

BOARD MEETING DATE: October 2, 2020

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the September 4, 2020 meeting.

RECOMMENDED ACTION:

Approve Minutes of the September 4, 2020 Board Meeting.

Faye Thomas  
Clerk of the Boards

FT:cmw

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**FRIDAY, SEPTEMBER 4, 2020**

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted remotely via video conferencing and telephone. 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

Council Member Joe Buscaino  
City of Los Angeles

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

Senator Vanessa Delgado (Ret.)  
Senate Rules Committee Appointee

Gideon Kracov  
Governor's Appointee

Mayor Larry McCallon  
Cities of San Bernardino County

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

Supervisor V. Manuel Perez  
County of Riverside

Council Member Carlos Rodriguez  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Member absent:

Supervisor Lisa A. Bartlett  
County of Orange

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

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

Chairman Burke shared an uplifting moment from his time in the Air Force at Kimpo Air Force Base when a Colonel asked everyone in the room to join in reciting the Pledge of Allegiance.

Wayne Nastri, Executive Officer, reported that the Governor issued an emergency proclamation on September 3, 2020 to address the historic heat wave due to hit Southern California over the weekend. The proclamation allows power plants to generate more power without air quality permitting limitations through Monday, September 7 to meet the high demand on the state's energy grid. Staff will keep the Board apprised of any changes. He also provided an update on staff efforts in the natural gas leak at the Los Angeles Department of Water and Power (LADWP) Valley Generating station. The investigation is ongoing and staff will continue to work with CARB and other agencies.

Council Member Buscaino commented that LADWP is committed to implementing the best available technology at all their facilities and noted the benefits of deploying digital imaging technologies to identify leaks at LADWP facilities as well as all facilities of this type. He expressed his commitment and those of his colleagues on the L.A. City Council to resolve this issue quickly.

### **CONSENT CALENDAR**

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

Certify Final Environmental Assessment and Adopt Rule 1179.1 – NOx Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities Certify Final Environmental Assessment and Amend Rules 1146, 1146.1, 1146.2 and Adopt Rule 1100

#### **Budget/Fiscal Impact**

3. Adopt Resolution Recognizing Funds for FY 2019-20 Community Air Protection Program Incentives and Reimburse General Fund for Administrative Costs

4. Recognize Revenue, Transfer Funds, Amend and Execute Contracts to Demonstrate Class 8 Battery Electric Trucks, Retrofit Ocean-Going Vessel, Deploy Fuel Cell Transit Buses and Reimburse General Fund
5. Recognize Revenue, Transfer Funds and Approve Budget and Expenditures for California Natural Gas Vehicle Partnership Activities and Projects
6. Establish Special Revenue Fund, Recognize Funds, Execute Contract for Installation and Maintenance of Air Filtration Systems and Reimburse General Fund for Administrative Costs
7. Amend Contract to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
8. Issue RFP for Legislative Representation in Sacramento, California
9. Appropriate Funds and Amend Existing Contract for Consultant Services for South Coast AQMD's Why Healthy Air Matters Program and Environmental Justice Outreach and Initiatives, Appropriate Funds for Clean Air Program for Elementary Students, and Modify Existing Board Approved Policy
10. Appoint Alternate Medical Member to Hearing Board
11. Issue New and Amended Solicitations, Approve Reallocation of Funds, and Approve Award and Contract Modifications as Approved by MSRC

**Items 12 through 19 – Information Only/Receive and File**

12. Legislative, Public Affairs and Media Report
13. Hearing Board Report
14. Civil Filings and Civil Penalties Report
15. FY 2019-20 Contract Activity
16. Lead Agency Projects and Environmental Documents Received

17. Report of RFPs/RFQs Scheduled for Release in September

18. Rule and Control Measure Forecast

19. Status Report on Major Ongoing and Upcoming Projects for Information Management

Supervisor Rutherford noted that she has no financial interests in Item No. 5 but is required to identify for the record that she is a Steering Committee member of the California Natural Gas Vehicle Partnership, which is involved in this item.

Supervisor Barger, Council Member Buscaino and Mayor McCallon noted that they do not have financial interests in Item No. 11 but are required to identify for the record that they serve on the Regional Council for SCAG which is involved with this item.

Council Member Mitchell noted that she has no financial interests in Item Nos. 3 and 11 but is required to identify for the record that she is a Board Member of CARB, which is involved with Item No. 3; and serves on the Regional Council for SCAG which is involved with Item No. 11.

Council Member Benoit noted that he does not have a financial interest in Item Nos. 5 and 11 but is required to identify for the record that he is a member of the California Natural Gas Vehicle Partnership, which is involved with Item No. 5; and serves on the Regional Council for SCAG which is involved with Item No. 11.

Bayron Gilchrist, General Counsel, noted that Council Member Rodriguez would like to identify for the record that he does not have a financial interest in Item Nos. 5 and 11 but is required to identify for the record that he is a member of the California Natural Gas Vehicle Partnership, which is involved with Item No. 5; and serves on the Regional Council for SCAG which is involved with Item No. 11.

Supervisor Perez noted that he has no financial interests in Item No. 4 but is required to identify for the record that he is a Board Member of SunLine Transit Agency.

Due to requests to speak and Board member questions on Consent Calendar Item 4, the vote on the Consent Calendar was deferred until after those comments were made.

20. Item Deferred from Consent Calendar

4. Recognize Revenue, Transfer Funds, Amend and Execute Contracts to Demonstrate Class 8 Battery Electric Trucks, Retrofit Ocean-Going Vessel, Deploy Fuel Cell Transit Buses and Reimburse General Fund

Council Member Cacciotti noted his support for this item and asked staff to comment on the Volvo Switch-On project and its potential to accelerate the program.

Matt Miyasato, Chief Technologist/Science and Technology Advancement explained that the initial Volvo LIGHTS (Low Impact Green Heavy Transport Solutions) project was to develop and demonstrate early Class 8 battery electric trucks. This item includes a grant from U.S. EPA for the Volvo Switch-On project, which is the next phase of the Volvo LIGHTS program. The Switch-On project will deploy up to 70 additional commercial Class 8 battery electric trucks in five fleets throughout the Inland Empire and the San Fernando Valley in the City of Los Angeles. He noted the importance of deploying a larger number of trucks to test the robustness of the architecture to further commercialize battery electric trucks.

Council Member Cacciotti noted staff's work and the Board's leadership on being transformative in this industry.

Ranji George, a member of the public, urged the Board to allocate more funding to hydrogen fuel cell technology. He noted the disproportionate amount of funding for battery technology and expressed concerns about battery waste.

Florence Gharibian, a member of the public, commented on her former work with the Department of Toxic Substances Control (DTSC) and the former Exide battery facility. She urged support for new technologies to replace batteries or for battery recycling.

MOVED BY CACCIOTTI, SECONDED BY BARGER, AGENDA ITEMS 1 THROUGH 11 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-14 RECOGNIZING FY 2019-20 COMMUNITY AIR PROTECTION INCENTIVE FUNDS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Bartlett

Mr. Nastri announced staff's request to pull RFP #P2021-03, (Issue Request for Proposal to Hire Outside Counsel, Establish a Prequalified List), from Item 17.

Harvey Eder, Public Solar Power Coalition, expressed concerns about the Arctic melting, climate change and the dangers of methane gas. He advocated for additional funding for solar energy. He also noted difficulties with access to Zoom meetings.

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEMS 12 THROUGH 19 APPROVED AS RECOMMENDED, WITH THE MODIFICATION TO PULL RFP #P2021-03 FROM AGENDA ITEM 17, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Bartlett

## **BOARD CALENDAR**

21. Administrative Committee
22. Investment Oversight Committee
23. Legislative Committee (*Withheld for Comment and Discussion*)
24. Mobile Source Committee
25. Stationary Source Committee
26. Technology Committee
27. Mobile Source Air Pollution Reduction Review Committee

28. California Air Resources Board Monthly Report *(Withheld for Comment and Discussion)*

Agenda Item Nos. 23 and 28 were withheld for comment and discussion.

MOVED BY BENOIT, SECONDED BY BARGER, AGENDA ITEMS 21, 22, 24 THROUGH 27, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE AND MSRC REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Bartlett

23. Legislative Committee

Receive and file; and take the following action as recommended:

<b>Agenda Item</b>	<b>Recommendation</b>
AB 1714 (Aguiar-Curry) Emissions limitations: wine fermentation	Continue
SB 662 (Archuleta) Energy: transportation sector: hydrogen	Support

Council Member Mitchell noted that the 2019-20 Legislative Session has ended and AB 1714 and SB 662 died in committee; therefore, there is no action required on these bills.

28. California Air Resources Board Monthly Report

Council Member Mitchell reported on two recent significant measures that CARB adopted in August. The Ocean-Going Vessels At-Berth regulation implements several changes to the existing regulation and adds emission limits on auto carriers and oil tankers at berth in California ports, which will begin in 2023 and be phased in over time. The Heavy-Duty and Vehicle Omnibus regulation, a measure in the Mobile Source Strategy, establishes a low NOx engine emission

standard for on-road heavy-duty trucks. She noted that detailed information regarding both regulations can be found in the CARB report. U.S. EPA is delaying action on CARB's low NOx petition, but action is expected in 2021.

Board Member Kracov noted that recent actions by CARB are significant and suggested that a report be presented to the Board about how these rules will help towards achieving attainment standards for 2023 and beyond.

Council Member Mitchell noted that CARB staff will be releasing a Mobile Source Strategy document in October 2020 that provides information about how the contribution of various mobile sources will help to meet the State Implementation Plan. She noted that reducing NOx emissions is a challenge that requires CARB working with air districts to fulfill SIP requirements.

Mr. Nastri commented that staff has begun work on developing the next AQMP to identify strategies and commitments and address the attainment of federal air quality standards. He stated that staff will provide an update to the Board on the progress of the AQMP. Staff continues to work with CARB to further identify how the emission reduction strategies will be achieved to meet attainment deadlines.

Carlo De La Cruz, Sierra Club, expressed his support for CARB's adoption of the Ocean-Going Vessels At-Berth and Heavy-Duty and Vehicle Omnibus regulations and commented on the associated health benefits. He commended CARB for their work and stated that he looks forward to the work on South Coast AQMD rules and regulations that will support these actions.

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEMS 23 AND 28, APPROVED AS RECOMMENDED TO RECEIVE AND FILE THE LEGISLATIVE COMMITTEE AND CARB REPORTS, AND APPROVE THE FOLLOWING POSITION ON LEGISLATION\*, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Bartlett

Receive and file; and take the following action as recommended:\*

<b>Agenda Item</b>	<b>Recommendation</b>
AB 1714 (Aguiar-Curry) Emissions limitations: wine fermentation	Continue
SB 662 (Archuleta) Energy: transportation sector: hydrogen	Support

\*The 2019-2020 Legislative Session ended on August 31, 2020 and both bills died in committee; therefore, no action was required.

**Staff Presentation/Board Discussion**

29. Status Report on Regulation XIII - New Source Review

David Ono, Planning and Rules Manager, gave the staff presentation on Item No. 29.

RECEIVE AND FILE; NO ACTION NECESSARY

30. Budget and Economic Outlook Update (***Presentation In Lieu of Board Letter***)

Jill Whynot, Chief Operating officer, gave the presentation on Item No. 30.

Chairman Burke commended staff on their work in putting together the data for this report, which provides valuable information on the South Coast AQMD's financial and economic outlook. He recommended that staff continue to provide this report regularly and several Board members concurred.

Ms. Whynot expressed appreciation to all the staff that provided the data.

Council Member Rodriguez requested clarification on the number of potential expired permits that are small businesses and those that will be expiring within 30-90 days of the 12-month reinstatement period.

Ms. Whynot noted that 10 percent of the potentially expiring permits are small businesses and many of them are paying within 30-90 days, with very few going to the end of the 12-month reinstatement period.

Mr. Nastri commented that staff has been reaching out and working closely with businesses regarding their permits and noted that some companies have several permits expiring. He suggested waiting another 30 days to gather and evaluate more data.

Council Member Mitchell inquired about the renewal fees for permits and late penalties.

Ms. Whynot provided the costs for annual renewal and late fees for small and large equipment, noting that the renewal and late fees for small equipment are a modest amount and for large equipment the late fee is a small percentage of the annual fee.

Council Member Mitchell expressed concern that the late fees for small businesses are higher than larger facilities on a percentage basis and recommended that staff continue to monitor expiring permits.

Mayor McCallon commended staff for providing the data and suggested they continue to provide the Board with this report even after the pandemic. He also agreed that staff should continue to monitor the expiring permits for small businesses.

Council Member Buscaino commented that activity at the Ports are often an indication of whether the economy is recovering; however, the increase in cargo volume for August may not be a solid indicator. All indications are that the increase is due to significant replenishment of warehouse inventories. He noted that the region heavily relies on jobs related to the ports.

Chairman Burke commented that the sell-through rate of the supplies will be a good indicator of whether port activities will remain strong.

Ranji George commented on the valuable economic information in the report but cautioned that the increased demand for supplies could be due to the federal stimulus packages, which artificially inflates the stock market.

RECEIVE AND FILE; NO ACTION NECESSARY

## **PUBLIC HEARING**

31. Determine That Proposed Amendments to Rule 1111 – Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces, and Revisions to Clean Air Furnace Rebate Program Are Exempt from CEQA; Amend Rule 1111 and Approve Revisions to Clean Air Furnace Rebate Program

Susan Nakamura, Assistant DEO/Planning, Rule Development and Area Sources, gave the staff presentation on Item No. 31.

Board Member Kracov asked when the 14 ng/Joule (ng/J) emission limit was adopted, its cost effectiveness, and whether the NOx reductions are significant.

Ms. Nakamura responded that the amendments adopted in 2009 established the lower NOx limit of 14 ng/J and staff estimated the cost effectiveness to be between \$8,600 and \$19,000 per ton. She noted that the NOx emission reductions are significant.

Board Member Kracov inquired about the amount of time given to manufacturers to meet the new standard, including dual fuel systems, and whether the manufacturers have stepped up. He also asked if Supervisor Rutherford's concerns regarding furnaces for high-altitude communities had been resolved.

Ms. Nakamura commented that the manufacturers have stepped up to develop the 14 ng/J technology for condensing and non-condensing furnaces and noted that almost 450 models have been submitted for certification.

Board Member Kracov asked if amendments to Rule 1111 have been approved by U.S. EPA for inclusion in the SIP.

Ms. Nakamura stated that all of the rule amendments have been submitted for inclusion in the SIP and U.S. EPA approved the 2014 amendments. She noted that the compliance date for high-altitude furnaces has been extended, including a provision to allow 40 ng/J dual fuel systems until 2022 and a consumer rebate of \$500 will be provided to incentivize installation of the high-altitude 14 ng/J units.

Senator Delgado commented that these issues have been discussed extensively in Stationary Source Committee meetings. She thanked Ms. Nakamura and staff for their hard work and coming up with a good compromise.

Council Member Cacciotti inquired about the \$500 rebate and the retail cost for a furnace unit.

Ms. Nakamura responded that the cost difference between the 14 ng/J and 40 ng/J is \$600, and the \$500 incentive helps to close the gap. The cost varies for heat pumps and electrical upgrades, but staff estimates the starting point is about \$5,600. Based on information from the manufacturers and their website, the average cost for a 14 ng/J furnace is \$1,600 and a 40 ng/J furnace is \$1,000.

Vice Chairman Benoit noted that the costs provided do not include labor or installation.

Supervisor Rutherford thanked Board Member Kracov for inquiring about her concerns for furnaces in high-altitude areas. She commended staff for their hard work and efforts in adapting the rule to resolve those concerns and their commitment to revisit the issue in 2022.

Chairman Burke inquired about the funding source and the amount of the incentive.

Ms. Nakamura explained that the Clean Air Furnace Rebate Program uses monies collected through the Rule 1111 Mitigation Fee Fund, which was established in 2014 as a compliance option for manufacturers to pay a mitigation fee in lieu of meeting the lower limits.

Mr. Nastri commented that the rebate is to help incentivize the purchase of cleaner residential heating alternatives.

The public hearing was opened, and the following individuals addressed the Board on Item 31.

Angus Lemon, Trane Technologies, thanked staff for their hard work and expertise in developing the rule. He noted that Trane is working on an anti-override technology for dual fuel systems that will address staff's concerns about the potential for customers to override the switchover point and run equipment as a stand-alone furnace. He cited a study funded by Trane and conducted by the University of California, Davis (UC Davis) which concluded that the potential NOx emissions reductions can be greater than 90 percent when using hybrid heating systems and requested the 40 ng/J dual fuel systems be considered for use throughout the Basin without a time limitation.

Regina Hsu, Earthjustice, commented on the high levels of pollution this summer that have exceeded the federal ozone standard amidst the pandemic, highlighting the importance of reducing emissions from top NOx sources in the region. She urged the Board to not further weaken Rule 1111 and to address commercial and residential sources of NOx pollution in buildings, including gas appliances that worsen both outdoor and indoor air quality. She requested that the rulemaking process for Rule 1121 – Control of Nitrogen Oxides from Residential-Type, Natural Gas-Fired Natural Water Heaters, be initiated to achieve emission reductions under Control Measure CMB-02.

Harvey Eder expressed the need to do better to improve the environment, expressed concerns about climate change and advocated for solar energy.

John Anderson stated that he represents a small family business that has been attempting to open an art gallery. He requested an extension to allow additional time to purchase a new high-efficient HVAC roof-top unit for an art gallery as he is unable to purchase and install a new unit by the September 2020 deadline, due to the pandemic. *(Ms. Nakamura clarified that the proposal is to extend the compliance date for one year for weatherized roof-type furnaces.)*

Leah Louis-Prescott, Rocky Mountain Institute, urged the Board to further strengthen Rule 1111 and not allow the requested exemptions. She commented on the harmful levels of toxic pollutants from building appliance emissions that

cause respiratory illnesses, noting that buildings emit more NO<sub>x</sub> per day than light-duty vehicles and power plants.

Chairman Burke commented on a company in Las Vegas, Nevada that is working on water heaters powered by solar cells and noted that he has arranged for them to meet with Mr. Nastri to discuss the technology.

Ranji George expressed support for staff's proposal and solar water heaters. He also commented on the likely interest to switch over to natural gas in the dual fuel system if given the opportunity, and toxic levels of pollutants from gas appliances that harm indoor air quality.

Rusty Tharp, Goodman Manufacturing, expressed support for the amendments to the rule and appreciation for staff working with the manufacturers. He also commented on concerns with 40 ng/J dual fuel systems, including backsliding, the switchover point, enforcement challenges, higher NO<sub>x</sub> emissions compared to a 14 ng/J furnace, consumer operating costs, and potential for consumers to tamper or disconnect the heat pump.

Kellie Lindenmoyer, Trane Technologies, requested a continuance of the public hearing as many installers are in high demand due to the heat wave and were unable to attend today's meeting. She highlighted the benefits of the 40 ng/J dual fuel systems and requested they be considered for use throughout the Basin without a time limitation.

Dave Winningham, Lennox International, expressed support for the staff proposal. He was opposed to allowing 40 ng/J in dual fuel applications and noted that Lennox offers 14 ng/J non-condensing and condensing furnaces that can be configured for dual fuel applications.

Chris Chavez, Coalition for Clean Air, opposed loosening the NO<sub>x</sub> standards and backsliding that is inconsistent with the SIP, given the difficulty in achieving federal air quality standards. He noted that gas appliances are a major contributor of pollutants in the region and the need for South Coast AQMD to consider how to reduce emissions from gas appliances, especially water heaters.

Doug McLeish, Johnson Controls, noted reasons for requesting a 60-day sell through period in addition to the 12-month extension. He clarified the retail cost difference on weatherized packaged units relative to the furnace rebate.

Chris Forth, Johnson Controls, requested allowing dual fuel systems with non-compliant 40 ng/J furnaces for the entire South Coast region, which would provide additional options for consumers. He also requested an additional 60-day sell through period for weatherized furnaces beyond the one-year extension of the compliance date.

Silverio Davila, Ferguson  
Miguel, Owner of HVAC company  
Codi Novini, HVAC contractor  
Mark Ramirez, HVAC contractor

Requested allowing dual fuel systems with non-compliant 40 ng/J furnaces in all areas to provide consumers with more options.

Ms. Nakamura responded to comments regarding the furnace rebate and commented that the 12-month extension allows sufficient time for manufacturers to manage existing inventory.

Senator Delgado suggested that staff contact individual commenters to clarify the extension and sell through period.

Senator Delgado and Vice Chairman Benoit commented on the 12-month mitigation extension, noting that the extension satisfies the sell through period and accommodates concerns discussed at the Stationary Source Committee meeting.

Council Member Rodriguez asked for the Stationary Source Committee's perspective regarding the 60-day sell through period and staff's response to the UC Davis study.

Ms. Nakamura commented on staff's concerns that a dual fuel system with a 40 ng/J non-compliant furnace would result in 65 percent higher NOx emissions than a dual fuel system with a 14 ng/J furnace and an increased supply of 40 ng/J NOx furnaces used in dual fuel split systems could create additional enforcement challenges.

Senator Delgado noted that she is sensitive to the concerns regarding the sell through period and felt the 12-month extension was a good compromise.

Council Member Mitchell commented that the consensus of the Stationary Source Committee is that the 12-month extension was sufficient. She also emphasized an option to buy the 14 ng/J dual fuel system is available, and the substantial emission reductions from this rule.

Council Member Cacciotti thanked the Stationary Source Committee and noted that the furnace rebates will help to stimulate the economy.

Vice Chairman Benoit noted that his biggest concern with the 40 ng/J dual fuel system is backsliding and pointed out that the option for a 14 ng/J dual fuel system. He expressed his appreciation to industry representatives for their comments and acknowledged the work that it took to get to this point. He recommended moving forward with the staff proposal.

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

Written Comments Submitted on behalf of the following organizations:

Adrian Martinez/ Rebecca Barker/Regina Hsu, Earthjustice  
Matthew Gough, Sierra Club  
Hoi Poon, Silicon Valley Youth Climate Action  
Bronwyn Janet Barry, North American Passive House Network  
Amanda Millstein, M. D., Climate Health Now  
Council Member Daniel Brotman, City of Glendale  
Lauren Weston, Acterra: Action for a Healthy Planet  
Antonina Markoff, The Climate Reality Project Bay Area Chapter  
Pauline Seales, Santa Cruz Climate Action Network  
Daniel W. Chandler, 350 Humboldt  
Robert Gould, M.D., San Francisco Bay Physicians for Social  
Responsibility  
Leah Louis-Prescott, Rocky Mountain Institute

MOVED BY MITCHELL, SECONDED BY  
CACCIOTTI, AGENDA ITEM NO. 31  
APPROVED AS RECOMMENDED,  
ADOPTING RESOLUTION NO. 20-13  
DETERMINING THAT PROPOSED AMENDED  
RULE 1111 – REDUCTION OF NOX  
EMISSIONS FROM NATURAL-GAS-FIRED,  
FAN-TYPE CENTRAL FURNACES, AND  
REVISIONS TO THE CLEAN AIR FURNACE  
REBATE PROGRAM ARE EXEMPT FROM  
THE REQUIREMENTS OF CEQA, AMENDING  
RULE 1111 – REDUCTION OF NOX  
EMISSIONS FROM NATURAL-GAS FIRED,  
FAN TYPE CENTRAL FURNACES AND  
REVISING THE CLEAN AIR FURNACE  
REBATE PROGRAM, BY THE FOLLOWING  
VOTE:

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

NOES: None

ABSENT: Bartlett

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

Steven Goldsmith, Torrance Refinery Action Alliance (TRAA)  
Florence Gharibian, Del Amo Action Committee  
Tom Hazelleaf, Seal Beach resident  
Al Sattler, TRAA  
David and Vanessa Poster

Commented on the continued use of modified hydrofluoric acid (MHF) at the refineries and called for the immediate phase out of MHF; noted that the South Coast AQMD has not provided updates on this issue, including available alternatives, since September 2019; requested enhanced inspections at the refineries during the extreme heat; and cautioned about the consequences if HF is released.

Chris Chavez inquired about the status of the proposed safety enhancements for MHF outlined in the refineries proffer letters and any community outreach efforts, including public noticing, and the scoping/CEQA process.

Todd Campbell, Clean Energy, thanked Council Member Mitchell for her representation on the CARB Board at their June and July public hearings in conveying the NOx emissions reduction challenges the South Coast region faces. He requested that South Coast AQMD encourage CARB to pursue aggressive approaches to lower NOx emissions and commented on the lack of transparency with the Mobile Source Strategy document that CARB is developing. He also requested that South Coast AQMD staff develop indirect source rules and explore public and private partnerships that can help replace aging trucks with significantly cleaner options.

Ian Stewart, Rail Propulsion Systems, commented on their current project with South Coast AQMD to demonstrate a small battery powered switcher locomotive. He gave a presentation that included a video on a full size zero emissions locomotive known as the 999 and requested funding for a three-month demonstration at the Metrolink central maintenance yard.

Chairman Burke inquired about the batteries that are being used.

Mr. Stewart responded that the batteries are a combination of legacy locomotive batteries and recycled batteries from electric vehicles.

Ranji George expressed concerns with the San Bernardino County Employees' Retirement Association's (SBCERA) interpretation of the *Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association* case regarding health premiums.

Supervisor Rutherford reiterated that there is no discretion for either the South Coast AQMD or SBCERA in implementing the California Supreme Court's decision on this matter.

Harvey Eder expressed concerns with the posting of meeting notices and Zoom connections.

### **CLOSED SESSION**

The Board recessed to closed session at 12:20 p.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 action is:

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.

#### CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

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

#### 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, Deputy Executive Officer – Administrative & Human Resources;
- Employee Organization(s): Teamsters Local 911, and South Coast AQMD Professional Employees Association; and
- Unrepresented Employees: Designated Deputies and Management and Confidential employees.

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS

It is also necessary to recess to closed session pursuant to Government Code section 54957, as specified below:

- Title: Executive Officer
- Title: General Counsel

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 1:15 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on September 4, 2020.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

\_\_\_\_\_  
Dr. William A. Burke, Chairman

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**ACRONYMS**

AQMP = Air Quality Management Plan

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

RFP = Request for Proposal

RFQ = Request for Quotations

SCAG = Southern California Association of Governments

SIP = State Implementation Plan

U.S. EPA = United States Environmental Protection Agency