

**FRIDAY, APRIL 2, 2010**

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

Supervisor Michael D. Antonovich (arrived at 9:30 a.m.)  
County of Los Angeles

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

Supervisor Bill Campbell (arrived at 9:15 a.m.)  
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  
City of Los Angeles

Mayor Miguel A. Pulido  
Cities of Orange County

**Members Absent:**

Supervisor Marion Ashley  
County of Riverside

**CALL TO ORDER:** Chairman Burke called the meeting to order at 9:10 a.m.

- Pledge of Allegiance: Led by Mayor Loveridge.
- Opening Comments

Supervisor Gonzales. Announced that she attended the two-day California Fuel Cell Partnership Steering team meeting in February as a representative of AQMD. The meeting summary was included as Item 24 on the agenda. At that meeting, she was nominated and unanimously elected as the Partnership's Vice-Chair for 2010. She acknowledged the importance of building a rapport with the members and having a strong presence there; and thanked AQMD staff Matt Miyasato and Lisa Mirisola for their efforts.

She thanked Chairman Burke and others who attended the presentation on Brain Tumors and Air Pollution Studies held at Arrowhead Regional Medical Center on March 31. The information that was shared by the researchers and physicians is very important in order to help the Board make rational and intellectual decisions as to how to best protect the population in the region from the harmful effects of air pollution. This is especially of concern in the Inland Empire where congested transportation corridors and railroads are plentiful. The type of information provided can assist the Board in remaining aware of the role that they need to continue to play in cleaning up the air and making sure that families have a safe place to live.

Chairman Burke acknowledged the importance and effectiveness of the information presented. He suggested that Dr. Black be invited to the upcoming Board retreat so that the whole Board can hear about his research and the discovery that pediatric brain tumors are increasing at a greater rate than any other brain tumor and this may be related to pregnant women breathing in polluted air.

(Supervisor Campbell arrived at 9:15 a.m.)

Dr. Barry R. Wallerstein, Executive Officer. Introduced a video regarding the launch of this year's Lawnmower Replacement Program. He acknowledged Sam Atwood and Group 1 Productions for their work on the video. This year's exchange will include over 8,000 lawn mowers, which is twice the number made available in past years.

In response to questions by Mayor Pulido, Dr. Chung Liu, DEO of Science and Technology Advancement, indicated that the District estimates there are approximately 1.5 to 2 million actively used lawn mowers in the region. The number of leaf blowers is much smaller, because unlike lawn mowers which are common in most homes, leaf blowers are mostly used by professional gardeners.

Mayor Pulido acknowledged that the exchange of 8,000 lawnmowers is a great accomplishment, but would like to see if there is another mechanism by which this program could be expanded to make even more of an impact.

Chairman Burke suggested that the program be expanded to involve multiple events each year. He also mentioned the possibility of using a fulfillment company to alleviate some of the burden of these exchange events from District staff.

- Presentation of Retirement Awards to Sylphide Crevelle, Gary Heiss, Russ Juranek, Patrick H. "Rick" Pearce, Eudora Tharp, Flor Tumaming, and Joe Tumaming

Dr. Wallerstein explained that in the week prior to the meeting, the AQMD had seen a significant number of retirements; accounting for the loss of approximately 700 years worth of experience. He introduced a slideshow of 16 retirees who were unable to attend the meeting to be recognized. Those pictured included Mark Liu with 32 years of service; Steve Marinoff, 32 years; Emmanuel Ruivivar, 32 years; Mike Gonzalez, 31 years; Linda Basilio, 30 years; Mike Mills, 30 years; Ralph Crawford, 28 years; Eleanor Eleazar, 28 years; Geri Bowen, 26 years; Marcial DeGuzman, 25 years; Annie DeJesus, 24 years; Ray Jasso, 24 years; Barbara Irby, 23 years; Elliott Sernel, 23 years; Satoru Mitsutomi, 22 years; and Janet Laiblin, 20 years.

Chairman Burke presented retirement awards to: Flor Tumaming, 20 years; Flor accepted on behalf of his brother, Joe Tumaming, 22 years; Eudora Tharp, 21 years; Sylphide Crevelle, 26 years; Patrick H. "Rick" Pearce, 31 years; Russ Juranek, 36 years; and Gary Heiss, 41 years in recognition of their many years of dedicated District service.

Dr. Burke also made a special presentation to Gary Heiss of a 1984 Olympic medallion from his personal collection in recognition of Mr. Heiss' work ethic and dedication to AQMD and public service.

(Supervisor Antonovich arrived at 9:30 a.m.)

## **CONSENT CALENDAR**

1. Minutes of March 5, 2010 Board Meeting

**An errata sheet containing an addition to Page 14 of the Minutes was provided to the Board Members and copies made available to the public.**

2. Set Public Hearings May 7, 2010 to Consider Amendments and/or Adoption to AQMD Rules and Regulations

Amend Rule 1193 – Clean On-Road Residential and Commercial Collection Vehicles

Amend Regulation III – Fees

3. Issue Purchase Orders for Carbonyl Samplers and CNG Repair Vehicles
4. Execute Contract for Reforestation within Angeles Forest Burn Area
5. Execute Contracts for FY 2008-09 “Year 11” Carl Moyer Program and SOON Provision and Amend Award under Carl Moyer Program
6. Adopt Resolution to Renew General Services Agreement with County of Los Angeles
7. Unfund Manager Position, Establish New Class, and Reclassify Supervisor Position
8. Approve Transfer of Monies from General Fund to Health Effects Research Fund
9. Execute Contracts with Rick Pearce and Eudora Tharp for Expert Technical Consulting Services and Approve Findings Supporting Contracts
10. Authorize Purchase of Maintenance and Support Services for Server Hardware and Software
11. Legislative & Public Affairs Report
12. Hearing Board Report
13. Civil Filings and Civil Penalties Report

**An errata sheet containing a replacement for Page 12 of the Penalty Report was provided to the Board Members and copies made available to the public.**

14. Lead Agency Projects and Environmental Documents Received by AQMD
15. Rule and Control Measure Forecast
16. Status Report on Major Projects for Information Management Scheduled to Start During Last Six Months of FY 2009-10

Supervisor Antonovich announced his abstention on Item No. 5 (due to campaign contributions from Valley Vista Services, Inc.) and Supervisor Gonzales announced her abstention on Item No. 5 (due to campaign contributions from Burrtec Waste Industries, Inc.)

Agenda Item Nos. 2 and 15 were withheld for comment and discussion.

MOVED BY CAMPBELL, SECONDED BY CACCIOTTI, AGENDA ITEMS 1, 3 THROUGH 14, AND 16 APPROVED, ADOPTING RESOLUTION NO. 10-11, AUTHORIZING THE CHAIRMAN TO EXECUTE A GENERAL SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES, AND NO. 10-12 AMENDING AQMD'S SALARY RESOLUTION TO ESTABLISH THE NEW CLASSIFICATION OF BUILDING SUPERVISOR AT A SALARY RANGE OF \$61,654.82 – 72,386.20, AS RECOMMENDED, WITH THE MODIFICATIONS TO ITEMS NO. 1 AND NO. 13 AS SET FORTH IN THE ERRATA SHEETS AND NOTED BELOW, BY THE FOLLOWING VOTE:

AYES: Antonovich (*except Item #5*), Burke, Cacciotti, Campbell, Carney, Gonzales (*except Item #5*), Loveridge, Lyou (*except Item #4*), Mitchell, Perry, Pulido, and Yates.

NOES: Lyou (*Item #4 only*).

ABSTAIN: Antonovich and Gonzales (*Item #5 only*).

ABSENT: Ashley.

**Agenda Item No. 1 Minutes of March 5, 2010 Board Meeting revised as follows:**

p. 14, Item #42: Add "Supervisor Antonovich requested that staff keep the Governing Board updated on developments related to any Congressional inquiries into the RECLAIM program."

**Agenda Item No. 13 Civil Filings and Civil Penalties Report revised as follows:**

p. 12, "Fiscal Year to 1/10 Cash Total: \$4,635,328.11  
Fiscal Year to 1/10 SEP Value Only Total: \$474,815.00"

17. Items Deferred from Consent Calendar

2. Set Public Hearings May 7, 2010 to Consider Amendments and/or Adoption to AQMD Rules and Regulations

Amend Rule 1193 – Clean On-Road Residential and Commercial Collection Vehicles

Amend Regulation III – Fees

The following individuals addressed the Board on Agenda Item 2.

PAUL RYAN, Inland Empire Disposal Association

Asked the Board to delay the setting of the public hearing for Rule 1193 amendments at least one month; and that District staff work with the industry and the cities to complete one or more of the alternative proposals presented at the Mobile Source Committee meeting on March 19. He proposed that the alternative proposals be reviewed by the Mobile Source Committee before being brought back to the Board to ensure that the partnership between the industry and the cities satisfies the concerns both for small business and financing of the alternatives that have been proposed.

Dr. Wallerstein responded that staff would suggest the action today be a 60-day set hearing on Rule 1193; and staff will schedule another hearing before the Mobile Source Committee.

KRIS FLAIG, Southern California Alliance of Publicly Owned Treatment Works (SCAP) Air Quality Committee

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Requested that the public be able to look at the Regulation III – Fees item together with the budget in order to evaluate how the increase in fees is justified in terms of the budget.

Dr. Wallerstein clarified that the budget and the fees items will be before the Board at the same time at the May 7, 2010 meeting. A public workshop regarding the Fiscal Year 2010-11 Draft Budget and Work Program is scheduled for April 22.

An additional individual who submitted a card to speak in support of continuing the set hearing for Rule 1193 waived comments.

MOVED BY LOVERIDGE, SECONDED BY GONZALES, AND UNANIMOUSLY CARRIED, (Absent: Ashley), THE BOARD APPROVED AGENDA ITEM 2 WITH THE MODIFICATION TO SET THE HEARING TO AMEND RULE 1193 – CLEAN ON-ROAD RESIDENTIAL AND COMMERCIAL COLLECTION VEHICLES FOR THE JUNE 4, 2010 BOARD MEETING.

15. Rule and Control Measure Forecast

The individual who requested to address the Board on Agenda Item No. 15 did so erroneously, and his request was rescinded.

MOVED BY YATES, SECONDED BY LOVERIDGE, AND UNANIMOUSLY CARRIED, (Absent: Ashley), THE BOARD APPROVED AGENDA ITEM 15.

**BOARD CALENDAR**

- 18. Administrative Committee
- 19. Legislative Committee
- 20. Mobile Source Committee
- 21. Stationary Source Committee
- 22. Technology Committee

23. California Air Resources Board Monthly Report
24. California Fuel Cell Partnership Steering Team Meeting Summary and Quarterly Update
25. Annual Meeting of Brain & Lung Tumor and Air Pollution Foundation

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

Chairman Burke explained that the research the Foundation is conducting is initiating more questions about what role air pollution plays in the development of tumors and cancers. He requested that staff make a presentation to the Board regarding how to address some of the questions that have arisen during the research and what steps might be taken in the future. He added that it appears the Foundation is the only group doing this type of analysis.

Supervisor Gonzales added that the research being conducted has far reaching impacts and will influence how communities are planned, where schools are being placed, and what zoning approaches are necessary to handle future population growth. She stressed the importance of the Board gaining as much knowledge as possible in regards to this type of research in order to make informed decisions that will benefit the people in the South Coast District.

Chairman Burke asked Dr. Lyou to speak about this issue in relation to environmental justice.

Dr. Lyou responded that he recently attended a U.S. EPA symposium of researchers, agency personnel and community advocates from across the country. One of the issues they addressed was the vulnerable and susceptible populations and new ways of looking at the cause and effect of exposure to toxins. This is a large concern, because environmental justice communities are much more likely to face adverse consequences.

Ms. Carney questioned whether there is additional funding from other sources for this study or a companion study.

Dr. Ospital answered that there are other studies looking at neurological effects specifically, neurotoxicity and exposure to air pollutants. Those studies are being funded by the U.S. EPA and the National Institute of Environmental Health Sciences. Along with Cedars-Sinai, and a few other organizations have also been conducting laboratory studies in air pollution toxicology research and they are moving into neurotoxicity and the effects on the nervous system and brain tissue.

Dr. Lyou encouraged Board members to remain mindful of the impacts on the environmental justice communities and the importance of keeping a balance between too much research and not enough action. These vulnerable

populations are in need of initiatives that are going to directly reduce emissions and pollution in their communities.

MOVED BY GONZALES, SECONDED BY CARNEY,  
THE BOARD APPROVED AGENDA ITEMS 18  
THROUGH 25 AS RECOMMENDED,  
RECEIVING AND FILING THE COMMITTEE  
REPORTS, AND ADOPTING THE FOLLOWING  
POSITIONS ON LEGISLATION, BY THE  
FOLLOWING VOTE:

AYES: Burke, Cacciotti, Campbell, Carney,  
Gonzales, Lyou, Mitchell, and Yates.  
NOES: None.  
ABSENT: Ashley, Antonovich, Loveridge, Perry  
and Pulido.

<b>Bill/Title</b>	<b>Recommended Position</b>
AB 1740 (Jeffries) Vehicles: Specially Constructed Vehicles	Oppose
AB 1863 (Gaines) Diesel generators: Health Facilities	Support
SB 1433 (Leno) Air Pollution Penalties: Inflation Adjustments	Support
AB 2289 (Eng) Smog Check Program: Testing: Penalties	Support
AB 2691 (Hall) California Global Warming Solutions Act of 2006: Fees	Oppose
AB 2037 (M. Perez and Salas) Electricity: Air Pollution	Support
SB 1114 (Florez) Emission Reduction Credits: Private and Public Moneys	Work with author to clarify provisions and report back in 30 days
SB 1194 (Hollingsworth) Air Pollution Control Districts: Residential Wood-Burning Devices	Oppose

Chairman Burke requested that in the future, it be noted on the agenda if an item on the Board Calendar is going to have a staff presentation.

26. First Public Draft of 2010 Clean Communities Plan

Susan Nakamura, Planning and Rules Manager, gave the staff presentation.

Dr. Wallerstein added that copies of the draft plan are now available on the AQMD web page.

Mayor Loveridge inquired about the timeline for the release of future drafts and the final draft.

Dr. Wallerstein responded that the goal is to have the final draft before the Board in early fall, but no later than the end of the year. The Plan incorporates traditional air toxics regulations as well as a number of enhanced efforts with community members, cities, counties, business partners and others. The timing, therefore, will depend on the type of feedback received on this draft. The item will start with the Stationary Source Committee, before going to the working group, and then will be discussed at public forums to gather comments from stakeholders.

The following individuals addressed the Board on Agenda Item 26.

CURTIS COLEMAN, Southern California Air Quality Alliance

Commented that the Alliance would have preferred the draft be brought to the Clean Communities Action Plan working group for review before it came to the Board and became public, and they look forward to working with District staff as this plan moves forward and being able to fully support the final draft.

KRIS FLAIG, SCAP Air Quality Committee

Requested that in the future, this type of item be made available to the public in advance of the meeting in order for it to be reviewed.

Dr. Wallerstein responded that this is just a first draft, and as such, there will be plenty of opportunities for the public and the Board to comment before it is finalized. He encouraged Mr. Flaig to join the working group for this item, if he has not already done so.

Supervisor Gonzales noted that there is a process that staff follows in bringing information to the Board and bringing it to the public; and she encouraged those that are interested in having input on future drafts, to join the working group.

Dr. Lyou expressed his support of the motion and is looking forward to an extensive outreach effort and public input process in order to obtain feedback from as many stakeholders as possible.

MOVED BY CARNEY, SECONDED BY YATES, THE BOARD RECEIVED AGENDA ITEM 26 AND REFERRED IT TO THE STATIONARY SOURCE COMMITTEE, BY THE FOLLOWING VOTE:

AYES: Burke, Cacciotti, Carney, Gonzales, Loveridge, Lyou, Mitchell, Perry, and Yates.

NOES: None.

ABSENT: Antonovich, Ashley, Campbell and Pulido.

## **PUBLIC HEARINGS**

### 27. Annual Report for 2009 on AB 2588 Air Toxics Hot Spots Program

Naveen Berry, Planning and Rules Manager, gave the staff presentation.

Supervisor Campbell asked what the issues are at the two sites located in Orange County.

Mr. Berry answered that Coyote Canyon (Gas Recovery Systems), is a landfill gas-to-electricity generation facility, and the information received from the 2003 through 2004 inventory period showed a twenty in a million cancer risk. Their location is such that few residents are affected. Staff held a public meeting earlier this year and emphasized that the reduction in landfill gas quantity has most likely resulted in reduced risk. The other location is the Sanitation District which would be below the ten-in-a-million risk level, if it did not include their diesel emergency engines.

Ms. Carney questioned whether the toxic emissions from the facility located near the 710 freeway would have a cumulative impact given the proximity to that freeway.

Mr. Berry responded that the site near the 710 freeway is an aerospace operation, Lubeco, Inc., located in Long Beach. The chrome plating and anodizing they perform is the basis for the main risk factor, which is hexavalent chromium. The facility implemented a risk reduction plan to lower its risk down to fourteen in a million. The risk from the operation is very low compared to the risk in the area from the diesel exhaust as a result of the adjacent freeway.

In response to Councilwoman Mitchell's inquiry into the extent the Air Toxics Report is coordinated with the Clean Communities program, Mr. Berry confirmed that staff in these areas do work closely in order to coordinate efforts.

Dr. Lyou expressed concerns with the assumptions made in HRAs. He supports providing more context as to the strengths and weaknesses of the program to enable individuals to understand what the proponents and opponents of risk assessments say, why there are outstanding issues and the conservative assumptions the District makes in trying to be protective; but also the weaknesses and lack of data, and the fact that more information is needed about toxicity and exposure pathways, emission inventories and so forth. He looks forward to that information being included in the report next year.

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 YATES, SECONDED BY CACCIOTTI,  
AND UNANIMOUSLY CARRIED, (Absent:  
Antonovich and Ashley), AGENDA ITEM 27  
APPROVED, APPROVING THE ANNUAL REPORT  
FOR 2009 ON AB 2588 AIR TOXICS HOT SPOTS  
PROGRAM, AS RECOMMENDED BY STAFF.

28. Amend Rule 317 - Clean Air Act Non-Attainment Fees  
***(Continued from January 8, 2010 Board Meeting)***

Staff recommended that the public hearing on this item be continued to the May 7, 2010 Board Meeting.

Ms. Carney announced her abstention on Agenda Item No. 28 because of Loma Linda University being a source of income to her.

MOVED BY CACCIOTTI, SECONDED BY PERRY,  
AND UNANIMOUSLY CARRIED, (Abstain: Carney;  
Absent: Antonovich and Ashley), THE PUBLIC  
HEARING ON AMENDING RULE 317 WAS  
CONTINUED TO THE MAY 7, 2010 BOARD  
MEETING, AS RECOMMENDED BY STAFF.

29. Amend Rule 1144 - Metalworking Fluids and Direct-Contact Lubricants

Staff recommended that the public hearing on this item be continued to the June 4, 2010 Board Meeting.

Ms. Carney announced her abstention on Agenda Item No. 29 because of Modular Metal Fabricators, Inc. being a source of income to her.

MOVED BY CACCIOTTI, SECONDED BY PERRY,  
AND UNANIMOUSLY CARRIED, (Abstain: Carney;  
Absent: Antonovich and Ashley), THE PUBLIC  
HEARING ON AMENDING RULE 1144 WAS  
CONTINUED TO THE JUNE 4, 2010 BOARD  
MEETING, AS RECOMMENDED BY STAFF.

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

Dr. Lyou noted that written comments were submitted by Joan Davidson regarding the Palos Verdes Landfill Proposed Title V Permit; and he wanted to make sure the Board recognized her concerns and, as confirmed by Dr. Wallerstein, staff will be responsive.

**CLOSED SESSION**

The Board recessed to closed session at 10:45 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;
- W.M. Barr & Company, Inc. v. SCAQMD, Los Angeles Superior Court Case No. BS119869;
- Communities for a Better Environment v. South Coast Air Quality Management District, et al., Los Angeles Superior Court Case No. BS091275, and Carlos Valdez, et al. v. South Coast Air Quality Management District, et al., Los Angeles Superior Court Case No. BS091276; Court of Appeal of the State of California Case No. B193500; Supreme Court of California Case No. S161190.

The Board also recessed to closed session pursuant to Government Code section 54956.9(c) to consider initiation of litigation (one case).

In addition, the Board also recessed to closed session pursuant to Government Code section 54597.6(a) to meet with

- designated representatives regarding represented employee salaries and benefits or other mandatory subjects within the scope of representation [Negotiator: Eudora Tharp; Represented Employees: Teamsters Local 911 & SCAQMD Professional Employees Association]

and to meet with

- labor negotiators regarding unrepresented employees [Agency Designated Representative: Eudora Tharp; Unrepresented Employees: Designated Deputies and Management and Confidential employees].

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 the General Counsel at 11:15 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on April 2, 2010.

Respectfully Submitted,

Denise Pupo  
Senior Deputy Clerk

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

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Dr. William A. Burke, Chairman

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**ACRONYMS**

CNG = Compressed Natural Gas

FY = Fiscal Year

HRA = Health Risk Assessment

U.S. EPA = United States Environmental Protection Agency