

BOARD MEETING DATE: September 1, 2023

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the August 4, 2023
Board Meeting.

RECOMMENDED ACTION:

Approve the August 4, 2023 Board Meeting Minutes.

Faye Thomas
Clerk of the Boards

FT

FRIDAY, AUGUST 4, 2023

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted in a hybrid format (in person and remotely via videoconferencing and telephone). Members present:

Senator Vanessa Delgado (Ret.), Chair
Senate Rules Committee Appointee

Councilmember Michael A. Cacciotti, Vice Chair
Cities of Los Angeles County – Eastern Region

Mayor Lock Dawson
Cities of Riverside County

Supervisor Curt Hagman
County of San Bernardino

Gideon Kracov
Governor's Appointee

Mayor Larry McCallon
Cities of San Bernardino County

Veronica Padilla-Campos
Speaker of the Assembly Appointee

Supervisor V. Manuel Perez
County of Riverside

Councilmember Carlos Rodriguez
Cities of Orange County

Absent: Supervisor Andrew Do
County of Orange

Supervisor Holly J. Mitchell
County of Los Angeles

Councilmember Nithya Raman
City of Los Angeles

Councilmember José Luis Solache
Cities of Los Angeles County – Western Region

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

CALL TO ORDER: Chair Delgado called the meeting to order at 9:08 a.m.

- Pledge of Allegiance: Led by Mayor Patricia Lock Dawson
- Roll Call
Councilmember Solache was not present for the meeting but was listening in remotely.
- Opening Comments
Chair Delgado acknowledged that she left the breakfast with the interns this morning feeling assured that the future is in capable hands.

Vice Chair Cacciotti shared photos of city council meetings and events he attended in the cities of Sierra Madre, La Puente, Monrovia, and South Pasadena to discuss air quality and demonstrate an electric leaf blower; as well as photos of a Metrolink train powered by renewable fuel and a FedEx electric delivery truck. For additional details, please refer to the [Webcast](#) beginning at 13:30.

Vice Chair Cacciotti commented on SB 329 (Dodd), which Governor Newsom recently signed into law, that will increase compensation for city councilmembers in general law cities for the first time in nearly four decades. He requested that staff explore possible legislation to modify the compensation for Board members, and for Board Members Kracov and Perez to receive compensation for work they perform as CARB Board Members.

Mayor McCallon thanked everyone for their prayers and support during his recent health issue.

Supervisor Perez suggested that staff follow the interns as they progress through their educational endeavors to establish a pipeline of prospective employees for recruitment once they graduate.

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

The Public Comment Period on Non-Agenda Items was opened. The following individuals addressed the Board.

Jeff Weaver, San Juan Capistrano resident, inquired about the permitting process for waste-to-energy projects. Jason Aspell, Deputy Executive Officer/Engineering and Permitting, offered to meet with Mr. Weaver to discuss landfills and waste-to-energy projects. For additional details, please refer to the [Webcast](#) beginning at 24:40.

Mandeera Wijetunga, Climate Campaigner, Pacific Environment, commented on elevated air pollution emissions and associated health effects on frontline communities due to the continued increase in cargo ship traffic. He emphasized the need for a regulatory approach to address pollution from the ports and urged that Proposed Rule 2304 be adopted this year to set mandatory emission caps with a faster deadline to transition from fossil fuels. For additional details, please refer to the [Webcast](#) beginning at 26:06.

There being no further requests to speak, the Public Comment Period was closed.

Written Comment Letter Submitted Regarding Shipping Pollution

One letter signed by the following organizations: Earthjustice, East Yard Communities for Environmental Justice, Long Beach Alliance for Children with Asthma, Natural Resources Defense Council, Pacific Environment, People's Collective for Environmental Justice, Sierra Club, and West Long Beach Association.



CONSENT AND BOARD CALENDAR

Items 1 through 4 – Action Items/No Fiscal Impact

1. Approve Minutes of June 2, 2023 Board Meeting
2. Set Public Hearing September 1, 2023 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations:
 - A. Certify Final Environmental Assessment for Proposed Amended Rule 1178 – Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities; and Amend Rule 1178
 - B. Determine That Proposed Amended Rule 1111 – Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces, Is Exempt From CEQA; and Amend Rule 1111
3. Approve Appointment by South Coast Air Quality Management District Building Corporation of Jill Whynot to Building Corporation's Board of Directors
4. Special Meeting of Health Effects of Air Pollution Foundation

Items 5 and 6 – Budget/Fiscal Impact

5. Issue Program Announcement, and Execute Contracts for Paving Project Plan Within Assembly Bill 617 Community of Eastern Coachella Valley
6. Approve Fund Transfer for Miscellaneous and Direct Expenditures Costs in FY 2023-24 as Approved by MSRC

Items 7 through 12 – Information Only/Receive and File

7. Legislative, Public Affairs and Media Report
8. Hearing Board Report
9. Civil Filings and Civil Penalties Report
10. Lead Agency Projects and Environmental Documents Received
11. Rule and Control Measure Forecast
12. Status Report on Major Ongoing and Upcoming Projects for Information Management

Items 13 through 19 – Reports for Committees and CARB

13. Administrative Committee
14. Investment Oversight Committee
15. Legislative Committee
16. Mobile Source Committee
17. Stationary Source Committee
18. Mobile Source Air Pollution Reduction Review Committee
19. California Air Resources Board Monthly Report
20. Items Deferred from Consent and Board Calendar
Agenda Item No. 5 was pulled for comment or discussion.



The public comment period was opened for Agenda Item Nos. 1 through 19.

Agenda Item No. 2A – Proposed Amended Rule 1178

Bridgett McCann, Chevron, spoke in support of PAR 1178 and expressed appreciation to staff for the transparency and collaboration they have shown to all stakeholders during this rulemaking process. For additional details, please refer to the [Webcast](#) beginning at 30:40.

Agenda Item No. 2B – Proposed Amended Rule 1111

Fernando Gaytan, Earthjustice, expressed concern that the proposed amendments to Rule 1111 extend the mitigation fee for gas-fired residential furnaces and that little progress has been made implementing control measures identified in the 2202 AQMP that address emissions standards for combustion-based appliances used in buildings. He urged staff to prioritize rulemaking aimed at reducing NOx emissions standards for appliances. For additional details, please refer to the [Webcast](#) beginning at 31:57.

Agenda Item No. 11 – Rule Forecast Report

Yasmine Angelidis, Earthjustice

Alison Hahm, Natural Resources Defense Council

Chris Chavez, Coalition for Clean Air and Wilmington, Carson, and West Long Beach

AB 617 Community Steering Committee member

Mandeera Wijetunga, Climate Campaigner/Pacific Environment

Taylor Thomas, East Yard Communities for Environmental Justice

These speakers commented on the following issues. For additional details, please refer to the [Webcast](#) beginning at 35:15.:

- Expressed disappointment at staff's proposed intent to pursue a voluntary MOU agreement instead of the Railyard ISR.
- Urged staff to continue to pursue a regulatory approach for railyards

- Emphasized the need to conduct discussions regarding railyards through an open and public process.
- Commented that AB 617 CERPs identified railyards and railroad activities as a major concern for their communities.

Jed Holtzman, RMI, urged staff to schedule zero-emission appliance rules identified in the 2202 AQMP for adoption in 2024 and that staff develop work plans to meet the deadline with no delays. For additional details, please refer to the [Webcast](#) beginning at 40:05.

Agenda Item No. 5 – Issue Program Announcement, and Execute Contracts for Paving Project Plan Within Assembly Bill 617 Community of Eastern Coachella Valley

Krystal Otworth, Leadership Counsel for Justice and Accountability, expressed support for the Eastern Coachella Valley Paving Project Plan, noting that the plan reflects the collective priorities of Eastern Coachella Valley residents from the unincorporated communities of Mecca, Thermal, Oasis and North Shore and is a byproduct of four years of community collaboration in which unpaved roadways were identified as a major source of dust and particulate matter emissions. The proposed plan focuses on improving community infrastructure that will enhance mobility and mitigate the harmful effects of airborne dust and particulate matter. For additional details, please refer to the [Webcast](#) beginning at 42:35.

There being no further requests to speak, the public comment period was closed for Agenda Item Nos. 1 through 19.



Mr. Nastri thanked the speakers for sharing their thoughts about a potential railyard MOU. He explained the key considerations and recent developments that have prompted staff to consider an MOU agreement that would deliver better results than a regulatory approach and as quickly as possible. As part of the public process, staff will be meeting with the railroads and affected stakeholders to receive input about all options aimed at reducing emissions from railyards. The first working group meeting has been scheduled for August 17, 2023. Staff intends to report back to the Mobile Source Committee on what develops from these public meetings. For additional details, please refer to the [Webcast](#) beginning at 51:34.

Board Action (Item Nos. 1-4 and 6-19)

MOVED BY CACCIOTTI, SECONDED BY KRACOV TO APPROVE AGENDA ITEMS 1 THROUGH 4 and 6 THROUGH 19 AS RECOMMENDED, RECEIVE AND FILE THE COMMITTEE, MSRC, AND CARB REPORTS, AND APPROVE THE RECOMMENDATIONS ON LEGISLATION AS SET FORTH BELOW.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, Kracov, McCallon, Padilla-Campos, Perez, and Rodriguez

NOES: None

ABSTAIN: None

ABSENT: Do, Mitchell, Raman, and Solache

Legislation/Agenda Item	Recommendation
AB 985 (Arambula) San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system	Oppose
SB 310 (Dodd) Prescribed fire: civil liability: cultural burns	Oppose unless Amended
SB 410 (Becker) Powering Up Californians Act	Support
SB 537 (Becker) Open meetings: multijurisdictional cross-county Agencies: teleconferences	Support



Item Pulled for Comments or Discussion

Agenda Item No. 5 – Issue Program Announcement, and Execute Contracts for Paving Project Plan Within Assembly Bill 617 Community of Eastern Coachella Valley

Supervisor Perez requested that staff highlight the Eastern Coachella Valley Paving Project Plan. Kathryn Higgins, Assistant Deputy Executive officer/Diversity, Equity, and Inclusion with Community Air Program, provided a brief overview of how the community-led process was developed and explained the purpose and timeline for release of the Program Announcement. For additional details, please refer to the [Webcast](#) beginning at 56:03.

Supervisor Perez asked whether the properties selected for paving are privately or publicly owned and if the list of properties has been finalized. Ms. Higgins responded that the list includes a combination of public access roadways, parking lots, and privately owned properties, including mobile home parks. Supervisor Perez recommended that staff coordinate the implementation of the paving project with the County of Riverside's Planning Department as well as his office. He acknowledged the efforts of Assemblymember Eduardo Garcia in securing funding for AB 617. For additional details, please refer to the [Webcast](#) beginning at 1:00:41.

Board Action (Item 5)

MOVED BY PEREZ, SECONDED BY CACCIOTTI TO APPROVE AGENDA ITEM 5 AS RECOMMENDED.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, Kracov, McCallon, Padilla-Campos, Perez, and Rodriguez

NOES: None

ABSTAIN: None

ABSENT: Do, Mitchell, Raman, and Solache



STAFF PRESENTATION/BOARD DISCUSSION/RECEIVE AND FILE

- 21. Workplan for Permitting Enhancement Program (Presentation in Lieu of Board Letter)

Jason Aspell, Deputy Executive Officer, Engineering and Permitting, gave the staff presentation.

Chair Delgado noted that getting an understanding of how the permitting workflow operates reinforces that this issue should be a priority for the Board. For additional details, please refer to the [Webcast](#) beginning at 1:31:05.

Supervisor Hagman emphasized the importance for staff to get input from stakeholders on how to increase the efficiency of the permitting process. He suggested that staff look at moving to digital platforms to reduce paper. For additional details, please refer to the [Webcast](#) beginning at 1:31:27.

Board Member Padilla-Campos commented on the need to ensure that there be continued human interaction with facilities. For additional details, please refer to the [Webcast](#) beginning at 1:33:43.

Councilmember Rodriguez asked whether staff has reviewed the permitting process used at other agencies to learn about their experiences and best practices learned. He inquired about the historical context of the 18-month target and its appropriateness and recommended that staff provide a status update in six months instead of one year. For additional details, please refer to the [Webcast](#) beginning at 1:34:53.

Mr. Aspell stated that staff has been in contact with U.S. EPA and other air districts who have noted experiencing similar staffing and backlog challenges with their permit processing. One air district has an electronic system for smaller and less complex permits. Mr. Aspell explained that most of the permits are acted on in less than six months. The greatest challenge is with the Title V permits as those are generally more complex and have additional criteria. Mr. Aspell recognized that staff will need to continually manage these more complex permits and implement the workplan. Providing an update in a year, allows time to hire and train more engineers and implement the workplan. For additional details, please refer to the [Webcast](#) beginning at 1:38:18.

Mr. Nastri commented on the aggressive efforts that were taken in the past to address the backlog and he identified that the historical backlog had been much larger than it is currently. The workplan represents the investment in an infrastructure that will hopefully minimize the cyclical occurrence of a buildup of permits. For additional details, please refer to the [Webcast](#) beginning at 1:38:20.

Vice Chair Cacciotti emphasized the importance of balancing public safety against the need to expeditiously process permits and thanked staff for this effort. For additional details, please refer to the [Webcast](#) beginning at 1:19:49.

Mayor Lock Dawson asked whether other staff could perform aspects of the permitting process that do not require the technical expertise of an engineer. Mr. Aspell noted that staff has proposed assigning administrative tasks to non-engineers while the engineers focus on processes that require their expertise. For additional details, please refer to the [Webcast](#) beginning at 1:45:05

Board Member Kracov expressed support for this effort and echoed the request of Councilmember Rodriguez for a progress report in six months. For additional details, please refer to the [Webcast](#) beginning 1:47:40 .

Chair Delgado liked the concept of outside training as it will facilitate additional feedback. She recommended including pending responses from the permit applicant as an application status indicator, to account for the time spent waiting to receive additional information from the applicant. For additional details, please refer to the [Webcast](#) beginning 1:48:18.

The public comment period was opened for Agenda Item No. 21. The following individual addressed the Board.

Curt Coleman, Southern California Air Quality Alliance, thanked Chair Delgado for making this a top priority. He commented on the Permit Streamlining Task Force and its importance in providing feedback regarding permit applicant priorities and effectiveness of staff actions. He was pleased to learn that the Task Force will continue to meet, monitor progress, and provide feedback. For additional details, please refer to the [Webcast](#) beginning 1:50:16 .

Bill Quinn, California Council for Environmental and Economic Balance (CCEEB), thanked Chair Delgado for making permit processing a priority. He noted that some CCEEB members have been testing some of the new programs in real time and offered to expand those efforts, as well as help in other ways to make sure that these new processes are successful and tested accurately. For additional details, please refer to the [Webcast](#) beginning 1:51:27.

There being no further requests to speak, the public comment period was closed for Agenda Item No. 21.



22. Determine That Proposed Amended Rule 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens, Is Exempt from CEQA; and Amend Rule 1153.1

Heather Farr, Planning and Rules Manager, gave the staff presentation.

Vice Chair Cacciotti asked why commercially available technologies for smaller oven categories are not widely used and whether an incentive program is needed to increase awareness and encourage conversion to zero emissions. Ms. Farr commented that it is not widely used because the technology is just starting to emerge. For additional details, please refer to the [Webcast](#) beginning at 2:00:45.

The public comment period was opened for Agenda Item No. 22. The following individuals addressed the Board.

Jeremy Gartland, Earthjustice

*Ayn Craciun, Climate Action Campaign

Annie Wang, Earthjustice

Lexi Hernandez, Climate Action Campaign

Leeza Bondarchuk, Sunrise Movement of Orange County

Kyler Chin, University of California, Irvine student and Sunrise Movement Orange County

*Alejandro Sobrera Barboza, John Hopkins School of Advanced International Studies student and Anaheim resident

Topher Mathers, Active San Gabriel Valley

*Jed Holtzman, RMI

*Evan Gillespie, Industrious Labs

*Chris Chavez, Coalition for Clean Air

Kimberly Orbe, Sierra Club

(*Submitted Written Comments)

These speakers expressed support for the staff proposal and urged its adoption. Some of their comments are as follows:

- Commented on harmful health impacts from gas appliances and the need to push for electrification
- Concerned with the compliance schedule and burner useful life and replacement in large ovens
- Emphasized pursuing federal and/or state funds to encourage the development of zero-emission commercial ovens.
- Noted that the proposal could have been stronger
- Remarked on the need to continue to push for the conversion of this equipment to zero emissions
- Urged to move forward on other control measures in the AQMP that advances zero emissions further in residential and commercial buildings
- Expressed concern that facilities may install as little as one replacement burner in a large oven

There being no further requests to speak, the public comment period was closed for Agenda Item No. 22.



Supervisor Hagman commented on the need to consider the potential consequences of regulations. He cautioned that food manufacturers may be forced to relocate out of California due to regulations that make them less competitive. For additional details, please refer to the [Webcast](#) beginning at 2:27:09.

Vice Chair Cacciotti expressed support for the staff proposal and suggested that staff consider looking at different incentive programs and releasing program announcements early 2024 for residential and commercial appliances. For additional details, please refer to the [Webcast](#) beginning at 2:30:51.

Board Member Padilla-Campos expressed support for the staff recommendation, noting that it will protect the health of her brother who is a chef. For additional details, please refer to the [Webcast](#) beginning at 2:31:55.

Supervisor Perez acknowledged the need to ensure a balanced approach to the regulatory process. He expressed support for the staff proposal that reflects a compromise for the various stakeholders involved. For additional details, please refer to the [Webcast](#) beginning at 2:32:23.

Written Comment Letters Submitted:

Dennis Arp
Amir Baum
Greg Camphire
Jake Comer
Ayn Craciun, Climate Action Campaign
Maurie Edelman, Ph.D.
Leonel Flores
Lida Jenney
Keith Linker
Susan Mattisinko, Irvine resident

H. Meyers, Huntington Beach resident
Kent Morris
Kathy Orlinsky
Craig Preston, Orange County resident
Tanvi Shah
Alejandro Sobrera Barboza
Gary Stewart, Laguna Beach resident and Citizens Climate Lobby
Gregory Tabat, Santa Ana resident
Max Wang, Irvine resident

Written Comment Letter Submitted:

One letter signed by the following organizations: Earthjustice, Active San Gabriel Valley, California Safe Schools, Coalition for Clean Air, East Yard Communities for Environmental Justice, Industrious Labs, RMI, San Pedro & Peninsula Homeowners Coalition, Sierra Club, and West Long Beach Association

Board Action (Item 22)

MOVED BY CACCIOTTI, SECONDED BY PEREZ TO APPROVE AGENDA ITEM 22 AS RECOMMENDED TO ADOPT RESOLUTION NO. 23-16:

DETERMINING THAT PROPOSED AMENDED RULE 1153.1 – EMISSIONS OF OXIDES OF NITROGEN FROM COMMERCIAL FOOD OVENS, IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND

AMENDING RULE 1153.1 – EMISSIONS OF OXIDES OF NITROGEN FROM COMMERCIAL FOOD OVENS.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Hagman, Kracov, McCallon, Padilla-Campos, and Perez

NOES: Rodriguez

ABSTAIN: None

ABSENT: Do, Mitchell, Raman, and Solache



23. Determine That Proposed Amended Rule 2202 – On-Road Motor Vehicle Options, Is Exempt from CEQA; and Amend Rule 2202

Ian MacMillan, Assistant Deputy Executive Officer/Planning, Rule Development, and Implementation gave the staff presentation.

Mayor McCallon inquired about the purpose and use of the VMT data collection/reporting, especially if all vehicles are zero emissions. He further inquired why collecting data to identify zero-emission vehicles is not required of all worksites. For additional details, please refer to the [Webcast](#) beginning at 2:42:10.

Mr. MacMillan clarified that collecting additional data would help identify potential options to increase the use of zero-emissions vehicles in a future rule amendment. In addition, while some worksites collect data on zero-emissions vehicle use, requiring all sites to conduct these surveys would be a more fundamental change to the rule that is not proposed in the current amendment, yet potentially could be included in a future amendment.

The public comment period was opened for Agenda Item No. 23. The following individual addressed the Board.

Harvey Eder, Public Solar Power Coalition, provided comments that were not related to this item.

There being no further requests to speak, the public comment period was closed for Agenda Item No. 23.

Supervisor Hagman commented about the unintended consequences of regulations. He expressed concerns on how the data being requested will be used in future rule amendments that may have implications on employers' hiring practices and people's work patterns. For additional details, please refer to the [Webcast](#) beginning at 2:46:33.

Board Member Kracov commented that it will take decades to achieve a zero-emission light duty fleet. He added that this agency is based on science and data, so it makes sense to gather this data. He acknowledged the need to address Supervisor Hagman's concerns. For additional details, please refer to the [Webcast](#) beginning at 2:48:57.

Mr. Nastri explained that the purpose of this proposal is to collect data, and staff will make recommendations on how to proceed based on the data collected. He urged the Board to adopt the data collection provisions of PAR 2202 and noted that the Board can exercise its authority to weigh in on how staff moves forward once the data is collected. Chair Delgado expressed appreciation for Mr. Nastri's comment. For additional details, please refer to the [Webcast](#) beginning at 2:48:58.

Supervisor Hagman commented about his experience with data collection and expressed concerns that VMT data may be used to regulate people's driving habits. He questioned the need to collect the data given ongoing efforts that have been moving us toward electric vehicles. For additional details, please refer to the [Webcast](#) beginning at 2:50:45.

Board Action (Item 23)

MOVED BY PEREZ, SECONDED BY CACCIOTTI TO APPROVE AGENDA ITEM 23 AS RECOMMENDED TO ADOPT RESOLUTION NO. 23-17:

DETERMINING THAT PROPOSED AMENDED RULE 2202 – ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND

AMENDING RULE 2202 – ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Delgado, Kracov, McCallon, Padilla-Campos, and Perez

NOES: Hagman and Rodriguez

ABSTAIN: None

ABSENT: Do, Mitchell, Raman, and Solache



CLOSED SESSION

There was no closed session.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:53 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on August 4, 2023.

Respectfully Submitted,

Faye Thomas
Clerk of the Boards

Date Minutes Approved: _____

Vanessa Delgado, Chair

ACRONYMS

AQMP = Air Quality Management Plan
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
FY = Fiscal Year
ISR = Indirect Source Rule
PAR = Proposed Amended Rule
VMT = Vehicle Miles Traveled