

BOARD MEETING DATE: May 6, 2011

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the April 1, 2011 meeting.

RECOMMENDED ACTION:

Approve Minutes of the April 1, 2011 Board Meeting.

Sandra McDaniel,
Clerk of the Boards

dp

FRIDAY, APRIL 1, 2011

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, California. Members present:

William A. Burke, Ed.D., Chairman
Speaker of the Assembly Appointee

Mayor Dennis R. Yates, Vice Chairman
Cities of San Bernardino County

Supervisor Michael D. Antonovich (arrived at 9:15 a.m.)
County of Los Angeles

Supervisor John J. Benoit (arrived at 9:20 a.m.)
County of Riverside

Councilmember Michael A. Cacciotti (arrived at 9:15 a.m.)
Cities of Los Angeles County – Eastern Region

Ms. Jane W. Carney (arrived at 10:00 a.m.)
Senate Rules Committee Appointee

Supervisor Josie Gonzales
County of San Bernardino

Dr. Joseph K. Lyou
Governor's Appointee

Councilmember Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson (arrived at 9:25 a.m.)
County of Orange

Mayor Miguel A. Pulido
Cities of Orange County

Members Absent:

Councilmember Jan Perry
City of Los Angeles

Mayor Ronald O. Loveridge
Cities of Riverside County

CALL TO ORDER: There being only six Board Members present, Chairman Burke called the meeting of the Committee of the Board to order at 9:10 a.m.

- Pledge of Allegiance: Led by Dr. Lyou.
- Opening Comments

Dr. Lyou. Announced that he attended a public meeting cosponsored by the District and a member of the Long Beach City Council concerning zero emission technologies as an alternative to diesel rail operations and diesel container movement systems at the ports.

Supervisor Gonzales. Announced that she visited the Board-sponsored Lawn Mower Exchange event in the City of San Bernardino on March 19, 2011 and was impressed by the number of residents that turned out to exchange their old gas-powered mowers for new electric models and expressed her appreciation to the staff for their great work in organizing the event. She also announced that she stopped by the Leaf Blower Exchange event on March 26, 2011; and during the event a minimum of 450 leaf blowers were exchanged for new models for only \$200 per leaf blower, a savings of nearly \$270 per unit. She stated that she looked forward to future events, including the Clean Cities Program tour planned for April 21, 2011.

Board Members Antonovich and Cacciotti arrived at 9:15 a.m. during opening comments, at which time a quorum of Board Members were present and the Board meeting was convened.

- Presentation of Retirement Awards to Michael Rangel and Ranjit Vishwanath

Chairman Burke presented retirement awards to Michael Rangel, Purchasing Assistant in Finance, and Ranjit Vishwanath, Staff Specialist in Engineering and Compliance, in recognition of 33 years each of dedicated District service.

The Board also recognized the following employees for their years of service who were unable to attend the Board meeting: Fred Lettice, 35 years; Sally Songco, 34 years; Joyce Hill, 32 years; Hubert Wilson, 28 years; Ted Kowalczyk, 28 years; Sam Guo, 21 years; and John Levy, 12 years.

(Supervisor Benoit arrived at 9:20 a.m.)

CONSENT CALENDAR

1. Approve Minutes of March 4, 2011 Board Meeting
2. Set Public Hearings to Consider Amendments and/or Adoption to AQMD Rules and Regulations as follows:
 - (A). Set Public Hearing May 6, 2011 to Adopt Proposed Rule 1325 – Federal PM2.5 New Source Review Program
 - (B). Set Public Hearing June 3, 2011 to Amend Rule 1113 – Architectural Coatings

Budget/Fiscal Impact

3. Authorize Purchase of Maintenance and Support Services for Server Hardware and Software
4. Approve Transfer of Monies from General Fund to Health Effects Research Fund
5. Approve Issuance of Program Announcement for Locomotives and Rail Yard Emission Reduction Projects under FY 2008-09 “Year 2” Proposition 1B–Goods Movement Program

An errata sheet modifying the text in the Attachment 1, Program Announcement, Page 1 under Introduction was provided to the Board Members and copies made available to the public.

6. Approve Contract Award and Modification and Issue Solicitations for On-Road and Off-Road Engine Repower Programs under FY 2010-11 AB 2766 Discretionary Fund Work Program
7. Execute Contract for Demonstration of Stationary Fuel Cells at AQMD Headquarters
8. Amend Salary Resolution on AQMD Policy for Catastrophic Leave
9. Appropriate Funds and Authorize Entering into New Contract and Amending Existing Contract with Special Outside Counsel to Assist with Litigation Regarding SB 827 and AB 1318 and Internal Offset Accounts

Items 10 through 16 -- Information Only/Receive and File

10. Legislative & Public Affairs Report
11. Hearing Board Report
12. Civil Filings and Civil Penalties Report
13. Lead Agency Projects and Environmental Documents Received by AQMD
14. Rule and Control Measure Forecast
15. Report of RFPs and RFQs Scheduled for Release in April
16. Status Report on Major Projects for Information Management Scheduled to Start During Last Six Months of FY 2010-11

Dr. Lyou announced his abstention on Agenda Item 9.

MOVED BY GONZALES, SECONDED BY YATES, AGENDA ITEMS 1 THROUGH 16 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 11-11, AMENDING AQMD'S SALARY RESOLUTION TO AMEND ARTICLE 10, SECTION 45(g) – CATASTROPHIC LEAVE, ALLOWING DESIGNATED DEPUTY PARTICIPATION, AND PROVIDING AN ALTERNATIVE DONATION SCHEDULE, WITH THE MODIFICATION TO ITEM NO. 5 AS STATED IN THE ERRATA SHEET AND SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Antonovich, Benoit, Burke, Cacciotti, Gonzales, Lyou (*except Item #9*), Mitchell and Yates.

NOES: None.

ABSTAIN: Lyou (*Item #9 only*).

ABSENT: Carney, Loveridge, Nelson, Perry and Pulido.

Modification to Agenda Item No. 5

Add the underlined text to Attachment 1, Program Announcement, p. 1 as follows: "The result has been major health risks associated with high regional levels of ozone, toxic air contaminant, and fine particulate (PM_{2.5}) pollution."

17. Items Deferred from Consent Calendar – none.

BOARD CALENDAR

18. Administrative Committee

An errata sheet amending the sentence at the bottom of Page 5 of Attachment #6 to the March 11, 2011 Administrative Committee Report, January 28, 2011 Draft Environmental Justice Advisory Group Meeting Minutes, was provided to the Board Members and copies made available to the public.

19. Legislative Committee

20. Mobile Source Committee

21. Stationary Source Committee

22. Technology Committee

23. Mobile Source Air Pollution Reduction Review Committee

24. California Air Resources Board Monthly Report

MOVED BY YATES, SECONDED BY LYOU, THE BOARD APPROVED AGENDA ITEMS 18 THROUGH 24 AS RECOMMENDED, RECEIVING AND FILING THE BOARD COMMITTEES, MSRC AND CARB REPORTS, AND ADOPTING THE POSITIONS ON LEGISLATION AS SET FORTH BELOW, WITH THE MODIFICATION TO ITEM NO. 18 AS STATED IN THE ERRATA SHEET AND SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Antonovich, Benoit, Burke, Cacciotti, Gonzales, Lyou, Mitchell, Pulido and Yates.

NOES: None.

ABSENT: Carney, Loveridge, Nelson and Perry.

Bill/Title	Recommended Position
AB 638 (Skinner) Fuel Resources: State Energy Resources Conservation and Development Commission	Support
AB 650 (Blumenfield) Blue Ribbon Task Force on Public Transportation for the 21st Century	Support with Amendments
SB 209 (Corbett) Common Interest Developments: Electric Vehicle Charging Stations	Support
SB 410 (Wright) Energy: Public Interest Research, Development, and Demonstration Program	Support
SB 739 (Lowenthal) Ports: Congestion Relief: Air Pollution Mitigation	Support

Modify Agenda Item No. 18, March 11, 2011 Administrative Committee Report, to Amend the sentence at the bottom of Page 5 of Attachment #6, the January 28, 2011 Draft Environmental Justice Advisory Group Meeting Minutes, as follows:

“Chair Lyou added that there is a Children’s Health Study, which showed over time the damage to children’s lung capacity related to exposure to different air pollutants, and when they moved to cleaner air areas their lungs were ~~able~~ unable to regain the capacity.”

(Supervisor Nelson arrived at 9:25 a.m.)

Staff Presentation/Board Discussion

25. Report on Outreach Plan Regarding Hybrid Electric and Pure Electric Vehicles

Matt Miyasato, Assistant DEO of Science and Technology Advancement, gave the staff presentation outlining the District's public outreach efforts for mobile source emissions reduction. Based on the Board's urging, staff's work plan would include promotion of low-emission, high-efficiency passenger vehicles that include SULEV or better emissions to encourage energy diversity and provide the most air quality climate change benefits. The proposed work plan would include the expansion of existing programs, outreach through a variety of social media mechanisms, including Internet-based advertising, iPhone/iPad applications, and the use of social networking sites, as well as conventional outreach to local governmental agencies.

In response to Councilwoman Mitchell's suggestion that staff work with Southern California Edison (SCE) and local governments concerning electric vehicles, public outreach and residential retrofit for plug-in vehicles, Dr. Wallerstein confirmed that staff had recently met with SCE and discussed various issues, including public outreach efforts.

Dr. Miyasato added that staff plans to engage SCE, Los Angeles Department of Water and Power and other stakeholders for its Southern California electric vehicle collaborative that promotes plug-in electric vehicles.

Supervisor Gonzales suggested that staff work with the homebuilding industry to increase communications regarding the technological designs that will allow future residents to have accessible charging infrastructure in their homes for electric vehicles.

Mayor Pulido expressed concern for the high electricity costs the public currently incurs for charging alternatively-fueled vehicles and insisted that the utility companies must offer lower rates during off peak hours in order to facilitate widespread public cooperation.

Dr. Lyou noted that he received a reduced rate while fueling his natural gas vehicle because of an agreement customers can enter into when they use a natural gas fueling system. He also detailed the arduous process involved in receiving a permit to install the infrastructure and suggested that key city employees be trained in the process in order to expedite similar permit applications.

Supervisor Nelson agreed with his fellow Board Members and recommended that staff provide information on the District's website that would assist the public in making an informed decision regarding the cost and other implications of purchasing an alternatively-fueled vehicle.

Supervisor Benoit stressed that the economic advantages of using alternatively-fueled vehicles must be made clear to consumers in the District's promotion efforts.

Supervisor Gonzales suggested the need for a statewide outreach, rather than one that focuses solely on the Basin. She expressed agreement with Dr. Lyou's comments regarding the importance of facilitating the city permitting process for consumers to be able to install the needed infrastructure.

Mayor Pulido noted that the process to purchase and fuel these vehicles must be as simple and user-friendly as possible in order for consumers to select environmentally friendly vehicles.

Mayor Yates noted the importance of the District's role in promoting mass transit. He gave the example of a program in San Bernardino that utilizes AB 2766 funds to provide free bus passes for students to attend college. Further to comments regarding infrastructure in homes, Mayor Yates pointed out that the City of Chino's building code now requires new building structures with a chimney to have a natural gas line installed, and he encouraged fellow Board Members to promote similar changes in their municipalities.

RECEIVED AND FILED; NO ACTION NECESSARY.

(Ms. Carney arrived at 10:00 a.m.)

26. Amend Rule 1150.1 - Control of Gaseous Emissions from Municipal Solid Waste Landfills

Mayor Pulido left the meeting after announcing his abstention on Agenda Item No. 26 because Firm Green, Inc. is a source of income to him.

Jill Whynot, Director of Strategic Initiatives, gave the staff presentation. An errata sheet containing amendments to the rule language and an addition to the Resolution was distributed to Board members and copies made available to the public.

Dr. Wallerstein explained that the staff proposal and the letter recently received from CARB is sufficient to address the concerns of the operators and pointed out that CARB's landfill regulation is modeled after Rule 1150.1, and it therefore requires minimal additional compliance efforts for operators.

The public hearing was opened, and the following individuals addressed the Board on Agenda Item 26.

FRANK CAPONI, Los Angeles County Sanitation Districts
DAVID TIEU, Orange County Waste and Recycling
NOAH RAU, Riverside County Waste Management

Noted the potential hardship of complying with two separate landfill gas regulations as a result of the court ruling against CARB's Scoping Plan, and requested that the proposed rule amendment include language that states that the rule will not go into effect until CARB has an MOU and guidance document in place.

In response to the landfill operators' concerns, Dr. Wallerstein agreed that as part of the Board's adoption of the proposed amendments, language should be included to provide that CARB provisions would only become active upon the District receiving delegation authority, thereby relieving the landfill operators of complying with two separate rules; and if the CARB provisions are delayed as a result of the court ruling, the District would use enforcement discretion in enforcing the portions of the rule related to CARB's requirements. He pointed out that CARB was adamant about their rule remaining in effect and if the court were to set it aside, CARB would immediately file an appeal that would stay any injunction. He suggested that CARB's rule deadline be integrated with Rule 1150.1, and that if any conflicts arise the District will deal with them administratively. He further committed to working with CARB to resolve remaining issues.

There being no further public testimony on this item, the public hearing was closed.

Written Comments Submitted By:

Ellen M. Peter, Chief Counsel, Air Resources Board

Barbara Baird, District Counsel, offered proposed language that would add a new subdivision to Rule 1150.1 that provides for a written statement from CARB regarding the enforcement of the State Air Resources Board Landfill Rule being waived within the District in lieu of Amended Rule 1150.1.

In response to a question from Dr. Lyou, Dr. Wallerstein clarified that Appendix A would become the District's rule, along with the additional language that Ms. Baird provided.

Kurt Wiese, General Counsel, confirmed that the District has the authority to adopt the rule.

MOVED BY YATES, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 26 APPROVED, ADOPTING RESOLUTION NO. 11-12, CERTIFYING THE NOTICE OF EXEMPTION AND AMENDING RULE 1150.1 AS SET FORTH IN APPENDIX A TO PAR 1150.1 ONLY, WITH THE MODIFICATIONS TO THE RESOLUTION AND THE RULE AS STATED IN THE ERRATA SHEET AND SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Antonovich, Benoit, Burke, Cacciotti, Carney, Gonzales, Lyou, Mitchell, Nelson and Yates.

NOES: None.

ABSTAIN: Pulido.

ABSENT: Loveridge and Perry.

Add the following paragraph to page 3 of the Resolution:

“BE IT FURTHER RESOLVED, the AQMD Governing Board directs AQMD staff to report to the Stationary Source Committee annually regarding the use of alternative compliance plans under this rule.”

Delete the following language in what was previously distributed as Appendix A:

Appendix A

Rule 1150.1 Proposed Effective April 1, 2011

Effective April 1, 2011, the owner or operator of any active or inactive MSW landfill shall comply with either the provisions of subdivision (a) through (l) and Attachment A through Attachment C of Rule 1150.1 or the provisions of subdivision (a) through (l) and Attachment A through Attachment C of this appendix. Any MSW landfill owner or operator choosing to comply under this appendix shall notify the Executive Officer in writing prior to implementation and shall not be subject to any plan filing and evaluation fees pursuant to Rule 306 – Plan Fees for any revisions to Rule 1150.1 Compliance Plans submitted prior to April 1, 2012.

Undo strikeout of Rule adoption/amendment dates and Rule title in previously-identified Appendix A as follows:

(Adopted April 5, 1985)(Amended April 10, 1998)
(Amended March 17, 2000)(Amended February 4, 2011)
Proposed Effective April 1, 2011

**(Adopted April 5, 1985)(Amended April 10, 1998)
(Amended March 17, 2000)(Proposed Amended April 1, 2011)**

~~PROPOSED AMENDED RULE 1150.1. CONTROL OF GASEOUS EMISSIONS
FROM MUNICIPAL SOLID WASTE LANDFILLS~~

**PROPOSED AMENDED RULE 1150.1. CONTROL OF GASEOUS EMISSIONS
FROM MUNICIPAL SOLID WASTE LANDFILLS**

Add the following subdivision to Rule 1150.1:

“(m) The amendments to this rule adopted April 1, 2011 implementing the State Air Resources Board Landfill Rule Cal. Code Regs. Tit. 17 §95460 et seq. shall not become effective until the State Air Resources Board Executive Officer or designee provides a letter to the District stating that the enforcement of these requirements shall be in lieu of the State Air Resources Board rule, which shall not be enforced within the District.”

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

There was no public comment on non-agenda items.

CLOSED SESSION

The Board recessed to closed session at 10:35 a.m., pursuant to:

- (1) Government Code section 54956.9(a) to confer with its counsel regarding pending litigation which has been initiated formally and to which the District is a party, as follows:
 - Mary Woods v. SCAQMD, Orange County Superior Court Case No. 30-2009-0011788;
 - NRDC, et al. v. SCAQMD, et al., U.S. District Court Case No. CV08-05403 GW (PLAx) and U.S. Court of Appeals, Ninth Circuit, Case No. 09-57064;
 - NPCA v. SCAQMD, Court of Appeal, Fourth Appellate District, Division Three, Case No. G040122 and Supreme Court of California Case No. S177823;
 - W.M. Barr & Company, Inc. v. SCAQMD, Los Angeles Superior Court Case No. BS127359; and
 - Association of Irrigated Residents v. EPA, U.S. Court of Appeals, Ninth Circuit, Case Nos. 09-71383 and 09-71404.

(2) Government Code section 54957.6 to confer regarding upcoming labor negotiations with:

- designated representatives regarding represented employee salaries and benefits or other mandatory subjects within the scope of representation [Negotiator: William Johnson; Represented Employees: Teamsters Local 911 & SCAQMD Professional Employees Association]

and to confer with:

- labor negotiators regarding unrepresented employees [Agency Designated Representative: William Johnson; Unrepresented Employees: Designated Deputies and Management and Confidential employees].

Following closed session, General Counsel Kurt Wiese announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board and made available upon request.

ADJOURNMENT

There being no further business, the meeting was adjourned by General Counsel Kurt Wiese at 11:45 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on April 1, 2011.

Respectfully Submitted,

Rosalinda Diaz
Deputy Clerk Transcriber

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQIP = Air Quality Investment Program
AQMP = Air Quality Management Plan
CAA = Clean Air Act
CAPCOA = California Air Pollution Control Officers Association
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
FY = Fiscal Year
GHG = Greenhouse Gas
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
MOU = Memorandum of Understanding
NO_x = Oxides of Nitrogen
PEA = Final Program Environmental Assessment
PM₁₀ = Particulate Matter ≤ 10 microns
PM_{2.5} = Particulate Matter ≤ 2.5 microns
RECLAIM = Regional Clean Air Incentives Market
RFP = Request for Proposals
RFQ = Request for Quotations
SCAG = Southern California Association of Governments
SCR = Selective Catalytic Reduction
SIP = State Implementation Plan
SO_x = Oxides of Sulfur
SULEV = Super Ultra Low Emission Vehicle
U.S. EPA = United States Environmental Protection Agency
VOC = Volatile Organic Compound