

BOARD MEETING DATE: October 2, 2015

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the September 4, 2015 meeting.

RECOMMENDED ACTION:

Approve Minutes of the September 4, 2015 Board Meeting.

Sandra McDaniel,  
Clerk of the Boards

SM:dg

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**FRIDAY, SEPTEMBER 4, 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 Joe Buscaino (left at 11:10 a.m.)  
City of Los Angeles

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 (arrived at 9:15 a.m.)  
County of Orange

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

Mayor Miguel A. Pulido (left at 10:40 a.m.)  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

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

- Pledge of Allegiance: Led by Councilman Cacciotti.
- Opening Comments

Councilwoman Mitchell. Announced that she attended the Women in Green Forum on August 26, 2015 and was encouraged to see the many ideas entrepreneurial women are introducing to green enterprise. She explained that she also attended the Asilomar 2015 Conference on Transportation and Energy Policy in a Volatile World on August 18-21, 2015; noted that Dr. Lyou was also in attendance and served as a panel moderator; and commented on one topic of interest which was companies such as Lyft and Uber that utilize software platforms that match excess capacity with a need in the community and how that might be applied to other areas.

Dr. Lyou. Confirmed that he also attended the Asilomar Conference and displayed a photograph of the attendees.

Dr. Parker. Explained that on August 31, 2015 he went, along with Chairman Burke, to meetings in Sacramento and shared with some of the legislators points of view that have been expressed by the Board in regard to the impact SB 350 will have on the Basin.

Chairman Burke. Noted that on August 16, 2015 he attended, along with Dr. Parker, an event sponsored by SCAQMD called the Regalettes An Afternoon in White in Los Angeles; and explained that the organization provides scholarships to minority college students, as well as additional outreach efforts within the community.

## **CONSENT CALENDAR**

1. Approve Minutes of July 10, 2015 Board Meeting
2. Set Public Hearings October 2, 2015 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations
  - A. Amend Rule 1106 – Marine and Pleasure Craft Coating Operations and Rescind Rule 1106.1 – Pleasure Craft Coating Operations

**Budget/Fiscal Impact**

3. Recognize and Appropriate Funds and Execute Contract for EV Charging Stations and Service at SCAQMD Headquarters and Release RFP for Installation **E**
4. Execute Contracts for FY 2013-14 "Year 16" Carl Moyer Multidistrict Program and Transfer Funds for Multidistrict Truck Projects under Voucher Incentive Program
5. Execute Contracts to Cosponsor Sustainable Transportation Energy Pathways 2015-2018 Program **E**
6. Establish Residential EV Charging Incentive Pilot Program **E**
7. Recognize Revenue and Appropriate Funds for AB 1318 Weatherization Projects
8. Execute Contract for Tier 4 Passenger Locomotives
9. Execute Contract for CEQA Consultant Assistance
10. Replace Cleveland Range Food Steamer in Cafeteria
11. Authorize Purchase of Audio-Visual System Upgrades in Hearing Board and GB Rooms
12. Approve Contribution for Endowment to University of California Riverside to Support County of Riverside, University of California Riverside, University of California Riverside CE-CERT, City of Riverside, and Riverside Public Utilities Proposal for CARB's Southern California Consolidation Project
13. Revise Procurement Policy and Procedure
14. Authorize Executive Officer to Execute Agreement to Transfer Oversight of BP/SCAQMD Public Benefits Program to Board, Approve Administrative Changes to Existing Program Contracts, and Execute Contract for Air Pollution Health Effects Study

15. Appropriate Funds from Designation for Litigation and Enforcement and Authorize Amending/Initiating Contracts with Outside Counsel and Specialized Legal Counsel and Services

16. Approve Contract Awards and Allocation Approved by MSRC

**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. Report of RFPs Scheduled for Release in September

21. FY 2014-15 Contract Activity

22. Summary of Changes to FY 2014-15 Approved Budget

23. Lead Agency Projects and Environmental Documents Received by SCAQMD

24. Rule and Control Measure Forecast

25. Status Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2015-16

Dr. Lyou announced his abstention on Item No. 3 because NRG/eVgo is a potential source of income to him, on Item No. 5 because Chevron, Sempra, and General Motors are potential sources of income to him, on Item No. 7 because Southern California Gas Company and Southern California Edison are potential sources of income to him, on Item No. 8 because METRO is a potential source of income to him, on Item No. 12 because Riverside Public Utilities/City of Riverside is a potential source of income to him, and on Item No. 16 because LADWP and The Better World Group are potential sources of income to him.

Supervisor Antonovich announced that he serves as a Board Member for the Southern California Regional Rail Authority which is involved with Item No. 8.

Supervisor Benoit announced that he serves as a Supervisor for Riverside County which is involved with Item No. 12.

Councilwoman Mitchell announced her abstention on Item No. 12 because she serves on the Subcommittee for Site Selection for CARB.

Mayor Pulido announced that he serves on the Board of Directors for the Orange County Transportation Authority which is involved with Item No. 16.

Councilman Cacciotti announced that he serves as a Council Member for the City of South Pasadena which is involved with Item No. 16

Agenda Items 2, 3, 8, 12 and 23 were withheld for comment and discussion.

MOVED BY PULIDO, SECONDED BY J. BENOIT, AGENDA ITEMS 1, 4 THROUGH 7, 9 THROUGH 11, 13 THROUGH 22, 24 AND 25 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Lyou (*except Items #5, #7 and #16*), Mitchell, Parker, Pulido, Rutherford and Yates.

NOES: None.

ABSTAIN: Lyou (*Items #5, #7 and #16 only*).

ABSENT: Nelson.

26. Items Deferred from Consent Calendar

2. Set Public Hearings October 2, 2015 to Consider Amendments and/or Adoption to SCAQMD Rules and Regulations

A. Amend Rule 1106 – Marine and Pleasure Craft Coating Operations and Rescind Rule 1106.1 – Pleasure Craft Coating Operations

Dr. Lyou noted some concerns expressed by the UV/EB industry that the rule amendments are lacking a certain definition and also do not address a specific test method that would potentially be used in the future.

Dr. Philip Fine, DEO/Planning and Rules, responded that staff is continuing to look at the possibility of including the requested information in the rule proposal.

MOVED BY CACCIOTTI, SECONDED BY LYOU, AGENDA ITEM 2 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: None.

3. Recognize and Appropriate Funds and Execute Contract for EV Charging Stations and Service at SCAQMD Headquarters and Release RFP for Installation 

Dr. Lyou left the room during discussion of Items 3, 8 and 12.

Councilman Cacciotti expressed support for this item and asked staff to explain the proposal.

Dr. Matt Miyasato, DEO/Technology Advancement, explained that the proposal will greatly expand the charging infrastructure at District Headquarters.

Mayor Yates inquired whether Southern California Edison was advised of these proposed additions of electric chargers.

Dr. Miyasato replied that the project included performing an engineering study to ensure there is sufficient electrical supply to support the additional chargers. The study indicated the need for some transformer upgrades, the cost of which will be included in the project.

Supervisor Benoit noted that since this widespread workplace charging is a relatively new area of focus, it would be prudent to work with SCAQMD employees to establish a policy on how and when these spots are to be utilized.

MOVED BY CACCIOTTI, SECONDED BY PULIDO, AGENDA ITEM 3 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSTAIN: Lyou.

ABSENT: None.

8. Execute Contract for Tier 4 Passenger Locomotives

Supervisor Nelson announced that he serves as a Board Member for the Southern California Regional Rail Authority which is involved with Item No. 8.

Dr. Tom Williams, Sierra Club Transportation Committee, addressed the Board on Agenda Item No. 8 and stressed the need for additional Tier 4 locomotives to be utilized.

MOVED BY CACCIOTTI, SECONDED BY B. BENOIT, AGENDA ITEM 8 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSTAIN: Lyou.

ABSENT: None.

12. Approve Contribution for Endowment to University of California Riverside to Support County of Riverside, University of California Riverside, University of California Riverside CE-CERT, City of Riverside, and Riverside Public Utilities Proposal for CARB's Southern California Consolidation Project

Councilwoman Mitchell left the room during discussion of Item No. 12.

Nicole David, CE-CERT, explained the impact the proposed contribution will have on mobility issues in the region and educational opportunities for CARB and SCAQMD staff.

Supervisor Benoit applauded CE-CERT for their work throughout the years on environmental issues and explained the importance of this partnership with them.

MOVED BY J. BENOIT, SECONDED BY  
B. BENOIT, AGENDA ITEM 12 APPROVED  
AS RECOMMENDED, BY THE FOLLOWING  
VOTE:

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

NOES: None.

ABSTAIN: Lyou and Mitchell.

ABSENT: Pulido.

23. Lead Agency Projects and Environmental Documents Received by  
SCAQMD

Dr. Tom Williams, Sierra Club Transportation Committee, expressed agreement with SCAQMD's comments in response to the draft EIR for the 710 tunnel vent project.

MOVED BY CACCIOTTI, SECONDED BY  
LYOU, AGENDA ITEM 23 APPROVED AS  
RECOMMENDED, BY THE FOLLOWING  
VOTE:

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

NOES: None.

ABSENT: Pulido.

**BOARD CALENDAR**

- 27. Administrative Committee
- 28. Special Administrative Committee
- 29. Legislative Committee
- 30. Mobile Source Committee
- 31. Stationary Source Committee
- 32. Technology Committee
- 33. Special Technology Committee
- 34. Mobile Source Air Pollution Reduction Review Committee
- 35. California Air Resources Board Monthly Report

MOVED BY YATES, SECONDED BY CACCIOTTI, AGENDA ITEMS 27 THROUGH 35 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Pulido.

36. Status Report on Regulation XIII – New Source Review

Mohsen Nazemi, DEO/Engineering and Compliance, explained that this a routine report brought to the Board each year.

MOVED BY CACCIOTTI, SECONDED BY PARKER, AGENDA ITEM 36 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Pulido.

**PUBLIC HEARINGS**

37. Amend Rule 1148.1 – Oil and Gas Production Wells (*Continued from July 10, 2015 Board Meeting*)

Dr. Parker proposed changes to the rule language concerning the distance of control equipment to address stakeholder concerns.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 37.

SHAMS HASAN, E & B Natural Resources  
PAT GORSKY, Freeport-McMoran Oil and Gas  
CANDACE SALWAY, Freeport-McMoran Oil and Gas  
\*SANDRA BURKHART, Western States Petroleum Association  
BLAIR KNOX, California Independent Petroleum Association

Expressed support for the proposal with the changes suggested by Dr. Parker and thanked staff for continuing to work with stakeholders.  
\*(Submitted Written Comments)

JIM STEWART, Sierra Club  
ANGELICA GONZALEZ, Sierra Club  
DR. TOM WILLIAMS, Citizens Coalition for Safe Community

Expressed disappointment with the new proposal; and urged the Board to do all it can to protect public health from oil drilling operations.

MICHAEL SALMAN, Associate Professor UCLA

Requested that the Board direct staff to develop an amendment to address flaring at well sites and explore the possibility of supporting a demonstration project using fuel cells as an ultra-low emission way to deal with gas that cannot be put into the pipeline. (Submitted Written Comments)

MARIA RAMOS  
TERESA FLORES

Explained the negative health effects residents near the oil fields face; and asked that steps be taken to reduce the odors that come from the sources close to homes.

BAHRAM FAZELI, Communities for a Better Environment  
ALICIA RIVERA, Communities for a Better Environment  
YVONNE WATSON, Sierra Club  
SAMUEL SUKATON Sierra Club  
RABEYA SEN, Esperanza Community Housing Corporation

Expressed disappointment that the proposal is now being amended to appease the industry and disregard the input of the community members throughout the past few months.

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

Dr. Wallerstein noted that the reference to 1500 feet appears six times in the Rule, and Dr. Parker's proposal affects one of those areas. The industry has now agreed to accept the 1500 feet requirement at the five other references, as well as the trigger of two violation notices. He added that the amendment will keep the current standard of daily inspections if the operation is within 328 feet of a receptor, and adds that in the event an operation located from a distance of 328 feet to 1500 feet receives two notices of violation they must perform daily inspections.

In response to Councilwoman Mitchell's request for a response to Mr. Salman's comments about flaring, Dr. Wallerstein confirmed that he intends to have staff look at the possibility of utilizing fuel cells; and noted that CARB is working on a methane regulation that would potentially affect the burning of methane from oil production fields, so the Board will be hearing more about this issue and staff will include any developments in the report to the Stationary Source Committee regarding rule implementation.

Supervisor Nelson suggested directing staff to bring an item before the Stationary Source Committee to discuss odor nuisance issues, so that policy direction can be given on how to handle the matters in the future.

Chairman Burke directed staff to address this matter as requested by Supervisor Nelson and other Board Members on prior occasions.

Dr. Lyou stressed the importance of continuing to address mitigation measures to address issues that have been identified with certain production facilities.

Dr. Parker noted that his amendment seeks to balance the concerns of both businesses and the community members that the Board is charged with protecting.

MOVED BY J. BENOIT, SECONDED BY PARKER, AGENDA ITEM NO. 37 APPROVED AS RECOMMENDED BY STAFF WITH THE MODIFICATIONS PER MOTION OF BOARD MEMBER PARKER NOTED BELOW, ADOPTING RESOLUTION NO. 15-17 CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT FOR AMENDED RULE 1148.1 AND AMENDING RULE 1148.1 - OIL AND GAS PRODUCTION WELLS, BY THE FOLLOWING VOTE:

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

NOES: Lyou and Mitchell.

ABSENT: None.

Bottom of Page 7, within paragraph (e)(1):

- (C) Any stuffing box or produced gas handling and control equipment located ~~1,500 feet~~ **328 feet (100 meters)** or less from a sensitive receptor daily. Receptor distance shall be determined as the distance measured from the stuffing box or produced gas handling and control equipment to the property line of the nearest sensitive receptor.
- (D) Any stuffing box or produced gas handling and control equipment located between 328 feet (100 meters) and 1,500 feet from a sensitive receptor daily for any facility receiving Notice(s) of Violation for Rule 402 and/or H&S Code § 41700 for odor nuisance occurring on two (2) or more days. Receptor distance shall be determined as the distance measured from the stuffing box or produced gas handling and control equipment to the property line of the nearest sensitive receptor.**

Bottom of Page 10, within paragraph (g)(1):

- (A) Receipt of ~~a~~ **Notice(s) of Violation for Rule 402 and/or H&S Code § 41700 for odor nuisance occurring on two (2) or more days—Nuisance, as a result of odors;** or

(Mayor Pulido left at 10:40 a.m.)

38. Amend Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers *(Continued from July 10, 2015 Board Meeting for Board Deliberation and Action Only)*

Dr. Parker proposed an amendment to strike a balance between the community member requests and input from industry, by setting the notice requirement to no less than 48 hours.

Dr. Lyou noted that providing notice to the communities is of the utmost importance and proposed an amendment to the motion that would reduce the number of extensions per drilling incident from five to three and change the language of the resolution to not exclude injection wells and direct staff to treat injection wells and production wells the same.

Kurt Wiese, General Counsel, noted that Dr. Lyou's proposed amendment constitutes a substantial change to the meaning of the rule which would require re-noticing of the rule with that amendment before the Board could consider it.

Dr. Lyou explained if he had been aware that staff was going to make a distinction between injection wells and production wells, he would have raised the issue previously.

Ms. Nakamura explained that when the rule was originally drafted it did not include water injection wells, as it was presented that those particular wells did not have flow back fluid, which was the primary concern at that time. She added that during this round of amendments to Rule 1148.2 the issue of notifications for water injection wells came up again and that is why there is a commitment to return to the Stationary Source Committee to address the water injection wells.

Dr. Wallerstein noted that the resolution included mention of looking at injection wells in the future and coming back to the Board on that issue, which would not have been expressed if it was believed to already be included in the rule.

DR. LYOU MOVED TO APPROVE THE STAFF RECOMMENDATION FOR ITEM NO. 38 WITH THE MODIFICATION TO REDUCE THE NUMBER OF POTENTIAL EXTENSIONS FOR DRILLING ACTIVITY TO THREE PER INCIDENT AND DIRECTING STAFF TO TREAT PRODUCTION AND INJECTION WELLS ALIKE, SECONDED BY COUNCILMAN CACCIOTTI BUT FAILED BY THE FOLLOWING VOTE:

AYES: Lyou.

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

ABSENT: Pulido and Yates.

Councilwoman Mitchell noted that the Board could direct staff to address injection wells in the future and should utilize the standard procedure for rule development to ensure proper procedures have been followed.

MOVED BY J. BENOIT, SECONDED BY PARKER, AGENDA ITEM NO. 38 APPROVED AS RECOMMENDED BY STAFF WITH THE MODIFICATIONS PROPOSED BY BOARD MEMBER PARKER NOTED BELOW, ADOPTING RESOLUTION NO. 15-18 DETERMINING THAT AMENDED RULE 1148.2 IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 1148.2 - NOTIFICATION AND REPORTING REQUIREMENTS FOR OIL AND GAS WELLS AND CHEMICAL SUPPLIERS, BY THE FOLLOWING VOTE:

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

NOES: Lyou.

ABSENT: Pulido.

Modify paragraph (d)(1) of the Rule by adding the ***bold italic single underlined*** language and deleting the ***bold italic single strikeout*** language as follows:

- (1) ~~Beginning June 4, 2013, the~~ The operator of an onshore oil or gas well shall electronically notify the Executive Officer, using a format approved by the Executive Officer, of the following information, no more than ten (10) calendar days and no less than ~~2472~~ 48 hours prior to the start of drilling, well completion, or rework of an onshore oil or gas well:

Modify paragraph (d)(2) of the Rule by adding the ***bold italic single underlined*** language and deleting the ***bold italic single strikeout*** language as follows:

- (2) If the start date for the drilling, well completion, or rework ~~*as notified by the operator of an onshore*~~ of an onshore oil or gas well notification submitted to the Executive Officer pursuant to subparagraph (d)(1)(E) is anticipated to occur before the originally projected noticed start date and time, the operator shall electronically notify the Executive Officer at least ~~72~~ 48 hours prior to the new start date and time.

Modify adopting resolution for PAR 1148.2 to change references to the notification period from 72 hours to **48 hours**.

(Councilman Buscaino left at 11:10 a.m.)

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

Tracy Goss, Planning and Rules Manager, gave the staff presentation.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 39.

DAVID PERKINS, Riverside Cement Company

Noted significant concerns with the proposed amendment, including the following: 1) the background concentrations can be skewed by offsite sources and other factors; 2) they have not been provided with sufficient time or information to understand the OEHHA standard used to set the new fence line standard; 3) there is a lack of clarity regarding the monitoring process after closure of a facility; 4) they believe that the rule exceeds the agency's authority; and (5) requested the item be continued. (Submitted Written Comments)

MICHAEL MEINEN, Riverside Cement  
HOWARD VALENTINE, AECOM

Explained there are many complexities with their site and expressed concerns that the facility could not meet the proposed monitoring standard. They reiterated concerns with the lack of availability of information to be able to duplicate calculations used to develop the rule and stated that the rule contains too much Executive Officer discretion.

JUDITH PRAITIS, Sidley Austin LLP

Expressed opposition to the rule which she believes exceeds the SCAQMD's authority. She also stated that the process lacks transparency, the rule could result in premature closing of a lawful business, includes a subjective basis for discontinuing monitoring and facility closure requirements, and requested a 90-day extension.

JAY GRADY, CalPortland Company

Expressed support for the rule and thanked staff for their efforts to address their concerns.

JIM STEWART, Sierra Club

ANGELICA GONZALEZ, Sierra Club

Applauded the use of updated OEHHA standards to include the increased health effects that toxic air contaminants have on children; and expressed support for the rule that helps to minimize chromium emissions and protect local communities.

Supervisor Rutherford asked staff to address the concerns raised by Riverside Cement regarding the lack of being able to replicate calculations and that their emission levels exceed the standard even on days when they are not in operation.

Dr. Fine explained that staff has met with the facility on multiple occasions and gone through the calculations, and has provided them with detailed information on the calculations based on the revised OEHHA guidance. In regards to the exceedances, he noted that winds do not always blow in one direction over a 24-hour period. The facility is responsible for controlling dust emissions from their facility even if they are not operational.

Mayor Yates noted that as Chairman of the Stationary Source Committee he was surprised to see this matter set for hearing because the last time it was before the committee was in April and there were quite a few disparities between the stakeholders view and the staff proposal. He cautioned against setting a precedent of bringing items to the full Board with multiple unresolved issues.

Dr. Wallerstein noted that numerous meetings with stakeholders has not resulted in an agreeable solution and discussions are now at an impasse, so the proposal was brought to the Board for their consideration.

Chairman Burke agreed that the rule should go back to the Stationary Source Committee for further review.

AT THE CHAIRMAN'S DIRECTION, AGENDA  
ITEM 39 WAS REFERRED BACK TO THE  
STATIONARY SOURCE COMMITTEE FOR  
FURTHER REVIEW.

40. Adopt Proposed Rule 415 - Odors from Rendering Facilities

Staff recommended that the hearing on Rule 415 be continued to the November 6, 2015 meeting.

Mayor Yates noted that there has been an extended length of time since the Stationary Source has heard this matter as well.

Chairman Burke confirmed that the rule should go back to the Stationary Source Committee for further review.

AT THE CHAIRMAN'S DIRECTION, AGENDA ITEM 40 WAS REFERRED BACK TO THE STATIONARY SOURCE COMMITTEE FOR FURTHER REVIEW.

41. Amend Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities

Susan Nakamura, Director of Strategic Initiatives, gave the staff presentation.

The public hearing was opened and the following individuals addressed the Board on Agenda Item 41.

LUIS CEBALLOS, Clean Air Coalition of North Whittier and Avocado Heights

Noted his concern for the lead and arsenic emissions that are being released by Quemetco and affecting local neighborhoods and schools; and stressed the importance of protecting future generations from harmful pollutants.

REBECCA OVERMYER-VELAZQUEZ, Clean Air Coalition of North Whittier and Avocado Heights

MARILYN KAMIMURA, Clean Air Coalition of North Whittier and Avocado Heights

Stressed that there has been a history of lead deposition in their community since 1959 that has not been addressed; reiterated that no level of lead is safe for children; and urged the Board to place even stricter regulations on Quemetco to limit their emissions of lead into the environment. They added that they strictly oppose the application Quemetco has filed to expand their operation by 25 percent.

Dr. Wallerstein noted that, if approved, this proposal will make Rule 1420.1 the strictest rule of its kind in the country.

DUNCAN MCKEE, Avocado Heights Resident

Noted that he has been a member of the Rule 1420.1 working group since 2010, and while he supports the overall rule, he has the following concerns: 1) Quemetco has demonstrated they can reach lower levels than what is being proposed; 2) the potential lack of accuracy of source testing; and 3) that any expansion by the facility would be extremely detrimental to the surrounding neighborhoods.

JIM STEWART, Sierra Club

Expressed support for further tightening of lead standards and noted the need to take additional action to protect the community members near the Quemetco facility.

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

In response to Councilman Cacciotti's inquiry about the status of the request for an increase in production as referenced by the commenters, Mohsen Nazemi explained that the application by Quemetco is undergoing a thorough evaluation prior to a decision being issued.

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 41 APPROVED AS RECOMMENDED BY STAFF, ADOPTING RESOLUTION NO. 15-19 CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL ASSESSMENT FOR AMENDED RULE 1420.1 AND AMENDING RULE 1420.1 – EMISSION STANDARDS FOR LEAD AND OTHER TOXIC AIR CONTAMINANTS FROM LARGE LEAD-ACID BATTERY RECYCLING FACILITIES, 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.

42. Adopt Proposed Rule 1420.2 – Emission Standards for Lead from Metal Melting Facilities

MOVED BY CACCIOTTI, SECONDED BY LYOU, and UNANIMOUSLY CARRIED (Absent: Buscaino and Pulido), AGENDA ITEM 42, WAS CONTINUED TO THE OCTOBER 2, 2015 BOARD MEETING.

## **OTHER BUSINESS**

### 43. 2016 Air Quality Management Plan White Papers

Dr. Tom Williams, Sierra Club Transportation Committee and Citizens Coalition for a Safe Community, highlighted the importance of including the effects of goods movement to and from the Ports of Los Angeles and Long Beach.

In response to Supervisor Rutherford's inquiry about the ability for the public to comment on the drafts, Dr. Fine noted that staff expects to receive input throughout the next month and can implement any changes in that period and provide those updated versions for review and further input by the Board and via public comment at the October 2, 2015 meeting, prior to releasing a final version.

Dr. Lyou suggested placing a link to the White Papers in a visible location on the District's webpage.

RECEIVED AND FILED; NO ACTION NECESSARY.

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

Dr. Tom Williams, LA 32 Neighborhood Council, Sierra Club and Citizens Coalition for a Safe Community, explained that the Board holds a leadership role where they must balance concerns of multiple stakeholders; and urged them to keep the goal of ensuring full attainment to improve air quality and protect public health.

## **CLOSED SESSION**

The Board recessed to closed session at 12:15 p.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:

SCAQMD v. U.S. EPA, U.S. Court of Appeals, Ninth Circuit, Case No. 13-73936 (Morongo Redesignation); and

SCAQMD v. U.S. EPA, U.S. Court of Appeals, Ninth Circuit, Case No. 15-71600 (Pechanga Redesignation).

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (one case).

Following closed session, General Counsel Kurt Wiese announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board and made available upon request.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned by Kurt Wiese at 12:45 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on September 4, 2015.

Respectfully Submitted,

Denise Garzaro  
Senior Deputy Clerk

Date Minutes Approved: \_\_\_\_\_

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Dr. William A. Burke, Chairman

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## **ACRONYMS**

AQMP = Air Quality Management Plan

CARB = California Air Resources Board

CEQA = California Environmental Quality Act

CE-CERT = College of Engineering-Center for Environmental Research and Technology

EIR = Environmental Impact Report

EV = Electric Vehicle

FY = Fiscal Year

MSRC = Mobile Source (Air Pollution Reduction) Review Committee

OEHHA = Office of Environmental Health Hazard Assessment

RFP = Request for Proposals