

BOARD MEETING DATE: July 12, 2019

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the June 7, 2019 meeting.

RECOMMENDED ACTION:

Approve Minutes of the June 7, 2019 Board Meeting.

Denise Garzaro
Clerk of the Boards

DG

FRIDAY, JUNE 7, 2019

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

Council Member Ben Benoit, Vice Chairman
Cities of Riverside County

Supervisor Lisa A. Bartlett
County of Orange

Council Member Joe Buscaino (Left at 11:30 a.m.)
City of Los Angeles

Council Member Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Senator Vanessa Delgado (Ret.)
Senate Rules Committee Appointee

Supervisor Janice Hahn
County of Los Angeles

Mayor Pro Tem Larry McCallon
Cities of San Bernardino County

Mayor Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor V. Manuel Perez
County of Riverside

Council Member Dwight Robinson
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Vacant: Governor's Appointee

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

- Pledge of Allegiance: Led by Supervisor Perez.
- Opening Comments

Council Member Robinson expressed appreciation to Mayor Mitchell, Assembly Member Garcia, and staff for visiting his trucking business in May and discussing the challenges that businesses face to comply with new clean air standards. He added that there was also discussion about electric and hydrogen trucks at the Ports.

Supervisor Bartlett announced that she recently toured the Chevron Refinery in El Segundo and CMC Steel in Rancho Cucamonga and commented on the value of visiting these facilities to better understand industry operations.

Mayor Mitchell announced that she attended a luncheon sponsored by the Coalition for Clean Air on May 31, 2019 where Vic La Rosa of Total Transportation Services, Inc. was honored with the Clean Air Leadership award for his investments in zero-emission truck technologies. She added that he has participated in the testing and development of fuel cell and battery-electric trucks at the Ports.

Council Member Cacciotti noted that he participated in “Bike-to-Work” day with South Coast AQMD employees on May 17, 2019. He commented on the success of the Electric Lawnmower Exchange Program for commercial gardeners and shared photos from a park in South Pasadena which is the first park in the United States to utilize all electric lawn care equipment. He commented on the quiet operation and air quality benefits of the electric equipment. He shared photos from the 626 Golden Streets biking event in the San Gabriel Valley and thanked staff for participating and supporting the event. He also commented on the overall cost savings of electric vehicles and noted that his 2002 Prius has had minimal maintenance costs.

Mr. Nastri announced that the South Coast AQMD’s iPhone app was recently awarded two technology innovation awards from the Government Technology Special Districts Program and displayed a photo of Information Management staff members receiving the awards at a ceremony on May 30, 2019. He added that a segment on KABC 7 highlighted the features of the mobile app and an interview with Senator Delgado, and a clip of the segment was shown.

Chairman Burke acknowledged the passing of Hearing Board member Dr. Roger Lerner and expressed condolences on behalf of the Board to his family.

- Presentation to Outgoing Board Members Dr. Joseph K. Lyou and Dr. Clark E. Parker

Chairman Burke presented an award to Dr. Joseph K. Lyou for his service on the Board from June 2007 to March 2019 as the Governor's Appointee.

Dr. Lyou expressed appreciation for the opportunity to serve on the Board and acknowledged the air quality accomplishments that have been made over the past several years.

Chairman Burke presented an award to Dr. Clark E. Parker for his service on the Board from May 2012 to April 2019 as the Senate Rules Committee Appointee.

Dr. Parker reflected on his experiences while serving on the Board and commented on the progress that has been made to clean the air. He expressed appreciation for the opportunity to serve on the Board.

CONSENT CALENDAR

1. Approve Minutes of May 3, 2019 Board Meeting
2. Set Public Hearings July 12, 2019 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations
 - A. Determine That Proposed Amendment to Rule 301 – Permitting and Associated Fees, Is Exempt from CEQA; Amend Rule 301; and Submit Rule 301 to CARB for Submission into SIP
 - B. Determine That Proposed Amendments to Rule 2001 – Applicability, Are Exempt from CEQA and Amend Rule 2001
 - C. Determine That Proposed Amendments to Regulation IX - Standards of Performance for New Stationary Sources, and Regulation X – National Standards for Hazardous Air Pollutants, Are Exempt from CEQA and Amend Regulations IX and X

Budget/Fiscal Impact

3. Recognize Revenue, Authorize EV Charging Fees, Execute Contract for EV Charging, and Amend Contract to Implement DC Fast Charging Network

4. Recognize Revenue, Reimburse General Fund and Execute Agreement to Support Development of One-Stop-Shop Pilot Project
5. Adopt Resolution Recognizing Funds and Accepting Terms and Conditions for FY 2018-19 Funding Agricultural Replacement Measures for Emission Reductions Program, Reimburse General Fund for Administrative Costs and Amend Awards
6. Recognize Revenue and Transfer and Appropriate Funds for Air Monitoring Programs, and Issue Solicitations and Purchase Orders for Air Monitoring Equipment and One Vehicle
7. Execute Contracts for Community Leadership and Engagement Programs
8. Execute Lease Agreement for Operation of South Coast AQMD's On-Site Child Care Center
9. Execute Contract for Maintenance, Service, and Repairs of Heating, Ventilation, Air Conditioning, and Refrigeration Equipment
10. Execute Contract for Landscape Maintenance Services
11. Execute Contract for Tree Trimming and Plant Care Maintenance Services
12. Amend Contract to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
13. Appoint Members to South Coast AQMD Hearing Board

Items 14 through 19 – Information Only/Receive and File

14. Legislative, Public Affairs and Media Report
15. Hearing Board Report
16. Civil Filings and Civil Penalties Report

17. Lead Agency Projects and Environmental Documents Received

18. Rule and Control Measure Forecast

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

Senator Delgado recused herself on Item No. 7 because of campaign contributions from Cordoba Corporation.

Supervisor Bartlett recused herself on Item No. 11 because of campaign contributions from West Coast Arborists.

Mayor Pro Tem Mitchell noted that she is a Board Member of the CARB which is involved with Item Nos. 4 and 5.

Due to a number of requests to speak and Board member questions on Consent Calendar items 2A, 2B, 2C, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, and 18, the vote on the Consent Calendar was deferred until after public comments and Board member questions.

20. Items Deferred from Consent Calendar

2. Set Public Hearings July 12, 2019 to:

- A. Determine That Proposed Amendment to Rule 301 – Permitting and Associated Fees, Is Exempt from CEQA; Amend Rule 301; and Submit Rule 301 to CARB for Submission into SIP
- B. Determine That Proposed Amendments to Rule 2001 – Applicability, Are Exempt from CEQA and Amend Rule 2001
- C. Determine That Proposed Amendments to Regulation IX - Standards of Performance for New Stationary Sources, and Regulation X – National Standards for Hazardous Air Pollutants, Are Exempt from CEQA and Amend Regulations IX and X

3. Recognize Revenue, Authorize EV Charging Fees, Execute Contract for EV Charging, and Amend Contract to Implement DC Fast Charging Network

4. Recognize Revenue, Reimburse General Fund and Execute Agreement to Support Development of One-Stop-Shop Pilot Project

9. Execute Contract for Maintenance, Service, and Repairs of Heating, Ventilation, Air Conditioning, and Refrigeration Equipment
12. Amend Contract to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
14. Legislative, Public Affairs, and Media Report
16. Civil Filings and Civil Penalties Report
17. Lead Agency Projects and Environmental Documents Received
18. Rule and Control Measure Forecast

Harvey Eder, Public Solar Power Coalition, requested to speak on items 2A, 2B, 2C, 3, 4, 7, 9, 12, 14, 16, 17, 18, 21, 22, 23, 24, 25 and 26. He expressed concern about omitting programs from CEQA review. He commented on a meeting he attended at UCLA regarding climate change, housing and transportation issues in California. He urged support for equitable solar transition and submitted a computer flash drive containing exhibits from the Solar New Deal.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEMS 1 THROUGH 6, 9, 12 AND 14 THROUGH 19 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-10 RECOGNIZING FUNDS AND ACCEPTING THE TERMS AND CONDITIONS OF THE FY 2018-19 FUNDING AGRICULTURAL REPLACEMENT MEASURES FOR EMISSION REDUCTIONS PROGRAM GRANT AWARD, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, McCallon, Mitchell, Perez, Robinson and Rutherford

NOES: None

ABSENT: None

7. Execute Contracts for Community Leadership and Engagement Programs

Supervisor Rutherford expressed opposition to the award of a sole-source contract for the programs and asked how many lobbying firms work for the South Coast AQMD.

Derrick Alatorre, DEO/Legislative, Public Affairs and Media, explained that a sole-source contract was being recommended because both organizations have significant experience in the disadvantaged communities that will be served through the programs and there is a need to act quickly to develop community engagement programs that focus on attainment issues. He added that the South Coast AQMD contracts with three lobbying firms.

MOVED BY BUSCAINO, SECONDED BY MITCHELL, AGENDA ITEM NO. 7 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Hahn, Mitchell and Perez

NOES: McCallon, Robinson and Rutherford

ABSTAIN: Delgado

ABSENT: Nonen

8. Execute Lease Agreement for Operation of South Coast AQMD's On-Site Child Care Center

Council Member Cacciotti asked how many South Coast AQMD employees use the child care facility and if there is currently a waiting list.

John Olvera, Assistant DEO/Administrative and Human Resources, responded that 20 of the 95 students at the center are children of South Coast AQMD employees. He added that there is a minimum number of openings reserved for employees and they offer an employee discount. There is currently a waiting list and employees receive priority consideration. He added that employee demographics are changing due to the hiring of younger professionals which may impact demand and the center is an important employment benefit. Additionally, employees currently utilizing the child care center were surveyed and expressed overall satisfaction with the care provided, convenience and availability of the center.

10. Execute Contract for Landscape Maintenance Services
11. Execute Contract for Tree Trimming and Plant Care Maintenance Services

Council Member Cacciotti expressed support for the contracts and noted the importance of using contractors that use battery-powered or electric equipment for landscaping services. He noted concern about the emissions from diesel powered landscaping trucks that idle for extended periods of time.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEMS 8, 10 AND 11 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Bartlett (*except Item #11*), Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, McCallon, Mitchell, Perez, Robinson and Rutherford

NOES: None

ABSTAIN: Bartlett (*Item #11 only*)

ABSENT: None

13. Appoint Members to South Coast AQMD Hearing Board

Council Member Robinson inquired, in light of the recent passing of Dr. Lerner, if the alternate medical member could be appointed as the regular medical member and if a new recruitment could be completed to select an alternate member.

Bayron Gilchrist, General Counsel, responded that the Board can appoint the current candidate to the alternate or regular member position and can also direct staff to search for a new member.

Council Member Robinson noted that Dr. Allan Bernstein is well qualified and is willing to serve as the regular member.

COUNCIL MEMBER ROBINSON MOVED TO APPOINT DR. ALLAN BERNSTEIN AS THE MEDICAL MEMBER OF THE SOUTH COAST AQMD HEARING BOARD FOR A TERM COMMENCING JULY 1, 2019 AND ENDING JUNE 30, 2022, AND DIRECTED STAFF TO RECRUIT AN ALTERNATE MEDICAL MEMBER. THE MOTION WAS SECONDED BY SUPERVISOR BARTLETT, AND CARRIED BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino,
Cacciotti, Delgado, Hahn,
McCallon, Mitchell, Perez,
Robinson and Rutherford

NOES: None

ABSENT: None

BOARD CALENDAR

21. Administrative Committee
22. Investment Oversight Committee
23. Stationary Source Committee
24. Technology Committee
25. Mobile Source Air Pollution Reduction Review Committee
26. California Air Resources Board Monthly Report

MOVED BY ROBINSON, SECONDED BY CACCIOTTI, AGENDA ITEMS 21 THROUGH 26, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino,
Cacciotti, Delgado, Hahn,
McCallon, Mitchell, Perez,
Robinson and Rutherford

NOES: None

ABSENT: None

27. Determine that Reclassification of Coachella Valley for 1997 8-Hour Ozone Standard Is Exempt from CEQA and Approve Request for Reclassification of Coachella Valley for 1997 8-Hour Ozone Standard

The presentation on Item No. 27 was waived. The following individuals addressed the Board on the item.

Rebecca Zaragoza, Leadership Counsel for Justice and Accountability, expressed concerns regarding air quality in the Coachella Valley and the negative health effects of pollution. She expressed support for an enhanced outreach and public participation process in impacted communities, additional air monitoring, and implementation of regulatory measures for stationary and mobile sources to mitigate high levels of ozone. She also expressed concern that staff not rely solely on AB 617 to address community impacts, and asked that staff work with community organizations to further improve outreach efforts.

Miguel Rivera
Abram Gastelum, Sierra Club
Yassi Kavezade, Sierra Club

Expressed support for the reclassification and expressed concerns regarding the negative health effects of air pollution made worse by increased truck traffic and warehouse construction in the Inland Empire. Expressed support for a regional approach to improving air quality in the Coachella Valley and encouraged support for an enhanced public participation process. They added support for zero-emission technologies and a plan for reaching attainment that promotes economic vitality in the Coachella Valley.

Andrea Vidaurre, Center for Community Action and Environmental Justice (CCA EJ), opposed extending the deadline to attain the standard. Expressed concern that the extension of the deadlines provides more time for the air to be polluted. Expressed support for work with communities now to develop clean air plans and to hold industry accountable.

Supervisor Perez expressed concerns regarding the air quality and economic challenges faced by impacted communities in the Coachella Valley. He thanked the public speakers who gave testimony and encouraged their continued participation at public meetings. He asked staff to comment on the recommendation for reclassification.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources, responded that the reclassification of the Coachella Valley will begin the process to update the plan for reaching the 8-hour ozone attainment by 2024 and address other air quality concerns related to upwind problems in the South Coast Basin. He added that reclassification will also allow for an enhanced public participation process in these communities.

MOVED BY PEREZ, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 27, APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-11 DETERMINING THAT THE SOUTH COAST AQMD'S REQUEST FOR RECLASSIFICATION OF COACHELLA VALLEY FOR THE 1997 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS) IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND APPROVING THE REQUEST FOR RECLASSIFICATION OF COACHELLA VALLEY FOR THE 1997 8-HOUR OZONE NAAQS TO THE CALIFORNIA AIR RESOURCES BOARD FOR SUBMISSION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, McCallon, Mitchell, Perez, Robinson and Rutherford

NOES: None

ABSENT: None

PUBLIC HEARINGS

28. Determine That Proposed Amendments to Rule 301 – Permitting and Associated Fees, Are Exempt from CEQA and Amend Rule 301 (***Continued from May 3, 2019 Public Hearing***)

Dr. Fine gave the staff presentation on Item No. 28.

Council Member Cacciotti asked about the effective dates of the fee increase for the two-year and three-year phase in periods.

Dr. Fine responded that facilities report their emissions and pay required fees January through March each year. The due date for fees under the two-year phase-in would be March 2020 and with the three-year phase-in it would be March 2021.

The public hearing was opened, and the following individuals addressed the Board on Item 28.

Frances Keeler, California Council for Environmental and Economic Balance, thanked the Board for continuing the public hearing and expressed support for a three-year phase in period to allow time for the evaluation of emission factors, source testing and facility emissions reporting.

Mr. Eder expressed concerns about natural gas and noted that it should be considered toxic. He commented on health effects due to air pollution from increased truck traffic and construction of new warehouses. He expressed support for solar electric Class 8 trucks and a solar equity program. He added concerns about cancer risks from benzene emissions.

Bill LaMarr, California Small Business Alliance, expressed opposition to the fee increase and noted that the last several MATES studies have shown that toxic emissions from stationary sources have declined. He expressed concern regarding the backlog for source test review and stressed the need to update emission factors and provide additional information on the actual costs and staff resources needed to reduce the current backlog.

Ana Aldaco, East Yard Communities for Environmental Justice (EYCEJ)
Laura Cortez, EYCEJ
Francisca Castro, EYCEJ
Whitney Amaya, EYCEJ
Carlo De La Cruz, Sierra Club
Adrian Martinez, Earthjustice*
Yassi Kavezade, Sierra Club
Christopher Chavez, Coalition for Clean Air
Katherine Hoff, Communities for a Better Environment (CBE)*
Andrea Vidaurre, CCAEJ
Alicia Rivera, CBE*
Flor Barragann, CBE*
Maria Reza

Expressed concerns regarding the negative health effects of pollution in their communities and noted that environmental justice communities are highly impacted by toxic air contaminants due to their proximity to refineries, freeways, warehouses and industry. They urged support for the adoption of the fees as quickly as possible and commented that industries that emit toxics should pay higher fees. (*Submitted Written Comments)

Written Comments Submitted By:

Jennifer Tanner, Indivisible California Green Team
Michael Busman and Sherry Anne Lear, 350 South Bay Los Angeles

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

Supervisor Hahn thanked those who provided testimony on the proposed fee increase. She expressed concerns about the health effects and impacts from toxic emissions in environmental justice communities. She noted that the proposed fee increase will not result in full cost recovery and more needs to be done to recoup the cost of regulating, monitoring and investigating toxics emissions. She detailed the extensive investigation that was done in the City of Paramount regarding hexavalent chromium emissions. Supervisor Hahn moved to approve the fee increase with a two-year phase-in period. Council Member Cacciotti seconded the motion.

Mayor Pro Tem McCallon asked why staff initially proposed a three-year phase-in period.

Dr. Fine explained that a three-year phase-in period was proposed for several reasons. It would allow facilities time to refine their emissions estimates and reporting to provide more accurate data prior to the implementation of the full fee increase; CARB is developing regulations for facility reporting that may impact the number of facilities required to report toxics emissions data to the South Coast AQMD; and FY 2019-20 is the final year of the phase-in of a previously approved three-year permit fee increase.

Supervisor Bartlett expressed concerns that even with the proposed fee increase there is still a large shortfall to achieving full cost recovery. She recommended an automatic escalator for fee increases to better prepare businesses for future fee increases and assist in cost recovery. She acknowledged the financial impacts to facilities and the current backlog for source test review. She expressed support for a three-year phase-in period.

Mr. Nastri explained that there are many variables that impact the level of funding that is received. One variable is the level of funding that is received from the state for implementing programs such as AB 617. Another area is the fee structure itself which contains a baseline fee, a toxicity-related fee and a source-related fee. When developing rules and fees, the goal is not only to seek compliance but to reduce emissions and facilities who reduce emissions will pay lower fees. In regards to source test review, staff is committed to reducing the backlog and reviewing emission factors. Staff will also report to the Board on the progress of improving the source test review process.

Supervisor Bartlett commented that as facilities are more compliant and further reduce emissions, the cost recovery number will go down. Mr. Nastri confirmed her comments.

Council Member Robinson inquired about AB 617 funding and how it factors into toxics efforts and the budget shortfall.

Dr. Fine explained that AB 617 efforts are included in the \$20 million expenses for toxics efforts and the proposed toxics fees take into account cost recovery for toxics efforts and the uncertainty of continued funding for AB 617 implementation.

Council Member Robinson noted that all air districts in the state are facing the same challenges of meeting the requirements of AB 617, a partially funded mandate, and trying to make up the shortfall. He commented that new rules are pushing the industry to invest in new technologies and equipment to reduce emissions. He made a substitute motion for a three-year phase-in period, as originally proposed by staff, to allow adequate time for the refinement of emissions factors and reporting and the restructuring of the source test review process.

Council Member Cacciotti and Mayor Mitchell asked staff to explain the implementation process and collection of fees under a two-year and three-year phase in period.

Dr. Fine responded that the emissions reporting period is January through mid-March each year to report emissions from the previous year. The reports are reviewed by South Coast AQMD engineering staff for accuracy. The next reporting period is January 2020 and under the two-year phase in period reports and fees would be due by March 2020; under the three-year phase-in it would be March 2021. There are various ways to estimate emissions, such as using approved emission factors or using source tests. In the case of toxics, source testing can be expensive depending on the amount of toxics that are being measured. There are also a limited number of companies that conduct toxics source testing. Under a two-year phase-in, it is anticipated that there would be high demand for source testing during the remainder of 2019 as facilities refine their emissions reporting. Under a three-year phase in, facilities would have an additional year to refine their emissions reporting.

Mayor Mitchell inquired about plans to reduce the source test backlog and if there is enough time to implement new processes under a two-year phase-in.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, explained that there are different types of source tests and some require priority review due to permit requirements. Staff is currently reviewing internal source test review processes and emission factors to streamline the review process and reduce the

backlog. It is anticipated that there will be an increase in review requests under the new fees and staff proposes to develop a plan similar to the one that was used to reduce the permit backlog. He added that a two-year phase-in is achievable, but a three-year phase-in would allow additional time for implementation.

Mayor Mitchell commented on the urgency and costs related to the toxics investigations that occurred in Paramount and with Exide and added that AB 617 also presents a level of urgency in regards to toxics emissions. She noted that those who gave testimony are part of environmental justice communities and AB 617 steering committees and they have expressed support for the fee implementation to continue toxics reduction efforts. She also commented on the costs involved with toxics efforts and funding challenges and noted that the state expects air districts to seek additional funding for these efforts. She added concern for public health due to the effects of toxics emissions and expressed support for a two-year phase-in.

Supervisor Hahn commented on the compelling issues to fund toxics efforts and inquired if the fees can be amended after one or two years as a result of additional information.

Mr. Nastri responded that one year's worth of data may not be sufficient to fully evaluate whether or not a change is warranted, but the Board can make changes to the fees.

Supervisor Perez expressed appreciation to the Latino community who gave testimony and acknowledged their concern for their communities. He expressed support for a two-year phase-in.

Senator Delgado expressed concerns for Latino communities who suffer from the impacts of poor air quality. She expressed support for measures which would directly impact air quality efforts by supporting clean air technologies, such as replacing diesel trucks.

Council Member Benoit clarified that the vote on the substitute motion would be taken first, pursuant to procedures.

COUNCIL MEMBER ROBINSON MADE A
SUBSTITUTE MOTION TO APPROVE THE
STAFF RECOMMENDATION WITH A
THREE-YEAR PHASE-IN OF NEW TOXICS
EMISSIONS FEES. THE MOTION WAS
SECONDED BY MAYOR PRO TEM MCCALLON,
AND FAILED BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Delgado,
McCallon, Robinson and
Rutherford

NOES: Burke, Buscaino, Cacciotti, Hahn,
Mitchell and Perez

ABSENT: None

SUPERVISOR HAHN MOVED TO APPROVE AGENDA ITEM NO. 28 AS RECOMMENDED BY STAFF WITH A TWO-YEAR PHASE-IN OF NEW TOXICS EMISSIONS FEES, ADOPTING RESOLUTION NO. 19-12 DETERMINING THAT THE TOXICS FEE INCREASE PROPOSAL CONTAINED WITHIN PROPOSED AMENDED RULE 301 – PERMITTING AND ASSOCIATED FEES IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND APPROVING THE TOXICS FEES INCREASE PROPOSAL BY AMENDING RULE 301. THE MOTION WAS SECONDED BY COUNCIL MEMBER CACCIOTTI AND CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino,
Cacciotti, Delgado, Hahn,
Mitchell, and Perez

NOES: Bartlett, McCallon, Robinson and
Rutherford

ABSENT: None

(Council Member Buscaino left at 11:30 a.m.)

29. Determine That Proposed Submission of Amended Rule 1106 – Marine and Pleasure Craft Coatings, for Inclusion into the SIP and Proposed Withdrawal of Rescinded Rule 1106.1 – Pleasure Craft Coating Operations, from the SIP Are Exempt from CEQA and Submit Rule 1106 for Inclusion into the SIP and Rescinded Rule 1106.1 for Withdrawal from the SIP

The presentation on Item No. 29 was waived.

The public hearing was opened, and the following individual addressed the Board on Item No. 29.

Mr. Eder expressed concern with reducing the CEQA review process for projects. He also expressed support for complete solar conversion and wind powered technologies.

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

MOVED BY MCCALLON, SECONDED BY ROBINSON, AGENDA ITEM NO. 29 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-13 DETERMINING THAT THE PROPOSED SUBMISSION OF AMENDED RULE 1106 – MARINE AND PLEASURE CRAFT COATINGS, FOR INCLUSION INTO THE SIP AND THE PROPOSED WITHDRAWAL OF RESCINDED RULE 1106.1 ARE EXEMPT FROM CEQA AND SUBMITTING AMENDED RULE 1106 FOR INCLUSION INTO THE SIP AND RESCINDED RULE 1106.1 FOR WITHDRAWAL FROM THE SIP, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Cacciotti, Delgado, Hahn, McCallon, Mitchell, Perez, Robinson, and Rutherford

NOES: None

ABSENT: Buscaino

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

Mr. Eder expressed concerns regarding investor owned utilities and state subsidies of public utility companies. He also added concerns regarding climate change and wildfires. He expressed support for equitable solar conversion and reduction of reliance on fossil fuels.

CLOSED SESSION

The Board recessed to closed session at 11:35 a.m., pursuant to Government Code sections:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- 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 South Coast AQMD is a party. The actions are:
- In the Matter of SCAQMD v. Aerocraft Heat Treating Co., Inc. and Anaplex Corp., SCAQMD Hearing Board Case No. 6066-1 (Order for Abatement);
- SCAQMD v. Anaplex, Los Angeles Superior Court Case No. BC608322 (Paramount Hexavalent Chromium);
- In the Matter of SCAQMD v. Browning-Ferris Industries of California, Inc. dba Sunshine Canyon Landfill, SCAQMD Hearing Board Case No. 3448-14;
- 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);

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (two cases).

Seek leave to intervene in Association of Irrigated Residents v. U.S. EPA, Ninth Circuit No. 19-71223 (SVJ 8-hr ozone).

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the South Coast AQMD (two cases).

Email from Somerset Perry, California Deputy Attorney General, dated March 13, 2019, regarding Notice of Violation P61321.

Following closed session, Mr. Gilchrist 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 Mr. Gilchrist at 11:55 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on June 7, 2019.

Respectfully Submitted,

Denise Garzaro
Clerk of the Boards

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
EV = Electric Vehicle
FY = Fiscal Year
MATES = Multiple Air Toxics Exposure Study
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
NAAQS = National Ambient Air Quality Standard
RFP = Request for Proposals
SIP = State Implementation Plan
U.S. EPA = United States Environmental Protection Agency