



# South Coast Air Quality Management District

South Coast  
AQMD

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

---

## A G E N D A

---

### MEETING, JULY 12, 2019

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

#### Questions About an Agenda Item

- The name and telephone number of the appropriate staff person to call additional information or to resolve concerns is listed for each agenda item.
- In preparation for the meeting, you are encouraged to obtain whatever clarifying information may be needed to allow the Board to move expeditiously in its deliberations.

#### Meeting Procedures

- The public meeting of the South Coast AQMD Governing Board begins at 9:00 a.m. The Governing Board generally will consider items in the order listed on the agenda. However, any item may be considered in any order.
- After taking action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

#### Questions About Progress of the Meeting

- During the meeting, the public may call the Clerk of the Board's Office at (909) 396-2500 for the number of the agenda item the Board is currently discussing.

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 Board's Office, 21865 Copley Drive, Diamond Bar, CA 91765.

The Agenda is subject to revisions. For the latest version of agenda items herein or missing agenda items, check the South Coast AQMD's web page ([www.aqmd.gov](http://www.aqmd.gov)) or contact the Clerk of the Board, (909) 396-2500. Copies of revised agendas will also be available at the Board meeting.

**A webcast of the meeting is available for viewing at:**

<http://www.aqmd.gov/home/news-events/webcast>

*Cleaning the air that we breathe...*

## **CALL TO ORDER**

- Pledge of Allegiance
- Opening Comments: William A. Burke, Ed.D., Chair  
Other Board Members  
Wayne Nastri, Executive Officer

---

Staff/Phone (909) 396-

## **CONSENT CALENDAR (Items 1 through 17)**

Note: Consent Calendar items held for discussion will be moved to Item No. 18

1. Approve Minutes of June 7, 2019 Board Meeting **Garzaro/2500**
2. Set Public Hearing September 6, 2019 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations **Nastri/3131**  
  
Certify Final Environmental Assessment and Amend Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations **Nakamura/3105**

Proposed Amended Rule 1407 applies to non-chromium metal melting operations and revises emission standards. In addition, the proposed amended rule enhances monitoring provisions for pollution control equipment, adds building enclosure provisions to limit fugitive emissions, and updates housekeeping, source testing, and monitoring, recordkeeping, and reporting requirements. This action is to adopt the Resolution: 1) Certifying the Final Environmental Assessment for Proposed Amended Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations; and 2) Amending Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations. (Review: Stationary Source Committee, July 26, 2019)

**Budget/Fiscal Impact**

3. Recognize Revenue, Execute and Amend Contracts for Near-Zero and Zero Emission Construction Equipment and Natural Gas and Electric Trucks and Infrastructure, and Reimburse General Fund for Administrative Costs **Miyasato/3249**

In May and June 2019, U.S. EPA notified staff that South Coast AQMD had been approved for awards under the FY 2018 Targeted Air Shed Grant, the Clean Air Technology Initiative (CATI) and the Diesel Emissions Reduction Act (DERA). This action is to recognize revenue up to \$8,277,083 from U.S. EPA, \$7,777,083 into the Clean Fuels Program Fund (31) and \$500,000 into the Advanced Technology Goods Movement Fund (61), returning \$500,000 to Fund 31. These actions are to also execute contracts with: 1) Volvo Technology of America, LLC, to develop and demonstrate battery-electric construction equipment in an amount not to exceed \$2,000,000; and 2) Daimler Trucks North America (DTNA) to deploy zero emission electric delivery trucks in an amount not to exceed \$4,010,000. These actions are to also amend contracts with: 1) DTNA adding \$500,000 to utilize CATI funds to reduce cost-sharing from the Clean Fuels Program Fund (31) for their Zero Emission Trucks and EV Infrastructure Project; and 2) Clean Energy to add \$1,380,000 in DERA funds for their Market Acceleration Truck Program. Finally, this action is to reimburse the General Fund for administrative costs up to \$387,083 for project implementation. (Reviewed: Technology Committee, June 21, 2019; Recommended for Approval)

4. Execute Contract to Evaluate Meteorological Factors and Trends Contributing to Recent Poor Air Quality in South Coast Air Basin **Rees/2856**

On November 2, 2018, the Board approved the release of an RFP to solicit bids to perform a comprehensive meteorological study to evaluate various factors and trends conducive to recent poor air quality in the South Coast Air Basin. This action is to execute a contract with the University of California Riverside to conduct a meteorological study in an amount not to exceed \$188,798 from the Clean Fuels Program (Fund 31). (Reviewed: Mobile Source Committee, June 21, 2019; Recommended for Approval)

5. Approve Funds to Continue Year-Round Electric Lawn Mower Rebate Program **Berry/2363**

In April 2017, the Electric Lawn Mower Rebate Program was launched. Participants receive a rebate through an online application process after purchasing a new cordless battery-electric lawn mower and scrapping their old gasoline-powered lawn mower at a participating licensed dismantler. This year-round program open to residents in the South Coast AQMD's jurisdiction has been successful and is nearly out of funds. This action is to approve the use of \$250,000 from the Rule 2202 Air Quality Investment Fund (27) to continue the year-round Electric Lawn Mower Rebate Program. (Reviewed: Mobile Source Committee, June 21, 2019; Recommended for Approval)

6. **Amend Awards for Alternative Fuel School Bus Replacement Program** **Berry/2363**

In May 2018, the Board approved awards to 42 school districts for replacement of pre-1994 diesel school buses with new, optional low NOx standard engine alternative fuel buses. Several awards were based on a propane-powered engine that was eventually not commercialized. The school districts that had selected that technology were presented with the currently available near-zero and zero technology options. For those school districts that selected a lower emitting bus option compared to the original award, additional grant funds would be needed to offset the higher cost of the buses. This action is to amend awards for seven school districts to purchase cleaner technology buses in an amount not to exceed \$3,106,500 from the Carl Moyer Program AB 923 Special Revenue Fund (80). (Reviewed: Technology Committee, June 21, 2019; Recommended for Approval)

7. **Transfer and Appropriate Funds, Issue Solicitations and Purchase Orders, and Add/Delete Positions for Rule 1180 Implementation and Enhanced Particulate Monitoring Programs** **Low/2269**

In June 2018, the Board recognized over \$7 million in revenue into the Rule 1180 Special Revenue Fund (78) to establish community air monitoring stations near refineries by January 1, 2020. These actions are to transfer and appropriate funds, issue solicitations and purchase orders for equipment, and add or delete positions necessary for the implementation of Rule 1180 Community Monitoring and Enhanced Particulate Monitoring Programs. (Reviewed: Administrative Committee, June 14, 2019; Recommended for Approval)

8. **Issue RFP for Data Cable Infrastructure Installation** **Moskowitz/3329**

The data cable infrastructure in certain areas of the building at South Coast AQMD is non-existent or outdated. Staff is seeking a vendor to install a full, turnkey data cable infrastructure system with the latest technical specifications that can provide connectivity and a broader network bandwidth. This action is to issue an RFP to solicit proposals from qualified vendors to install a data cable infrastructure at the South Coast AQMD headquarters. Funds for this project will come from the Undesignated Fund Balance. (Reviewed: Administrative Committee, June 14, 2019; Recommended for Approval)

9. **Execute Contract for Elevator Modernization Project** **Olvera/2309**

On April 5, 2019, the Board authorized the release of an RFP for elevator modernization at the South Coast AQMD's headquarters. This action is to execute a contract with Kone, Inc. for an amount not to exceed \$1,564,367 for the upgrade and renovation of the elevators, including a five-year maintenance and service contract. Funding for the contract will come from the Undesignated Fund Balance. (Reviewed: Administrative Committee, June 14, 2019; Recommended for Approval)

10. Approve Position Reclassifications; Adopt New Class Specification; and Adopt Resolution Amending Salary Resolution **Olvera/2309**

The Technical & Enforcement and Office, Clerical and Maintenance MOU and the South Coast AQMD Personnel Rules authorize classification studies to study existing job classifications. Evaluations of positions in Legislative, Public Affairs & Media; Finance; and Administrative & Human Resources have recently been completed. Based on the analysis of the studies, and in consultation with union representatives for the bargaining unit positions, this action is to request approval for reclassification of: Radiotelephone Operator, and Air Quality Inspector II positions in Legislative, Public Affairs & Media; Supervising Payroll Technician in Finance; and the Risk Manager in Administrative & Human Resources. As part of this process, this action is also to request adopting a new class specification, and amending the Salary Resolution to add and delete classifications. This action to reclassify twelve positions will result in an annual cost increase of approximately \$118,451. Sufficient funding for this annual cost increase is available in the FY 2019-20 Budget. (Reviewed: Administrative Committee, June 14, 2019; Recommended for Approval)

11. Approve Contract Modification Approved by MSRC and Approve Fund Transfer for Miscellaneous and Direct Expenditures Costs in FY 2019-20 as Approved by MSRC **McCallon**

As part of their FYs 2018-21 Work Program, the MSRC approved a contract value increase to the MSRC's Programmatic Outreach Coordinator, Better World Group Advisors, to conduct research and outreach in support of Work Program development. Additionally, every year the MSRC adopts an Administrative Budget which includes transference of funds to the South Coast AQMD's Budget to cover administrative expenses. At this time the MSRC seeks Board approval of the fund transfer and the contract modification as part of the FYs 2018-21 Work Program. (Reviewed: Mobile Source Air Pollution Reduction Review, June 20, 2019; Recommended for Approval)

**Items 12 through 17 - Information Only/Receive and File**

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

This report highlights the May 2019 outreach activities of the Legislative, Public Affairs and Media Office, which includes: Major Events, Community Events/Public Meetings, Environmental Justice Update, Speakers Bureau/Visitor Services, Communications Center, Public Information Center, Business Assistance, Media Relations and Outreach to Business and Federal, State, and Local Government. (No Committee Review)

13. Hearing Board Report **Prussack/2500**

This reports the actions taken by the Hearing Board during the period of May 1 through May 31, 2019. (No Committee Review)

14. **Civil Filings and Civil Penalties Report** **Gilchrist/3459**
- This reports the monthly penalties from May 1 through May 31, 2019, and legal actions filed by the General Counsel's Office from May 1 through May 31, 2019. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, June 21, 2019)
15. **Lead Agency Projects and Environmental Documents Received** **Nakamura/3105**
- This report provides, for the Board's consideration, a listing of CEQA documents received by the South Coast AQMD between May 1, 2019 and May 31, 2019, and those projects for which the South Coast AQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, June 21, 2019)
16. **Rule and Control Measure Forecast** **Fine/2239**
- This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2019. (No Committee Review)
17. **Status Report on Major Ongoing and Upcoming Projects for Information Management** **Moskowitz/3329**
- Information Management is responsible for data systems management services in support of all South Coast AQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects. (Reviewed: Administrative Committee, June 14, 2019)
18. **Items Deferred from Consent Calendar**

**BOARD CALENDAR**

19. **Administrative Committee (Receive & File)** **Chair: Burke** **Nastri/3131**
20. **Legislative Committee (Receive & File)** **Chair: Mitchell** **Alatorre/3122**
- Receive and file; and take the following action as recommended:
- | <b>Agenda Item</b>   | <b>Recommendation</b>   |
|--|-------------------------|
| SB 216 (Galgiani) Carl Moyer Memorial Air Quality Standards Attainment Program: used heavy-duty truck exchange | Support with Amendments |
21. **Mobile Source Committee (Receive & File)** **Chair: Burke** **Fine/2239**

22. Stationary Source Committee (Receive & File) **Chair: Benoit** **Tisopulos/3123**
23. Technology Committee (Receive & File) **Chair: Buscaino** **Miyasato/3249**
24. Mobile Source Air Pollution Reduction Review Committee (Receive & File) **Board Liaison: Benoit** **Berry/2363**
25. California Air Resources Board Monthly Report (Receive & File) **Board Rep: Mitchell** **Garzaro/2500**
26. Receive and File California Fuel Cell Partnership Executive Board Meeting Agenda and Activity Update **Miyasato/3249**

This report provides the California Fuel Cell Partnership Executive Board Agenda for the meeting held April 4, 2019, and provides the Activity Update for the first quarter of 2019. (Reviewed: Technology Committee, June 21, 2019)

## **PUBLIC HEARINGS**

27. 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 Inclusion into SIP **Fine/2239**
- As part of its review of the 2016 AQMP, U.S. EPA has recently requested that Rule 301 be amended to include a requirement that facilities submitting emission reports certify that the information is accurate to the best knowledge of the individual submitting and certifying the report. Facilities already certify their emission reports in practice, and the proposed minor amendment will now place this requirement into the rule. This action is to adopt the Resolution: 1) Determining that the proposed amendment to Rule 301 – Permitting and Associated Fees, is exempt from the California Environmental Quality Act; 2) Amending Rule 301 - Permitting and Associated Fees; and 3) Directing the Executive Officer to submit Rule 301 to CARB for inclusion into the SIP. (Reviewed: Stationary Source Committee, June 21, 2019)
28. Determine That Proposed Amendments to Rule 2001 – Applicability, Are Exempt from CEQA and Amend Rule 2001 **Nakamura/3105**
- On October 5, 2018, the Board adopted amendments to Rule 2001 that incorporated a provision to allow facilities to opt-out of the RECLAIM program. U.S. EPA is recommending that facilities remain in RECLAIM until all the rules associated with the transition to a command-and-control regulatory structure have been adopted and approved into the SIP. To address U.S. EPA's comments, Proposed Amended Rule 2001 will remove the opt-out provision so that facilities cannot exit RECLAIM. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Rule 2001 – Applicability, are exempt from the California Environmental Quality Act, and 2) Amending Rule 2001 - Applicability. (Reviewed: Stationary Source Committee, May 17, 2019)

29. 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

Rees/2856

Regulations IX and X are periodically amended to incorporate new or amended federal emission performance standards that have been enacted by U.S. EPA for stationary sources. These standards are currently in effect and enforceable by the South Coast AQMD pursuant to the federal Clean Air Act, regardless of whether South Coast AQMD incorporates them into Regulations IX and X. The Board has historically adopted NSPS (40 CFR 60) and NESHAP (40 CFR 61) actions into Regulations IX and X by reference providing stationary sources with a single source of information for determining which federal and local requirements apply to their specific operations. Regulations IX and X were last amended October 2016 and April 2015, respectively. These proposed amendments incorporate new or revised NSPS and NESHAP actions that have occurred since. In 2016, U.S. EPA promulgated one new NSPS for municipal solid waste landfills that commence construction, reconstruction, or modification after July 17, 2014. In addition, U.S. EPA also amended existing provisions of six NSPS standards, two NSPS appendices, one NESHAP standard, and one NESHAP appendix. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Regulations IX – Standards of Performance for New Stationary Sources, and Regulation X – National Standards for Hazardous Air Pollutants, are exempt from the California Environmental Quality Act; and 2) Amending Regulation IX – Standards of Performance for New Stationary Sources, and Regulation X – National Emission Standards for Hazardous Air Pollutants. (Reviewed: Stationary Source Committee, May 17, 2019)

**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.

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

Gilchrist/3459

**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. Aircraft 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, South Coast AQMD Hearing Board Case No. 3448-14;



- Communities for a Better Environment v. SCAQMD, Los Angeles Superior Court Case No. BS161399 (RECLAIM);
- Communities for a Better Environment v. South Coast Air Quality Management District, Court of Appeals, Second Appellate District, Case No. B294732;
- People of the State of California, ex rel. SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;
- 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, South Coast AQMD Hearing Board Case No. 6060-5 (Order for Abatement);
- State of California, et al. v. U.S. EPA, et al., U.S. Court of Appeals, D.C. Circuit, Case No. 18-1114 (mid-term evaluation for light-duty vehicles); and
- People of the State of California, ex rel South Coast Air Quality Management District v. The Sherwin-Williams Company, an Ohio Corporation, and Does 1 through 50, Inclusive, Los Angeles Superior Court Case No. PSCV 00136.

#### 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).

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

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Also, it is necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the SCAQMD (two cases).

Letter from Steven J. Olson, O'Melveny & Myers LLP, on behalf of ExxonMobil Corporation, dated August 22, 2018.

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

#### **ADJOURNMENT**

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

Members of the public are afforded an opportunity to speak on any agenda item before 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 South Coast AQMD 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 South Coast AQMD's authority. Speakers will be limited to a total of three (3) minutes for the Consent Calendar and Board Calendar and three (3) minutes or less for other agenda items.

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 the Public Comment Period 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, PDF, 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

BARCT = Best Available Retrofit 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

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

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

RECLAIM=Regional Clean Air Incentives Market

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