

BOARD MEETING DATE: October 4, 2019

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the September 6, 2019 meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the September 6, 2019 Board Meeting.

Denise Garzaro  
Clerk of the Boards

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**FRIDAY, SEPTEMBER 6, 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 (Arrived 9:15 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

Council Member Dwight Robinson  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Members absent:

Supervisor V. Manuel Perez  
County of Riverside

Vacant: Governor's Appointee

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

- Pledge of Allegiance: Led by Council Member Robinson.
- Opening Comments

Supervisor Bartlett announced that on July 19, 2019, she spoke at the California Metals Coalition Round Table and toured the L.A. Die Casting Facility in Buena Park. She added that she represented the South Coast AQMD at the 10<sup>th</sup> Annual Women in Green Forum on August 15, 2019, and served on a panel on clean air technologies. She also noted that she toured the Valero Refinery in Wilmington.

Council Member Cacciotti commented on an electric ferry that recently completed its maiden voyage in Denmark and has the capacity for 200 passengers and 30 vehicles. He noted the savings in operating costs and the reduction of emissions and added that a larger ferry is planned for the near future. He also commented on the advances made in the last 20 years in electric vehicles and noted the recent investments made by major car manufacturers in solid state battery technology which will increase the range of electric vehicles.

Council Member Benoit announced that he attended the unveiling of two zero-emission battery-electric school buses at LAUSD on August 20, 2019. He noted that he was impressed with the operation of the buses and looked forward to the deployment of additional buses in the future.

Chairman Burke noted the importance of replacing older school buses with cleaner buses.

(Council Member Buscaino arrived at 9:15 a.m.)

- Presentation of Retirement Award to Dr. Laki Tisopulos

Chairman Burke presented an award to Dr. Laki Tisopulos in recognition of 31 years of dedicated service to the South Coast AQMD.

Former Board Member Shawn Nelson thanked and acknowledged Dr. Tisopulos for his many years of service.

Dr. Tisopulos expressed appreciation for the opportunity to serve at the South Coast AQMD and acknowledged the air quality accomplishments that have been made over the last several decades.

Mr. Nastri noted that staff is recommending that Item No. 24 be continued to the October 4, 2019 Board meeting.

Chairman Burke noted that Items 25A, 25B and 25C would be taken out of order and moved to the beginning of the agenda.

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## **PUBLIC HEARINGS**

- 25A. Determine That Community Emissions Reduction Plan for San Bernardino, Muscoy Community Is Exempt from CEQA and Adopt Community Emissions Reduction Plan Per Assembly Bill 617

Dr. Jo Kay Ghosh, Director of Community Air Programs/Health Effects Officer, gave the staff presentation on Item No. 25A.

Supervisor Rutherford expressed concerns about the information in Chapter 5D, Action 2 regarding Omnitrans targets for transitioning to zero-emission buses and asked staff to comment. She also inquired about the "Muscoy Community Action Guide" and asked why it was removed from the CERP plan.

Dr. Ghosh noted that the South Coast AQMD provided a letter of support to Omnitrans to assist them with a funding opportunity for infrastructure projects and zero-emission buses. Staff will continue discussions with Omnitrans and offer support regarding the goals set forth in the CERP. In regards to the "Muscoy Community Action Guide", staff determined that it did not provide enough of a nexus to actions and goals set forth in the CERP.

Supervisor Rutherford inquired about the revisions in the language in Chapter 5C that refer to working with local and state entities to develop standard approaches for the development of warehouses. She noted that land use authority is under the jurisdiction of the City and the County and not with state entities. She suggested the original language be used with the addition that Edison, PUC and CEC provide consultation in the development of standard approaches. She also suggested language noting the partnership with industry and community members. Dr. Ghosh confirmed that the changes can be made.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 25A.

Janet Whittick, California Council for Environmental and Economic Balance (CCEEB), thanked the Board and staff for the collaborative efforts within the communities and expressed support for all three CERPs. She suggested that air monitoring data be made publicly available online and MATES V results be provided to CSC members and the community.

Andres Garcia, Eco Farm Pomona, expressed concerns regarding the health effects from air pollution, increased truck traffic from warehouses in San Bernardino and the proposed Eastgate Air Cargo Logistics Center project.

Demi Espinoza, Safe Routes Partnership and Community Steering Committee (CSC) member, expressed concerns about idling trucks, safety of children walking near truck traffic and the health effects from pollution. She added concerns about incentive funding, the short time frame to create the plans, and emission reductions.

Andrea Vidaurre, Center for Community Action and Environmental Justice (CCA EJ) and CSC member, expressed support for increased regulations on businesses and better land use policies to address pollution in Southern California. She added that reduction targets need to be stronger and implemented more quickly. She added concern about the complexity of information presented to the public and the lack of decision makers for land use at community meetings.

Mr. Nastri noted that CARB and other local representatives from cities and counties were present at the community meetings.

Lorena Rodarte, CCA EJ, urged stricter regulations on trains, trucks and dust to reduce pollution. She urged stricter regulations on railyards adjacent to residential areas and faster action on implementing strategies to reduce air pollution.

Harvey Eder, Public Solar Power Coalition, expressed concerns regarding the process for developing the CERPs and commented that the plans should include solar alternatives.

Miguel Rivera, CCA EJ and CSC member, expressed concerns about the health effects of pollution and stressed the need for stronger regulations to address pollution in the San Bernardino and Muscoy communities.

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

Council Member Cacciotti noted that the plan calls for air filters to be installed in schools, child care centers and community centers and commented on the continual use of gasoline-powered lawn and garden equipment at facilities that produce harmful emissions. He inquired about the outreach to schools regarding incentive programs that are available for electric lawn care equipment.

Mr. Nastri commented on the challenges of working within a short time frame for the development of the plans and noted that the plans will be refined in the future. He explained that the communities themselves identified reducing exposure at schools as a goal and top priority. Additional information about

incentive programs, such as the commercial electric lawn and garden equipment program, can be provided at future community meetings.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, noted that a request to increase funding for the commercial electric lawn and garden equipment program will be considered by the Board at the October meeting and could include priority for AB 617 communities.

Dr. Ghosh responded that fliers for various incentive programs have been distributed at community meetings and an incentives fair event will be held to further increase outreach. Council Member Cacciotti suggested including equipment demonstrations at these events.

Mayor Mitchell noted that she has attended many of the community meetings and thanked staff for their efforts in developing the plans within the short time frame prescribed under the legislation. She noted that South Coast AQMD is carrying the heaviest load because it is the only air district in the state with three communities, each having both an air monitoring and emissions reduction plan. She noted that all of the communities are heavily impacted by emissions from mobile sources and CARB is working collaboratively with staff on emission reduction plans. The "Innovative Clean Transit Rule", adopted by CARB, requires all public transit fleets to be zero-emission by 2040. She commented on the challenges with reducing emissions in railyards that are under federal jurisdiction and noted that as part of the AQMP, facility-based regulations and indirect source rules are under development to address railyards and warehouses. She further added that funding for AB 617 is allocated on a year-to-year basis, and is not guaranteed, which is a concern.

Supervisor Rutherford commented on the success of the clean lawn and garden equipment programs in San Bernardino and expressed the need to provide air filters in residential homes. She added that the County of San Bernardino is also working on new land use regulations for warehouses and truck routes.

Mayor Pro Tem McCallon moved to approve the CERP plan with the recommended changes to Chapter 5C proposed by Supervisor Rutherford, regarding utilities and state agencies providing consultation and recommended that the language regarding estimated timelines for fleet replacement for Omnitrans in Chapter 5D, Action 2 be removed.

Mayor Mitchell suggested that the language for transitioning to zero-emission buses in Action 2 be in accordance with state regulation.

Senator Delgado commented on the importance of pooling resources to achieve the goals set forth in the plan.

Mr. Nastri suggested that the words “subject to available resources” be added to the language for the estimated timelines for Omnitrans fleet replacement.

Mayor Pro Tem McCallon amended his motion to include the language suggested by Supervisor Rutherford and Mr. Nastri.

MOVED BY MCCALLON, SECONDED BY DELGADO, AGENDA ITEM NO. 25A APPROVED WITH AMENDMENTS TO CHAPTER 5C REGARDING THE ROLE OF STATE AGENCIES AND PUBLIC UTILITIES AND AMENDMENTS TO CHAPTER 5D, ACTION 2, ESTIMATED TIMELINES, TO INCLUDE THE LANGUAGE “SUBJECT TO AVAILABLE RESOURCES”, DETERMINING THAT THE COMMUNITY EMISSIONS REDUCTION PLAN FOR THE SAN BERNARDINO, MUSCOY COMMUNITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND ADOPTING THE AB 617 COMMUNITY EMISSIONS REDUCTION PLAN FOR THE SAN BERNARDINO, MUSCOY COMMUNITY, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Perez

Council Member Robinson announced his abstention on Item 25B because of a financial interest in Darling International, Inc. and left the room during the discussion of Item No. 25B.

- 25B. Determine That Community Emissions Reduction Plan for East Los Angeles, Boyle Heights, West Commerce Community Is Exempt from CEQA and Adopt Community Emissions Reduction Plan Per Assembly Bill 617

Dr. Ghosh gave the staff presentation on Item No. 25B.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 25B.

Jocelyn Del Real, Alexandria Silva, Alfredo Gonzalez, East Yard Communities for Environmental Justice (EYCEJ), expressed concern about increased pollution and the health effects from poor air quality. They stressed the need for stricter enforcement for truck drivers that drive off route and additional regulations for idling trucks, railyards, warehouses and rendering plants to address harmful emissions in communities.

Steve Goldsmith, Torrance Refinery Action Alliance (TRAA), expressed support for the three plans and noted that the goals identified in the CERP will improve air quality and the local economy in communities most heavily impacted by air pollution.

mark! Lopez, EYCEJ and CSC member, expressed concern that the goals in the plan do not adequately address pollution concerns and the needs of the community. He added that regulations are needed to achieve the results needed to improve air quality.

Mr. Eder expressed frustration with the lack of action on climate issues by government officials and expressed support for equitable policies in environmental justice communities.

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

Council Member Cacciotti asked staff to comment on incentive funding for passenger rail transportation and efforts to reduce harmful emissions from railyards.

Mr. Nastri explained that railroad operations are under the purview of the federal government and noted the aggressive actions, including litigation that the South Coast AQMD has taken to address harmful emissions from railyards. He added that staff is working on indirect source rules to address railyard emissions and participating in discussions with CARB to develop actions to achieve the greatest reductions. He highlighted the investments in Tier 4 locomotives and the funding for technology and demonstration projects to accelerate emission reductions. He added that community partnership and engagement during the development of the CERPs has been important in identifying the sources of air pollution and prioritizing goals within communities.



MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 25B APPROVED AS RECOMMENDED, DETERMINING THAT THE COMMUNITY EMISSIONS REDUCTION PLAN FOR EAST LOS ANGELES, BOYLE HEIGHTS, WEST COMMERCE COMMUNITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND ADOPTING THE AB 617 COMMUNITY EMISSIONS REDUCTION PLAN FOR EAST LOS ANGELES, BOYLE HEIGHTS, WEST COMMERCE COMMUNITY, BY THE FOLLOWING VOTE:

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

NOES: None

ABSTAIN: Robinson

ABSENT: Perez

- 25C. Determine That Community Emissions Reduction Plan for Wilmington, Carson, West Long Beach Community Is Exempt from CEQA and Adopt Community Emissions Reduction Plans Per Assembly Bill 617

Dr. Ghosh gave the staff presentation on Item No. 25C.

Supervisor Hahn commented on the sources of air pollution identified in the CERP and the health effects impacting communities. She noted the significant impact of goods movement through the Ports and refinery emissions have on underserved communities. She expressed support for an MOU with the Ports that includes strategies for reducing at-berth emissions with new technology. She also expressed support for a zero-emissions truck lane on the 710 freeway and increased enforcement on truck idling and off-route truck driving. She highlighted the many years she has been working on the impacts of air pollution in these areas and noted that the CERPs represent the collaborative efforts of stakeholders and entities in bringing attention to the needs of the community.

Council Member Buscaino echoed Supervisor Hahn's comments and acknowledged the efforts by state legislators, South Coast AQMD staff, stakeholders and leaders at the local, state and federal levels who have worked on the CERPs.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 25C.

Whitney Amaya, EYECJ and CSC member, expressed support for a zero-emission truck lane on the 710 freeway and urged for additional measures to be added to the plan to address additional emission sources. She noted support for strict regulations for railyards and diesel trucks, and does not support incentive programs. She stated that a moratorium is needed for refinery expansions.

Steve Goldsmith, TRAA, noted the safety concern associated with trucks transporting hydrofluoric acid to the refineries and commented that the plans should include stricter Rule 1410 regulations.

Nelson Kerr, City of Long Beach and CSC member, expressed appreciation for the collaborative efforts in developing the plans and noted that the city looks forward to assisting with the implementation of the plans.

Jesse Marquez, Coalition for a Safe Environment and CSC member, expressed support for the air monitoring plans and emissions inventories outlined in the plans. He added that all plans should provide reduction targets to the highest standards. He also commented on the importance of public health studies in communities most affected by pollution.

Christopher Chavez, Coalition for Clean Air and CSC member, expressed support for the emission reduction targets in the plans and expressed opposition to MOUs with the Ports.

Al Sattler, Sierra Club, expressed support for the plans and urged for stronger regulations to reduce pollution. He added that reduction of emissions will reduce ozone for downwind communities.

Michael Carroll, Latham & Watkins on behalf of Western States Petroleum Association (WSPA), expressed support for the plans, noted that the refineries are committed to operating as safely and cleanly as possible and highlighted refinery projects currently in progress. He commented on the need to further analyze and refine actions, goals and the source attribution analysis in the plan.

Taylor Thomas, EYCEJ, expressed concern that the plans are not strong enough and expressed the need for stronger enforcement of regulations and quicker response to pollution complaints. She added concern regarding the health effects of pollution in underserved communities and expressed caution in relying on incentives and funding that does not exist.

Bahram Fazeli, Communities for a Better Environment (CBE), expressed support for the 50 percent emission reduction targets for refineries and stressed the need to hold refineries accountable. He added that PM2.5 emissions from refineries should also be addressed in the plans. He thanked the Board and staff

for their work on the plans and urged continued collaboration with community members as the plans are implemented. He echoed the comments by EYCEJ that the plans are not strong enough and more leadership and vision is needed to address pollution from stationary and mobile sources and added that he does not support an MOU for the ports.

Linda Bassett, CSC member, expressed concerns regarding pollution in underserved communities and stressed the need to take action immediately to reduce sources of pollution. She noted the health effects of pollution affecting school children and communities in Wilmington and San Pedro and expressed support for air monitoring in these communities.

Alicia Rivera, CBE and CSC member, expressed support for the CERP plan and thanked staff for their efforts. She added support for reduction targets for refineries and expressed the need to include PM2.5 emission reduction targets. She urged support for regulations of modified hydrofluoric acid (MHF) and a moratorium on refinery expansion. She added support for the CERPs in all three communities.

Sylvia Arredondo, CBE and CSC member, spoke about the negative health affects her family and community have been afflicted with as a result of air pollution. Expressed support for reduction targets for refineries and stressed the need to include PM2.5 emission reduction targets. She noted opposition to refinery expansion projects and stressed the need to focus on zero-emission transportation alternatives.

Mr. Eder expressed concerns regarding global warming and climate change and spoke in support of policies for complete and equitable solar conversion. He added support for solar-electric trucks.

Dr. Gengmun Eng commented that hydrogen sulfide should be included in the emission reduction targets in the plan and urged support for stronger regulations for railyards and refineries. (Submitted Written Comments)

Written Comments Submitted by:

Bridget McCann, Western States Petroleum Association  
Susan R. Stark, Marathon Petroleum Corporation

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

MOVED BY BUSCAINO, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 25C APPROVED AS RECOMMENDED, DETERMINING THAT THE COMMUNITY EMISSIONS REDUCTION PLAN FOR WILMINGTON, CARSON, WEST LONG BEACH COMMUNITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND ADOPTING THE AB 617 COMMUNITY EMISSIONS REDUCTION PLAN FOR WILMINGTON, CARSON, WEST LONG BEACH COMMUNITY, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Perez

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**CONSENT CALENDAR**

1. Approve Minutes of July 12, 2019 Board Meeting

**Budget/Fiscal Impact**

2. Recognize Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs
3. Amend Contract for KORE Infrastructure Project
4. Adopt Resolution Recognizing Funds for FY 2018-19 Carl Moyer State Reserve Program
5. Appropriate Funds and Amend Contracts for Legislative Representation in Sacramento, California

6. Amend Contract to Implement Advanced Building Energy Management Projects

7. Approve Contract Awards and Modifications as Approved by MSRC

**Action Item/No Fiscal Impact**

8. Request Approval of Proposed Membership Rosters for AQMP Advisory Group and Scientific, Technical, and Modeling Peer Review Advisory Group

**Items 9 through 14 – 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

13. Rule and Control Measure Forecast

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

**BOARD CALENDAR**

16. Administrative Committee

17. Refinery Committee

18. Stationary Source Committee

19. Technology Committee

20. Mobile Source Air Pollution Reduction Review Committee

21. California Air Resources Board Monthly Report

Agenda Item 17 was withheld for comment and discussion.

Supervisor Bartlett noted that since she was not present at the July 12, 2019 Board Meeting, she would abstain on agenda Item No. 1. She also noted that she is a member of the Orange County Transportation Agency which is involved with Item No. 7.

Mayor Mitchell noted that she is a CARB Board Member which is involved with Item No. 4.

Mr. Eder addressed the Board on the Consent and Board Calendar items expressing support for total solar conversion and concern about inaccurate climate numbers used by CARB and South Coast AQMD.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEMS 1 THROUGH 14, 16 AND 18 THROUGH 21 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION 19-18 RECOGNIZING FUNDS AND ACCEPTING THE TERMS AND CONDITIONS OF THE FY 2018-19 (YEAR 21) CARL MOYER PROGRAM STATE RESERVE GRANT AWARD AND RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

AYES: Bartlett (*except Item #1*), Benoit, Burke, Buscaino, Cacciotti, Delgado, Hahn, McCallon, Mitchell, Robinson and Rutherford

NOES: None

ABSTAIN: Bartlett (*Item #1 only*)

ABSENT: Perez

Chairman Burke noted that Item No. 22 would be taken out of order.

**Staff Presentation/Board Discussion**

22. Recommend Communities for Year 2 Implementation for Assembly Bill 617

Dr. Ghosh gave the staff presentation on Item No. 22.

Mayor Mitchell expressed support for the two communities that will be recommended to CARB for their consideration for the second-year implementation of AB 617 and noted the different challenges that each community presents.

Council Member Benoit expressed support for the Eastern Coachella Valley community selection and commented on the need to improve air quality in the area.

Chairman Burke expressed support for the two proposed communities and noted that Supervisor Perez had submitted comments expressing his overwhelming support for the Eastern Coachella Valley selection.

Miguel Romero, Representing Assembly Member Eduardo Garcia  
Yaneth Andrade, East Coachella Valley  
Isabel Zamora  
Rebecca Zaragoza, Leadership Counsel  
Lesly Figueroa, Leadership Counsel  
Elizabeth Jaime, Leadership Counsel  
Noemi Castellanos, Leadership Counsel  
Ryan Sinclair, Alianza Coachella Valley  
Luis Olmedo, Comité Civico del Valle  
Maximiliano Ochoa  
Ana Lisa Vargas

Expressed support for the selection of Eastern Coachella Valley and noted concerns about the health risks and effects from air pollution affecting children and seniors in the region. They commented on the sources of pollutants in the region including fumigation of farmlands, dust, burning trash and the Salton Sea. They added that the community is active and engaged and eager to assist in the implementation of plans to improve air quality.

Bahram Fazeli, CBE, expressed concern that the City of Vernon was excluded from the selection process. He stressed the need to reduce emissions from refineries and expressed support for rulemaking to achieve the necessary refinery emission reductions.

Angel Banuelos, CBE  
Dinah Dominguez, CBE

Expressed support for the selection of the community in South East L.A. They commented on the sources of harmful emissions and the health effects from pollution impacting the community. They stressed the need to take action rather than implement plans for monitoring.

Martha Arguello, Physicians for Social Responsibility-Los Angeles (PSRLA), expressed concerns about the selection process which requires communities to compete with one another to seek resources to reduce harmful emissions. She added concern regarding the exclusion of the City of Vernon.

Chairman Burke and Council Member Robinson commented that the selection of communities is part of the focused AB 617 process and does not preclude the work that is done daily to achieve air quality improvements throughout the South Coast AQMD.

Sonja Taylor, South Central Los Angeles Project to Understand Air Pollution Sources and Health Impacts (SCLAPUSH)

Blanca Lucio, SCLAPUSH

Guadalupe Rivas, SCLAPUSH

Paula Torrado, PSRLA

Expressed concerns regarding harmful emissions from auto body shops, metal fabrication businesses, dry cleaners and freeways in South Central L.A. that impact the health of the public. They stressed the need to include South Central L.A. in emission reduction plans and noted that the community has been underserved and ignored for many years. They added concern that the selection process puts communities against each other

Christopher Chavez, Coalition for Clean Air, expressed support for the selection of both communities and commented on the efforts of community organizations to focus attention on air quality issues that are detrimentally impacting them.

Written Comments Submitted by:

Senator Lena A. Gonzalez

Senator Delgado inquired why the City of Vernon and adjacent industrial areas were not included in the South East Los Angeles community.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources, explained that the method for defining community boundaries in year one focused on both impacted neighborhoods and the nearby emission sources that affect that community. A boundary was first established for the impacted neighborhood and then another, wider boundary was established encompassing the emission sources affecting that neighborhood. The City of Vernon was included in the East L.A. efforts because it is within the emissions study area for that community and the expectation is that Vernon will likely be included in the Year 2 community emissions study area for the South East L.A.

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEM 22, APPROVED AS RECOMMENDED, APPROVING RECOMMENDATIONS FOR THE SELECTION OF YEAR 2 COMMUNITIES FOR AB 617 COMMUNITY PLAN IMPLEMENTATION AND REPORT TO BE SUBMITTED TO CARB, BY THE FOLLOWING VOTE:



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

NOES: None

ABSENT: Perez

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17. Refinery Committee

Mayor McCallon noted that this item includes a summary of the Refinery Committee meeting held on June 22, 2019, and stated that subsequent to that meeting, both Torrance Refining Company (TORC) and Valero Refinery (Valero) submitted proffer letters stating their willingness to implement additional mitigation measures to provide additional protections related to the use of hydrogen fluoride (HF) without the need for rulemaking or a memorandum of understanding. He added that copies of the letters were included in the meeting package. Enhanced mitigation measures are included. He expressed that in the best interests of all stakeholders, these mitigation measures should be implemented as soon as feasible and urged the Board to accept the proffer letters so that this can be accomplished during the next turnaround at the refineries in 2021.

The following individuals addressed the Board on Item No. 17.

David Poster, TRAA, expressed opposition to the refinery proffers and concern regarding the process for taking action on the proffer letters at this Board meeting.

Matt Baca, L.A. County Public Health  
Dorothy Moore  
Donna Heise, TRAA

Expressed concerns regarding the dangers of MHF and the serious health consequences related to exposure to MHF. They added that emergency rooms and hospitals would not be able to adequately care for victims of a catastrophic release of MHF. They urged the Board to continue to work towards a ban of MHF and added that mitigation measures will not offer the necessary protections.

Alicia Rivera, CBE  
Art Mares, CBE  
Amalia Sanchez, CBE  
Isabel Alvarenga, CBE  
Flora Camargo, CBE  
Esperanza Hinjosa, CBE  
Sylvia Arredondo, CBE  
Dr. Genghmun Eng

Donna Tarr  
Isabel Balboa, TRAA  
Cliff Heise, TRAA  
Steve Goldsmith, TRAA  
Al Sattler, Sierra Club  
Seth Kaufman  
Bahram Fazeli, CBE  
Christopher Chavez, Coalition for Clean Air  
Yvonne Martinez Watson, Sierra Club  
Soon, SoCal 350  
Jack Eidt, SoCal 350

Expressed opposition to mitigation measures and allowing refineries to self-regulate. They noted the catastrophic consequences of a release and stated that mitigation measures cannot adequately protect the public. They noted that safer alternatives exist and urged the Board to ban MHF.

Paul Davis, PBF Energy, noted that TORC has been working cooperatively with South Coast AQMD staff for three years throughout the Rule 1410 development process. He commented that a continuation of rulemaking would delay critical decision making by TORC regarding implementation of enhanced safety measures for the MHF alkylation unit. He added that the next turnaround at the refinery is early 2021. In order to gain certainty for implementation of enhanced safety systems, the refinery has submitted a proffer letter. He noted that acceptance of the proffers will be the most expeditious means of implementing safety enhancements at TORC.

Adam Webb, TORC, thanked South Coast AQMD staff and working group participants for their efforts over the last three years. He commented on the enhanced safety measures that will be put in place to further protect the community and urged acceptance of the proffer letter.

Richard Walsh, Valero Refinery, commented on the robust safety systems already in place at the refinery and expressed their commitment to the safety of workers and the public. He noted that the enhanced safety measures detailed in the proffer letter represent state of the art safety measures that will further ensure the safety of the public and urged the Board to accept the proffer letter so that the safety enhancements can proceed expeditiously.

Rebecca Vazquez  
Minh Luu, Boys & Girls Clubs of Long Beach  
George Kivett, South Bay Association of Chamber of Commerce  
Donna Duperron, Torrance Area Chamber of Commerce  
John Pang, United Way of Los Angeles  
Kendal Asuncion, Los Angeles Chamber of Commerce  
Robert McKoy, Wilmington Chamber of Commerce  
Sarah Wiltfong, BizFed  
Armando Flores, Valley Industry & Commerce Association  
Chanel Frampton, Greater Los Angeles African American Chamber of Commerce

Philip "Dan" Hoffman, Resident  
Patty Senecal, WSPA  
Brad Jensen, San Gabriel Valley Economic Partnership  
Luis Portillo, Inland Empire Economic Partnership  
Laura Espinosa, Comunidad de Wilmington  
Janet Whittick, CCEEB  
Michael Wolf, Aegion Energy Services  
Ivan Tether, California Independent Petroleum Association  
Robert Lovelace, Southwest Regional Council of Carpenters  
Ron Miller, L.A. Building Trades  
Ray Lawson, Southwest Regional Council of Carpenters  
Frank Zamprano, South Coast Region Carpenters

Expressed support for the enhanced mitigation measures specified in the proffer letters submitted by both refineries. They noted that the enhanced safety measures will offer increased safety to the public and preserve jobs in the community. They commented that the refineries provide support to non-profit organizations that benefit the community.

Mr. Eder expressed support for complete solar transition.

Written comments submitted for this item can be found at:

<http://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/proposed-rule-1410/proposed-rule-1410-comment-letters>

Mayor Pro Tem McCallon thanked all those who provided comments and acknowledged the extensive involvement of the community and stakeholders throughout this process. He distributed and read into the record a Resolution he introduced to accept the refinery proffer letters. He moved to adopt the Resolution accepting the voluntary implementation of additional safety enhancements in the proffer letters. Council Member Benoit seconded the motion.

Mayor Mitchell noted that she would not support the Resolution because many issues of concern have not been addressed and asked staff to comment on how the mitigation measures in the proffer letters compare to mitigation measures that staff would propose in an MOU.

Susan Nakamura, Assistant DEO/Planning, Rule Development and Area Sources, commented that while the proffer letters address the acid settlers for both refineries, staff is also concerned about an open area around TORC's settler tanks where additional mitigation measures should be implemented. She added that Valero has included additional mitigation to address equipment with pure HF in their proffer letter. TORC was silent in regards to that additional mitigation for the boot and rerun line where pure HF is used.

Mayor Mitchell commented that if we are so close to resolving the differences in the mitigation it may be more ideal to continue with the MOU process rather than to accept the proffers and abandon the rulemaking process.

Mr. Nastri explained that there are many aspects to consider and highlighted the lengthy and challenging process of rulemaking and developing performance standards. He added that implementation of mitigation measures sooner is beneficial.

Dr. Fine noted that TORC has indicated anticipated completion of the measures by 2021 and Valero anticipates a longer time frame for completion.

Mayor Mitchell suggested an alternative process would be to develop an MOU that incorporates the measures in the proffer letters and the additional items noted by staff and present it for the Board's consideration at the November meeting. She supported adopting mitigation measures now to protect the public, continuing the process to phase out MHF, and exploring alternative technologies. She discussed other refinery projects that use newer alkylation processing technologies and noted that newer technologies will preserve jobs and create additional jobs.

Supervisor Hahn expressed her opposition to the Resolution and concern about the serious and deadly consequences of a MHF release. She urged a ban of MHF and commented on the many hours that have been spent in community meetings working on an agreement that would maintain the health and safety of communities as well as preserve jobs. She noted that the Refinery Committee directed staff to bring an MOU and to continue the rulemaking process for the Board's consideration in November. She added that the proffers with voluntary safety enhancements offer no accountability. She noted serious concerns regarding the language in the Resolution regarding delays in implementation of safety enhancements due to circumstances beyond reasonable control in addition to the language regarding halting further development of an MOU or rule.

Chairman Burke commented that even if the Board voted to accept the proffers, future technological advances could still be implemented and he noted his support for the Resolution. He added that while he supports the phase-out of MHF, there is no viable alternative at this time.

Council Member Cacciotti echoed Mayor Mitchell's comments and made a substitute motion to direct staff to develop an MOU with the refineries that incorporates the measures in the proffer letters along with the additional items noted by staff and to present the MOU for the Board's consideration at the November meeting

Supervisor Rutherford expressed support for the Resolution introduced by Mayor Pro Tem McCallon and noted the importance of implementing additional safety measures expeditiously. She asked what protections are in place for non-performance of the proffers.

Mayor Pro Tem McCallon responded that if the refineries do not implement the measures in the proffers then the South Coast AQMD could pivot back to rulemaking or development of an MOU. He noted that refineries are required to do a technological review and implement new technology if it is feasible and available. He added opposition to the substitute motion and noted that the MOU route would only further delay implementation of enhanced safety measures because the refineries need certainty in order to proceed with the engineering process for the upcoming turnaround cycle. He added that continuing with an MOU could also result in potential litigation that could delay implementation of any mitigation measures for a number of years.

COUNCIL MEMBER CACCIOTTI MADE A SUBSTITUTE MOTION TO DIRECT STAFF TO PROCEED WITH AN MOU FOR THE TORRANCE REFINING COMPANY AND VALERO REFINERY THAT INCORPORATES ENHANCED MITIGATION SAFETY MEASURES IDENTIFIED IN THE PROFFER LETTERS, ADDITIONAL MITIGATION MEASURES NOTED BY STAFF AND DIRECT STAFF TO PERFORM AN ANNUAL REVIEW OF NEW TECHNOLOGY THAT COULD BE IMPLEMENTED TO PHASE-OUT MHF. THE MOTION WAS SECONDED BY MAYOR MITCHELL, AND FAILED, BY THE FOLLOWING VOTE:

AYES: Cacciotti, Hahn, and Mitchell

NOES: Bartlett, Benoit, Burke, Buscaino, Delgado, McCallon, Robinson and Rutherford

ABSENT: Perez

MOVED BY MCCALLON, SECONDED BY BENOIT, AGENDA ITEM NO. 17 APPROVED RECEIVING AND FILING THE REFINERY COMMITTEE REPORT AND ADOPTING RESOLUTION NO. 19-19 (SHOWN BELOW) ACCEPTING THE PROFFERED VOLUNTARY IMPLEMENTATION OF ADDITIONAL SAFETY ENHANCEMENTS FOR THE USE OF MODIFIED HYDROFLOURIC ACID AT THE TORRANCE REFINING COMPANY AND VALERO REFINERY, BY THE FOLLOWING VOTE:

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

NOES: Cacciotti, Hahn and Mitchell

ABSENT: Perez

**RESOLUTION NO. 19-19**

**A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) Accepting the Proffered Voluntary Implementation of Additional Safety Enhancements for the Use of Modified Hydrofluoric Acid at the Torrance and Wilmington Refineries**

**WHEREAS**, Modified Hydrofluoric Acid (MHF) Alkylation is used at the Torrance and Wilmington refineries within the South Coast Air Basin for the purpose of producing alkylate, a critical blending component of California Air Resources Board reformulated gasoline; and

**WHEREAS**, the Torrance Refinery is currently owned and operated by the Torrance Refining Company LLC (TORC); and

**WHEREAS**, the Wilmington Refinery is currently owned and operated by Ultramar Inc. (Ultramar); and

**WHEREAS**, pursuant to the City of Torrance Consent Decree, Case No. C 719 9530 (Torrance Consent Decree), issued by the Los Angeles Superior Court in 1990, and several subsequent court orders, the Torrance Refinery agreed to use MHF, a modified form of alkylate catalyst reformulated to significantly reduce safety risks associated with HF; and

**WHEREAS**, pursuant to a Memorandum of Understanding between the South Coast AQMD and Ultramar, dated February 12, 2003 (2003 MOU), the Wilmington Refinery agreed to use MHF; and

**WHEREAS**, during the more than two-year extensive public participation rule making process for PR 1410, additional information has been provided to the South Coast AQMD regarding the safety systems and risk mitigation measures currently in use at each of the Torrance and Wilmington Refinery alkylation units to reduce the risk and protect refinery personnel and the community; and

**WHEREAS**, the South Coast AQMD Governing Board has determined it is desirable, and each of the Torrance and Wilmington refineries is willing, to further reduce the overall risk of the use of MHF in the MHF alkylation units by implementing additional, voluntary safety enhancements and control measures; and

**WHEREAS**, TORC has submitted a proffer letter, dated August 30, 2019, (TORC Proffer Letter) pursuant to which it is committing to install significant voluntary safety enhancements in the Torrance Refinery's alkylation unit; and

**WHEREAS**, Ultramar has submitted a proffer letter, dated August 30, 2019, (Ultramar Proffer Letter) pursuant to which it is committing to install significant, voluntary new control measures in the Wilmington Refinery's alkylation unit; and

**WHEREAS**, the South Coast AQMD Governing Board has determined that the expeditious implementation of the safety enhancements set forth in the TORC Proffer Letter and the Ultramar Proffer Letter is in the best interest of all the stakeholders;

**THEREFORE, BE IT RESOLVED** that the South Coast AQMD Governing Board, in regular session assembled on September 6, 2019, does hereby accept the safety enhancements and control measures as proffered in the TORC and Ultramar Proffer Letters; and

**BE IT FURTHER RESOLVED** that the South Coast AQMD Executive Officer is directed to not continue with any PR 1410 rulemaking activities or other efforts seeking additional commitments from TORC or Ultramar regarding the use of HF or MHF; and

**BE IT FURTHER RESOLVED** that until the new safety enhancements and control measures are fully implemented by TORC and Ultramar as set forth in their respective Proffer Letters, the South Coast AQMD Executive Officer shall report back to the Refinery Committee annually on the progress of the implementation of the new safety enhancements and control measures at the Torrance and Wilmington Refineries; and

**BE IT FURTHER RESOLVED** that nothing in this resolution or in the South Coast AQMD Governing Board's acceptance of Ultramar's or TORC's respective Proffer Letters shall modify or alter the 2003 MOU or the Torrance Consent Decree.

23. Status Report on Regulation XIII – New Source Review

The presentation on Item No. 23 was waived.

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEM 23 WAS RECEIVED AND FILED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Perez

**PUBLIC HEARINGS (Continued)**

24. Certify Final Environmental Assessment and Amend Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations

AGENDA ITEM 24 WAS CONTINUED TO THE OCTOBER 4, 2019 BOARD MEETING AT STAFF'S RECOMMENDATION AND WITH THE CHAIRMAN'S CONCURRENCE.

26. Receive and File 2018 Annual Report on AB 2588 Program and Approve Updates to Facility Prioritization Procedure

The presentation on Item No. 26 was waived.

The public hearing was opened, and there being no requests to speak, the public hearing was closed.

MOVED BY BENOIT, SECONDED BY BURKE, AGENDA ITEM NO. 26 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:



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

NOES: None

ABSENT: Perez

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

Al Sattler expressed concerns about the Board’s recent actions related to public health issues and advised against proceeding with MOUs.

Mr. Eder expressed support for complete and equitable total solar conversion. He added concern about inaccurate climate numbers used by CARB and the South Coast AQMD and the effects of climate change.

Diana, Sierra Club, expressed concerns about the Eastgate Air Cargo Logistics Center project in San Bernardino and the additional pollution that will result from air and truck traffic. She noted that the community of San Bernardino is already adversely impacted by air pollution and suffers from the health effects of pollution.

David Poster commented about the responsibility to maintain the highest level of public safety and noted concerns about following legal processes in public meetings.

Alex Wechselberget commented on the responsibility of state and local government to clean the air under the Clean Air Act. He noted that the Los Angeles, San Bernardino and Long Beach areas are rated as the worst areas for ozone pollution and noted the public risk associated with extreme levels of ground level ozone. He urged the Board to listen to the public testimony and take action to clean the air.

**CLOSED SESSION**

The Board recessed to closed session at 3:15 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. Aircraft Heat Treating Co., Inc. and Anaplex Corp., South Coast AQMD 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); Delaware District Court, Case No.: 19-00891 (Appellate Case); and

SCAQMD v. City of Moreno Valley, et al., Riverside County Superior Court, Case Nos. RIC 1511213 and RIC 1601988 (World Logistics Center); Center for Community Action and Environmental Justice, et al. v. City of Moreno Valley, et al., California Court of Appeal, Fourth District, Div. 2, Case No. E067200; Albert Paulek, et al v. City of Moreno Valley, et al, California Court of Appeal, Fourth District, Div. 2, Case No. E071184.

#### CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (one case).

Seek leave to file an amicus brief in Downwinders at Risk, et al. v. U.S. EPA, D.C. Circuit No. 19-1024 (2015 Ozone Implementation Rule Case).

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 3:35 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on September 6, 2019.

Respectfully Submitted,

Denise Garzaro, CMC  
Clerk of the Boards

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

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Dr. William A. Burke, Chairman

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**ACRONYMS**

AQMP = Air Quality Management Plan  
CARB = California Air Resources Board  
CEC = California Energy Commission  
CEQA = California Environmental Quality Act  
CERP = Community Emissions Reduction Plan  
CPUC = California Public Utilities Commission  
CSC = Community Steering Committee  
FY = Fiscal Year  
MHF = Modified Hydrofluoric Acid  
MOU = Memorandum of Understanding  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
PM2.5 = Particulate Matter  $\leq 2.5$  microns  
U.S. EPA = United States Environmental Protection Agency