

BOARD MEETING DATE: September 5, 2014

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the July 11, 2014 meeting.

RECOMMENDED ACTION:

Approve Minutes of the July 11, 2014 Board Meeting.

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Sandra McDaniel,
Clerk of the Boards

SM:dg

FRIDAY, JULY 11, 2014

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, California. Members present:

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

Mayor Dennis R. Yates, Vice Chairman
Cities of San Bernardino County

Supervisor Michael D. Antonovich (arrived at 9:05 a.m.)
County of Los Angeles

Mayor Pro Tem Ben Benoit
Cities of Riverside County

Supervisor John J. Benoit (arrived at 9:20 a.m.)
County of Riverside

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

Supervisor Josie Gonzales
County of San Bernardino

Dr. Joseph K. Lyou
Governor's Appointee

Supervisor Shawn Nelson (arrived at 9:10 a.m.)
County of Orange

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

Mayor Miguel A. Pulido (arrived at 9:05 a.m. and left at 10:00 a.m.)
Cities of Orange County

Members absent:

Councilmember Joe Buscaino
City of Los Angeles

Mayor Judith Mitchell
Cities of Los Angeles County – Western Region

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

- Pledge of Allegiance: Led by Chairman Burke.
- Opening Comments

Councilman Cacciotti. 1) Announced that he attended the Mobile Source Air Pollution Reduction Review Committee's Work Program workshop held on July 1, 2014 in Los Angeles, and thanked staff for their participation in the event; 2) asked if staff has been involved in the development process for the CalTrans California Freight Mobility Plan which is expected to be released by July 31; and 3) expressed concern that Mobility 21 is holding their annual summit on September 5, the same day as the next SCAQMD Board meeting, which precludes the attendance of Board Members and staff when air quality and environmental concerns should be included in their discussions. He added that Harley Davidson is introducing electric motorcycles, and requested that staff contact them to assist with the research and development and ultimately demonstration and commercialization of the electric motorcycle.

Dr. Wallerstein responded that staff has been participating in the preparation process for the Freight Plan and has provided input reflective of the Board's direction regarding moving to cost-effective zero and near-zero goods movement methods, and they will present an update to the Mobile Source Committee when the Plan is finalized. Regarding Mobility 21, staff does interact with them and stress the need for transportation efficiency as well as air quality improvements.

Dr. Lyou. Noted that CalTrans is hosting a public workshop for the Draft Freight Mobility Plan on July 22, 2014 at 4:00 pm at their Los Angeles location. He explained that staff has successfully kept CalTrans informed of the District's needs with regard to freight issues. He reported that he, along with Mayor Mitchell and Councilman Buscaino, attended the Future Ports conference in San Pedro on June 23, 2014; and that he found the presentation about big ships and their increased presence in Southern California ports to be particularly interesting.

Mayor Pro Tem Benoit. Commended staff for their efforts in executing the Lawn Mower Exchange Program held on June 14 in Riverside, which was attended by the Mayor of the City of Wildomar, Marsha Swanson, who was impressed with the efficiency of the event and the electric lawn mowers.

Mayor Pulido. Noted that he attended the Intersolar Solar Conference held July 7 through 9 in San Francisco, which highlighted opportunities to use solar to improve air quality and showed how California is a trailblazer for the rest of the country in the solar arena; he expressed excitement for the potential growth that will occur in the region within the next 5 years.

Chairman Burke. Presented Dr. Wallerstein with a certificate in recognition of 25 years of dedicated District service and leadership.

(Supervisor Antonovich and Mayor Pulido arrived at 9:05 a.m. and Supervisor Nelson arrived at 9:10 a.m.)

- Recognition from Chaffey Unified School District to SCAQMD



Don Bertucci, Assistant Superintendent, presented the Board with a plaque in recognition of the SCAQMD's contribution to education and for their financial assistance towards cleaner transportation methods.

(Supervisor Benoit arrived at 9:20 a.m.)

CONSENT CALENDAR

1. Approve Minutes of June 6, 2014 Board Meeting and Minutes of June 13, 2014 Special Board Meeting
2. Set Public Hearings September 5, 2014 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations
 - (A). Amend Rule 1111 - NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces
 - (B). Amend Rule 1151 - Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations

Budget/Fiscal Impact

3. Recognize Revenue and Appropriate Funds from Clean Fuels, Carl Moyer AB 923 and Proposition 1B-Goods Movement for Administrative Support, Outreach and Education, and Related Activities
4. Recognize Revenue from Participating Members of California Natural Gas Vehicle Partnership and Approve Expenditures for Activities and Projects during FYs 2014-15 and 2015-16 
5. Recognize Revenue, Amend Air Filtration Contract and Execute New Contract to Upgrade and Demonstrate Zero-Emission Heavy-Duty Vehicles 

6. Approve Truck Projects under “Year 4” Proposition 1B-Goods Movement Program
7. Transfer and Appropriate Funding to Establish Air Quality Sensor Performance Evaluation Center
8. Issue RFP to Implement Enhanced Fleet Modernization Program
9. Issue RFPs to Demonstrate Commercial-Grade Electric Lawn and Garden Equipment
10. Issue Program Announcement for Low-Emission Leaf Blower Vendors
11. Recognize Revenue and Appropriate Funds for Enhanced Particulate Monitoring Program, NATTS, PAMS, PM2.5 and Near-Road NO2 Programs; and Solicit Competitive Bids and Issue Purchase Orders for Air Monitoring Equipment
12. Execute Contract for Media, Advertising and Public Outreach for Check Before You Burn Program
13. Issue RFP for Management Firm to Operate SCAQMD's Diamond Bar Headquarters Cafeteria
14. Authorize Purchase of PeopleSoft and Oracle Software Support
15. Authorize Purchase of OnBase Software Support
16. Amend Existing Contract with Carmen Group Incorporated for Legislative Representation in Washington, D.C.
17. Establish List of Prequalified Counsel to Represent and Advise SCAQMD on Legal Matters Related to Environmental Law and Represent and Advise SCAQMD Hearing Board
18. Approve Contract Awards and Modifications Approved by MSRC

Items 19 through 26 - Information Only/Receive and File

19. Legislative & Public Affairs Report
20. Report to Legislature and CARB on SCAQMD's Regulatory Activities for Calendar Year 2013
21. Hearing Board Report
22. Civil Filings and Civil Penalties Report
23. Lead Agency Projects and Environmental Documents Received by SCAQMD
24. Rule and Control Measure Forecast
25. Report of RFPs Scheduled for Release in July
26. Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2014-15

Supervisor Benoit and Mayor Pro Tem Benoit noted that they serve on the Board of Directors for the Riverside County Transportation Commission which is involved with the Signal Synchronization Partnership Program under Item No. 18.

Dr. Lyou announced his abstention on Item No. 4 because Gladstein, Neandross & Associates is a potential source of income to him and on Item No. 5 because Transportation Power Inc. is a potential source of income to him. He also abstained on Item No. 8.

Councilman Cacciotti announced his abstention on Item No. 1 because he was not present at the July 13, 2014 special meeting.

Agenda Item No. 11 was withheld for comment.

MOVED BY J. BENOIT, SECONDED BY
B. BENOIT, AGENDA ITEMS 1 THROUGH 10
AND 12 THROUGH 26 APPROVED AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Cacciotti (except *Item #1*), Gonzales, Lyou (except *Items #4, 5 & 8*), Nelson, Parker, Pulido and Yates.

NOES: None.

ABSTAIN: Cacciotti (*Item #1 only*) and Lyou (*Items #4, 5 & 8 only*).

ABSENT: Buscaino and Mitchell.

27. Items Deferred from Consent Calendar

11. Recognize Revenue and Appropriate Funds for Enhanced Particulate Monitoring Program, NATTS, PAMS, PM2.5 and Near-Road NO2 Programs; and Solicit Competitive Bids and Issue Purchase Orders for Air Monitoring Equipment

The following individuals addressed the Board on Item No. 11:

Rosie Terry and Robert Terry, People Over Pollution and A Better Community, expressed disappointment that an air quality monitor to measure the effects of the Sentinel Power Plant was not online at the time the plant started operation, and with the lengthy delays in installing a monitor and allowing the public to view the data received from monitoring. They noted disappointment that the mitigation funds that were awarded will not do enough to offset the additional pollution caused by the plant.

Chuck Parker, People Over Pollution, urged the Board to take a more proactive approach to protecting public health; expressed disappointment also with the monitoring; and explained the need for additional monitoring as a result of additional factors affecting the Valley, including the evaporation of the Salton Sea.

Lorraine Salas, People Over Pollution, requested that the public have access to the monitoring data on an hourly basis to have an idea of the potential health risks they are facing; and suggested that schools and homes surrounding the power plant be outfitted with air filters.

Dr. Wallerstein said that staff will address the status of the Sentinel monitor. He also said that in regard to the Salton Sea concerns, the District directs numerous resources to the Salton Sea and the Coachella Valley as a whole, and staff has been involved in discussions with members of the Legislature and Congress as well as the Imperial County Air Pollution Control District about the Salton Sea.

Dr. Laki Tisopoulos, Assistant DEO/Science and Technology Advancement, noted that the air monitoring station had been installed and run through a testing period throughout the month of June, and the initial data is now available online. He added that a more detailed website providing data from the monitor in question and additional monitoring sites will be available in October 2014.

Dr. Jason Low, Atmospheric Measurements Manager, detailed the various air monitoring stations located throughout the Coachella Valley, including H₂S, PM_{2.5} and multiple PM₁₀ monitors, along with PM₁₀ monitors placed by CARB.

Dr. Lyou asked for clarification regarding the ability of the recently installed PM_{2.5} monitor to detect whether or not the Sentinel plant is operating at any given time, in order to determine the impacts specific to operation. He noted that, under Item 7 on the agenda, the Board approved funding for the purchase and testing of low-cost air monitoring sensors, and if they are found to be a dependable means of collecting air quality data, they could be effectively utilized for widespread community-based monitoring.

Dr. Wallerstein responded that staff is beginning to analyze the data from the monitor to determine if the particulate emission levels are effected by the operation of the plant and/or metrological conditions. In regards to the small-scale monitors, additional discussions with the Board will take place regarding potential outreach and programs depending on the outcome of the testing that will be performed.

Chairman Burke commented that it would be ideal, as the technology progresses, for the District to serve as the hub for a network of inexpensive monitors so that data from all across the region could be accessed at any given time.

Supervisor Benoit acknowledged the Coachella Valley residents who spoke to the Board; explained the challenge the SCAQMD faced approving the building and operation of a peaker plant to ensure the area's electric needs could be met when a loss of energy generation from other sources occurs; and noted a number of projects being carried out with mitigation funds throughout the region as a result of an effective outreach effort.

MOVED BY LYOU, SECONDED BY
J. BENOIT, AGENDA ITEM 11 APPROVED,
BY THE FOLLOWING VOTE:


AYES: Antonovich, B. Benoit,

J. Benoit, Burke, Cacciotti,
Gonzales, Lyou, Nelson,
Parker, Pulido and Yates.

NOES: None.

ABSENT: Buscaino and Mitchell.

BOARD CALENDAR

28. Administrative Committee
29. Investment Oversight Committee
30. Legislative Committee
31. Mobile Source Committee
32. Stationary Source Committee
33. Technology Committee
34. Mobile Source Air Pollution Reduction Review Committee
35. California Air Resources Board Monthly Report
36. California Fuel Cell Partnership Executive Board Meeting Notes and Quarterly Updates 

Agenda Items 30 and 32 were withheld for Board discussion.

MOVED BY CACCIOTTI, SECONDED BY
LYOU, AGENDA ITEMS 28, 29, 31 AND 33
THROUGH 36 APPROVED AS
RECOMMENDED, RECEIVING AND FILING
THE COMMITTEE, MSRC AND CARB
REPORTS, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Cacciotti, Gonzales, Lyou, Nelson, Parker, Pulido and Yates.

NOES: None.

ABSENT: Buscaino and Mitchell.

30. Legislative Committee

Lisha Smith, DEO/Legislative and Public Affairs, addressed the Board regarding AB 2565, a measure that proposes to require property owners to allow leasees to install electric vehicle charging infrastructure in an assigned parking spot entirely at their own expense, which the Legislative Committee recommended be presented to the full Board. She explained that the main organizations that were opposed to the bill have removed their opposition and staff recommends the District maintain a neutral position the bill.

Dr. Lyou stressed the importance for the opportunity to support the addition of much-needed EV charging infrastructure to multi-family residences in an effort to meet future NOx emission reduction targets.

Supervisor Antonovich raised concerns about the legal ramifications to property owners and building residents if damages, as a result of a charging station's malfunction, extend beyond insurance coverage limits.

Councilman Cacciotti commented that he could see the importance of providing the charging capability for renters, as a large percentage of residences in South Pasadena consist of multi-family units or rental homes; and once some of the concerns regarding litigation are resolved, the Board should support the measure.

Dr. Wallerstein noted that additional discussions should occur regarding the need for adequate infrastructure for EV charging; but it does not appear the District's position will influence the expected passage of the bill.

(Mayor Pulido left at 10:00 a.m.)

Supervisor Gonzales explained that while she understands the potential benefit to more widely available infrastructure, she is concerned with the potential impact to property owners. She suggested that communication be initiated with the League of California Cities to receive their input; as well as connecting with local municipalities to find out any complaints or comments they may have received regarding the lack of accessibility to electrical vehicle charging stations by local residents.

Dr. Parker explained his concerns with the proposal, referencing his extensive experience as a property owner; but, also expressing his understanding of the need to accommodate the changing vehicle technology that is being funded and supported by the District in order to meet emissions reduction guidelines.

Dr. Wallerstein suggested that staff give a presentation at the September 5 Board meeting to highlight the activities that the District participates in, including the plug-in electric vehicle collaborative, along with working with the technology vendors and OEMs, other air districts, CARB, the CEC and the PUC.

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEM 30 APPROVED AS RECOMMENDED RECEIVING AND FILING THE LEGISLATIVE COMMITTEE REPORT, ADOPTING THE POSITIONS ON LEGISLATION AS SET FORTH BELOW, AND DIRECTING STAFF TO REPORT TO THE TECHNOLOGY COMMITTEE REGARDING THE DISTRICT'S ROLE IN DEPLOYING EV CHARGING INFRASTRUCTURE TO ACHIEVE NECESSARY NO_x EMISSION REDUCTIONS, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Cacciotti, Gonzales, Lyou, Parker and Yates.

NOES: None.

ABSENT: Buscaino, Mitchell, Nelson and Pulido.

Agenda Item	Recommended Action
Amend Existing Contract with the Carmen Group Incorporated for Legislative Representation in Washington, D.C.	Approve
AB 1720(Bloom) Vehicles: Bus Gross Weight	Support
AB 1857 (Frazier) Department of Transportation: Vehicle and Equipment Procurement	Support

AB 2565 (Muratsuchi) Rental Remain Neutral
Property: Electric Vehicle
Charging Stations

32. Stationary Source Committee

In response to Supervisor Gonzales' inquiry, Dr. Jean Ospital, Health Effects Officer, summarized the research project performed by Loma Linda University regarding Residential Proximity to Goods Movement Rail yards.

MOVED BY GONZALES, SECONDED BY CACCIOTTI, AGENDA ITEM 32 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE STATIONARY SOURCE COMMITTEE REPORT, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Cacciotti, Gonzales, Lyou, Nelson, Parker and Yates.

NOES: None.

ABSENT: Buscaino, Mitchell and Pulido.

Staff Presentation/Board Discussion

37. Report on Hexavalent Chromium Monitoring at Cement Manufacturing Facilities, Development of Cement Facility Closure Plan, and Recommendations Regarding Future Rulemaking Efforts

Dr. Philip Fine, Assistant DEO/Planning and Rules, gave the staff presentation.

RECEIVED AND FILED; NO ACTION NECESSARY.

PUBLIC HEARINGS

38. Amend Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles

Staff waived the oral presentation on Agenda Item 38.

The public hearing was opened, and there being no requests to speak, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY LYOU
AGENDA ITEM NO. 38 APPROVED AS
RECOMMENDED BY STAFF, ADOPTING
RESOLUTION NO. 14-15 DETERMINING THAT THE
PROPOSED AMENDMENTS TO RULE 2449 ARE
EXEMPT FROM THE REQUIREMENTS OF CEQA
AND AMENDING RULE 2449, BY THE FOLLOWING
VOTE:

AYES: Antonovich, B. Benoit, J. Benoit,
Burke, Cacciotti, Gonzales, Lyou,
Nelson, Parker and Yates.

NOES: None.

ABSENT: Buscaino, Mitchell and Pulido.

39. 2013 Annual Report on AB 2588 Air Toxics Hot Spots Program

Dr. Philip Fine, Assistant DEO/Planning and Rules, gave the staff presentation.

The public hearing was opened, and there being no requests to speak, the public hearing was closed.

Dr. Lyou noted his continued interest in finding a method to better protect the public from toxic air contaminants in the future that does not rely on risk assessments which lack scientific validity.

In response to Councilman Cacciotti's questioning about changes to the OEHHA risk assessments, Dr. Fine explained that OEHHA is changing several factors related to calculating risks of certain chemicals and toxics that are included in health risk assessments. For example, the potency factor used is dependent upon age at exposure and is expected to increase by a factor of three.

Dr. Wallerstein added that staff will continue to keep the Board apprised of the OEHHA changes as the guidelines are finalized towards year-end, and how those changes will impact the District's regulatory program.

RECEIVED AND FILED; NO ACTION NECESSARY.

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

There was no public comment on non-agenda items.

CLOSED SESSION

The Board recessed to closed session at 10:45 a.m., 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 District is a party, as follows:

- Exide Technologies, Inc. v. SCAQMD, et al., Los Angeles Superior Court Case No. BS146770 (Writ of Mandate);
- People of the State of California, ex rel SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;
- In the Matter of SCAQMD v. Exide Technologies, Inc., SCAQMD Hearing Board Case No. 3151-29 (Order for Abatement);
- Exide Technologies, Inc., Petition for Variance, SCAQMD Hearing Board Case No. 3151-31;
- In re: Exide Technologies, Inc., U.S. Bankruptcy Court for the District of Delaware, Case No. 13-11482 (KJC) (Bankruptcy case) and
- SCAQMD v. City of Los Angeles, et al, Los Angeles Superior Court Case No. BS143381 (SCIG).

Following Closed Session, General Counsel Kurt Wiese announced that there were no reportable actions taken in closed session.

ADJOURNMENT

There being no further business, the meeting was adjourned by Kurt Wiese at 11:30 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on July 11, 2014.

Respectfully Submitted,

Denise Garzaro
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

CARB = California Air Resources Board
CEC = California Energy Commission
CNG = Compressed Natural Gas
EV = Electric Vehicle
FY = Fiscal Year
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
NATTS = National Air Toxics Trends Station
NO_x = Oxides of Nitrogen
NO₂ = Nitrogen Dioxide
OEM = Original Equipment Manufacturer
PAR = Proposed Amended Rule
PAMS = Photochemical Assessment Monitoring Stations
PM_{2.5} = Particulate Matter ≤ 2.5 microns
PM₁₀ = Particulate Matter ≤ 10 microns
OEHHA = Office of Health Hazard Assessment
PUC = Public Utilities Commission
RFP = Request for Proposals
RFQ = Request for Quotations