



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 MARCH 1, 2024

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m. on Friday, March 1, 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 (3) 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
- Presentation of Retirement Awards to Kathryn Higgins and Paul Wright **Delgado**
- Swearing in of Reappointed Board Member Michael A. Cacciotti **Delgado**

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 18)

Note: Consent and Board Calendar items held for discussion will be moved to Item No. 19.

Item 1 through 3 – Action Item/No Fiscal Impact

1. Approve Minutes of February 2, 2024 **Thomas/3268**

2. Set Public Hearing April 5, 2024 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations: **Nastri/3131**

Determine That Proposed Amended Rule 1118 – Control of Emissions from Refinery Flares Is Exempt from CEQA; and Amend Rule 1118 **Krause/2706**

Proposed Amended Rule 1118 (PAR 1118) seeks further control and reduction of flaring and flare related emissions at refineries, hydrogen production plants, and sulfur recovery plants and establishes new requirements to monitor and record flaring data. PAR 1118 will reduce emissions from refinery flares by lowering the SO2 performance target for general service flares, establish a new NOx performance target for hydrogen production plants, and establish a throughput threshold for clean service flares. PAR 1118 will also increase mitigation fees and fulfill AB 617 CERP air quality commitment priorities related to refinery flaring. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1118 – Control of Emissions from Refinery Flares, is exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 1118. (Reviewed: Stationary Source Committee, February 16, 2024)

3. Amend South Coast AQMD Conflict of Interest Code and Incorporate Code, as Amended, Into South Coast AQMD Administrative Code

Gilchrist/3459

This action is to amend the South Coast AQMD Conflict of Interest Code (Code), pursuant to Government Code section 87306(a). Under the Code, individuals holding designated positions are required to disclose certain financial interests. The proposed amendments will add and delete designated positions subject to the Code's requirements. The proposed amendments will also assign Disclosure Categories to the designated positions and make minor clarifications to the Code. This action is also to incorporate the Code, as amended, into the South Coast AQMD Administrative Code. (Reviewed: Administrative Committee, February 9, 2024; Recommended for Approval)

Items 4 through 6 – Budget/Fiscal Impact

4. Redistribute Funds, Issue Program Announcement for Combustion Freight and Marine Projects and Zero-Emission Class 8 Freight and Port Drayage Trucks, and Execute Agreements Under Statewide Volkswagen Environmental Mitigation Trust Program

Katzenstein/2219

In 2018 and 2020, the Board recognized up to \$165 million to administer and implement the Combustion Freight and Marine Projects (Combustion Freight and Marine) and Zero-Emission Class 8 Freight and Port Drayage Trucks (Zero-Emission Class 8 Trucks) categories for the statewide Volkswagen Environmental Mitigation Trust Program (VW Program). In April 2023, CARB staff updated their Board on changes to the VW Program to improve program participation by expanding eligibility, increasing maximum funding amounts, and allowing stacking with other state incentives. Further, CARB is allowing program funds to migrate between project categories. These actions are to: 1) authorize the Executive Officer to redistribute VW Program source funds to meet program liquidation targets; 2) issue a Program Announcement for the Combustion Freight and Marine and Zero-Emission Class 8 Trucks project categories for approximately \$109.3 million; and 3) authorize the Executive Officer to execute agreements and subsequent modifications to these agreements for eligible projects selected through this solicitation. (Technology Committee, February 16, 2024; Recommended for Approval)

5. Execute Contract to Develop and Demonstrate Megawatt Fast Charging for Battery Electric Trucks

Katzenstein/2219

Electric Power Research Institute was awarded a CEC grant for \$12,999,155 to develop and demonstrate megawatt fast charging systems for Class 7 and 8 battery electric trucks. The development and deployment of megawatt charging is needed to accelerate commercialization of battery electric zero-emission technologies. This action is to authorize the Executive Officer to execute a contract with the Electric Power Research Institute in an amount not to exceed \$1,500,000 from the Clean Fuels Program Fund (31) to co-fund the development and demonstration of megawatt fast charging systems. (Reviewed: Technology Committee, February 16, 2024; Recommended for Approval)

6. Amend Contracts to Provide Short- and Long-Term Systems Development, Maintenance and Support Services

Moskowitz/3329

South Coast AQMD currently has contracts with several companies for short- and long-term systems development, maintenance, and support services. These contracts are periodically amended as additional needs are defined. This action is to amend contracts previously approved by the Board to add additional funding for needed development and maintenance work in an amount not to exceed \$292,000 for AgreeYa Solutions, Inc.; \$175,000 for Prelude Systems, Inc.; \$250,000 for Sierra Cybernetics Inc.; and \$150,000 for Varsun eTechnologies Group Inc. Funding is available in Information Management's FY 2023-24 Budget. (Reviewed: Administrative Committee, February 9, 2024; Recommended for Approval)

Items 7 through 13 – Information Only/Receive and File

7. Legislative, Public Affairs and Media Report

Alatorre/3122

This report highlights the January 2024 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)

8. Hearing Board Report

Verdugo-Peralta

This reports the actions taken by the Hearing Board during the period of December 1 through December 31, 2023 and January 1 through January 31, 2024. (No Committee Review)

9. Civil Filings and Civil Penalties Report **Gilchrist/3459**

This report summarizes monthly penalties and legal actions filed by the General Counsel's Office from January 1, 2024 through January 31, 2024. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, February 16, 2024)

10. 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 January 1, 2024 and January 31, 2024, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, February 16, 2024)

11. Rule and Control Measure Forecast **Rees/2856**

This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2024. (No Committee Review)

12. FY 2023-24 Contract Activity **Jain/2804**

This report lists the number of contracts let during the first six months of FY 2023-24, the respective dollar amounts, award type, and the authorized contract signatory for South Coast AQMD. (No Committee Review)

13. 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. (Reviewed: Administrative Committee, February 9, 2024)

Items 14 through 18 -- Reports for Committees and CARB

The February meetings for the MSRC and CARB were cancelled. The next regularly scheduled meeting of the MSRC is March 21, 2024.

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| 14. Administrative Committee (Receive & File) | Chair: Delgado | Nastri/3131 |
| 15. Legislative Committee (Receive & File) | Chair: Cacciotti | Alatorre/3122 |
| 16. Mobile Source Committee (Receive & File) | Chair: Kracov | Rees/2856 |
| 17. Stationary Source Committee (Receive & File) | Chair: McCallon | Aspell/2491 |

18. Technology Committee (Receive & File)

Chair: Rodriguez

Katzenstein/2219

19. Items Deferred from Consent and Board Calendar

PUBLIC HEARINGS

20. Determine The Draft Coachella Valley Contingency Measure SIP Revision for 2008 8-Hour Ozone Standard Exempt from CEQA and Adopt Coachella Valley Contingency Measure SIP Revision for 2008 8-Hour Ozone Standard

Rees/2856

The Draft Coachella Valley Contingency Measure SIP Revision was developed to meet Clean Air Act requirements for contingency measures in case an area fails to meet any milestones or fails to attain an air quality standard by the attainment date. Contingency measure elements addressing the 2008 8-hour ozone standard for the Coachella Valley were previously submitted to U.S. EPA as part of the 2016 AQMP. Following U.S. EPA's recent proposal to revise its guidance on contingency measures, South Coast AQMD withdrew the contingency measure elements of the 2016 AQMP in 2023. The proposed Contingency Measure SIP Revision is designed to address revised guidance from U.S. EPA. This action is to adopt the Resolution 1) Determining that the Coachella Valley Contingency Measure SIP Revision for the 2008 8-Hour Ozone Standard is exempt from the requirements of the CEQA; and 2) Adopting the Coachella Valley Contingency Measure SIP Revision for the 2008 8-Hour Ozone Standard and directing staff to forward the Coachella Valley Contingency Measure SIP Revision to CARB for approval and subsequent submittal to U.S. EPA for inclusion in the SIP. (Reviewed: Mobile Source Committee, February 16, 2024)

21. Approve Annual RECLAIM Audit Report for 2022 Compliance Year

Aspell/2491

The Annual RECLAIM Audit Report for 2022 Compliance Year for the NOx and SOx RECLAIM program is prepared in accordance with Rule 2015 - Backstop Provisions. This report assesses emission reductions, availability and average annual prices of RECLAIM Trading Credits (RTCs), job impacts, compliance issues, and other measures of performance for the twenty-ninth year of this program. Recent trends in trading future year RTCs are analyzed and presented in this report. A list of facilities that did not reconcile their emissions for the 2022 Compliance Year is also included in the report. (Reviewed: Stationary Source Committee, February 16, 2024)

22. Approve and Adopt Technology Advancement Office Clean Fuels Program 2023 Annual Report and 2024 Plan Update, Resolution and Membership Changes for Clean Fuels Advisory Group

Katzenstein/2219

Each year by March 31, South Coast AQMD must submit to the California Legislative Analyst an approved Annual Report for the past year and a Plan Update for the current calendar year for the Clean Fuels Program. These actions are to: 1) approve and adopt the Technology Advancement Clean Fuels Program Annual Report for 2023 and 2024 Plan Update; 2) adopt the Resolution finding that proposed projects do not duplicate any past or present programs; 3) approve and adopt membership changes to the SB 98 Clean Fuels Advisory Group; and 4) receive and file membership changes to the Technology Advancement Advisory Group. (Reviewed: Technology Committee, February 16, 2024; Recommended for Approval)

OTHER BUSINESS

23. Approve 4-Year Labor Agreement for Professional Unit Bargaining Group

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;
- 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;
- Western States Trucking Association, Inc. v. EPA, et al., Unites States Court of Appeals, D.C. Circuit, Case No. 23-1143 (amicus brief); and
- Legislature of the State of California, et al. v. Weber (Hiltachk), Supreme Court of California Case No. S81977 (amicus brief).

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)

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

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.