#### AGENDA

#### HYBRID GOVERNING BOARD MEETING OCTOBER 4. 2024

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m. on Friday, October 4, 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: <a href="http://www.aqmd.gov/home/news-events/meeting-agendas-minutes">http://www.aqmd.gov/home/news-events/meeting-agendas-minutes</a>.

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

## Join Zoom Meeting - from PC, Laptop or Phone https://scagmd.zoom.us/i/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, <u>any item</u> may be considered in <u>any order</u>.
- 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 <a href="https://www.agmd.gov">www.agmd.gov</a>)

#### 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@agmd.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

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 20)

Note: Consent and Board Calendar items held for discussion will be moved to Item No.21.

<u>Item 1 and 2 – Action Items/No Fiscal Impact</u>

1. Approve Minutes of September 6, 2024

Thomas/3268

 Set Public Hearings November 1, 2024 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations: Nastri/3131

A. Determine That Proposed Amended Rule 1151 – Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations Does Not Require New Environmental Document: and Amend Rule 1151 Krause/2706

In 2018 and 2020, the California Office of Environmental Health Hazard Analysis determined that two compounds used in coatings and solvents, tert-Butyl Acetate (t-Bac) para-Chlorobenzotrifluoride (pCBtF), and carcinogenic health effects. pCBtF and t-BAc are used in coatings and solvent that are regulated under Rule 1151. Proposed Amended Rule 1151 will phase out pCBtF and t-BAc, temporarily allow higher VOC limits while coatings are being reformulated, and add additional reporting requirements. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1151 – Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations is a later activity within the scope of the Final Program Environmental Impact Report for the 2022 AQMP such that no new environmental document is required; and 2) Amending Rule 1151 - Motor Vehicle and Equipment Non-Assembly Line Operations. (To Be Reviewed: Stationary Source Committee, October 18, 2024)

B. Determine That Proposed Amended Rule 1173 – Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants, Is Exempt from CEQA; and Amend Rule 1173

Rule 1173 applies to refineries, chemical plants, oil and gas production fields, and others. Proposed Amended Rule 1173 will establish enhanced leak detection and repair requirements using optical gas imaging technology and more stringent control requirements including lower leak standards during self-inspection of most types of components. Amendments to Rule 1173 will address Community Emission Reduction Plan objectives from the AB 617 community Wilmington, Carson, West Long Beach. The proposed amended rule will also include updated violation standards, streamlined repair schedules, and contingency measures to fulfill federal requirements. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1173 - Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants, is exempt from the requirements of the California Environmental Quality Act, and 2) Amending Rule 1173. (Reviewed: Stationary Source Committee, August 16, 2024)

## Items 3 through 8 - Budget/Fiscal Impact

3. Recognize Revenue, Transfer and Appropriate Funds, Issue Purchase Orders, and Add Positions for Community Air Monitoring Near Refineries and Related Facilities

In January 2024, the Board amended Rule 1180 and adopted Rule 1180.1, which requires oil refineries, related facilities, and other refineries to fund the installation and operation of fenceline and community air monitoring systems. These actions are to recognize revenue of up to \$5,227,692 and up to \$2,309,469 for Rule 1180 and Rule 1180.1, respectively, into Rule 1180 Special Revenue Fund (78), transfer and appropriate up to \$1,455,400 to Monitoring and Analysis' FY 2024-25 and/or FY 2025-26 Budget, issue purchase orders for air monitoring shelters and vehicles, and add new positions for the planning and implementation of enhanced additional community air monitoring. Administrative Committee, September 13, 2024; Recommended for Approval)

Krause/2706

Low/2269

4. Recognize Revenue, Appropriate Funds, Issue Solicitation and Purchase Order for Air Monitoring Shelter

Low/2269

South Coast AQMD previously received a Federal grant award from U.S. EPA under the Inflation Reduction Act. This action is to recognize the remaining balance of up to \$101,972 and appropriate these funds into the Monitoring and Analysis Division's FY 2024-25 Budget, and issue a solicitation and purchase order for an air monitoring shelter. (Reviewed: Administrative Committee, September 13, 2024; Recommended for Approval)

Low/2269

5. Issue Solicitations and Purchase Orders for Air Monitoring and Laboratory Equipment

South Coast AQMD FY 2024-25 Annual Budget approved the purchase of air monitoring and laboratory equipment. This action is to issue solicitations and purchase orders for air monitoring and laboratory equipment. (Reviewed: Administrative Committee, September 13, 2024; Recommended for Approval)

Heard-Johnson/3428

 Appropriate Funds and Amend Contract to Implement Air Quality Community Training and Provide Air Filtration Systems in Eastern Coachella Valley for U.S. EPA State Environmental Justice Cooperative Agreement Program

U.S. EPA awarded South Coast AQMD a grant from the State Environmental Justice Cooperative Agreement Program to implement an Air Quality Academy to improve environmental literacy and air quality data in the Assembly Bill 617 (AB 617) community of Eastern Coachella Valley. The Air Quality Academy was established in 2021 and South Coast AQMD proposes to spend the remaining funds to provide air filtration systems and additional training to operate the air filtration systems and reduce exposure to air pollution within residential homes in Eastern Coachella Valley. South Coast AQMD requested a one-year nocost extension and received approval from U.S. EPA to reallocate funding to continue implementation until October 31, 2025. These actions are to appropriate up to \$45,052 to the Diversity, Equity and Inclusion with Community Air Programs Office FY 2024-25 and/or 2025-26 Budgets, and to amend an existing contract with Desert Healthcare District and Foundation. (Reviewed: Administrative Committee, September 13, 2024; Recommended for Approval)

Moskowitz/3329

7. Authorize Purchase of ESRI Enterprise Agreement

South Coast AQMD currently uses Environmental Systems Research Institute, Inc. (ESRI) products for a wide range of geospatial services and the management and sharing of geographic information. These products support various enterprise-level applications and provide visual geospatial tools to enhance our communication with the public. The demand for access to ESRI products and services has outpaced the licenses available under South Coast AQMD's current agreement with ESRI. The new agreement will include additional product services, a substantial increase in the number of licenses, and enhanced

support from ESRI. This action authorizes the purchase of a ESRI Enterprise Agreement for a period of three years, at an amount not to exceed \$185,000 per year. Funds for the first year's purchase are included in Information Management's FY 2024-25 Budget, with funds for subsequent years to be included in future budget requests. (Reviewed: Administrative Committee, September 13, 2024; Recommended for Approval)

## 8. Approve Contract Modification as Approved by MSRC

**McCallon** 

The MSRC approved a contract with Better World Group Advisors for programmatic outreach services for the MSRC. The MSRC seeks Board approval of the contract award as part of the FYs 2024-27 Work Program. (Reviewed: Mobile Source Air Pollution Reduction Review Committee, September 19, 2024; Recommended for Approval)

## Items 9 through 15 – Information Only/Receive and File

## 9. Legislative, Public Affairs and Media Report

Alatorre/3122

This report highlights the August 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)

## 10. Hearing Board Report

Ali

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

## 11. Civil Filings and Civil Penalties Report

Gilchrist/3459

This report summarizes monthly penalties and legal actions filed by the General Counsel's Office from August 1, 2024 through August 31, 2024. An Index of South Coast AQMD Rules is attached with the penalty report. (No Committee Review)

## 12. Intergovernmental Review of Environmental Documents and CEQA Lead Agency Projects

Krause /2706

This report provides a listing of environmental documents prepared by other public agencies seeking review by South Coast AQMD between August 1, 2024 and August 31, 2024, and proposed projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (No Committee Review)

#### 13. Rule and Control Measure Forecast

Rees/2856

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

14. Report of RFQs/RFPs Scheduled for Release in October

Jain/2804

This report summarizes the RFQs/RFPs for budgeted services over \$100,000 scheduled to be released for advertisement for the month of October. (Reviewed: Administrative Committee, September 13, 2024)

15. 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, September 13, 2024)

## Items 16 through 20 -- Reports for Committees and CARB

The September 20, 2024 meetings of the Mobile Source, Stationary Source and Technology Committees were cancelled. The next regularly scheduled meetings for these committees will be held on October 18, 2024.

Chair: Delgado 16. Nastri/3131 Administrative Committee (Receive & File) 17. Chair: Cacciotti Jain/2804 Investment Oversight Committee (Receive & File) Chair: Cacciotti 18. Legislative Committee (Receive & File) Alatorre/3122 19. Mobile Source Air Pollution Reduction Board Rep.: Hagman Katzenstein/2219 Review Committee Report (Receive & File) 20. California Air Resources Board Monthly Board Rep.: Kracov Thomas/3268 Report (Receive & File)

21. Items Deferred from Consent and Board Calendar

#### PUBLIC HEARINGS

 Certify Final Subsequent Environmental Assessment for Proposed Amended Rule 1135 - Emissions of Oxides of Nitrogen From Electricity Generating Facilities; and Amend Rule 1135 Krause/2706

Rule 1135 establishes NOx emission limits for electric generating facilities. During the 2022 Amendment to Rule 1135, issues were raised regarding the NOx Best Available Retrofit Control Technology limit for electric generating units on Santa Catalina Island. Proposed Amended Rule 1135 (PAR 1135) establishes NOx emission limits for electric generating units located on Santa Catalina Island. PAR 1135 includes monitoring, reporting, and recordkeeping requirements for electric generating units located on Santa Catalina Island. This action is to adopt the Resolution: 1) Certifying the Final Subsequent Environmental Assessment for Proposed Amended Rule 1135; and 2) Amending Rule 1135. (Reviewed: Stationary Source Committee, August 16, 2024)

23. Determine That Coachella Valley Attainment Plan for 2008 8-Hour Ozone Standard Is Exempt from CEQA and Adopt Coachella Valley Attainment Plan for 2008 8-Hour Ozone Standard Rees/2856

The Coachella Valley is in "extreme" nonattainment for the 2008 8-hour ozone NAAQS with an attainment date of July 20, 2032. On April 7, 2023, the Coachella Valley was reclassified from "severe-15" to "extreme" nonattainment to resolve a transportation conformity freeze. An attainment demonstration and other SIP planning elements have been developed to comply with the federal Clean Air Act and U.S. EPA's SIP requirements for "extreme" nonattainment areas. Updated emissions inventory and modeling analysis indicate that ongoing implementation of currently adopted regulations and programs by both South Coast AQMD and CARB will lead to attainment of this standard by the attainment date. In addition, the control strategy outlined in the 2022 AQMP will further ensure Coachella Valley attains this standard on time, if not earlier. (Reviewed: Mobile Source Committee, August 16, 2024)

## 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
   <u>Canyon Storage Facility</u>, South Coast AQMD Hearing Board Case No. 137-76 (Order for Abatement); <u>People</u>
   of the State of California, ex rel South Coast Air Quality Management District v. Southern California Gas
   <u>Company</u>, Los Angeles Superior Court Case No. BC608322; Judicial Council Coordinated Proceeding
   No.4861;
- <u>South Coast Air Quality Management District, et al. v. EPA</u>, United States Court of Appeals, D.C. Circuit, Case No. 19-1241 (consolidated with <u>Union of Concerned Scientists v. NHTSA</u>, No. 19-1230);
- South Coast Air Quality Management District, et al. v. NHTSA, EPA, et al., United States Court of Appeals, D.C. Circuit, Case No. 20-1173 (consolidated with <u>Competitive Enterprise Institute, et al. v. NHTSA</u>, No. 20-1145);
- <u>Natural Resources Defense Council, et al. v. City of Los Angeles, et al.</u>, 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;
- <u>In the Matter of South Coast Air Quality Management District v. Baker Commodities</u>, South Coast AQMD Hearing Board Case No. 6223-1 (Order for Abatement);
- South Coast Air Quality Management District v. EPA, U.S. District Court for the Central District of California, Case No. 2:23-cv-02646;

- Western States Trucking Association, Inc. v. EPA, et al., Unites States Court of Appeals, D.C. Circuit, Case No. 23-1143 (amicus brief); and
- <u>April Trinn vs. South Coast Air Quality Management District; Adminsure, Case Nos. ADJ10421959; ADJ12628721; ADJ10421958.</u>

#### **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 (two cases).

#### **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, <a href="http://www.agmd.gov/home/news-events/meeting-agendas-minutes">http://www.agmd.gov/home/news-events/meeting-agendas-minutes</a>, 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 <a href="mailto:cob@aqmd.gov">cob@aqmd.gov</a>, on or before 5:00 p.m. on the Tuesday prior to the Board meeting.

#### **ACRONYMS**

AQ-SPEC = Air Quality Sensor Performance

**Evaluation Center** 

AQIP = Air Quality Investment Program

AQMP = Air Quality Management Plan

AVR = Average Vehicle Ridership

BACT = Best Available Control Technology

BARCT = Best Available Retrofit Control Technology

Cal/EPA = California Environmental Protection Agency

CARB = California Air Resources Board

CEMS = Continuous Emissions Monitoring Systems

CEC = California Energy Commission

CEQA = California Environmental Quality Act

CE-CERT =College of Engineering-Center for Environmental

Research and Technology

CNG = Compressed Natural Gas

CO = Carbon Monoxide

DOE = Department of Energy

EV = Electric Vehicle

EV/BEV = Electric Vehicle/Battery Electric Vehicle

FY = Fiscal Year

GHG = Greenhouse Gas

HRA = Health Risk Assessment

LEV = Low Emission Vehicle

LNG = Liquefied Natural Gas

MATES = Multiple Air Toxics Exposure Study

MOU = Memorandum of Understanding

MSERCs = Mobile Source Emission Reduction Credits

MSRC = Mobile Source (Air Pollution Reduction) Review

Committee

NAAQS = National Ambient Air Quality Standards

NATTS = National Air Toxics Trends Station

NESHAPS = National Emission Standards for

Hazardous Air Pollutants

NGV = Natural Gas Vehicle

NOx = Oxides of Nitrogen

NSPS = New Source Performance Standards

NSR = New Source Review

OEHHA = Office of Environmental Health Hazard

Assessment

PAMS = Photochemical Assessment Monitoring

Stations

PEV = Plug-In Electric Vehicle

PHEV = Plug-In Hybrid Electric Vehicle

PM10 = Particulate Matter ≤ 10 microns

PM2.5 = Particulate Matter ≤ 2.5 microns

RECLAIM=Regional Clean Air Incentives Market

RFP = Request for Proposals

RFQ = Request for Quotations

RFQQ=Request for Qualifications and Quotations

SCAG = Southern California Association of Governments

SIP = State Implementation Plan

SOx = Oxides of Sulfur

SOON = Surplus Off-Road Opt-In for NOx

SULEV = Super Ultra Low Emission Vehicle

TCM = Transportation Control Measure

ULEV = Ultra Low Emission Vehicle

U.S. EPA = United States Environmental Protection

Agency

VOC = Volatile Organic Compound

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.