

Location:

Governing Board Chambers
14306 Park Avenue
Victorville, CA 92392
www.MDAQMD.ca.gov



MONDAY, SEPTEMBER 28, 2020

10:00 a.m.

THIS MEETING IS BEING HELD IN ACCORDANCE WITH THE GOVERNOR'S EMERGENCY DECLARATION RELATED TO COVID-19, AND THE GOVERNOR'S EXECUTIVE ORDER N-29-20 ISSUED ON MARCH 17, 2020 THAT MODIFIES THE BROWN ACT TO ALLOW ATTENDANCE, CONDUCT OF THE MEETING, AND PUBLIC PARTICIPATION BY TELECONFERENCE, VIDEOCONFERENCE, OR BOTH.

JOIN BY PHONE, DIAL US: 1.701.802.5348 AND ENTER ACCESS CODE 5765772.

TO ENSURE RECEIPT OF PUBLIC COMMENTS YOU MAY E-MAIL YOUR COMMENTS TO PUBLICCOMMENT@MDAQMD.CA.GOV IN ADDITION TO PARTICIPATION AT THE MEETING. TO ENSURE PROPER DISTRIBUTION AND AVAILABILITY PLEASE SEND YOUR COMMENTS AT LEAST 48 HOURS BEFORE THE MEETING

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD TELEPHONICALLY OR OTHERWISE ELECTRONICALLY AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, PUBLIC COMMENTS ARE LIMITED TO THREE MINUTES PER SPEAKER. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

PLEASE NOTE THAT THE BOARD MAY ADDRESS ITEMS IN THE AGENDA IN A DIFFERENT ORDER THAN THE ORDER IN WHICH THE ITEM HAS BEEN POSTED.

CALL TO ORDER 10:00 A.M.

Pledge of Allegiance.

Roll Call.

Items with potential Conflict of Interests — If you believe you have a conflict of interest, please recuse yourself at the appropriate time. If you have a question regarding a potential conflict of interest, please contact District Counsel.

Special Announcements/Presentations:

- A. Presentation of 2019/2020 Exemplar Award. Presenter: Brad Poiriez, Executive Director/APCO.

PUBLIC COMMENT

CONSENT CALENDAR

The following consent items are expected to be routine and non-controversial and will be acted upon by the Board at one time without discussion unless a Board Member requests an item be held for discussion under DEFERRED ITEMS.

1. [Approve Minutes from Regular Governing Board Meeting of August 24, 2020.](#)
2. [Adopt Governing Board Policy 20-01 “Local Education Scholarship Program;” and amend and update Governing Board Policy 98-01 “Mojave Desert Supplemental Projects;” to reflect updates to the endowment program. Presenter: Ryan Orr, Supervisor - Communications.](#)
3. [Revise the MDAQMD Table of Organization to add one Air Quality Engineer I position. Presenter: Brad Poiriez, Executive Director/APCO.](#)
4. [Reappoint Dave Corder, to the Hearing Board of the Mojave Desert Air Quality Management District \(MDAQMD\) as the public member for a 3-year term to expire September 28, 2023. Presenter: Brad Poiriez, Executive Director/APCO.](#)
5. [Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.](#)
6. [Receive and file the Financial Report for FY21, through the month of July 2020, which provides financial information and budget performance concerning the fiscal status of the District. Jean Bracy, Deputy Director – Administration and Laquita Cole, Finance Manager.](#)
7. [Receive and file minutes of the Technical Advisory Committee \(TAC\) meeting August 26, 2020. Presenter: Alan De Salvio – Deputy Director, Operations.](#)
8. [Receive and file the Legislative Report for September 2020. Presenter: Brad Poiriez, Executive Director/APCO.](#)

9. [Set date of October 26, 2020 to conduct a public hearing to consider the amendment of Rule 403 – Fugitive Dust Control and rescinding of Rules 403.1 – Fugitive Dust Control for the Searles Valley Planning Area and Rule 403.2 – Fugitive Dust Control for the Mojave Desert Planning Area, and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio, Deputy Director – Operations.](#)
10. [Set date of October 26, 2020 to conduct a public hearing to consider the amendment of Rule 1113 – Architectural Coatings and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio, Deputy Director – Operations.](#)

ITEMS FOR DISCUSSION

11. DEFERRED ITEMS.
12. PUBLIC COMMENT.
13. [Conduct a public hearing to consider the adoption of Rule 102 – Definition of Terms: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.](#)
14. [Conduct a public hearing to consider the amendment of Rule 431 – Sulfur Content of Fuels: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 431 and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.](#)
15. Reports: Executive Director.
16. Board Members Comments and Suggestions for future agenda items.

In compliance with the Americans with Disabilities act, if special assistance is needed to participate in the Board Meeting, please contact Deanna Hernandez during regular business hours at 760.245.1661 x6244. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at www.mdaqmd.ca.gov or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at dhernandez@mdaqmd.ca.gov .

Mailed & Posted on: Tuesday, September 22, 2020.

Approved:

Deanna Hernandez

Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of August 24, 2020.](#)
Please scroll down to view the backup material.

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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760.245.1661 • Fax 760.245.2699
www.MDAQMD.ca.gov • [@MDAQMD](https://twitter.com/MDAQMD)



REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 24, 2020 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

DRAFT MINUTES

Board Members Present:

Jeff Williams, Chair, City of Needles
Carmen Hernandez, Vice Chair, City of Barstow
Ed Camargo, City of Adelanto
Jim Cox, City of Victorville
Joseph “Joey” DeConinck, City of Blythe – via telephone
William “Bill” Holland, City of Hesperia
Kari Leon, Town of Apple Valley
Robert Lovingood, San Bernardino County
Daniel Mintz, Sr., City of Twentynine Palms – via telephone
V. Manuel Perez, Riverside County – via telephone
Barbara Riordan, Public Member
Dawn Rowe, San Bernardino County

Board Members Absent:

Merl Abel, Town of Yucca Valley

CALL TO ORDER

Vice Chair **CARMEN HERNANDEZ** called the meeting to order at 10:06 a.m.

Vice Chair **CARMEN HERNANDEZ** asked Board Member **WILLIMA “BILL” HOLLAND** to lead the Pledge of Allegiance.

Vice Chair **CARMEN HERNANDEZ** asked for roll call; roll was called.

Items with potential Conflict of Interests – If you believe you have a conflict of interest, please recuse yourself at the appropriate time. If you have a question regarding a potential conflict of interest, please contact District Counsel.

Vice Chair **CARMEN HERNANDEZ** asked if any members wished to indicate a conflict of interest in regards to any agenda items. No Members did so.

Vice Chair **CARMEN HERNANDEZ** called for **PUBLIC COMMENT**. Being none, moved onto the **CONSENT CALENDAR**.

CONSENT CALENDAR – Vice Chair **CARMEN HERNANDEZ** polled the Board to determine if any member wished to have the consent calendar items read and if any member wished to pull an item on the consent calendar for discussion. No member did so. The following consent items were acted upon by the Board at one time without discussion. Upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **WILLIAM “BILL” HOLLAND**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, and JEFF WILLIAMS** with Board Member **JOSEPH “JOEY” DECONINCK** abstaining on agenda item #6 and Board Members **MERL ABEL** and **ROBERT LOVINGOOD** absent, on the Consent Calendar, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of June 22, 2020.
Approved Minutes from Regular Governing Board Meeting of June 22, 2020.

Agenda Item 2 – Amend the District’s Classification Plan to add two new Class Specifications: Planning/Air Monitoring Supervisor I/II and Manager series and the Administrative Services Supervisor I/II and Manager series; and revise the Class Specification for District Counsel; authorize the Executive Director/APCO to recruit to fill the positions at the appropriate time; authorize conforming changes to the Exempt Compensation Plan (ECP); and inform the Board regarding other administrative matters.

Presenter: Brad Poiriez, Executive Director/APCO.

Amended the District’s Classification Plan to add two new Class Specifications: Planning/Air Monitoring Supervisor I/II and Manager series and the Administrative Services Supervisor I/II and Manager series; and **revised** the Class Specification for District Counsel; **authorized** the Executive Director/APCO to recruit to fill the positions at the appropriate time; **authorized** conforming changes to the Exempt Compensation Plan (ECP); and **informed** the Board regarding other administrative matters.

Agenda Item 3 – Amend and update Governing Board Policy 06-02, “Authority of District Counsel.”

Presenter: Jean Bracy, Deputy Director – Administration.

Amended and updated Governing Board Policy 06-02, “Authority of District Counsel.”

Agenda Item 4 – 1) Authorize the acceptance of the 2019 Targeted Air Shed Grant Program award from the Environmental Protection Agency (EPA) in an amount of \$2,694,670.00 2) authorize the amendment of the MDAQMD FY 21 budget to increase Federal Revenue, 3) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 4) authorize Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Presenter: Jorge Camacho, Grants Analyst.

1) **Authorized** the acceptance of the 2019 Targeted Air Shed Grant Program award from the Environmental Protection Agency (EPA) in an amount of \$2,694,670.00 2) **authorized** the amendment of the MDAQMD FY 21 budget to increase Federal Revenue, 3) **authorized** the Executive Director/APCO to execute the grant agreement approved as to legal form, 4) **authorized** Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Agenda Item 5 – 1) Authorize the acceptance of Assembly Bill 617 (AB 617) Community Air Protection Incentive funds (CAPP Year 3) from the California Air Resources Board (CARB) in an estimated amount of \$943,764.00 2) authorize the amendment of the MDAQMD FY 21 budget to increase State Revenue, 3) authorize the District's participation in the CAP Year 3 program in accordance with the Community Air Protection Incentives 2019 Guidelines, 4) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 5) authorize Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Presenter: Jorge Camacho, Grants Analyst.

1) **Authorized** the acceptance of Assembly Bill 617 (AB 617) Community Air Protection Incentive funds (CAPP Year 3) from the California Air Resources Board (CARB) in an estimated amount of \$943,764.00, 2) **authorized** the amendment of the MDAQMD FY 21 budget to increase State Revenue, 3) **authorized** the District's participation in the CAP Year 3 program in accordance with the Community Air Protection Incentives 2019 Guidelines, 4) **authorized** the Executive Director/APCO to execute the grant agreement approved as to legal form, 5) **authorized** Executive Director/APCO to assign excess or additional funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Agenda Item 6 – 1) Award an amount not to exceed \$1,270,565 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) funds to the projects listed in Exhibit A; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Presenter: Jorge Camacho, Grants Analyst.

1) **Awarded** an amount not to exceed \$1,270,565 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) funds to the projects listed in Exhibit A; (2) **authorized** the Executive Director/APCO the option to change the funding source if other

applicable sources become available; and, 3) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 7 – 1) Award an amount not to exceed \$308,799 in Community Air Protection Program (CAPP) Funds to Adelanto Elementary School District to replace one (1) additional diesel school bus with one (1) zero-emission all-electric school bus; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Presenter: Jorge Camacho, Grants Analyst.

1) **Awarded** an amount not to exceed \$308,799 in Community Air Protection Program (CAPP) Funds to Adelanto Elementary School District to replace one (1) additional diesel school bus with one (1) zero-emission all-electric school bus; (2) **authorized** the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 8 – 1) Award an amount not to exceed \$170,372 in grant funds to the City of Twentynine Palms for the installation of electric vehicle charging stations; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Presenter: Jorge Camacho, Grants Analyst.

1) **Awarded** an amount not to exceed \$170,372 in grant funds to the City of Twentynine Palms for the installation of electric vehicle charging stations; (2) **authorized** the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 9 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 10 – Receive and file the Financial Report for **FY20**, through the month of **May-June 2020**, which provides financial information and budget performance concerning the fiscal status of the District.

Presenter: Jean Bracy, Deputy Director – Administration and Laquita Cole, Finance Manager.

Received and filed the Financial Report for **FY20**, through the month of **May-June 2020**, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 11 – Receive and file the Legislative Report for August 2020.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the Legislative Report for August 2020.

Agenda Item 14 – DEFERRED ITEMS.

None.

Agenda Item 15 – PUBLIC COMMENT.

None.

Agenda Item 16 – Conduct a continued public hearing to consider the amendment of Regulation III – Fees specifically the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, and Rule 303 – Hearing Board Fees: a. Open continued public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption amending Rules 301, 302, and 303.
Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Brad Poiriez, Executive Director/APCO presented background information and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing. Upon motion by Board Member **WILLIAM “BILL” HOLLAND**, seconded by Board Member **BARBARA RIORDAN**, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and JEFF WILLIAMS, and with Board Member MERL ABEL absent**, the board, **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and **adopted** Resolution 20-12, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDMENT OF REGULATION III – FEES AND DIRECTING STAFF ACTIONS.”**

Agenda Item 17 – Conduct a continued public hearing to consider the amendment of Rule 1114 – Wood Products Coating Operations: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 1114 and directing staff actions.

Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Alan De Salvio, Deputy Director Mojave Desert Operations presented the staff report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing. Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **BARBARA RIORDAN**, with ten **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD,**

DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN and DAWN ROWE, with a NO vote by Board Member WILLIAM “BILL” HOLLAND and with Board Members MERL ABEL and JEFF WILLIAMS absent, the board, made the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; waived reading of Resolution; and adopted Resolution 20-13, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION AMENDING RULE 1114 – WOOD PRODUCTS COATING OPERATIONS AND DIRECTING STAFF ACTIONS.”

Agenda Item 18 – Conduct a continued public hearing to consider the amendment of Rule 1117 – Graphic Arts and Paper, Film, Foil and Fabric Coatings: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Vice Chair **CARMEN HERNANDEZ** opened the public hearing. Alan De Salvio, Deputy Director Mojave Desert Operations presented the staff report and answered questions from the Board. Vice Chair **CARMEN HERNANDEZ** called for public comment, being none, Vice Chair **CARMEN HERNANDEZ** closed the public hearing. Upon motion by Board Member **DAWN ROWE**, seconded by Board Member **WILLIAM “BILL” HOLLAND**, with twelve **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, WILLIAM “BILL” HOLLAND, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ Sr., V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE and JEFF WILLIAMS, with Board Member MERL ABEL absent, the board, made the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; waived reading of Resolution; and adopted Resolution 20-14, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1117 – GRAPHIC ARTS AND PAPER, FILM, FOIL AND FABRIC COATINGS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 19 – Reports:

Special notes from Mr. Poiriez:

- ❖ Mondays in July/August: Participated in weekly CAPCOA Membership Zoom meetings.
- ❖ We are in full swing for Fire Season as we have been kept busy tracking the Apple Fire and Stage Coach fires – issuing the appropriate smoke advisories, etc.
- ❖ Karen continues to meet with EPA/CARB/staff to continue discussions on NSR rule revisions legally necessary for approval for Ozone SIP.
- ❖ Jean has submitted the FEMA application for potential COVID reimbursement (unlikely).
- ❖ We were notified that the MDAQMD was successful in getting selected for the 2019/20 Targeted Airshed Grant (TAG) from EPA worth approx. \$3.2 million (overall) for a locomotive replacement project that will be done at CEMEX. Jorge worked extremely hard for two years with EPA and CARB to try and secure this grant – first time a medium district has received a TAG grant to my knowledge.

- ❖ Also, the contracts for the “Step-Up” locomotive replacement project between ourselves, SCAQMD, and Trona Rail were signed. A tier 0 locomotive will be scrapped and Trona Rail will get a newer Tier 2 unit.
- ❖ Admin and Fiscal staff have been tracking and participating in forums discussing the implications of the recent California Supreme Court ruling on the Alameda case regarding retirement programs, this is still ongoing.

Mr. Poiriez updated the Board of past events:

- July 14 – Myself and several staff attended a CARB training webinar for Variance/Hearing Boards. We are still trying to fill the medical seat on the Board if anyone has potential candidates please let myself or Deanna know.
- July 16 – Participated in web meeting of Inland Empire Chambers – guest speaker was Congressman Paul Cook.
- July 17 – In lieu of annual staff picnic, due to COVID, staff were given box lunches with the hope a picnic could be had at a later date.
- July 22 – Held Management Meeting – succession planning efforts, COVID safety and continuation main topics.
- August 3 – Began discussion on potential impacts to Retirement due to the California Supreme Court ruling in the Alameda case. Still ongoing, outside counsel BBK to provide clients with their interpretation of the ruling.
- August 5 – WRAP monthly Board call.
- August 6 – CAPCOA Legislative Committee call
- August 11-12 – CAPCOA Board of Directors meeting.
- August 17 – CAPCOA Medium District meeting
- August 19 – Participated in the MEEC Board Meeting
- August 20 – Participated in AAPCA Air Directors call
- August 20 – District hosted AB617 CAPP Community Zoom meeting.
- August 24 or 25 – Presentation of grant award to Adelanto Elementary School District for electric buses.

Mr. Poiriez updated the Board of coming events:

- September 2 – WRAP Board call
- September 8-9 – CAPCOA Board meeting
- September 22-23 – WRAP/WESTAR Fall Membership meeting
- September 28 – Next Board meeting

Agenda Item 20 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **ED CAMARGO** thanked staff for approval of electric buses and for the additional grants being funded.

Being no further business, Vice Chair **CARMEN HERNANDEZ** adjourned the meeting at **11:10 a.m.** to the next Regular Meeting of **September 28, 2020.**

The following page(s) contain the backup material for Agenda Item: [Adopt Governing Board Policy 20-01 “Local Education Scholarship Program;” and amend and update Governing Board Policy 98-01 “Mojave Desert Supplemental Projects;” to reflect updates to the endowment program. Presenter: Ryan Orr, Supervisor - Communications.](#)
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #2

DATE: September 28, 2020

RECOMMENDATION: Adopt Governing Board Policy 20-01 “Local Education Scholarship Program;” and amend and update Governing Board Policy 98-01 “Mojave Desert Supplemental Projects;” to reflect updates to the endowment program.

SUMMARY: This item adopts Governing Board Policy 20-01 “Local Education Scholarship Program;” expanding the District’s offering of scholarships to local higher learning institutions, and adopts specific language related to scholarship program administration from Governing Policy 98-01. The action also updates existing Governing Board Policy 98-01 “Mojave Desert Supplemental Projects;” removing the specific content related to the Mojave Desert Air Quality Management Endowment agreement with California State University, San Bernardino (CSUSB) and scholarship administered through Supplemental Environmental Projects (SEP).

BACKGROUND: In the effort to keep the Board familiar with the policies and practices which have been adopted to direct staff action and to facilitate the conduct of the business of the District, the history and development of Governing Board Policy 98-01 as well as it’s relation to Governing Board Policy 20-01 is described in Exhibit 1.

The proposed revisions to Governing Board Policy 98-01 are in REDLINE form indicating the proposed changes from the current version. A final or “clean” version is also included.

REASON FOR RECOMMENDATION: Governing Board action is necessary to approve changes to the policies of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as legal form and by Brad Poiriez, Executive Director on or about September 2, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Ryan Orr, Supervisor - Communications

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #2

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Exhibit 1

Governing Board Policy 20-01 allows the District to explore new opportunities for scholarship agreements with institutions of higher learning within the MDAQMD jurisdiction. It adopts the specific language of GB Policy 98-01 related to scholarships under a SEP to preserve the structure under which the CSUSB endowment agreement was created as well as provides a legal nexus should a SEP become available in the future for a similar purpose.

Governing Board Policy 20-01 allows for the opportunity to engage local institutions of higher education for the purposes of crafting scholarship agreements aimed at keeping local students in the local workforce, specifically in the environmental sciences. This policy supports addresses and expands the District's offerings of scholarship awards by exploring partnerships with local institutions of higher learning and continuing education in response to the Governing Board's previously expressed desire for the District to reach out to other colleges and educational institutions within the District,

Program History

Since 2001, the District has partnered with CSUSB to award the Mojave Desert Air Quality Management Scholarship annually. This scholarship was created as part of a supplemental environmental project (SEP), which allowed violators to enter into an agreement resulting in the settlement of an enforcement action providing grant funds to create a scholarship.

The lifting of a 20-year restriction on the distribution of earnings as part of the endowment agreement allowed for the opportunity to revisit and renew the CSUSB agreement. The District took this opportunity to review the program in-depth and build in additional benefits such as promoting the scholarship as well as learning the stories of students that have benefited from the scholarship.

Scholarships are one of many programs allowed under a SEP. The CSUSB Endowment agreement with the District that created the Mojave Desert Air Quality Management District Scholarship was based on a finding by the Governing Board that establishing scholarship programs at such colleges will advance the cause of environmental justice and the respective colleges have sufficient legal nexus with the District.

Governing Policy 20-01 adopts the specific language from GB Policy 98-01 regarding scholarship programs under a SEP and expands the reach of the District to pursue scholarships with other institutions through other financial means such as the Clean Air Fund.

Governing Board Policy 98-01 is the Governing Board Policy that established the policy, procedures, scope, and criteria for Mojave Desert Supplemental Environmental Projects (SEPs). SEPs are defined as environmentally beneficial projects in which an alleged violator

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #2

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agrees to undertake as part of settling an enforcement action but which the alleged violator is not otherwise legally required to perform. The Governing Board Policy established a variety of programs that could be funded by portions of settlement monies designated as SEPs as well as offering grants to institutions for scholarships in addition to environmental projects that are consistent with SEP guidance.

Policy History

The District adopted Governing Board Policy 98-01 February 23, 1998 to allow use of SEPs under EPA 1993 guidance criteria. On January 29, 2001 the policy was revised to add the environmental related Graduate Study at Cal State University San Bernardino to the list of approved studies. On February 23, 2004 the policy was again revised to respond to the overall success of the scholarship program and expanded the residency region to the entire Mojave Desert Air Basin, which reaches beyond the jurisdictional boundaries of the MDAQMD. On January 23, 2006 the policy was revised to expand the authority to establish scholarships from “two-year public colleges in the District” to “public schools and colleges in the District.” Finally, on September 28, 2009 the Governing Board approved an agreement with the Community Foundation to create the Mojave Desert Supplemental Environmental Project Fund to implement provisions of Governing Board Policy 98-01. This action placed the administration of the scholarship program and special projects into a non-profit entity empowered to grant funds based on the criteria of Governing Board Policy 98-01.

Recommended Revisions

Governing Board Policy 98-01 has been revised to remove the scholarships administration, which is now incorporated into Governing Board Policy 20-01.

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 20-01
Adopted: September 28, 2020

Jeff Williams
Governing Board Chair

Brad Poiriez
Executive Director/APCO

SUBJECT: LOCAL EDUCATION SCHOLARSHIP PROGRAM

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to engage with community colleges and four-year universities located within or near the District's jurisdiction and develop financial assistance and/or scholarship agreements to provide support for student-learning with an emphasis on environmental sciences and preferably, air quality.

AMPLIFICATION OF POLICY:

A. General

1. The District has a strong desire to ensure continuing education in the field of air quality and general environmental studies among the local student population to grow the field of qualified individuals to work in the many environmental agencies and fields available in the Mojave Air Basin. The specific criteria for scholarships will be determined through endowment agreements between the District and the foundation offering the scholarship.
2. Partnerships: The Governing Board further supports scholarship opportunities and program support to enrolled individuals pursuing continuing education including community colleges, universities, vocational schools and other forms of additional training and education. Examples of such institutions within the MDAQMD Jurisdiction include Victor Valley College, Barstow Community College, Copper Mountain College, San Joaquin Valley College and Palo Verde Valley College.
3. SEPs are defined as environmentally beneficial projects which an alleged violator agrees to undertake in settlement of an enforcement action but which the alleged violator is not otherwise legally required to perform. SEPs are one form of funding that could be used for scholarship/endowment agreements. In Governing Board

Policy 98-01 it is the intent of the Governing Board to establish a variety of programs to be funded by portions of settlement monies designated as SEPs and used to make grants for scholarships and environmental projects that are consistent with SEP guidance. The criteria for the award of any scholarships will directly and proximately relate to the District and shall meet the legal nexus for environmental justice.

4. Allocations to fund the SEP Program will be made from specific portions of the monies obtained in settlement of enforcement actions brought by the District or settlement of administrative or civil actions based on information provided by the District which are designated for use as SEPs in the settlement agreement or other documentation

B. Scholarship Endowment at California State University San Bernardino (CSUSB)

1. The endowment partnership with CSUSB created the Mojave Desert Air Quality Management District Scholarship (MDAQMDS) in 2001. The interest earnings of the principal dictate the scholarship award amount available each year to eligible students. The District will annually review the amount available, and may, to the extent possible, augment the funds up to but not to exceed \$5,000 for scholarship(s) for that year. The funds will be distributed in a manner agreed upon with CSUSB.
2. The original CSUSB endowment agreement was established through a supplemental environmental project (SEP), as established through Governing Board Policy 98-01.
3. Finding of Legal Nexus: The Governing Board hereby finds that establishment of scholarships in accordance with the criteria set by the District at any public school or college physically located in the District have a sufficient legal nexus in providing environmental education and advancing the cause of environmental justice within the District. The MDAQMDS has been established at California State University, San Bernardino (CSUSB) because the Governing Board of the Mojave Desert Air Quality Management District has made a finding that a scholarship program at CSUSB will advance the cause of environmental justice and CSUSB has a sufficient legal nexus to the District in that there is no four-year public college or university within the District, CSUSB is within commuting distance to a majority of the population of the District, and many students from the District attend CSUSB.

Revision History:

Adopted: 09/28/20

Last review: mm/dd/yy

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 98-01
Amended: September 28, 2020

Jeff Williams
Governing Board Chair

Brad Poiriez
Executive Director/APCO

SUBJECT: MOJAVE DESERT SUPPLEMENTAL ENVIRONMENTAL PROJECTS

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to encourage alleged violators in enforcement actions brought by the Air Pollution Control Officer (APCO) pursuant to his enforcement authority under Health & Safety Code §40752 to undertake Supplemental Environmental Projects (SEPs) as part of the settlement of such alleged violations consistent with the intent and guidance of the California Environmental Protection Agency (CAL-EPA) and the United States Environmental Protection Agency (USPEA) regarding the structure and implementation of such projects.

It is also the policy of the Governing Board to encourage all alleged violators, to be able to participate in SEPs regardless of the size of the settlement or the size of the facility involved despite the fact that the amount of any single settlement amount may not in and of itself be sufficient to fund an entire project. Therefore, the Governing Board of the District by this policy hereby establishes the Mojave Desert Supplemental Environmental Project Program (“SEP Program”)

AMPLIFICATION OF POLICY:

A. General

1. SEPs are defined as environmentally beneficial projects which an alleged violator agrees to undertake in settlement of an enforcement action but which the alleged violator is not otherwise legally required to perform. It is the intent of the Governing Board to establish a variety of programs to be funded by portions of settlement monies designated as SEPs, including but not limited to make grants for scholarships (Governing Board Policy 20-01) and environmental projects that are consistent with SEP guidance.¹

¹ Historically, projects sufficient to meet the requirements of the guidance provided by Cal-EPA and USEPA for SEPs needed substantial amounts of funding. This precluded small and medium sized alleged violators as well as alleged violations with relatively small settlement amounts to participate in such program.

2. Allocations to fund the SEP Program will be made from specific portions of the monies obtained in settlement of enforcement actions brought by the District or settlement of administrative or civil actions based on information provided by the District which are designated for use as SEPs in the settlement agreement or other documentation.
3. No allocation which is greater than fifty (50) percent of the monies received in settlement of any particular enforcement action or lawsuit may be made to fund the SEP Program.
3. The criteria for the award of monies derived from any SEP will directly and proximately relate to the District and shall meet the legal nexus for environmental justice.

B.

1. SEP funds used for Scholarship programs shall be governed by Governing Board Policy 20-01.

C. SEP Grants

1. Establishment of SEP Grant Pool
 - a. A SEP grant pool may be established by separate agreement with and administered by an independent nonprofit funding entity to fund grants for the purpose of providing financial support, in whole or in part, for specific projects located within the jurisdiction of the District to improve air quality within the District. SEP moneys may also be allocated to fund environmental educational support projects. Grants may be designated for a particular sub-area within the District or for a particular type of project to ensure the necessary nexus between the alleged violations and the SEP.
 - b. The District shall not play any role in managing or controlling the grants. However, the District shall provide oversight and direction regarding the criteria for award of SEP Grants.
 - c. Criteria for Award of SEP Grants
 - i. The SEP Grants must be for projects physically located within the jurisdiction of the District.
 - ii. The SEP Grants must be for projects which remedy or reduce the probable overall environmental or public health impacts or risks of a particular type or class of violation prevalent within the District or if the project is designed to reduce the likelihood that a particular type or class

of violation will occur in the future on a District wide or a facility type basis.

iii. The SEP Grants must be for projects which advance at least one of the mandates of the District and/or its rules and regulations as set forth in Division 26 of the Health & Safety Code. No project can be inconsistent with the provisions of the Federal Clean Air Act (42 U.S.C. §§7401 et seq), the California Clean Air Act (Health & Safety Code §§39000 et seq.) or the rules and regulations promulgated thereunder.

iv. The SEP Grants must be for projects which are not otherwise required by any law, rule or regulation. In addition, an SEP Grant should not appear to be an expansion of another existing program.

v. SEP Grants shall be awarded by the independent non-profit funding entity pursuant to the prevailing procedures used for the award of grants and any implementing agreement. In no event shall the District, its employees, staff, or governing board members be involved in the selection of any grant recipient.

d. The District will modify the SEP Grant Fund as may be required to comply with any requirements imposed by law or regulation.

Revision History:

Adopted: February 23, 1998
Amended: February 23, 2004
January 23, 2006
June 22, 2009
March 25, 2019
September 28, 2020

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 98-01
Amended: September 28, 2020

Jeff Williams
Governing Board Chair

Brad Poiriez
Executive Director/APCO

SUBJECT: MOJAVE DESERT SUPPLEMENTAL ENVIRONMENTAL PROJECTS

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It is also the policy of the Governing Board to encourage all alleged violators, to be able to participate in SEPs regardless of the size of the settlement or the size of the facility involved despite the fact that the amount of any single settlement amount may not in and of itself be sufficient to fund an entire project. Therefore, the Governing Board of the District by this policy hereby establishes the Mojave Desert Supplemental Environmental Project Program (“SEP Program”)

AMPLIFICATION OF POLICY:

A. General

1. SEPs are defined as environmentally beneficial projects which an alleged violator agrees to undertake in settlement of an enforcement action but which the alleged violator is not otherwise legally required to perform. It is the intent of the Governing Board to establish a variety of programs to be funded by portions of settlement monies designated as SEPs, including but not limited to make grants for scholarships (**Governing Board Policy 20-01**) and environmental projects that are consistent with SEP guidance.¹

¹ Historically, projects sufficient to meet the requirements of the guidance provided by Cal-EPA and USEPA for SEPs needed substantial amounts of funding. This precluded small and medium sized alleged violators as well as alleged violations with relatively small settlement amounts to participate in such program.

2. Allocations to fund the SEP Program will be made from specific portions of the monies obtained in settlement of enforcement actions brought by the District or settlement of administrative or civil actions based on information provided by the District which are designated for use as SEPs in the settlement agreement or other documentation. ~~The monies awarded to a scholarship recipient(s) or grantee(s) shall come from:~~

~~interest earned from principal allocated to the particular not-for-profit entity administering the specific scholarship/grant opportunity; or~~

~~b. — In the event the principal is not large enough to generate interest sufficient to establish successful or equitable scholarships/grants, the principal will be used to fund the scholarships/grants until the fund is exhausted.~~

3. No allocation which is greater than fifty (50) percent of the monies received in settlement of any particular enforcement action or lawsuit may be made to fund the SEP Program.

3. The criteria for the award of monies derived from any SEP will directly and proximately relate to the District and shall meet the legal nexus for environmental justice.

B. ~~SEP Scholarship(s) SEP Funded Scholarships~~

1. ~~SEP funds used for Scholarship programs shall be governed by Governing Board Policy 20-01.~~

~~1. — Establishment of Scholarships or Scholarship Funds²~~

~~a. — SEP moneys may be allocated to fund scholarships at any public school, college or universities located within the District and at California State University, San Bernardino (CSUSB). Funds generally will be directed to the existing programs set up by each institution for the purpose of funding and administering scholarships. Monies may be allocated to one or more institutions from a particular SEP to ensure the necessary legal nexus between the alleged violation and the SEP.~~

~~b. — SEP moneys may be allocated to fund scholarships for residents of the District at any institution of higher education. Such SEP monies will be managed and administered by a local nonprofit foundation. Such scholarships may, but are not required to, contain internal preferences for particular sub-areas within the~~

² The use of the term “Fund” in this policy is not meant to imply that any portion of the monies allocated are controlled, managed or held by the District other than via the separate agreements with an independent nonprofit funding entity required as a result of this policy.

District if such are necessary to ensure the nexus between the alleged violations and the SEP.

~~c. — The District shall not play any role in managing or controlling funds in the particular scholarship program. However, the District shall provide oversight and direction regarding the criteria for award of scholarships via this policy and through any necessary implementing agreements with the specific institution of higher learning or nonprofit foundation involved.~~

2. Finding of Legal Nexus

~~a. — The Governing Board hereby finds that establishment of scholarships in accordance with the criteria listed in section (B)(3) below at any public school or college physically located in the District have a sufficient legal nexus in providing environmental education and advancing the cause of environmental justice within the District. b. — The Mojave Desert Charles L. Fryxell Endowment has been established at California State University, San Bernardino (CSUSB) because the Governing Board of the Mojave Desert Air Quality Management District has made a finding that a scholarship program at CSUSB will advance the cause of environmental justice and CSUSB has a sufficient legal nexus to the District in that there is no four-year public college or university within the District, CSUSB is within commuting distance to a majority of the population of the District, and many students from the District attend CSUSB.~~

~~c. — On a case by case basis and dependent upon the monies available, the Mojave Desert Environmental Scholarship Program may be established at any two-year or four-year colleges not physically located within the District provided the Governing Board makes a finding that establishing scholarship programs at such colleges will advance the cause of environmental justice and the respective colleges have sufficient legal nexus with the District.~~

~~3. Criteria for Award of Scholarship~~

~~a. — The scholarship recipient must be a resident of the Mojave Desert Air Basin (MDAB) or a graduate of a high school physically located within the MDAB. Specific scholarships may contain an internal preference for specific for particular sub-areas within the MDAB or the District as defined by zip code or other criteria.~~

~~b. — The scholarship recipient must carry at least ten (10) academic units during the semester or quarter for which the scholarship is awarded.~~

~~c. — The scholarship recipient shall be determined by specific institution of higher learning or nonprofit foundation pursuant to the prevailing procedures used by the respective entity for the award of scholarships or pursuant to a separate~~

~~implementing agreement between the MDAQMD and the respective entity. In no event shall the District, its employees, staff, or governing board members be involved in the selection of any scholarship recipient.~~

~~d. The scholarship recipient must have a minimum cumulative high school grade point average of 2.5 based on an A = 4.0.~~

~~e. The scholarship recipient must have demonstrated a serious interest or commitment to the environmental issues during the course of his or her high school education. This interest or commitment may be demonstrated through achievement in sciences, vocational sciences, community activities, or involvement in environmental issues.~~

~~4. Modification of Program~~

~~a. The District will modify the Scholarship Program as may be required to comply with any requirements imposed by law or regulation.~~

C. SEP Grants

1. Establishment of SEP Grant Pool

a. A SEP grant pool may be established by separate agreement with and administered by an independent nonprofit funding entity to fund grants for the purpose of providing financial support, in whole or in part, for specific projects located within the jurisdiction of the District to improve air quality within the District. SEP moneys may also be allocated to fund environmental educational support projects. Grants may be designated for a particular sub-area within the District or for a particular type of project to ensure the necessary nexus between the alleged violations and the SEP.

b. The District shall not play any role in managing or controlling the grants. However, the District shall provide oversight and direction regarding the criteria for award of SEP Grants.

c. Criteria for Award of SEP Grants

i. The SEP Grants must be for projects physically located within the jurisdiction of the District.

ii. The SEP Grants must be for projects which remedy or reduce the probable overall environmental or public health impacts or risks of a particular type or class of violation prevalent within the District or if the project is designed to reduce the likelihood that a particular type or class of violation will occur in the future on a District wide or a facility type basis.

iii. The SEP Grants must be for projects which advance at least one of the mandates of the District and/or its rules and regulations as set forth in Division 26 of the Health & Safety Code. No project can be inconsistent with the provisions of the Federal Clean Air Act (42 U.S.C. §§7401 et seq), the California Clean Air Act (Health & Safety Code §§39000 et seq.) or the rules and regulations promulgated thereunder.

iv. The SEP Grants must be for projects which are not otherwise required by any law, rule or regulation. In addition, an SEP Grant should not appear to be an expansion of another existing program.

v. SEP Grants shall be awarded by the independent non-profit funding entity pursuant to the prevailing procedures used for the award of grants and any implementing agreement. In no event shall the District, its employees, staff, or governing board members be involved in the selection of any grant recipient.

d. The District will modify the SEP Grant Fund as may be required to comply with any requirements imposed by law or regulation.

Revision History:

Adopted:	February 23, 1998
Amended:	February 23, 2004
	January 23, 2006
	June 22, 2009
	March 25, 2019
	September 28, 2020

The following page(s) contain the backup material for Agenda Item: [Revise the MDAQMD Table of Organization to add one Air Quality Engineer I position.](#) Presenter: [Brad Poiriez, Executive Director/APCO.](#)
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #3

DATE: September 28, 2020

RECOMMENDATION: Revise the MDAQMD Table of Organization to add one Air Quality Engineer I position.

SUMMARY: This action revises the MDAQMD Table of Organization to add one Air Quality Engineer I position.

BACKGROUND: The District continues to adjust the organization to meet varying challenges of the business and changing scope of the workforce. This action addresses a staffing need that arose when two positions became vacant through recent retirements of Air Quality Engineers. As further attrition in the foreseeable future is anticipated, including an additional position in the training mix will position the Permit Engineering Section to be prepared for the inevitable retirement of additional employees with long tenure and deep knowledge base.

Effect of the Alameda Decision

The decision was issued on July 30, 2020 by the California Supreme Court in *Alameda County Deputy Sheriff's Assn. v. Alameda County Employees' Retirement Assn.*, Cal. Supreme Court Case No. S247095 (review granted March 28, 2018) ("*Alameda*").

The California Supreme Court's recent (July 30, 2020) ruling has a significant impact on the potential retirement benefit District employees can expect when they transition to retirement. The San Bernardino County Employees Retirement Association (SBCERA) quickly acted (August 6, 2020) and immediately excluded certain pay types from the calculations which subsequently reduced the benefit for potential retirees. For some District employees that action prompted either initiating or advancing retirement dates to prevent further reductions as SBCERA continues to evaluate what types of compensation can be included and what should be excluded. These actions unexpectedly left **two Air Quality Engineer positions vacant**.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #3

PAGE 2

Adding a Position

The skill sets required to perform the functions of an Air Quality Engineer are highly technical combined with the unique combination of applying Federal, State, and local regulations specific to air quality science. The District's training program requires 18-24 months to develop the expertise required to deliver important services to the District's various constituency of stationary sources.

Funding an Additional Position

The *Alameda* decision produced additional outcomes. Both the District and employees have contributed toward retirement benefits based on the inclusion of the pay types that are now considered excluded. SBCERA will be returning contributions paid in the past (up to 22 years) to employees and employers. There are immediate savings going forward to the District for contributions no longer required on pay types now excluded which will contribute toward funding the additional position.

Attached for reference is **Exhibit 1**: Table of Organization and **Exhibit 2**: Organizational Chart, updated to reflect recent Board approved actions. **Exhibit 3** is the Class Specification Series for the District's Air Quality Engineer. I/II/III.

Policy Statements

Governing Board Policy 94-1 delegates to the APCO "the authority to hire, dismiss, make assignments, direct, supervise... District employees...." In addition this policy states "Reclassification or change in the compensation of employees(s) shall be subject to review and approval by the Board."

MDAQMD Personnel Policies and Procedure (PPP) Rule 3.2 assigns the development and maintenance of the Classification Plan to the Personnel Officer (APCO), subject to Governing Board approval. "A new classification shall not be created and filled on a regular basis until the classification plan has been amended ..."

REASON FOR RECOMMENDATION: The Governing Board has the authority to approve additional positions.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form, and by Brad Poiriez, Executive Director on or about September 14, 2020.

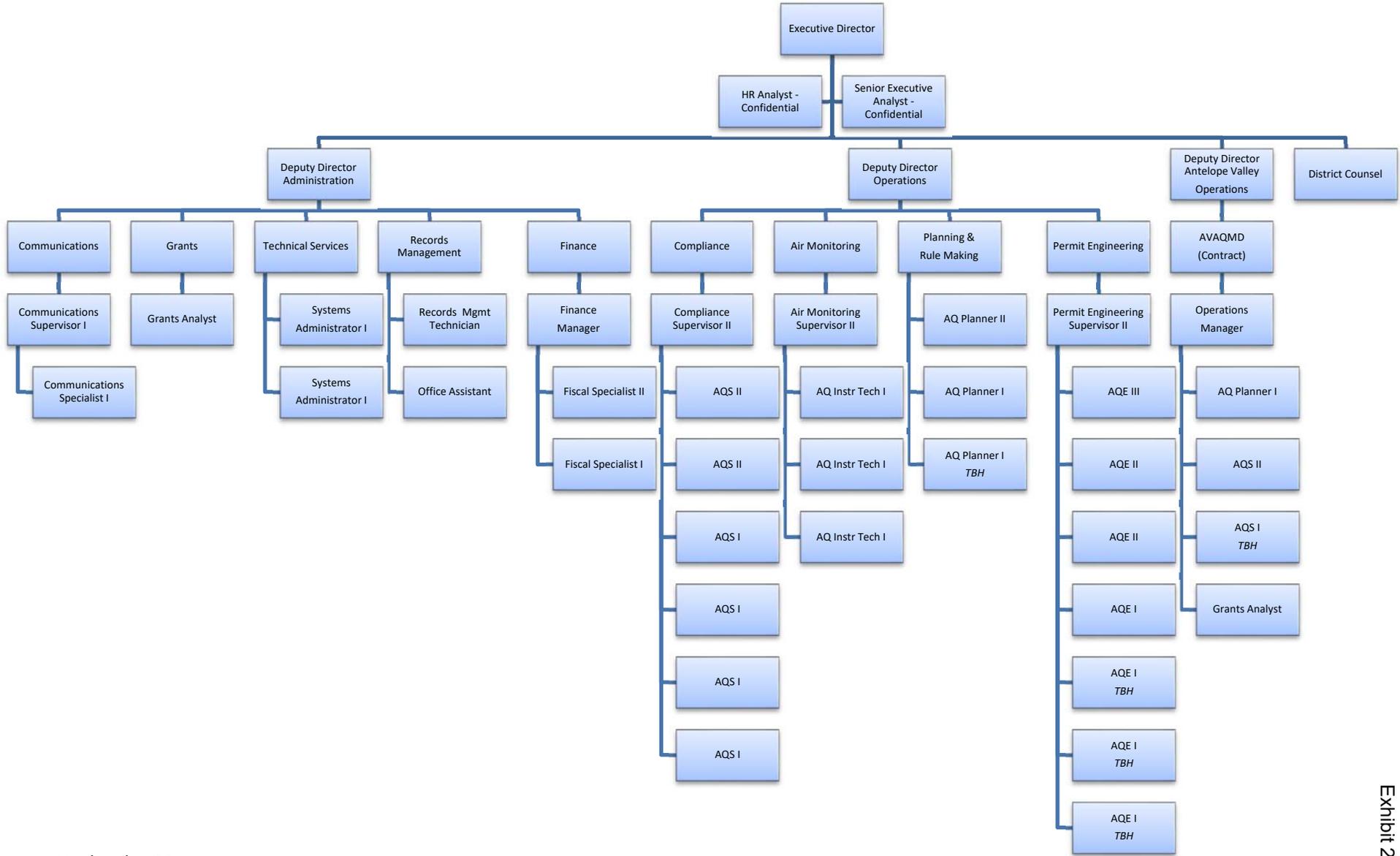
FINANCIAL DATA: The proposed position will be funded from savings realized from the application of the *Alameda* decision, which has reduced required retirement contributions. No increase in appropriation is anticipated I FY 2020-21.

PRESENTER: Brad Poiriez, Executive Director/APCO

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
TABLE OF ORGANIZATION**

Approved FY 21	Revised & Proposed 9/28/2020	Title of Position	Range	Monthly Salary
1	1	Office Assistant	610	3,339 - 4,068
0		Records Management Clerk	615	3,777 - 4,602
1	1	Records Management Technician	621	4,381 - 5,338
1		Fiscal Technician	621	4,381 - 5,338
0		Administrative Secretary	624	4,717 - 5,748
0		Deputy COB/Administrative Secretary	624	4,717 - 5,748
0		CRE Specialist	626	4,956 - 6,038
0		Records Management Specialist	626	4,956 - 6,038
1	1	Communications Specialist I	629	5,337 - 6,502
1	2	Fiscal Specialist	629	5,337 - 6,502
1		Grants Specialist	629	5,337 - 6,502
0		Air Quality Instrument Technician	629	5,337 - 6,502
0		Air Quality Specialist	629	5,337 - 6,502
0		Human Resources Specialist	629	5,337 - 6,502
4	5	AQ Specialist I	629	5,337 - 6,502
3	3	AQ Instrument Tech I	629	5,337 - 6,502
3	3	AQ Specialist II	633	5,891 - 7,177
0		AQ Instrument Tech II	633	5,891 - 7,177
2	2	Systems Administrator I	633	5,891 - 7,177
3	3	AQ Planner I	633	5,891 - 7,177
0		Clerk Of The Boards	636	6,344 - 7,730
0		AQ Specialist III	637	6,502 - 7,922
0		AQ Instrument Tech III	637	6,502 - 7,922
1	4	AQ Engineer I	637	6,502 - 7,922
1	1	Human Resources Analyst - Confidential	637	6,502 - 7,922
1	2	Grants Analyst	637	6,502 - 7,922
0		Systems Administrator II	637	6,502 - 7,922
1	1	AQ Planner II	637	6,502 - 7,922
1	1	Senior Executive Analyst - Confidential	638	6,666 - 8,121
0		Air Quality Engineer	640	7,002 - 8,531
4.5	2	AQ Engineer II	640	7,002 - 8,531
1	1	AQ Engineer III	642	7,356 - 8,962
0		Executive Office Manager	644	7,729 - 9,417
0		Air Monitoring Supervisor	644	7,729 - 9,417
0		Permit Engineering Supervisor I	644	7,729 - 9,417
0		Compliance Supervisor	644	7,729 - 9,417
1	1	Compliance Supervisor I	644	7,729 - 9,417
0		Administrative Services Manager	644	7,729 - 9,417
0		Community Relations & Education Manager	644	7,729 - 9,417
0		Community Relations & Education Supervisor	644	7,729 - 9,417
1	1	Communications Supervisor I	644	7,729 - 9,417
1	1	Permit Engineering Supervisor II	647	8,323 - 10,141
1	1	Air Monitoring Supervisor II	647	8,323 - 10,141
1	1	Finance Manager	650	8,964 - 10,921
0		Supervising Air Quality Engineer	650	8,964 - 10,921
1	1	Operations Manager	650	8,964 - 10,921
1	1	Deputy Director MD Operations	657	10,654 - 12,981
1	1	Deputy Director AV Operations	657	10,654 - 12,981
1	1	Deputy Director Administration	657	10,654 - 12,981
1	1	District Counsel	659	11,194 - 13,639
1	1	Executive Director/APCO	N/A	N/A
42.5	44.0			

Mojave Desert AQMD Organizational Chart



FULL TIME (FTE) = 39
 TBH = 5
 Total 44
 Proposed 9/28/2020

Exhibit 2

CLASS SPECIFICATION

AIR QUALITY ENGINEER I/II/III

DEFINITION:

Under technical supervision, the **Air Quality Engineer** performs assigned District, State and Federal air quality regulatory programs, most notably comprehensive engineering review of proposed and existing emissions sources, on an individual equipment, facility, and District basis, to ensure compliance with local, State and Federal requirements. The **Air Quality Engineer** prepares written correspondence, engineering evaluations, permits, reports, rules, and plans. The **Air Quality Engineer** also performs related duties as required.

The **Air Quality Engineer I** performs specialized air quality permit engineering work under general supervision, and is characterized as capable of some independent work with good time management.

The **Air Quality Engineer II** performs specialized air quality permit engineering work under minimal supervision, and is characterized as an independent worker with strong initiative and excellent time management.

The **Air Quality Engineer III** performs specialized air quality permit engineering work under minimal supervision, and is characterized as an independent worker with strong initiative and excellent time management who also functions as a technical mentor within the Permit Engineering Section and Operations Group.

DISTINGUISHING CHARACTERISTICS:

The **Air Quality Engineer I** processes the least complicated permit applications, processes simplest stationary source emissions inventories, is assigned responsibility for the simplest Federal Operating Permit-related permit engineering work, implements with primary responsibility at least one District permit engineering program, has broad knowledge of District, state and federal air quality regulations, completes assigned tasks with direction and guidance, has broad knowledge of District permit engineering policies, programs and procedures, takes direction well, supports change, works as part of the team, leads projects as directed, and gives direction when required.

The **Air Quality Engineer II** processes all permit applications, processes all stationary source emissions inventories, is assigned responsibility for all Federal Operating Permit-related permit engineering work, fully implements with primary staff responsibility multiple District programs, has expert knowledge of District, state and federal air quality regulations, completes assigned tasks with minimal direction and guidance, has expert knowledge of District permit engineering policies, programs and procedures, takes direction well, helps initiate change, works as part of the team, leads projects as directed, provides technical guidance to others when required, and is able to integrate and assist other sections in the District.

The **Air Quality Engineer III** processes all permit applications, processes all stationary source emissions inventories, is assigned responsibility for all Federal Operating Permit-related permit engineering work, fully implements with primary staff responsibility multiple District programs, has expert knowledge of District, state and federal air quality regulations, has expert knowledge

CLASS SPECIFICATION

AIR QUALITY ENGINEER I/II/III

of District permit engineering policies, programs and procedures, and functions as a technical mentor to other section and group staff on permit engineering work, programs, policies and procedures. The Air Quality Engineer III completes assigned tasks with minimal direction and guidance, takes direction well, helps initiate change, works as part of the team, leads projects as directed, and is able to integrate and assist other sections in the District.

CLASSIFICATION GROUP: General Unit

ESSENTIAL JOB FUNCTIONS:

Functions may include, but are not limited to, the following:

- Evaluating permit applications for compliance with local, State and Federal regulatory requirements, prepares related documentation, and recommends approval or denial of same.
- Processing permit applications (minor source, major source, and complex major source). Preparation of related engineering evaluations, coordinating public review when necessary, and performing affected site inspections.
- Creates health risk assessments in response to local, State and Federal requirements.
- Issuing initial and modified Federal Operating Permits (aka Title V permit), including application review and approval, making changes to Federal Operating Permit elements, issuing Federal Operating Permits, coordinating Federal and public review, and preparing related documentation.
- Renewing Federal Operating Permits (aka Title V permit), including documenting permit change history, facility compliance history, facility administrative information and issuing renewed Federal Operating Permits.
- Analyzes and designs systems to reduce air contaminants (including criteria, toxic and odor) from existing and proposed sources.
- Develops, maintains and operates data management systems containing permit engineering-related materials.
- Observation and inspection of any equipment or facility to determine if regulatory requirements and permit conditions are met; assisting source operators in complying with regulatory requirements; preparation of related reports and documentation.
- Reviewing source test protocols for compliance with District requirements and source specific requirements; witnessing source tests; reviewing source test reports for process and source compliance; preparation of related reports and documentation.
- Administration of the AB2588 Air Toxics Hot Spots Program, including preparation of related reports and documentation.
- Processing emission reduction credit applications, including preparation of engineering evaluations, coordinating public review, issuing emission reduction credit certificates, and preparing related documentation.
- Requesting, reviewing, processing, creating, maintaining and collating stationary source criteria and air toxics emissions inventories (actual and potential).
- Monitors local, State and Federal regulatory actions relating to air quality permit engineering.
- Participates in peer networks groups such as CAPCOA Engineering Managers and related sub-groups as directed.

CLASS SPECIFICATION

AIR QUALITY ENGINEER I/II/III

- Participates in the design and implementation of major engineering projects and studies; coordinates with representatives of industry and other agencies; reviews findings and makes recommendations to supervisor.
- Assists in preparing administrative or technical testimony for presentation before industry, District Hearing Board, District Governing Board, and/or representatives of governmental and environmental organizations; makes presentations to said groups as directed.
- Testifies as an expert witness in cases heard before the District Hearing Board and/or other public boards as directed.
- Processing and responding to project (such as Certificate of Occupancy) and property review requests.
- Operation of standard office equipment including a personal computer and basic office software (word processor, spreadsheet, presentation and database applications).
- Use of standard business arithmetic, including percentages and decimals.
- Organizes own work, sets priorities and meets critical deadlines; ensures that such deadlines are met.
- Understand and follow both oral and written directions.
- Communicate effectively both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of the work. Communicate effectively, maintain positive working relationships with coworkers and management and interact effectively and professionally under pressure.
- Understand and work within the scope of authority.
- Compose correspondence independently or from brief instruction.
- Successfully interface with difficult or negative personalities and situations.
- Use of tact, discretion, initiative and independent judgment within established guidelines.
- Correct English usage, including spelling, grammar, punctuation and vocabulary.
- Prepare technical reports.
- Research, compile and summarize data, including the statistical analysis of data sets.
- Provides temporary relief as required.
- Performs related duties as assigned.

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office setting, with frequent field observational and inspection events. Must be able to perform essential functions of the job. This position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting and stooping in the performance of daily activities. Position requires grasping, repetitive hand-eye coordination and fine-manipulation skills for preparing reports and data using a personal computer keyboard, computer mouse, and various office machinery. This position also requires good listening skills and the occasional need to lift, drag and push files, computer reports or other materials weighing up to 50 pounds. Travel throughout the District, State and country is required.

QUALIFICATIONS (Knowledge and Abilities):

- Principles of science (primarily chemistry and physics) and mathematics related to the formation, control and resolution of air contaminants.

CLASS SPECIFICATION

AIR QUALITY ENGINEER I/II/III

- Principles of science (primarily chemistry and physics) and mathematics related to determining, evaluating, monitoring and controlling air quality.
- Principles of science (primarily meteorology and physics) and mathematics of emissions rate calculation, emissions concentration modeling (including dispersion modeling), and public health impact estimation.
- Principles of proper operation of specific source types (including: internal combustion engines (reciprocating and rotational); external combustion sources (boilers); direct-fired combustion sources (kilns and heaters); and evaporative sources) with regard to air contaminant formation and appropriate controls.
- Principles of proper operation of air pollution control equipment (including: bin vents; cyclones; baghouses; wet and dry scrubbers; electrostatic precipitators; and reducing and oxidizing catalysts) with regard to air contaminant removal or mitigation and efficient operation.
- Familiarity with existing industrial and commercial facilities producing air contaminants within the District.
- Thorough understanding of local, State and Federal air quality-related guidance and regulations.
- Purposes and procedures of agencies involved in air quality management.
- Analysis of legislation, regulations and technical publications related to air quality management.
- Application of scientific method to investigate air pollution problems.
- Principles of industrial safety.

OTHER REQUIREMENTS:

This position requires possession of a valid California driver's license. Must possess or be able to obtain a State of California Visible Emissions Evaluation certification.

EDUCATION/EXPERIENCE:

A typical way to obtain the knowledge and abilities outlined above is:

The **Air Quality Engineer** positions require the possession of: Equivalent to the completion of a Bachelor's degree from an accredited college or university with major coursework in environmental science, biology, chemistry, engineering, geology, health, mathematics, meteorology, physics, or planning (or directly related physical or environmental science field or discipline), or a combination with professional regulatory certifications, or closely related fields that could likely provide the desired knowledge and abilities (educational equivalency justification may be required); and increasingly responsible experience with relevant regulatory interpretation, enforcement, pollution control and related fields.

The **Air Quality Engineer I** position may be filled by internal promotion, which requires a minimum of five years of experience as an **Air Quality Specialist, Air Quality Planner or Air Quality Instrument Technician** (or equivalent experience in air quality management) with meeting or exceeding job performance evaluations and the recommendation of the candidate's immediate supervisor, or externally with comparable experience in a comparable public agency.

CLASS SPECIFICATION

AIR QUALITY ENGINEER I/II/III

Additional related coursework, equivalent field experience or training may substitute for the required experience. Accepting comparable experience is subject to APCO approval.

The **Air Quality Engineer II** position requires a minimum of five years of experience as an **Air Quality Engineer I** (or an equivalent position) with meeting or exceeding job performance evaluations and the recommendation of the candidate's immediate supervisor. Accepting comparable experience is subject to APCO approval.

The **Air Quality Engineer III** position requires a minimum of ten years of experience as an **Air Quality Engineer** (or an equivalent position) with meeting or exceeding job performance evaluations and the recommendation of the candidate's immediate supervisor, and the possession of a Qualified Environmental Professional, Professional Engineer, and/or Certified Permitting Professional. Accepting comparable experience is subject to APCO approval.

PROMOTION:

Consideration for promotion into the Air Quality Engineer II/III position includes:

- **Experience**, particularly in depth and quality of experiences, as evidenced by "time in position."
- **Performance**, as evidenced by "exceeds" performance evaluations for past 3 years.
- **Initiative**, internally evidenced by engagement in reliable work habits, quality work product, participation on teams, and increasing responsibilities.
- **Initiative**, externally evidenced by increasing knowledge, skills and abilities through training, education, and peer networking.
- **Supervisor recommendation** to the APCO, and subject to APCO final approval and available resources (budget).

CLASS SPECIFICATION

AIR QUALITY ENGINEER I/II/III

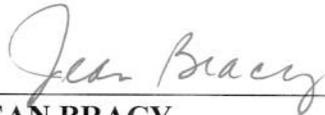
Approved:

EXECUTIVE:



BRAD POIRIEZ
Executive Director

ADMINISTRATIVE SERVICES:



JEAN BRACY
Deputy Director, Administration

Date: 2/15/19

OPERATIONS:


ALAN DE SALVIO
Deputy Director, Operations

The following page(s) contain the backup material for Agenda Item: [Reappoint Dave Corder, to the Hearing Board of the Mojave Desert Air Quality Management District \(MDAQMD\) as the public member for a 3-year term to expire September 28, 2023.](#)
[Presenter: Brad Poiriez, Executive Director/APCO.](#)
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #4

DATE: September 28, 2020

RECOMMENDATION: Reappoint Dave Corder, to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as the public member for a 3-year term to expire September 28, 2023.

SUMMARY: This action reappoints the current public member to continue to serve on the MDAQMD Hearing Board.

BACKGROUND: California Law requires the appointment of a five-member Hearing Board. The five members are an attorney, a professional engineer, a medical professional, and two members of the general public. (Health & Safety Code §40801). Members of the Hearing Board are appointed for three-year terms and the terms are staggered with two members expiring in one year, two members expiring in the second year and one member expiring in the third year (Health & Safety Code §40804).

Mr. Corder has expressed his desire to continue serving on the Hearing Board in his current capacity until a new public member is appointed.

It is the intent of the Governing Board that the Hearing Board members shall, upon expiration of their terms, continue to serve in their previously appointed positions in an interim capacity until such time as the Governing Board makes a subsequent appointment to the applicable positions.

REASON FOR RECOMMENDATION: The Governing Board action is required to appoint Hearing Board members to implement the requirements of Health & Safety Code §§40800, 40801 and 40804.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #4

PAGE 2

REVIEW BY OTHERS: This item was reviewed by Karen K. Nowak, District Counsel and Brad Poiriez, Executive Director/APCO on or before September 3, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO.

From: [Dave Corder](#)
To: [Deanna Hernandez](#)
Subject: Re: Mojave Desert AQMD Hearing Board Member Reappointment
Date: Thursday, September 3, 2020 10:15:25 AM

Probably time for me to move on and have a new public member appointed. I'd be happy to fill in until my replacement is seated...

Dave Corder
Office: 760.247.6305
Cell: 760.954.3883
Sent from my iPhone

> On Aug 31, 2020, at 7:20 AM, Deanna Hernandez <dhernandez@mdaqmd.ca.gov> wrote:

>

> Good morning Mr. Corder,

>

> It's time for your reappointment to our Hearing Board. Do you have a desire to continue serving on the District's Hearing Board? If so, I would like to present your reappointment to our Governing Board on September 28, 2020.

>

> Please feel free to contact me if you have any questions and hope to hear from you soon.

>

> Sincerely,

> Deanna

The following page(s) contain the backup material for Agenda Item: [Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.](#)
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #5

DATE: September 28, 2020

RECOMMENDATION: Receive and file the District Activity Report.

SUMMARY: This item presents a report of District activities for the period referenced.

BACKGROUND: The following reports reflect information regarding the District's activities in the following areas:

- Operations – including permitting and compliance
- Grants – including status of projects awarded
- Community Relations and Education – including events where the District participates and is represented, and upcoming events.

Staff is available to answer questions as needed.

REASON FOR RECOMMENDATION: These reports are for information only.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about September 14, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO.

Interoffice Memo

From: Alan De Salvio 
Deputy Director - Operations
adesalvio@mdaqmd.ca.gov

To: Brad Poiriez
Executive Director
bradp@mdaqmd.ca.gov

Date: 9/9/2020

Subject: August 2020 Operations Activity Report



Permit Inspections Completed - 733 (94% in compliance)

Notices to Comply (NTCs) Issued - 29

Notices of Violation (NoVs) Issued - 12

Outstanding NoVs - 31 (19 in settlement)

Delinquent Permit Follow-Ups – 9

Breakdowns – 21

Vapor Recovery Tests Witnessed – 4

Complaints - 16

Complaint Investigations - 16

Asbestos Notifications – 17

Asbestos Project Inspections – 3

Permit Applications Received - 50

Permit Changes Processed – 55

Title V Permit Actions In Progress - 20 (1 new, 12 renewal, 7 modifications)

Permits Issued - 290

Active Companies - 656

Active Facilities - 1285 (41 Title V Facilities)

Active Permits - 4302

Certificate of Occupancy/Building Permit Reviews – 26

Project Comment Letters – 10

Full SLAMS Air Monitoring Sites:

Barstow (full met,¹ CO, NO_x, O₃, PM₁₀)

Hesperia (full met, O₃, PM₁₀)

Lucerne Valley (partial met,² PM₁₀)

Phelan (full met, O₃)

Trona (full met, H₂S, NO_x, O₃, SO₂, PM₁₀)

Victorville (full met, CO, NO_x, O₃, SO₂, PM₁₀, PM_{2.5})

Community Sensors:

One TAPI T640 PM_{2.5} and O₃ portable unit (a second unit in progress)

36 PurpleAir particulate public cloud sensors (Apple Valley (3), Baker (2), Barstow, Blythe (2), Earp, Fort Irwin, Helendale, Hesperia, Joshua Tree, Lucerne Valley (2), Morongo Valley (2), Needles (2), Newberry Springs (2), Nipton, Oak Hills/Hesperia (2), Parker Dam, Phelan (2), Pinon Hills, Trona, Twentynine Palms (2), Victorville (2), Wrightwood, Yermo, Yucca Valley)

¹ Full met is full meteorology (exterior temperature, wind speed, wind direction, exterior pressure and relative humidity)

² Partial met is full meteorology without relative humidity

From: Jorge Camacho
Grants Analyst
 760.245.1661, ext. 2020
 Fax 760.245.2699
 jcamacho@mdaqmd.ca.gov



To: Brad Poiriez
 bradp@mdaqmd.ca.gov

Date: September 28, 2020
Subject: September Grant Report

Interoffice Memo

Updates

FARMER Year 2 Funding

The MDAQMD is once again participating in the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program. The goal of the FARMER program is to reduce agricultural sector emissions by providing grants to replace high-emitting agricultural equipment with cleaner equipment. The District is part of the shared allocation pool with 13 other Air Districts. For Year 2 the MDAQMD submitted over 35 applications for consideration and received \$818,000 to fund 12 projects.

Moyer Grant Cycle-In Motion

In August 2020, the Governing Board awarded several Carl Moyer grants to eligible entities. For a list of Moyer funded projects please see “Project List” below. For a list of past grant funded projects visit the Grants Webpage at <https://www.mdaqmd.ca.gov/grants/examples-of-past-grant-funded-projects>.

Project List

<u>Funding Source</u>		
<u>Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program)</u>		
<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
DeConinck Farms Project 1-Backhoe Off-Road Agricultural Equipment	\$ 81,101.00	Work in Progress
Dutch Dairy Project 1-New Holland TL 100 Off-Road Agricultural Equipment	45,872.00	Work in Progress
Ecology Project 1-1990 Caterpillar Model 246 Off-Road Equipment	43,981.00	Work in Progress
Hull Farms FARMER Project 1-4240 Off-Road Agricultural Equipment	128,104.00	Work in Progress
Hull Farms FARMER Project 3-4840 Off-Road Agricultural Equipment	220,923.00	Work in Progress
Nish Noroian FARMER Project 1-2940 Off-Road Agricultural Equipment	58,360.00	Work in Progress
Red Mule Ranch Project 2-7200 Off-Road Agricultural Equipment	110,153.00	Work in Progress

Red River Project 1-Case Backhoe Off-Road Agricultural Equipment	100,000.00	Work in Progress
Seiler Equipment Company LLC Project 4-4230 B Off-Road Agricultural Equipment	59,189.00	Work in Progress
Stroschein Family Trust Project 1-4640 Off-Road Agricultural Equipment	212,720.00	Work in Progress
Total Carl Moyer Grant Awards	\$ 1,060,403.00	

<u>Funding Source</u>		
<u>FARMER Year 2</u>		
<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Coxco LLC Off-Road Agricultural Equipment	\$ 42,080.00	Pending
Barnes & Berger 2020 Project 2 Off-Road Agricultural Equipment	75,761.60	Pending
Seiler Equipment Company Off-Road Agricultural Equipment	57,600.00	Pending
Quail Mesa Off-Road Agricultural Equipment	95,440.00	Pending
Quail Mesa Off-Road Agricultural Equipment	95,440.00	Pending
Red Mule Ranch Off-Road Agricultural Equipment	101,596.30	Pending
Fisher Ranch LLC Project 6A Off-Road Agricultural Equipment	46,688.00	Work in Progress
Fisher Ranch LLC Project 7A Off-Road Agricultural Equipment	41,915.43	Work in Progress
Fisher Ranch LLC Project 8A Off-Road Agricultural Equipment	41,915.43	Work in Progress
Rio Rancho Proect 2-4030 Off-Road Agricultural Equipment	73,520.00	Work in Progress
Rio Rancho Project 3-4230 Off-Road Agricultural Equipment	73,520.00	Work in Progress
Rio Rancho Project 4-4040 Off-Road Agricultural Equipment	73,520.00	Work in Progress
Total	\$ 818,996.76	

<u>Funding Source</u>		
<u>AB 134/617-Community Action Program</u>		
<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
AVUSD Electric Bus Infrastructure	\$ 30,738.97	Pending
AESD Electric Bus Infrastructure	29,900.63	Pending
AESD Electric Bus Infrastructure	308,799.00	Pending
Total AB 134/617 Grant Awards	\$ 369,438.60	

Funding Source

AB 2766

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Lawn and Garden Exchange	\$ 100,000.00	Ongoing/Yearly
Morongo Basin Transit	40,000.00	Ongoing/Yearly
Needles Area Transit	15,000.00	Ongoing/Yearly
Palo Verde Transit	20,000.00	Ongoing/Yearly
San Bernardino County	75,000.00	Ongoing/Yearly
Victor Valley Transit Authority	250,000.00	Ongoing/Yearly
Voluntary Accelerated Vehicle Retirement Program	100,000.00	Ongoing/Yearly
CalPortland CNG Infrastructure	100,000.00	Pending
City of 29 Palms-Infrastructure Project	170,372.00	Work in Progress
Total AB2766 Grant Awards	\$ 870,372.00	

Funding Source

Electric Vehicle Charging Stations

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Town of Yucca Valley-Welcome Center	\$ 15,508.80	Pending
Total Grant Awards	\$ 15,508.80	

Funding Source

Clean Air Fund

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Helendale School District	\$ 22,304.00	Pending
Hesperia Recreation and Park District	22,304.00	Pending
Twentynine Palms Public Cemetery District	22,084.00	Pending
Total Grant Awards	\$ 66,692.00	

Funding Source

Targeted Air Shed Grant

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
MNRC/CEMEX Locomotive Replacement	\$ 2,694,670.00	Pending
Total Grant Awards	\$ 2,694,670.00	

Glossary of Terms and Definitions

AB 134/617

The AB 134/617 grant was developed by the California Air Resource Board (CARB) and CARB is providing Greenhouse Gas Reduction Funds through the Carl Moyer Program to support early actions that reduce emissions and improve public health in communities with high burdens of cumulative pollutant exposure, consistent with the goals of Assembly Bill 617 of July 26, 2017.

AB 2766

Authorized the District to impose a \$4 motor vehicle registration fee to provide funds to meet the new responsibilities mandated under the California Clean Air Act. The District approximately allocates \$600,000 for eligible projects on a yearly basis.

Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program)

The Carl Moyer Program was created by CARB and its goal is to reduce emissions by providing grants for the incremental cost of cleaner heavy-duty vehicles and equipment such as on-road, off-road, marine, locomotive stationary agricultural pump, forklift, and airport ground support engines. The District historically receives approximately \$600,000 for eligible projects on a yearly basis.

FARMER

Funding Agricultural Replacement Measures for Emission Reductions Program.

On-Going Yearly

Funds are encumbered on a yearly and ongoing basis.

Pending

Grantee is under a contractual agreement with the District.

Work in Progress

Application is currently being reviewed by the Grants Section.

Mojave Desert Air Quality Management District

Brad Poiriez, *Executive Director*

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • Fax 760.245.2699

www.MDAQMD.ca.gov • @MDAQMD

September Activity Report Communications



Smoke advisories

The District has issued multiple smoke and ozone advisories over the last month. Heat waves and severe wildfires worsened air quality throughout the jurisdiction to the “unhealthy” and “very unhealthy” categories. These advisories were constantly updated as well as shared with local media, on the District’s website and across the District’s social media platforms.

Mojave Green

The District recently designated 11 Mojave Green Gas Stations for 2020 (inspection year 2019). Refueling stations located within the District’s boundaries that successfully pass their annual compliance inspections for at least three years consecutively are eligible for the award. Communications staff teamed with Compliance staff to visit each location to congratulate station management, place window and pump decals denoting their status and taking photos at a few of the locations. Stories on this year’s round of Mojave Green Gas Stations appeared in the Daily Press and on High Desert Daily.

AB617 Meeting

The District held its inaugural public Zoom meeting with more than 20 participants joining to hear a presentation on the Community Air Protection Program resulting from AB617. The District has published a full recording of the meeting on its YouTube channel for public viewing.

Electric Buses

Six electric school buses have been delivered to local school districts including Apple Valley Unified, Lucerne Valley Unified and Adelanto Elementary. MDAQMD contributed more than **\$1.7 million** in AB617 grant funds to help the Districts with the majority of the costs and infrastructure for the new buses, which will be a much-needed reprieve for the lungs of our most cherished population.

Exemplar Award

The MDAQMD 2020 Exemplar Award is being presented to ComAv Technical Services Inc. Up against four competing nominations, the company has gone to great lengths to reduce its carbon footprint. With more than 300,000 square feet of warehouse space, and the capacity to store up to 500 aircraft, local asset management magnate has undertaken a number of emissions-reducing projects, including replacing two 1976 diesel tugs with new, low-emission equivalents that reduced their emissions output by more than 2.5 tons per year. To achieve this, the company worked with MDAQMD to secure grant funding covering more than 70 percent of the nearly \$700K price tag for the equipment.

The grant allowed the company to free up other funds that went toward replacing their forklift with a low-emission Tier 4 version, further lowering their emissions. The company has traded out its trucks for new Dodge trucks with smaller engines. Last fall, ComAv took delivery of three new 180KVA GPUs with Tier 4 Perkins engines and a new Tier 4 final Air Start cart, replacing an older, higher emissions version. These efforts further reduce emissions in the operation. The company is also currently working on getting a battery-powered stair truck designed and built. ComAv employs 195 people, supports local education through Victor Valley College and is forward thinking when it comes to protecting the environment.

Human Resources publication updates

Communications staff assisted Human Resources in updating employment opportunity announcement publications. The announcement packets were given a refreshed design to better reflect the District's visual modernization efforts over the last two years. The newly designed announcements were made available with openings Human Resources listed on Sept. 13 for Air Quality Engineer I and Air Quality Planner I.

The following page(s) contain the backup material for Agenda Item: [Receive and file the Financial Report for FY21, through the month of July 2020, which provides financial information and budget performance concerning the fiscal status of the District. Jean Bracy, Deputy Director – Administration and Laquita Cole, Finance Manager.](#)
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #6

DATE: September 28, 2020

RECOMMENDATION: Receive and file.

SUMMARY: Receive and file the Financial Report for **FY21**, through the month of **July 2020**, which provides financial information and budget performance concerning the fiscal status of the District.

BACKGROUND: The Financial Report provides financial information and budget performance concerning the fiscal status of the District. The included reports reflect the business activities of the District for the period referenced *for all funds*. The target variance for July is 7% of Fiscal Year 2021.

The financial position for the District is sound and tracking well to the adopted budget. Several funding sources are received later in the fiscal year, including Program Revenue from AB2766 which will be received through August 2021.

Expenditures in the General Fund (not included in these reports) are under budget to date, and Personnel Expenses are slightly on budget. The Finance Reports are attached.

REASON FOR RECOMMENDATION: Receive and file.

REVIEW BY OTHERS: This item was reviewed by Brad Poiriez, Executive Director/APCO on or before September 14, 2020.

FINANCIAL DATA: No change in appropriation is required at this time.

PRESENTER: Jean Bracy, Deputy Director / Administration
Laquita Cole, Finance Manager

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #6

PAGE 2

FINANCIAL REPORTS

STATEMENT OF REVENUES & EXPENDITURES – This report describes the financial activities for each of the District’s funds during the month(s) indicated.

STATEMENT OF ACTIVITY – This report reflects the revenues received and expenses made in all funds for the month(s) indicated and the year-to-date against the adopted budget for FY 20. The line items “Program” and “Program Costs” refer to the revenue and those payments made from the District’s grant funds (including AB 2766 and Carl Moyer Fund).

Y-T-D Actual Column – The revenue and expenditures to date reflect the activity year to date for the General Fund *together with* the District’s grant funds. When grant funds are expended they may be for amounts greater than what was received year to date because grants are often paid from the funds accumulated over a period of time. The Excess Revenue/Over Expenditures may reflect expenditures for the period exceeding the revenue for the period, creating a negative result that may imply expenses exceeding approved budget for the fiscal year.

CHECK REGISTERS – These reports list payments made for goods and services and fund transfers for District accounts.

Mojave Desert AQMD
Balance Sheet - Governmental Funds
As of July 31, 2020

Financial Report

	<u>General Fund</u>	<u>Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Fiduciary Fund</u>	<u>Total</u>
Assets					
Current Assets					
Cash	4,458,631.44	1,964,939.24	1,529,022.57	1,838,409.19	9,791,002.44
Cash Held For Other Fund	31,058.30	(59,999.69)	32,619.86	(3,678.47)	0.00
Receivables	4,298,520.93	66,995.82	0.00	0.00	4,365,516.75
Pre-Paid	167,015.87	0.00	0.00	0.00	167,015.87
Total Current Assets	8,955,226.54	1,971,935.37	1,561,642.43	1,834,730.72	14,323,535.06
Non-Current Assets					
Deferred Outflows	4,003,052.00	0.00	0.00	0.00	4,003,052.00
Total Assets	12,958,278.54	1,971,935.37	1,561,642.43	1,834,730.72	18,326,587.06
Liabilities and Net Position					
Current Liabilities					
Payables	184,361.90	63,959.64	0.00	0.00	248,321.54
Accruals	1,177,033.24	0.00	0.00	0.00	1,177,033.24
Due to Others	2,960,543.67	0.00	0.00	0.00	2,960,543.67
Payroll Taxes Liability	40,046.80	0.00	0.00	0.00	40,046.80
Retirement	952.13	0.00	0.00	0.00	952.13
Health	(21,872.65)	0.00	0.00	0.00	(21,872.65)
Other Payroll Deductions	1,391.44	0.00	0.00	0.00	1,391.44
Unearned Revenue	1,906.54	0.00	1,552,077.86	0.00	1,553,984.40
Total Current Liabilities	4,344,363.07	63,959.64	1,552,077.86	0.00	5,960,400.57
Net Pension Liability					
Net Pension Liability	9,922,632.00	0.00	0.00	0.00	9,922,632.00
Net OPEB Liability	901,797.00	0.00	0.00	0.00	901,797.00
Deferred Pension Inflows	1,251,294.00	0.00	0.00	0.00	1,251,294.00
Deferred OPEB Inflows	83,889.00	0.00	0.00	0.00	83,889.00
Total Current Liabilities	12,159,612.00	0.00	0.00	0.00	12,159,612.00
Restricted Fund Balance					
Restricted Fund Balance	348,655.28	1,908,416.07	9,564.57	675,858.44	2,942,494.36
Committed Fund Balance	1,362,080.00	0.00	0.00	0.00	1,362,080.00
Budget Stabilization	250,000.00	0.00	0.00	0.00	250,000.00
Retirement Reserves	0.00	0.00	0.00	1,099,397.51	1,099,397.51
Unassigned Fund Balance	1,515,430.88	0.00	0.00	0.00	1,515,430.88
Adjustments to Fund Balance - GASB 68	(6,466,848.00)	0.00	0.00	0.00	(6,466,848.00)
Adjustments to Fund Balance - GASB 75	(895,700.00)	0.00	0.00	0.00	(895,700.00)
Compensated Absences	450,000.00	0.00	0.00	0.00	450,000.00
Pre Paid	34,146.20	0.00	0.00	0.00	34,146.20
Change in Net Position	(143,460.89)	(440.34)	0.00	59,474.77	(84,426.46)
Total Liabilities & Net Position	12,958,278.54	1,971,935.37	1,561,642.43	1,834,730.72	18,326,587.06

Mojave Desert AQMD
Statement of Revenues & Expenditures
For the Period Ending July 31, 2020

Financial Report

	<u>General</u> <u>Fund</u>	<u>Mobile</u> <u>Emissions</u> <u>Program</u>	<u>Carl</u> <u>Moyer</u> <u>Program</u>	<u>Fiduciary</u> <u>Fund</u>	<u>Total</u> <u>Governmental</u> <u>Funds</u>
<u>Revenues</u>					
Antelope Valley Air Quality Mngmnt Contract	154,263.36	0.00	0.00	0.00	154,263.36
Other Contracts	0.00	0.00	0.00	0.00	0.00
Application and Permit Fees	357,070.55	0.00	0.00	0.00	357,070.55
AB 2766 and Other Program Revenues	74,116.85	0.00	0.00	0.00	74,116.85
Fines	10,299.63	0.00	0.00	0.00	10,299.63
Investment Earnings	47.25	91.66	0.00	60,328.54	60,467.45
Federal and State	0.00	0.00	0.00	0.00	0.00
Other Revenue	3,703.32	0.00	0.00	0.00	3,703.32
Total Revenues	599,500.96	91.66	0.00	60,328.54	659,921.16
<u>Expenditures</u>					
Salaries and Benefits	582,232.17	0.00	0.00	0.00	582,232.17
Services and Supplies	41,591.56	532.00	0.00	853.77	42,977.33
Contributions to Other Participants	90,000.00	0.00	0.00	0.00	90,000.00
Capital Outlay Improvements and Equipment	29,138.12	0.00	0.00	0.00	29,138.12
Total Expenditures	742,961.85	532.00	0.00	853.77	744,347.62
Excess Revenue Over (Under) Expenditures	(143,460.89)	(440.34)	0.00	59,474.77	(84,426.46)

Mojave Desert AQMD
Statement of Activity - All Funds
For the Period Ending July 31, 2020

Financial Report

	<u>M-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>% Budget</u> <u>to Actual</u>
Revenues				
Revenue - Permitting	344,568.52	344,568.52	5,173,000.00	6.66
Revenue - Programs	74,116.85	74,116.85	3,040,920.00	2.44
Revenue - Application Fees	27,240.92	27,240.92	125,000.00	21.79
Revenue - State	0.00	0.00	1,391,385.00	0.00
Revenue - Federal	0.00	0.00	124,900.00	0.00
Fines & Penalties	10,299.63	10,299.63	188,500.00	5.46
Interest Earned	60,467.45	60,467.45	171,766.00	35.20
Revenue - Contracts & Unidentified	157,966.68	157,966.68	1,625,175.00	9.72
Permit Cancellations	(14,738.89)	(14,738.89)	0.00	0.00
Total Revenues	659,921.16	659,921.16	11,840,646.00	5.57
Expenditures				
Office Expenses	21,969.53	21,969.53	339,105.00	6.48
Communications	1,507.77	1,507.77	95,000.00	1.59
Vehicles	3,056.85	3,056.85	70,000.00	4.37
Program Costs	90,532.00	90,532.00	3,109,737.00	2.91
Travel	(61.50)	(61.50)	105,500.00	(0.06)
Professional Services	3,950.19	3,950.19	141,450.00	2.79
Maintenance & Repairs	2,793.00	2,793.00	89,575.00	3.12
Non-Depreciable Inventory	4,559.83	4,559.83	54,550.00	8.36
Dues & Subscriptions	2,175.12	2,175.12	60,000.00	3.63
Legal	2,473.88	2,473.88	47,500.00	5.21
Miscellaneous Expense	0.00	0.00	11,500.00	0.00
Suspense	20.66	20.66	0.00	0.00
Capital Expenditures	29,138.12	29,138.12	270,000.00	10.79
Total Expenditures	162,115.45	162,115.45	4,393,917.00	3.69
Salaries & Benefits				
Personnel Expenses	579,999.78	579,999.78	7,369,729.00	7.87
Total Salaries & Benefits	579,999.78	579,999.78	7,369,729.00	7.87
Excess Revenue Over (Under) Expenditures	(82,194.07)	(82,194.07)	77,000.00	(106.75)

Mojave Desert AQMD

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Bank Register from 7/01/2020 to 7/31/2020

Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
EFT	7/01/2020	Pay period ending 6/19/2020	116,765.91	0.00	1,225,571.27
0000003	7/01/2020	Credit Card Transactions - Amazing Healing - MEC Inc	0.00	8,361.98	1,233,933.25
PP14/20	7/01/2020	[10082] VOYA FINANCIAL (457)-PP14/20 - 457 Reduction	9,861.62	0.00	1,224,071.63
0000003	7/02/2020	Credit Card Transactions - Genex Trading - SCCC Group - Zohnson & Co	0.00	5,156.50	1,229,228.13
0000003	7/02/2020	Credit Card Transaction - Herc Rentals	0.00	10.00	1,229,238.13
0000003	7/03/2020	Credit Card Transaction - NTC Public Works	0.00	1,261.64	1,230,499.77
0000003	7/03/2020	Credit Card Transaction - Rhea's Garden	0.00	3,461.82	1,233,961.59
1051364	7/04/2020	Wage Works FSA Claim	29.80	0.00	1,233,931.79
0009019	7/06/2020	[15354] VALLEY HI HONDA-2020 Honda Accord District Fleet Vehicle to replace pool vehicle per purchasing policy	29,138.12	0.00	1,204,793.67
0000003	7/06/2020	Credit Card Transaction - Pristine Auto Body	0.00	522.32	1,205,315.99
1053971	7/07/2020	Wage Works FSA Claim	225.37	0.00	1,205,090.62
1059148	7/08/2020	Wage Works FSA Claim	20.00	0.00	1,205,070.62
1083186	7/12/2020	Wage Works FSA Claim	51.27	0.00	1,205,019.35
0000003	7/13/2020	Credit Card Transaction - Near-Cal	0.00	302.00	1,205,321.35
0000003	7/13/2020	Credit Card Transaction - Castle Mountain Venture	0.00	302.00	1,205,623.35
1087176	7/14/2020	Wage Works FSA Claim	210.37	0.00	1,205,412.98
EFT	7/15/2020	Pay period ending 7/03/2020	132,222.09	0.00	1,073,190.89
0000003	7/15/2020	Wells Fargo ACH - SBCo Dept of Airports	0.00	393.77	1,073,584.66
1099035	7/15/2020	Wage Works FSA Claim	274.71	0.00	1,073,309.95
PP15/20	7/15/2020	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP15/20 - SWT	8,997.81	0.00	1,064,312.14
PP15/20	7/15/2020	[10082] VOYA FINANCIAL (457)-PP15/20 - 457 Reduction	9,369.65	0.00	1,054,942.49
0000003	7/16/2020	Credit Card Transaction - Hitech Imaging	0.00	3,200.00	1,058,142.49
0000003	7/16/2020	Credit Card Transaction - Walmart	0.00	3,624.00	1,061,766.49
0009028	7/16/2020	[02432] 17K MUSKRAT 1-Refund: Refund of Overpayment of Permit Fee	5,491.18	0.00	1,056,275.31
0009029	7/16/2020	[02433] 17K MUSKRAT 2-Refund: Refund of Overpayment of Permit Fee	5,491.18	0.00	1,050,784.13
0009030	7/16/2020	[10057] ALLIED ADMIN-Invoices 070120, 2020-13, 2020-14	2,608.33	0.00	1,048,175.80
0009031	7/16/2020	[10013] AT & T-Complaint Line Service	87.52	0.00	1,048,088.28
0009032	7/16/2020	[14327] AZ TECH OFFICE SOLUTIONS-Copier repair	247.00	0.00	1,047,841.28
0009033	7/16/2020	[15206] BARNES & BERGER-Farmers Grant	75,761.60	0.00	972,079.68
EFT	7/16/2020	[10017] BEST BEST & KRIEGER LLP-Gneral Counsel Services	1,701.50	0.00	972,079.68
0009034	7/16/2020	[10068] CAL DEPT PUBLIC HEALTH-REHS Biennual Renewal/Tracy Walters	237.00	0.00	971,842.68
0009035	7/16/2020	[10024] CALIFORNIA CHAMBER OF COMMERCE-Invoices 3847, 3850	321.15	0.00	971,521.53
0009036	7/16/2020	[10031] CDW - G-Purchase NAS storage hardware replacement	33,022.71	0.00	938,498.82
0009037	7/16/2020	[15040] CINTAS-AED Lease	106.67	0.00	938,392.15
0009038	7/16/2020	[11809] CHRIS COLLINS-Safety Shoe Reimbursement - C. Collins	101.23	0.00	938,290.92
0009039	7/16/2020	[02005] DESERT VALLEY MEDICAL GROUP-NON DOT Drug Screening	95.00	0.00	938,195.92
0009040	7/16/2020	[15273] KONICA MNOLTA BUSINESS SOLUTIONS-Copier Lease	2,137.33	0.00	936,058.59
0009041	7/16/2020	[10091] MASTER'S SERVICES-Qrtly Brewer and Water Dispenser Rental	119.55	0.00	935,939.04
EFT	7/16/2020	[10200] MOJAVE DESERT AQMD-Pay Period 14/2020 - FSADed	816.68	0.00	935,939.04
EFT	7/16/2020	[10200] MOJAVE DESERT AQMD-Pay Period 15/2020 - FSADed	816.68	0.00	935,939.04
0009042	7/16/2020	[10114] RAINBOW BUILDING MAINTENANCE-Custodial Services	2,346.00	0.00	933,593.04
0009043	7/16/2020	[10126] SBCERA-Pay Period 14/2020 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	83,462.01	0.00	850,131.03

Mojave Desert AQMD

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Bank Register from 7/01/2020 to 7/31/2020

Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0009044	7/16/2020	[10213] SBPEA-Pay Period 14/2020 - GeneralUnitDues	628.53	0.00	849,502.50
0009045	7/16/2020	[15001] SBPIS-Pay Period 14/2020 - GeneralUnitMisc	3.00	0.00	849,499.50
0009046	7/16/2020	[10144] STANDARD INSURANCE-Invoices 061820, 2020-13, 2020-14	2,166.40	0.00	847,333.10
0009047	7/16/2020	[15270] JONATHAN SVAY-Reimbursement: Fuel for district vehicle.	33.44	0.00	847,299.66
0009048	7/16/2020	[10152] THE SUN-20/21 Subscription	271.10	0.00	847,028.56
0009049	7/16/2020	[10161] UNITED WAY DESERT COMMUNITIES-Invoices 2020-14, 2020-15	56.00	0.00	846,972.56
0009050	7/16/2020	[10166] VERIZON BUSINESS-VOIP & INTERNET SERVICE	1,263.40	0.00	845,709.16
0009051	7/16/2020	[10165] VERIZON CONFERENCING-TC Service	61.85	0.00	845,647.31
EFT	7/16/2020	[10173] VOYAGER FLEET SERVICE-Fuel Card Charges	1,258.46	0.00	845,647.31
0000003	7/17/2020	Credit Card Transaction - Aujla & Baker	0.00	302.00	841,355.99
0000003	7/17/2020	Credit Card Transaction - Joshua Tree Coffee	0.00	508.74	841,864.73
0000003	7/20/2020	Credit Card Transaction - Near-Cal	0.00	906.00	842,770.73
0000003	7/20/2020	Credit Card Transactions - HDSI - Agre Holdings	0.00	590.00	843,360.73
1118360	7/20/2020	Wage Works FSA Claim	89.21	0.00	843,271.52
1121170	7/21/2020	Wage Works FSA Claim	210.37	0.00	843,061.15
0000003	7/22/2020	Credit Card Transaction - Lanto Way	0.00	339.16	843,400.31
0000003	7/23/2020	Credit Card Transactions - Caliber Collision - Level 3	0.00	1,117.48	844,517.79
0000003	7/23/2020	Credit Card Transaction - S & S Vibes	0.00	1,600.00	846,117.79
EFT	7/23/2020	[10021] CAL PUBLIC EMP RETIREMENT SYSTEM-Invoices 100000016075942, 2020-11, 2020-12	37,475.69	0.00	846,117.79
0009052	7/23/2020	[10214] QUADIENT - QUADIENT INC-Postage Meter Ink Cartridge	150.56	0.00	845,967.23
0009053	7/23/2020	[10113] QUESTYS SOLUTIONS-FY 21 Questys Software support & license	22,247.67	0.00	823,719.56
0009054	7/23/2020	[14243] ORLANDO SALINAS DE LA ROSA-Safety Shoe Reimbursement - O. Salinas	130.00	0.00	823,589.56
0009055	7/23/2020	[10126] SBCERA-Pay Period 15/2020 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	97,490.14	0.00	726,099.42
0009056	7/23/2020	[10213] SBPEA-Pay Period 15/2020 - GeneralUnitDues	645.12	0.00	725,454.30
0009057	7/23/2020	[15001] SBPIS-Pay Period 15/2020 - GeneralUnitMisc	3.00	0.00	725,451.30
0009058	7/23/2020	[10136] SOUTHERN CALIF EDISON-Electric Service	2,950.39	0.00	722,500.91
0009059	7/23/2020	[10145] STAPLES INC-Office Supplies	452.92	0.00	722,047.99
0009060	7/23/2020	[10148] STRATEGIC PARTNERS GROUP-Legislative Services	1,700.00	0.00	720,347.99
0002102	7/23/2020	Op Fund Rep # 2	0.00	274,796.27	957,668.57
0000003	7/24/2020	Credit Card Transaction - Quality Environmental	0.00	550.00	958,218.57
0000003	7/24/2020	Credit Card Transaction - USMC 29 Palms	0.00	604.00	958,822.57
0000003	7/27/2020	Credit Card Transactions - Red D Arc Welder - Northstar Contracting	0.00	4,541.85	963,364.42
1148770	7/27/2020	Wage Works FSA Claim	202.20	0.00	963,162.22
1154003	7/28/2020	Wage Works FSA Claim	285.10	0.00	962,877.12
EFT	7/29/2020	Pay period ending 7/17/2020	111,550.78	0.00	851,326.34
0000003	7/29/2020	Credit Card Transaction - Jose Antonio Gomez	0.00	456.56	851,782.90
1165337	7/29/2020	Wage Works FSA Claim	270.05	0.00	851,512.85
PP16/20	7/29/2020	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP16/30 - CA SWT	5,749.08	0.00	845,763.77
PP15/20	7/29/2020	[14296] INTERNAL REVENUE SERVICE-PP15/20 - FITW, FICA Med	29,915.66	0.00	815,848.11
PP16/20	7/29/2020	[14296] INTERNAL REVENUE SERVICE-PP16/20 - FITW, FICA Med	20,767.38	0.00	795,080.73
PP16/20	7/29/2020	[10082] VOYA FINANCIAL (457)-PP16/20 - 457 Reduction	16,678.06	0.00	778,402.67

Mojave Desert AQMD
Bank Register from 7/01/2020 to 7/31/2020
Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000003	7/30/2020	Credit Card Transactions - MWD - Imperial Ent - Tanknology - Arcardis	0.00	1,643.92	780,046.59
0000003	7/30/2020	Credit Card Transactions - SBCo Fleet	0.00	292.00	780,338.59
0000003	7/31/2020	Credit Card Transaction - Walmart	0.00	333.95	780,672.54
0009070	7/31/2020	[15040] CINTAS-AED Service	26.93	0.00	780,645.61
0009071	7/31/2020	[15028] FEDAK & BROWN LLP-Invoices 0731020AV, 073120	1,285.00	0.00	779,360.61
0009072	7/31/2020	[02596] FUSION FARMS-Refund: Refund Application Fee	302.00	0.00	779,058.61
0009073	7/31/2020	[10076] HI DESERT WINDOW WASHING-Window washing service	200.00	0.00	778,858.61
0009074	7/31/2020	[00825] HI SAHARA OASIS-Refund: Over Payment of Invoice MD12459	655.00	0.00	778,203.61
0009075	7/31/2020	[14272] LOVELANDS AUTOMOTIVE-Invoices 65031, 65372, 65410	231.75	0.00	777,971.86
EFT	7/31/2020	[10200] MOJAVE DESERT AQMD-Bank Transfer - Credit Card A/R Receipts - June 2020	41,997.24	0.00	777,971.86
0009076	7/31/2020	[10096] MOJAVE ENVIRONMENTAL EDUCATION CONSORTIUM-FY 2021 Diamond Sponsorship	90,000.00	0.00	687,971.86
0009077	7/31/2020	[15023] OLIVIA NESSIM-Needles Inspections	152.50	0.00	687,819.36
0009078	7/31/2020	[10126] SBCERA-Pay Period 16/2020 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	78,765.36	0.00	609,054.00
0009079	7/31/2020	[10213] SBPEA-Pay Period 16/2020 - GeneralUnitDues	645.12	0.00	608,408.88
0009080	7/31/2020	[15001] SBPIS-Pay Period 16/2020 - GeneralUnitMisc	3.00	0.00	608,405.88
0009081	7/31/2020	[10139] SPECIAL DISTRICT LEADERSHIP FOUNDATION-Renew 4 year certification Certified Special District Manager (2021-2024) designation	50.00	0.00	608,355.88
0009082	7/31/2020	[10140] SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY-2020/2021 property and liability coverages	96,607.45	0.00	511,748.43
0009083	7/31/2020	[10140] SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY-Workers Comp Premium FY2021	16,869.20	0.00	494,879.23
0009084	7/31/2020	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 16/2020 - UnitedWay	28.00	0.00	494,851.23
0009085	7/31/2020	[14323] VSP-Invoices 073020, 2020-14, 2020-15	737.58	0.00	494,113.65
0009086	7/31/2020	[10024] CALIFORNIA CHAMBER OF COMMERCE-required employer postings for COVID	161.95	0.00	451,954.46
0009087	7/31/2020	[10103] ORACLE-Purchase TBE Perform License	2,500.00	0.00	449,454.46
0009088	7/31/2020	[01913] RIVERSIDE COUNTY-Notice of Exemption (NOE) filings - Amendment of Regulation III, Rule 1114 & Rule 1117, filing date August 24, 2020.	150.00	0.00	449,304.46
0009089	7/31/2020	[10122] SAN BERNARDINO COUNTY CLERK-Notice of Exemption (NOE) filings - Amendment of Regulation III, Rule 1114 & Rule 1117, filing date August 24, 2020.	150.00	0.00	449,154.46
0009090	7/31/2020	[14221] ROBYN SIMPSON-Wellness Program Reimbursement - Nutrisystem weight loss program	240.00	0.00	448,914.46
0009091	7/31/2020	[10179] WOLTERS KLUWER LAW & BUSINESS-2020 Mandated Benefits Compliance Guide - Mid year updates	618.92	0.00	448,295.54
0002103	7/31/2020	Op Fund Rep #3	0.00	292,255.72	740,551.26
Total for Report:			1,209,219.60	607,433.68	

Mojave Desert AQMD
Bank Register from 7/01/2020 to 7/31/2020
General Fund MPA

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000003	7/02/2020	SBCo ACH - City of VV	0.00	1,351.43	3,350,388.16
0000003	7/06/2020	Daily Deposit	0.00	16,439.91	3,366,828.07
20131084	7/08/2020	Deposit Detail	0.00	5,139.39	3,371,967.46
0000003	7/14/2020	Daily Deposit	0.00	26,982.63	3,398,950.09
0000003	7/14/2020	SBCo ACH - NAWA China Lake	0.00	2,114.00	3,401,064.09
0000003	7/14/2020	SBCo ACH - Arcadia for Charter Communications	0.00	339.16	3,401,403.25
0000003	7/16/2020	Daily Deposit	0.00	262,045.00	3,663,448.25
0000003	7/17/2020	Daily Deposit	0.00	4,232.73	3,667,680.98
0000003	7/17/2020	Cash Deposit - LDS Scientific - EPG Power	0.00	12,303.82	3,679,984.80
0000003	7/20/2020	SBCo ACH - Unlimited Environmental	0.00	1,252.27	3,681,237.07
0000003	7/21/2020	Daily Deposit	0.00	355,502.38	4,036,739.45
8877523	7/22/2020	Transfer AB2766 - May 2020	60,416.05	0.00	3,976,323.40
0000003	7/22/2020	Daily Deposit	0.00	19,880.13	3,996,203.53
0000003	7/23/2020	SBCo ACH - City of VV	0.00	5,406.42	4,001,609.95
0002102	7/23/2020	Op Fund Rep # 2	274,796.27	0.00	3,726,813.68
0000003	7/24/2020	SBCo ACH - MDAQMD	0.00	1,633.36	3,728,447.04
0000003	7/28/2020	Daily Deposit	0.00	31,934.08	3,760,381.12
0000003	7/29/2020	Daily Deposit	0.00	5,591.30	3,765,972.42
	7/29/2020	Transfer Moyer Funds Year 21	132,561.00	0.00	3,633,411.42
20131085	7/30/2020	Daily Deposit	0.00	21,774.34	3,655,185.76
0000003	7/31/2020	Daily Deposit	0.00	4,683.42	3,659,869.18
0002103	7/31/2020	Op Fund Rep #3	292,255.72	0.00	3,367,613.46
Total for Report:			760,029.04	778,605.77	

Mojave Desert AQMD
Bank Register from 7/01/2020 to 7/31/2020
WF AB2766

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	7/01/2020	Interest Earned	0.00	91.66	1,909,881.19
0003073	7/02/2020	[10240] ENVIRONMENTAL ENGINEERING STUDIES-AB2766 Grant	5,358.00	0.00	1,904,523.19
8877523	7/22/2020	Transfer AB2766 - May 2020	0.00	60,416.05	1,964,939.24
Total for Report:			5,358.00	60,507.71	

Mojave Desert AQMD
Bank Register from 7/01/2020 to 7/31/2020
WF Carl Moyer

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	7/01/2020	Interest Earned	0.00	26.81	1,490,911.93
0001015	7/23/2020	[10200] MOJAVE DESERT AQMD-Moyer Admin Reimbursement FY20	94,450.36	0.00	1,396,461.57
	7/29/2020	Transfer Moyer Funds Year 21	0.00	132,561.00	1,529,022.57
Total for Report:			94,450.36	132,587.81	

Mojave Desert AQMD
Bank Register from 7/01/2020 to 7/31/2020
Clean Air Fund

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	7/31/2020	Interest Earned	0.00	47.25	348,702.53
Total for Report:			0.00	47.25	

Mojave Desert AQMD
Bank Register from 7/01/2020 to 7/31/2020
PARS TRUST - OPEB

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	7/31/2020	Service Charge	325.95	0.00	679,210.96
	7/31/2020	Interest Earned	0.00	24,453.51	703,664.47
Total for Report:			325.95	24,453.51	

Mojave Desert AQMD
Bank Register from 7/01/2020 to 7/31/2020
PARS TRUST - PENSION

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	7/31/2020	Service Charge	527.82	0.00	1,098,869.69
	7/31/2020	Interest Earned	0.00	35,875.03	1,134,744.72
Total for Report:			527.82	35,875.03	

Mojave Desert AQMD
Check Register from 7/01/2020 to 7/31/2020
District Card - 4500

<u>Check</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
0000354	7/15/2020	[14324] AMAZON.COM (Invoices 3809, 3813)	68.04
0000355	7/15/2020	[10033] CHARTER BUSINESS (District Internet Service)	1,742.26
0000356	7/15/2020	[10052] COSTCO WHOLESALE MEMBERSHIP (Kitchen Supplies - 06/18/20)	73.90
0000357	7/15/2020	[15255] SATELLITEPHONESTORE.COM (Sat Phone Service)	43.41
0000358	7/15/2020	[10174] WEST GROUP (Subscription Info)	812.22
0000353	7/28/2020	[10069] FAST ID BADGES (New employee ID badge and COVID 19 social distancing badges)	211.89
<u>Total Checks:</u>			<u>2,951.72</u>

Mojave Desert AQMD
Check Register from 7/01/2020 to 7/31/2020
District Card - 4837

<u>Check</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
0000778	7/15/2020	[10046] CLARK PEST CONTROL (Pest Services)	50.00
0000779	7/15/2020	[10075] HAWTHORN SUITES HOTEL VICTORVILLE (GB Lodging meeting)	105.93
0000780	7/15/2020	[10055] HIGH DESERT MEDIA GROUP (Legal Notice - Title V Renewal Southern California Gas Company - Adelanto (S. Oktay). Publication date June 17, 2020.)	450.64
0000781	7/15/2020	[15116] HOTELS.COM (Inspections in Nipton and gas station testing in Baker.)	62.29
0000782	7/15/2020	[15222] NAME TAG WIZARD (Invoices 3838, 3838 (1))	23.61
0000783	7/15/2020	[10066] PRESS ENTERPRISE (Legal Notice - Title V Renewal Southern California Gas Company - Adelanto (S. Oktay). Publication date June 17, 2020.)	531.00
0000784	7/15/2020	[15137] SUNLAND FORD (Vehicle Maintnenace)	201.66
<u>Total Checks:</u>			<u>1,425.13</u>

Mojave Desert AQMD
Check Register from 7/01/2020 to 7/31/2020
District Card- 6210

<u>Check</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
0000598	7/15/2020	[00638] FRONTIER COMMUNICATIONS (Invoices 062220, 062220)	325.34
0000599	7/15/2020	[10055] HIGH DESERT MEDIA GROUP (Program Advertising)	364.30
0000600	7/15/2020	[14275] IRON MOUNTAIN INC (DR SERV) (Doc Retention Service)	411.28
0000601	7/15/2020	[10138] SPARKLETTS (Water Delivery Service)	107.26
0000602	7/15/2020	[10169] VERIZON WIRELESS SERVICES, LLC (Dist Cell Phone Serv)	143.83
<u>Total Checks:</u>			<u>1,352.01</u>

Mojave Desert AQMD
Check Register from 7/01/2020 to 7/31/2020
District Card - 4500

<u>Check</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
0000354	7/15/2020	[14324] AMAZON.COM (Invoices 3809, 3813)	68.04
0000355	7/15/2020	[10033] CHARTER BUSINESS (District Internet Service)	1,742.26
0000356	7/15/2020	[10052] COSTCO WHOLESALE MEMBERSHIP (Kitchen Supplies - 06/18/20)	73.90
0000357	7/15/2020	[15255] SATELLITEPHONESTORE.COM (Sat Phone Service)	43.41
0000358	7/15/2020	[10174] WEST GROUP (Subscription Info)	812.22
0000353	7/28/2020	[10069] FAST ID BADGES (New employee ID badge and COVID 19 social distancing badges)	211.89
<u>Total Checks:</u>			<u>2,951.72</u>

The following page(s) contain the backup material for Agenda Item: [Receive and file minutes of the Technical Advisory Committee \(TAC\) meeting August 26, 2020.](#)

[Presenter: Alan De Salvio – Deputy Director, Operations.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #7

DATE: September 28, 2020

RECOMMENDATION: Receive and file minutes of the Technical Advisory Committee (TAC) meeting August 26, 2020.

SUMMARY: This item provides a copy of the minutes of the TAC for the information of Governing Board members.

BACKGROUND: The Board recently requested that the minutes of the Technical Advisory Committee be provided as part of the Governing Board agenda.

REASON FOR RECOMMENDATION: Governing Board request.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form, by Alan De Salvio, Deputy Director Mojave Desert Operations and by Brad Poiriez, Executive Director on or about September 14, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director Mojave Desert Operations.

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2699
www.MDAQMD.ca.gov • @MDAQMD



TECHNICAL ADVISORY COMMITTEE (TAC)
WEDNESDAY, AUGUST 26, 2020, 2:00 P.M.

MINUTES

TAC MEMBERS IN ATTENDANCE:

Dave Rib, Cement Industry Member
Jerry Kinkade, General Member
Kristine Scott, Utility Member
Pat Flanagan, General Member
Jennifer Osorio, Environmental Health Member

DISTRICT STAFF PARTICIPATION:

Alan De Salvio, Deputy Director, MDAQMD Operations
Tracy Walters, Air Quality Planner II
Michelle Zumwalt, Air Quality Planner I
Brad Poiriez, Executive Director/APCO
Deanna Hernandez, Senior Executive Analyst

THIS MEETING WAS HELD IN ACCORDANCE WITH THE GOVERNOR'S EMERGENCY DECLARATION RELATED TO COVID-19, AND THE GOVERNOR'S EXECUTIVE ORDER N-29-20 ISSUED ON MARCH 17, 2020 THAT MODIFIES THE BROWN ACT TO ALLOW ATTENDANCE, CONDUCT OF THE MEETING, AND PUBLIC PARTICIPATION BY TELECONFERENCE, VIDEOCONFERENCE, OR BOTH.

1. Call to order & Roll call – Alan De Salvio called the meeting to order at 2:01 p.m. and Deanna Hernandez called roll of TAC members.
2. Introductions – Introductions were made at 2:02 p.m.
3. Rule 102 – Definition of Terms – Tracy Walters and Alan De Salvio provided background information on Rule 102 and answered questions from members. Following discussion, with no objections, TAC consensus recommends amendment of Rule 102 for adoption September 28, 2020.

4. Rule 403 – Fugitive Dust – Alan De Salvio and Brad Poiriez provided background information on Rule 403 and answered questions from members. Following discussion, with no objections, TAC consensus recommends amendment of Rule 403 for adoption October 26, 2020.
5. Rule 411 – Fugitive Dust Control for Agricultural Sources – Tracy Walters and Alan De Salvio provided background information on Rule 411 and answered questions from members. Amendment of Rule 411 is scheduled for adoption in 2021.
6. Rule 431 – Sulfur Content of Fuels – Michelle Zumwalt and Alan De Salvio provided background information on Rule 431 and answered questions from members. Following discussion, with no objections, TAC consensus recommends amendment of Rule 431 for adoption September 28, 2020.
7. Rule 1113 – Architectural Coatings – Alan De Salvio provided background information on Rule 1113 and answered questions from members. Following discussion, with no objections, TAC consensus recommends amendment of Rule 1113 for adoption October 26, 2020.
8. Rule 1119 – Agriculture Large Confined Animal Facility – Tracy Walters and Alan De Salvio provided background information on Rule 1119 and answered questions from members. Amendment of Rule 1119 is scheduled for adoption in 2021.
9. New Source Review (NSR) Certification – Alan De Salvio provided background information for discussion and answered questions from members.
10. Ozone Planning – Alan De Salvio provided background information for discussion and answered questions from members.
11. PUBLIC COMMENT
None.
12. Committee Members comments and suggestions for future agenda items –
➤ None.
13. Adjourn – Being no further business, TAC adjourned at 3:43 p.m.

The following page(s) contain the backup material for Agenda Item: [Receive and file the Legislative Report for September 2020. Presenter: Brad Poiriez, Executive Director/APCO.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #8

DATE: September 28, 2020

RECOMMENDATION: Receive and file.

SUMMARY: The Legislative Report for September 2020.

BACKGROUND: Legislative actions proposed at the federal and state level have the potential to impact the implementation of the District's mission as well as its regulatory operations. An important tool for the District is to monitor the flood of information and its status which allows for comment early in the process and preparation for any changes that may be required. The District contracts this service and receives periodic reports with summaries to help sort the pertinent legislative proposals.

Strategic Partners Group (SPG) is the consultant to the District providing this service to monitor certain legislative and regulatory activities at the state and local level. Staff will direct questions to SPG regarding any of the material presented or follow up on any matter of interest to the Governing Board. Following the table of proposed legislation are several Articles of Interest of relevant information.

REASON FOR RECOMMENDATION: This item is provided for information subject to direction of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director, on or about September 14, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO.



Government Affairs and Communication Consulting

FRANK T. SHEETS, III
LAURIE HANSEN SHEETS

MEMORANDUM

DATE: **September 7, 2020**

TO: **Brad Poiriez**

FROM: **Frank Sheets**
 Laurie Hansen

Following please find our latest legislative report to the Mojave Desert Air Quality Management district.

With August 31 being the last day for the legislative houses to act on bills, the list provided below represents our final tally of bills tracked on behalf of the District before those going to the Governor are acted upon. Of the 23 bills listed, only 2 were enrolled and are now headed to the Governor’s desk for consideration. Governor Newsom has until September 30th to sign, veto, or allow bills to become law without his signature. Although many of the bills listed may not be categorized as “dead”, but shown in some committee, the deadline of approving bills has passed and all bills from the 2019-2020 session are now “dead”. When the legislature reconvenes for the 2021 session bill introductions will “start over”.

The two bills enrolled include:

SB 86, Department of Pesticide Regulation: chlorpyrifos: quarterly reports, by Senator Durazo. Although only requiring reporting on the use and exposure of this pesticide, the bill ultimately may result in it further regulation of the use of the pesticide chlorpyrifos.

AB 1326 by Senator Stern, Climate change: California Climate Change Assessment. The Bill would require the Office of Planning and Research to develop the California Climate Change Assessment, to be updated periodically in order to “report the impacts and risks of climate change, based on the best available science, and identify potential solutions to inform legislative policy”. The bill recognizes funding for the preparation of the “assessment” would require state approval.

We also note the failure of AB 235. This bill would have provided some relief to proposed projects impacted by the potential listing of an endangered species. This bill garnered support from some business groups that are also involved with the State’s efforts to list Joshua trees as endangered.

2020 Bills

Monday, September 07, 2020

[AB 235](#)

(Maves I) Endangered species: candidate species: petitions: takings.
Current Analysis: 05/21/2019 [Assembly Floor Analysis \(text 4/30/2019\)](#)
Introduced: 1/18/2019
Last Amend: 6/29/2020
Location: 7/2/2020-S. N.R. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conf.	Enrolled	Vetoed	Chaptered

Summary: The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and to add a species to, or remove a species from, either list if it finds, upon the receipt of sufficient scientific information, and based solely upon the best available scientific information, that the action is warranted. The act requires a petition for the listing or delisting of a species to include, at a minimum, sufficient scientific information that the petitioned action may be warranted, including information regarding the population trend, range, distribution, abundance, and life history of the species, the factors affecting the ability of the population to survive and reproduce, and the degree and immediacy of the threat. This bill would require the commission to accept a petition for consideration concurrent with a taking if the commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted, but the geographic proliferation of the species may lead to significant economic hardship or an impact on critical infrastructure during the above-described review of an accepted petition, and if a preponderance of the evidence presented in the petition shows there is no direct threat to the species that would lead to its decline during that period.

History:

2019

- Jan. 18 Read first time. To print.
- Jan. 22 From printer. May be heard in committee February 21.
- Feb. 7 Referred to Com. on U. & E.
- Apr. 29 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 12. Noes 0.) (April 24).
- Apr. 30 Read second time and amended.
- May. 1 Re-referred to Com. on APPR.
- May. 8 In committee: Set, first hearing. Referred to APPR. suspense file.
- May. 16 From committee: Do pass. (Ayes 17. Noes 0.) (May 16).
- May. 20 Read second time. Ordered to third reading.
- May. 22 Read third time. Passed. Ordered to the Senate. (Ayes 59. Noes 2. Page 1790.)
- May. 23 In Senate. Read first time. To Com. on RLS. for assignment.
- May. 29 Referred to Com. on E., U. & C.
- Jun. 27 In committee: Set, first hearing. Hearing canceled at the request of author.
- Sep. 6 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E., U. & C.

2020

- Jun. 29 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E., U. & C.
- Jun. 30 Withdrawn from committee. Re-referred to Com. on RLS.
- Jul. 2 Re-referred to Com. on N.R. & W.

[AB 1002](#)

(Quirk-Silva D) California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations: Greenhouse Gas Reduction Fund.
Current Analysis: 05/21/2019 [Assembly Floor Analysis \(text 3/21/2019\)](#)
Introduced: 2/21/2019
Last Amend: 1/27/2020
Location: 8/18/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
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1st House	2nd House	Conc.			
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Summary: Would require the State Air Resources Board to ensure alternative fuels are treated equally with regard to the requirements for generating credits under the Low-Carbon Fuel Standard regulations. The bill would, commencing January 1, 2021, require the Legislative Analyst's Office to also annually prepare an analysis of moneys allocated from the Greenhouse Gas Reduction Fund, as specified.

History:

2019

Feb. 21 Read first time. To print.
 Feb. 22 From printer. May be heard in committee March 24.
 Mar. 21 Referred to Com. on P.E. & R. From committee chair, with author's amendments: Amend, and re-refer to Com. on P.E. & R. Read second time and amended.
 Mar. 25 Re-referred to Com. on P.E. & R.
 Apr. 24 From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (April 24). Re-referred to Com. on APPR.
 May. 1 In committee: Set, first hearing. Referred to APPR. suspense file.
 May. 16 From committee: Do pass. (Ayes 14. Noes 0.) (May 16).
 May. 20 Read second time. Ordered to third reading.
 May. 29 Read third time. Passed. Ordered to the Senate. (Ayes 68. Noes 0. Page 2082.)
 May. 30 In Senate. Read first time. To Com. on RLS. for assignment.
 Jun. 19 Referred to Com. on RLS.
 Jul. 9 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.

2020

Jan. 27 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.
 Jul. 1 Re-referred to Com. on EQ.

AB 1071

(Limón D) Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.

Current Analysis: 08/11/2020 [Senate Appropriations \(text 8/6/2020\)](#)

Introduced: 2/21/2019

Last Amend: 8/6/2020

Location: 8/21/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would require the Department of Food and Agriculture to administer a program for the disbursement of grants, known as the Agricultural Climate Adaptation Tools Program, as specified, to provide funding for activities that include the development of specified planning tools for adapting to climate change and developing resiliency strategies in the agricultural sector, using the best available science, as specified. The bill would require the department to conduct specified pilot projects in the central valley, central coast, and desert regions of the state, and hold trainings for technical assistance providers on how to use the specified planning tools with an emphasis on meeting the needs of small and moderately scaled farmers and ranchers, socially disadvantaged farmers and ranchers, and female farmers and ranchers. The bill would require the department to make available, upon appropriation, up to \$2,000,000 to fund the grant program, as specified.

History:

2019

Feb. 21 Read first time. To print.
 Feb. 22 From printer. May be heard in committee March 24.
 Mar. 7 Referred to Com. on PUB. S.
 Apr. 2 In committee: Set, first hearing. Hearing canceled at the request of author.
 Apr. 12 From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.
 Apr. 22 Re-referred to Com. on PUB. S.

2020

Jan. 6 From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended. Re-referred to Com. on PUB. S. Re-referred to Com. on RLS. pursuant to Assembly Rule 96. From committee: Be re-referred to Com. on NAT. RES. Re-referred. (Ayes 12. Noes 0.) (January 6). Re-referred to Com. on NAT. RES.
 Jan. 14 From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (January 13). Re-referred to Com. on APPR.
 Jan. 23 In committee: Set, first hearing. Referred to APPR. suspense file. Coauthors revised. From committee: Do pass. (Ayes 18. Noes 0.) (January 23). Read second time. Ordered to third reading.
 Jan. 27 Read third time. Passed. Ordered to the Senate. (Ayes 78. Noes 0. Page 3895.)

Jan. 28 In Senate. Read first time. To Com. on RLS. for assignment.
 Jun. 23 Referred to Com. on N.R. & W.
 Jul. 27 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.
 Aug. 5 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) (August 5).
 Aug. 6 Read second time and amended. Re-referred to Com. on APPR.
 Aug. 13 In committee: Referred to APPR. suspense file.
 Aug. 20 In committee: Held under submission.

AB 1567

(Aguiar-Curry D) Organic waste: scoping plan.

Current Analysis: 01/24/2020 [Assembly Floor Analysis \(text 1/15/2020\)](#)

Introduced: 2/22/2019

Last Amend: 1/15/2020

Location: 8/18/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, on or before December 31, 2021, require the Strategic Growth Council, in consultation with stakeholders and relevant permitting agencies, to prepare and submit to the Legislature a report that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets and would require the scoping plan to include, among other things, recommendations on policy and funding support for the beneficial reuse of organic waste.

History:

2019

Feb. 22 Introduced. To print.
 Feb. 23 From printer. May be heard in committee March 25.
 Feb. 25 Read first time.

2020

Jan. 6 Referred to Com. on NAT. RES. From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.
 Jan. 7 Re-referred to Com. on NAT. RES.
 Jan. 14 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (January 13).
 Jan. 15 Read second time and amended.
 Jan. 16 Re-referred to Com. on APPR.
 Jan. 23 In committee: Set, first hearing. Referred to APPR. suspense file. From committee: Do pass. (Ayes 18. Noes 0.) (January 23). Read second time. Ordered to third reading.
 Jan. 27 Read third time. Passed. Ordered to the Senate. (Ayes 78. Noes 0. Page 3899.)
 Jan. 28 In Senate. Read first time. To Com. on RLS. for assignment.
 Jun. 23 Referred to Com. on N.R. & W.

AB 1714

(Aguiar-Curry D) Emissions limitations: wine fermentation.

Current Analysis: 05/01/2019 [Assembly Floor Analysis \(text 4/3/2019\)](#)

Introduced: 2/22/2019

Last Amend: 5/18/2020

Location: 8/18/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the State Air Resources Board to convene a working group with a specified membership for the purposes of reviewing the state of air pollution control technologies, operational or maintenance standards, and work practices that may be applied to wine fermentation tanks, and the costs and benefits of those technologies, standards, and practices.

History:

2019

Feb. 22 Introduced. To print.
 Feb. 23 From printer. May be heard in committee March 25.
 Feb. 25 Read first time.
 Mar. 28 Referred to Com. on BUDGET.
 Apr. 3 From committee chair, with author's amendments: Amend, and re-refer to Com. on BUDGET. Read second time and amended.

Apr. 4 Re-referred to Com. on BUDGET.
 Apr. 29 From committee: Do pass. (Ayes 24. Noes 0.) (April 29).
 Apr. 30 Read second time. Ordered to third reading.
 May. 28 Read third time. Passed. Ordered to the Senate. (Ayes 71. Noes 0. Page 2009.)
 May. 29 In Senate. Read first time. To Com. on RLS. for assignment.
 Jun. 6 Referred to Com. on RLS.
 Aug. 28 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.
 Sep. 10 Joint Rules 61 and 62 suspended. (Ayes 29. Noes 8. Page 2745.) Re-referred to Com. on EQ.
2020
 May. 18 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on EQ.

AB 2028

(Aguiar-Curry D) State agencies: meetings.

Current Analysis: 08/24/2020 [Senate Floor Analyses \(text 8/20/2020\)](#)

Introduced: 1/30/2020

Last Amend: 8/20/2020

Location: 9/1/2020-S. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Bagley-Keene Open Meeting Act, requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Current law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item. This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

History:

2020

Jan. 30 Read first time. To print.
 Jan. 31 From printer. May be heard in committee March 1.
 Feb. 14 Referred to Com. on G.O.
 May. 13 From committee: Do pass and re-refer to Com. on APPR. (Ayes 19. Noes 0.) (May 12). Re-referred to Com. on APPR.
 Jun. 2 In committee: Set, first hearing. Referred to APPR. suspense file.
 Jun. 3 From committee: Amend, and do pass as amended. (Ayes 18. Noes 0.) (June 3).
 Jun. 4 Read second time and amended. Ordered returned to second reading.
 Jun. 8 Read second time. Ordered to third reading. Assembly Rule 63 suspended. (Ayes 59. Noes 17.) Read third time. Passed. Ordered to the Senate. (Ayes 77. Noes 0.)
 Jun. 9 In Senate. Read first time. To Com. on RLS. for assignment.
 Jun. 23 Referred to Com. on G.O.
 Jul. 8 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.
 Jul. 28 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.
 Aug. 14 From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (August 14). Re-referred to Com. on APPR.
 Aug. 19 In committee: Referred to APPR. suspense file.
 Aug. 20 From committee: Amend, and do pass as amended. (Ayes 5. Noes 0.) (August 20). Read second time and amended. Ordered returned to second reading.
 Aug. 24 Read second time. Ordered to third reading.
 Sep. 1 Ordered to inactive file by unanimous consent.

AB 2371

(Friedman D) Climate change: Office of Planning and Research: science advisory team: climate adaptation and hazard mitigation.

Current Analysis: 06/08/2020 [Assembly Floor Analysis \(text 6/4/2020\)](#)

Introduced: 2/18/2020

Last Amend: 7/8/2020

Location: 8/18/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
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1st House	2nd House	Conc.			
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Summary: Would require the Office of Planning and Research, by July 1, 2021, to convene a climate science advisory team to provide independent, timely, and science-based advice on the state's climate adaptation and climate-related hazard mitigation efforts and to, among other things, provide input to improve climate adaptation and climate-related hazard mitigation planning across state agencies, including the plan. The bill would require the team to serve as a working group of a specified ICARP advisory group. The bill would require the team to provide recommendations to inform certain activities of the council regarding climate change.

History:

2020

Feb. 18 Read first time. To print.
 Feb. 19 From printer. May be heard in committee March 20.
 Feb. 24 Referred to Com. on NAT. RES.
 Mar. 16 In committee: Hearing postponed by committee. From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.
 Mar. 17 Re-referred to Com. on NAT. RES.
 May. 4 From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.
 May. 5 Re-referred to Com. on NAT. RES.
 May. 14 From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 3.) (May 13). Re-referred to Com. on APPR.
 Jun. 2 In committee: Set, first hearing. Referred to APPR. suspense file.
 Jun. 3 From committee: Amend, and do pass as amended. (Ayes 13. Noes 5.) (June 3).
 Jun. 4 Read second time and amended. Ordered returned to second reading.
 Jun. 8 Read second time. Ordered to third reading. Assembly Rule 63 suspended. (Ayes 59. Noes 17.) Read third time. Passed. Ordered to the Senate. (Ayes 62. Noes 13.)
 Jun. 9 In Senate. Read first time. To Com. on RLS. for assignment.
 Jun. 23 Referred to Com. on EQ.
 Jul. 8 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on EQ.

[AB 2612](#)

(Maienschein D) Greenhouse Gas Reduction Fund: recycling: appropriation.

Introduced: 2/20/2020

Location: 3/2/2020-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, beginning in the 2020–21 fiscal year, would continuously appropriate \$100,000,000 from the Greenhouse Gas Reduction Fund annually to the Department of Resources Recycling and Recovery for in-state organic waste recycling projects that reduce greenhouse gas emissions and achieve certain organic waste disposal goals, as specified. The bill, beginning in the 2020–21 fiscal year, would also continuously appropriate \$100,000,000 from the fund annually to the department for in-state recycling projects that reduce greenhouse gas emissions and help achieve a specified state policy relating to solid waste, as specified.

History:

2020

Feb. 20 Read first time. To print.
 Feb. 21 From printer. May be heard in committee March 22.
 Mar. 2 Referred to Com. on NAT. RES.

[AB 2831](#)

(Flora R) Carbon offset credits: whole orchard recycling: healthy soils.

Introduced: 2/20/2020

Last Amend: 5/4/2020

Location: 4/24/2020-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 establishes the Compliance Offsets Protocol Task Force, with a specified membership, to provide guidance to the state board in approving new offset protocols for a market-based compliance mechanism for the purposes of increasing offset projects with direct environmental benefits in the state, as specified. This bill would require the State Air Resources Board to develop a carbon offset credit for whole orchard recycling.

History:

2020

Feb. 20 Read first time. To print.

Feb. 21 From printer. May be heard in committee March 22.

Apr. 24 Referred to Com. on NAT. RES.

May. 4 From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.

May. 5 Re-referred to Com. on NAT. RES.

AB 2887

(Bonta D) Statewide emergencies: mitigation.

Introduced: 2/21/2020

Last Amend: 3/16/2020

Location: 5/7/2020-A. BUDGET

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:)For purposes of state apportionments to public schools, if the average daily attendance of a school district, county office of education, or charter school during a fiscal year has been materially decreased during a fiscal year because of a specified event, including an epidemic, current law requires the Superintendent of Public Instruction to estimate the average daily attendance in a manner that credits to the school district, county office of education, or charter school the total average daily attendance that would have been credited had the emergency not occurred. This bill would revise the above-described triggering event to be an epidemic, pandemic, or outbreak of infectious disease, and would provide that the various specified triggering events apply to decreases in average daily attendance due to illness, quarantine, social isolation, and social distancing, absences taken as preemptive measures, independent study and distance learning requests, and pupils who are absent due to quarantine, but cannot provide the appropriate documentation.

History:

2020

Feb. 21 Introduced. To print.

Feb. 22 From printer. May be heard in committee March 23.

Feb. 24 Read first time.

Mar. 5 Referred to Coms. on A. & A.R. and NAT. RES.

Mar. 16 From committee chair, with author's amendments: Amend, and re-refer to Com. on A. & A.R. Read second time and amended.

Mar. 17 Re-referred to Com. on A. & A.R.

May. 7 Re-referred to Com. on BUDGET. pursuant to Assembly Rule 96.

AB 2954

(Rivas, Robert D) California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

Current Analysis: 08/18/2020 [Senate Appropriations \(text 5/4/2020\)](#)

Introduced: 2/21/2020

Last Amend: 5/4/2020

Location: 8/21/2020-S. DEAD

Desk	Policy	Fiscal	Floor	Desk	Policy	Dead	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board, when updating the scoping plan and in collaboration with This bill would require the state board, when updating the scoping plan and in collaboration with by January 1, 2023, an overall climate goal for the state's natural and working lands, as defined, to sequester carbon and reduce atmospheric greenhouse gas emissions and identify practices, policy incentives, and potential reductions in barriers that would help achieve the climate goal.

History:

2020

Feb. 21 Introduced. To print.

Feb. 22 From printer. May be heard in committee March 23.

Feb. 24 Read first time.

Mar. 5 Referred to Com. on NAT. RES.

May. 4 From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.

May. 5 Re-referred to Com. on NAT. RES.

May. 14 From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 3.) (May 13). Re-referred to Com. on APPR.

Jun. 2 From committee: Do pass. (Ayes 12. Noes 5.) (June 2).
 Jun. 3 Read second time. Ordered to third reading.
 Jun. 8 Read third time. Passed. Ordered to the Senate. (Ayes 43. Noes 23.)
 Jun. 9 In Senate. Read first time. To Com. on RLS. for assignment.
 Jun. 23 Referred to Com. on EQ.
 Aug. 14 From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 2.) (August 14). Re-referred to Com. on APPR.
 Aug. 19 In committee: Referred to APPR. suspense file.
 Aug. 20 In committee: Held under submission.

AB 3256

(Garcia, Eduardo D) Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

Current Analysis: 05/31/2020 [Assembly Appropriations \(text 5/18/2020\)](#)

Introduced: 2/21/2020

Last Amend: 6/4/2020

Location: 6/3/2020-A. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.

History:

2020

Feb. 21 Introduced. To print.
 Feb. 22 From printer. May be heard in committee March 23.
 Feb. 24 Read first time.
 Apr. 24 Referred to Com. on NAT. RES.
 May. 4 From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.
 May. 5 Re-referred to Com. on NAT. RES.
 May. 7 Measure version as amended on May 4 corrected.
 May. 14 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 7. Noes 1.) (May 13).
 May. 18 Read second time and amended.
 May. 19 Re-referred to Com. on APPR.
 Jun. 2 In committee: Set, first hearing. Referred to APPR. suspense file.
 Jun. 3 From committee: Amend, and do pass as amended and re-refer to Com. on RLS. (Ayes 13. Noes 4.) (June 3).
 Jun. 4 Read second time and amended.
 Jun. 8 Re-referred to Com. on RLS.

ACR 143

(Quirk D) Climate crisis.

Introduced: 1/6/2020

Location: 1/23/2020-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: This measure would state that the Legislature should stop speaking of climate change and instead speak of the climate crisis.

History:

2020

Jan. 6 Introduced. To print.
 Jan. 7 From printer.
 Jan. 23 Referred to Com. on NAT. RES.
 Mar. 16 In committee: Hearing postponed by committee.

SB 45

(Allen D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

Current Analysis: 01/28/2020 [Senate Appropriations \(text 9/10/2019\)](#)

Introduced: 12/3/2018

Last Amend: 1/23/2020

Location: 1/29/2020-A. DESK

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

History:

2018

Dec. 3 Introduced. Read first time. To Com. on RLS. for assignment. To print.
Dec. 4 From printer. May be acted upon on or after January 3.

2019

Jan. 16 Referred to Coms. on N.R. & W., EQ., and GOV. & F.
Feb. 20 Set for hearing March 12.
Mar. 5 From committee with author's amendments. Read second time and amended. Re-referred to Com. on N.R. & W.
March 12 hearing postponed by committee.
Mar. 13 Set for hearing March 26.
Mar. 26 From committee: Do pass and re-refer to Com. on EQ. (Ayes 7. Noes 1. Page 439.) (March 26). Re-referred to Com. on EQ.
Mar. 28 Set for hearing April 3.
Apr. 3 From committee: Do pass as amended and re-refer to Com. on GOV. & F. (Ayes 5. Noes 1. Page 549.) (April 3).
Apr. 4 Read second time and amended. Re-referred to Com. on GOV. & F.
Apr. 12 Set for hearing April 24.
Apr. 25 From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2. Page 845.) (April 24). Re-referred to Com. on APPR.
Apr. 30 Set for hearing May 6.
May. 1 May 6 set for first hearing canceled at the request of author.
Aug. 30 From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.
Sep. 5 From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.
Sep. 10 Senate Rule 29.3(b) suspended. (Ayes 29. Noes 8. Page 2746.) From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

2020

Jan. 14 Set for hearing January 21.
Jan. 21 January 21 hearing: Placed on APPR. suspense file. Set for hearing January 23.
Jan. 23 From committee: Do pass as amended. (Ayes 5. Noes 1. Page 3141.) (January 23). Read second time and amended. Ordered to second reading.
Jan. 27 Read second time. Ordered to third reading.
Jan. 29 Read third time. Urgency clause adopted. Passed. (Ayes 29. Noes 6. Page 3167.) Ordered to the Assembly.
Jan. 30 In Assembly. Read first time. Held at Desk.

SB 86

(Durazo D) Department of Pesticide Regulation: chlorpyrifos: quarterly reports.

Current Analysis: 08/30/2020 [Senate Environmental Quality \(text 7/27/2020\)](#)

Introduced: 1/10/2019

Last Amend: 7/27/2020

Location: 8/30/2020-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, beginning with the first quarter of 2021, require the Department of Pesticide Regulation to prepare and submit to specified Senate and Assembly committees and the Office of the Surgeon General quarterly reports containing information, as prescribed, regarding granular chlorpyrifos use, monitoring, and exposure during the quarter.

History:

2019

Jan. 10 Introduced. Read first time. To Com. on RLS. for assignment. To print.
Jan. 11 From printer. May be acted upon on or after February 10.
Jan. 24 Referred to Com. on RLS.
Mar. 20 From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
Mar. 27 Re-referred to Com. on ED.
Apr. 10 Set for hearing April 24.
Apr. 30 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 795.) (April 24).
May. 1 Read second time and amended. Re-referred to Com. on APPR.
May. 3 Set for hearing May 13.

May. 13 May 13 hearing: Placed on APPR. suspense file.
 May. 14 Set for hearing May 16.
 May. 16 From committee: Do pass. (Ayes 6. Noes 0. Page 1089.) (May 16). Read second time. Ordered to third reading.
 May. 21 Ordered to special consent calendar.
 May. 23 Read third time. Passed. (Ayes 38. Noes 0. Page 1271.) Ordered to the Assembly.
 May. 24 In Assembly. Read first time. Held at Desk.
 Jun. 3 Referred to Com. on ED.
 Jun. 11 From committee with author's amendments. Read second time and amended. Re-referred to Com. on ED.
 Jun. 13 Re-referred to Com. on RLS. pursuant to Assembly Rule 96.
 Jun. 17 From committee: Be re-referred to Com. on E.S. & T.M. (Ayes 11. Noes 0.) (June 17). Re-referred to Com. on E.S. & T.M.
 Jul. 2 July 2 hearing postponed by committee.

2020

May. 18 From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.
 Jul. 8 July 13 hearing postponed by committee.
 Jul. 27 From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.
 July 27 hearing postponed by committee.
 Jul. 30 From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (July 30). Re-referred to Com. on APPR.
 Aug. 11 August 11 set for first hearing. Placed on suspense file.
 Aug. 20 From committee: Do pass. (Ayes 14. Noes 4.) (August 20).
 Aug. 24 Read second time. Ordered to third reading.
 Aug. 25 Read third time. Passed. (Ayes 58. Noes 13.) Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.
 Aug. 27 Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(d).
 Aug. 29 From committee: Be re-referred to Com. on EQ. pursuant to Senate Rule 29.10(d). (Ayes 3. Noes 0.) Re-referred to Com. on EQ.
 Aug. 30 Set for hearing August 30. August 30 hearing postponed by committee. Withdrawn from committee. (Ayes 29. Noes 10.) Ordered to unfinished business. Assembly amendments concurred in. (Ayes 29. Noes 8.) Ordered to engrossing and enrolling.

SB 662

(Archuleta D) Energy: transportation sector: hydrogen.

Current Analysis: 12/03/2019 [Senate Transportation \(text 4/11/2019\)](#)

Introduced: 2/22/2019

Last Amend: 6/25/2020

Location: 8/14/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the PUC, State Air Resources Board (state board), and Energy Commission to consider green electrolytic hydrogen as an eligible form of energy storage, and to consider other potential uses of green electrolytic hydrogen. This bill would include use of green electrolytic hydrogen as an alternative transportation fuel as another potential use for these purposes.

History:

2019

Feb. 22 Introduced. To Com. on RLS. for assignment. To print.
 Feb. 25 From printer. May be acted upon on or after March 27. Read first time.
 Mar. 14 Referred to Coms. on E., U. & C. and TRANS.
 Mar. 21 Set for hearing April 2.
 Mar. 25 April 2 hearing postponed by committee.
 Mar. 26 Set for hearing April 10.
 Apr. 11 From committee: Do pass as amended and re-refer to Com. on TRANS. (Ayes 11. Noes 1. Page 651.) (April 10). Read second time and amended. Re-referred to Com. on TRANS.
 Apr. 18 Set for hearing April 23.
 Apr. 29 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 9. Noes 3. Page 806.) (April 23).
 Apr. 30 Read second time and amended. Re-referred to Com. on APPR.
 May. 3 Set for hearing May 13.
 May. 13 May 13 hearing: Placed on APPR. suspense file.
 May. 14 Set for hearing May 16.
 May. 16 From committee: Do pass. (Ayes 5. Noes 1. Page 1106.) (May 16). Read second time. Ordered to third reading.
 May. 22 Read third time. Passed. (Ayes 31. Noes 5. Page 1215.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Jun. 13 Referred to Coms. on U. & E. and TRANS.

Jun. 25 July 3 set for first hearing canceled at the request of author.

2020

Jun. 25 From committee with author's amendments. Read second time and amended. Re-referred to Com. on U. & E.

SB 862

(Dodd D) Planned power outage: public safety.

Current Analysis: 06/19/2020 [Senate Floor Analyses \(text 5/20/2020\)](#)

Introduced: 1/16/2020

Last Amend: 5/20/2020

Location: 8/14/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a deenergization event, as defined, within a sudden and severe energy shortage constituting a state of emergency and a local emergency.

History:

2020

Jan. 16 Introduced. Read first time. To Com. on RLS. for assignment. To print.

Jan. 17 From printer. May be acted upon on or after February 16.

Jan. 29 Referred to Com. on E., U. & C.

Mar. 5 From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C.

Mar. 13 Set for hearing March 31.

Mar. 19 March 31 hearing postponed by committee.

May. 8 Set for hearing May 14.

May. 19 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 12. Noes 0. Page 3539.) (May 14).

May. 20 Read second time and amended. Re-referred to Com. on APPR.

May. 26 Set for hearing June 1.

Jun. 2 Hearing rescheduled due to Capitol closure.

Jun. 3 Set for hearing June 9.

Jun. 9 June 9 hearing: Placed on APPR. suspense file.

Jun. 11 Set for hearing June 18.

Jun. 18 From committee: Do pass. (Ayes 7. Noes 0. Page 3766.) (June 18). Read second time. Ordered to third reading.

Jun. 25 Read third time. Passed. (Ayes 40. Noes 0. Page 3841.) Ordered to the Assembly. In Assembly. Read first time.

Held at Desk.

Jun. 29 Referred to Com. on U. & E.

SB 1099

(Dodd D) Emergency backup generators: critical facilities: exemptions.

Current Analysis: 06/10/2020 [Senate Floor Analyses \(text 6/2/2020\)](#)

Introduced: 2/19/2020

Last Amend: 7/27/2020

Location: 8/14/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Current law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources. This bill would require an air district without a specified rule on emergency backup generators, as defined, as of January 1, 2021, that adopts such a rule to include in the rule provisions that allow the operator of a critical facility, as defined, to use a permitted emergency backup generator in exceedance of the applicable runtime and testing and maintenance limits if specified conditions are met.

History:

2020

Feb. 19 Introduced. Read first time. To Com. on RLS. for assignment. To print.

Feb. 20 From printer. May be acted upon on or after March 21.

Feb. 27 Referred to Com. on EQ.

Mar. 10 Set for hearing April 1.

Mar. 18 April 1 hearing postponed by committee.

May. 22 Set for hearing May 29.
 May. 29 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 4. Noes 1. Page 3622.) (May 29).
 Jun. 2 Read second time and amended. Re-referred to Com. on APPR.
 Jun. 4 Set for hearing June 9.
 Jun. 8 From committee: Be ordered to second reading pursuant to Senate Rule 28.8.
 Jun. 9 Read second time. Ordered to third reading.
 Jun. 25 Read third time. Passed. (Ayes 37. Noes 0. Page 3838.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
 Jun. 29 Referred to Com. on NAT. RES.
 Jul. 27 From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES.

SB 1113

(Gonzalez, Lena D) State Air Resources Board: report.

Introduced: 2/19/2020

Location: 2/19/2020-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Air Resources Board to post on its internet website, at a minimum by January 1 of each odd-numbered year, information on air quality conditions and trends statewide and on the status and effectiveness of state and local air quality programs, as specified. This bill would make nonsubstantive changes to that provision.

History:

2020

Feb. 19 Introduced. Read first time. To Com. on RLS. for assignment. To print.
 Feb. 20 From printer. May be acted upon on or after March 21.
 Feb. 27 Referred to Com. on RLS.

SB 1164

(Grove R) Petroleum refineries: air monitoring systems.

Introduced: 2/20/2020

Location: 2/20/2020-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a refinery-related community air monitoring system, as defined, to be installed on or before January 1, 2020, as specified, and requires an air district to design, develop, install, operate, and maintain the refinery-related community air monitoring system or to contract with a third party to provide those services. Current law also requires an owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system, as defined, on or before January 1, 2020, as specified. This bill would make technical, nonsubstantive changes to those provisions

History:

2020

Feb. 20 Introduced. Read first time. To Com. on RLS. for assignment. To print.
 Feb. 21 From printer. May be acted upon on or after March 22.
 Mar. 5 Referred to Com. on RLS.

SB 1185

(Moorlach R) Emergency backup generators: operation during deenergization events.

Current Analysis: 06/15/2020 [Senate Floor Analyses \(text 5/26/2020\)](#)

Introduced: 2/20/2020

Last Amend: 7/27/2020

Location: 8/14/2020-A. DEAD

Desk	Policy	Fiscal	Floor	Desk	Dead	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would authorize an air district to adopt, or revise, a rule to specify that hours for usage due to the loss of normal electrical service during a deenergization event, as defined, by a permitted natural-gas-powered emergency backup generator that is either federally compliant, as defined, or state board designated are prohibited from counting toward that permit's conditions for usage.

History:

2020

Feb. 20 Introduced. Read first time. To Com. on RLS. for assignment. To print.
 Feb. 21 From printer. May be acted upon on or after March 22.

Mar. 5 Referred to Coms. on EQ. and E., U. & C.
 Mar. 10 Set for hearing April 1.
 Mar. 18 April 1 hearing postponed by committee.
 Apr. 17 From committee with author's amendments. Read second time and amended. Re-referred to Com. on EQ.
 May. 12 Referral to Com. on E., U. & C. rescinded due to the shortened 2020 Legislative Calendar.
 May. 22 Set for hearing May 29.
 May. 26 From committee with author's amendments. Read second time and amended. Re-referred to Com. on EQ.
 May. 29 From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0. Page 3622.) (May 29). Re-referred to Com. on APPR.
 Jun. 3 Set for hearing June 9.
 Jun. 8 From committee: Be ordered to second reading pursuant to Senate Rule 28.8.
 Jun. 9 Read second time. Ordered to third reading.
 Jun. 22 Read third time. Passed. (Ayes 33. Noes 3. Page 3795.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
 Jun. 29 Referred to Com. on NAT. RES.
 Jul. 27 From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES.

SB 1195

(Gonzalez, Lena D) Vehicular air pollution: State Air Resources Board: regulations.

Introduced: 2/20/2020

Location: 2/20/2020-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Air Resources Board to adopt rules and regulations relating to vehicular emissions standards, as specified, that will achieve the ambient air quality standards required by federal law in conjunction with other measures adopted by the state board, air pollution control and air quality management districts, and the United States Environmental Protection Agency. Current law requires the state board to adopt and enforce rules and regulations that anticipate the development of new technologies or the improvement of existing technologies if necessary to carry out its duty. This bill would make a nonsubstantive change to this provision.

History:

2020

Feb. 20 Introduced. Read first time. To Com. on RLS. for assignment. To print.
 Feb. 21 From printer. May be acted upon on or after March 22.
 Mar. 5 Referred to Com. on RLS.

SB 1320

(Stern D) Climate change: California Climate Change Assessment.

Current Analysis: 08/29/2020 [Senate Floor Analyses \(text 8/24/2020\)](#)

Introduced: 2/21/2020

Last Amend: 8/24/2020

Location: 8/30/2020-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Office of Planning and Research, through the Integrated Climate Adaptation and Resiliency Program, to develop the California Climate Change Assessment, in coordination with the Natural Resources Agency, the State Energy Resources Conservation and Development Commission, and the Strategic Growth Council, and in consultation with partner public agencies designated by the office. The bill would require the office to complete the assessment no less frequently than every 5 years. The bill would require the assessment to provide an integrated suite of products that report the impacts and risks of climate change, based on the best available science, and identify potential solutions to inform legislative policy, as provided.

History:

2020

Feb. 21 Introduced. To Com. on RLS. for assignment. To print.
 Feb. 24 From printer. May be acted upon on or after March 25. Read first time.
 Mar. 5 Referred to Coms. on N.R. & W. and EQ.
 Mar. 12 Set for hearing April 14.
 Apr. 6 April 14 hearing postponed by committee.
 May. 12 Referral to Com. on EQ. rescinded due to the shortened 2020 Legislative Calendar.
 May. 15 Set for hearing May 26.
 May. 27 From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1. Page 3596.) (May 26). Re-referred to Com. on APPR.
 Jun. 3 Set for hearing June 9.

Jun. 9 June 9 hearing: Placed on APPR. suspense file.
Jun. 11 Set for hearing June 18.
Jun. 18 From committee: Do pass as amended. (Ayes 6. Noes 1. Page 3771.) (June 18). Read second time and amended. Ordered to second reading.
Jun. 22 Read second time. Ordered to third reading.
Jun. 26 Read third time. Passed. (Ayes 32. Noes 7. Page 3881.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Jun. 29 Referred to Com. on NAT. RES.
Jul. 27 From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES.
July 29 hearing postponed by committee.
Aug. 10 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 8. Noes 2.) (August 6).
Aug. 11 Read second time and amended. Re-referred to Com. on APPR.
Aug. 18 August 18 set for first hearing. Placed on suspense file.
Aug. 20 From committee: Do pass as amended. (Ayes 13. Noes 4.) (August 20).
Aug. 24 Read second time and amended. Ordered to second reading.
Aug. 25 Read second time. Ordered to third reading.
Aug. 26 Read third time. Passed. (Ayes 60. Noes 11.) Ordered to the Senate.
Aug. 28 In Senate. Concurrence in Assembly amendments pending.
Aug. 30 Assembly amendments concurred in. (Ayes 33. Noes 5.) Ordered to engrossing and enrolling.

Total Measures: 23

Total Tracking Forms: 23

The following page(s) contain the backup material for Agenda Item: [Set date of October 26, 2020 to conduct a public hearing to consider the amendment of Rule 403 – Fugitive Dust Control and rescinding of Rules 403.1 – Fugitive Dust Control for the Searles Valley Planning Area and Rule 403.2 – Fugitive Dust Control for the Mojave Desert Planning Area, and approval of California Environmental Quality Act \(CEQA\) documentation.](#)

[Presenter: Alan De Salvio, Deputy Director – Operations.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #9

DATE: September 28, 2020

RECOMMENDATION: Set date of October 26, 2020 to conduct a public hearing to consider the amendment of Rule 403 – *Fugitive Dust Control* and rescission of Rules 403.1 – *Fugitive Dust Control for the Searles Valley Planning Area* and Rule 403.2 – *Fugitive Dust Control for the Mojave Desert Planning Area*, and approval of California Environmental Quality Act (CEQA) documentation.

SUMMARY: Rule 403 – *Fugitive Dust Control* is proposed for adoption to detail the prerequisites, exemptions, and requirements for Dust Control Plans. It will also combine, clarify, and compile the requirements of existing fugitive dust Rules 403, 403.1, and 403.2 into a single, comprehensive rule.

BACKGROUND: The MDAQMD is proposing to update Rule 403 – *Fugitive Dust Control* to further reduce the PM₁₀ entrained in the ambient air as a result of anthropogenic Fugitive Dust sources. The proposed amendment will require sources of PM₁₀ to take certain submit a Dust Control Plan in certain situations and to take actions to prevent, reduce, or mitigate Fugitive Dust. To avoid redundancy, staff also recommends the rescission of District Rules 403.1 – *Fugitive Dust Control for the Searles Valley Planning Area* and 403.2 – *Fugitive Dust Control for the Mojave Desert Planning Area*.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the adoption of Rule 403 – *Fugitive Dust Control* pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or before September 17, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio – Deputy Director, Operations

The following page(s) contain the backup material for Agenda Item: [Set date of October 26, 2020 to conduct a public hearing to consider the amendment of Rule 1113 – Architectural Coatings and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio, Deputy Director – Operations.](#)
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #10

DATE: September 28, 2020

RECOMMENDATION: Set date of October 26, 2020 to conduct a public hearing to consider the amendment of Rule 1113 – *Architectural Coatings* and approval of California Environmental Quality Act (CEQA) documentation.

SUMMARY: Rule 1113 – *Architectural Coatings* is proposed for adoption to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.

BACKGROUND: The MDAQMD is proposing to update Rule 1113 – *Architectural Coatings* to reflect current Federal RACT for the 2015 NAAQS ozone standard. This amendment implements the de-facto RACT requirements found in the Suggested Control Measure (SCM) for Architectural Coatings recently revised by the California Air Resources Board (CARB) to update Architectural Coating requirements and respective test methods as well as to establish VOC limits for Colorants, and to address Photovoltaic Coatings. This amendment will also incorporate suggestions from the June 2013 Technical Support Document (TSD) for EPA’s Notice of Direct Rulemaking for the California State Implementation Plan for Rule 1113 (EPA-R09-OAR-2013-0668-0006, 01/03/2014 as found at 1113-2 MDAQMD Rule 1113 at www.regulations.gov).

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the adoption of Rule 1113 – *Architectural Coatings* pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or before September 17, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio – Deputy Director, Operations

The following page(s) contain the backup material for Agenda Item: Conduct a public hearing to consider the adoption of Rule 102 – Definition of Terms: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations. Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #13

DATE: September 28, 2020

RECOMMENDATION: Conduct a public hearing to consider the adoption of Rule 102 – *Definition of Terms*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the Rule and directing staff actions.

SUMMARY: Rule 102 is proposed for adoption to incorporate changes concurrent with the proposed amendment of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

BACKGROUND: Many terms are defined in multiple district rules. In addition, many of these definitions are exact or near exact duplicates of each other. Pursuant to Governing Board direction regarding streamlining, the Air Pollution Control Officer (APCO) has determined that shifting common definitions to Rule 102 and updating them for consistency will improve clarity. The amendment of Rule 102 – *Definitions of Terms* will be an ongoing process. Rule 102 will continue to be updated as needed when other District rules are proposed for adoption or amendment and contain definitions that need to be added, moved, or modified.

Rule 102 is proposed for amendment to incorporate changes concurrent with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

The proposed amendments were reviewed by the Technical Advisory Committee (TAC), a committee consisting of a variety of regulated industry and local government entities. A TAC meeting was held on August 26, 2020. The TAC recommended approval for the amendment of Rule 102.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #13

PAGE 2

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 102 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about September 14, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director - Operations

RESOLUTION NO. 01-_____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR**
2 **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE**
3 **NOTICE OF EXEMPTION, AMENDING RULE 102 – DEFINITION OF TERMS AND**
4 **DIRECTING STAFF ACTIONS.**

4 On September 28, 2020, on motion by Member _____, seconded by
5 Member _____, and carried, the following resolution is adopted:

6 **WHEREAS**, the Mojave Desert Air Quality Management District (MDAQMD) has
7 authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728
8 to adopt, amend or repeal rules and regulations; and

9 **WHEREAS**, many terms are defined in multiple district rules and many of these
10 definitions are exact or near exact duplicates of each other; and

11 **WHEREAS**, pursuant to Governing Board direction regarding streamlining, the Air
12 Pollution Control Officer (APCO) has determined that shifting common definitions to Rule
13 102 and updating them for consistency will improve clarity; and

14 **WHEREAS**, the amendment of Rule 102 – *Definitions of Terms* will be an ongoing
15 process, with Rule 102 being updated as needed when other District rules are proposed for
16 amendment and contain definitions that need to be added, moved, or modified; and

17 **WHEREAS**, Rule 102 is proposed for amendment to incorporate changes concurrent
18 with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*; and

19 **WHEREAS**, several definitions have also been included in Rule 102 in anticipation of
20 the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules
21 required pursuant to Health & Safety Code §§40724.5-40724.6; and

22 **WHEREAS**, the proposed amendments to the Rule are necessary as indicated herein
23 and in the supporting documentation; and

24 **WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to
25 amend rules and regulations; and

26 **WHEREAS**, the proposed amendments to Rule 102 are clear in that they are written so
27 that the persons subject to the rule can easily understand the meaning; and

RESOLUTION NO. 01-_____

1 **WHEREAS**, the amendments to Rule 102 are in harmony with, and not in conflict
2 with, or contradictory to existing statutes, court decisions, or state or federal regulations; and

3 **WHEREAS**, the proposed amendments do not impose the same requirements as any
4 existing state or federal regulation; and

5 **WHEREAS**, the proposed amendments to Rule 102 simply incorporates definitions
6 concurrent with the adoption of Rule 431, and in anticipation of the amendment of Rule 1113
7 and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6;
8 and

9 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
10 H&S Code §40725, concerning the amendments to Rule 102; and

11 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
12 §15308) for the proposed amendments to Rule 102, completed in compliance with the
13 California Environmental Quality Act (CEQA), has been presented to the MDAQMD
14 Governing Board; each member having reviewed, considered and approved the information
15 contained therein prior to acting on the proposed amendments to Rule 102, and the MDAQMD
16 Governing Board having determined that the proposed amendments will not have any potential
17 for resulting in any adverse impact upon the environment; and

18 **WHEREAS**, the Governing Board of the MDAQMD has considered the evidence
19 presented at the public hearing; and

20 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
21 MDAQMD finds that the amendments to Rule 102 – *Definition of Terms* are necessary,
22 authorized, clear, consistent, non-duplicative and properly referenced; and

23 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby
24 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies
25 the Notice of Exemption for the proposed amendments to Rule 102; and

26 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does
27 hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule 102,

RESOLUTION NO. 01-_____

1 as set forth in the attachments to this resolution and incorporated herein by this reference; and

2 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately
3 upon adoption, and that the Executive Office Manager is directed to file the Notice of
4 Exemption in compliance with the provisions of CEQA.

5 **PASSED, APPROVED and ADOPTED** by the Governing Board of the Mojave Desert Air
6 Quality Management District by the following vote:

7 **AYES:** MEMBER:

8 **NOES:** MEMBER:

9 **ABSENT:** MEMBER:

10 **ABSTAIN:** MEMBER:

11)

12 STATE OF CALIFORNIA)

13) SS:

14 COUNTY OF SAN BERNARDINO)

15)

16 I, Deanna Hernandez, Senior Executive Analyst - Confidential of the Mojave Desert
17 Air Quality Management District, hereby certify the foregoing to be a full, true and correct
18 copy of the record of the action as the same appears in the Official Minutes of said Governing
Board at its meeting of September 28, 2020.

19 _____, Senior Executive Analyst - Confidential
20 Mojave Desert Air Quality Management District

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Rule 102

Definition of Terms

The definitions contained in this Rule shall apply to all Rules within this Rulebook except when a term is otherwise provided in a specific Rule or Regulation.

- (1) Abrasive Blasting – Propelling abrasive material against a surface with sufficient velocity to remove Coatings and promote a uniform surface texture.
- (2) Abrasives Certified for Permissible Dry Outdoor Blasting – The Abrasive Blasting material defined in Title 17 of the California Code of Regulations Sections 92000 et seq.
- (3) Actual Emissions – The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be calculated using the verified actual operating hours; production rates; and types of materials processed, stored, or combusted as applicable.
- (4) Adhesive – Any substance that is used to bond one surface to another by attachment.
- (5) Adhesive Primer – A material applied to a substrate, prior to the application of an Adhesive, to provide a bonding surface.
- (6) Adhesive Solid – The nonvolatile portion of an Adhesive that remains after heating a sample of the material at 110 °C for one hour.
- (7) Aerosol Product – A pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. Aerosol Products do not include Pump Spray.
- (8) Aerosol Spray Can – A hand held, pressurized, non-refillable container which expels a product from the container in a finely divided spray when a valve on the container is depressed.
- (9) Aggregate Emissions – A Facility-wide sum of Actual Emissions, on an emissions category specific basis, from emission units operated at a single Facility.
- (10) Agricultural Burning – Open Outdoor Fires used in Agricultural Operations in the growing of crops or raising of fowls or animals, or Open Outdoor Fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes Open Outdoor Fires used in the Operation or maintenance of a system for the delivery of water for the purposes specified above.

- (11) Agricultural Facility – Any Equipment or group of Equipment potentially subject to District Rules 201 and 203 used in an Agricultural Operation and which are located on Contiguous Property under common ownership or control.
- (12) Agricultural Operations – Any Operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowl or animals for the primary purpose of making profit or for a livelihood, including the growing and harvesting of crops or the raising of fowl or animals, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.
- (13) Agricultural Wastes – Unwanted or unsalable materials produced wholly from Agricultural Operations, other than forest or range management Operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. The term does not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by open outdoor fire is ordered by the County or State Agricultural Commissioner upon their determination that the waste is infested with infectious transmittable or contagious plant disease which is an immediate hazard to Agricultural Operations conducted on adjoining or nearby property.
- (14) Air-Assisted Airless Spray – A Coating application system in which the Coating fluid is supplied to the gun under fluid pressure and air is combined at the spray cap.
- (15) Air Contaminant or Air Pollutant – Any discharge, release, or other propagation into the Atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, Particulate Matters, acids or any combination thereof.
- (16) Air-dried Coating – A Coating that is cured at a temperature below 90 °C (194 °F).
- (17) Air Pollution Control Officer (APCO) – That person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health and Safety Code §40750 and his or her designee.
- (18) Annual Heat Input – The total Heat Input of fuels, in Btu, burned by a Permit Unit in a calendar year, as determined from the Higher Heating Value (HHV) and cumulative annual usage of each fuel.
- (19) Appurtenance – Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating Equipment, air conditioning Equipment, and other fixed mechanical Equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.
- (20) Architectural – Pertaining to stationary structures including buildings, houses, and mobile homes, and their Appurtenances.
- (21) Architectural Coatings – Any Coatings applied to stationary structures and their Appurtenances; to mobile homes, to pavements, or to curbs.

- (22) Atmosphere – That portion of the air which envelopes or surrounds the earth.
- (23) Baked Coating – Any Coating that is cured at a temperature at or above 90 °C (194 °F).
- (24) Bench Scale Project – A project (other than at a Research and Development Facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top.
- (25) Best Available Retrofit Control Technology (BARCT) – An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source.
- (26) Bitumens – Black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- (27) Boiler or Steam Generator – Any combustion Equipment (fired with any fuel) used to produce steam. Boiler or Steam Generator does not include any waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine.
- (28) Bottom Fill Loading (Bottom Loading) – Any tank, truck, trailer or railroad tank car shall be considered to be bottom loaded when the fuel transfer and vapor return lines have separate, independent, and dedicated attachments on the delivery Vehicle, when the inlet is flush with the bottom of the storage device, and when the delivery Vehicle hatch remains closed during Gasoline transfer.
- (29) Boundaries of the District – That region within California within which these Rules are applicable. See Rule 103 – *Description of District Boundaries* for a description of the MDAQMD boundaries.
- (30) Breakdown – A condition other than a normal operating mode caused by a non-preventable mechanical or electrical failure, out of tolerance condition, or accidental occurrence such as fire, explosion, flooding, earthquake, etc.
- (31) California Air Resources Board (CARB) – The California Air Resources Board, the Executive Officer of CARB and his or her authorized representative, the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).
- (32) Capture Efficiency (or Capture System Efficiency) – The portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on Control Device.
- (33) CARB Certified (Certified by CARB) – A vapor recovery system, Equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with the particular system. Except for qualified repairs, a CARB certified component

shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the Person who rebuilds the component is authorized by CARB to rebuild the designated CARB certified component.

- (34) CDFA – California Department of Food and Agriculture, or any person designated to act on its behalf.
- (35) Clear Topcoat – A final Coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Including, but not limited to, Varnishes.
- (36) Coating – A material that is applied to a surface and forms a film in order to identify, beautify, protect, convey a message, or minimize detection of such surface. Coating includes, but is not limited to, materials such as Topcoats, Stains, Sealers, Primers, fillers, conversion Varnish, pigmented Coating, Multi-colored Coating, moldseal Coating, washcoat and toner.
- (37) Coating Solid – The nonvolatile portion of a coating that remains after heating a sample of the material at 110 °C for one hour.
- (38) Colorant – A concentrated pigment dispersion in water, Solvent, and/or binder that is added to an Architectural Coating after packaging in sale units to produce the desired color.
- (39) Combustible Refuse – Any solid or liquid combustible waste material containing carbon in a free or combined state.
- (40) Combustion Contaminants – Particulate Matter discharged into the Atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- (41) Compliance Assurance Monitoring – Total Equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with Control Device Efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates.
- (42) Compliance Schedule – The date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.
- (43) Compression-Ignited (IC) Internal Combustion Engine – An Internal Combustion Engine with operating characteristics significantly similar to the theoretical diesel combustive cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignited engine.
- (44) Confined Animal Facility – A Facility where animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by a means other than grazing for at least forty-five (45) days in any twelve (12) month period.

- (45) Contiguous or Adjacent Property – Two or more parcels of land with a common boundary or separated solely by a public or private roadway, or other public or private right-of-way.
- (46) Continuous Emissions Monitoring System (CEMS) – All of the Equipment that may be required to meet the data acquisition and availability requirements, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.
- (47) Continuous Fuel Gas Monitoring System (CFGMS) – Is a system of Equipment that continuously measures and records total sulfur concentration in the gaseous fuel prior to burning.
- (48) Continuous Monitor – Refers to a CEMS or CFGMS.
- (49) Control Device – Equipment such as an incinerator or adsorber, or cooler/condenser filtration used to prevent Air Pollutants from being emitted into the Atmosphere.
- (50) Control Device Efficiency – The ratio, in percent, of the weight of the pollutant removed by a Control Device from the process effluent stream entering the Control Device compared to the weight of pollutant entering the Control Device, both measured simultaneously.
- (51) Control Equipment – Air Pollution Control Equipment which eliminates, reduces or controls the issuance of Air Contaminants.
- (52) Cured Adhesive, Cured Coating, or Cured Ink – An Adhesive, Coating, or Ink that is dry to the touch.
- (53) Detonation Gun Spraying – A Thermal Spraying process in which the Coating material is heated and accelerated to the workpiece by a series of detonations or explosions from oxygen-fuel gas mixtures.
- (54) Diesel Fuel – A Liquid Fuel that is commonly known as Diesel Fuel no. 1-D or 2-D pursuant to the specifications in ASTM D 975, Standard Specifications for Diesel Fuel Oils. Diesel Fuel also includes Liquid Fuels commonly known as CARB Diesel, EPA Diesel and Low Sulfur Diesel.
- (55) Dip Coat(er) – A Coating process and application system that coats an object by submerging the object in a vat of Coating, and subsequently withdrawing the object and draining off the excess Coating.
- (56) District – See Mojave Desert Air Quality Management District.
- (57) Dryer – A hot air, high velocity system used to dry Coatings on printed or coated substrate.
- (58) Dusts – Minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to, crushing, grinding, milling, drilling, demolition, shoveling, conveying, covering, bagging, grading, leveling, Excavation, and sweeping.

- (59) Electrostatic Application – A method of applying Coating whereby atomized paint droplets are charged and subsequently deposited on the substrate by electrostatic attraction.
- (60) Emission Control System Operating Parameters – Any operating parameter(s) that the District deems necessary to analyze for the determination of compliance. Such parameters include, but are not limited to, the reagent flow rate, catalyst temperature, and exhaust gas flow rate.
- (61) Emissions Unit – Any article, machine, Equipment, other contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant.
- (62) Enhanced Emissions Monitoring Device – Any automated data recording device or system having both data gathering and retrieval capabilities. Such Equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS).
- (63) Equipment – Any article, machine, or other contrivance.
- (64) Excavation – Removal of surface covering, soil, pavement, etc. to expose underground Equipment to view or to prepare a subsurface area for future construction.
- (65) Excess Organic Liquid Drainage:
- (a) More than two (2) milliliters of liquid drainage per disconnect from a Top Loading Operation; or
 - (b) More than ten (10) milliliters of liquid drainage from a Bottom Loading Operation. Such liquid drainage shall be determined by computing the average drainage from three (3) consecutive disconnects at any one loading arm.
- (66) Executive Director – The Air Pollution Control Officer. See Air Pollution Control Officer.
- (67) Exempt Compound – Those compounds listed as excluded from the definition of Volatile Organic Compounds in 40 CFR 51.100(s).
- (68) Existing Facility – Any Facility operating, constructed or under construction as of the date of adoption of Rules related to such Facility, unless otherwise specified in the Rules.
- (69) Facility – Any Permit Unit, group of Permit Units, non-permitted Equipment, or any combination thereof which:
- (a) Emits or may emit an Air Pollutant; and
 - (b) Belongs to a single major industrial group in the Standard Industrial Classification Manual; and
 - (c) Is located on a single parcel of land or on Contiguous or adjacent Property within the District; and

- (d) Which is owned or operated by the same Person or by Persons under common control.
 - (e) For the purpose of this definition, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.
- (70) Federal Ozone Non-Attainment Area (FONA) – That portion of San Bernardino County that lies within the lines which begin at:
- (a) The San Bernardino - Riverside County boundary, running north along the range line common to Range 3 East and Range 2 East;
 - (b) Then west along the township line common to Township 2 North and Township 3 North;
 - (c) Then north along the San Bernardino - Los Angeles County Boundary and the San Bernardino - Kern County Boundary;
 - (d) Then east along latitude 35 degrees, 10 minutes north;
 - (e) Then south along longitude 115 degrees, 45 minutes west, and west along the San Bernardino - Riverside County Boundary.
- (71) Fiberglass – Fine filaments of glass.
- (72) Fixed Roof Tanks – A storage tank with a roof that is permanently affixed to the shell of the storage tank.
- (73) Flame Spraying – A Thermal Spraying process in which an oxygen/fuel gas flame is the source of heat for melting the surfacing material.
- (74) Floating Roof Tanks:
- (a) External Floating Roof – A vapor loss Control Device, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge.
 - (b) Internal Floating Roof – A cover or roof in a Fixed Roof Tank that rests upon or is floated upon the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the tank shell and roof edge.
- (75) Flow Coat(er) – A Coating process and application system where no air is supplied to the nozzle and where the paint flows over the part and the excess Coating drains back into the collection system.
- (76) Foam – A rigid or spongy cellular mass with gas bubbles dispersed throughout.
- (77) Foam Coater – A Coating application system that coats an object by flowing Foam through holes or a slit directly onto the object moving underneath it.

- (78) Fugitive Dust – Any solid Particulate Matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of Persons.
- (79) Fugitive Liquid Leak – A dripping of liquid organic compounds at a rate in excess of three (3) drops per minute from any single leak source other than the disconnect operations of liquid fill line and vapor line.
- (80) Fugitive Vapor Leak – An escape of organic vapors from a source other than the tank truck, trailer or railroad tank car when measured in excess of 3,000 ppm (instrument calibrated with propane) above background at a distance of two (2) centimeters (0.8 inch) from the source for more than ten (10) seconds duration, or equivalent test method as approved in writing by the APCO, CARB and USEPA. (Background is the ambient concentration of organic compounds determined at least three (3) meters upwind of the potential source and uninfluenced by any specific emission source.) A “Fugitive Vapor Leak source” does not include liquid spillage or condensate resulting from “Fugitive Liquid Leaks”.
- (81) Gaseous Fuel – Any gaseous material which releases heat when burned including, but not limited to, any natural, substitute Natural Gas (SNG and bio-SNG), biomethane, refinery, field produced, process, synthetic, syngas, landfill, Sewage Digester, hydrogen or waste gases with a gross heating value of 2670 kilocalories per cubic meter (300 BTU per cubic foot) or higher, at Standard Conditions.
- (82) Gasoline – Any Organic Liquid including petroleum distillate and methanol having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a Motor Vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline.
- (83) Gasoline Transfer and Dispensing Facility – A mobile system or stationary Facility, consisting of one or more storage tanks and associated Equipment, which receive, store and dispense Gasoline.
- (84) Gasoline Vapors – The organic compounds of Gasoline, which exist in a vapor state including, where present, entrained liquid Gasoline.
- (85) Glue – A hard gelatin obtained from hides, tendons, cartilage, bones, etc., of animals.
- (86) Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids.
- (87) Grams of VOC Per Liter of Material – The weight of VOC per volume of material.
- (88) Hand Application Method – A method of applying a Coating to a substrate using manually held, non-mechanically operated Equipment. Such Equipment includes paintbrushes, hand rollers, caulking guns, trowels, spatulas, syringe daubers, rags, and sponges.
- (89) Hearing Board – The Hearing Board of the Mojave Desert Air Quality Management District.

- (90) Heat Input – The chemical heat released due to fuel combustion in a Permit Unit, using the Higher Heating Value of the fuel. This does not include the sensible heat of incoming combustion air.
- (91) Higher Heating Value (HHV) – The total heat liberated, including the heat of condensation of water, per mass of fuel burned (Btu per pound) when fuel and dry air at Standard Conditions undergo complete combustion and all resultant products are brought to Standard Conditions.
- (92) High-Velocity Oxy-Fuel (HVOF) Spraying – A Thermal Spray process in which particles are injected into a high-velocity jet formed by the combustion of oxygen and fuel.
- (93) High-Volume, Low-Pressure (HVLPL) – A coating application system which is operated at air pressures between 0.1 and 10 pounds per square inch gauge (psig) measured dynamically at the center of the air cap and at the air horns.
- (94) Increments of Progress – Steps to be taken by an Owner or Operator to bring a source of Air Contaminants into compliance. See definition of “Schedule of Increments of Progress”.
- (95) Ink – A fluid that contains dyes and/or Colorants and is used to make markings but not to protect surfaces.
- (96) Lamination – A process of bonding two or more layers of material to form a single, multiple-layer sheet by using an Adhesive.
- (97) Landfill Gas – Any gas derived through any biological process from the decomposition of organic waste buried within a waste disposal site.
- (98) Liquid Fuel – Liquid means a substance or mixture of substances that flows readily, but, unlike a gas, does not expand indefinitely (i.e., a substance with constant volume but not constant shape). Liquid does not include powders or other materials that are composed entirely of solid particles.
- (99) Liquid Tight – A liquid leak rate of no more than three (3) drops per minute.
- (100) Livestock – Any domesticated animal kept or raised for the production of eggs, milk, wool, or meat.
- (101) Loading Facility – Any aggregation or combination of Organic Liquid loading Equipment which is under the control of one Person at a single location.
- (102) Low-Solids – A regulated product which contains less than one (1) pound (120 grams) of solids per gallon of material.
- (103) Low Sulfur Diesel – Diesel Fuel commercially known, marketed, or supplied as such for use in internal combustion engines and other combustion devices, and as having a sulfur content of 15 ppm (parts per million) by weight or less in compliance with the standards specified for Low Sulfur Diesel Fuel.

- (104) Manufacturing Process – The process of making goods or articles by hand or by machine.
- (105) Maximum Rated Capacity – The maximum design heat input of a unit at the highest heating value of the fuel used.
- (106) Military Specification – Any regulated product which has a formulation approved by a United States Military Agency for use on military Equipment.
- (107) Mobile Fueler – Any tank truck or trailer that is used to transport and dispense Gasoline from an onboard storage tank into any Motor Vehicle fuel tank.
- (108) Mojave Desert Air Quality Management District – The independent special district responsible for all aspects of air quality management as defined in Health and Safety Code §39038.3 and created pursuant to Chapter 13 (commencing with §41200) of Part 3, within that region of California within the boundaries as defined in Rule 103. See Rule 103 – *Description of District Boundaries*.
- (109) Motor Vehicle – Any self-propelled Vehicle, including, but not limited to cars, trucks, buses, golf carts, vans, motorcycles, recreational Vehicles, tanks, and armored personnel carriers as defined in Sections 415 and/or 670 of the California Vehicle Code. See Registered Motor Vehicle.
- (110) Multi-Color(ed) Coating – A Coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.
- (111) Multiple Chamber Incinerator – Any Equipment, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts.
- (112) Natural Gas – A mixture of gaseous hydrocarbons, with at least 80 percent methane (by volume), and of pipeline quality, such as the gas sold or distributed by any utility company regulated by the California Public Utilities Commission.
- (113) Non-Absorbent Container – A container made of non-porous material that does not allow the migration of Solvents through it.
- (114) NRC – The National Research Council of the United States of America.
- (115) NRCS – The Natural Resource Conservation Service operated under the United State Department of Agriculture.
- (116) Oil-Effluent Water Separator – Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- (117) Operation – Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

- (118) Operator – That Person in charge of a particular Operation subject to air pollution control. See definition of “Owner”.
- (119) Organic Liquid – Any compound of carbon, including Organic Materials, Organic Solvents and Gasoline, which is in a liquid phase at ambient or storage conditions.
- (120) Organic Materials – Chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- (121) Organic Solvents – Includes diluents and Thinners and are defined as Organic Materials which are liquids at Standard Conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials exhibiting a boiling point higher than 104 °C (219 °F) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be Solvents unless exposed to temperatures exceeding 104 °C (219 °F).
- (122) Oven – A heating chamber which uses heat, ultraviolet (UV) radiation, or electron beam (EB) radiation to bake, cure, polymerize, or dry a surface Coating.
- (123) Overall Control Efficiency (CE) – The ratio of the weight of a Regulated Air Pollutant removed by an emission control system to the total weight of that Regulated Air Pollutant emitted from a controlled Operation, both measured simultaneously.
- (124) Owner – That Person ultimately responsible for a particular Operation. “Owner/Operator” refers to any Person who owns, leases, operates, controls, or supervises a Stationary Source. See definition of “Person”.
- (125) Oxides of Nitrogen (NO_x) – The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as nitrogen dioxide (NO₂).
- (126) Parametric Emissions Monitoring System (PEMS) – A monitoring system that continuously measures process parameters and uses a model or algorithm to estimate emissions based on the parameters measured.
- (127) Particleboard – A composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin.
- (128) Particulate Matter (PM) – Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at Standard Conditions.
- (129) Particulate Matter (PM₁₀) – Particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included.
- (130) Particulate Matter (PM_{2.5}) – Particulate Matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included.

- (131) Parts per Million (ppm) – Parts per million.
- (132) Parts per Million by Volume (ppmv) – The number of gas molecules of a given species, or group, in one million total gas molecules.
- (133) Parts per Million by Weight (ppmw) – The mass or weight of a component substance relative to the mass or weight of the total substance including all components, specified as a ratio with one million mass or weight units in the denominator (i.e. grams per megagram or pounds per million pounds).
- (134) Paving – To pave currently unpaved roads.
- (135) Permit Unit – Any Emissions Unit or Equipment which is required to have a Permit to Operate pursuant to District Rule 203 – *Permit to Operate*.
- (136) Person – Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or Owner, or any state or local governmental agency or public district or any other officer or employee thereof. Person also means the United States or its agencies to the extent authorized by Federal Law.
- (137) Photochemically Reactive Solvent – Any Solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of Solvent:
- (a) A combination of hydrocarbons, alcohols, aldehydes, ethers, esters or ketones having an olefinic or cycloolefinic type of unsaturation except perchloroethylene; five (5) percent;
 - (b) A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except ethylbenzene, methyl benzoate and phenyl acetate: eight (8) percent; or,
 - (c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any Organic Solvent or any constituent of an Organic Solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of Solvents.

- (138) Plasma Spraying – A Thermal Spraying process in which an electric arc is used to ionize a gas and produce a plasma jet that melts and propels the Coating material to the workpiece.
- (139) Plastics – Synthetic materials chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcers. They are used to produce pipe, solid sheet, film, or bulk products.

- (140) Porous Material – A substance which has tiny openings, often microscopic, in which fluids may be absorbed or discharged.
- (141) Post-Consumer Coating – A finished Coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and is recovered from, or otherwise diverted from, the waste stream for the purpose of recycling.
- (142) Potential to Emit (PTE) – The maximum capacity of a Facility to emit any Air Pollutant under its physical and Operational design. Calculation methods, inclusions and exclusions are program specific and can be found in other District Rules.
- (143) Poultry – Any domesticated birds kept or raised for eggs or meat.
- (144) Precursor – A substance which, when released to the Atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following:

<u>Precursors</u>	<u>Secondary Pollutants</u>
Ammonia	(a) PM ₁₀ and PM _{2.5}
Hydrocarbons and substituted hydrocarbons (Reactive Organic Compounds and Volatile Organic Compounds)	(a) Photochemical oxidant (ozone, O ₃) (b) The organic fraction of PM ₁₀ and PM _{2.5}
Nitrogen oxides (NO _x)	(a) Nitrogen dioxide (NO ₂) (b) The nitrate fraction of PM ₁₀ and PM _{2.5} (c) Photochemical oxidant (ozone, O ₃)
Sulfur oxides (SO _x)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}
Hydrogen Sulfide (H ₂ S)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}

- (145) Predictive Emissions Monitoring System (PEMS) – The Equipment necessary to monitor process and Emission Control Equipment Operational parameters (for example, Control Device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.
- (146) Pressure/Vacuum Relief Valve – A valve that is installed on the vent pipes of storage tanks to relieve pressure or vacuum build-up at preset values of pressure or vacuum.
- (147) Primer – A material applied to a substrate to improve adhesion of subsequently applied Coating or Adhesive.

- (148) Process Weight – The total weight of all materials introduced into any specific process which may discharge contaminants into the Atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and air will not.
- (149) Process Weight per Hour – The total Process Weight divided by the number of hours in one complete Operation from the beginning of any given process to the completion thereof, excluding any time during which the Equipment is idle.
- (150) Propellant – Any gas, including air, in a pressure container for expelling the contents when the pressure is released.
- (151) Rated Brake Horsepower – The continuous brake horsepower rating specified for the engine by the manufacturer or listed on the nameplate of the unit, unless otherwise physically limited and specified by a condition on the engine's permit or District registration.
- (152) Rated Heat Input – The Heat Input capacity (in MMBtu/hr) specified on the nameplate of the unit, unless:
- (a) The unit is limited by permit condition to a lesser Heat Input than specified on the nameplate, in which case the limiting condition shall be used as the Rated Heat Input; or
 - (b) The unit is operated above the Heat Input capacity specified on the nameplate, in which case the maximum operated rate shall be used as the Rated Heat Input.
- (153) Reasonably Available Control Technology (RACT) – The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- (154) Receptor Area – That specified geographic area in which the Air Contaminants emitted from a source area are present or to which they may be transported.
- (155) Reduction of Animal Matter – Any heated process used for rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of animal matter.
- (156) Registered Motor Vehicle – Any Motor Vehicle which is registered or requires registration for use on the highway.
- (157) Regulated Air Pollutant – Any Air Pollutant that is subject to the provisions of State or Federal law or the regulations promulgated thereunder. Inclusion and exclusions of particular Air Pollutants are program specific and can be found in other District Rules.
- (158) Regulation – Any of the major subdivisions of the Rules of the Mojave Desert Air Quality Management District.
- (159) Repair Coating – A Coating used to re-coat portions of a product which has sustained mechanical damage to the Coating following normal painting Operations.

- (160) Repair Process – The process of returning a damaged object or an object not operating properly to good condition.
- (161) Research and Development – A Facility or portion thereof used to further the development of useful materials, devices, systems, or methods, including, but not limited to, design, development, and improvement of prototypes and processes. Research and Development does not include the Manufacturing Process itself.
- (162) Residential – Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.
- (163) Retail Gasoline Station – Any Motor Vehicle refueling facility subject to payment of California sales tax on Gasoline sales.
- (164) Roll Coater – A type of application Equipment in which a series of mechanical rollers form a thin Coating film on the surface of a roller, which is subsequently applied to a substrate by moving the substrate underneath the roller.
- (165) Rubber – Any natural or manmade Rubber substrate, including but not limited to, styrene-butadiene Rubber, polychloroprene (neoprene), butyl Rubber, nitrile Rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.
- (166) Rule – A rule of the Mojave Desert Air Quality Management District.
- (167) Schedule of Increments of Progress – A statement of dates when various steps are to be taken to bring a source of Air Contaminants into compliance with emission standards and shall include, to the extent feasible, the following:
- (a) The date of submittal of the final plan for the control of emissions of Air Contaminants from that source to the District.
 - (b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
 - (c) The date of initiation of on-site construction or installation of emission Control Equipment or process change.
 - (d) The date by which on-site construction or installation of emission Control Equipment or process modification is to be completed.
 - (e) The date by which final compliance is to be achieved.
 - (f) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.

- (168) Sealant – Any material with Adhesive properties that is formulated primarily to fill, seal, or waterproof gaps or joints between two (2) surfaces. Sealants include Sealant Primers and caulks.
- (169) Sewage Digester Gas – Any gas derived from anaerobic decomposition of organic sewage within its containment.
- (170) Shutdown – The period of time when the Equipment goes from a fully operational to a non-operational state. Good engineering practices shall be used to the fullest extent practicable during shutdown to minimize pollutant emissions.
- (171) Slit Coater – See Die Coater.
- (172) Solicit – To require for use or to specify, by written or oral contract.
- (173) Solid Fuel – For the purpose of this Rule "Solid Fuel" means coal, or any form of Solid Fuel derived from fossil materials, for the purpose of creating useful heat.
- (174) Solid Particulate Matter – Particulate matter which exists as a solid at Standard Conditions.
- (175) Solvent – Any liquid containing a Volatile Organic Compound or combination of Volatile Organic Compounds, which is used as a diluent, Thinner, dissolver, viscosity reducer, cleaning agent, or for other similar uses. A Solvent may be a single compound or a blend of two (2) or more compounds.
- (176) Source Area – That specified geographic area in which Air Contaminants are emitted.
- (177) South Coast Air Quality Management District (SCAQMD) – The air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400).
- (178) Stain – Coatings which are formulated to change the color of a surface but not completely conceal the surface, so that the grain is still visible.
- (179) Standard Conditions – A gas temperature of 15.5 °C (60 °F) and a gas pressure of 760 mm Hg (14.7 pounds per square inch) absolute.
- (180) Startup – The period of time when the equipment goes from a non-operational to a fully operational state. Good engineering practices shall be used to the fullest extent practicable during startup to minimize pollutant emissions.
- (181) Stationary Source – Any permanently installed (or operating at a fixed, routine or seasonal location) unit, piece of Equipment, article, machine, process, contrivance, or combination thereof, which may emit or control an Air Contaminant.
- (182) Stripper – A liquid used to remove cured Coatings, Cured Inks and/or Cured Adhesives.
- (183) Stripping – The use of Solvent to remove material such as Cured Adhesives, Cured Inks, Cured or dried Coating, Cured or dried Coating residue or temporary protective Coating.

- (184) Submerged Fill Loading – A type of process for Organic Liquid loading, where the discharge opening is completely submerged below the liquid level, when the height of that liquid when measured is above the bottom of the vessel at eight centimeters (3.2 inches) or higher.
- (185) Submerged Fill Pipe:
- (a) Top Loading – Any fill pipe where the discharge opening is completely submerged when the liquid level is 15 centimeters six (6) inches above the bottom of the container.
 - (b) Side Loading – Any fill pipe where the discharge opening is entirely submerged when the liquid level is 45 centimeters (18 inches) above the bottom of the container.
- (186) Surface Preparation – The removal of contaminants from a surface prior to the application of Coatings, Inks, or Adhesives or before proceeding to the next step of a Manufacturing Process.
- (187) Switch Loading – A transfer of Organic Liquids with a vapor pressure of less than 77.5 mm HG (1.5 psia) under actual loading condition into any tank truck, trailer or railroad tank car that was previously loaded with an Organic Liquid with a vapor pressure of 77.5 mm HG (1.5 psia) or greater.
- (188) Tank Replacement – The removal and installation of a new or another storage tank.
- (189) Thermal Spraying Operation – One of several processes in which metallic or nonmetallic surfacing materials are deposited in molten or semi-molten condition on a substrate to form a Coating. The surfacing material may originate in the form of powder, rod, or wire before it is heated, prior to spraying or deposition. Thermal Spraying Operations include: Detonation Gun Spraying, Flame Spraying, High-Velocity Oxy-Fuel Spraying, Plasma Spraying, and Twin-Wire Electric Arc Spraying.
- (190) Thinner – A Solvent that is used to dilute Coatings or Inks to reduce Viscosity, color strength, and/or solids, or to modify drying conditions.
- (191) Throughput – The mass or volume of a material or substance that is handled, or processed by a system in a given time period, such as gallons per year, tons per hour, etc.
- (192) Touch-Up – Any Coating Operation used to cover minor imperfections appearing after the main Coating Operation.
- (193) Transfer Efficiency – The ratio of the weight or volume of Coating solids adhering to an object to the total weight or volume, respectively, of Coating solids used in the application process, expressed as a percentage.
- (194) True Vapor Pressure – The equilibrium partial vapor pressure exerted by an Organic Liquid at actual storage temperature.

- (195) Twin-Wire Electric Arc Spraying – A Thermal Spraying process where two electrically conducting wires are brought close together to create an electric arc. The molten material formed in the arc is then projected by a compressed gas stream towards a workpiece on which it forms a Coating.
- (196) United States Environmental Protection Agency (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (197) USDA – The United States Department of Agriculture or any person designated to act on its behalf.
- (198) Vapor Recovery System – A system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of storage, transferring and/or disposal of the recovered vapors.
- (199) Vapor Recovery System Efficiency – The estimated efficiency of the air pollution control technology which is incorporated, by means of an enforceable permit condition(s). Emission reductions attributed to lowering throughput rates or curtailing operating hours shall not be considered in determining abatement efficiency.
- (200) Vehicle – A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
- (201) Viscosity – The internal friction of a liquid that makes it resistant to flow.
- (202) VOC Control Device – A device, into which captured air is vented, that reduces the VOC content in the air prior to the air being released into the Atmosphere.
- (203) Volatile Organic Compound (VOC) – Any compound of carbon excluding Exempt Compounds.
- (204) Wipe Cleaning – A Solvent cleaning activity performed by hand rubbing an absorbent material such as a rag, paper, sponge, brush, or cotton swab containing Solvent.

[SIP: See SIP Table at <http://www.mdaqmd.ca.gov>]



Draft
Staff Report
Proposed Amendment of
Rule 102 – *Definition of Terms*

For adoption on
September 28, 2020

**Mojave Desert
Air Quality
Management District**

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List of Acronyms

BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CAF	Confined Animal Facility
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CMP	Conservation Management Practices
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NO _x	Oxides of Nitrogen
RACT	Reasonably Available Control Technology
RFP	Reasonable Further Progress
SBCAPCD	San Bernardino County Air Pollution Control District
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
TAC	Technical Advisory Committee
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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STAFF REPORT

Rule 102 – Definition of Terms

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management District (MDAQMD or District) has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 102 – *Definition of Terms* for inclusion in the current rulebook.

Many terms are defined in multiple district rules. In addition, many of these definitions are exact or near exact duplicates of each other. Pursuant to Governing Board direction regarding streamlining, the Air Pollution Control Officer (APCO) has determined that shifting common definitions to Rule 102 and updating them for consistency will improve clarity. The amendment of Rule 102 – *Definitions of Terms* will be an ongoing process. Rule 102 will continue to be updated as needed when other District rules are proposed for adoption or amendment and contain definitions that need to be added, moved, or modified.

Rule 102 is proposed for amendment to incorporate changes concurrent with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

The proposed amendments were reviewed by the Technical Advisory Committee (TAC), a committee consisting of a variety of regulated industry and local government entities. A TAC meeting was held on August 26, 2020. The TAC recommended approval for the amendment of Rule 102.

III. STAFF RECOMMENDATION

Staff and the TAC recommends that the Governing Board of the MDAQMD amend proposed Rule 102 – *Definition of Terms* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to streamline the District rulebook.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 102 – *Definition of Terms*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Nonduplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

N/A Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- N/A Exemption
- X Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- X Written analysis of existing air pollution control requirements
- N/A Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendments to Rule 102 – *Definition of Terms*. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

a. Necessity:

The proposed amendment of Rule 102 is necessary to incorporate changes concurrent with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

b. Authority:

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The proposed amendments to Rule 102 are clear in that they are written so that the persons subject to the rule can easily understand the meaning. Several definitions have been added concurrent with the adoption of Rule 431, and in anticipation of the amendment of Rule 1113 and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

d. Consistency:

The proposed amendments to Rule 102 are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions.

e. Nonduplication:

The proposed amendments to Rule 102 do not impose the same requirements as any existing state or federal law or regulation because the amendment simply incorporates definitions concurrent with the adoption of Rule 431, and in anticipation of the amendment of Rule 1113 and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

f. Reference:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendments to Rule 102 was published August 24, 2020. See Appendix “B” for a draft copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law that requires the submittal. The information below indicates which elements are required for the proposed amendments to Rule 102 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendments to Rule 102 are subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 102 is included in the MDAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0. In addition, FCAA §110(l) (42 U.S.C. 7410(l)) requires that any rule action which might possibly be construed as a relaxation of a requirement provide a demonstration that the change not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP). Please see subsection (VI)(E) below for the applicable demonstration.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 102 was published August 24, 2020. See Appendix “B” for a draft copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of proposed amended Rule 102 and the accompanying draft staff report was made available to the public on or before August 13, 2020. The proposed amendments were also reviewed by the TAC, a committee consisting of a variety of regulated industry and local government entities. A TAC meeting was held on August 26, 2020. The TAC recommended approval for the amendment of Rule 102.

d. Notice to Specified Entities:

Copies of proposed amended Rule 102 and the accompanying draft staff report will be sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) on or before August 13, 2020.

e. Public Hearing:

A public hearing to consider the proposed amendments to Rule 102 has been set for September 28, 2020.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Subsection (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Subsection (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Subsection (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Subsection (V)(D) below for compliance with provisions of the CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. Rule 102 does not impose any air pollution control requirements as the rule simply contains definitions for District rules.

Therefore the preparation of a written analysis of existing air pollution control requirements that apply to the same equipment or source type is not required.

C. ECONOMIC ANALYSIS

1. General

The proposed amendments to Rule 102 will not have an adverse economic impact on the entities subject to the proposed rule. This rule simply consolidates and clarifies existing common definitions in the District rulebook into one definition rule.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO_x) or oxides of sulfur (SO_x).

The proposed amendment of Rule 102 is not subject to incremental cost effectiveness calculations because this rule does not impose BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 102 was determined.

1. The proposed amendments to Rule 102 meet the CEQA definition of “project”. They are not “ministerial” actions.
2. The proposed amendments to Rule 102 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The proposed amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing

common definitions in the District rulebook into one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Subsection (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The definitions in Rule 102 apply to all rules in the District rulebook except when a term is otherwise specifically defined in a specific rule or regulation.

B. EMISSIONS

The proposed amendment of Rule 102 does not have any potential environmental impact because the amendment simply consolidates and clarifies existing common definitions in the District rulebook in one definition rule. Therefore, this rule does not have any impact upon the emission of air contaminants.

C. CONTROL REQUIREMENTS

There are no control requirements in the amendments to Rule 102.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 102.

Underlined text identifies new or revised language.

~~Lined-out~~ text identifies language which is being deleted.

Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.

[Bracketed italicized text] is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

Please refer to the iterated version of Rule 102 in Appendix “A” of this Staff Report for any additions, deletions and changes to definitions. Several definitions were added in

conjunction with the adoption of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6. Each definition is referenced with the appropriate rule action.

(B)(19) – Definition for *Appurtenance* added (*Rule 1113*).

(B)(25) – Definition for *Bitumens* added (*Rule 1113*).

(B)(34) – Definition for *CDFA* added (*future proposed Confined Animal Facility (CAF) rule*).

(B)(38) – Definition for *Colorant* added (*Rule 1113*).

(B)(45) – Definition for *Contiguous or Adjacent Property* added (*future proposed CAF rule*).

(B)(47) – Definition for *Continuous Fuel Gas Monitoring System (CFGMS)* added (*Rule 431*).

(B)(48) – Definition for *Continuous Monitor* added (*Rule 431*).

(B)(100) – Definition for *Livestock* added (*future proposed CAF rule*).

(B)(103) – Definition for *Low Sulfur Diesel* added (*Rule 431*).

(B)(114) – Definition for *NRC* added (*future proposed CAF rule*).

(B)(115) – Definition for *NRCS* added (*future proposed CAF rule*).

(B)(127) – Definition for *Particleboard* added (*Rule 1113*).

(B)(134) – Definition for *Paving* added (*future proposed Conservation Management Practices (CMP) rule*).

(B)(141) – Definition for *Post-Consumer Coating* added (*Rule 1113*).

(B)(143) – Definition for *Poultry* added (*future proposed CAF rule*).

(B)(162) – Definition for *Residential* added (*Rule 1113*).

(B)(172) – Definition for *Solicit* added (*Rule 1113*).

(B)(181) – Definition for *Stationary Source* added (*Rule 431*). Definition modified to address industry comment.

(B)(197) – Definition for *USDA* added (*future proposed CAF rule*).

(B)(202) – Definition for *VOC Control Device* added (*future proposed CAF rule*).

E. SIP HISTORY

1. SIP History.

a. SIP in the San Bernardino County Portion of MDAQMD

Rule 102 was originally adopted on 01/07/76 by the Southern California Air Pollution Control District (So.Cal.APCD) which was created by a Joint Powers Agreement (JPA) between Los Angeles, Orange, Riverside and San Bernardino Counties to replace the previous county-wide air pollution control districts for those counties. The rule was subsequently amended on 10/08/76. On 02/01/77, pursuant to statute (Cal. Stats. 1976, Ch 324 p. 815) the South Coast Air Quality Management District (SCAQMD) was created with an initial jurisdiction that only included areas of Los Angeles, Orange, Riverside and San Bernardino Counties contained within the South Coast Air Basin (SCAB). Outlying areas remained under the So. Cal. APCD. Also on 02/01/77 the California Air Resources Board (CARB) issued Executive Order G-73 (1977) which adopted a “rule book” for those non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties. CARB submitted the Executive Order G-73 (1977) rulebook on behalf of the “county” districts and these rule books included Rule 102. Rule 102 was allegedly partially disapproved as a SIP revision on 8/5/1977 (40 CFR 52.236(e)(4)) and then approved into the SIP on 6/14/1978 (43 FR 25684; 40 CFR 52.220(c)(37)(i)(A)).

By its terms Executive Order G-73 (1977) was only effective until the non-SCAB areas took other action. On 02/22/77 the JPA forming the So.Cal.APCD was formally dissolved. By the terms of the JPA upon dissolution each county would regain its county air pollution control district with a jurisdiction of the non-SCAB areas of the county and the applicable rules being the So.Cal.APCD’s rules in effect upon the date of dissolution. Thus, as of 02/22/77 the version of Rule 102 for the San Bernardino County APCD (SBCAPCD) reverted from the G-73 (1977) CARB version back to the original So.Cal.APCD 10/08/76 version.

On 07/25/77 the SBCAPCD readopted its rulebook including Rule 102. It was submitted on 11/4/1977 for inclusion into the SIP. It was partially disapproved on 12/21/1978 (43 FR 59489; 40 CFR 52.220(c)(42)(xiii)(A) and 52.228 (b)(1)(iv)). The action retained various definitions belonging to then rescinded Regulation VI – *Orchard and Citrus Grove Heaters* and disapproving the

definitions “fugitive liquid leak” and “fugitive vapor leak.” Rule 102 was subsequently amended on 12/19/1988, submitted as a SIP revision and fully approved on 11/27/1990 (55 FR 49281; 40 CFR 52.220(c)(179)(i)(B)).

On 07/01/93 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD.

Subsequently, the MDAQMD amended Rule 102 on 06/12/17 (forwarded by CARB to USEPA 08/09/17, not acted on by USEPA), 10/23/17 (forwarded by CARB to USEPA 02/16/18, not acted on by USEPA), 01/22/18 (forwarded by CARB to USEPA 05/23/18, not acted on by USEPA), 04/23/18 (forwarded by CARB to USEPA 08/17/18, approved 84 FR 31682, 07/02/19), 01/28/19 (forwarded by CARB to USEPA 08/16/19, not acted on by USEPA), 08/26/19 (not submitted to CARB in expectation of subsequent amendment), and amended 04/27/2020 (submitted to CARB 06/30/2020 and sent to USEPA on 07/24/2020).

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislation which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left the SCAQMD and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

The So.Cal.APCD version of Rule 102 as originally adopted 01/07/1976 and amended on 10/8/1976 and was also effective in Riverside County. In an interesting twist the Executive Order G-73 (1977) rulebook for Riverside County (submitted on the same day

2/10/1977 and in the same submission) was approved without reservation on 6/14/1978 (43 FR 25684; 40 CFR 52.220(c)(37)(i)(A)).

As of 01/01/78 the non-SCAB portions of Los Angeles, Riverside and San Bernardino Counties were allowed to “opt in” to SCAQMD (Cal Stats 1977 Ch 1195 pg. 4005). Both Los Angeles and Riverside counties did so while San Bernardino County did not. SCAQMD amended Rule 102 on both 04/01/1977 and 09/02/1977 (pre Riverside County “opt in”) and submitted it as a SIP revision for its jurisdiction, which at that point DID NOT legally include the desert portions Riverside County, on 10/31/1977 and 11/4/1977. Approvals for these versions apparently occurred in 1978 (See 40 CFR 52.220(c)(41)(xiv)(A); 52.220(c)(42)(xiv)(A); and 52.220(c)(44)(v)(A)). After the inclusion of the non-SCAB portions of Riverside County, SCAQMD amended Rule 102 two more times on November 4, 1988 and July 9, 1993 presumably submitting them to USEPA as SIP revisions each time. It is unclear as to the result of these two submissions. Given this uncertainty the current SIP rule for the Blythe/Paloverde Valley area of Riverside County appears to be whichever is the latest version approved in 1978 at 40 CFR 52.220(c)(41)(xiv)(A), 52.220(c)(42)(xiv)(A), or 52.220(c)(44)(v)(A).

The MDAQMD amended Rule 102 on 06/12/17 (forwarded by CARB to USEPA 08/09/17, not acted on by USEPA), 10/23/17 (forwarded by CARB to USEPA 02/16/18, not acted on by USEPA), 01/22/18 (forwarded by CARB to USEPA 05/23/18, not acted on by USEPA), 04/23/18 (forwarded by CARB to USEPA 08/17/18, approved 84 FR 31682, 07/02/19), 01/28/19 (forwarded by CARB to USEPA 08/16/19, not acted on by USEPA), 08/26/19 (not submitted to CARB in expectation of subsequent amendment), and amended 04/27/2020 (submitted to CARB 06/30/2020 and sent to USEPA on 07/24/2020).

2. SIP Analysis.

The District will request CARB to submit to USEPA the proposed amendments to Rule 102 to replace the SIP versions in effect in the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County. The District also requests removal of all prior versions of Rule 102 from the Blythe/Palo Verde Valley portion of the MDAQMD, and that the Region IX SIPs webpage be updated to reflect the appropriate SIP information.

All the definitions proposed to be moved into Rule 102 or updated have been derived from either existing SIP rules or from SIP pending rules. Cross

references to such rules have been provided in the *[bracketed italicized]* notes contained in the redline version of the rule located in Appendix “A” of this Staff Report. Specific source material for particular definitions will be provided upon request.

The MDAQMD is specifically requesting that CARB submit this action as a SIP revision along with a request that USEPA take the following actions:

- Withdraw the 04/27/2020 version of Rule 102 as submitted to USEPA by CARB on 07/24/2020 and replace with the 09/28/2020 amended version.
- Approve the 09/28/2020 version of Rule 102 as a part of the SIP for the entire jurisdiction of the MDAQMD.

The following SIP actions were requested in conjunction with the 04/27/2020 submittal and are requested again in conjunction with the 09/28/2020 amendment submission as the 04/27/2020 submission has been withdrawn:

- Remove the current SIP version of Rule 102 as adopted 4/23/2018, submitted 8/17/2018 and approved at 40 CFR 52.220(c)(520)(i)(A)(1) (See 84 FR 31682, 7/2/2019)
- Remove prior SIP version of Rule 102 for the San Bernardino portion of the MDAQMD as adopted 7/5/1977, submitted 11/4/1977 and partially approved/disapproved at 40 CFR 52.220(c)(42)(xiii)(A) and 52.228(b)(1)(iv) (See 43 FR 59482, 12/21/1978)
- Remove prior SIP version of Rule 102 for the Riverside County portion of the MDAQMD as potentially amended by SCAQMD, submitted on 3/26/1990 and approved at 40 CFR 52.220(c)(179)(i)(B)(1) (See 55 FR 49281, 11/27/1990)
- Remove the prior SIP version of Rule 102 that was included in the Riverside County portion of the MDAQMD via a mass replacement action contained in the text of 47 FR 25013, 6/9/1982 when Riverside County “opted in” to SCAQMD effective 12/1/1977.
- Potentially remove the prior SIP version of Rule 102 as amended by SCAQMD on 9/2/1977, submitted on 11/4/1977 and approved at 40 CFR 52.220(c)(44)(v)(A) (See 44 FR 18191, 3/28/1979). While this version is technically NOT effective in the Riverside County portion of the MDAQMD as it was adopted/submitted between the creation of SCAQMD on 2/1/1977 but prior to the Riverside County “opt in” of 12/1/1977 in an abundance of caution and to avoid confusion removing this citations efficacy for the Riverside County portion of the MDAQMD may be advisable.
- Similarly, a removal of the SIP version of Rule 102 as amended by SCAQMD on 4/1/1977, submitted 10/13/1977 and approved at 40 CFR 52.220(c)(41)(xiv)(A) (See 43 FR 59065, 12/19/1978). While this version is technically NOT effective in the Riverside County portion of the MDAQMD as it was adopted/submitted between the creation of

SCAQMD on 2/1/1977 but prior to the Riverside County “opt in” of 12/1/1977 in an abundance of caution and to avoid confusion removing this citations efficacy for the Riverside County portion of the MDAQMD may be advisable.

- In addition, a removal of the SIP version of Rule 102 as amended by SCAQMD on 2/4/1977, submitted 3/10/1977 and approved at 40 CFR 52.220(c)(37)(i)(A) (See 43 FR 25684, 6/14/1978). While this version is technically NOT effective in the Riverside County portion of the MDAQMD as it was adopted/submitted between the creation of SCAQMD on 2/1/1977 but prior to the Riverside County “opt in” of 12/1/1977 in an abundance of caution and to avoid confusion removing this citations efficacy for the Riverside County portion of the MDAQMD may be advisable.
- Remove the prior SIP version of Rule 102 for the Riverside County portion of the MDAQMD as approved by the Riverside County APCD, submitted 11/4/1977 and approved at 40 CFR 52.220(c)(42)(xvi)(A) (See 43 FR 59489, 12/21/1978).
- The prior Rule *Definitions* (San Bernardino County Rule 2) was part of the original mass approval of California rules into the SIP at 40 CFR 52.220(c)(1) (See 37 FR 19812, 9/22/1972) and probably does not need any specific action to be taken by USEPA.

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Appendix “A”
Rule 102 – *Definition of Terms* Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

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Rule 102

Definition of Terms

The definitions contained in this Rule shall apply to all rules within this Rulebook except when a term is otherwise provided in a specific rule or regulation.

- (1) Abrasive Blasting – Propelling abrasive material against a surface with sufficient velocity to remove coatings and promote a uniform surface texture.
- (2) Abrasives Certified for Permissible Dry Outdoor Blasting – The Abrasive Blasting material defined in Title 17 of the California Code of Regulations Sections 92000 et seq.
- (3) Actual Emissions – The actual rate of emissions of a Regulated Air Pollutant which accurately represent the emissions from an Emissions Unit. Such emissions shall be calculated using the verified actual operating hours; production rates; and types of materials processed, stored or combusted as applicable.
- (4) Adhesive – Any substance that is used to bond one surface to another by attachment.
- (5) Adhesive Primer – A material applied to a substrate, prior to the application of an Adhesive, to provide a bonding surface.
- (6) Adhesive Solid – The nonvolatile portion of an Adhesive that remains after heating a sample of the material at 110°C for one hour.
- (7) Aerosol Product – A pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. Aerosol Products do not include Pump Spray.
- (8) Aerosol Spray Can – A hand held, pressurized, non-refillable container which expels a product from the container in a finely divided spray when a valve on the container is depressed.
- (9) Aggregate Emissions – A facility-wide sum of Actual Emissions, on an emissions category specific basis, from emission units operated at a single facility.
- (10) Agricultural Burning – Open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease and pest prevention. Agricultural burning also includes open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified above.

- (11) Agricultural Facility – Any equipment or group of equipment potentially subject to District Rules 201 and 203 used in an Agricultural Operation and which are located on Contiguous Property under common ownership or control.
- (12) Agricultural Operations – Any operation occurring on a ranch or farm directly related to the growing of crops, or raising of fowl or animals for the primary purpose of making profit or for a livelihood, including the growing and harvesting of crops or the raising of fowl or animals, or conducting agricultural research or instruction by an educational institution. Agricultural Operations do not include activities involving the processing or distribution of crops or fowl.
- (13) Agricultural Wastes – Unwanted or unsalable materials produced wholly from Agricultural Operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. The term does not include wastes created by land use conversion to non-agricultural purposes unless the destruction of such waste by open outdoor fire is ordered by the County or State Agricultural Commissioner upon his determination that the waste is infested with infectious transmittable or contagious plant disease which is an immediate hazard to agricultural operation conducted on adjoining or nearby property.
- (14) Air-Assisted Airless Spray – A coating application system in which the coating fluid is supplied to the gun under fluid pressure and air is combined at the spray cap.
- (15) Air Contaminant or Air Pollutant – Any discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matters, acids or any combination thereof.
- (16) Air-dried Coating – A coating that is cured at a temperature below 90 °C (194 °F).
- (17) Air Pollution Control Officer (APCO) – That person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health and Safety Code §40750 and his or her designee.
- (18) Annual Heat Input – The total Heat Input of fuels, in Btu, burned by a Permit Unit in a calendar year, as determined from the Higher Heating Value (HHV) and cumulative annual usage of each fuel.

~~(19)~~(19)Appurtenance- Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens. [Added from Rule 1113 – Architectural Coatings, proposed for amendment September 28, 2020.]

- (20) Architectural – Pertaining to stationary structures including buildings, houses, and mobile homes, and their appurtenances.
- (2021) Architectural Coatings – Any coatings applied to stationary structures and their appurtenances; to mobile homes, to pavements, or to curbs.
- (2422) Atmosphere – That portion of the air which envelopes or surrounds the earth.
- (2223) Baked Coating – Any Coating that is cured at a temperature at or above 90 °C (194 °F).
- (2324) Bench Scale Project – A project (other than at a Research and Development facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top.
- (24(25)) Bitumens- Black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal. [Added from Rule 1113 – Architectural Coatings, proposed for amendment September 28, 2020.]
- (26) Best Available Retrofit Control Technology (BARCT) – an emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source.
- (2527) Boiler or Steam Generator – Any combustion equipment (fired with any fuel) used to produce steam. Boiler or Steam Generator does not include any waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine.
- (2628) Bottom Fill Loading (Bottom Loading) – Any tank, truck, trailer or railroad tank car shall be considered to be bottom loaded when the fuel transfer and vapor return lines have separate, independent, and dedicated attachments on the delivery vehicle, when the inlet is flush with the bottom of the storage device, and when the delivery vehicle hatch remains closed during gasoline transfer.
- (2729) Boundaries of the District – That region within California within which these rules are applicable. See Rule 103 – *Description of District Boundaries* for a description of the MDAQMD boundaries.
- (2830) Breakdown – A condition other than a normal operating mode caused by a non-preventable mechanical or electrical failure, out of tolerance condition, or accidental occurrence such as fire, explosion, flooding, earthquake, etc.
- (2931) California Air Resources Board (CARB) – The California Air Resources Board, the Executive Officer of CARB and his or her authorized representative, the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).

- (~~30~~32) Capture Efficiency (or Capture System Efficiency) – The portion (expressed as a percentage) of the pollutants from an emission source that is delivered to an add-on control device.
- (~~31~~33) CARB Certified (Certified by CARB) – A vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with the particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild the designated CARB certified component.
- ~~(32)~~(34) CDFA – California Department of Food and Agriculture, or any person designated to act on its behalf. [Added for applicability to future proposed CAF Rule.]
- (35) Clear Topcoat – A final Coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Including, but not limited to, Varnishes.
- (~~33~~36) Coating – A material that is applied to a surface and forms a film in order to identify, beautify, protect, convey a message, or minimize detection of such surface. Coating includes, but is not limited to, materials such as Topcoats, stains, Sealers, primers, fillers, conversion Varnish, pigmented Coating, multicolored Coating, moldseal Coating, washcoat and toner.
- (~~34~~37) Coating Solid – The nonvolatile portion of a coating that remains after heating a sample of the material at 110 °C for one hour.
- ~~(35)~~(38) Colorant - A concentrated pigment dispersion in water, solvent, and/or binder that is added to an Architectural Coating after packaging in sale units to produce the desired color. [Added from Rule 1113 – Architectural Coatings, proposed for amendment September 28, 2020.]
- (39) Combustible Refuse – Any solid or liquid combustible waste material containing carbon in a free or combined state.
- (~~36~~40) Combustion Contaminants – Particulate Matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- (~~37~~41) Compliance Assurance Monitoring – Total equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with Control Device Efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates.

- (~~38~~42) Compliance Schedule – The date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.
- (~~39~~43) Compression-Ignited (IC) Internal Combustion Engine – An Internal Combustion Engine with operating characteristics significantly similar to the theoretical diesel combustive cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignited engine.
- (~~40~~44) Confined Animal Facility – A facility where animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by a means other than grazing for at least forty-five (45) days in any twelve (12) month period.
- (~~41~~(45)Contiguous or Adjacent Property – Two or more parcels of land with a common boundary or separated solely by a public or private roadway, or other public or private right-of-way. [Added for applicability to future proposed CAF Rule.]
- (46) Continuous Emissions Monitoring System (CEMS) – All of the equipment that may be required to meet the data acquisition and availability requirements, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.
- (~~42~~(47)Continuous Fuel Gas Monitoring System (CFGMS) – Is a system of equipment that continuously measures and records total sulfur concentration in the gaseous fuel prior to burning. [In development with Rule 431, Derived from SCAQMD Rule 431.1]
- (48) Continuous Monitor – Refers to a CEMS or CFGMS. [In development with Rule 431, Derived from SCAQMD Rule 431.1]
- (49) Control Device – Equipment such as an incinerator or adsorber, or cooler/condenser filtration used to prevent air pollutants from being emitted into the atmosphere.
- (~~43~~50) Control Device Efficiency – The ratio, in percent, of the weight of the pollutant removed by a control device from the process effluent stream entering the control device compared to the weight of pollutant entering the control device, both measured simultaneously.
- (~~44~~51) Control Equipment – Air pollution control equipment which eliminates, reduces or controls the issuance of air contaminants.
- (~~45~~52) Cured Adhesive, Cured Coating, or Cured Ink – An Adhesive, Coating, or Ink that is dry to the touch.
- (~~46~~53) Detonation Gun Spraying – A Thermal Spraying process in which the Coating material is heated and accelerated to the workpiece by a series of detonations or explosions from oxygen-fuel gas mixtures.
- (~~47~~54) Diesel Fuel – A Liquid Fuel that is commonly known as Diesel Fuel no. 1-D or 2-D pursuant to the specifications in ASTM D 975, Standard Specifications for Diesel Fuel

Oils. Diesel Fuel also includes Liquid Fuels commonly known as CARB Diesel, EPA Diesel and Low Sulfur Diesel.

- (4855) Dip Coat (er) – A coating process and application system that coats an object by submerging the object in a vat of Coating, and subsequently withdrawing the object and draining off the excess Coating.
- (4956) District – See Mojave Desert Air Quality Management District.
- (5057) Dryer – A hot air, high velocity system used to dry Coatings on printed or coated substrate.
- (5158) Dusts – Minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to, crushing, grinding, milling, drilling, demolition, shoveling, conveying, covering, bagging, grading, leveling, excavation, and sweeping.
- (5259) Electrostatic Application – A method of applying Coating whereby atomized paint droplets are charged and subsequently deposited on the substrate by electrostatic attraction.
- (5360) Emission Control System Operating Parameters – Any operating parameter(s) that the District deems necessary to analyze for the determination of compliance. Such parameters include, but are not limited to, the reagent flow rate, catalyst temperature, and exhaust gas flow rate.
- (5461) Emissions Unit – Any article, machine, equipment, other contrivance or combination thereof which emits or has the Potential to Emit any Regulated Air Pollutant.
- (5562) Enhanced Emissions Monitoring Device – Any automated data recording device or system having both data gathering and retrieval capabilities. Such equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS).
- (5663) Equipment – Any article, machine, or other contrivance.
- (5764) Excavation – Removal of surface covering, soil, pavement, etc. to expose underground equipment to view or to prepare a subsurface area for future construction.
- (5865) Excess Organic Liquid Drainage:
 - (a) More than two (2) milliliters of liquid drainage per disconnect from a top loading operation; or
 - (b) More than ten (10) milliliters of liquid drainage from a bottom loading operation. Such liquid drainage shall be determined by computing the average drainage from three (3) consecutive disconnects at any one loading arm.

- (~~59~~66) Executive Director – The Air Pollution Control Officer. See Air Pollution Control Officer.
- (~~60~~67) Exempt Compound – Those compounds listed as excluded from the definition of volatile organic compounds in 40 CFR 51.100(s).
- (~~61~~68) Existing Facility – Any Facility operating, constructed or under construction as of the date of adoption of rules related to such facility, unless otherwise specified in the rules.
- (~~62~~69) Facility – Any Permit Unit, group of Permit Units, non-permitted Equipment, or any combination thereof which:
- (a) Emits or may emit an Air Pollutant; and
 - (b) Belongs to a single major industrial group in the Standard Industrial Classification Manual; and
 - (c) Is located on a single parcel of land or on Contiguous or adjacent Property within the District; and
 - (d) Which is owned or operated by the same Person or by Persons under common control.
 - (e) For the purpose of this definition, such above-described grouping, remotely located but connected only by land carrying a pipeline, shall not be considered one Facility.
- (~~63~~70) Federal Ozone Non-Attainment Area (FONA) – That portion of San Bernardino County that lies within the lines which begin at:
- (a) The San Bernardino - Riverside County boundary, running north along the range line common to Range 3 East and Range 2 East;
 - (b) Then west along the township line common to Township 2 North and Township 3 North;
 - (c) Then north along the San Bernardino - Los Angeles County Boundary and the San Bernardino - Kern County Boundary;
 - (d) Then east along latitude 35 degrees, 10 minutes north;
 - (e) Then south along longitude 115 degrees, 45 minutes west, and west along the San Bernardino - Riverside County Boundary.
- (~~64~~71) Fiberglass – Fine filaments of glass.
- (~~65~~72) Fixed Roof Tanks – A storage tank with a roof that is permanently affixed to the shell of the storage tank.

- (~~6673~~) Flame Spraying – A Thermal Spraying process in which an oxygen/fuel gas flame is the source of heat for melting the surfacing material.
- (~~6774~~) Floating Roof Tanks:
- (a) External Floating Roof – A vapor loss control device, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge.
 - (b) Internal Floating Roof – A cover or roof in a fixed roof tank that rests upon or is floated upon the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.
- (~~6875~~) Flow Coat(er) – A Coating process and application system where no air is supplied to the nozzle and where the paint flows over the part and the excess Coating drains back into the collection system.
- (~~6976~~) Foam – A rigid or spongy cellular mass with gas bubbles dispersed throughout.
- (~~7077~~) Foam Coater – A Coating application system that coats an object by flowing foam through holes or a slit directly onto the object moving underneath it.
- (~~7178~~) Fugitive Dust – Any solid Particulate Matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of persons.
- (~~7279~~) Fugitive Liquid Leak – A dripping of liquid organic compounds at a rate in excess of three (3) drops per minute from any single leak source other than the disconnect operations of liquid fill line and vapor line.
- (~~7380~~) Fugitive Vapor Leak – An escape of organic vapors from a source other than the tank truck, trailer or railroad tank car when measured in excess of 3,000 ppm (instrument calibrated with propane) above background at a distance of two (2) centimeters (0.8 inch) from the source for more than ten (10) seconds duration, or equivalent test method as approved in writing by the APCO, CARB and USEPA. (Background is the ambient concentration of organic compounds determined at least three (3) meters upwind of the potential source and uninfluenced by any specific emission source.) A “fugitive vapor leak source” does not include liquid spillage or condensate resulting from “fugitive liquid leaks”.
- (~~7481~~) Gaseous Fuel – Any gaseous material which releases heat when burned including, but not limited to, any natural, substitute natural gas (SNG and bio-SNG), biomethane, refinery, field produced, process, synthetic, syngas, landfill, Sewage Digester, hydrogen or waste gases with a gross heating value of 2670 kilocalories per cubic meter (300 BTU per cubic foot) or higher, at standard conditions.

- (7582) Gasoline – Any organic liquid including petroleum distillate and methanol having a Reid Vapor Pressure of 200 mm Hg (3.9 pounds per square inch), or greater, and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline.
- (7683) Gasoline Transfer and Dispensing Facility – A mobile system or stationary facility, consisting of one or more storage tanks and associated equipment, which receive, store and dispense gasoline.
- (7785) Gasoline Vapors – The organic compounds of gasoline, which exist in a vapor state including, where present, entrained liquid gasoline.
- (7885) Glue – A hard gelatin obtained from hides, tendons, cartilage, bones, etc., of animals.
- (7986) Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids.
- (8087) Grams of VOC Per Liter of Material – The weight of VOC per volume of material.
- (8188) Hand Application Method – A method of applying a Coating to a substrate using manually held, non-mechanically operated equipment. Such equipment includes paintbrushes, hand rollers, caulking guns, trowels, spatulas, syringe daubers, rags, and sponges.
- (8289) Hearing Board – The Hearing Board of the Mojave Desert Air Quality Management District.
- (8390) Heat Input – The chemical heat released due to fuel combustion in a Permit Unit, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.
- (8491) Higher Heating Value (HHV) – The total heat liberated, including the heat of condensation of water, per mass of fuel burned (Btu per pound) when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to standard conditions.
- (8592) High-Velocity Oxy-Fuel (HVOF) Spraying – A Thermal Spray process in which particles are injected into a high-velocity jet formed by the combustion of oxygen and fuel.
- (8693) High-Volume, Low-Pressure (HVLV) – A coating application system which is operated at air pressures between 0.1 and 10 pounds per square inch gauge (psig) measured dynamically at the center of the air cap and at the air horns.
- (8794) Increments of Progress – Steps to be taken by an owner or operator to bring a source of air contaminants into compliance. See definition of “Schedule of Increments of Progress”.

- (8895) Ink – A fluid that contains dyes and/or colorants and is used to make markings but not to protect surfaces.
- (8996) Lamination – A process of bonding two or more layers of material to form a single, multiple-layer sheet by using an Adhesive.
- (9097) Landfill Gas – any gas derived through any biological process from the decomposition of organic waste buried within a waste disposal site.
- (9198) Liquid Fuel – Liquid means a substance or mixture of substances that flows readily, but, unlike a gas, does not expand indefinitely (i.e., a substance with constant volume but not constant shape). Liquid does not include powders or other materials that are composed entirely of solid particles.
- (9299) Liquid Tight – A liquid leak rate of no more than three (3) drops per minute.
- (93(100) Livestock – Any domesticated animal kept or raised for the production of eggs, milk, wool, or meat. *[Added for applicability to future proposed CAF Rule.]*
- (101) Loading Facility – Any aggregation or combination of organic liquid loading equipment which is under the control of one person at a single location.
- (94102) Low-Solids – A regulated product which contains less than one (1) pound (120 grams) of solids per gallon of material.
- (95103) Low Sulfur Diesel - Diesel Fuel commercially known, marketed, or supplied as such for use in internal combustion engines and other combustion devices, and as having a sulfur content of 15 ppm (parts per million) by weight or less in compliance with the standards specified for Low Sulfur Diesel Fuel. [In development with Rule 431, Derived from SCAQMD Rule 431.2]
- (104) Manufacturing Process – The process of making goods or articles by hand or by machine.
- (96105) Maximum Rated Capacity – The maximum design heat input of a unit at the highest heating value of the fuel used.
- (97106) Military Specification – Any regulated product which has a formulation approved by a United States Military Agency for use on military Equipment.
- (98107) Mobile Fueler – Any tank truck or trailer that is used to transport and dispense gasoline from an onboard storage tank into any motor vehicle fuel tank.
- (99108) Mojave Desert Air Quality Management District – The independent special district responsible for all aspects of air quality management as defined in Health and Safety Code §39038.3 and created pursuant to Chapter 13 (commencing with §41200) of Part 3, within that region of California within the boundaries as defined in Rule 103. See Rule 103 – *Description of District Boundaries*.

- (~~100~~109) Motor Vehicle – Any self-propelled vehicle, including, but not limited to cars, trucks, buses, golf carts, vans, motorcycles, recreational vehicles, tanks, and armored personnel carriers as defined in Sections 415 and/or 670 of the California Vehicle Code. See Registered Motor Vehicle.
- (~~101~~110) Multi-Color(ed) Coating – A Coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.
- (~~102~~111) Multiple Chamber Incinerator – Any Equipment, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts.
- (~~103~~112) Natural Gas – A mixture of gaseous hydrocarbons, with at least 80 percent methane (by volume), and of pipeline quality, such as the gas sold or distributed by any utility company regulated by the California Public Utilities Commission.
- (~~104~~113) Non-Absorbent Container – A container made of non-porous material that does not allow the migration of Solvents through it.
- (~~105~~(114) NRC – The National Research Council of the United States of America. *[Added for applicability to future proposed CAF Rule.]*
- (115) NRCS – The Natural Resource Conservation Service operated under the United State Department of Agriculture. *[Added for applicability to future proposed CAF Rule.]*
- (116) Oil-Effluent Water Separator – Any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.
- (~~106~~117) Operation – Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.
- (~~107~~119) Operator – That person in charge of a particular operation subject to air pollution control. See definition of “Owner”.
- (~~108~~119) Organic Liquid – Any compound of carbon, including organic materials, organic solvents and gasoline, which is in a liquid phase at ambient or storage conditions.
- (~~109~~120) Organic Materials – Chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- (~~110~~121) Organic Solvents – Includes diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as solvers, viscosity reducers or cleaning agents, except that such materials exhibiting a boiling point

higher than 104 °C (219 °F) at 0.5 mm Hg absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 104 °C (219 °F).

- (~~111~~122) Oven – A heating chamber which uses heat, ultraviolet (UV) radiation, or electron beam (EB) radiation to bake, cure, polymerize, or dry a surface Coating.
- (~~112~~123) Overall Control Efficiency (CE) – The ratio of the weight of a Regulated Air Pollutant removed by an emission control system to the total weight of that Regulated Air Pollutant emitted from a controlled operation, both measured simultaneously.
- (~~113~~124) Owner – That person ultimately responsible for a particular operation. “Owner/Operator” refers to any person who owns, leases, operates, controls, or supervises a stationary source. See definition of “Person”.
- (~~114~~125) Oxides of Nitrogen (NO_x) – The sum of the molecular forms of nitrogen oxide and nitrogen dioxide. When measured or calculated, the total of the two molecular forms is collectively expressed as nitrogen dioxide (NO₂).
- (~~115~~126) Parametric Emissions Monitoring System (PEMS) – A monitoring system that continuously measures process parameters and uses a model or algorithm to estimate emissions based on the parameters measured.
- (~~116~~(127) Particleboard - A composite wood product panel, molding, or other building material composed of cellulosic material (usually wood) in the form of discrete particles, as distinguished from fibers, flakes, or strands, which are pressed together with resin. [Added from Rule 1113 – Architectural Coatings, proposed for amendment September 28, 2020.]
- (128) Particulate Matter (PM) – Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (~~117~~129) Particulate Matter (PM₁₀) – Particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included.
- (~~118~~130) Particulate Matter (PM_{2.5}) – Particulate Matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers. Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included.
- (~~119~~131) Parts per Million (ppm) – Parts per million.
- (~~120~~132) Parts per Million by Volume (ppmv) – The number of gas molecules of a given species, or group, in one million total gas molecules.
- (~~121~~133) Parts per Million by Weight (ppmw) – The mass or weight of a component substance relative to the mass or weight of the total substance including all components,

specified as a ratio with one million mass or weight units in the denominator (i.e. grams per megagram or pounds per million pounds).

~~(122)~~(134) Paving – To pave currently unpaved roads. *[Added for applicability to future proposed Conservation Management Practices Rule.]*

(135) Permit Unit – Any Emissions Unit or equipment which is required to have a Permit to Operate pursuant to District Rule 203 – *Permit to Operate*.

~~(123)~~136) Person – Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. Person also means the United States or its agencies to the extent authorized by Federal Law.

~~(124)~~137) Photochemically Reactive Solvent – Any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

- (a) A combination of hydrocarbons, alcohols, aldehydes, ethers, esters or ketones having an olefinic or cycloolefinic type of unsaturation except perchloroethylene; five (5) percent;
- (b) A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except ethylbenzene, methyl benzoate and phenyl acetate: eight (8) percent; or,
- (c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

~~(125)~~138) Plasma Spraying – A Thermal Spraying process in which an electric arc is used to ionize a gas and produce a plasma jet that melts and propels the Coating material to the workpiece.

~~(126)~~139) Plastics – Synthetic materials chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcers. They are used to produce pipe, solid sheet, film, or bulk products.

~~(127)~~140) Porous Material – A substance which has tiny openings, often microscopic, in which fluids may be absorbed or discharged.

~~(128)~~(141) Post-Consumer Coating - A finished Coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and is recovered from, or otherwise diverted from, the waste stream for the purpose of recycling. *[Added from Rule 1113 – Architectural Coatings, proposed for amendment September 28, 2020.]*

(142) Potential to Emit (PTE) – The maximum capacity of a Facility to emit any air pollutant under its physical and operational design. Calculation methods, inclusions and exclusions are program specific and can be found in other District Rules.

~~(129)~~(143) Poultry – Any domesticated birds kept or raised for eggs or meat. *[Added for applicability to future proposed CAF Rule.]*

(144) Precursor – A substance which, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a Regulated Air Pollutant. These include, but are not limited to the following:

<u>Precursors</u>	<u>Secondary Pollutants</u>
Ammonia	(a) PM ₁₀ and PM _{2.5}
Hydrocarbons and substituted hydrocarbons (Reactive Organic Compounds and Volatile Organic Compounds)	(a) Photochemical oxidant (ozone, O ₃) (b) The organic fraction of PM ₁₀ and PM _{2.5}
Nitrogen oxides (NO _x)	(a) Nitrogen dioxide (NO ₂) (b) The nitrate fraction of PM ₁₀ and PM _{2.5} (c) Photochemical oxidant (ozone, O ₃)
Sulfur oxides (SO _x)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}
Hydrogen Sulfide (H ₂ S)	(a) Sulfur dioxide (SO ₂) (b) Sulfates (SO ₄) (c) The sulfate fraction of PM ₁₀ and PM _{2.5}

~~(130)~~(145) Predictive Emissions Monitoring System (PEMS) – The equipment necessary to monitor process and Emission Control Equipment operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, oxygen or carbon dioxide concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

~~(131)~~(146) Pressure/Vacuum Relief Valve – A valve that is installed on the vent pipes of storage tanks to relieve pressure or vacuum build-up at preset values of pressure or vacuum.

- (~~132~~147) Primer – A material applied to a substrate to improve adhesion of subsequently applied Coating or Adhesive.
- (~~133~~148) Process Weight – The total weight of all materials introduced into any specific process which may discharge contaminants into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and air will not.
- (~~134~~149) Process Weight per Hour – The total process weight divided by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- (~~135~~150) Propellant – Any gas, including air, in a pressure container for expelling the contents when the pressure is released.
- (~~136~~151) Rated Brake Horsepower – The continuous brake horsepower rating specified for the engine by the manufacturer or listed on the nameplate of the unit, unless otherwise physically limited and specified by a condition on the engine's permit or District registration.
- (~~137~~152) Rated Heat Input – The Heat Input capacity (in MMBtu/hr) specified on the nameplate of the unit, unless:
- (a) The unit is limited by permit condition to a lesser Heat Input than specified on the nameplate, in which case the limiting condition shall be used as the Rated Heat Input; or
 - (b) The unit is operated above the Heat Input capacity specified on the nameplate, in which case the maximum operated rate shall be used as the Rated Heat Input.
- (~~138~~153) Reasonably Available Control Technology (RACT) – The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- (~~139~~154) Receptor Area – That specified geographic area in which the air contaminants emitted from a source area are present or to which they may be transported.
- (~~140~~155) Reduction of Animal Matter – Any heated process used for rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of animal matter.
- (~~141~~156) Registered Motor Vehicle – Any motor vehicle which is registered or requires registration for use on the highway.
- (~~142~~157) Regulated Air Pollutant – Any Air Pollutant that is subject to the provisions of State or Federal law or the regulations promulgated thereunder. Inclusion and exclusions of particular Air Pollutants are program specific and can be found in other District Rules.

- (~~143~~158) Regulation – Any of the major subdivisions of the Rules of the Mojave Desert Air Quality Management District.
- (~~144~~159) Repair Coating – A Coating used to re-coat portions of a product which has sustained mechanical damage to the Coating following normal painting operations.
- (~~145~~160) Repair Process – The process of returning a damaged object or an object not operating properly to good condition.
- (~~146~~161) Research and Development – A facility or portion thereof used to further the development of useful materials, devices, systems, or methods, including, but not limited to, design, development, and improvement of prototypes and processes. Research and Development does not include the Manufacturing Process itself.
- (~~147~~(162) Residential – Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels. [Added from Rule 1113 – Architectural Coatings, proposed for amendment September 28, 2020.]
- (163) Retail Gasoline Station – Any motor vehicle refueling facility subject to payment of California sales tax on gasoline sales.
- (~~148~~164) Roll Coater – A type of application Equipment in which a series of mechanical rollers form a thin Coating film on the surface of a roller, which is subsequently applied to a substrate by moving the substrate underneath the roller.
- (~~149~~165) Rubber – Any natural or manmade Rubber substrate, including but not limited to, styrene-butadiene Rubber, polychloroprene (neoprene), butyl Rubber, nitrile Rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.
- (~~150~~166) Rule – A rule of the Mojave Desert Air Quality Management District.
- (~~151~~167) Schedule of Increments of Progress – A statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:
- (a) The date of submittal of the final plan for the control of emissions of air contaminants from that source to the District.
 - (b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.
 - (c) The date of initiation of on-site construction or installation of emission control equipment or process change.

- (d) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
 - (e) The date by which final compliance is to be achieved.
 - (f) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.
- (~~152~~168) Sealant – Any material with Adhesive properties that is formulated primarily to fill, seal, or waterproof gaps or joints between two (2) surfaces. Sealants include Sealant Primers and caulks.
- (~~153~~169) Sewage Digester Gas – any gas derived from anaerobic decomposition of organic sewage within its containment.
- (~~154~~170) Shutdown – The period of time when the equipment goes from a fully operational to a non-operational state. Good engineering practices shall be used to the fullest extent practicable during shutdown to minimize pollutant emissions.
- (~~155~~171) Slit Coater – See Die Coater.
- ~~(156)~~(172) Solicit – To require for use or to specify, by written or oral contract. *[Added from Rule 1113 – Architectural Coatings, proposed for amendment September 28, 2020.]*
- (173) Solid Fuel – For the purpose of this rule "Solid Fuel" means coal, or any form of Solid Fuel derived from fossil materials, for the purpose of creating useful heat.
- (~~157~~174) Solid Particulate Matter – Particulate matter which exists as a solid at standard conditions.
- (~~158~~175) Solvent – Any liquid containing a Volatile Organic Compound or combination of Volatile Organic Compounds, which is used as a diluent, thinner, dissolver, viscosity reducer, cleaning agent, or for other similar uses. A Solvent may be a single compound or a blend of two (2) or more compounds.
- (~~159~~176) Source Area – That specified geographic area in which air contaminants are emitted.
- (~~160~~177) South Coast Air Quality Management District (SCAQMD) – The air district created pursuant to Division 26, Part 3, Chapter 5.5 of the Health & Safety Code (commencing with §40400).
- (~~161~~178) Stain – Coatings which are formulated to change the color of a surface but not completely conceal the surface, so that the grain is still visible.
- (~~162~~179) Standard Conditions – A gas temperature of 15.5 °C (60 °F) and a gas pressure of 760 mm Hg (14.7 pounds per square inch) absolute.

(~~163~~180) Startup – The period of time when the equipment goes from a non-operational to a fully operational state. Good engineering practices shall be used to the fullest extent practicable during startup to minimize pollutant emissions.

(~~164~~181) Stationary Source – Any permanently installed (or operating at a fixed, routine or seasonal location) unit, piece of equipment, article, machine, process, contrivance, or combination thereof, which may emit or control an air contaminant. [In development of Rule 431, Derived from SCAQMD Rule 431.2, revised to address industry comment.]

(182) Stripper – A liquid used to remove cured Coatings, cured Inks and/or cured Adhesives.

(~~165~~183) Stripping – The use of Solvent to remove material such as Cured Adhesives, Cured Inks, cured or dried Coating, cured or dried Coating residue or temporary protective Coating.

(~~166~~184) Submerged Fill Loading – A type of process for organic liquid loading, where the discharge opening is completely submerged below the liquid level, when the height of that liquid when measured is above the bottom of the vessel at eight centimeters (3.2 inches) or higher.

(~~167~~185) Submerged Fill Pipe:

- (a) Top Loading – Any fill pipe where the discharge opening is completely submerged when the liquid level is 15 centimeters six (6) inches above the bottom of the container.
- (b) Side Loading – Any fill pipe where the discharge opening is entirely submerged when the liquid level is 45 centimeters (18 inches) above the bottom of the container.

(~~168~~186) Surface Preparation – The removal of contaminants from a surface prior to the application of Coatings, Inks, or Adhesives or before proceeding to the next step of a Manufacturing Process.

(~~169~~187) Switch Loading – A transfer of Organic Liquids with a vapor pressure of less than 77.5 mm HG (1.5 psia) under actual loading condition into any tank truck, trailer or railroad tank car that was previously loaded with an organic liquid with a vapor pressure of 77.5 mm HG (1.5 psia) or greater.

(~~170~~188) Tank Replacement – The removal and installation of a new or another storage tank.

(~~171~~189) Thermal Spraying Operation – One of several processes in which metallic or nonmetallic surfacing materials are deposited in molten or semi-molten condition on a substrate to form a Coating. The surfacing material may originate in the form of powder, rod, or wire before it is heated, prior to spraying or deposition. Thermal Spraying Operations include: Detonation Gun Spraying, Flame Spraying, High-Velocity Oxy-Fuel Spraying, Plasma Spraying, and Twin-Wire Electric Arc Spraying.

- (~~172~~190) Thinner – A Solvent that is used to dilute Coatings or Inks to reduce viscosity, color strength, and/or solids, or to modify drying conditions.
- (~~173~~191) Throughput – The mass or volume of a material or substance that is handled, or processed by a system in a given time period, such as gallons per year, tons per hour, etc.
- (~~174~~192) Touch-Up – Any coating operation used to cover minor imperfections appearing after the main coating operation.
- (~~175~~193) Transfer Efficiency – The ratio of the weight or volume of Coating solids adhering to an object to the total weight or volume, respectively, of Coating solids used in the application process, expressed as a percentage.
- (~~176~~194) True Vapor Pressure – The equilibrium partial vapor pressure exerted by an organic liquid at actual storage temperature.
- (~~177~~195) Twin-Wire Electric Arc Spraying – A Thermal Spraying process where two electrically conducting wires are brought close together to create an electric arc. The molten material formed in the arc is then projected by a compressed gas stream towards a workpiece on which it forms a Coating.
- (~~178~~196) United States Environmental Protection Agency (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (~~179~~(197) USDA – The United States Department of Agriculture or any person designated to act on its behalf. [Added for applicability to future proposed CAF Rule.]
- (198) Vapor Recovery System – A system that is designed to collect or capture the vapors released and/or generated during the dispensing, transfer and/or storage of liquids, and is capable of storage, transferring and/or disposal of the recovered vapors.
- (~~180~~199) Vapor Recovery System Efficiency – The estimated efficiency of the air pollution control technology which is incorporated, by means of an enforceable permit condition(s). Emission reductions attributed to lowering throughput rates or curtailing operating hours shall not be considered in determining abatement efficiency.
- (~~181~~200) Vehicle – A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.
- (~~182~~201) Viscosity – The internal friction of a liquid that makes it resistant to flow.
- (~~183~~(202) VOC Control Device – A device, into which captured air is vented, that reduces the VOC content in the air prior to the air being released into the atmosphere. [Added for applicability to future proposed CAF Rule.]

| (203) Volatile Organic Compound (VOC) – Any compound of carbon excluding Exempt Compounds.

| (184204) Wipe Cleaning – A Solvent cleaning activity performed by hand rubbing an absorbent material such as a rag, paper, sponge, brush, or cotton swab containing Solvent.

[SIP: See SIP Table at <http://www.mdaqmd.ca.gov>]

Appendix “B”
Public Notice Documents

1. Draft Proof of Publication – Daily Press
2. Proof of Publication – Riverside Press Enterprise

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 28, 2020 at 10:00 A.M. to consider the proposed amendment of Rule 431 – *Sulfur Content of Fuels* and the amendment of Rule 102 – *Definition of Terms*.

SAID HEARING may be conducted, in the interests of public health and safety and in accordance with the guidelines set forth in the Governor’s Order N-29-20 of March 17, 2020, via alternative means. Please see the applicable Governing Board Meeting Agenda at <https://www.mdaqmd.ca.gov/meetings/meeting-schedule> or call (760) 245-1661 extension 6244 for participation information.

Rule 431 is proposed for amendment to incorporate changes in CARB’s Diesel requirements in 13 § CCR 2281. Rule 102 is proposed for amendment to incorporate changes concurrent with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6. Copies of proposed amended Rules 431 and 102 and the associated Staff Reports are on file and may be obtained from the Senior Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, APCO, 14306 Park Avenue, Victorville, CA 92392. Written comments must be received no later than September 25, 2020 to be considered. If you have any questions regarding Rule 431 you may contact Michelle Zumwalt at (760) 245-1661 extension 5756 for further information. If you have any questions regarding Rule 102 you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. Traducción esta disponible por solicitud.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for these actions.

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

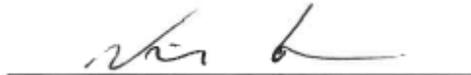
Ad Desc.: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54448, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08/24/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: August 24, 2020
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14306 PARK AVE
ATTN: D. HERNANDEZ
VICTORVILLE, CA 92392

Ad Number: 0011405716-01

P.O. Number:

Ad Copy:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 28, 2020 at 10:00 A.M. to consider the proposed amendment of Rule 431 - Sulfur Content of Fuels and the amendment of Rule 102 - Definition of Terms.

SAID HEARING may be conducted, in the interests of public health and safety and in accordance with the guidelines set forth in the Governor's Order N-29-20 of March 17, 2020, via alternative means. Please see the applicable Governing Board Meeting Agenda at <https://www.mdaqmd.ca.gov/meetings/meeting-schedule> or call (760) 245-1661 extension 6244 for participation information.

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Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for these actions.

Press-Enterprise: 8/24

RECEIVED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

AUG 24 2020

BY 

Appendix “C”
Public Comments and Responses

1. Email comment Metropolitan Water District of Southern California, August 20, 2020

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1. Email comment Metropolitan Water District of Southern California, 8/20/2020

From: Melville, Kiersten L <KMelville@mwdh2o.com>
Sent: Thursday, August 20, 2020 3:30 PM
To: Michelle Zumwalt <mzumwalt@mdaqmd.ca.gov>
Cc: Guillory, Dan <dguillory@mwdh2o.com>; Lego, Emerson F <ELego@mwdh2o.com>; Kaufman, Carol Y <cykaufman@mwdh2o.com>
Subject: MWD Comments to MDAQMD for Proposed Amendments to Rule 102

Ms. Zumwalt,

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to comment on Mojave Desert Air Quality Management's (MDAQMD) *Proposed Amendments to Rule 102—Definition of Terms*. We are submitting the following two recommendations relative to the Rule 102 definition for "Stationary Source."

- Portable – As proposed, the "Stationary Source" definition covers "Any permanently installed or portable individual unit, piece of equipment...". The concern is that this definition may inadvertently capture equipment that qualifies as portable under the existing California Air Resources Board (CARB) Portable Equipment Registration Program and Portable Engine Air Toxics Control Measure.

After engaging in discussions with MDAQMD, it is Metropolitan's understanding that the following wording has now been proposed for the definition of a "Stationary Source:"

"Any permanently installed (or operating at a fixed, routine or seasonal location) unit, piece of equipment, article, machine, process, contrivance, or combination thereof, which may emit or control an air contaminant."

1.

We concur with this updated definition as it more appropriately reflects the regulatory difference between equipment that is consistently at a facility vs. portably designed equipment that is operated at different facilities.

- Remote equipment –The current Rule 102 definition of a "Facility" is similar in intent and phrasing to the proposed definition of a "Stationary Source." As such, Metropolitan requests a clarifier to the definition of a "Stationary Source" to align with the current definition of a "Facility." This will add consistency to and harmonize the nomenclature used to describe a location where equipment is operated.

2.

We propose adding the following underlined wording to the definition of a "Stationary

Source:"

"Any permanently installed (or operating at a fixed, routine or seasonal location) unit, piece of equipment, article, machine, process, contrivance, or combination thereof, which may emit or control an air contaminant. For the purpose of this definition, any combination of the above, that are remotely located and connected only by land carrying a pipeline, shall not be considered one stationary source."

Thank you for your consideration of our requests. If you have any questions or need additional information, please contact me or Carol Kaufman [cykaufman@mwdh2o.com, (213) 217-6207].

Thank you,

Kiersten Melville
Senior Environmental Specialist
The Metropolitan Water District of Southern California
700 N. Alameda Street
Los Angeles, CA 90012
Kmelville@mwdh2o.com
Office: (213) 217-7187



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

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1. District response, Metropolitan Water District of Southern California, 8/20/2020

1. The modified language has been added to the updated rule draft.
2. The MDAQMD agrees that portable equipment operating in a stationary manner should be addressed, and has adjusted the stationary source definition accordingly. However, the requested addition broadens the intent of this simple definition into semantic areas currently addressed by the definition of ‘facility’ in New Source Review, and that is the only place it need be addressed. Barring a citation where the proposed stationary source definition creates a conflict, the MDAQMD is not willing to add the additional clause.

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Appendix “D”
California Environmental Quality Act
Documentation

1. Draft Notice of Exemption – San Bernardino County
2. Draft Notice of Exemption – Riverside County

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NOTICE OF EXEMPTION

TO: San Bernardino County
Attn: Clerk/Recorder
385 North Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310



MDAQMD Senior Executive Analyst - Confidential

PROJECT TITLE: Amendment of Rule 102 – *Definition of Terms*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 102 is necessary to incorporate changes concurrent with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 102 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** September 28, 2020

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: San Bernardino County
Attn: Clerk/Recorder
385 North Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310



MDAQMD Senior Executive Analyst - Confidential

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PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

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LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** September 28, 2020

DATE RECEIVED FOR FILING:

Appendix “E” Bibliography

The following documents were consulted in the preparation of this staff report.

1. Proposed Rule 431 – *Sulfur Content of Fuels*
2. Proposed Rule 1113 – *Architectural Coatings*
3. Proposed Ruel 1119 – *Large Confined Animal Facilities*
4. Proposed Rule 411 – *Conservation Management Practices*

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NOTICE OF EXEMPTION

TO: Riverside County
Attn: Clerk/Recorder
3470 12th Street
Riverside, CA 92501

FROM: Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst - Confidential

PROJECT TITLE: Amendment of Rule 102 – *Definition of Terms*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

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NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

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Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

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LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** September 28, 2020

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

14306 Park Avenue, Victorville, CA 92392-2310 • 760.245.1661 • Fax 760.245.2022 • www.MDAQMD.ca.gov • @MDAQMD

NOTICE OF EXEMPTION

TO: San Bernardino County
Attn: Clerk/Recorder
385 North Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst - Confidential

PROJECT TITLE: Amendment of Rule 102 – *Definition of Terms*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 102 is necessary to incorporate changes concurrent with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

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LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** September 28, 2020

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

14306 Park Avenue, Victorville, CA 92392-2310 • 760.245.1661 • Fax 760.245.2022 • www.MDAQMD.ca.gov • @MDAQMD



Rule 102 - *Definition of Terms*

Proposed for Amendment September 28, 2020
Alan De Salvio, Deputy Director - Operations

Necessity for Amending Rule 102

- Many terms are defined in multiple district rules, and many of these definitions are exact or near exact duplicates of each other.
- The APCO has determined that shifting common definitions to Rule 102 and updating them for consistency will improve clarity.
- The amendment of Rule 102 – *Definition of Terms* will be an ongoing process as District rules are proposed for adoption or amendment.
- Rule 102 is currently proposed for amendment to incorporate changes concurrent with the proposed adoption of Rule 431 – *Sulfur Content of Fuels*.
- Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1113 – *Architectural Coatings*, and the adoption of other rules required pursuant to Health & Safety Code §§40724.5-40724.6.



Summary of Proposed Amendments

- The following definitions are being added in conjunction with the adoption of Rule 431 – *Sulfur Content of Fuels*:
 - *Continuous Fuel Gas Monitoring System (CFGMS); Continuous Monitor; Low Sulfur Diesel ; and, Stationary Source.*



Summary of Proposed Amendments

- The following definitions are being added in anticipation of the amendment of Rule 1113 – *Architectural Coatings*:
 - *Appurtenance; Bitumens, Colorant; Particleboard; Post-Consumer Coating; Residential; and, Solicit.*
 - *It is anticipated that Rule 1113 will be amended October 26, 2020.*



Summary of Proposed Amendments

- The following definitions are being added in anticipation of the adoption of a Confined Animal Facility rule and a Conservation Management Practices rule pursuant to the requirements of California Health and Safety Code §§40724.5-40724.6:
 - *CDFA; Continuous or Adjacent Property; Livestock; NRC; NRCS; Paving; Poultry; USDA; and, VOC Control Device.*
 - *It is anticipated that these rules will be adopted in 2021.*



Public Outreach

- A public notice was published in the Daily Press, the Press Enterprise, and on the District website.
- The Staff Report was posted on the District website.
- The Staff Report and Rule were sent to USEPA, CARB, potentially affected industry, and all members of the public that have requested to be notified of rule actions.
- The District received one comment from industry which has been addressed in the rule, and responded to in the Staff Report.

Conclusion

- The proposed amendments were discussed by the Technical Advisory Committee (TAC) at a meeting conducted on August 26, 2020. The TAC recommended adoption of the amendments to Rule 102 – *Definition of Terms*.
- Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) amend proposed Rule 102 – *Definition of Terms* and approve the appropriate California Environmental Quality Act (CEQA) documentation.



Questions?

Thank you!



The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the amendment of Rule 431 – Sulfur Content of Fuels: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 431 and directing staff actions. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.](#) Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #14

PAGE 1

DATE: September 28, 2020

RECOMMENDATION: Conduct a public hearing to consider the amendment of Rule 431 – *Sulfur Content of Fuels*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 431 and directing staff actions.

SUMMARY: Rule 431 is proposed for amendment to reflect our common practices as outlined in the Health and Safety Code.

BACKGROUND: The Mojave Desert Air Quality Management Board (MDAQMD or District) has the authority pursuant to California Health & Safety (H&S) Code §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 431 – *Sulfur Content of Fuels* for inclusion in the current rulebook.

MDAQMD Rule 431 – *Sulfur Content of Fuels*, was originally adopted May 7, 1976, and amended on October 8, 1976. On February 1, 1977 CARB Executive Order adopted a rule book for non-South Coast Air Basin (SCAB) areas of Los Angeles, Riverside and San Bernardino Counties, and on July 25, 1977, Rule 431 was readopted into the San Bernardino County Air Pollution Control District (SBCAPCD) rulebook.

Rule 431 is intended to reduce sulfur emissions from the burning of gaseous, liquid and solid fuels in stationary combustion equipment. This proposed amendment also incorporates diesel requirements in the California Code of Regulations (CCR) 13 § CCR 2281. As part of the rule development process, rules from other Districts have been reviewed, to ensure that we are meeting RACT requirements as they relate to sulfur content of fuels. Approximately 90 facilities in the District are subject to this rule. The District does not expect an impact to our sources as surrounding Districts have similar provisions in place which our permit holders are already accustomed to complying with.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM #14

PAGE 2

Proposed changes in Rule 431 include: reducing sulfur limits for gaseous and liquid fuels, adding new monitoring, record keeping, testing, equivalency requirements as well as new exemptions. A section has also been added for facilities who are currently exempt or in compliance, which provides guidance on coming into and maintaining compliance with Rule 431. For ease of reading, sections have been broken down by fuel type: gaseous, liquid and solid. Attachments addressing specific monitoring system requirements have also been included.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 431 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(I) (FCAA §110(I)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about September 5, 2020.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

RESOLUTION NO. 01-_____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT**
2 **AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING**
3 **THE NOTICE OF EXEMPTION, AMENDING RULE 431 – *SULFUR CONTENT OF***
4 ***FUELS* AND DIRECTING STAFF ACTIONS.**

4 On September 28, 2020 on motion by Member _____, seconded by
5 Member _____, and carried, the following resolution is adopted:

6 **WHEREAS**, the Mojave Desert Air Quality Management District (MDAQMD) has
7 authority pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728
8 to adopt, amend or repeal rules and regulations; and

9 **WHEREAS**, the MDAQMD is proposing to amend Rule 431 – *Sulfur Content of*
10 *Fuels* for inclusion in the current rulebook; and

11 **WHEREAS**, MDAQMD Rule 431 – *Sulfur Content of Fuels*, was originally adopted
12 May 7, 1976, and amended on October 8, 1976; and

13 **WHEREAS**, on February 1, 1977 CARB Executive Order adopted a rule book for
14 non-South Coast Air Basin (SCAB) areas of Los Angeles, Riverside and San Bernardino
15 Counties, and on July 25, 1977, Rule 431 was readopted into the San Bernardino County Air
16 Pollution Control District (SBCAPCD) rulebook; and

17 **WHEREAS**, Rule 431 is intended to reduce sulfur emissions from the burning of
18 gaseous, liquid and solid fuels in stationary combustion equipment.; and

19 **WHEREAS**, this proposed amendment also incorporates diesel requirements in the
20 California Code of Regulations (CCR) 13 § CCR 2281; and

21 **WHEREAS** part of the rule development process, rules from other Districts have been
22 reviewed, to ensure that we are meeting RACT requirements as they relate to sulfur content of
23 fuels; and

24 **WHEREAS** approximately 90 facilities in the District are subject to this rule; and

25 **WHEREAS** the District does not expect an impact to our sources as surrounding
26 Districts have similar provisions in place which our permit holders are already accustomed to
27 complying with; and

28

RESOLUTION NO. 01-_____

1 **WHEREAS** proposed changes in Rule 431 include: reducing sulfur limits for gaseous
2 and liquid fuels, adding new monitoring, record keeping, testing, equivalency requirements as
3 well as new exemptions; and

4 **WHEREAS** a section has also been added for facilities who are currently exempt or in
5 compliance, which provides guidance on coming into and maintaining compliance with Rule
6 431; and

7 **WHEREAS** sections have been broken down by fuel type: gaseous, liquid and solid;
8 and

9 **WHEREAS** attachments addressing specific monitoring system requirements have
10 also been included; and

11 **WHEREAS**, the proposed amendments to the Rule are necessary as indicated herein
12 and in the supporting documentation; and

13 **WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to
14 amend rules and regulations; and

15 **WHEREAS**, the proposed amendments to Rule 431 are clear in that the meaning can
16 be easily understood by the persons impacted by the Rule; and

17 **WHEREAS**, the amendments to Rule 431 are in harmony with, and not in conflict
18 with, or contradictory to existing statutes, court decisions, or state or federal regulations
19 because the amendments to Rule 431 are in harmony with, and not in conflict with or
20 contradictory to any state law or regulation, federal law or regulation, or court decisions in that
21 they conform the California H&S Code; and

22 **WHEREAS**, the proposed amendments do not impose the same requirements as any
23 existing state or federal regulation because the amendments to Rule 431 do not impose the
24 same requirements as any existing state or federal law or regulation; and

25 **WHEREAS**, the rule in and of itself as it has existed since 1976 implements more
26 stringent emissions requirements than what the H&S Code requires; and

27 **WHEREAS**, the proposed amendments to Rule 431 are needed in order to conform the
28

RESOLUTION NO. 01-_____

1 Rule to various provisions of the H&S Code, which the MDAQMD enforces; and

2 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
3 H&S Code §40725, concerning the amendments of Rule 431; and

4 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
5 §15308) for the proposed amendments to Rule 431, completed in compliance with the
6 California Environmental Quality Act (CEQA), has been presented to the Governing Board of
7 the MDAQMD; each member having reviewed, considered and approved the information
8 contained therein prior to acting on the proposed amendments to Rule 431, and the Governing
9 Board of the MDAQMD having determined that the proposed amendments will not have any
10 potential for resulting in any adverse impact upon the environment; and

11 **WHEREAS**, the Governing Board of the MDAQMD has considered the evidence
12 presented at the public hearing; and

13 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
14 MDAQMD finds that the amendments to Rule 431 – *Sulfur Content of Fuels* are necessary,
15 authorized, clear, consistent, non-duplicative and properly referenced; and

16 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby
17 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies
18 the Notice of Exemption for the proposed amendments to Rule 431; and

19 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does
20 hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule 431,
21 as set forth in the attachments to this resolution and incorporated herein by this reference; and

22 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately
23 upon adoption, and that the Senior Executive Analyst is directed to file the Notice of
24 Exemption in compliance with the provisions of CEQA.

25
26
27 **PASSED, APPROVED and ADOPTED** by the Governing Board of the Mojave Desert Air
28

RULE 431

Sulfur Content of Fuels

(A) General

(1) Purpose

The purpose of this Rule is to limit the sulfur content in fuels for the purpose of both reducing the formation of sulfur oxides and particulates during combustion in stationary equipment.

(2) Applicability

This Rule applies to all Importers and other fuel suppliers, such as distributors, marketers and retailers, as well as to users of fuels for Stationary Source applications in the District, unless said fuel is supplied solely for use in locomotives or marine vessels.

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless a term is otherwise defined herein. Terms that are defined within these Rules, have been capitalized for ease of recognition.

- (1) “Importer” – A Person who supplies or brings Diesel Fuel, Low Sulfur Diesel Fuel, and/or other Liquid Fuels into the District from any location outside the District, except for fuels contained in the dedicated fuel tank of a vehicle.

(C) Requirements

(1) Gaseous Fuels

(a) Natural Gas

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, any Natural Gas, other than pipeline quality Natural Gas, containing sulfur compounds, calculated as H₂S, in excess of 16 Parts Per Million by Volume (ppmv).

(b) Other Gaseous Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, any Gaseous Fuel containing sulfur compounds, calculated as H₂S, in excess of the concentration limits as measured over the averaging periods for various Gaseous Fuels as specified in Table 1.

Table 1

Fuel Type	Sulfur Limits ppmv	Averaging Periods
Refinery Gas	40	4 Hours
Landfill Gas	250	Daily
Sewage Digester Gas	40 or	Daily or
	40 and 500	Monthly and 15-Minutes
Other Gases	40	4 Hours

(2) Liquid Fuels

(a) Diesel Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, Diesel Fuel with a sulfur content in excess of 15 ppm by weight.

(b) Other Liquid Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, Liquid Fuel with a sulfur content in excess of 500 ppm by weight.

(3) Solid Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, Solid Fuel having a sulfur content in excess of 0.5 percent by weight.

(D) Monitoring Requirements

(1) Gaseous Fuels

(a) Except as provided in subsection (D)(1)(c), a Person burning gaseous fuels, other than exclusively pipeline quality Natural Gas, in a District Permit Unit, shall have a properly operating Continuous Fuel Gas Monitoring System (CFGMS) to determine the sulfur content, calculated

as H₂S, of the fuel gas prior to burning, or a Continuous Emission Monitoring System (CEMS) to determine SO_x emissions after burning. All Continuous Monitors require District approval, which shall be based on the requirements as specified in Attachment A.

- (i) A Person shall install the CFGMS upstream of any mixing of refinery gases with Natural Gas, propane or other fuels.
 - (ii) A Person subject to Section (H) of this Rule shall comply with subsections (D)(1)(a) and (D)(1)(b) no later than twelve months after the date an Authority to Construct (ATC) is issued by the District for a sulfur removal system or comply with subsection (D)(1)(c).
 - (iii) Compliance with the Table 1 sulfur limits shall be determined based on readings obtained from an approved Continuous Monitor.
 - (iv) A Person installing a CEMS or a CFGMS shall comply with Sections (C) through (G) in District Rule - 218 - *Stack Monitoring*
- (b) A Person installing a Continuous Monitor shall submit to the District for approval, a quality assurance procedure as specified in USEPA 40 CFR Part 60, Appendix F, Procedure 1 for CEMS and, as applicable, for CFGMS.
- (i) The quality assurance procedure specified above shall be submitted to the District for written approval by the APCO prior to the CFGMS or CEMS final certification.
 - (ii) Any CFGMS or CEMS deemed to be out of control, as specified in Attachment A, according to the Facility quality assurance procedure approved by the APCO shall be corrected within 72 hours.
 - a. The Person operating the CFGMS or CEMS shall notify the APCO in accordance with District Rule - 430 – *Breakdown Provisions* of any Breakdown(s) of the monitoring system(s) if the duration of the Breakdown is in excess of 60 minutes or if there are three (3) or more Breakdowns in any one day within 24 hours of the occurrence of the Breakdown which triggers notification. Such report shall identify the time, location, equipment involved, and contact Person.
 - b. The Person who complies with the provisions of subsection (D)(1)(b)(ii)a. and subsection (E)(2)(c) shall not be considered in violation of this Rule for the 72-hour period of Breakdown provided that the Breakdown did not result

from Operator error, neglect or improper operation or maintenance procedures.

- (c) A Person burning landfill gas or sewage digester gas, or who is subject to Section (H) of this Rule may use an alternative monitoring method, in lieu of the requirements in subsections (D)(1)(a) and (D)(1)(b), that ensures compliance with the daily total sulfur content limitation as specified in Table 1. Alternative monitoring methods shall not be used unless first approved in writing by the APCO, the California Air Resources Board (CARB), and the United States Environmental Protection Agency (USEPA), or their designees.
 - (i) At a minimum, the alternative monitoring method shall meet the guidelines of Attachment A, Section III.
 - (ii) A Person subject to Section (H) of this Rule shall submit an alternative monitoring method for approval no later than 45 days after the date an ATC for a sulfur removal system is issued.
 - (iii) All monitoring must comply with the approved alternative monitoring method.
 - (iv) District personnel shall use the approved alternative monitoring method to determine compliance with the limits of this Rule.

(E) Reporting and Recordkeeping Requirements

- (1) Sulfur Content Determination
 - (a) Continuous Fuel Monitoring for sulfur; or
 - (b) Annual source testing as outlined in Section (F); or
 - (c) Sulfur content certification from supplier.
- (2) Gaseous Fuels
 - (a) All records required by this Rule shall be maintained at the Facility for at least five (5) years and be made available to District staff upon request.
 - (b) Except at electric utility generating facilities and refineries, a Person burning gaseous fuel, other than exclusively Natural Gas, in stationary equipment requiring a District Permit to Operate (PTO), shall submit to the APCO annual reports of the monthly fuel consumption and the total sulfur content of the fuel consumed. The annual report shall be submitted no later than 60 days following the end of the reporting year, and shall consist of the amount of any gaseous fuel consumed monthly, the applicable hourly, daily or monthly average sulfur content as

determined by the Continuous Monitor or approved alternative monitoring method as specified in subsections (D)(1)(a), (D)(1)(b), or (D)(1)(c) of this Rule, and total SO_x emissions calculated as SO₂.

- (c) A Person burning gaseous fuel in stationary equipment located at electric utility generating facilities or refineries shall submit to the APCO monthly reports of the daily fuel consumption, the monthly weighted average sulfur content (except for Natural Gas), and the maximum 4-hour average sulfur content of the fuel consumed, as determined by the device specified in subsection (D)(1)(a) of this Rule and the total SO_x emissions calculated as SO₂. The report shall be submitted no later than 30 days following the end of the reporting month.
- (d) The Person operating a Continuous Monitor shall keep records as specified in subsection (D)(1)(b)(ii)a. for monitor Breakdown(s).

(F) Test Methods

(1) Gaseous Fuels

- (a) For determination of compliance with sulfur content requirements of Section (C):
 - (i) The reference method for determining the concentration of sulfur compounds in a gaseous fuel, calculated as H₂S, shall be SCAQMD Method 307-91 - Determination of Sulfur in a Gaseous Matrix, or any other method demonstrated by the applicant to be equivalent and approved in writing by the APCO, CARB, and the USEPA, or their designees, or
 - (ii) Data obtained from a Continuous Monitor, which is required to be installed and properly operated according to Section (D) and as approved by the APCO pursuant to the guidelines specified in Attachment A, or
 - (iii) The results obtained using the approved alternative monitoring method as specified in (D)(1)(c).
- (b) The gross heating value of Gaseous Fuels shall be determined by ASTM Method D 3588-91 or, if applicable, ASTM Method D 4891-89.
- (c) The methane content of Gaseous Fuels shall be determined by ASTM Method D 1945-81.

(2) Liquid Fuels

- (a) The sulfur content of non-Low Sulfur Diesel Liquid Fuels shall be determined by ASTM Method D 4294, D 2622, D 5453, or any other

equivalent method approved in writing by the APCO, CARB, and USEPA.

- (b) The sulfur content of Low Sulfur Diesel, shall be determined by ASTM Method D 5453, or any other equivalent method approved in writing by the APCO, CARB, and the USEPA.

(3) Solid Fuels

- (a) The sulfur content of Solid Fuels shall be determined by ASTM Method D4239-18e1.

(G) Equivalency for Stationary Source End Use Applications

(1) Gaseous Fuels

Optional Facility Compliance Plan ("OFCP") A Person may comply with subsection (C)(1)(b) by achieving equivalent sulfur oxides (SO_x) emission reductions within the Facility, provided that the applicant submits and complies with an "OFCP" which has been approved in writing by the APCO. The OFCP shall:

- (a) Contain, at a minimum, all data, records, and other information necessary to determine eligibility for alternative emission control, including but not limited to:
 - (i) A list of equipment and a description of the equipment where the gaseous fuel is being produced and/or burned;
 - (ii) The amount of fuel produced by and/or to be burned in each piece of equipment listed in subsection (G)(1)(a)(i);
 - (iii) The estimated emissions of sulfur dioxide from each piece of equipment; and
 - (iv) Historical and projected information on fuel usage.
- (b) Demonstrate that daily total SO_x emissions under the OFCP from all sources within the Facility regulated under Rule 431 would be less than or equal to SO_x emissions that would have been emitted based on actual total SO_x emissions from each source, or the sulfur content limits of this Rule, whichever results in lower SO_x emissions. The total SO_x emissions generated from the subject fuel shall be determined using a CEMS specified in Section (D). The total emissions may be determined by monitoring the sulfur dioxide emissions from at least 70 percent of the total fuel gas consumed as obtained from a totalizing meter, and calculating the total emissions using the CEMS data;

- (c) Demonstrate that the permit units subject to the specified Rule emission limitations are in compliance with all applicable District Rules or are on an approved schedule of compliance; and
 - (d) Demonstrate compliance with the Continuous Monitoring requirements as specified in Section (D) of this Rule.
- (2) Liquid Fuels
- (a) Regardless of the provisions in Sections (C) through (H) of this Rule, a Person may burn, purchase, transfer, sell, or offer for sale to be burned at a Stationary Source in the District, Liquid Fuel with higher sulfur content provided that the resulting emissions into the atmosphere are not greater than the potential emissions with a fuel which complies with the provisions of this Rule.
 - (b) The equivalency provisions of subsection (G)(2)(a) shall be demonstrated in advance in writing to the satisfaction of the APCO with a plan which describes at a minimum process conditions and/or Control Equipment that will remove the pollutants from the stack gases.

(H) Previously Exempt or Previously Compliant Facilities

A Person burning gaseous fuel containing sulfur compounds in excess of the limits specified in Table 1 and whose Facility had been previously exempt from this Rule pursuant to subsection (I)(12); or any Person who, without the use of any sulfur removal or control system, had been previously in compliance with the limits specified in Table 1, shall:

- (a) Submit for approval by the APCO within 30 days from the time of exceedance or non-compliance, a plan to demonstrate compliance with the requirements of the Rule;
- (b) Submit to the APCO an application for a fuel gas control system within six months of the time of exceedance of the exemption criteria specified in subsection (I)(12), or non-compliance with the limit;
- (c) Demonstrate compliance with the limit specified in Table 1 no later than eighteen (18) months after the time of exceedance; and
- (d) Comply with subsections (D)(1)(a) and (D)(1)(b), or (D)(1)(c).

(I) Exemptions

The provisions of this Rule shall not apply to:

- (1) The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.
- (2) The incinerating of waste gases provided that the gross heating value of such gases is less than 2 kilogram-calories per cubic meter (280 British Thermal Units per cubic foot) at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this Rule.
- (3) The use of Solid Fuels in any metallurgical process.
- (4) The use of fuels where the gaseous products of combustion are used as raw materials for other processes.
- (5) The use of Liquid or Solid Fuel to propel or test any vehicle, aircraft, locomotive, boat or ship.
- (6) The use of fuel with higher sulfur content where process conditions or Control Equipment remove sulfur compounds from the stack gases to the extent that the emission of sulfur compounds in to the atmosphere is no greater than that which could be emitted by using a fuel which complies with the provisions of this Rule.
- (7) The use of any Liquid or Solid Fuel having a sulfur content in excess of 0.5 percent by weight for a period not to exceed three (3) days and that period of time necessary for the Hearing Board to render a decision, provided, however, that an application for a variance is filed within said three-day period and fuel which complies with this Rule is not available for use due to accident, strike, sabotage, act of God, act of war, act of the public enemy or failure of supplier.
- (8) A Person selling, for use in the District, any Gaseous Fuel not complying with subsections (C)(1)(b) provided that:
 - (a) The Gaseous Fuel is delivered directly to a sulfur removal unit which is in full operation and which reduces the sulfur content to the limits specified in subsection (C)(1)(b);
 - (b) The seller notifies the APCO prior to any such sale of the quantity, heating value, and composition of the Gaseous Fuel to be sold; and
 - (c) The buyer has an approved District Permit Unit for the sulfur removal unit that will be used to treat the purchased gas.

- (9) Gases vented intermittently to fuel gas or waste disposal system from pressure control valves, sight glasses, compressor bottles, sampling systems, and pump and compressor case vents.
- (10) Waste gases being burned provided that:
 - (a) The gross heating value of such gases is less than 2670 kilocalories per cubic meter (300 British Thermal Units per cubic foot) at standard conditions; and
 - (b) Any supplemental fuel used to burn such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this Rule.
- (11) Gases vented intermittently to fuel gas or waste disposal system from pressure control valves, sight glasses, compressor bottles, sampling systems, and pump and compressor case vents.
- (12) Any Facility which emits less than five (5) pounds per day total sulfur compounds, calculated as H₂S, from the burning of Gaseous Fuels other than Natural Gas. Emissions of total sulfur compounds shall be measured based on fuel analysis, and the maximum daily Gaseous Fuel consumption.
- (13) The use of Liquid Fuels at remote pipeline pumping stations where the APCO determines that conditions do not allow the use of alternate fuels, pollution Control Equipment, or electric equipment, provided that the increased emissions from the operation under this exemption, if any, are compensated by a reduction of at least twice such increased emissions at any other locations within the District and in a manner approved by the APCO.
- (14) A Person is exempt from the requirements of subsections (D)(1)(a) and (D)(1)(b) if the Person demonstrates to the satisfaction of the APCO that the supplier of the gaseous fuel has complied with the requirements of subsection (D)(1) for such fuel.

See SIP Table at <http://www.mdaqmd.ca.gov/>

ATTACHMENT A

SECTION I REQUIREMENTS FOR CONTINUOUS FUEL GAS MONITORING SYSTEM (CFGMS)

A CFGMS used for determining the sulfur content of any gaseous fuel shall:

- (1) Continuously monitor and record the concentration by volume (dry basis) of sulfur compounds in ppmv as H₂S in the gaseous fuel.
- (2) Have the span value of the monitor set so that all readings fall between 20 and 95 percent of scale.
- (3) Check for calibration drift of the monitoring system at least once daily (approximately 24-hr interval) at two concentrations, one high level and one low level. Whenever the daily high level or low-level calibration drift exceeds 5% of analyzer full scale span, the monitoring system shall be deemed to be out of control and subject to the requirements of subsection (D)(1)(b)(ii) of this Rule.
- (4) Determine the relative accuracy of the monitor which shall be no greater than 20 percent of the mean value of the reference method test data.
- (5) Be able to record negative values of zero drift.
- (6) Report the concentration of the sulfur compounds calculated as H₂S.

SECTION II
REQUIREMENTS FOR CONTINUOUS
EMISSIONS MONITORING SYSTEMS (CEMS)

A stack CEMS used for monitoring the sulfur dioxide emissions from the burning of any gaseous fuel shall:

- (1) Continuously monitor and record the concentration by volume (dry basis, zero percent excess air) of sulfur compounds in ppmv as SO₂ emitted into the atmosphere;
- (2) Include either an oxygen monitor for correcting the data for excess air or a fuel gas and exhaust gas flowmeter for the determination of mass emissions;
- (3) Have the span value of all the monitors set so that all readings fall between 20 and 95 percent, for four-hour and daily averages, and between 10 and 95 percent, for monthly averages, of full scale;
- (4) When using an oxygen monitor for the correction of excess air, be able to measure a sulfur compound concentration emission limit of 5 ppm (dry basis, zero percent excess air), which is stoichiometrically equivalent to the limit of sulfur compound content of 40 ppm calculated as hydrogen sulfide in the gaseous fuels;
- (5) Use SCAQMD Methods 100.1 or 6.1 (as applicable for sulfur compound analysis) and SCAQMD Method 3.1 (for oxygen content analysis), or SCAQMD Method 2.1 (for flowrate determination), whichever is applicable, or any other methods demonstrated by MDAQMD Rule 431 - *Sulfur Content of Gaseous Fuels* the applicant to be equivalent and approved in writing by the APCO, CARB, and the USEPA, or their designees, for conducting the relative accuracy evaluations. The relative accuracy limit shall be 1 ppm and zero drift (2-hour and 24-hour) and calibration drift (2-hour and 24-hour) limits for sulfur compounds monitor shall be five (5) percent of the span range; and
- (6) Check for calibration drift of the monitoring system at least once daily (approximately 24- hr interval) at two (2) concentrations, one high level and one low level. Whenever the daily high level or low level calibration drift exceeds five percent (5%) of analyzer full scale span, the monitoring system shall be deemed to be out of control and subject to the requirements of subsection (D)(1)(b)(ii) of this Rule.
- (7) Facilities burning fuel gas subject to this rule shall comply with the requirements of Rule 218 except where specific requirements have been incorporated into this rule.

SECTION III –
GUIDELINES FOR APPROVAL OF
ALTERNATIVE MONITORING PLAN BY THE APCO

In lieu of a Continuous Fuel Gas Monitoring System (CFGMS) or a Continuous Emission Monitoring System (CEMS), a Person subject to this rule may submit an alternative monitoring plan to the APCO, CARB, and the USEPA, or their designees. for their review and decision.

- (1) A test program to determine the correlation between H₂S and total sulfur in the fuel gas using SCAQMD Method 307-91. If a correlation is established, a colorimetric test, or other alternative method approved by the APCO as being equivalent or better in establishing such correlation, may be conducted regularly to determine total sulfur using H₂S as a surrogate.
- (2) An error analysis between colorimetric, or other approved alternative method readings and the total reduced sulfur analysis obtained from SCAQMD Method 307-91. To demonstrate equivalency between the two methods of analyses, the relative accuracy shall not exceed 20 percent of average SCAQMD Method 307-91 readings.
- (3) A schedule for a daily or more frequent analysis of the fuel gas for H₂S using the colorimetric test, or other approved alternative method, and a minimum weekly analysis of the fuel gas using SCAQMD Method 307-91. A different frequency of analysis may be used if the APCO determines that such frequency will ensure compliance with the daily total sulfur limits of this rule.
- (4) When the sulfur level is suspected to be at or above the sulfur content requirements of Table 1 as determined by the colorimetric or other alternative method, a procedure to obtain at minimum a daily sample to be tested according to SCAQMD Method 307-91 until three consecutive daily samples show that total sulfur is below the sulfur content requirements of Table 1.

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Draft
Staff Report
Proposed Amendment of
Rule 431 – *Sulfur Content of Fuels*

For amendment on
September 28, 2020

**Mojave Desert
Air Quality
Management District**

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STAFF REPORT
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List of Acronyms

ATCM	Airborne Toxics Control Measure
AVAQMD	Antelope Valley Air Quality Management District
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CEMS	Continuous Emissions Monitoring Systems
CFGMS	Continuous Fuel Gas Monitoring Systems
FCAA	Federal Clean Air Act
FOP	Federal Operating Permit
H&S Code	California Health & Safety Code
HAP	Hazardous Air Pollutant
JPA	Joint Powers Agreement
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
OFCP	Optional Facility Compliance Plan
RFP	Reasonable Further Progress
SBCAPCD	San Bernardino County Air Pollution Control District
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SB	Senate Bill
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
TAC	Technical Advisory Committee
TSD	Technical Support Document
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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STAFF REPORT
Rule 431 – *Sulfur Content of Fuels*

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management Board (MDAQMD or District) has the authority pursuant to California Health & Safety (H&S) Code §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 431 – *Sulfur Content of Fuels* for inclusion in the current rulebook.

Rule 431 – *Sulfur Content of Fuels*, was originally adopted May 7, 1976, and amended on October 8, 1976. On February 1, 1977 CARB Executive Order adopted a rule book for non-South Coast Air Basin (SCAB) areas of Los Angeles, Riverside and San Bernardino Counties, and on July 25, 1977, Rule 431 was readopted into the San Bernardino County Air Pollution Control District (SBCAPCD) rulebook.

Rule 431 is intended to reduce sulfur emissions from the burning of gaseous, liquid and solid fuels in stationary combustion equipment. This proposed amendment also incorporates diesel requirements in the California Code of Regulations (CCR) 13 § CCR 2281. As part of the rule development process, rules from other Districts have been reviewed, to ensure that we are meeting RACT requirements as they relate to sulfur content of fuels. Approximately 90 facilities in the District are subject to this rule. The District does not expect an impact to our sources as surrounding Districts have similar provisions in place which our permit holders are already accustomed to complying with.

Proposed changes in Rule 431 include: reducing sulfur limits for gaseous and liquid fuels, adding new monitoring, record keeping, testing, equivalency requirements as well as new exemptions. A section has also been added for facilities who are currently exempt or in compliance, which provides guidance on coming into and maintaining compliance with Rule 431. For ease of reading, sections have been broken down by fuel type: gaseous, liquid and solid. Attachments addressing specific monitoring system requirements have also been included.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District amend proposed Rule 431 *Sulfur Content of Fuels* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to amend an existing rule to meet current federal RACT rule requirements.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 431 – *Sulfur Content of Fuels*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- Necessity
- Authority
- Clarity
- Consistency
- Nonduplication
- Reference
- Public Notice & Comment
- Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- Public Notice & Comment
- Availability of Document
- Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- Public Hearing
- Legal Authority to adopt and implement the document.
- Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

- Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- Appropriate findings, if necessary.
- Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- Written analysis of existing air pollution control requirements
- N/A Economic Analysis
- Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendment of Rule 431. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity:

The proposed amendment of Rule 431 is necessary to conform the Rule to various provisions of the California Code of Regulations (CCR), which the MDAQMD enforces.

b. Authority:

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

c. Clarity:

The proposed amendment of Rule 431 is clear in that it is written so that the persons subject to the rule can easily understand the meaning.

d. Consistency:

The proposed amendment of Rule 431 is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. The proposed rule amendments are consistent with CCR provisions.

e. Nonduplication:

The proposed amendment of Rule 431 does not impose the same requirements as any existing state or federal law.

f. Reference:

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendment of Rule 431 was published on or around August 24, 2020. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law that requires the submittal. The information below indicates which elements are required for the proposed amendment of Rule 431 and how they were satisfied. Rule 431 is currently approved in the California State Implementation Plan (SIP). Rule 431 was readopted on 07/25/1977 was submitted to USEPA on 06/06/1977 and approved into the California SIP on 09/08/1978 (43 FR 40011).

a. Satisfaction of Underlying Federal Requirements:

The amendment of Rule 431 is subject to all the requirements for a SIP submittal because Rule 431 will be requested to be included in the MDAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0. In addition, FCAA §110(l) (42 U.S.C. 7410(l)) requires that any rule action which might possibly be construed as a relaxation of a requirement provide a demonstration that the change not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP). Please see section (VI)(E) below for the applicable demonstration.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendment of Rule 431 was published on or around August 24, 2020. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amended Rule 431 was made public on August 10, 2020, and the accompanying draft staff report will be made available to the public on or before September 7, 2020. The proposed Rule 431 was reviewed by the Technical Advisory Committee (TAC) on August 26, 2020. The TAC is a committee consisting of a variety of regulated industry and local governmental entities.

d. Notice to Specified Entities:

Copies of proposed amended Rule 431 was sent to all affected agencies on August 10, 2020. The accompanying draft staff report will be made available for all affected agencies on or before September 7, 2020. The proposed amended Rule was sent to CARB and USEPA on August 11, 2020.

e. Public Hearing:

A public hearing to consider the proposed amendment of Rule 431 has been set for September 28, 2020.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district.

The proposed amendments to Rule 431 apply to all sources who burn fuels containing sulfur in the District. This rule expands upon the original rule, including language directly from the CCR to clarify emission requirements. It does not in and of itself mandate specific control strategies. Instead it is used to procedurally place permit conditions upon each new or modified piece of equipment or source type to implement the specific air pollution control requirements applicable to such equipment or source type. Therefore, as a rule implementing federal programs rather than providing specific control requirements, this analysis is not necessary.

C. ECONOMIC ANALYSIS

1. General

RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). Proposed amendments to Rule 431 are equivalent to rules that were determined by USEPA to fulfill RACT¹. This determination by USEPA means that the provisions of Rule 431 are, by definition, cost effective.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO_x) or oxides of sulfur (SO_x). This requirement does not apply to the proposed amendment of Rule 431 since it does not require BARCT or “all feasible measures.”

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 431 was determined.

1. Proposed Rule 431 meets the CEQA definition of “project”. They are not “ministerial” actions.

2. The proposed amendment of Rule 431 is exempt from CEQA review because the adoption will not create any adverse impacts on the environment. Amendment of this rule will implement current federal RACT. Because there is no potential that the amendment might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The District does not anticipate any potential environmental impacts of compliance with the proposed amendment of Rule 431. The amendment of Rule 431 addresses

¹ Antelope Valley AQMD Rules: 431.1 – *Sulfur Content of Gaseous Fuels* (August 21, 2012), 431.2 – *Sulfur Content of Liquid Fuels* (May 4, 1990), 431.3 – *Sulfur Content of Fossil Fuels* (May 7, 1976); South Coast AQMD Rules: 431.1 – *Sulfur Content of Gaseous Fuels* (June 12, 1998), 431.2 – *Sulfur Content of Liquid Fuels* (September 15, 2000), 431.3 – *Sulfur Content of Fossil Fuels* (May 7, 1976)

CCR requirements and maintains stringency standards as found in other RACT SIP California Air District Rules.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

Rule 431 – *Sulfur Content of Fuels* applies to any burning, transferring, selling or the offering for sale of any gaseous fuels containing sulfur compounds. Facilities subject to Rule 431 generally include utilities, oil and gas production facilities, and publicly owned treatment works and landfill facilities which produce sewage digester gas and landfill gas, respectively. Approximately 90 facilities in the MDAQMD are subject to this rule. The District does not expect an impact to our sources as surrounding districts have similar provisions in place which our permit holders are already accustomed to complying with.

B. EMISSIONS

More stringent emissions limits are proposed in this amendment of Rule 431. There is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts.

C. CONTROL REQUIREMENTS

Rule 431 includes sulfur limits, adding new monitoring, record keeping, testing, equivalency requirements as well as new exemptions consistent with the CCR and other District rules determined to fulfill RACT.

D. PROPOSED RULE SUMMARY

Please see Appendix A of this Staff Report for a complete draft of the proposed amendments to Rule 431. This section gives a brief overview of the proposed amendments.

Section (A) General

Purpose of the rule and applicability have been added.

Section (B) Definitions

A definitions section has been added to the proposed rule 431, and while one definition was added, most definitions needed to support this rule development have been added to the Rule 102- *Definition of Terms*.

Section (C) Requirements

Original language has been maintained for solid fuels, otherwise the requirements section has been divided up into three fuel categories (gaseous, liquid and solid) outlining the requirements, including a table delineating limits. Reductions in emissions limits have been made in both gaseous and liquid, but solid remains the same.

Section (D) Monitoring Requirements

Monitoring requirements for gaseous fuels has been added.

Section (E) Reporting and Record Keeping Requirements

Reporting and record keeping requirements have been added to this rule, focusing on sulfur content determination for all fuels and a more specific section for gaseous fuels.

Section (F) Test Methods

Accepted test methods for all three fuel categories has been added.

Section (G) Equivalency for Stationary Source End Use Applications

When approved by the APCO, a facility can operate under an Optional Facility Compliance Plan (OFCP). If they are unable to meet the specific requirements gaseous and liquid fuel emissions requirements in section (C), as long as they can demonstrate that the resulting SO_x emissions at the facility would be equal to or less than a fuel, or control method, that complies with this rule.

Section (H) Previously Exempt or Previously Compliant Facilities

This section has been added for facilities who are currently compliant with Rule 431 and provides timelines and an outline on how to come into compliance with the proposed amendment of the rule.

Section (I) Exemptions

Original exemptions have remained intact, and new exemptions have been added.

Attachment A

Section I – Requirements for Continuous Fuel Gas Monitoring System (CFGMS)

Section II – Requirements for Continuous Emissions Monitoring Systems (CEMS)

Section III – Guidelines for Approval of Alternative Monitoring Plan by the APCO

E. 110(l) Analysis

Rule 431 – *Sulfur Content of Fuels* is included in the SIP for the MDAQMD. Rule 431 – *Sulfur Content of Fuels* was most recently amended on October 8, 1976. On February 1, 1977 CARB Executive Order adopted a rule book for non-South Coast Air Basin (SCAB) areas of Los Angeles, Riverside and San Bernardino Counties, and then finally on July 25, 1977, Rule 431 was readopted into the San Bernardino County Air Pollution Control District (SBCAPCD) rulebook. This rule amendment was approved in to the SIP (43 FR 40011 - 09/08/1978) and determined to fulfill federal RACT.

Rule 431 is as stringent that the October 8, 1976 version of the Rule. Approving this amendment into the SIP for the MDAQMD strengthens this source category by addressing CCR requirements and by aligning with other RACT district sulfur content of fuels who have been determined RACT.

F. SIP HISTORY

1. SIP History.

a. SIP in the San Bernardino County Portion of MDAQMD

Rule 431 was originally adopted on May 7, 1976, and then amended on October 8, 1976 by the Southern California Air Pollution Control District (So.Cal.APCD) which was created by a Joint Powers Agreement (JPA) between Los Angeles, Orange, Riverside and San Bernardino Counties to replace the previous countywide air pollution control districts for those counties. On February 1, 1977, pursuant to statute (Cal. Stats. 1976, Ch 324 p. 815) the South Coast Air Quality Management District (SCAQMD) was created with an initial jurisdiction that only included areas of Los Angeles, Orange, Riverside and San Bernardino Counties contained within the South Coast Air Basin (SCAB). Outlying areas remained under the So. Cal. APCD. Also on February 1, 1977 the California Air Resources Board (CARB) issued Executive Order G-73 (1977) which adopted a “rule book” for those non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties. CARB submitted the G-73 rulebook on behalf of the “county” districts and these rule books included Rule 431.

By its terms Executive Order G-73 (1977) was only effective until the non-SCAB areas took other action. On February 22, 1977 the JPA forming the So. Cal. APCD was formally dissolved. By the

terms of the JPA upon dissolution each county would regain its county air pollution control district with a jurisdiction of the non-SCAB areas of the county and the applicable rules being the SoCal.APCD's rules in effect upon the date of dissolution. Thus, as of February 22, 1977 the version of Rule 431 for the San Bernardino County APCD (SBCAPCD) reverted from the G-73 (1977) CARB version back to the original So.Cal.APCD May 7, 1976 version.

On July 25, 1977 the SBCAPCD readopted its rulebook including Rule 431.

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Rule 431 has not been amended since July 25, 1977, and therefore is the SIP Version (43 FR 40011, 9/8/78) for the San Bernardino County portion of the MDAQMD.

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislations which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left SCAQMD and joined the MDAQMD.

Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

Rule 431 was originally adopted on May 7, 1976 and then amended on October 8, 1976 by the Southern California Air Pollution Control District (So.Cal.APCD) which was created by a Joint Powers Agreement (JPA) between Los Angeles, Orange, Riverside and San

Bernardino Counties to replace the previous countywide air pollution control districts for those counties. On February 1, 1977, pursuant to statute (Cal. Stats. 1976, Ch 324 p. 815) the South Coast Air Quality Management District (SCAQMD) was created with an initial jurisdiction that only included areas of Los Angeles, Orange, Riverside and San Bernardino Counties contained within the South Coast Air Basin (SCAB). The SCAQMD repealed this version of Rule 431 on December 2, 1977, creating three (3) rules in its place; Rule 431.1 – *Sulfur Content of Gaseous Fuels* adopted November 4, 1977 and then amended September 1, 1978, February 2, 1979, January 8, 1982, May 6, 1983, May 4, 1990, April 5, 1991, September 11, 1992, October 2, 1992, November 17, 1995 and June 12, 1998. Rule 431.2 *Sulfur Content of Liquid Fuels* adopted December 2, 1977 and then reamended October 20, 1978, February 2, 1979, August 2, 1985, May 4 1990 and September 15, 2000; and finally, Rule 431.3 – *Sulfur Content of Fossil Fuels* adopted May 7, 1976.

2. SIP Analysis.

Rule 431 as amended on October 8, 1976 was submitted and approved for both the San Bernardino and Riverside County portions of the MDAQMD.

The District is requesting CARB to submit the current amended version of Rule 431 for the San Bernardino County portion of the MDAB and for the Blythe/Palo Verde Valley portion of Riverside County. The District also requests removal of all prior versions of Rule 431 from the Blythe/Palo Verde Valley portion of the MDAQMD, and that the Region IX SIPs webpage be updated to reflect the appropriate SIP information.

The MDAQMD is specifically requesting that CARB submit this action as a SIP revision along with a request that USEPA take the following actions:

- a. Approve the September 28, 2020 version of Rule 431 as a part of the SIP for the entire jurisdiction of the MDAQMD.
- b. Remove SCAQMD Rule 431 – *Sulfur Content of Fuels* for the Riverside County portion of the MDAQMD as listed at 40 CFR 52.220(c)(58)(ii)(B) and 40 CFR 52.220(c)(154)(vii)(A)
- c. Once the September 28, 2020 version of Rule 431 is approved to the SIP, please remove the October 8, 1976 version of Rule 431 from the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County from the SIP.

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Appendix “A”
Rule 431 – *Sulfur Content of Fuels*

Iterated Version

The iterated version is provided so that the changes to an existing rule may be easily found. The manner of differentiating text is as follows:

1. Underlined text identifies new or revised language.
2. ~~Lined out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the rule which will remain unchanged by the adoption of the proposed amendments.
4. *[Bracketed italicized text]* is explanatory material that is not part of the proposed language. It is removed once the proposed amendments are adopted.

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RULE 431

Sulfur Content of Fuels

(A) General

(1) Purpose

The purpose of this Rule is to limit the sulfur content in fuels for the purpose of both reducing the formation of sulfur oxides and particulates during combustion in stationary equipment. [Derived from SCAQMD Rule 431.2 (a).]

(2) Applicability

This Rule applies to all Importers and other fuel suppliers, such as distributors, marketers and retailers, as well as to users of fuels for Stationary Source applications in the District, unless said fuel is supplied solely for use in locomotives or marine vessels. [Derived from SCAQMD Rule 431.2 and CCR Title 13, Section 2281]

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless a term is otherwise defined herein. Terms that are defined within these Rules, have been capitalized for ease of recognition. [Standard Language for New MDAQMD Rules]

(1) “Importer” – A Person who supplies or brings Diesel Fuel, Low Sulfur Diesel Fuel, and/or other Liquid Fuels into the District from any location outside the District, except for fuels contained in the dedicated fuel tank of a vehicle. [Derived from SCAQMD Rule 431.2]

(C) Requirements

(1) Gaseous Fuels

(a) Natural Gas

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, any Natural Gas, other than pipeline quality Natural Gas, containing sulfur compounds, calculated as H₂S, in excess of 16 Parts Per Million by Volume (ppmv). [Derived from SCAQMD Rule 431.1]

(b) Other Gaseous Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, any Gaseous Fuel containing sulfur compounds, calculated as H₂S, in excess of the concentration limits as measured over the averaging periods for various Gaseous Fuels as specified in Table 1. [Derived from SCAQMD Rule 431.1]

Table 1 [Derived from AVAQMD Rule 431.1]

<u>Fuel Type</u>	<u>Sulfur Limits ppmv</u>	<u>Averaging Periods</u>
<u>Refinery Gas</u>	<u>40</u>	<u>4 Hours</u>
<u>Landfill Gas</u>	<u>250</u>	<u>Daily</u>
<u>Sewage Digester Gas</u>	<u>40 or</u>	<u>Daily or</u>
	<u>40 and 500</u>	<u>Monthly and 15-Minutes</u>
<u>Other Gases</u>	<u>40</u>	<u>4 Hours</u>

(2) Liquid Fuels

(a) Diesel Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, Diesel Fuel with a sulfur content in excess of 15 ppm by weight. [CCR Title 13, Section 2281]

(b) Other Liquid Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, Liquid Fuel with a sulfur content in excess of 500 ppm by weight. [Derived from SCAQMD Rule 431.2]

(3) Solid Fuels

A Person shall not burn, purchase, transfer, sell or offer for sale for any Stationary Source application in the District, ~~any gaseous fuel containing sulfur compounds in excess of 800 ppm calculated as hydrogen sulfide at standard conditions, or any liquid or solid fuel~~ having a sulfur content in excess of 0.5 percent by weight.

(D) Monitoring Requirements

(1) Gaseous Fuels

- (a) Except as provided in subsection (D)(1)(c), a Person burning gaseous fuels, other than exclusively pipeline quality Natural Gas, in a District Permit Unit, shall have a properly operating Continuous Fuel Gas Monitoring System (CFGMS) to determine the sulfur content, calculated as H₂S, of the fuel gas prior to burning, or a Continuous Emission Monitoring System (CEMS) to determine SO_x emissions after burning. All Continuous Monitors require District approval, which shall be based on the requirements as specified in Attachment A. [Derived from SCAQMD Rule 431.1]
- (i) A Person shall install the CFGMS upstream of any mixing of refinery gases with Natural Gas, propane or other fuels. [Derived from SCAQMD Rule 431.1]
- (ii) A Person subject to Section (H) of this Rule shall comply with subsections (D)(1)(a) and (D)(1)(b) no later than twelve months after the date an Authority to Construct (ATC) is issued by the District for a sulfur removal system or comply with subsection (D)(1)(c). [Derived from SCAQMD Rule 431.1]
- (iii) Compliance with the Table 1 sulfur limits shall be determined based on readings obtained from an approved Continuous Monitor. [Derived from SCAQMD Rule 431.1]
- (iv) A Person installing a CEMS or a CFGMS shall comply with Sections (C) through (G) in District Rule - 218 - Stack Monitoring
- (b) A Person installing a Continuous Monitor shall submit to the District for approval, a quality assurance procedure as specified in USEPA 40 CFR Part 60, Appendix F, Procedure 1 for CEMS and, as applicable, for CFGMS.
- (i) The quality assurance procedure specified above shall be submitted to the District for written approval by the APCO prior to the CFGMS or CEMS final certification.
- (ii) Any CFGMS or CEMS deemed to be out of control, as specified in Attachment A, according to the Facility quality assurance procedure approved by the APCO shall be corrected within 72 hours.
- a. The Person operating the CFGMS or CEMS shall notify the APCO in accordance with District Rule - 430 – Breakdown Provisions of any Breakdown(s) of the monitoring

system(s) if the duration of the Breakdown is in excess of 60 minutes or if there are three (3) or more Breakdowns in any one day within 24 hours of the occurrence of the Breakdown which triggers notification. Such report shall identify the time, location, equipment involved, and contact Person.

b. The Person who complies with the provisions of subsection (D)(1)(b)(ii)a. and subsection (E)(2)(c) shall not be considered in violation of this Rule for the 72-hour period of Breakdown provided that the Breakdown did not result from Operator error, neglect or improper operation or maintenance procedures.

(c) A Person burning landfill gas or sewage digester gas, or who is subject to Section (H) of this Rule may use an alternative monitoring method, in lieu of the requirements in subsections (D)(1)(a) and (D)(1)(b), that ensures compliance with the daily total sulfur content limitation as specified in Table 1. Alternative monitoring methods shall not be used unless first approved in writing by the APCO, the California Air Resources Board (CARB), and the United States Environmental Protection Agency (USEPA), or their designees.

(i) At a minimum, the alternative monitoring method shall meet the guidelines of Attachment A, Section III.

(ii) A Person subject to Section (H) of this Rule shall submit an alternative monitoring method for approval no later than 45 days after the date an ATC for a sulfur removal system is issued.

(iii) All monitoring must comply with the approved alternative monitoring method.

(iv) District personnel shall use the approved alternative monitoring method to determine compliance with the limits of this Rule.
[Derived from SCAQMD Rule 431.1]

(E) Reporting and Recordkeeping Requirements

(1) Sulfur Content Determination

(a) Continuous Fuel Monitoring for sulfur; or

(b) Annual source testing as outlined in Section (F); or

(c) Sulfur content certification from supplier.

(2) Gaseous Fuels

- (a) All records required by this Rule shall be maintained at the Facility for at least five (5) years and be made available to District staff upon request. [Derived from AVAQMD Rule 431.1]
- (b) Except at electric utility generating facilities and refineries, a Person burning gaseous fuel, other than exclusively Natural Gas, in stationary equipment requiring a District Permit to Operate (PTO), shall submit to the APCO annual reports of the monthly fuel consumption and the total sulfur content of the fuel consumed. The annual report shall be submitted no later than 60 days following the end of the reporting year, and shall consist of the amount of any gaseous fuel consumed monthly, the applicable hourly, daily or monthly average sulfur content as determined by the Continuous Monitor or approved alternative monitoring method as specified in subsections (D)(1)(a), (D)(1)(b), or (D)(1)(c) of this Rule, and total SO_x emissions calculated as SO₂. [Derived from AVAQMD Rule 431.1]
- (c) A Person burning gaseous fuel in stationary equipment located at electric utility generating facilities or refineries shall submit to the APCO monthly reports of the daily fuel consumption, the monthly weighted average sulfur content (except for Natural Gas), and the maximum 4-hour average sulfur content of the fuel consumed, as determined by the device specified in subsection (D)(1)(a) of this Rule and the total SO_x emissions calculated as SO₂. The report shall be submitted no later than 30 days following the end of the reporting month. [Derived from AVAQMD Rule 431.1]
- (d) The Person operating a Continuous Monitor shall keep records as specified in subsection (D)(1)(b)(ii)a. for monitor Breakdown(s). [Derived from AVAQMD Rule 431.1]

(F) Test Methods

(1) Gaseous Fuels

- (a) For determination of compliance with sulfur content requirements of Section (C):
- (i) The reference method for determining the concentration of sulfur compounds in a gaseous fuel, calculated as H₂S, shall be SCAQMD Method 307-91 - Determination of Sulfur in a Gaseous Matrix, or any other method demonstrated by the applicant to be equivalent and approved in writing by the APCO, CARB, and the USEPA, or their designees, or

(ii) Data obtained from a Continuous Monitor, which is required to be installed and properly operated according to Section (D) and as approved by the APCO pursuant to the guidelines specified in Attachment A, or

(iii) The results obtained using the approved alternative monitoring method as specified in (D)(1)(c).

(b) The gross heating value of Gaseous Fuels shall be determined by ASTM Method D 3588-91 or, if applicable, ASTM Method D 4891-89. [Derived from SCAQMD Rule 431.1]

(c) The methane content of Gaseous Fuels shall be determined by ASTM Method D 1945-81. [Derived from SCAQMD Rule 431.1]

(2) Liquid Fuels

(a) The sulfur content of non-Low Sulfur Diesel Liquid Fuels shall be determined by ASTM Method D 4294, D 2622, D 5453, or any other equivalent method approved in writing by the APCO, CARB, and USEPA. [Derived from SCAQMD Rule 431.1]

(b) The sulfur content of Low Sulfur Diesel, shall be determined by ASTM Method D 5453, or any other equivalent method approved in writing by the APCO, CARB, and the USEPA. [Derived from SCAQMD Rule 431.2]

(3) Solid Fuels

(a) The sulfur content of Solid Fuels shall be determined by ASTM Method D4239-18e1. [Derived from ASTM International, Standard Test Method for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion]

(G) Equivalency for Stationary Source End Use Applications

(1) Gaseous Fuels

Optional Facility Compliance Plan ("OFCP") A Person may comply with subsection (C)(1)(b) by achieving equivalent sulfur oxides (SO_x) emission reductions within the Facility, provided that the applicant submits and complies with an "OFCP" which has been approved in writing by the APCO. The OFCP shall:

(a) Contain, at a minimum, all data, records, and other information necessary to determine eligibility for alternative emission control, including but not limited to:

- (i) A list of equipment and a description of the equipment where the gaseous fuel is being produced and/or burned;
 - (ii) The amount of fuel produced by and/or to be burned in each piece of equipment listed in subsection (G)(1)(a)(i);
 - (iii) The estimated emissions of sulfur dioxide from each piece of equipment; and
 - (iv) Historical and projected information on fuel usage.
- (b) Demonstrate that daily total SO_x emissions under the OFCP from all sources within the Facility regulated under Rule 431 would be less than or equal to SO_x emissions that would have been emitted based on actual total SO_x emissions from each source, or the sulfur content limits of this Rule, whichever results in lower SO_x emissions. The total SO_x emissions generated from the subject fuel shall be determined using a CEMS specified in Section (D). The total emissions may be determined by monitoring the sulfur dioxide emissions from at least 70 percent of the total fuel gas consumed as obtained from a totalizing meter, and calculating the total emissions using the CEMS data;
- (c) Demonstrate that the permit units subject to the specified Rule emission limitations are in compliance with all applicable District Rules or are on an approved schedule of compliance; and
- (d) Demonstrate compliance with the Continuous Monitoring requirements as specified in Section (D) of this Rule *[Derived from SCAQMD Rule 431.1]*

(2) Liquid Fuels

- (a) Regardless of the provisions in Sections (C) through (H) of this Rule, a Person may burn, purchase, transfer, sell, or offer for sale to be burned at a Stationary Source in the District, Liquid Fuel with higher sulfur content provided that the resulting emissions into the atmosphere are not greater than the potential emissions with a fuel which complies with the provisions of this Rule. *[Derived from SCAQMD Rule 431.2]*
- (b) The equivalency provisions of subsection (G)(2)(a) shall be demonstrated in advance in writing to the satisfaction of the APCO with a plan which describes at a minimum process conditions and/or Control Equipment that will remove the pollutants from the stack gases *[Derived from SCAQMD Rule 431.2]*

(H) Previously Exempt or Previously Compliant Facilities

A Person burning gaseous fuel containing sulfur compounds in excess of the limits specified in Table 1 and whose Facility had been previously exempt from this Rule

pursuant to subsection (I)(12); or any Person who, without the use of any sulfur removal or control system, had been previously in compliance with the limits specified in Table 1, shall:

- (a) Submit for approval by the APCO within 30 days from the time of exceedance or non-compliance, a plan to demonstrate compliance with the requirements of the Rule;
- (b) Submit to the APCO an application for a fuel gas control system within six months of the time of exceedance of the exemption criteria specified in subsection (I)(12), or non-compliance with the limit;
- (c) Demonstrate compliance with the limit specified in Table 1 no later than eighteen (18) months after the time of exceedance; and
- (d) Comply with subsections (D)(1)(a) and (D)(1)(b), or (D)(1)(c).
[Derived from SCAQMD Rule 431.1]

(I) Exemptions

The provisions of this ~~R~~rule shall not apply to:

- ~~(1a)~~ The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.
- ~~(2b)~~ The incinerating of waste gases provided that the gross heating value of such gases is less than 2 kilogram-calories per cubic meter (280 British Thermal Units per cubic foot) at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this ~~R~~rule.
- ~~(c) Sewage digester gas.~~
- ~~(3d)~~ The use of ~~S~~solid ~~F~~fuels in any metallurgical process.
- ~~(4e)~~ The use of fuels where the gaseous products of combustion are used as raw materials for other processes.
- ~~(5f)~~ The use of ~~L~~iquid or ~~S~~solid ~~F~~fuel to propel or test any vehicle, aircraft, locomotive, boat or ship.
- ~~(6g)~~ The use of fuel with higher sulfur content where process conditions or ~~C~~ontrol ~~E~~quipment remove sulfur compounds from the stack gases to the extent that the emission of sulfur compounds in to the atmosphere is no greater than that which could be emitted by using a fuel which complies with the provisions of this ~~R~~Rule.
- ~~(7h)~~ The use of any ~~L~~iquid or ~~S~~solid ~~F~~fuel having a sulfur content in excess of 0.5 percent by weight for a period not to exceed ~~three (3)~~ days and that period of time

necessary for the Hearing Board to render a decision, provided, however, that an application for a variance is filed within said three-day period and fuel which complies with this ~~R~~rule is not available for use due to accident, strike, sabotage, act of God, act of war, act of the public enemy or failure of supplier.

- (8) A Person selling, for use in the District, any Gaseous Fuel not complying with subsections (C)(1)(b) provided that:
- (a) The Gaseous Fuel is delivered directly to a sulfur removal unit which is in full operation and which reduces the sulfur content to the limits specified in subsection (C)(1)(b);
 - (b) The seller notifies the APCO prior to any such sale of the quantity, heating value, and composition of the Gaseous Fuel to be sold; and
 - (c) The buyer has an approved District Permit Unit for the sulfur removal unit that will be used to treat the purchased gas. [Derived from SCAQMD Rule 431.1]
- (9) Gases vented intermittently to fuel gas or waste disposal system from pressure control valves, sight glasses, compressor bottles, sampling systems, and pump and compressor case vents. [Derived from SCAQMD Rule 431.1]
- (10) Waste gases being burned provided that:
- (a) The gross heating value of such gases is less than 2670 kilocalories per cubic meter (300 British Thermal Units per cubic foot) at standard conditions; and
 - (b) Any supplemental fuel used to burn such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this Rule. [Derived from SCAQMD Rule 431.1]
- (11) Gases vented intermittently to fuel gas or waste disposal system from pressure control valves, sight glasses, compressor bottles, sampling systems, and pump and compressor case vents. [Derived from SCAQMD Rule 431.1]
- (12) Any Facility which emits less than five (5) pounds per day total sulfur compounds, calculated as H₂S, from the burning of Gaseous Fuels other than Natural Gas. Emissions of total sulfur compounds shall be measured based on fuel analysis, and the maximum daily Gaseous Fuel consumption. [Derived from SCAQMD Rule 431.1]
- (13) The use of Liquid Fuels at remote pipeline pumping stations where the APCO determines that conditions do not allow the use of alternate fuels, pollution Control Equipment, or electric equipment, provided that the increased emissions from the operation under this exemption, if any, are compensated by a reduction

of at least twice such increased emissions at any other locations within the District and in a manner approved by the APCO. [Derived from SCAQMD Rule 431.2]

- (14) A Person is exempt from the requirements of subsections (D)(1)(a) and (D)(1)(b) if the Person demonstrates to the satisfaction of the APCO that the supplier of the gaseous fuel has complied with the requirements of subsection (D)(1) for such fuel. [Derived from AVAQMD Rule 431.1]

See SIP Table at <http://www.mdaqmd.ca.gov/>

ATTACHMENT A

SECTION I
REQUIREMENTS FOR CONTINUOUS
FUEL GAS MONITORING SYSTEM (CFGMS)

A CFGMS used for determining the sulfur content of any gaseous fuel shall:

- (1) Continuously monitor and record the concentration by volume (dry basis) of sulfur compounds in ppmv as H₂S in the gaseous fuel.
- (2) Have the span value of the monitor set so that all readings fall between 20 and 95 percent of scale.
- (3) Check for calibration drift of the monitoring system at least once daily (approximately 24-hr interval) at two concentrations, one high level and one low level. Whenever the daily high level or low-level calibration drift exceeds 5% of analyzer full scale span, the monitoring system shall be deemed to be out of control and subject to the requirements of subsection (D)(1)(b)(ii) of this Rule.
- (4) Determine the relative accuracy of the monitor which shall be no greater than 20 percent of the mean value of the reference method test data.
- (5) Be able to record negative values of zero drift.
- (6) Report the concentration of the sulfur compounds calculated as H₂S. [Derived from AVAQMD Rule 431.1]

SECTION II
REQUIREMENTS FOR CONTINUOUS
EMISSIONS MONITORING SYSTEMS (CEMS)

A stack CEMS used for monitoring the sulfur dioxide emissions from the burning of any gaseous fuel shall:

- (1) Continuously monitor and record the concentration by volume (dry basis, zero percent excess air) of sulfur compounds in ppmv as SO₂ emitted into the atmosphere;
- (2) Include either an oxygen monitor for correcting the data for excess air or a fuel gas and exhaust gas flowmeter for the determination of mass emissions;
- (3) Have the span value of all the monitors set so that all readings fall between 20 and 95 percent, for four-hour and daily averages, and between 10 and 95 percent, for monthly averages, of full scale;
- (4) When using an oxygen monitor for the correction of excess air, be able to measure a sulfur compound concentration emission limit of 5 ppm (dry basis, zero percent excess air), which is stoichiometrically equivalent to the limit of sulfur compound content of 40 ppm calculated as hydrogen sulfide in the gaseous fuels;
- (5) Use SCAQMD Methods 100.1 or 6.1 (as applicable for sulfur compound analysis) and SCAQMD Method 3.1 (for oxygen content analysis), or SCAQMD Method 2.1 (for flowrate determination), whichever is applicable, or any other methods demonstrated by MDAQMD Rule 431 - *Sulfur Content of Gaseous Fuels* the applicant to be equivalent and approved in writing by the APCO, CARB, and the USEPA, or their designees, for conducting the relative accuracy evaluations. The relative accuracy limit shall be 1 ppm and zero drift (2-hour and 24-hour) and calibration drift (2-hour and 24-hour) limits for sulfur compounds monitor shall be five (5) percent of the span range; and
- (6) Check for calibration drift of the monitoring system at least once daily (approximately 24- hr interval) at two (2) concentrations, one high level and one low level. Whenever the daily high level or low level calibration drift exceeds five percent (5%) of analyzer full scale span, the monitoring system shall be deemed to be out of control and subject to the requirements of subsection (D)(1)(b)(ii) of this Rule.
- (7) Facilities burning fuel gas subject to this rule shall comply with the requirements of Rule 218 except where specific requirements have been incorporated into this rule. *[Derived from AVAQMD Rule 431.1]*

SECTION III –
GUIDELINES FOR APPROVAL OF
ALTERNATIVE MONITORING PLAN BY THE APCO

In lieu of a Continuous Fuel Gas Monitoring System (CFGMS) or a Continuous Emission Monitoring System (CEMS), a Person subject to this rule may submit an alternative monitoring plan to the APCO, CARB, and the USEPA, or their designees. for their review and decision.

- (1) A test program to determine the correlation between H₂S and total sulfur in the fuel gas using SCAQMD Method 307-91. If a correlation is established, a colorimetric test, or other alternative method approved by the APCO as being equivalent or better in establishing such correlation, may be conducted regularly to determine total sulfur using H₂S as a surrogate.
- (2) An error analysis between colorimetric, or other approved alternative method readings and the total reduced sulfur analysis obtained from SCAQMD Method 307-91. To demonstrate equivalency between the two methods of analyses, the relative accuracy shall not exceed 20 percent of average SCAQMD Method 307-91 readings.
- (3) A schedule for a daily or more frequent analysis of the fuel gas for H₂S using the colorimetric test, or other approved alternative method, and a minimum weekly analysis of the fuel gas using SCAQMD Method 307-91. A different frequency of analysis may be used if the APCO determines that such frequency will ensure compliance with the daily total sulfur limits of this rule.
- (4) When the sulfur level is suspected to be at or above the sulfur content requirements of Table 1 as determined by the colorimetric or other alternative method, a procedure to obtain at minimum a daily sample to be tested according to SCAQMD Method 307-91 until three consecutive daily samples show that total sulfur is below the sulfur content requirements of Table 1. [Derived from AVAQMD Rule 431.1]

[SIP: See SIP Table at
<http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=45>]

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Appendix “B”
Public Notice Documents

1. Draft Proof of Publication – Daily Press
2. Draft Proof of Publication – Riverside Press Enterprise

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
County of San Bernardino**

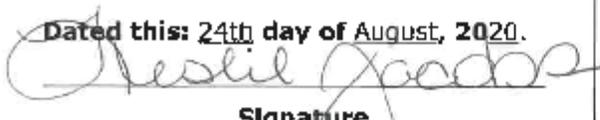
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

August 24

All in the year 2020.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 24th day of August, 2020.


Signature
Leslie Jacobs

This space is the County Clerk's Filing Stamp

**RECEIVED
MOMAVE DESERT AQUA
CLERK OF THE BOARD**

AUG 28 2020

BY 

**Proof of Publication of
NOTICE OF HEARING**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Momave Desert Aqueduct Management District (MDAQMD) will conduct a public hearing on September 28, 2020 at 1:00 P.M. to consider the proposed amendment of Rule 431 - Initial Contract of Sale and the amendment of Rule 102 - Definitions of Terms.

SAID HEARING will be conducted in the interests of public health, safety and in accordance with the provisions set forth in the Government Code, Article 20 of Chapter 17, Section 422.5 which states that the proposed amendments to the Governing Board Meeting Agenda shall be posted on the website of the agency and on the agenda of the meeting.

Rule 431 is proposed for amendment to incorporate changes in LAA's. Other amendments in 13 § C.C.P., Rule 102 is proposed for amendment to incorporate changes consistent with the proposed adoption of Rule 431. A copy of the proposed amendments to Rule 431 and Rule 102 is attached to this notice and is available for public inspection at the County Clerk's Office.

Amendment 102 and the addition of amendments required pursuant to Health & Safety Code § 170724.3 and 170724.5. Copies of proposed amended Rules 431 and 102 and the associated Staff Reports are on file and may be obtained from the Senior Secretary Analyst at the VDHQMB Office, written comments may be submitted to Brad Porter, APO 14306 San Diego, Victorville, CA 92392. Written comments must be received no later than September 22, 2020 to be considered. If you have any questions regarding Rule 431 you may contact Michael Williams at (760) 245-1641 extension 424 for further information. If you have any questions regarding Rule 102 you may contact Tracy Williams at (760) 245-1641 extension 6122 for further information on the tracking and distribution of the notice.

Pursuant to the California Elections Code (CEC) the MDAQMD has determined that a categorical exemption (CEC 14200.14) applies and has prepared a Notice of Exemption for these amendments.

Published in the Daily Press August 24, 2020 (M-18)

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-694-1200
951-368-9015 FAX

PROOF OF PUBLICATION
(2010, 2015 C.C.P.)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF:

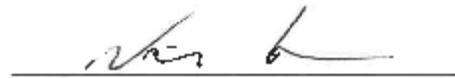
Ac Desc.: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1962, Case Number 54446, under date of March 29, 1967, Case Number 65673, under date of August 25, 1995, Case Number 267834, and under date of September 16, 2015, Case Number HJC 1389013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and that any duplicate thereof on the following dates, to wit:

08/24/2020

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: August 24, 2020
At: Riverside, California


Clerk Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14305 PARK AVE
ATTN: D. I. HERNANDEZ
VICTORVILLE, CA 92392

Ad Number: 001405/18 01

P.O. Number

Ad Copy:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 28, 2020 at 10:00 A.M. to consider the proposed amendment of Rule 431 - Sulfur Content of Fuels and the amendment of Rule 102 - Definition of Terms.

SAYD HEARING may be conducted, in the interests of public health and safety and in accordance with the guidelines set forth in the Governor's Order N 28 20 of March 17, 2020, via alternative means. Please see the applicable Governing Board Meeting Agenda at <https://www.mdaqmd.ca.gov/files/instructions-schedule> or call (760) 245-1661 extension 4244 for additional information.

Rule 431 is proposed for amendment to incorporate changes in CARB's Diesel requirements in 13 CCR 2281. Rule 102 is proposed for amendment to incorporate changes concurrent with the proposed adoption of Rule 431 - Sulfur Content of Fuels. Several definitions have also been included in Rule 102 in anticipation of the future amendment of Rule 1115 - Architectural Coatings, and the adoption of other rules required pursuant to Health & Safety Code 440724.3-440724.6. Copies of proposed amended Rules 431 and 102 and the associated Staff Reports are on file and may be obtained from the Senior Executive Analyst of the MDAQMD Offices. Written comments may be submitted to Brad Pollock, APCD, 4206 Park Avenue, Victorville, CA 92392. Written comments must be received no later than September 25, 2020 to be considered. If you have any questions regarding Rule 431 you may contact Michelle Zumwalt at (760) 245-1661 extension 3756 for further information. If you have any questions regarding Rule 102 you may contact Tracy Walters at (760) 245-1661 extension 3122 for further information. Transactions are disposable per solicited.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg. 15209) applies and has prepared a Notice of Exemption for these actions.

Press-Enterprise: 924

RECEIVED
MOJAVE DESERT AQMD
CLERK OF THE BOARD

AUG 24 2020

BY 

Appendix “C”
Public Comments and Responses

No Comments Received

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Appendix “D”
California Environmental Quality Act
Documentation

1. Draft Notice of Exemption – San Bernardino County
2. Draft Notice of Exemption – Riverside County

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NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 431 – *Sulfur Content of Fuels*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 431 – *Sulfur Content of Fuels* is necessary to reflect language in the CCR and Health and Safety Code.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 431 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 09/28/2020

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 431 – *Sulfur Content of Fuels*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 431 – *Sulfur Content of Fuels* is necessary to reflect language in the CCR and Health and Safety Code.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 431 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 09/28/2020

DATE RECEIVED FOR FILING:

Appendix “E” Bibliography

The following documents were consulted in the preparation of this staff report.

1. Antelope Valley AQMD Rule: 431.1 – *Sulfur Content of Gaseous Fuels*, amended August 21, 2012. (78 FR 59840, 9/30/2013)
2. Antelope Valley AQMD Rule 431.2 – *Sulfur Content of Liquid Fuels*, amended May 4, 1990. (46 FR 47451, 9/28/1981)
3. Antelope Valley AQMD Rule 431.3 – *Sulfur Content of Fossil Fuels*, adopted May 7, 1976. (46 FR 4745, 9/28/1981)
4. California Code of Regulations 13 § CCR 2281 - *Sulfur Content of Diesel Fuel*.
5. South Coast AQMD Rule: 431.1 – *Sulfur Content of Gaseous Fuels*, amended June 12, 1998. (64 FR 67787, 12/3/1999)
6. South Coast AQMD Rule 431.2 – *Sulfur Content of Liquid Fuels*, amended September 15, 2000. (64 FR 30396, 6/8/1999)
7. South Coast AQMD Rule 431.3 – *Sulfur Content of Fossil Fuels*, adopted May 7, 1976. (46 FR 47451, 9/28/1981)

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NOTICE OF EXEMPTION

TO: Riverside County
Attn: Clerk/Recorder
3470 12th Street
Riverside, CA 92501

FROM: Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 431 – *Sulfur Content of Fuels*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 431 – *Sulfur Content of Fuels* is necessary to reflect language in the Health and Safety Code.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

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LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 09/28/2020

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

14306 Park Avenue, Victorville, CA 92392-2310 • 760.245.1661 • Fax 760.245.2022 • www.MDAQMD.ca.gov • @MDAQMD

NOTICE OF EXEMPTION

TO: San Bernardino County
Attn: Clerk/Recorder
385 North Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 431 – *Sulfur Content of Fuels*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 431 – *Sulfur Content of Fuels* is necessary to reflect language in the CCR and Health and Safety Code.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 431 are exempt from CEQA review because this rule is administrative in nature, and there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** 09/28/2020

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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Rule 431 – Sulfur Content of Fuels

Proposed Amendment

History

- **Rule 431**

- Rule 401 has not been updated since 1977.
- Much of the new language already exists in neighboring Districts.



Rule 401 Update Summary

- New requirements for both gaseous and liquid fuels have been added.
- Solid fuel requirement remain the same.
- 13 § CCR 2281 - *Sulfur Content of Diesel Fuel*, have been added.



New Sections in Rule 431

- Definitions
- Monitoring Requirements
- Reporting & Record Keeping
- Test Methods
- Equivalency Requirements
- Previously Exempt or Compliant Facilities
- Attachments Outlining Continuous Monitoring & Alternative Monitoring Plans



TAC & Comments

- The Technical Advisory (TAC) reviewed Rule 431 on August 26, 2020.
- The TAC recommends amendment of Rule 431 for adoption.
- No CARB comments have been received.
- No public comments have been received.



Effect

The District does not expect an impact to our sources as surrounding Districts have similar provisions in place which our permit holders are already accustomed to complying with.



Questions?

