

BOARD MEETING DATE: November 3, 2017

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the October 6, 2017 meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the October 6, 2017 Board Meeting.

Denise Garzaro  
Clerk of the Boards

DG

---

**FRIDAY, OCTOBER 6, 2017**

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

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

Mayor Pro Tem Ben Benoit, Vice Chairman  
Cities of Riverside County

Council Member Joe Buscaino  
City of Los Angeles

Mayor Michael A. Cacciotti (Arrived at 9:15 a.m.)  
Cities of Los Angeles County – Eastern Region

Supervisor Sheila Kuehl  
County of Los Angeles

Dr. Joseph K. Lyou  
Governor's Appointee

Mayor Pro Tem Larry McCallon  
Cities of San Bernardino County

Council Member Judith Mitchell  
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson  
County of Orange

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

Council Member Dwight Robinson  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Member absent:

Supervisor Marion Ashley  
County of Riverside

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

- Pledge of Allegiance: Led by Mayor Pro Tem McCallon

**CONSENT CALENDAR**

1. Approve Minutes of September 1, 2017 Board Meeting
2. Set Public Hearing November 3, 2017 to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations
  - A. Certify Final Environmental Assessment and Adopt Proposed Rule 415 – Odors from Rendering Facilities
  - B. Certify Final Environmental Assessment and Amend Rule 1420 – Emissions Standard for Lead

**Budget/Fiscal Impact**

3. Execute Contracts to Implement Advanced Building Energy Management Projects
4. Execute Contract to Assess Air Quality and Greenhouse Gas Impacts of Microgrid-Based Electricity System
5. Recognize Revenue, Execute Contracts for Electric Yard Tractor Replacements, Transfer Funds, Reimburse General Fund for Administrative Costs, and Issue Program Announcement for Commercial Lawn and Garden Equipment Exchange Program
6. Recognize and Transfer Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs
7. Amend Award to Develop and Demonstrate Electric School Buses with Vehicle-to-Grid Capability
8. Recognize Revenue and Appropriate Funds for Improving Interpretation of PM2.5 Measurements From Satellites

9. Recognize Revenue, Transfer and Appropriate Funds, Purchase Equipment, Execute Contracts and Issue Purchase Orders to Address Science and Technology Advancement's Operational Needs for Metals Monitoring and Analysis
10. Issue, and If Necessary Re-Issue, Program Announcement for the Replacement of Heavy-Duty Diesel Trucks and Authorize Execution of Contracts Under Proposition 1B-Goods Movement Program
11. Issue Program Announcement for School Bus Replacements
12. Issue Purchase Order for Ingres Relational Database Management System Software Support
13. Authorize Purchase of Toxic Vapor Analyzers and Remove Various Fixed Assets from SCAQMD Inventory
14. Approve Contract Awards and Modifications Approved by MSRC

**Action Item/No Fiscal Impact**

15. Special Meeting of Health Effects of Air Pollution Foundation

**Items 16 through 22 - Information Only/Receive and File**

16. Legislative, Public Affairs and Media Report
17. Hearing Board Report
18. Civil Filing and Civil Penalties Report
19. Lead Agency Projects and Environmental Documents Received by SCAQMD
20. Approve Annual Report on AB 2766 Funds from Motor Vehicle Registration for FY 2015-16
21. Rule and Control Measure Forecast

22. Status Report on Major Ongoing and Upcoming Projects for Information Management

Mr. Nastri noted that staff was requesting that Item 2B be continued to the November 3, 2017 Board meeting.

Dr. Lyou announced his abstention on Item No. 4 because Southern California Gas Company is a potential source of income to him; on Item No. 5 because the Port of Long Beach is a potential source of income to him; on Item No. 6 because IQ Air is a potential source of income to him; on Item No. 7 because Bay Area Air Quality Management District is a potential source of income to him; and on Item No. 9 because the University of California Riverside is a potential source of income to him.

Mayor Pro Tem McCallon and Supervisor Nelson noted that they serve on the Board of Directors of the Southern California Regional Rail Authority which is involved with Item No. 14.

Agenda Item Nos. 6, 10, 11 and 21 were withheld for comment and discussion.

MOVED BY PARKER, SECONDED BY BUSCAINO, AGENDA ITEMS 1, 2A, 3, 4, 5, 7, 9, 12 THROUGH 20 AND 22 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Kuehl, Lyou (*except Items #4, #5, #7 and #9*), McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSTAIN: Lyou (*Items #4, #5, #7 and #9*)

ABSENT: Ashley

23. Items Deferred from Consent Calendar

6. Recognize and Transfer Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs

Dr. Lyou left the room during discussion of Item No. 6.

Mayor Pro Tem McCallon inquired if schools in San Bernardino and Riverside Counties would be benefitting from this program.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, responded that while specific schools have not been selected, communities within San Bernardino and Riverside counties have been identified as potential locations for school and residential air filters.

MOVED BY MCCALLON, SECONDED BY BENOIT, AGENDA ITEM 6 APPROVED, AS RECOMMENDED, AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Kuehl, McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSTAIN: Lyou

ABSENT: Ashley and Cacciotti

10. Issue, and If Necessary Re-Issue, Program Announcement for the Replacement of Heavy-Duty Diesel Trucks and Authorize Execution of Contracts Under Proposition 1B-Goods Movement Program

Harvey Eder, Public Solar Power Coalition, stated his opposition because natural gas heavy-duty trucks only provide 50 percent NOx emission reductions. He stressed the importance of seeking zero emission alternatives such as solar renewable trucks.

In response to Mr. Eder's comment, Dr. Phillip Fine, DEO/Planning, Rule Development and Area Sources, explained that the new natural gas engines to be funded are 90 percent cleaner than current tailpipe standards.

11. Issue Program Announcement for School Bus Replacements

Mr. Eder encouraged the Board to consider zero emission alternatives for the school bus replacements.

MOVED BY NELSON, SECONDED BY BUSCAINO, AGENDA ITEMS 10 AND 11 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Kuehl,  
Lyou, McCallon, Mitchell, Nelson,  
Parker, Robinson and Rutherford

NOES: None

ABSENT: Ashley and Cacciotti

(Mayor Cacciotti arrived at 9:15 a.m.)

21. Rule and Control Measure Forecast

Dr. Lyou commented that in relation to potential upcoming chrome plating regulations, staff should research the ban on certain chrome plating activities that was recently adopted by the European Union to see what alternative methods might be available.

MOVED BY LYOU, SECONDED BY KUEHL,  
AGENDA ITEM 21 APPROVED AS  
RECOMMENDED, BY THE FOLLOWING  
VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti,  
Kuehl, Lyou, McCallon, Mitchell,  
Nelson, Parker, Robinson and  
Rutherford

NOES: None

ABSENT: Ashley

**BOARD CALENDAR**

- 24. Administrative Committee
- 25. Legislative Committee
- 26. Marine Port Committee
- 27. Mobile Source Committee
- 28. Stationary Source Committee
- 29. Technology Committee
- 30. Mobile Source Air Pollution Reduction Review Committee

31. California Air Resources Board Monthly Report

MOVED BY MITCHELL, SECONDED BY PARKER, AGENDA ITEMS 24 THROUGH 31, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Kuehl, Lyou, McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSENT: Ashley

**PUBLIC HEARING**

32. Certify Final Environmental Assessment and Amend Rule 1168—Adhesive and Sealant Applications

Heather Farr, Program Supervisor/Planning, Rule Development and Area Sources, gave the staff presentation on Item 32.

Dr. Lyou inquired about Method 24 and reproducibility in UV cured coatings. Ms. Farr replied that Method 24, which was adopted in 1993, covers most UV curable products, the one exception is thin-film energy curable products.

Dr. Lyou added that he would propose a deadline of October 2018 for the test method guidance document to be brought back to the Board.

Dr. Parker inquired about the status of defining a sealant in certain applications which was previously a point of disagreement with industry.

Dr. Fine explained that spray foam insulation has been considered a sealant and the amendments to the rule clarify that definition. He added that this product is relatively new and once a technical assessment is conducted, an amendment to the rule may be brought back to the Board.

Council Member Buscaino inquired about products that have multiple test methods for determining compliance with VOC limits. Dr. Fine responded that a public process with stakeholders will be initiated in order to develop the test method guidance document. The intent is that each individual product will have one applicable test method which will be made clear by the guidance document.

The public hearing was opened; and the following individuals addressed the Board on Item 32.



Lindsay Stovall, American Chemistry Council Center for the Polyurethanes Industry, thanked staff for addressing industry input in the amendments and expressed concerns with identifying spray polyurethane insulation foam as a sealant. (Submitted Written Comments)

Doug Raymond, National Aerosol Association  
Howard Berman, Tremco, Inc.

Expressed support for the rule amendments and thanked staff for working with the adhesive and sealant industries.

Fabio Castellani, Weld-On Adhesives, expressed support for the VOC limits for PVC and CPVC solvent cement that provide improvements to air quality. He added that Weld-On has invested in research and development to meet or exceed the VOC limits in Rule 1168 and these products are already available for purchase.

Curt Coleman, Southern California Air Quality Alliance, thanked staff for their work on developing the rule and requested more time for the sell-through period.

Rita Loof, RadTech International, expressed concern about test methods for UV/EV LED materials and requested more specificity in the rule. She also stated that recordkeeping requirements in the rule would be burdensome. (Submitted Written Comments)

Written Comments Submitted By:  
American Coatings Association

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

Council Member Mitchell requested clarification on the test method guidance document and the time needed to prepare the document.

Dr. Fine responded that the document will be brought to the Board as quickly as possible after the public process with stakeholders is completed. He added that some of the test methods may come before the Board sooner than some of the more complex methods.

Council Member Mitchell inquired about the recordkeeping requirements and extending the sell-through and use-through time periods.

Dr. Fine replied that there are no new recordkeeping requirements for end users. Manufacturers will be required to report every three years through 2025, then every five years, with a sunset date in 2040.

Ms. Farr explained that the sell through and use-through time period is similar to provisions in other rules and typically products are sold through in the first year.

Dr. Lyou noted that any advantage gained by the companies who have already invested in research and development to reduce VOC emissions is eliminated by the extended implementation period which allows competing companies additional time to reformulate and comply with the rule. He added that information about compliant products should be provided on the District's website for consumer use.

Dr. Fine explained that time is needed to allow manufacturers to reformulate and make the technical assessments and noted that super compliant product information is publicly available on the District's website for architectural coatings under Rule 314.

Mr. Nastri responded that the District's website is currently being redesigned and compliant product information will be more readily accessible in the future.

Chairman Burke and Mayor Cacciotti suggested additional outreach and education to contractors, the Contractors State License Board, and other government agencies about the availability of low VOC products.

Mr. Nastri commented on the District's outreach to government agencies and private organizations.

Dr. Parker expressed concern about promoting specific products on the District's website.

Mr. Nastri responded that the District's AQ-SPEC website is a good example of effectively providing information without promoting one product over another.

Council Member Robinson expressed support for extending the use-through provisions in the Rule and inquired what outreach was done to industry during the rule development process.

Ms. Farr explained that outreach to industry on these amendments began in 2013 and continued to the present time, including numerous working group meetings and workshops.

Mr. Nastri commented that the sell-through provision is consistent with U.S. EPA provisions and the use-through provision could be extended to address concerns that have been raised.

Council Member Robinson inquired about recordkeeping and VOC emission reduction estimates provided in the AQMP.

Dr. Fine explained that the reporting requirement in the rule will provide an improved emission inventory and VOC emission reduction estimate.

Mayor Pro Tem Benoit noted that an additional speaker card had been submitted after the public comment period was closed.

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 32 APPROVED, ADOPTING RESOLUTION NO. 17-17 CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1168 AND AMENDING RULE 1168—ADHESIVE AND SEALANT APPLICATIONS, WITH THE MODIFICATION TO EXTEND THE USE-THROUGH PERIOD FROM THREE YEARS TO FOUR YEARS, AND SETTING A DEADLINE OF OCTOBER 2018 FOR THE TEST METHODS GUIDANCE DOCUMENT, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Kuehl, Lyou, McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSENT: Ashley

Supervisor Nelson commented that the speaker who arrived late should be given the opportunity to provide public testimony, since the offsite location may have contributed to his late arrival.

SUPERVISOR NELSON MOVED TO RECONSIDER ITEM NO. 32 AND REOPEN THE PUBLIC HEARING ON THE ITEM, THE MOTION WAS SECONDED BY MAYOR CACCIOTTI AND PASSED BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Kuehl, Lyou, McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSENT: Ashley

The public hearing was reopened; and the following individual addressed the Board on Item 32.

Mark Brown, MPS Adhesives, commented on his experience reformulating PVC and CPVC pipe cements when Rule 1168 was originally adopted. He expressed concerns that some of the products displayed in the presentation do not meet ASTM standards.

Ms. Farr responded that the ASTM methods and standards for PVC, CPVC and ABS products will be reviewed as part of the technical assessment.

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

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 32 APPROVED, ADOPTING RESOLUTION NO. 17-17 CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1168 AND AMENDING RULE 1168—ADHESIVE AND SEALANT APPLICATIONS, WITH THE MODIFICATION TO EXTEND THE USE-THROUGH PERIOD FROM THREE YEARS TO FOUR YEARS, AND SETTING A DEADLINE OF OCTOBER 2018 FOR THE TEST METHODS GUIDANCE DOCUMENT, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti,  
Kuehl, Lyou, McCallon, Mitchell,  
Nelson, Parker, Robinson and  
Rutherford

NOES: None

ABSENT: Ashley

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

Mr. Eder commented on his litigation against the SCAQMD and CARB. He expressed support for investment tax credits for solar renewable products.

**CLOSED SESSION**

The Board recessed to closed session at 10:25 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 SCAQMD is a party. The actions are:

Communities for a Better Environment v. South Coast Air Quality Management District, Los Angeles Superior Court Case No. BS169841; Safe Fuel and Energy Resources California, et al. v. South Coast Air Quality Management District, Los Angeles Superior Court Case No. BS169923 (Tesoro);

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

In re: Exide Technologies, Inc., U.S. Bankruptcy Court, District of Delaware, Case No. 13-11482 (KJC) (Bankruptcy 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's office and made available to the public upon request.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Kurt Wiese at 10:50 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on October 6, 2017.

Respectfully Submitted,

Denise Garzaro  
Clerk of the Boards

Date Minutes Approved: \_\_\_\_\_

\_\_\_\_\_  
Dr. William A Burke, Chairman

---

**ACRONYMS**

ABS = Acrylonitrile Butadiene Styrene  
ASTM = American Society for Testing and Materials  
CARB = California Air Resources Board  
CEQA = California Environmental Quality Act  
CPVC = Chlorinated Polyvinyl Chloride  
CNG = Compressed Natural Gas  
DEO = Deputy Executive Officer  
FY = Fiscal Year  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
NOx = Oxides of Nitrogen  
PM2.5 = Particulate Matter  $\leq 2.5$  microns  
PVC = Polyvinyl Chloride  
RFP = Request for Proposals  
U.S. EPA = United States Environmental Protection Agency  
VOC = Volatile Organic Compound