mayor Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson (arrived at 9:45 a.m.)
County of Orange

Dr. Clark E. Parker, Sr.
Senate Rules Committee Appointee

Member absent:

Mayor Miguel A. Pulido
Cities of Orange County

CALL TO ORDER: Chairman Burke called the meeting to order at 9:05 a.m.

- Pledge of Allegiance: Led by Chairman Burke.
- Swearing In of Reappointed Board Member Judith Mitchell

Chairman Burke administered the oath of office to Judith Mitchell, who was reappointed to the Board by the Los Angeles County Western Cities Representatives, for a term ending January 15, 2018.

- Opening Comments

Councilman Buscaino. Thanked the staff for their efforts in responding to a fire at the Port of Los Angeles Pasha terminal on September 23, 2014, including deploying mobile air quality detection devices in neighboring communities and providing information for those affected by the smoke through media outreach.

Councilman Cacciotti. Announced that he attended the AltCar Expo in Santa Monica on September 18, 2014 and was able to view the LAPD's all-electric motorcycle that is used on dirt terrain, and speak with the officers about the potential future of an electric road motorcycle. He suggested staff continue to work towards promoting an electric motorcycle for police when investigating future funding opportunities.

Dr. Lyou. Reported that he toured the Long Beach Container Terminal project site at the Port of Long Beach and was impressed with the technology being utilized, including electric container movement in the terminal. He invited fellow Board Members to also tour the facility which represents the future of freight and the ports.

Chairman Burke suggested that in early 2015 a Board Meeting be scheduled in the Long Beach area and that a tour of the yard be arranged at that time.

Supervisor Gonzales stressed the importance of applying some of the same principles used at the coastal ports to the dry ports that move cargo throughout the Inland Empire.

Dr. Barry R. Wallerstein, Executive Officer. Noted that staff is withdrawing A2 for Item No. 3. He explained that staff is recommending that Item No. 30, the public hearing to consider adoption of Proposed Rule 1153.1, be continued to the November 7, 2014 Board Meeting.

CONSENT CALENDAR

1. Approve Minutes of September 5, 2014 Board Meeting
2. Execute Contract to Develop Ultra-Low Emission Natural Gas Engine for On-Road Class 4 to 7 Vehicles
3. Execute Contracts for FY 2013-14 "Year 16" Carl Moyer Program and Issue Program Announcement for SOON Provision
4. Execute Contracts to Conduct PEV Smart Grid, Heavy-Duty Truck Innovative Transportation System and Secondary Organic Aerosol Formation Studies **E**
5. Issue RFPs to Develop and Demonstrate Police Pursuit Vehicles Powered by CNG or Zero-Emission Range and Conduct Police Pursuit Vehicle Loaner Program **E**
6. Approve Site Location Change for Hydrogen Fueling Station Upgrade **E**
7. Issue RFP to Solicit Proposals for Marketing and Outreach Campaign for 2015 Lawn Mower Exchange Program
8. Establish List of Prequalified Vendors to Provide Automotive Mechanical Repair and Service for SCAQMD's Vehicle Fleet
9. Transfer Appropriation for Replacement of Auditorium Seating Contract
10. Execute Contracts for Short- and Long-Term Systems Development, Maintenance and Support Services
11. Issue RFP to Solicit Proposals to Design, Develop and Implement SCAQMD Branding/Public Awareness Outreach Campaign
12. Appropriate Funds from Designation for Litigation and Enforcement and Authorize Amending and Initiating Contracts with Outside Counsel
13. Approve Contract Award and Modifications Approved by MSRC

Action Item/No Fiscal Impact

14. Approve Annual Report on AB 2766 Funds from Motor Vehicle Registration Fees for FY 2012-13

Items 15 through 20 - Information Only/Receive and File

15. Legislative & Public Affairs Report
16. Hearing Board Report
17. Civil Filings and Civil Penalties Report
18. Lead Agency Projects and Environmental Documents Received by SCAQMD
19. Rule and Control Measure Forecast
20. Status Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2014-15

Mayor Mitchell and Councilman Buscaino noted that they serve on the Board of Directors for the Los Angeles County Sanitation District which is involved with the program under Item No. 3.

Supervisor Benoit announced his abstention on Item No. 3 because of a campaign contribution from Robertson's Ready Mix. Dr. Lyou announced his abstention on Item No. 2 because Southern California Gas Company is a potential source of income to him, and on Item No. 6 because Clean Energy Fuels and Los Angeles World Airport are potential sources of income to him.

MOVED BY YATES, SECONDED BY
B. BENOIT, AGENDA ITEMS 1, 4, 5 AND 7
THROUGH 20 APPROVED AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: B. Benoit, J. Benoit, Burke,
Buscaino, Cacciotti, Gonzales,
Lyou, Mitchell, Parker, and Yates.

NOES: None.

ABSENT: Antonovich, Nelson and Pulido.

2. Execute Contract to Develop Ultra-Low Emission Natural Gas Engine for On-Road Class 4 to 7 Vehicles

MOVED BY YATES, DULY SECONDED, AGENDA ITEM 2 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Mitchell, Parker, and Yates.

NOES: None.

ABSTAIN: Lyou.

ABSENT: Antonovich, Nelson and Pulido.

3. Execute Contracts for FY 2013-14 "Year 16" Carl Moyer Program and Issue Program Announcement for SOON Provision

MOVED BY CACCIOTTI, SECONDED BY YATES, AGENDA ITEM 3 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: B. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Parker, and Yates.

NOES: None.

ABSTAIN: J. Benoit.

ABSENT: Antonovich, Nelson and Pulido.

6. Approve Site Location Change for Hydrogen Fueling Station Upgrade 

MOVED BY YATES, SECONDED BY MITCHELL, AGENDA ITEM 6 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Mitchell, Parker, and Yates.

NOES: None.

ABSTAIN: Lyou.

ABSENT: Antonovich, Nelson and Pulido.

21. Items Deferred from Consent Calendar - none

BOARD CALENDAR

22. Administrative Committee

23. Legislative Committee

24. Mobile Source Committee

25. Stationary Source Committee

26. Technology Committee

27. Mobile Source Air Pollution Reduction Review Committee

28. California Air Resources Board Monthly Report

MOVED BY YATES, SECONDED BY GONZALES, AGENDA ITEMS 22 THROUGH 28 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Parker, and Yates.

NOES: None.

ABSENT: Antonovich, Nelson and Pulido.

Staff Presentation/Board Discussion

29. Multiple Air Toxics Exposure Study (MATES IV) *(No Written Material)*

Dr. Philip Fine, Assistant DEO/Planning and Rules, gave the staff presentation noting the background of MATES and the key components of MATES IV including, 1) monitoring, 2) emissions inventory, 3) modeling, and 4) the Technical Advisory Group. He also detailed the improvement in carcinogenic risk rates that have been made since MATES III.

Dr. Wallerstein noted that the release of the draft report is a result of three years of work by over forty staff members, with Dr. Ospital leading the project.

Dr. Lyou commented that many people are affected by cancer within their families and neighborhoods, so it is promising to hear the risk reductions that have been made; acknowledged the role that CARB has played in this progress; and addressed the difficulty with sending a clear message about how much work lies ahead, even though the latest results show progress in reducing smog and air toxics. He suggested that input be solicited from a public relations expert on how to deal with this complicated message.

Supervisor Benoit acknowledged the remarkable improvements that have been made to air quality in his lifetime; and noted the challenges that are still present as a result of not having adequate authority over mobile source polluters.

In response to Dr. Parker's inquiry about whether staff had calculated the reduction in air pollution-related deaths, in addition to the cancer risk reductions, Dr. Wallerstein indicated that staff had not done so yet, but would perform that analysis.

Councilman Buscaino noted that while the results seem impressive, the negative health impacts are still evident and more needs to be done to take control of additional sources of pollution.

Chairman Burke noted that even though the report shows progress, new methods need to be part of the solution in order to meet upcoming emission reduction targets and improve public health, while not further burdening local businesses.

Dr. Wallerstein noted that the development process for the 2016 AQMP will provide opportunities for increased communication with CARB and U.S. EPA, and the District will also play a role in CARB's upcoming freight plan development.

Supervisor Gonzales stressed the need to partner with allies, including local municipalities and elected officials, to further the District's mission and address air pollution impacts.

Mayor Mitchell commented that as the District's CARB representative, she has communicated the great burden that the South Coast faces. She explained the complexities involved with freight movement and land use policies that CARB must overcome. She also noted that CARB's October meeting is scheduled at SCAQMD Headquarters, and it would be prudent to have Dr. Fine's MATES IV study presentation added to the meeting agenda to facilitate further communication regarding emission reduction targets and authority.

Chairman Burke expressed appreciation for Mayor Mitchell's dedication to imparting change at CARB, and notwithstanding those efforts, the Board should work towards finding other remedies as well.

Dr. Wallerstein suggested that staff perform an in-depth examination of the authority issues and provide a report to the Board.

Dr. Lyou requested that staff include in that analysis, the limits of the Board's available authority for mobile sources through fleet rules and indirect source rules, as well as whether relief could be sought through legislation to expand mobile source authority.

Councilman Cacciotti stressed the importance of creating an impactful public outreach campaign that will make clear the connection of the impacts of air pollution on adverse public health in order to inspire people to do their part for cleaner air.

Chairman Burke noted that amount of resources available limits the type of television campaigns and other media outreach that can be used to reach the residents throughout the Basin. He suggested strategic partnerships that would allow for great dissemination of those messages.

RECEIVED AND FILED; NO ACTION NECESSARY.

PUBLIC HEARING

30. Adopt Proposed Rule 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens

THIS ITEM WAS REMOVED FROM THE AGENDA, AT STAFF'S RECOMMENDATION AND WITH THE CHAIRMAN'S CONCURRENCE, AND WILL BE PLACED ON THE NOVEMBER 7, 2014 MEETING AGENDA.

PUBLIC COMMENT PERIOD – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

David Englin, BizFed, thanked the Board for their commitment to commission an outside review of the AQMP socioeconomic analysis process; requested that any formal action on the report be withheld until stakeholders have been given the opportunity to provide input; and expressed appreciation for the opportunity to work collaboratively throughout the 2016 AQMP process.

CLOSED SESSION

The Board recessed to closed session at 10:30 a.m., pursuant to Government Code sections:

- 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the District is a party, as follows:

People of the State of California, ex rel SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;

Fast Lane Transportation, Inc. et al. v. City of Los Angeles, et al., Contra Costa County Superior Court Case No. MSN14-0300 (formerly South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS 143381) (SCIG);

- 54957.6 to confer regarding upcoming labor negotiations with:

designated representatives regarding represented employee salaries and benefits or other mandatory subjects within the scope of representation [Negotiator: William Johnson; Represented Employees: Teamsters Local 911 & SCAQMD Professional Employees Association];

and to confer with:

labor negotiators regarding unrepresented employees [Agency Designated Representative: William Johnson; Unrepresented Employees: Designated Deputies and Management and Confidential employees].

Following Closed Session, General Counsel Kurt Wiese announced that there were no reportable actions taken in closed session.

ADJOURNMENT

There being no further business, the meeting was adjourned by Kurt Wiese at 11:00 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on October 3, 2014.

Respectfully Submitted,

Denise Garzaro
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

CARB = California Air Resources Board
CNG = Compressed Natural Gas
EJ = Environmental Justice
EV = Electric Vehicle
FY = Fiscal Year
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
PEV = Plug-in Electric Vehicle
RFP = Request for Proposals
RFQ = Request for Quotations
U.S. EPA = United States Environmental Protection Agency