



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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## 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 <sub>x</sub>	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.

Mojave Desert Air Quality Management District (MDAQMD or District) 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 RACT<sup>1</sup>. 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<sub>x</sub>) or oxides of sulfur (SO<sub>x</sub>). 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

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<sup>1</sup> 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<sub>x</sub> 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 H<sub>2</sub>S, 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 H<sub>2</sub>S, 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 Pperson 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~~ Ssolid Ffuel 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 H<sub>2</sub>S, of the fuel gas prior to burning, or a Continuous Emission Monitoring System (CEMS) to determine SO<sub>x</sub> 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<sub>x</sub> emissions calculated as SO<sub>2</sub>. [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<sub>x</sub> emissions calculated as SO<sub>2</sub>. 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 H<sub>2</sub>S, 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<sub>x</sub>) 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<sub>x</sub> emissions under the OFCP from all sources within the Facility regulated under Rule 431 would be less than or equal to SO<sub>x</sub> emissions that would have been emitted based on actual total SO<sub>x</sub> emissions from each source, or the sulfur content limits of this Rule, whichever results in lower SO<sub>x</sub> emissions. The total SO<sub>x</sub> 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 H<sub>2</sub>S, 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 H<sub>2</sub>S 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 H<sub>2</sub>S. *[Derived from AVAQMD Rule 431.11]*

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 SO<sub>2</sub> 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 H<sub>2</sub>S 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 H<sub>2</sub>S 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 H<sub>2</sub>S 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**

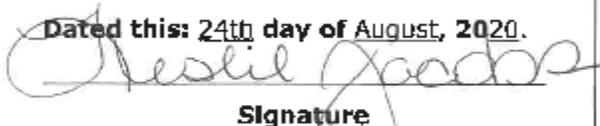
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, 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 nonparell), 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 AQMD  
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 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. The Governing Board will be conducted in accordance with Rule 702 - Definitions of Terms.

**SUCH HEARING** may be conducted, in the interests of public health, safety and in accordance with the provisions of the California Air Resources Act, Chapter 4, Article 1, Section 43100, of the California Code of Regulations, effective March 17, 2020, and a public hearing will be held on the proposed amendment of Rule 431 at the meeting of the Governing Board of the MDAQMD on September 28, 2020, at 10:00 A.M. at the MDAQMD, 14306 Vanowen 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 Michael Zarate at (760) 245-1561 extension 324 for further information. If you have any questions regarding Rule 702 you may contact Tracy Williams at (760) 245-1561 extension 6142 for further information on the public hearing.

Rule 431 is proposed for amendment to incorporate changes in LARAP's final requirements in 15 CCR 2001, Rule 102 b, proposed for amendment to incorporate changes consistent with the proposed adoption of Rule 431. The Governing Board members have also been included in Rule 102 in anticipation of the future amendment of Rule 113.

Amendment of Rule 431 is required pursuant to Health & Safety Code 43107.24-3-43107.24. Copies of proposed amended Rule 431 and the associated Staff Report are on file and may be obtained from the Senior Secretary Analyst at the MDAQMD Office. Written comments may be submitted to Brad Porter, AQMD, 14306 Vanowen 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 Michael Zarate at (760) 245-1561 extension 324 for further information. If you have any questions regarding Rule 702 you may contact Tracy Williams at (760) 245-1561 extension 6142 for further information on the public hearing.

Pursuant to the California State Water Control (CEQA) the MDAQMD has determined that a categorical exemption (CEM) is applicable and has prepared a Notice of Exemption for this project.

Filed in the  
July 1999  
August 24, 2020  
CM-19

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-694-1200  
951-368-9015 FAX

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

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF:

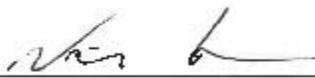
Ac. Desc.: /

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 adjudged 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 297834, and under date of September 16, 2015, Case Number HJC 1309013; that the notice, of which this annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and that my explanation 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. HERNANDEZ  
VICTORVILLE, CA 92392

Ad Number: 001406/18 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.

**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 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-cal-750> or call (760) 245-1661 extension 6244 for additional information.

Rule 431 is proposed for amendment to incorporate changes in CARB's Diesel requirements in 13 CCR 2801. 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 §48024.3-48024.6. 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, APCC, 14305 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 Zumaeta at (760) 245-1561 extension 5756 for further information. If you have any questions regarding Rule 102 you may contact Tracy Walters at (760) 245-1661 extension 5122 for further information. Translations are discontinue 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, 2<sup>nd</sup> 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.

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**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:**

## 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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