

BOARD MEETING DATE: January 5, 2018

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the December 1, 2017 meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the December 1, 2017 Board Meeting.

Denise Garzaro  
Clerk of the Boards

DG

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**FRIDAY, DECEMBER 1, 2017**

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 Pro Tem Ben Benoit, Vice Chairman  
Cities of Riverside County

Supervisor Marion Ashley  
County of Riverside

Council Member Joe Buscaino  
City of Los Angeles

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

Supervisor Sheila Kuehl  
County of Los Angeles

Dr. Joseph K. Lyou  
Governor's Appointee

Mayor Pro Tem Larry McCallon  
Cities of San Bernardino County

Council Member Judith Mitchell  
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson (Arrived at 9:35 a.m.)  
County of Orange

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

Council Member Dwight Robinson  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

**CALL TO ORDER:** Chairman Burke called the meeting to order at 9:00 a.m.

- Pledge of Allegiance: Led by Dr. Lyou.
- Recognize Employees with Twenty, Twenty-Five, Thirty, Thirty-Five and Forty Years of Service

John Olvera, Assistant DEO/Administrative and Human Resources, read the names of the employees that have reached employment milestones.

Twenty Years: Robert Paud, Hoan Thai, Hari Janto, Donald Kho

Twenty-Five Years: David Madsen, Paul Wright

Thirty Years: Michael Cecconi, Cesar Garcia, Farah Milner, Nancy Velasquez, Jocelle Gamboa, Laurance Israel, Frederick Minassian, Matthew McKenzie, Thelma Merino, Lisa Ramos, Philip Barroca, Linda Dejbakhsh, Ali Ghasemi, Merrill Hickman, Tom Lee, Hamed Mandilawi, Kenneth Matsuda, Paul Park, Minh Pham, Ricardo Rivera, Carolyn Wiley, Susan Yan, Lisa Van Sornsen, Mark Von Der Au, Kimberly Bolander, Francisco Escobar, George Haddad, Kathryn Higgins, Scott Caso

Thirty-Five Years: Drue Hargis, Phillip Hubbard III, Shoreh Cohanin

Forty Years: Martha Argandona

Chairman Burke thanked the employees, on behalf of the Board, for their many years of dedicated service to the SCAQMD.

- Opening Comments

Council Member Robinson expressed appreciation for the opportunity to represent the Board on the Orange County Council of Governments. He announced that he attended the Tesla Semi Truck unveiling on November 16, 2017, and commented on the 500 mile range and cost competitiveness of the semi-truck. He noted that Mayor Pro Tem Mike Posey of Huntington Beach was at the meeting and asked if his public testimony could be heard at the beginning of the meeting.

Chairman Burke acknowledged Mayor Pro Tem Posey to provide public comments.

Mike Posey, Mayor Pro Tem, City of Huntington Beach, described the gas-like odors that residents in his city have been experiencing and asked the Board to assist in identifying the source of the odors. He added that the City of Huntington Beach has convened an ad hoc committee to address these complaints and has met with fire department officials as well as staff from the SCAQMD.

Council Member Robinson asked Mr. Nastri to update the Board on the efforts in Huntington Beach and Seal Beach.

Mr. Nastri responded that staff has been actively addressing coastal odor complaints and has had discussions with the Coast Guard, Harbor Police, U.S. EPA and CARB as part of a comprehensive plan for addressing the issue. The local fire departments have been trained in collecting samples using summa canisters and numerous samples have been collected. He commented that the transient nature of the odors is the biggest challenge, although it is believed that the odors are coming from offshore. He added that investigation into the source of the odors is ongoing.

Dr. Jason Low, Assistant DEO/Science and Technology Advancement, commented on the techniques for chemical analysis of samples and the various sources of data that are used to pinpoint the areas for investigation. He added that staff will use optical remote sensing technologies next week on both land and sea to assist in identifying the source(s) of odors.

Council Member Robinson encouraged staff to keep working to find resolution for this problem.

Mayor Cacciotti recognized SCAQMD Inspector Larry Israel for his testimony as a key witness in an asbestos contamination case that involved the Contractors State License Board and the Attorney General's office. He also commented on the 500-mile range of Tesla's semi-truck and technological advances in battery capacity.

Dr. Lyou commented on the low wind resistance factor in Tesla's semi-truck and the rapid advancements in battery technology which will contribute to increased mileage range for heavy-duty all-electric trucks. He added that the major car manufacturers are making investments in light-duty electric fleets as a result of technological advancements and lower costs.

Chairman Burke noted that Tesla has been successful in getting a good share of the car market and other manufacturers will follow with electric options.

Council Member Robinson commented on the importance of maintaining fuel neutrality and noted how technological advances in battery technology will change auto manufacturing in the future.

Mayor Pro Tem Benoit commented on the groundbreaking technological advances made by SpaceX and Telsa over the last five years.

Council Member Mitchell congratulated Council Member Buscaino on being elected as Second Vice President for the National League of Cities. She announced that she and Dr. Miyasato attended the press event for the Los Angeles Auto Show on November 29, 2017, and that she was impressed with the autonomous car demonstration and a new zero-emission vehicle powered by a hydrogen fuel cell and battery. She added that 40 new models of PHEVs and EVs will be introduced in the next couple of years. She also noted that she and Dr. Miyasato attended a discussion on efforts to connect the faith-based community to air quality issues and the EV market and suggested expanding the “Replace Your Ride” outreach, as well as other initiatives, through this community forum.

Mr. Nastri announced that the third annual environmental justice conference titled “A Conversation on Environmental Justice” would be held on December 2, 2017 starting at 8:30 a.m. at the Center at Cathedral Plaza in Los Angeles. He noted that Herb Wesson, President of the L.A. City Council, and many other speakers would be discussing environmental issues and outreach to EJ communities.

- Election of Chair for Term January 2018 – January 2020

The floor was opened for nominations.

COUNCIL MEMBER MITCHELL NOMINATED DR. WILLIAM A. BURKE, PRESENT CHAIR, TO SERVE AS CHAIR, MAYOR CACCIOTTI SECONDED THE NOMINATION. THERE BEING NO FURTHER NOMINATIONS AND NO OBJECTIONS, THE NOMINATIONS WERE CLOSED, AND THE BOARD BY UNANIMOUS VOTE (ABSENT: NELSON), RE-ELECTED DR. WILLIAM A. BURKE AS CHAIR FOR THE TERM JANUARY 15, 2018 THROUGH JANUARY 14, 2020.

Chairman Burke expressed his appreciation to the Board and that it would be an honor and privilege to continue serving as Chair.

- Election of Vice Chair for Term January 2018 – January 2020

The floor was opened for nominations.

MAYOR PRO TEM BENOIT NOMINATED DR. CLARK E. PARKER, SR. TO SERVE AS VICE CHAIR, COUNCIL MEMBER MITCHELL SECONDED THE NOMINATION. THERE BEING NO FURTHER NOMINATIONS AND NO OBJECTIONS, THE NOMINATIONS WERE CLOSED, AND THE BOARD BY UNANIMOUS VOTE (ABSENT: NELSON), ELECTED DR. CLARK E. PARKER, SR. AS VICE CHAIR FOR THE TERM JANUARY 15, 2018 THROUGH JANUARY 14, 2020.

(Supervisor Nelson arrived at 9:35 a.m.)

Chairman Burke thanked Mayor Pro Tem Benoit for his service as Vice Chair.

Dr. Parker expressed his great respect for Mayor Pro Tem Benoit and thanked the Board for their support.

### **CONSENT CALENDAR**

1. Approve Minutes of November 3, 2017 Board Meeting
2. Set Public Hearing January 5, 2018 to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations

Determine That Proposed Amendments to Rule 2001 – Applicability and Rule 2002 – Allocations for Oxides of Nitrogen (NOx) and Oxides of Sulfur (SOx) are Exempt from CEQA and Amend Rules 2001 and 2002

### **Budget/Fiscal Impact**

3. Recognize Revenue, Appropriate Funds and Execute Contract to Evaluate Potential Nationwide Economic Impacts of Federal Clean Air Investment Fund
4. Utilize Rule 1111 Rebate Funding and Incremental Mitigation Fee Funding and Issue RFP for Implementation of Consumer Rebate Program for Compliant Natural Gas-Fired, Fan-Type Central Furnaces
5. Execute Contract to Develop Thermal Management Strategy Using Cylinder Deactivation for Heavy-Duty Diesel Engines

6. Execute Contract to Develop and Demonstrate Near-Zero Emission-Opposed Piston Engine
7. Amend Contract for Tier 4 Passenger Locomotives
8. Adopt Resolution Recognizing Funds and Accepting Terms and Conditions for Funds Appropriated Under AB 134
9. Amend and Execute Technical Assistance Contracts for Implementation of Incentive Funding Programs
10. Amend Contract to Improve Online Application Database for Carl Moyer Program and Reimburse General Fund for Administrative Costs
11. Recognize Revenue and Appropriate Funds for 2017 Sensor Conference
12. Execute Contracts for Strategic Consulting Services and for Legislative Representation in Sacramento, California
13. Transfer and Appropriate Funds and Amend Contracts to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
14. Amend Provisions of SCAQMD's Salary Resolution and Labor Contracts with Teamsters Local 911 and SCPEA Relating to Vacation Leave Balances
15. Appropriate Funds and Authorize Amending Contracts with Outside Counsel and Specialized Legal Counsel and Services
16. Approve Contract Awards and Modification and Issue Solicitation Approved by MSRC

**Items 17 through 23 - Information Only/Receive and File**

17. Legislative, Public Affairs and Media Report
18. Hearing Board Report
19. Civil Filings and Civil Penalties Report

- 20. Lead Agency Projects and Environmental Documents Received by SCAQMD
- 21. Rule and Control Measure Forecast
- 22. Status Report on Major Ongoing and Upcoming Projects for Information Management
- 23. Annual Audited Financial Statements for FY Ended June 30, 2017

**BOARD CALENDAR**

- 25A. Administrative Committee
- 25B. Special Administrative Committee
- 26. Investment Oversight Committee
- 27. Stationary Source Committee
- 28. Technology Committee
- 29. Mobile Source Air Pollution Reduction Review Committee
- 30. California Air Resources Board Monthly Report

Dr. Lyou announced his abstention on Item No. 3 because Bay Area AQMD is a potential source of income to him; Item No. 5 because Cummins, Inc. is potential source of income to him; Item No. 6 because Sacramento Metropolitan AQMD is a potential source of income to him; Item No. 11 because Bay Area AQMD is a potential source of income to him and because of a contractual relationship between Sonoma Technology Inc. and his employer, the Coalition for Clean Air; and on Item No. 16 because Southern California Association of Governments (SCAG) and Better World Group are potential sources of income to him.

Council Member Buscaino noted that he serves on the Regional Council for SCAG which is involved with Item No. 16.



Mayor Pro Tem McCallon noted that he serves on the Board of Directors for the Southern California Regional Rail Authority (SCRRA) which is involved with Item No. 7; and noted that he serves on the Regional Council for SCAG which is involved with Item No. 16.

Council Member Mitchell noted that she is a board member of the CARB which is involved with Item Nos. 6 and 8; and serves on the Regional Council for SCAG which is involved with Item No. 16.

Council Member Robinson and Mayor Pro Tem Benoit noted that they serve on the Regional Council for SCAG which is involved with Item No. 16.

Supervisor Nelson noted that he serves on the Board of Directors for SCRRA which is involved with Item No. 7; and serves on the Regional Council for SCAG which is involved with Item No. 16.

Due to a number of requests to speak received on Consent Calendar items including agenda Items 2, 3, 4, 6, 7, 9, 12, 16 and 25B, the vote on the Consent Calendar was deferred until after those comments were made. Agenda Item 8 was withheld for comment and discussion.

Dr. Lyou left the room during discussion of the Consent Calendar items.

2. Set Public Hearing January 5, 2018 to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations

Determine That Proposed Amendments to Rule 2001 – Applicability and Rule 2002 – Allocations for Oxides of Nitrogen (NOx) and Oxides of Sulfur (SOx) are Exempt from CEQA and Amend Rules 2001 and 2002

Harvey Eder, Public Solar Coalition, urged the Board to consider immediate solar conversion plans and implementation. He added that NOx and SOx are precursors to PM, which is responsible for premature deaths.

3. Recognize Revenue, Appropriate Funds and Execute Contract to Evaluate Potential Nationwide Economic Impacts of Federal Clean Air Investment Fund

Mr. Eder commented that natural gas is being investigated as being toxic and urged the Board to research solar equity policies.

4. Utilize Rule 1111 Rebate Funding and Incremental Mitigation Fee Funding and Issue RFP for Implementation of Consumer Rebate Program for Compliant Natural Gas-Fired, Fan-Type Central Furnaces

Mr. Eder commented on the cost-effectiveness of solar and encouraged the Board to research solar thermal technologies.

6. Execute Contract to Develop and Demonstrate Near-Zero Emission- Opposed Piston Engine

Mr. Eder encouraged the Board to consider solar-powered trucks and solar equity for low to moderate income people. He encouraged rent to own options for solar conversion.

7. Amend Contract for Tier 4 Passenger Locomotives

Chairman Burke noted that he did not need to pull agenda Item 7 after all.

Mr. Eder commented that locomotives can be operated on solar power and urged the Board to consider awarding contracts to companies who support zero-emission options such as solar.

9. Amend and Execute Technical Assistance Contracts for Implementation of Incentive Funding Programs

Mr. Eder urged the Board to consider contracts that support total solar conversion and zero emission alternatives and cautioned against using natural gas. He commented that agenda materials should be available 72-hours in advance.

12. Execute Contracts for Strategic Consulting Services and for Legislative Representation in Sacramento, California

Mr. Eder urged the Board to consider contracts with lobbyists who endorse solar conversion and solar equity for low to moderate income people.

16. Approve Contract Awards and Modification and Issue Solicitation Approved by MSRC

Mr. Eder spoke against contracts for natural gas-powered vehicles and encouraged solar options.

25B. Special Administrative Committee

Mr. Eder inquired what Item No. 25B was in reference to.

Chairman Burke responded that this was a report of a special meeting of the Administrative Committee.

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEMS 1 THROUGH 7 AND 9 THROUGH 30 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 17-20 AMENDING SCAQMD'S SALARY RESOLUTION, AND RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

AYES: Ashley, Benoit, Buscaino, Burke, Cacciotti, Kuehl, Lyou (*except Items # 3, #5, #6, #11, and #16*), McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSTAIN: Lyou (*Items #3, #5, #6, #11 and #16*)

ABSENT: None

24. Items Deferred from Consent Calendar

8. Adopt Resolution Recognizing Funds and Accepting Terms and Conditions for Funds Appropriated Under AB 134

Mr. Eder noted that \$107.5 will go to the District for the Carl Moyer Program and cautioned against using funds for natural gas trucks. He urged support for solar, zero-emission and social equity alternatives.

Dr. Lyou expressed concern about trucking companies receiving incentive funding when they may be in violation of employment laws and/or labor practices. He asked if the District could research whether a certification statement from recipients of these funds could be required to state that they are in compliance with all state, federal and local laws.

Kurt Wiese, General Counsel, responded that staff would research the possibility of utilizing such language.

Council Member Buscaino concurred with Dr. Lyou's concerns and added that in the trade, travel and tourism committee that he chairs, he heard alarming testimony about the poor working conditions from port truckers. He stressed the importance of holding trucking companies accountable for abiding by labor laws.

Mayor Pro Tem McCallon requested that terms and conditions for incentive funding be included in the supporting documents for future board letters.

Mr. Nastri responded that they would be included in future board packages.

Chairman Burke expressed concern about grant recipients violating state laws in connection with contracts awarded by the District.

Mr. Wiese responded that, to the extent feasible, provisions can be added stating that labor laws shall be adhered to under the granting of these contracts.

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEM 8 APPROVED AS RECOMMENDED WITH THE DIRECTION TO STAFF TO INVESTIGATE CONTRACT PROVISIONS THAT REQUIRE GRANT RECIPIENTS TO ABIDE BY STATE, FEDERAL AND LOCAL LAWS, ADOPTING RESOLUTION NO. 17-21, RECOGNIZING FUNDS AND ACCEPTING THE TERMS AND CONDITIONS OF AB 134 GRANT AWARD, BY THE FOLLOWING VOTE:

AYES: Ashley, Benoit, Burke, Buscaino, Cacciotti, Kuehl, Lyou, McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSENT: None

## **PUBLIC HEARINGS**

31. Determine that Proposed Rule 1180 – Refinery Fenceline and Community Air Monitoring and Guidelines are Exempt from CEQA, Adopt Rule 1180, and Approve Guidelines

Supervisor Ashley announced his abstention on Item No. 31 because of a financial interest in Chevron and left the room during consideration of the item.

Michael Krause, Planning and Rules Manager, gave the staff presentation on Item 31.

Dr. Lyou asked why smaller refineries producing less than 40,000 barrels per day of crude oil, were being excluded from the rule and if they might be included in the future if conditions warrant.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources, explained that the rule primarily addresses large refineries that produce fuels for transportation and addresses community concerns regarding exposure to oil refinery emissions. The smaller facilities main purpose is to produce asphalt, and would require a different scale of monitoring. If needed, they could be included in future District regulations or programs for monitoring.

Mayor Cacciotti inquired about the background of AB 1647 and AB 617 and the District's efforts regarding remote sensing technologies.

Dr. Fine explained that both the SCAQMD and Bay Area AQMD have been working on open path remote sensing pilot and demonstration projects for many years, and the Bay Area AQMD passed requirements for fenceline refinery monitoring more than a year ago. During the District's rule development process, the state legislature developed and passed both bills and staff drafted the language in Rule 1180 in conjunction with the state mandates.

Supervisor Kuehl inquired whether pollutants that are not included in the rule specifically for fenceline monitoring could be included in the community plan, and whether naphthalene, methanol, phenol and mercury will be monitored.

Dr. Fine explained that he is not aware of any real-time monitoring methods for some of these pollutants and some require specialized equipment. He noted that the pollutants that are covered in the rule are the ones that are most related to refineries and have been identified by OEHHA as being of most concern to public health.

Supervisor Kuehl stated that these toxic pollutants should be monitored in the future, perhaps through community monitoring.

The public hearing was opened and the following individuals addressed the Board on Item 31.

Mayor Albert Robles, City of Carson, spoke in favor of Rule 1180 as it addresses public health issues and expressed the concerns of Carson residents who are impacted by poor air quality from refinery emissions. He added that provisions should be added to the rule that require action be taken when certain emission thresholds are continually exceeded. He also inquired about District grant funds that have been distributed to Torrance, Long Beach and other neighboring communities for projects such as air filtration systems at elementary schools.

Mr. Nastri explained the settlement funds from the ExxonMobil explosion was distributed to the city of Torrance under the settlement agreement because that community was most affected by the explosion.

Dr. Parker asked if the money received from the settlement was restricted to the Torrance community and whether staff could investigate if other monies are available for neighboring communities, such as Carson, who are also impacted by refinery emissions.

Mr. Nastri responded that funds collected as a result of excess flaring may be available to assist neighboring communities and the proposed rule addresses concerns by all communities impacted by refinery emissions. He added that Carson facilities have been instrumental in assisting in the deployment of new technology that addresses many of the concerns of the community.

Chairman Burke asked staff to summarize funding spent around all the refineries in the Basin.

Dr. Lyou commented on the significant investment that was made in the city of Carson with the catenary highway demonstration project and noted that other state funds, such as warehouse grants, may be available to assist the community.

Mr. Nastri commented that the SCAQMD acted as an administrator for the \$1.25 million that was awarded to Long Beach via U.S. EPA settlement monies and those funds were distributed in an equitable manner to the communities that were most impacted. Staff can work with U.S. EPA on future projects to explore where funds can be directed.

Council Member Mitchell noted that the Carson community is impacted by refineries, heavy freight movement and a large number of warehouses. She asked if staff could assist Carson in researching funds that are available from excess flaring penalties.

Al Sattler, Sierra Club, expressed support for Rule 1180 and noted the importance of monitoring hydrogen fluoride emissions. He also commented on the importance of EJ initiatives such as the EJ event that the District is hosting on December 2, 2017 in Los Angeles.

Alicia Rivera, Communities for a Better Environment, expressed support for Rule 1180 and commented on the importance of fenceline monitoring to assist in notifying the public of harmful emissions and to protect public health. She expressed appreciation to staff for working cooperatively with the public during the rule development process and noted concerns about smoke stack emissions that might not be detected by fenceline monitoring because of their height and the importance of having backup systems in place in the event of power outages or equipment breakdowns.

Maria Ramos, Wilmington resident, stressed the importance of public notification of unhealthy emissions from refineries and expressed appreciation to staff and the Board for the development of requirements for air monitoring and community notification. She requested public review of the facility air monitoring plans.

Mayor Cacciotti inquired about refinery stack emissions and whether they would be detected by fenceline monitors.

Mr. Nastri explained that fenceline monitoring primarily detects ground level emissions and asked Dr. Fine to respond regarding emissions at higher levels.

Dr. Fine explained that other types of monitoring are being considered, such as optical tent monitoring, which can detect emissions at higher levels. He added that community monitoring systems will detect pollutants that the community is being exposed to and community members will have the opportunity to comment on the location of monitors through a public process.

Dr. Robert LeMarle-Williams expressed support for the rule and noted concerns about the cumulative effects of harmful emissions from smaller refineries that are exempt from the rule.

Irene Burga Marquez, Environmental Defense Fund, expressed support for Rule 1180 as it is a vital part of a renewed effort to protect communities through access to high-quality and transparent data. She stressed the importance of providing an adequate public review process of monitoring plans submitted to the District and recommended that the review process occur longer than the 14-day period that is proposed. She added that Rule 1180 provides an essential step in improving local air quality and urged the Board to consider additional monitoring deployments for other oil and gas production sites in Southern California.

Nidia Urceg, C40 Cities, expressed support for the rule and stressed the importance of working collaboratively with other agencies during rulemaking. She added that monitoring systems should be considered for senior citizen and community centers that are frequented by members of the public.

Jack Eidt, So Cal 360 Climate Action, expressed support for the rule and stressed the importance of public notification of refinery emissions. He recommended community education workshops to inform the public of these new monitoring programs. He expressed concerns about biofuel industries being impacted by the same regulations and noted the differences in production methods.

Patty Senecal, Western States Petroleum Association, expressed support for the rule and noted that they have been actively engaged in the rulemaking process. She expressed appreciation to staff for resolving the technical issues in the rule and cost recovery guidelines.

Marta Segura, Center for Biological Diversity, spoke in support of the rule and the public process for determining locations for monitoring systems. She expressed concerns about the expansion of the Tesoro Refinery and the need for regulation of bio-fuel industries, as well. She added that the city of Wilmington also needs air filtration systems and additional resources.

Written Comments Submitted By:  
Eddie Marquez, Paramount Petroleum

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

Dr. Parker asked how many refineries have closed in the region within the last 10 to 15 years.

Mr. Nastri responded that to his knowledge there has only been one refinery closure in the last 15 years.

Dr. Lyou encouraged staff to expand the time provided for the public review process for monitoring systems.

Mr. Nastri responded that staff would expand the public review process to the maximum extent possible while meeting the statutory requirements of AB 1647.



MOVED BY MCCALLON, SECONDED BY LYOU, AGENDA ITEM NO. 31 APPROVED, ADOPTING RESOLUTION NO. 17-22, DETERMINING THAT PROPOSED RULE 1180 AND GUIDELINES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA, ADOPTING RULE 1180 — REFINERY FENCELINE AND COMMUNITY AIR MONITORING AND APPROVING GUIDELINES, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Buscaino, Cacciotti, Kuehl, Lyou, McCallon, Mitchell, Nelson, Parker, Robinson and Rutherford

NOES: None

ABSTAIN: Ashley

ABSENT: None

32. Certify Final Environmental Assessment and Amend Rule 1420 – Emissions Standard for Lead

Staff waived the oral presentation on Item No. 32.

The public hearing was opened and the following individual addressed the Board on Item 32.

Bill Pearce, The Boeing Company, expressed support for the rule amendments and appreciation to staff for amending the record keeping requirements.

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

MOVED BY NELSON, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 32 APPROVED, ADOPTING RESOLUTION NO. 17-23, CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1420 AND AMENDING RULE 1420 — EMISSIONS STANDARD FOR LEAD, BY THE FOLLOWING VOTE:

AYES: Ashley, Benoit, Burke, Buscaino,  
Cacciotti, Kuehl, Lyou, McCallon,  
Mitchell, Nelson, Parker, Robinson and  
Rutherford

NOES: None

ABSENT: None

33. Certify the Final Subsequent Environmental Assessment and Amend Rule 1466  
– Control of Particulate Emissions from Soils with Toxic Air Contaminants

Staff waived the oral presentation on Item No. 33.

The public hearing was opened and there being no requests to speak, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY NELSON,  
AGENDA ITEM NO. 33 APPROVED, ADOPTING  
RESOLUTION NO. 17-24, CERTIFYING THE FINAL  
SUBSEQUENT ENVIRONMENTAL ASSESSMENT  
FOR PROPOSED AMENDED RULE 1466 AND  
AMENDING RULE 1466 – CONTROL OF  
PARTICULATE EMISSIONS FROM SOILS WITH  
TOXIC AIR CONTAMINANTS, BY THE FOLLOWING  
VOTE:

AYES: Ashley, Benoit, Burke, Buscaino,  
Cacciotti, Kuehl, Lyou, McCallon,  
Mitchell, Nelson, Parker,  
Robinson and Rutherford

NOES: None

ABSENT: None

#### **OTHER BUSINESS**

34. Amend Governing Board Meeting Procedures

Kurt Wiese, General Counsel, gave the staff presentation on Item 34.

Chairman Burke inquired if the maximum public speaking time of three minutes was limited to consent calendar items only.

Mr. Wiese responded that the three minute maximum speaking time applies to Consent and Board Calendar items.

Council Member Buscaino asked staff if his understanding was correct that members of the public will be given a maximum of three minutes for all items that an individual may wish to testify about on the consent and board calendars and an additional three minutes for non-agendized items under the public comment period of the agenda.

Mr. Wiese confirmed that understanding and added that three minutes are also allocated for each of the public hearing items on the agenda.

Supervisor Rutherford explained that the speaking times permitted for the County of San Bernardino meetings provide a maximum of three minutes for consent and board calendar items, but if an item is pulled by a Board Member from the consent calendar for discussion then a speaker can be allotted an additional three minutes to speak on each of the pulled items.

Supervisor Kuehl asked if an item is pulled from the consent calendar if it was no longer considered a consent calendar item and whether an additional three minutes of time would be permitted. She added that sometimes there are 20 or more items on the consent calendar and the new guidelines state that an individual will be limited to speaking on multiple items within the three minute limitation. She added that a total cap of twelve minutes per person is applied for the entire meeting, but the Chair has discretion to extend that time if there are a large number of items on the agenda. She recommended a similar procedure for SCAQMD Board meetings.

Mr. Wiese responded that an item on the consent calendar would remain a consent calendar item and the aggregate three minute time limitation would apply even if the item is pulled.

Supervisor Nelson commented that the County of Orange has adopted similar guidelines for their meetings and has found that public participation has increased and the comments provided remain relevant and succinct. He added that the public comments section is at the beginning of the meeting and allows for a more time efficient means of giving public testimony. He commented that he supports the flexibility within the procedures to allow for Chairman's discretion as needed.

Dr. Lyou commented that he supports the comments made by fellow Board Members and indicated his preference for keeping the procedure for submittal of public comment cards as is currently in place to be before or during consideration of an item.

Supervisor Kuehl clarified that she is in support of the proposed changes and added that it is important to provide an efficient process for the public to provide testimony.

Dr. Parker expressed concern with using the word “pull” and whether another term might be clearer to the public.

Council Member Buscaino commented that speaking limits are necessary in order to effectively operate meetings and asked if speakers who speak off topic will be removed from meetings or forfeit their time to speak.

Mr. Wiese responded that depending on the circumstance, an admonition and warning from the Chair would be appropriate, and if the individual persists, they would be warned again to stay on topic or risk being removed from the meeting.

Chairman Burke called on Mr. Eder to speak on Item 34, as he had submitted a request to speak card on the item. Mr. Eder stated that he did not wish to testify on the item.

Supervisor Rutherford inquired about whether the revised procedures apply to the portion of the procedures that addresses changes to rule language subsequent to the issuance of the 30-day public notice of the hearing necessitating continuance to a future meeting.

Mr. Wiese stated that language for continuance of items has not changed and originates from a section of the Health and Safety Code that applies specifically to the District. He added that a recent lawsuit may require amendments to the application of procedures and any recommendations for changes would be brought back to the Board for consideration.

MOVED BY KUEHL, SECONDED BY BUSCAINO,  
AGENDA ITEM NO. 34 APPROVED, ADOPTING  
RESOLUTION NO. 17-25, AMENDING  
PROCEDURES FOR MEETINGS OF THE SCAQMD  
BOARD, BY THE FOLLOWING VOTE:

AYES: Ashley, Benoit, Burke, Buscaino,  
Cacciotti, Kuehl, Lyou, McCallon,  
Mitchell, Nelson, Parker,  
Robinson and Rutherford

NOES: None

ABSENT: None

**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.

Supervisor Kuehl noted that this would be her last meeting as she would be assuming the role of Chair of the Los Angeles County Board of Supervisors and expressed appreciation to her fellow Board Members and staff for their dedication to clean air issues.

**CLOSED SESSION**

The Board did not meet in closed session.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Chairman Burke 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 December 1, 2017.

Respectfully Submitted,

Denise Garzaro  
Clerk of the Boards

Date Minutes Approved: \_\_\_\_\_

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Dr. William A. Burke, Chairman

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## **ACRONYMS**

CARB = California Air Resources Board

CEQA = California Environmental Quality Act

DEO = Deputy Executive Officer

EJ = Environmental Justice

EV = Electric Vehicle

FY = Fiscal Year

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NOx = Oxides of Nitrogen

OEHHA = Office of Health Hazard Assessment

PHEV = Plug-In Hybrid Electric Vehicle

PM = Particulate Matter

RFP = Request for Proposals

SOx = Oxides of Sulfur

U.S. EPA = United States Environmental Protection Agency