



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, MAY 1, 2020

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 AM.

Pursuant to Governor Newsom's Executive Orders N-25-20 (March 12, 2020) and N-29-20 (March 17, 2020), the Governing Board meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

ELECTRONIC PARTICIPATION INFORMATION (Instructions provided at bottom of the agenda)

Join Zoom Meeting - from PC, Laptop or Phone

<https://scagmd.zoom.us/j/93128605044>

Meeting ID: **931 2860 5044** (applies to all)

Teleconference Dial In +1 669 900 6833 or +1 253 215 8782

One tap mobile +16699006833,,97364562763# or +12532158782,,93128605044#

Audience will be allowed to provide public comment through telephone or Zoom connection.

PUBLIC COMMENT WILL STILL BE TAKEN

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.

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 at South Coast AQMD's web page (www.aqmd.gov).

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Governing Board meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the South Coast AQMD. Please contact the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to cob@aqmd.gov

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

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 April 3, 2020 Board Meeting **Thomas/3268**

2. Set Public Hearings June 5, 2020 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations **Nastri/3131**
 - A. Determine That Proposed Amendments to Rule 1117 – Emissions from Container Glass Melting and Sodium Silicate Furnaces, Are Exempt from CEQA and Amend Rule 1117 **Nakamura/3105**

The adoption resolution of the 2016 AQMP directed staff to achieve additional NOx reductions and to transition the RECLAIM program to a command-and-control regulatory structure as soon as practicable. Proposed Amended Rule (PAR) 1117 applies to container glass and sodium silicate production facilities. PAR 1117 will establish NOx and SOx emission standards for container glass melting and sodium silicate furnaces, update monitoring, reporting, and recordkeeping requirements, establish provisions for idling, startup, and shutdown of these furnaces, and remove obsolete provisions. PAR 1117 also includes NOx emission limits for auxiliary combustion equipment associated with container glass melting operations. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Rule 1117 – Emissions from Container Glass Melting and Sodium Silicate Furnaces, are exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 1117 – Emissions from Container Glass Melting and Sodium Silicate Furnaces. (Reviewed: Stationary Source Committee, April 17, 2020)

- B. 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

Rees/2856

As a component of the 2022 AQMP, South Coast AQMD is required to submit a Reasonably Available Control Technology (RACT) Demonstration and an Emissions Statement Certification to U.S. EPA by August 3, 2020. The RACT analysis provides a comprehensive assessment of the adequacy and comparative levels of emissions controls achieved in practice throughout the nation. The current RACT analysis demonstrates that for all applicable sources of VOC and NOx, South Coast AQMD's current rules meet or exceed federal RACT requirements with the exception of Rule 1115 – Motor Vehicle Assembly Line Coating Operations, which South Coast AQMD commits to amend to meet RACT. In addition, South Coast AQMD's Rule 301 – Permitting and Associated Fees adequately meets the emissions statement requirements for the 2015 8-Hour Ozone Standard. This action is to adopt the Resolution: 1) Determining that the RACT Demonstration and Emissions Statement Certification, are exempt from the requirements of the California Environmental Quality Act; and 2) Approving the RACT Demonstration and Emissions Statement Certification, and directing staff to forward to CARB for approval and submission to U.S. EPA for inclusion in the SIP. (Review: Stationary Source Committee, May 15, 2020)

Budget/Fiscal Impact

3. Amend Contract for Tier 4 Passenger Locomotives

Miyasato/3249

In 2014, under the “Year 16” Carl Moyer Program solicitation, the Southern California Regional Rail Authority (SCRRA) submitted a proposal requesting \$58.85 million to cofund the deployment of 20 new Tier 4 locomotives. In September 2015, the Board awarded \$22.85 million to SCRRA from the Carl Moyer Program AB 923 Fund (80), with a commitment to consider the remaining \$36 million over four phases. The Board previously approved \$27 million of the \$36 million in three installments in December 2016, December 2017 and February 2019. This action is to amend SCRRA's contract, adding the remaining \$9 million from the Carl Moyer Program AB 923 Fund (80) for a revised contract total of \$58.85 million. (Reviewed: Technology Committee, April 17, 2020; Recommended for Approval)

4. **Amend Award and Execute Contract for Stationary Fuel Cells** **Miyasato/3249**

In January 2018, the Board approved an RFP to solicit stationary and mobile source projects that will result in emission reductions of NOx, VOC, and PM. Subsequently, in January 2019, Bloom Energy Inc. was awarded \$3 million for fuel cells integrated with energy storage on the College of the Canyons campus. Bloom recently requested a change in scope of the project that reduces the award amount but does not impact the emission reduction benefits. This action is to amend the award, the scope of the project and execute a contract with Bloom Energy Inc. in a total amount not to exceed \$2,934,052 from the EO Mitigation Fund (27). (Reviewed: Technology Committee, April 17, 2020; Recommended for Approval)

5. **Recognize Revenue and Transfer and Appropriate Funds for Air Monitoring Programs, and Issue an RFQ and Purchase Orders for Air Monitoring Equipment and One Vehicle** **Low/2269**

South Coast AQMD is expected to receive grant funds up to \$688,945 from U.S. EPA for the PM2.5 Program and up to \$1,750,000 from the U.S. Government for the Enhanced Particulate Monitoring Program. These actions are to recognize revenue and appropriate funds for the PM2.5 and Enhanced Particulate Monitoring Programs, transfer up to \$300,000 between Major Objects in Science & Technology Advancement's FY 2020-21 Budget to realign expenditures for the Enhanced Particulate Monitoring Program, and issue an RFQ and purchase orders for air monitoring equipment and one vehicle. (No Committee Review)

6. **Approve Compensation Adjustments for Board Member Assistants and Board Member Consultants for FY 2020-21** **Jain/2804**

The Board Member Assistant and Board Member Consultant compensation is proposed to be amended to adjust the compensation level the South Coast AQMD may make per Board Member, per fiscal year, based on the Board approved assignment-of-points methodology. The points are calculated based on the level of complexity, number of meetings and role (Chair/Vice-Chair). (Reviewed: Administrative Committee, April 10, 2020; Recommended for Approval)

7. **Authorize Purchase of OnBase Software Support** **Moskowitz/3329**

South Coast AQMD uses OnBase software for its electronic document management system to manage critical documents and to support the Record Retention Policy. Software subscription and support for OnBase expires on July 31, 2020. This action is to obtain approval for sole source purchase of OnBase software subscription and support for one year from Information Management's FY 2020-21 Budget. Funds for this purchase (\$140,000) are conditional on approval of the Proposed FY 2020-21 Budget. (Reviewed: Administrative Committee, April 10, 2020; Recommended for Approval)

8. Approve Allocation of Funds as Approved by MSRC **McCallon**

As part of their FYs 2018-21 Work Program, the MSRC approved a funding allocation towards the Voucher Incentive Program (VIP) Plus Up Incentive to encourage the replacement of older, higher-polluting vehicles with vehicles at least 90% cleaner than current standards. At this time the MSRC seeks Board approval of the allocation as part of the FYs 2018-21 Work Program. (Mobile Source Air Pollution Reduction Review, April 16, 2020; Recommended for Approval)

Items 9 through 14 - Information Only/Receive and File

9. Legislative, Public Affairs, and Media **Alatorre/3122**

This report highlights the March 2020 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)

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

This reports the actions taken by the Hearing Board during the period of March 1 through March 31, 2020 (No Committee Review)

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

This reports the monthly penalties from March 1, 2020 through March 31, 2020, and legal actions filed by the General Counsel's Office from March 1 through March 31, 2020. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, April 17, 2020)

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

This report provides a listing of CEQA documents received by the South Coast AQMD between March 1, 2020 and March 31, 2020, and those projects for which the South Coast AQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, April 17, 2020)

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

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

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, April 10, 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

23. Update on Pending Application Status Dashboard (*Presentation in lieu of Board Letter*) **Dejbakhsh/2618**

Staff will present an overview of the Pending Application Status Dashboard, and its utilization in the ongoing efforts to address the permit application inventory and to increase transparency into the permitting process. Staff will provide information on how the public will be able to access the Dashboard through South Coast AQMD's Facility Information Detail (F.I.N.D.) web application to track the status of any permit application. (No Committee Review)

PUBLIC HEARINGS

24. Adopt Executive Officer's FY 2020-21 Proposed Goals and Priority Objectives and Proposed Budget Jain/2804

The Executive Officer's Proposed Goals and Priority Objectives, and Proposed Budget for FY 2020-21 have been developed and are recommended for adoption. The Budget and Work Program for FY 2020-21 represents input over the past several months from Board members, staff, and the public. This year's process included meetings of the Budget Advisory Committee; and two budget workshops, one for the public held on April 7, 2020 and the Board on April 10, 2020. The Proposed Budget incorporates, pursuant to Rule 320, an increase of most fees by 2.8 percent consistent with the Consumer Price Index (CPI); however, staff is proposing to credit back this year's automatic CPI increase to counter the economic effects of the COVID-19 pandemic. This action is to adopt the Executive Officer's Proposed Goals and Priority Objectives, and Proposed Budget for FY 2020-21. (Reviewed: Special Board Meeting/Budget Study Session, April 10, 2020)

25. Determine That Proposed Amendments to Rule 445 – Wood-Burning Devices, Are Exempt from CEQA and Amend Rule 445 Rees/2856
(Staff is recommending that the public hearing on this item be continued to the June 5, 2020 Board Meeting, due to an inadvertent error in the public noticing).

Proposed amendments to Rule 445 will satisfy U.S. EPA contingency measure requirements and Control Measure BCM-09 from the 2016 AQMP. The threshold for no-burn days would be incrementally lowered automatically for each subsequent final determination by the U.S. EPA of a failure to meet an applicable Clean Air Act milestone. The proposed amendments would also reduce ambient PM_{2.5} by expanding the criteria for Basin-wide wood-burning curtailments. Other minor amendments include additional definitions for terms used in the rule, and revisions to improve rule implementation and clarify existing requirements. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Rule 445 – Wood Burning Devices, are exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 445 – Wood-Burning Devices. (Reviewed: Stationary Source Committee, March 20, 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. Aircraft 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)
- Communities for a Better Environment v. South Coast Air Quality Management District, Los Angeles Superior Court Case No. 19STCP05239 (Tesoro II)
- 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); 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 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. Persons wishing to speak may do so remotely via Zoom or telephone. To provide public comments via a Desktop/Laptop or Smartphone, click on the “Raise Hand” at the bottom of the screen, or if participating via Dial-in/Telephone Press *9. This will signal to the host that you would like to provide a public comment and you will be added to the list.

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 may be limited to a total of three (3) minutes for the entirety of the Consent Calendar plus Board Calendar, and three (3) minutes or less for each of the 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. Individuals who wish to submit written or electronic comments must submit such comments to the Clerk of the Board, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765-4178, (909) 396-2500, or to cob@aqmd.gov, on or before 5:00 p.m. on the Tuesday prior to the Board meeting.

ACRONYMS

AQ-SPEC = Air Quality Sensor Performance Evaluation Center	NESHAPS = National Emission Standards for Hazardous Air Pollutants
AQIP = Air Quality Investment Program	NGV = Natural Gas Vehicle
AQMP = Air Quality Management Plan	NOx = Oxides of Nitrogen
AVR = Average Vehicle Ridership	NSPS = New Source Performance Standards
BACT = Best Available Control Technology	NSR = New Source Review
BARCT = Best Available Retrofit Control Technology	OEHHA = Office of Environmental Health Hazard Assessment
Cal/EPA = California Environmental Protection Agency	PAMS = Photochemical Assessment Monitoring Stations
CARB = California Air Resources Board	PEV = Plug-In Electric Vehicle
CEMS = Continuous Emissions Monitoring Systems	PHEV = Plug-In Hybrid Electric Vehicle
CEC = California Energy Commission	PM10 = Particulate Matter \leq 10 microns
CEQA = California Environmental Quality Act	PM2.5 = Particulate Matter \leq 2.5 microns
CE-CERT =College of Engineering-Center for Environmental Research and Technology	RECLAIM=Regional Clean Air Incentives Market
CNG = Compressed Natural Gas	RFP = Request for Proposals
CO = Carbon Monoxide	RFQ = Request for Quotations
DOE = Department of Energy	RFQQ=Request for Qualifications and Quotations
EV = Electric Vehicle	SCAG = Southern California Association of Governments
FY = Fiscal Year	SIP = State Implementation Plan
GHG = Greenhouse Gas	SOx = Oxides of Sulfur
HRA = Health Risk Assessment	SOON = Surplus Off-Road Opt-In for NOx
LEV = Low Emission Vehicle	SULEV = Super Ultra Low Emission Vehicle
LNG = Liquefied Natural Gas	TCM = Transportation Control Measure
MATES = Multiple Air Toxics Exposure Study	ULEV = Ultra Low Emission Vehicle
MOU = Memorandum of Understanding	U.S. EPA = United States Environmental Protection Agency
MSERCs = Mobile Source Emission Reduction Credits	VOC = Volatile Organic Compound
MSRC = Mobile Source (Air Pollution Reduction) Review Committee	ZEV = Zero Emission Vehicle
NATTS =National Air Toxics Trends Station	

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

Speakers may be limited to a total of 3 minutes for the entirety of the consent calendar plus board calendar, and three minutes or less for each of the other agenda items.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.