

BOARD MEETING DATE: January 10, 2020

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the December 6, 2019 meeting.

RECOMMENDED ACTION:

Approve Minutes of the December 6, 2019 Board Meeting.

Carole M. Wayman
Senior Deputy Clerk

cmw

FRIDAY, DECEMBER 6, 2019

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

Council Member Ben Benoit, Vice Chairman
Cities of Riverside County

Supervisor Kathryn Barger (Left at 12:20 p.m.)
County of Los Angeles

Council Member Joe Buscaino (Left at 10:45 a.m.)
City of Los Angeles

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

Senator Vanessa Delgado (Ret.)
Senate Rules Committee Appointee

Mayor Pro Tem Larry McCallon
Cities of San Bernardino County

Supervisor V. Manuel Perez
County of Riverside

Council Member Dwight Robinson
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Members absent:

Supervisor Lisa A. Bartlett
County of Orange

Mayor Judith Mitchell
Cities of Los Angeles County – Western Region

Vacant: Governor's Appointee

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

- Pledge of Allegiance: Led by Council Member Robinson.
- Opening Comments

Mayor Pro Tem McCallon highlighted work program projects that the MSRC approved at their last meeting. The first project allocates four million dollars to partner with South Coast AQMD's market acceleration program to fund the early deployment of near-zero emission natural gas trucks and the second project involves the release of a program opportunity notice to owners and the operators of warehouses, distribution centers and logistics facilities located within the portions of the South Coast AQMD that are within the Inland Empire. The initial funding amount of \$20 million solicits pre-proposals describing how organizations would like to partner with the MSRC to implement air pollution reduction strategies and technologies at their facilities. He also announced that the San Bernardino Transportation Authority is moving forward on the Redlands Rail Project which is leading the way in developing zero-emission rail operations. The \$30 million grant will be used to convert three diesel Tier 4 locomotive engines with hydrogen fuel cell engines. He presented a video highlighting the project and noted that it is anticipated that passenger trains will be operational by 2024.

- Swearing in of Newly Appointed Board Member Kathryn Barger

Chairman Burke administered the oath of office to Supervisor Kathryn Barger who was appointed to the Board by the Los Angeles County Board of Supervisors for a term ending January 15, 2023. Supervisor Barger expressed appreciation for the opportunity to serve on the Board.

- Presentation of Retirement Award to Ana Ponce

Chairman Burke presented a retirement award to Ana Ponce in recognition of 43 years of dedicated service to the South Coast AQMD. Ms. Ponce expressed appreciation for the opportunity to serve at the South Coast AQMD.

- Recognize Employees with Twenty, Thirty, Thirty-Five and Forty Years of Service

John Olvera, Assistant DEO/Administrative and Human Resources, introduced a video presentation of employees that have reached employment milestones.

Twenty Years: Jason Aspell, Evett Bradford, Keith Brown, Gian Cavoto, Fortune Chen, Marjorie Eaton, Monica Fernandez-Neild, Carol Gomez, Brett Kimberly, Mary Leonard, Bradley McClung, Ricardo Morales, Don Nguyen, Donna Peterson, Brenda Seewald, Walter Shen, Lawrence Swasey, Brian Vlasich, Hsin-Mei Wang, Victor Yip and Jin Yu.

Thirty Years: Barbara Baird, Rene Bermudez, Bryan Bradford, Rizaldy Calungcagin, Brian Choe, Sean Cullins, Neera Dang, Kevin Durkee, John Eckert, Nancy Feldman, Michael Garibay, Laura Garrett, Annie Genato, Maryann Gomez, Robert Gottschalk, Greta Grier, Mitchell Haimov, Erin Hicks, Derek Hollinshead, Todd Iwata, Peter Ko, Rene Loof, Lourdes Martinez, Jon (Randy) Matsuyama, Henry Pourzand, Rezvan Ramezani, Vanessa Rodriguez, Deborah Rutledge, Alwyn Shaw, Susan Tsai, Gilbert Vita, Denise Whitcher, Jill Whynot, Carey Willoughby, Hsing (David) Yeh and Robert Yi.

Thirty-Five Years: Arturo Arreola, Amirkhosrow Dejbakhsh, Nabil Gobrial, Elizabeth Gonzales, Danny Luong, Edward Muehlbacher, Rogelio Olivares Jr, Jeanette Short, William Thompson and Charles Tupac.

Forty Years: Elaine Hara

Chairman Burke thanked the employees on behalf of the Board for their many years of dedicated service to the South Coast AQMD.

CONSENT CALENDAR

1. Approve Minutes of November 1, 2019 Board Meeting
2. Set Public Hearings January 10, 2020 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations
 - A. Determine That Proposed Amendments to Rule 102 – Definition of Terms, Are Exempt from CEQA and Amend Rule 102
 - B. Determine That Proposed Amendments to Rule 1100 – Implementation Schedule for NOx Facilities, Are Exempt from CEQA and Amend Rule 1100

Budget/Fiscal Impact

3. Execute Contract to Demonstrate Fuel Cell Range-Extended Drayage Trucks
4. Amend Contracts to Develop and Demonstrate Zero Emissions Drayage Trucks and Provide Project Implementation Assistance for Clean Fuels Projects and Execute Easement for Fleet Chargers
5. Recognize and Transfer Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs

6. Adopt Resolution, Execute Contracts, Amend Awards, Transfer Funds and Reimburse Administrative Costs for Carl Moyer and Other Programs
7. Issue Program Announcement for Combustion Freight and Marine Projects Eligible Under Volkswagen Environmental Mitigation Program and Waive Newspaper Publication Requirements
8. Transfer Funds for Enhanced Particulate Monitoring Program
9. Approve Contract Award, Allocation of Funds, and Issue Solicitation as Approved by MSRC

Items 10 through 16 – Information Only/Receive and File

10. Legislative, Public Affairs and Media Report
11. Hearing Board Report
12. Civil Filings and Civil Penalties Report
13. Lead Agency Projects and Environmental Documents Received
14. Rule and Control Measure Forecast
15. Annual Audited Financial Statements for FY Ended June 30, 2019
16. Status Report on Major Ongoing and Upcoming Projects for Information Management

Council Member Cacciotti noted that he is a Deputy Attorney General with the California Attorney General's Office which is involved with Item No. 5.

Supervisor Barger noted that she is a Board Member of the Los Angeles County Sanitation Districts which is involved with Item No. 6 and a Board Member of the Los Angeles County Metropolitan Transportation Authority which are involved with Item Nos. 6 and 9.

Council Member Buscaino noted that he is a Board Member of the Los Angeles County Sanitation Districts of Los Angeles County which is involved with Item No. 6.

Due to a number of requests to speak and Board member questions on Consent and Board Calendar items 1 through 25, the vote on the Consent and Board Calendar items was deferred until after comments were made, and Board member questions were answered.

17. Items Deferred from Consent Calendar

1. Approve Minutes of November 1, 2019 Board Meeting
2. Set Public Hearings January 10, 2020 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations
 - A. Determine That Proposed Amendments to Rule 102 – Definition of Terms, Are Exempt from CEQA and Amend Rule 102
 - B. Determine That Proposed Amendments to Rule 1100 – Implementation Schedule for NOx Facilities, Are Exempt from CEQA and Amend Rule 1100
3. Execute Contract to Demonstrate Fuel Cell Range-Extended Drayage Trucks

Mr. Rangi George expressed support for fuel cell heavy-duty truck projects and thanked Mayor Pro Tem McCallon for his support of hydrogen fuel cell locomotives. He expressed concerns regarding the impacts of battery recycling and waste and urged support for increased funding for hydrogen technologies. He added that the Volkswagen settlement funds and other funding for zero-emissions technology is not supporting hydrogen technologies which has less impacts on the environment than battery production and disposal.

Chairman Burke inquired about funding for hydrogen fuel cell stations.

Matt Miyasato explained that the Energy Commission is required to provide \$20 million a year for 100 hydrogen fuel cell stations, and there is concern about continued funding after that expenditure.

4. Amend Contracts to Develop and Demonstrate Zero Emissions Drayage Trucks and Provide Project Implementation Assistance for Clean Fuels Projects and Execute Easement for Fleet Chargers

5. Recognize and Transfer Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs
6. Adopt Resolution, Execute Contracts, Amend Awards, Transfer Funds and Reimburse Administrative Costs for Carl Moyer and Other Programs
7. Issue Program Announcement for Combustion Freight and Marine Projects Eligible Under Volkswagen Environmental Mitigation Program and Waive Newspaper Publication Requirements
8. Transfer Funds for Enhanced Particulate Monitoring Program
9. Approve Contract Award, Allocation of Funds, and Issue Solicitation as Approved by MSRC

Council Member Cacciotti inquired about the Inland Ports Zero/Near-Zero Emission Warehouse and Distribution Facilities Work Program and noted that the \$20 million in funding is being allocated to Riverside and San Bernardino counties. He inquired about funding that might be available for industrial and warehouse areas in Los Angeles and Orange County.

Mayor Pro Tem McCallon explained the work program had been approved by the MSRC and it would not be possible to amend that award to allocate funding to other counties. Chairman Burke added that he would like to see funding for all counties.

Mr. Nastri explained that staff would explore other funding options, such as settlement funds for other areas. He added that the MSRC can also address other areas when they are evaluating future projects. He noted that staff is working on the warehouse MOU and it is anticipated that there will be additional projects that will be developed to mitigate the impacts of warehouses throughout the Basin.

Council Member Robinson noted the importance of funding environmental projects in local communities in all counties. He commented on the focus on the Inland Empire because of the increased development of warehouses and the growth of the Ports. He proposed additional outreach to other counties to spread the message about grant funding.

Council Member Benoit noted the importance of funding projects that result in the greatest emission reductions. He added that the work program has the potential to impact all areas in the Basin and will better inform the direction of funding for future projects.

Senator Delgado expressed support for funding projects for warehouse areas in Los Angeles County.

10. Legislative, Public Affairs and Media Report
11. Hearing Board Report
12. Civil Filings and Civil Penalties Report
13. Lead Agency Projects and Environmental Documents Received
14. Rule and Control Measure Forecast
15. Annual Audited Financial Statements for FY Ended June 30, 2019
16. Status Report on Major Ongoing and Upcoming Projects for Information Management

Harvey Eder, Public Solar Power Coalition, requested to speak on items 1, 2A, 2B, 4 through 16 and 18 through 25. He expressed concerns about climate change and discrepancies in the reported numbers for greenhouse gas and premature deaths due to air pollution. He also commented on a writ of mandate and stay that he attempted to file in federal court and the difficulties he encountered in filing the paperwork.

MOVED BY CACCIOTTI, SECONDED BY
BENOIT, AGENDA ITEMS 1 THROUGH 16
APPROVED AS RECOMMENDED, BY THE
FOLLOWING VOTE:

AYES: Barger, Benoit, Burke, Buscaino,
Cacciotti, Delgado, McCallon,
Perez, Robinson and Rutherford

NOES: None

ABSENT: Bartlett and Mitchell

BOARD CALENDAR

- 18. Administrative Committee
- 19. Investment Oversight Committee
- 20. Legislative Committee
- 21. Mobile Source Committee
- 22. Mobile Source Air Pollution Reduction Review Committee
- 23. Stationary Source Committee
- 24. Technology Committee
- 25. California Air Resources Board Monthly Report

CARB's meeting summary was not available, and therefore, Item 25 was pulled from consideration.

MOVED BY ROBINSON, SECONDED BY CACCIOTTI, AGENDA ITEMS 18 THROUGH 24, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, AND MSRC REPORTS, AND APPROVING THE FOLLOWING POSITION ON LEGISLATION, BY THE FOLLOWING VOTE:

AYES: Barger, Benoit, Burke, Buscaino, Cacciotti, Delgado, McCallon, Perez, Robinson and Rutherford

NOES: None

ABSENT: Bartlett and Mitchell

Agenda Item	Recommendation
2020 Legislative Goals and Objectives	Approve

PUBLIC HEARINGS

26. Determine That Proposed Amendments to Rule 1111 – Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces, Are Exempt from CEQA and Amend Rule 1111

Michael Krause, Planning and Rules Manager, gave the staff presentation on Item No. 26.

The public hearing was opened, and the following individuals addressed the Board on Item 26.

Mr. Eder expressed support for complete and equitable solar conversion and added concerns about climate change. He also expressed concern about importing natural gas.

Angus Lemon, Ingersoll Rand, expressed support for the amendments to Rule 1111 and described a hybrid heat dual fuel system furnace with a heat pump which exceeds the NOx reductions specified in Rule 1111 but is not currently allowed under the rule. He noted that the hybrid furnace is currently available to all major manufacturers and functions at all altitudes. He asked the Board to direct staff to set up working group meetings with OEMs, dealers and distributors to examine the use of hybrid heat dual fuel systems as a performance-based approach to compliance with Rule 1111. He added that Ingersoll is continuing efforts to develop, produce and supply ultra low-NOx furnaces and is shipping units to distributors in the next few weeks. He added concern regarding the implementation deadline for weatherized units and noted that they are not aware of any commercially available ultra low-NOx weatherized units. He noted that hybrid heat dual fuel weatherized units are available from all major OEMs.

Anubhav Ranjan, Rheem Manufacturing, noted that Rheem was the first manufacturer to certify a gas-fired furnace to meet Rule 1111 requirements. He commented on the technical challenges and financial commitments necessary for the manufacturing, commercialization and market training of compliant gas-fired furnaces and noted that Rheem's ultra low-NOx furnaces are certified for installation for up to 5,500 ft. Rheem is currently on track to launch weatherized furnaces for the next deadline of October 1, 2020. He expressed concern about the weather conditioning of units above 5,500 feet and noted the significant investment cost and design time that will be required to certify ultra low-NOx high altitude products. He further noted that they are not in support of a rule amendment for installation above 4,200 feet but support an amendment for installation above 5,500 feet.

Kory Griggs, Indoor Weather HVAC, expressed support for the amendments to Rule 1111 and expressed appreciation to Supervisor Rutherford for her support and assistance in addressing the concerns of furnace contractors in high elevation communities. He also expressed appreciation to Susan Nakamura for her efforts in reaching a workable solution to the challenges of ultra low-NOx furnaces and proposing the amendments to Rule 1111. He added support for exploring dual fuel system technology to meet the requirements of Rule 1111.

Doug Mcleish, Johnson Controls, supports the amendments to Rule 1111 and expressed appreciation to staff for their efforts in responding to the heating needs of high-altitude customers. He expressed concern about the supply of compliant furnaces and technological challenges involved in conducting high altitude testing. He recommended that the South Coast AQMD consider limiting the mitigation fee waiver to OEMs which offer compliant furnace units below 4,200 feet and the elimination of the compliance end date under PAR 1111 for 14 ng/J furnaces at elevations above 4,200 feet. (Submitted Written Comments)

Nelson Dichter, UC Davis Western and Cooling Efficiency Center, shared information about several heating systems that reduce NOx emissions. He provided information on hybrid heating systems that are paired with an electric heat pump and noted the benefits these units provide in reducing NOx emissions. (Submitted Written Comments)

Mike Marcotte, M&M Mechanical, expressed support for the rule amendments and thanked Supervisor Rutherford and staff for their quick response to the installation concerns related to furnaces in high elevation communities. He expressed appreciation to Ms. Nakamura for her diligent efforts in working with contractors to come to a workable solution to the challenges faced with ultra low-NOx furnaces. He added concern regarding the October 2020 deadline for weatherized units at 6,500 feet and higher.

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

Written Comments Submitted by:
Mark Woodruff, Trane

Supervisor Rutherford thanked the speakers who presented testimony and thanked staff for their efforts. She requested that staff continue to conduct working group meetings with OEMs, distributors and dealers regarding hybrid dual fuel technology for furnaces and weatherized or packaged units.

MOVED BY RUTHERFORD, SECONDED BY MCCALLON, AGENDA ITEM NO. 26 APPROVED AS RECOMMENDED DIRECTING STAFF TO CONDUCT WORKING GROUP MEETINGS WITH OEMs, DISTRIBUTORS AND DEALERS REGARDING THE POTENTIAL OF FURTHER AMENDING RULE 1111 TO INCORPORATE HYBRID DUAL FUEL TECHNOLOGY FOR BOTH FURNACES AND WEATHERIZED OR PACKAGE UNITS AND REPORTING BACK TO THE STATIONARY SOURCE COMMITTEE IN MAY 2020 ON THE STATUS OF ULTRA LOW-NO_x TECHNOLOGY AND PROPOSED OPTIONS FOR CONSIDERATION BY THE COMMITTEE AND BOARD, ADOPTING RESOLUTION NO. 19-24 DETERMINING THAT PROPOSED AMENDED RULE 1111 – REDUCTION OF NO_x EMISSIONS FROM NATURAL-GAS-FIRED, FAN-TYPE CENTRAL FURNACES IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND AMENDING RULE 1111 – REDUCTION OF NO_x EMISSIONS FROM NATURAL-GAS-FIRED, FAN-TYPE CENTRAL FURNACES, BY THE FOLLOWING VOTE:

AYES: Barger, Benoit, Burke, Buscaino, Cacciotti, Delgado, McCallon, Perez, Robinson, and Rutherford

NOES: None

ABSENT: Bartlett and Mitchell

27. Determine That Proposed Rule 1480 – Ambient Monitoring and Sampling of Metal Toxic Air Contaminants, Is Exempt from CEQA and Adopt Proposed Rule 1480

Susan Nakamura, Assistant DEO/Planning, Rule Development and Area Sources, gave the staff presentation on Item No. 27.

The public hearing was opened, and the following individuals addressed the Board on Item 27.

Mr. Eder commented on solar water heaters and expressed concerns about natural gas, methane and climate change.

Wesley Turnbow, Metal Finishing Association of Southern California, expressed support for the proposed rule amendments and thanked the Board and staff for their efforts in addressing the concerns that they raised. He noted the significant costs of monitoring and sampling to small business owners and asked the Board to continue to consider the financial impacts to businesses.

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

MOVED BY BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 27 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-25 DETERMINING THAT PROPOSED RULE 1480 – AMBIENT MONITORING AND SAMPLING OF METAL TOXIC AIR CONTAMINANTS IS EXEMPT FROM THE REQUIRMENTS OF CEQA AND ADOPTING PROPOSED RULE 1480 – AMBIENT MONITORING AND SAMPLING OF METAL TOXIC AIR CONTAMINANTS, BY THE FOLLOWING VOTE:

AYES: Barger, Benoit, Burke, Buscaino, Cacciotti, Delgado, McCallon, Perez, Robinson, and Rutherford

NOES: None

ABSENT: Bartlett, and Mitchell

Dr. Burke noted that Item No. 29 would be taken out of order to allow .Council Member Buscaino to testify on the item before leaving the meeting.

29. Determine That Facility-Based Mobile Source Measure for Commercial Airports Is Exempt from CEQA and Approve Facility-Based Mobile Source Measure for Commercial Airports

Zorik Pirveysian, Planning and Rules Manager, gave the staff presentation on Item No. 29.

Council Member Buscaino expressed appreciation to staff and the airports for their efforts on the five MOUs and commented on the complexities and collaboration that is necessary to reach agreement. He noted the importance of reaching further into other areas to meet federal attainment goals and the need to create more collaborative partnerships to achieve those goals.

(Council Member Buscaino left the meeting at 10:45 a.m.)

The public hearing was opened, and the following individuals addressed the Board on Item 29.

Mr. Eder expressed concerns about natural gas and spoke in support of complete solar conversion and the solar new deal.

Emily Spokes, Northeast LA (NELA) Climate Collective
Diana Contreras, Sierra Club
Francis Yang for Linda Cleveland, Watts Clean Air and Energy Committee
Angela Guzman, Sierra Club
John Altounji
Lucy Garcia
Carlo De La Cruz, Sierra Club (Submitted petition with 4,188 digital signatures)
Esperanza Aquino
Angela Darpinian
Britney Cadwallader, Sierra Club
Jolly Hollamon
Jessica Callejas
Eddie Capo, Sierra Club
Katya English, Sierra Club
Alex Wechselberger
Angie Balderas
Jessica Craven, NELA Climate Collective

Expressed concerns about the health effects from breathing polluted air and noise impacts from airports. They urged support for zero-emission technologies for airport ground support equipment (GSE), additional renewable energy options and regulations that mandate zero-emission vehicles. Expressed concerns that MOUs will not achieve the necessary emission reductions and urged for strong regulatory measures.

Christopher Chavez, Coalition for Clean Air, expressed appreciation to staff for their efforts in developing the MOUs and commented on the importance of ensuring that regulatory approaches result in emission reductions. He noted that LAX has a first source hiring process that has resulted in significant vehicle miles traveled reductions that should be SIP creditable. He urged the Board to consider including a first source hiring process in each of the airport MOUs.

Lisa Trifiletti, Los Angeles World Airports, commented on the collaborative process to develop the MOUs which will result in substantial emission reductions in the Basin. She shared information about the reduction programs that have been implemented or proposed at each airport. She highlighted the conversion of airport fleet and ground support equipment to electric or super low emission vehicles, vehicle charging infrastructure, trip reduction programs and cleaner transportation options. She added that LAX is developing transit infrastructure to connect to the Metro rail. She noted that each airport Board and Council has adopted the MOUs.

Chairman Burke commented on the heavy traffic congestion he recently experienced at LAX and inquired if more could be done to reduce the congestion.

Adam Walters, Southwest Airlines, expressed support for the MOUs and commented on the clean air improvement plans that have been developed by each airport to reduce emissions from GSE. He noted that adoption of the MOUs will allow for the tracking of implementation measures to verify emission reductions.

Corrie Zupo, United Airlines, expressed support for the MOUs and commented on the electrification of their GSE and employee shuttle buses. She added that United Airlines has deployed the first electric ground power unit at LAX and is committed to operating sustainably.

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

Council Member Cacciotti inquired about efforts to reduce emissions from aircraft and clean vehicle rentals at airports.

Ms. Zupo commented on the efforts by United Airlines to explore the use of aviation biofuel and noted that there is a shortage of this type of fuel. She added that electrification options for aircraft has also been explored but the batteries, at this time, are too heavy for commercial aircraft use.

Ms. Trifiletti commented on plans at LAX for a consolidated rental car facility and automated parking structures that will include infrastructure for electric vehicles. She added that rental car companies are recognizing the increase demand for electric vehicles and working to accommodate the demand.

Supervisor Barger noted the importance of providing alternative transportation options to and from the airports and commented on efforts by Metrolink to connect with LAX. She also noted the infrastructure improvements being made at Burbank airport.

Senator Delgado expressed support for including local hiring provisions in the reports for each airport.

Ms. Trifiletti commented that LAX has a long history of a local hire program and calculating the reduction of vehicle miles traveled is part of the MOU as it relates to LAX reporting.

Council Member Cacciotti commented that the first report is due 18 months from today and every June thereafter. He asked if a report could be provided every six months.

Mr. Nastri noted that the representatives from the airlines have indicated that they are willing to provide regular updates beyond what is called for in the MOUs. Ms. Trifiletti confirmed.

Chairman Burke and Supervisor Perez asked Ms. Trifiletti if she could provide a brief report on outreach efforts to the Latino community. She responded affirmatively.

Supervisor Perez inquired about reductions through an MOU versus regulations and noted the importance of regular reporting and monitoring to verify progress, and if necessary, the possibility of rulemaking due to a lack of progress. He commended the airports for the good work and progress that has been made thus far to reduce emissions. He commented on local hiring programs and other community benefit programs such as internships and green spaces. He expressed interest in receiving a brief report on outreach efforts to the Latino community and updates on progress at the airports.

Council Member Cacciotti expressed interest in conducting airport site visits or meetings to see the equipment and progress at the airports. Supervisor Perez agreed and also expressed interest in such visits, as well as a visit to Palm Springs airport.

Chairman Burke requested that consideration of potential rulemaking be sent back to the Mobile Source Committee. Mr. Nastri responded that the request will be sent back to Mobile Source Committee.

Mr. Nastri noted that the development of the MOUs was similar to a rulemaking process and includes enforceable provisions and penalties for non-compliance. He noted that he will work with staff and the working group community to provide reports on a semi-annual basis and noted that the Board can pivot to rulemaking if there is a lack of progress in meeting the goals specified in the MOUs.

MOVED BY CACCIOTTI, SECONDED BY PEREZ, AGENDA ITEM NO. 29 APPROVED AS RECOMMENDED, DIRECTING STAFF TO REPORT BACK TO THE MOBILE SOURCE COMMITTEE ON POTENTIAL RULEMAKING, WORK WITH STAKEHOLDERS ON PROVIDING SEMI-ANNUAL REPORTS ON PROGRESS IN MEETING THE GOALS OF THE MOUS, ADOPTING RESOLUTION NO. 19-27 DETERMINING THAT THE FACILITY-BASED MOBILE SOURCE MEASURE FOR COMMERCIAL AIRPORTS IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND APPROVING THE FACILITY-BASED MOBILE SOURCE MEASURE FOR COMMERCIAL AIRPORTS, BY THE FOLLOWING VOTE:

AYES: Barger, Benoit, Burke, Cacciotti, Delgado, McCallon, Perez, Robinson, and Rutherford

NOES: None

ABSENT: Bartlett, Buscaino and Mitchell

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28. Determine That the Contingency Measure Plan for the 1997 8-Hour Ozone Standard Is Within the Scope of the March 2017 Final Program Environmental Impact Report for the 2016 AQMP Such That Neither a New Environmental Document nor a Subsequent Environmental Document Is Required Under CEQA, and Approve Contingency Measure Plan for the 1997 8-Hour Ozone Standard

Dr. Sarah Rees, Assistant DEO/Planning, Rule Development and Area Sources, gave the staff presentation on Item No. 28.

The public hearing was opened, and the following individuals addressed the Board on Item 28.

Mr. Eder expressed concerns about fossil fuel use.

Jessica Craven, NELA Climate Collective
Regina Hsu, Earthjustice
Emily Spokes, NELA Climate Collective
Amanda Baker
Mallory Warhurst
John Altounji
Carlo De La Cruz, Sierra Club
Francis Yang

Expressed concerns that the South Coast AQMD has failed to meet any ozone standard since 1979 and expressed support for strong regulatory measures to ensure emission reductions. Urged support for including emission reduction standards for residential appliances such as water and pool heaters and gasoline powered garden equipment. Expressed support for zero-emission requirements in the industrial sector through BARCT rules and urging CARB to identify enforceable measures to achieve greater reductions for mobile sources.

Christopher Chavez, Coalition for Clean Air, commented on the improvements that have been made in air quality over the past few decades but noted that the South Coast AQMD still fails to meet federal and state air quality standards and may be subject to sanctions. Expressed concerns for the health impacts of pollution and urged strong facility-based measures, a swift transition from RECLAIM, full implementation of AB 617 BARCT requirements and stronger community emission reduction plans for AB 617 communities.

Yvonne Martinez Watson, Sierra Club, expressed concerns that there will not be a new CEQA environmental review for the Contingency Measure Plan. She also inquired about a contract to evaluate meteorological factors contributing to poor air quality in the Basin.

(Supervisor Barger left the meeting at 12:20 p.m.)

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

Council Member Benoit thanked those who gave public testimony for their respectful and thoughtful comments.

Council Member Cacciotti commented on funding that has been approved by the Board for commercial and residential lawn equipment.

MOVED BY CACCIOTTI, SECONDED BY PEREZ, AGENDA ITEM NO. 28 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 19-26 DETERMINING THAT THE CONTINGENCY MEASURE PLAN FOR THE 1997 8-HOUR OZONE STANDARD FOR THE SOUTH COAST AIR BASIN IS WITHIN THE SCOPE OF THE MARCH 2017 FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2016 AIR QUALITY MANAGEMENT PLAN SUCH THAT NEITHER A NEW ENVIRONMENTAL DOCUMENT NOR A SUBSEQUENT ENVIRONMENTAL DOCUMENT IS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE CONTINGENCY MEASURE PLAN FOR THE 1997 8-HOUR OZONE STANDARD FOR THE SOUTH COAST AIR BASIN AND DIRECTING THE EXECUTIVE OFFICER TO SUBMIT THE APPROVED CONTINGENCY MEASURE PLAN TO THE CALIFORNIA AIR RESOURCES BOARD FOR ITS APPROVAL AND SUBSEQUENT SUBMITTAL TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR INCLUSION INTO THE STATE IMPLEMENTATION PLAN, BY THE FOLLOWING VOTE:

AYES: Benoit, Burke, Cacciotti, Delgado, McCallon, Perez, Robinson, and Rutherford

NOES: None

ABSENT: Barger, Bartlett, Buscaino and Mitchell

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

Mr. Eder noted the cost effectiveness of solar energy and urged for immediate, equitable and just transition to solar. He added that solar should be evaluated as BARCT.

CLOSED SESSION

Mr. Eder commented that all litigation by the South Coast AQMD should be considered for equitable and just low-income solar projects. Solar technology should be considered BARCT.

The Board recessed to closed session at 12:30 p.m., pursuant to Government Code sections:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- 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:
- People of the State of California, ex rel. SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528; and
- In re: Exide Technologies, Inc., U.S. Bankruptcy Court, District of Delaware, Case No. 13-11482 (KJC) (Bankruptcy Case); Delaware District Court, Case No.: 19-00891 (Appellate Case).

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

- 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the South Coast AQMD (two cases).

Letter from Steven J. Olson, O'Melveny & Myers LLP, on behalf of ExxonMobil Corporation, dated August 22, 2018.

Email from Somerset Perry, California Deputy Attorney General, dated March 13, 2019, regarding Notice of Violation P61321.

Following closed session, Bayron Gilchrist, General Counsel, announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board's office and made available to the public upon request.

ADJOURNMENT

There being no further business, the meeting was adjourned by Mr. Gilchrist at 1:00 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on December 6, 2019.

Respectfully Submitted,

Carole M. Wayman
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQMP = Air Quality Management Plan
BARCT = Best Available Retrofit Control Technology
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
FY = Fiscal Year
GSE = Ground Support Equipment
LAX = Los Angeles International Airport
MOU = Memorandum of Understanding
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
NOx = Oxides of Nitrogen
OEM = Original Equipment Manufacturer
RECLAIM = Regional Clean Air Incentives Market