BOARD MEETING DATE: June 5, 2015

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the May 1, 2015 meeting.

RECOMMENDED ACTION:
Approve Minutes of the May 1, 2015 Board Meeting.

Saundra McDaniel,
Clerk of the Boards

SM:dg
FRIDAY, MAY 1, 2015

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, 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

Mayor Michael D. Antonovich (arrived at 9:15 a.m.; left at approximately 10:45 a.m.)
County of Los Angeles

Mayor 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

Dr. Joseph K. Lyou
Governor’s Appointee

Councilmember Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson (arrived at 9:20 a.m.)
County of Orange

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

Mayor Miguel A. Pulido (left at 9:35 a.m.)
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino
CALL TO ORDER: Chairman Burke called the meeting to order at 9:00 a.m.

- Pledge of Allegiance: Led by Councilmember Cacciotti.
- Opening Comments

  Dr. Lyou. Announced that he participated on a panel at the Move Los Angeles Conference on April 22, 2015; and noted the potential for funding clean freight through proposed Measure R2.

  Councilmember Mitchell. Announced that during a recent visit to Sacramento she discussed legislation to reduce GHGs and the need for it to be coupled with criteria pollutant reductions. She noted that Tesla Motors has announced the development of Powerwall, a lithium-ion battery that will store solar and other forms of renewable energy received from solar panels at residences.

  Mayor Pulido. Announced that on May 11, 2015 an event will be held in Santa Ana to celebrate the milestones made in the OC Streetcar project that is expected to be completed in 2019.

  Dr. Parker. Expressed optimism for the development of a more widespread hydrogen fueling infrastructure in the region now that a way to measure the amount of hydrogen dispensed during fueling has been developed.

(Supervisor Antonovich arrived at 9:15 a.m.)

- Presentation of Retirement Award to Elaine Chang

  Chairman Burke presented a retirement award to Elaine Chang, DEO/Planning, Rule Development and Area Sources, in recognition of 28 years of dedicated District service.

CONSENT CALENDAR

1. Approve Minutes of April 3, 2015 Board Meeting

2. Set Public Hearings June 5, 2015 to Consider Amendment to and/or Adoption of SCAQMD Rules and Regulations
   (A) Amend Rule 1148.1 – Oil and Gas Production Wells
   (B) Amend Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers
Budget/Fiscal Impact

3. Develop and Demonstrate Fuel Cell Hybrid Electric Medium-Duty Trucks

4. Execute Contract to Construct, Operate and Maintain Fast-Fill Public Access CNG Fueling Station at SCAQMD Headquarters and Authorize Property Usage Agreement

5. Issue RFP for CEQA Documentation Support to Prepare Program Environmental Impact Report for 2016 AQMP and Other CEQA-related Activities

6. Recognize Revenue and Appropriate Funds for PM2.5 Monitoring Program and Issue Purchase Orders for Air Monitoring Equipment and CNG Vehicle

7. Execute Lease Contract for Mailing Equipment

8. Establish New Classification of Career Development Intern

9. Issue RFP for Evaluation and Improvement of SCAQMD’s Website

10. Appointment of Members to SCAQMD Hearing Board

11. Issue Solicitations Approved by MSRC

Items 12 through 18 - Information Only/Receive and File

12. Legislative and Public Affairs Report

13. Hearing Board Report

14. Civil Filings and Civil Penalties Report

15. Lead Agency Projects and Environmental Documents Received by SCAQMD

16. Rule and Control Measure Forecast
17. Report of RFQs Scheduled for Release in May


Dr. Lyu announced his abstention on Item No. 3 because UPS is a potential source of income to him, and on Item No. 4 because Clean Energy is a potential source of income to him. Supervisor Antonovich announced his abstention on Item No. 4 because of a campaign contribution from Clean Energy.

Agenda Items 2, 4, 9, 15 and 16 were withheld for comment and discussion.

MOVED BY CACCOTTI, SECONDED BY J. BENOIT, AGENDA ITEMS 1, 3, 5 THROUGH 8, 10 THROUGH 14, 17 AND 18 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 15-11 AMENDING SCAQMD’S SALARY RESOLUTION TO ESTABLISH NEW CLASSIFICATION OF CAREER DEVELOPMENT INTERN AT ANNUAL SALARY OF $31,782.40, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyu (except Item #3), Mitchell, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSTAIN: Lyu (Item #3 only).

ABSENT: Nelson.

(Supervisor Nelson arrived at 9:20 a.m.)
19. Items Deferred from Consent Calendar

2. Set Public Hearings June 5, 2015 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations
   
   (A) Amend Rule 1148.1 – Oil and Gas Production Wells
   
   (B) Amend Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers

9. Issue RFP for Evaluation and Improvement of SCAQMD’s Website

15. Lead Agency Projects and Environmental Documents Received by SCAQMD

16. Rule and Control Measure Forecast

Dr. Tom Williams, Citizens Coalition for a Safe Community and Sierra Club, addressed the Board on Items 2, 9, 15 and 16. He recommended that the Board hold hearings on PARs 1148.1 and 1148.2 in the communities most affected by the proposed amendments; and suggested that a rule be developed related to tunnel vents, as the emissions expected to result from the 710 freeway tunnel need to be regulated.

MOVED BY YATES, SECONDED BY CACCIOTTI, AGENDA ITEMS 2, 9, 15 AND 16 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:


NOES: None.

ABSENT: None.
4. Execute Contract to Construct, Operate and Maintain Fast-Fill Public Access CNG Fueling Station at SCAQMD Headquarters and Authorize Property Usage Agreement

Supervisor Antonovich and Dr. Lyou left the room during discussion of Item No. 4.

Supervisor Benoit suggested adding additional signage to make the public aware of the CNG and hydrogen fueling stations located at SCAQMD Headquarters.

MOVED BY J. BENOIT, SECONDED BY PULIDO, AGENDA ITEM 4 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:


NOES: None.

ABSTAIN: Antonovich and Lyou.

BOARD CALENDAR

20. Administrative Committee

21. Legislative Committee

22. Mobile Source Committee

23. Stationary Source Committee

24. Technology Committee

25. Mobile Source Air Pollution Reduction Review Committee

MOVED BY BUSCAINO, SECONDED BY J. BENOIT, AGENDA ITEMS 20 AND 22 THROUGH 26 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:


NOES: None.

ABSENT: Antonovich.

(Mayor Pulido left at 9:35 a.m.)

21. Legislative Committee

Dr. Parker noted the importance of the Board being proactive and supporting SB 350.

Supervisor Benoit explained that his position to oppose the bill is based on the concern that the true impacts of the bill have not been made clear.

Councilmember Mitchell pointed out that the language in SB 350 is well defined and complete.

In response to Supervisor Rutherford's inquiry concerning how much of the bill is superseded by the Governor's Executive Order, Dr. Wallerstein explained that the bill passed the senate Environmental Quality Committee and is intended to reflect the Governor’s Executive Order and is continuing to move along.

DR. PARKER MOVED TO ADOPT A POSITION OF “SUPPORT” AS TO SB 350. THE MOTION WAS SECONDED BY COUNCILMEMBER CACCIOTTI, AND PASSED BY THE FOLLOWING VOTE:
AYES: Buscaino, Cacciotti, Lyou, Mitchell, Nelson, Parker and Yates.

NOES: Antonovich, B. Benoit, J. Benoit, Burke and Rutherford.

ABSENT: Pulido.

Dr. Wallerstein noted that AB 335 did not pass in committee and a request for reconsideration of the bill was not made.

Supervisor Nelson recommended that the Board take no position on AB 335.

SUPERVISOR NELSON MOVED TO ADOPT "NO POSITION" AS TO AB 335. THE MOTION WAS SECONDED BY SUPERVISOR BENOIT, AND PASSED BY THE FOLLOWING VOTE:


NOES: None.

ABSENT: Pulido.

Dr. Tom Williams, Sierra Club Transportation Committee, addressed the Board, noting his support for H.B. 1308 and encouraged the use of rail for transporting freight.

THE BOARD ADDRESSED THE REMAINDER OF ITEM 21 BY TAKING THE RECOMMENDED POSITIONS ON SB 513 AND H.R. 1308 AS SET FORTH BELOW, AND RECEIVING AND FILING THE LEGISLATIVE COMMITTEE REPORT, BY THE FOLLOWING VOTE:

NOES: None.

ABSENT: Pulido.

Agenda Item | Recommendation
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H.R. 1308 (Lowenthal) Economy in Motion: The National Multimodal and Sustainable Freight Infrastructure Act | Support

SB 513 (Beall) Carl Moyer Memorial Air Quality Standards Attainment Program | Support

Staff Presentation/Board Discussion

27. Annual Meeting of Brain & Lung Tumor and Air Pollution Foundation *(Continued from April 3, 2015 Meeting)*

Megan Lorenz, Senior Deputy District Counsel, gave the staff presentation on Item 27.

Dr. Tom Williams, Citizens Coalition for a Safe Community, addressed the Board on Item 27 requesting that more information regarding the BLTAP be made available to the public, and stressed the importance of including the results of the studies as areas to address in the AQMP.

Chairman Burke commented that Dr. Black will be scheduled to make a presentation at a future meeting and that information will be available to the public.

In response to Councilman Cacciotti’s inquiry regarding the testing of the health impacts of diesel emissions done by the Health Effects Institute, Dr. Jean Ospital, Health Effects Officer, noted that the Cedar Sinai study is focusing on collective ambient particle exposure and not on a specific source. He clarified the procedures used in the Health Effects Institute study and how that impacted the results.

Councilman Cacciotti expressed support for sharing information about the BLTAP’s efforts, as well as connecting with other medical institutions to see if they want to get involved in the research efforts.
Dr. Lyou noted a concern raised by a commenter on the MATES study regarding the lack of a study that compares whether new PM diesel exhaust is less toxic than old PM diesel exhaust and inquired whether it would be prudent to support such research.

Dr. Ospital confirmed that there has not been a comparison study of that nature; noting, however, that a BLTAP-funded study is underway at UCLA aimed at developing an assay that can then potentially be applied to future studies.

Supervisor Benoit noted that the MATES study and other studies may appear to reflect dramatic improvements that will eliminate the need for this Board. He suggested a balanced approach in achieving the goal of improving air quality while mindful of the impacts on jobs.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM 27 APPROVED AS RECOMMENDED RECEIVING AND FILING THE ANNUAL REPORT AND RATIFYING THE FOUNDATION DISBURSEMENTS DESCRIBED IN THE ANNUAL REPORT AND RATIFYING THE APPOINTMENT OF DR. WILLIAM A. BURKE AS A FOUNDATION DIRECTOR, REPLACING FORMER BOARD MEMBER JOSIE GONZALES, BY THE FOLLOWING VOTE:


NOES: None.

ABSENT: Pulido.

28. Final MATES IV Report

Dr. Jean Ospital, Health Effects Officer, gave the staff presentation.

MOVED BY CACCIOTTI, SECONDED BY LYOU, AGENDA ITEM 28 APPROVED AS RECOMMENDED RECEIVING AND FILING THE FINAL MATES IV REPORT, BY THE FOLLOWING VOTE:
AYES: Antonovich, B. Benoit, J. Benoit, Burke, Cacciotti, Lyou, Mitchell, Parker, Rutherford and Yates.

NOES: None.

ABSENT: Nelson and Pulido.


   Staff waived the oral presentation on Agenda Item 29.

   In response to Supervisor Rutherford’s questions regarding how the white papers impact the AQMP, Dr. Philip Fine, Assistant DEO/Planning and Rules, explained that the ten 2016 AQMP white papers are being developed and released with the goal of receiving input from stakeholders as their contents will form a policy framework for development of the AQMP.

   Dr. Wallerstein added that staff plans to come back to the Board in the fall after the papers have been released, to receive input that will then aid in the development of the AQMP.

   Dr. Lyou expressed concern with the lack of focus towards achieving the state ambient air quality standards at the earliest date achievable with the application of all reasonable available control measures and technologies; and suggested the addition of information in the white papers explaining the differences between attaining the federal and state PM2.5 and PM10 standards.

   Dr. Wallerstein noted that the focus is often more on meeting the federal standards because they are more stringent. He confirmed that staff would add information regarding the state PM standards.

   RECEIVED AND FILED; NO ACTION NECESSARY.

PUBLIC HEARINGS

30. Adopt Executive Officer’s FY 2015-16 SCAQMD Budget and Work Program and Authorize Mid-Year Budget Adjustments, Transfers, Purchase of Vehicles, and Hearing Board Compensation

   Michael O’Kelly, Chief Financial Officer, gave the staff presentation.

   Councilmember Cacciotti noted the impacts to traffic congestion as the population of San Bernardino and Riverside County grew exponentially.
In response to Chairman Burke’s inquiry regarding accounting for population growth patterns, Dr. Wallerstein noted that staff utilizes data from SCAG and those forecasts are incorporated into the emissions estimates.

The public hearing was opened and the following individual addressed the Board on Agenda Item 30.

CURTIS COLEMAN, Southern California Air Quality Alliance

Expressed support for the proposed goals and objectives; and urged the Board to ensure that the Budget provides for the appropriate level of staffing for timely permit processing.

There being no further public testimony on this item, the public hearing was closed.

Supervisor Benoit and Supervisor Nelson expressed concern with positions remaining vacant for an extended period of time.

Dr. Wallerstein explained the benefits to leaving some positions vacant for more than a year.

Chairman Burke referred the matter of extended vacancies to the Personnel Committee for further review.

Councilman Cacciotti requested that the Goals and Objectives include the item that encourages alternative forms of transportation that he suggested at the April 3, 2015 meeting.

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEM 30 APPROVED AS RECOMMENDED WITH THE ADDITION OF THE ITEM NOTED BELOW:

1) REMOVE FROM RESERVES AND DESIGNATIONS ALL AMOUNTS ASSOCIATED WITH THE FY 2014-15 BUDGET;

2) APPROVE TOTAL APPROPRIATIONS OF $137,217,800;

3) APPROVE A PROJECTED JUNE 30, 2016 RESERVES AND DESIGNATIONS FUND BALANCE OF $14,859,899 AND TOTAL UNDESIGNATED OF $30,062,622;
4) APPROVE TOTAL REVENUES OF $134,980,310;

5) APPROVE THE ADDITION OF THREE (3) NET AUTHORIZED/FUNDED POSITIONS AS DETAILED IN THE FY 2015-16 DRAFT BUDGET;

6) APPROVE THE FY 2015-16 GOALS AND PRIORITY OBJECTIVES AS PREVIOUSLY DISCUSSED AND INCLUDED IN THE FY 2015-16 DRAFT BUDGET AND WORK PROGRAM;

7) INCREASE THE FY 2014-15 GENERAL FUND REVENUE BUDGET AND APPROVE THE TRANSFER OF $1,127,500 FROM THE UNDESIGNATED FUND BALANCE TO THE INFRASTRUCTURE IMPROVEMENT FUND FOR BUILDING INFRASTRUCTURE PROJECTS;

8) INCREASE THE FY 2014-15 GENERAL FUND REVENUE BUDGET BY $640,000 AND APPROPRIATE $600,000 FOR THE REPLACEMENT OF SCAQMD FLEET VEHICLES AND $40,000 FOR THE REPLACEMENT OF A CNG VAN FOR USE IN AIR MONITORING EFFORTS;

9) AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE AN RFQ AND EXECUTE THE SUBSEQUENT PURCHASE ORDER(S) FOR THE PURCHASE OF FLEET VEHICLES AND A CNG VAN FOR AIR MONITORING IN AN AMOUNT NOT TO EXCEED $640,000; AND

10) APPROVE ADJUSTMENT TO COMPENSATION FOR HEARING BOARD MEMBERS AND THEIR ALTERNATES EFFECTIVE ON JANUARY 2015, 2016 AND 2017 AS AUTHORIZED AND DIRECTED BY RESOLUTION NO. 07-23.
BY THE FOLLOWING VOTE:


NOES: None.

ABSENT: Pulido.

Add the following to the SCAQMD FY 2015-16 – Goals and Objectives:

“to promote, support, and partner with other organizations and groups on strategies and programs to encourage multi-modal forms of transportation such as bus, light rail, heavy rail, bicycle, to accomplish SCAQMD’s mission to reduce traffic congestion and air pollution and improve health and air quality.”

31. Amend Rule 2202 Employee Commute Reduction Program Guidelines

Staff waived the oral presentation on Agenda Item 31.

The public hearing was opened, and the following individual addressed the Board on Agenda Item 31.

MANSFIELD COLLINS, Walnut Resident

Expressed concern that as the student population continues to increase at Mt. SAC, these student vehicles are not accounted for in the average number of vehicles traveled to determine compliance with Rule 2202, and requested that the Board amend the rule to include all vehicles traveling to and from colleges, in order to accurately assess actual health risks to surrounding communities.

There being no further public testimony on this item, the public hearing was closed.

Carol Gomez, Planning and Rules Manager, explained that students are not included in Rule 2202 as it pertains solely to employees, but emissions from student vehicles are accounted for in CEQA documents that have a bearing on expansion efforts.

Councilmember Cacciotti expressed concern with the impacts of an increased student population and suggested promoting alternate modes of transportation for local college students.
Councilmember Mitchell suggested the need for further discussion regarding the guidelines related to colleges and universities.

(Supervisor Antonovich left at approximately 10:45 a.m.)

MOVED BY LYOU, SECONDED BY MITCHELL, AGENDA ITEM NO. 31
APPROVED AS RECOMMENDED BY STAFF,
ADOPTING RESOLUTION NO. 15-12
CERTIFYING THE FINAL ENVIRONMENTAL
ASSESSMENT FOR AMENDED RULE 2202
AND ADOPTING AMENDED RULE 2202
EMPLOYEE COMMUTE REDUCTION
PROGRAM GUIDELINES, BY THE
FOLLOWING VOTE:

AYES: J. Benoit, Burke, Buscaino,
Cacciotti, Lyou, Mitchell, Nelson,
Parker, Rutherford and Yates.

NOES: None.

ABSENT: Antonovich, B. Benoit and Pulido.

32. Adopt Rule 2202 Emission Reduction Quantification Protocol for Electric Vehicle Charging Station Projects

Staff waived the oral presentation on Agenda Item 32.

The public hearing was opened and the following individual addressed the Board on Agenda Item 32.

SCOTT BRIASCO, Los Angeles Department of Water and Power

Expressed support for the charging station protocol; and explained that LADWP offers rebates to residential and commercial customers who install charging stations.

There being no further public testimony on this item, the public hearing was closed.
MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 32 APPROVED AS RECOMMENDED BY STAFF, ADOPTING RESOLUTION NO. 15-13 CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT FOR RULE 2202 AND ADOPTING RULE 2202 EMISSION REDUCTION QUANTIFICATION PROTOCOL FOR ELECTRIC VEHICLE CHARGING STATION PROJECTS, BY THE FOLLOWING VOTE:

AYES: J. Benoit, Burke, Buscaino, Cacciotti, Lyou, Mitchell, Nelson, Parker, Rutherford and Yates.

NOES: None.

ABSENT: Antonovich, B. Benoit and Pulido.

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

Dr. Tom Williams, Citizens Coalition for a Safe Community and No 710 Coalition, expressed concern for the enormous negative impacts that will result from the 710 tunnel that will vent the emissions of approximately 40,000 trucks per day into surrounding neighborhoods.

CLOSED SESSION
The Board recessed to closed session at 10:50 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;

  In the Matter of SCAQMD v. Exide Technologies, Inc., SCAQMD Hearing Board Case No. 3151-29 (Order for Abatement);

  Exide Technologies, Inc., Petition for Variance, SCAQMD Hearing Board Case No. 3151-31; and

• 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (one case).

Following closed session, General Counsel Kurt Wiese announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board and made available upon request.

ADJOURNMENT

There being no further business, the meeting was adjourned by Kurt Wiese at 11:10 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on May 1, 2015.

Respectfully Submitted,

Rosalinda Diaz
Deputy Clerk Transcriber

Date Minutes Approved: _________________________

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Dr. William A. Burke, Chairman
ACRONYMS

AQMP = Air Quality Management Plan
CaFCP = California Fuel Cell Partnership
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
CNG = Compressed Natural Gas
EV = Electric Vehicle
FY = Fiscal Year
MATES = Multiple Air Toxics Study
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
PAR = Proposed Amended Rule
PM10 = Particulate Matter ≤ 10 microns
PM2.5 = Particulate Matter < 2.5 microns
RFP = Request for Proposals
SCAG = Southern California Associated Governments