

BOARD MEETING DATE: OCTOBER 1, 2021

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the September 3, 2021 meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the September 3, 2021 Board Meeting.

Faye Thomas  
Clerk of the Boards

FT:cmw

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**FRIDAY, SEPTEMBER 3, 2021**

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted remotely via videoconferencing and telephone. Members present:

Mayor Pro Tem Ben J. Benoit, Chair  
Cities of Riverside County

Senator Vanessa Delgado (Ret.), Vice Chair  
Senate Rules Committee Appointee

Supervisor Lisa A. Bartlett  
County of Orange

Council Member Joe Buscaino  
City of Los Angeles

Mayor Pro Tem Michael A. Cacciotti  
Cities of Los Angeles County – Eastern Region

Gideon Kracov  
Governor's Appointee

Mayor Pro Tem Larry McCallon  
Cities of San Bernardino County

Veronica Padilla-Campos  
Speaker of the Assembly Appointee

Supervisor V. Manuel Perez  
County of Riverside

Mayor Pro Tem Carlos Rodriguez  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Members absent:

Supervisor Sheila Kuehl  
County of Los Angeles

Vice Mayor Rex Richardson  
Cities of Los Angeles County – Western Region

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

- Pledge of Allegiance: Led by Supervisor Rutherford
- Roll Call
- Opening Comments

Chair Benoit sadly reported the passing of former Governing Board Member and Montclair City Councilman Leonard Paulitz, and former California Congressman Jerry Lewis who authored the legislation that established the South Coast Air Quality Management District.

Supervisor Rutherford reflected on the legacy and contributions of Congressman Lewis in establishing the South Coast AQMD, and his continued support in securing funding for air quality efforts and advocacy for the Inland Empire region.

Mayor Pro Tem Cacciotti shared photos featuring electric school buses, commercial vehicles and lawn & garden equipment, and battery repurposing operations.

Executive Officer Wayne Nastri announced that Ron Moskowitz, Deputy Executive Officer/Chief Information Officer, was inducted into the CIO Hall of Fame. He recognized Mr. Moskowitz and the Information Management team for their hard work.

Mr. Nastri requested that the Board continue the public hearing on Agenda Item No. 34, Rule 1111 - Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces, to the October 1, 2021 Board meeting.

Chair Benoit asked if there was unanimous consensus to continue the Rule 1111 public hearing to October 1, 2021; hearing no objections, the request was approved. Chair Benoit announced that the public would be given an opportunity today to provide comments on the proposed amended rule.

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

Steven Goldsmith, Torrance Refinery Action Alliance (TRAA)  
Rosalie Preston, Friends of the Air, Earth and Water/Torrance resident  
Jane Alfonso, South Coast Interfaith Justice & Peace Committee/TRAA  
David Poster  
Charles Clendening, Torrance resident

Commented on the risks to public health and safety and the environment from an accidental release of modified hydrofluoric acid (MHF), noting that there are no mitigation

measures capable of protecting against a catastrophic release. Expressed frustration that the Torrance Refining Company and Valero Wilmington Refinery have not implemented voluntary enhancements in the alkylation unit at their refineries that they committed to installing in the proffer letters that the Board accepted in September 2019. Reported that the fire and explosion at the Philadelphia Energy Solutions Refinery in 2019 occurred due to failed mitigation measures that led to a large release of HF. Emphasized the availability of safer and more efficient alternatives to HF and urged the Board to adopt a regulation requiring that the two refineries convert from MHF to a safer alternative.

Connie Sullivan, TRAA, stated that the proffer letters that the Board accepted from the refineries forestalled the South Coast AQMD from passing a rule to phase out the use of HF at their facilities. She cited the explosion that occurred in an electrostatic precipitator unit at the Torrance refinery in 2015 that could have caused a potentially catastrophic release of modified HF, and emphasized that the only way to ensure the safety of communities is to phase out the use of HF.

Catherine Ronan, Los Angeles resident, urged the Board to adopt Proposed Rule 1109.1, to require that refineries install air pollution control equipment to reduce NOx emissions. She expressed concerns about the adverse impacts of NOx emissions to the health of residents in predominantly environmental justice communities, as well as refineries' contribution to climate change and smog in the South Coast region.

Emily Spokes, North East Los Angeles (NELA) Climate Collective, encouraged staff to include neighborhood councils in outreach efforts to get more community participation in air quality discussions, and offered to help in those efforts. She stated that extreme heat and poor air quality are preventing children from going outdoors and urged the Board to take this into consideration when making decisions. She also highlighted the Miyawaki Mini-Forest Method of planting tiny forests in small areas as a natural source for filtering air pollution.

Andrea Garcia, Montebello resident, expressed concerns about an unpleasant odor over the city of Montebello the past two months and requested that South Coast AQMD investigate the issue further. Chair Benoit advised the commenter to report the problem through South Coast AQMD's toll free number (1-800-CUT-SMOG) to initiate the complaint process.

Jan Victor Andasan, East Yard Communities for Environmental Justice (EYCEJ)  
Alison Hahm, Communities for a Better Environment (CBE)  
Wendy Miranda, CBE  
Francis Yang, My Generation Campaign - Sierra Club  
Byron Chan, Earthjustice  
Jeremy Santos, Cal Poly Pomona MBA student  
Diana Sanchez, EYCEJ  
Faraz Rizvi, Center for Community Action and Environmental Justice (CCA EJ)  
Yassi Kavezade, Sierra Club  
Lionel Mares, Sierra Club/Sun Valley resident

Gabriela Mendez, CCAEJ/Riverside County resident  
Angie Balderas, Sierra Club  
Al Sattler, San Pedro resident  
Julia May, CBE

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Expressed frustration with repeated delays and weakening of PR 1109.1. Commented on the harmful health effects of NOx emissions that burden residents in frontline communities near refineries. Urged the Board to adopt a strong refinery rule PR 1109.1.

Tom Hazelleaf, Seal Beach resident, expressed concerns with the economic, medical and human costs that would result from an HF release. He emphasized that refineries around the world use safer alternatives to HF and manage to be profitable without risking human life and health.

Fatima Iqbal-Zubair emphasized the adverse health effects to residents that live near refineries. She noted that the additional safeguards that the refineries offered to install are still in progress and do not address all potential sources. She requested that the Board urge the refineries to put other measures in place that will offer real protections to the communities.

Isabel B., Torrance resident, expressed disappointment with the proffer letters that were accepted from the refineries in 2019. She urged the Board to cancel the proffer letters and endorse action by the U.S. EPA to require the conversion from HF in all refineries to a safer alternative.

Oscar Espino-Padron, Earthjustice, remarked about the over 1,200 signatures and comments from residents that were submitted to the Board this week expressing frustration with the repeated delay of PR 1109.1 and urging adoption of a strong PR 1109.1 for refineries.

Dr. Genghmun Eng commented on documents obtained by the Public Employees for Environmental Responsibility about an incident at the Valero Memphis Refinery in 2012 where one worker was killed and another injured after being exposed to HF. He urged the Board to read the documents as they highlight how things can go wrong and support the idea that the only way to make HF less dangerous is to phase out its use. (Submitted Written Comments)

Chris Chavez, Coalition for Clean Air/AB 617 Wilmington, Carson, West Long Beach Community Steering Committee Member, urged the Board to adopt a strong refinery rule (PR 1109.1.) The refinery rule is an opportunity to achieve significant reductions in NOx emissions, which is needed to get into attainment of the ozone standards. He also expressed support for phasing out modified HF, noting that the two refineries in California that use modified HF are located close to each other and are both very close to significantly impacted environmentally burdened communities.

Elliott Gonzales commented on health and environmental consequences linked to oil refineries and expressed support for regulating the industry.

Written Comments Submitted re: Rule 1109.1 by:

One letter submitted by Zarah Patriana, Earthjustice; along with the names of 1,213 California residents in support of the letter.

One letter submitted by Sierra Club, along with 560 digital signatures.

**CONSENT AND BOARD CALENDAR**

1. Approve Minutes of August 6, 2021 Board Meeting
2. Set Public Hearing October 1, 2021 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations

Determine That Proposed Rule 118.1 – Public Safety Provisions for Stationary Emergency Standby Engines and Proposed Amended Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines Are Exempt from CEQA, and Adopt Proposed Rule 118.1 and Amend Rule 1470

**Items 3 through 13 -- Budget/Fiscal Impact**

3. Execute Agreement to Establish Wildfire Smoke Clean Air Centers Incentive Pilot Program, Recognize Funds, Release RFP, Execute Contracts, and Reimburse General Fund
4. Approve Additional Funding for Residential Electric Lawn Mower Rebate Program
5. Amend Awards for Zero-Emission Yard Tractor Replacements and for Ocean-Going Vessel Retrofit and Execute Contract for Capture and Control System for Oil Tankers Project Support
6. Amend Awards Under Year 22 Carl Moyer and Surplus Off-Road Opt-In for NOx (SOON) Programs, and Transfer Funds for Development of Carl Moyer Program Grant Management System
7. Issue RFP for Legislative Representation in Washington, D.C.

8. Appropriate Funds for Consultant Services for South Coast AQMD's Environmental Justice Outreach and Initiatives and Clean Air Program for Elementary Students and Why Healthy Air Matters Program
9. Appropriate Funds for Planning, Organizing, and Facilitating South Coast AQMD's Martin Luther King, Jr. Day of Service Forum and Cesar Chavez Day of Remembrance
10. Amend FY 2021-22 Budget to Address Operational Needs, and Add/Revise Job Titles for Various Class Specifications
11. Authorize Purchase of Microsoft Office 365
12. Amend Contract to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
13. Approve Contract Modification and Bifurcation of Award and Issue RFP as Approved by MSRC

**Items 14 through 22 – Information Only/Receive and File**

14. Legislative, Public Affairs and Media Report
15. Hearing Board Report
16. Civil Filings and Civil Penalties Report
17. Lead Agency Projects and Environmental Documents Received
18. Rule and Control Measure Forecast
19. FY 2020-21 Contract Activity
20. Report of RFQs Scheduled for Release in September
21. Status Report on Regulation XIII – New Source Review

22. Status Report on Major Ongoing and Upcoming Projects for Information Management

Board Member Kracov noted that he has no financial interests in Item Nos. 3 and 5 but is required to identify for the record that he is a Board Member of CARB, which is involved in these items.

Item No. 13 was held for comment and discussion.

MOVED BY MCCALLON, SECONDED BY DELGADO, AGENDA ITEM NOS. 1 THROUGH 12 AND 14 THROUGH 22, APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Buscaino, Cacciotti, Delgado, Kracov, McCallon, Padilla-Campos, Perez, Rodriguez, and Rutherford

NOES: None

ABSENT: Kuehl and Richardson

**Item 23 -- Staff Presentation/Board Discussion**

23. Budget and Economic Outlook Update (*Presentation in Lieu of Board Letter*)

Jill Whynot, Chief Operating Officer, gave an overview of the presentation on Item No. 23 to provide an update on economic indicators and South Coast AQMD metrics and economic implications.

Mayor Pro Tem Rodriguez inquired about an apparent increase in emissions in October. Ms. Whynot responded that staff will look into this and respond to the Board member.

Al Sattler expressed concern that refinery throughput is viewed as a positive economic indicator given its harmful effects to the planet.

PRESENTATION ONLY; NO ACTION REQUIRED

**Items 24 through 32 -- Reports for Committees and CARB**

24. Administrative Committee
25. Investment Oversight Committee
26. Legislative Committee
27. Mobile Source Committee
28. Stationary Source Committee
29. Technology Committee
30. Mobile Source Air Pollution Reduction Review Committee
31. California Air Resources Board Monthly Report *(The August 26-27, 2021 CARB Board meeting was canceled; therefore, this item was pulled.)*
32. Report to Legislature and CARB on South Coast AQMD's Regulatory Activities for Calendar Year 2020

MOVED BY MCCALLON, SECONDED BY DELGADO, AGENDA ITEMS 24 THROUGH 30 AND 32, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE AND MSRC REPORTS AND APPROVING THE LEGISLATIVE COMMITTEE'S RECOMMENDATIONS ON LEGISLATION AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Cacciotti, Delgado, Kracov, McCallon, Padilla-Campos, Perez, Rodriguez, and Rutherford

NOES: None

ABSENT: Buscaino, Kuehl and Richardson

**LEGISLATIVE COMMITTEE'S RECOMMENDATIONS**

<b>Agenda Item</b>	<b>Recommendation</b>
AB 339 (Lee) Local government: open and public meetings	Support if Amended
AB 361 (Rivas) Open meetings: local agencies: teleconferences	Support

**33. Items Deferred from Consent and Board Calendar**

13. Approve Contract Modification and Bifurcation of Award and Issue RFP as Approved by MSRC

Council Member Buscaino recused himself from Item No. 13 because of a campaign contribution from BNSF Railway, which is involved in this Item. He left the Zoom meeting during this item.

MOVED BY MCCALLON SECONDED BY CACCIOTTI, AGENDA ITEM 13 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Cacciotti, Delgado, Kracov, McCallon, Padilla-Campos, Perez, Rodriguez, and Rutherford

NOES: None

ABSTAIN: Buscaino

ABSENT: Kuehl and Richardson

**PUBLIC HEARING**

34. 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

Board Member Kracov recused himself from Item No. 34 due to a potential conflict of interest. He left the Zoom meeting during the public comments on Proposed Rule 1111.

Staff recommended to deliver the staff presentation on PAR 1111 at the October Public Hearing. The public hearing was opened, and the following individuals addressed the Board on Item 34.

Fernando Gaytan, Earthjustice, expressed opposition to the proposed amendment that provides an exemption for natural-gas-fired, fan-type central furnaces installed in high-altitude communities. He urged the South Coast AQMD to continue working with furnace manufacturers to seek cleaner alternatives for all mountain communities. (Submitted Written Comments)

Chris Chavez, Coalition for Clean Air, expressed concern that the South Coast AQMD is considering weakening an existing rule and stated that emission reductions are needed to achieve attainment of the National Ambient Air Quality Standards.

Resa Barillas, California League of Conservation Voters, expressed concern that granting an exemption to industry will set a precedent. She also expressed disappointment that the rule is being delayed.

The public hearing on Item 34 was continued to the October 1, 2021 Board meeting.

Written Comments Submitted by:

Evan Brown, San Bernardino resident

Kory Griggs, Indoor Weather HVAC

Daniel Seeley, Dan Seeley's Heating & Air Conditioning

Mike Marcotte, M&M Mechanical Services Inc.

Kirk Avarell, Cantrell's Heating and Air Conditioning

One letter signed and submitted by: David Diaz, MPH, Active SGV; Fernando Gaytan, Earthjustice; Leah Louis-Prescott, Rocky Mountain Institute; Matthew Gough, Sierra Club; Cora Went, Sunrise Movement Los Angeles.

Board Member Kracov requested an update on the Governing Board Retreat. Mr. Nastri announced that the joint Board Retreat with CARB will be held on September 16-17, 2021 at the Hyatt Regency Resort & Spa in Indian Wells. The meeting will be held in a hybrid format and can be attended in-person or remotely. Mr. Nastri described the safety precautions that will be in place to address health and safety concerns.

## **CLOSED SESSION**

The Board recessed to closed session at 10:45 a.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;

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); United States Court of Appeals, Third Circuit,  
Case No. 20-1858;

In re: Exide Holdings Inc., U.S. Bankruptcy Court, District of Delaware, Case No.  
20-11157 (CSS) (Bankruptcy Case); and

California Trucking Association v. South Coast Air Quality Management; the  
Governing Board of the South Coast Air Quality Management District; and Does 1  
through 25, inclusive, Case No.: 2:21-cv-06341.

### CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (four cases).

People of the State of California v. City of Fontana, San Bernardino Superior Court,  
Case No. CIVSB2121829.

### CONFERENCE WITH LABOR NEGOTIATORS

- 54957.6 to confer with labor negotiators:

Agency Designated Representative: A. John Olvera, Deputy Executive Officer –  
Administrative & Human Resources;

Employee Organization(s): Teamsters Local 911, and South Coast AQMD  
Professional Employees Association; and

Unrepresented Employees: Designated Deputies and Management and  
Confidential employees.

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 11:35 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on September 3, 2021.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

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

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Ben J. Benoit, Chair

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**ACRONYMS**

CARB = California Air Resources Board  
CEQA = California Environmental Quality Act  
FY = Fiscal Year  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
NOx = Oxides of Nitrogen  
RFP = Request for Proposals  
RFQ = Request for Quotations  
U.S. EPA = United States Environmental Protection Agency