



# South Coast Air Quality Management District

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## **LOCAL GOVERNMENT & SMALL BUSINESS ASSISTANCE ADVISORY GROUP FRIDAY, OCTOBER 11, 2019 MEETING MINUTES**

### **MEMBERS PRESENT:**

Council Member Ben Benoit, LGSBA Chairman (Board Member)  
Supervisor V. Manuel Perez (Board Member)  
Supervisor Janice Rutherford (Board Member)  
Mayor Pro Tempore Rachelle Arizmendi, City of Sierra Madre  
Paul Avila, P.B.A. & Associates  
Geoffrey Blake, Metal Finishers of Southern California  
Todd Campbell, Clean Energy  
John DeWitt, JE DeWitt, Inc.  
Rita Loof, RadTech International  
Eddie Marquez, Roofing Contractors Association  
Council Member Carlos Rodriguez, City of Yorba Linda  
David Rothbart, Los Angeles County Sanitation Districts

### **MEMBERS ABSENT:**

Felipe Aguirre  
LaVaughn Daniel, DancoEN  
Bill LaMarr, California Small Business Alliance  
Mayor Cynthia Moran, City of Chino Hills

### **OTHERS PRESENT:**

Ruthanne Taylor Berger, Board Member Consultant (*Benoit*)

### **SOUTH COAST AQMD STAFF:**

Derrick Alatorre, Deputy Executive Officer  
Amir Dejbakhsh, Acting Deputy Executive Officer  
Nancy Feldman, Principal Deputy District Counsel  
Daniel Garcia, Planning & Rules Manager  
Arlene Farol, Senior Public Information Specialist  
Elaine-Joy Hills, Air Quality Specialist  
Van Doan, Air Quality Specialist

### **Agenda Item #1 - Call to Order/Opening Remarks**

Chair Ben Benoit called the meeting to order at 11:30 a.m.

### **Agenda Item #2 – Approval of July 19, 2019 Meeting Minutes/Review of Follow-Up/Action Items**

Chair Benoit called for approval of the September 13, 2019 meeting minutes.

Mr. David Rothbart referenced the September 13, 2019 minutes and indicated that discussions regarding Rule 1403, Mr. Carlos Rodriguez's proposed motion, and the encouragement of staff to work with stakeholders on the rule were not reflected in the minutes. Mr. Rothbart stated that there was a discussion regarding the ability of the advisory group to have a motion and what is appropriate, and asked for clarification on whether or not it is something the advisory could do to unanimously provide direction.

Chair Benoit stated that the discussion should be reflected in the minutes.

Mr. Derrick Alatorre stated that staff will revise the minutes and suggested that it be voted on at the next meeting.

*Action Item #1: Revise September 13, 2019 minutes.*

Chair Benoit directed staff to provide clarification on the procedure for the advisory group to provide input when the body feels that more input is necessary.

*Action Item #2: Provide clarification on the procedure for the advisory group to provide input to the Governing Board.*

Mr. Rodriguez stated that, "when the motion was retracted, it was because there was seemingly unanimous sentiment to provide a recommendation or direction to staff for them to consider the public comment of moving the issue of asbestos in asphalt-related topic to an ad hoc committee," which occurred following the September meeting. Mr. Rodriguez indicated that although the motion was retracted, the sentiment of the advisory group was to recommend staff to consider an ad hoc committee and was under the impression that the point was taken; however, that sentiment and direction was not provided to staff and would like to see that captured somehow.

Mr. Alatorre stated that it is not going to an ad hoc committee; it is going to the Stationary Source Committee then to the Governing Board. Mr. Rodriguez acknowledged Mr. Alatorre's comment regarding the ad hoc committee.

Mr. Paul Avila asked how much time is available to revise previously approved minutes. Ms. Nancy Feldman replied that the minutes are official and not revisable once they are approved.

### **Agenda Item #3 – Review of Follow Up/Action Items**

Mr. Derrick Alatorre provided a response to the September 13, 2019 action item. He stated that since South Coast AQMD is not a prominent member on the Exide Community Advisory Committee and the Department of Toxic Substance Control (DTSC) is the lead agency, a board member is not appointed to that advisory committee at this time.

***Action Item #3:** Provide Mr. Felipe Aguirre with information regarding South Coast AQMD's participation with the Exide Community Advisory Committee.*

Ms. Rita Loof expressed support for clarification regarding the procedure for the advisory group to express a sentiment. Ms. Loof reiterated the request for an update on Rule 219. Mr. Alatorre stated that an update will be provided at a later meeting.

#### **Agenda Item #4 – Rule 212 Implementation Guideline**

Mr. Amir Dejbakhsh presented an overview of the recent update to Engineering and Permitting implementation guideline for public notices under Rule 212: Standards for Approving Permits and Issuing Public Notice.

Mr. Avila asked if a permit is required for the replacement of existing equipment; for example, an air conditioning unit with new equipment having the same specifications. Mr. Dejbakhsh replied that identical equipment replacement is exempt from permitting pursuant to Rule 219; however, replacing an equipment with a different model requires a permit.

Ms. Loof referenced slide #5 and asked how South Coast AQMD determines that an application will result in a reduction of air contaminants. Mr. Dejbakhsh replied that the determination is done during the permitting process and only applies if the equipment is located within 1,000 feet of a school. This implementation guideline update introduces de minimus risks and emissions values, allowing permits to be issued faster and reducing the number of public notices. Ms. Loof asked what the de minimus values are. Mr. Dejbakhsh replied the de minimus values are 0.1 in a million for maximum individual cancer risk (MICR), 0.1 for acute hazard index (HIA) or chronic hazard index (HIC), and less than one pound per day for criteria pollutants.

Mr. Rothbart stated that California Air Resources Board (CARB) and the Office of Environmental Health Hazard Assessment (OEHHA) is considering the addition of 812 new compounds to the Assembly Bill 2588 list and asked how the assumption of emission factors and high concentrations would impact this process. Mr. Dejbakhsh replied that in the past, if an application for equipment modification or addition was submitted when there has been a change in the toxic pollutants list, then a Rule 1401 analysis would be required. The changes to the guidelines indicates that if the risks are less than 0.1 in a million, then a public notice is not required. Mr. Rothbart stated that if the list gets expanded, there will be an increase in calculations and public notices.

#### **Agenda Item #5 – Update on Assembly Bill 617 (AB 617) – Community Air Initiatives**

Ms. Arlene Farol provided an update on the progress of AB 617 implementation.

Mr. Avila asked if the same activists attend and comment at the meetings in different areas. Ms. Farol replied that this is a community-based program and the CARB blueprint specifies that 51% of members of the Community Steering Committee (CSC) should be residents of that community and the remaining members include business owners, labor unions, community organizations, schools, or elected officials.

Mr. Geoffrey Blake stated that South Coast AQMD restricts business participation by not allowing businesses to be members on the CSC. Mr. Alatorre and Ms. Farol replied that is not true. Mr. Alatorre indicated that there are business members on the CSC; for example, Marathon Refinery in Long Beach is on the CSC. Mr. Alatorre further stated that businesses are allowed to be on the CSC as long as they

are located within the specific communities. Mr. Blake stated that he was under the impression that businesses were not allowed to participate because several small businesses in those communities were not selected. Mr. Alatorre stated that those particular businesses may not have been selected, but there is business representation on the CSC.

Ms. Loof referenced slide #9 regarding communities that were previously not designated by CARB and asked what the reason was. Ms. Farol replied it may have been due to limited resources available for implementation at that time. Ms. Loof indicated that organizations such as the Small Business Alliance are not allowed to be on the CSC due to no physical presence in those communities, even though they represent businesses located within those communities. Mr. Alatorre stated that this is a community-based program and participation on the CSC is limited to residents, businesses, organizations, and others located within the designated communities.

Mr. Rodriguez asked for clarification on communities designated for Year 1 implementation. Ms. Farol replied the communities listed were selected for Year 1 implementation. Mr. Rodriguez asked what the distinctions between Year 1 and Year 2 implementation are in terms of responsibilities for cities. Ms. Farol replied that Year 1 communities were designated in August/September of 2018 and the CSC process began in October 2018. Ms. Farol stated that following the formation of the CSC, the Community Emissions Reduction Plan (CERP) and Community Air Monitoring Plan (CAMP) were developed and are now being implemented. Ms. Farol further stated that two new communities have been selected by the Governing Board for Year 2 implementation and awaiting CARB designation. Mr. Rodriguez asked what the general community input or feedback were. Mr. Daniel Garcia replied that the concerns were unique to each community. The Wilmington/Carson/West Long Beach (WCWLBB) community concerns included emissions from refineries and port activity, the San Bernardino/Muscoy (SBM) community concerns included emissions from trucks and rails driven by the logistics activity, and the Boyle Heights/East Los Angeles/West Commerce (BHELAWC) community concerns included freeways, logistics-driven activities, and industrial facilities. Mr. Garcia further stated that each community was concerned about exposure reduction and were interested in the installation of air filters at schools, hospitals, and homes. The CERP includes a host of strategies and policies to address each of those types of air pollution sources. Mr. Rodriguez asked what the attendance at these meetings is like. Ms. Farol replied that approximately 30-35 CSC members in addition to public members attend these meetings. A typical meeting will have approximately 100 public members in the WCWLBB community, 60-70 public members in the SBM community, and 50-60 public members in the BHELAWC community.

Mr. Avila asked if a report will be available after everything is completed and if emissions monitoring and studies are done at closed plants. Mr. Garcia replied that there is a two-step process involving the reports for the AB 617 program. First, the Governing Board adopts the CERPs, which was done in September. Next, the CERPs are presented to CARB for approval, which is scheduled for March 2020. In the future, annual updates on the tracking of emissions reductions and implementation of strategies will be provided. Mr. Garcia asked Mr. Avila for clarification on the second question. Mr. Avila asked if the closing of the battery plant, Exide Technologies, resulted in negative emissions and if the air monitors are detecting that. Mr. Garcia replied that air monitoring data continues to be collected, but will defer this question to staff that are working in that area.

Mr. Todd Campbell asked for examples of the emissions reduction actions. Mr. Garcia replied that there are a host of strategies in each plan, which are unique to each community. One example is a commitment to future refinery rule development resulting in emissions reductions, particularly, a

reduction of nitrogen oxides (NOx) emissions from refineries by half within the next 10 years. Mr. Campbell asked if the commitment to reduce NOx emissions from refineries by half is based on an analysis to determine if it is achievable. Mr. Garcia replied that it is based on a preliminary analysis done by various teams, including Planning, Rule Development & Area Sources (PRDAS) and Compliance & Enforcement (C&E). The SBM community asserted that a number of trucks were idling for more than five minutes or within 100 feet of a school, in violation of CARB's idling rule. As result, a commitment was made to work closely with CARB to conduct enforcement sweeps, which is already being done by C&E. Mr. Campbell asked if the adopted measures are implemented in the designated communities or the entire region. Mr. Garcia replied it is a mixture of both. The idling rule is implemented statewide; however, the community indicated that they have witnessed violations in specific areas and asked for a commitment to focus on those areas.

Mr. Rodriguez asked if the three CERP drafts were adopted by the Governing Board. Mr. Garcia replied that each of the CERPs were adopted with one minor modification to address concerns relating to a transportation agency. Mr. Rodriguez asked for clarification on what the next steps are in the CERP approval process. Mr. Garcia replied that the Governing Board adopted three separate CERPs, each addressing concerns in a specific community. The next step is asking CARB to approve the adopted plans. The approval process includes hosting community meetings in January for additional input, publishing staff reports in February for review, and considering the plans in March for final approval. Mr. Rodriguez asked if the "plans" referred to the three CERPs adopted by the Governing Board and if more plans will be developed. Mr. Garcia stated that the adopted CERPs are for Year 1; the next step is to identify and develop CERPs for other communities for Year 2. Mr. Rodriguez asked if there will be more CERPs beyond Year 2. Mr. Alatorre replied that there will be more plans as this is a state mandate with no sunset date; however, it is dependent on funding.

Ms. Farol indicated that interest forms for the five new communities are available onsite and online.

Mr. Rodriguez asked if the adopted CERPs are still available for public comment since they are drafts. Mr. Garcia replied that the public comment period for the adoption of the CERP has ended; however, public comment may be provided to CARB on the approval of the CERPs. Additionally, comments regarding program implementation may be provided during CSC meetings.

Mr. Alatorre asked if Mr. Rodriguez would like information regarding how communities are selected for AB 617 implementation. Mr. Rodriguez stated that he wanted to reaffirm that stakeholders such as cities and businesses, particularly the City of San Bernardino, have an opportunity to engage in future meetings. Ms. Farol stated that the San Bernardino Transportation Authority is on the CSC. Additionally, there will be future quarterly CSC meetings in each community for existing and new members to discuss implementation of the CERPs. Mr. Rodriguez asked if business stakeholders are on the distribution list. Mr. Alatorre replied that there are businesses on the list, such as BNSF. Staff also reaches out to government and private sectors.

Supervisor V. Manuel Perez referenced a discussion of AB 617 and the selection of communities for Year 2 and stated support for the designation of the Coachella Valley. Supervisor Perez indicated that there were many questions relating to the AB 617 program and recommended staff to develop a 1-2 page summary to provide information including the process, steps after CARB approval, strategies, project descriptions, which communities are involved, and funding (availability, distribution formula and determination of funds).

Mr. Avila asked what happens if the cities, such as Carson, does not implement the approved CERP. Mr. Alatorre replied that these communities are very active and does not foresee them taking that approach as it is important to them that their concerns are addressed. Especially when there are resources and incentive programs available to do so. Mr. Garcia added that responsible organizations were identified in each plan, many of them are cities and local jurisdictions. CSC members who represented those organizations were asked to discuss the proposed commitments with their leaders to ensure that they are able to commit.

**Agenda Item #6 –Monthly Report on Small Business Assistance Activities**

No comments.

**Agenda Item #7 - Other Business**

Mr. Rothbart asked if a Public Safety Power Shutoff report is available and stated that there is a policy being developed and was interested on how it would impact permits. Mr. Alatorre stated that report may not be available. Additionally, it needs to be presented to a committee prior to the advisory group for discussion.

**Agenda Item #8- Public Comment**

No comments.

**Agenda Item #9 – Next Meeting Date**

The next regular Local Government & Small Business Assistance Advisory Group meeting is scheduled for Friday, November 8, 2019 at 11:30 a.m.

**Adjournment**

The meeting adjourned at 12:37 p.m.