



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

A G E N D A

HYBRID GOVERNING BOARD MEETING FEBRUARY 3, 2023

Pursuant to Assembly Bill 361, a meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m. on Friday, February 3, 2023 through a hybrid format of in-person attendance in the Dr. William A. Burke Auditorium at the South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, and/or virtual attendance via videoconferencing and by telephone. Please follow the instructions below to join the meeting remotely.

Given health and safety concerns, seating availability may be limited, and the meeting format may be changed to full remote via webcast. Please refer to South Coast AQMD's website for information regarding the format of the meeting, updates if the meeting is changed to a full remote via webcast format, and details on how to participate:

<http://www.aqmd.gov/home/news-events/meeting-agendas-minutes>

Face Coverings

In accordance with state and local public health department guidelines, wearing a mask is based on personal preference for people attending the meeting at South Coast AQMD Headquarters.

Electronic Participation Information

(Instructions provided at
the bottom of the
agenda)

Join Zoom Meeting - from PC, Laptop or Phone

<https://scaqmd.zoom.us/j/93128605044>

Meeting ID: **931 2860 5044** (applies to all)

Teleconference Dial In +1 669 900 6833 or +1 253 215 8782

One tap mobile +16699006833,,93128605044# or

+12532158782,,93128605044#

Spanish Language Only Audience (telephone)

Número Telefónico para la Audiencia que Habla Español

Teleconference Dial In/Numero para llamar: +1 669 900 6833

Meeting ID/Identificación de la reunión: **932 0955 9643**

One tap mobile: +16699006833,,93209559643#

Public Comment Will Still Be Taken

Audience will be allowed to provide public comment in person and through Zoom connection or telephone.

Phone controls for participants:

The following commands can be used on your phone's dial pad while in meeting: *6 (Toggle mute/unmute); *9 - Raise hand

Questions About an Agenda Item	<ul style="list-style-type: none">▪ The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.▪ In preparation for the meeting, you are encouraged to obtain whatever clarifying information may be needed to allow the Board to move expeditiously in its deliberations.
Meeting Procedures	<ul style="list-style-type: none">▪ The public meeting of the South Coast AQMD Governing Board begins at 9:00 a.m. The Governing Board generally will consider items in the order listed on the agenda. However, <u>any item</u> may be considered in <u>any order</u>.▪ After taking action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

All documents (i) constituting non-exempt public records, (ii) relating to an item on the agenda, and (iii) having been distributed to at least a majority of the Governing Board after the agenda is posted, are available prior to the meeting for public review at South Coast AQMD's Clerk of the Boards Office, 21865 Copley Drive, Diamond Bar, CA 91765 or web page at www.aqmd.gov

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Governing Board meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov. Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the South Coast AQMD. Please contact the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to cob@aqmd.gov

A webcast of the meeting is available for viewing at:

<http://www.aqmd.gov/home/news-events/webcast>

CALL TO ORDER

- Pledge of Allegiance
- Roll Call
- Opening Comments: Ben J. Benoit, Chair
Other Board Members
Wayne Nastri, Executive Officer
- Presentation to Outgoing Chair Ben J. Benoit **Delgado**
- Presentation to Outgoing Board Member Janice Rutherford **Benoit**
- Swearing in of Reappointed Board Member Andrew Do **Benoit**
- Swearing in of Reappointed Board Member Gideon Kracov **Benoit**
- Swearing in of Newly Appointed Board Member Holly J. Mitchell **Benoit**

Staff/Phone (909) 396-

CONSENT AND BOARD CALENDAR (Items 1 through 19)

Note: Consent and Board Calendar items held for discussion will be moved to Item No. 20

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 **Gilchrist/3459**

This action is to adopt the attached Resolution finding that the Board: 1) has reconsidered the circumstances of the state of emergency; and 2) State or local officials continue to impose or recommend measures to promote social distancing. See California Government Code Section 54953(e)(3). (No Committee Review)
2. Approve Minutes of January 6, 2023 **Thomas/3268**
3. Set Public Hearings March 3, 2023 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations: **Nastri/3131**
 - A. Determine that Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II, and Proposed Amended Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II, Are Exempt from CEQA; and Amend Rule 219 and Rule 222 **Krause/2706**

Proposed Amended Rule 219 will add or clarify permit exemption requirements and includes enhanced recordkeeping provisions to address comments by U.S. EPA. Proposed Amended Rule 219 also includes targeted exemptions per the Board’s direction to encourage the usage of low-emission technologies.

Proposed amendments to Rule 222 are necessary to align with the proposed revisions in Rule 219 and address certain sources with negligible emissions. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II, and Proposed Amended Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II, are exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II, and Rule 222 – Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II. (Reviewed: Stationary Source Committee, January 20, 2023)

- B. Determine That Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools, Is Exempt from CEQA; and Amend Rule 1401.1

Krause/2706

In March 2015, OEHHA approved revisions to its Risk Assessment Guidelines to include age sensitivity factors for young children. The school definition in recently adopted or amended air toxics rules includes early learning and development programs, such as pre-kindergarten centers, to expand the protection to younger children. Amendments are proposed to harmonize the definition of school in Rule 1401.1 with other air toxic rules. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools, is exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 1401.1 – Requirements for New and Relocated Facilities Near Schools. (Reviewed: Stationary Source Committee, January 20, 2023)

Items 4 and 5 – Budget/Fiscal Impact

4. Transfer and Appropriate Funds for Enhancements to Warehouse Actions and Investments to Reduce Emissions Program Online Portal

Moskowitz/3329

In May 2021, Rule 2305 – Warehouse Indirect Source Rule and Rule 316 – Fees for Rule 2305 were adopted. Rule 2305 requires warehouse operators to take actions every year to reduce emissions related to their warehousing activities. The development of the Warehouse Indirect Source Rule Program Online Portal (WAIRE POP), which is an online portal to accept reports for the first reporting year, was completed in December 2022. Further development efforts are needed for additional reporting years. This action is to transfer and appropriate funds to enhance WAIRE POP for subsequent reporting years. (Reviewed: Administrative Committee, January 13, 2023; Recommended for Approval)

5. Approve Contract Award and Modification as Approved by MSRC **McCallon**

As part of their FYs 2021-24 Work Program, the MSRC approved an award under their Transformative Transportation Strategies & Mobility Solutions Program. Additionally, as part of their FYs 2018-21 Work Program, the MSRC approved a modification to the Southern California Association of Governments' contract to implement the Last Mile Freight Program. Due to the withdrawal of projects, the scope and funding allocation for the Zeem Solutions project would be increased. At this time, the MSRC seeks Board approval of the contract award and modification as part of the FYs 2018-21 and 2021-24 Work Programs. (Reviewed: Mobile Source Air Pollution Reduction Review Committee, January 19, 2023; Recommended for Approval)

Items 6 through 12 – Information Only/Receive and File

6. Legislative, Public Affairs and Media Report **Alatorre/3122**

This report highlights the December 2022 outreach activities of the Legislative, Public Affairs and Media Office, which includes: Major Events, Community Events/Public Meetings, Environmental Justice Update, Speakers Bureau/Visitor Services, Communications Center, Public Information Center, Business Assistance, Media Relations and Outreach to Business and Federal, State and Local Government. (No Committee Review)

7. Hearing Board Report **Verdugo-Peralta**

This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2022. (No Committee Review)

8. Civil Filings and Civil Penalties Report **Gilchrist/3459**

This report summarizes monthly penalties and legal actions filed by the General Counsel's Office from December 1 through December 31, 2022. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, January 20, 2023)

9. Lead Agency Projects and Environmental Documents Received **Rees/2856**

This report provides a listing of CEQA documents received by South Coast AQMD between December 1, 2022 and December 31, 2022, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, January 20, 2023)

10. Rule and Control Measure Forecast **Rees/2856**

This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2023. (No Committee Review)

11. Status Report on Regulation XIII – New Source Review **Wong/3176**

This report presents the state and federal Preliminary Determination of Equivalency for January 2021 through December 2021. The report provides information regarding the status of Regulation XIII – New Source Review (NSR) in meeting state and federal NSR requirements and shows that South Coast AQMD's NSR program is in preliminary compliance with applicable

state and federal requirements from January 2021 through December 2021. (Reviewed: Stationary Source Committee, January 20, 2023)

12. Status Report on Major Ongoing and Upcoming Projects for Information Management **Moskowitz/3329**

Information Management is responsible for data systems management services in support of all South Coast AQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects. (Reviewed: Administrative Committee, January 13, 2023)

Items 13 through 18 -- Reports for Committees and CARB

Note: The January 20, 2023 Technology Committee was cancelled. The next regularly scheduled meeting of the Technology Committee is February 17, 2023.

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|-----|---|-----------------------|-------------------------|
| 13. | Administrative Committee (Receive & File) | Chair: Benoit | Nastri/3131 |
| 14. | Legislative Committee (Receive & File) | Chair: Cacciotti | Alatorre/3122 |
| 15. | Mobile Source Committee (Receive & File) | Chair: Kracov | Rees/2856 |
| 16. | Stationary Source Committee (Receive & File) | Chair: Benoit | Aspell/2491 |
| 17. | Mobile Source Air Pollution Reduction Review Committee (Receive & File) | Board Liaison: Benoit | Katzenstein/2219 |
| 18. | California Air Resources Board Monthly Report (Receive & File) | Board Rep.: Kracov | Thomas/3268 |

Item 19 – Staff Presentation/Board Discussion/Receive and File

19. U.S. EPA's Proposal to Strengthen the National Ambient Air Quality Standards for Fine Particulate Matter (*Presentation in Lieu of Board Letter*) **Rees/2856**

On January 6, 2023, U.S. EPA announced its proposed decision to revise the annual Fine Particulate Matter (PM_{2.5}) standard from its current level of 12.0 µg/m³ to the range of 9.0 to 10.0 µg/m³. U.S. EPA also proposed to retain the current 24-hour PM_{2.5} standard. Staff will present a summary of the proposal and discuss the implications for the South Coast Air Basin. The South Coast Air Basin is currently classified as "serious" nonattainment area for the annual and 24-hour PM_{2.5} standards. Coachella Valley is in attainment for both the annual and 24-hour PM_{2.5} standards. (No Committee Review)

20. **Items Deferred from Consent and Board Calendar**

PUBLIC HEARING

21. 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

Krause/2706

Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers is a notification rule for operators that conduct certain well working operations. Proposed Amended Rule 1148.2 (PAR 1148.2) will revise notification and reporting requirements of certain well activities and implement actions identified in the Community Emission Reduction Plans of Wilmington, Carson, and West Long Beach and South Los Angeles AB 617 communities. This action is to adopt the Resolution: 1) Determining that the Proposed Amended Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers, is exempt from the requirements of the California Environmental Quality Act, and 2) Amending Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers. (Reviewed: Stationary Source Committee, September 16, 2022 and January 20, 2023)

OTHER BUSINESS

- Swearing in of Newly Appointed Board Member Curt Hagman

Benoit

BOARD MEMBER TRAVEL – (No Written Material)

Board member travel reports have been filed with the Clerk of the Boards, and copies are available upon request.

CLOSED SESSION -- (No Written Material)

Gilchrist/3459

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

It is necessary for the Board to recess to closed session pursuant to Government Code sections 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:

- In the Matter of SCAQMD v. Southern California Gas Company, Aliso Canyon Storage Facility, SCAQMD Hearing Board Case No. 137-76 (Order for Abatement); People of the State of California, ex rel SCAQMD v. Southern California Gas Company, Los Angeles Superior Court Case No. BC608322; Judicial Council Coordinated Proceeding No.4861;
- CalPortland Company v. South Coast Air Quality Management District; Governing Board of the South Coast Air Quality Management District; and Wayne Nastri, Executive Officer, and Does 1-100, San Bernardino County Superior Court, Case No. CIV DS 1925894
- SCAQMD, et al. v. EPA, United States Court of Appeals, D.C. Circuit, Case No. 19-1241 (consolidated with Union of Concerned Scientists v. NHTSA, No. 19-1230)
- SCAQMD, et al. v. NHTSA, EPA, et al., United States Court of Appeals, D.C. Circuit, Filed May 28, 2020
- Natural Resources Defense Council, et al. v. City of Los Angeles, et al., San Diego Superior Court, Case No. 37-2021-00023385-CU-TT-CTL (China Shipping Case) (transferred from Los Angeles Superior Court, Case No. 20STCP02985); Fourth District Court of Appeal, Division One, No. D080902

- 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
- 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
- East Yard Communities for Environmental Justice v. South Coast Air Quality Management District, (Refinery monitoring lawsuit) Los Angeles County Superior Court, Case No. 22STCP04398

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

It is also necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (three cases).

- Center for Biological Diversity and Center for Environmental Health v. Michael S. Regan, in his official capacity as Administrator, United States Environmental Protection Agency, 4:23-cv-00148 (Northern District of California) (PM 2.5)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Also, it is necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the SCAQMD (two cases).

ADJOURNMENT

*****PUBLIC COMMENTS*****

Members of the public are afforded an opportunity to speak on any agenda item before consideration of that item. Persons wishing to speak may do so in person or remotely via Zoom or telephone. To provide public comments via a Desktop/Laptop or Smartphone, click on the "Raise Hand" at the bottom of the screen, or if participating via Dial-in/Telephone Press *9. This will signal to the host that you would like to provide a public comment and you will be added to the list.

All agendas are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, and website, <http://www.aqmd.gov/home/news-events/meeting-agendas-minutes>, at least 72 hours in advance of the meeting. At the beginning of the agenda, an opportunity is also provided for the public to speak on any subject within the South Coast AQMD's authority. Speakers may be limited to a total of three (3) minutes for the entirety of the Consent Calendar plus Board Calendar, and three (3) minutes or less for each of the other agenda items.

Note that on items listed on the Consent Calendar and the balance of the agenda any motion, including action, can be taken (consideration is not limited to listed recommended actions). Additional matters can be added and action taken by two-thirds vote, or in the case of an emergency, by a majority vote. Matters raised under the Public Comment Period may not be acted upon at that meeting other than as provided above.

Written comments will be accepted by the Board and made part of the record. Individuals who wish to submit written or electronic comments must submit such comments to the Clerk of the Board, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765-4178, (909) 396-2500, or to cob@aqmd.gov, on or before 5:00 p.m. on the Tuesday prior to the Board meeting.

ACRONYMS

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| AQ-SPEC = Air Quality Sensor Performance Evaluation Center | NATTS = National Air Toxics Trends Station |
| AQIP = Air Quality Investment Program | NESHAPS = National Emission Standards for Hazardous Air Pollutants |
| AQMP = Air Quality Management Plan | NGV = Natural Gas Vehicle |
| AVR = Average Vehicle Ridership | NOx = Oxides of Nitrogen |
| BACT = Best Available Control Technology | NSPS = New Source Performance Standards |
| BARCT = Best Available Retrofit Control Technology | NSR = New Source Review |
| Cal/EPA = California Environmental Protection Agency | OEHHA = Office of Environmental Health Hazard Assessment |
| CARB = California Air Resources Board | PAMS = Photochemical Assessment Monitoring Stations |
| CEMS = Continuous Emissions Monitoring Systems | PEV = Plug-In Electric Vehicle |
| CEC = California Energy Commission | PHEV = Plug-In Hybrid Electric Vehicle |
| CEQA = California Environmental Quality Act | PM10 = Particulate Matter \leq 10 microns |
| CE-CERT = College of Engineering-Center for Environmental Research and Technology | PM2.5 = Particulate Matter \leq 2.5 microns |
| CNG = Compressed Natural Gas | RECLAIM=Regional Clean Air Incentives Market |
| CO = Carbon Monoxide | RFP = Request for Proposals |
| DOE = Department of Energy | RFQ = Request for Quotations |
| EV = Electric Vehicle | RFQQ=Request for Qualifications and Quotations |
| EV/BEV = Electric Vehicle/Battery Electric Vehicle | SCAG = Southern California Association of Governments |
| FY = Fiscal Year | SIP = State Implementation Plan |
| GHG = Greenhouse Gas | SOx = Oxides of Sulfur |
| HRA = Health Risk Assessment | SOON = Surplus Off-Road Opt-In for NOx |
| LEV = Low Emission Vehicle | SULEV = Super Ultra Low Emission Vehicle |
| LNG = Liquefied Natural Gas | TCM = Transportation Control Measure |
| MATES = Multiple Air Toxics Exposure Study | ULEV = Ultra Low Emission Vehicle |
| MOU = Memorandum of Understanding | U.S. EPA = United States Environmental Protection Agency |
| MSERCs = Mobile Source Emission Reduction Credits | VOC = Volatile Organic Compound |
| MSRC = Mobile Source (Air Pollution Reduction) Review Committee | ZEV = Zero Emission Vehicle |

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

For language interpretation:

Click the interpretation Globe icon at the bottom of the screen
Select the language you want to hear (either English or Spanish)
Click "Mute Original Audio" if you hear both languages at the same time.

Para interpretación de idiomas:

Haga clic en el icono de interpretación el globo terráqueo en la parte inferior de la pantalla
Seleccione el idioma que desea escuchar (inglés o español)
Haga clic en "Silenciar audio original" si escucha ambos idiomas al mismo tiempo.

Please note: During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chair will announce public comment.

Speakers may be limited to a total of 3 minutes for the entirety of the consent calendar plus board calendar, and three minutes or less for each of the other agenda items.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Directions to provide public comment on ZOOM from a DESKTOP/LAPTOP or SMARTPHONE:

Click on the "Raise Hand" feature at the bottom of the screen.
This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions to provide public comment via TELEPHONE:

Dial *9 on your keypad to signal that you would like to comment.

Directions for Spanish Language TELEPHONE line only:

- The call in number is the same (+1 669 900 6833)
- The meeting ID number is 932-0955-9643
- If you would like to make public comment, please dial *9 on your keypad to signal that you would like to comment.

Instrucciones para la línea de TELÉFONO en español únicamente:

- El número de llamada es el mismo (+1 669900 6833 o +1 93209559643)
- El número de identificación de la reunión es 932-0955-9643
- Si desea hacer un comentario público, marque *9 en su teclado para indicar que desea comentar.