

BOARD MEETING DATE: October 7, 2022

AGENDA NO. 2

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the September 2, 2022 Board Meeting.

RECOMMENDED ACTION:

Approve Minutes of the September 2, 2022 Board Meeting.

Faye Thomas
Clerk of the Boards

FT

FRIDAY, SEPTEMBER 2, 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

Gideon Kracov
Governor's Appointee

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 10:03 a.m.)
City of Los Angeles

Mayor Carlos Rodriguez (Left the meeting at 9:47 a.m.)
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Members absent: Supervisor Andrew Do
Supervisor Sheila Kuehl
Vice Mayor Rex Richardson

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

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

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

- Opening Comments

Council Member Raman shared photos of her and her staff participating in a “Toxic Tour” of San Bernardino that included a visit to the proposed expansion of the BNSF Railway Colton Intermodal Facility, Garcia Center for the Arts and Ruben Campos Community Center. She encouraged other board members to take the tour to get a practical and unique perspective of how communities are directly impacted by sources that affect air quality in their communities.

Mayor Cacciotti shared a photo of Misch Anderson with the E-bike she was able to purchase through the Replace Your Ride program. Ms. Anderson, a Pasadena resident, testified at the May 6, 2022 Board meeting and expressed frustration that E-bikes were not being considered as a replacement option for the Replace Your Ride voucher. Mayor Cacciotti thanked staff for their efforts in helping to resolve this issue.

Executive Officer Wayne Nastri reported that the air monitoring efforts are ongoing around the Vernon, Ontario and Carson areas to address ethylene oxide emissions, and staff continues to work closely with the city of Carson and affected parties. A number of complaints were received regarding odors from the Hyperion Water Reclamation Plant, eleven Notices of Violations have been issued since June, and the Order for Abatement hearing is scheduled for September 6, 2022. Staff attended the National Ambient Air Monitoring Conference on August 22-25, 2022 to present information on the fence-line monitoring network in communities near refineries and Community Air Monitoring implemented through Assembly Bill (AB) 617. South Coast AQMD staff will provide input to the recently announced environmental justice air monitoring initiative backed by the Inflation Reduction Act of 2022. The South Coast AQMD Environmental Justice Conference is scheduled for September 14, featuring California Attorney General Rob Bonta and U.S.EPA Region 9 Regional Administrator Martha Guzman. For additional details, please refer to the Webcast beginning at 17:41

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

Beatrice Hardy, Marilyn Kamimura, and Rebecca Overmyer-Velazquez, Clean Air Coalition (CAC) of North Whittier & Avocado Heights

Provided the following comments regarding Quemetco:

- Opposed Quemetco’s permit application to expand their operations
- Raised concerns about the facility’s proximity to nearby communities and the detrimental impact on their health and lives from its toxic emissions
- Emphasized the need to shut down and move the facility
- Requested the soil in communities near Quemetco be tested

- Urged the Board to prioritize protecting public health
- Offered to host a tour of the neighborhoods near Quemetco

For additional details, please refer to the Webcast beginning at 21:04

Jeffrey Blank, SR Products, commented that there is a conflict of interest related to Dr. Katy Wolfe's role in the rulemaking process for Proposed Amended Rule 1168 – Adhesive and Sealant Applications, and her previous professional relationship with South Coast AQMD staff. He emphasized the need for transparency. For additional details, please refer to the Webcast beginning at 25:18.

Fernando Gaytan, Earthjustice, thanked Council Member Raman and South Coast AQMD staff for participating in the San Bernardino toxic tour and thanked the environmental justice partners who organized those tours. He encouraged Board members and staff to continue participating in such tours to get a deeper understanding of the impact that rulemaking can have in improving public health. For additional details, please refer to the Webcast beginning at 27:04.

Rita Loof, RadTech, commented that RadTech's ASTM test method to measure VOC content in UV/EB thin film operations was approved by USEPA in concert with the approval of South Coast AQMD's Rule 1130, which regulates graphic arts, into the SIP. She noted that RadTech issued a press release today regarding this approval. For additional details, please refer to the Webcast beginning at 29:19.

Jane Williams, California Communities Against Toxics, commented about the ethylene oxide hotspots in the South Coast Air Basin and its elevated toxicity levels. She commended South Coast AQMD staff for engaging in a new rulemaking process for sterilization facilities but expressed concern that older outdated toxicity threshold levels are being used. She urged the Board and staff to use the most protective health thresholds for ethylene oxide. For additional details, please refer to the Webcast beginning at 33:40.

Felipe Aguirre, Comite Pro Uno, expressed concerns that Sterigenics is contaminating the community with emissions of ethylene oxide and that the facility is located near Maywood Elementary school. He urged that the facility be closed while a plan is developed to resolve this issue.

Mark Abramowitz, Community Environmental Services and former South Coast AQMD Governing Board consultant, questioned claims made against South Coast AQMD staff and Dr. Katy Wolfe. He commended staff for working to bring Rule 1168 back to the Board as the Board had directed. For additional details, please refer to the Webcast beginning at 37:08.

Jim McCarthy, Electric Vehicle Association of Southern California (EVAOSC) thanked South Coast AQMD for hosting the EVAOSC for the past 10 years. He announced that this year the Drive Electric Week Event is scheduled for September 24 and will be held at the South Coast AQMD headquarters as in past years. He highlighted some of the events scheduled to take place. For additional details, please refer to the Webcast beginning at 39:10.

There being no further testimony, the public comment period was closed.

Written Comments Submitted

- Pacific Environment (Letter dated August 29, 2022) Regarding: Liquefied Natural Gas (LNG) Expansion in the South Coast Region

CONSENT AND BOARD CALENDAR

Items 1 and 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 August 5, 2022 Board Meeting

Items 3 through 11 -- Budget/Fiscal Impact

3. Appropriate Funds From Undesignated (Unassigned) Fund Balance for Engineering and Permitting Assistance
4. Recognize Revenue and Appropriate Funds for U.S. EPA Pass Through Grants to Develop Low-Cost Sensor Device for Measuring VOCs and Reference Method for Validating Open-Path Remote Sensing Systems
5. Recognize Revenue, Appropriate Federal Funds, and Issue Solicitations and Purchase Orders for Air Monitoring Equipment
6. Appropriate Funds, Issue Solicitations and Purchase Orders for Laboratory and Air Monitoring Equipment
7. Amend Contract for Joint Electric Truck Scaling Initiative Pilot Project
8. Adopt Resolution Recognizing Funds for FY 2021-22 Community Air Protection Incentives and Reimburse General Fund for Administrative Costs
9. Recognize Revenue, Transfer Funds and Execute Contract with San Bernardino County, Acting on Behalf of Arrowhead Regional Medical Center for Deployment of Zero Emission Mobile Clinics
10. Approve Amendments to MOU With Teamsters Local 911 and Administrative Code Provisions for Non-Represented Employees Regarding Employer Contributions for Health Insurance Premiums
11. Issue Request for Information and Approve Award as Approved by MSRC

Items 12 through 20 – Information Only/Receive and File

12. Legislative, Public Affairs and Media Report
13. Hearing Board Report
14. Civil Filings and Civil Penalties Report
15. Lead Agency Projects and Environmental Documents Received
16. Rule and Control Measure Forecast

17. Report of RFPs/RFQs Scheduled for Release in September
18. FY 2021-22 Contract Activity
19. Status Report on Regulation XIII – New Source Review
20. Status Report on Major Ongoing and Upcoming Projects for Information Management

Items 21 through 28 -- Reports for Committees and CARB

21. Administrative Committee
22. Investment Oversight Committee
23. Legislative Committee
24. Mobile Source Committee
25. Stationary Source Committee
26. Technology Committee
27. Mobile Source Air Pollution Reduction Review Committee
28. California Air Resources Board Monthly Report
29. Items Deferred from Consent and Board Calendar
No items were pulled from the Consent or Board Calendar

Agenda Item No. 10

Mr. Nastri pointed out that this item was a late addition to the agenda to address health insurance costs for the employees represented by the Teamsters Local 911.

Disclosures

Mayor McCallon reported having no financial interests in Agenda Item No. 7 but, as required, identified for the record that he is Chair of the MSRC which is involved in this item.

Chair Benoit reported having no financial interests in Agenda Item No. 7 but, as required, identified for the record that he is a member of the MSRC which is involved in this item.

Supervisor Rutherford reported having no financial interests in Agenda Item No. 9 but, as required, identified for the record that she is a member of San Bernardino County's Board of Supervisors and the Arrowhead Regional Medical Center Joint Conference Committee which are involved in this item.

Board Member Kracov reported having no financial interests in Agenda Item No. 8 but, as required, identified for the record that he is a board member of the California Air Resources Board which is involved in this item.

Public comment for Agenda Item Nos. 1-28 was opened; and the following individuals addressed the Board.

Agenda Item No. 8

Fernando Gaytan, Earthjustice, remains concerned that there has not been an unequivocal pivot towards zero emission on the part of the South Coast AQMD and that the agency has allocated significant incentive funds to combustion technology over the past five years. He stated that incentives through AB 617 provides an opportunity to shift focus towards zero emission technologies in communities hardest hit by air pollution. He requested that staff provide a comprehensive quarterly report that details where incentive and research funding are being allocated. For additional details, please refer to the Webcast beginning at 47:25.

Agenda Item No. 10

Areio Soltani, South Coast AQMD employee on behalf of the South Coast AQMD Professional Employees Association (SC-PEA), commented on their ongoing negotiations with South Coast AQMD management regarding employer healthcare contributions. He described the high vacancy rate as an acute problem for the professional employees and that offering competitive salaries and benefits packages is an important aspect that contributes to retaining employees with highly sought-after skills. He requested the Board support SC-PEA as the labor negotiations continue. For additional details, please refer to the Webcast beginning at 47:25.

There being no further requests to speak, the public comment period was closed.

Agenda Item No. 8 - Written Comments Submitted

- One letter (dated September 2, 2022) Regarding Agenda Item No. 8 signed by the following organizations: Jane Williams, California Communities Against Toxics; Jesse Marquez, Coalition for a Safe Environment; Adrian Martinez and Fernando Gaytan, Earthjustice; Andrea Vidaurre, People's Collective For Environmental Justice; Angie Balderas, Sierra Club; and Theral Golden, West Long Beach Association

Agenda Item No. 23

Derrick Alatorre, Deputy Executive Officer/Legislative, Public Affairs and Media, reported that AB 1749 (C. Garcia) had since been amended to include the amendments requested by South Coast AQMD and the bill was forwarded to the Governor for signature. Staff's position was revised to support AB 1749 with amendments. Chair Benoit directed staff to submit a letter of support as amended to the Governor for AB 1749.

Supervisor Perez commended staff for taking a stance and pursuing the amendments for AB 1749 that were incorporated into the final bill.

(Mayor Rodriguez left the meeting at 9:27 a.m.)

Board Action (Items 1 – 28)

MOVED BY DELGADO, SECONDED BY PEREZ TO:

APPROVE AGENDA ITEMS 1 THROUGH 28 AS RECOMMENDED EXCEPT AMEND THE RECOMMEDATION FOR AB 1749 (C. GARCIA) IN ITEM 23 TO “SUPPORT AS AMENDED”, AS SET FORTH BELOW;

ADOPT RESOLUTION NO. 22-27, 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 SEPTEMBER 2, 2022 THROUGH OCTOBER 2, 2022 PURSUANT TO PROVISIONS OF THE BROWN ACT;

ADOPT RESOLUTION 22-20 RECOGNIZING THE FY 2021-22 COMMUNITY AIR PROTECTION PROGRAM (CAPP) INCENTIVE FUNDS FROM CARB INTO THE COMMUNITY AIR PROTECTION AB 134 FUND, AND REIMBURSE THE GENERAL FUND FOR ADMINISTRATIVE COSTS INCURRED FOR IMPLEMENTING THE CAPP GRANT; AND

RECEIVE AND FILE THE COMMITTEE REPORTS AND CARB REPORT.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Do, Kuehl, Richardson, and Rodriguez

LEGISLATIVE COMMITTEE’S RECOMMENDATION

Agenda Item	Recommendation
AB 1749 (C. Garcia) Community emissions reduction programs: toxic air contaminants and criteria air pollutants.	Withdraw Support <u>As Amended</u>

(Council Member Raman left the meeting at 10:03 a.m.)

PUBLIC HEARINGS

30. Determine That Proposed Amendments to BACT Guidelines Are Exempt from CEQA and Amend BACT Guidelines

Jason Aspell, Deputy Executive Officer/Engineering & Permitting, gave the staff presentation on this item.

The public hearing was opened and the following individuals addressed the Board.

David Pettit, Natural Resources Defense Council, expressed concern that additional backup diesel generators are about to come online because of an increasing number of emergency events that result in the loss of power. He urged the Board to direct staff to come back with a regulation within a reasonable period to look at zero emission alternatives to diesel engines when a BACT analysis is required. (Written Comment Submitted)

Mark Abramowitz, Community Environmental Services, expressed concern that the proposed major source BACT/LAER determination would allow large new diesel engines to be used for emergency backup electrical generation. He emphasized the need for zero emission technologies to be considered major source BACT and LAER for backup electrical generation. He urged the Board to direct staff to update the Clean Fuels Policy and prioritize addressing any barriers to requiring that permits for major and minor source BACT use zero-emission technologies for backup electrical generation. (Written Comment Submitted)

Steve Jepsen, Southern California Alliance of Publicly Owned Treatment Works (SCAP)

Randa AbuShaban, Orange County Sanitation District and SCAP Air Quality Committee

Sarah Deslauriers, California Association of Sanitation Agencies

These commenters provided testimony on the following issues:

- Expressed support for the proposed BACT provisions that address concerns pertaining to the reliability of Tier 4 Final emergency generators
- Emphasized the need for wastewater agencies to use backup power generators that can provide reliable power immediately upon loss of power to maintain essential public services
- Clarified that the wastewater sector preserves the use of backup diesel generators for emergency conditions and power outages or occasional testing to make sure they work
- Recognized that implementing cleaner technology is important but noted that hydrogen fuel cells or battery backup options at wastewater pump stations are not reliable
- Stated that SCAG members support a fuel cell demonstration to verify whether it is reliable enough for essential public services
- Committed to work with air districts and CARB to explore zero-emission options and technology demonstrations.

- Identified the 2022 AQMP as the appropriate place to address zero-emission technologies for emergency power

Adrian Martinez, Earthjustice, pointed out that the Draft 2022 AQMP has concluded that the use of zero-emission technologies across stationary and mobile sources is needed to attain the ozone standard and emphasized the need to start requiring zero emission technologies across all programs. He highlighted Control Measure CMB-01 in the 2016 AQMP that advanced zero-emission technologies for backup diesel generators. He expressed frustration about the progress in developing rules to implement control measures in the 2016 AQMP and emphasized the need to ensure there is accountability when the Board gives staff direction to pursue control measures and develop the technology. For additional details, please refer to the Webcast beginning at 1:16:46.

Jane Williams, California Communities Against Toxics, commented on the vulnerability of water and wastewater treatment operations resulting from the effects of increased climate shocks (and pandemics). She emphasized the need to focus on how zero-emission technologies fit into critical government infrastructure to ensure community resiliency. For additional details, please refer to the Webcast beginning at 1:19:43. (Written Comment Submitted)

Theral Golden, West Long Beach Association, emphasized that “zero emissions means zero” and the need for a process to understand the full impact of large emergency diesel generators as there continues to be more power outages and other incidents that affect the grid.

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

Mr. Nastri stated that staff would be initiating rulemaking in 2023 for zero-emission alternatives to diesel engines that will include a robust public process. For additional details, please refer to the Webcast beginning at 1:28:36.

Mayor Cacciotti inquired about the status of hydrogen fuel cell and battery technologies for wastewater facilities.

Dr. Aaron Katzenstein, Deputy Executive Officer/Science & Technology Advancement, stated that right now battery technologies have limited duration. Staff will need to take a closer look at alternatives for wastewater treatment applications. Fuel cell technologies are improving, but response time for fuel cells will need to progress to provide backup generation for all applications. For additional details, please refer to the Webcast beginning at 1:30:39.

In response to Mayor Cacciotti’s inquiry about funding availability for some type of demonstration project, staff committed to explore whether opportunities are available. Mr. Nastri added that the best opportunity to fund a demonstration project could possibly be done through penalty funds.

Mr. Nastri announced that the Revised Draft 2022 AQMP was being released today, which will provide an additional opportunity for public comments. 1:32:21.

Susan Nakamura, Chief Operating Officer, commented that wastewater and landfill combustion equipment is regulated under separate rules, recognizing that they have unique situations in regards to not just funding but they have other contaminants that affect pollution control equipment. For additional details, please refer to the Webcast beginning at 1:33:50.

Chair Benoit expressed being pleased that staff will be initiating rule development.

Written Comments Submitted

- One letter (dated September 1, 2022) signed by the following organizations: David Pettit, Natural Resources Defense Council; Joseph K. Lyou, Coalition for Clean Air; Cynthia Babich, Del Amo Action Committee; Robina Suwol, California Safe Schools; Ana Gonzalez, Center for Community Action and the Environment; Jesse Marquez, Coalition for a Safe Environment; Felipe Aguirre, Comite Pro Uno; Mitzi Shpak, Action Now; Mark Abramowitz, Community Environmental Services; and Jane Williams, California Communities Against Toxics

Board Action

MOVED BY CACCIOTTI, SECONDED BY MCCALLON TO APPROVE AGENDA ITEM NO. 30 AS RECOMMENDED TO DETERMINE THE PROPOSED AMENDMENTS TO THE BACT GUIDELINES ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND AMEND THE BACT GUIDELINES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Do, Kuehl, Raman, Richardson, and Rodriguez

31. Determine That Proposed Amended Rule 218.2 - Continuous Emission Monitoring System: General Provisions, and Proposed Amended Rule 218.3 - Continuous Emission Monitoring System: Performance Specifications, Are Exempt from CEQA; and Amend Rule 218.2 and Rule 218.3

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

The public hearing was opened; and there being no requests to speak, the public hearing was closed.

Board Action

MOVED BY CACCIOTTI, SECONDED BY MCCALLON TO APPROVE AGENDA ITEM NO. 31 AS RECOMMENDED AND ADOPT RESOLUTION 22-28 DETERMINING THAT PROPOSED AMENDED RULE 429 – STARTUP AND SHUTDOWN PROVISIONS FOR OXIDES OF NITROGEN, IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND AMENDING RULE 429 – STARTUP AND SHUTDOWN PROVISIONS FOR OXIDES OF NITROGEN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Do, Kuehl, Raman, Richardson, and Rodriguez

32. Determine That Proposed Amended Rule 429 – Startup and Shutdown Provisions for Oxides of Nitrogen, Is Exempt from CEQA; and Amend Rule 429

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

The public hearing was opened; and there being no requests to speak, the public hearing was closed.

Board Action

MOVED BY CACCIOTTI, SECONDED BY MCCALLON TO APPROVE AGENDA ITEM NO. 32 AS RECOMMENDED AND ADOPT RESOLUTION 22-29 DETERMINING THAT PROPOSED AMENDED RULE 429 – STARTUP AND SHUTDOWN PROVISIONS FOR OXIDES OF NITROGEN, IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND AMENDING RULE 429 – STARTUP AND SHUTDOWN PROVISIONS FOR OXIDES OF NITROGEN. THE MOTION CARRIED BY THE FOLLOWING VOTE:

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

NOES: None

ABSENT: Do, Kuehl, Raman, Richardson, and Rodriguez

CLOSED SESSION

The Board recessed to closed session at approximately 10:47 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 (one case).

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the SCAQMD.

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, 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 11:17 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on September 2, 2022.

Respectfully Submitted,

Faye Thomas
Clerk of the Boards

Date Minutes Approved: _____

Ben J. Benoit, Chair

ACRONYMS

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
FY = Fiscal Year
LAER = Lowest Achievable Emission Rate
NOx = Oxides of Nitrogen
RECLAIM = Regional Clean Air Incentives Market
UV/EB = Ultraviolet/Electron Beam