

BOARD MEETING DATE: December 4, 2015

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the November 6, 2015 meeting.

RECOMMENDED ACTION:

Approve Minutes of the November 6, 2015 Board Meeting.

Sandra McDaniel,
Clerk of the Boards

SM:dg

FRIDAY, NOVEMBER 6, 2015

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

Mayor Michael D. Antonovich
County of Los Angeles

Mayor Ben Benoit
Cities of Riverside County

Supervisor John J. Benoit
County of Riverside

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

Dr. Joseph K. Lyou
Governor's Appointee

Councilmember Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson
County of Orange

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

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

Supervisor Janice Rutherford
County of San Bernardino

Member absent:

Councilmember Joe Buscaino
City of Los Angeles

CALL TO ORDER: Chairman Burke called the meeting to order at 9:05 a.m.

- Pledge of Allegiance: Led by Councilwoman Mitchell.
- Opening Comments

Councilwoman Mitchell. Noted that CARB held their October meeting at District Headquarters in Diamond Bar, which provided the opportunity for some of the Board Members to visit the Port of Long Beach and the new zero-emission Long Beach Container Terminal. She explained that the terminal is still in a testing phase, but it was interesting to witness the loading and unloading of containers all via computerized operation.

Mayor Pulido. Announced that he will be leaving the Board in January and has enjoyed his time serving in this capacity.

Mayor Yates. Noted that he also will be leaving his position on the Board in January; and introduced Mayor Larry McCallon of the City of Highland who has been elected to serve as the new representative for the Cities of San Bernardino County.

Dr. Parker. Announced that he attended the CaFCP Executive Board Meeting on October 20, 2015 where discussion took place regarding the status of the 40 hydrogen fueling stations that are being built in California. He added that he attended, along with Chairman Burke, the Taste of Soul event on October 17, 2015 in South Los Angeles, which was very well attended and included a presence by SCAQMD to provide information to attendees regarding air quality issues as well as incentives available for purchasing alternatively-fueled vehicles.

CONSENT CALENDAR

1. Approve Minutes of October 2, 2015 Board Meeting
2. Set Public Hearing December 4, 2015 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations
 - A. Amend Rule 1113 – Architectural Coatings

Budget/Fiscal Impact

3. Execute Contract to Cosponsor Study on Opportunities and Benefits of Deploying Next Generation Heavy-Duty Natural Gas Vehicles Operating on Renewable Natural Gas **E**
4. Recognize Revenue and Execute Contract for Development, Integration and Demonstration of Ultra-Low-Emission Natural Gas Engine for On-Road Heavy-Duty Vehicles **E**
5. Execute Contract to Develop Online Application Database for Carl Moyer Program
6. Execute Contract to Conduct 2016 Leaf Blower Exchange Program
7. Adopt Resolution Accepting Terms and Conditions for Proposition 1B– Goods Movement Program Grants
8. Recognize Revenue and Appropriate Funds for U.S. EPA PAMS, U.S. EPA PM2.5 and U.S. Government Programs, Amend Contracts for Technical Support for U.S. EPA PAMS, and Issue RFQs and Purchase Orders for Air Monitoring Equipment and Upper Air Meteorology Equipment Warranty Services
9. Reissue RFP for Refurbishment of Pace Air Handlers at SCAQMD Headquarters
10. Execute Contract for Website Evaluation and Improvement
11. Execute Contracts for Legislative Representation in Washington, D.C.
12. Recognize Revenue and Amend Contract for Technical Advisor Services to Community Members of Exide Technologies Advisory Group
13. Amend Salary Resolution to Establish Five Step Salary Range for Health Effects Officer Classification
14. Approve Contract Awards and Modifications Approved by MSRC

Action Item/No Fiscal Impact

15. Establish Board Meeting Schedule for Calendar Year 2016
16. Public Posting of Board's Amendments to Rule 1420.2 – Emission Standards for Lead from Metal Melting Facilities

Items 17 through 25 - Information Only/Receive and File

17. Legislative and Public Affairs Report
18. Hearing Board Report
19. Civil Filings and Civil Penalties Report
20. Lead Agency Projects and Environmental Documents Received by SCAQMD
21. Rule and Control Measure Forecast
22. Approve Annual Report on AB 2766 Funds from Motor Vehicle Registration Fees for FY 2013-14
23. Annual Report on 457 Deferred Compensation Plan
24. Report of RFQs Scheduled for Release in November
25. Status Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2015-16

BOARD CALENDAR

27. Administrative Committee
28. Legislative Committee
29. Mobile Source Committee

30. Stationary Source Committee
31. Technology Committee
32. Mobile Source Air Pollution Reduction Review Committee
33. California Air Resources Board Monthly Report
34. 2016 Air Quality Management Plan White Papers

Dr. Lyou announced his abstention on Item No. 3 because Gladstein, Neandross and Associates, Clean Energy and Southern California Gas Company are potential sources of income to him, on Item No. 4 because Clean Energy and Southern California Gas Company are potential sources of income to him, and on Item No. 14 because The Better World Group is a potential source of income to him.

Supervisor Antonovich announced his abstention on Item Nos. 3 and 4 because Clean Energy is a potential source of income to him. He also announced that he serves as a Supervisor for Los Angeles County which is involved with Item No. 14.

Supervisor Benoit announced that he serves as a Supervisor for Riverside County which is involved with Item No. 14.

Supervisor Nelson announced that he serves as a Supervisor for Orange County which is involved with Item No. 14.

Councilman Cacciotti announced that he serves as a Council Member for the City of South Pasadena which is involved with Item No. 14.

Agenda Items 2, 12, 15, 21 and 34 were withheld for comment and discussion.

MOVED BY CACCIOTTI, SECONDED BY PULIDO, AGENDA ITEMS 1, 3 THROUGH 11, 13, 14 THROUGH 20, 22 THROUGH 25 AND 27 THROUGH 33 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 15-21 RECOGNIZING AND APPROVING AUTHORITIES FOR THE PROPOSITION 1B – GOODS MOVEMENT EMISSION REDUCTION PROGRAM PROJECTS, RESOLUTION NO. 15-22 AMENDING THE SALARY RESOLUTION TO IMPLEMENT A FIVE STEP SALARY RANGE FOR THE DESIGNATED DEPUTY CLASSIFICATION OF HEALTH EFFECTS OFFICER, AND RESOLUTION NO. 15-23 SETTING THE TIME AND PLACE OF REGULAR MEETINGS, BY THE FOLLOWING VOTE:

AYES: Antonovich (*except Items #3 and #4*), B. Benoit, J. Benoit, Burke, Cacciotti, Lyou (*except Items #3, #4 and #14*), Mitchell, Nelson, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSTAIN: Antonovich (*Items #3 and 4 only*) and Lyou (*Items #3, #4 and #14 only*).

ABSENT: Buscaino.

26. Items Deferred from Consent Calendar

2. Set Public Hearing December 4, 2015 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations
 - A. Amend Rule 1113 – Architectural Coatings

Dr. Lyou noted that since the rule has an exemption for a chemical that OEHHA has tentatively determined to be toxic, he does not support the setting of the proposed amended rule.

MOVED BY PULIDO, SECONDED BY NELSON, AGENDA ITEM 2 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Cacciotti, Mitchell, Nelson, Parker, Pulido, Rutherford and Yates.

NOES: Lyou.

ABSENT: Buscaino.

12. Recognize Revenue and Amend Contract for Technical Advisor Services to Community Members of Exide Technologies Advisory Group

Dr. Tom Williams, Sierra Club LA 32 Neighborhood Council, commented on the need for the ability for community involvement with the technical advisor.

In response to Dr. Lyou's request for staff to respond to Dr. Williams' comment, Dr. Wallerstein confirmed that the use of the advisor is at the request of the community and the community was involved in selecting the advisor.

21. Rule and Control Measure Forecast

Dr. Williams. Sierra Club LA 32 Neighborhood Council, questioned the effectiveness of Rule 1148.1, noting a current problem with odors being released by a well field near the Porter Ranch area.

34. 2016 Air Quality Management Plan White Papers

Dr. Tom Williams, Sierra Club and LA 32 Neighborhood Council, noted that he will be looking at how goods movement relates to energy and relates to the rest of our economy and air quality; and stressed the importance of addressing truck traffic by promoting rail transportation.

MOVED BY BURKE AND DULY
SECONDED, AGENDA ITEMS 12, 21 AND
34 APPROVED AS RECOMMENDED, BY
THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Buscaino and Pulido.

15. Establish Board Meeting Schedule for Calendar Year 2016

Dr. Lyou suggested that the September 2016 meeting be set for the second week of the month due to the Labor Day holiday falling on the following Monday, similar to how the July hearing was proposed.

Supervisor Nelson raised the concern of the conflicts that arise when set meetings are moved, due to the other commitments of many Board Members.

Chairman Burke noted that no other Board Members have voiced a concern with holding the meeting on the first week of September, so it would likely be set as proposed.

MOVED BY B. BENOIT, SECONDED BY
CACCIOTTI, AGENDA ITEM 15 APPROVED
AS RECOMMENDED, BY THE FOLLOWING
VOTE:

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

NOES: None.

ABSENT: Buscaino and Pulido.

PUBLIC HEARINGS

35. 2014 Annual Report on AB 2588 Air Toxics Hot Spots Program

Ian MacMillan, Planning and Rules Manager, gave the staff presentation on Item 35.

Dr. Lyou noted the high risk estimate reported at one facility; and questioned how the District's staff is protected when they visit facilities that have a high health risk associated with them.

Dr. Wallerstein confirmed that there are safety measures in place for staff.

RECEIVED AND FILED; NO ACTION NECESSARY.

36. Amend Rule 1156 – Further Emission Reductions from Cement Manufacturing Facilities

Jill Whynot, Assistant DEO Planning and Rules, gave the staff presentation. She noted that a change has been proposed to the language in section (h)(5)(A) and requested approval of the staff recommendations.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 36.

DR. JIM STEWART, Sierra Club

Expressed concern that the proposal will actually delay the imposition of the latest OEHHA guidelines because of the three-year phase-in provision; and stressed the importance for the Board to protect public health and not make accommodations for businesses that endanger that protection.

DAVID PETTIT, Natural Resources Defense Council
KENT MINAULT, Sierra Club

Urged the Board to continue to strengthen regulations that will protect the public who suffer from the negative effects of pollution.

DR. JOHN BUDROE, OEHHA

Commented on the toxicity of hexavalent chromium, emphasizing that it is a known human carcinogen, can cause gene mutations and chromosomal damage; and explained that the multi-pathway analysis that was conducted considers soil deposition, uptake by homegrown crops, as well as dermal exposure. He added that SCAQMD staff appropriately used the methodology in their analysis.

MICHAEL MEINEN, Riverside Cement Company

Expressed opposition to the proposed rule; noted their continued concerns with the lack of clarity regarding closure procedures; and explained that the costs associated with post-closure efforts presented by staff do not account for multiple items that they believe would need to be included. (Submitted Written Comments)

DAVID PERKINS, Riverside Cement Company

Noted that this rule was originally designed to manage particulates from an operating facility and now it has grown into an excessive regulation that will affect the redevelopment of these properties; adding that the proposal creates additional uncertainty and does little, if anything, to improve risk at the site; and stressed the importance for the redevelopment of their property for the community of Jurupa Valley.

HOWARD BALENTINE, AECOM

Expressed opposition to the proposal as the SCAQMD's proposed fence line standard is based on out-of-date science; and noted that hexavalent chromium found in cement dust is not the same as hexavalent chromium that

emits from plating operations which is what the potency value is based upon.

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

JUDITH PRAITIS, Sidley Austin LLP

Stressed that the District continues to use out-of-date or sloppy science when developing regulations; and called into question the validity of sampling and testing that staff performed on the site.

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

Dr. Wallerstein noted that as the cement operations wind down at these facilities and equipment is removed, grading of the site may occur and there is the potential to disturb dust on the property that will lead to hexavalent chromium levels that pose a significant risk spreading into to the adjacent communities. He added that the proposed amendment simply requires companies to perform fence line monitoring and to have a dust control plan that will be implemented in the event the monitoring data shows an exceedance of the rule's threshold.

In response to Dr. Lyou's request for staff to respond to the comments that there are undefined terms in the rule, Dr. Wallerstein noted that the proposal is consistent with other District regulations and the facilities are provided with flexibility to select specific measures to address any exceedances.

Mayor Yates noted that as Chairman of the Stationary Source Committee he has worked with Riverside Cement and Cal Portland Cement Company throughout the past few years; explained that even though Cal Portland previously commented that they support the proposal, they continue to convey concerns about the closing procedures; and he expressed concern that the proposal would make it difficult for these companies to sell these properties for future development. He also raised the concern of too much authority being given to the Executive Officer rather than the Board.

Councilwoman Mitchell confirmed that the agency is simply doing what it is tasked to do and that is accounting for air quality by requiring air monitoring, and there are other agencies that would become involved if the need for soil cleanup was found or if plans to redevelop the site were made; and she commended staff for working cooperatively with the industry and incorporating flexibility into the rule.

Dr. Parker agreed that it is worrisome that the emissions could spread throughout the community; and noted that it is prudent to apply standards evenly and not give the impression that any one industry is being treated unfairly.

Supervisor Benoit acknowledged the role Exide Technologies has played in prompting the District address the safety of surrounding communities, but cautioned against overburdening businesses with regulation. He added that the

issue of the Executive Officer's discretion has led him to think about the potential for creating an enforcement officer position at a level below the Executive Officer, therefore creating an immediate appeal level to the Executive Officer when appropriate.

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 36 APPROVED AS RECOMMENDED BY STAFF WITH THE MODIFICATION NOTED BELOW, ADOPTING RESOLUTION NO. 15-24 CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT FOR PROPOSED AMENDED RULE 1156 AND AMENDING RULE 1156 – FURTHER REDUCTIONS OF PARTICULATE EMISSIONS FROM CEMENT MANUFACTURING FACILITIES, BY THE FOLLOWING VOTE:

AYES: B. Benoit, J. Benoit, Burke, Cacciotti, Lyou, Mitchell, Nelson, Parker and Rutherford.

NOES: Antonovich and Yates.

ABSENT: Buscaino and Pulido.

Amend (h)(5)(A) by inserting the bolded language as follows:

- (5) The owner/operator shall do all of the following:
- (A) Unless the facility has a reclamation plan pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) approved by the lead agency, within 90 calendar days of cement manufacturing facility closure, the owner/operator shall submit a Compliance Plan for Post Closure Activities to the Executive Officer for review and pay the plan fees as specified in Rule 306. The Executive Officer shall approve or disapprove the request within 60 calendar days of receipt. **The Executive Officer will approve or disapprove the plan based on data, studies and/or good engineering and scientific judgment. If disapproved, the owner/operator shall resubmit the plan within 60 days of notice of disapproval addressing any deficiencies identified by the Executive Officer. The Executive Officer shall not unreasonably withhold approval of the plan if it complies with the requirements of this subparagraph.** The Executive Officer's decision is appealable to the Hearing Board under Rule 216 – Appeals and Rule 221 – Plans. The Compliance Plan for Post Closure Activities shall, at a minimum, include the following:

37. Amend Regulation XX - Regional Clean Air Incentives Market (RECLAIM)

Dr. Wallerstein noted that staff is requesting to continue this item to the December 4, 2015 Board meeting, adding that he has conveyed this to members of the group that has requested to speak on this item and has made arrangements for a staff briefing to take place immediately following the meeting in an adjacent conference room, so that they can all be apprised of the latest developments on the proposed amendments.

Graciela Geyer, Sierra Club, spoke on behalf of the individuals who were in attendance at the meeting to express support for a strict NOx rule; and urged the Board to make decisions that protect public health and have positive impacts on the environment.

AGENDA ITEM 37 WAS CONTINUED BY THE BOARD TO THE DECEMBER 4, 2015 BOARD MEETING, AS RECOMMENDED BY STAFF.

OTHER BUSINESS

38. Request to City of Diamond Bar to Provide Alternative Fuel Signage on City Streets 

MOVED BY YATES, SECONDED BY LYOU,
AGENDA ITEM 38 APPROVED AS
RECOMMENDED, BY THE FOLLOWING
VOTE:

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

NOES: None.

ABSENT: Buscaino and Pulido.

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

Dr. Tom Williams, LA 32 Neighborhood Council and Sierra Club, raised a concern about the effectiveness of Rule 1148.1 and in particular with the public complaint procedures; and submitted an oral Public Records Act request for all records pertaining to notification, complaints and communications regarding the Southern California Gas Company's venting and/or uncontrolled release of natural gas from their Aliso Canyon facility.

Ray Goldsworthy, Retired SCAQMD employee, addressed the Board in regards to the improvements that have been made to address air quality concerns; and expressed his enthusiasm for the opportunity to continue to serve the District on a volunteer basis.

Alexandra Nagy, Food and Water Watch, spoke against the practice of hydraulic fracturing, highlighting a major gas leak that has been ongoing for 16 days at the Southern California Gas Company facility in the Aliso Canyon Storage Field and is affecting the community of Porter Ranch where residents are reporting alarming symptoms such as burning eyes, shortness of breath, nausea and vomiting. She thanked staff for their timely response to the scene and their continued effort to be forthcoming with residents; and urged for So Cal Gas to be held accountable for the gas leak.

Kent Minault, Sierra Club, noted that the current level of charging infrastructure for EVs throughout the region is inadequate, and although he has seen funding to promote charging in multi-unit dwellings, the availability of publically accessible charges is lacking.

Councilman Cacciotti noted that under Item 14 on today's agenda the Board approved the Mobile Source Air Pollution Reduction Committee to provide grants for a number of projects that seek to install electric vehicle charging stations in a number of local cities.

Supervisor Antonovich asked staff to comment about the situation that was mentioned in the Porter Ranch area relative to the gas leak.

Dr. Wallerstein responded that staff has been very involved by being present on-site and also by participating in a community meeting on November 4, 2015; noted that repairs are expected to begin no later than today to address the leak in an underground storage area for natural gas. He added that he is awaiting a call back from the CEO of So Cal Gas to speak to him about the situation and to emphasize the urgency to resolve this matter.

CLOSED SESSION

The Board did not meet in closed session.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Burke at 11:10 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on November 6, 2015.

Respectfully Submitted,

Denise Garzaro
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan
CaFCP = California Fuel Cell Partnership
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
EV = Electric Vehicle
FY = Fiscal Year
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
OEHHA = Office of Environmental Health Hazard Assessment
PAMS = Photochemical Assessment Monitoring Stations
PM2.5 = Particulate Matter \leq 2.5 microns
RFP = Request for Proposals
RFQ = Request for Quotations
U.S. EPA = United States Environmental Protection Agency