

FRIDAY, MARCH 5, 2010

Notice having been duly given, the special meeting of the South Coast Air Quality Management District Board was held in the Council Chambers at Long Beach City Hall, 333 West Ocean Blvd, Long Beach, California. Members present:

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

Supervisor Michael D. Antonovich (arrived at 9:45 a.m.)
County of Los Angeles

Supervisor Marion Ashley
County of Riverside

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

Supervisor Bill Campbell
County of Orange

Ms. Jane W. Carney
Senate Rules Committee Appointee

Supervisor Josie Gonzales
County of San Bernardino

Mayor Ronald O. Loveridge
Cities of Riverside County

Dr. Joseph K. Lyou
Governor's Appointee

Councilwoman Judith Mitchell
Cities of Los Angeles County – Western Region

Councilwoman Jan Perry (arrived at 10:25 a.m.)
City of Los Angeles

Mayor Miguel A. Pulido
Cities of Orange County

Members Absent:

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

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

- Pledge of Allegiance: Led by Jane Carney.
- Opening Comments

Supervisor Gonzales. Extended an invitation to a presentation on Brain Tumors and Air Pollution Studies to be held March 31, 2010 at the Arrowhead Regional Medical Center in San Bernardino County.

Dr. Lyou. Informed the Board that, along with Councilwoman Mitchell, he attended a public consultation on a Title V permit for the Palos Verdes Landfill last week. He was thankful to the staff for their work on the event, as well as the positive community involvement.

Supervisor Campbell. Announced that the County of Orange has opened a CNG and LNG fueling station in the City of Orange.

Dr. Barry R. Wallerstein, Executive Officer. Introduced a video detailing the newly launched iPhone application.

- Swearing in of Reappointed/Newly Appointed Board Members
Bill Campbell and Judith Mitchell

After offering his congratulations, Mayor Yates administered the oath of office to Supervisor Campbell, who was reappointed by the Board of Supervisors as Orange County's representative and Councilwoman Mitchell who was appointed by the Cities Selection Committee as the Cities of the Western Region of Los Angeles County's representative to the Board, for terms ending January 15, 2014.

Mayor Loveridge acknowledged the appointment of Judith Mitchell who has been an active participant in the California League of Cities, and will be a great addition to the Board.

CONSENT CALENDAR

1. Minutes of February 5, 2010 Board Meeting and Minutes of February 19, 2010 Special Board Meeting
2. Set Public Hearing April 2, 2010 to Consider Amendments and/or Adoption to AQMD Rules and Regulations:

Amend Rule 1144 - Vanishing Oils and Rust Inhibitors

3. Execute Contract for Insurance Brokerage Services
4. Issue Purchase Order for CNG Passenger Vehicles for AQMD Fleet
5. Issue RFP for Operation and Maintenance of Hydrogen Station at City of Burbank
6. Issue RFP to Conduct Conceptual Feasibility Studies for Reduction of Near Roadway Pollutant Exposures
7. Amend Proposition 1B – Goods Movement Contract Awards
8. Amend Contracts to Provide Short- and Long-Term Systems Development, Maintenance and Support Services
9. Execute Contract to Cosponsor Demonstration of Advanced Fuel Cell Bus
10. Approve AQMD Annual Investment Policy and Delegation of Authority to Appointed Treasurer to Invest AQMD Funds
11. Approve Purchase of Second Industrial Water Heat Exchanger for AQMD Diamond Bar Headquarters
12. Appropriate Funds from Undesignated Fund Balance to Information Management, Legislative and Public Affairs, Science and Technology Advancement, Engineering and Compliance, and Planning, Rule Development and Area Sources FY 2009-10 Budget for Activities Relating to Permit Moratorium and Prop 1B Program
13. Establish Special Revenue Funds: Emission Reduction Education and Outreach Fund; Rule 1118 Mitigation Fund
14. Issue RFP for Media Relations Services

15. Proposal for AQMD Sponsorship of Weather Reports on CBS 2-TV
16. Approve Contract Modification under FYs 2003-04, 2008-09 and 2009-10
AB 2766 Discretionary Fund Work Program
17. Establish List of Prequalified Legal Counsel to Provide Legal Services regarding
Finance and Related Matters
18. Remove Various Fixed Assets from AQMD Inventory

Information Only/Receive and File

19. Legislative & Public Affairs Report
20. Hearing Board Report
21. Civil Filings and Civil Penalties Report
22. Revised Guidelines for Supplemental Environmental Projects Included in
Enforcement Settlement

**An errata sheet containing an addition to Page 2 of the Guidelines
was provided to the Board Members and copies made available to the
public.**
23. Lead Agency Projects and Environmental Documents Received by AQMD
24. Rule and Control Measure Forecast
25. FY 2009-10 Contract Activity
26. Report of RFPs and RFQs Scheduled for Release in March
27. Status Report on Major Projects for Information Management Scheduled to
Start During Last Six Months of FY 2009-10

Supervisor Ashley announced his abstention on Item No. 17 because of campaign contributions from Best, Best and Krieger. Ms. Carney announced her abstention on Agenda Item No. 2 because of Modular Metal Fabricators being a source of income to her. Councilwoman Mitchell announced her abstention on Item No. 1, as she was not a member of the Board at the time the meetings took place.

Agenda Item Nos. 7 and 13 were withheld for comment and discussion.

MOVED BY CACCIOTTI, SECONDED BY LYOU, AGENDA ITEMS 1 THROUGH 6, 8 THROUGH 12, AND 14 THROUGH 27 APPROVED, ADOPTING RESOLUTION NO. 10-7, DELEGATING AUTHORITY TO THE TREASURER OF THE COUNTY OF LOS ANGELES TO INVEST AND REINVEST FUNDS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, AS RECOMMENDED, WITH THE MODIFICATIONS TO ITEM NO. 22 AS SET FORTH IN THE ERRATA SHEET AND NOTED BELOW, BY THE FOLLOWING VOTE:

AYES: Ashley (*except Item #17*), Cacciotti, Campbell, Carney (*except Item #2*), Gonzales, Loveridge, Lyou, Mitchell (*except Item #1*), Pulido, and Yates.

NOES: None.

ABSTAIN: Ashley (*Item #17 only*), Carney (*Item # 2 only*) and Mitchell (*Item #1 only*).

ABSENT: Antonovich, Burke, and Perry.

Agenda Item No. 22 revised as follows:

p. 2: Add "Pollution prevention or reduction projects that benefit areas impacted by the violation shall be given the highest priority." (After bullet points at the top of page 2.)

28. Items Deferred from Consent Calendar

7. Amend Proposition 1B – Goods Movement Contract Awards

Ms. Carney asked staff to present to the Mobile Source Committee information on how the District is tracking the continued use of vehicles in the Basin.

MOVED BY CARNEY, SECONDED BY ASHLEY,
AND UNANIMOUSLY CARRIED, (Absent:
Antonovich, Burke and Perry), THE BOARD
APPROVED AGENDA ITEM 7 AS RECOMMENDED
BY STAFF.

13. Establish Special Revenue Funds: Emission Reduction Education and Outreach Fund; Rule 1118 Mitigation Fund

The following individual addressed the Board to comment on Item 13.

Jesse Marquez, Coalition for a Safe Environment, urged the Board to add more detailed language regarding the education and outreach requirements. Specifically, he suggested compliance history for the refinery or company, detailed emissions data, public health impacts information, and public health care information and resources provided to the public. He provided the example of flaring, where, currently, the public is not provided information about the actual emissions or impact of exposure during a flaring incident.

In response to Ms. Carney's request, Dr. Wallerstein clarified that the item before the Board aimed to set up two accounts to receive monies related to settlements with Wal-Mart regarding sales of VOC paints and for mitigation fees related to a flaring incident at the Ultramar refinery. With regard to Mr. Marquez's comments on information provided to the public regarding flaring, a working group that consisted of community members and organizations had discussions about public notification and how best to provide information to the public. Staff will contact Mr. Marquez and see if there are improvements that can be made based on the existing information that the District offers with the webpage notification system.

Mayor Pulido offered that the City of Santa Ana is working on technology that would allow individuals to take a photograph of a concern or violation with their cell phone and then transmit that to the agency for investigation. He suggested that this same type of technology could be implemented by the District to further engage the public in enforcement efforts and simplify the reporting process.

Supervisor Ashley inquired as to how the funds raised from the settlement will be used. Dr. Wallerstein replied that staff would be presenting proposals regarding the use of the funds to the Board at a future meeting.

MOVED BY LYOU, SECONDED BY GONZALES,
AND UNANIMOUSLY CARRIED, (Absent:
Antonovich, Burke and Perry), THE BOARD
APPROVED AGENDA ITEM 13, AS
RECOMMENDED BY STAFF.

BOARD CALENDAR

29. Administrative Committee

30. Climate Change Committee

31. Investment Oversight Committee

An errata sheet containing an addition to Page 2 of the report was provided to the Board Members and copies made available to the public.

32. Legislative Committee

33. Mobile Source Committee

34. Stationary Source Committee

35. Technology Committee

36. Mobile Source Air Pollution Reduction Review Committee

37. California Air Resources Board Monthly Report

MOVED BY PULIDO, SECONDED BY CACCIOTTI, THE BOARD APPROVED AGENDA ITEMS 29 THROUGH 37 AS RECOMMENDED, WITH THE MODIFICATIONS TO ITEM NO. 31 AS SET FORTH IN THE ERRATA SHEET AND NOTED BELOW, RECEIVING AND FILING THE COMMITTEE REPORTS, AND ADOPTING THE FOLLOWING POSITIONS ON LEGISLATION, BY THE FOLLOWING VOTE:

AYES: Ashley, Cacciotti, Campbell, Carney, Gonzales, Loveridge, Lyou, Mitchell, Pulido, and Yates.

NOES: None.

ABSENT: Antonovich, Burke, and Perry.

Bill/Title	Recommended Position
SBX8 37 (Cedillo & Pavley): Carl Moyer Memorial Air Quality: Standards Attainment Program: Air Quality Improvement Fund	Support with Amendments
AB 846 (Torrico): State Agencies: Civil and Administrative Penalties	Watch

Agenda Item No. 31 revised as follows:

p. 2: “The Committee approved that change. Dr. Lyou suggested that, in the future, the Annual Investment Policy include plain language descriptions of all of the different types of investments. The Committee also reviewed . . .”

38. Proposed National Ambient Air Quality Standards for Ozone

Dr. Jean Ospital, Health Effects Officer, gave the staff presentation.

Supervisor Campbell requested that staff present the Board with the U.S. EPA’s health-based research that was used to establish the proposed standards, and how the Basin will be impacted in terms of incremental benefits of lowering the standard.

Dr. Ospital explained that the health benefits, as determined by a regulatory impacts analysis by the U.S. EPA, include reduced hospital visits, reduced lung function changes, and reduced mortality.

Dr. Wallerstein proposed that staff provide a specific presentation to the Board at the April 2, 2010 Board meeting regarding the health information that served as the basis for the new standards. He emphasized that the main objective for this item is to get Board approval of the letter in order to meet the comment filing deadline.

Mayor Loveridge asked for clarification regarding precursor emissions contributing to ozone.

Dr. Ospital responded that the District's ozone control strategy is focused mainly on reducing NOx emissions, as well as VOC.

Dr. Wallerstein noted that 90 percent of the NOx emissions come from mobile sources. Staff's letter to the U.S. EPA stresses the importance of electrifying transportation, generating electricity by the cleanest available mechanisms, improving the transportation system, and reducing commuting through improved urban design. The reduction of NOx emissions is not only necessary for the District's ozone attainment strategy but it is also central to the particulate attainment strategy, and contributes to efforts to control and combat climate change. Staff has been discussing a convergence of paths that will serve multiple environmental and public health objectives.

Mayor Yates and Dr. Lyou questioned whether U.S. EPA will support and agree to the proposals the District has set forth in the letter.

Dr. Wallerstein answered that while there has been resistance to policy changes for a long period of time, the stricter standards further advocate a need for a shift in that approach. He then announced that he was recently appointed as the co-chair of the National Association of Clean Air Agencies Mobile Source Committee. Accordingly, he will be working more actively with air agencies nationwide to encourage U.S. EPA to move forward with supporting the measures that will be necessary for this new standard.

Dr. Lyou added that a study was recently released by the Rand Corporation detailing the costs involved in not attaining current standards. These results may fit well into a presentation about the impact of the incremental change.

(Supervisor Antonovich arrived at 9:45 a.m.)

The following individuals addressed the Board to comment on Item 38.

GREG ADAMS, Los Angeles County Sanitation District

Expressed that the prospect of changing five national ambient air quality standards will have enormous ramifications for stationary sources.

LUIS CABRALES, Coalition for Clean Air

Suggested that it may be necessary to initiate litigation in order to require the Federal Government to allow certain institutions broader powers to establish regulations. He feels it should be emphasized that this District has special needs, including a jurisdiction with the most polluted air in the nation. He also suggested that consideration be given to the possibility of amending the Clean Air Act.

Supervisor Campbell asked for clarification on whether ships alone are responsible for the ozone estimate of 66 parts per billion in the presentation chart, or if that also includes the background ozone level. Dr. Ospital indicated that the value includes the background concentration.

Supervisor Gonzales suggested that it is necessary to realistically assess what the District's capabilities are for meeting these higher standards. To that end, staff should first clearly identify what will and will not be possible, and then work towards getting that information introduced to the appropriate agencies that can possibly offer assistance.

Indicating her concurrence with Supervisor Gonzales and her analysis of the situation, Councilwoman Mitchell proposed that the Board and staff look at the situation based on the current authority the District has, in the event that federal regulators do not provide further assistance. Without the help of mobile sources, the District is faced with a monumental task to meet these standards.

Ms. Carney asked if Prop 1B funds can be spent on short haul electric trucks in an effort to reduce emissions from mobile sources.

Dr. Wallerstein responded that current barriers make it difficult to use Prop 1B funds for electric trucks. The new federal clean air standards have necessitated further discussion on this topic, which will be a main focus at the upcoming board retreat. In light of these imminent changes, the District needs to ensure that it is incentivizing the right technologies and is making the right decisions with federal stimulus or Prop 1B funds.

MOVED BY PULIDO, SECONDED BY GONZALES,
AND UNANIMOUSLY CARRIED, (Absent: Burke and
Perry), THE BOARD APPROVED AGENDA ITEM 38
AS RECOMMENDED BY STAFF.

39. Status Report on Clean Air Action Plan and AQMD's Backstop Rules

Dr. Elaine Chang, DEO of Planning, Rule Development and Area Sources, explained that the San Pedro Bay Clean Air Action Plan, adopted in 2006, represents a joint commitment by both the Port of Long Beach and the Port of Los Angeles to reduce emissions. The plan was developed jointly by both ports along with the U.S. EPA, CARB and the AQMD. Staff has been engaged in extensive discussions with port staff for approximately two years to update this plan. While the discussions are ongoing, staff feels it is appropriate to move forward with the rule development process at this time. She explained the need for the backstop rules is to ensure the ports are reducing their emissions so that the Basin can achieve air quality standards. Dr. Chang explained that Proposed Rule 4010 is an administrative rule that requires emission inventories, health risk assessments, and forecasts of future inventories and health risks; while Proposed Rule 4020 specifies criteria pollutant emission targets for 2014 and 2023, specifies health risk reduction targets for 2014 of 73 percent, and 2020 of 85 percent, sets targets in terms of percent reductions from a 2005 baseline, and triggers backstops if targets are expected to be missed based on forecasts. The workshop process for these rules will begin in April 2010, with the Public Hearing to follow in late 2010.

The following individuals addressed the Board to comment on Item 39.

MELISSA LIN PERRELLA, National Resources Defense Council

Asked for clarification regarding possible enforcement mechanisms for the rule; and questioned what the 85 percent reduction in cancer risk means for the ports. In terms of the emissions forecast that will be provided by the ports under the proposed Rule 4010, she believes it is important that those emission forecasts report the differential and predicted emissions particularly if those forecasts include reductions from regulations that are legally challenged, and if those regulations are successfully legally challenged. She asked if there are any milestone emission reduction targets or how the District plans to check on the progress to ensure that the targets are being met.

Mayor Yates commented that Ms. Perrella's questions will be addressed throughout the development process of these backstop rules.

KATHLEEN WOODFIELD, San Pedro and Peninsula Homeowners Coalition

Expressed that the port area homeowners were disappointed to see that although there were significant improvements in the region, as laid out in the MATES III, there was no improvement in the port area. They believe the ports need to have a sense of urgency in making headway to improve their technologies and emissions output. They are encouraged by the potential outcome of these proposed backstop measures.

JESSE MARQUEZ, Coalition for a Safe Environment

Suggested that the rules developed should include a requirement for immediate notification by the ports when they are not going to be able to meet a requirement or goal. He also believes that there should be a fine assessed when an organization is in non-compliance, to mitigate the environmental impact and public health impact costs. In addition to an HRA, they would like a requirement included for a Health Impact Assessment to be conducted, which should include information regarding the efficiency data of their equipment or technology. This would be of benefit when the District approves an EIR and because it would be clear that the BACT is in place.

Dr. Lyou asked Mr. Marquez to provide the Board with information regarding the differences between a Health Impact Assessment and an HRA.

ANGELO LOGAN, East Yard Communities for Environmental Justice

Expressed the importance of the time between developing the baseline risk and the time in which the ports should submit the forecast for the risk; and suggested the District institute more assessments between the compliance dates. In addition to the HRAs, there should be monitoring mechanisms in place to ensure that benchmarks are being met and the air quality goals are being achieved. He stressed the importance of finding an enforceable mechanism to hold the industry accountable.

Dr. Lyou commented as follows:

Regarding Proposed Rule 4010. Suggested, since it does not appear that air toxics, other than diesel particulates, would be included under the emissions reporting requirements, that staff consider a separate item under the emissions reporting requirement for air toxics.

Regarding Proposed Rule 4020. Expressed concern that because the average risk levels in the port communities are much greater than the risk levels in other areas of the Basin, the risk reduction requirement of 85 percent by 2020 would still have the average risk level in the communities in the port areas much greater than the 25-in-one million that is allowed for existing facilities. He suggested that, while it may take longer than 2020, the port area should be required to aim for achieving the same 25-in-one million standard.

Enforcement. Questioned what the consequences would be for non-compliance with the rules requirements, as he is unsure the District's existing enforcement mechanisms are sufficient to make non-compliance with these requirements more costly than compliance.

(Councilwoman Perry arrived at 10:25 a.m.)

ITEM 39 RECEIVED AND FILED ONLY.

PUBLIC HEARINGS

40. Amend Regulation IX - Standards of Performance for New Stationary Sources

Staff waived an oral report on this item. The public hearing was opened and, there being no requests from the public to comment on this item, the public hearing was closed.

MOVED BY LOVERIDGE, SECONDED BY ANTONOVICH, AND UNANIMOUSLY CARRIED, (Absent: Burke), AGENDA ITEM 40 APPROVED, ADOPTING RESOLUTION NO. 10-8 CERTIFYING THE NOTICE OF EXEMPTION AND AMENDING REGULATION IX – STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND CERTIFYING THE NOTICE OF EXEMPTION, AS RECOMMENDED BY STAFF.

41. Approve and Adopt Technology Advancement Office Clean Fuels Program Annual Report and Plan Update

Staff waived an oral report on this item. The public hearing was opened and, there being no requests from the public to comment on this item, the public hearing was closed.

Supervisor Campbell asked staff to provide a status of the plug-in hybrid technology projects that the Board has previously awarded. Dr. Matt Miyasato, Assistant DEO of the Technology Advancement Office, responded that the referenced light-duty vehicle projects that the Board initiated almost two years ago, to demonstrate 10 Toyota Prius and for 20 Ford Escapes, are still being converted. Specifically regarding the Ford Escape conversion project, the original battery manufacturer was replaced with another provider, but this challenge has been resolved and the vehicles should be arriving within the next couple of months.

MOVED BY ANTONOVICH, SECONDED BY CACCIOTTI, AND UNANIMOUSLY CARRIED, (Absent: Burke), AGENDA ITEM 41 APPROVED, ADOPTING RESOLUTION NO. 10-9 APPROVING THE TECHNOLOGY ADVANCEMENT OFFICE CLEAN FUELS PROGRAM ANNUAL REPORT FOR 2009 AND ADOPTING THE CLEAN FUELS PROGRAM PLAN UPDATE FOR 2010, AS RECOMMENDED BY STAFF.

42. Annual RECLAIM Audit Report for 2008 Compliance Year

Mohsen Nazemi, DEO of Engineering and Compliance, gave the staff presentation.

Regarding Supervisor Antonovich's inquiry if this program was the subject of fraud, Nancy Feldman, Principal Deputy District Prosecutor, replied that some time ago, a private sector RTC broker was indicted in federal court regarding fraudulent acts she committed with regard to selling RTCs. Ms. Feldman assured the Board that further safeguards have now been put into place to help avoid fraud of that nature in the future in RECLAIM credit trading.

Dr. Wallerstein added that while some investors were impacted by this fraud, there was no impact on the RECLAIM program and emissions nor impacts on air quality since the District controls the actual transfer of credits.

Mayors Loveridge and Pulido questioned the makeup of the investors, as well as the types of investments.

Mr. Nazemi replied that there are a number of mutual funds that have been involved and have started to invest in the RECLAIM trading credits. The number of mutual funds and private investors are less than ten investors. However, their capability to purchase credits at large volumes is because they run mutual funds and have access to funds which allows them to purchase more credits.

Dr. Wallerstein asked Mr. Nazemi to illustrate the impact brokers and investors have on operations with an example from the City of Anaheim. Mr. Nazemi explained that the City planned to build a small 200 megawatt power plant to serve its native load. However, due to offset litigations pursued against the AQMD and, in the interest of time, the City purchased ERCs on the open market for three times higher than it would have cost them to pay the AQMD in mitigation fees which the AQMD would have in turn invested in emission reduction projects in the area impacted by the power plant. However, instead the investor in this case made almost five million dollars of profit in a short time.

Mayor Pulido indicated that he asked City of Anaheim officials why they purchased these credits as opposed to dealing with the District. They responded that they were concerned with the ongoing Rule 1315 litigation and were not sure what other remedies were available. He recommended that the District establish better communication with cities and entities within the air basin to make sure they are clear on the processes involved with such a proposal.

The public hearing was opened and, there being no requests from the public to comment on this item, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY GONZALES, AND UNANIMOUSLY CARRIED, (Absent: Burke and Perry), AGENDA ITEM 42 APPROVED, APPROVING THE ANNUAL RECLAIM AUDIT REPORT FOR 2008, AS RECOMMENDED BY STAFF.

(Supervisor Ashley and Mayor Loveridge left at 10:50 a.m.)

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- Presentation to Outgoing Board Member Tonia Reyes Uranga

Vice Chairman Yates presented an award to Councilwoman Reyes Uranga for her service on the Board from July 2006 to January 2010 as the representative for the Cities of Los Angeles County.

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(Mayor Pulido left at 10:55 a.m.)

PUBLIC HEARINGS (Continued)

43. Adopt Proposed Rule 310 – Amnesty for Unpermitted Equipment

Dr. Laki Tisopulos, Assistant DEO of Planning, Rule Development and Area Sources, gave the staff presentation.

The public hearing was opened, and the following individuals addressed the Board on Agenda Item 43.

SHARON RUBALCAVA, Attorney, Alston and Bird, LLP

Suggested that this Rule be made retroactive to the beginning of 2010.

Dr. Wallerstein clarified that the amnesty period runs from February to August, 2010.

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

MOVED BY CACCIOTTI, SECONDED BY GONZALES, AND UNANIMOUSLY CARRIED, (Absent: Ashley, Burke, Loveridge and Pulido), AGENDA ITEM 43 APPROVED, ADOPTING RESOLUTION NO. 10-10 CERTIFYING THE NOTICE OF EXEMPTION AND ADOPTING RULE 310 – AMNESTY FOR UNPERMITTED EQUIPMENT, AS RECOMMENDED BY STAFF.

OTHER BUSINESS

44. Issue Program Announcement for Heavy-Duty Diesel Truck Retrofit Projects under the Proposition 1B – Goods Movement Emission Reduction Program

Dr. Chung Liu, DEO of Science and Technology Advancement, gave the staff presentation.

The public hearing was opened and, there being no requests from the public to comment on this item, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY CAMPBELL, AND UNANIMOUSLY CARRIED, (Absent: Ashley, Burke, Loveridge and Pulido), AGENDA ITEM 44 APPROVED, APPROVING ISSUANCE OF PROGRAM ANNOUNCEMENT #2010-08 TO RETROFIT HEAVY-DUTY DIESEL TRUCKS UNDER THE PROPOSITION 1B PROGRAM, AS RECOMMENDED BY STAFF.

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

DEBBIE CREWS, PQRS (Park Roycroft Quincy 6th and 7th Streets)

Explained that the residents in her area have been severely impacted by the Terminal Avenue storm drain project. They have been exposed to fine particulates and fugitive dust from the excavation and soil movement since October. There is an insufficient buffer or easement of land around the soil to allow for the dissipation of airborne particulates such as PM₁₀ and PM_{2.5}. The City of Long Beach is allowing the contractor to act as the sanitation waste operator and continue to work in such a manner with no regard to the health of the residents of the community. The residents are concerned because excavated soil stored in close proximity to people for a lengthy period of

exposure is a health risk to all residents and school children in the area. The project contractors have been cited once for water and once for air violations. This project while initially accepted by the residents has become an ongoing source of concern regarding the health risks and the environmental impact.

After Mayor Yates suggested Ms. Crews take the matter before the City Council, Dr. Wallerstein added that field staff from the District will be sent out to investigate as well.

JESSE MARQUEZ, Coalition for a Safe Environment

Expressed his frustration that the Port of Los Angeles did not include mitigation in the EIR for two technologies. He felt he would have been successful in a recent lawsuit that he filed against the Port of Los Angeles over the Pacific LA Marine Crude Oil Import Terminal in relation to the AMECS and the VRS technologies. He felt he could have won the case if the District had recommended these technologies for mitigation in the EIR to the effect that the technology had been studied, it was found to be feasible and the test data was validated. He further explained that when there are technologies that exist and AQMD is in a position to review, evaluate and even sponsor the testing and validate the test data, they have an obligation to also submit that data and their recommendation with those statements included.

Dr. Lyou asked staff to respond to Mr. Marquez's concerns, as he believed that information was included on the most recent technology report.

Dr. Wallerstein responded that the District's position on the AMECS technology has been fully documented. The comment letter that was provided on this project should have included information that confirms the validity of the technology.

Dr. Lyou added that it would be helpful to get that information in the District's CEQA comments, as it may be hard for an individual to find that specific information in the voluminous reports that the District releases.

MAREK SUCHENEK, Long Beach resident

Expressed concern regarding polluting vehicles not being stopped by law enforcement. He is concerned that even with all of the District's initiatives, a lack of enforcement on the streets and freeways is adding to the pollution in the air.

Mayor Yates replied that while the District does not have any control over law enforcement, the public can report suspected emissions violating vehicles by calling 1-800-CUT-SMOG. The District can then cite the individuals or investigate the vehicle and require it be fixed or taken off the road.

Dr. Wallerstein added that the California Highway Patrol used to operate smoking vehicle surveillance. Unfortunately, the funding for that program evaporated and they stopped providing that service. However, CARB does conduct roadside checks for smoking trucks, and they move that effort around the state. He asked Henry Hogo, Assistant DEO of Science and Technology Advancement, to make contact with CARB to share Mr. Suchenek's concern and inquire when the last roadside surveillance was conducted in the Harbor area.

CLOSED SESSION

The Board recessed to closed session at 11:15 a.m., pursuant to Government Code section 54956.9(a) to confer with its counsel regarding pending litigation which has been initiated formally and to which the District is a party, as follows:

- NRDC, et al. v. SCAQMD, et al., Los Angeles Superior Court Case Nos. BS105728 and BS110792;
- NRDC, et al. v. SCAQMD, et al., U.S. District Court Case No. CV08-05403 GW (PLAx);
- CCAT, et al. v. State of California; SCAQMD, et al., Los Angeles Superior Court Case No. BS124264.

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

ADJOURNMENT

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

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on March 5, 2010.

Respectfully Submitted,

Denise Pupo
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AMECS = Advanced Maritime Emissions Control System
BACT = Best Available Control Technology
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
CNG = Compressed Natural Gas
EIR = Environmental Impact Report
EPA = Environmental Protection Agency
ERC = Emission Reduction Credit
FY = Fiscal Year
HRA = Health Risk Assessment
LNG = Liquefied Natural Gas
MATES = Multiple Air Toxics Exposure Study
NO_x = Oxides of Nitrogen
PM = Particulate Matter
PM₁₀ = Particulate Matter ≤ 10 microns
PM_{2.5} = Particulate Matter ≤ 2.5 microns
RECLAIM = Regional Clean Air Incentives Market
RFP = Request for Proposals
RFQ = Request for Quotations
RTCs = RECLAIM Trading Credits
SIP = State Implementation Plan
SO_x = Oxides of Sulfur
U.S. EPA = United States Environmental Protection Agency
VOC = Volatile Organic Compound
VRS = Vapor Recovery System