

BOARD MEETING DATE: August 7, 2020

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the June 5, 2020 meeting.

RECOMMENDED ACTION:

Approve Minutes of the June 5, 2020 Board Meeting.

Faye Thomas  
Clerk of the Boards

FT:cmw

---

**FRIDAY, JUNE 5, 2020**

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted remotely via video conferencing and telephone. Members present:

William A. Burke, Ed.D., Chairman  
Speaker of the Assembly Appointee

Council Member Ben Benoit, Vice Chairman  
Cities of Riverside County

Supervisor Kathryn Barger  
County of Los Angeles

Supervisor Lisa A. Bartlett  
County of Orange

Council Member Joe Buscaino  
City of Los Angeles

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

Senator Vanessa Delgado (Ret.)  
Senate Rules Committee Appointee

Gideon Kracov  
Governor's Appointee

Mayor Larry McCallon  
Cities of San Bernardino County

Council Member Judith Mitchell  
Cities of Los Angeles County – Western Region

Supervisor V. Manuel Perez  
County of Riverside

Council Member Carlos Rodriguez (Left the meeting at 12:20 p.m.)  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

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

- Pledge of Allegiance: Led by Mayor McCallon
- Opening Comments

Mr. Nastri reported that 90 percent of South Coast AQMD staff have been telecommuting and there have been no cases of COVID-19 reported amongst the staff. The update on the budget and economic outlook will be presented later in the meeting.

Chairman Burke commented on racism, the recent civil unrest in the country, and his shared memories as a 10-year-old child witnessing a police officer beating a black pregnant woman. He expressed that everyone has the responsibility to make the world a better place and noted the strides that have been made over the years at South Coast AQMD to improve employee diversity and adoption of programs that protect disadvantaged communities and all citizens in the Basin. Several Board Members thanked Dr. Burke for his comments.

Supervisor Bartlett commented on the impact that COVID-19, homelessness and George Floyd's death have had on all communities, and that a new way of looking at things is needed to change society. She also mentioned the Governor's plan to reopen certain sectors of business.

Supervisor Rutherford commented on actions that the County of San Bernardino is taking to address the issue of racism, including a proposed Resolution declaring racism as a public health crisis.

Council Member Mitchell thanked Chairman Burke for his contributions to Environmental Justice efforts and air quality improvements in disadvantaged communities at the South Coast AQMD. She also stressed the importance of addressing and correcting systemic failures on social systems.

Council Member Benoit expressed his hope that we do better for future generations.

Council Member Rodriguez commented on the responsibility of public servants to make our communities a better place and speak out and take action against racism. He shared information about a peaceful protest at the Yorba Linda Town Center and urged the Board continue their work to address disparities in air pollution exposure.

Supervisor Perez acknowledged the good work that fellow Board Members are doing in their communities. He stressed the importance of recognizing that racism exists and shared actions the County of Riverside is taking to condemn racism and evaluate policing practices.

Supervisor Barger commented on her experiences serving with Mrs. Burke and former Los Angeles County Supervisor Mike Antonovich and how their leadership abilities impacted her career. She noted the importance of taking action so that the death of George Floyd is not in vain.

Chairman Burke noted the importance of revisiting the air quality initiatives from the last 20 years and strengthening them.

Mayor McCallon stated that it is his hope that peaceful protests and strong community support will result in change.

Council Member Buscaino shared reflections from the 1992 riots and his work as a LAPD officer. He commented on the importance of investments in programs that benefit disadvantaged communities.

Board Member Kracov commented on the importance of building on the progress made by South Coast AQMD.

Council Member Cacciotti thanked Board Members for the good work they are doing in their communities during such difficult times.

## **CONSENT CALENDAR**

1. Approve Minutes of May 1, 2020 Board Meeting
2. Set Public Hearing August 7, 2020 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations

Determine That Proposed Submission of Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice, For Inclusion into the SIP, Is Exempt from CEQA and Submit Rule 212 for Inclusion into the SIP

### **Budget/Fiscal Impact**

3. Execute Contract for Commercial Experience Demonstration of Heavy-Duty Electric Trucks
4. Amend Contract for Kore Infrastructure Project
5. Recognize Revenue and Reimburse General Fund for Administrative Costs for Enhanced Fleet Modernization Program

6. Recognize Revenue for Continued AB 617 Implementation
7. Authorize Purchase of Oracle PeopleSoft Software and Support
8. Approve Contract Modifications as Approved by MSRC and Approve Appropriation of Funds to Re-Open Contract as 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
13. Rule and Control Measure Forecast
14. Report of RFQs Scheduled for Release in June
15. Status Report on Major Ongoing and Upcoming Projects for Information Management

Council Member Mitchell noted that she has no financial interests in Item Nos. 5 and 6 but is required to identify for the record that she is a Board Member of CARB, which is involved in these items.

Supervisor Barger noted that she does not have a financial interest in Item No. 8 but is required to identify for the record that she is a Board Member of the Los Angeles County Metropolitan Transportation Authority which is involved in this Item.

Agenda Item No. 3 was withheld for comment and discussion.

Harvey Eder, Public Solar Power Coalition, expressed concerns about natural gas and global warming. He commented on recent protests and incidents of violence.

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

AYES: Barger, Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kracov, McCallon, Mitchell, Perez, Rodriguez and Rutherford

NOES: None

ABSENT: None

16. Items Deferred from Consent Calendar

(Supervisor Bartlett left the meeting at 9:45 a.m.)

3. Execute Contract for Commercial Experience Demonstration of Heavy-Duty Electric Trucks

Council Member Cacciotti expressed support for the project and inquired about the skid-mounted, transportable DC charging system for the trucks.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, responded that it is a portable DC fast-charging system the size of a refrigerator that can be moved to different fleet locations. He added that the transportable fast-charging infrastructure will help accelerate the deployment of heavy-duty electric trucks in the future.

(Supervisor Rutherford left the meeting 10:03 a.m.)

Ranji George, a member of the public, expressed concerns about battery electric vehicles and the lack of funding for hydrogen fuel-cell technology.

Mike Munoz expressed concerns about funding being awarded to companies that have violated labor laws, noting that NFI, a subcontractor for Daimler, is known to have violated labor laws. He asked that protections be added to contracts to ensure compliance with labor laws so that violators do not benefit from incentive funding.

Dr. Miyasato stated that language has been added to contracts to address labor law violation concerns and inspections are done every year to ensure compliance.

Supervisor Perez reiterated the need to address labor law violation concerns in contracts.

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEM 3 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Barger, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kracov, McCallon, Mitchell, Perez, and Rodriguez

NOES: None

ABSENT: Bartlett and Rutherford

(Supervisor Rutherford rejoined the meeting 10:10 a.m.)

### **BOARD CALENDAR**

17. Administrative Committee
18. Investment Oversight Committee
19. Legislative Committee
20. Stationary Source Committee
21. Technology Committee
22. Mobile Source Air Pollution Reduction Review Committee
23. California Air Resources Board Monthly Report

**Due to time constraints, CARB's meeting summary was not available, and therefore, Item 23 was pulled from consideration.**

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEMS 17 THROUGH 22, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE AND MSRC REPORTS, BY THE FOLLOWING VOTE:

AYES: Barger, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kracov, McCallon, Mitchell, Perez, Rodriguez and Rutherford

NOES: None

ABSENT: Bartlett

**Staff Presentation/Board Discussion**

24. Emission Reductions and Air Quality Impacts from COVID-19 Pandemic Response (*Presentation In Lieu of Board Letter*)

(Supervisor Bartlett rejoined the meeting 10:12 a.m.)

Dr. Scott Epstein gave the staff presentation on Item No. 24.

Chairman Burke asked if weather is the only factor impacting the decrease in air quality levels.

Dr. Epstein commented that the day-to-day variations in air quality are driven by weather, but emissions are the most important factor in achieving clean air standards.

Senator Delgado asked whether elevated ozone levels are directly related to VOCs in the atmosphere from cleaning products, as the COVID-19 crisis has increased the use of cleaning and disinfecting products.

Dr. Fine responded that VOC emissions are very uncertain at this time and there should be some reduction due to a decrease in light-duty vehicles on the road. However, due to COVID-19 there has been an increase in the use of household products to clean and sanitize. VOC emissions have a significant role in ozone production and consumer products are one of the largest sources of VOC in the Basin. Staff is looking at satellite data and ground-level measurements to assess changes in VOC emissions during this period.



In response to Mr. Nastri's request to explain the NO<sub>x</sub>/VOC ratio dependence for ozone formation and the overall strategy staff is employing to address this issue, Dr. Fine stated that the chemical reactions that form ozone are complex and depend not only on NO<sub>x</sub> and VOC levels but also on the ratio of VOC to NO<sub>x</sub> concentrations. Under certain conditions, ozone concentration increases despite the reduction in NO<sub>x</sub> emissions, indicating a NO<sub>x</sub> disbenefit, due to the dependence on the ratio. Reducing VOCs and NO<sub>x</sub> concurrently is needed to reduce high ozone levels. This disbenefit is expected to occur more in the springtime or late summer, which is typically not the period with the highest ozone concentrations, and mostly in areas of the Basin further to the west that typically do not experience the highest ozone levels. He added that NO<sub>x</sub> reductions are critical for attainment as air quality standards cannot be achieved with VOC reductions alone.

Mayor McCallon asked how the data compares to the modeling and whether there are any concerns with what is being seen compared to the model.

Dr. Epstein stated that there is some uncertainty regarding the VOC emissions in the Basin but the modeling suggests that a reduction in NO<sub>x</sub> while VOCs remain constant, or slightly reduced, may result in an increase in ozone, especially during May. There is no inconsistency with the modeling but staff is working to refine the emissions inventory and identify markers from VOC measurements to simulate the COVID-19 period.

Mayor McCallon inquired about what caused the higher ozone levels in the west side of the Basin.

Dr. Epstein stated that ozone levels on the western side are higher than typical but are consistent with the modeling. This is expected when there is a decrease in NO<sub>x</sub> emissions but VOCs are relatively constant. However, a more recent ozone episode resulted in spatial trends that were similar to episodes in past years, which is expected as emissions are beginning to return to normal levels.

Council Member Rodriguez asked whether there is a correlation between the reduction in traffic and decrease in NO<sub>x</sub> emissions during the COVID-19 pandemic response. He also asked if the decrease in vehicle activity on the freeways is contributing to the reduction in NO<sub>x</sub> emissions.

Dr. Epstein presented emissions inventory data showing the contribution of NO<sub>x</sub> concentrations by source category. He noted that some media outlets emphasized the link between the decrease in light-duty vehicle traffic on the freeways and the reduction in air pollution levels early in the COVID-19 crisis; however, light-duty vehicles are only responsible for five percent of the NO<sub>x</sub> emissions with on-road heavy-duty trucks contributing 35 percent.

Council Member Rodriguez noted that state legislative policies are moving towards reducing vehicle travel and inquired whether the decrease in total NOx emissions was anticipated, given the large decrease in vehicle activity.

Dr. Epstein stated that changes in activities in certain sectors (on-road vehicles, aircraft, and ocean-going vessels), can be estimated; however, the impact of the COVID-19 response on other emission sources is still uncertain. Staff is collecting additional data and working with CARB to determine the emission changes in all of the sectors that emit NOx and will quantify the results to get a better understanding if the reduction in NOx emissions is consistent with the inventory.

Council Member Cacciotti requested additional examples of large sources of VOC emissions. Dr. Epstein presented information on the types of sources that impact VOC emissions and noted that VOC emissions are mostly driven by consumer products and off-road sources such as lawn and garden equipment.

Council Member Cacciotti noted that as the economy reopens, more disinfectants will be used for sanitizing businesses, restaurants, and homes. He recommended that staff increase public outreach and provide educational materials about the adverse health effects of household cleaners and safer products to use.

Mr. Nastri commented on U.S. EPA's list of low VOC-containing consumer products for cleaning. He added that information would also be posted on South Coast AQMD's website.

Chris Chavez, Coalition for Clean Air (CCA), expressed concern that emission levels will increase once economic activities resume and that will add to the challenge of meeting national air quality standards. CCA supports incentive programs and recognizes their role in reducing emissions but the latest quarterly cap and trade auction that helps fund incentive programs generated significantly less revenue. He stressed the need for stronger rules, enforcement and other strategies to counter the increasing reliance on automobiles. He expressed concern that air pollution contributes to respiratory illnesses, increasing the risk of becoming ill during a virus outbreak. He expressed support for engaging with the public to regulate household cleaners that are contributing to VOC emissions as well as addressing environmental racism that disproportionately impacts communities of color and low-income communities. (Submitted Written Comments)

Chairman Burke noted that CARB has been discussing the issue of VOC emissions from household products for many years and it is time to do something.

Emily Warren Spokes, Northeast LA (NELA) Climate Collective, expressed concern about NOx levels and suggested instituting alternative driving days for both cars and trucks to reduce these levels. She also expressed concern about VOC emissions from household products and emissions from gasoline-powered lawn and garden care equipment.

Jessica Craven, NELA Climate Collective, expressed concerns about the recent events surrounding the death of George Floyd. She noted that unhealthy air has returned and urged for more innovative solutions to clean the air, especially in disadvantaged communities that suffer disproportionately from poor air quality. She suggested stronger public information campaigns to inform the public about the emissions created by gasoline-powered lawn and garden equipment.

Andrea Vidaurre, Center for Community Action and Environmental Justice (CCAIEJ), expressed concerns regarding increased emissions from trucks and pollution in the Inland Empire. She urged the Board to take stronger action to clean the air in communities that suffer disproportionately from the effects of pollution. She added that poor land use decisions have resulted in a heavy concentration of warehouses in environmental justice communities.

Denise Grab, Rocky Mountain Institute, thanked the South Coast AQMD for the work they are doing but expressed that more needs to be done to clean the air. She inquired if there has been an analysis of emission levels from gas appliances in buildings, especially since individuals are spending more time at home because of the COVID-19 pandemic and are using gas appliances more frequently. She noted that on a typical day indoor NOx emissions are higher than NOx emissions from light-duty vehicles.

(Supervisor Perez left the meeting 11:02 a.m.)

Elease Stemp, NELA Climate Collective, thanked the Board for their continued efforts to clean the air. She expressed support for climate and racial justice, noting that communities of color are disproportionately impacted by climate change and pollution.

Carlo, a public member, expressed concerns about air quality in the Inland Empire due to increased truck traffic and urged support for a warehouse Indirect Source Rule (ISR) and zero emission technologies. He expressed concern about the health effects from pollution in environmental justice communities and the connection to COVID-19.

Chairman Burke asked for an update on the warehouse ISR.

Mr. Nastri commented on the complexities of an ISR for warehouses and efforts on the development of the Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. He noted the challenge for South Coast AQMD in

adopting ISR regulations because CARB and U.S. EPA have primary authority over mobile sources and added that staff is seeking additional incentive funding to support and accelerate implementation of zero and near-zero emission technologies.

Board Member Kracov asked if the Board had authority to adopt ISRs.

Mr. Nastri responded that the Board has the authority granted under the federal Clean Air Act and state law.

Mr. Eder expressed concerns about NOx emissions from heavy-duty trucks, climate change and underreported numbers for pollutants. He urged the use of solar power.

Mr. George commented on the increase of warehouses in the Inland Empire, employment and product distribution costs.

RECEIVE AND FILE; NO ACTION NECESSARY

25. Budget and Economic Outlook Update (*Presentation In Lieu of Board Letter*)

Jill Whynot, Chief Operating Officer, gave the staff presentation on Item No. 25.

Chairman Burke requested that staff compare permitting statistics for the same time period and provide data on actual permits that have expired in future presentations.

Council Member Rodriguez suggested a future discussion to consider extending the grace period for permit fees beyond 12 months to reinstate in light of COVID-19.

Ms. Whynot stated that in addition to the 12-month period to submit permitting fees, staff reaches out to companies to notify them about their fee payment deadline as well as payment options.

Chairman Burke directed staff to bring this item to the Administrative Committee for discussion.

Council Member Cacciotti expressed concern about the high vacancy rate in the Legal department and asked what positions are vacant. He suggested making an exception to the hiring freeze and filling some of the vacancies in that department.

Bayron Gilchrist, General Counsel, provided a breakdown of the positions that are vacant in the Legal department, noting that 20 percent of the vacancies are attorneys.

Chairman Burke directed staff to report to the Administrative Committee on possible solutions to the Legal department vacancies. He also noted the low vacancy rate in Administrative Services & Human Resources and requested that staff provide a detailed explanation.

Ms. Whynot noted retirements as a factor affecting the vacancy rate in some departments and that Administrative Services & Human Resources includes support services to employees as well as the maintenance and operations of the South Coast AQMD facility.

Mr. George suggested that the South Coast AQMD consider rehiring retired employees to work part-time, given staffing constraints.

Mr. Eder expressed concern about high vacancy rates and suggested that South Coast AQMD hire additional staff or consider staggering work schedules to cover six days a week. He commented on George Floyd's death and the events following his death. He expressed concerns about climate change and the underreported numbers of premature deaths linked to pollution and the connection to COVID-19.

RECEIVE AND FILE; NO ACTION NECESSARY

## **PUBLIC HEARINGS**

26. Determine That Proposed Amendments to Rule 445 – Wood-Burning Devices, Are Exempt from CEQA and Amend Rule 445  
*(This item was continued from the May 1, 2020 Board Meeting).*

Tracy Goss, Planning and Rules Manager, gave the staff presentation on Item No. 26.

The public hearing was opened, and there being no requests from the public to comment on this item, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 26 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-8 DETERMINING THAT PROPOSED AMENDED RULE 445 – WOOD-BURNING DEVICES, IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 445 – WOOD – BURNING DEVICES, BY THE FOLLOWING VOTE:

AYES: Barger, Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kracov, McCallon, Mitchell, Rodriguez and Rutherford

NOES: None

ABSENT: Perez

27. Determine That Proposed Amendments to Rule 1117 – Emissions from Container Glass Melting and Sodium Silicate Furnaces, Are Exempt from CEQA and Amend Rule 1117

Board Member Kracov recused himself from Item No. 27 and left the meeting during the discussion of this item.

(Supervisor Perez rejoined the meeting at 11:55 a.m.)

Michael Morris, Planning and Rules Manager, gave the staff presentation on Item No. 27.

The public hearing was opened, and the following individuals addressed the Board on Item 27.

Mike Carroll, Latham and Watkins on behalf of Owens Brockway Glass Container Inc., stated that Owens is one of the two facilities subject to Proposed Amended Rule 1117 and is the only glass melting facility. Owens is not opposed to the proposed amendments and will be able to achieve the very stringent NOx standard. Mr. Carroll noted that the NOx emission limit is far more stringent than what can be achieved at a typical, well controlled glass melting facility; however, Owens uses two emission control strategies to reduce NOx emissions and other pollutants. The combination of these two emission control strategies are unprecedented and represents the lowest emissions of any container glass melting facility in the nation. The decision to implement these emissions control strategies was made in part because of the economic incentives provided through the NOx

RECLAIM program, which allowed for the sale of unused RECLAIM Trading Credits (RTCs) to recover a portion of their investment and operating costs. It would be cost prohibitive to install both strategies outside of RECLAIM, and Mr. Carroll believes that the costs to implement both technologies greatly exceeds the estimate staff used in the cost-effectiveness analysis. He commented that the NOx emission limit should not be viewed as a precedent for other jurisdictions because these controls were installed in a market-based program and the furnaces are uniquely controlled. (Submitted Written Comments)

Supervisor Rutherford requested that staff respond to Mr. Carroll's concerns and written comments as she sees a common theme where facilities want to take steps to do better; however, certain rule requirements can create an impediment for facilities to move forward, leaving emissions in the air. She stated that emissions could be reduced quicker if facilities were provided with more flexibility to address these issues.

Mr. Nastri replied that the South Coast AQMD rules are often replicated in other air districts and that cost-effectiveness is a consideration in the BARCT determination. Even if a control technology is not cost-effective for one facility it may not be the same for another facility. He explained that the issues that Supervisor Rutherford is referencing are probably more related to New Source Review and the installation of more stringent BACT requirements and offsetting. Mr. Nastri explained that New Source Review is a complex program that must meet strict federal requirements and the agency is continuing to work through these issues. Mr. Nastri also commented that staff has been providing in-depth discussions of New Source Review at Stationary Source Committee meetings.

Mr. Eder commented that 40 percent of fossil fuel profits are connected to the production of plastics and expressed support for glass products. He expressed concerns about climate change, the arctic melting, and the need for solar power.

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

Written Comments Submitted by:

Richard M. Tomicek, Ardagh Glass Inc.

Adriano L. Martinez, Earthjustice

Jane Williams, California Communities Against Toxics

Andrea Vidaurre, CCAEJ

Julia May, Communities for a Better Environment

Taylor Thomas, East Yard Communities for Environmental Justice

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEM NO. 27 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-9 DETERMINING THAT THE PROPOSED AMENDED RULE 1117 – EMISSIONS FROM CONTAINER GLASS MELTING AND SODIUM SILICATE FURNACES, IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 1117 – EMISSIONS FROM CONTAINER GLASS MELTING AND SODIUM SILICATE FURNACES, BY THE FOLLOWING VOTE:

AYES: Barger, Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, McCallon, Mitchell, Perez, Rodriguez and Rutherford

NOES: None

ABSTAIN: Kracov

ABSENT: None

28. Determine That Reasonably Available Control Technology (RACT) Demonstration and Emissions Statement Certification for 2015 8-Hour Ozone Standard Are Exempt from CEQA and Approve RACT Demonstration and Emissions Statement Certification

Staff waived the presentation on Item No. 28.

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

Mr. Chavez stated that the Coalition for Clean Air does not oppose staffs' commitment to amend Rule 1115 - Motor Vehicle Assembly Line Coating Operations, to meet the Control Technique Guidelines (CTG) requirements; however, certain CTGs were last updated in 1975 and may not reflect the best available science or most effective pollution control methods. He requested that staff pursue control measures beyond the minimum Reasonably Available Control Technology (RACT) levels. He also urged staff to support low-emission technologies, such as Ultraviolet/Electron Beam (UV/EB) cured coatings, and the elimination of most solvents used in conventional coatings processes that would lower VOC emissions and help reduce pollutants that contribute to poor air quality in the Basin. (Submitted Written Comments)



Rita Loof, RadTech International, conveyed her opposition to the RACT demonstration. She expressed concern that U.S. EPA's CTGs have not been updated since the 1970s and do not reflect current methods and standards. Ms. Loof requested that staff not wait until the 2022 AQMP development process to evaluate UV/EB/Light Emitting Diode (UV/EB/LED) as a compliance application option to meet RACT. She also requested that the RACT demonstration be postponed for 1-2 months to allow for additional time to consider UV/EB processes as an alternative option for selected VOC emission categories for the RACT level of control.

(Council Member Rodriguez left the meeting at 12:20 p.m.)

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources, clarified that the RACT demonstration is to review South Coast AQMD existing rules in comparison to U.S. EPA's CTG and rules adopted by other air districts to determine if South Coast AQMD rules meet RACT requirements; it is not an analysis of new control technologies. Staff is in favor of UV/EB/LED technology; however, the RACT demonstration is not the appropriate place to require a RACT requirement. Dr. Fine stated that all feasible control technologies that go above and beyond RACT to meet air quality attainment goals will be evaluated as part of the AQMP development process. If UV/EB technology was a RACT requirement, areas in the country designated as extreme or serious nonattainment would have to require UV/EB technology and there could be issues with cost effectiveness that requires a full analysis.

Mr. Nastri noted that a letter would be sent to U.S. EPA to request that they consider revising the CTGs, as recommended by Council Member Benoit at the Stationary Source Committee Meeting.

Lisa Fine, Ink Systems, Inc.  
Esteban Marin, Heraeus Noblelight American, LLC  
Douglas DeLong, DDU Enterprises  
Jennifer Heathcoat, GEW, Inc.  
Erik Swenson, Nichia America Corporation

Expressed support for UV/EB/LED technology to be considered in the RACT demonstration and not postpone the analysis until the 2022 AQMP development process. Noted that the technology produces low VOC emissions which supports the clean air mission. Requested that the guidelines and studies be based on the available recent data and not based on outdated U.S. EPA guidelines.

Mr. Eder, Public Solar Power Coalition, commented that U.S. EPA's outdated CTGs and Alternative Control Techniques need to be re-evaluated and requested that solar be evaluated as BARCT. Expressed support for complete and equitable solar conversion due to its cost effectiveness.

Council Member Benoit asked staff to clarify the purpose of the RACT demonstration and whether it is a procedural requirement to comply with established U.S. EPA guidelines.

Mr. Nastri commented that the analyses concluded that the South Coast AQMD rules meet the minimum federal RACT requirements and are equivalent to or more stringent than other air districts' rules and regulations. He noted that UV/EB technologies are already in use in the South Coast Basin and their use is encouraged. He stated that the demonstration cannot be postponed because the RACT SIP must be submitted in time for CARB to forward it to U.S. EPA by the August 3, 2020 deadline.

Dr. Fine clarified that the Clean Air Act would require that UV/EB be mandated if the technology is determined to be RACT, leading to implications for other industries; therefore, staff needs more time to conduct a comprehensive analysis. He noted that the use of UV/EB technology is currently allowed in the South Coast Air Basin, but staff will conduct a full analysis during the 2022 AQMP control measure development and, if feasible, will bring rules to the Board for consideration to require this technology in certain applications.

Board Member Kracov noted Council Member Benoit's request at the Stationary Source Committee for staff to transmit a letter to U.S. EPA.

Dr. Fine stated that the letter would request that U.S. EPA consider updating CTGs and evaluating UV/EB/LED coating technologies.

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

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEM NO. 28 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-10 DETERMINING THAT THE REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) DEMONSTRATION AND EMISSIONS STATEMENT CERTIFICATION FOR THE 2015 8-HOUR OZONE STANDARD ARE EXEMPT FROM THE REQUIREMENTS OF CEQA AND APPROVING THE RACT DEMONSTRATION AND EMISSIONS STATEMENT CERTIFICATION FOR THE 2015 8-HOUR OZONE STANDARD, DIRECTING STAFF TO FORWARD TO CALIFORNIA AIR RESOURCES BOARD (CARB) FOR APPROVAL AND SUBMISSION TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA) FOR INCLUSION IN THE STATE IMPLEMENTATION PLAN (SIP) AND DIRECTING STAFF TO SUBMIT A LETTER TO U.S. EPA REQUESTING A REVIEW AND UPDATE TO THE CONTROL TECHNIQUE GUIDELINES DOCUMENTS, BY THE FOLLOWING VOTE:

AYES: Barger, Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kracov, McCallon, Mitchell, Perez and Rutherford

NOES: None

ABSENT: Rodriguez

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

Laura Santos, Mt. San Antonio College Board of Trustees  
Rebecca Overmyer-Velazquez, Clean Air Coalition of North Whittier and Avocado Heights  
Adriana Quinones  
Rene Jimenez  
Joan Licari

Andrea Gordon  
Marilyn Kamimura, Clean Air Coalition of North Whittier and Avocado Heights  
Luis Cabellos  
Maria Espero, Clean Air Coalition of North Whittier and Avocado Heights  
Duncan McKee  
Karen Worman

Expressed concerns about the Quemetco settlement, operating violations, proposed expansion plans, and health and safety impacts and risks affecting the surrounding community. Shared information from the Los Angeles County Health Department regarding precautions that should be taken by residents living near the facility. Urged the closure of the facility.

Chairman Burke asked if the settlement included approval for expansion of the facility.

Mr. Gilchrist responded that the settlement was related to violations and did not provide for the expansion or any change to the throughput at the facility.

Ms. Whynot explained that Quemetco had submitted a permit to expand operations; however, no action has been taken, and review of their plan is a long process and will include public notification and participation. There is also a Department of Toxic Substances Control (DTSC) process currently underway for the renewal of the facility's current operating permit and the draft permit is expected in the summer with final action on the permit expected by the end of the year. The violations are related to DTSC requirements and the South Coast AQMD is working closely with DTSC. Ms. Whynot indicated that she would contact Ms. Santos to discuss her concerns and provide information on participating in the public process.

Chairman Burke asked for information about the handling of settlement agreements and directed staff to bring this item to the Administration Committee for discussion.

Mr. George expressed concerns regarding battery recycling and the future needs associated with increased demand for electric vehicles. He urged support for hydrogen fuel-cell technology.

Written Comments Submitted by:  
Kristy Pace

Mr. Eder shared information about pneumonia and COVID-19 and expressed support for pneumonia vaccines. He commented on several books by economists and climate change.

## **CLOSED SESSION**

The Board recessed to closed session at 1:35 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 SCAQMD is a party. The actions are:

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); United States Court of Appeals, Third Circuit, Case No. 20-1858;

In re: Exide Holdings Inc., U.S. Bankruptcy Court, District of Delaware, Case No. 20-11157 (CSS) (Bankruptcy Case); and

In the Matter of SCAQMD v. Southern California Gas Company, Aliso Canyon Storage Facility, SCAQMD Hearing Board Case No. 137-76 (Order for Abatement); People of the State of California, ex rel SCAQMD v. Southern California Gas Company, Los Angeles Superior Court Case No. BC608322; Judicial Council Coordinated Proceeding No. 4861.

Following closed session, Bayron Gilchrist, General Counsel, announced that no reportable actions were taken in closed session.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Mr. Gilchrist at 1:50 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on June 5, 2020.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

\_\_\_\_\_  
Dr. William A. Burke, Chairman

**ACRONYMS**

AQMP = Air Quality Management Plan  
BACT = Best Available Control Technology  
BARCT = Best Available Retrofit Control Technology  
CARB = California Air Resources Board  
CEQA = California Environmental Quality Act  
CTGS = Control Techniques Guidelines  
DTSC = Department of Toxics Substances Control  
FY = Fiscal Year  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
NOx = Oxides of Nitrogen  
PM = Particulate Matter  
RACT = Reasonably Available Control Technology  
RECLAIM = Regional Clean Air Incentives Market  
RFQ = Request for Quotations  
SIP = State Implementation Plan  
U.S. EPA = United States Environmental Protection Agency  
VOC = Volatile Organic Compound