

BOARD MEETING DATE: FEBRUARY 4, 2022

AGENDA NO. 2

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the January 7, 2022 Board Meeting.

RECOMMENDED ACTION:

Approve Minutes of the January 7, 2022 Board Meeting.

Faye Thomas  
Clerk of the Boards

FT:cmw

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**FRIDAY, JANUARY 7, 2022**

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

Mayor Ben J. Benoit, Chair  
Cities of Riverside County

Senator Vanessa Delgado (Ret.), Vice Chair  
Senate Rules Committee Appointee

Council Member Joe Buscaino  
City of Los Angeles

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

Gideon Kracov  
Governor's Appointee

Supervisor Sheila Kuehl  
County of Los Angeles

Mayor Larry McCallon  
Cities of San Bernardino County

Veronica Padilla-Campos  
Speaker of the Assembly Appointee

Supervisor V. Manuel Perez  
County of Riverside

Mayor Carlos Rodriguez  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Members absent:

Supervisor Lisa A. Bartlett  
County of Orange

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

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

- Pledge of Allegiance: Led by Council Member Buscaino

Council Member Buscaino requested a moment of silence in remembrance of L.A. County Firefighter Jonathan Flagler, who died battling a house fire in Rancho Palos Verdes on January 6, 2022. Council Member Buscaino expressed his condolences to the family and the L.A. County Fire Department.

Chair Benoit announced that today's meeting would be adjourned in honor of Jonathan Flagler.

- Roll Call

Mayor Rodriguez was absent for roll call. He joined the meeting at 10:20 a.m.

- Swearing in of Chair and Vice Chair for Terms January 2022 – January 2024; and Reappointed Board Member Veronica Padilla-Campos for the term January 2022 – January 2026.

Faye Thomas, Clerk of the Boards, administered the oath of office to Chair Ben J. Benoit and Vice Chair Vanessa Delgado for terms ending January 15, 2024; and Board Member Veronica Padilla Campos, who was reappointed to the Board by the Speaker of the Assembly for a term ending January 15, 2026. They expressed appreciation for the opportunity to serve their respective terms of office for which they were reelected/reappointed.

- Opening Comments

Mayor Cacciotti shared photos of commercial lawn and garden equipment, battery electric commercial construction equipment, and commercial solar and electric equipment demonstration events. He noted the importance of incentive funding for companies transitioning to electric equipment and expressed appreciation to CARB for providing funds. He also shared photos of the INDI EV's electric vehicle, the INDI One, which they are proposing to manufacture in the City of Vernon. He announced that visits to the Vernon factory will soon be allowed.

Mayor McCallon, who serves as the Vice Chair of Metrolink (Southern California Regional Rail Authority), expressed appreciation to his colleagues on the Board for considering the staff recommendation on Agenda Item No. 2 to execute awards under the Carl Moyer Program to fund two projects for Metrolink that will generate significant emission reductions. The projects are to replace Tier 2 diesel locomotives with eight new Tier 4 locomotives and replace a diesel car mover with a zero emissions electric car mover that will operate at the Central

Maintenance Facility in downtown Los Angeles. The purchase of an electric car mover will be a significant step in addressing the community's concerns about noise and emissions from the railyard. He added that Metrolink is planning to transition their entire fleet to renewable diesel this year, which will provide additional reductions of criteria pollutants and greenhouse gas emissions.

- Recognize Employees with 20, 25, 30, 35 and 40 Years of Service

John Olvera, DEO/Administrative and Human Resources, introduced a video presentation of employees that have reached the following employment milestones.

20 Years: Efrain Arroyo, Rafik Beshai, Paul Caballero, Jeremiah Caldero, Bhaskar Chandan, Emily Chau, Li Chen, Azar Dabiri, Erwin dela Cruz, Sheila Gibson Caballero, Michael Hamdan, Eugene Kang, Katherine Lee, Joseph Liaw, Jason Low, Tuong Mac, Colleen Paine, Brian Roche, Reinerio Ronquillo, Robert Sanford, Martha Thomas, Thien Trinh, Ana Troccoli, Linda Turner, Nancy Kim White, Vicki White and Rainbow Yeung.

25 Years: Ernest Pang and Claudius Phipps.

30 Years: Hemang Desai, Michael Krause, Michael Laybourn, Victoria Moaveni, Chris Perri, Dipankar Sarkar, David Sawyer, Annabelle Scagliola, Donna Vernon, Won Yu and Xinqiu Zhang.

35 Years: David De Boer, Judith Hwa, Beverly Price and Rafael Reynosa.

40 Years: Michal Haynes and Hugh Heney.

Chair Benoit expressed appreciation to the employees, on behalf of the Board, for their many years of dedicated service to the South Coast AQMD.

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

Peter Warren of the San Pedro Peninsula Homeowners Coalition commented on litigation brought against the Port of Los Angeles for non-compliance with CEQA that alleges the Port of Los Angeles (POLA) failed to implement some of the mitigation measures adopted in its 2008 EIR. He added that the Subsequent EIR that POLA later presented eliminated or weakened previous mitigation measures without adequate substitutes and failed to make the measures legally enforceable as required by CEQA. He expressed frustration with the MOU process and urged the Board to proceed with the development of an ISR.

Jessica Craven, Sierra Club, North East Los Angeles (NELA) Climate Collective,  
Los Angeles County Democratic Party elected member and California  
Democratic Party Environmental Caucus  
Gabriela Mendez, Center for Community Action and Environmental Justice (CCA EJ),  
Yassi Kavezade, Sierra Club,  
Janet Bernabe, CCA EJ,  
Kimberly Orbe, Sierra Club,  
Faraz Rizvi, CCA EJ and Riverside resident,  
Joaquin Castillejos, CCA EJ

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Expressed support for a strong ISR to electrify the ports, noting that the MOU process has not been successful. Commented on air pollution related to goods movement from the ports of Long Beach (POLB) and POLA and its harmful health impacts on frontline communities that bear the brunt of toxic emissions. Expressed frustration with the MOU process and voluntary approaches that will not solve the problem.

Fernando Gaytan, Earthjustice, stated that the POLA and POLB complex represent the largest fixed source of air pollution in the South Coast Air Basin (Basin). A cohesive strategy with measurable outcomes is needed to address emissions from the ports to move the Basin towards attainment and address detrimental impacts to public health. He expressed frustration that rulemaking has been delayed and the MOU approach has yielded very little progress. The latest proposals from both ports offer little prospects to meet the Basin's emission reduction goals and fall short of meeting goals in the 2017 Clean Air Action Plan. He cited many deficiencies in the draft MOU offers and urged the Board to pursue an ISR.

Duncan McKee, Avocado Heights resident, read a written statement on behalf of his brother, David McKee, and also provided his own comments.

The written statement urged the South Coast AQMD and Department of Toxic Substances Control (DTSC) to protect the community, and take appropriate steps to close and relocate Quemetco and clean up the site. He expressed conflict of interest concerns about hiring former Quemetco employees to work at South Coast AQMD. Mr. McKee recounted a conversation that his brother had with John Olvera, Deputy Executive Officer/Administrative & Human Resources, about the need to ensure that people with disabilities are accommodated to comply with the Americans with Disabilities Act, and requested that South Coast AQMD staff include his previous public comments as part of the official record. (Written Comments Submitted; Read by Duncan McKee)

Duncan McKee questioned whether source testing, health risk assessments and monitoring activities related to Quemetco's stack emissions accurately reflect what is going on at the facility or its compliance history. Mr. McKee expressed doubt that Quemetco will be able to comply with applicable rules, regulations and permit conditions if they are allowed to increase their daily throughput. He requested that the AQMP address lead-acid battery recycling, and that another lead-acid battery recycling facility be built to reduce Quemetco's operations, which has increased due to the closure of Exide. He commented on photos he submitted depicting emissions from stacks at

Quemetco, and a 2013 letter from Philip B. Chandler, retired DTSC senior geologist, that cited concerns about the environmental analysis in the Draft EIR that was prepared for Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities. (Submitted photos with written comments)

Morgan Goodwin, Sierra Club and Glendale resident, commended the South Coast AQMD for their rebate and incentive programs for electric lawn/garden equipment and appliances and offered to speak with staff on how to better promote these programs. He also expressed support for a strong ISR for the ports.

Harvey Eder, Public Solar Power Coalition (PSPC), commented on the riots that took place at the U.S. Capitol in Washington D.C. on January 6, 2021. He expressed concerns about attempts to undermine democracy.

Darby Osnaya, Sierra Club and Colton resident, commented on the geographic conditions and indirect impacts from the ports of Los Angeles and Long Beach that contribute to poor air quality in the Inland Empire. He urged the Board for a strong ISR to electrify the ports. He expressed concern with using lithium batteries and emphasized the need to invest in pure renewable energy.

Jessica Vallejo, Clean Air Coalition of North Whittier and Avocado Heights and Avocado Heights resident, is against Quemetco being located in their community near homes and schools. She expressed concerns about potential health risks from lead, arsenic and benzene that contaminate the air, water and soil; and Quemetco's history of violations and failure to comply with regulatory requirements. She stated that South Coast AQMD has the responsibility and authority to not allow Quemetco to increase its harmful impacts in the community.

Ranji George, a member of the public, reported that members of the California state legislature that support hydrogen fuel technology called for more appropriations to be invested in hydrogen fuel infrastructure. He expressed frustration that not much funding has been allocated toward hydrogen and fuel-cell technologies over the past 20 years. He stated that hydrogen technology would eliminate the need for facilities that process waste from lead-acid batteries.

Elliott Gonzales, Long Beach resident, expressed disappointment that after five months, discussions are no closer to developing a viable MOU. He expressed frustration that the latest POLB proposal and POLA letter offer very little and hold the South Coast AQMD responsible for emission reductions.

Chris Chavez, Coalition for Clean Air and West Long Beach resident, commented in support of a strong ISR for the Ports and opposition of an MOU approach. The Wilmington, Carson, West Long Beach AB 617 Community Steering Committee also strongly supported an ISR when developing the Community Emissions Reduction Plan. The Basin remains out of attainment; therefore, an ISR is needed to meet upcoming air quality standards. He questioned whether the recent proposal/concept letter from the

Ports meets the minimum commitments proposed in South Coast AQMD's July 2021 redline draft MOU framework, and agreed that the POLB's early termination clause that requires the return of advanced clean truck funds is unacceptable. He emphasized the need to ensure that the MOU proposals go through the CEQA review process.

## **CONSENT AND BOARD CALENDAR**

1. Approve Minutes of December 3, 2021 Board Meeting

### **Items 2 through 6 -- Budget/Fiscal Impact**

2. Implement Carl Moyer, SOON, State Reserve, FARMER and Community Air Protection Programs by Recognizing Funds from CARB, Executing and Amending Contracts, and Reimbursing Administrative Costs
3. Execute Contracts for Legislative Representation in Washington, D.C.
4. Authorize Purchase for Cisco Unified Communication Telephony System Upgrade
5. Authorize Purchase of Telecommunication Services
6. Approve Appropriation of Funds to Re-Open Contract and Bifurcation of Award as Approved by MSRC

### **Item 7 -- Action Item/No Fiscal Impact**

7. Comply with AB 361 Requirements to Allow South Coast AQMD Board and South Coast AQMD Brown Act Committees to Continue to Meet Remotely

### **Items 8 through 14 – Information Only/Receive and File**

8. Legislative, Public Affairs and Media Report
9. Hearing Board Report
10. Civil Filings and Civil Penalties Report
11. Lead Agency Projects and Environmental Documents Received

12. Rule and Control Measure Forecast
13. Report of RFQs/RFPs Scheduled for Release in January
14. Status Report on Major Ongoing and Upcoming Projects for Information Management

**Item 15 -- Staff Presentation/Board Discussion/Receive and File**

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

NO ACTION REQUIRED

**Items 16 through 20 -- Reports for Committees and CARB**

16. Administrative Committee
17. Technology Committee
18. Marine Port Committee
19. Mobile Source Air Pollution Reduction Review Committee
20. California Air Resources Board Monthly Report
21. Items Deferred from Consent and Board Calendar

Agenda Item No. 2 was pulled for comment and discussion.

Council Member Rodriguez joined the meeting.

**Disclosures:**

Council Member Buscaino recused himself from Agenda Item No. 2 due to campaign contributions from BNSF and Clean Energy, which are involved in this Item; and announced that he is also required to identify for the record that he is a Board Member of the Sanitation Districts of Los Angeles County, which is involved in this item.

Chair Benoit recused himself from Agenda Item No. 2 due to campaign contributions from Clean Energy and USA Waste of California, which are involved in this Item.



Supervisor Rutherford announced that she has no financial interest in Agenda Item No. 6 but is required to identify for the record that she is a member of the San Bernardino County Transportation Commission, which is involved with this item.

Board Member Kracov recused himself from Agenda Item No. 2 out of an abundance of caution due to potential financial interests relating to his prior representation of the California Waste Recycling Association, and announced that he is also required to identify for the record that he is a Board Member of CARB, which is involved in this item.

Bayron Gilchrist, General Counsel, announced that Supervisor Kuehl has no financial interest in Agenda Item No. 2 but is required to identify for the record that she is a Supervisor on the Los Angeles County Board of Supervisors, which is involved in this item.

Mayor McCallon announced that he is required to identify for the record that he is a Board Member of Metrolink, which is involved with Agenda Item No. 2; and is required to identify for the record that he is a member of the San Bernardino County Transportation Commission, which is involved with Agenda Item No. 6.

Chair Benoit announced that public comment on Agenda Items 1-20 would be taken at this time.

Ranji George expressed concern about the large proportion of incentive funds that continues to be allocated for natural gas technologies, while investments in hydrogen remain relatively low. He expressed support for battery, fuel cell, and hydrogen technologies that are zero emissions and needed to improve air quality. He urged the Board to ensure that hydrogen and fuel cell technologies receive a fair share of incentive funds. He added that technology infrastructure costs for batteries may be lower than hydrogen, but the costs to clean up battery recycling sites is significant.

Harvey Eder expressed concerns about the under reported number of premature deaths from air pollution, and the economic and social costs to society. He also commented about conflict of interest claims against oil companies.

#### Items Deferred from Consent and Board Calendar/Pulled for Discussion

2. Implement Carl Moyer, SOON, State Reserve, FARMER and Community Air Protection Programs by Recognizing Funds from CARB, Executing and Amending Contracts, and Reimbursing Administrative Costs

Board Member Padilla-Campos expressed concerns that staff has recommended awards for natural gas projects and that zero-emission projects are on the backup list.

Dr. Matt Miyasato, Deputy Executive Officer/Chief Technologist of Science & Technology Advancement, explained that the intent of the Carl Moyer Program is to

replace older diesel vehicles and equipment with the cleanest, commercially available technologies. The availability of zero-emissions technology is limited but this item recommends funding of about \$24 million for zero-emission technologies and about \$4.8 million for zero-emission infrastructure projects. These projects are expected to generate significant NOx emission reductions. South Coast AQMD leads the state in pilot projects for zero-emission on-road and other technologies, but they are not commercially available yet in all applications. As they become available, staff will recommend these projects for funding. Dr. Miyasato clarified that the zero-emission projects on the backup list were very expensive, and are listed in alphabetic order, not in order of priority.

Mayor Cacciotti inquired about the length of time it takes to implement projects and how long it takes to execute contracts.

Dr. Miyasato responded that staff will work closely with the utility companies to ensure that the infrastructure projects get expedited but it takes from 6 to 18 months for large infrastructure projects to get implemented. Wayne Natri, Executive Officer, added that there is a high percentage of contracts that are being extended between 6 to 12 months because of delays either in the supply chain, manpower or administrative issues.

Vice Chair Delgado stated that the South Coast AQMD prioritizes zero-emissions technologies as much as possible, given its limited availability.

Mayor Rodriguez announced that he would recuse himself and abstain from voting on Agenda Item No. 2.

Written Comments Re: Item No. 2 Submitted by:

- One letter signed by the following organizations: California Communities Against Toxics, California Kids IAQ, Center for Community Action & Environmental Justice, Coalition For Safe Environment, Communities for a Better Environment, Community Dreams, Earthjustice, EMeRGE, Jobs to Move America, Long Beach Alliance for Children with Asthma, NAACP-San Pedro & Wilmington Branch, San Pedro & Peninsula Homeowners Coalition, Sierra Club

MOVED BY CACCIOTTI, SECONDED BY MCCALLON, AGENDA ITEM 2, APPROVED AS RECOMMENDED TO ADOPT RESOLUTION NO. 22-1, RECOGNIZING FY 2021-22 CARL MOYER PROGRAM FUNDS AND TO ADOPT RESOLUTION NO. 22-2, RECOGNIZING FY 2021-22 FARMER FUNDS, BY THE FOLLOWING VOTE:

AYES: Cacciotti, Delgado, Kuehl,  
McCallon, Padilla-Campos, Perez  
and Rutherford

NOES: None

ABSTAIN: Benoit, Buscaino, Kracov and  
Rodriguez

ABSENT: Bartlett and Richardson

MOVED BY BUSCAINO, SECONDED BY  
CACCIOTTI, AGENDA ITEMS 1 AND 3  
THROUGH 20 APPROVED AS  
RECOMMENDED, AND TO ADOPT  
RESOLUTION NO. 22-3, RECOGNIZING THE  
PROCLAMATION OF A STATE OF  
EMERGENCY BY GOVENOR NEWSOM ON  
MARCH 4, 2020 AND THAT THE COUNTY OF  
LOS ANGELES CONTINUES TO  
RECOMMEND MEASURES TO PROMOTE  
SOCIAL DISTANCING; AND AUTHORIZING  
FULLY OR PARTIALLY REMOTE  
TELECONFERENCE MEETINGS OF THE  
GOVERNING BOARD OF THE SOUTH  
COAST AIR QUALITY MANAGEMENT  
DISTRICT, AND SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT COMMITTEES  
SUBJECT TO THE BROWN ACT, FOR THE  
PERIOD OF JANUARY 7, 2022 THROUGH  
FEBRUARY 6, 2022 PURSUANT TO  
PROVISIONS OF THE BROWN ACT, AND TO  
RECEIVE AND FILE THE COMMITTEE, MSRC  
AND CARB REPORTS, BY THE FOLLOWING  
VOTE:

AYES: Benoit, Buscaino, Cacciotti,  
Delgado, Kracov, Kuehl,  
McCallon, Padilla-Campos,  
Perez, Rodriguez, and  
Rutherford

NOES: None

ABSENT: Bartlett and Richardson

## **PUBLIC HEARINGS**

22. Determine That Proposed Amended Rule 1135 – Emissions of Oxides of Nitrogen from Electricity Generating Facilities and Proposed Rule 429.2 – Startup and Shutdown Exemption Provisions for Oxides of Nitrogen from Electricity Generating Facilities, Are Exempt from CEQA; and Amend Rule 1135 and Adopt Rule 429.2

Mike Morris, Planning and Rules Manager, gave the staff presentation on Item No. 22.

The public hearing was opened, and the following individuals addressed the Board on Item 22.

Jim Buerkle, Southern California Edison, expressed support for the proposed rules and appreciation to staff for addressing the many complex energy and air quality challenges impacting their Pebbly Beach Generating Station on Santa Catalina Island. He expressed concerns that their project is not compatible with the 2026 facility wide NOx limits and the ban on new diesel installations starting in 2024 and asked that the Resolution direct staff to reevaluate the facility wide limit and diesel engine ban, and reopen the rule in 2022.

Mark Abramowitz, Community Environmental Services, expressed support for the proposed amendments relating to the diesel engines at Catalina Island; however, the Resolution does not include a timeframe for staff to return to the Board with the results of the BARCT assessment. He requested that the Board direct staff to return in September 2022 with rule amendments based on the BARCT analysis.

Robina Suwol, California Safe Schools, requested that the required BARCT analysis be performed on diesel engines on Catalina Island to assess the availability of zero-emission technology and added that the Resolution should include a timeframe for amendments to the rule that will include the results of the BARCT analysis.

Harvey Eder, commented on the SunShot program, a solar energy demonstration project that was shut down many years ago. He expressed concerns about climate change and environmental impacts.

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

Chair Benoit acknowledged that staff is currently working on several priorities, and asked where the Rule 1135 BARCT assessment might fit in the priority list.

Susan Nakamura, Assistant DEO/Planning, Rule Development and Area Sources, responded that staff is committed to begin rulemaking in the first quarter of 2022 to amend Rule 1135 to reflect the revised BARCT assessment; however the timeline is subject to how long it will take to complete the BARCT assessment.

Board Member Padilla-Campos asked for staff to commit to a reasonable timeline, since September is not realistic.

Mr. Nastri indicated that various rules and ongoing efforts that staff is already working on makes it difficult to commit to a specific month, and that it also depends on how long the BARCT assessment will take to complete. Ms. Nakamura added that staff could report progress to the Stationary Source Committee in September.

Chair Benoit recommended a report to the Stationary Source Committee in August, and Mr. Nastri agreed.

Mayor Rodriguez expressed support for a specific timeframe.

MOVED BY MCCALLON, SECONDED BY BUSCAINO, AGENDA ITEM NO. 22 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 22-4 DETERMINING THAT PROPOSED AMENDED RULE 1135 – EMISSIONS OF OXIDES OF NITROGEN FROM ELECTRICITY GENERATING FACILITIES AND PROPOSED RULE 429.2 – STARTUP AND SHUTDOWN EXEMPTION PROVISIONS FOR OXIDES OF NITROGEN FROM ELECTRICITY GENERATING FACILITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 1135 -- EMISSIONS OF OXIDES OF NITROGEN FROM ELECTRICITY GENERATING FACILITIES AND ADOPTING RULE 429.2 -- STARTUP AND SHUTDOWN EXEMPTION PROVISIONS FOR OXIDES OF NITROGEN FROM ELECTRICITY GENERATING FACILITIES, BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Delgado, Kracov, Kuehl, McCallon, Padilla-Campos, Perez, Rodriguez, and Rutherford

NOES: None

ABSENT: Bartlett and Richardson

23. Certify Final Environmental Assessment for Proposed Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, Proposed Amended Rule 461 – Gasoline Transfer and Dispensing, and Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II; Adopt Rule 461.1 and Amend Rules 461 and 219

Board Member Kracov and Supervisor Kuehl recused themselves from Agenda Item No. 23, and left the meeting during the discussion of this item, due to a financial interest in Disney, which is involved in this item.

Susan Nakamura gave the staff presentation on Item No. 23.

Supervisor Rutherford commented on discussions at the Stationary Source Committee meeting about revisiting Rule 219 and inquired about the timeline.

Mr. Nastri stated that the rulemaking process will take about 6 to 9 months. A commitment was made to start the rulemaking in the first quarter of 2022 and staff is scheduled to provide a report to the Stationary Source Committee in August 2022.

Supervisor Rutherford asked whether the report could go to the Stationary Source committee in June rather than August to which Mr. Nastri responded in the affirmative.

The public hearing was opened, and the following individuals addressed the Board on Item 23.

Rita Loof, RadTech, requested that innovations in the UV/EB/LED industry be incorporated into Rule 219. She requested that the Resolution include a timeline for the proposed amendments to Rule 219 and that it be brought to the Stationary Source Committee in the first quarter of 2022.

Chair Benoit stated that a Resolution is not necessary as staff was directed to provide a status report in June 2022.

Howard Ragin, UV Specialties, LLC, stated that companies who upgrade their facilities with zero-emission UV/EB/LED coating applications to reduce emissions should not be assessed additional permitting fees. He requested that an exemption for applications with these technologies be included in the subsequent Rule 219 amendment.

Robina Suwol expressed concerns that the staff proposal does not promote the conversion to clean technologies. She emphasized the need to encourage businesses that are willing to invest in clean technologies instead of discouraging them by imposing additional permitting costs.

Harvey Eder commented that he supports the previous commenters' comments and that the proposed rule should be extended to liquid fuels and recharging batteries for electric vehicles. He commented that staff needs to evaluate solar in the BARCT analysis.

Bill LaMarr, California Small Business Coalition, expressed support for the staff proposal, noting that the suite of rules create a level playing field that allows stationary source fuel providers to compete with the emerging mobile fuel service delivery businesses.

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

Mr. Nastri clarified that there are exemptions for zero VOC materials, but staff is committed to address concerns with UV/EB processes.

Board Member Padilla-Campos expressed appreciation to individuals who submitted comment letters regarding the rule, noting that they were very helpful.

MOVED BY CACCIOTTI, SECONDED BY  
MCCALLON, AGENDA ITEM NO. 23  
APPROVED AS RECOMMENDED,  
ADOPTING RESOLUTION NO. 22-5  
CERTIFYING THE FINAL ENVIRONMENTAL  
ASSESSMENT FOR PROPOSED RULE 461.1  
– GASOLINE TRANSFER AND DISPENSING  
FOR MOBILE FUELING OPERATIONS,  
PROPOSED AMENDED RULE 461 –  
GASOLINE TRANSFER AND DISPENSING,  
AND PROPOSED AMENDED RULE 219 –  
EQUIPMENT NOT REQUIRING A WRITTEN  
PERMIT PURSUANT TO REGULATION II AND  
ADOPTING RULE 461.1 -- GASOLINE  
TRANSFER AND DISPENSING FOR MOBILE  
FUELING OPERATIONS, AMENDING RULE  
461 -- GASOLINE TRANSFER AND  
DISPENSING AND AMENDING RULE 219 --  
EQUIPMENT NOT REQUIRING A WRITTEN  
PERMIT PURSUANT TO REGULATION II, BY  
THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Delgado, McCallon, Padilla-Campos, Perez, Rodriguez, and Rutherford

NOES: None

ABSTAIN: Kracov and Kuehl

ABSENT: Bartlett and Richardson

Bayron Gilchrist announced that it is necessary for the Board to meet in Closed Session prior to taking action on Agenda Item No. 24.

### **CLOSED SESSION**

The Board recessed to closed session at 11:25 a.m., pursuant to Government Code sections:

#### CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation:

People of the State of California v. City of Fontana, San Bernardino Superior Court, Case No. CIVSB2121829.

#### CONFERENCE WITH LABOR NEGOTIATORS

- 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.

Following closed session, Chair Benoit announced that the Board would return to open public session.



**OTHER BUSINESS**

- 24. Approve Two-Year Labor Agreement with Teamsters Local 911, Approve Comparable Terms for Non-Represented Employees, Executive Officer and General Counsel, and Approve Unit Modification for Three Classifications

John Olvera gave the staff presentation on Item No. 24.

MOVED BY BUSCAINO, SECONDED BY CACCIOTTI, AGENDA ITEM 24 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Delgado, Kracov, Kuehl, McCallon, Padilla-Campos, Rodriguez, and Rutherford

NOES: None

ABSENT: Bartlett, Perez and Richardson

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Chair Benoit at 12:00 p.m., in remembrance of L.A. County Firefighter Jonathan Flagler.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on January 7, 2022.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

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Ben J. Benoit, Chair

**ACRONYMS**

AQMP = Air Quality Management Plan

BARCT = Best Available Retrofit Control Technology

CARB = California Air Resources Board

CEQA = California Environmental Quality Act

FY = Fiscal Year

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NOx = Oxides of Nitrogen

RECLAIM = Regional Clean Air Incentives Market

RFP = Request for Proposals

U.S. EPA = United States Environmental Protection Agency

UV/EB = Ultraviolet/Electron Beam

VOC = Volatile Organic Compound