

BOARD MEETING DATE: February 7, 2020

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the January 10, 2020 meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the January 10, 2020 Board Meeting.

Faye Thomas  
Clerk of the Boards

FT:cmw

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**FRIDAY, JANUARY 10, 2020**

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 Kathryn Barger  
County of Los Angeles

Supervisor Lisa A. Bartlett  
County of Orange

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

Senator Vanessa Delgado (Ret.)  
Senate Rules Committee Appointee

Council Member 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

Members absent:

Council Member Joe Buscaino  
City of Los Angeles

Mayor Larry McCallon  
Cities of San Bernardino County

Vacant: Governor's Appointee

**CALL TO ORDER:** Chairman Burke called the meeting to order at 9:05 a.m.

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

Council Member Benoit announced that he toured the Kore Infrastructure project in Los Angeles and displayed photos from the tour. He commented on the progress that is being made in the production of renewable energy from organic waste. He added that he also visited Southern California Edison's generating facility on Catalina Island and noted that diesel fuel is transported by barge to the island weekly to operate the diesel-fueled generators that provide electricity to the island. He commented that Edison is exploring other alternatives for power but land use restrictions may not allow for the replacement of their diesel engines.

Senator Delgado expressed concern regarding odors from rendering facilities in East Los Angeles and asked for the Board's support in sending Rule 415 - Odors from Rendering Facilities, back to the Stationary Source Committee to determine if more can be done to reduce odors. She commented that residents in environmental justice communities often do not call to report odor problems because they do not have contact information or do not want to call a government agency.

Mr. Nastri responded that Rule 415 had recently been amended to include better odor control requirements for rendering facilities, and that not all controls are in place yet. He added that part of the AB 617 community outreach includes reaching out to community representatives and conducting community meetings to distribute information and raise awareness within environmental justice communities. He noted that the first AB 617 community meeting in Huntington Park was well attended and commented on staff's outreach efforts through social media to increase coordination and communication with the community.

Senator Delgado expressed appreciation to staff for their responsiveness to complaints and commented that she is willing to work with staff on reviewing Rule 415 and improving communication in environmental justice communities.

Council Member Mitchell provided an update on AB 617 efforts and noted that two new communities within the South Coast AQMD had been approved (Coachella Valley and South East Los Angeles.) She added that CARB is reviewing Community Emission Reduction Plans and Community Air Monitoring Plans, and conducting meetings in AB 617 communities.

Council Member Cacciotti announced that he recently presented an overview of incentive programs for commercial electric lawn equipment at the City of Industry City Council meeting and displayed photos from the meeting. He also noted that Mr. Nastri presented at the Los Angeles League of California Cities on SB 732 (Allen), the Voting District Authorization for Clean Air bill.

Mr. Nastri announced that a technology demonstration forum would take place in the parking lot after today's Board meeting, highlighting some of the zero and near-zero emission projects approved by the Board.

Jill Whynot, Chief Operating Officer, announced the selection of Faye Thomas as the new Clerk of the Boards.

- Swearing in of Reappointed Board Member Larry McCallon

Chairman Burke announced that due to Mayor McCallon's absence he would be sworn in at the February Board meeting.

- Swearing in of Chair and Vice Chair for Terms January 2020 – January 2022

Council Member Mitchell administered the oath of office to Chairman Burke and Vice Chairman Benoit for terms ending January 15, 2022.

Chairman Burke presented an award to Council Member Robinson in recognition of four years of dedicated service to the South Coast AQMD and noted the air quality accomplishments that have been made during his tenure on the Board. Council Member Robinson expressed appreciation for the opportunity to serve on the South Coast AQMD Board.

Supervisor Rutherford presented a certificate of appreciation to Council Member Robinson from the San Bernardino County Board of Supervisors recognizing his years of service on the South Coast AQMD Board.

Council Member Mitchell and Supervisor Bartlett thanked Council Member Robinson for his years of service to the South Coast AQMD and the Board.

## **CONSENT CALENDAR**

1. Approve Minutes of December 6, 2019 Board Meeting
2. Set Public Hearing February 7, 2020 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations

Determine That Proposed Amendments to Rule 1107 – Coating of Metal Parts and Products, Are Exempt from CEQA and Amend Rule 1107

### **Budget/Fiscal Impact**

3. Amend Contract for Kore Infrastructure Project

4. Reallocate and Appropriate Funds and Execute Purchase Orders for Air Monitoring Programs
5. Approve Transfer of Monies from Health Effects Research Fund to Health Effects of Air Pollution Foundation
6. Approve Transfer of Monies from General Fund to Health Effects Research Fund
7. Revise Procurement Policy and Procedure

**Items 8 through 14 – Information Only/Receive and File**

8. Legislative, Public Affairs and Media Report
9. Hearing Board Report
10. Civil Filings and Civil Penalties Report
11. Lead Agency Projects and Environmental Documents Received
12. Rule and Control Measure Forecast
13. Report of RFPs/RFQs Scheduled for Release in January
14. Status Report on Major Ongoing and Upcoming Projects for Information Management

Due to a number of requests to speak and Board member questions on Consent and Board Calendar items 1 through 17, the vote on the Consent and Board Calendar items was deferred until after public comments and Board member questions.

15. Items Deferred from Consent Calendar
  1. Approve Minutes of December 6, 2019 Board Meeting

2. Set Public Hearing February 7, 2020 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations

Determine That Proposed Amendments to Rule 1107 – Coating of Metal Parts and Products, Are Exempt from CEQA and Amend Rule 1107

Rita Loof, Radtech International, commented that she has been working with staff on a test method to measure VOC content for low VOC products. Radtech is hopeful that the amendments to Rule 1107 will resolve the challenging issue of measuring low VOC materials for energy curable coatings content for these products. She expressed appreciation to the Board for their support.

Jessica Craven, North East Los Angeles (NELA) Climate Collective, expressed concerns about poor air quality in Los Angeles and that children cannot play outside on many days because of unhealthy pollution. She also expressed appreciation to the Board for their efforts to clean the air and stressed the urgency to take greater measures to reduce pollution.

3. Amend Contract for Kore Infrastructure Project

Council Member Mitchell inquired about the land use agreement for the Kore project noting that SoCalGas had agreed to extend the term to the end of 2020. She inquired about the future of the project beyond 2020.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, noted that the technology shows promise in producing synthetic gas and hydrogen from feedstock and organic materials that could be put back into a pipe line. Negotiations are underway to either make the site permanent or find an alternative site. SoCalGas is exploring the true commercial potential for the technology before making any further investments.

Council Member Mitchell noted the importance of the production of hydrogen for fuel cell vehicles and to support the development of fueling infrastructure.

Dr. Miyasato noted that the largest production of hydrogen is from steam methane reformation that uses a high temperature process to convert methane to syngas. The Kore project uses different types of organic resources that would typically be thrown away to develop renewable energy.

Chairman Burke commented on the potential of generating fuel from different types of waste and the private investments that have already been made to support the project.

4. Reallocate and Appropriate Funds and Execute Purchase Orders for Air Monitoring Programs
5. Approve Transfer of Monies from Health Effects Research Fund to Health Effects of Air Pollution Foundation
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7. Revise Procurement Policy and Procedure

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Harvey Eder, Public Solar Power Coalition, requested to speak on items 1 through 14 and 16 and 17. He expressed concerns about climate change and described a book that supports a Green New Deal. He suggested that the Board consider placing an item on the agenda to discuss an article in the September issue of National Geographic titled the “Arctic is Melting.”

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEMS 1 THROUGH 14 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino and McCallon

### **BOARD CALENDAR**

16. Administrative Committee

17. California Air Resources Board Monthly Report

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEMS 16 and 17, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE AND CARB REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino and McCallon

### **PUBLIC HEARINGS**

18. Determine That Proposed Amendments to Rule 102 – Definition of Terms, Are Exempt from CEQA and Amend Rule 102

The presentation on Item No. 18 was waived.

The public hearing was opened, and the following individual addressed the Board on Items 18 and 19.



Mr. Eder commented that solar powered technologies should be considered BARCT and noted support for solar co-ops and the Green New Deal. He noted opposition to the use of bio-fuels because of concerns related to exposure to drug resistant antibiotics.

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

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 18 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-1 DETERMINING THAT THE PROPOSED AMENDED RULE 102 – DEFINITION OF TERMS IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 102 – DEFINITION OF TERMS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino and McCallon

19. Determine That Proposed Amendment to Rule 1100 – Implementation Schedule for NO<sub>x</sub> Facilities Is Exempt from CEQA and Amend Rule 1100

The presentation on Item No. 19 was waived.

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

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 19 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-2 DETERMINING THAT THE PROPOSED AMENDED RULE 1100 – IMPLEMENTATION SCHEDULE FOR NO<sub>x</sub> FACILITIES IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 1100 – IMPLEMENTATION SCHEDULE FOR NO<sub>x</sub> FACILITIES, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino and McCallon

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

Matthew Holder expressed appreciation to Council Member Robinson for the opportunity to serve as his Board Consultant and commented on his character and integrity as a leader.

Council Member Robinson introduced Council Member Carlos Rodriguez who was recently appointed to replace him on the Board.

Mr. Eder expressed concerns regarding the challenges in reducing CO2 levels worldwide. He commented on pollution from ocean-going vessels and trucks servicing the Ports and premature deaths from diesel pollution. He also commented on the issues of homelessness and housing vouchers.

Emily Spokes, NELA Climate Collective, expressed concerns about climate and expressed appreciation to the Board for their efforts to improve air quality. She shared efforts that she has taken to reduce emissions. She commented on the cost impacts on local gardeners to replace their equipment and expressed the need for larger incentives to encourage the replacement of gasoline powered equipment.

Council Member Cacciotti shared information on South Coast AQMD's incentive programs for electric lawn and garden equipment and noted the cost and health benefits of replacing gasoline powered equipment.

**CLOSED SESSION**

Mr. Eder expressed support for tree planting programs in parks and statewide low-income solar equity programs. He expressed concerns related to the use of natural gas and discrepancies in the numbers reported for methane and CO2.

The Board recessed to closed session at 10:20 a.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:

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

CalPortland Company v. South Coast Air Quality Management District; Governing Board of the South Coast Air Quality Management District; and Wayne Natri, Executive Officer, and Does 1-100, San Bernardino County Superior Court, Case No. CIV DS 19258941.

#### CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (five cases).

Following closed session, Bayron Gilchrist, General Counsel, announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board's office and made available to the public upon request.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Mr. Gilchrist at 11:10 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on January 10, 2020.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

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Dr. William A. Burke, Chairman

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**ACRONYMS**

BARCT = Best Available Retrofit Control Technology  
CARB = California Air Resources Board  
CEQA = California Environmental Quality Act  
CO2 = Carbon Dioxide  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
NOx = Oxides of Nitrogen  
RFP = Request for Proposals  
RFQ = Request for Qualification  
VOC = Volatile Organic Compound