



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

A G E N D A

MEETING, FEBRUARY 7, 2020

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 AM, in the Auditorium at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California.

Questions About an Agenda Item

- The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.
- In preparation for the meeting, you are encouraged to obtain whatever clarifying information may be needed to allow the Board to move expeditiously in its deliberations.

Meeting Procedures

- The public meeting of the South Coast AQMD Governing Board begins at 9:00 a.m. The Governing Board generally will consider items in the order listed on the agenda. However, any item may be considered in any order.
- After taking action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

Questions About Progress of the Meeting

- During the meeting, the public may call the Clerk of the Board's Office at (909) 396-2500 for the number of the agenda item the Board is currently discussing.

The agenda and documents in the agenda packet will be made available upon request in appropriate alternative formats to assist persons with a disability. Disability-related accommodations will also be made available to allow participation in the Board meeting. Any accommodations must be requested as soon as practicable. Requests will be accommodated to the extent feasible. Please telephone the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m. Tuesday through Friday.

All documents (i) constituting non-exempt public records, (ii) relating to an item on the agenda, and (iii) having been distributed to at least a majority of the Governing Board after the agenda is posted, are available prior to the meeting for public review at the South Coast Air Quality Management District Clerk of the Board's Office, 21865 Copley Drive, Diamond Bar, CA 91765.

A webcast of the meeting is available for viewing at:

<http://www.aqmd.gov/home/news-events/webcast>

Cleaning the air that we breathe...

CALL TO ORDER

- Pledge of Allegiance
- Opening Comments: William A. Burke, Ed.D., Chair
Other Board Members
Wayne Nastri, Executive Officer
- Swearing in of Reappointed Board Member Larry McCallon **Burke**
- Swearing in of Newly Appointed Board Member Carlos Rodriguez **Burke**

Staff/Phone (909) 396-

CONSENT CALENDAR (Items 1 through 14)

Note: Consent Calendar items held for discussion will be moved to Item No. 15

1. Approve Minutes of January 10, 2020 Board Meeting **Thomas/2500**

Budget/Fiscal Impact

2. Amend and Execute Contracts to Perform Data Collection of Zero Emissions Heavy-Duty Infrastructure and Other Equipment **Miyasato/3249**

In November 2018, the Board approved an award of \$44,839,686 for the Volvo Low Impact Green Heavy Transport Solutions (LIGHTS) project. The Board also approved a \$1,096,658 contract with University of California Riverside (UCR) CE-CERT to perform data collection, analysis and reporting for the Volvo LIGHTS project. UCR had planned to subcontract data collection for infrastructure and other equipment to CALSTART, Inc., but it was subsequently determined that UCR's business services group is unable to subcontract services. These actions are to amend a contract with UCR CE-CERT reducing the amount to \$836,258 and to execute a contract with CALSTART, Inc., in an amount not to exceed \$260,400 from the GHG Reduction Projects Special Revenue Fund (67) for data collection, analysis and reporting for the Volvo LIGHTS project. (Reviewed: Technology Committee, January 24, 2020; Recommended for Approval)

3. **Renew South Coast AQMD's Membership in CaFCP for Calendar Year 2020 and Receive and File California Fuel Cell Partnership Executive Board Meeting Agenda and Activity Updates** **Miyasato/3249**

The South Coast AQMD has been a member of the California Fuel Cell Partnership (CaFCP) since 2000. These actions are to renew South Coast AQMD's membership in the CaFCP in an amount not to exceed \$70,000 for Calendar Year 2020 and cofund a portion of the CaFCP Regional Coordinator position and infrastructure development staff activities in an amount not to exceed \$50,000 from the Clean Fuels Program Fund (31). This action is to also receive and file the CaFCP Executive Board Meeting Agenda for October 16, 2019, and Activity Updates for the second and third quarters of 2019. (Reviewed: Technology Committee, January 24, 2020; Recommended for Approval)
4. **Recognize Revenue, Transfer and Appropriate Funds, Approve Positions, Issue Solicitations and Purchase Orders, and Execute Contracts and Agreements for Mid-Year Budget Adjustments** **Jain/2804**

South Coast AQMD is expected to receive up to \$20 million for AB 617 continued implementation. Additional resources of \$3,061,582 are needed in the FY 2019-20 Budget to enable the implementation of critical projects and programs. These actions are to: 1) Recognize revenue up to \$20 million for AB 617 implementation into the General Fund; 2) Appropriate \$3,061,582 from the General Fund Undesignated (Unassigned) Fund Balance into the FY 2019-20 and/or FY 2020-21 General Fund Budget for several key projects; 3) Transfer \$1,000,000 from the General Fund Undesignated (Unassigned) Fund Balance to the Infrastructure Improvement Fund (02); 4) Transfer up to \$30,794 from the AB 134 Community Air Protection Fund (77) into the FY 2019-20 General Fund Budget for administrative costs; 5) Approve the addition of positions from the General Fund; and 6) Issue solicitations and purchase orders and execute contracts and agreements for Mid-Year Budget Adjustments. (Reviewed: Administrative Committee, January 17, 2020, Recommended for Approval)
5. **Establish List of Prequalified Vendors to Provide Computer, Network, Printer, Hardware and Software, and Audio Visual Equipment** **Moskowitz/3329**

On November 1, 2019, the Board approved the release of an RFQQ to prequalify vendors for computer, network, printer, hardware and software and audio visual equipment. As a result of successful responses to this RFQQ, eight vendors were identified as capable of providing these products. This action is to approve these eight vendors to provide these products for a two-year period. Funds (\$300,000) for these purchases are included in Information Management FY 2019-20 Budget. (Reviewed: Administrative Committee, January 17, 2020; Recommended for Approval)

6. **Appropriate Funds and Amend Contract for Consultant Services for South Coast AQMD's Environmental Justice Outreach and Initiatives** **Alatorre/3122**

The current contract with Lee Andrews Group, Inc., for environmental justice efforts conducted for the Environmental Justice Community Partnership expires on March 29, 2020. The contract includes an option for two one-year extensions. Based on the firm's effective performance during their current contract, this action is to approve a one-year extension of the consultant's contract in the amount of \$160,000 for Calendar Year 2020. (Reviewed: Administrative Committee, January 17, 2020; Recommended for Approval)

7. **Approve Contract Modifications as Approved by MSRC** **McCallon**

As part of their FYs 2018-21 Work Program, the MSRC approved a contract value increase to the MSRC's Programmatic Outreach Coordinator, Better World Group Advisors, to continue conducting research and outreach in support of Work Program development. Also, as part of their FYs 2016-18 Work Program the MSRC approved a modification to a contract under the Local Government Partnership Program. At this time the MSRC seeks Board approval of contract modifications as part of the FYs 2016-18 and 2018-21 Work Programs. (Reviewed: Mobile Source Air Pollution Reduction Review Committee, January 16, 2020; Recommended for Approval)

Items 8 through 14 - Information Only/Receive and File

8. **Legislative, Public Affairs, and Media Report** **Alatorre/3122**

This report highlights the December 2019 outreach activities of the Legislative, Public Affairs and Media Office, which includes: Major Events, Community Events/Public Meetings, Environmental Justice Update, Speakers Bureau/Visitor Services, Communications Center, Public Information Center, Business Assistance, Media Relations and Outreach to Business and Federal, State and Local Government. (No Committee Review)

9. **Hearing Board Report** **Prussack/2500**

This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2019. (No Committee Review)

10. **Civil Filings and Civil Penalties Report** **Gilchrist/3459**

This reports the monthly penalties from December 1, 2019 through December 31, 2019, and legal actions filed by the General Counsel's Office from December 1, 2019 through December 31, 2019. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, January 24, 2020)

11. Lead Agency Projects and Environmental Documents Received **Nakamura/3105**

This report provides a listing of CEQA documents received by the South Coast AQMD between December 1, 2019 and December 31, 2019, and those projects for which the South Coast AQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, January 24, 2020)

12. Rule and Control Measure Forecast **Fine/2239**

This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2020. (No Committee Review)

13. Status Report on Major Ongoing and Upcoming Projects for Information Management **Moskowitz/3329**

Information Management is responsible for data systems management services in support of all South Coast AQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects. (Reviewed: Administrative Committee, January 17, 2020)

14. Receive and File Annual Report on 457 Deferred Compensation Plan **Olvera/2309**

South Coast AQMD sponsors an IRS-approved 457 deferred compensation program for its employees. The Annual Report addresses the Board's responsibility for monitoring the activities of the Deferred Compensation Plan Committee and ensuring the Committee carries out its fiduciary duties and responsibilities under the Committee Charter. This action is to receive and file the Annual Report. (Reviewed: Administrative Committee, December 13, 2019 and January 17, 2020)

15. Items Deferred from Consent Calendar

BOARD CALENDAR

- | | | | |
|-----|----------------------------------------------|-----------------|-----------------------|
| 16. | Administrative Committee (Receive & File) | Chair: Burke | Nastri/3131 |
| 17. | Legislative Committee (Receive & File) | Chair: Mitchell | Alatorre/3122 |
| 18. | Mobile Source Committee (Receive & File) | Chair: Burke | Fine/2239 |
| 19. | Stationary Source Committee (Receive & File) | Chair: Benoit | Dejbakhsh/2618 |
| 20. | Technology Committee (Receive & File) | Chair: Buscaino | Miyasato/3249 |

21. Mobile Source Air Pollution Reduction Review Committee (Receive & File) Board Liaison: Benoit Berry/2363
22. California Air Resources Board Monthly Report (Receive & File) Board Rep: Mitchell Thomas/2500

Staff Presentation/Board Discussion

23. NOx BARCT Rulemaking Update (*Presentation in Lieu of Board Letter*) Nakamura/3105

The 2016 AQMP included a control measure, CMB-05, to achieve an additional five tons per day of NOx emission reductions as soon as practicable from facilities in RECLAIM, but no later than 2025. The approval of AB 617 in 2017 accelerated South Coast AQMD's efforts by requiring that air districts establish BARCT schedules no later than January 1, 2019, and implement BARCT no later than December 31, 2023 for facilities in the state greenhouse gas cap and trade program. Staff will provide an update on NOx BARCT rulemaking efforts. (No Committee Review)

24. Status Report on Regulation XIII - New Source Review Dejbakhsh/2618

This report presents the federal preliminary determination of equivalency for January 2018 through December 2018. As such, it provides information regarding the status of Regulation XIII – New Source Review (NSR), in meeting federal NSR requirements and shows that South Coast AQMD's NSR program is in preliminary compliance with applicable federal requirements from January 2018 through December 2018. (Reviewed: Stationary Source Committee, January 24, 2020)

PUBLIC HEARING

25. Determine That Proposed Amendments to Rule 1107 – Coating of Metal Parts and Products, Are Exempt from CEQA and Amend Rule 1107 Nakamura/3105

Rule 1107 was adopted in 1979 and last amended in 2006 and establishes VOC limits for most metal coatings operations. Proposed Amended Rule 1107 will be amended to be consistent with Reasonably Available Control Technology requirements as recommended in U.S. EPA's Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (September 2008). Proposed Amended Rule 1107 revises exemptions, adds work practices for coating-related activities, updates test methods, removes obsolete provisions, and provides additional clarifications. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Rule 1107 – Coating of Metal Parts and Products, are exempt from the requirements of the California Environmental Quality Act, and 2) Amending Rule 1107 – Coating of Metal Parts and Products. (Reviewed: Stationary Source Committee, January 24, 2020)

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

BOARD MEMBER TRAVEL – (No Written Material)

Board member travel reports have been filed with the Clerk of the Boards, and copies are available upon request.

CLOSED SESSION - (No Written Material)

Gilchrist/3459

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

It is necessary for the Board to recess to closed session pursuant to Government Code sections 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:

- In the Matter of SCAQMD v. Aerocraft Heat Treating Co., Inc. and Anaplex Corp., SCAQMD Hearing Board Case No. 6066-1 (Order for Abatement);
- In the Matter of SCAQMD v. Browning-Ferris Industries of California, Inc. dba Sunshine Canyon Landfill, SCAQMD Hearing Board Case No. 3448-14;
- Communities for a Better Environment v. SCAQMD, Los Angeles Superior Court Case No. BS161399 (RECLAIM);
- Communities for a Better Environment v. South Coast Air Quality Management District, Court of Appeals, Second Appellate District, Case No. B294732; (Tesoro)
- 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);
- 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;
- In the Matter of SCAQMD v. Torrance Refining Company, LLC, SCAQMD Hearing Board Case No. 6060-5 (Order for Abatement);
- People of the State of California, ex rel South Coast Air Quality Management District v. The Sherwin-Williams Company, an Ohio Corporation, and Does 1 through 50, Inclusive, Los Angeles Superior Court Case No. PSCV 00136;
- CalPortland Company v. South Coast Air Quality Management District; Governing Board of the South Coast Air Quality Management District; and Wayne Nastri, Executive Officer, and Does 1-100, San Bernardino County Superior Court, Case No. CIV DS 19258941
- Downwinders at Risk et al. v. EPA, United States Court of Appeals D.C. Circuit, Case No. 19-1024 (consolidated with Sierra Club, et al. v. EPA, No. 15-1465)

- SCAQMD, et al. v. Elaine L. Chao, et al., District Court for the District of Columbia, Case No. 1:19-cv-03436-KBJ
- SCAQMD, et al. v. EPA, United States Court of Appeals D.C. Circuit, Case No. 19-1241 (consolidated with Union of Concerned Scientists v. NHTSA, No. 19-1230)
- Association of Irrigated Residents v. U.S. EPA, SCAQMD, SJVUAPCD, et al., United States Court of Appeals, D.C. Circuit, Case No. 19-71223;
- Communities for a Better Environment v. South Coast Air Quality Management District, Los Angeles Superior Court Case No. 19STCP05239 (Tesoro); 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

It is also necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (four cases).

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Also, it is necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the SCAQMD (two cases).

Letter from Steven J. Olson, O'Melveny & Myers LLP, on behalf of ExxonMobil Corporation, dated August 22, 2018.

Email from Somerset Perry, California Deputy Attorney General, dated March 13, 2019, regarding Notice of Violation P61321.

ADJOURNMENT

*****PUBLIC COMMENTS*****

Members of the public are afforded an opportunity to speak on any agenda item before consideration of that item. Please notify the Clerk of the Board, (909) 396-2500, if you wish to do so. All agendas are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the meeting. At the end of the agenda, an opportunity is also provided for the public to speak on any subject within the South Coast AQMD's authority. Speakers will be limited to a total of three (3) minutes for the Consent Calendar and Board Calendar and three (3) minutes or less for other agenda items.

Note that on items listed on the Consent Calendar and the balance of the agenda any motion, including action, can be taken (consideration is not limited to listed recommended actions). Additional matters can be added and action taken by two-thirds vote, or in the case of an emergency, by a majority vote. Matters raised under the Public Comment Period may not be acted upon at that meeting other than as provided above.

Written comments will be accepted by the Board and made part of the record, provided 25 copies are presented to the Clerk of the Board. Electronic submittals to cob@aqmd.gov of 10 pages or less including attachment, in MS WORD, PDF, plain or HTML format will also be accepted by the Board and made part of the record if received no later than 5:00 p.m., on the Tuesday prior to the Board meeting.

ACRONYMS

AQ-SPEC = Air Quality Sensor Performance
Evaluation Center

AQIP = Air Quality Investment Program

AQMP = Air Quality Management Plan

AVR = Average Vehicle Ridership

BACT = Best Available Control Technology

BARCT = Best Available Retrofit Control Technology

Cal/EPA = California Environmental Protection Agency

CARB = California Air Resources Board

CEMS = Continuous Emissions Monitoring Systems

CEC = California Energy Commission

CEQA = California Environmental Quality Act

CE-CERT = College of Engineering-Center for Environmental
Research and Technology

CNG = Compressed Natural Gas

CO = Carbon Monoxide

DOE = Department of Energy

EV = Electric Vehicle

FY = Fiscal Year

GHG = Greenhouse Gas

HRA = Health Risk Assessment

LEV = Low Emission Vehicle

LNG = Liquefied Natural Gas

MATES = Multiple Air Toxics Exposure Study

MOU = Memorandum of Understanding

MSERCs = Mobile Source Emission Reduction Credits

MSRC = Mobile Source (Air Pollution Reduction) Review
Committee

NATTS = National Air Toxics Trends Station

NESHAPS = National Emission Standards for
Hazardous Air Pollutants

NGV = Natural Gas Vehicle

NOx = Oxides of Nitrogen

NSPS = New Source Performance Standards

NSR = New Source Review

OEHHA = Office of Environmental Health Hazard
Assessment

PAMS = Photochemical Assessment Monitoring
Stations

PEV = Plug-In Electric Vehicle

PHEV = Plug-In Hybrid Electric Vehicle

PM10 = Particulate Matter \leq 10 microns

PM2.5 = Particulate Matter \leq 2.5 microns

RECLAIM = Regional Clean Air Incentives Market

RFP = Request for Proposals

RFQ = Request for Quotations

RFQQ = Request for Qualifications and Quotations

SCAG = Southern California Association of Governments

SIP = State Implementation Plan

SOx = Oxides of Sulfur

SOON = Surplus Off-Road Opt-In for NOx

SULEV = Super Ultra Low Emission Vehicle

TCM = Transportation Control Measure

ULEV = Ultra Low Emission Vehicle

U.S. EPA = United States Environmental Protection
Agency

VOC = Volatile Organic Compound

ZEV = Zero Emission Vehicle