



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 NOVEMBER 3, 2023

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

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>.

<p>Electronic Participation Information (Instructions provided at the bottom of the agenda)</p>	<p>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#</p> <p>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#</p>
<p>Public Comment Will Still Be Taken</p>	<p>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</p>
<p>Questions About an Agenda Item</p>	<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.
<p>Meeting Procedures</p>	<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: 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 20)

Note: Consent and Board Calendar items held for discussion will be moved to Item No. 21

Items 1 and 2 – Action Items/No Fiscal Impact

1. Approve Minutes of October 6, 2023 **Thomas/3268**
2. Establish Board Meeting Schedule for Calendar Year 2024 **Nastri/3131**

The proposed Board Meeting Schedule for Calendar Year 2024 is submitted for Board consideration. The meeting schedule for the Administrative Committee meeting, (second Friday of the month), as well as the other standing committees is included for information only. (Reviewed: Administrative Committee, October 13, 2023; Recommended for Approval)

Items 3 through 6 – Budget/Fiscal Impact

3. Amend Agreement with Phillips 66 Company for Continued Fenceline Air Measurements at Phillips 66 Wilmington Refinery Using Optical Tent, Recognize Revenue, Appropriate Funds and Amend Contract **Low/2269**

As part of MATES V, an optical tent air measurement system was deployed at the Phillips 66 Wilmington Refinery by the Regents of University of California, Los Angeles (UCLA) to demonstrate its ability to monitor fugitive VOC emissions. After the MATES V study concluded, the optical tent was adopted by the refinery as part of their fenceline air monitoring system for Rule 1180 implementation, with continued oversight provided by UCLA for quality

* Please note, at the September 1, 2023 Board Meeting, a public hearing was set for the December 1, 2023 Board Meeting to Determine That Proposed Amended Rule 1405 – Control of Ethylene Oxide Emissions from Sterilization and Related Operations, Is Exempt from CEQA; and Amend Rule 1405.

assurance/quality control, and reporting for this advanced technology. These actions are to amend an existing agreement with Phillips 66 Company to extend fence-line air measurements at the Phillips 66 Wilmington Refinery using an optical tent, recognize revenue, appropriate funds and amend a contract with UCLA. (Reviewed: Administrative Committee, October 13, 2023; Recommended for Approval)

4. Execute Contract for Regional Medium and Heavy-Duty Zero Emission Vehicle Infrastructure Analysis

Katzenstein/2219

The University of California, Riverside (UCR) was awarded 400,000 from CEC to conduct a technical planning study for Southern California's and the California-Mexico Border ZEV infrastructure deployment. The CEC Medium-Duty and Heavy-Duty (MD/HD) blueprint project focuses on ZEV infrastructure deployment planning. Consistent with CEC's blueprint and to expand the scope of the study, UCR proposes to expand the scope of the existing planning efforts to include a Medium-Duty and Heavy-Duty ZEV infrastructure deployment criteria and benefits analysis for Southern California. This action is to execute a contract with UCR in an amount not to exceed \$150,000 from the Clean Fuels Program Fund (31). (Reviewed: Technology Committee, October 20, 2023; Recommended for Approval)

5. Amend Contracts for Legislative Representation in Washington, D.C.

Alatorre/3122

The current contracts for legislative and regulatory representation in Washington D.C. with Kadash & Associates, LLC, Cassidy & Associates and Carmen Group, Inc., expire on January 14, 2024. Each of these contracts includes an option for two one-year extensions. This action is to consider approval of the second one-year extension of the existing contracts for Calendar Year 2024 with Kadash & Associates, LLC for \$226,392; Cassidy & Associates for \$216,000; and Carmen Group, Inc. for \$222,090 as South Coast AQMD's legislative and regulatory representatives in Washington D.C., to further the agency's policy positions at the federal level. Sufficient funding is available in the Legislative, Public Affairs & Media FY 2023-24 Budget. (Reviewed: Legislative Committee, October 13, 2023; Recommended for Approval)

6. Approve Contract Modification and Allocation of Funds as Approved by MSRC

McCallon

The MSRC approved a funding allocation to partner with South Coast AQMD and other partners in proposals seeking funding under the CARB solicitation for Advanced Technology Demonstration and Pilot Projects, as part of the MSRC's FYs 2021-24 Work Program. As part of their FYs 2021-24 and subsequent Work Program(s), the

MSRC approved exercising the contract option to continue technical advisor services with Raymond Gorski for two additional years from January 2024 through December 2025. The MSRC is seeking Board approval of the contract modification and funding allocation as part of the FYs 2021-24 and subsequent Work Programs. (Reviewed: Mobile Source Air Pollution Reduction Review Committee, October 19, 2023, Recommended for Approval)

Items 7 through 13 – Information Only/Receive and File

7. Legislative, Public Affairs and Media Report

Alatorre/3122

This report highlights the September 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)

8. Hearing Board Report

Verdugo-Peralta

This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2023. (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 September 1, 2023 through September 30, 2023. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, October 20, 2023)

10. Intergovernmental Review of Environmental Documents and CEQA Lead Agency Projects

Krause /2706

This report provides a listing of CEQA documents received by South Coast AQMD between September 1, 2023 and September 30, 2023, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, October 20, 2023)

11. Rule and Control Measure Forecast

Rees/2856

This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2023 and tentative calendar for portions of 2024. (No Committee Review)

- 12. Report of RFQs/RFPs Scheduled for Release in November **Jain/2804**

This report summarizes the RFQs/RFPs for budgeted services over \$100,000 scheduled to be released for advertisement for the month of November. (Reviewed: Administrative Committee, October 13, 2023)

- 13. 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, October 13, 2023)

Items 14 through 20 -- Reports for Committees and CARB

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

- 15. Legislative Committee Chair: Cacciotti **Alatorre/3122**

Receive and file; and take the following actions as recommended:

Agenda Item	Recommendation
S. 1920 (Whitehouse, Padilla, Welch) - International Maritime Pollution Accountability Act of 2023	Support
S. 1917 / H.R 4024 (Padilla, Welch, Whitehouse, Booker, Feinstein / Garcia, Barragán, Huffman, Bonamici, Cleaver, Tlaib, Norton, Lee, Schiff, Sherrill, Lieu, Grijalva, Espaillat) - Clean Shipping Act of 2023	Support

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

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

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

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

- 20. California Air Resources Board Monthly Report (Receive & File) Board Rep: Kracov **Thomas/3268**

- 21. Items Deferred from Consent and Board Calendar

PUBLIC HEARINGS

22. Determine That Proposed Rule 1110.3 – Emissions from Linear Generators and Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, Are Exempt from CEQA; and Adopt Rule 1110.3 and Amend Rule 1110.2

Krause/2706

Proposed Rule 1110.3 will establish NO_x, CO, and VOC emission limits for linear generators, as well as provisions for source testing, monitoring, reporting and recordkeeping. Proposed Amended Rule 1110.2 will be amended to exclude linear generators from the applicability and requirements. This action is to adopt the Resolution: 1) Determining that Proposed Rule 1110.3 – Emissions from Linear Generators and Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, are exempt from the requirements of the California Environmental Quality Act; 2) Adopting Rule 1110.3 – Emissions from Linear Generators and Amending Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines. (Reviewed: Stationary Source Committee, February 17, September 15, and October 20, 2023)

23. Determine That Proposed Amended Rule 2011 - Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions and Proposed Amended Rule 2012 - Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions, Are Exempt from CEQA; and Amend Rules 2011 and 2012

Krause/2706

Rules 2011 and 2012 establish requirements for CEMS for facilities in the SO_x and NO_x RECLAIM program, respectively. Proposed Amended Rules 2011 and 2012 will allow an operator to temporarily shutdown a CEMS, when the combustion unit is scheduled to be not operating and generating emissions for an extended period of time, provided specific conditions are met. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 2011 - Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions and Proposed Amended Rule 2012 - Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions, are exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rules 2011 and 2012. (Reviewed: Stationary Source Committee, September 15, 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 South Coast AQMD is a party. The actions are:

- In the Matter of South Coast Air Quality Management District v. Southern California Gas Company, Aliso Canyon Storage Facility, South Coast AQMD Hearing Board Case No. 137-76 (Order for Abatement); People of the State of California, ex rel South Coast Air Quality Management District v. Southern California Gas Company, Los Angeles Superior Court Case No. BC608322; Judicial Council Coordinated Proceeding No.4861;
- South Coast Air Quality Management District, 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);
- South Coast Air Quality Management District, 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 District; 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 South Coast Air Quality Management District v. Baker Commodities, South Coast AQMD 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;
- South Coast Air Quality Management District v. EPA, U.S. District Court for the Central District of California, Case No. 2:23-cv-02646;
- East Yard Communities for Environmental Justice, et al. v. South Coast Air Quality Management District, the Governing Board of the South Coast Air Quality Management District, the California Air Resources Board, and Does 1 through 25, Inclusive, U.S. District Court for the Central District of California, Case No. 2:23-cv-06682.

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);
- Western States Trucking Association, Inc. v. EPA, et al., United States Court of Appeals, D.C. Circuit, Case No. 23-1143.

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 South Coast AQMD (two cases).

CONFERENCE WITH LABOR NEGOTIATORS

It is also necessary to recess to closed session pursuant to Government Code section 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.

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.