



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

A G E N D A

HYBRID GOVERNING BOARD MEETING JANUARY 5, 2024

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m. on Friday, January 5, 2024 through a hybrid format of in-person attendance in the Dr. William A. Burke Auditorium at the South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, and/or virtual attendance via videoconferencing and by telephone. Please follow the instructions below to join the meeting remotely.

Please refer to South Coast AQMD's website for information regarding the format of the meeting, updates, and details on how to participate at: <http://www.aqmd.gov/home/news-events/meeting-agendas-minutes>.

Electronic Participation Information (Instructions provided at the bottom of the agenda)

Join Zoom Meeting - from PC, Laptop or Phone

<https://scaqmd.zoom.us/j/93128605044>

Meeting ID: **931 2860 5044** (applies to all)

Teleconference Dial In +1 669 900 6833 or +1 253 215 8782

One tap mobile +16699006833,,93128605044# or

+12532158782,,93128605044#

Spanish Language Only Audience (telephone)

Número Telefónico para la Audiencia que Habla Español

Teleconference Dial In/Numero para llamar: +1 669 900 6833

Meeting ID/Identificación de la reunión: **932 0955 9643**

One tap mobile: +16699006833,,93209559643

Public Comment Will Still Be Taken

Audience will be allowed to provide public comment in person and through Zoom connection or telephone. Comments are limited to three minutes per person for all items on the Consent and Board Calendars and may be further limited by the Chair to ensure all can be heard.

Phone controls for participants:

The following commands can be used on your phone's dial pad while in meeting: *6 (Toggle mute/unmute); *9 - Raise hand

Questions About an Agenda Item

- The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.
- In preparation for the meeting, you are encouraged to obtain whatever clarifying information may be needed to allow the Board to move expeditiously in its deliberations.

Meeting Procedures

- The public meeting of the South Coast AQMD Governing Board begins at 9:00 a.m. The Governing Board generally will consider items in the order listed on the agenda. However, any item may be considered in any order.
- After taking action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

All documents (i) constituting non-exempt public records, (ii) relating to an item on the agenda, and (iii) having been distributed to at least a majority of the Governing Board after the agenda is posted, are available prior to the meeting for public review at South Coast AQMD's Clerk of the Boards Office, 21865 Copley Drive, Diamond Bar, CA 91765 or web page at www.aqmd.gov

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Governing Board meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov. Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the South Coast AQMD. Please contact the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to cob@aqmd.gov.

A webcast of the meeting is available for viewing at:
<http://www.aqmd.gov/home/news-events/webcast>

CALL TO ORDER

- Pledge of Allegiance
- Roll Call
- Opening Comments: Vanessa Delgado, Chair
Other Board Members
Wayne Nastri, Executive Officer
- Swearing in of Chair and Vice Chair for Terms January 2024 – January 2026
- Swearing in of Reappointed Board Members: Vanessa Delgado, Larry McCallon, and Carlos Rodriguez
- Recognize Employees with 20, 25, and 35 Years of Service

Staff/Phone (909) 396-

PUBLIC COMMENT PERIOD – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3) The public may comment on any subject within the South Coast AQMD’s authority that does not appear on the agenda, during the Public Comment Period. Each speaker addressing non-agenda items may be limited to a total of (3) minutes.

CONSENT AND BOARD CALENDAR (Items 1 through 12)

Note: Consent and Board Calendar items held for discussion will be moved to Item No. 13

Items 1 and 2 – Action Items/No Fiscal Impact

- | | |
|---|--------------------|
| 1. Approve Minutes of December 1, 2023 | Thomas/3268 |
| 2. Set Public Hearing February 2, 2024 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations: | Nastri/3131 |
| Determine That Proposed Amended Rule 461.1 - Gasoline Transfer and Dispensing for Mobile Fueling Operations Is Exempt from CEQA; and Amend Rule 461.1 | Krause/2706 |

Rule 461.1 applies to an owner or operator of a Mobile Fueler that conducts retail or non-retail gasoline dispensing operations. Proposed Amended Rule 461.1 will clarify that aviation gasoline is exempt from the provisions of the rule aligning with the original intent and applicability. The proposed amendment will also remove outdated rule language. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, is exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations. (Reviewed: Stationary Source Committee, November 17, 2023)

Item 3 – Budget/Fiscal Impact

3. Establish List of Prequalified Counsel to Represent and Advise South Coast AQMD Hearing Board

Nakamura/3105

On August 4, 2023, an RFP was issued to prequalify outside counsel having expertise in the California Environmental Quality Act, South Coast AQMD rules, administrative law and related issues for the South Coast AQMD Hearing Board. This action is to establish a list of prequalified counsel to represent the South Coast AQMD Hearing Board.

Items 4 through 10 – Information Only/Receive and File

4. Legislative, Public Affairs and Media Report

Alatorre/3122

This report highlights the November 2023 outreach activities of the Legislative, Public Affairs and Media Office, which includes: Major Events, Community Events/Public Meetings, Environmental Justice Update, Speakers Bureau/Visitor Services, Communications Center, Public Information Center, Business Assistance, Media Relations and Outreach to Business and Federal, State and Local Government. (No Committee Review)

5. Hearing Board Report

Verdugo-Peralta

This reports the actions taken by the Hearing Board during the period of November 1 through November 30, 2023. (No Committee Review)

6. Civil Filings and Civil Penalties Report

Gilchrist/3459

This report summarizes monthly penalties and legal actions filed by the General Counsel's Office from November 1, 2023 through November 30, 2023. An Index of South Coast AQMD Rules is attached with the penalty report. (No Committee Review)

7. Intergovernmental Review of Environmental Documents and CEQA Lead Agency Projects

Krause /2706

This report provides a listing of CEQA documents received by South Coast AQMD between November 1, 2023 and November 30, 2023, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (No Committee Review)

8. Rule and Control Measure Forecast

Rees/2856

This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2024 and provides a summary of implementation of the 2016 and 2022 AQMPs in 2023..
(No Committee Review)

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

Moskowitz/3329

Information Management is responsible for data systems management services in support of all South Coast AQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects.
(No Committee Review)

10. Receive and File Annual Report on South Coast AQMD's Deferred Compensation Plans

Olvera/2309

South Coast AQMD sponsors IRS-approved 457(b), 401(a) and Omnibus Budget Reconciliation Act of 1990 (OBRA) Deferred Compensation Plans for its employees. The Deferred Compensation Plan Annual Report for Plan Year Ending June 2023 is submitted to address the Board's responsibility for monitoring the activities of the Deferred Compensation Plan Committee and ensuring the Committee carries out its fiduciary duties and responsibilities under the Committee Charter. This action is to receive and file the Annual Report.
(No Committee Review)

Items 11 and 12 -- Reports for Committees and CARB

The Administrative, Legislative, Mobile Source, Stationary Source, and Technology Committees, the MSRC, and CARB Board did not meet in December 2023.

11. Investment Oversight Committee (Receive & File)

Chair: Cacciotti

Jain/2804

12. Climate Change Committee (Receive & File)

Chair: Perez

Rees/2856

13. Items Deferred from Consent and Board Calendar

PUBLIC HEARING

14. Determine that Proposed Amended Rule 1180 – Fenceline and Community Air Monitoring for Petroleum Refineries and Related Facilities, Proposed Rule 1180.1 – Fenceline and Community Air Monitoring for Other Refineries, and Proposed Amended Rule 1180 and Rule 1180.1 Fenceline Air Monitoring Plan Guidelines are Exempt from CEQA; Amend

Krause/2706

Rule 1180, Adopt Rule 1180.1, and Amend the Rule 1180 and Rule 1180.1 Fenceline Air Monitoring Plan Guidelines

Proposed Amended Rule 1180 (PAR 1180) and Proposed Rule 1180.1 (PR 1180.1) will require refineries and facilities with operations related to refineries to monitor certain air pollutants at or near their fenceline and to fund the installation and operation of monitoring stations within the community near their facilities. PAR 1180 will remove an exemption, include facilities with operations related to petroleum refineries, and include monitoring requirements for additional air pollutants. PR 1180.1 will establish similar fenceline and community monitoring requirements for smaller refineries that are not currently subject to Rule 1180. PAR 1180 and PR 1180.1 will establish notification thresholds, add provisions if there is an exceedance, require independent audits and corrective actions, and improve data accessibility. In addition, Fenceline Air Monitoring Plan Guidelines has proposed amendments to reflect the proposed rule changes. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1180 – Fenceline and Community Air Monitoring for Petroleum Refineries and Related Facilities, Proposed Rule 1180.1 – Fenceline and Community Air Monitoring for Other Refineries, and Proposed Amended Rule 1180 and Rule 1180.1 Fenceline Air Monitoring Plan Guidelines, are exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 1180 – Fenceline and Community Air Monitoring for Petroleum Refineries and Related Facilities and adopting Rule 1180.1 – Fenceline and Community Air Monitoring for Other Refineries; and amending the Rule 1180 and Rule 1180.1 Fenceline Air Monitoring Plan Guidelines. (Reviewed: Stationary Source Committee, September 15 and November 17, 2023)

OTHER BUSINESS

15. Approve 4-Year Labor Agreement with Teamsters Local 911, Approve Comparable Terms for Non-Represented Employees, and Approve Amendments to Agreements with Executive Officer and General Counsel

Olvera/2309

South Coast AQMD management and representatives of Teamsters Local 911, representing the Technical & Enforcement and Office Clerical & Maintenance bargaining units, have reached agreement on a successor 4-year MOU. This action is to present the proposed agreement to the Board for approval. This action also requests Board approval to adopt comparable terms for non-represented employees through amendments to the South Coast AQMD Administrative Code and Salary Resolution, and to adopt amendments to agreements with the Executive Officer and the General Counsel. (No Committee Review)

16. Approve 4-Year Labor Agreement with South Coast AQMD Professional Employees Association for Professional Unit Bargaining Group, (*Pending Professional Employees Association vote*)

Olvera/2309

This action is to present for Board approval a 4-year successor MOU with the South Coast AQMD Professional Employees Association, representing Professional Unit employees.
(No Committee Review)

BOARD MEMBER TRAVEL – (No Written Material)

Board member travel reports have been filed with the Clerk of the Boards, and copies are available upon request.

CLOSED SESSION -- (No Written Material)

Gilchrist/3459

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

It is necessary for the Board to recess to closed session 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 South Coast AQMD is a party. The actions are:

- In the Matter of South Coast Air Quality Management District v. Southern California Gas Company, Aliso Canyon Storage Facility, South Coast AQMD Hearing Board Case No. 137-76 (Order for Abatement); People of the State of California, ex rel South Coast Air Quality Management District v. Southern California Gas Company, Los Angeles Superior Court Case No. BC608322; Judicial Council Coordinated Proceeding No.4861;
- South Coast Air Quality Management District, et al. v. EPA, United States Court of Appeals, D.C. Circuit, Case No. 19-1241 (consolidated with Union of Concerned Scientists v. NHTSA, No. 19-1230);
- South Coast Air Quality Management District, et al. v. NHTSA, EPA, et al., United States Court of Appeals, D.C. Circuit, Filed May 28, 2020;
- Natural Resources Defense Council, et al. v. City of Los Angeles, et al., San Diego Superior Court, Case No. 37-2021-00023385-CU-TT-CTL (China Shipping Case) (transferred from Los Angeles Superior Court, Case No. 20STCP02985); Fourth District Court of Appeal, Division One, No. D080902;
- California Trucking Association v. South Coast Air Quality Management District; the Governing Board of the South Coast Air Quality Management District; and Does 1 through 25, inclusive, U.S. District Court for the Central District of California, Case No. 2:21-cv-06341;
- In the Matter of South Coast Air Quality Management District v. Baker Commodities, South Coast AQMD Hearing Board Case No. 6223-1 (Order for Abatement); Baker Commodities, Inc. v. South Coast Air Quality Management District Hearing Board; South Coast Air Quality Management District; South Coast Air Quality Management District Hearing Board Members: Cynthia Verdugo-Peralta, Robert Pearman, Micah Ali, and Allan Bernstein, DPM MBA, in their official capacities only; and 100 Does and Roes, Los Angeles County Superior Court, Case No. 22STCP03597;
- South Coast Air Quality Management District v. EPA, U.S. District Court for the Central District of California, Case No. 2:23-cv-02646; and

- East Yard Communities for Environmental Justice, et al. v. South Coast Air Quality Management District, the Governing Board of the South Coast Air Quality Management District, the California Air Resources Board, and Does 1 through 25, Inclusive, U.S. District Court for the Central District of California, Case No. 2:23-cv-06682.

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

It is also necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (three cases).

- Center for Biological Diversity and Center for Environmental Health v. Michael S. Regan, in his official capacity as Administrator, United States Environmental Protection Agency, U.S. District Court for the Northern District of California, Case No. 4:23-cv-00148 (PM 2.5);
- Western States Trucking Association, Inc. v. EPA, et al., Unites States Court of Appeals, D.C. Circuit, Case No. 23-1143; and
- Legislature of the State of California, et al. v. Weber (Hiltachk), Supreme Court of California Case No. S81977.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Also, it is necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the South Coast AQMD (two cases).

CONFERENCE WITH LABOR NEGOTIATORS

It Is also necessary to recess to closed session pursuant to Government Code section 54957.6 to confer with labor negotiators:

- Agency Designated Representative: A. John Olvera, Deputy Executive Officer – Administrative & Human Resources;
- Employee Organization(s): Teamsters Local 911, and South Coast AQMD Professional Employees Association; and
- Unrepresented Employees: Executive Officer, General Counsel, Designated Deputies, and Management and Confidential employees.

ADJOURNMENT

*****PUBLIC COMMENTS*****

Members of the public are afforded an opportunity to speak on any agenda item before consideration of that item. Persons wishing to speak may do so in person or remotely via Zoom or telephone. To provide public comments via a Desktop/Laptop or Smartphone, click on the “Raise Hand” at the bottom of the screen, or if participating via Dial-in/Telephone Press *9. This will signal to the host that you would like to provide a public comment and you will be added to the list.

All agendas are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, and website, <http://www.aqmd.gov/home/news-events/meeting-agendas-minutes>, at least 72 hours in advance of the meeting. At the beginning of the agenda, an opportunity is also provided for the public to speak on any subject within the South Coast AQMD’s authority. Speakers may be limited to a total of three (3) minutes for the entirety of the Consent Calendar plus Board Calendar, and three (3) minutes or less for each of the other agenda items.

Note that on items listed on the Consent Calendar and the balance of the agenda any motion, including action, can be taken (consideration is not limited to listed recommended actions). Additional matters can be added and action taken by two-thirds vote, or in the case of an emergency, by a majority vote. Matters raised under the Public Comment Period may not be acted upon at that meeting other than as provided above.

Written comments will be accepted by the Board and made part of the record. Individuals who wish to submit written or electronic comments must submit such comments to the Clerk of the Board, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765-4178, (909) 396-2500, or to cob@aqmd.gov, on or before 5:00 p.m. on the Tuesday prior to the Board meeting.

ACRONYMS

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| AQ-SPEC = Air Quality Sensor Performance Evaluation Center | NATTS =National Air Toxics Trends Station |
| AQIP = Air Quality Investment Program | NESHAPS = National Emission Standards for Hazardous Air Pollutants |
| AQMP = Air Quality Management Plan | NGV = Natural Gas Vehicle |
| AVR = Average Vehicle Ridership | NOx = Oxides of Nitrogen |
| BACT = Best Available Control Technology | NSPS = New Source Performance Standards |
| BARCT = Best Available Retrofit Control Technology | NSR = New Source Review |
| Cal/EPA = California Environmental Protection Agency | OEHHA = Office of Environmental Health Hazard Assessment |
| CARB = California Air Resources Board | PAMS = Photochemical Assessment Monitoring Stations |
| CEMS = Continuous Emissions Monitoring Systems | PEV = Plug-In Electric Vehicle |
| CEC = California Energy Commission | PHEV = Plug-In Hybrid Electric Vehicle |
| CEQA = California Environmental Quality Act | PM10 = Particulate Matter ≤ 10 microns |
| CE-CERT =College of Engineering-Center for Environmental Research and Technology | PM2.5 = Particulate Matter ≤ 2.5 microns |
| CNG = Compressed Natural Gas | RECLAIM=Regional Clean Air Incentives Market |
| CO = Carbon Monoxide | RFP = Request for Proposals |
| DOE = Department of Energy | RFQ = Request for Quotations |
| EV = Electric Vehicle | RFQQ=Request for Qualifications and Quotations |
| EV/BEV = Electric Vehicle/Battery Electric Vehicle | SCAG = Southern California Association of Governments |
| FY = Fiscal Year | SIP = State Implementation Plan |
| GHG = Greenhouse Gas | SOx = Oxides of Sulfur |
| HRA = Health Risk Assessment | SOON = Surplus Off-Road Opt-In for NOx |
| LEV = Low Emission Vehicle | SULEV = Super Ultra Low Emission Vehicle |
| LNG = Liquefied Natural Gas | TCM = Transportation Control Measure |
| MATES = Multiple Air Toxics Exposure Study | ULEV = Ultra Low Emission Vehicle |
| MOU = Memorandum of Understanding | U.S. EPA = United States Environmental Protection Agency |
| MSERCs = Mobile Source Emission Reduction Credits | VOC = Volatile Organic Compound |
| MSRC = Mobile Source (Air Pollution Reduction) Review Committee | ZEV = Zero Emission Vehicle |

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

For language interpretation:

Click the interpretation Globe icon at the bottom of the screen

Select the language you want to hear (either English or Spanish)

Click "Mute Original Audio" if you hear both languages at the same time.

Para interpretación de idiomas:

Haga clic en el icono de interpretación el globo terráqueo en la parte inferior de la pantalla

Seleccione el idioma que desea escuchar (inglés o español)

Haga clic en "Silenciar audio original" si escucha ambos idiomas al mismo tiempo.

Please note: During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chair will announce public comment.

Speakers may be limited to a total of 3 minutes for the entirety of the consent calendar plus board calendar, and three minutes or less for each of the other agenda items.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Directions to provide public comment on ZOOM from a DESKTOP/LAPTOP or SMARTPHONE:

Click on the "Raise Hand" feature at the bottom of the screen.

This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions to provide public comment via TELEPHONE:

Dial *9 on your keypad to signal that you would like to comment.

Directions for Spanish Language TELEPHONE line only:

- The call in number is the same (+1 669 900 6833)
- The meeting ID number is 928-3000-3925
- If you would like to make public comment, please dial *9 on your keypad to signal that you would like to comment.

Instrucciones para la línea de TELÉFONO en español únicamente:

- El número de llamada es el mismo (+1 669900 6833 o +1 93209559643)
- El número de identificación de la reunión es 928-3000-3925
- Si desea hacer un comentario público, marque *9 en su teclado para indicar que desea comentar.