

MEETING, JANUARY 6, 2017

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, Executive Officer
- Swearing In of Newly Appointed Board Member Sheila Kuehl **Burke**

Staff/Phone (909) 396-

CONSENT CALENDAR (Items 1 through 12)

Note: Consent Calendar items held for discussion will be moved to Item No. 13

1. Approve Minutes of December 2, 2016 Board Meeting **Garzaro/2500**

Budget/Fiscal Impact

2. Authorize Purchase of Core Network Upgrade **O'Kelly/2828**

On October 7, 2016, the Board approved the release of an RFQ to select a vendor capable of providing core network upgrade equipment and services for the Diamond Bar Headquarters. Eight companies responded to this RFQ. Epoch Universal was identified as the most capable vendor to provide these products and services with the most cost advantage to the SCAQMD. This action is to approve the purchase of the core network equipment and services from Epoch Universal. Funds (\$217,109) for this purchase are available in the FY 2016-17 Budget. (Reviewed: Administrative Committee, December 9, 2016; Recommended for Approval)

3. Adopt Resolution Approving Establishment of IRS-approved Section 401(a) Money Purchase Plan and Approval of Administrative Service Provider **O'Kelly/2828**

SCAQMD currently sponsors an IRS-approved Section 457 Deferred Compensation Plan, Section 105 Health Reimbursement Arrangement (HRA), and Section 125 Flexible Spending Account (FSA) Plan. This action is to establish an IRS-approved Section 401(a) Money Purchase Plan and approve an agreement with MassMutual as the administrative service provider at no cost to SCAQMD. (Reviewed: Administrative Committee, December 9, 2016; Recommended for Approval)

**Please note that, at the December 2, 2016 Board Meeting, a public hearing on the Adoption of the Draft Final 2016 Air Quality Management Plan was set for the February 3, 2017 Board Meeting.*

4. **Appropriate Funds and Authorize Amending/Initiating Contracts with Outside Counsel and Specialized Legal Counsel and Services** **Wiese/3460**

Legal is currently being assisted in environmental lawsuits by outside law firms and in other matters requiring specialized legal counsel and services, including on-going litigation. This action is to appropriate \$500,000 from Undesignated Fund Balance to Legal's FY 2016-17 Budget and amend or initiate contracts to expend these funds with prequalified counsel approved by the Board as well as specialized legal counsel and services. (Reviewed: Administrative Committee, December 9, 2016; Recommended for Approval)

5. **Special Meeting of Brain & Lung Tumor and Air Pollution Foundation** **Wiese/3460**

This item is to replace one director of the Brain & Lung Tumor and Air Pollution Foundation. Judith Mitchell has indicated a willingness to replace Michael D. Antonovich. (No Committee Review)

6. **Approve Contract Awards and Modifications Approved by MSRC** **Pettis**

As part of their FYs 2014-16 AB 2766 Discretionary Fund Work Program, the MSRC approved new contracts under the Alternative Fuel Infrastructure Program and Near-Zero Natural Gas Engine Incentive Program, as well as a modified contract with the Orange County Transportation Authority for their mobile ticketing program. The MSRC also approved an award to Geographics for development and hosting of a new website, a contract value increase to Mineral, LLC to extend operation of the existing website, and a contract value increase to the MSRC's Programmatic Outreach Coordinator to support the new website development and other expenses, as part of the MSRC's FYs 2016-18 Work Program. At this time the MSRC seeks Board approval of the contract awards and modifications. (Reviewed: Mobile Source Air Pollution Reduction Review Committee, December 15, 2016; Recommended for Approval)

Items 7 through 12 - Information Only/Receive and File

7. **Legislative, Public Affairs and Media Report** **Alatorre/3122**

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

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

This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2016. (No Committee Review)

9. **Civil Filings and Civil Penalties Report** **Wiese/3460**
- This reports the monthly penalties from November 1 through November 30, 2016, and legal actions filed by the General Counsel's Office from November 1 through November 30, 2016. An Index of District Rules is attached with the penalty report. (No Committee Review)
10. **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 November 1, 2016 and November 30, 2016 and those projects for which the SCAQMD is acting as lead agency pursuant to CEQA. (No Committee Review)
11. **Rule and Control Measure Forecast** **Fine/2239**
- This report highlights SCAQMD rulemaking activities and public workshops potentially scheduled for the year 2017, and provides a summary of rulemaking activities and other AQMP-related programs in 2016. (No Committee Review)
12. **Report on Major Projects for Information Management Scheduled to Start During Last 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 report on major automation contracts and projects to be initiated by Information Management during the last six months of FY 2016-17. (Reviewed: Administrative Committee, December 9, 2016; Recommended for Approval)
13. **Items Deferred from Consent Calendar**

BOARD CALENDAR

Note: The Mobile Source, Stationary Source, and Technology Committees did not meet in December. The next regular meetings of the Mobile Source, Stationary Source, and Technology Committees are scheduled for January 20, 2017.

14. **Administrative Committee** **Chair: Burke** **Nastri/3131**
- (Receive and file; and approve the 2017 Legislative Goals & Objectives)
15. **Legislative Committee (Receive & File)** **Chair: Mitchell** **Alatorre/3122**

- | | | | |
|-----|---|---------------------|--------------|
| 16. | Marine Port Committee (Receive & File) | Chair: Buscaino | Hogo/3184 |
| 17. | Mobile Source Air Pollution Reduction Review Committee (Receive & File) | | Hogo/3184 |
| 18. | California Air Resources Board Monthly Report (Receive & File) | Board Rep: Mitchell | Garzaro/2500 |

Staff Presentation/Board Discussion

- | | | | |
|-----|--|--|-----------|
| 19. | Update on Draft Financial Incentives Funding Action Plan for 2016 AQMP (<i>Presentation in lieu of Board Letter</i>) | | Hogo/3184 |
|-----|--|--|-----------|

Staff will present an informational update on the Draft Financial Incentives Funding Action Plan for the 2016 AQMP released for public comments in December 2016, including an overview of potential funding opportunities and proposed activities to pursue funding. (Reviewed: Mobile Source Committee, July 22 and October 21, 2016)

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 Executive Officer, the District will enter into contract modifications with Cummins Westport (Contract No. C156261) and Gladstein Neandross & Associates (Contract No. C123085). The contractors are potential sources of income for Governing Board Member Joseph Lyou, which qualify 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 modifications.

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:

- 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;
- 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);
- SCAQMD v. U.S. EPA, D.C. Circuit Court Case No. 15-1115 (RFP for Coachella Ozone Rule);
- SCAQMD v. U.S. EPA, D.C. Circuit Court Case No. 16-1364 (RFP for Coachella PM2.5 Implementation Rule);
- SCAQMD v. Anaplex, Los Angeles Superior Court Case No. BC608322 (Paramount Hexavalent chromium); and
- In the Matter of SCAQMD v. Aircraft Heat Treating Co., Inc. and Anaplex Corp., SCAQMD Hearing Board Case No. 6066-1 (Order for Abatement).

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 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 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	NESHAPS = National Emission Standards for Hazardous Air Pollutants
AQIP = Air Quality Investment Program	NGV = Natural Gas Vehicle
AQMP = Air Quality Management Plan	NOx = Oxides of Nitrogen
AVR = Average Vehicle Ridership	NSPS = New Source Performance Standards
BACT = Best Available Control Technology	NSR = New Source Review
Cal/EPA = California Environmental Protection Agency	OEHHA = Office of Environmental Health Hazard Assessment
CARB = California Air Resources Board	PAMS = Photochemical Assessment Monitoring Stations
CEMS = Continuous Emissions Monitoring Systems	PAR = Proposed Amended Rule
CEC = California Energy Commission	PEV = Plug-In Electric Vehicle
CEQA = California Environmental Quality Act	PHEV = Plug-In Hybrid Electric Vehicle
CE-CERT =College of Engineering-Center for Environmental Research and Technology	PM10 = Particulate Matter ≤ 10 microns
CNG = Compressed Natural Gas	PM2.5 = Particulate Matter ≤ 2.5 microns
CO = Carbon Monoxide	PR = Proposed Rule
CTG = Control Techniques Guideline	RFP = Request for Proposals
DOE = Department of Energy	RFQ = Request for Quotations
EV = Electric Vehicle	SCAG = Southern California Association of Governments
FY = Fiscal Year	SIP = State Implementation Plan
GHG = Greenhouse Gas	SOx = Oxides of Sulfur
HRA = Health Risk Assessment	SOON = Surplus Off-Road Opt-In for NOx
LEV = Low Emission Vehicle	SULEV = Super Ultra Low Emission Vehicle
LNG = Liquefied Natural Gas	TCM = Transportation Control Measure
MATES = Multiple Air Toxics Exposure Study	ULEV = Ultra Low Emission Vehicle
MOU = Memorandum of Understanding	U.S. EPA = United States Environmental Protection Agency
MSERCs = Mobile Source Emission Reduction Credits	VOC = Volatile Organic Compound
MSRC = Mobile Source (Air Pollution Reduction) Review Committee	ZEV = Zero Emission Vehicle
NATTS =National Air Toxics Trends Station	