



South Coast Air Quality Management District

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LOCAL GOVERNMENT & SMALL BUSINESS ASSISTANCE ADVISORY GROUP FRIDAY, MARCH 13, 2009 MEETING MINUTES

MEMBERS PRESENT:

Dennis Yates, AQMD Governing Board Member, LGSBA Chairman
Greg Adams, L.A. County Sanitation District
Paul Avila, P.B.A. & Associates
Geoffrey Blake, Metal Finishers of Southern California/All Metals
Eric Busch, Representative, South Bay Cities Council of Governments
Todd Campbell, Clean Energy
Daniel Cunningham, Metal Finishing Association
Jacob Haik, Office of School Board Member Richard Vladovic
Maria Elena Kennedy, Kennedy Communications
James R. Krausz, Esq., ALA Inland Counties
Art Montez, AMA International
Kelly Moulton, Paralegal
Steve Mugg, South Orange County Representative, City of Mission Viejo

MEMBERS ABSENT:

Ronald Loveridge, AQMD Governing Board Member, LGSBA Vice Chairman
Felipe Aguirre, Vice Mayor, City of Maywood
Angelo Logan, East Yard Communities for EJ
Todd Priest, Representative, Orange County Business Council

OTHERS PRESENT:

Rita Loof, Radtech
Lisa Rothbart, Orange County Sanitation District

AQMD STAFF:

Philip Crabbe III, Community Relations Manager
Anupom Ganguli, Ph.D., Assistant Deputy Executive Officer/Public Advisor
Henry Hogo, Assistant Deputy Executive Officer
Lori Langrell, Secretary
John Olvera, Principal Deputy District Counsel
Ricardo Rivera, Senior Staff Specialist
Laki Tisopulos, Ph.D., Assistant Deputy Executive Officer
Greg Ushijima, AQ Engineer II
Daniel Wong, Office Assistant

Agenda Item #1 - Call to Order/Opening Remarks

Chair Dennis Yates called the meeting to order at 10:16 a.m.

Agenda Item #2 – Approval of February 13, 2009 Meeting Minutes/Review of Follow-Up/Action Items

Chair Yates called for approval of the meeting minutes.

The February 13, 2009 meeting minutes were approved.

Action item: Provide a presentation on the CARB on-road truck rule.

- ✓ Overview of the California Air Resources Board On-Road Heavy Duty Diesel Rules was placed on the agenda for current meeting.

Action item: Contact the Ports to ascertain whether a paper exists outlining the Clean Truck Program process and the estimated time frame.

- ✓ Material was given to Mr. Art Montez regarding both the Los Angeles and Long Beach Ports Clean Truck Programs.

Agenda Item #3 – Overview of the California Air Resources Board On-Road Heavy Duty Diesel Rules

Mr. Henry Hogo gave an overview of the California Air Resources Board's On-Road Heavy Duty Diesel Rules.

Ms. Maria Elena Kennedy asked if this program could be modified or altered because of the current budget and economic crisis. Mr. Hogo replied that there are no plans to do so, but the off-road requirements may be postponed.

Mr. Greg Adams asked how this rule will be enforced with interstate trucks. Mr. Hogo replied that the trucks must register with the State and report at the border truck stops.

Mr. Adams asked how CARB intends to make people aware of the rule. Mr. Hogo replied that CARB will be doing outreach, and their Enforcement Division will be at weigh stations at the borders distributing information.

Agenda Item #4 – Proposed Amended Rule 317 – Clean Air Act Non-Attainment Fees

Dr. Laki Tisopulos gave a presentation regarding Proposed Amended Rule 317 – Clean Air Act Non-Attainment Fees.

Chair Yates asked what the T-test is. Dr. Tisopulos replied that the T-test is a statistical method proposed to be used to determine if for a given source, the attainment year emissions vary significantly from a given number (five) of previous years emissions. The T-test will be applied after the prior year emissions are adjusted to account for past regulatory reductions.

Mr. Paul Avila asked if the test will be the same across industry, which Dr. Tisopulos affirmed.

Mr. Art Montez asked how the agency was going to ensure that businesses are meeting their commitments with refunded monies, and what contractual oversight will be given. Dr. Tisopulos replied that staff will follow similar procedures as used by the Technology Advancement Office (TAO) which handles similar contracts. He added that the entities are going to be contractually obligated and liable to

do what has been committed. He further added that AQMD inspectors are going to verify the fulfillment of the requirements.

Mr. Todd Campbell asked if the facilities are going to be given notice prior to having fees levied. Dr. Tisopulos replied that facilities will be invoiced based on their baseline the year prior to the year the fees are due. He clarified that the funds will not be allowed to be used to bring facilities into compliance.

Ms. Kelly Moulton commented that these fees affect families and that the Board should consider spreading out the fees equitably. Dr. Tisopulos replied that staff shares her concern and added that the Board has been very careful in minimizing such impacts.

Mr. Adams commented that no air district other than the AQMD is at the level of BACT. He added that it is very rare to see mitigation in the Clean Air Act and that money spent on controlling emissions from mobile sources is the best fix. Mr. Adams stated that this section of the Clean Air Act is obsolete and should not be applied within our jurisdiction. Further, Mr. Adams stated that the District should work with EPA to resolve this issue, and remove or find a method of implementation that lessens the burden on stationary sources in this area, which are the most regulated stationary sources in the nation.

Mr. Steve Mugg asked what would be the result of non-compliance. Dr. Tisopulos replied that the proposed requirements are a federal mandate, opening up the possibility for a third-party lawsuit if there is non-compliance. He added that if there is non-compliance, EPA will probably develop its own program that collects the fees at the federal level removing the benefit of reinvesting them locally, and that federal transportation funding could also be withheld and new or expanding stationary sources can be subject to higher offset ratios.

Mr. Geoffrey Blake asked about the assignment of specific fees. Dr. Tisopulos replied that AQMD has been mandated to impose certain amounts.

Mr. James Krause asked if staff has any discretion to leave the money with a facility if it is already utilizing BACT. Dr. Tisopulos replied that there is no provision in the Clean Air Act that would support that. He added that staff would be supportive of the concept of investing the fees within the facilities or the surrounding community or solicit projects that are cost effective, in a manner that is similar to the Carl Moyer program.

Mr. Daniel Cunningham asked how far the AQMD is from attainment. Dr. Tisopulos replied that despite the significant improvements in air quality, the South Coast Basin is pretty far from reaching the one-hour ozone standard. He also added that the one-hour ozone standard has been revoked and replaced with the 8-hour standard with an attainment date of 2023. Mr. Cunningham further asked if there is any chance the Clean Air Act will be changed to affect mobile source pollution. Chair Yates suggested calling elected officials to propose such a change.

Mr. Jacob Haik asked what the District was going to do to lobby to change or modify these regulations. Chair Yates replied that the mission of the District is to clean the air, not to challenge regulations meant to decrease air pollution.

Agenda Item #5 – Monthly Report on Small Business Assistance Activities

No comments.

Agenda Item #6 – Update on Climate Change Activities (Written Report)

Ms. Whynot provided a written report update on climate change activities.

Agenda Item #7 - Other Business

Mr. Eric Busch made a request to place on the agenda an update on efforts to address priority reserve credits.

Action item: Agendize an update on efforts to address priority reserve credits.

Chair Yates recapped a trip made to Washington, D.C. last week with regard to the stimulus package by himself, Board Member Cacciotti, and other AQMD staff.

Agenda Item #8 - Public Comment

No comments.

Agenda Item #10 - Adjournment

The meeting adjourned at 11:30 a.m.