

BOARD MEETING DATE: January 4, 2019

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the December 7, 2018 meeting.

RECOMMENDED ACTION:

Approve Minutes of the December 7, 2018 Board Meeting.

Denise Garzaro
Clerk of the Boards

DG

FRIDAY, DECEMBER 7, 2018

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:

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

Mayor Ben Benoit
Cities of Riverside County

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

Dr. Joseph K. Lyou
Governor's Appointee

Mayor Larry McCallon
Cities of San Bernardino County

Mayor Pro Tem Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor V. Manuel Perez
County of Riverside

Supervisor Janice Rutherford
County of San Bernardino

Members absent:

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

Supervisor Shawn Nelson
County of Orange

Council Member Dwight Robinson
Cities of Orange County

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

- Pledge of Allegiance: Led by Mayor Pro Tem Mitchell.
- Opening Comments.

Mayor Pro Tem Mitchell announced that she attended the Los Angeles Auto Show and that she was impressed with the autonomous SUV EV demonstration. She added that she also attended a lunch discussion hosted by the California Electric Transportation Coalition on efforts to connect the faith-based community to the EV market.

Council Member Cacciotti noted that BMW, Mercedes, Audi, Kia and Porsche will introduce new EV models in 2019 and 2020. He added that he will be traveling to China at the end of December and is willing to meet with government officials to assist with clean air initiatives.

Mr. Nastri announced the release of an update to the District's mobile application for iPhone and displayed photos of the various functions of the application. He explained that an Android version would be available in the future. He noted that U.S. EPA will be moving forward on a heavy-duty truck rule and the District will remain involved throughout the process. He added that the District hosted an Ocean Vessels Technology Forum on December 5, 2018 which included participants from Finland, Norway and China. Ocean going vessels are one of the largest contributors of uncontrolled NOx emissions in the region and the District will continue to leverage and maximize regulatory efforts at the international level.

Council Member Buscaino applauded the use of technology to inform the public and promote clean air initiatives. He noted the importance of reducing emissions from ocean going vessels and acknowledged the leadership and commitment of District staff.

Vice Chairman Parker noted that Chairman Burke was absent from the meeting to attend a memorial service for his sister and expressed condolences on behalf of the Board to Chairman Burke and his family.

- Recognize Employees with Twenty, Twenty-Five, Thirty and Thirty-Five Years of Service

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

Twenty Years: Thomas Chang, Xin Chen, Elizabeth Krebs, Eric Martinez, Martha Rivera, Michelle White

Twenty-Five Years: Sam Atwood, Shah Dabirian

Thirty Years: Alfonso Baez, Sidney Baker, Tereso Banuelos, Penny Shaw Cedillo, Devorlyn Celestine, Jayanta Chakrabarti, Mitali Datta, Alicia Diaz, Rosalinda Diaz, Raul Dominguez, Kennard Ellis, Javier Enriquez, Hiram Fong, Sally Gin, Tracy Goss, David Hauck, Richard Hawrylew, Mark Henninger, Donald Hopps, Saad Karam, Thomas Liebel, Lisa Mirisola, Thomas Moore, Tuyet-Le Pham, Genette Prudhomme, Ken Sanchez, Laki Tisopulos, Eduardo Tung, William Wong, Vasken Yardemian, Connie Yee, Hoshik Yoo

Thirty-Five Years: Leticia DeLaO, Douglas Gordon

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

Vice Chairman Parker acknowledged outgoing Board Member Supervisor Solis for her service on the SCAQMD Board.

- Swearing In of Newly Appointed Board Member Janice Hahn

Vice Chairman Parker administered the oath of office to Supervisor Janice Hahn who was appointed to the Board by the Los Angeles County Board of Supervisors for a term ending January 15, 2023. Supervisor Hahn expressed appreciation for the opportunity to serve on the Board.

Council Member Buscaino acknowledged Supervisor Hahn's work in EJ communities and her efforts to obtain emission reductions at the Ports.

CONSENT CALENDAR

1. Approve Minutes of November 2, 2018 Board Meeting
2. Set Public Hearings to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations

January 4, 2019:

- A. Determine that Proposed Amendments to Rule 1325 – Federal PM2.5 New Source Review Program Are Exempt from CEQA and Amend Rule 1325

February 1, 2019:

- B. Determine that Proposed Amendments to Rule 1403 - Asbestos Emissions from Renovation/Demolition Activities Are Exempt from CEQA and Amend Rule 1403

Budget/Fiscal Impact

3. Develop and Demonstrate Near-Zero and Zero Emissions Vehicles and Equipment at Ports
4. Conduct Emissions Study on Use of Alternative Diesel Blends in Off-Road Heavy-Duty Engines and Amend SOON Provision Awards
5. Execute Contract to Conduct Preliminary Cost and Economic Impact Analysis of Proposed Warehouse Indirect Source Rule
6. Issue RFP for Engineering Consultant to Assess BARCT for Proposed Rule 1109.1 – NOx Emission Reductions for Refinery Equipment
7. Execute Contracts for Legislative Representation in Washington, D.C.
8. Issue RFP for Consultant Services for SCAQMD Environmental Justice Outreach and Initiatives
9. Execute Contract for Operation of Diamond Bar Headquarters Cafeteria
10. Transfer and Appropriate Funds, Recognize Revenue, Approve Positions, Issue Solicitations and Purchase Orders, and Execute Contracts and Agreements for Mid-Year Budget Adjustments, AB 617 Implementation, Volkswagen Mitigation Projects, and China Partnership for Cleaner Shipping; and Amend Salary Resolution

Action Item/No Fiscal Impact

11. Rule and Control Measure Forecast and AB 617 Expedited BARCT Implementation Schedule

Items 12 through 17 – 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 by SCAQMD

16. Annual Audited Financial Statements for FY Ended June 30, 2018

17. Status Report on Major Ongoing and Upcoming Projects for Information Management

Dr. Lyou announced his abstention on Item No. 3 because the Port of Long Beach, Southern California Edison, UPS and CARB are potential sources of income to him; and on Item Nos. 4 and 10 because CARB is a potential source of income to him.

Supervisor Rutherford announced her abstention on Item No. 3 due to campaign contributions from Southern California Edison.

Mayor Pro Tem Mitchell noted that she is a Board Member of the CARB which is involved with Item Nos. 3, 4 and 10.

Due to a number of requests to speak received on Consent Calendar items 2A, 2B, 3, 5, 6, 8, 10, 11, 15 and 16, the vote on the Consent Calendar was deferred until after those comments were made.

18. Items Deferred from Consent Calendar

Dr. Lyou left the room during the discussion of Item Nos. 2A, 3, 5, 6, 8, 11 and 15.

2. Set Public Hearing January 4, 2019 to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations:

A. Determine that Proposed Amendments to Rule 1325 – Federal PM2.5 New Source Review Program Are Exempt from CEQA and Amend Rule 1325

Harvey Eder, Public Solar Power Coalition, noted the benefits of solar-power energy and recommended that it be evaluated as BARCT. He also suggested funding solar power and clean air programs in EJ communities and referenced a low income solar-equity program he participated in.

2. Set Public Hearing February 1, 2019 to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations:

- B. Determine that Proposed Amendments to Rule 1403 - Asbestos Emissions from Renovation/Demolition Activities Are Exempt from CEQA and Amend Rule 1403

F. Stephen Masek, Masek Consulting Services, Inc., thanked staff for working with stakeholders to develop the proposed rule and urged for the set hearing to be delayed to allow further collaboration with stakeholders. (Submitted Written Comments)

3. Develop and Demonstrate Near-Zero and Zero Emissions Vehicles and Equipment at Ports
5. Execute Contract to Conduct Preliminary Cost and Economic Impact Analysis of Proposed Warehouse Indirect Source Rule
6. Issue RFP for Engineering Consultant to Assess BARCT for Proposed Rule 1109.1 – NOx Emission Reductions for Refinery Equipment
8. Issue RFP for Consultant Services for SCAQMD Environmental Justice Outreach and Initiatives
11. Rule and Control Measure Forecast and AB 617 Expedited BARCT Implementation Schedule
15. Lead Agency Projects and Environmental Documents Received by SCAQMD

Mr. Eder expressed support for EV technologies and commented on the recent developments by Tesla and BYD Auto Company to manufacture EVs and heavy-duty trucks and noted that solar power should be evaluated as BARCT.

MOVED BY BUSCAINO, SECONDED BY
BENOIT, AGENDA ITEMS 1 THROUGH 9, 11
THROUGH 15 AND 17 APPROVED AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: Benoit, Buscaino, Cacciotti,
Hahn, Lyou (*except Items #3 and #4*),
McCallon, Mitchell, Parker,
Perez and Rutherford (*except
Item #3*)

NOES: None

ABSTAIN: Lyou (*Items #3 and #4 only*) and
Rutherford (*Item #3 only*)

ABSENT: Burke, Nelson and Robinson

10. Transfer and Appropriate Funds, Recognize Revenue, Approve Positions, Issue Solicitations and Purchase Orders, and Execute Contracts and Agreements for Mid-Year Budget Adjustments, AB 617 Implementation, Volkswagen Mitigation Projects, and China Partnership for Cleaner Shipping; and Amend Salary Resolution

Mayor McCallon asked if the additional staffing being requested was in addition to the 36.5 positions the Board previously approved for AB 617. He expressed concern that an additional 47.5 positions seems excessive.

Jill Whynot, Chief Operating Officer, responded that the additional positions are necessary to handle the significant work load required to manage the emission reduction plans and the community steering committees for the three AB 617 communities. She added that the positions will be filled by both new hires and current staff will be able to take advantage of transfer or promotional opportunities for the AB 617 specific positions.

Mr. Nastri explained that the implementation of AB 617 signals a major shift in how air quality services are provided to the public by moving from a regional approach to a localized community-based approach which is labor intensive as it requires more involvement and investigation of emission sources within the identified communities. The staff positions required to undertake these efforts have been funded by the legislature and there is a commitment for continued funding. Staff will continue to advocate for the need for permanent funding. The District will also look at potential additional fees that could be collected to help offset costs. He added that recruiting and retaining qualified staff is a challenge due to the amount of recruiting being done by other air districts and CARB to implement AB 617.

Council Member Buscaino noted the significant equipment required for AB 617 and asked if there are funds budgeted to support the ongoing maintenance of that equipment. Mr. Nastri responded that the District has the capability and funds available to maintain the equipment.

Mayor McCallon asked staff to provide him additional information about the staffing and positions proposed for AB 617 implementation.

Dr. Parker inquired about the amount of funding that the District will receive to implement AB 617 and whether some funds may come out of the District's operating budget.

Mr. Nastri responded that while the original funding for the implementation of AB 617 was \$25 million in total, as a result of efforts with the legislature, that amount has been significantly increased. All staff positions for AB 617 are currently funded and staff will closely monitor the budget on an ongoing basis. Staff will provide the Board with additional information regarding the new positions and internal transfers and promotions.

Supervisor Rutherford asked about continued funding for AB 617 and expressed concerns about the need to restructure the budget in the event funds are no longer provided.

Mr. Nastri explained that in addition to funding from the legislature, staff is exploring the opportunity to utilize funds from other sources such as penalties and settlements. He added that the long-term budget forecast is positive and staff could provide the Board updates on the budget on a quarterly basis.

Council Member Cacciotti noted that the proposal includes the purchase of fleet vehicles and encouraged purchasing EVs.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, explained that staff tries to procure the cleanest vehicles possible while accounting for range requirements and cargo capacity.

MOVED BY CACCIOTTI, SECONDED BY
BENOIT, AGENDA ITEM 10 APPROVED AS
RECOMMENDED, ADOPTING RESOLUTION
NO. 18-21 AMENDING SCAQMD'S SALARY
RESOLUTION TO ADD THE DESIGNATED
DEPUTY TITLE OF CHIEF INFORMATION
OFFICER, BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti,
Hahn, McCallon, Mitchell, Parker,
Perez and Rutherford

NOES: None

ABSTAIN: Lyou

ABSENT: Burke, Nelson and Robinson

16. Annual Audited Financial Statements for FY Ended June 30, 2018

Dr. Lyou congratulated staff on the commendable audit results. He expressed concerns about the increase in the pension liability and asked how that is being addressed.

Council Member Cacciotti commented that eight years ago, the City of South Pasadena began setting aside funds in a separate reserve fund for pension liability. He suggested that this option be considered at the District.

Sujata Jain, Assistant DEO/Finance, explained that existing pension obligation bonds will be paid off in 2022 and 2024 and at that time the funds being used to pay the bonds could be placed into a debt service fund to build up reserves for the pension liability. She noted that the debt service fund currently has a balance of one million dollars. In an effort to balance the current budget, no additional funds were allocated to that fund.

Dr. Lyou commented that some of the items that were removed from the budget are proposed to be restored and suggested that if a surplus exists it could be designated to the debt service fund.

Mr. Nastri explained that the Board can allocate any surplus funds.

Dr. Parker noted that a number of issues have created the pension problem including current interest rates, projected rates of returns and longer life spans.

Supervisor Rutherford mentioned that she attended the SBCERA meeting and funds are stable and in good condition.

MOVED BY LYOU, SECONDED BY
CACCIOTTI, AGENDA ITEM 16 APPROVED
AS RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: Benoit, Buscaino, Cacciotti,
Hahn, Lyou, McCallon, Mitchell,
Parker, Perez and Rutherford

NOES: None

ABSENT: Burke, Nelson and Robinson

BOARD CALENDAR

19. Administrative Committee
20. Investment Oversight Source Committee
21. Legislative Committee
22. Mobile Source Committee
23. Refinery Committee
24. Stationary Source Committee
25. Technology Committee
26. California Air Resources Board Monthly Report

Agenda Item Nos. 19 and 21 were withheld for comment and discussion.

19. Administrative Committee

Mr. Eder urged the Board to consider contracts that support solar technologies and cautioned against using renewable natural gas due to toxicity. He recommended additional funding for solar technologies and EVs for low to moderate income residents.

MOVED BY LYOU, SECONDED BY
CACCIOTTI, AGENDA ITEMS 19, 20 AND 22
THROUGH 26, APPROVED AS
RECOMMENDED, RECEIVING AND FILING
THE COMMITTEE REPORTS, BY THE
FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Hahn,
Lyou, McCallon, Mitchell, Parker,
Perez and Rutherford

NOES: None

ABSENT: Burke, Nelson and Robinson

21. Legislative Committee

Mayor McCallon questioned whether three lobbyist firms are necessary and recommended sending the item back to the Legislative Committee for further review.

Mayor Pro Tem Mitchell explained that each lobbying firm represents different capabilities and provides a unique expertise to best represent the District.

Mr. Nastri explained that the Legislative Committee took action to retain and recommend all three lobbyists. Each firm provides a unique skill set and representation to the District. He noted that a substantial effort is required in the coming years to bring about necessary change and regulations, and that will offer significant return on investment.

Supervisor Hahn commented on her experience in Congress and noted the importance of the extensive relationships that members of all three firms possess. She added that the Board can evaluate the accomplishments of the firms at the end of the initial contract period to determine if they have met the goals and objectives of the District.

Dr. Parker commented on his trips to Washington D.C. and the access that the legislative representatives provide to senators and the administration and emphasized the importance of long-term relationships that each of the lobbying firms hold. He asked Mr. Nastri to elaborate on some of the gains that have been realized as a result of this work.

Mr. Nastri provided examples of funding obtained for clean air programs and explained how the relationships that have been formed with key individuals has resulted in sustained and increased funding for these programs.

Dr. Lyou suggested that Mayor McCallon visit Washington D.C. with staff to meet with the legislative representatives and elected officials.

MOVED BY MITCHELL, SECONDED BY HAHN, AGENDA ITEM 21 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE LEGISLATIVE REPORT AND APPROVING THE RECOMMENDATION BELOW, BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Hahn, Lyou, McCallon, Mitchell, Parker, Perez and Rutherford

NOES: None

ABSENT: Burke, Nelson and Robinson

| Agenda Item | Recommendation |
|---|---|
| Interview Firms and Recommend Execution of Contract(s) for Legislative Representation in Washington, D.C. | Authorize the Chairman to execute contract(s) with Carmen Group, Inc., Cassidy & Associates, Inc., and Kadesh & Associates for legislative representation in Washington, D.C. |

PUBLIC HEARINGS

27. Certify Final Environmental Assessment and Adopt Rule 1118.1 - Control of Emissions from Non-Refinery Flares

Barbara Baird, Chief Deputy Counsel, noted that staff is recommending that the public hearing on Rule 1118.1 be continued to the January 4, 2019 Board meeting.

Mr. Eder expressed concerns about the use of non-renewable natural gas and the connection to drug resistant antibiotics. He also stated that he opposes low-carbon fuel trading credits for flaring by refineries and noted the success of solar plants in the high desert.

MAYOR PRO TEM MITCHELL MOVED TO CONTINUE THE PUBLIC HEARING ON PROPOSED RULE 1118.1 TO THE JANUARY 4, 2019 BOARD MEETING. THE MOTION WAS SECONDED BY DR. LYOU AND CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Hahn,
Lyou, McCallon, Mitchell, Parker,
Perez and Rutherford

NOES: None

ABSENT: Burke, Nelson and Robinson

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29. Determine that Proposed Rule 1407.1 – Emissions of Toxic Air Contaminants from Chromium Alloy Melting Operations Is Exempt from CEQA and Adopt Rule 1407.1 (***Continued from November 2, 2018 Board Meeting***)

Mr. Nastri announced that staff is requesting that this item be withdrawn from consideration.

DR. LYOU MOVED TO WITHDRAW THE PUBLIC HEARING ON PROPOSED RULE 1407.1. THE MOTION WAS SECONDED BY COUNCIL MEMBER CACCIOTTI AND CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Hahn,
Lyou, McCallon, Mitchell, Parker,
Perez and Rutherford

NOES: None

ABSENT: Burke, Nelson and Robinson

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28. Certify Final Subsequent Environmental Assessment and Amend Rules 1146, 1146.1, 1146.2 and Adopt Rule 1100

Susan Nakamura, Assistant DEO/Planning, Rule Development and Area Sources, gave the staff presentation on Item No. 28.

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

Mr. Eder expressed support for solar power and recommended that it be evaluated as BARCT. He noted the success of solar facilities in the high desert.

John Loiler, Shaw Inc., expressed concerns that in order to meet the Rule 1146 NOx requirements for two boilers, his company would need to use a selective catalytic reduction (SCR) process with ammonia that creates safety hazards for employees and nearby residents.

Michael Carroll, Latham & Watkins LLP on behalf of Western States Petroleum Association and Regulatory Flexibility Group, expressed appreciation to staff for working with stakeholders during the rulemaking process. He did not object to this proposed rule, but expressed broad concerns for future rule making efforts and New Source Review issues. He stressed the need for a more comprehensive assessment of the environmental and economic impacts associated with the transition from RECLAIM. He added concern for BARCT standards that could require the complete replacement of equipment rather than retrofit. (Submitted Written Comments)

Susan Stark, Marathon Petroleum, requested clarification on the 15 year compliance date for equipment that was permitted prior to 2008 and explained that the rule language is unclear as to whether a burner at their facility would be subject to the rules. Ms. Nakamura suggested that Ms. Stark meet with staff to discuss the rule provisions and the equipment in question.

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

Mayor Pro Tem Mitchell asked staff to work with Ms. Stark to address the concerns regarding the provision that may be unclear regarding the equipment at Marathon and asked staff to comment on the ammonia risk.

Ms. Nakamura explained that the District only permits aqueous ammonia which is far less hazardous than anhydrous ammonia.

Written Comments Submitted By:

Jeff Kleiss, Lochinvar, LLC

Adriano L. Martinez, on behalf of Earthjustice and seven additional environmental organizations

Mark Phair, Ultramar, Inc., a Valero Company

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 28 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 18-22 CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1146 – EMISSION OF OXIDES OF NITROGEN FROM INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL BOILERS, STEAM GENERATORS, AND PROCESS HEATERS; PROPOSED AMENDED RULE 1146.1— EMISSIONS OF OXIDES OF NITROGEN FROM SMALL INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL BOILERS, STEAM GENERATORS, AND PROCESS HEATERS; PROPOSED AMENDED RULE 1146.2 – EMISSIONS OF OXIDES OF NITROGEN FROM LARGE WATER HEATERS AND SMALL BOILERS AND PROCESS HEATERS; AND PROPOSED RULE 1100 – IMPLEMENTATION SCHEDULE FOR NO_x FACILITIES, BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Lyou, McCallon, Mitchell, Parker, Perez and Rutherford

NOES: None

ABSENT: Burke, Hahn, Nelson and Robinson

Mayor Benoit noted that Supervisor Hahn had briefly left the room and was not present for her first vote as a Board Member. He requested that the item be reconsidered to allow her participation.

DR. LYOU MOVED TO RECONSIDER ITEM NO. 28, THE MOTION WAS SECONDED BY MAYOR BENOIT AND PASSED BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Hahn,
Lyou, McCallon, Mitchell, Parker,
Perez and Rutherford

NOES: None

ABSENT: Burke, Nelson and Robinson

MOVED BY MITCHELL, SECONDED BY
CACCIOTTI, AGENDA ITEM NO. 28
APPROVED AS RECOMMENDED,
ADOPTING RESOLUTION NO. 18-22
CERTIFYING THE FINAL SUBSEQUENT
ENVIRONMENTAL ASSESSMENT FOR
PROPOSED AMENDED RULE 1146 –
EMISSION OF OXIDES OF NITROGEN FROM
INDUSTRIAL, INSTITUTIONAL, AND
COMMERCIAL BOILERS, STEAM
GENERATORS, AND PROCESS HEATERS;
PROPOSED AMENDED RULE 1146.1—
EMISSIONS OF OXIDES OF NITROGEN
FROM SMALL INDUSTRIAL, INSTITUTIONAL,
AND COMMERCIAL BOILERS, STEAM
GENERATORS, AND PROCESS HEATERS;
PROPOSED AMENDED RULE 1146.2 –
EMISSIONS OF OXIDES OF NITROGEN
FROM LARGE WATER HEATERS AND
SMALL BOILERS AND PROCESS HEATERS;
AND PROPOSED RULE 1100 –
IMPLEMENTATION SCHEDULE FOR NO_x
FACILITIES, BY THE FOLLOWING VOTE:

AYES: Benoit, Buscaino, Cacciotti, Hahn,
Lyou, McCallon, Mitchell, Parker,
Perez and Rutherford

NOES: None

ABSENT: Burke, Nelson and Robinson

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

Mr. Eder commented on his work in solar education and expressed support for
complete solar conversion.

CLOSED SESSION

Mr. Eder noted that Communities for a Better Environment has expressed interest in his litigation against the District. He stated that solar technology should be considered to be BARCT.

The Board recessed to closed session at 11:15 a.m., pursuant to Government Code sections:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- 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:

In the Matter of SCAQMD v. Aerocraft Heat Treating Co., Inc. and Anaplex Corp., SCAQMD Hearing Board Case No. 6066-1 (Order for Abatement);

SCAQMD v. Anaplex, Los Angeles Superior Court Case No. BC608322 (Paramount Hexavalent Chromium);

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, District of Delaware, Case No. 13-11482 (KJC) (Bankruptcy Case); and

South Coast Air Quality Management District v. Top Shelf Consulting LLC, Los Angeles Superior Court, Case No. BC676606; In re: Top Shelf Consulting, LLC, U.S. Bankruptcy Court, Central District of California (Los Angeles), Case No. 2:18-bk-11975-ER (Bankruptcy case).

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the SCAQMD (one case)—Letter from Steven J. Olson, O'Melveny & Myers LLP, on behalf of ExxonMobil Corporation, dated August 22, 2018.

Following closed session, Mr. Gilchrist announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board's office and made available to the public upon request.

ADJOURNMENT

There being no further business, the meeting was adjourned by Mr. Gilchrist 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 7, 2018.

Respectfully Submitted,

Denise Garzaro
Clerk of the Boards

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

BARCT = Best Available Retrofit Control Technology
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
DEO = Deputy Executive Officer
EJ = Environmental Justice
EV = Electric Vehicle
FY = Fiscal Year
GGRF = Greenhouse Gas Reduction Fund
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
NOx = Oxides of Nitrogen
NSR = New Source Review
PM2.5 = Particulate Matter \leq 2.5 microns
PPM = Parts per million
RECLAIM = Regional Clean Air Incentives Market
RFP = Request for Proposals
U.S. EPA = United States Environmental Protection Agency