

BOARD MEETING DATE: September 4, 2015

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the July 10, 2015 meeting.

RECOMMENDED ACTION:

Approve Minutes of the July 10, 2015 Board Meeting.

Sandra McDaniel,
Clerk of the Boards

SM:dg

FRIDAY, JULY 10, 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
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

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

Mayor Miguel A. Pulido (left at 12:15 p.m.)
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Member absent:

Supervisor Shawn Nelson
County of Orange

CALL TO ORDER: Chairman Burke called the meeting to order at 9:00 a.m.

- Pledge of Allegiance: Led by Mayor Yates.
- Opening Comments

Councilman Cacciotti. Explained that he attended the Electric Lawn Mower Exchange at the Santa Anita Park on June 20, 2015. He displayed photographs taken throughout the trade-in process and commended staff for their efforts in coordinating a successful event.

Dr. Wallerstein. Noted that staff was recommending that the consideration of Rule 1148.1 be continued until the September 4, 2015 meeting due to a problem when the file was uploaded to the internet with the meeting agenda package where the boxes that were checked on the environmental checklist of the CEQA documentation were not displayed properly.

- Introduction of Sunline Transit Agency CEO/General Manager, Lauren L. Skiver

Supervisor Benoit introduced Lauren Skiver, Executive Director of Sunline Transit Agency, and explained that they are the main transit company for the Coachella Valley and are a leader in eco-friendlier transportation.

Ms. Skiver highlighted multiple projects that have been made possible with the support of the SCAQMD and noted that the entire Sunline fleet is made up of alternatively-fueled vehicles.

- Presentation of Retirement Award to Ernest Lopez and Gwen Cole

Mayor Yates presented a retirement award to Ernest Lopez, Air Quality Specialist, in recognition of 31 years of dedicated District service.

Chairman Burke presented a retirement award to Gwen Cole, Executive Secretary, in recognition of over 25 years of dedicated District service.

CONSENT CALENDAR

1. Approve Minutes of June 5, 2015 Board Meeting

2. Set Public Hearings September 4, 2015 to Consider Amendments to and/or Adoption of SCAQMD Rules and Regulations
 - A. Adopt Proposed Rule 415 - Odors from Rendering Facilities
 - B. Amend Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities
 - C. Adopt Proposed Rule 1420.2 – Emission Standards for Lead from Metal Melting Facilities

Budget/Fiscal Impact

3. Amend Contract for Media, Advertising and Public Outreach for Check Before You Burn Program
4. Execute Contracts for Two Heavy-Duty CNG Vehicles in Coachella Valley **E**
5. Amend Contract to Provide Additional Funding to Develop and Demonstrate Plug-In Hybrid Vehicles **E**
6. Amend Contract to Provide Additional Funding for Hydrogen Fueling Station Demonstration **E**
7. Issue Program Announcement for Low-Emission Leaf Blower Vendors
8. Issue Program Announcement for Proposition 1B-Goods Movement Emission Reduction Program **E**
9. Recognize Revenue and Appropriate Funds from Clean Fuels, Carl Moyer AB 923 and Proposition 1B-Goods Movement Programs for Administrative Support, Outreach and Education, Capital Outlays, and Related Activities **E**
10. Issue RFP for Enhancement of Web-Based Annual Emissions Reporting Tool
11. Transfer and Appropriate Funds and Issue RFQs and Purchase Orders for Laboratory and Field Equipment

12. Recognize Revenue and Appropriate Funds for Enhanced Particulate Monitoring Programs, NATTS, PAMS, PM2.5, Near-Road NO2 and AQ-SPEC Programs; Issue RFQs and Purchase Orders for Air Monitoring Equipment and CNG Vehicles
13. Execute Contract for Health Insurance Brokerage and Consultant Services
14. Amend Salary Resolution to Provide Paid Sick Leave for SCAQMD Employees Not Currently Eligible to Receive Such Leave Benefits
15. Authorize Purchase of OnBase Software Support
16. Authorize Purchase of Oracle PeopleSoft Software and Support
17. Issue RFP for Legislative Representation in Washington, D.C.
18. Issue RFP for Consultant Services for SCAQMD Environmental Justice Outreach and Initiatives
19. Approve Methodology for Maximum Support Level Expenditure and Amendments to Board Member Assistant and Board Member Consultant Policy
20. Approve Replacement Contract, Exercise Option for Technical Advisor Services, and Approve Fund Transfer for Miscellaneous Costs in FY 2015-16 as Approved by MSRC

Items 21 through 27 - Information Only/Receive and File

21. Legislative and Public Affairs Report
22. Report to Legislature and CARB on SCAQMD's Regulatory Activities for Calendar Year 2014
23. Hearing Board Report
24. Civil Filings and Civil Penalties Report

25. Lead Agency Projects and Environmental Documents Received by SCAQMD
26. Rule and Control Measure Forecast
27. Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2015-16

Supervisor Benoit announced that he serves on the Board of Directors for the Coachella Valley Associated Governments which is involved with Item No. 4.

Chairman Burke announced his abstention on Item No. 13 because of a financial interest in Wells Fargo Bank.

Agenda Items 2A, 2C, 7 and 9 were withheld for comment and discussion.

MOVED BY J. BENOIT, SECONDED BY B. BENOIT, AGENDA ITEMS 1, 2B, 3 THROUGH 6, 8, AND 10 THROUGH 27 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 15-15 AMENDING SCAQMD'S SALARY RESOLUTION TO PROVIDE FOR PAID SICK LEAVE FOR BOARD MEMBER ASSISTANTS AND CONSULTANTS ENGAGED AS SCAQMD EMPLOYEES, PROVISIONAL EMPLOYEES, PAID INTERNS, AND THOSE EMPLOYEES NOT COVERED BY AN MOU OR EXCLUDED FROM ELIGIBILITY UNDER SECTION 43 AND RESOLUTION NO. 15-16 AMENDING THE SCAQMD BOARD MEMBER ASSISTANT AND BOARD MEMBER CONSULTANT POLICY AND INCORPORATING THE POLICY INTO SCAQMD ADMINISTRATIVE CODE, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke (*except Item #13*), Buscaino, Cacciotti, Lyou, Mitchell, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSTAIN: Burke (*Item #13 only*).

ABSENT: Nelson.

28. Items Deferred from Consent Calendar

2. Set Public Hearings September 4, 2015 to Consider Amendments to and/or Adoption of SCAQMD Rules and Regulations

A. Adopt Proposed Rule 415 - Odors from Rendering Facilities

The following individuals addressed the Board on Agenda Item No. 2A.

Cameron Hensley, Coast Packing Company, explained that they are a family-owned business that has operated in Vernon for 93 years and employs approximately 100 employees; expressed their opposition to the proposed rule as it lacks a science-based method to prove where odors originate from; and urged the Board not to set the proposal for hearing on September 4, 2015.

Martin Perez, Teamsters Joint Council 42, urged the Board to thoroughly investigate the odor complaints before basing a rule on them; and stressed that if this rule is adopted many jobs would be at stake.

Jimmy Andreoli II, Baker Commodities, explained that they are a family-owned business that provides an essential service and has been operating in Vernon since 1937 with a total of 215 employees. He expressed opposition to the proposed rule which does not utilize scientific evidence to trace the source of odors and would ultimately lead to the closure of their business due to its immense financial impacts; noted that they have not received any notices of violation in 17 years; commented on the process for confirming a public nuisance with six separate complaints, which will be loosened by the proposed rule which requires just three complaints; and noted that Boyle Heights is surrounded by freeways, rail yards and heavy industry that could be the cause of many odors. He added that their attempts to provide feedback to staff have not led to a change in the proposed rule that will allow them to stay in business. (Submitted Written Comments)

Mayor Yates questioned whether there is a method available to detect the source of a specific odor.

Dr. Fine explained that different types of quantitative or semi-quantitative methods have been investigated to try and make a subjective problem more objective, but that the current measurement methods are not feasible for complaint resolution. He added that a subjective standard is already used in Rule 402 where complaints can lead to action against a facility.

Dr. Wallerstein noted that the proposal to take action after three complaints is meant to initiate a dialogue with the business to detect the source of the odor to potentially avoid the issuance of a notice of violation, which still would require six separate complaints.

Supervisor Benoit expressed concern that businesses could potentially be impacted to the extent that many jobs are lost as a result of a rule that is based on subjective odor complaints, and urged for additional time to be taken if necessary prior to submittal to the Board for consideration.

Supervisor Antonovich stressed the importance of working with businesses to ensure that they provide a safe work environment and that they can stay in business and continue to contribute to the local economy.

Dr. Wallerstein noted that the purpose of this item is to set the proposal for hearing at the September 4, 2015, where concerns could be voiced and discussion could take place once all of the evidence is conveyed. He added that staff intends to continue to work with stakeholders on this matter.

Mayor Mitchell commented on the essential benefit that Baker Commodities provides by producing biofuels; and urged staff to work closely with these companies to determine what kind of mitigation measures could be put into place that are cost-effective and will not lead to any business closures.

Chairman Burke suggested that if more time is necessary to fully vet the methods used and the ramifications of the rule that staff delay bringing the rule proposal to the Board.

MOVED BY CACCIOTTI, SECONDED BY
LYOU, AGENDA ITEM 2A APPROVED AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: Antonovich, B. Benoit, J. Benoit,
Burke, Buscaino, Cacciotti, Lyou,
Mitchell, Parker, Pulido,
Rutherford and Yates.

NOES: None.

ABSENT: Nelson.

C. Adopt Proposed Rule 1420.2 – Emission Standards for Lead from Metal Melting Facilities

The following individuals addressed the Board on Agenda Item No. 2C.

David Weinberg, Battery Council International, explained that they represent lead-acid battery manufacturers in the U.S. including Trojan Battery, U.S. Battery, Concorde Battery and Ramcar who are located in the SCAQMD basin. He requested that the Board not set the proposed rule for hearing at this time, as the socioeconomic analysis and CEQA analysis have not been released, and further revisions are necessary. (Submitted Written Comments)

Terry Campbell, U.S. Battery Manufacturing, stressed the importance of recognizing the differences between manufacturers and the battery recycling facilities and not simply copying Rule 1420.1 to apply it to the manufacturers; and requested more time to collaborate with staff to prepare a proposal that is more amenable to the stakeholders.

Mark Olsen, Gerdau, expressed appreciation for the collaboration that has occurred with staff on this proposal and their dedication to continued discussions; and noted that they have invested in technology that will help achieve the region's air quality goals.

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

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyou, Mitchell, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSENT: Nelson.

7. Issue Program Announcement for Low-Emission Leaf Blower Vendors

Councilman Cacciotti noted that, for the first time, the outreach will include a component that would allow for zero-emission leaf blowers to possibly be included in the exchange and requested staff to elaborate on the announcement process.

Fred Minassian, Assistant DEO/Technology Advancement, confirmed that staff expects to receive proposals for electric leaf blowers and will evaluate those proposals by determining the battery life, charging time, air flow and the commercial reliability and acceptability of the product by the landscapers.

In response to Dr. Parker's concern that the equipment will be compared unfairly, Dr. Matt Miyasato, DEO/Technology Advancement, explained that the proposals will be rated and compared on a like-for-like basis, so the gasoline leaf blowers will be compared to other gasoline leaf-blowers and the electric leaf-blowers will be compared to other electric leaf-blowers.

Councilman Cacciotti introduced Dan Mabe from Greenstation who gave an update on the demonstration of electric leaf blowers in Garfield Park. He noted that the lawn care workers have indicated that while they like the performance of the handheld blower, it only performed for five to seven minutes at peak wattage, and therefore, a backpack would likely be necessary for them to be used in a commercial setting.

MOVED BY CACCIOTTI, SECONDED BY PARKER, AGENDA ITEM 7 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyou, Mitchell, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSENT: Nelson.

9. Recognize Revenue and Appropriate Funds from Clean Fuels, Carl Moyer AB 923 and Proposition 1B-Goods Movement Programs for Administrative Support, Outreach and Education, Capital Outlays, and Related Activities



Councilman Cacciotti questioned how the decision is made on which vehicles will be acquired and whether they will be leased or purchased; and suggested acquiring longer distance plug-in hybrid vehicles in addition to the other advanced technologies that may be considered.

Dr. Miyasato replied that the type of vehicle selected and whether the vehicle is leased or purchased, depends on the needs of who it will be

assigned to; and confirmed that staff would take input from the Board on which vehicles they would like to demonstrate.

MOVED BY CACCIOTTI, SECONDED BY PULIDO, AGENDA ITEM 9 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyou, Mitchell, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSENT: Nelson.

BOARD CALENDAR

- 29. Administrative Committee
- 30. Special Administrative Committee
- 31. Investment Oversight Committee
- 32. Legislative Committee
- 33. Mobile Source Committee
- 34. Stationary Source Committee
- 35. Technology Committee
- 36. Mobile Source Air Pollution Reduction Review Committee
- 37. California Air Resources Board Monthly Report

MOVED BY PULIDO, SECONDED BY CACCIOTTI, AGENDA ITEMS 29 THROUGH 37 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, AND ADOPTING THE POSITIONS ON LEGISLATION AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyou, Mitchell, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSENT: Nelson.

Agenda Item	Recommendation
Issue RFP for Legislative Representation in Washington, D.C	Approve
SB 398 (Leyva) Green Assistance Program	Support
SB 400 (Lara) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund	Support with Amendments
Greenhouse Gas Reduction Fund Investment Principles	Approve

PUBLIC HEARINGS

- 38. Amend Rule 1148.1 – Oil and Gas Production Wells (*Continued from June 5, 2015 Board Meeting*)

Naveen Berry, Planning and Rules Manager, gave the staff presentation.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 38.

JUDITH LOPEZ, IBEW Local 11

Explained that the oil and gas industry in Los Angeles County alone generates millions of dollars annually, which provides many economic benefits including employing approximately 104,000 individuals.

TOMMY FAAVAE, IBEW Local 11

Expressed opposition the proposed amendments that will affect many jobs throughout the region; and noted that legislation is already in place that makes California energy production the most regulated and transparent in the county.

DR. TOM WILLIAMS, Citizens Coalition for Safe Community

Suggested the use of a standardized method for odor reports to be made to streamline the process.

YVONNE WATSON, Sierra Club

Commented on the public reporting process noting that those who report odors are doing so because they are concerned by the odor; encouraged a more in depth public outreach campaign to educate people on the reporting process; and stressed the importance of highly-visible notification signage in the community.

JOE GALLIANI, South Bay 350 Climate Action Group

Expressed support for the amendments and suggested strengthening the regulations even further; and suggested that if there is a concern for the loss of jobs, workers in the fossil fuel industry should be transitioned to clean energy jobs. (Submitted Written Comments)

SAMUEL SUKATON Sierra Club

Noted that he resides near the Allen Co drill site and has seen his neighbors and friends experience nose bleeds, headaches and other ill effects from the site's strong odors; and expressed support for the amendments which provide a foundation that can be further strengthened with BACT requirements.

JULIA MAY, Communities for a Better Environment

Urged the Board to adopt the staff recommendation as a first step to protect public health and to further strengthen the rule by requiring an oil mitigation plan from all well drilling operations; and detailed the effects those in surrounding communities face including severe odors, continual flaring, large amounts truck and diesel equipment traffic, pounding and cracking noises, and associated air emissions. (Submitted Written Comments)

DARYL GALE, Los Angeles Resident

Noted that since the nation is still dependent upon oil for energy needs, it is imperative to protect the health and safety of the workers and the residents who live near oil production sites; and urged for each and every odor complaint to be investigated and mitigated.

ALICIA RIVERA, Communities for a Better Environment

MARITZA VILLARRAGA, Torrance Resident

Expressed support for this rule that will assist those that are affected by oil drilling in their communities; and urged for more stringent measures to be imposed, including a BACT requirement. They added that additional community outreach is required so that residents know how to report odor complaints.

LINDA BASSETT, Gulf Avenue Elementary School

Noted that as a result of being located near a refinery, she smells sulfur odors upon arriving at the school each day; explained that she often sees the following symptoms from her young students: nosebleeds, stomachaches, headaches, sneezing and coughing; and urged the Board to do as much as possible to address unhealthy air quality in these communities.

GLORIA GUZMAN, Wilmington Resident

*SYLVIA ARRENDONDO, Mujeres Unidas: Womyn of Wilmington

RAMONA FLORES, Wilmington Resident

*ASHLEY HERNANDEZ, Communities for a Better Environment/Youth for Environmental Justice

*MONIC URIARTE, People Not Pozos and Esperanza Community Housing

EVELYN VIVEROS, Wilmington Resident

Explained the negative health effects that they experience as residents of Wilmington and the surrounding area; urged for the adoption of a stringent rule, which includes a 72-hour notification requirement. *Submitted Written Comments

Dr. Wallerstein noted that complaints that are received during working hours are responded to as quickly as possible, and those complaints received during off-hours may also receive immediate attention depending upon the nature of the complaint. He clarified that the requirement that complaints be received from six households, is in reference to finding that a company is creating a public nuisance and therefore can be issued a notice of violation.

Written Comments Submitted by:

Alexandra Nagy, Food & Water Watch

Allen Hernandez, Sierra Club

Sandra Burkhart, Western States Petroleum Association

California Nurses Association

The public hearing remained open until the September 4, 2015 meeting, with the exception of those who previously testified or submitted comments.

AGENDA ITEM 38 WAS CONTINUED TO THE SEPTEMBER 4, 2015 BOARD MEETING AT STAFF'S RECOMMENDATION AND WITH THE CHAIRMAN'S CONCURRENCE. THE BOARD WILL RECEIVE TESTIMONY ONLY FROM PERSONS NOT TESTIFYING AT THE JULY 10, 2015 PUBLIC HEARING.

39. Amend Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers (*Continued from June 5, 2015 Board Meeting*)

Dr. Philip Fine, DEO/Planning and Rules, gave the staff presentation.

Dr. Lyou asked staff to clarify the status of the request for Spanish language notifications, as it was listed as initiated process to provide Spanish translation.

Dr. Fine replied that the translation of the notifications is in the final stages and the Spanish language notification will be available in the near future.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 39.

JOE GALLIANI, South Bay 350 Climate Action Group

Emphasized the importance of community outreach to the communities that are unfairly subjected to the effects of hydraulic fracturing; and urged the Board to proceed with caution as the full impacts of these practices are not fully known. (Submitted Written Comments)

Councilwoman Mitchell acknowledged Chairman Burke's contribution to this effort by bringing the issue of fracturing activities to the forefront for further investigation.

DARYL GALE, Los Angeles Resident

Stressed the importance of providing residents who live near active oil and gas wells information as to what chemicals they will be exposed to and when these activities will be occurring.

JULIA MAY, Communities for a Better Environment

Stressed the importance of providing information to the public; detailed shortfalls that have been found among injection well operations; and urged the Board to further regulate this industry. (Submitted Written Comments)

RICHARD PARKS, Redeemer Community Partnership

Urged the Board to amend Rule 1148.2 to include injection well events and to do all they can to protect public health; and showed photographs of one of the drill sites that is within a few feet of homes where trucks with danger warnings can be seen and workers clothed in protective gear are present; an additional photo showed dead plant life outside of the drill site of Freeport-McMoRan. (Submitted Written Comments)

DR. TOM WILLIAMS, Citizens Collation for a Safe Community
GLADYS LIMON, Communities for a Better Environment
SAMUEL SUKATON, Sierra Club

Encouraged the Board to take action on this Rule today to protect those living and working in the affected areas; and noted that the rule should include injection well events, a 72-hour notice requirement, and a provision for notification and signage to be provided in foreign languages.

(Mayor Pulido left at 12:15 p.m.)

PAT GORSKI, Freeport – McMoRan Oil & Gas

Noted that the vegetation near their site had browned as a result of over-fertilization and not because of any well activity.

LINDA BASSETT, Gulf Avenue Elementary School

Expressed support for increased regulation of oil wells; and suggested utilizing schools as a conduit to distribute notification information.

SANDY NAVARRO, Esperanza Community Housing and People Not Pozos

Detailed the negative health effects she has witnessed in her community; and urged the Board to do all it can to protect public health. (Submitted Written Comments)

YVONNE WATSON, Sierra Club

*JACK EIDT, Tar Sands Action SoCal

Noted the importance of continuing to enact protective measures and holding oil companies accountable. *(Submitted Written Comments)

SANDRA BURKHART, Western States Petroleum Association

Explained that the rule was originally proposed as a temporary measure to require reporting of planned well work over a two-year period so that staff could learn more about these operations and analyze whether emissions of criteria pollutants or toxic air contaminants were coming from those wells, and in turn, staff would return to the Board with its recommendations on the need for a rule based on that data, however, now the rule is being extended and modified beyond its original intent; and expressed concerns with the 72-hour advanced notice requirement. (Submitted Written Comments)

BLAIR KNOX, California Independent Petroleum Association

Explained CIPA's involvement through the rule development process; and expressed concern with the limit of 5 extensions to the 72-hour notice requirement. (Submitted Written Comments)

JESSE MARQUEZ, Coalition for a Safe Environment

Commented that the public has a right to know the public health, public safety and environmental impacts associated with oil well activities. (Submitted Written Comments)

NICOLE WONG, Redeemer Community Partnership

Noted that the plants located on the Freeport-McMoRan property that all died within one day were the result of an unreported injection well event in the opinion of a plant pathologist who was shown photographs of the plants. She urged the Board to enact amendments to Rule 1148.2 and include the reporting requirement for injection wells.

JIM STEWART, Sierra Club

Stressed the importance of a regulation that includes injection wells and requires notification that clearly conveys the time activity will occur so that residents have an opportunity to leave the area.

Written Comments Submitted by:

Alexandra Nagy, Food & Water Watch
Allen Hernandez, Sierra Club
California Nurses Association

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

AT THE CHAIRMAN'S DIRECTION AGENDA
ITEM 39, WAS CONTINUED TO THE
SEPTEMBER 4, 2015 BOARD MEETING FOR
BOARD DELIBERATION AND ACTION ONLY.

OTHER BUSINESS

40. Request to U.S. EPA to Reclassify South Coast Air Basin as Serious Nonattainment for 24-hour PM2.5 NAAQS

Dr. Wallerstein noted that staff is requesting approval by the Board.

Dr. Tom Williams, Citizens Coalition for a Safe Community, addressed the Board on Item No. 40 requesting that more detail be included to quantify what percentage of PM2.5 emissions are the federal responsibility; and suggested that staff address the effect of rainfall on PM2.5 levels as it will be a long-term concern.

Supervisor Benoit suggested addressing the need for reductions among federal sources at the beginning of the letter to highlight the burden that is being placed on local sources.

Dr. Wallerstein confirmed that the suggested change would be made to the final letter.

MOVED BY YATES, SECONDED BY J. BENOIT, AGENDA ITEM NO. 40 APPROVED AS RECOMMENDED BY STAFF, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Lyou, Mitchell, Parker, Rutherford and Yates.

NOES: None.

ABSENT: Cacciotti, Nelson and Pulido.

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

Dr. Tom Williams, Sierra Club Transportation Committee and Citizens Coalition for a Safe Community, inquired about the status of SCAQMD's comments in response to the EIR for the 710 tunnel vent project and requested copies of any such comments.

Allen Hernandez, Marina Barragén, Raul del Zendejas, Christopher Avila, Selene Hernandez, Cynthia Portillo and Consuelo Baez, Sierra Club, explained the hardships they face as residents of the Coachella Valley; and urged the Board to develop a robust NOx RECLAIM regulation to protect public health.

Supervisor Benoit thanked the speakers from the Coachella Valley for taking the time to attend the meeting and express their concerns.

Joseph Sanchez addressed the Board regarding his employment status with the District which the Board would consider during closed session. The following individuals spoke on his behalf: Curtis Stephan, Zach Gifford, Lois Schrader, Rick Kotzin, Alex Perez, Joel Morales and Ciria Sanchez.

CLOSED SESSION

The Board recessed to closed session at 1:35 p.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:

CBE, CCAT v. EPA, U.S. Court of Appeals, Ninth Circuit, Case No. 12-72358 (1315);

Communities for a Better Environment, et al. v. U.S. EPA, et al., U.S. Court of Appeals, Ninth Circuit, Case No. 13-70167 (Sentinel);

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

In re: Exide Technologies, Inc., U.S. Bankruptcy Court for the District of Delaware Case No. 13-11482 (KJC) (Bankruptcy case).

- 54957 regarding public employee discipline/dismissal/release.

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 2:20 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on July 10, 2015.

Respectfully Submitted,

Denise Garzaro
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan

AQ – SPEC = Air Quality Sensor Performance Evaluation Center

BACT = Best Available Control Technology

CARB = California Air Resources Board

CNG = Compressed Natural Gas

EIR = Environmental Impact Report

FY = Fiscal Year

MOU = Memorandum of Understanding

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NATTS = National Air Toxics Trends Station

NO_x = Oxides of Nitrogen

PAMS = Photochemical Assessment Monitoring Stations

PM_{2.5} = Particulate Matter \leq 2.5 microns

RFP = Request for Proposals

RFQ = Request for Quotations