



# South Coast Air Quality Management District

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## LOCAL GOVERNMENT & SMALL BUSINESS ASSISTANCE ADVISORY GROUP FRIDAY, SEPTEMBER 13, 2019 MEETING MINUTES

### MEMBERS PRESENT:

Supervisor V. Manuel Perez (Board Member)  
Mayor Pro Tempore Rachele Arizmendi, City of Sierra Madre  
Felipe Aguirre  
Paul Avila, P.B.A. & Associates  
Geoffrey Blake, Metal Finishers of Southern California  
LaVaughn Daniel, DancoEN  
John DeWitt, JE DeWitt, Inc.  
Bill LaMarr, California Small Business Alliance  
Eddie Marquez, Roofing Contractors Association  
Council Member Carlos Rodriguez, City of Yorba Linda  
David Rothbart, Los Angeles County Sanitation Districts

### MEMBERS ABSENT:

Council Member Ben Benoit, LGSBA Chairman (Board Member)  
Supervisor Janice Rutherford (Board Member)  
Todd Campbell, Clean Energy  
Mayor Cynthia Moran, City of Chino Hills  
Rita Loof, RadTech International

### OTHERS PRESENT:

Priscilla Hamilton, SoCalGas  
Cindy Parsons, Los Angeles Department of Water & Power  
Frank Prewoznik, Irvine Ranch Water District  
Andy Sylva, San Bernardino County  
Stacy Taylor, Mesa Water District  
Peter Whittingham, Whittingham Public Affairs Advisors  
Greg Wolffe, Yorke Engineering

### SOUTH COAST AQMD STAFF:

Derrick Alatorre, Deputy Executive Officer  
Philip Fine, Deputy Executive Officer  
Fabian Wesson, Assistant Deputy Executive Officer  
Sarah Rees, Assistant Deputy Executive Officer  
Nancy Feldman, Principal Deputy District Counsel  
Victor Yip, Sr. Enforcement Manager  
De Groeneveld, Sr. Information Technology Specialist  
Elaine-Joy Hills, AQ Specialist  
Van Doan, AQ Specialist

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

Supervisor V. Manuel Perez called the meeting to order at 11:31 a.m.

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

Supervisor Perez called for approval of the July 19, 2019 meeting minutes. The minutes were approved unanimously.

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

Mr. Derrick Alatorre stated that there are no follow-up or action items.

### **Agenda Item #4 – Proposed Amendments to Rule 1403: Asbestos Emissions from Demolition/Renovation Activities**

Dr. Sarah Rees provided an overview on the proposed amendments to Rule 1403 and a summary of staff activities.

Mr. Paul Avila asked what the purpose of asbestos use was. Dr. Rees replied that asbestos has good insulation and fire-proofing properties; however, there are associated health risks so it is being replaced by other materials.

Mr. David Rothbart commented that there is confusion regarding Rule 1403 applicability, particularly survey requirements. Mr. Rothbart expressed support for proposed amended Rule (PAR) 1403 and suggested a more streamlined surveying process. Dr. Rees stated that the survey requirements is part of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations so it cannot be waived. South Coast AQMD is open to discuss what constitutes an adequate survey; however, it needs to be consistent with the federal regulations. Mr. Rothbart referenced an asbestos procedure from Massachusetts and requested for similar flexibility regarding the survey requirements. Dr. Rees stated that the Environmental Protection Agency (EPA) determined that as-built plans are not considered adequate asbestos surveys. Dr. Rees speculated that the Massachusetts procedure may include other information in addition to the as-built plans.

Mr. Bill LaMarr asked if PAR 1403 will introduce extra steps, requiring contractors to obtain clearance from South Coast AQMD. Dr. Rees replied that PAR 1403 doesn't add any additional process steps, it clarifies existing requirements. Mr. LaMarr commented that collaboration with the planning departments is necessary for this rule to be enforceable. He added that planning departments must obtain clearance from South Coast AQMD if they are issuing permits for projects involving asbestos-containing materials. Mr. LaMarr asked how do-it-yourselfers are affected by PAR 1403 since they are unfamiliar with the requirements. Dr. Rees replied that this rule is not applicable to the building/planning departments; it is applicable to owners and operators. However, there has been conversation with those departments regarding notifying the owners and operators of applicable asbestos requirements. As for do-it-yourselfers, this rule is not applicable to homeowners performing the work themselves.

Mr. Carlos Rodriguez asked if there has been any recent correspondence with water districts regarding this rule and what the concerns are. Dr. Rees replied that there has been many meetings with a coalition of water districts regarding this rule. They are concerned about how this rule applies to underground pipes and would like to see separate work practices established. They are also concerned with survey requirements, which are part of the NESHAP regulations. Although, those requirements cannot be removed from the rule, other flexibilities introduced into the rule language will help make it more

practicable and achievable. Currently, there are work practices applicable to underground pipes, which are included in Procedure 3. South Coast AQMD is committed to working with water districts and others to address concerns, but is also ensuring that the minimal federal government requirements are met and work practices are safe. Mr. Rodriguez further asked if there will be an opportunity for the water districts to provide comments. Mr. Alatorre stated that some of the water district representatives have submitted comment cards and will have the opportunity to speak.

Mr. Rodriguez asked if cities have provided feedback and concerns. Dr. Rees replied that this rule applies to cities if they are performing the work themselves. PAR 1403 does not include additional requirements, it provides clarification and flexibility to existing requirements. Mr. Rodriguez asked if Orange County Council of Governments (OCCOG) provided input. Dr. Rees replied that OCCOG has not provided input, but cities and municipal water districts have. Mr. Alatorre added that this topic will be discussed at the next Stationary Source Committee meeting and stakeholders will have the opportunity to provide comments.

Mr. Rodriguez asked what input and concerns have been provided by commercial/industrial/residential groups. Dr. Rees replied that input were provided by the construction industry, particularly asbestos consultants as well as by water districts. One concern was that some of the requirements were ambiguous, the sampling provisions. The proposed amendments clarify those requirements. Mr. Rodriguez asked if the Orange County Division, League of California Cities (OCDLCC) provided input. Dr. Rees replied that OCDLCC has not provided input. Mr. Rodriguez asked if there is an opportunity for OCDLCC to provide input. Dr. Rees replied that staff could reach out to them.

Mr. Rothbart commented that there has been a lot of confusion on the applicability of the rule and suggested targeted outreach to those working with asphalt. Dr. Rees stated that asbestos was found in some asphalt samples tested. However, the results were not expected as asbestos is typically found in asphalt used in cold regions so staff is continuing to evaluate that issue to determine how to proceed.

Mr. Rodriguez asked if this rule applies to projects done by the Orange County Transportation Authority and if they provided input. Dr. Rees replied that this rule is applicable to renovation and demolition activities at facilities and its components, and does not apply to roadway activities. However, if there is evidence that asphalt contains asbestos, then it could be included in future rulemaking efforts to address exposure. Mr. Rodriguez asked if cities conducting general road repairs and maintenance are required to notify South Coast AQMD. Dr. Rees replied that this rule is applicable to renovation and demolition activities at facilities and its components and not to general roadwork. Mr. Rodriguez asked if additional time will be given for notifications. Dr. Rees replied there is a 10-day notification period for non-emergency projects. Mr. Rodriguez asked what the approval timeframe is. Dr. Rees replied that South Coast AQMD approval is not required for the established work practices. A quick response is provided for other cases not included in the established procedures. Mr. Rodriguez asked if the National Association for Industrial and Office Parks (NAIOP) provided comments. Dr. Rees replied no.

Mr. Avila asked where asbestos-containing materials are disposed. Dr. Rees replied they are disposed at hazardous waste landfills.

Public comments regarding this presentation are discussed in Agenda Item #8 – Public Comment section.

### **Agenda Item #5 – Complaint Reporting Process**

Mr. Victor Yip presented on South Coast AQMD's complaint reporting and response procedures.

Mr. LaMarr referenced the slide on Trends of Air Quality Complaints Received and asked what "spots" meant. Mr. Yip replied that "spots" refer to complaints of bee droppings. Mr. LaMarr further asked if the numbers included Assembly Bill (AB) 617 complaints. Mr. Yip replied that all complaints, including those in AB 617 communities, are included in the total numbers.

Mr. Eddie Marquez asked if South Coast AQMD records and responds to complaints regarding chemtrails and bee droppings, even if nothing could be done. Mr. Yip replied that all reported complaints are recorded and responded to.

Mr. Avila asked if complaints regarding past, temporary odor issues are recorded. Mr. Yip replied yes.

Mr. Geoffrey Blake asked if a geographical analysis has been done to show where complaints are being reported. Mr. Yip replied that maps have been created to show the location and concentration of complaints reported.

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

No comments.

### **Agenda Item #7 - Other Business**

Mr. Felipe Aguirre inquired about South Coast AQMD's lack of participation on the Exide Community Advisory Committee. Mr. Alatorre stated that Dr. Joe Lyou represented South Coast AQMD on that committee, however, since his departure, a replacement has not been assigned. Mr. Alatorre stated that South Coast AQMD maintains interaction with Department of Toxic Substance Control (DTSC) regarding Exide and will provide an update at the next meeting. Mr. Aguirre asked if the participant has to be a Governing Board (GB) member. Mr. Alatorre replied that previously, the GB chairman wanted a GB member to participate on the committee, but will ask if staff could also participate.

*Action Item: Provide Mr. Aguirre with an update on South Coast AQMD's participation on the Exide Community Advisory Committee.*

Ms. Rachelle Arizmendi commended staff on the success of the Environmental Justice Conference held on September 12, 2019.

### **Agenda Item #8- Public Comment**

Ms. Priscilla Hamilton commented on PAR 1403. Ms. Hamilton stated that additional asphalt test data should be evaluated to confirm the presence of asbestos. She indicated that cities, counties, and other stakeholders need to share the burden to address the asphalt issue and suggested the formation of an ad hoc working group to address the asphalt policy and other streamlining issues in Rule 1403. Ms. Hamilton added that SoCalGas would support a South Coast AQMD-led study to evaluate how widespread asbestos in asphalt is in the region.

Ms. Stacy Taylor commented on PAR 1403. Ms. Taylor stated that health and safety is a priority, Rule 1403 needs clarification, PAR 1403 is not expected to result in quantifiable emissions reductions, and asbestos must be properly handled. Ms. Taylor recommended the development of a pipe procedure specific to water/wastewater utilities, a small project exemption, and allowing the use of asbestos-

cement (AC) pipe craft workers for onsite surveys as approved by California Occupational Safety and Health Administration (Cal/OSHA). Ms. Taylor expressed support for a formation of a working group to address the asphalt issue.

Mr. Frank Prewoznik provided comments on PAR 1403. Mr. Prewoznik requested that South Coast AQMD clarify the type of survey required for materials known to not contain asbestos. Mr. Prewoznik stated that there is a legal mandate for the water district to provide an essential service and asked South Coast AQMD to consider that during the rulemaking process.

Ms. Cindy Parsons commented on PAR 1403. Ms. Parsons expressed support for the “call and go” exemption and the expanded definition for emergency renovation. Ms. Parsons suggested a more streamlined approach to demonstrate compliance with the asbestos survey requirement, such as using records. Ms. Parsons stated support for the development of a Procedure 6 for underground utility pipelines. She suggested analysis of asphalt samples to determine the disposal method instead of presuming they contain asbestos.

Mr. Greg Wolffe commented on PAR 1403. Mr. Wolffe stated that it is a challenge to regulate asphalt under Rule 1403, in its current form or as proposed. Mr. Wolffe added that asphalt is not a facility or a facility component, making Rule 1403 inapplicable. Therefore, the sampling, labeling, and disposal requirements for asphalt should be different from other asbestos-containing materials. Mr. Wolffe proposed that asphalt be excluded from Rule 1403 and be included in a separate rule.

Mr. Rothbart stated that this advisory group is not a body that makes decisions, rather one that provides recommendations to the GB. Mr. Rothbart encouraged the public to provide comments at the upcoming Stationary Source Committee meeting and to work with staff to achieve a resolution.

Mr. Rodriguez stated that all the speakers, including Ms. Hamilton and Ms. Taylor, requested to form an ad hoc working group and asked if it is possible for this group to encourage the formation of that type of working group. Mr. Alatorre replied that staff will determine if an ad hoc working group can be formed. Mr. Rodriguez agreed that it is determined by staff and asked if this group is able to formalize a recommendation. Ms. Nancy Feldman stated that she did not have a response and will conduct research. Mr. Rodriguez proposed a motion to support the formation of an ad hoc working group as highlighted by the speakers from SoCalGas, Mesa Water District, and others.

Mr. LaMarr stated that there have been occasions when the Home Rule Advisory Group wrote letters to the Stationary Source Committee to express support on particular issues. Dr. Philip Fine stated that the report from the Home Rule Advisory Group goes to the Stationary Source Committee for consideration and recommended that this group report to the Administrative Committee.

Ms. Rachelle Arizmendi stated that the advisory group could not take action on an item that is not actionable; however, the group could provide guidance to staff to consider the formation of an ad hoc working group.

Mr. Rodriguez pulled the motion and stated that the goal was to strongly encourage and provide direction to staff to consider the request to form an ad hoc working group.

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

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

**Adjournment**

The meeting adjourned at 1:05 p.m.