



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, JANUARY 10, 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 Chair and Vice Chair for Terms January 2020 – January 2022
- Swearing in of Reappointed Board Member Larry McCallon **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 December 6, 2019 Board Meeting **Wayman/2500**
2. Set Public Hearing February 7, 2020 to Consider Adoption of
and/or Amendments to South Coast AQMD Rules and
Regulations **Nastri/3131**

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 adds 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. (Review: Stationary Source Committee, January 24, 2020)

Budget/Fiscal Impact

3. **Amend Contract for Kore Infrastructure Project** **Miyasato/3249**

In March 2017, the Board approved a contract with Kore Infrastructure LLC (Kore) for a Renewable Natural Gas Commercial Field Test project, including construction of the pyrolysis system on SoCalGas property in Los Angeles. The project is to test various biomass feedstocks for commercial production of renewable natural gas. Although the project has experienced construction delays, Kore has continued to make progress. This action is to amend the contract with Kore to extend the deadline to complete construction, commissioning and testing efforts to June 30, 2020. (Reviewed: Technology Committee, November 15, 2019)

4. **Reallocate and Appropriate Funds and Execute Purchase Orders for Air Monitoring Programs** **Low/2269**

In 2015, the U.S. EPA awarded \$569,682 to the South Coast AQMD to implement monitoring under the Community-Scale Air Toxics Ambient Monitoring Program. In January, June and December 2018, the Board recognized revenue from CARB to implement the AB 617 program. These actions are to appropriate funds for the Community-Scale Air Toxics Monitoring Program; and to reallocate and appropriate funds and execute purchase orders for the AB 617 program. (Reviewed: Administrative Committee, December 13, 2019; Recommended for Approval)

5. **Approve Transfer of Monies from Health Effects Research Fund to Health Effects of Air Pollution Foundation** **Nastri/3131**

At the June 2008 meeting, the Board established a Health Effects Research Fund. This fund is designated for the Health Effects of Air Pollution Foundation's use to support air pollution health effects research. This action is to transfer \$3,500,000 from the Health Effects Research Fund to the Health Effects of Air Pollution Foundation to fund additional research and to achieve the objectives of the Foundation. (Reviewed: Administrative Committee, December 13, 2019; Recommended for Approval)

6. **Approve Transfer of Monies from General Fund to Health Effects Research Fund** **Jain/2804**

In 2008, the Board established a Health Effects Research Fund initially funded at \$1.5 million from the BP Arco Settlement Fund. The Board further authorized, upon annual Board approval, the transfer of 20 percent of annual penalty money received that exceeds \$4 million in receipts to the Health Effects Research Fund. This action is to transfer 20 percent of annual penalty money received in FY 2018-19 that exceeds \$4 million to the Health Effects Research Fund. (Reviewed: Administrative Committee, December 13, 2019; Recommended for Approval)

7. **Revise Procurement Policy and Procedure** **Jain/2804**

This action is to approve revisions to the South Coast Air Quality Management District Procurement Policy and Procedure to increase the Executive Officer's Procurement Signature Authority Delegation and update terminology to be consistent with Governmental Accounting Standards Board Pronouncements. (Reviewed: Administrative Committee, December 13, 2019; 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 November 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 November 1 through November 30, 2019. (No Committee Review)

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

This reports the monthly penalties from November 1, 2019 through November 30, 2019, and legal actions filed by the General Counsel's Office from November 1 through November 30, 2019. An Index of South Coast AQMD Rules is attached with the penalty report. (No Committee Review)

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 November 1, 2019 and November 30, 2019, and those projects for which the South Coast AQMD is acting as lead agency pursuant to CEQA. (No Committee Review)

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

This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2020, and provides a summary of implementation of the 2016 AQMP in 2019. (No Committee Review)

13. **Report of RFPs/RFQs Scheduled for Release in January** **Jain/2804**

This report summarizes the RFPs/RFQs for budgeted services over \$75,000 scheduled to be released for advertisement for the month of January. (Reviewed: Administrative Committee, December 13, 2019).

14. 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, December 13, 2019)

15. Items Deferred from Consent Calendar

BOARD CALENDAR

Note: The Legislative, Mobile Source, Stationary and Technology Committees did not meet in December. The next regular meeting of the Legislative Committee meeting is January 17, 2020. The next regular meetings of the Mobile Source, Stationary Source and Technology Committees are scheduled for January 24, 2020. The December meeting of the Mobile Source Air Pollution Reduction Review Committee (MSRC) was canceled. The next meeting of the MSRC is scheduled for January 16, 2020.

16. Administrative Committee (Receive & File) **Chair: Burke Nastri/3131**
17. California Air Resources Board Monthly Report (Receive & File) **Board Rep: Mitchell Wayman/2500**

PUBLIC HEARINGS

18. Determine That Proposed Amendments to Rule 102 – Definition of Terms, Are Exempt from CEQA and Amend Rule 102 **Nakamura/3105**

Rule 102 defines the terms used in South Coast Air Quality Management District rules and regulations. Staff is proposing to add "South Coast AQMD" as another abbreviation for the South Coast Air Quality Management District. The use of "South Coast AQMD" instead of "District" as an abbreviation of South Coast Air Quality Management District will be included in new and amended rules; therefore, the new definition must be included in Rule 102. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Rule 102 - Definition of Terms, are exempt from the California Environmental Quality Act, and 2) Amending Rule 102 – Definition of Terms. (No Committee Review)

19. Determine That Proposed Amendment to Rule 1100 – Implementation Schedule for NOx Facilities, Is Exempt from CEQA and Amend Rule 1100 **Nakamura/3105**

Rule 1100 establishes the implementation schedule for some NOx source-specific rules for RECLAIM and former RECLAIM facilities. Rule 1100 includes specific provisions for facilities with equipment that are in an "industry-specific category." Proposed Amended Rule 1100 will modify the definition of industry-specific category to clarify the applicability as originally intended. This action is to adopt the Resolution 1) Determining that the proposed amendment to Rule 1100 – Implementation Schedule for NOx Facilities, is exempt from the California Environmental Quality Act; and 2) Amending Rule 1100 – Implementation Schedule for NOx Facilities. (No Committee Review)

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., South Coast AQMD 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, South Coast AQMD 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, South Coast AQMD 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, South Coast AQMD 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); and
- Association of Irrigated Residents v. U.S. EPA, SCAQMD, SJVUAPCD, et al., United States Court of Appeals, D.C. Circuit, Case No. 19-71223.

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

It is also necessary for the Board to recess to closed session pursuant to Government Code sections 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (five 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 South Coast AQMD (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.

CONFERENCE WITH LABOR NEGOTIATORS

It is also necessary to recess to closed session pursuant to Government Code Section 54957.6 to confer with labor negotiators:

Agency Designated Representative: A. John Olvera

- Employee Organization(s): Teamsters Local 911, and South Coast AQMD Professional Employees Association; and
- Unrepresented Employees: Designated Deputies and Management and Confidential Employees.

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