

BOARD MEETING DATE: September 4, 2020

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

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

**RECOMMENDED ACTION:**

Approve Minutes of the August 7, 2020 Board Meeting.

Faye Thomas  
Clerk of the Boards

**FRIDAY, AUGUST 7, 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 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

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

Members absent:

Supervisor Kathryn Barger  
County of Los Angeles

Council Member Joe Buscaino  
City of Los Angeles

**CALL TO ORDER:** Chairman Burke called the meeting to order at 9:05 a.m.

- Pledge of Allegiance: Led by Chairman Burke
- Opening Comments

Supervisor Rutherford commented on the August 6, 2020 San Bernardino County Employees' Retirement Association (SBCERA) Board meeting that included discussion regarding the decision by the California Supreme Court in the case known as *Alameda County Deputy Sheriffs' Association v. Alameda County Employees' Retirement Association*. Over 200 individuals attended the meeting, including many South Coast AQMD employees and retirees who provided public comment. She noted that the SBCERA Board had adopted a Resolution at the August 6 meeting to implement the court's decision and read a statement from the SBCERA Board.

Council Member Cacciotti announced that he recently visited Coast Rail Services in Anaheim which is using repurposed Tesla and Nissan Leaf batteries in locomotives. He encouraged Board members to visit the facility and see the project that is funded by South Coast AQMD. He also noted that he and Board Member Kracov visited the City of Glendora to promote electric lawn and garden equipment.

Council Member Mitchell gave an update on recent CARB regulatory activities, including the Advanced Clean Truck Regulation that was adopted on June 25; and the Heavy-Duty Engine and Vehicle Omnibus and Ocean-Going Vessels At-Berth regulations, which will be considered on August 27, 2020, noting proposed emission reductions within these rules.

Mr. Nastri reassured the Board that core business operations continue during this challenging time, including rulemaking and community outreach. Staff continue to be effective in the field conducting inspections and responding to complaints even though working remotely. He also thanked Supervisor Rutherford for her efforts and leadership on the SBCERA Board.

Chairman Burke acknowledged the retirement of Mike Garibay, Source Testing Manager, and recognized his 31 years of dedicated service to the South Coast AQMD on behalf of the Board.

## **CONSENT CALENDAR**

1. Approve Minutes of June 5, 2020 Board Meeting

2. Set Public Hearing September 4, 2020 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations

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

**Budget/Fiscal Impact**

3. Execute Contract to Investigate Effects of Ethanol-Gasoline Fuel Blend from Light-Duty Vehicles on Criteria Emissions and Secondary Organic Aerosol Formation
4. Recognize Revenue, Appropriate Funds, and Issue Solicitations and Purchase Orders for Air Monitoring
5. Amend Contract to Clarify Ownership of Equipment Funded by South Coast AQMD in High Efficiency and Low-NOx Combo Ribbon Burner Combustion System Demonstration
6. Adopt Resolution Recognizing Funds for FY 2019-20 Carl Moyer State Reserve Program and Redistribute Funding Sources for Incentive Projects to Facilitate Timely Implementation
7. Issue Program Announcement for Zero-Emission Class 8 Freight and Port Drayage Trucks Eligible Under Statewide Volkswagen Environmental Mitigation Trust Program and Execute Contracts for Selected Eligible Projects
8. Issue RFP for Qualified Installers of Global Positioning Devices for Marine Vessel Projects
9. Establish a List of Prequalified Counsel to Represent and Advise South Coast AQMD Hearing Board
10. Approve Fund Transfer for Miscellaneous and Direct Expenditures Costs in FY 2020-21 as Approved by MSRC

**Items 11 through 18 – Information Only/Receive and File**

11. Legislative, Public Affairs and Media Report
12. Hearing Board Report
13. Civil Filings and Civil Penalties Report
14. Lead Agency Projects and Environmental Documents Received
15. Rule and Control Measure Forecast
16. Status Report on Major Ongoing and Upcoming Projects for Information Management
17. California Fuel Cell Partnership Executive Board Meeting Agenda and Activity Update
18. Report to Legislature and CARB on South Coast AQMD's Regulatory Activities for Calendar Year 2019

Council Member Mitchell noted that she has no financial interests in Item Nos. 3 and 6 but is required to identify for the record that she is a Board Member of CARB, which is involved in these items.

Due to requests to speak and Board member questions on Consent Calendar items 3 and 7, the vote on the Consent Calendar was deferred until after those comments were made.

19. **Items Deferred from Consent Calendar**

3. Execute Contract to Investigate Effects of Ethanol-Gasoline Fuel Blend from Light-Duty Vehicles on Criteria Emissions and Secondary Organic Aerosol Formation

Council Member Cacciotti expressed support for the project and inquired about what methods would be used to conduct the study. He also inquired about possible conclusions of the study.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, explained that the study will evaluate how gasoline with higher ethanol blends will affect California emissions. The study will inform CARB on how they may regulate the fuel, automotive makers on how they may be able to control emissions from the different blends and provide a better understanding of the air quality and health impacts. Dr. Miyasato stated that vehicle tailpipe emissions from different blends will be collected and put into the smog chamber at University of California, Riverside/CE-CERT to measure the resulting ozone emissions.

Harvey Eder, Public Solar Power Coalition, expressed concerns about CO2 levels, climate change and the arctic melting. He urged support for research on alcohol fuels.

MOVED BY CACCIOTTI, SECONDED BY  
BENOIT, AGENDA ITEM NO. 3 APPROVED  
AS RECOMMENDED, BY THE FOLLOWING  
VOTE:

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

NOES: None

ABSTAIN: Rutherford

ABSENT: Barger and Buscaino

7. Issue Program Announcement for Zero-Emission Class 8 Freight and Port Drayage Trucks Eligible Under Statewide Volkswagen Environmental Mitigation Trust Program and Execute Contracts for Selected Eligible Projects

Chairman Burke expressed concern that it was reported in a recent newspaper article that the Board had already approved this item. He also inquired about the South Coast AQMD's role in the distribution of funds for the program.

Mr. Nastri, Executive Officer, commented that South Coast AQMD is the statewide administrator on behalf of CARB for two of the five VW Environmental Mitigation Trust Program funding categories. The article announced that these funds were released and would be distributed to air districts for eligible projects; however, the South Coast AQMD Board must approve all expenditures of funds.

Emily Spokes, North East Los Angeles (NELA) Climate Collective, commented that she recently spoke with the Mayor of Los Angeles on a Neighborhood Council call and he mentioned working with Council Member Buscaino and commented that the South Coast AQMD is a leader in efforts to clean the air.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 7 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: Burke

ABSENT: Barger and Buscaino

MOVED BY CACCIOTTI, SECONDED BY PEREZ, AGENDA ITEMS 1, 2, 4, 5, 6 AND 8 THROUGH 18 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-12 RECOGNIZING GRANT FUNDS AND APPROVING THE SOUTH COAST AQMD'S PARTICIPATION IN THE FY 2019-20 (YEAR 22) CARL MOYER PROGRAM STATE RESERVE PROGRAM, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Barger and Buscaino

## **BOARD CALENDAR**

20. Administrative Committee

21. Legislative Committee
22. Mobile Source Committee
23. Stationary Source Committee
24. Technology Committee
25. Mobile Source Air Pollution Reduction Review Committee
26. California Air Resources Board Monthly Report

Item No. 21 was held for comment and discussion.

21. Legislative Committee

Mayor McCallon expressed concern about the general obligation bond proposed under AB 3256 (E. Garcia) and asked that it be voted on separately from the other legislative items under consideration.

Supervisor Perez asked for an update on this legislation.

Phillip Crabbe III, Public Affairs Manager, responded that the bill is in the Senate Rules committee and preliminary indications are that the bill will not be moved this year but could be moved at the last minute. South Coast AQMD has submitted a letter of support if the bill is amended to include an additional \$500 million for air quality funding.

Chairman Burke asked how much of the \$500 million would be allocated to South Coast AQMD and Mr. Crabbe responded that it would be 43 percent.

Supervisor Bartlett noted her opposition to AB 3256.

Council Member Rodriguez requested coordination with the Orange County Council of Governments (OCCOG) regarding legislation so that he can have a clear understanding when voting on legislation on behalf of the cities that he represents. He noted that he would abstain from this item.

Chairman Burke inquired whether there is coordination with the Council of Governments (COGs).

Derrick Alatorre, DEO/Legislative, Public Affairs and Media explained that legislative items are considered in the Legislative Committee without the



coordination of COGs; however, there are times when organizations will register a position on certain items under consideration.

Mr. Nastri responded that staff attends COG meetings and discusses legislation when appropriate. Staff is very engaged in knowing which organizations are supporting or opposing legislation but will ensure that there is better coordination with the COGs in the future. The South Coast AQMD's position on legislation is focused on fulfilling the mission of providing clean air and improving the quality of life for all residents in the South Coast Basin and providing information to the Board to make an informed decision.

Council Member Mitchell commented on the difficulty of coordinating with the COGs in all four counties and noted that it is incumbent on the COGs to keep informed on current legislation and coordinate with their appropriate regional bodies.

Chairman Burke commented on the benefits of mutual support with COGs.

Council Member Rodriguez suggested that an email be sent to the OCCOG after the Legislative Committee meeting to inform them about upcoming recommendations on legislation. He mentioned that South Coast AQMD has a seat and vote on the OCCOG.

Supervisor Perez inquired about funding in the current bill.

Mr. Alatorre explained that there are some funds allocated to the Coachella Valley and Salton Sea but the amendment that is being requested would add another \$500 million for air quality funding.

Harvey Eder expressed support for solar equity issues in all legislation.

Mr. Ranji George, a member of the public, expressed concerns about consumer battery waste in landfills. He urged the Board to support funding for battery recycling projects.

SUPERVISOR PEREZ MADE A MOTION APPROVING THE FOLLOWING RECOMMENDATION ON AB 3256, THE MOTION WAS SECONDED BY COUNCIL MEMBER MITCHELL, AND FAILED BY THE FOLLOWING VOTE:

AYES: Burke, Cacciotti, Delgado, Kracov, Mitchell and Perez

NOES: Bartlett, McCallon and Rutherford

ABSTAIN: Benoit and Rodriguez

ABSENT: Barger and Buscaino

<b>Agenda Item</b>	<b>Recommendation</b>
AB 3256 (E. Garcia) Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020	Support if Amended

There was discussion about the outcome of the vote and other action that could be taken.

Bayron Gilchrist, General Counsel, noted that any Board Member could move to have the item reconsidered.

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 21 APPROVED, RECEIVING THE LEGISLATIVE COMMITTEE REPORT, AND APPROVING THE FOLLOWING POSITIONS ON LEGISLATION, BY THE FOLLOWING VOTE:

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

NOES: None

ABSTAIN: Rodriguez

ABSENT: Barger and Buscaino

<b>Agenda Item</b>	<b>Recommendation</b>
AB 2882 (Chu) Hazardous emissions: and substances: school sites: private and charter schools	Support
SB 895 (Archuleta) Energy: zero-emission fuel, infrastructure, and transportation technologies	Support

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEMS 20 AND 22 THROUGH 26, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Barger and Buscaino

**Staff Presentation/Board Discussion**

27. Support California Proposition 16, Repeal of Proposition 209, Placed on November 2020 Ballot for Voter Consideration

Derrick Alatorre, DEO/Legislative, Public Affairs and Media, gave the staff presentation on Item No. 27.

Council Member Mitchell expressed support for Proposition 16 and commented that this is the appropriate time to be addressing race and ethnicity issues.

Supervisor Rutherford commented that she has spent considerable time studying racism and affirmative action and has not reached a decision about Proposition 16. She expressed concerns regarding institutionalized racism that has plagued the country for too long and the need to address societal and political issues surrounding racism. She noted that this item is not directly related to the South Coast AQMD's mission to provide clean air and improve air quality in the South Coast Air Basin; therefore, it is not appropriate for the Board to take a position on this matter.

Supervisor Bartlett concurred with Supervisor Rutherford's comments and stated that the Orange County Board of Supervisors has not taken a position on Proposition 16 and is conducting further research. She noted that she would be abstaining on the item.

Senator Delgado commented that persons of color and underserved communities disproportionately suffer from poor air quality and it is incumbent on the South Coast AQMD to work to improve this inequity. She recommended that the Board go beyond supporting Proposition 16 and create a policy to improve

inclusivity and racial equity by looking at hiring practices at South Coast AQMD, including hiring staff from AB 617 communities to reflect the communities that South Coast AQMD serves. She also recommended establishing measurable contract goals that support minority-owned, women-owned, small disadvantaged, and veteran-owned businesses in contracting activities. Lastly, she recommended tripling the budget for the Clean Air Ranger Education and Why Healthy Air Matters education programs to increase awareness in environmental justice communities on air quality and environmental issues. She urged the Board to consider using settlement funds to expand those programs and outreach to improve racial injustice.

Chairman Burke thanked Senator Delgado for her comments and suggestions and asked staff to report back on the legal implications of the proposals.

Council Member Rodriguez concurred with the comments made by Senator Delgado and fellow Board members and stated that this is the time to re-examine and pursue goals that support social and racial equity. He reflected on his experiences growing up in the Bronx in New York City and the opportunities this country offers that allowed him to follow a path to a better life. He noted that he is closely examining the issues of Proposition 16 and reiterated his request that staff coordinate legislative matters with the OCCOG so that he is better prepared to vote on legislative matters before the Board. He noted that he would be abstaining from this item.

Supervisor Perez expressed support for Supervisor Delgado's motion and asked that staff present to the Board an analysis of efforts at South Coast AQMD to expand inclusivity and equity in the workplace and the expansion of educational programs in underserved communities.

Chairman Burke commented on recent efforts that staff is pursuing to address diversity at South Coast AQMD, and the educational programs that have been implemented in communities to expand outreach. He reflected on how things have improved and the progress that has been made since he first joined the Board. He asked staff to update the Board on diversity efforts and prepare a budget analysis for expanding educational programs.

Mr. Gilchrist commented that staff took steps several weeks ago to address and improve inclusivity and diversity at South Coast AQMD.

Mr. Nastri commented that staff will be providing an update on initiatives to support and improve inclusion and diversity at next week's Administrative Committee meeting. Since the South Coast AQMD issued a statement regarding Black Lives Matter, an internal survey soliciting anonymous input from employees on inclusion, diversity and equity issues was conducted and hundreds of comments were received covering a wide diversity of views. An Inclusion, Diversity

and Equity Advisory panel (IDEA) composed of employees was created to make recommendations on a wide range of topics to improve the workplace. The IDEA panel will evaluate demographic information that was provided, which shows the breakdown of South Coast AQMD staff by organization and department, as well as new hires and promotions as there is opportunity for improvement. Staff also reached out to guest speakers who can provide insight on this issue. U.S. Representative Karen Bass has agreed to speak on issues of equity, and we have reached out to Kareem Abdul-Jabbar's Skyhook Foundation, which is involved in promoting STEM-based educational programs to students in underserved communities. In addition, we have joined the Government Alliance on Race and Equity.

Board Member Kracov commented on the work by South Coast AQMD over the last several decades to improve diversity. He concurred with the proposals introduced by Senator Delgado. He expressed support for Proposition 16 noting that it will help create equal opportunities for all Californians and fight discrimination against women and people of color in public contracting, employment and education. He noted that race and ethnicity are unfortunately one of the highest correlators to exposure to pollution and commented on the many sources of pollution that impact underserved communities of color and increase their susceptibility to COVID-19.

Konstantin Hatcher urged the Board to support Proposition 16 and expressed the need to improve interagency inclusiveness and racial equity through the reevaluation of current policies. He expressed concerns about noise, debris, water runoff and emissions from Atlas Metals, which is located adjacent to Jordan High School and the Jordan Down housing project in Watts. He noted that several complaints have been filed with the Department of Toxic Substances Control. He also spoke in support of L.A. City Council President Herb Wesson's motion three weeks ago to direct the Los Angeles Department of Building and Safety to review all facilities across the city which pose potentially dangerous environmental threats to schools and sensitive receptors.

Chairman Burke commented that he is aware of the concerns and complaints related to Atlas Metals and noted that their operations do not require a permit. He asked Mr. Nastri to update the Board on this matter.

Mr. Nastri responded that South Coast AQMD has been actively involved in an ongoing investigation of the complaints related to Atlas metals and recently responded to a letter from the Los Angeles Unified School District (LAUSD). Staff is coordinating efforts with the L.A. City Attorney and the Department of Toxic Substances Control (DTSC), but cannot comment on an ongoing investigation. Staff will update the Board when appropriate.

Anna Christensen, Sierra Club, commented on issues of racism, diversity and oppression.

Ranji George expressed support for contract awards for minority businesses and suggested that the Board consider installing training institutes in disadvantaged communities to assist businesses in competing for contracts.

Chairman Burke commented on the lack of minorities who have environmental legal experience and the need to expand opportunities in this field as well as other fields.

Pastor Robert Taylor, Watts Area Ministers, expressed concerns about the ongoing dust, debris and air quality impacts from Atlas Metals near Jordan High School and the Jordan Downs housing community.

COUNCIL MEMBER MITCHELL MADE A MOTION APPROVING AGENDA ITEM 27, AND DIRECTING STAFF TO PREPARE A RECOMMENDATION TO TRIPLE THE BUDGET FOR THE WHY HEALTHY AIR MATTERS (WHAM) AND CLEAN AIR RANGER EDUCATION PROGRAMS FOR THE ADMINISTRATIVE COMMITTEE'S REVIEW AND RETURN TO THE BOARD TO SEEK APPROVAL FOR THE ADDITIONAL FUNDS, THE MOTION WAS SECONDED BY SENATOR DELGADO AND APPROVED, BY THE FOLLOWING VOTE:

AYES: Bartlett\* (*Abstain from Proposition 16*), Benoit, Burke, Cacciotti, Delgado, Kracov, McCallon\* (*Abstain from Proposition 16*), Mitchell, Perez, Rodriguez\* (*Abstain from Proposition 16*) and Rutherford\* (*Abstain from Proposition 16*)

NOES: None

ABSTAIN: Bartlett, McCallon, Rodriguez and Rutherford (*Proposition 16 only*)

ABSENT: Barger and Buscaino

\* Bartlett, McCallon, Rodriguez and Rutherford abstained from Proposition 16 but noted their support for Senator Delgado's recommendation to increase funding for the WHAM and Clean Air Ranger Education Programs.

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

Jill Whynot, Chief Operating Officer, gave the staff presentation on Item No. 28.

Council Member Rodriguez inquired about the Administrative Committee's rationale to not extend the permit reinstatement grace period and reduce associated late fees.

Chairman Burke stated that the Administrative Committee did not see a need to change the policy because South Coast AQMD's reinstatement policy is flexible and in line with the other air districts.

Council Member Rodriguez asked for clarification on the significant number of permits that are expiring in July 2020 in comparison to the number of expired permits in 2019.

Ms. Whynot explained that there are 468 permit renewals that have not been paid on time as of July 2020 and could potentially expire; however, this is a worst case scenario as there is still time for those permits to be reinstated. The number of expired permits shown for 2019, a total of 83, is the actual number of permits that were not renewed. She added that most expired permits are typically paid within a year and the majority get paid within 30-60 days of being late.

Council Member Rodriguez expressed concern that historical data on the reinstatement of permits may not apply amid a pandemic as businesses are looking for economic relief to stay afloat. He noted the importance for staff to continue monitoring this issue and consider possible relief for businesses.

Chairman Burke commented that the total revenue from reinstatement fees are a relatively small amount.

Council Member Rodriguez suggested that South Coast AQMD absorb the fees and not add to the expense of businesses.

In response to Council Member Rodriguez request for data on the number of businesses that are minority-owned, Ms. Whynot responded that demographic data on ethnicity for permitted businesses is not available to South Coast AQMD.

Chairman Burke added that data is available on the size of businesses and noted the importance of protecting small businesses as they are the backbone of the economy.

Mr. Nastri stated that staff would provide a breakdown of expired permits by business size, as well as track potential versus actual permits that have expired for the previous month in subsequent reports. He reassured the Board that staff continues to work with industry to address challenges due to the pandemic, while

keeping track of revenues and expenditures to ensure there is no delay in projects that are in progress or impact in processing of permits for those programs.

Council Member Rodriguez commented on providing relief to businesses that are in the last three months of the 12-month reinstatement period as they may have been prepared to pay but with the onset of the pandemic are hurting financially. He noted the importance of identifying businesses that are minority-owned, in light of Proposition 16.

Chairman Burke recommended that staff evaluate options that could provide assistance to businesses that are at the end of the 12-month reinstatement period and present at the Administrative Committee meeting.

Council Member Cacciottii inquired about the average total number of permit applications filed annually and the status of efforts to reduce the number of permit applications.

Ms. Whynot commented that the total number of permit applications include permits for new equipment, change of ownership and modifications to existing permits. She also noted that Permitting staff continues to exceed the 50 percent reduction goal from the initial June 2016 baseline despite the high staff vacancy rate and processing more challenging permits.

#### RECEIVE AND FILE; NO ACTION NECESSARY

29. Notification to Board of Settlement Discussions (*Oral Report/No Written Materials*)

Mr. Gilchrist gave the staff presentation on Item No. 29.

Council Member Mitchell was concerned that information would only be provided to individual Board members who express an interest or concern and not to all Board members.

Mr. Gilchrist clarified that the intent is to send the information to all Board members, but individual Board members would have to contact the General Counsel's office for follow-up questions to avoid any violations of the Brown Act.

Chairman Burke discussed the Board's efforts over the past 30 years to not get involved in enforcement actions to avoid the perception of influencing staff; however, the Board is also responsible for public concerns about settlement agreements. He stated that he would not support the proposed policy.



Council Member Mitchell asked whether the Hearing Board report provides information regarding potential settlements that may be of interest to the Board and Mr. Gilchrist responded that it does not.

Chairman Burke recommended that staff continue to work on the policy and report back to the Board. He asked the Board if there were any objections to his recommendation. Hearing none, Chairman Burke directed staff to revise the proposed policy and present it to the Administrative Committee before presenting to the full Board for consideration.

## **PUBLIC HEARING**

30. Determine That Submission of Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice, into the SIP is Exempt from CEQA and Submit Rule 212 for Incorporation into the SIP

The staff report on Item No. 20 was waived.

The public hearing was opened, and there being no requests from the public to comment on this item, the public hearing was closed.

MOVED BY MCCALLON, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 30 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 20-11 DETERMINING THAT THE PROPOSED SUBMISSION OF AMENDED RULE 212 – STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE, FOR INCORPORATION INTO THE STATE IMPLEMENTATION PLAN (SIP) IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND DIRECTING STAFF TO FORWARD AMENDED RULE 212 – STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE, TO THE CALIFORNIA AIR RESOURCES BOARD (CARB) FOR APPROVAL AND SUBMISSION TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA) FOR INCORPORATION INTO THE SIP, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Barger and Buscaino

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

Ranji George, South Coast AQMD retiree  
Phil Barroca, South Coast AQMD employee

Expressed concerns about the recent decision in the Alameda County Deputy Sheriff's Association v. Alameda County Employees' Retirement Association. He suggested a 60-day window to allow employees to consider retirement before the decision is implemented.

Chairman Burke inquired if a 60-day window could be considered.

Mr. Gilchrist commented that the request would need to be considered by SBCERA.

Mr. Nastri responded that many employees gave public testimony at the SBCERA meeting yesterday and expressed their concerns. He stated that South Coast AQMD would write a letter to SBCERA supporting a 60-day window.

Supervisor Rutherford noted that SBCERA is obligated by law to enforce any ruling from the Supreme Court.

Carlos Torres, L.A. Unified School District  
Timothy Watkins, Watts Labor Community Action Committee  
Wendy Avila, Communities for a Better Environment (CBE)  
Camille Sosa, teacher at Jordan High School  
Stephanie Hernandez translating for Maria Cernas, Jordan High School Parent  
Stephanie Hernandez translating for Luis Calderon, Jordan High School Parent

Expressed concerns about long-standing complaints about noise, metal dust, debris, water runoff, lead contamination and emissions from Atlas Metals near Jordan High School and the Jordan Downs housing community in Watts. They expressed health concerns for students and residents experiencing dangerous public health and safety issues emanating from this business. Urged the Board to assist in abating the nuisance.

Mr. Nastri responded that the South Coast AQMD is engaged in an investigation of Atlas Metals with the Los Angeles District Attorney's office, DTSC, LAUSD as well as other agencies. He noted that the business does not require a permit from South Coast

AQMD but is subject to public nuisance rules and state law. Staff will keep the Board apprised of the investigation.

Board Member Kracov commented that he has visited the Atlas Metals site and has public health and safety concerns. He expressed confidence in South Coast AQMD's investigative efforts.

Senator Delgado inquired about lead contamination at Jordan High School and noted that lead contamination complaints can be found on a site called GeoTracker.

Terrence Mann, DEO/Compliance and Enforcement, stated that Atlas is a scrap metal recycling facility and described their operations. He commented that the cutting of metals does produce emissions and the South Coast AQMD is investigating the business.

Jessie Parks

Yassi Kavezade, Sierra Club

Justice Sandoval, Sierra Club

Expressed concerns regarding the increased number of warehouses, diesel truck emissions and elevated ozone levels impacting the Inland Empire. They urged the Board to prioritize the adoption of ISRs to improve the air quality in underserved communities. Expressed support for zero-emission technologies.

Jennifer Granata, CBE, noted concerns regarding Atlas Metals and expressed support for L.A. City Council President Herb Wesson's motion three weeks ago to direct the L. A. Department of Building and Safety to review all facilities across the city which pose potentially dangerous environmental threats to schools and sensitive receptors.

Mr. Eder expressed concerns about homelessness, fossil fuels, climate change, natural gas and the reported numbers for CO2.

Paul Jackson expressed concerns regarding delays in the "Replace Your Ride" program.

Dr. Miyasato noted that there has been an overwhelming response for the program which has slowed processing time. He noted that he would follow up with Mr. Jackson after the meeting.

Ms. Christensen expressed concerns about air quality in the Long Beach area and emissions from mobile and stationary sources. She commented on the importance of regulating toxic emissions from refineries and requested increased air monitoring near sources of pollution.

## **CLOSED SESSION**

The Board recessed to closed session at 12:35 pm., 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:

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); United States Court of Appeals, Third Circuit, Case No. 20-1858;

In re: Exide Holdings Inc., U.S. Bankruptcy Court, District of Delaware, Case No. 20-11157 (CSS) (Bankruptcy 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; and

CalPortland Company v. South Coast Air Quality Management District; Governing Board of the South Coast Air Quality Management District; and Wayne Natri, Executive Officer, and Does 1-100, San Bernardino County Superior Court, Case No. CIV DS 19258941.

### CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (one case).

Following closed session, Mr. Gilchrist, 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 August 7, 2020.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

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Dr. William A. Burke, Chairman

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**ACRONYMS**

CARB = California Air Resources Board  
CEQA = California Environmental Quality Act  
COG = Council of Governments  
DTSC = Department of Toxic Substances Control  
FY = Fiscal Year  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
NOx = Oxides of Nitrogen  
RFP = Request for Proposals  
SIP = State Implementation Plan  
U.S. EPA = United States Environmental Protection Agency