

BOARD MEETING DATE: December 2, 2022

AGENDA NO. 2

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the November 4, 2022  
Board Meeting.

RECOMMENDED ACTION:

Approve the November 4, 2022 Board Meeting Minutes.

Faye Thomas  
Clerk of the Boards

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**FRIDAY, NOVEMBER 4, 2022**

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted in a hybrid format (in person 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 (Left the meeting at 10:57 a.m.)  
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 (Left the meeting at 10:00 a.m.)  
City of Los Angeles

Mayor Carlos Rodriguez  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Members Absent: Vice Mayor Rex Richardson

For additional details of the Governing Board Meeting, please refer to the recording of the Webcast at: Live Webcast (aqmd.gov)

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

- Pledge of Allegiance: Led by Board Member Kracov
- Roll Call

Supervisor Perez was absent for roll call and joined the meeting at 9:12 a.m.

- Opening Comments

Wayne Nastri, Executive Officer, announced that on November 3, 2022 South Coast AQMD was awarded two grants from U.S. EPA for enhanced community monitoring; and that Aaron Katzenstein, Deputy Executive Officer/Technology Advancement Office, was appointed to the U.S. EPA Mobile Sources Technical Review Subcommittee. Mr. Nastri noted that staff recommended pulling Item No. 26, the public hearing for Proposed Amended Rule 1148.2, from the agenda.

- Outgoing Presentation to Board Member Sheila Kuehl

Chair Benoit presented Supervisor Kuehl with an award to recognize her service on the Board, representing the County of Los Angeles. Board Members thanked Supervisor Kuehl for her legacy of public service, leadership, and thoughtful perspective on the issues.

Supervisor Kuehl reflected on her career and expressed appreciation for her fellow colleagues and others with whom she has served. She spoke of the important role that the Board plays in improving air quality for the region, and the multi-representative composition of the Board that brings an expanded perspective. She thanked staff for their work and devotion.

During public comments, several commenters expressed appreciation to Supervisor Kuehl for her public service and contributions to environmental issues.

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

For additional details, please refer to the Webcast beginning at the times shown below.

Nayiri Baghdassarian, San Gabriel Valley Economic Partnership (1:02:52)

Elias Garcia, Los Angeles Area Chamber of Commerce (55:57)

Aaron Gardner, Future Ports (44:36)

Abby King, Valley Industry Commerce Association (36:48)

Benjamin Lopez, Inland Empire Economic Partnership (51:41)

Sarah Wiltfong, Los Angeles County Business Federation (BizFed) (31:55)

These commenters provided testimony on the Draft 2022 AQMP regarding the following issues:

- Acknowledged the need for zero-emission technologies, but noted the Draft 2022 AQMP should include options when zero-emission

- technologies are not practical, available, or affordable;
- Concerned that the full cost of zero-emission technologies has not been fully estimated and will result in significant job loss annually
- Strongly recommended that the Draft 2022 AQMP include a technology and fuel neutral policy
- Emphasized the need to evaluate whether the electrical grid will have the infrastructure and grid capacity needed to support widespread electrification
- The socioeconomic report should include costs of electrical grid infrastructure, as well as societal cost such as stranded assets, job losses and consumer crisis.
- Implementation costs of the Draft 2022 AQMP, including the burden the cost will put on businesses and residents.

Jan Victor Andasan, Carson resident and East Yard Communities for Environmental Justice (46:25)

Theral Golden, West Long Beach Association (52:45)

Ana Gonzalez, Center for Community Action and Environmental Justice (1:04:43)

Yassi Kavezade, Sierra Club My Generation (49:34)

Adrian Martinez, Earthjustice (33:26)

Kathleen Woodfield, San Pedro Peninsula Homeowners Coalition (42:26)

These commenters provided testimony on the Draft 2022 AQMP regarding the following issues:

- The significant number of days with unhealthy ozone levels
- Concern about a cost-effectiveness threshold that is too low
- Concern about efforts to delay adoption of the 2022 AQMP for additional analysis;
- The importance for a majority zero-emission plan that focuses on mobile and stationary sources;
- Need for strong control measures;
- Rulemaking for indirect source rules must be achieved in a timely manner;
- CARB and U.S. EPA need to do their fair share;
- Need to start implementing control measures in the 2022 AQMP and initiate rulemaking;
- Allocate funding and incentive programs for stationary sources;
- For stationary sources, the Draft 2022 AQMP relies on combustion technologies, and needs to have more zero-emission technology;
- The need for freight facility measures; and
- Ensure Spanish interpretation is provided at Board meetings

Dawny'All Heydari, Pacific Environment – Clean Ports Southern California, commented on the need to set strong emission targets for commercial marine ports to support zero-emissions for all vessel categories, set zero-emission standards for commercial harbor craft and accelerate at-berth emissions for tanker vessels. For additional details, please refer to the Webcast beginning at 39:08.

Ranji George, a member of the public, expressed support for solar renewable energy to reduce reliance on fossil fuels and requested that the Draft 2022 AQMP include a component for solar. For additional details, please refer to the Webcast beginning at 58:06.

Bill LaMarr, California Small Business Alliance, expressed concerns that there is no viable pathway to achieve the needed reductions without widespread adoption of zero-emission technologies across all mobile and stationary sources, without federal action and without radical improvements to the electrical grid and related infrastructure. He also expressed concerns about the cost of the Plan to businesses and individual taxpayers, and the possibility of federal sanctions being imposed on businesses for failure to attain the standards. He requested using the next 30 days to address these concerns before approving the 2022 AQMP. For additional details, please refer to the Webcast beginning at 1:00:39.

Written Comments Submitted Regarding Revised Draft 2022 AQMP:

– SoCalGas (letter dated October 18, 2022)

(Council Member Raman left the meeting.)

**There being no further testimony, the Public Comment Period was closed.**

Supervisor Rutherford stated that the Board has a legal obligation through the Health & Safety Code to understand and consider the cost analysis of regulations that will be promulgated. She emphasized the need for staff to provide more detail in the 2022 AQMP on the costs for the grid expansion needed to support zero-emissions electrification. For additional details, please refer to the Webcast beginning at 1:07:20.

Mr. Nastri noted that grid infrastructure planning is done at the state level. Staff will continue to work with the state, but the data provided in the Socioeconomic Analysis is the best available at this time. For additional details, please refer to the Webcast beginning at 1:09:41.

Dr. Rees added that the cost effectiveness will be assessed again in deeper detail during the rulemaking process to implement control measures. The feasibility of zero-emission technologies will be evaluated as well. For additional details, please refer to the Webcast beginning at 1:10:38.

Supervisor Kuehl commented on the importance to find solutions and reminded everyone that it took time and substantial investments in the past to implement new solutions to improve air quality, but progress was made and it can be done again. For additional details, please refer to the Webcast beginning at 1:13:02.



**CONSENT AND BOARD CALENDAR**

**Items 1 & 2 – 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 October 7, 2022 Board Meeting

**Items 3 through 9 -- Budget/Fiscal Impact**

3. Issue RFP, Execute Contracts, and Program Announcement for Residential Air Filtration Program Within East Los Angeles, Boyle Heights, West Commerce and Eastern Coachella Valley AB 617 Communities
4. Recognize Revenue and Amend Contract Awards for Cleaner Freight California Projects
5. Amend Contracts for Legislative Representation in Sacramento, California
6. Amend Contracts for Legislative Representation in Washington, D.C.
7. Enter into Agreement with Enterprise Fleet Management to Lease Fleet Vehicles, Transfer Budgeted Funds to Make Lease Payments, and Direct Future Vehicle Resale Revenue for Lease Payments
8. Amend FY 2022 -23 Budget by Adding Funds to Legal's FY 2022 -23 Budgets, Services and Supplies Major Object, Professional and Special Services Account to Cover Costs of Legal Counsel and Specialized Counsel and Services and Amend or Execute Contracts with Outside Counsel and Specialized Legal Counsel and Services
9. Approve Contract Modification as Approved by MSRC

**Item 10 – Action/No Fiscal Impact**

10. Establish Board Meeting Schedule for Calendar Year 2023

**Items 11 through 17 – 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. Report of RFQs/RFPs Scheduled for Release in November
17. Status Report on Major Ongoing and Upcoming Projects for Information Management

**Items 18 through 23 -- Reports for Committees and CARB**

18. Administrative Committee
19. Legislative Committee
20. Stationary Source Committee
21. Technology Committee
22. Mobile Source Air Pollution Reduction Review Committee

23. California Air Resources Board Monthly Report
24. Items Deferred from Consent and Board Calendar

Item 19 was pulled for discussion.

### **Disclosures**

Supervisor Do recused himself from Agenda Item No. 7 due to campaign contributions from Enterprise Holdings within the last 12 months; and reported having no financial interests in Agenda Item No. 9 but is required to identify for the record that he is a member of the Transportation Committee for SCAG, which is involved in this item.

Chair Benoit reported having no financial interests in Agenda Item No. 9 but is required to identify for the record that he is a Regional Council member for SCAG, which is involved in this item.

Board Member Kracov reported having no financial interests in Agenda Item No. 3 but is required to identify for the record that he is a Board member for CARB, which is involved in this item.

Mayor McCallon reported having no financial interests in Agenda Item No. 9 but is required to identify for the record that he is a Regional Council member for SCAG, which is involved in this item.

### **Agenda Item No. 3**

Supervisor Rutherford commented that the Residential Air Filtration program is focused on the East Los Angeles, Boyle Heights, West Commerce (ELABHWC) AB 617 communities, and asked for staff to explain why the San Bernardino, Muscoy AB 617 community was not included. She requested that San Bernardino communities be included in future funding for the Residential Air Filtration Program. For additional details, please refer to the Webcast beginning at 1:16:08.

Mr. Nastri responded that through a participatory budgeting process to allocate incentive funds to AB 617 communities, the ELABHWC AB 617 communities prioritized funds for residential air filtration units, while other AB 617 communities prioritized funding for other projects. Staff will explore additional funding to implement residential air filtration units in the San Bernardino, Muscoy community. For additional details, please refer to the Webcast beginning at 1:17:40.

Agenda Item Nos. 1-23 were opened for public comment; and the following individual addressed the Board.

### **Agenda Item No. 21 Regarding Clean Fuels Program Draft 2023 Plan Update**

Ranji George, a member of the public, commented on the benefits of hydrogen and suggested expanding its use to include commercial lawn and garden equipment. He emphasized the need to encourage more companies to develop hydrogen mobile refuelers to expand hydrogen fuel availability. He commented on issues consumers have experienced with the latest generation of hydrogen fueling dispensers, emphasizing the need to conduct a quality control assessment of the equipment. For additional details,

please refer to the Webcast beginning at 1:14:48.

There being no further comments, the Public Comment Period was closed

**Board Action (Items 1–18; and 20-23)**

MOVED BY CACCIOTTI, SECONDED BY DO TO:  
APPROVE AGENDA ITEMS 1 THROUGH 18; AND 20  
THROUGH 23 AS RECOMMENDED TO:

ADOPT RESOLUTION NO. 22-32, RECOGNIZING THE  
PROCLAMATION OF A STATE OF EMERGENCY BY  
GOVERNOR NEWSOM ON MARCH 4, 2020 AND THAT  
LOCAL OFFICIALS CONTINUE 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 NOVEMBER 4, 2022 THROUGH  
DECEMBER 4, 2022 PURSUANT TO PROVISIONS OF  
THE BROWN ACT; AND

ADOPT RESOLUTION NO. 22-33, SETTING THE TIME  
AND PLACE OF REGULARLY SCHEDULED  
MEETINGS OF THE SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT GOVERNING BOARD FOR  
CALENDAR YEAR 2023

RECEIVE AND FILE THE COMMITTEE REPORTS  
AND CARB REPORT.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Cacciotti, Delgado, Do (except on  
Item No. 7), Kracov, Kuehl, McCallon,  
Padilla-Campos, Perez, Rodriguez, and  
Rutherford

NOES: None

ABSTAIN: Do (only on Item No. 7)

ABSENT: Raman and Richardson



**Item Pulled for Discussion (Agenda Item No. 19)**

Mayor Cacciotti commented on the 2023 South Coast AQMD-sponsored state legislative proposal presented at the October Legislative Committee meeting to increase the AB 2766 DMV fees. He noted that there were only three committee members present



at that meeting and only two voted in support of the proposed concept. Since three concurring votes are required for action to be taken, Mayor Cacciotti pulled this item to inquire about presenting it to the full board. For additional details, please refer to the Webcast beginning at 1:24:12.

General Counsel Bayron Gilchrist explained that since the item was not acted upon at the October Legislative Committee meeting, it can either be continued to the November 10 Legislative Committee and the full Board in December or presented today to the full Board for discussion and action. For additional details, please refer to the Webcast beginning at 1:26:00.

Derrick Alatorre, Deputy Executive Officer/Legislative, Public Affairs and Media, provided an overview of the proposed legislative concept to increase AB 2766 DMV Fees. He explained that staff is seeking approval to discuss the concept of increasing the AB 2766 DMV fee with legislators.

Mr. Nastri emphasized that this item was brought before the Legislative Committee only as a potential concept to seek approval from the Committee for staff to see if there is interest among legislators to support and/or sponsor a bill. He clarified that specific language for a bill would be brought back to the Legislative Committee for consideration and action.

Chair Benoit commented that discussions have been taking place at the state level regarding changes to the DMV registration fee structure, therefore, this may be the appropriate time to explore this concept. For additional details, please refer to the Webcast beginning at 1:29:45.

Supervisor Rutherford expressed concerns that the public would not support an increase in DMV fees, given the current state of the economy. Therefore, she is not in support of the concept. For additional details, please refer to the Webcast beginning at 1:30:50.

**Board Action (Agenda Item No. 19 - AB 2766 DMV Fee Bill Concept)**

MOVED BY CACCIOTTI, SECONDED BY DELGADO  
TO APPROVE THE PROPOSED BILL CONCEPT TO  
INCREASE AB 2766 DMV FEE FOR DISCUSSION  
WITH MEMBERS OF THE LEGISLATURE.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: Rutherford

ABSENT: Raman and Richardson



Agenda Item No. 5

Board Member Kracov expressed support for the goods movement port cargo fee. He commented that the pollution at the Ports is far from resolved and commented on the importance of progress on the Indirect Source Rule for Ports and CARB's drayage rule. He suggested that the current container fee is not sufficient and legislation for a container fee is a good idea. He also highlighted the importance as policymakers and as an agency to focus efforts on the needed infrastructure. Board Member Kracov provided several examples when the Ports want to take quick action they make it possible as shown with container fees for dwell times, moving ships 40 miles off port during periods of long dwell times, and meeting CARB's regulation for cargo handling equipment and cranes. For additional details, please refer to the Webcast beginning at 1:13:02.

**Board Action (Agenda Item No. 19, except AB 2766 DMV Fee Bill Concept)**

MOVED BY CACCIOTTI, SECONDED BY KRACOV TO RECEIVE AND FILE AGENDA ITEM NO. 19 AND APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON PROPOSED LEGISLATIVE BILL CONCEPTS (EXCEPT THE PROPOSED CONCEPT FOR AN INCREASE TO THE DMV FEE WHICH WAS VOTED ON SEPARATELY).

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Raman and Richardson



25. Determine That Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets Is Exempt from CEQA and Approve Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets

Dr. Sarah Rees, Deputy Executive Officer/Planning, Rule Development and Implementation, gave the staff presentation on this item.

Supervisor Perez inquired about whether the public provided input to the proposal. Dr. Rees responded that a public consultation meeting was held at the end of September and it was mentioned at the last AB 617 Eastern Coachella Valley Community Steering Committee meeting. There were no comments from the public. For additional details, please refer to the Webcast beginning at 1:44:35.

Agenda Item No. 25 was opened for public comment; and the following individuals addressed the Board.

For additional details, please refer to the Webcast beginning at the times shown below.

Adrian Martinez, Earthjustice (1:45:47)

Chris Chavez, Coalition for Clean Air (1:51:41)

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These commenters provided testimony on the reclassification of the Coachella Valley regarding the following issues:

- Importance that future commitments are met and the motor vehicle emission budgets (MVEB) are not revised.
- Recognized consequence of failure to reach attainment.
- Pointed out the drawbacks to combustion-based strategies that are not as effective.
- Concerned that reclassification will push the attainment deadline.

Sarah Jepson, SCAG/Planning Director, explained what caused the Coachella Valley MVEB shortfalls and the resulting transportation conformity lockdown that can impact the implementation of transportation projects worth millions of dollars. The voluntary reclassification of the Coachella Valley was identified by SCAG, South Coast AQMD, CARB, and U.S. EPA as the solution needed to expeditiously resolve the conformity lockdown. She urged the Board to consider and approve the staff recommendation. For additional details, please refer to the Webcast beginning at 1:48:52.

Dr. Rees stated that staff takes attainment very seriously and commented on the importance and significance of transportation projects. Dr. Rees explained that the issue with the MVEB is a change in the model and that there was no change in vehicle activity. Dr. Rees also explained that attainment in the Coachella Valley largely depends on the work we do in South Coast, because emissions in Coachella Valley generally flow in from the Basin and that there is relatively few emission sources in the Coachella region. For additional details, please refer to the Webcast beginning at 1:54:22.

Supervisor Perez thanked staff for their work and recognized the difficulty of the situation because of the need to achieve attainment but also the need for transportation projects. He requested working with the AB 617 Eastern Coachella Valley CSC going forward for guidance and to educate them on this issue. He asked if staff connected with the Riverside County Transportation Commission, and Dr. Rees confirmed that staff did. For additional details, please refer to the Webcast beginning at 1:56:15.

There being no further requests to speak, the Public Comment Period was closed.

**Board Action (Agenda Item 25)**

MOVED BY PEREZ, SECONDED BY MCCALLON TO APPROVE AGENDA ITEM NO. 25 AS RECOMMENDED TO ADOPT RESOLUTION NO. 22-34:

DETERMINING THAT THE RECLASSIFICATION OF THE COACHELLA VALLEY FOR THE 2008 8-HOUR OZONE STANDARD AND THE RELATED SIP ELEMENTS REQUIRED TO UPDATE THE MOTOR VEHICLE EMISSIONS BUDGETS ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA);

APPROVING THE REQUEST TO RECLASSIFY COACHELLA VALLEY FROM "SEVERE-15" TO "EXTREME" NONATTAINMENT FOR THE 2008 8-HOUR OZONE STANDARD;

APPROVING SELECTED SIP ELEMENTS REQUIRED TO UPDATE MOTOR VEHICLE EMISSIONS BUDGETS, WHICH ARE BASELINE EMISSIONS INVENTORY, REASONABLE FURTHER PROGRESS DEMONSTRATION AND UPDATED MOTOR VEHICLE EMISSIONS BUDGETS FOR "EXTREME" NONATTAINMENT OF THE 2008 8-HOUR OZONE STANDARD; AND

DIRECTING STAFF TO FORWARD THE REQUEST TO RECLASSIFY COACHELLA VALLEY FOR THE 2008 8-HOUR OZONE STANDARD AND THE RELATED SIP ELEMENTS TO CARB FOR APPROVAL AND SUBMISSION TO U.S. EPA FOR INCLUSION IN THE SIP.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Raman and Richardson



26. Determine That Proposed Amended Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers, Is Exempt from CEQA and Amend Rule 1148.2

This item was pulled by staff at the beginning of the meeting.

(Supervisor Kuehl left the meeting)

27. Certify Final Subsequent Environmental Assessment for Proposed Amended Rule 1168 – Adhesive and Sealant Applications; and Amend Rule 1168

Heather Farr, Planning & Rules Manager/Planning, Rule Development and Implementation, gave the staff presentation on this item.

Agenda Item No. 27 was opened for public comment; and the following individuals addressed the Board.

Doug Raymond, Raymond Regulatory Resources (3R), LLC on behalf of The Chemours Company, requested that the Board consider their request to change the wording from a prescribed reference exposure level to a hazard banding for Opteon 1100 in Subparagraphs (c)(33)(B) and (c)(33)(C) of the rule language. He noted that Opteon 1100 is a blowing agent that can only be used in two-component foam products and is not for consumer use. For additional details, please refer to the Webcast beginning at 2:07:56. (Written Comments Submitted)

In response to Mayor Cacciotti's request to provide more detail about two-component foam products, Mr. Raymond responded that the foam is used in manufacturing settings, where workers wear protective equipment and follow guidelines to reduce potential risks, and there is no off-gassing. For additional details, please refer to the Webcast beginning at 2:10:46.

Susan Nakamura, Chief Operating Officer questioned if the application of the foam sealant met the applicability of Rule 1168. Ms. Farr confirmed that the foam sealant is applicable to Rule 1168. For additional details, please refer to the Webcast beginning at 2:12:52.

Dr. Rees explained that there is not enough information to assess hazard banding and that the additional information is needed to develop a specific proposal. Dr. Rees explained that it is best to wait for OEHHA's assessment and if the assessment shows that the toxicity is close to the toxicity of the current materials used, then staff is willing to consider amending Rule 1168. Dr. Rees also explained that after OEHHA completes their analysis, staff is committed to returning to the Stationary Source Committee, where additional guidance can be provided to staff. For additional details, please refer to the Webcast beginning at 2:15:30.

Jordan Blank, GreenChem Industries LLC, questioned the public process for the rulemaking and information provided by staff about water-based coatings. For additional details, please refer to the Webcast beginning at 2:17:31.

Chadwick Collins, Cohen Company on behalf of the Roof Coatings Manufacturers Association, questioned the accuracy of the cost analysis for alternative solvents and product reformulation in the socioeconomic impact assessment. He noted there were earlier discussions about considering other solvents and higher VOC limits for roofing categories; however, those options were not presented. For additional details, please refer to the Webcast beginning at 2:20:32.

Rita Loof, RadTech International, spoke to oppose the staff proposal, and expressed concern that removing the definition of energy curable materials to avoid

disapproval by U.S. EPA was premature, given that U.S. EPA has not issued a disapproval, but rather has asked for public comments on a proposed disapproval. She requested that the proposed amendments be delayed, allowing for U.S. EPA to review the UV/EB/LED industry's comments. She also requested that staff join their efforts to obtain U.S. EPA's approval of the test method. For additional details, please refer to the Webcast beginning at 2:23:40.

Mark Abramowitz, Community Environmental Services, expressed support for the proposed amendments, noting that the proposal allows additional time to comply with the rule while reducing toxic exposures. He opposed the proposed changes requested by Mr. Raymond for an exemption and emphasized the need to address foregone VOC reductions. For additional details, please refer to the Webcast beginning at 2:26:51.

Katy Wolf, a consultant, expressed support for the staff recommendation, ban on pCBtF and t-BAC, and conditional VOC exemption for Opteon 1100 based on OEHHA's evaluation.

There being no further requests to speak, the Public Comment Period was closed.

Supervisor Rutherford expressed concern that staff is acting on the assumption that U.S. EPA will disapprove the thin film test method for UV/EB/LED materials. She stated that she would be opposing the proposal, unless staff has something to offer if U.S. EPA changes course. For additional details, please refer to the Webcast beginning at 2:32:45.

Dr. Rees explained that U.S. EPA has issued a partial SIP disapproval for Rules 1106 and 1107 for referencing ASTM Test Method D7767-11 when they became aware that the test method was not U.S. EPA approved. She also emphasized the serious consequences for including a test method not approved by U. S. EPA if action is not taken. For additional details, please refer to the Webcast beginning at 2:33:27.

Mr. Nastri added that per the Board's recommendation, staff did request clarity in this matter but U.S. EPA has made their decision so we are reacting accordingly. In addition, there is an alternative compliance option to the test method, which is to provide formulation data, but that has yet to be done. For additional details, please refer to the Webcast beginning at 2:35:14.

#### Written Comments Submitted

- Raymond Regulatory Resources (3R), LLC (letter dated November 1, 2022)
- BASF (letter dated November 1, 2022)

**Board Action (Agenda Item 27)**

MOVED BY CACCIOTTI, SECONDED BY KRACOV TO APPROVE AGENDA ITEM NO. 27 AS RECOMMENDED TO ADOPT RESOLUTION NO. 22-35:

CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1168 – ADHESIVE AND SEALANT APPLICATIONS; AND

AMENDING RULE 1168 – ADHESIVE AND SEALANT APPLICATIONS.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Cacciotti, Delgado, Kracov, McCallon, Padilla-Campos, and Perez

NOES: Do, Rodriguez, and Rutherford

ABSENT: Kuehl, Raman and Richardson



28. Determine That Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations Is Exempt from CEQA, and Adopt Proposed Rule 1460

Michael Krause, Assistant Deputy Executive Officer/Planning, Rule Development and Implementation, gave the staff presentation on this item.

In response to Mayor Cacciotti's inquiry about how the 200 unpermitted facilities are being regulated and by what other agencies, Mr. Krause responded that these facilities are subject to South Coast AQMD Rule 403 for fugitive emissions, but this new rule imposes more requirements specific to these types of metal facilities. In addition, they are permitted and regulated by the Regional Water Quality Control Board. For additional details, please refer to the Webcast beginning at 2:43:56.

Agenda Item No. 28 was opened for public comment; and the following individuals addressed the Board.

Joe Weiss who represents a small business that operates scrap metal facilities expressed support for the proposal. However, he expressed concern regarding the use of water to minimize fugitive dust emissions, given that water runoff activities are regulated by the State Water Resources Board. He inquired about guidance on how that will be regulated because daily watering will create runoff. For additional details, please refer to the Webcast beginning at 2:45:06.

Mr. Krause responded that Proposed Rule 1460 provides options other than water to control fugitive dust such as covering or doing these operations, like within an enclosure. For additional details, please refer to the Webcast beginning at 2:47:44.

Moses Huerta, Paramount resident and former Paramount Planning Safety Commissioner, thanked staff and commended industry for their constructive input. He commented on the importance of this rule for the community. For additional details, please refer to the Webcast beginning at 2:48:30.

James Simonelli, California Metals Coalition, stated that the Coalition is in support of Rule 1460 and that comments raised during the rulemaking process were addressed. Regarding the water issue, he explained that facilities are permitted by the state water board in terms of having a stormwater permit and have the proper controls in place, including water testing. For additional details, please refer to the Webcast beginning at 2:50:21.

There being no further requests to speak, the Public Comment Period was closed.

Board Member Padilla-Campos expressed her appreciation to staff and noted that community representatives that she works with are happy to see Proposed Rule 1460. For additional details, please refer to the Webcast beginning at 2:51:50.

Board Member Kracov commented about metal particulate at Jordan High School in South Los Angeles which was located near Atlas, a metal recycler. He underscored the importance of this rule as it was identified by AB 617 communities. For additional details, please refer to the Webcast beginning at 2:52:50.

**Board Action (Agenda Item 28)**

MOVED BY PADILLA-CAMPOS, SECONDED BY DELGADO TO APPROVE AGENDA ITEM NO.28 AS RECOMMENDED TO ADOPT RESOLUTION NO. 22-36:

DETERMINING THAT PROPOSED RULE 1460 – CONTROL OF PARTICULATE EMISSIONS FROM METAL RECYCLING AND SHREDDING OPERATIONS, IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND

ADOPTING PROPOSED RULE 1460 – CONTROL OF PARTICULATE EMISSIONS FROM METAL RECYCLING AND SHREDDING OPERATIONS.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Kuehl, Raman, and Richardson





## **CLOSED SESSION**

The Board recessed to closed session at approximately 11:56 a.m., pursuant to Government Code sections:

### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the SCAQMD is a party. The actions are:

California Trucking Association v. South Coast Air Quality Management; the Governing Board of the South Coast Air Quality Management District; and Does 1 through 25, inclusive, Case No.: 2:21-cv-06341; and

In the Matter of SCAQMD v. Baker Commodities, SCAQMD Hearing Board Case No. 6223-1 (Order for Abatement); Baker Commodities, Inc. v. South Coast Air Quality Management District Hearing Board; South Coast Air Quality Management District; South Coast Air Quality Management District Hearing Board Members: Cynthia Verdugo-Peralta, Robert Pearman, Micah Ali, and Allan Bernstein, DPM MBA, in their official capacities only; and 100 Does and Roes, Los Angeles County Superior Court, Case No. 22STCP03597

### 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 there were no reportable actions taken in closed session.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Mr. Gilchrist at 12:29 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on November 4, 2022.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

\_\_\_\_\_  
Ben J. Benoit, Chair

**ACRONYMS**

AB = Assembly Bill  
AQMP = Air Quality Management Plan  
ASTM = American Society for Testing and Materials  
BACT = Best Available Control Technology  
CARB = California Air Resources Board  
CEQA = California Environmental Quality Act  
DMV = Department of Motor Vehicle  
FY = Fiscal Year  
OEHHA = Office of Environmental Health Hazard Assessment  
pCBtF = Parachlorobenzotrifluoride  
t-BAc = Tertiary-Butyl Acetate  
UV/EB/LED = Ultraviolet/Electron Beam/Light Emitting Diodes