

BOARD MEETING DATE: MAY 6, 2022

AGENDA NO. 3

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the April 1, 2022 Board Meeting.

RECOMMENDED ACTION:

Approve Minutes of the April 1, 2022 Board Meeting.

Faye Thomas  
Clerk of the Boards

FT:cmw

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**FRIDAY, APRIL 1, 2022**

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted at the Dr. William A. Burke Auditorium at the South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California and 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

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

Supervisor Andrew Do  
County of Orange

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

Council Member Nithya Raman  
City of Los Angeles

Mayor Carlos Rodriguez  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Member absent:

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

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

- Pledge of Allegiance: Led by Mayor McCallon
- Roll Call

Supervisor Perez and Council Member Raman were absent for roll call. Supervisor Perez joined the meeting at approximately 9:05 a.m. and Council Member Raman joined the meeting at approximately 9:10 a.m.

For additional details of the Governing Board Meeting, please refer to the Webcast at: [Live Webcast \(aqmd.gov\)](https://www.aqmd.gov)

- Opening Comments

Chair Benoit encouraged in-person attendance at the May 6, 2022 Board meeting, noting that an advanced clean technology showcase is scheduled to be held after the meeting.

Mayor Cacciotti shared photos of an event at the Glendale Sports complex where the Graze fully automated robotic electric mower was being tested, noting that the City of Glendale is committed to transitioning to electric lawn and garden equipment for their parks. He inquired about the Southern California Edison (SCE) and South Coast AQMD rebates and incentives for consumers to replace gas-fired furnaces with full electric heat pumps. He also requested information about the cost to purchase and install electric heat pump systems.

Mike Krause, Asst. DEO/Planning, Rule Development & Implementation, discussed the South Coast AQMD's Clean Air Furnace Rebate of which the Board has approved the use of mitigation fees of \$3.5 million dollars generated by this program, and highlighted a set aside for disadvantaged and low-income areas. Dr. Aaron Katzenstein, Asst. DEO/Science & Technology Advancement, explained how heat pumps work and generally discussed the installation and costs. For additional details, please refer to the [Webcast](#) beginning at 14:13.

Chair Benoit also highlighted considerations for electric heat pumps such as space and electrical needs. He noted that SCE is working on offering funds to homeowners to upgrade their electrical service panel for additional power capacity. Mayor Cacciotti recommended that staff work with Southern California Edison to provide outreach and educate people about electric heat pump systems and available incentive programs.

Board Member Padilla-Campos commented on the success of the Cesar Chavez Day of Remembrance event held on March 26, 2022 in Los Angeles. She suggested that next year's event highlight and possibly offer a stipend to local community leaders for their work in the community.

Mr. Nastri announced that staff recommended pulling Agenda Item No. 25 for Proposed Rule 1147 due to a discrepancy with the Socioeconomic Analysis, and that public comments would still be taken on this item during the Public Comment Period.

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

Jan Victor Andasan, East Yard Communities for Environmental Justice (EYCEJ) and Carson resident (Submitted Written Comments)

Whitney Amaya, EYCEJ and Long Beach resident

Fernando Gaytan, Earthjustice, (Submitted Written Comments)

Kartik Raj, Earthjustice

Oscar Espino-Padron, Earthjustice

Paola Dela Cruz, EYCEJ

Laura Cortez, Southeast Los Angeles Community Steering Committee member and Bell Gardens resident

Maria Reyes, a member of the public (aided by Spanish translator)

These commenters raised concerns about recent flaring events at the refineries and emphasized the need to hold refineries accountable for emitting dangerous pollutants into frontline communities. They emphasized the importance to take enforcement action under Rule 1173 – Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants, and Rule 1176 – VOC Emissions from Wastewater Systems, meet rulemaking timelines committed to under the AB 617 Community Emission Reduction Plans, and update the Hearing Board procedures used to issue variances. They urged the Board to direct staff to provide an update regarding the status of enforcement actions and to address outstanding violations under Rules 1173 and 1176, including enforcement actions against Phillips 66 refinery. Some commenters emphasized the need for the rail and port ISR and expressed concern with the limited staffing resources in the South Coast AQMD's proposed FY 2022-23 Budget allocated for rule development and enforcement.

Duncan McKee, Avocado Heights Resident, expressed concerns with the CEQA process, public comment/input process and technical information provided by South Coast AQMD staff regarding Quemetco, Inc. He emphasized the need to continue to keep Quemetco's expansion request on the radar, and suggested having a community group work with staff, and possibly Board member participation, to hear from the community's perspective.

Ranji George, a member of the public, expressed disappointment that enough is not being done to install more hydrogen stations, and that significant funding has been given toward natural gas technology. He emphasized the need to encourage and fund battery electric and hydrogen fuel cell technologies to meet air quality and climate change goals.

Elena Villanueva Bernal, Cal State University Long Beach faculty member, and 69th State Assembly District delegate, commented on data reported for VOC and benzene production emissions from the Phillips 66 refinery. She emphasized the need for enforcement of rules and transparency for the public to access this type of data.

Jessica Craven, Northeast Los Angeles Climate Collective, Los Angeles Democratic Party elected member, and California Democratic Party Environmental Caucus, expressed frustration with the lack of urgency to address the climate crisis and protect public health.

Mark Abramowitz, Community Environmental Services, commented on the white paper where Earthjustice outlined their concerns with the procedures used by the Hearing Board for issuing variances. He expressed concern that the Hearing Board places the authority to address concerns regarding variances and alternative operating conditions for Title Five facilities on the Governing Board. He added that the Hearing Board has the authority to address procedures and forms used for variances to ensure facilities are not creating a nuisance, and that the Hearing Board can focus on health impacts to community members and cumulative risks. He emphasized the importance for the Governing Board to take care in appointing Hearing Board members

Chris Chavez, Coalition for Clean Air and West Long Beach resident, commented on complaints reported recently regarding an odor event stemming from a release at a plastics plant in Compton that affected West Long Beach. He emphasized the need to enforce rules, address air toxics and cumulative impacts from emissions, and for strong ISRs for the ports and railyards.

Harvey Eder, Public Solar Power Coalition, expressed frustration that the benefits of solar energy have not been evaluated and commented on the effects of climate change on the Arctic.

Bethmarie Quiambao, Southern California Edison and San Bernardino/Muscoy Community Steering Committee member, expressed commitment to continue working with South Coast AQMD staff to identify ways to work together to accelerate the electrification of buildings to reduce air quality emissions to meet national ambient air quality standards and reduce GHG emissions to meet the state's goals. She shared that SCE hopes to have more electric heat pump incentives in the future.

Terrence Mann, DEO/Compliance & Enforcement, described enforcement strategies and equipment used to conduct surveillance, and monitor emissions and activities at the refineries. For additional details, please refer to the [Webcast](#) beginning at 1:17.

In response to Mayor Cacciotti's inquiry about the average response time to complaints, Mr. Mann stated that the response time varies. He added that since inspectors are assigned to facilities within a geographic area near to work or home, it improves response time, but there may be resource limitations that may affect response to off-hour complaints.

Jason Low, Asst DEO/Science & Technology Advancement, discussed key elements required by Rule 1180 – Refinery Fenceline and Community Air Monitoring, regarding fenceline monitoring at refineries and the public data portal that notifies the community if certain pollutants exceed pre-determined health-based threshold levels. For additional details, please refer to the [Webcast](#) beginning at 1:22.

Mr. Nastri addressed concerns regarding allocation of staffing in the proposed budget for FY 2022-23, noting significant investment in enforcement, engineering and the planning process. He commented on the reduction in the workforce due to a large number of retirements and the challenges faced in recruiting new talent to manage the various programs and processes. He emphasized that the Hearing Board operates independently of the Governing Board and that some of the concerns regarding the Hearing Board must be done through the legislature. However, the Governing Board could choose to consider reviewing the Hearing Board procedures to get a better understanding of concerns raised by public commenters. For additional details, please refer to the [Webcast](#) beginning at 1:24.

Bayron Gilchrist, General Counsel, informed the Board that the Administrative Committee is scheduled to conduct interviews on April 8 for the appointment of three Hearing Board members, which gives the Committee an opportunity to address issues regarding the Hearing Board.

Board member Padilla-Campos emphasized the need to hold refineries accountable and asked for an estimated date on when working group meetings will begin for Rules 1173 and 1176.

Mr. Nastri responded that staff have estimated that rule development for these rules will begin in 2023. He explained that Rules 1173 and 1176 focus on requirements for control of VOC emissions and suggested providing further information for the Board's consideration on rule development on other rules that may have more of an impact on VOC emission reductions. He emphasized that the priority for staff is to focus on the significant NOx emission reductions needed to meet ozone standards, noting that further information on the technical aspects of NOx and VOC emissions will be presented to the Board at a later date. For additional details, please refer to the [Webcast](#) beginning at 1:28.

Vice Chair Delgado inquired about rules listed on the Rule Forecast Report with no specific month for rulemaking.

Susan Nakamura, Chief Operating Officer, explained that in order to bring a rule forward for rulemaking this year it must have been placed on the schedule by the first of the year, therefore, rules listed under the "To Be Determined" designation are placeholders in the event rulemaking action is needed.

Written Comment Letter Regarding Rendering Plant Odors in Southeast Los Angeles Communities Submitted by South Coast AQMD's Environmental Justice Advisory Group (EJAG)

Written Comment Letter Submitted Regarding the Lack of Petroleum Refinery  
Accountability

One letter signed by the following organizations: Earthjustice, East Yard Communities for Environmental Justice and Communities for a Better Environment

**CONSENT AND BOARD CALENDAR**

***Items 1 through 3 – Action Items/No Fiscal Impact***

1. Comply with AB 361 Requirements to Allow South Coast AQMD Board and South Coast AQMD Brown Act Committees to Continue to Meet Remotely
2. Approve Minutes of March 4, 2022 Board Meeting
3. Set Public Hearing May 6, 2022 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations:

Adopt Executive Officer's FY 2022-23 Proposed Goals and Priority Objectives, and Proposed Budget; Determine That Proposed Amendments to Regulation III – Fees and Rule 1480 – Ambient Monitoring and Sampling of Metal Toxic Air Contaminants, Are Exempt from CEQA; and Amend Regulation III and Rule 1480

***Items 4 through 9 -- Budget/Fiscal Impact***

4. Recognize Revenue, Appropriate and Transfer Funds for Air Monitoring Programs, Issue Solicitations and Purchase Orders for Air Monitoring Equipment and One Vehicle
5. Adopt Resolution Recognizing Funds, Issue Program Announcements and Execute or Amend Contracts for Clean Heavy-Duty Vehicles and Advanced Technology Goods Movement Equipment
6. Transfer Funds for Development of Carl Moyer Program Grant Management System
7. Remove Various Fixed Assets from South Coast AQMD Inventory
8. Amend Contracts to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
9. Approve Contract Modification 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

**Item 16 -- Staff Presentation/Board Discussion/Receive and File**

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

NO ACTION REQUIRED

**Items 17 through 23 -- Reports for Committees and CARB**

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

24. Item Deferred from Consent and Board Calendar

Agenda Item No. 1 was pulled for comment and discussion.

Public comment was opened for Agenda Item Nos. 2-23

There were no public comments.

Disclosures:

Mr. Gilchrist announced that Board Member Kracov does not have a financial interest in Agenda Item Nos. 5 and 6 but would like to identify for the record that he is a Board Member of CARB, which is involved in these items.

MOVED BY DELGADO, SECONDED BY CACCIOTTI, AGENDA ITEMS 2 THROUGH 23, APPROVED AS RECOMMENDED; AND TO ADOPT RESOLUTION NO. 22-13, RECOGNIZING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR 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 APRIL 1, 2022 THROUGH MAY 1, 2022 PURSUANT TO PROVISIONS OF THE BROWN ACT; AND TO ADOPT RESOLUTION NO. 22-14, RECOGNIZING FUNDS AND ACCEPTING THE TERMS AND CONDITIONS OF THE FY 2021-22 SENATE BILL 129, STATE GENERAL FUNDS FOR EXTREME NONATTAINMENT, AND TO RECEIVE AND FILE THE COMMITTEE, MSRC AND CARB REPORTS; AND TO APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON LEGISLATION AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Benoit, Cacciotti, Delgado, Do, Kracov, Kuehl, McCallon, Padilla-Campos, Perez, Raman, and Rodriguez

NOES: None

ABSENT: Richardson and Rutherford

**LEGISLATIVE COMMITTEE'S RECOMMENDATION**

<b>Agenda Item</b>	<b>Recommendation</b>
AB 1897 (Wick) Nonvehicular air pollution control: refineries: penalties	Support

Chair Benoit noted that there have been no major changes to report on the budget and economic outlook, (Agenda Item No. 16), and directed staff to bring the item to the Administrative Committee as needed, adding that it is no longer necessary to provide the monthly presentation to the Board, unless there is a willingness of the Board to continue with the reporting.

**Item Pulled for Comment and Discussion**

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

Mayor McCallon stated that he could not make the findings required by AB 361 to continue with remote meetings and would not be voting to approve the Resolution. He emphasized the importance of in-person meetings and noted that the Brown Act has provisions that allow for meeting remotely.

Supervisor Kuehl clarified that the findings for AB 361 can be made because the Governor's proclamation for the state of emergency in response to the COVID-19 pandemic remains in effect and Los Angeles County, where the South Coast AQMD is located, continues to impose or recommend measures to promote social distancing. She added that the Los Angeles County Board of Supervisors will resume meeting in person beginning on April 5, 2022, but the public will continue to participate remotely.

Chair Benoit acknowledged the practicality of holding committee meetings remotely but agreed that things can go back to following the posting and public access requirements of the Brown Act by listing remote locations on the agenda.

Supervisor Kuehl commented on the latest variant of COVID-19 and noted that the public may have concerns about attending meetings in-person, therefore, she would be voting in support of adopting the Resolution.

Mr. Gilchrist clarified that the staff recommendation to adopt the Resolution is appropriate because the two key findings under AB 361 have been met.

In response to Chair Benoit's question about whether adopting the Resolution would affect the ability of the public to provide comments remotely, Mr. Gilchrist responded that it does not preclude the public from participating remotely.

Senator Delgado acknowledged the value of meeting in-person but suggested moving forward with meeting remotely for the short term.

MOVED BY DELGADO, SECONDED BY KUEHL, AGENDA ITEM 1, APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Benoit, Cacciotti, Delgado, Do, Kracov, Kuehl, Padilla-Campos, Perez, Raman and Rodriguez

NOES: McCallon

ABSENT: Richardson and Rutherford

## **PUBLIC HEARINGS**

25. Determine That Proposed Amendments to Rule 1147 - NOx Reductions from Miscellaneous Sources, Are Exempt from CEQA; and Amend Rule 1147

This item was pulled by staff and moved to the May 6, 2022 Board meeting. (No action was required)

26. Determine That Proposed Rule 1147.2 – NOx Reductions from Metal Melting and Heating Furnaces, Is Exempt from CEQA and Adopt Rule 1147.2

Michael Morris, Planning and Rules Manager, gave the staff presentation on Item No. 26.

In response to Mayor Cacciotti's inquiry about whether the entities listed on the Key Contact List, (Attachment D of the board letter), are metal recycling facilities, Mr. Morris responded that only one facility, CMC Gerdau, did metal recycling but ceased operations about two years ago. The other facilities are not typical recycling facilities, but scraps from machine shops can be remelted and the product reused.

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

Harvey Eder emphasized the need to evaluate solar energy for BARCT and the AQMP. He also highlighted the need for redistribution of equity.

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. 22-15  
DETERMINING THAT PROPOSED AMENDED  
RULE 1147.2 – NO<sub>x</sub> REDUCTIONS FROM  
METAL MELTING AND HEATING FURNACES  
IS EXEMPT FROM THE REQUIREMENTS OF  
CEQA AND ADOPTING RULE 1147.2 – NO<sub>x</sub>  
REDUCTIONS FROM METAL MELTING AND  
HEATING FURNACES, BY THE FOLLOWING  
VOTE:

AYES: Benoit, Cacciotti, Delgado,  
Do, Kracov, Kuehl, McCallon,  
Padilla-Campos, Perez, Raman,  
and Rodriguez

NOES: None

ABSENT: Richardson and Rutherford

### **CLOSED SESSION**

The Board recessed to closed session at 10:50 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 (two cases).

Following closed session, Bayron Gilchrist, General Counsel, announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board's office and made available to the public upon request.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned by Mr. Gilchrist at 12:25 p.m.

A Special Governing Board meeting was scheduled to be held on Friday, April 8, 2022, at 11:00 a.m., (immediately following the South Coast AQMD Administrative Committee meeting but not before 11:00 a.m.).

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on April 1, 2022.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

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Ben J. Benoit, Chair

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#### **ACRONYMS**

AQMP = Air Quality Management Plan

CARB = California Air Resources Board

CEQA = California Environmental Quality Act

FY = Fiscal Year

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NOx = Oxides of Nitrogen

U.S. EPA = United States Environmental Protection Agency

VOC = Volatile Organic Compound