

BOARD MEETING DATE: February 6, 2015

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the January 9, 2015 meeting.

RECOMMENDED ACTION:

Approve Minutes of the January 9, 2015 Board Meeting.

Sandra McDaniel,
Clerk of the Boards

SM:dg

FRIDAY, JANUARY 9, 2015

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

Mayor Michael D. Antonovich (left at 10:10 a.m.)
County of Los Angeles

Mayor Ben Benoit
Cities of Riverside County

Supervisor John J. Benoit
County of Riverside

Councilmember Joe Buscaino
City of Los Angeles

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

Supervisor Josie Gonzales (arrived at 9:15 a.m.)
County of San Bernardino

Dr. Joseph K. Lyou
Governor's Appointee

Councilmember Judith Mitchell
Cities of Los Angeles County – Western Region

Dr. Clark E. Parker, Sr.
Senate Rules Committee Appointee

Mayor Miguel A. Pulido
Cities of Orange County

Member absent:

Supervisor Shawn Nelson
County of Orange

CALL TO ORDER: Chairman Burke called the meeting to order at 9:05 a.m.

- Pledge of Allegiance: Led by Councilman Cacciotti.
- Opening Comments

Councilman Cacciotti. Noted that he had an opportunity to meet with students from Cal State L.A. and view their progress on the redesigning of a vehicle to be the ultimate in energy-efficiency, as part of the EcoCAR 3 program, an advanced vehicle technology competition among 16 colleges and universities across the nation.

Councilman Buscaino. Introduced a video that was made showing the SCAQMD gas lawnmower exchange for new electric models held in San Pedro on September 6, 2014.

In response to Mayor Pulido's inquiry about the process for replacing older batteries in the exchanged lawnmowers, Dr. Wallerstein explained that staff would provide a briefing to the Technology Committee on the subject.

(Supervisor Gonzales arrived at 9:15 a.m., during opening comments)

- Presentation of Retirement Awards to Bobby Mendoza and Richard Watson

Chairman Burke presented a retirement award to Bobby Mendoza, Supervising Air Quality Inspector, in recognition of 34 years of dedicated District service; and to Richard Watson, Supervising Air Quality Inspector, in recognition of 25 years of dedicated District service.

- Swearing In of Reappointed Board Member Ben Benoit

Chairman Burke administered the oath of office to Ben Benoit, who was reappointed to the Board by the Riverside County City Selection Committee, for a term ending January 15, 2019.

CONSENT CALENDAR

1. Approve Minutes of December 5, 2014 Board Meeting
2. Set Public Hearings March 6, 2015 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations
 - A. Amend Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities

Budget/Fiscal Impact

3. Execute Contracts to Conduct 2015 Lawn Mower Exchange Program and Transfer, Appropriate and Recognize Funds **E**
4. Issue RFP to Verify Inventory of Atmospheric Pressure Relief Devices at Refineries and Check for Existence of Refinery Fuel Supply Line(s) that Bypass Fuel Monitors
5. Amend Existing Contracts for Legislative Representation in Washington, D.C.
6. Airing SCAQMD Governing Board Monthly Meetings on Local Public Affairs Channels

Action Items/No Fiscal Impact

7. Approve Memorandum of Agreement Among Division of Oil, Gas, and Geothermal Resources, CARB and SCAQMD Regarding Well Stimulation Treatments and Well Stimulation Treatment – Related Activities
8. Resolution to Support in Concept Salton Sea Restoration and Renewable Energy Initiative

Items 9 through 15 - Information Only/Receive and File

9. Legislative and Public Affairs Report
10. Hearing Board Report
11. Civil Filings and Civil Penalties Report
12. Lead Agency Projects and Environmental Documents Received by SCAQMD
13. Rule and Control Measure Forecast
14. Report of RFQs Scheduled for Release in January
15. Report on Major Projects for Information Management Scheduled to Start During Last Six Months of FY 2014-15

Agenda Item Nos. 2, 3, 4, 6, 7, 8, 13 and 15 were withheld for discussion and comment.

MOVED BY BUSCAINO, SECONDED BY CACCIOTTI, AGENDA ITEMS 1, 5, 9 THROUGH 12 AND 14 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Parker and Yates.

NOES: None.

ABSENT: Nelson and Pulido.

16. Items Deferred from Consent Calendar -

2. Set Public Hearings March 6, 2015 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations
- A. Amend Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities

Susan Nakamura, Director of Strategic Initiatives, gave a presentation regarding the status of the proposed amendment to Rule 1420.1.

The following individuals addressed the Board on Item No. 2A.

Father John Moretta, Resurrection Church Boyle Heights, urged the Board to take any action that will reduce the amount of lead that is released into local communities, and noted that a lead emissions standard of zero should be the goal.

Tom Strang, Exide Technologies, noted that Exide is taking an active role in reducing emissions by installing \$15 million worth of equipment and implementing a process risk reduction program approved by SCAQMD. He added that they expect to start utilizing this equipment upon completion of the project in the spring.

Mike Buckantz, Quemetco, noted their ongoing commitment to utilizing the cleanest technology available and urged for a more

stringent standard that will make significant reductions in lead emissions.

Submitted Written Comments:

John D. Dunlap III, on behalf of Exide Technologies

Dr. Wallerstein explained that staff believes that changing the testing mechanism for ambient measurement and lowering the trigger for a violation and also ensuring a mediation plan is implemented in a timely manner, along with the lowering of the stack emission requirement, will have a great impact at this time. He added that once the performance of Exide's upgraded system can be assessed, additional rule amendments can be considered.

Councilwoman Mitchell expressed support for a timely amendment of the rule to control ambient emissions which directly affect neighboring communities, with the intention of possibly revisiting the standards once the results of Exide's system improvements can be measured.

Mayor Yates expressed dismay at how Exide has handled the process of coming into compliance with the current standards, and noted the need to continue to monitor them even after the completion of their current projects.

Dr. Lyou cautioned against setting standards based upon what the affected facilities indicate that they can meet and instead the Board should continue to focus on rulemaking that protects public health and reduces air pollution; commented on the clear authority the District has for developing stricter standards than those in place by state law or by CARB; noted the extremely adverse health impacts associated with lead exposure and the Board's responsibility to ensure that exposure to lead is limited as much as possible; and requested that staff return to the Board in six months for possible consideration of a more stringent standard.

Dr. Wallerstein replied that staff would ensure that the adopting resolution for the amended rule include language regarding bringing the rule back to the Board for additional amendments if such stricter limits are feasible.

MOVED BY YATES, SECONDED BY
PULIDO, AGENDA ITEM 2A APPROVED
AS RECOMMENDED, BY THE
FOLLOWING VOTE:

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

NOES: None.

ABSENT: J. Benoit and Nelson.

3. Execute Contracts to Conduct 2015 Lawn Mower Exchange Program and Transfer, Appropriate and Recognize Funds 

Jesse Marquez, Harbor Resident, addressed the Board expressing support for the continued funding of the Lawn Mower Exchange Program, from which he has directly benefited.

MOVED BY YATES, SECONDED BY PULIDO, AGENDA ITEM 3 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: J. Benoit and Nelson.

4. Issue RFP to Verify Inventory of Atmospheric Pressure Relief Devices at Refineries and Check for Existence of Refinery Fuel Supply Line(s) that Bypass Fuel Monitors

The following individuals addressed the Board on Item No. 4.

Drew Wood, California Kids IAQ, and Jesse Marquez, Coalition for a Safe Environment, suggested that the Board adopt a proposal that would require the refineries to pay for any costs associated with the inventory.

Dr. Tom Williams, Sierra Club, questioned whether some of the refineries have been able to bypass their meters and suggested that they be held criminally accountable for providing accurate drawings during the permitting process.

Dr. Wallerstein clarified that this project will be funded from a mitigation plan fund that refineries have paid into for excessive flaring.

Councilman Cacciotti expressed support for this type of control system in order to have an additional check-and-balance on refinery operations.

In response to Mayor Mitchell's inquiry about whether the drawings are in a digital format and about monitoring at the facilities, Mohsen Nazemi, DEO/Engineering and Compliance, responded that the drawings do come in various forms, but their accuracy is what is of concern. In regards to monitoring, there is continuous monitoring in place at refineries, but this method seeks to have an additional way to monitor the operations and will be especially helpful for areas that are inaccessible for inspectors.

Dr. Parker confirmed the importance of having additional monitoring available, and suggested this method be used on an ongoing basis, to ensure compliance by the refineries.

Dr. Wallerstein noted that the intent of this RFP is a one-time device/component inventory, but if the results indicate a need for additional inspections, staff would prepare an additional item for the Board's consideration.

MOVED BY LYOU, SECONDED BY
GONZALES, AGENDA ITEM 4 APPROVED
AS RECOMMENDED, BY THE
FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke,
Buscaino, Cacciotti, Gonzales,
Lyou, Mitchell, Parker, Pulido
and Yates.

NOES: None.

ABSENT: Antonovich and Nelson.

(Supervisor Antonovich left at 10:10, during discussion of Item No. 4.)

6. Airing SCAQMD Governing Board Monthly Meetings on Local Public Affairs Channels

Dr. Tom Williams, commented on the importance of airing the meetings throughout the Basin and suggested also having committee meetings and hearings available on public access channels.

Mayor Yates noted that the District's Media staff has been working diligently to get the meetings broadcast by reaching out to a multitude of public access channels and attempting to work around their requirements for length of the airing and other factors.

MOVED BY CACCIOTTI, SECONDED BY GONZALES, AGENDA ITEM 6 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Parker, Pulido and Yates.

NOES: None.

ABSENT: Antonovich and Nelson.

7. Approve Memorandum of Agreement Among Division of Oil, Gas, and Geothermal Resources, CARB and SCAQMD Regarding Well Stimulation Treatments and Well Stimulation Treatment – Related Activities

The following individuals addressed the Board on Item No. 7.

Dr. Tom Williams, Citizens Commission for a Safe Community, noted that the MOA is lacking a provision for public notifications and reporting and questioned whether H₂S would be monitored for and regulated; and also inquired about the enforceability of the agreement.

Yvonne Watson, Resident of Montebello, expressed concerns about the air quality as a result of the oil field in Montebello, how these well activities affect the health and livelihood of those in the community, as well as the lack of notification to neighboring residents; and urged the Board to consider regulating H₂S gas and methane.

Jesse Marquez, Coalition for a Safe Environment, requested that these provisions be part of the Title V permit process, so the community can access all of the information together; expressed a concern about the lack of sufficient notification to nearby residents prior to when drilling activities will occur.

Councilmember Buscaino confirmed that the wells are in close proximity to residents in Wilmington and noted that this MOA will help to address some of the concerns that have been raised.

Dr. Wallerstein explained that this item is now required under state law and it is intended to improve coordination between DOGGR and CARB and the local air districts, as well as to define our regulatory authority and to summarize a number of the current activities; and that the document does not affect the District's rules and regulations or authority over how to deploy staff. He added that within the next few months staff will be providing a report on the implementation of the Board's policies through Rule 1148.2 and the Board could, at that time, decide to strengthen notification requirements or other items as they see fit.

In response to Dr. Parker's question about the terms of the MOU, Dr. Wallerstein confirmed that the MOU is mandatory and there are provisions included regarding the potential need to renegotiate portions of it with DOGGR and CARB.

Councilman Cacciotti suggested the preparation of a quick reference sheet that could be distributed to the various municipalities to utilize when they receive inquiries regarding which agency to contact for a noise, odor or other complaint related to the drilling process.

Dr. Wallerstein confirmed that staff would prepare a document with that information for distribution as well as to be posted on the SCAQMD webpage.

In response to Dr. Lyou's request that staff communicate with Ms. Watson about the current odor complaint process, Dr. Wallerstein confirmed that they would do so, and also address her concern about methane by explaining the effort underway by CARB to further regulate methane.

Dr. Lyou commented on the importance of continuing to work on affordable community-based monitoring which would be a great asset in those communities that are experiencing concerns about the H₂S and methane levels.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM 7 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Parker and Yates.

NOES: None.

ABSENT: Antonovich, Nelson and Pulido.

8. Resolution to Support in Concept Salton Sea Restoration and Renewable Energy Initiative

Dr. Tom Williams, Sierra Club Water Committee, raised concerns about who will be responsible for a dust reduction program and mitigation measures at the Salton Sea.

MOVED BY CACCIOTTI, SECONDED BY GONZALES, AGENDA ITEM 8 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 15-01 SUPPORTING IN CONCEPT, THE SALTON SEA RESTORATION AND RENEWABLE ENERGY INITIATIVE, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Buscaino, Cacciotti, Gonzales, Lyou, Mitchell, Parker and Yates.

NOES: None.

ABSENT: Antonovich, Burke, Nelson and Pulido.

13. Rule and Control Measure Forecast

Dr. Tom Williams, Citizens Coalition for a Safe Community, urged that more meetings be scheduled and community outreach be performed regarding Rules 1148.1 and 1148.2.

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM 13 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Cacciotti, Gonzales, Lyou, Mitchell, Parker and Yates.

NOES: None.

ABSENT: Antonovich, Burke, Buscaino, Nelson and Pulido.

15. Report on Major Projects for Information Management Scheduled to Start During Last Six Months of FY 2014-15

Dr. Tom Williams expressed the need for more programs geared towards data management and reporting.

MOVED BY YATES, SECONDED BY CACCIOTTI, AGENDA ITEM 15 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Cacciotti, Gonzales, Lyou, Mitchell, Parker, Pulido and Yates.

NOES: None.

ABSENT: Antonovich, Buscaino and Nelson.

BOARD CALENDAR

17. Administrative Committee
18. Legislative Committee
19. California Air Resources Board Monthly Report

MOVED BY YATES, SECONDED BY MITCHELL, AGENDA ITEMS 17 THROUGH 19 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE AND CARB REPORTS, AND ADOPTING THE POSITIONS ON LEGISLATION AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Cacciotti, Gonzales, Lyou, Mitchell, Parker, Pulido and Yates.

NOES: None.

ABSENT: Antonovich, Buscaino and Nelson.

Agenda Item	Recommendation
H.R. 5101 (Hahn) National Freight Network Trust Fund Act of 2014	Develop Proposed Language and Return to Committee
H.R. 5624 (Lowenthal) Economy in Motion: The National Multimodal and Sustainable Freight Infrastructure Act	Support and Recommend Amendments

OTHER BUSINESS

20. Establish BP/SCAQMD Public Benefits Oversight Special Revenue Fund

Dr. Wallerstein explained that this action is to establish a secure account to hold leftover funds from a BP refinery settlement, as they no longer operate a refinery within the District.

MOVED BY YATES, SECONDED BY GONZALES, AGENDA ITEM NO. 20 APPROVED AS RECOMMENDED BY STAFF, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyou, Gonzales, Mitchell, Parker and Yates.

NOES: None.

ABSENT: Antonovich, Nelson and Pulido.

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

Linda Hess, Urban Harvester, highlighted her non-profit organization, based in South Pasadena, which facilitates feeding those in need by utilizing excess, edible food from local businesses, resulting in less food waste and less pollution by the transporting and disposal of such waste. She noted that in 2014, Urban Harvester redistributed 20 tons of food that would have otherwise ended up in landfills.

Jesse Marquez complained about the conduct of SCAQMD staff regarding a recent grant application process where his organization was eliminated from the project after spearheading a partnership with the SCAQMD and UCLA. He distributed a letter detailing the situation, and requested that the matter be investigated.

Chairman Burke requested that the legal staff investigate this matter and provide a response to Mr. Marquez and the Governing Board.

Drew Wood, California Kids IAQ, explained another situation where he felt staff did not effectively work with a public health organization and encouraged staff to work cooperatively with community members.

Allen Hernandez, Sierra Club
Marina Barragan, Sierra Club
Elijah Cervantes, Resident of Coachella Valley
Jason Martinez, Sierra Club
Selene Hernandez, Resident of Coachella Valley
Francisca Pliego, MEChA
Javier Vizcarra, Sierra Club

Addressed the Board regarding the development of the 2016 Air Quality Management Plan, stressing the need for the next AQMP to lead to better air quality for local communities and detailing their experiences with poor air quality, including the negative health effects suffered by their family members. They also expressed an interest in actively participating in the AQMP development process.

Chairman Burke thanked the attendees for their testimony and requested that they continue to take an active role in working with the agency and bringing areas of improvement to staff's attention.

Alberto Reyes Tovar, MECha, commented on the negative impact of goods movement on local communities and urged for the continued requirement for more environmentally-friendly trucks.

Councilwoman Mitchell noted that CARB recognizes the large impact that the Imperial County and Coachella Valley regions are subject to as a result of trucks traveling to California from Mexico, and is therefore working with Mexico to develop a Memorandum of Understanding to reduce those emissions.

Doelorez Mejia, Eastside Coalition Against Exide Toxic Technologies, urged the Board to enact the strictest possible standards under Rule 1420.1 and not allow Exide Technologies to operate until they have fully remediated toxic emissions. She added that after listening to previous comments about the upcoming AQMP, it is imperative that the Board ensures the next Plan includes measures that address notification, regulation and enforcement to work towards protecting local residents.

Dr. Lyou suggested that staff schedule a briefing in the Coachella Valley to receive input about any areas of concern to local residents, and to provide information on current issues pertinent to the region.

Supervisor Benoit expressed appreciation to those who traveled to the meeting to provide comments and noted that he would like to organize a visit to speak with students at Desert Mirage High School. He encouraged the community organizers to continue their involvement with the District by providing input and communicating their concerns to his office.

Supervisor Gonzales stressed the importance of providing ample and widespread notice of all AQMP working group meetings and also to schedule meetings in various communities in order to facilitate involvement from all stakeholders.

Dr. Tom Williams, noted the need for literature to be produced in Spanish as well as Spanish translators to be present at community meetings. He explained that the SR710 North Extension EIR/EIS is due to be released next week and he would like staff to review the pertinent portions related to air quality issues.

CLOSED SESSION

The Board recessed to closed session at 11:30 a.m., pursuant to Government Code sections:

- 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the SCAQMD is a party. The actions are:

People of the State of California, ex rel SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;

In re: Exide Technologies, Inc., U.S. Bankruptcy Court for the District of Delaware Case No. 13-11482 (KJC) (Bankruptcy case);

Friends of the Eel River v. North Coast Railway Authority, California Supreme Court Case No. S222472 (seek leave to file amicus brief); and

Petition for Declaratory Order by U.S. Environmental Protection Agency, Surface Transportation Board Docket No. FD 35803 (Railroad Rules).

- 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: SCAQMD Professional Employees Association].

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 Kurt Wiese at 11:55 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on January 9, 2015.

Respectfully Submitted,

Denise Garzaro
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
CNG = Compressed Natural Gas
DOGGR = Division of Oil, Gas, and Geothermal Resources
EIR = Environmental Impact Report
EIS = Environmental Impact Study
FY = Fiscal Year
RFP = Request for Proposals
RFQ = Request for Quotations
U.S. EPA = United States Environmental Protection Agency