



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 JANUARY 6, 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, January 6, 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, masks are strongly recommended 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

- 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.

Meeting Procedures

- 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.
- 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, any item may be considered in any order.
- 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
- Election of Chair for Term January 2023 – January 2025
- Election of Vice Chair for Term January 2023 – January 2025

Staff/Phone (909) 396-

CONSENT AND BOARD CALENDAR (Items 1 through 15)

Note: Consent and Board Calendar items held for discussion will be moved to Item No. 16

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 December 2, 2022 | Thomas/3268 |
| 3. | Set Public Hearings February 3, 2023 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations: | Nastri/3131 |
| | 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 to address actions in the Community | |

Emission Reduction Plans that were raised by the 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. (Review: Stationary Source Committee, January 20, 2023)

Item 4 through 6 – Budget/Fiscal Impact

4. Amend FY 22-23 Budget by Adding and Deleting Positions Throughout the Agency to Address Operational Needs, and Adopt a New Class Specification **Olvera/2309**

This item is to amend the FY 2022-23 Budget to add and delete positions throughout the agency in order to address operational needs. This action will result in an increased annual cost of \$137,250. Sufficient funding is available in the FY 2022-23 Budget and will be requested in future budgets. This item is also to adopt a new Supervising Graphic Arts Illustrator class specification. Funding for this position is in the current budget. (Reviewed: Administrative Committee, December 9, 2022; Recommended for Approval)
5. Issue RFP and Approve Contract Modifications as Approved by MSRC **McCallon**

As part of their FYs 2021-24 Work Program, the MSRC approved an RFP for micro-transit operations. The MSRC also approved exercising the contract option with Geographics for continuation of website hosting and maintenance services for two more years. Additionally, the MSRC approved a modification to two contracts under the Local Government Partnership Program as part of their FYs 2016-18 Work Program. At this time, the MSRC seeks Board approval of the contract modifications and to release the RFP as part of the FYs 2016-18 and 2021-24 Work Programs. (Reviewed: Mobile Source Air Pollution Reduction Review Committee, December 15, 2022; Recommended for Approval)
6. Execute Contract for Biennial Audit of Motor Vehicle Registration Revenues for FYs 2019-20 and 2020-21 **Jain/2804**

Health and Safety Code Section 44244.1 requires any agency receiving fee revenues pursuant to Section 44243 or 44244 to be subject to an audit of each program or project funded at least once every two years. On September 2, 2022, the Board approved the release of an RFP to select an auditor to perform the biennial audit for FYs 2019-20 and 2020-21. This action is to award a contract to Simpson & Simpson, CPAs. (Reviewed: Administrative Committee, December 9, 2022; Recommended for Approval)

Items 7 through 12 – Information Only/Receive and File

7. Legislative, Public Affairs and Media Report **Alatorre/3122**
- This report highlights the November 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. This item transmits the annual reports for Why Healthy Air Matters and Clean Air Programs for Elementary Students. (No Committee Review)
8. Hearing Board Report **Verdugo-Peralta**
- This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2022. (No Committee Review)
9. Civil Filings and Civil Penalties Report **Gilchrist/3459**
- This report summarizes monthly penalties and legal actions filed by the General Counsel’s Office from November 1 through November 30, 2022. An Index of South Coast AQMD Rules is attached with the penalty report. (No Committee Review).
10. Lead Agency Projects and Environmental Documents Received **Rees/2856**
- This report provides a listing of CEQA documents received by South Coast AQMD between November 1, 2022 and November 30, 2022, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (No Committee Review)
11. Rule and Control Measure Forecast **Rees/2856**
- This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2023 and provides a summary of implementation of the 2016 AQMP in 2022. (No Committee Review)
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, December 9, 2022)

Items 13 through 15 -- Reports for Committees and CARB

Note: The Legislative, Mobile Source, Stationary Source, and Technology Committees did not meet in December 2022. The next regularly scheduled meeting of the Legislative Committee is January 13, 2023, and the Mobile Source, Stationary Source and Technology Committees on January 20, 2023.

13. Administrative Committee (Receive & File) Chair: Benoit **Nastri/3131**
14. Mobile Source Air Pollution Reduction Board Liaison: Benoit **Katzenstein/2219**
Review Committee (Receive & File)

15. California Air Resources Board Monthly Board Rep.: Kracov Thomas/3268
Report (Receive & File)
16. Items Deferred from Consent and Board Calendar

PUBLIC HEARINGS

17. Determine That Proposed Amended Rule 1106 – Marine and Pleasure Craft Coatings, and Proposed Amended Rule 1107 – Coating of Metal Parts and Products, Are Exempt From CEQA; and Amend Rules 1106 and 1107 Krause/2706

Rule 1106 establishes VOC limits for marine and pleasure craft coatings and Rule 1107 establishes VOC limits for coatings used on metal parts and products. Proposed Amended Rules 1106 and 1107 will remove references to ASTM D7767 “Standard Test Method to Measure Volatiles from Radiation Curable Acrylate Monomers, Oligomers and Blends and Thin Coatings Made from Them” to address U.S. EPA’s proposed limited disapproval. Since ASTM D7767 is a test method that has not been approved by U.S. EPA, this method cannot be used to enforce a SIP-approved rule. Proposed Amended Rule 1106 will also remove references to Elastomeric Adhesives and Metallic Heat Resistant Coatings, as recommended by U.S. EPA to align Rule 1106 with the U.S. EPA 1996 Marine Coatings Control Techniques Guidelines. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1106 – Marine and Pleasure Craft Coatings and Proposed Amended Rule 1107 – Coating of Metal Parts and Products, are exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rules 1106 and 1107. (Reviewed: Stationary Source Committee, November 18, 2022)

18. Determine That Proposed Amended Rule 1118 – Control of Emissions from Refinery Flares Is Exempt from CEQA; and Amend Rule 1118 Krause/2706

Rule 1118 establishes requirements to monitor and record data on refinery and related flaring operations, and to control and minimize flaring and flare-related emissions. On September 21, 2022, U.S. EPA issued a limited SIP disapproval of the July 2017 amended rule. Proposed Amended Rule 1118 will address the disapproval by modifying an existing provision, so that ASTM standards not currently listed in the rule must be approved by CARB and U.S. EPA, along with approval by the Executive Officer. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1118 – Control of Emissions from Refinery Flares, is exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 1118. (Reviewed: Stationary Source Committee, November 18, 2022)

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 Natri, 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; and
- 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 (two cases).

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.