

BOARD MEETING DATE: May 7, 2021

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the April 2, 2021 meeting.

RECOMMENDED ACTION:

Approve Minutes of the April 2, 2021 Board Meeting.

Faye Thomas
Clerk of the Boards

FRIDAY, APRIL 2, 2021

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

Mayor Pro Tem Ben Benoit, Vice Chairman
Cities of Riverside County

Supervisor Lisa A. Bartlett
County of Orange

Mayor Pro Tem Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Senator Vanessa Delgado (Ret.)
Senate Rules Committee Appointee

Gideon Kracov
Governor's Appointee

Supervisor Sheila Kuehl
County of Los Angeles

Mayor Pro Tem Larry McCallon
Cities of San Bernardino County

Supervisor V. Manuel Perez
County of Riverside

Vice Mayor Rex Richardson
Cities of Los Angeles County – Western Region

Mayor Pro Tem Carlos Rodriguez
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Member absent:

Council Member Joe Buscaino
City of Los Angeles

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

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

Mayor Pro Tem McCallon announced that the MSRC approved multiple awards for zero and near-zero emissions trucking and cargo handling equipment in Riverside and San Bernardino counties. The MSRC is seeking the Board's approval today for these contract awards. He noted that the awardees are committed to implement air pollution reduction strategies that reduce emissions from goods movement operations.

Mayor Pro Tem Cacciotti shared photos of a commercial electric lawn and garden equipment demonstration event in Yorba Linda. He commented on the surge in catalytic converter thefts and shared photos that showed where the catalytic converter was stolen from the exhaust system on his Toyota Prius.

Mayor Pro Tem Rodriguez expressed appreciation to Mayor Pro Tem Cacciotti and staff for taking the time to come to Yorba Linda for the electric lawn and garden equipment demonstration.

Supervisor Perez expressed appreciation to Dr. Jo Kay Ghosh, Director of Community Air Programs/Health Effects Officer, and staff for their efforts to educate and start collaboration with the Eastern Coachella Valley AB 617 communities and the Salton Sea authority. He stressed the need for communication and collaboration with other government agencies and non-profits. He thanked Executive Director Sylvia Paz of Alianza Coachella Valley for the organization's grassroots efforts to bring together community members, nonprofits, and government to promote environmental, health and economic issues in the Coachella Valley region.

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

Elliot Gonzales, Long Beach resident, commented on the consequences of continued reliance on fossil fuels, noting its harmful effects on health and the environment. He emphasized the need to rely on clean energy to power communities, homes, buildings, and transportation systems, to create a healthy future for children.

Sarah Wiltfong, BizFed (Los Angeles County Business Federation), summarized their concerns with the warehouse Indirect Source Rule (ISR), noting that the rule is not feasible, there is no clear proof how many emission reductions will be achieved, the

legality of the mitigation fee and that the rule duplicates statewide regulations that address zero emissions goals.

Robert Benz, Benz Air Engineering, expressed concern that additional costs to implement Rule 1146 - Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters, are biased against the South Coast AQMD BARCT/BACT technology. He requested that the Board agendize a technical and economic review of the rule.

Monica Heger, Earthjustice
Jan Victor Andasan, East Yard Communities for Environmental Justice (EYCEJ)/
Carson resident

Spoke in support of a strong Refinery Rule 1109.1 - NOx Reductions From Refinery and Refinery Related Equipment, for refineries to upgrade old equipment that do not have pollution controls. Expressed concerns with repeated delays. Commented on the high number of bad ozone pollution days in 2020, and the adverse health effects associated with NOx emissions from refineries. Urged the Board to adopt a 2 ppm NOx BARCT limit, which is feasible and cost effective. Requested there be no further delays to the adoption of the rule.

Michelle Lewis, Long Beach resident
Darrell Peeden, SBX Youth and Family Services/Moreno Valley USD Board Member
Faraz Rizvi, Center for Community Action and Environmental Justice (CCA EJ)
Alyssa Bell, North East Los Angeles (NELA) Climate Collective
Moses Huerta, Paramount resident
Kathy Hoang, Partnership for Working Families

Expressed support for a strong and enforceable warehouse ISR to regulate goods movement sources that release diesel emissions in environmental justice communities, and urged there be no further delays to the adoption schedule. Stated that the logistics industry can afford to invest in zero emissions technology, noting the substantial profits the industry earned during the pandemic. Noted that the warehouse ISR has the potential to move the transition to clean energy forward, as well as clean energy jobs.

Harvey Eder, Public Solar Power Coalition, expressed support for complete and equitable solar conversion. He commented on the Biden Administration's climate plan, difficulties he experienced filing legal documents in Federal Court and process problems. He requested that the election of the Board Chair and Vice Chair be agendized for a future meeting.

Yassi Kavezade, Sierra Club My Generation Campaign, emphasized the need for a warehouse ISR, noting that incentives and subsidies for near-zero equipment have not resulted in improvement in air quality. She questioned comments about the feasibility of the rule and stressed the need for bold and innovative regulatory policies that are fair, equitable and improve our livelihoods.

Emily Spokes, North East Los Angeles (NELA) Climate Collective, expressed concerns about comments made by industry in opposition to the warehouse ISR. She emphasized the need to adopt a strong warehouse rule to help prevent the suffering of women and children from environmental cancers.

Ranji George, a member of the public, requested that Chairman Burke recognize Mr. Eder for his diligence in attending South Coast AQMD meetings to promote solar energy. He also requested that staff look for creative solutions to advance the application of solar water heating.

Chairman Burke stated that over the years he has inquired about the viability of solar water heating and has acknowledged Mr. Eder's commitment as an advocate for solar energy.

Peter Herzog, NAIOP – Commercial Real Estate Development Association
Matthew Hargrove, California Business Properties Association
Mike Williams, International Warehouse Logistics Association
Rex Hime, California Business Properties Association

Expressed concerns that the warehouse ISR is complex, costly and duplicative and that it will not offer meaningful emission reductions while imposing a significant cost burden on warehouses. Noted that the potential for emission reductions and SIP credit is uncertain. Expressed concerns that the mitigation fee is a tax and questioned the legal authority of the South Coast AQMD for the proposed rule. Commented on the importance of warehouses to the supply chain, noting they have been deemed as essential businesses during the pandemic and provide a broad range of jobs for people with all levels of education and skill sets.

Julia May, Communities for a Better Environment (CBE), expressed frustration about delays in the PR 1109.1 public hearing schedule. She stated that many of the refineries with decades-old equipment that do not have modern controls are concentrated in communities of color. She emphasized the need for a strong and expeditious refinery rule, noting that the AB 617 Community Emissions Reduction Plans (CERPs) identified refineries as a high priority.

Jessica Craven, NELA Climate Collective and California Democratic Party Platform Committee, questioned comments about the costs to implement the warehouse rule, noting that the goods movement industry is earning record profits and can afford to implement the requirements. She expressed concern that there is discussion underway for less stringent requirements that would exempt a significant number of warehouses from the rule. She also expressed frustration that industry plans to meet with Board members to present their viewpoint.

Chairman Burke added that most Board members meet with all stakeholders and encouraged Ms. Craven and others to request meetings.

Florence Gharibian, Environmental Justice Network/Del Amo Action Committee, commented on the series of South Coast AQMD rules that regulate hexavalent chromium emissions from metal finishing facilities. She expressed concern for residents, schools and other sensitive receptors located close to metal finishing facilities and emphasized the importance for the regulated community to understand what each of the rules require, and how they will be implemented, enforced and work to reduce emissions.

Jessica Alvarenga, Pacific Merchant Shipping Association, reiterated many of the concerns expressed by other industry representatives and urged the Board to delay the adoption of the warehouse ISR until key issues that have been raised are adequately addressed.

Chris Chavez, Coalition for Clean Air/Wilmington, West Long Beach, Carson AB 617 Community Steering Committee member, spoke in support of a strong warehouse ISR, and questioned comments made about the infeasibility of the rule and legality of the mitigation fee. He commented on the adverse health effects of diesel particulate matter from trucks serving warehouses on communities near goods movement facilities and along transportation corridors. He stated that the outcome of the warehouse ISR will test the Board's commitment to the AB 617 communities, which identified the warehouse ISR as a strategy in their CERPS. It will also demonstrate the South Coast AQMD's ability to regulate other indirect sources.

Angie Balderas, Sierra Club/AB 617 San Bernardino, Muscoy Community Steering Committee co-host, spoke in support of the warehouse ISR, noting its importance for heavily impacted communities, especially communities of color. She expressed frustration with comments that describe the rule as complex and stated that she has met with some Board members and would like to meet with others

Mirella Deniz-Zaragoza, Warehouse Workers Resources Center
Luis Alejandro Montes Jr., Inside Sustainability

Spoke in support of the warehouse ISR. Expressed concerns that a lucrative company like Amazon is being awarded public funding for a project that is mostly for natural gas trucks. Stated that natural gas is a fossil fuel that needs to be phased out, and emphasized the need for the transition to 100 percent renewable energy. Commented on Amazon's poor worker safety record, violations of workers' rights and anti-union stance. Urged the Board to support the warehouse ISR and hold logistics companies accountable for cleaning up their contribution to air pollution.

Ivette Torres, University of Riverside (CE-CERT), expressed frustration with comments in opposition of the warehouse ISR. The rule is needed to reduce emissions because communities continue to pay the price from being exposed to NOx and particulate matter emissions. She commented on the need to push the logistics industry toward electrification of trucks instead of relying on near-zero emissions natural gas, which is a fossil fuel. She expressed concern that a highly profitable company like Amazon is being awarded public funds and that the contract award is mostly for near-zero emissions natural gas trucks.

Alexis Willis, University of Redland student, noted that the distribution and placement of industries that contribute to high pollution are mainly in low-income minority communities. She stated that the Board has the privilege to change the lives of residents in those communities by supporting the warehouse ISR.

Robina Suwol, California Safe Schools, commented on Rule 1469.1 - Spraying Operations Using Coatings Containing Chromium, and expressed appreciation to staff for facilitating a collaborative environment for the public, industry and environmentalists during the rule development process. She requested that South Coast AQMD prioritize inspections for facilities that are located within 1,000 feet of schools and residents. She thanked Chairman Burke for his years of public service and leadership and wished him well.

Todd Campbell, Clean Energy, expressed disappointment with comments that criticize near-zero emission natural gas trucks and call it a fossil fuel, noting that near-zero emission trucks that run on renewable fuel can reduce NOx emissions comparable to zero emission trucks. He also noted that renewable natural gas received low carbon fuel credits under CARB's Low Carbon Fuel Standard program. He urged support for giving near-zero emission trucks and renewable natural gas fueling stations points in the proposed warehouse ISR similar to zero emission trucks and infrastructure.

Tammy Yamasaki, Southern California Edison (SCE)/San Bernardino, Muscoy AB 617 Community Steering Community member, spoke in support of the warehouse ISR. The rule has the potential to achieve emission reductions that are needed to reach attainment as well as address local public health concerns for communities near warehouses, noting that the San Bernardino, Muscoy Community Steering Committee and residents are counting on the warehouse ISR. She stressed the importance of zero emissions technologies and stated that SCE is committed to helping identify electric infrastructure solutions to meet regulatory compliance while minimizing costs.

Carlo De La Cruz, Sierra Club, questioned comments about the infeasibility and duplicative nature of the warehouse ISR. He stated that the rule is flexible, will create SIP credit and is needed to meet federal attainment deadlines and standards. The warehouse ISR was also identified as a control strategy in the 2016 AQMP and AB 617 CERPs. He noted that battery electric or zero emissions are the only technologies to get us to a cleaner future.

Jen Simmons, Sierra Club, expressed frustration with comments that the warehouse ISR places undue financial burden on an industry that provides good jobs and an essential service that people need. She stated that passing a strong warehouse ISR will save the lives of people living in communities located near warehouses, noting that poor air quality causes respiratory illnesses and exacerbates COVID-19 morbidity.

Written Comments Submitted Re: Clean Fuels Program by:

Andris R. Abele

CONSENT CALENDAR

1. Approve Minutes of March 5, 2021 Board Meeting
2. Set Public Hearings May 7, 2021 to:
 - A. Adopt Executive Officer's FY 2021-22 Proposed Goals and Priority Objectives and Proposed Budget
 - B. Determine That Proposed Amendments to Rule 1469.1 – Spraying Operations Using Coatings Containing Chromium, Are Exempt from CEQA, and Amend Rule 1469.1

Items 3 through 9 - Budget/Fiscal Impact

3. Amend Contract for Development of Battery Powered Locomotive Project
4. Issue RFQ for Technical Assistance to Support South Coast AQMD's Technology Advancement Activities and Implementation Efforts
5. Authorize Executive Officer to Execute Agreement, Establish Special Revenue Fund, Recognize Revenue, Transfer Funds, Issue RFP and Execute Contract(s) to Develop a Real-Time Air Monitoring Network and Symptom and Incident Reporting System and Reimburse General Fund for Administrative Costs
6. Execute Contract for Biennial Audit of Motor Vehicle Registration Revenues for FYs 2017-18 and 2018-19
7. Transfer and Appropriate Funds and Execute Contracts for Short and Long-Term Systems Development, Maintenance and Support Services
8. Approve Telework Stipend Proposal for Professional Unit Employees
9. Approve Modification of Program and Reallocation of Funds, and Approve Awards as Approved by MSRC

Items 10 through 15 – Information Only/Receive and File

10. Legislative, Public Affairs and Media Report

11. Hearing Board Report
12. Civil Filings and Civil Penalties Report
13. Lead Agency Projects and Environmental Documents Received
14. Rule and Control Measure Forecast
15. Status Report on Major Ongoing and Upcoming Projects for Information Management

Board Member Kracov noted that he has no financial interest in Item No. 5 but is required to identify for the record that he is a Board Member of CARB, which is involved in this item.

Mayor Pro Tem Cacciotti noted that he has no financial interest in Item No. 5 but is required to identify for the record that he is a Deputy Attorney General for the State of California Department of Justice, which is involved in this Item.

Supervisor Kuehl noted that she has no financial interest in Item No. 5 but is required to identify for the record that she is a Supervisor for Los Angeles County, which is involved in this item.

Agenda Items No. 9 and 14 were held for comment and discussion.

9. Approve Modification of Program and Reallocation of Funds, and Approve Awards as Approved by MSRC

Shaun Martinez, Teamsters
Adan Alvarez, Teamsters (Local 396)
Andres Garcia, Peoples Collective for Environmental Justice
Elliott Gonzalez, a member of the public
Kathy Hoang, Partnership for Working Families
Iris Verduzo, EYCEJ
Michael Muñoz, Los Angeles For A New Economy
Cindy Donis, EYCEJ

Expressed concerns that public funds are being awarded to a lucrative company like Amazon and highlighted the company's poor labor record and violations of workers' rights to unionize, noting that the contract being awarded is for mostly near-zero emission natural gas trucks. Emphasized the need for funds to be prioritized for zero emission technologies and given to employers that do not violate labor laws and contribute to the community through providing good paying jobs. Noted that three years ago South Coast AQMD committed to include language in RFPs requiring that applicants disclose any labor violations. Urged the

Board to pull Agenda Item No. 9 and direct staff to fully vet the labor records of the contractors.

Chairman Burke inquired about the South Coast AQMD Board's role in approving MSRC awards, vetting the labor record of awardees, and what would happen if all of the awards were disapproved.

General Counsel Bayron Gilchrist confirmed that the Board cannot make modifications to the awards. The Board can only approve or disapprove all of the awards. The MSRC is a separate entity so if the awards are disapproved and sent back to the MSRC with recommendations, it would be at the discretion of the MSRC to make the modifications. He noted that about three years ago staff began including language in South Coast AQMD contracts requiring that companies disclose labor violations.

Chairman Burke questioned why the commenters had not articulated their concerns to the MSRC.

Ranji George, a member of the public, commented that solar energy is an environmental solution to transition toward zero emissions. He expressed disappointment about the substantial funding that MSRC has allocated to electric and battery technologies over the years. He recommended that more funding be allocated to fuel cell technologies, noting that other countries are investing in hydrogen fuel technologies.

Harvey Eder expressed support for hydrogen that comes from solar energy instead of natural gas or fossil fuels.

Mayor Pro Tem Cacciotti acknowledged that the comments were meaningful and asked whether the award to Amazon could be reduced and the remaining funds distributed to local companies.

Mr. Gilchrist explained that recommendations by the Board to modify the awards or the funding allocations are at the MSRC's discretion.

Mayor Pro Tem McCallon commented that the proposals went through the same RFP process that South Coast AQMD utilizes. Amazon's proposal met the requirements specified in the RFP and the work program was approved by the MSRC.

Todd Campbell, Clean Energy, expressed disappointment with comments describing renewable natural gas as a fossil fuel and noted that near-zero emission trucks reduce NOx emissions and can deliver carbon negative outcomes. He emphasized the need to embrace all strategies and all technologies given the immediate need to address climate change and reduce emissions in disadvantaged communities. He urged the Board to approve this item.

Mayor Pro Tem Cacciotti stated that he was pleased to see that so many proposals were submitted and commented on the need to offer incentives to transition to cleaner energy. He commended the solicitations; and requested that future solicitations focus on projects that reduce pollution emissions from diesel trucks related to goods movement in Los Angeles and Orange Counties. He expressed support for the recommended contract awards and moved to approve Agenda Item No. 9 with a friendly amendment.

MAYOR PRO TEM CACCIOTTI MOVED TO APPROVE AGENDA ITEM NO. 9 WITH A FRIENDLY AMENDMENT TO DISAPPROVE THE AMAZON CONTRACT AWARD AND REQUEST THAT THE MSRC CONSIDER REALLOCATING PART OR ALL OF THE FUNDS TO OTHER QUALIFIED APPLICANTS, AND FOR THE MSRC TO REPORT BACK TO THE BOARD ON HOW APPLICANTS WERE ASSESSED FOR COMPLIANCE WITH FAIR LABOR PRACTICES.

Mr. Gilchrist reiterated that the Board can only approve or disapprove all of the contract awards.

MAYOR PRO TEM CACCIOTTI MADE A SUBSTITUTE MOTION TO DISAPPROVE AGENDA ITEM NO. 9 WITH A REQUEST FOR THE MSRC TO RECONSIDER THE AMAZON CONTRACT AWARD AND REALLOCATE ALL OR PART OF THE FUNDS TO OTHER QUALIFIED APPLICANTS, AND RETURN TO THE BOARD AT A SUBSEQUENT MEETING FOR CONSIDERATION. THE MOTION WAS SECONDED BY SUPERVISOR PEREZ.

Vice Mayor Richardson requested that the substitute motion include directing staff to send a letter to MSRC requesting that large companies match funds invested by the MSRC.

Mayor Pro Tem McCallon stated that matching funds were a requirement in the RFP. He expressed opposition to the motion because there was a lot of work that went into the process and there may be issues with making modifications to the contracts at this stage of the process.

In response to Board Member Kracov's inquiry, Mayor Pro Tem McCallon responded that these concerns had not been expressed to the MSRC in public.

Vice Chair Benoit explained that the MSRC took a systematic approach with a lot of time spent focusing on diesel truck emissions from goods movement activities. Amazon brought forward a good proposal with matching funds and this is a great opportunity to move forward with goods movement as a priority. The projects approved by the MSRC were substantive, robust and will achieve needed emission reductions.

Mr. Nastri commented on the MSRC's commitment to focus on NOx reductions, which these projects will achieve. He also noted that provisions are included in contracts that require compliance with all applicable laws.

Dr. Matt Miyasato, Chief Technologist/Science & Technology Advancement, stated that Amazon applied for both zero and near-zero emission technologies and is providing significant cost share. The incentive programs are structured to require that applicants be well-capitalized companies. He commented on the common misperception that zero emission trucks are widely available. He emphasized the need to move forward with a 90 percent cleaner technology that is currently available and can be deployed in mass numbers to achieve high penetration. MSRC is doing a significant amount of co-funding to help with the AQMP.

Mr. Gilchrist noted that general language is included in all contracts that requires compliance with all applicable laws, but contracts directly funded by South Coast AQMD also includes language related to labor law violations. He stated that staff would look into whether South Coast AQMD has the authority to include the same language in MSRC contracts.

Supervisor Kuehl stated that she would not be supporting the substitute motion. She is supportive of labor issues but disapproving the item would delay funding for the other grantees. She added that the purpose in awarding these funds is for projects that reduce air pollution with zero and near-zero emission technologies.

Board Member Kracov stated that the projects being discussed demonstrate that the technology is available to satisfy the compliance requirements in the warehouse ISR and that South Coast AQMD knows how to spend funds in a variety of ways to get emission reductions in the near term. Taking into consideration comments from fellow Board members he moved to amend the substitute motion.

BOARD MEMBER KRACOV MOVED TO AMEND THE SUBSTITUTE MOTION TO APPROVE AGENDA ITEM NO. 9, AND DIRECT STAFF TO SEND A LETTER TO THE MSRC ADDRESSING COMPLIANCE WITH LABOR STANDARDS AND TO CONSIDER INCLUDING LANGUAGE FOR LABOR LAW VIOLATIONS IN THE CONTRACTING PROCESS. MAYOR PRO TEM CACCIOTTI WITHDREW HIS SUBSTITUTE MOTION AND SECONDED THE AMENDMENT TO HIS SUBSTITUTE MOTION.

Vice Mayor Richardson noted the importance of providing feedback to the MSRC in a letter that addresses labor concerns. He also noted the need to respect the process and not penalize other companies.

Supervisor Perez emphasized the need to address labor concerns with all applicants seeking funding.

Vice Chair Benoit stated that he would convey the messages and concerns to the MSRC.

14. Rule and Control Measure Forecast

Chris Chavez expressed disappointment that PR1109.1 is being delayed again and that the proposed amendments are being weakened. Since a refinery rule was included in the Wilmington, Carson, West Long Beach AB 617 CERP, adopting a strong rule is an opportunity to fulfill the commitment made to that community.

MOVED BY MCCALLON TO APPROVE AGENDA ITEMS 1 THROUGH 15 AS RECOMMENDED WITH THE AMENDED SUBSTITUTE MOTION BY BOARD MEMBER KRACOV FOR AGENDA ITEM NO. 9 THAT DIRECTS STAFF TO FORWARD A LETTER TO THE MSRC TO ADDRESS CONCERNS WITH LABOR LAW VIOLATIONS AND A RECOMMENDATION THAT THE MSRC CONSIDER INCLUDING LANGUAGE IN THEIR CONTRACTING PROCESS REGARDING THE REPORTING OF LABOR LAW VIOLATIONS. THE MOTION WAS SECONDED BY BENOIT AND APPROVED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

Item 16 - Staff Presentation/Board Discussion

16. Budget and Economic Outlook Update (*Presentation in Lieu of Board Letter*)

Jill Whynot, Chief Operating Officer, gave an overview of the presentation on Item No. 16 to provide an update on economic indicators and South Coast AQMD metrics and economic implications.

Chairman Burke noted that the agency has done well through the pandemic and is pleased to be leaving the Board in a financially solvent position.

PRESENTATION ONLY; NO ACTION REQUIRED

Items 17 through 24 - Reports for Standing Committees and CARB

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

Agenda Item Nos. 18 and 19 were held for comment and Discussion

25. **Items Deferred from Consent and Board Calendars**

18. Legislative Committee

Supervisor Rutherford expressed concern with legislative bills in Agenda Item Nos. 18 and 19 that seek to expand the South Coast AQMD Board membership or dilute local control and authority. She did not support the Legislative Committee's recommendation to work with the authors and instead believed they should have taken the position to oppose. She requested that each bill be voted on separately to reflect her "no" vote to the Committee's recommendations.

Mayor Pro Tem McCallon concurred with Supervisor Rutherford and expressed opposition to the legislative bills in Agenda Item Nos. 18 and 19 that would increase the number of members on the Board or erode local control. He expressed concern that AB 1547 (Reyes) is an attempt to take land use authority away from local government.

Supervisor Kuehl expressed her support for the Legislative Committee's recommendations. She commented on the importance of local representation on the Board that may include those who represent a lot of people through their advocacy work. She emphasized the need to work with the authors because it provides the opportunity to have input into the process to ensure that potential appointees live in the South Coast Air District.

Supervisor Perez noted that local control is a concern but agrees that it is important to work with the authors to have a seat at the table and understand the motivation for these bills.

Vice Mayor Richardson commented on the challenges of ensuring fair representation in local government. He emphasized the importance of working with the authors to be involved in the legislative process to address concerns and ensure communities have equitable representation on the Board.

In response to Supervisor Bartlett's request to hold a separate vote on each legislative bill, Chairman Burke asked for a motion to approve Agenda Item Nos. 17 through 25, except Agenda Item Nos. 18 and 19.

MOVED BY CACCIOTTI, SECONDED BY BARTLETT, AGENDA ITEMS 17, AND 20 THROUGH 24, APPROVED AS RECOMMENDED, TO RECEIVE AND FILE THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

MOVED BY CACCIOTTI, SECONDED BY KUEHL, TO RECEIVE AND FILE AGENDA ITEM NO. 18 (LEGISLATIVE COMMITTEE REPORT) AND APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION FOR AB 96 (O'DONNELL) AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

LEGISLATIVE COMMITTEE'S RECOMMENDATIONS

Agenda Item	Recommendation
AB 96 (O'Donnell) California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program	Support
AB 1296 (Kamlager) South Coast Air Quality Management District Board Membership	No Position

19. Special Legislative Committee

MOVED BY CACCIOTTI, SECONDED BY PEREZ, TO RECEIVE AND FILE AGENDA ITEM NO. 19 (LEGISLATIVE COMMITTEE REPORT); AND

1) APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON AB 426 (BAUER-KAHAN) AS SET FORTH BELOW. THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Burke, Cacciotti, Delgado, Kracov, Kuehl, Perez, Richardson

NOES: Bartlett, Benoit, McCallon, Rodriguez, and Rutherford

ABSENT: Buscaino

LEGISLATIVE COMMITTEE'S RECOMMENDATION

Agenda Item	Recommendation
AB 426 (Bauer-Kahan) Toxic air contaminants	Work With Author

2) APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON AB 1547 (REYES) AS SET FORTH BELOW. THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Burke, Cacciotti, Delgado, Kracov, Kuehl, Perez, Richardson

NOES: Bartlett, Benoit, McCallon, Rodriguez, and Rutherford

ABSENT: Buscaino

LEGISLATIVE COMMITTEE'S RECOMMENDATION

Agenda Item	Recommendation
AB 1547 (Reyes) Air pollution: warehouse facilities	Work With Author

3) APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON AB 1296 (KAMLAGER) AS SET FORTH BELOW. THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Burke, Cacciotti, Delgado, Kracov, Kuehl, Perez, Richardson

NOES: Bartlett, Benoit, McCallon, Rodriguez, and Rutherford

ABSENT: Buscaino

LEGISLATIVE COMMITTEE RECOMMENDATION

Agenda Item	Recommendation
AB 1296 (Kamlager) South Coast Air Quality Management District: District Board: Membership	Work With Author

4) MOVED BY KUEHL, SECONDED BY PEREZ TO APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON SB 342 (GONZALEZ) AS SET FORTH BELOW. THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Burke, Cacciotti, Delgado, Kracov, Kuehl, Perez, Richardson,

NOES: Bartlett, Benoit, McCallon, Rodriguez, and Rutherford

ABSENT: Buscaino

LEGISLATIVE COMMITTEE RECOMMENDATION

Agenda Item	Recommendation
SB 342 (Gonzalez) South Coast Air Quality Management District: Board Membership	Work With Author

PUBLIC HEARING

- 26. Determine That Proposed Amendments to Rule 1426 – Emissions from Metal Finishing Operations, and Rule 1469 – Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations, Are Exempt from CEQA, and Amend Rule 1426 and Rule 1469

Jillian Wong, Planning and Rules Manager, gave the staff presentation on Item No. 26.

The public hearing was opened, and the following individuals addressed the Board on Item 26.

Harvey Eder expressed concerns about the harmful health effects from natural and renewable gas, benzene and formaldehyde and the need to re-evaluate solar conversion in all rules and permitting processes.

Ranji George expressed concerns with the substantial amount of cobalt and nickel found in batteries that will contribute to emissions when they are recycled.

Jerry Desmond, Metal Finishing Association of Southern California, expressed appreciation for the consideration that staff gave to the impact that the pandemic has had on industry by allowing additional time for the building enclosure, housekeeping and best management practices requirements in the rule.

Moses Huerta, Paramount resident, thanked staff for rulemakings over the last few years that address emissions from hexavalent chromium. He commented on health issues affecting the community and urged the Board to continue supporting regulations that reduce or eliminate emissions from hexavalent chromium.

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

MOVED BY MCCALLON, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 26 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 21-8 DETERMINING THAT PROPOSED AMENDED RULE 1426 – EMISSIONS FROM METAL FINISHING OPERATIONS AND PROPOSED AMENDED RULE 1469 – HEXAVALENT CHROMIUM EMISSIONS FROM CHROMIUM ELECTROPLATING AND CHROMIC ACID ANODIZING OPERATIONS ARE EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 1426 – EMISSIONS FROM METAL FINISHING OPERATIONS AND RULE 1469 – HEXAVALENT CHROMIUM EMISSIONS FROM CHROMIUM ELECTROPLATING AND CHROMIC ACID ANODIZING OPERATIONS, BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Buscaino

OTHER BUSINESS

- Election of Chair and Vice Chair for Term May 2021 to January 2022

Chairman Burke opened the nominations for Chair and Vice Chair and nominated Vice Chair Benoit as Chair and Senator Delgado as Vice Chair. Supervisor Perez seconded the nominations.

There being no other nominations, Chairman Burke announced the election by acclamation of Vice Chair Benoit as Chair and Senator Delgado as Vice Chair for the period May 1, 2021 to January 14, 2022.

Vice Chair Benoit expressed gratitude to Chairman Burke and his fellow Board members for their support.

Chairman Burke and several Board members congratulated Vice Chair Benoit and Senator Delgado.

Harvey Eder stated his request for Supervisor Kuehl as Chair and Mayor Pro Tem Cacciotti as Vice Chair.

CLOSED SESSION

There was no closed session.

ADJOURNMENT

There being no further business, the meeting was adjourned by Vice Chairman Benoit at 12:50 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on April 2, 2021.

Respectfully Submitted,

Faye Thomas
Clerk of the Boards

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan

BARCT = Best Available Retrofit Control Technology

BACT = Best Available Control Technology

CARB = California Air Resources Board

CEQA = California Environmental Quality Act

FY = Fiscal Year

ISR = Indirect Source Rule

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NOx = Oxides of Nitrogen

PM = Particulate Matter

RECLAIM = Regional Clean Air Incentives Market

RFQ = Request for Quotations

SIP = State Implementation Plan

U.S. EPA = United States Environmental Protection Agency