



South Coast Air Quality Management District

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LOCAL GOVERNMENT & SMALL BUSINESS ASSISTANCE ADVISORY GROUP FRIDAY, SEPTEMBER 11, 2020 MEETING MINUTES

MEMBERS PRESENT:

Council Member Ben Benoit, LGSBA Chairman (Board Member)
Supervisor Janice Rutherford (Board Member)
Mayor Pro Tempore Rachele Arizmendi, City of Sierra Madre
Paul Avila, P.B.A. & Associates
Geoffrey Blake, Metal Finishers of Southern California
Todd Campbell, Clean Energy
LaVaughn Daniel, DancoEN
Bill LaMarr, California Small Business Alliance
Rita Loof, RadTech International
Eddie Marquez, Roofing Contractors Association
David Rothbart, Los Angeles County Sanitation District

MEMBERS ABSENT:

Supervisor V. Manuel Perez (Board Member)
Felipe Aguirre
John DeWitt, JE DeWitt, Inc.

OTHERS PRESENT:

Mark Abramowitz
Tom Gross, Board Member Consultant (*Benoit*)
Dan McGivney, SoCal Gas
Andrew Silva, Board Member Consultant (*Rutherford*)

SOUTH COAST AQMD STAFF:

Jill Whynot, Chief Operating Officer
Derrick Alatorre, Deputy Executive Officer
Sujata Jain, Chief Financial Officer
Julie Prussack, Hearing Board Chair
Faye Thomas, Clerk of the Board
Jason Aspell, Assistant Deputy Executive Officer
Fabian Wesson, Assistant Deputy Executive Officer
Victor Yip, Assistant Deputy Executive Officer
Mark Henninger, Information Technology Manager
Michael Morris, Planning & Rules Manager
Lisa Tanaka O'Malley, Senior Public Affairs Manager

Uyen-Uyen Vo, Program Supervisor
Anthony Tang, Information Technology Supervisor
Van Doan, Air Quality Specialist
Elaine-Joy Hills, Air Quality Specialist
Paul Wright, Senior Information Technology Specialist

Agenda Item #1 - Call to Order/Opening Remarks

Supervisor Janice Rutherford called the meeting to order at 11:31 a.m.

Ms. Lisa Tanaka O'Malley provided guidelines and general instructions for participation in the remote meeting for the Local Government & Small Business Assistance Advisory Group (LGSBA) meeting via Zoom webinar and teleconference.

Agenda Item #2 – Approval of June Meeting Minutes/Review of Follow-Up/Action Items

Chair Ben Benoit called for approval of the August 14, 2020 meeting minutes. The minutes were approved unanimously.

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

Mr. Derrick Alatorre provided responses to the action items from the previous meeting and indicated that staff provided links to the advisory group members via email regarding past cost-effectiveness analyses and the 6th Environmental Justice Conference registration information.

Agenda Item #4 – Budget and Economic Outlook Update

Ms. Jill Whynot provided an update on economic information, revenue, expenditures, permitting activity, and fee review requests.

Mr. Bill LaMarr asked who the members of the Fee Review Committee (FRC) are. Ms. Whynot replied that the FRC is comprised of representatives from various departments, including Finance, Engineering & Permitting, Legal, Legislative, Public Affairs & Media, and Compliance & Enforcement; additional representatives are invited as needed. Mr. LaMarr asked if the FRC offers options other than payment plans. Ms. Whynot indicated that she served on the FRC in the past and most cases were related to billing errors, payment plan requests, or permit errors; therefore, there are cases in addition to payment plans. Mr. LaMarr indicated that there is a fee for reinstatement of expired permits and asked if the FRC has the authority to waive it or offer a forbearance program considering the current economic situation resulting from the coronavirus disease 2019 (COVID-19) pandemic. Ms. Whynot replied that the FRC does not have the authority to waive fees as specified in Rule 301. The annual renewal fees for small businesses such as dry cleaners, gas stations, and auto body shops are \$200-400 per year. Approximately 10% of potentially expired permits belong to small businesses and the FRC can waive the fees if there are errors caused or contributed by the South Coast Air Quality Management District (South Coast AQMD). Businesses are notified multiple times before the permits expire, including 1-2 phone calls and signature-required postal delivery, which is used to prove notification. Businesses also have the option to make fee payments using credit cards. Mr. LaMarr commended staff for assisting businesses with fee review requests.

Mr. Todd Campbell referenced slides #3-4 and commented that the port twenty-foot equivalent unit (TEU) throughput for the Ports of Los Angeles and Long Beach for July 2020 were notably high despite

the effects of COVID-19 pandemic on the economy and stated that staff should consider that aspect during indirect source rule development.

Agenda Item #5 – Getting to Know the Hearing Board

Chair Julie Prussack provided an overview of the South Coast AQMD’s Hearing Board.

Chair Benoit indicated that the presentation was very informative and recommended it to new Governing Board (GB) members.

Mr. LaMarr referenced slide #17 and asked for clarification on the definitions of “taking of a business” and “practical closing of a business.” Chair Prussack replied that there are two definitions specified in the California Health & Safety Code (H&SC). First, it is defined as the unreasonable taking of property, including lost profits, potential penalties for failure to conduct emissions testing, or time needed for equipment repair. Second, it is defined as the essential closing of a lawful business, which is the closing of the business resulting from variance denial. Mr. LaMarr asked if the definitions are in any written South Coast AQMD documents. Chair Prussack replied that the definitions are written in the H&SC and recited it.

Mr. David Rothbart stated hypothetically, if many wastewater treatment plants need to operate generators during power shutoff in exceedance of the maximum 200 allowable operating hours and asked if a group variance or group stipulated order for abatement are recommended. Chair Prussack replied that a group variance could be an option, which is one variance application for multiple entities; however, all entities must have in common all relevant facts needed for the six findings. In this case, the use of an individual generator is very specific; therefore, a group variance may not be the best option and an emergency or regular variance would be more appropriate. Mr. Rothbart asked if a stipulated order for abatement is a better option. Chair Prussack replied that orders for abatement are punitive and have ramifications beyond the Hearing Board and recommended seeking a variance if the violation is beyond the reasonable control of the entity. Mr. Alatorre stated that some back-up generator bills were introduced, but they did not make it out of the houses of origin; however, there were discussions regarding these bills with the water companies, California Municipal Utilities Association (CMUA), and hospitals. Mr. Alatorre suggested that staff contacts Mr. Rothbart to further discuss details of these bills, to which Mr. Rothbart agreed.

Action item: Contact Mr. Rothbart to discuss back-up generator bills.

Mr. Campbell commended and thanked Chair Prussack for her leadership of the Hearing Board.

Agenda Item #6 – Overview of Amended Rule 1407: Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations

Ms. Uyen-Uyen Vo provided an overview of the amended Rule 1407 revision of emissions standards, which applies to non-chromium metal melting operations.

Ms. Rita Loof asked how many facilities are impacted by this rule. Ms. Vo replied that approximately 60 facilities are impacted by this rule; however, a majority would qualify for one of the exemptions, including housekeeping, recordkeeping, and building enclosures. Ms. Loof asked what products are manufactured by these facilities. Ms. Vo replied the products include pure ingots, art and sculptures, and parts for different industries, including oil and well and aerospace industries.

Agenda Item #7 – Written Report

No comments.

Agenda Item #8 - Other Business

Mr. LaMarr requested a presentation on the California Air Pollution Control Officers Association (CAPCOA) and its involvement in the South Coast AQMD rulemaking process. Mr. Alatorre stated that CAPCOA is an association for all air pollution control officers in California and staff will seek guidance on the presentation request from Mr. Wayne Natri.

Action item: Agendize a presentation on CAPCOA.

Ms. Loof expressed support for the presentation request.

Agenda Item #9- Public Comment

None.

Agenda Item #10 – Next Meeting Date

The next regular Local Government & Small Business Assistance Advisory Group meeting is scheduled for Friday, October 9, 2020 at 11:30 a.m.

Adjournment

The meeting adjourned at 12:39 p.m.