



South Coast Air Quality Management District

South Coast
AQMD

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

A G E N D A

HYBRID GOVERNING BOARD MEETING May 5, 2023

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m. on Friday, May 5, 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.

Please refer to South Coast AQMD's website for information regarding the format of the meeting, updates, and details on how to participate at: <http://www.aqmd.gov/home/news-events/meeting-agendas-minutes>

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.
- 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

- 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: Vanessa Delgado, Chair
Other Board Members
Wayne Nastri, Executive Officer

Staff/Phone (909) 396-

PUBLIC COMMENT PERIOD – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3) The public may comment on any subject within the South Coast AQMD’s authority that does not appear on the agenda, during the Public Comment Period. Each speaker addressing non-agenda items may be limited to a total of (3) minutes.

CONSENT AND BOARD CALENDAR (Items 1 through 23)

Note: Consent and Board Calendar items held for discussion will be moved to Item No. 24

Items 1 through 3 – Action Items/No Fiscal Impact

1. Approve Minutes of April 7, 2023 **Thomas/3268**

2. Set Public Hearing June 2, 2023 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations: **Nastri/3131**

Determine that Proposed Amended Rule 1405 – Control of Ethylene Oxide Emissions from Sterilization and Related Operations, Is Exempt from CEQA; and Amend Rule 1405 **Krause/2706**

Proposed Amended Rule 1405 establishes new and enhanced control and monitoring requirements to further reduce stack and fugitive ethylene oxide emissions from sterilization operations. Proposed Amended Rule 1405 includes monitoring, reporting, and recordkeeping. Proposed Amended Rule 1405 also includes requirements such as inventory tracking and reporting provisions for certain large warehouses and designated warehouses receiving materials sterilized by ethylene oxide. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1405 – Control of Ethylene Oxide Emissions from Sterilization and Related Operations is exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 1405 – Control of Ethylene Oxide Emissions from Sterilization and Related Operations. (Reviewed: Stationary Source Committee, April 21, 2023)

3. Revise Investment Oversight Committee Composition **Jain/2804**

On April 12, 1996, the Board established the Investment Oversight Committee, a Board committee, to comply with state law requirements and monitor South Coast AQMD's investments. This action is to modify the composition of the committee. (Reviewed: Administrative Committee, April 14, 2023; Recommended for Approval)

Items 4 through 9 – Budget/Fiscal Impact

4. Execute Contracts Using U.S. EPA DERA Funds for Carl Moyer Truck Projects and Amend Contract with Sunline Transit Agency

Katzenstein/2219

In April 2020, the Board recognized a U.S. EPA Diesel Emissions Reduction Act (DERA) award of \$2,289,581 into the Clean Fuels Fund (31) for a Truck Trade Down Program. Due to low truck inventory, costs increase and CARB's Truck and Bus Regulation's compliance deadline, there is no longer a demand for this program. The funding will be reallocated to replace newer model year trucks eligible for the Carl Moyer Program. Also, in September 2020, the Board approved a contract with SunLine Transit Agency for \$5,906,601 to deploy five fuel cell transit buses using funding from a U.S. EPA FY19 Targeted Airshed Grant award. Sunline received Hybrid, and Zero-Emission Truck and Bus Voucher discounts and requested to add a bus to the project to utilize the balance of awarded U.S. EPA funds. These actions are to 1) authorize the Executive Officer to execute contracts using the FY19 DERA funds of \$2,106,405 for Carl Moyer zero-emission truck projects, 2) reimburse the General Fund (01) using FY19 DERA funds from the Clean Fuels Program Fund (31) up to \$63,176 for administrative costs, and 3) authorize the Executive Officer to execute a no-cost contract amendment with SunLine Transit Agency for the deployment of an additional fuel cell transit bus for a total of six buses. (Reviewed: Technology Committee, April 21, 2023; Recommended for Approval)

5. Execute Contract to Study Regional Air Quality and Health Impacts of Utilizing Hydrogen Blends in Commercial Buildings and Industrial Applications

Katzenstein/2219

The University of California, Irvine (UCI) has been awarded \$1.7 million by the California Energy Commission to lead a technical study to assess hydrogen's decarbonization potential in California's large commercial and industrial sectors. UCI is proposing to assess the regional air quality impacts of hydrogen in end-use appliances within Commercial and Industrial applications. This action is to execute a contract with UCI in an amount not to exceed \$150,000 consisting of up to \$80,000 from Clean Fuels Program Fund (31) and up to \$70,000 from the Air Quality Investment Program Fund (27) EO Mitigation Fund. (Reviewed: Technology Committee, April 21, 2023; Recommended for Approval)

6. Issue RFP for Legislative Representation in Sacramento, California

Alatorre/3122

The current contracts for legislative representation in Sacramento, California expire on December 31, 2023. This action calls for the issuance of an RFP for legislative consulting services for South Coast AQMD in Sacramento, California for 2024. The RFP will also indicate that the services contract(s) may be extended for up to two additional one-year terms. Total expenditures for the contract(s) shall not exceed \$465,000 for the initial one-year period. (Reviewed: Administrative Committee, April 14, 2023; Recommended for Approval)

7. Approve Compensation Adjustments for Board Member Assistants and Board Member Consultants for FY 2023-24

Jain/2804

The Board Member Assistant and Board Member Consultant compensation is proposed to be amended to adjust the compensation level the South Coast AQMD may make per Board Member, per fiscal year, based on the Board approved assignment-of-points methodology. The points are calculated based on the level of complexity, number of meetings, and role. (Reviewed: Administrative Committee, April 14, 2023; Recommended for Approval)

8. Appoint Alternate Medical Member to Hearing Board

Thomas/3268

The Alternate Medical Member position on South Coast AQMD's Hearing Board has been vacant since the end of 2022. In January 2023, a recruitment was opened to fill the vacancy. As required by state law, an Advisory Committee appointed by five members of the Governing Board was responsible for reviewing the resumes of the three candidates that applied for the position. The Advisory Committee met on April 11, 2023 and recommended that two of the three candidates be interviewed by the Administrative Committee. The Administrative Committee interviewed both candidates at its meeting on April 14, 2023, and made a final recommendation. This action is to appoint the alternate medical member to fill the unexpired term ending June 30, 2025. (Reviewed: Administrative Committee, April 14, 2023; Recommended for Approval)

9. Approve Contract Modification as Approved by MSRC

McCallon

As part of their FYs 2021-24 Work Program, the MSRC approved a corrected modified award under their Transformative Transportation Strategies & Mobility Solutions Program. Additionally, as part of their FYs 2016-18 Work Program, the MSRC approved a contract with the City of Wildomar under their Local Government Partnership Program. At this time, the MSRC seeks Board approval of the contract award and modification as part of the FYs 2016-18 and 2021-24 Work Programs. (Reviewed: Mobile Source Air Pollution Reduction Review Committee, April 20, 2023; Recommended for Approval)

Items 10 through 15 – Information Only/Receive and File

10. Legislative, Public Affairs and Media Report

Alatorre/3122

This report highlights the March 2023 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)

11. Hearing Board Report

Verdugo-Peralta

This reports the actions taken by the Hearing Board during the period of February 1 through March 31, 2023. (No Committee Review)

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

This report summarizes monthly penalties and legal actions filed by the General Counsel's Office from March 1, 2023 through March 31, 2023. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, April 21, 2023)

13. Lead Agency Projects and Environmental Documents Received **Krause /2706**

This report provides a listing of CEQA documents received by South Coast AQMD between March 1, 2023 and March 31, 2023, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, April 21, 2023)

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

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

15. 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, March 10, 2023)

Items 16 through 22 -- Reports for Committees and CARB

16. Administrative Committee (Receive & File) Chair: Delgado **Nastri/3131**

17. Legislative Committee (Receive & File) Chair: Cacciotti **Alatorre/3122**

18. Mobile Source Committee (Receive & File) Chair: Kracov **Rees/2856**

19. Stationary Source Committee (Receive & File) Chair: McCallon **Aspell/2491**

20. Technology Committee (Receive & File) Chair: Rodriguez **Katzenstein/2219**

21. Mobile Source Air Pollution Reduction Review Committee (Receive & File) Board Rep: Hagman **Katzenstein/2219**

22. California Air Resources Board Monthly Report (Receive & File) Board Rep: Kracov **Thomas/3286**

Item 23 – Staff Presentation/Board Discussion/Receive and File

23. Engineering and Permitting Update (*Presentation in Lieu of Board Letter*)

Aspell/2491

Staff will provide an update on Engineering and Permitting staffing levels, the pending permit application inventory, and recent efforts and initiatives. (No Committee Review)

24. Items Deferred from Consent and Board Calendar

PUBLIC HEARINGS

25. Determine that Proposed Amendments to Regulation III – Fees Are Exempt from CEQA; Amend Regulation III – Fees; and Adopt Executive Officer’s Proposed Goals and Priority Objectives, and Proposed Budget for FY 2023-24

Jain/2804

The Executive Officer's Proposed Goals and Priority Objectives and Proposed Budget for FY 2023-24 have been developed and are recommended for adoption. The Proposed Budget is balanced with expenditures and revenues of \$196,327,418. Staff is also proposing amendments to Regulation III which include: 1) an increase of most fees by 5.6 percent consistent with the Consumer Price Index (CPI) and Rule 320; 2) an increase to permit processing, annual renewal, and plan processing fees of 2 percent in FY 2023-24 and an additional 2 percent increase in FY 2024-25; 3) clarification on the applicability of fees subject to an automatic CPI adjustment; and 4) administrative changes in Regulation III that include clarifications, deletions, insertions, or corrections of existing rule language, which have no fee impact. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Regulation III – Fees are exempt from the California Environmental Quality Act; and 2) Amending Regulation III. This action is also to adopt the Executive Officer’s Proposed Goals and Priority Objectives, and Proposed Budget for FY 2023-24. (Reviewed: Special Board Meeting/Budget Workshop, April 7, 2023)

26. Determine That Proposed Amended Rule 463 – Organic Liquid Storage and Proposed Amended Rule 1178 – Further Reductions of VOC Emission from Storage Tanks at Petroleum Facilities, Are Exempt from CEQA; and Amend Rule 463 and Amend Rule 1178

Krause/2706

Proposed Amended Rules 463 and 1178 address U.S. EPA’s limited disapproval of CARB’s Oil and Gas Methane Rule. Proposed amendments to Rules 463 and 1178 are required to align the applicability threshold for storage tanks to demonstrate compliance with Reasonably Available Control Technology determination pursuant to U.S. EPA’s 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 463 – Organic Liquid Storage and Proposed Amended Rule 1178 – Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities, are exempt from the requirements of CEQA; 2) Amending Rule 463; and 3) Amending Rule 1178. (Reviewed: Stationary Source Committee, March 17, 2023)

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;
- 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, U.S. District Court for the Central District of California, 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; and
- South Coast Air Quality Management District v. EPA, U.S. District Court for the Central District of California, Case No. 2:23-cv-02646.

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, U.S. District Court for the Northern District of California, Case No. 4:23-cv-00148 (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

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 ≤ 10 microns
CE-CERT =College of Engineering-Center for Environmental Research and Technology	PM2.5 = Particulate Matter ≤ 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.