

BOARD MEETING DATE: March 6, 2020

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the February 7, 2020 meeting.

RECOMMENDED ACTION:

Approve Minutes of the February 7, 2020 Board Meeting.

Faye Thomas
Clerk of the Boards

FT:cmw

FRIDAY, FEBRUARY 7, 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 (Left at 10:35 a.m.)
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

Mayor Larry McCallon
Cities of San Bernardino County

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

Supervisor V. Manuel Perez (Arrived at 9:10 a.m.)
County of Riverside

Council Member Carlos Rodriguez
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Members absent:

Council Member Joe Buscaino
City of Los Angeles

Vacant: Governor's Appointee

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

- Pledge of Allegiance: Led by Supervisor Bartlett
- Opening Comments

Supervisor Barger asked staff for an update on the recent Delta jet fuel release over Cudahy.

Mr. Nastri responded that a Notice of Violation had been issued and data is being collected from the incident. An update will be provided to the Board when more information is available.

- Swearing in of Reappointed Board Member Larry McCallon

Chairman Burke administered the oath of office to Mayor Larry McCallon who was reappointed to the Board by the San Bernardino County City Selection Committee for a term ending January 15, 2024.

- Swearing in of Newly Appointed Board Member Carlos Rodriguez

Chairman Burke administered the oath of office to Council Member Rodriguez who was appointed to the Board by the Orange County City Selection Committee for a term ending January 15, 2024. Council Member Rodriguez stated that he was honored to serve on the Board.

(Supervisor Perez arrived at 9:10 a.m.)

CONSENT CALENDAR

1. Approve Minutes of January 10, 2020 Board Meeting

Budget/Fiscal Impact

2. Amend and Execute Contracts to Perform Data Collection of Zero Emissions Heavy-Duty Infrastructure and Other Equipment
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
4. Recognize Revenue, Transfer and Appropriate Funds, Approve Positions, Issue Solicitations and Purchase Orders, and Execute Contracts and Agreements for Mid-Year Budget Adjustments

5. Establish List of Prequalified Vendors to Provide Computer, Network, Printer, Hardware and Software, and Audio Visual Equipment
6. Appropriate Funds and Amend Contract for Consultant Services for South Coast AQMD's Environmental Justice Outreach and Initiatives
7. Approve Contract Modifications as Approved by MSRC

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. Status Report on Major Ongoing and Upcoming Projects for Information Management
14. Receive and File Annual Report on 457 Deferred Compensation Plan

Council Member Mitchell noted that she has no financial interests in Item Nos. 2 and 4 but is required to identify for the record that she is a Board Member of CARB, which is involved in both items.

Agenda Item Numbers 4 and 14 were pulled for comment and discussion.

Harvey Eder, Public Solar Power Coalition, requested to speak on items 1 through 14 and items 16 through 22. He commented on difficulties he experienced while attempting to file a writ of mandate in Federal Court.

Steven Goldsmith, Torrance Refinery Action Alliance, expressed concerns regarding the continued use of hydrofluoric (HF) acid at refineries and provided an update on developments since the September 6, 2019 Board meeting. Mr. Goldsmith urged the Board to reconsider their decision to allow the continued use of HF and return to the rulemaking process. He invited Board members and the

public to attend a community event focusing on banning HF on February 15, 2020 in Torrance and distributed an informational flyer to Board members. (Submitted Written Comment)

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEMS 1, 2, 3 AND 5 THROUGH 13 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

15. Items Deferred from Consent Calendar

14. Receive and File Annual Report on 457 Deferred Compensation Plan

Supervisor Bartlett inquired about efforts for succession planning at the South Coast AQMD.

Jill Whynot, Chief Operating Officer, noted that there is a robust succession planning program in place as well as a mentoring program that supports the succession plan.

MOVED BY BARTLETT, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 14 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

4. Recognize Revenue, Transfer and Appropriate Funds, Approve Positions, Issue Solicitations and Purchase Orders, and Execute Contracts and Agreements for Mid-Year Budget Adjustments

Council Member Cacciotti inquired about the type of fleet vehicles that will be purchased.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, explained that the fleet vehicles are used primarily by inspectors and sufficient range is an important factor. The Honda Clarity Plug-in Hybrid is the best option because of its long driving range and zero emission capability. Staff will continue to evaluate other options as they become available.

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEM NO. 4 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

BOARD CALENDAR

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

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEMS 16 THROUGH 22, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

Staff Presentation/Board Discussion

23. NOx BARCT Rulemaking Update

Susan Nakamura, Assistant DEO/Planning, Rule Development and Area Sources, gave the staff presentation on Item No. 23.

Mike Carroll, Regulatory Flexibility Group and Western States Petroleum Association (WSPA), noted the success of the RECLAIM program in achieving emission reductions over the life of the program. He also commented that the New Source Review program is complicated, and expressed concern that the rulemaking schedule is not realistic.

Patty Senecal, WSPA, stated that RECLAIM has been successful in reducing emissions. She noted that implementing emission control projects is complicated and will require a significant amount of effort and take a number of years. WSPA is actively participating with staff on the RECLAIM transition project.

Mr. Eder commented on the benefits of solar power and added that solar powered technologies should be considered BARCT. He expressed concerns about natural gas and urged phase-out of fossil fuels.

Supervisor Barger noted that she sees the trends of emissions going down and does not see that the program has diminishing returns.

Wayne Nastri, Executive Officer, acknowledged that the overall program has been effective in addressing emission reductions and commented on the inherent challenges with the program's continuing effectiveness as the allocation cap decreased, and it becomes more difficult to achieve additional emission reductions.

Supervisor Rutherford inquired about the timing to transition RECLAIM to a command-and-control regulatory structure.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources, acknowledged the timing challenge with transitioning RECLAIM as soon as practicable, but assured that staff has been regularly meeting with stakeholders to address their concerns. Staff understands the complexity of the issues when conducting a BARCT analysis, as well as the timing challenges, and will have to accommodate that within the implementation schedule for each rulemaking.

Council Member Mitchell commented on the success of RECLAIM but noted that its effectiveness has diminished over time, noting the number of equipment at facilities that does not meet BARCT requirements. She also acknowledged that although it is a slow and difficult process, facilities will get to BARCT since the agency needs to do its part for stationary sources, while CARB does its part on mobile sources.

Council Member Cacciotti inquired about the cost to bring equipment to BARCT levels.

Staff responded that the cost depends on the size of the equipment and that staff typically uses a cost effectiveness threshold of \$50,000 per ton. Cost effectiveness includes capital and operating costs and is also be affected by the emission reductions achieved. The cost can be on the higher end with SCR equipment. For smaller equipment, SCR may not be cost-effective. The \$50,000 per ton is a guideline that was set during the 2016 AQMP, and not every piece of equipment will be below the threshold, but the way that cost-effectiveness is calculated under command and control is that the costs are averaged across a specific equipment category when setting requirements.

Council Member Cacciotti asked whether any incentive programs can move the process along faster.

Staff responded that incentive programs would not typically apply because they would pay for a facility to comply, but some of the BARCT rules do incentivize the installation of near-zero emission or electric technology that goes beyond BARCT by providing a longer time for installation.

RECEIVE AND FILE; NO ACTION NECESSARY

24. Status Report on Regulation XIII - New Source Review

David Ono, Senior Air Quality Engineering Manager, gave the staff presentation on Item No. 24.

Mr. Eder commented on climate change and the arctic melting. He urged support for solar technologies and stressed the need to transition away from fossil fuels.

RECEIVE AND FILE; NO ACTION NECESSARY

PUBLIC HEARING

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

Michael Morris, Planning and Rules Manager, gave the staff presentation on Item No. 25.

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

Mr. Eder commented on the need to include solar power in control technology guidelines. He added concern about housing costs, dependence on fossil fuels and climate change.

Rita Loof, RadTech International, commented that the American Society for Testing and Materials (ASTM) approved test method ASTM D7767 in 2011 and requested that staff include language for this test method in the test method section of the rule. (Submitted Written Comment)

Douglas DeLong, DDU Enterprises Inc., agreed that the test method should be added to the test method section of the rule and expressed concern with using other test methods for compliance. He asked whether the South Coast AQMD has the capability to measure UV curable coatings in its laboratory.

Staff explained that the test method is included in the definition section but U.S. EPA may not approve the rule if the ASTM method is included in the test method section of the rule. EPA does not recognize the compliance aspect of the ASTM method for thin film UV/EB. Our laboratory can measure UV curable coatings.

There was additional Board discussion about adding the test method to the test method section of the rule now or providing direction to staff to work with industry on this issue.

SUPERVISOR RUTHERFORD, MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION FOR AGENDA NO. 25 ADOPTING RESOLUTION NO. 20-3 DETERMINING THAT THE PROPOSED AMENDED RULE 1107 – COATING OF METAL PARTS AND PRODUCTS, IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 1107 – COATING OF METAL PARTS AND PRODUCTS, WITH THE MODIFICATION TO INCORPORATE THE CURRENT LANGUAGE IN PARAGRAPH (b)(15) OF RULE 1107, INTO SUBDIVISION (e) METHODS OF ANALYSIS WHICH WILL STATE, “THE VOC CONTENT OF THIN FILM ENERGY CURABLE COATINGS MAY BE MEASURED BY MANUFACTURERS USING ASTM D7767 – STANDARD TEST METHOD TO MEASURE VOLATILES FROM RADIATION CURABLE ACRYLATE MONOMERS, OLIGOMERS, AND BLENDS, AND THIN COATINGS MADE FROM THEM”; AND DIRECTING STAFF TO WORK WITH INDUSTRY ON LANGUAGE REQUIRING FORMULATION DATA AND TO RETURN TO THE BOARD. THE MOTION WAS SECONDED BY SUPERVISOR BARGER, AND PASSED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

(Chairman Burke left the meeting at 10:35 a.m.)

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

Makara Baker, North East Los Angles (NELA) Climate Collective, expressed concerns about poor air quality and that children cannot play outside because of unhealthy pollution. She urged the Board to take measures to clean the air.

Frank Wright commented on the increase in manufacturing and logistics related industries in the city of Moreno Valley and urged the Board to use the settlement funds from the World Logistics Center in Moreno Valley.

Roy Bleckert commented on traffic congestion, inadequate roads and transit in the Inland Empire and urged the Board to focus on efforts to reduce commuting by encouraging development where people live.

Mr. Eder played an audio recording of the song “When the Music’s Over” by the Doors.

Emily Spokes, NELA Climate Collective expressed concerns about climate change and air quality. She suggested that the public comment period be moved to the beginning of the agenda to encourage greater public participation.

Bess Fanning, NELA Climate Collective expressed concerns about poor air quality in Los Angeles and commented on the need to provide solar energy rebates to lessen the cost of converting to solar energy.

CLOSED SESSION

Mr. Eder commented on family members he lost in Auschwitz.

Ido Benzeevi, Highland Fairview, commented on technologies that will be incorporated into the World Logistics Center project to reduce emissions and encouraged the Board to use the settlement funds in Moreno Valley.

Luis Portillo, Inland Empire Economic Partnership

*Patricia Nevins, City of Moreno Valley

*Azley Rivera

Christopher Mauldin

Santiago Hernandez

Roy Bleckert

*Rafael Brugueras

*Antonio Reza

Frank Wright

Lupita Marquez

Sean Mill

Tom Jerele

Juan Figueroa

Urged the Board to use funds from the settlement agreement with the World Logistics Center in Moreno Valley to develop mitigation efforts that reduce emissions in the areas affected by the warehouse project. *(Submitted Written Comments)

Written Comments Submitted By:

Angel Luna
Fernando Hernandez
Josefina Gregory
Joshua Mariscal
Angel Gamino
Monica Esparza
Esteban Hernandez
Juan Hernandez
Rodolfo Hernandez
Guillermo Patino
Nancy Badior

Rosie Mariscal
Manuela Patino
Martha Villanueva
Maria Jacobo
Vilma Restrepo
Dora Capolino
Norma Preciado
Maura Garcia
Eunice Kang
Daiana Mansfield
Aureliano Martinez

The Board recessed to closed session at 11:15 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

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

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

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

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 12:05 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on February 7, 2020.

Respectfully Submitted,

Faye Thomas
Clerk of the Boards

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan
ASTM = American Society for Testing and Materials
BARCT = Best Available Retrofit Control Technology
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
FY = Fiscal Year
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
NOx = Oxides of Nitrogen
RECLAIM = Regional Clean Air Incentives Market
RFP = Request for Proposals
U.S. EPA = United States Environmental Protection Agency