

BOARD MEETING DATE: June 7, 2019

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the May 3, 2019 meeting.

RECOMMENDED ACTION:

Approve Minutes of the May 3, 2019 Board Meeting.

Denise Garzaro
Clerk of the Boards

DG

FRIDAY, MAY 3, 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 Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Vanessa Delgado
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

Member absent:

Council Member Joe Buscaino
City of Los Angeles

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 Rutherford.
- Opening Comments

Supervisor Hahn announced that she attended the ACT Expo at the Long Beach Convention Center on April 23-26, 2019 where she presented on the partnership between South Coast AQMD and Daimler Trucks North America to fund the development of heavy-duty battery electric trucks. She noted that Daimler exhibited a class 6 and class 8 electric truck at the convention. She added that her presentation included a live video stream of the unveiling of a DC fast charging station in La Mirada for electric trucks.

Mayor Mitchell announced that she attended a press event of behalf of CARB which highlighted the collaboration between Toyota, Kenworth and Shell to introduce 10 fuel cell trucks into operation at the Port of Los Angeles. She added that heavy-duty battery charging stations are proposed in Wilmington and Ontario which will allow fuel cell trucks to travel between the Ports and distribution centers in the Inland Empire.

Council Member Robinson announced that he, along with Hector De La Torre from CARB, participated in a press event with Volvo Trucks North America where he accepted a \$44.8 million check to the South Coast AQMD for the Volvo Lights Project. This demonstration project proposes to introduce zero-emission trucks and equipment for freight operations at the Ports. He noted the importance of partnering with major manufacturers in order to quickly scale electric transportation solutions. He added that he and Supervisor Hahn attended Council Member Buscaino's State of the District event on May 2, 2019.

Supervisor Bartlett announced that she recently toured the Ports of Los Angeles and Long Beach and commented on the great strides that have been made in automation and electrification at both Ports. She added that she also was able to see the bonnet technology in use. Dr. Matt Miyasato, DEO/Science and Technology Advancement commented on the cargo handling projects that are currently in development at the Ports.

Council Member Cacciotti commented that BYD had exhibited a large electric dump truck at the ACT Expo and noted that it soon might be possible to convert refuse trucks to electric. He also inquired about the prospect of small electric air planes for short trips.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, responded that several manufacturers have heavy-duty trucks in development and

commented on the need to build the charging stations necessary to support battery electric truck technology.

Mr. Nastri commented on the research and development in electric planes in Europe and recent developments in electric heavy-duty truck technology. He added that it is necessary to explore emission reductions in all possible areas in order to achieve attainment goals.

Supervisor Hahn noted that she is aware of a pilot project at the Ports that will include heavy-duty electric trucks and stressed the need to have charging infrastructure in place to support battery heavy-duty trucks and the importance of the federal infrastructure bill to support zero-emission technologies.

Mr. Nastri noted that staff has visited Washington, DC to discuss a clean air infrastructure fund that could be part of a national infrastructure fund to support these efforts.

Chairman Burke commented that a company in France is investing in air powered vehicle technology.

- Swearing in of Newly Appointed Board Member Vanessa Delgado

Chairman Burke administered the oath of office to Senator Vanessa Delgado who was appointed to the Board by the State Senate Rules Committee to a term ending January 15, 2020. Board Member Delgado expressed appreciation for the opportunity to serve on the Board.

- Election of Vice Chair for Term May 2019 – January 2020

The nominations for Vice Chair for the term May 2019 – January 2020 were opened. Mayor Mitchell nominated Council Member Benoit, Council Member Cacciotti seconded the nomination and the motion passed unanimously.

CONSENT CALENDAR

1. Approve Minutes of April 5, 2019 Board Meeting
2. Set Public Hearing June 7, 2019 to:

Submit Recently Amended (May 3, 2019) Rule 1106 – Marine and Pleasure Craft Coatings for inclusion into, and Rule 1106.1 – Pleasure Craft Coating Operations for Withdrawal from U.S. EPA-Approved SIP

Budget/Fiscal Impact

3. Execute Contract to Develop and Demonstrate Battery Electric Medium-Duty Trucks and Amend Near-Zero Heavy-Duty Diesel Truck Replacement Award
4. Recognize Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs
5. Execute Contracts for Engineering Consultant to Review BARCT Assessment for Proposed Rule 1109.1 – NOx Emission Reduction for Refinery Equipment
6. Transfer Funds for Enhanced Particulate Monitoring Program
7. Authorize Transfer of Monies from General Fund to Health Effects Research Fund
8. Approve Compensation Adjustments for Board Member Assistants and Board Member Consultants for FY 2019-20
9. Revise Procurement Policy and Procedure
10. Authorize Purchase of OnBase Software Support
11. Transfer Funds and Amend Contracts to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
12. Appoint Members to South Coast AQMD Hearing Board
13. Issue Solicitation Approved by MSRC

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

Supervisor Hahn noted that she is a Supervisor for Los Angeles County which is involved with Item No. 4.

Council Member Cacciotti noted that he is a deputy attorney general with the State of California Department of Justice which is involved with Item No. 4.

Due to a number of requests to speak and Board member questions, Consent and Board Calendar items 2A, 3, 4, 5, 7, 8, 13, 14, 17, 18 and 22, the vote on the Consent and Board Calendar items was deferred until after comments were made, and Board member questions were answered.

20. Items Deferred from Consent Calendar

3. Execute Contract to Develop and Demonstrate Battery Electric Medium-Duty Trucks and Amend Near-Zero Heavy-Duty Diesel Truck Replacement Award

Ranji George expressed concerns regarding the impacts of battery recycling and waste and urged support for increased funding for hydrogen technologies. He added that the Volkswagen settlement funds and other funding for zero-emissions technology is not supporting hydrogen technologies which has less impacts on the environment than battery production and disposal. He urged that funds for zero-emission technology be available for small companies.

Mr. Nastri acknowledged the issues with battery waste and noted that very few battery recycling facilities exist. He added that companies are looking into repurposing automotive batteries to extend the life of batteries but more research is necessary. He noted that the South Coast AQMD continues to support funding for hydrogen technologies. In regards to the Volkswagen settlement funds, CARB is the lead agency and the South Coast AQMD is serving as statewide administrator for two funding categories.

Dr. Miyasato commented that funding has been allocated to smaller companies but it is necessary to partner with original equipment manufacturers such as Toyota and Kenworth to encourage the commercialization of new technologies.

Supervisor Hahn commented on the negative impacts of battery recycling facilities on Environmental Justice communities.

Council Member Cacciotti expressed support for the proposal and inquired about including a provision in contracts requiring companies to display and demonstrate their projects at a Board meeting or other community event. Mr. Nastri responded that future contracts could potentially include a provision for a demonstration event and suggested an annual event where various projects could be displayed.

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

5. Execute Contracts for Engineering Consultant to Review BARCT Assessment for Proposed Rule 1109.1 – NOx Emission Reduction for Refinery Equipment

7. Authorize Transfer of Monies from General Fund to Health Effects Research Fund

8. Approve Compensation Adjustments for Board Member Assistants and Board Member Consultants for FY 2019-20

13. Issue Solicitation Approved by MSRC

17. Lead Agency Projects and Environmental Documents Received

18. Rule and Control Measure Forecast

Harvey Eder, Public Solar Power Coalition, commented on economic inequities and urged support for a low income solar power equity fund. He noted the cost effectiveness of solar energy and recommended that it be evaluated as BARCT.

14. Legislative, Public Affairs and Media Report

Supervisor Rutherford inquired if contact with Senator's Allen's office should have been listed on the monthly report since there would have been contact with his office regarding SB 732.

Derrick Alatorre, DEO/Legislative, Public Affairs and Media, explained that the monthly report provides information about staff contact with legislative offices and any contact that occurred with Senator Allen's office was by legislative consultants.

Supervisor Rutherford requested that communications by consultants be included in the monthly report.

(Subsequent to the meeting, staff confirmed that communications by consultants will be included in their written reports within the Legislative Committee Board Letter, which is a separate report from the Legislative, Public Affairs and Media Report.)

BOARD CALENDAR

21. Administrative Committee

22. Legislative Committee

Mayor Mitchell noted that there have been new developments since the Legislative Committee meeting and asked staff to provide an update on SB 732.

Mr. Nastri provided a status update on SB 732, noting that after extensive discussions, the bill did move forward and will go to the Senate Appropriations Committee. Staff is addressing opposition to the bill and will continue to keep the Legislative Committee apprised of efforts in this regard and the status of the bill.

Supervisor Rutherford expressed concern that discussion about adding proposed language to include taxpayer oversight and protections did not take place at the Legislative Committee because the committee was informed that the bill was being withdrawn. She asked if the proposed language had been sent to Senator Allen's office for inclusion in the bill.

Mr. Nastri noted that draft language has been prepared and will be distributed to members of the Legislative Committee and forwarded to Senator Allen's office.

Supervisor Bartlett expressed concerns about Senator Allen declining to withdraw the bill, the current direction of the bill, and whether the South Coast AQMD should continue to sponsor the bill. She added concern about high sales taxes in the state and noted that the bill may no longer reflect the original intent.

Chairman Burke stated that it was also his understanding that the bill would not be moving forward and expressed concerns about the amendments to the bill and the need to include taxpayer oversight language.

Supervisor Perez commented on the need to analyze next steps before moving forward. He concurred that taxpayer oversight language should be included in the bill.

Council Member Robinson commented that additional Legislative Committee meetings may be necessary when the legislature is in session and particularly when potential legislation impacting the South Coast AQMD is moving quickly.

Council Member Cacciotti commented on opposition to the bill and the push by many cities to increase sales taxes before SB 732 would go into effect.

Mayor Mitchell concurred with the comments and concerns noted by the Board members and commented that the Legislative Committee will meet to discuss next steps.

Mayor Pro Tem McCallon commented that he has opposed the bill from the beginning and expressed deeper concerns about recent developments to amend the bill to include transit projects.

Board Member Delgado commented on the need to brief Legislative Committee members about proposed amendments and the current direction of the bill.

Mr. Nastri noted that staff is working closely with Senator Allen's staff to address the concerns stated by Board members and to ensure the bill fulfills the original intent. The direction from the committee is to continue to work with stakeholders.

Chairman Burke noted that it may be necessary to hold a Special Board meeting to discuss updates to the bill.

Mr. Nastri noted that an update on the bill and proposed language amendments has been agendaized for the Board retreat to be held on May 9-10, 2019 in Indian Wells.

- 23. Stationary Source Committee
- 24. Technology Committee
- 25. Mobile Source Air Pollution Reduction Review Committee
- 26. California Air Resources Board Monthly Report

CARB's meeting summary was not available, and therefore, Item 26 was pulled from consideration.

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEMS 1 THROUGH 19 AND 21 THROUGH 25, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE AND MSRC REPORTS, AND APPROVING THE FOLLOWING POSITIONS ON LEGISLATION, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

| Agenda Item | Recommendation/Action |
|---|------------------------------|
| *AB 836 (Wicks) Bay Area Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program | Support |
| AB 1500 (Carrillo) Hazardous substances | Support with Amendments |
| *SB 44 (Skinner) Medium-duty and heavy-duty vehicles: comprehensive strategy | Support with Amendments |
| SB 633 (Stern) Santa Susana Field Laboratory: monitoring program | Support |
| S 747 (Carper) To Reauthorize the Diesel Emissions Reduction Program, and for Other Purposes | Support |

*The bill title and language of AB 836 (Wicks) and SB 44 (Skinner) were amended.

Staff Presentation/Board Discussion

27. Informational Briefing on Reclassification of Coachella Valley for 1997 8-Hour Ozone Standard

Dr. Sarah Rees, Assistant DEO/Planning, Rule Development and Area Sources, gave the staff presentation on Item No. 27.

Supervisor Perez thanked staff for conducting public meetings in the Coachella Valley and noted the importance of outreach to underserved communities. He expressed concerns about the future of economic development in the Eastern Coachella Valley and the need to proceed cautiously to balance economic development and meeting attainment goals. He asked about strategies for reaching attainment in the South Coast Basin by 2024.

Mayor Pro Tem McCallon noted that the data for the Coachella Valley indicates that the area may meet the 8-hour ozone standard and expressed concern for attainment in the South Coast Basin by 2024.

Mr. Nastri explained that a presentation on achieving attainment goals is on the agenda for the Board retreat on May 9-10, 2019.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources, explained the challenges impacting attainment and noted that the amount of funding needed to implement the AQMP has not been fully achieved. He noted that by the end of 2019, the South Coast AQMD needs to report to U.S. EPA what measures will be implemented over the next three years.

PUBLIC HEARINGS

28. Adopt Executive Officer's FY 2019-20 Proposed Goals and Priority Objectives, and Proposed Budget; Determine that Proposed Amendments to Regulation III – Fees and Rule 209 – Transfer and Voiding of Permits Are Exempt from CEQA and Amend Regulation III – Fees and Rule 209 – Transfer and Voiding of Permits; and Amend Salary Resolution and Class Specification

Sujata Jain, Assistant DEO/Finance, gave the staff presentation on FY 2019-20 Proposed Goals and Priority Objectives, and the proposed budget.

Chairman Burke commented that for a number of years, in order to be fiscally responsible, the South Coast AQMD deferred maintenance to the headquarters building and increased the vacancy rate. The proposed budget includes expenditures for necessary building repairs and upgrades and increased personnel to lower the vacancy rate.

Dr. Fine gave the staff presentation on Regulation III and Rule 209 amendments. He noted that staff is recommending continuance of the portion of the public hearing related to the restructuring of toxic emissions fees to June 7, 2019. Copies of proposed revised language to the Resolution were distributed to Board members and made available to the public.

Supervisor Hahn asked if the funds expected to be generated from the toxics fees were included in the budget. Dr. Fine responded that the toxics fees were not included in the budget forecasts because they have not been approved by the Board.

Supervisor Hahn expressed support for increasing fees to recoup the costs for efforts related to toxic emissions and noted that the current fees fall short of the costs to do this work. She commented on the work done in Paramount related to hexavalent chromium and the need to charge fees to companies that continue to emit toxins. She expressed concerns for a three-year phase-in period and inquired if there is a reason why a two-year phase-in period could not be proposed.

Mr. Nastri explained that historically when there is a large fee increase, a two-year phase-in period is proposed. The three-year phase-in period for toxic fees is being proposed to allow for review of source testing processes and emission factors.

Supervisor Bartlett asked for more information about the \$20 million shortfall. She expressed concern that smaller facilities may be more impacted by the fee increase due to the high costs of source testing and related fees. She also inquired about the current backlog for source testing.

Dr. Fine noted that slide number 10 of the presentation contains information on revenue and expenditures by division related to toxics efforts and toxics emissions fees. He noted facilities have the option to use default emissions factors or conduct source testing. The goal is to develop updated emission factors that can be used by all facilities.

Mr. Nastri explained that source testing is utilized to inform a variety of areas including compliance and enforcement, permitting and rule making. The proposed revised language in the Resolution addresses source testing issues by prioritizing source tests based on their intended use and how the processes can be streamlined. Staff proposes using a process similar to the one that was used to reduce the permit backlog.

Dr. Miyasato responded that the source testing review timeframes are different based on priority. A non-expedited source test review can take one to four months to complete, non-expedited, non-priority can take two to eight months and an expedited review will be completed in two to three weeks. He confirmed that there is an extra fee for expedited review.

Council Member Benoit asked if an update on the progress of streamlining source testing could be provided to the Stationary Source Committee and the Board on a regular basis similar to the permit reduction backlog effort. He also asked if there was a way to digitize the source testing process.

Mr. Nastri responded that staff will provide a monthly report on streamlining efforts to the Stationary Source Committee.

Council Member Robinson asked for clarification on expenditures for AB 617.

Dr. Fine explained that the estimated costs to fully implement AB 617 is \$30 million per year and only \$20 million was allocated to the South Coast AQMD by the state in 2018 and 2019. The funding from the state for AB 617 is currently distributed on an annual basis and there is no guarantee that the funding will continue.

Mr. Nastri explained that the legislature expects air districts to assist in the program costs for AB 617 by increasing fees. He added that there is a need to seek additional sustained funding.

Supervisor Rutherford commented on the success of the permit backlog program and asked if source testing is done in-house or by outside companies and whether companies could be certified to set a standard to expedite the process.

Dr. Miyasato responded that testing is done based on approved protocols by approved labs and testing firms and their reports are reviewed by engineering staff.

Dr. Laki Tisopoulos, DEO/Engineering and Permitting, explained source test reports are reviewed on a case-by-case basis but it may be possible to streamline the review of less complicated equipment.

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

Mr. Eder expressed concern that the numbers for premature deaths from PM2.5 in the South Coast AQMD are under reported and commented that natural gas should be evaluated as toxic. He also expressed support for solar conversion technologies and opposition to renewable natural gas.

Michael Carroll, Regulatory Flexibility Group, expressed support for the proposal to address source test and emission factor issues and commented on projects that industry is investing in to reduce emissions and comply with recent amendments to RECLAIM and other new regulations. He added that he is opposed to shortening the fee implementation period from three to two years.

Bill LaMarr, California Small Business Alliance, expressed opposition to the proposed restructuring of toxic fees because of the financial impacts to small businesses. He commented on the importance of reducing the source testing backlog and expediting the process by considering an approved pool of testing companies. He added that calculating emissions can be complicated and CARB and air districts use different factors to calculate emissions. He urged an additional year for the phase-in of toxic fees.

Bridget McCann, Western States Petroleum Association (WSPA), expressed appreciation to staff for addressing source testing concerns and noted that WSPA looks forward to continuing to collaborate through the working group. She suggested a similar approach to the permit streamlining efforts to address source test backlog. She expressed opposition to a shorter phase-in period for implementation of toxics fees and commented that stakeholders will need time to determine whether source testing or updated emission factors are the best method to utilize.

Frances Keeler, California Council for Environmental and Economic Balance, expressed support for a budget that keeps to the CPI increase and for delaying adoption of toxics fees to allow more discussion on the phase-in period. (Submitted Written Comments)

Christopher Chavez, Coalition for Clean Air, expressed support for the toxics fees increase and a shorter phase-in period. (Submitted Written Comments)

Carlo De La Cruz, Sierra Club, commented on the importance of the work that is done by the South Coast AQMD in the area of toxics and urged the Board to adopt the proposed toxics fees. He commented on the costs of breathing unhealthy air and the need to recoup the true cost of air pollution from polluters and not tax payers through increased sales taxes. (Submitted Written Comments)

Karl Lany, Montrose Environmental, expressed concerns that many companies are unaware of the proposed fees. Data that is used to calculate emissions is outdated and could result in inequitable costs to businesses. He expressed support for a three-year phase-in period because the emission factors that are currently used for calculating fees do not reflect newer technologies and may overstate emissions. He also asked that the implications for emergency operations and equipment be reviewed.

Written Comments Submitted By:
Adriano L. Martinez, Earthjustice

Supervisor Hahn asked that staff present a recommendation for both a two-year and three-year phase-in period for the restructuring of toxics fees at the June Board meeting.

SUPERVISOR HAHN MOVED TO DIRECT STAFF TO PRESENT AT THE JUNE 7, 2019 BOARD MEETING, PROPOSALS FOR A TWO-YEAR AND THREE-YEAR PHASE-IN PERIOD FOR THE RESTRUCTURING OF TOXICS EMISSIONS FEES. THE MOTION WAS SECONDED BY COUNCIL MEMBER CACCIOTTI AND CARRIED BY THE FOLLOWING VOTE:

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

NOES: Bartlett

ABSENT: Buscaino

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEM 28 APPROVED AS SET FORTH BELOW:

- 1) REMOVE FROM RESERVES AND DESIGNATIONS ALL AMOUNTS ASSOCIATED WITH THE FY 2018-19 BUDGET;
- 2) APPROVE TOTAL APPROPRIATIONS OF \$170,896,725;
- 3) APPROVE REVENUES FOR FY 2019-20 OF \$170,896,725;
- 4) APPROVE THE ADDITION OF 1 NET AUTHORIZED/FUNDED POSITION AS DETAILED IN THE FY 2019-20 BUDGET;
- 5) APPROVE THE EXECUTIVE OFFICER'S FY 2019-20 GOALS AND PRIORITY OBJECTIVES;

- 6) APPROVE A PROJECTED JUNE 30, 2020 RESERVES AND DESIGNATIONS FUND BALANCE OF \$22,550,673 AND TOTAL UNDESIGNATED FUND BALANCE OF \$43,597,488;
- 7) ADOPT RESOLUTION NO. 19-8, DETERMINING THAT THE PROPOSED AMENDMENTS TO REGULATION III— FEES, PROPOSED AMENDED RULES 301 – PERMITTING AND ASSOCIATED FEES, 303—HEARING BOARD FEES, 304— EQUIPMENT, MATERIALS AND AMBIENT AIR ANALYSES, 307.1—ALTERNATIVE FEES FOR AIR TOXICS EMISSIONS INVENTORY, 308—ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS FEES, 309--FEES FOR REGULATION XVI AND REGULATION XXV, 311—AIR QUALITY INVESTMENT PROGRAM FEES, 313— AUTHORITY TO ADJUST FEES AND DUE DATES, 314—FEES FOR ARCHITECTURAL COATINGS, 315—FEES FOR TRAINING CLASSES AND LICENSE RENEWAL, AND RULE 209—TRANSFER AND VOIDING OF PERMITS ARE EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULES 301 (EXCEPT FOR PORTIONS ADDRESSING RESTRUCTURED TOXICS EMISSION FEES), 303, 304, 304.1, 306, 307.1, 308, 309, 311, 313, 314, 315 AND 209; WITH MODIFICATIONS TO THE RESOLUTION AS SET FORTH BELOW; AND
- 8) AMEND THE SALARY RESOLUTION TO DELETE THE CHIEF ADMINISTRATIVE OFFICER, ADD DEPUTY EXECUTIVE OFFICER POSITIONS FOR THE FINANCE, INFORMATION MANAGEMENT AND ADMINISTRATIVE & HUMAN RESOURCES DIVISION, INCLUDING CHIEF INFORMATION OFFICER AND CHIEF FINANCIAL OFFICER, INCREASE THE CHIEF OPERATING OFFICER POSITION

SALARY TO \$194,037, AND REVISE THE CLASS SPECIFICATION FOR THE HEALTH EFFECTS OFFICER POSITION TO CHANGE THE TITLE TO DIRECTOR OF COMMUNITY AIR PROGRAMS/HEALTH EFFECTS OFFICER.

BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

Revise the Resolution as follows:

Add the paragraphs below on Page 8, second and third paragraphs—

BE IT FURTHER RESOLVED, that the Executive Officer is directed to assess the current source test, submittal, and approval process and develop a plan to set priorities for processing and evaluating the existing and anticipated inventory of source tests. The plan shall be developed in consultation with the working group and shall commit to a process and schedule to address the expected increase in source test review volume due to the restructure of the toxic emission fees including time frames for reducing the current inventory of source tests as well as targets for completion of reviews within specified periods of time. The plan shall be presented to the Stationary Source Committee within six months of adoption of their restructured toxic emission fee, and

BE IT FURTHER RESOLVED, that the portions of Proposed Amended Rule 301 related to restructuring of toxics emissions fees are not approved at this time, and consideration of approval of this portion of Proposed Amended Rule 301 is continued until the June 7, 2019 Board meeting, and

29. Certify Revised Final Environmental Assessment, Amend Rule 1106 – Marine Coating Operations, as set forth in Proposed Amended Rule 1106 - Marine and Pleasure Craft Coatings, and Rescission of Rule 1106.1 - Pleasure Craft Coating Operations

Dr. Rees gave the staff presentation on Item No. 29.

The public hearing was opened, and the following individuals addressed the Board on Item 29.

Rita Loof, Radtech International, stated that they no longer oppose the rule amendments and thanked staff for their collaboration during the rulemaking process.

Mr. Eder expressed support for immediate and complete solar conversion, and stated that solar should be considered BARCT. He noted concern for premature deaths due to air pollution. He also added support for alternatively-fueled marine vessels.

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

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 29 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-9 CERTIFYING THE REVISED FINAL ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1106 – MARINE AND PLEASURE CRAFT COATINGS AND RECISSION OF RULE 1106.1 – PLEASURE CRAFT COATING OPERATIONS, AND AMENDING RULE 1106 AND RESCINDING RULE 1106.1, 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 commented that natural gas should be evaluated as a toxin and noted the issues with the Aliso Canyon gas release. He added concerns about premature deaths and climate change.

CLOSED SESSION

The Board recessed to closed session at 12:05 p.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);

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); 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.

Following closed session, Bayron Gilchrist, General Counsel, 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 12:30 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on May 3, 2019.

Respectfully Submitted,

Denise Garzaro
Clerk of the Boards

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan
BARCT = Best Available Retrofit Control Technology
CARB = California Air Resources Board
CEC = California Energy Commission
CEQA = California Environmental Quality Act
EJ = Environmental Justice
FY = Fiscal Year
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
NOx = Oxides of Nitrogen
RECLAIM = Regional Clean Air Incentives Market
RFP = Request for Proposals
SIP = State Implementation Plan
U.S. EPA = United States Environmental Protection Agency
VOC = Volatile Organic Compound