

BOARD MEETING DATE: May 3, 2019

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the April 5, 2019 meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the April 5, 2019 Board Meeting.

Denise Garzaro  
Clerk of the Boards

DG

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**FRIDAY, APRIL 5, 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

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

Supervisor Lisa A. Bartlett  
County of Orange

Council Member Ben Benoit  
Cities of Riverside County

Council Member Joe Buscaino (Arrived 9:55 a.m.)  
City of Los Angeles

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

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

Dr. Parker announced that he attended the California Fuel Cell Partnership event in Torrance on April 4, 2019 and reported on the status of hydrogen fueling stations in the state. He noted the importance of expanding fuel cell infrastructure to support CARB's mandate for all school buses to be zero-emission by 2035. He also announced that he attended the Cesar Chavez Day of Remembrance event on March 30, 2019 and noted that a plaque was presented to Arturo Rodriguez, past president of the United Farm Workers in recognition of his dedicated years of service to the farm workers' labor movement.

Chairman Burke commented on the importance of partnering with organizations to help bridge the gap in meeting clean air mandates and supporting alternative fuel technologies. He noted that he also attended the Cesar Chavez event and thanked staff for their efforts. He displayed a photograph of his wife and Cesar Chavez from a demonstration in the early days of the farm workers' movement that he had taken before he met his wife.

Mayor Mitchell announced that she attended the CALSTART Clean Transportation Summit on March 26, 2019 where she saw a heavy-duty Tesla electric truck. She noted the technological advances in electric trucks and added that Tesla is working with CARB to obtain certification of the truck.

Supervisor Perez highlighted the efforts of Cesar Chavez for farm workers' rights and noted that his parents were migrant farm workers for many years. He thanked staff for organizing the Cesar Chavez Day of Remembrance event.

Dr. Parker commented that during the early days of the farm workers' movement, he gave Cesar Chavez free air time on his radio station in Lemoore, California.

Mayor Mitchell commented on the efforts of Dolores Huerta in support of farm workers.

## **CONSENT CALENDAR**

1. Approve Minutes of March 1, 2019 Board Meeting

2. Set Public Hearings May 3, 2019 to:
  - A. Determine that Proposed Amendments to Regulation III – Fees and Rule 209 – Transfer and Voiding of Permits Are Exempt from CEQA; Amend Regulation III; Amend Rule 209; and Adopt Executive Officer’s FY 2019-20 Proposed Goals and Priority Objectives, and Proposed Budget
  - B. 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

**Budget/Fiscal Impact**

3. Execute Contracts to Conduct Natural Gas Engine and Vehicle Research Projects
4. Issue RFP to Establish Endowment to Support Graduate Student Scholarship Fund
5. Transfer and Appropriate Funds, Issue Solicitations, and Execute Purchase Orders and Contracts for AB 617 Implementation
6. Execute Contract for Consultant Services for SCAQMD’s High School Air Quality Educational Program
7. Remove Various Fixed Assets from SCAQMD Inventory
8. Approve Contract Award and Modification and Issue Solicitation Approved by MSRC

**Items 9 through 15 – Information Only/Receive and File**

9. Legislative, Public Affairs, and Media Report
10. Hearing Board Report
11. Civil Filings and Civil Penalties Report
12. Lead Agency Projects and Environmental Documents Received by SCAQMD

13. Report of RFPs Scheduled for Release in April
14. Rule and Control Measure Forecast
15. Status Report on Major Ongoing and Upcoming Projects for Information Management

Council Member Benoit and Supervisor Perez noted that they are members of the Riverside County Transportation Commission which is involved with Item No. 8.

Supervisor Hahn noted that she is a Board Member of the Los Angeles County Metropolitan Transportation Authority which is involved with Item No. 8.

Due to a number of requests to speak and board member questions received on Consent Calendar items 2A, 2B, 3, 4, 5, 6, 8, 9, and 11, the vote on the Consent Calendar was deferred until after those comments were made, and board member questions were answered.

16. Items Deferred from Consent Calendar

2. Set Public Hearings May 3, 2019 to:
  - B. 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

Rita Loof, RadTech International, expressed concern that the rule does not specify which test method will be used for compliance verification for thin-film materials. She noted that the lack of certainty could lead to potential confusion and subsequent enforcement actions.

3. Execute Contracts to Conduct Natural Gas Engine and Vehicle Research Projects
4. Issue RFP to Establish Endowment to Support Graduate Student Scholarship Fund
6. Execute Contract for Consultant Services for SCAQMD's High School Air Quality Educational Program

8. Approve Contract Award and Modification and Issue Solicitation Approved by MSRC
9. Legislative, Public Affairs, and Media Report
11. Civil Filings and Civil Penalties Report

Harvey Eder, Public Solar Power Coalition, expressed concerns about climate change and reliance on fossil fuels and spoke in support of policies that support complete solar conversion. He added that solar powered technologies should be considered BARCT and noted support for the Green New Deal.

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEMS 1, 2B, 3, 4 AND 6 THROUGH 15 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

2. Set Public Hearings May 3, 2019 to:
  - A. Determine that Proposed Amendments to Regulation III – Fees and Rule 209 – Transfer and Voiding of Permits Are Exempt from CEQA; Amend Regulation III; Amend Rule 209; and Adopt Executive Officer's FY 2019-20 Proposed Goals and Priority Objectives, and Proposed Budget

Supervisor Bartlett asked for more explanation about the increase in toxic emission fees and cost recovery.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources explained that this is proposed to achieve partial cost recovery of all toxic emission-related activities. He noted that activities that are eligible to be covered by toxic emissions fees are higher than the 4.5 million requested and the increase amounts to a 20 percent increase in total emission fees. He commented that rulemaking, AB 617 and enhanced enforcement efforts have increased the work load and it is anticipated that toxic emission related activities will continue to increase in the future.

MOVED BY BARTLETT, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 2A APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

5. Transfer and Appropriate Funds, Issue Solicitations, and Execute Purchase Orders and Contracts for AB 617 Implementation

Council Member Cacciotti asked about the RFP to develop a chamber to verify sensor performance, the proposed location of the chamber, and a community sensor library. He commented that there has been increased community interest for monitors and asked if there will be a list of monitoring sensors that have been tested and calibrated by the South Coast AQMD.

Mr. Nastri explained that the existing AQ-SPEC testing chamber is the first of its kind and the South Coast AQMD is looking to expand sensor testing and use by building a second chamber.

Dr. Jason Low, Assistant DEO/Science and Technology Advancement noted that the RFP will help to provide community engagement and will serve as both an educational and informational tool with priority given to AB 617 communities. Due to the size and weight of the chamber, the location will be determined based on the structural integrity of the building. The second testing chamber will accommodate more sensors than the existing AQ-SPEC chamber and provide continuous service for a proposed sensor library that will allow communities in the Basin to assess air quality conditions in their area by using low-cost sensors provided by the South Coast AQMD.

Mr. Nastri explained that staff has tested all commercially available sensors.

Council Member Cacciotti inquired if temporary testing monitors can be set up in communities where there are issues and what the cost might be for those monitors. He commented on the current monitoring in Pasadena for the Devil's Gate sediment removal project.

Mr. Nastri noted that the cost varies depending on the type of sensor that is used and the technical analysis that is required. He commented on the technical support that is being provided by the South Coast AQMD for the Devil's Gate project.

Dr. Low explained that sensor deployment can be costly because of the staff time and resources needed which is why working cooperatively with communities to provide an appropriate sensor for a specific concern, training, and interpretation support would be ideal to reduce the cost of deployment.

Mr. Nastri clarified that the sensors under the proposal are low-cost sensors and will not be used for enforcement purposes but the information gathered from them could assist in determining if additional monitoring may be needed. He added that sensor technology alone is not sufficient to identify pollutants in locations where multiple sources may be impacting the area and more sophisticated tools such as laboratory analysis of samples, meteorology, and knowledge about nearby sources may need to be provided by the South Coast AQMD.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 5 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

**BOARD CALENDAR**

- 17. Administrative Committee
- 18. Legislative Committee
- 19. Mobile Source Committee
- 20. Stationary Source Committee

- 21. Technology Committee
- 22. Mobile Source Air Pollution Reduction Review Committee
- 23. California Air Resources Board Monthly Report

Item 18 was withheld for discussion.

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEMS 17, AND 19 THROUGH 23, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

18. Legislative Committee

Supervisor Rutherford noted that the Legislative Committee report references SB 732 and expressed concern that the language in the bill does not include a taxpayer oversight component. She suggested that staff be directed to work with the author to include language regarding the requirement to establish a taxpayer oversight committee within the bill.

Chairman Burke recommended that the language for SB 732 be reconsidered by the Legislative Committee to consider including an oversight committee in the legislation.

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM 18 APPROVED AS RECOMMENDED RECEIVING AND FILING THE LEGISLATIVE COMMITTEE REPORT AND APPROVING THE FOLLOWING POSITIONS ON LEGISLATION, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

**Agenda Item – March 8, 2019**                      **Recommendation**

SB 210 (Leyva) Heavy-Duty Vehicle  
Inspections and Maintenance Program      Support

AB 210 (Voepel) Smog Check:  
Exemption                                      Oppose

AB 285 (Friedman) California  
Transportation Plan                          Work with Author

**Agenda Item – February 8, 2019**                      **Recommendation**

SB 1 (Atkins) California  
Environmental, Public Health, and  
Workers Defense Act of 2019              Support

AB 142 (C. Garcia) Lead-acid  
Batteries    Support

(Council Member Buscaino arrived at 9:55 a.m.)

**PUBLIC HEARING**

24.      Certify Final Subsequent Environmental Assessment and Amend Rule 1134 –  
Emissions of Oxides of Nitrogen from Stationary Gas Turbines

Michael Morris, Planning and Rules Manager, gave the staff presentation  
on Item No. 24.

The public hearing was opened and the following individuals addressed the  
Board on Item 24.

Priscilla Hamilton, SoCalGas, expressed support for the amendments to  
Rule 1134 and noted their commitment to continue to reduce emissions at their  
facilities. She noted that they have significantly reduced NOx emissions  
associated with turbine compressors by removing three units from service in 2018.  
She thanked staff for addressing their unique operational needs and their  
collaboration during the rulemaking process.

Mr. Eder expressed concerns about carbon and methane and noted that they are contributing factors in the sixth great extinction in the history of the planet. He noted that importing non-renewable natural gas into the state is illegal and noted problems related to renewable natural gas from waste systems and feedlots.

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

Supervisor Rutherford asked how many RECLAIM participants are ready to exit the program as a result of the proposed adoption of the rule.

Dr. Fine responded that most participants are electing to stay in the program until New Source Review issues are resolved.

Written Comments Submitted By:

Luis Amezcua, Sierra Club

Adriano L. Martinez, Earthjustice

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 24 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-7 CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1134 AND AMENDING RULE 1134 – EMISSIONS OF OXIDES OF NITROGEN FROM STATIONARY GAS TURBINES, BY THE FOLLOWING VOTE:

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

NOES: McCallon, Robinson and Rutherford

ABSENT: None

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

Jan Victor Andasan, East Yard Communities for Environmental Justice (EYCEJ), expressed concerns about a fire that occurred on March 15, 2019 at the Phillips 66 refinery in Carson and asked that emergency events be placed on the Board's agenda for discussion. He noted that many residents in the area were concerned when they saw smoke from the fire and did not receive adequate information or a shelter in place

notification. He urged the Board to take action to improve the alert and notification system to protect the residents living near the refinery. He added that stricter regulations for refineries are needed in order to protect the quality of life for residents in nearby communities.

Chairman Burke asked about the South Coast AQMD's response to the fire and expressed concern about the lack of public notification.

Mr. Nastri explained that the South Coast AQMD's enforcement staff was deployed to the refinery shortly after the fire began and perimeter monitoring and sampling was conducted to assess air quality in the area. The initial sampling did not detect any concentrations of emissions that were of concern and the Los Angeles Department of Public Health released a statement regarding health effects and air quality to the community. South Coast AQMD staff also issued a statement about air quality. The Los Angeles County Fire Department issued a shelter in place alert to area residents shortly after the fire began and provided updates to that alert. Staff is aware of the need to improve public notification and is exploring options such as social media and other alert systems to supplement incident command notifications.

Council Member Benoit commented that the South Coast AQMD's mobile app could be used to provide notifications to the community.

Supervisor Hahn commented that the speaker has raised some critical concerns and noted that residents living in the area live in constant anxiety about refinery fires and accidents. She asked about the type of reporting takes place after an emergency or serious event and the potential to agendize future events of this nature. She noted the importance of providing a report to the public following an emergency or serious event.

Mr. Nastri explained that when there is an emergency event there is an ongoing investigation and findings are not released immediately. In order to not jeopardize the investigation, or give misleading information, staff reports on the matter once conclusive data is available. Incidents within the South Coast AQMD are reported to Board members in the Executive Officer's weekly report. He noted that a Director of Communications has recently been hired and she will be making recommendations on improving the public notification process. He added that staff works with other first responders through an incident command system that provides joint communications.

Mr. Eder expressed support for solar implementation and no new natural gas power plants. He commented on the history of residential solar water heaters in Pasadena and the importance of a public process that allows the public to express their concerns.

Mayor Mitchell noted her support for placing an item on future meeting agendas to address emergency events such as the refinery fire. She agreed that a better notification system is needed to communicate information in a timely manner to the public.

Whitney Amaya, EYCEJ  
Marlene Sanchez, EYCEJ

Expressed concerns about the fire at the Phillips 66 refinery and the need for a better public notification system to alert and protect communities around the facility. Follow-up communication should be provided to the public after an event and investigation, and tougher rule and enforcement should be put in place.

Council Member Robinson commented on the importance of a centralized incident command center which includes South Coast AQMD staff. He stated that he shares the same concerns about public notification and the need for improvement via social media and other venues. He expressed caution about the potential to send mixed messages when operating outside of a centralized system.

Council Member Cacciotti inquired about how the South Coast AQMD coordinates response to a fire or serious event.

Mr. Nastri explained that when the South Coast AQMD is notified of an event, inspectors are deployed to the area to assess the situation and work with first responders. South Coast AQMD staff reviews air monitoring data in the area and makes a determination about what resources are needed. Staff would then coordinate information with incident command for public notification. There are a number of different tools, such as the South Coast AQMD's website, that are used to communicate information and staff is exploring other options to improve communication. The Board is notified of significant events as soon as possible via email.

Chairman Burke asked staff to work on this right away.

Council Member Buscaino concurred with fellow Board members that public notification to impacted residents should be improved and that standard practices should be adopted for emergency response. He suggested that further discussion regarding major public safety incidents be agendaized for an Administrative Committee meeting as soon as possible.

Chairman Burke requested that the discussion of public notification and response to major public safety incidents be placed on the April 12, 2019 Administrative Committee agenda. Mr. Gilchrist confirmed that the item will be placed on the agenda.

Terrence Mann, Assistant DEO/Compliance and Enforcement, commented that he was part of the response team for the refinery fire and noted that there have been multiple internal meetings to address communication best practices. He added that staff met with the El Segundo fire department, city manager and other city personnel to discuss refinery related issues connected with the fire.

**CLOSED SESSION**

The Board did not meet in closed session.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Chairman Burke at 10:45 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on April 5, 2019.

Respectfully Submitted,

Denise Garzaro  
Clerk of the Boards

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

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Dr. William A. Burke, Chairman

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**ACRONYMS**

AQ-SPEC = Air Quality Sensor Performance Evaluation Center

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

COG = Council of Governments

DOE = Department of Energy

FY = Fiscal Year

GHG = Greenhouse Gas

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NO<sub>x</sub> = Oxides of Nitrogen

NSR = New Source Review

PM = Particulate Matter

RECLAIM = Regional Clean Air Incentives Market

RFP = Request for Proposals

U.S. EPA = United States Environmental Protection Agency

VOC = Volatile Organic Compound