

## **MEETING, DECEMBER 2, 2016**

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m., in the Auditorium at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, California.

The agenda and documents in the agenda packet will be made available upon request in appropriate alternative formats to assist persons with a disability. Disability-related accommodations will also be made available to allow participation in the Board meeting. Any accommodations must be requested as soon as practicable. Requests will be accommodated to the extent feasible. Please telephone the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m. Tuesday through Friday.

All documents (i) constituting non-exempt public records, (ii) relating to an item on the agenda, and (iii) having been distributed to at least a majority of the Governing Board after the agenda is posted, are available prior to the meeting for public review at the South Coast Air Quality Management District Clerk of the Boards Office, 21865 Copley Drive, Diamond Bar, CA 91765.

**CALL TO ORDER**

- Pledge of Allegiance
- Opening Comments: William A. Burke, Ed.D., Chair  
Other Board Members  
Wayne Nastri, Acting Executive Officer
- Presentation to Outgoing Board Member Michael D. Antonovich **Burke**
- Recognize Employees with Twenty-Five, Thirty, Thirty-Five and Forty Years of Service **Burke**

---

Staff/Phone (909) 396-

**CONSENT CALENDAR (Items 1 through 22)**

Note: Consent Calendar items held for discussion will be moved to Item No. 23

1. Approve Minutes of November 4, 2016 Board Meeting **Garzaro/2500**
  
2. Set Public Hearing February 3, 2017 to Adopt Draft Final 2016 Air Quality Management Plan **Fine/2239**

***This item includes a staff presentation on the status of the 2016 AQMP.***

The Draft Final 2016 Air Quality Management Plan (AQMP) has been developed in partnership with CARB, U.S. EPA, SCAG and stakeholders throughout the region, including input from local government, health and environmental organizations, and the business community. The AQMP is the legally enforceable blueprint for how to meet and maintain federal air quality standards. The 2016 AQMP identifies control measures needed to demonstrate attainment with the federal 8-hour and 1-hour ozone standards, and the annual and 24-hour PM2.5 standards in the South Coast Air Basin. (Reviewed: Mobile Source Committee, January 22, March 18, April 15, May 20, June 17, July 22, September 16 and October 21, 2016)

**Budget/Fiscal Impact**

3. Recognize Revenue and Appropriate Funds for U.S. EPA PAMS and Near-Road Monitoring Programs, Amend Technical Support Contracts for U.S. EPA PAMS, and Issue RFQ and Purchase Orders and/or Contracts for CNG Vehicles and Air Monitoring and Analysis Equipment **Miyasato/3249**

SCAQMD expects to be awarded Clean Air Act Section 105 Grant funds by the U.S. EPA in the estimated amount of \$1,217,822 for the 25th Year U.S. EPA PAMS Program. These actions are to: 1) recognize revenue and appropriate funds into the FY 2016-17 Budget for the 25th Year PAMS Program; 2) appropriate funds into the FY 2016-17 Budget for the U.S. EPA FY 2015-16 PAMS and Near-Road Monitoring Programs; 3) amend technical support contracts for the 25th Year PAMS Program; and 4) issue an RFQ and purchase orders for air monitoring equipment and CNG vehicles. (Reviewed: Administrative Committee, November 18, 2016; Recommended for Approval)
  
4. Transfer and/or Recognize Revenue and Appropriate Funding, Authorize Release of RFQ and Issue Purchase Orders **Miyasato/3249**

Air quality monitoring and laboratory-based sample analysis at SCAQMD continues to be an integral part of ongoing efforts to better characterize air quality and assess the effectiveness of air pollution reduction programs. While such monitoring and analysis efforts are given the highest priority, their effectiveness and staff efficiency can be enhanced by investing in new and updated laboratory instruments, field platforms and software that would allow for more reliable instrument performance, rapid response and reporting. These actions are to: 1) transfer and/or recognize revenue and appropriate funding to Science & Technology Advancement's and Information Management's FY 2016-17 Budgets; and 2) release an RFQ and issue purchase orders for laboratory and field equipment. (Reviewed: Administrative Committee, November 18 2016; Recommended for Approval)
  
5. Amend Contract for Tier 4 Passenger Locomotives **Minassian/2641**

Under the "Year 16" Carl Moyer Program Announcement released on March 7, 2014, the Southern California Regional Rail Authority (SCRRA) submitted a proposal requesting \$58.85 million to cofund the replacement of 17 and the purchase of 3 new Tier 4 locomotives. On September 4, 2015, the Board awarded \$22.85 million to SCRRA from the Carl Moyer Program AB 923 Fund (80), with a commitment to consider the remaining \$36 million over four phases. The SCAQMD's cost-share of this 129 million project is only for the replacement component of the project. This action is to amend SCRRA's contract adding an additional \$9 million for a revised total of \$31.85 million from the Carl Moyer Program AB 823 Fund (80). The remaining \$27 million requested by SCRRA will be considered over three phases in future Board requests. (Reviewed: Technology Committee, November 18, 2016; Recommended for Approval)

6. Issue Program Announcement for Low-Emission Leaf Blower Vendors  **Minassian/2641**

To follow up on the successful Leaf Blower Exchange Programs, staff proposes a similar incentive in the summer/fall of 2017 to generate cost-effective emission reductions. This action is to issue a Program Announcement to solicit competitive bids from manufacturers of low or zero-emission/low noise leaf blowers in sufficient quantities and at the lowest possible price. (Reviewed: Mobile Source Committee, November 18, 2016; Recommended for Approval)

7. Issue Program Announcement for Purchase of Electric School Buses  **Minassian/2641**

Since 2001, the SCAQMD has replaced approximately 1,600 pre-1994 school buses with alternative fuel buses and retrofitted nearly 3,400 more diesel school buses with particulate traps. Traditionally, the SCAQMD has funded the replacement of older diesel school buses only with the lowest certified commercially available alternative fuel school buses. According to CARB's latest revisions of the Lower-Emission School Bus Program Guidelines, the Carl Moyer Program AB 923 funds can be utilized to purchase electric school buses. This action is to issue a Program Announcement to solicit proposals from public school districts and joint power authorities to purchase electric school buses approved by CARB. (Reviewed: Technology Committee, November 18, 2016; Recommended for Approval)

8. Approve Trucks, Transport Refrigeration Units and Infrastructure Projects under Proposition 1B-Goods Movement Program  **Minassian/2641**

On June 3, 2016, the Board approved the issuance of a Program Announcement to solicit eligible truck projects, transport refrigeration units (TRUs) and related infrastructure for the Proposition 1B-Goods Movement Program. The Program Announcement closed on August 4, 2016. Staff has completed the evaluation of the eligible projects, subject to the final rank order approval by CARB. This action is to execute contracts for eligible trucks, TRUs and infrastructure projects, subject to the final rank order approval by CARB, until all program funds designated for truck projects and TRUs are exhausted from the Proposition 1B-Goods Movement Program Fund (81). Projects not selected for funding will remain on the ranked lists in the event funds are reallocated from projects that fall through or funding from other project categories become available. (Reviewed: Technology Committee, November 18, 2016; Recommended for Approval)

9. Issue RFP for Information Technology Review **O'Kelly/2828**

SCAQMD requires the services of qualified Information Technology (IT) audit professionals to perform an IT review to help determine opportunities for hardware, system and software modernization. This action is to issue an RFP for a technology review to evaluate the information technologies currently in place and those that are needed to support SCAQMD's business goals. (Reviewed: Administrative Committee, November 18, 2016; Recommended for Approval)

10. **Transfer Appropriations from General Fund Salaries and Employee Benefits Major Object to General Fund Services and Supplies Major Object** **O'Kelly/2828**

This item is to transfer appropriations from the General Fund Salaries and Employee Benefits Major Object to the General Fund Services and Supplies Major Object for unbudgeted needs. (Reviewed: Administrative Committee, November 18, 2016; Recommended for Approval)

11. **Amend Provisions of SCAQMD's Salary Resolution and Labor Contracts with Teamsters Local 911 and SCPEA Relating to Vacation Leave Balances** **O'Kelly/2828**

Due to unforeseen, high priority, operational needs, staff has been required to limit the use of vacation time this year. As a result, a number of employees will exceed the cap on vacation leave balances, and will be prohibited from accruing vacation time or will be required to forfeit vacation hours accrued. This proposal seeks approval of a one-time amendment of SCAQMD's Salary Resolution and the MOUs for represented employees, in order to suspend the limitations on vacation leave balances for 2016. (Reviewed: Administrative Committee, November 18, 2016; Recommended for Approval)

12. **Add and Delete Positions to Address Operational Needs** **Whynot/3104**

The Acting Executive Officer is proposing to add two positions to address anticipated operational needs for 2017. In order to assist with the Board's legislative priorities, including components of the AQMP, this action would add a Legislative Assistant position and delete a Staff Assistant position in the Legislative & Public Affairs/Media division. In addition, in order to assist with the Permit Backlog Reduction Action Plan, this action would add a Program Supervisor position and delete an Air Quality Analysis & Compliance Supervisor position in the Engineering & Permitting division. This action does not require any additional appropriation of funds to the current Fiscal Year Budget. (Reviewed: Administrative Committee, November 18, 2016; Recommended for Approval)

13. **Establish List of Prequalified Legal Counsel to Provide Employee and Labor Relations Legal Services** **Wiese/3460**

On September 2, 2016, the Board approved issuance of an RFP to prequalify outside legal counsel having expertise in handling employee and labor relations matters. The evaluation of responding firms has been completed. This action is to establish a list of prequalified counsel to advise and represent SCAQMD in employee and labor relations matters. (Reviewed: Administrative Committee, November 18, 2016; Recommended for Approval)

14. Amend Contract with Google for Targeted Outreach Utilizing YouTube Videos and Banner Ads **Atwood/3687**

In December 2015, the Board approved a one year, \$800,000 contract with Google for targeted outreach utilizing YouTube videos and banner ads to promote various SCAQMD programs. The award was based on a highly successful pilot program with Google in the fall of 2015. In April 2016, the Board approved an additional \$250,000 for targeted outreach through Google specifically for the wintertime Check Before You Burn program from November through February. Outreach through Google is targeted by using search words, ZIP codes, and other demographics, which has shown to be highly successful. This action is to amend the current contract with Google for an additional \$250,000 to continue targeted outreach for The Right to Breathe film. Funding for this effort will come from the BP/ARCO Settlement Fund (46). (No Committee Review)

**Items 15 through 22 - Information Only/Receive and File**

15. Legislative and Public Affairs Report **Alatorre/3122**

This report highlights the October 2016 outreach activities of Legislative and Public Affairs, which include: Environmental Justice Update, Community Events/Public Meetings, Business Assistance, and Outreach to Business and Federal, State, and Local Government. (No Committee Review)

16. Hearing Board Report **Camarena/2500**

This reports the actions taken by the Hearing Board during the period of October 1 through October 31, 2016. (No Committee Review)

17. Civil Filings and Civil Penalties Report **Wiese/3460**

This reports the monthly penalties from October 1 through October 31, 2016, and legal actions filed by the General Counsel's Office from October 1 through October 31, 2016. An Index of District Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, November 18, 2016)

18. Lead Agency Projects and Environmental Documents Received by SCAQMD **Nakamura/3105**

This report provides, for the Board's consideration, a listing of CEQA documents received by the SCAQMD between October 1, 2016 and October 31, 2016, and those projects for which the SCAQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, November 18, 2016)

19. Rule and Control Measure Forecast **Fine/2239**  
This report highlights SCAQMD rulemaking activities and public workshops potentially scheduled for the year 2017. (No Committee Review)
20. Approve Annual Report on AB 2766 Funds from Motor Vehicle Registration Fees for FY 2014-15 **Fine/2239**  
This report contains data on the AB 2766 Subvention Fund Program for FY 2014-15 as requested by CARB. This action is to approve the AB 2766 Annual Report. (Reviewed: Mobile Source Committee, November 18, 2016; Recommended for Approval)
21. Annual Audited Financial Statements for FY Ended June 30, 2016 **O'Kelly/2828**  
This agenda item transmits the annual audited financial statements of the SCAQMD. The SCAQMD has received an unmodified opinion (the highest obtainable) on its financial statements. (Reviewed: Administrative Committee, November 18, 2016; Recommended for Approval)
22. Status Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2016-17 **Marlia/3148**  
Information Management is responsible for data systems management services in support of all SCAQMD operations. This action is to provide the monthly status report on major automation contracts and projects to be initiated by Information Management during the first six months of FY 2016-17. (No Committee Review)
23. Items Deferred from Consent Calendar

### **BOARD CALENDAR**

24. Administrative Committee (Receive & File) **Chair: Burke Nastri/3131**
25. Investment Oversight Committee (Receive & File) **Chair: Antonovich O'Kelly/2828**
26. Mobile Source Committee (Receive & File) **Chair: Parker Fine/2239**
27. Stationary Source Committee (Receive & File) **Chair: B. Benoit Tisopulos/3123**

28. Technology Committee (Receive & File) Chair: J. Benoit Miyasato/3249
29. Mobile Source Air Pollution Reduction Review Committee (Receive & File) Board Liaison: Antonovich Hogo/3184
30. California Air Resources Board Monthly Report (Receive & File) Board Rep: Mitchell Garzaro/2500

**Staff Presentation/Board Discussion**

31. Consideration to Add Rule 444 – Open Burning to Rule Forecast Report Fine/2239

At its October 21, 2016 meeting, the Stationary Source Committee considered a request by the City of Newport Beach that Rule 444, which regulates open burning, be placed on the Rule Forecast calendar for 2017. Newport Beach has made this request because it seeks a reconsideration of the beach burning provisions of Rule 444, which the Board adopted in 2013. (Reviewed: Stationary Source Committee, October 21, 2016)

**PUBLIC HEARING**

32. Amend BACT Guidelines and Approve Charter for BACT Scientific Review Committee Miyasato/3249

Periodically, staff proposes updates to Parts A and C of the Policy and Procedures of the BACT Guidelines for major and non-major polluting facilities as well as reports new Lowest Achievable Emission Rate and BACT determinations added to Parts B and D for major and non-major polluting facilities. Additionally, for the first time, the BACT Guidelines need to incorporate policy and procedures and determinations for facilities subject to prevention of significant deterioration for greenhouse gases. These actions are to amend the BACT Guidelines to make them consistent with recent changes to SCAQMD rules and regulations as well as state and federal requirements and approve a charter for the BACT Scientific Review Committee. (Reviewed: Stationary Source Committee, September 16 and November 18, 2016; Recommended for Approval)

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

**BOARD MEMBER TRAVEL – (No Written Material)**

Board member travel reports have been filed with the Clerk of the Boards, and copies are available upon request.

**CONFLICT OF INTEREST DISCLOSURES – (No Written Material)**

Under the approval authority of the Acting Executive Officer, the District will enter into a contract with the Southern California Edison Company (Contract No. C17113). The contractor is a potential source of income for Governing Board Member Joseph Lyou, which qualifies for the remote interest exception of Section 1090 of the California Government Code. Dr. Lyou abstained from any participation in the making of the contract.

**CLOSED SESSION - (No Written Material)**

Wiese/3460

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

It is necessary for the Board to recess to closed session 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 SCAQMD is a party. The actions are:

- Browning-Ferris Industries of California, Inc. v. South Coast Air Quality Management District, et al., Los Angeles Superior Court Case No. BS163753 (Sunshine Canyon Landfill);
- In the Matter of SCAQMD v. Browning-Ferris Industries of California, Inc. dba Sunshine Canyon Landfill, Hearing Board Case No. 3448-14;
- Communities for a Better Environment v. SCAQMD, Los Angeles Superior Court Case No. BS153472 (Phillips 66);
- Communities for a Better Environment v. SCAQMD, Los Angeles Superior Court Case No. BS161399 (RECLAIM);
- People of the State of California, ex rel SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;
- Exide Technologies, Inc., Petition for Variance, SCAQMD Hearing Board Case No. 3151-31;
- In the Matter of SCAQMD v. Exide Technologies, Inc., SCAQMD Hearing Board Case No. 3151-29 (Order for Abatement);
- In re: Exide Technologies, Inc., U.S. Bankruptcy Court, District of Delaware, Case No. 13-11482 (KJC) (Bankruptcy case);
- In the Matter of SCAQMD v. Southern California Gas Company, Aliso Canyon Storage Facility, SCAQMD Hearing Board Case No. 137-76 (Order for Abatement);
- People of the State of California, ex rel SCAQMD v. Southern California Gas Company, Los Angeles Superior Court Case No. BC608322; Judicial Council Coordinated Proceeding No. 4861;
- In the Matter of SCAQMD v. Torrance Refining Company, LLC, SCAQMD Hearing Board Case No. 6060-5 (Order for Abatement);
- 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);

- Refinery Safety Network v. SCAQMD, Hearing Board of SCAQMD; ExxonMobil Oil Corp., Los Angeles Superior Court Case No. BS161815;
- Sanchez v. South Coast Air Quality Management District, et al., Los Angeles Superior Court Case No. BS157931;
- SCAQMD v. U.S. EPA, D.C. Circuit Court Case No. 15-1115 (RFP for Coachella Ozone Rule); and
- SCAQMD v. U.S. EPA, D.C. Circuit Court Case No. 16-1364 (RFP for Coachella PM2.5 Implementation Rule).

#### CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

It is also necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (two cases).

#### PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

It is also necessary for the Board to recess to closed session pursuant to Government Code section 54957 as specified below:

Title: Executive Officer

#### CONFERENCE WITH NEGOTIATORS

It is also necessary to recess to closed session pursuant to Government Code Section 54957.6:

Agency Designated Representative: Kurt R. Wiese, General Counsel

Unrepresented Employee: Executive Officer

### **OPEN SESSION**

33. Approval of Contract and Public Employee Compensation (*No Written Material*)

**Burke**

Title: Executive Officer

### **ADJOURNMENT**

**\*\*\*PUBLIC COMMENTS\*\*\***

**Members of the public are afforded an opportunity to speak on any listed item before or during consideration of that item. Please notify the Clerk of the Board, (909) 396-2500, if you wish to do so. All agendas are posted at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the meeting. At the end of the agenda, an opportunity is also provided for the public to speak on any subject within the SCAQMD's authority. Speakers may be limited to three (3) minutes each.**

**Note that on items listed on the Consent Calendar and the balance of the agenda any motion, including action, can be taken (consideration is not limited to listed recommended actions). Additional matters can be added and action taken by two-thirds vote, or in the case of an emergency, by a majority vote. Matters raised under Public Comments may not be acted upon at that meeting other than as provided above.**

**Written comments will be accepted by the Board and made part of the record, provided 25 copies are presented to the Clerk of the Board. Electronic submittals to [cob@aqmd.gov](mailto:cob@aqmd.gov) of 10 pages or less including attachment, in MS WORD, plain or HTML format will also be accepted by the Board and made part of the record if received no later than 5:00 p.m., on the Tuesday prior to the Board meeting.**

**ACRONYMS**

AQ-SPEC = Air Quality Sensor Performance Evaluation Center

AQIP = Air Quality Investment Program

AQMP = Air Quality Management Plan

AVR = Average Vehicle Ridership

BACT = Best Available Control Technology

Cal/EPA = California Environmental Protection Agency

CARB = California Air Resources Board

CEMS = Continuous Emissions Monitoring Systems

CEC = California Energy Commission

CEQA = California Environmental Quality Act

CE-CERT =College of Engineering-Center for Environmental Research and Technology

CNG = Compressed Natural Gas

CO = Carbon Monoxide

CTG = Control Techniques Guideline

DOE = Department of Energy

EV = Electric Vehicle

FY = Fiscal Year

GHG = Greenhouse Gas

HRA = Health Risk Assessment

LEV = Low Emission Vehicle

LNG = Liquefied Natural Gas

MATES = Multiple Air Toxics Exposure Study

MOU = Memorandum of Understanding

MSERCs = Mobile Source Emission Reduction Credits

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NATTS =National Air Toxics Trends Station

NESHAPS = National Emission Standards for Hazardous Air Pollutants

NGV = Natural Gas Vehicle

NOx = Oxides of Nitrogen

NSPS = New Source Performance Standards

NSR = New Source Review

OEHHA = Office of Environmental Health Hazard Assessment

PAMS = Photochemical Assessment Monitoring Stations

PAR = Proposed Amended Rule

PEV = Plug-In Electric Vehicle

PHEV = Plug-In Hybrid Electric Vehicle

PM10 = Particulate Matter  $\leq$  10 microns

PM2.5 = Particulate Matter  $\leq$  2.5 microns

PR = Proposed Rule

RFP = Request for Proposals

RFQ = Request for Quotations

SCAG = Southern California Association of Governments

SIP = State Implementation Plan

SOx = Oxides of Sulfur

SOON = Surplus Off-Road Opt-In for NOx

SULEV = Super Ultra Low Emission Vehicle

TCM = Transportation Control Measure

ULEV = Ultra Low Emission Vehicle

U.S. EPA = United States Environmental Protection Agency

VOC = Volatile Organic Compound

ZEV = Zero Emission Vehicle