



South Coast Air Quality Management District

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LOCAL GOVERNMENT & SMALL BUSINESS ASSISTANCE ADVISORY GROUP FRIDAY, APRIL 10, 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
Daniel Cunningham, Metal Finishing Association
Maria Elena Kennedy, Kennedy Communications
James R. Krausz, Esq., ALA Inland Counties
Art Montez, AMA International
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
Eric Busch, Representative, South Bay Cities Council of Governments
Todd Campbell, Clean Energy
Jacob Haik, Office of School Board Member Richard Vladovic
Angelo Logan, East Yard Communities for EJ
Kelly Moulton, Paralegal
Todd Priest, Representative, Orange County Business Council

OTHERS PRESENT:

Earl Elrod, Board Member Assistant (*Yates*)
Nicole Nishimura, Board Member Assistant (*Lyou*)

AQMD STAFF:

Marc Carrel, Program Supervisor
Philip Crabbe III, Community Relations Manager
Ruby Fernandez, Deputy District Counsel I
Anupom Ganguli, Ph.D., Assistant Deputy Executive Officer/Public Advisor
Henry Hogo, Assistant Deputy Executive Officer
Lori Langrell, Secretary
Fred Lettice, Sr. AQ Engineering Manager
Chung Liu, Deputy Executive Officer
Greg Ushijima, AQ Engineer II
Kurt Wiese, District Counsel
Daniel Wong, Office Assistant

Agenda Item #1 - Call to Order/Opening Remarks

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

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

Chair Yates called for approval of the meeting minutes.

The March 13, 2009 meeting minutes were approved.

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

- ✓ Update on Status of Offsets and Permit Moratorium Due to the Court Decision was placed on agenda for current meeting.

Agenda Item #3 – American Recovery and Reinvestment Act of 2009

Mr. Henry Hogo gave an overview of the American Recovery and Reinvestment Act of 2009, Public Sector Funding Programs, relating to the Energy and Environment Workshop held at the South Coast AQMD District Headquarters on April 1, 2009.

Mr. Paul Avila asked what the measuring criteria are for earmarked programs. Chair Yates indicated that standard testing for input and implementation would be used, the same criteria used to report to the federal government regarding what impact the money has on air quality. Mr. Hogo added that the program funding will be competitive and it is difficult to determine the amount of funding programs in the District will receive. Mr. Avila asked if there is a priority when comparing programs. Mr. Hogo responded that staff is looking at regional programs, such as rebate programs for lower emitting equipment. Mr. Avila further asked if the District will apprise the group on the status of the programs. Mr. Hogo confirmed that updates will be provided and that this process will be moving very quickly.

Mr. Art Montez asked about staff's efforts to educate ethnic communities about health initiatives. Mr. Hogo replied that staff is working with hospital organizations and linking with public health entities regarding funding opportunities. Mr. Montez further asked if staff is looking at forming partnerships with these groups to conduct studies. Mr. Hogo replied that the stimulus money is meant for job creation, so studies would not fall into this category. Mr. Montez asked if vendors that use old vehicles for sales can use stimulus money to replace their old vehicles. Chair Yates replied that low value, high mileage vehicles will not make as much of an impact as removing high polluting diesel equipment from the road.

Mr. Daniel Cunningham recommended for consideration the continuation of the dry cleaning grant program. Dr. Ganguli replied that there is still about \$600,000 dollars remaining in that particular program funding.

Agenda Item #4 – Surface Transportation Proposed Legislative Language

Mr. Marc Carrel gave a presentation regarding proposed legislative language for Surface Transportation, recently approved by the AQMD's Legislative Committee.

Mr. James Krausz commented that he has seen TV ads that show the railroads going through green valleys, and asked how many trucks the trains take off the road. Chair Yates replied that locomotives are less polluting, but idling trains cause pollution and switching engines run 24 hours a day. He added that one technology that staff is looking into is the use of hoods to capture PM emissions while locomotives are idling.

Mr. Montez asked what the District has done to clean up emissions from idling trucks at distribution centers. Dr. Ganguli replied that each situation is evaluated on a case by case basis. He further added that the AQMD completes an assessment every 4-5 years on the impact of our rules, regulations, etc., looking at the regional impact and as well as localized impacts, where appropriate. Mr. Carrel added that the truck emissions problem must be dealt with at the federal level. Chair Yates also added that we can suggest programs to the EPA, and ask for help to address mobile source pollution.

Ms. Maria Elena Kennedy asked about the influence of the railroad industry. Chair Yates replied that the railroads only answer to the federal government. Mr. Carrel also added that the railroads move cargo for a great number of companies, and have a lot of support from the companies to keep the status quo.

Mr. Greg Adams asked if the AQMD has a preference in moving goods by rail versus truck. Dr. Ganguli replied that railroads move a lot of goods at one time so the ratio of pollution versus the volume of goods transported is low. He added that when clean trucks are introduced in 2010, the ratio for trucks is expected to be lower. He further added that there are controls available that the railroads do not use, and the industry has access to adequate funding and technology, but has not implemented those controls. He added that government and railroads must work together for this cleanup. Mr. Adams asked about any policy the District might have on this issue. Dr. Ganguli replied that staff prefers the cleanest form of goods movement available to be utilized however the Board has not taken a position with regard to rail versus truck transport to his knowledge. He added that historically, the Board has not opposed growth or industry, provided that the impact to the public's health is minimized.

Agenda Item #5 – Update on Status of Offsets and Permit Moratorium Due to the Court Decision

Mr. Kurt Wiese gave an update on the permit moratorium, its impact on businesses, and an update on the pending appeals.

Ms. Kennedy asked what brought about the lawsuit resulting in the permit moratorium. Mr. Wiese provided background information regarding the District's internal bank of credits, as well as the lawsuit, and resulting court ruling which has brought about the current permit moratorium.

Mr. Krausz asked why there would be a rule against making improvements, and if you want to improve something to reduce your emissions, why do you need credits. Mr. Wiese replied that even a pollution control project needs credits because the control equipment causes pollution.

Mr. Cunningham asked Mr. Wiese what kind of support he anticipates for the legal motions he is planning to file, and whether it can reverse the Court's decision. Mr. Wiese replied that there is significant support being received that may help reverse the Court's decision.

Mr. Adams asked if the Appeal would go back to Judge Jones. Mr. Wiese replied that it will go to the Court of Appeals, not Judge Jones. Mr. Wiese clarified that at this point the District is appealing only on Rule 1315, not Rule 1309.1 (the power plant portion of the Rule). Mr. Adams further asked if he is aware of language being inserted into 1315 mandating that if insufficient credits are projected, staff will not issue the permit. Mr. Wiese indicated that if the credits were not sufficient, no permits would be issued, since permits cannot be issued based on credits that are not available.

***Action Item:** Members to be notified with regard to the Board of Supervisors Meeting.*

Agenda Item #6 – Monthly Report on Small Business Assistance Activities

No comments.

Agenda Item #7 – Update on Climate Change Activities (Written Report)

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

Agenda Item #8 - Other Business

None.

Agenda Item #9 - Public Comment

No comments.

Agenda Item #10 - Adjournment

The meeting adjourned at 11:25 a.m.