

BOARD MEETING DATE: December 1, 2023

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the November 3, 2023
Board Meeting.

RECOMMENDED ACTION:

Approve the November 3, 2023 Board Meeting Minutes.

Faye Thomas
Clerk of the Boards

FT

FRIDAY, NOVEMBER 3, 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:

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

Mayor Lock Dawson
Cities of Riverside County

Supervisor Andrew Do
County of Orange

Supervisor Curt Hagman
County of San Bernardino

Gideon Kracov
Governor's Appointee

Mayor Larry McCallon
Cities of San Bernardino County

Supervisor Holly J. Mitchell
County of Los Angeles

Veronica Padilla-Campos
Speaker of the Assembly Appointee

Supervisor V. Manuel Perez
County of Riverside

Councilmember Nithya Raman
City of Los Angeles

Councilmember Carlos Rodriguez
Cities of Orange County

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

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

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

CALL TO ORDER: Vice Chair Cacciotti called the meeting to order at 9:09 a.m.

- Pledge of Allegiance: Led by Supervisor Do
- Roll Call
Councilmember Rodriguez arrived at 9:11 a.m. and Board Member Padilla-Campos arrived at 9:19 a.m.
- Opening Comments

Councilmember Solache shared photos of a commercial electric lawn and garden equipment demonstration event that the South Coast AQMD hosted in the City of Lynwood. He expressed appreciation to the community members and landscapers that attended to learn about the rebate program.

Mayor McCallon acknowledged and congratulated Councilmember Rodriguez for being reappointed to the South Coast AQMD Board by the Orange County City Selection Committee on November 2, 2023.

Vice Chair Cacciotti announced that he attended the Mount San Antonio (Mt. SAC) college Green Zone Certification ceremony on November 2, 2023 to celebrate Mt. SAC's achievement as the first AGZA Green Zone certified community college in the country.

Executive Officer Wayne Nastri provided an update on recent activities that took place at the Diamond Bar headquarters, including the onsite childcare center's Halloween parade and the Playhouse Build event, which was an event done in partnership with Habitat for Humanity of Greater Los Angeles as part of the Working with Communities employee volunteer service program. Mr. Nastri provided a brief update on ongoing work related to the railyard MOU, including past and upcoming community meetings and comments/feedback received during those meetings. For additional details, please refer to the [Webcast](#) at 15:24.

Supervisor Perez announced that a meeting will be scheduled in the near future for the Board's Climate Change Committee. He looks forward to working with his fellow Board members and the community on this important committee.

Councilmember Rodriguez expressed gratitude to his colleagues on the Orange County City Selection Committee for reappointing him to serve as their South Coast AQMD representative. He recognized the responsibility to balance economic vitality and success of the region with protecting public health and looks forward to working with his fellow Board members.

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.

For additional details, please refer to the [Webcast](#) at 21:05.

Eric Fefferman, Granada Hills resident
Frank Nolan, Granada Hills resident
*Elizabeth Mitev, Granada Hills resident

Commented on the following issues regarding the Sunshine Canyon Landfill:

- Expressed concerns with the continued public nuisance violations
- Expressed frustration with South Coast AQMD's complaint process
- Questioned enforcement and penalty actions.

** The Public Comment Period on Non-Agenda items was temporarily suspended. Therefore, this speaker was delayed and provided comments later in the meeting. Please refer to the [Webcast](#) at 45:47 for the full details of this speaker's comments.*

Mr. Nastri noted that staff is aware of the complaints regarding Sunshine Canyon and Chiquita Canyon Landfills. He also noted staff's coordination with other agencies, consideration of an abatement order for Sunshine Canyon, and work to address the increased number of complaints. Terrence Mann, Deputy Executive Officer, Compliance and Enforcement, discussed compliance and enforcement actions. For additional details, please refer to the [Webcast](#) at 43:26.

Yasmin Angelides, Earthjustice, expressed concern with the railyard MOU proposal and emphasized the need for public review time of the proposed MOU before any committee or board discussion. For additional details, please refer to the [Webcast](#) at 30:15.

Monty Rowan, Marina Del Rey resident, questioned the asbestos remediation process and safety measures for potential asbestos exposure at the Dolphin Marina Apartments construction project. For additional details, please refer to the [Webcast](#) at 33:34.

Harvey Eder, Public Solar Power Coalition, expressed concern that South Coast AQMD, CARB, and U.S. EPA have not evaluated the Department of Energy's Sunshot Initiative. For additional details, please refer to the [Webcast](#) at 36:51.

There being no further requests to speak, the Public Comment Period on non-agenda items was closed.

Written Comments Submitted Regarding Proposed Amended Rule 1405 – Control of Ethylene Oxide Emissions from Sterilization

Healthy Industry Distributors Association
Hospital Association of Southern California

Written Comments Submitted Regarding Adoption of Mandatory ISR

West Long Beach Association

CONSENT AND BOARD CALENDAR

Items 1 and 2 – Action Items/No Fiscal Impact

1. Approve Minutes of October 6, 2023 Board Meeting
2. Establish Board Meeting Schedule for Calendar Year 2024

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
4. Execute Contract for Regional Medium and Heavy-Duty Zero Emission Vehicle Infrastructure Analysis
5. Amend Contracts for Legislative Representation in Washington, D.C.
6. Approve Contract Modification and Allocation of Funds as Approved by MSRC

Items 7 through 13 – Information Only/Receive and File

7. Legislative, Public Affairs and Media Report
8. Hearing Board Report
9. Civil Filings and Civil Penalties Report
10. Intergovernmental Review of Environmental Documents and CEQA Lead Agency Projects
11. Rule and Control Measure Forecast
12. Report of RFQs/RFPs Scheduled for Release in October
13. Status Report on Major Ongoing and Upcoming Projects for Information Management

Items 14 through 20 – Reports for Committees and CARB

14. Administrative Committee
15. Legislative Committee
16. Mobile Source Committee
17. Stationary Source Committee
18. Technology Committee

19. Mobile Source Air Pollution Reduction Review Committee
20. California Air Resources Board Monthly Report
21. Items Deferred from Consent and Board Calendar
There were no items pulled.

Disclosures

Mayor Lock Dawson reported that she had no financial interest in Agenda Item No. 6 but is required to identify for the record that she is the Mayor of the City of Riverside, which is involved in this item. The Mayor noted for the record that she would abstain from Agenda Item No. 1 as she was absent from the October 6, 2023 meeting.

Board Member Kracov reported that he had no financial interest in Agenda Item No. 6 but is required to identify for the record that he is a board member for CARB, which is involved in this item.

Councilmember Raman reported that she had no financial interest in Agenda Item No. 6 but is required to identify for the record that she is a Councilmember for the City of Los Angeles, which is involved in this item.

Supervisor Perez reported that he had no financial interest in Agenda Item No. 6 but is required to identify for the record that he is a Board Member for CARB, which is involved in this item.

The public comment period was opened for Agenda Item Nos. 1 through 20 and the following individuals addressed the Board.

Thomas Jelenic, Pacific Merchant Shipping Association, requested that South Coast AQMD 1) set aside development of the proposed ISR and re-engage with the Ports of Los Angeles and Long Beach, maritime industry stakeholders and labor representatives on a collaborative approach to reducing emissions; and 2) through a collaborative approach, take the lead on a coalition to seek a comprehensive national approach to address federal sources. A federal solution would create significant emission reductions and be saved from legal challenges while creating a level regulatory field across the nation. Uniform national rules are critical to preserving California Ports' competitiveness and assisting South Coast AQMD in achieving air quality standards. For additional details, please refer to the [Webcast](#) at 42:48. (Written Comments Submitted)

Elizabeth Mitev comments moved under Public Comment Period for Non-Agenda Items. For additional details, please refer to the [Webcast](#) at 45:47.

There being no further requests to speak, the public comment period was closed for Agenda Item Nos. 1 through 20.

Board Action (Items 1-20)

MOVED BY MCCALLON, SECONDED BY DO TO APPROVE AGENDA ITEMS 1 THROUGH 20 AS RECOMMENDED, RECEIVE AND FILE THE COMMITTEE, MSRC, AND CARB REPORTS, APPROVE THE RECOMMENDATIONS ON LEGISLATION AS SET FORTH BELOW, AND ADOPT RESOLUTION 23-21 SETTING THE TIME AND PLACE OF REGULARLY SCHEDULED MEETINGS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT GOVERNING BOARD FOR CALENDAR YEAR 2024.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson (except on Item No. 1), Do, Hagman, Kracov, McCallon, Mitchell, Padilla-Campos, Perez, Raman, Rodriguez, and Solache

NOES: None

ABSTAIN: Lock Dawson (only on Item No. 1)

ABSENT: Delgado

Legislation/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, Espailat) - Clean Shipping Act of 2023	Support

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

Michael Morris, Planning and Rules Manager, gave the staff presentation.

Mayor McCallon and Councilmember Rodriguez commended staff for working on this new technology, resolving key issues during the rulemaking, and initiating the

development of the certification program. For additional details, please refer to the [Webcast](#) at 55:09.

Vice Chair Cacciotti asked if other than grocery stores and logistic centers whether linear generators could be utilized for other applications. Mr. Morris responded that staff looks at all possible applications not only for this technology but all technologies. For additional details, please refer to the [Webcast](#) at 56:41.

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

Chris Chavez, Coalition for Clean Air, expressed support for Proposed Rule 1110.3. For additional details, please refer to the [Webcast](#) at 57:57. (Written Comments Submitted)

Harvey Eder asked if the generators will run on alcohol. Mr. Morris responded that the generators do not run on liquid fuels. For additional details, please refer to the [Webcast](#) at 58:13.

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

Written Comments Submitted

Bioenergy Association of California
Breathe Southern California
California Hydrogen Business Council

MOVED BY SOLACHE, SECONDED BY MCCALLON TO APPROVE AGENDA ITEM NO. 22 AS RECOMMENDED TO ADOPT RESOLUTION NO. 23-22:

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; AND
2. ADOPTING RULE 1110.3 – EMISSIONS FROM LINEAR GENERATORS AND AMENDING RULE 1110.2 – EMISSIONS FROM GASEOUS- AND LIQUID-FUELED ENGINES

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Do, Hagman, Kracov,
McCallon, Mitchell, Padilla-Campos, Perez,
Raman, Rodriguez, and Solache

NOES: None

ABSTAIN: None

ABSENT: Delgado



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

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

Board Member Padilla-Campos inquired about the length of time it takes to restart the CEMS unit after a shutdown, and the process that facilities use to notify South Coast AQMD of a scheduled CEMS shutdown. Mr. Krause responded that it does not take much time for the CEMS to startup. For additional details, please refer to the [Webcast](#) at 1:03:23.

Board Member Kracov commented on the consensus in this rulemaking to highlight South Coast AQMD's track record of working constructively with industry while being realistic, reasonable, and fair. He sees no reason why the Ports would be any different. For additional details, please refer to the [Webcast](#) at 1:04:18.

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

For additional details regarding the following comments, please refer to the [Webcast](#) beginning at 1:05:49.

Bill Quinn, California Council for Environmental and Economic Balance
Curtis Coleman, Southern California Air Quality Alliance

These commenters thanked staff and expressed support for the adoption of the proposal for PARs 2011 and 2012. They emphasized the importance of the changes to address a potential conflict that could occur as facilities implement landing rules under the RECLAIM program.

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

MOVED BY SOLACHE, SECONDED BY DO TO APPROVE AGENDA ITEM NO. 23 AS RECOMMENDED TO ADOPT RESOLUTION NO. 23-23:

1. DETERMINING THAT PROPOSED AMENDED RULE 2011 - REQUIREMENTS FOR MONITORING, REPORTING, AND RECORDKEEPING FOR OXIDES OF SULFUR (SOX) EMISSIONS AND PROPOSED AMENDED RULE 2012 - REQUIREMENTS FOR MONITORING, REPORTING, AND RECORDKEEPING FOR OXIDES OF NITROGEN (NOX) EMISSIONS, ARE EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND

2. AMENDING RULES 2011 AND 2012.

THE MOTION PASSED BY THE FOLLOWING VOTE:

AYES: Cacciotti, Lock Dawson, Do, Hagman, Kracov, McCallon, Mitchell, Padilla-Campos, Perez, Raman, Rodriguez, and Solache

NOES: None

ABSTAIN: None

ABSENT: Delgado

CLOSED SESSION

The Board recessed to closed session at 10:09 a.m., pursuant to Government Code sections:

- 54956.9(a) and 54956.9(d)(1) to confer regarding pending litigation South Coast Air Quality Management District v. EPA, U.S. District Court for the Central District of California, Case No. 2:23-cv-02646; and 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.

- 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.

Following closed session, Bayron Gilchrist, General Counsel, announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Boards.

ADJOURNMENT

There being no further business, the meeting was adjourned by General Counsel Bayron Gilchrist at 11:50 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on November 3, 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
MOU = Memorandum of Understanding
PAR = Proposed Amended Rule
RECLAIM = Regional Clean Air Incentives Market