

BOARD MEETING DATE: December 6, 2019

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the November 1, 2019 meeting.

RECOMMENDED ACTION:

Approve Minutes of the November 1, 2019 Board Meeting.

Carole M. Wayman
Senior Deputy Clerk

CMW

FRIDAY, NOVEMBER 1, 2019

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

Council Member Ben Benoit, Vice Chairman
Cities of Riverside County

Supervisor Lisa A. Bartlett (Arrived at 9:50 a.m.)
County of Orange

Council Member Joe Buscaino
City of Los Angeles

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

Supervisor Janice Hahn
County of Los Angeles

Mayor Pro Tem Larry McCallon
Cities of San Bernardino County

Mayor Judith Mitchell
Cities of Los Angeles County – Western Region

Council Member Dwight Robinson
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Members absent:

Senator Vanessa Delgado (Ret.)
Senate Rules Committee Appointee

Supervisor V. Manuel Perez
County of Riverside

Vacant: Governor's Appointee

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

- Pledge of Allegiance: Led by Council Member Cacciotti.
- Opening Comments

Supervisor Rutherford asked if Rule 1111 would be placed on the rule and control measure forecast schedule. Temperatures are dropping in high elevation communities and there is an urgent need to allow the installation of replacement furnaces. She commented that three manufacturers had recently obtained variances from the Hearing Board and expressed concern about the complex and expensive process. She read a letter from the County of San Bernardino Health Officer regarding public health concerns related to the lack of proper heating for the elderly and those with health conditions. She urged the Board to place the rule amendment on the December meeting agenda.

Mr. Nastri noted that Rule 1111 had been placed on the rulemaking calendar and will appear on the December rule and control measure forecast report. He added that the Hearing Board is aware of the gravity of the situation and has been working with manufacturers through the variance process. Staff will continue to work with manufacturers and stakeholders to address concerns and identify solutions. He explained the CEQA and noticing requirements for a rule amendment and noted that staff would discuss options that can be taken to expeditiously consider a rule amendment.

Chairman Burke and Mayor Pro Tem McCallon concurred with Supervisor Rutherford about the urgency in amending the rule. Chairman Burke inquired about emergency actions that can be taken when there is a public health risk.

Barbara Baird, Chief Deputy Counsel explained that there may not be enough time to meet newspaper publication deadlines and CEQA notifications for the December 6, 2019 Board meeting. However, staff could explore the potential to schedule a special Board meeting later in December.

Chairman Burke confirmed that a special meeting would be scheduled if necessary and recommended that a short-term committee be formed to address this issue.

Supervisor Rutherford noted that several individuals were present to speak on this issue and asked if their public testimony could be taken at the start of the meeting.

Chairman Burke responded that public testimony regarding furnaces would be taken after Dr. Black's presentation.

Mr. Nastri updated the Board on the recent wildfires and highlighted the efforts by staff, including working with news organizations, to ensure that the public receives information about air quality and actions they can take when smoke is present and fires are burning. He also invited those present to view a demonstration in the parking lot of an ultra-low NOx liquid propane-powered school bus and heavy-duty truck. He noted the importance of utilizing advanced technologies to meet air quality attainment goals.

Council Member Cacciotti expressed appreciation to staff for their efforts for the Clean Air Awards. He also mentioned a CARB study addressing heavy-duty truck emissions in the Port of Oakland and asked that the study be agendaized for a future meeting. He noted that 10 percent of the trucks in the study were contributing to 56 percent of diesel particulate emissions. He expressed concern about the small number of enforcement stops by CHP and individuals who are illegally bypassing emission testing. He inquired about heavy-duty truck enforcement measures and commented on the recent passage of SB 210.

Mr. Nastri responded that SB 210 addresses the issue of heavy-duty truck emissions at the registration level and includes enhanced enforcement measures. He added that within AB 617 and the CERPS, there was a commitment by South Coast AQMD and CARB to enhance enforcement of truck idling and utilize other measures such as automatic license plate readers to identify trucks that are polluting. He added that staff has contacted the San Diego Air Pollution Control District regarding their efforts to work with the CHP on enforcement measures.

Mayor Mitchell noted that CARB is understaffed with respect to enforcement of heavy-duty trucks. She reported on recent developments at the September CARB meeting regarding cap-and-trade funding. She noted that CARB approved HVIP funding for the low-NOx 12 liter heavy-duty truck with the condition that renewable natural gas produced in California be used. She asked how propane low-NOx trucks would be impacted.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, noted that propane low-NOx trucks would not be impacted because their engines are smaller than 12 liters.

Council Member Robinson expressed appreciation to staff regarding the outreach to the public regarding the recent fires. He expressed concern about large power shutdowns and the impacts to air quality. He inquired about the permitting of generators and asked if there have been any noticeable changes in emissions during fire events due to the increased use of generators.

Mr. Nastri commented that staff recently met with CARB enforcement officials about the increased number of generators that are being brought into the state. He noted that generators must meet state requirements and CARB will be

working vigorously on enforcement. Staff will continue to meet with CARB and other agencies to monitor the potential air impacts and work to alleviate air pollution increases during public safety power shutoffs. He added that microgrid concepts are being considered, however, the time frame to perform the necessary upgrades is 5 to 10 years. He noted that San Diego made prior investments into switching grid redundancy and is better prepared for power shutoffs. Staff will continue public outreach and highlight options that can be used that will not adversely impact air quality.

Mayor Mitchell commented about the use of diesel back-up generators by water districts. She noted the importance of the back-up generators because many of the water districts are providing water for firefighting efforts.

- Presentation on Activation of Pro-Inflammatory Factors in the Brain after Chronic Brain Injury by Air Pollutants

Keith L. Black, M.D., Cedars-Sinai Medical Center, presented information regarding research focused on injuries to the brain after chronic exposure to air pollutants.

Chairman Burke thanked Dr. Black on behalf of the Board for his presentation and noted the importance of continued research into the health effects of air pollution.

(Supervisor Bartlett arrived at 9:50 a.m.)

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

Kory Griggs, Indoor Weather HVAC
Mike Marcotte, M&M Mechanical
Kirk Avarell, Cantrell's Heating and Air

Expressed concerns regarding the lack of compliant furnaces in high elevation communities and urged an amendment to Rule 1111. They noted concern about the time and resources required to obtain a variance and the amount of time necessary to test furnaces in high elevation communities to ensure safety and readiness for the market. There are safety and health concerns for residents in high elevation communities.

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- Election of Chair for Term January 2020 – January 2022

The nominations for Chair for the term January 2020 – January 2022 were opened. Mayor Pro Tem McCallon nominated Dr. Burke, Council Member Cacciotti seconded the nomination and the motion passed unanimously (Absent: Delgado and Perez).

- Election of Vice Chair for Term January 2020 – January 2022

The nominations for Vice Chair for the term January 2020 – January 2022 were opened. Mayor Pro Tem McCallon nominated Council Member Benoit, Council Member Cacciotti seconded the nomination and the motion passed unanimously (Absent: Delgado and Perez).

CONSENT CALENDAR

1. Approve Minutes of October 4, 2019 Board Meeting
2. Set Public Hearings December 6, 2019 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations
 - A. Determine That Proposed Rule 1480 – Ambient Monitoring and Sampling of Metal Toxic Air Contaminants, Is Exempt from CEQA and Adopt Proposed Rule 1480
 - B. Determine That No New Environmental Document Is Required Under CEQA for the Contingency Measure Plan for the 1997 8-Hour Ozone Standard, and Approve Contingency Measure Plan for the 1997 8-Hour Ozone Standard

Budget/Fiscal Impact

3. Establish Special Revenue Fund, Recognize Revenue and Transfer Funds, and Execute Agreements to Develop and Demonstrate Water-in-Fuel Retrofit Technology for Ocean-Going Vessels
4. Recognize Revenue, Transfer Funds, Amend Contracts for Enhanced Fleet Modernization Program and Reimburse General Fund for Administrative Costs
5. Execute Agreements to Establish Endowments to Support Graduate Student Scholarship Fund

6. Approve Additional Funds for Replacement of Onboard CNG Fuel Tanks on School Buses and Authorize Execution of Grant Agreements
7. Recognize Revenue, Appropriate Funds, and Issue Solicitations and Purchase Orders for Air Monitoring Programs
8. Amend Contracts for Legislative Representation in Sacramento, California
9. Amend Contracts for Legislative Representation in Washington, D.C.
10. Approve Contract Modifications as Approved by MSRC

Action Item/No Fiscal Impact

11. Establish Board Meeting Schedule for Calendar Year 2020

Items 12 through 19 – Information Only/Receive and File

12. Legislative, Public Affairs and Media Report
13. Hearing Board Report
14. Civil Filings and Civil Penalties Report
15. Lead Agency Projects and Environmental Documents Received
16. Rule and Control Measure Forecast
17. Report of RFPs/RFQQs Scheduled for Release in November
18. Status Report on Major Ongoing and Upcoming Projects for Information Management
19. Approve Annual Report on AB 2766 Funds from Motor Vehicle Registration Fees for FY 2017-18

BOARD CALENDAR

21. Administrative Committee
22. Legislative Committee
23. Mobile Source Committee
24. Mobile Source Air Pollution Reduction Review Committee
25. Stationary Source Committee
26. Technology Committee
27. California Air Resources Board Monthly Report

CARB's meeting summary was not available, and therefore, Item 27 was pulled from consideration.

Agenda Items 2A, 5, 11 and 19 were withheld for comment and discussion.

Mayor Mitchell noted that she is a CARB Board Member which is involved with Item No. 4.

MOVED BY BENOIT, SECONDED BY MITCHELL, AGENDA ITEMS 1, 2B, 3, 4, 6 THROUGH 10, 12 THROUGH 18 AND 20 THROUGH 26 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE AND MSRC REPORTS, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Hahn, McCallon, Mitchell and Robinson

NOES: None

ABSENT: Delgado, Perez and Rutherford

20. Items Deferred from Consent Calendar

2. Set Public Hearing December 6, 2019 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations:

A. Determine That Proposed Rule 1480 – Ambient Monitoring and Sampling of Metal Toxic Air Contaminants, Is Exempt from CEQA and Adopt Proposed Rule 1480

Susan Nakamura, Assistant DEO/Planning, Rule Development and Area Sources, provided background information on Item No. 2A, which would require some facilities to pay for air monitoring if certain criteria are met.

Jerry Desmond, Wesley Turnbow and Brian Leiker, Metal Finishing Association of Southern California, noted that they are not opposed to the rule but have concerns regarding cost, especially for small businesses. They expressed the need for additional work on the rule to address the concerns raised by the business community.

Mr. Nastri noted that the item is a set hearing and staff will continue to work with stakeholders throughout the next month.

Mayor Mitchell asked if the item will return to Stationary Source Committee in November and asked staff to continue to work with stakeholders to address the cost impact to small businesses. She commented on the toxic nature of hexavalent chromium and the need to protect the community from harmful emissions.

Dr. Philip Fine, DEO/Planning, Rule Development and Area Sources responded that the item will return to Stationary Source Committee for an update in November prior to being considered by the full Board at the December 6, 2019 meeting.

Council Member Cacciotti inquired if both large and small businesses would be covered by the rule and asked where these facilities are primarily located.

Ms. Nakamura responded that the rule applies to all facilities that have metal toxic air contaminant emissions and added that there are a variety of different sized facilities. Only certain facilities would be required to do air monitoring and staff is working on a proposal to help small facilities. Dr. Fine added that these facilities tend to cluster in five to ten areas in the South Coast District.

Supervisor Hahn commented on the hexavalent chromium facilities in Paramount that were emitting high levels of toxic emissions and expressed the need to monitor emissions and protect public health.

MOVED BY BENOIT, SECONDED BY
CACCIOTTI, AGENDA ITEM NO. 2A
APPROVED, SETTING THE HEARING AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino,
Cacciotti, Hahn, McCallon,
Mitchell, Robinson and Rutherford

NOES: None

ABSENT: Delgado and Perez

5. Execute Agreements to Establish Endowments to Support Graduate Student Scholarship Fund

Council Member Cacciotti inquired about how the award amounts were determined and whether an equal split could be considered. He noted CSULA's commitment to underserved students in the local community.

Mr. Nastri explained that the two universities have different areas of focus and discussions about each of the proposals took place at the October Technology Committee meeting.

Chairman Burke spoke supported equally dividing the award.

Council Member Robinson spoke in support of the staff recommendation and noted that it was former Board member Dr. Lyou who had pulled the item last December to solicit proposals from other universities. He highlighted the research at UC Irvine in fuel cell technology and commented on the importance of supporting students who may seek employment in the air quality sector after graduation.

Jose Gomez, CSULA, expressed appreciation to the Board for the support of students at CSULA and highlighted the goals and accomplishments of the university in supporting students in disadvantaged communities. He commented on the research that is being done at the university on emerging issues in air quality and climate change and added that the endowment will allow students to continue this important work.

Council Member Cacciotti commented on the General Motors EcoCAR program at CSULA and the training that students are receiving in the program.

Council Member Robinson commented on the research being conducted at the National Fuel Cell Research Center at UC Irvine and the importance of supporting future developments in alternative fuel sources to achieve clean air attainment goals.

Mayor Mitchell commented that the item could return to the Administrative Committee for further review and discussion about the research at each university.

Mayor Pro Tem McCallon asked if additional funds could be made available.

Mr. Nastri responded that there are additional funds available in the BP Arco Settlement Projects fund and the Board has the discretion to add to the award amount if that is the consensus.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 5 APPROVED, AMENDING THE ACTIONS TO AWARD \$625,000 EACH TO THE UNIVERSITY OF CALIFORNIA IRVINE AND CALIFORNIA STATE UNIVERSITY LOS ANGELES, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Hahn, McCallon, Mitchell, Robinson and Rutherford

NOES: None

ABSENT: Delgado and Perez

11. Establish Board Meeting Schedule for Calendar Year 2020

Mayor Pro Tem McCallon commented on the adjustments that have been made to summer vacation schedules by most local schools and suggested that it may be prudent to amend the Board's calendar to go dark in July rather than August.

Chairman Burke and Council Member Benoit concurred with the change in date and noted that changing the date was discussed at the Administrative Committee meeting.

Mr. Nastri noted that an August 7, 2020 meeting date would be added to the calendar.

MOVED BY MCCALLON, SECONDED BY BENOIT, AGENDA ITEM NO. 11 APPROVED WITH REVISIONS TO THE 2020 MEETING SCHEDULE TO REFLECT THE MONTH OF JULY 2020 AS DARK AND ADDING AN AUGUST 7, 2020 MEETING DATE, AND ADOPTING RESOLUTION 19-21 SETTING THE TIME AND PLACE OF REGULAR MEETINGS, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Hahn, McCallon, Mitchell, Robinson and Rutherford

NOES: None

ABSENT: Delgado and Perez

19. Approve Annual Report on AB 2766 Funds from Motor Vehicle Registration Fees for FY 2017-18

Supervisor Bartlett noted her opposition to the item due to concerns about cities and counties misusing funds and the lack of repercussions for misuse of funds. She commented on the guidelines developed per AB 2766 and suggested working with CARB to narrow program guidelines. She added that the South Coast AQMD has the responsibility to ensure that cities and counties are utilizing funds in a manner that has the best cost effectiveness in reducing mobile source emissions.

Mr. Nastri responded that authority to direct funding requires revisions to the legislation.

Chairman Burke recommended sending the item to the Legislative Committee for further discussion and review.

Mayor Mitchell concurred with the recommendation to send the item to the Legislative Committee for closer examination and commented that many cities have used the funds wisely.

Mr. Nastri responded that it may be a statutory requirement to send the report to CARB and a cover letter could be drafted highlighting the concerns about use of funds.

Chairman Burke asked staff to look into the reporting requirement.

Bayron Gilchrist, General Counsel, noted that previously there was a statute requiring a report to CARB but the statute no longer exists. He added that the report is made available on the South Coast AQMD website and recommended that the item be sent to the Legislative Committee to address the concerns about use of funds and discuss solutions.

Council Member Robinson commented that CARB and the Legislature should be investigating the misuse of funds and recommended that a letter be sent to them outlining the concerns.

Mayor Mitchell asked staff to explain what happens when there is non-compliance or program funds are misused.

Carol Gomez, Planning and Rules Manager, explained that there are two options when funds are misused 1) the amount of money must be paid back, or 2) funds are withheld from future allocations until the amount is made up.

Chairman Burke asked staff to send a letter to CARB and the Legislature expressing the concerns about misuse of funds and directed item 19 be sent to the Legislative Committee for further discussion.

PUBLIC HEARING

28. Certify Final Subsequent Environmental Assessment and Amend Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, and Rule 1100 – Implementation Schedule for NOx Facilities

Michael Morris, Planning and Rules Manager, gave the staff presentation on Item No. 28.

Mayor Pro Tem McCallon inquired about exempting equipment at ski resorts because they only operate during the winter months.

Mr. Morris responded that there are low use provisions in the rule for ski resorts.

Council Member Benoit thanked staff for their work with stakeholders over the last year on the rule.

The public hearing was opened, and the following individuals addressed the Board on Item 28.

Adam Simpson, EtaGens, expressed support for the amendments and appreciation to staff and the Board for their work on the rule and added that they look forward to deploying clean power technology in the South Coast AQMD next

year.

Council Member Cacciotti asked the speaker to explain the new generator technology. Mr. Simpson responded that the linear generator can convert any fuel, including renewables, into electricity at high efficiency with ultra-low emissions. The technology is fully dispatchable and can help with grid outages but is primarily designed to provide power for commercial buildings.

Council Member Benoit noted that this technology has the potential to replace diesel generators.

Christopher Chavez, Coalition for Clean Air, commented on facility modernization plans and suggested that each of the plans have firm deadlines to achieve emission reductions as quickly as possible. He commented on AB 617 and the requirement that BARCT be implemented as soon as feasible and expressed concern that the rule compliance deadline of December 31, 2023 is too long. He noted the importance of implementing all critical emission reductions as quickly as possible to clean the air.

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

MOVED BY CACCIOTTI, SECONDED BY
BENOIT, AGENDA ITEM NO. 28 APPROVED
AS RECOMMENDED, ADOPTING
RESOLUTION NO. 19-22 CERTIFYING THE
FINAL SUBSEQUENT ENVIRONMENTAL
ASSESSMENT FOR PROPOSED AMENDED
RULE 1110.2 –EMISSIONS FROM GASEOUS-
AND LIQUID –FUELED ENGINES, AND
PROPOSED AMENDED RULE 1100—
IMPLEMENTATION SCHEDULE FOR NOx
FACILITIES, AND AMENDING RULE 1110.2 –
EMISSIONS FROM GASEOUS- AND LIQUID
FUELED ENGINES, AND RULE 1100 –
IMPLEMENTATION SCHEDULE FOR NOx
FACILITIES, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino,
Cacciotti, Delgado, Hahn,
McCallon, Mitchell, Robinson and
Rutherford

NOES: None

ABSENT: Delgado and Perez

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

Todd Campbell, Clean Energy, expressed appreciation to Mayor Mitchell and Mr. Nastri for their advocacy at the October 24, 2019 CARB meeting to include the 11.9 liter low-NOx engine for funding eligibility under HVIP. He commented on the effectiveness of the HVIP program and noted that the 2019-20 funds have been exhausted. He requested continued support at CARB for expediting the Carl Moyer program process and additional programs and rules in support of clean trucks.

Council Member Cacciotti inquired about the lengthy 18-month funding process under the Carl Moyer program.

Dr. Miyasato explained that staff is following CARB guidelines and CARB has agreed to streamline the process.

CLOSED SESSION

The Board did not meet in closed session.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Burke at 11:20 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on November 1, 2019.

Respectfully Submitted,

Carole Wayman
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

CARB = California Air Resources Board

CERP = Community Emission Reduction Plan

CEQA = California Environmental Quality Act

CHP = California Highway Patrol

CNG = Compressed Natural Gas

CSULA = California State University Los Angeles

FY = Fiscal Year

HVIP = Hybrid and Zero-Emission Truck and Bus Voucher Incentive Projects

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

NOx = Oxides of Nitrogen

PM = Particulate Matter

RFP = Request for Proposals

RFQQ = Request for Qualifications and Quotations

UC Irvine = University of California Irvine