



**Location:**

Governing Board Chambers  
14306 Park Avenue  
Victorville, CA 92392  
[www.MDAQMD.ca.gov](http://www.MDAQMD.ca.gov)

**MONDAY, MARCH 25, 2019**

**10:00 a.m.**

**TELECONFERENCE LOCATION(S)**

Riverside County Board of Supervisors  
73-710 Fred Waring Drive, Ste. 222  
Palm Desert, CA 92260

Blythe City Hall, Conference Room A  
235 N. Broadway  
Blythe, CA 92225

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 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.

EXCEPT WHERE NOTED, ALL SCHEDULED ITEMS WILL BE HEARD IN THE CHAMBER OF THE GOVERNING BOARD, MOJAVE DESERT AQMD OFFICES, 14306 PARK AVENUE, VICTORVILLE, CA AND THE TELECONFERENCE LOCATION(S). 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.

Swear in of New Board Member(s).

Roll Call.

Special Announcements/Presentations.

Items with potential Conflict of Interests - for information only:

Item #6 - The parties to this agreement(s) will be the District, District Board members and officers; and the Apple Valley Unified School District, School Board, principals and agents.

PUBLIC COMMENT

**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).

**OPEN SESSION**

Disclosure of any Reportable action taken in Closed Session; and the Vote and Abstention of every Member Present in the Closed Session

**CONSENT CALENDAR**

3. [Approve Minutes from Regular Governing Board Meeting of February 25, 2019.](#)
4. [Amend and update Governing Board Policy 17-01, “The Mojave Desert Clean Air Fund;” and Governing Board Policy 98-01, “Mojave Desert Supplemental Environmental Projects;” and authorize a transfer of funds in an amount not to exceed \\$115,000 to the Mojave Desert Clean Air Fund. Presenter: Jean Bracy, Deputy Director – Administration.](#)
5. [Amend the District’s Classification Plan to revise the existing Class Specifications for Air Quality Specialist and Air Quality Instrument Technician to add series to these classifications, assign pay ranges; authorize the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters. Presenter: Brad Poiriez, Executive Director/APCO.](#)
6. [1\) Award an amount not to exceed \\$107,468.96 from the Mobile Source Emissions Reduction Fund Pool to Apple Valley Unified School District to complete the of](#)

- purchase two new all-electric school buses; and 2) 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 District Counsel. Presenter: Jorge Camacho, Grants Specialist.
7. 1) Authorize the acceptance of “Community Air Protection Funds Supplement to the Carl Moyer Memorial Air Quality Standards Attainment Program 2017 Guidelines” from the California Air Resource Board (CARB) in an estimated amount of \$203,927.00, 2) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 3) 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 Specialist.
  8. Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.
  9. Receive and file the Financial Report for FY19, through the month of January 2019, which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Jean Bracy, Deputy Director – Administration.
  10. Receive and file the Legislative Report for March 1, 2019. Presenter: Brad Poiriez, Executive Director/APCO.

### **ITEMS FOR DISCUSSION**

11. DEFERRED ITEMS.
12. PUBLIC COMMENT.
13. Conduct a public hearing to consider the amendment of Rule 1320 – New Source Review for Toxic Air Contaminants: 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.
14. Conduct a public hearing to consider the amendment of Rule 1520 – Control of Toxic Air Contaminants from Existing Sources: 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.
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 the District Office at 14306 Park Avenue, Victorville, Ca 92392 or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at [dhernandez@mdaqmd.ca.gov](mailto:dhernandez@mdaqmd.ca.gov) .

**Mailed & Posted on: Tuesday, March 19, 2019.**

Approved:

\_\_\_\_\_  
Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of February 25, 2019.](#)

**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](http://www.MDAQMD.ca.gov) • @MDAQMD



**REGULAR GOVERNING BOARD MEETING**  
**MONDAY, February 25, 2019 - 10:00 A.M.**  
**MDAQMD OFFICES, BOARD CHAMBERS**  
**VICTORVILLE, CA**

**DRAFT MINUTES**

Board Members Present:

*Jeff Williams, Chair, City of Needles*  
Ed Camargo, City of Adelanto  
Jim Cox, City of Victorville  
Joseph “Joey” DeConinck, City of Blythe  
Kari Leon – Town of Apple Valley  
Robert Lovingood, San Bernardino County  
James Noble (*Alternate*), City of Barstow  
V. Manuel Perez, Riverside County  
Barbara Riordan, Public Member  
Jim Schooler (*Alternate*), Town of Yucca Valley  
Rebekah Swanson, City of Hesperia

Board Members Absent:

Karmolette O’Gilvie, City of Twentynine Palms  
Dawn Rowe, San Bernardino County

**CALL TO ORDER**

Chair **JEFF WILLIAMS** called the meeting to order at 10:00 a.m.

Chair **JEFF WILLIAMS** lead the Pledge of Allegiance.

**MOVE TO SWEARING-IN OF NEW BOARD MEMBER(S).** Chair **JEFF WILLIAMS** moved to swearing-in of new Board Member(s) **JAMES NOBLE** and **JIM SCHOOLER**. The Senior Executive Analyst swore-in Board Members **JAMES NOBLE** and **JIM SCHOOLER**.

Chair **JEFF WILLIAMS** asked for roll call; roll was called.

Chair **JEFF WILLIAMS** called for Special Announcements/Presentation:

- A. Plaque presentation to former Board Member John Cole. Presenter. Brad Poiriez, Executive Director/APCO.

Executive Director/APCO Brad Poiriez was honored to welcome back former Governing Board Member John Cole. Member Cole was steadfast in his pledge to serve the District, making the drive from Twentynine Palms on a monthly basis to provide thoughtful insight and years of leadership experience. Serving as a primary governing board member from 2008-2012 and 2015-2018, Member Cole's diligence and perspective helped the District reach new heights. The positive impact he's had here will not be forgotten. As an educator and principal that spent 41 years grooming the next generation of leaders in Twentynine Palms, we at the District all feel like we've learned things from Member Cole during his tenure here, and the District wouldn't be what it is today without his contribution. The District is honored to present Mr. Cole with this token of our appreciation for his contribution to the District's mission and values.

Chair **JEFF WILLIAMS** called for items with potential conflict of interest – No items of potential conflict of interest.

Chair **JEFF WILLIAMS** called for **PUBLIC COMMENT** – None.

### **CLOSED SESSION**

District Counsel Karen K. Nowak stated that there was no update on the closed session items since the last meeting. Upon consensus of the Board, the Closed Session items were waived

Agenda Item 1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

Agenda Item 2 - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session: Not applicable as Closed Session was waived.

**CONSENT CALENDAR** – Chair **JEFF WILLIAMS** polled the Board to determine if any member wished to pull an item on the consent calendar. The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **REBEKAH SWANSON**, and carried by the following roll call vote, with eight **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMES NOBLE, V. MANUEL PEREZ, BARBARA RIORDAN, JIM SCHOOLER, REBEKAH SWANSON** and **JEFF WILLIAMS**, with Board Members **ED CAMARGO, JIM SCHOOLER** and **REBEKAH SWANSON ABSTAINING** on agenda item #3, as follows:



Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of January 28, 2019.  
**Approved** Minutes from Regular Governing Board Meeting of January 28, 2019.

Agenda Item 4 – Ratify the Board Chair’s appointment of members to serve on the Budget Committee and the Personnel Committee for calendar year 2019.

**Ratified** the Board Chair’s appointment of members to serve on the Budget Committee and the Personnel Committee for calendar year 2019.

Agenda Item 5 – Amend and update Governing Board Policy 93-2, “Provision and Retention of Public Records;” Governing Board Policy 97-2, “Appropriations for Support of District Funding Pending Approval of the Final Budget;” Governing Board Policy 04-03, “Capital Asset Accounting Policy;” and Governing Board Policy 09-01, “Obtaining Indemnification Agreements for Certain Actions and Activities.”

**Amended and updated** Governing Board Policy 93-2, “Provision and Retention of Public Records;” Governing Board Policy 97-2, “Appropriations for Support of District Funding Pending Approval of the Final Budget;” Governing Board Policy 04-03, “Capital Asset Accounting Policy;” and Governing Board Policy 09-01, “Obtaining Indemnification Agreements for Certain Actions and Activities.”

Agenda Item 6 – Amend the District’s Classification Plan to revise the existing Class Specification for Air Quality Engineer to add series to the classification, assign pay ranges; authorize the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters.

**Amended** the District’s Classification Plan to revise the existing Class Specification for Air Quality Engineer to add series to the classification, assign pay ranges; **authorized** the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters

Agenda Item 7 – (1) Authorize the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) in an amount of \$17,500 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database, (2) amend the MDAQMD FY18-19, to decrease State Revenue from an estimated budgeted amount of \$35,000 to the final amount of \$17,500, (3) authorize the Executive Director/APCO to ratify agreements approved as to legal form, (4) authorize Executive Director/APCO to assign excess or additional/subsequent funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

(1) **Authorized** the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) in an amount of \$17,500 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database, (2) **amended** the MDAQMD FY18-19, to decrease State Revenue from an estimated budgeted amount of \$35,000 to the final amount of \$17,500, (3) **authorized** the Executive Director/APCO to ratify agreements approved as to legal form, (4) **authorized** Executive Director/APCO to assign excess or additional/subsequent funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements.

Agenda Item 8 – Authorize surplus of District-owned capital equipment and disposal as indicated; receive and file the Executive Director’s report of surplus and disposal for non-capital items.

**Authorized** surplus of District-owned capital equipment and disposal as indicated; **received and filed** the Executive Director’s report of surplus and disposal for non-capital items

Agenda Item 9 – Receive and file minutes of the Technical Advisory Committee (TAC) meeting February 5, 2019.

**Received and filed** minutes of the Technical Advisory Committee (TAC) meeting February 5, 2019

Agenda Item 10 – Receive and file the District Activity Report.

**Received and filed** the District Activity Report.

Agenda Item 11 – Receive and file the June 30, 2018 Other Post-Employment Benefits (OPEB) actuarial valuation of the District’s retiree health insurance program.

**Received and filed** the June 30, 2018 Other Post-Employment Benefits (OPEB) actuarial valuation of the District’s retiree health insurance program.

Agenda Item 12 – Receive and file the status of the District’s Other Post-Employment Benefits (OPEB) and Pension Rate Stabilization Program (PRSP) irrevocable trust and investment summary.

**Received and filed** the status of the District’s Other Post-Employment Benefits (OPEB) and Pension Rate Stabilization Program (PRSP) irrevocable trust and investment summary.

Agenda Item 13 – Receive and file the Financial Report for FY19, through the month of December 2018, which provides financial information and budget performance concerning the fiscal status of the District.

**Received and filed** the Financial Report for FY19, through the month of December 2018, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 14 – Receive and file the Legislative Report for February 5, 2019.

**Received and filed** the Legislative Report for February 5, 2019.

Agenda Item 15 – Set date of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1320 New Source Review for Toxic Air Contaminants and approval of California Environmental Quality Act (CEQA) documentation.

**Date Set** of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1320 New Source Review for Toxic Air Contaminants and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 16 – Set date of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1520 – Control of Toxic Air Contaminants from Existing Sources and approval of California Environmental Quality Act (CEQA) documentation.

**Date Set** of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1520 – Control of Toxic Air Contaminants from Existing Sources and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 17 – DEFERRED ITEMS.

None.

Agenda Item 18 – PUBLIC COMMENT.

None.

Agenda Item 19 – Conduct a public hearing to consider the amendment of Rule 900 – Standards of Performance for New Stationary Sources (NSPS) and Rule 1000 – National Emission Standards for Hazardous Air Pollutants (NESHAP) as well as to receive and file updates to the Airborne Toxic Control Measures (ATCMs) and Maximum Achievable Control Technology (MACT) standards Notifications: a. Open 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 Rule 900 and Rule 1000, and directing staff actions.

Chair **JEFF WILLIAMS** opened the public meeting. Staff Member Alan De Salvio presented the Staff Report and answered questions from the Board. Chair **JEFF WILLIAMS** solicited public comment, being none, Chair **JEFF WILLIAMS** closed the public hearing, decided that the CEQA Categorical Exemption applies and waived reading of the Resolution. Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMES NOBLE, V. MANUEL PEREZ, BARBARA RIORDAN, JIM SCHOOLER, REBAKAH SWANSON** and **JEFF WILLIAMS** the Board adopted Resolution 19-03, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 900 – STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND RULE 1000 – NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP), AS WELL AS UPDATES MADE TO THE AIRBORNE TOXIC CONTROL MEASURES (ATCMs) AND MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARDS NOTIFICATIONS AND DIRECTING STAFF ACTIONS.**”

Agenda Item 20 – Receive and file the Annual Financial Report for FY 18.

**Received and filed** the Annual Financial Report for FY 18.

Agenda Item 21 – Reports:

Special notes from Mr. Poiriez:

- Informed the Board of continued meetings regarding workforce development status with staff.
- District successfully passed the CARB State Monitoring Audit – good job team.
- CARB’s Agricultural Inventory Survey is out for review implemented by Cal Poly San

Luis Obispo which reached out to the Farm Bureaus through the State Farm Bureau Agency. The survey is important because some of the agricultural funding that's been distributed within the past couple of years was based upon an inventory from 2008 which was suspect so to speak so they are updating the inventory for future funding cycles. If you need any additional information please contact Jorge Camacho and we'll make sure that you receive that information.

- CARB is embarking on some changes to their Toxic Inventory Reporting Regulation. CAPCOA Board has worked with CARB's Executive Staff for about year and a half and District Staff has working with CARB's Staff for several years on this. There have been some improvements on the existing inventory requirements however it's not up to speed yet to the District's liking in terms of corrections when the District identifies erroneous information in the system. The expeditiousness of getting things documents is not very well planned out which we have shared with CARB and now there some proposals of 15 days change orders on the regulation which would reduce the threshold for some of the facilities which they would be mandated to require them to report their air toxics from a threshold of 10-tons per year down to 4-tons per year. In laymen terms, this means the District's workload would quadruple in the amount of inventory work we would have to do on behalf of some of the smaller facilities. Stay tune, all the Air Districts have provided comments to the State on this including the District, the District will be attending some of the workshops and provide testimony. Bottom line we want to have local control, we still want to be able to assist our sources that may not have the expertise or the ability to do the reporting on their own. This will be extremely time consuming and right now there is no funding to do so as we are at a critical stage so stay tuned.

Mr. Poiriez updated the Board of past events:

- February 5<sup>th</sup> – CAPCOA conference call and participated in the Technical Advisory Committee (TAC) meeting;
- February 6<sup>th</sup> – Attended the Victorville's State of the City conference and WRAP Board conference call;
- February 11<sup>th</sup> – met with Board Member Leon regarding introduction to the District;
- February 13<sup>th</sup> – Hosted cannabis requirement meeting with staff from Imperial County Air Pollution Control District, Antelope Valley AQMD and MD AQMD which included a tour of a cannabis facility (LDS) in Adelanto, CA;
- February 14<sup>th</sup> – attended the Labor Management Task Force meeting to discuss proposed job classifications and ongoing workforce development actions; Task force supportive of the AQE job classification that was before you today;
- February 19<sup>th</sup> – met with Frank Luckino, Twentynine Palms City Manager, to discuss relationship between the District Board, Purple Air Sensors placement, operations, etc.; met with McKenzie Taragno, Coordinator Alt Education Projects, to discuss potential partnership on mobile education unit they just received; CAPCOA Legislative Committee conference call focusing on AB 617 funding proposed lowering from \$245M to \$240M, discussed option; SB 210 (Leyva) to create heavy duty vehicle inspection and maintenance program supported by CAPCOA; continued discussion on Air Districts role during wildfires – several authors having information hearings and may have potential bills;
- February 20<sup>th</sup> – WRAP Board Admin Budget Subcommittee conference call; attended MEEC's monthly Board meeting;
- February 21<sup>st</sup> – met with staff to begin plans for upcoming CDAWG conference; hosted

United Way presentation to staff; participated in AAPCA Air Director's conference call.  
Mr. Poiriez updated the Board of upcoming events:

- February 26<sup>th</sup> – 28<sup>th</sup> – CAPCOA Medium Section APCO meeting and CAPCOA Board Meeting;
- March 6<sup>th</sup> – California DMV will present to staff the Real ID program; participate in WRAP Board conference call;
- March 12<sup>th</sup> – 14<sup>th</sup> – attend CAPCOA Board meeting.

Agenda Item 22 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member DeConinck requested a copy of the agricultural survey, Mr. Poiriez will have Jorge Camacho send him an email copy of the survey.
- Board Member Leon attended a science fair as a judge and enjoyed it.
- Board Member Lovingood concerned with SB 210 – adds another layer of requirements; burdening our communities, companies and consumers. Biggest concern is that we don't control interstate commerce.
- Board Member Riordan commented on SB 210; our District is very impacted and the real source of pollution is probably on our roads right now, our cars have cleaned up substantially and what we now need to confirm is whether the trucks are meeting the requirements. There should be some interest from all of us because the reason I got into Air Quality was to take the burden off the stationary sources and put it where we really got some polluting vehicles and we really need to test that and figure it all out.
- Board Member Swanson commented on CARB's Toxic Inventory Reporting Regulation – will these changes require additional staff; Member Swanson also commented on the comparison of the LA Basin from the 70's to now; we need balance and be realistic about what we can do in regards to SB 210.

Being no further business, Chair **JEFF WILLIAMS** adjourned the meeting at **10:36 a.m.** to the next Regular Meeting of **March 25, 2019**.

The following page(s) contain the backup material for Agenda Item: [Amend and update Governing Board Policy 17-01, “The Mojave Desert Clean Air Fund;” and Governing Board Policy 98-01, “Mojave Desert Supplemental Environmental Projects;” and authorize a transfer of funds in an amount not to exceed \\$115,000 to the Mojave Desert Clean Air Fund. Presenter: Jean Bracy, Deputy Director – Administration.](#)

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

*AGENDA ITEM #4*

**DATE:** March 25, 2019

**RECOMMENDATION:** Amend and update Governing Board Policy 17-01, “The Mojave Desert Clean Air Fund;” and Governing Board Policy 98-01, “Mojave Desert Supplemental Environmental Projects;” and authorize a transfer of funds in an amount not to exceed \$115,000 to the Mojave Desert Clean Air Fund.

**SUMMARY:** This item amends and updates existing Governing Board Policy **17-01**, “The Mojave Desert Clean Air Fund;” and Governing Board Policy **98-01**, “Mojave Desert Supplemental Environmental Projects;” authorizes a transfer of funds from the General Fund to the Mojave Desert Clean Air Fund; and cleans up and updates policy language and format.

**CONFLICT OF INTEREST:** None

**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 these policies will be presented to the Board from time to time with recommendations for amendments if such are needed. The history and development of each policy is described in Exhibit 1.

The proposed versions are in REDLINE form indicating the proposed changes from the current version. A final or “clean” version is also included. The format of each Governing Board Policy includes a signature line for the Executive Director which effectively acknowledges the Board’s delegation of the Governing Board Policy.

**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 to legal form and by Brad Poiriez, Executive Director on or about March 11, 2019.

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

*AGENDA ITEM #4*

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**FINANCIAL DATA:** No increase in appropriation is anticipated. This item does authorize the APCO to make a transfer of funds from the General Fund to the MDAQMD Clean Air Fund in an amount not to exceed \$115,000, which represents the revenue received from Fines & Penalties during FY 2017-18 in excess of the \$82,000 budgeted for that fiscal year.

**PRESENTER:** Jean Bracy, Deputy Director – Administration



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

AGENDA ITEM #4

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Exhibit 1

**Governing Board Policy 17-01** is the Governing Board Policy that established the policy, scope, and procedures for The Mojave Desert Clean Air Fund. The purpose of the fund is to provide grants for projects that provide positive air quality impacts on a local community. An award from the District for such projects serves the mission of the District to promote clean air and contribute to a reduction in emissions within the jurisdiction. The APCO will periodically report to the Governing Board the awards and status of the fund.

The Mojave Desert Clean Air Fund was initially funded with funds deemed excess interest as identified by the California Air Resources Board (CARB) and on deposit in the Carl Moyer trust fund.

To date the APCO has authorized from this fund a contribution for trees to be planted along Route 66, membership in the Victor Valley College Foundation's President's Circle, and Purple Air units for community distribution.

**Recommended Revisions**

The proposed revision provides for periodic funding based on the following criteria. The Executive Director/APCO may designate to be deposited to the Mojave Desert Clean Air Fund from the General Fund revenues received from Fines and Penalties in any amount up to the total received in excess of the amount budgeted for that fiscal year. In addition, from time to time the Executive Director/APCO may designate in a Mutual Settle Agreement an amount to be paid directly to the Mojave Desert Clean Air Fund.

This revision also recommends APCO's authority for grant awards from this fund be increased to \$50,000, which is the delegated authority to execute contracts for items listed in the adopted budget. The recommended threshold will allow the APCO to commit resources to eligible projects to achieve immediate or near-term reductions or facilitate air quality education within the community.

**Additional Action**

This action also authorizes the APCO to make a transfer of funds to the from the General Fund to the MDAQMD Clean Air Fund in an amount not to exceed \$115,000, which represents the revenue received from Fines & Penalties during FY 2017-18 in excess of the \$82,000 budgeted for that fiscal year.

**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 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

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

*AGENDA ITEM #4*

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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.

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.

Current Status

The District has not contributed to various outside agencies under this policy since about 2009. Among the contributions made prior to 2009, two remain active. The District entered into an agreement with **The Community Foundation** in 2009. The purpose of the agreement was to receive funds resulting from a violator in response to an enforcement settlement. The Community Foundation disbursed 28 grants to recipients between 2011 and 2014 attending the environmental program at the CSUSB. The funds were exhausted by the end of calendar year 2017. The **Mojave Desert Charles L. Fryxell Endowment** (held at California State University San Bernardino), is maintained by earnings on the principle. On December 31, 2017 The CSUB Foundation reported that the value of the Endowment was \$99,700, and the three year average was \$90,876. The Endowment typically awards a scholarship to a student majoring in environmental studies. It was also reported that annual distributions were expected to be \$3600 in the school year 2018-19.

In addition to the financial opportunity at CSUSB, the District provides in kind contribution by providing time and travel for six District employees to make presentations in class each semester on relevant to air quality topics including regulations and management. The value of these contributions is about \$20,000 per school year.

Finally, Governing Board Policy 17-01 established the Mojave Desert Clean Air Fund, a funding source to increase flexibility in awarding funds to emissions-reducing and education oriented projects that have a positive impact on a local community.

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

*AGENDA ITEM #4*

**PAGE 5**

Recommended Revisions

The policy is sufficient in concept and provides a valuable mechanism for certain opportunities that may arise. This revision cleans up various iterations from previous years and streamlines the content into a more cohesive policy document. In addition, the format has been updated to the current style.

**GOVERNING BOARD POLICY**  
*Mojave Desert Air Quality Management District*

Policy No: 17-01

Adopted ~~Amended~~: ~~February 27, 2017~~ March 25, 2019

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~~James L. Cox~~ Jeff Williams  
Governing Board Chair

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Brad Poiriez  
Executive Director/APCO

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**SUBJECT: The Mojave Desert Clean Air Fund**

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**POLICY:**

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to support beneficial air quality improvement projects and programs by offering grant funding to projects that have a positive air quality impacts on a local community within the District's jurisdiction.

**AMPLIFICATION OF POLICY:**

(A) General

The purpose of this fund is to provide grants for projects that provide positive air quality impacts on a local community. An award from the District for such projects serves the mission of the District to promote clean air and contribute to a reduction in emissions within the jurisdiction. The Mojave Desert Clean Air Fund was initially funded with resources identified by the District in cooperation with the California Air Resources Board and the State. Future funding may be recommended and authorized by the Board from time to time either directly or through the budget process.

(B) Scope of Grants

Eligible projects may include but are not limited to purchase(s) of equipment, creation of programs, or construction of projects that upon completion improve air quality by reducing emissions and/or, dust, or increasing energy efficiency. Programs which are duplicative of District efforts are not eligible for funding.

The Mojave Desert Clean Air Fund may not be used to fund projects otherwise eligible for other District grant programs, such as the Mobile Emissions Reduction Program, Carl Moyer,

or other restricted funding sources. Should funds from these existing programs be depleted, the APCO may approve a grant submission to the Mojave Desert Clean Air Fund that would otherwise be eligible for other District grant programs.

(C) Additional Funds

The Executive Director/APCO may designate to be deposited to the Mojave Desert Clean Air Fund from the General Fund revenues received from Fines and Penalties in any amount up to the total received in excess of the amount budgeted for that fiscal year.

From time to time the Executive Director/APCO may designate in a Mutual Settle Agreement an amount to be paid directly to the Mojave Desert Clean Air Fund.

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(E) Procedure

- a. Grant awards will be made from an interest bearing bank account established for the purpose of funding the Mojave Desert Clean Air Fund.
- b. Requests for grant awards must be made in writing to the APCO, or designee, and must describe the proposed project, provide a budget of the funds requested, an explanation for the requested amount of funds, describe the community which will be impacted by the proposed air quality benefit and outline any in-kind or matching funds available.
- c. Project awards must provide positive air quality impacts and/or education within the community. Project requests must submit an evaluation of the air quality benefit or air quality improvement.
- d. Grant award recommendations and disbursement is delegated to the APCO up to \$+50,000 per project; individual grant requests exceeding \$+50,000 must be presented to the Governing Board for approval.
- e. Any entity or organization which is not compliant with MDAQMD regulations or are in arrears to the MDAQMD may not be eligible to apply.
- f. The APCO will periodically report to the Governing Board of the awards and the status of the fund.
- g. The APCO may develop additional procedures as needed or direct staff to do so.

Revision History:

Adopted: 02/27/2017

Amended 03/25/2019

Last review: 02/27/201703/25/2019

**GOVERNING BOARD POLICY**  
*Mojave Desert Air Quality Management District*

Policy No: 17-01  
Amended: March 25, 2019

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Jeff Williams  
Governing Board Chair

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Brad Poiriez  
Executive Director/APCO

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**SUBJECT: The Mojave Desert Clean Air Fund**

---

**POLICY:**

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to support beneficial air quality improvement projects and programs by offering grant funding to projects that have a positive air quality impacts on a local community within the District's jurisdiction.

**AMPLIFICATION OF POLICY:**

(A) General

The purpose of this fund is to provide grants for projects that provide positive air quality impacts on a local community. An award from the District for such projects serves the mission of the District to promote clean air and contribute to a reduction in emissions within the jurisdiction. The Mojave Desert Clean Air Fund was initially funded with resources identified by the District in cooperation with the California Air Resources Board and the State. Future funding may be recommended and authorized by the Board from time to time either directly or through the budget process.

(B) Scope of Grants

Eligible projects may include but are not limited to purchase(s) of equipment, creation of programs, or construction of projects that upon completion improve air quality by reducing emissions and/or, dust, or increasing energy efficiency. Programs which are duplicative of District efforts are not eligible for funding.

The Mojave Desert Clean Air Fund may not be used to fund projects otherwise eligible for other District grant programs, such as the Mobile Emissions Reduction Program, Carl Moyer,

or other restricted funding sources. Should funds from these existing programs be depleted, the APCO may approve a grant submission to the Mojave Desert Clean Air Fund that would otherwise be eligible for other District grant programs.

(C) Additional Funds

The Executive Director/APCO may designate to be deposited to the Mojave Desert Clean Air Fund from the General Fund revenues received from Fines and Penalties in any amount up to the total received in excess of the amount budgeted for that fiscal year.

From time to time the Executive Director/APCO may designate in a Mutual Settle Agreement an amount to be paid directly to the Mojave Desert Clean Air Fund.

(D) Procedure

- a. Grant awards will be made from an interest bearing bank account established for the purpose of funding the Mojave Desert Clean Air Fund.
- b. Requests for grant awards must be made in writing to the APCO, or designee, and must describe the proposed project, provide a budget of the funds requested, an explanation for the requested amount of funds, describe the community which will be impacted by the proposed air quality benefit and outline any in-kind or matching funds available.
- c. Project awards must provide positive air quality impacts and/or education within the community. Project requests must submit an evaluation of the air quality benefit or air quality improvement.
- d. Grant award recommendations and disbursement is delegated to the APCO up to \$50,000 per project; individual grant requests exceeding \$50,000 must be presented to the Governing Board for approval.
- e. Any entity or organization which is not compliant with MDAQMD regulations or are in arrears to the MDAQMD may not be eligible to apply.
- f. The APCO will periodically report to the Governing Board of the awards and the status of the fund.
- g. The APCO may develop additional procedures as needed or direct staff to do so.

Revision History:

Adopted: 02/27/2017

Amended 03/25/2019

Last review: 03/25/2019

**GOVERNING BOARD POLICY**  
*Mojave Desert Air Quality Management District*

Policy No: 98-01  
Amended: March 25, 2019

~~Policy No: 98-01~~  
~~Effective Date: February 23, 1993~~

~~Adopted: February 23, 1998~~  
~~Amended: February 23, 2004~~  
~~January 23, 2006~~  
~~June 22, 2009~~

~~for~~  

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Robert Sagona, Chair  
Jeff Williams  
Governing Board Chair

~~Last Review: January 26, 2015~~

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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 Scholarship Program ("Scholarship-SEP Program")~~; the Mojave Desert Environmental Fund<sup>†</sup>.~~

**AMPLIFICATION OF POLICY:**

A. General

1. Supplemental Environmental Projects (SEPs) are defined as environmentally beneficial projects which an alleged violator agrees to under-take in settlement of an

<sup>†</sup> ~~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.~~



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 and used to make grants for scholarships and environmental projects that are consistent with SEP guidance.<sup>2</sup>

2. Allocations to fund the ~~Scholarship SEP Program and the Mojave Desert Environmental Fund~~ 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 ~~the a~~ scholarship recipient(s) or grantee(s) shall come from:
  - a. The interest earned from principal allocated to the ~~Scholarship Program, or Mojave Desert Environmental Fund~~ particular not-for-profit entity administering the sepcific scholarship/grant opportunity; or
  - b. In the event the principal is not large enough to generate interest sufficient to establish successful or equitable scholarships/~~or~~ grants , the principal will be used to fund the scholarships/~~or~~ 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 ~~scholarships or grants~~ SEP Program.
3. The criteria for the award of any scholarships/~~or~~ grants will directly and proximately relate to the District and shall meet the legal nexus for environmental justice.

B. ~~The Mojave Desert Environmental Scholarship Program (Scholarship Program)SEP Scholarship(s)~~

1. Establishment of Scholarships or Scholarship Funds<sup>3</sup> Established Directly at Specific Institutions of Higher Learning
  - a. ~~This program allows~~ SEP moneys ~~to may~~ be allocated to fund scholarships at ~~the various any~~ public school, college s and 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

<sup>2</sup> 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.

<sup>3</sup> 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.

the purpose of funding and administrating 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 to fund scholarships for residents of the District. Such scholarships may, but are not required to, contain internal preferences for particular sub-areas within the District if such are necessary to ensure the nexus between the alleged violations and the SEP.

dc. 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. Establishment of Scholarship Program Finding of Legal Nexus

a. The Mojave Desert Environmental Education Scholarship Program may be established. 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. 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. have a sufficient legal nexus in providing environmental education and advancing the cause of environmental justice within the District.

b. On a case by case basis and dependant 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.

c. The Mojave Desert Environmental Education Mojave Desert Charles L. Fryxell Endowment Scholarship Program may be 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.

~~d. 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 involved.~~

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~~each college~~ pursuant to the prevailing procedures used by the respective ~~college entity~~ for the award of scholarships ~~at each such college 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. Mojave Desert Environmental Fund- SEP Grants

1. ~~The Mojave Desert Environmental Fund will be established by separate agreement with and administered by an independent non profit funding entity to fund scholarships for residents of the District and grants to fund, in whole or in part, specific projects located within the jurisdiction of the District for the purpose of improving air quality within the District. Monies may be allocated to the Mojave Desert Environmental Fund as Supplemental Environmental Project portions of settlements of alleged violations as SEP Scholarships or SEP Grants or both.~~

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2. ~~Specialized Scholarships Usable at any Institution of Higher Learning (SEP Scholarships)~~

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a. ~~SEP moneys may be allocated to fund scholarships managed and administered by a local nonprofit foundation to fund scholarships for residents of the District. Such scholarships may, but are not required to, contain internal preferences for particular sub areas within the District if such are necessary to ensure the nexus between the alleged violations and the SEP.~~

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b. ~~The District shall not play any role in managing or controlling the scholarships. 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 local nonprofit foundation.~~

e. ~~Criteria for Award of Scholarships~~

i. ~~The scholarship recipient must be a resident of the 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.~~

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

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iii. ~~The scholarship recipient shall be determined by the independent nonprofit funding entity pursuant to the prevailing procedures used for the award of scholarships and any implementing agreement between the District and contained in the separate implementing agreement. In no event shall the District, its employees, staff, or governing board members be involved in the selection of any scholarship recipient.~~

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

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v. ~~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.~~

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

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~~3. Grants for Particular Environmental Projects or Environmental Education Support (SEP Grants)~~

~~1. Establishment of SEP Grant Pool~~

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a. ~~A SEP grant pool may be established by separate agreement with and administered by an independent nonprofit funding entity. SEP moneys may be allocated to fund grants to for the purpose of providing financial support, in whole or in part, for specific projects located within the jurisdiction of the District for the purpose of to improving 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

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**GOVERNING BOARD POLICY**  
*Mojave Desert Air Quality Management District*

Policy No: 98-01  
Amended: March 25, 2019

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Jeff Williams  
Governing Board Chair

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Brad Poiriez  
Executive Director/APCO

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**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 and used to make grants for scholarships and environmental projects that are consistent with SEP guidance.<sup>1</sup>

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<sup>1</sup> 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:
  - a. The 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 any scholarships/grants will directly and proximately relate to the District and shall meet the legal nexus for environmental justice.

B. SEP Scholarship(s)

1. Establishment of Scholarships or Scholarship Funds<sup>2</sup>
  - 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 District if such are necessary to ensure the nexus between the alleged violations and the SEP.

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<sup>2</sup> 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.



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

The following page(s) contain the backup material for Agenda Item: [Amend the District's Classification Plan to revise the existing Class Specifications for Air Quality Specialist and Air Quality Instrument Technician to add series to these classifications, assign pay ranges; authorize the Executive Director/APCO to assign](#)

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

*AGENDA ITEM #5*

**DATE:** March 25, 2019

**RECOMMENDATION:** Amend the District's Classification Plan to revise the existing Class Specifications for Air Quality Specialist and Air Quality Instrument Technician to add series to these classifications, assign pay ranges; authorize the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters.

**SUMMARY:** This action amends the District's Classification Plan to revise the existing Class Specification for Air Quality Specialist and Air Quality Instrument Technician to add series to the classifications, assign pay ranges, authorize the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and informs the Board of other administrative matters.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** The District periodically adjusts staffing strategies in order to meet the varying challenges of the business and the changing scope of the workforce. The recommendations in this action evolved from ongoing Management Workforce Planning meetings. The findings of the Organizational Review commissioned by the Governing Board in 2016 were considered as well as the current regulatory and operational needs of the District. The proposed actions address issues regarding organizational efficiency and effectiveness, professional growth opportunities, career progression, upward mobility, and succession planning in view of prospective retirements of long term employees.

The proposed action is a continuation of a number of changes which are described in Exhibit 1 and represents *a portion* of the ongoing elements of the Workforce Planning efforts. The District's full time equivalent (FTE) will not increase as a result of the recommended actions contained in this item. An Organizational Chart reflecting the proposed action is included as Exhibit 2; and a Table of Organization is included as Exhibit 3.

The proposed revision incorporates a series for the Air Quality Specialist and Air Quality Instrument Technician positions allowing internal candidates potential opportunities to advance given they meet certain criteria. This action will authorize the Executive

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

*AGENDA ITEM #5*

**PAGE 2**

Director/APCO to evaluate incumbents and assign and/or promote based on qualifications and eligibility or direct additional training and/or experience to achieve the required qualifications and eligibility.

**REASON FOR RECOMMENDATION:** The Governing Board has the authority to amend the District Classification Plan, approve pay ranges for new positions, and adjust pay ranges for existing positions.

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, District Counsel as to legal form on or about March 11, 2019.

**FINANCIAL DATA:** Authorization to assign positions and/or promote incumbent(s) into the new classification series with new pay ranges for the remainder of FY 19 may cost up to \$3000. The adopted MDAQMD Budget for FY 19 included sufficient funds for potential reclassifications.

**PRESENTER:** Brad Poiriez, Executive Director/APCO

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

*AGENDA ITEM #5*

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Exhibit 1

Summary

This change in the Classification Plan is part of the ongoing efforts to address succession planning, career training, and employee professional development. The employees in the District's workforce have expressed a desire for designed career paths within the District providing opportunities to grow professionally. It is also well known that the modern workforce expects employers to provide for professional growth, career path progression, upward mobility, and opportunities to explore and expand the boundaries of work assignments.

The employee demographics, noted below, indicate clearly that the District faces staffing challenges in the near future that demand long range workforce planning. The organization needs a consistent structure that provides for employees to grow professionally and be ready to promote when opportunities become available. These were among the factors considered by Management in developing these recommendations.

Career Oriented Components

These recommended Class Specifications series includes components that address career oriented objectives. Management's goal is to present an attainable career path that can progress over time. The District's workforce has historically demonstrated relative stability. A District-oriented career path should be designed to provide long term progression to avoid attainment early in one's career and thereby causing the potential for career stagnation. An additional goal is to encourage initiative and training that enhances skill sets in breadth and depth. Career development and opportunity should expand beyond the technical skill sets related to any position.

The framework of the District's Workforce Planning considers the following.

- Include a series of positions which allows for progression within the Class Specification. Advancement in this series occurs through exposure to and experience with increasingly complex tasks and responsibilities over time.
- Include a section addressing the considerations for promotion from the first position to the advanced position.
  - **Experience**, particularly in depth and quality of experiences, as evidenced by "time in position"
  - **Performance**, as evidenced by "exceeds" performance evaluations for past three 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.

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- **Supervisor recommendation** to the APCO, and subject to APCO final approval and available resources (budget).

Air Quality Specialist and Air Quality Instrument Technician

The Operations Section is comprised of four subgroups: Compliance, Air Monitoring, Permit Engineering, and Planning & Rulemaking. In years past the District's Classification Plan staffed these subgroups with generalist-oriented classification descriptions. The proposed revision to the AQ Specialist and AQ Instrument Technician Class Specifications contains series that distinguishes the each class through various levels (I/II/III) including areas of responsibility, ability to complete complex work assignments, provide technical guidance, and work independently.

District Demographics

Since April 2018 the District employed 40 FTEs (full time equivalents), with no vacant positions. During 2019 the **age distribution** is projected to be: 45% are 40 years or younger, 28% are aged 41-54, and 28% are aged 55 or over. For **years of service**, eleven employees (28%) have less than 3 years of service; 55% of the District employees have 10 years or less of service with the District, 35% have 11 to 20 years of service, and 10% (4 employees) have more than 20 years of service. This information leads to a conclusion that for the current census of employees as many as seven (17%) employees are likely to retire from District employment by 2025. And, the first to depart are the last among those with deep institutional knowledge, together totaling more than 150 years of service to the District.

Management reached out to the Teamsters in the Labor Management Task Force (LMTF) to review this recommendation.

This action *revises* the Class Specification **Air Quality Specialist I/II/III** (nonexempt) to incorporate a series. This also action *revises* the Class Specification **Air Quality Instrument Technician I/II/III** (nonexempt) to incorporate a series. In addition, this action assigns pay range 629, 633, and 637 respectively in each class, and authorizes the Executive Director/APCO to assign and/or promote eligible incumbent employees to positions within each classification. Per policy, an incumbent will receive on promotion a 5% increase in base pay effective on a date to be determined by the Executive Director/APCO.

- a. Proposed *Revised* Classification Series Descriptions: Attached
- b. Justification. Management is implementing in phases a Workforce Development Plan and these class specifications address growth and career opportunity for this specific area.
- c. Recommend Pay Range 629 for Air Quality Specialist I; Range 633 for Air Quality Specialist II, and Range 637 for Air Quality Specialist III.
- d. Recommend Pay Range 629 for Air Quality Instrument Technician I; Range 633 for Air Quality Instrument Technician II, and Range 637 for Air Quality Instrument Technician III.



**MINUTES OF THE GOVERNING BOARD  
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VICTORVILLE, CALIFORNIA**

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- e. If authorized by the Executive Director/APCO, the estimated cost to promote eligible employee(s) for the remainder of the Fiscal Year is about \$3,000 (salary and benefits) for the remainder of FY 19.

Amend the Classification Plan (summary)		Pay Range
Revised Classifications – Series	• Air Quality Specialist I	629
	• Air Quality Specialist II	633
	• Air Quality Specialist III	637
	• Air Quality Instrument Technician I	629
	• Air Quality Instrument Technician II	633
	• Air Quality Instrument Technician III	637

Policy Statements

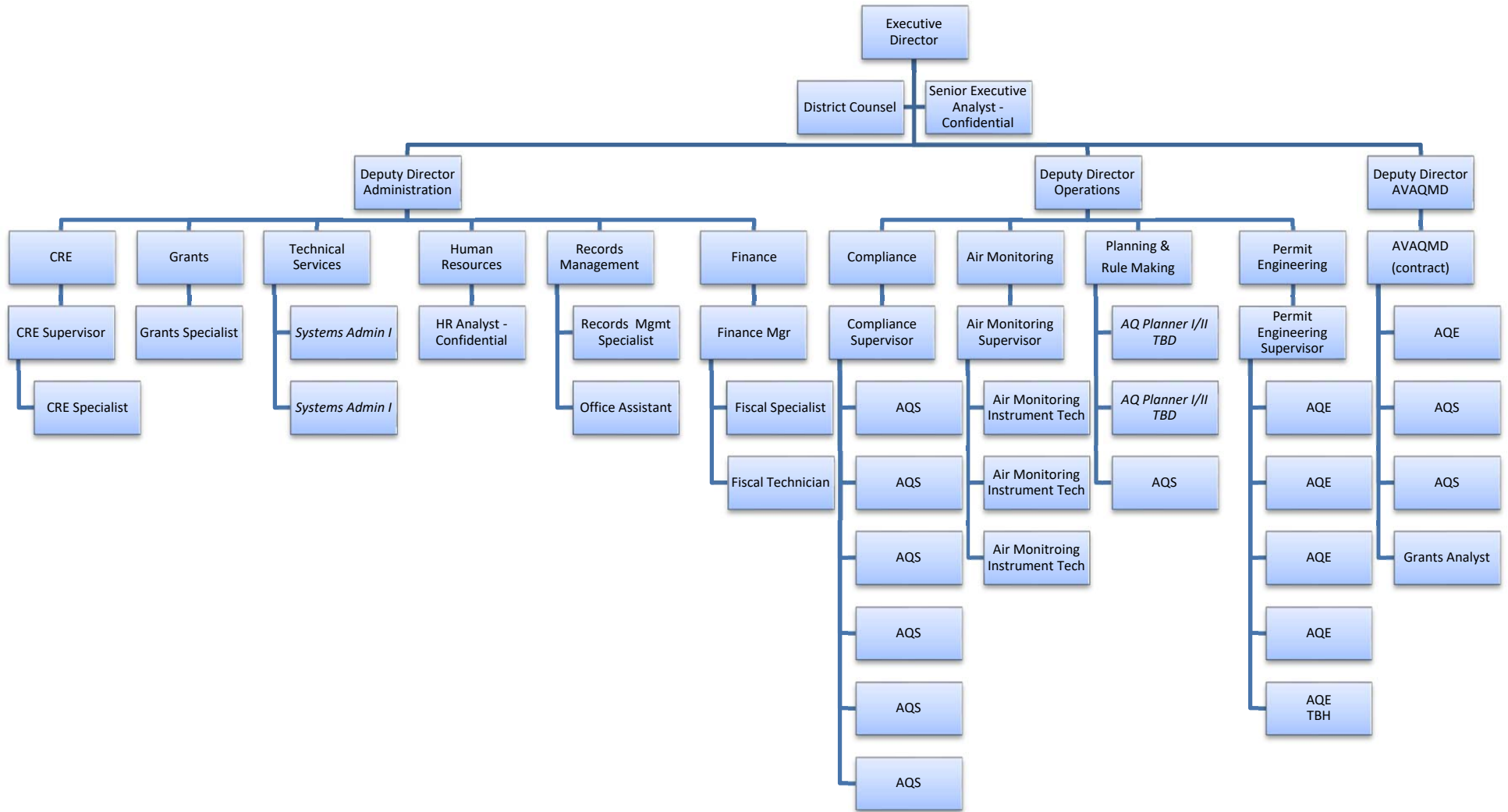
Governing Board Policy 94-1 delegates to the APCO “the authority to hire, dismiss, make assignments, direct, supervise... District employees....” In addition this policy states “Reclassification or change in the compensation of employees(s) shall be subject to review and approval by the Board.”

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 ...”

Management Rights are described in the Memorandum of Understanding (MOU) between the MDAQMD and the Teamsters Local 1932 including the right to “determine job classifications, hire, transfer, promote and demote employees.”

Management has conducted meet and confer with the Teamsters to discuss the impacts of these revisions.

# Mojave Desert AQMD Organizational Chart



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

Exhibit 3

Approved FY 18	Approved FY 19	Proposed 3/25/2019	Title of Position	Range	Monthly Salary	
1	1		Office Assistant	610	3,193 - 3,891	Rev Feb 2017
0	0		Records Management Clerk	615	3,613 - 4,402	
1	1		Fiscal Technician	621	4,190 - 5,105	
1	0		Administrative Secretary	624	4,512 - 5,498	
0	0		Deputy COB/Administrative Secretary	624	4,512 - 5,498	
1	1		CRE Specialist	626	4,740 - 5,775	
1	1		Records Management Specialist	626	4,740 - 5,775	Rev Feb 2017
1	1		Fiscal Specialist	629	5,104 - 6,219	
1	1		Grants Specialist	629	5,104 - 6,219	Rev Jan 2018
2	2		Technology Specialist	629	5,104 - 6,219	Approved Aug 2018
3	3		Air Quality Instrument Technician	629	5,104 - 6,219	
10	11		Air Quality Specialist	629	5,104 - 6,219	
1	0		Human Resources Specialist	629	5,104 - 6,219	
		TBD	AQ Specialist I	629	5,104 - 6,219	NEW
		TBD	AQ Instrument Tech I	629	5,104 - 6,219	NEW
		TBD	AQ Specialist II	633	5634 - 6865	NEW
		TBD	AQ Instrument Tech II	633	5634 - 6865	NEW
0	0		Systems Administrator I	633	5634 - 6865	Approved Aug 2018
0	0		AQ Planner I	633	5634 - 6865	Approved Jan 2019
0	0		Clerk Of The Boards	636	6,068 - 7,394	
		TBD	AQ Specialist III	637	6,219 - 7,577	NEW
		TBD	AQ Instrument Tech III	637	6,219 - 7,577	NEW
			AQ Engineer I	637	6,219 - 7,577	Approved Feb 2019
0	1		Human Resources Analyst - Confidential	637	6,219 - 7,577	Approved Jan 2018
0	1		Grants Analyst	637	6,219 - 7,577	Approved Jan 2018
0	0		Systems Administrator II	637	6219 - 7577	Approved Aug 2018
0	0		AQ Planner II	637	6219 - 7577	Approved Jan 2019
			AQ Engineer I	637	6219 - 7577	Approved Feb 2019
0	1		Senior Executive Analyst - Confidential	638	6,375 - 7,768	Approved Jan 2018
5	6		Air Quality Engineer	640	6,697 - 8,160	
			AQ Engineer II	640	6,697 - 8,160	Approved Feb 2019
			AQ Engineer III	642	7,036 - 8,572	Approved Feb 2019
1	0		Executive Office Manager	644	7,393 - 9,007	
1	1		Air Monitoring Supervisor	644	7,393 - 9,007	
1	1		Permit Engineering Supervisor	644	7,393 - 9,007	
1	1		Compliance Supervisor	644	7,393 - 9,007	
0	0		Administrative Services Manager	644	7,393 - 9,007	
1	0		Community Relations & Education Manager	644	7,393 - 9,007	
0	1		Community Relations & Education Supervisor	644	7,393 - 9,007	Approved Jan 2018
1	1		Finance Manager	650	8,574 - 10,446	
0	0		Supervising Air Quality Engineer	650	8,574 - 10,446	
1	1		Deputy Director MD Operations	657	10,190 - 12,416	
1	1		Deputy Director AV Operations	657	10,190 - 12,416	
1	1		Deputy Director Administration	657	10,190 - 12,416	
1	1		District Counsel	659	10,707 - 13,046	
1	1		Executive Director/APCO	N/A	N/A	
39.0	41.0					

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY SPECIALIST I/II/III**

**DEFINITION:**

Under technical supervision, all Air Quality Specialist positions perform assigned District, State and Federal air quality regulatory programs. The Air Quality Specialist assists in the preparation of written correspondence, reports, permits, rules, and plans. The Air Quality Specialist also performs related duties as required.

**DISTINGUISHING CHARACTERISTICS:**

The **Air Quality Specialist I** performs specialized air quality work under direct supervision. The Air Quality Specialist I has familiarity with District, state and federal air quality regulations, completes assigned tasks, has familiarity with District compliance policies, takes direction well and works as part of the team.

The **Air Quality Specialist II** performs specialized air quality work under general supervision, and is characterized as capable of some independent work with good time management. The Air Quality Specialist II performs large and Title V facility inspections with some assistance, fully implements with primary staff responsibility at least one District program, has broad knowledge of District, state and federal air quality regulations, completes assigned tasks while leading and mentoring new staff in them, has broad knowledge of District compliance policies, takes direction well, supports change, works as part of the team, leads projects as directed, and gives direction when required.

The **Air Quality Specialist III** performs specialized air quality work under minimal supervision, and is characterized as an independent worker with strong initiative and excellent time management. The Air Quality Specialist III performs all inspections including large and Title V facility inspections, fully implements with primary staff responsibility multiple District programs, has expert knowledge of District, state and federal air quality regulations, completes assigned tasks while leading and mentoring all staff in them, has expert knowledge of District compliance policies, 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.

**CLASSIFICATION GROUP: General Unit**

**ESSENTIAL JOB FUNCTIONS:**

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

- Implementation of the Asbestos Program, including telephone and counter inquiries, checklist and notification form review, determining applicable fees, site observation and inspection, and project tracking.
- Implementation of the Breakdown Program, including receiving and logging incoming breakdown notices.

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY SPECIALIST I/II/III**

- Implementation of the Burn Program, including telephone and counter inquiries, burn permit administration and periodic summary report preparation.
- Implementation of the Complaint Program, including receiving and logging complaints and performing assigned complaint investigations.
- Implementation of the Delinquency Program, including preparing related documentation and performing assigned delinquency investigations.
- Hearing Board support, including variance application review, variance status tracking and reports to the Hearing Board.
- Implementation of the Federal High Priority Violator Program, including requirement tracking, document review, facility contact, federal staff contact, and data entry into various electronic tracking systems.
- Issuing, tracking and administering a Notice to Comply and/or a Notice of Violation
- 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.
- Observation and inspection of facilities with Federal Operating Permits (aka Title V permits) to determine if Federal Operating Permit conditions and requirements are met; preparation of related reports and documentation.
- Implementation of the Variance Program, including site observation and inspection, and project status documentation.
- 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.

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY SPECIALIST I/II/III**

**WORKING CONDITIONS and PHYSICAL ABILITIES:**

Work is performed both in an office setting and in an offsite field setting, typically an industrial or commercial facility. This position is exposed to chemicals, dust, fumes and noise on a frequent basis. Field activities may be performed in hazardous environments. 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 is required.

**QUALIFICATIONS (Knowledge and Abilities):**

- Principles of science (primarily chemistry and physics) and mathematics related to determining, evaluating, monitoring and controlling air quality.
- Familiarity with specific source types (including: internal combustion engines (reciprocating and rotational); external combustion sources (boilers); direct-fired combustion sources (kilns and heaters); and evaporative sources).
- Familiarity with air pollution control equipment (including: bin vents; cyclones; baghouses; wet and dry scrubbers; electrostatic precipitators; and reducing and oxidizing catalysts).
- Familiarity with existing industrial and commercial facilities producing air contaminants within the District.
- Familiarity with local, State and Federal air quality-related guidance and regulations.
- Principles and methods of measuring air quality.
- 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 Class C California Driver 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 Specialist** positions require the possession of: Equivalent to the completion of an Associate'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

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY SPECIALIST I/II/III**

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 Specialist I** position may be filled by internal promotion, which requires a minimum of two years of experience as an **Associate Air Quality Specialist** (or equivalent experience in air quality management) with meeting or exceeding job performance evaluations and the recommendation of the candidate's immediate supervisor. 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 Specialist II** position requires a minimum of five years of experience as an **Air Quality Specialist 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 Specialist III** position requires a minimum of five years of experience as an **Air Quality Specialist II** 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.

**PROMOTION:**

Consideration for promotion into the Air Quality Specialist 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).

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY SPECIALIST I/II/III**

Approved:

**EXECUTIVE:**

**ADMINISTRATIVE SERVICES:**

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**BRAD POIRIEZ**  
Executive Director

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**JEAN BRACY**  
Deputy Director, Administration

**OPERATIONS:**

**Date:** \_\_\_\_\_

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**ALAN DE SALVIO**  
Deputy Director, Operations



**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY INSTRUMENT TECHNICIAN I/II/III**

**DEFINITION:**

Under technical supervision, the **Air Quality Instrument Technician** operates, installs, calibrates, repairs and modifies ambient air monitoring and meteorology equipment (and associated equipment), as well as manages the resulting data. The **Air Quality Instrument Technician** also performs related duties as required.

**DISTINGUISHING CHARACTERISTICS:**

The **Air Quality Instrument Technician I** operates and maintains electronic, electrical, and mechanical components that are utilized in air monitoring and meteorological monitoring equipment, calibration systems, and data acquisition systems and gathers and maintains data from the ambient air monitoring and meteorological network under direct supervision, has familiarity with state and federal air monitoring and meteorological regulations, completes assigned tasks, has familiarity with District air monitoring policies, programs and procedures, takes direction well and works as part of the team.

The **Air Quality Instrument Technician II** operates and maintains electronic, electrical, and mechanical components that are utilized in air monitoring and meteorological monitoring equipment, calibration systems, and data acquisition systems and gathers and maintains data from the ambient air monitoring and meteorological network under general supervision while completing independent work with good time management, has broad knowledge of state and federal air monitoring and meteorological regulations, completes assigned tasks, has broad knowledge of District air monitoring 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 Instrument Technician III** operates and maintains electronic, electrical, and mechanical components that are utilized in air monitoring and meteorological monitoring equipment, calibration systems, and data acquisition systems and gathers and maintains data from the ambient air monitoring and meteorological network under minimal supervision while completing independent work with strong initiative and excellent time management, has expert knowledge of state and federal air monitoring and meteorological regulations, completes assigned tasks while leading and mentoring all staff in them, has expert knowledge of District air monitoring 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.

**CLASSIFICATION GROUP: General Unit**

**ESSENTIAL JOB FUNCTIONS:**

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

- Repairs, tests, installs, modifies, calibrates and maintains ambient air monitoring and meteorological equipment and data acquisition systems to District, California Air Resources Board and Environmental Protection Agency standards.

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY INSTRUMENT TECHNICIAN I/II/III**

- Conducts periodic audits of ambient air monitoring and meteorological systems; ensures adherence to operating standards.
- Conducts evaluation and acceptance tests of new air monitoring and meteorological equipment.
- Makes recommendations and implements modifications to air monitoring and meteorological equipment to improve accuracy, dependability and serviceability.
- Fabricates air monitoring and meteorological equipment for special project requirements.
- Troubleshoots operating problems and performs major repairs or overhauls on air monitoring and meteorological equipment as required.
- Writes procedures for air monitoring and meteorological equipment maintenance and servicing.
- Collects, collates and transmits air monitoring and meteorological data.
- Maintains accurate and complete station and air monitoring and meteorological equipment records and extracts information into reports.
- Prepares reports that are submitted to the United States Environmental Protection Agency, California Air Resources Board, the media and other agencies as well as the District.
- Learn and understand air monitoring activities and programs and acquire an ability to anticipate the support, tools and supplies that will be needed.
- Organizes own work, sets priorities and meets critical deadlines.
- Establish and maintain effective working relationships with those contacted in the course of work. Maintain positive working relationships with coworkers and management; and interact effectively and professionally under pressure.
- Understand and follow oral and written directions; communicate effectively, both orally and in writing; and understand and work within the scope of authority.
- Provides for vacation relief as required.
- Performs related duties as assigned.

**WORKING CONDITIONS and PHYSICAL ABILITIES:**

Work is performed primarily in a repair shop, filter laboratory, remote air monitoring stations and the office environment. Must be able to perform the essential functions of the job. This position is exposed to chemicals, dust, fumes and noise on a frequent basis. This position requires prolonged sitting, standing, walking, climbing ladders and stairs, reaching, twisting, turning, kneeling, bending, squatting, stooping and the physical strength and agility to climb ladders while carrying equipment and work at heights of up to 30 feet in the performance of daily activities. This position requires grasping, repetitive hand-eye coordination and fine-finger manipulation skills for preparing reports and data using a computer keyboard, computer mouse and various office machinery. This position requires good listening skills and the occasional need to lift electronic equipment or other materials weighting up to 50 pounds or so. Travel throughout the District, State and country is required.

**QUALIFICATIONS (Knowledge and Abilities):**

- Must be able to perform all of the Essential Job Functions satisfactorily.
- The operation of standard office equipment, including a word processor, electronic spreadsheet, database utilities, and personal computer.

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY INSTRUMENT TECHNICIAN I/II/III**

- Basic organization and function of public agencies, including the role of an elected Governing Board and appointed committees.
- Record keeping, report preparation, filing methods and records management techniques.
- Correct English usage, including spelling, grammar, punctuation, and vocabulary.
- Interpreting, applying and explaining complex policies and procedures.
- Using tact, discretion, initiative and independent judgment within established guidelines.
- Analyzing and resolving situations and problems.
- Researching, compiling and summarizing a variety of informational and statistical data and materials.
- Ability to locate reference materials utilizing the Internet, library or other external resources.
- Ability to summarize a variety of disparate information and translate/interpret it into a concise, coherent written document.
- Composing correspondence independently or from brief instructions.
- Organizing work, setting priorities, meeting critical deadlines and following up assignments with a minimum of direction.

**OTHER REQUIREMENTS:**

This position requires the possession of, or the ability to obtain, a valid California Class C Driver's License.

**EDUCATION/EXPERIENCE:**

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

The **Air Quality Instrument Technician** positions require the possession of: Equivalent to the completion of an Associate's degree from an accredited college or university with major coursework in environmental science, biology, chemistry, engineering, geology, health, mathematics, meteorology, or physics (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 Instrument Technician I** position may be filled by internal promotion, which requires a minimum of two years of experience as an **Associate Air Quality Specialist** (or equivalent experience in air quality management or a comparable position with a comparable public agency) with meeting or exceeding job performance evaluations and the recommendation of the candidate's immediate supervisor. 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 Instrument Technician II** position requires a minimum of five years of experience as an **Air Quality Instrument Technician 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.

**\*\*PROPOSED\*\***  
**CLASS SPECIFICATION**

**AIR QUALITY INSTRUMENT TECHNICIAN I/II/III**

The **Air Quality Instrument Technician III** position requires a minimum of five years of experience as an **Air Quality Instrument Technician II** 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.

**PROMOTION:**

Consideration for promotion into the **Air Quality Instrument Technician 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).

Approved:

**EXECUTIVE:**

**ADMINISTRATIVE SERVICES:**

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**BRAD POIRIEZ**  
Executive Director

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**JEAN BRACY**  
Deputy Director, Administration

**OPERATIONS:**

Date: \_\_\_\_\_

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**ALAN DE SALVIO**  
Deputy Director, Operations

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$107,468.96 from the Mobile Source Emissions Reduction Fund Pool to Apple Valley Unified School District to complete the of purchase two new all-electric school buses; and 2) Authorize the Executive Director/APCO and staff

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

*AGENDA ITEM #6*

**PAGE 1**

**DD ATE:** March 25, 2019

**RECOMMENDATION:** 1) Award an amount not to exceed \$107,468.96 from the Mobile Source Emissions Reduction Fund Pool to Apple Valley Unified School District to complete the of purchase two new all-electric school buses; and 2) 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 District Counsel.

**SUMMARY:** This item allocates an amount not to exceed \$107,468.96 from the Mobile Source Emissions Reductions Fund Pool to complete the purchase of two new all-electric school buses to replace two pre-2000 diesel school buses.

**CONFLICT OF INTEREST:** The parties to this agreement(s) will be the District, District Board members and officers; and the Apple Valley Unified School District, School Board, principals and agents.

**BACKGROUND:** Assembly Bill 617 of July 26, 2017, led to the development of the AB 134 grant by the California Air Resource Board (CARB). Together these funds are known as the Community Air Protection through which CARB provides 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: with specific emphasis on zero or near zero emission projects.

Refer to Exhibit A for additional details.

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

*AGENDA ITEM #6*

**PAGE 2**

**REASON FOR RECOMMENDATION:** Governing Board approval is needed to fund the proposal recommended by the District. Additionally, Governing Board authorization is needed for the Executive Director to execute the agreement with the recipient.

**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 March 6, 2019.

**FINANCIAL DATA:** This action appropriates available funds available in the Mobile Source Emissions Reduction Fund Pool.

**PRESENTER:** Jorge Camacho, Grants Specialist.

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

*AGENDA ITEM #6*

**PAGE 3**

Exhibit A-Community Air Protection Funding

Assembly Bill 617 of July 26, 2017, led to the development of the AB 134 grant by the California Air Resource Board (CARB) to support CARB's Community Air Protection Program (CAP). CARB provided Greenhouse 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, with specific emphasis on zero or near zero emission projects. A requirement of the funding is to solicit public input and the District conducted the first meeting March 28. A second meeting was held on November 1, 2018. The purpose of the meetings was to provide updates on the current CAP funding but more importantly to receive input from the community on what type of projects they would like to see implemented. Members of the community that attended the meeting supported the idea of utilizing the funds for the purchase of all-electric school buses and supported the goal of "clean school buses for kids" for future rounds of funding.

The MDAQMD proposes to use the current allocation of CAP funds to purchase all-electric school buses and associated charging infrastructure for the eligible school districts. Through a combination of funding from the District's AB 134 grant and the California's Hybrid and Zero-Emission Truck and Bus Voucher HVIP Program (HVIP) the project(s) will be completed at little to no cost to participating school districts. The \$107,468.96 allocated from AB 2766 will cover any shortfall on the project total. The MDAQMD has been working with the Apple Valley and Lucerne Valley Unified School District. Both these school districts had applied for the Rural School Bus Pilot Program and unfortunately were not selected. Per the CAP program supplement, Air Districts can give priority to unfunded project applications from eligible applicants submitted through the Rural School Bus Pilot Program. Also, the District is in the process of scheduling meetings with the Adelanto Elementary School District, Victor Elementary School District and the Victor Valley Union High School District. The meetings will explore the school district's interest in participation in the program.

The District's main objective for the future use of CAP round funding will be to provide all-electric school buses, particularly districts that are located in, or operate in, communities with high burdens of cumulative pollutant exposure within MDAQMD jurisdiction.



The following page(s) contain the backup material for Agenda Item: [1\) Authorize the acceptance of “Community Air Protection Funds Supplement to the Carl Moyer Memorial Air Quality Standards Attainment Program 2017 Guidelines” from the California Air Resource Board \(CARB\) in an estimated amount of \\$203,927.00, 2\) author](#)

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

*AGENDA ITEM #7*

**PAGE 1**

**DATE:** March 25, 2019

**RECOMMENDATION:** 1) Authorize the acceptance of “Community Air Protection Funds Supplement to the Carl Moyer Memorial Air Quality Standards Attainment Program 2017 Guidelines” from the California Air Resource Board (CARB) in an estimated amount of \$203,927.00, 2) authorize the Executive Director/APCO to execute the grant agreement approved as to legal form, 3) 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.

**SUMMARY:** This action formally accepts an estimated grant amount of \$203,927.00 allocated to the MDAQMD and approves the District’s participation in and compliance with the program requirements.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** CARB is providing Greenhouse Gas Reduction Funds through the Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program) to support early implementation actions that reduce emissions and improve public health in communities with high burdens of cumulative pollutant exposure, consistent with the goals of Assembly Bill (AB) 617 of July 26, 2017. Examples of early implementation actions are (1) review/evaluation of best available control and retrofit technology, (2) community outreach and (3) community monitoring programs (purple air sensors).

In the first round of funding the District received \$93,172.00. This is the second grant disbursement. Additional funding may become available.

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

*AGENDA ITEM #7*

**PAGE 2**

This action will authorize the MDAQMD to receive the funds authorize the Executive Director/APCO to sign the grant agreement, and direct staff to take appropriate actions to comply with program requirements. It also allows the Executive Director/APCO to assign excess or potential additional funds to similar eligible projects.

**REASON FOR RECOMMENDATION:** CARB requires an action by the Governing Board to receive the funds and participate in this opportunity.

**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 March 7, 2019.

**FINANCIAL DATA:** Receiving these funds in this action will amend the MDAQMD FY 19 Budget, to increase State Revenue in the estimated amount of \$203,927.00.

**PRESENTER:** Jorge Camacho, Grants Specialist

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

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

*AGENDA ITEM # 8*

**DATE:** March 25, 2019

**RECOMMENDATION:** Receive and file the District Activity Report.

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

**CONFLICT OF INTEREST:** None.

**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 March, 2019.

**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*

bpoiriez@mdaqmd.ca.gov

**Date: 3/6/2019**

**Subject: February 2019 Operations Activity Report**



Permit Inspections Completed – 299 (96% in compliance)

Notices to Comply (NTCs) Issued - 13

Notices of Violation (NoVs) Issued - 11

Outstanding NoVs - 51 (35 in settlement, 7 in legal)

Delinquent Permit Follow-Ups - 2

Breakdowns - 11

Vapor Recovery Tests Witnessed - 7

Complaints - 30

Complaint Investigations - 30

Asbestos Notifications - 13

Asbestos Project Inspections - 2

Permit Applications Received - 26

Permit Changes Processed - 96

Title V Permit Actions In Progress – one new, 8 renewals and 6 modifications

Permits Issued – 209 (including one Title V renewal and one Title V modification)

Active Companies - 628

Active Facilities – 1277 (42 Title V Facilities)

Active Permits - 4078

Certificate of Occupancy/Building Permit Reviews - 56

Project Comment Letters – 10

*Full SLAMS Air Monitoring Sites:*

Barstow (full met,<sup>1</sup> CO, NO<sub>x</sub>, O<sub>3</sub>, PM<sub>10</sub>)

Hesperia (full met, O<sub>3</sub>, PM<sub>10</sub>)

Lucerne Valley (partial met,<sup>2</sup> PM<sub>10</sub>)

Phelan (full met, O<sub>3</sub>)

Trona (full met, H<sub>2</sub>S, NO<sub>x</sub>, O<sub>3</sub>, SO<sub>2</sub>, PM<sub>10</sub>)

Victorville (full met, CO, NO<sub>x</sub>, O<sub>3</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>)

*Community Sensors:*

One TAPI T640 PM<sub>2.5</sub> and O<sub>3</sub> portable unit

27 PurpleAir particulate public cloud sensors (six co-located with SLAMS sites)

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

<sup>2</sup> Partial met is full meteorology without relative humidity

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



**To: Brad Poiriez**  
 bpoiriez@mdaqmd.ca.gov

**Date:** 03/06/2019  
**Subject:** March Grants Report

## Interoffice Memo

### Funding Source

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

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Chairel Farms Project 1-Tractor	\$ 37,817.00	Pending
Chairel Farms Project 2-Tractor	37,817.00	Pending
Chairel Farms Project 3 Tractor	24,902.72	Pending
Com AV-Tug	186,960.00	Pending
Com AV-Tug	186,960.00	Pending
Hinkley Dairy-Generator Project	55,792.00	Pending
Mojave Northern/CEMEX	1,000,000.00	Pending
Seiler Equipment Project 2-Tractor	49,736.00	Pending
<b>Total Carl Moyer Grant Awards</b>	<b>\$ 1,579,984.72</b>	

### Funding Source

#### Voluntary NOx Remediation Measure Funding (NRM)

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Chairel Farms Project 4-Tractor	\$ 37,817.00	Pending
Chairel Farms Project 5-Tractor	37,817.00	Pending
Chairel Farms Project 6-Tractor	37,817.00	Pending
Chairel Farms Project 8-Tractor	229,970.54	Pending
<b>Total NRM Grant Awards</b>	<b>\$ 343,421.54</b>	

### Funding Source

#### AB 134-Community Action Program

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
A VUSD Electric Bus Infrastructure*	\$ 50,000.00	Work in Progress
A VUSD Electric Bus Project	318,113.54	Work in Progress
LVUSD Electric Bus Infrastructure*	50,000.00	Work in Progress
LVUSD Electric Bus Project	297,024.91	Work in Progress
<b>Total AB 134 Grant Awards</b>	<b>\$ 715,138.45</b>	Work in Progress

\*Estimated

**Funding Source**

**AB 2766**

<b><u>Project Name</u></b>	<b><u>Grant Award</u></b>	<b><u>Status</u></b>
A VUSD Electric Bus Project	\$ 107,468.96	Work in Progress
Cith of Hesperia Park and Ride	184,346.00	Pending
City of Hesperia (street light synchronization)	484,482.00	Pending
EV Charging	40,000.00	Ongoing/Yearly
Lawn and Garden Equipment	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
<b>Total AB2766 Grant Awards</b>	<b>\$ 1,416,296.96</b>	

**Funding Source**

**FARMER (Funding Agricultural Replacement Measures for Emission Reductions)**

<b><u>Project Name</u></b>	<b><u>Grant Award</u></b>	<b><u>Status</u></b>
Chairel Farms Project 7-Tractor	\$ 119,200.00	Pending
Chairel Farms Project 9-Tractor	118,984.00	Pending
Chairel Farms Project 12-Tractor	130,608.00	Pending
Barnes and Berger Project 13-Tractor	80,561.60	Pending
Barnes and Berger Project 14-Tractor	73,440.00	Pending
<b>Total FARMER Grant Awards</b>	<b>\$ 522,793.60</b>	



**Project Oversubscribed List**

<b><u>Project Name</u></b>	<b><u>Potential Grant Award</u></b>	<b><u>Status</u></b>
Barnes and Berger Project 1-Tractor	\$ 75,459.60	Pending Funds
Barnes and Berger Project 10-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 11-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 12-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 15-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 2-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 3-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 4-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 5-Tractor	82,782.64	Pending Funds
Barnes and Berger Project 6-Tractors	82,782.64	Pending Funds
Barnes and Berger Project 7-Tractor	82,782.64	Pending Funds
Barnes and Berger Project 8-Tractor	75,459.60	Pending Funds
Barnes and Berger Project 9-Tractor	75,459.60	Pending Funds
Chairel Farms Project 10-Tractor	241,181.00	Pending Funds
Chairel Farms Project 11-Tractor	241,181.00	Pending Funds
DeConinck Farms Project 2-Tractor	98,152.00	Pending Funds
DeConinck Farms Project 3-Tractor	104,194.00	Pending Funds
Nish Noroian Farms Project 3-Sprayer	50,463.00	Pending Funds
Searless Valley Minerals 1977 Crane	101,960.00	Pending Funds
Searless Valley Minerals D8 Dozer	475,793.00	Pending Funds
Searless Valley Minerals 1989 Crane	73,119.00	Pending Funds
Seiler Equipment Cotton Picker	407,465.00	Pending Funds
Seiler Equipment Sprayer	78,400.00	Pending Funds
Van Dyke Farms Tractor	318,760.00	Pending Funds
<b>Total Oversubscription</b>	<b>\$ 3,193,611.92</b>	

**Completed Project(s)**

**All Funding Sources**

<b><u>Project Name</u></b>	<b><u>Grant Award</u></b>	<b><u>Status</u></b>
City of Barstow	\$ 20,832.00	Completed
DeConinck Farms-Windrower	121,205.00	Completed
Hinkley Dairy Tractor	42,950.32	Completed
Mitsubishi Cement Corp. Trackmobile	323,712.00	Completed
Nish Noroian Farms Project 1-Tractor	131,114.00	Completed
Nish Noroian Farms Project 2-Tractor	232,634.00	Completed
Seiler Equipment Project 1-Tractor	111,797.00	Completed
Valley Wide Construction-Crane	121,638.00	Completed
Shawn Barker Construction	219,630.00	Completed
<b>Total Grant Awards</b>	<b>\$ 1,325,512.32</b>	

## **Glossary of Terms and Definitions**

### **AB 134**

The AB 134 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. This is a one-time grant in the amount of \$776,250.00 but additional funding may become available in the future

### **AB 2766**

Authorized the Air 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.

### **Completed**

Projects that have been paid/reimbursed.

### **On-Going Yearly**

Funds are encumbered on a yearly and ongoing basis.

### **Pending**

Grantee is under a contractual agreement with the Air District.

### **Pending Funds**

Projects are currently waiting grant funding.

### **Project Oversubscription List**

List of projects currently queued waiting until more funds become available.

### **Voluntary NOx Remediation Measure Funding (NRM)**

The NRM program was developed by CARB to help mitigate historic NOx emissions caused by BioDiesel use in response to the Low Carbon Fuel Standard. This was a one-time grant in the amount of \$563,051.54

### **Work in Progress**

Application is currently being reviewed by the Grants Division.

**From: Ryan Orr**  
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**To: Brad Poiriez**  
[BradP@mdaqmd.ca.gov](mailto:BradP@mdaqmd.ca.gov)

**Date:** 03/11/2019  
**Subject:** March Activity Report



## Interoffice Memo

### Chamber Activities

The MDAQMD continues its presence and participation in chambers throughout the agency's jurisdiction. CRE Specialist Martial Haprov is a member of the board for the Hesperia Chamber of Commerce and CRE Supervisor Ryan Orr was nominated and elected to the Victor Valley Chamber of Commerce board. Haprov emceed the February Hesperia Chamber Luncheon as well. In addition, the CRE team continues to attend and participate in activities in other chambers throughout the district.

### Grants

MDAQMD participated in a ceremony unveiling a new clean diesel locomotive at CEMEX, Victorville. MDAQMD contributed \$1 million in grant funds as part of the purchase. The ceremony included comments from MDAQMD member Robert Lovingood, MDAQMD CRE Supervisor Ryan Orr and the president of CEMEX Victorville. MDAQMD representatives were also included in a video focused on the new equipment. The event appeared in articles in High Desert Daily and Supervisor Lovingood's newsletter. MDAQMD also presented a grant to Mitsubishi cement that covered the cost of a new, clean railcar mover, replacing two older pieces of equipment and reducing a significant amount of emissions. Stories regarding this grant appeared in High Desert Daily and the Daily Press (See attached press clips).

### Newsletter

The 2019 winter newsletter is out and has been circulated to businesses, chambers and municipalities throughout the District. It features an introduction of the newest MDAQMD board members, the new agency branding and logo and a summary of the successful 2018 CDAWG conference in Laughlin, NV.

### Community Outreach

MDAQMD hosted staff members of the Department of Motor Vehicles who delivered a presentation on California Real IDs, which will be required for entry into federal facilities and on interstate flights beginning in October of 2020. An invitation was extended to local municipalities and other partner agencies to attend as well.

CRE Staff participated in the career day event at Cedar Middle School in Hesperia as well as participated in Read Across America – reading to local classrooms in honor of Dr. Seuss' birthday – at Maple Elementary School.

## Air and Waste Management Association

CRE Supervisor Ryan Orr, serving as the Vice Chair of the Mojave Chapter of the Air and Waste Management Association (AWMA), organized a tour of an Adelanto-based cannabis company. The tour included three locations covering every aspect of the business giving MDAQMD staff in attendance a better idea of what to expect when it comes to inspections.

## Social Media and Press Clips

Attached to this report are the most recent press clips regarding MDAQMD as well as a sampling of social media posts, which includes a post promoting a new opening for Air Quality engineer.

# Mitsubishi Cement Receives \$323K Air District Grant for Emission-Reducing Equipment

by [admin](#) • February 27, 2019 • [0 Comments](#)



By Staff Reports

(Victor Valley)– A Mojave Desert Air Quality Management District grant recently helped fund a new clean diesel mobile railcar mover for Mitsubishi Cement Corporation, effectively replacing two dated pieces of equipment long overdue to be decommissioned by the cement company.

“We greatly appreciate that MDAQMD found a grant to retire our ancient locomotive,” said David Rib, Mitsubishi Cement’s Environmental Manager. “That’s one more clean diesel engine we are proud to operate.”

The equipment was purchased with \$323,712 of grant funds through AB 2766, which authorizes air districts to impose a \$4 vehicle registration fee to meet the new responsibilities mandated under the California Clean Air Act.

AB 2766 is just one of several grant programs MDAQMD facilitates to seek like-minded partners in the community and reduce emissions through projects such as equipment replacements, upgrades and retrofits. The new emission-reducing 2018 Viking Trackmobile now operating at the Mitsubishi plant in Lucerne Valley replaces two older pieces of equipment manufactured in 1979 and 1982 respectively, significantly improving the air quality surrounding operations at the long-running facility.

“The MDAQMD and Mitsubishi Cement Corporation have had a great working relationship for many years,” said Brad Poiriez, MDAQMD’s Executive Director. “This particular project was something that’s been on their wish list for a long time, and we’re happy to help when it will reduce negative impacts on the environment.”

Visit [mdaqmd.ca.gov/grants](https://mdaqmd.ca.gov/grants) to learn more about the District’s grants programs.

MDAQMD is the air pollution control authority and permitting agency for the High Desert portion of San Bernardino County and the Palo Verde Valley in Riverside County. It’s governed by a board of 13 members representing nine incorporated municipalities and two counties within its boundaries. Visit [mdaqmd.ca.gov](https://mdaqmd.ca.gov) or follow us on social media @MDAQMD.

## Mitsubishi Cement gets grant for ‘clean’ rail-car mover

### Staff Reports

LUCERNE VALLEY — The Mitsubishi Cement Corp. recently purchased new, emission-reducing equipment with a more than \$323,000 grant provided by the Mojave Desert Air Quality Management District, according to a district statement. The grant helped fund the purchase of a 2018 Viking Trackmobile now operating at the Mitsubishi plant in Lucerne Valley, according to the MDAQMD. The clean diesel mobile railcar mover replaces two older pieces of equipment manufactured, respectively, in 1979 and 1982.

MDAQMD officials said replacement of the outdated equipment will significantly improve the air quality surrounding operations at the long-running facility located off Highway 18 on the way to Big Bear.

Mitsubishi Cement Environmental Manager David Rib said the Viking Trackmobile is “one more clean diesel engine we are proud to operate.”

The \$323,712 in grant funds became available through Assembly Bill 2766, which authorizes air districts to impose a \$4 vehicle

registration fee to meet new responsibilities mandated under the California Clean Air Act, according to MDAQMD officials. AB 2766 is one of several grant programs the district facilitates to seek like-minded partners in the community and reduce emissions through projects such as equipment replacements, upgrades and retrofits. MDAQMD Executive Director Brad Poiriez said the district and the cement company have enjoyed "a great working relationship for years. "This particular project was something that's been on their wish list for a long time," Poiriez said, "and we're happy to help when it will reduce negative impacts on the environment." Visit [www.mdaqmd.ca.gov/grants](http://www.mdaqmd.ca.gov/grants) to learn more about the district's grant programs.

# HIGH DESERT

Questions or news tips?  
760-961-6235  
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ON TWITTER  
**FOLLOW US**  
Matthew Cabe covers Apple Valley and writes a weekly column for the Daily Press. Follow him on Twitter @DP\_MatthewCabe.

## Mitsubishi Cement gets grant for 'clean' rail-car mover

Staff Reports

**LUCERNE VALLEY** — The Mitsubishi Cement Corp. recently purchased new, emission-reducing equipment with a more than \$123,000 grant provided by the Mojave Desert Air Quality Management District, according to a district statement. The grant helped fund the purchase of a 2015 Viking

Trackmobile now operating at the Mitsubishi plant in Lucerne Valley, according to the MDAQMD. The clean diesel mobile railcar mover replaces two older pieces of equipment manufactured, respectively, in 1979 and 1982. MDAQMD officials said replacement of the outdated equipment will significantly improve the air quality surrounding operations at the

long-running facility located off Highway 18 on the way to Big Bear. Mitsubishi Cement Environmental Manager David Rib said the Viking Trackmobile is "one more clean diesel engine we are proud to operate." The \$123,712 in grant funds became available through Assembly Bill 2766, which authorizes air districts to impose a \$4 vehicle

registration fee to meet new responsibilities mandated under the California Clean Air Act, according to MDAQMD officials. AB 2766 is one of several grant programs the district facilitates to seek like-minded partners in the community and reduce emissions through projects such as equipment

### LOCAL DIGEST

#### APPLE VALLEY Women's Club celebrating anniversary

The Victor Valley Women's Club will be celebrating 94 years with an anniversary tea and luncheon. Ruby Baker will be honored as this year's Woman of Distinction, a woman who makes a difference in the high desert community. The event will also feature the club's annual purse auction to raise funds for Helter International, a charity that provides livestock to women in third world countries. The public is invited to attend on March 19 at the Apple Valley Chamber of Commerce, 26030 Apple Valley Road, Apple Valley. Check in begins at 11 a.m. First time guests are free. For information, call 760-964-2920.

#### BARSTOW Retired Teachers meets Thursday

Division 74 of CALRTA (California Retired Teachers Association) will hold its monthly luncheon meeting from 11:30 a.m. to 1 p.m. on Thursday from 11:30 a.m. at Rosita's Mexican Restaurant, 540 West Main St., Barstow. The program will be Division 74's tribute to Women in History Month and will feature testimonials to women who have influenced the presenters in their own lives. Lunch will be available for \$9 a person. The meeting is open to all retired educators and others who are interested in attending. For information, call 760-486-0349.

#### Women's Club meets Wednesday

The Barstow Women's Club monthly luncheon meeting will be held at noon on Wednesday at Los Domingos Restaurant, 1520 E. Main St., Barstow. Lunch is \$13 and reservations are required. Cancellations must be made 48 hours prior in order to preclude being charged for your meal. This month will be the annual Gen Lewis section. If you are interested in making reservations or in learning more about the club, call 760-220-9040.

#### WRIGHTWOOD Quilt Guild meets March 12

Pine Needles Quilt Guild will be meeting at 6:30 p.m. March 12, at the Wrightwood Community Building, 1275 Hwy 2, Wrightwood. This month Lancaster quilt artist and designer TITANY HAYES, from Needle In A Hayes Stack, will be demonstrating the "Goddess Tool." For more about Pine Needles Quilters, visit [www.pnqg.org](http://www.pnqg.org).

## Local kids learn 'Semper Fi'



Aubrie Moysa of Victorville rakes a patch of dirt above a 100-year-old gravesite on Saturday. Since she joined the Young Marines, she said, "I want to do something to change the world." (JAMES H. HENNING, DAILY PRESS)

#### Young Marines youths to improve their lives and the community

**ORO GRANDE** — Pfc. Aubrie Moysa rakes a dirt patch atop a 100-year-old gravesite, just minutes after a private from her unit plucked the surface weeds. It's not the military, but it's close. Moysa, 14, is a private first class in the Excelsior High Desert Young Marines. Laser-focused, Moysa and the rest of her unit are tending up Oro Grande Cemetery on a windy Saturday morning. Watching is Adelanto's mayor, Gabriel Reyes, who

made a short drive from the neighboring city to encourage the kids and offer his support. They present him with a sweatshirt and address him as "sir" after every sentence. Since 2012, hundreds of youths between the ages of 8 to 18 across the High Desert have participated in the Young Marines program. The kids complete at least 50 hours of community service per year, all while performing drills and service around the community every other Saturday. It's the local branch of a national nonprofit that strives to teach kids about patriotism, self-discipline,

an anti-drug lifestyle and community service, among other values. Some join the program eager to enlist in the armed forces later. Others tell the Daily Press simply being a part of the program has changed their lives for the better. At the other end of the cemetery, Pfc. Angelo Estrada pulls weeds. The cemetery is the oldest cemetery in the High Desert and possibly the county, says caretaker Joe Manners as he works and teaches history simultaneously. When Estrada is asked if he could see himself visiting the historic cemetery

if he was not in the Young Marines, he laughs. Without the motivation he learned from the program, Estrada said, he couldn't see himself doing much besides drinking Dr. Pepper. "It taught me how to actually exercise," he said, crouching over a gravesite to pull a two-foot-tall weed. According to the unit commander, parents and teachers alike say joining the program results in positive changes. "A lot of teachers notice a change in their students when they become a Young Marine," says Randi Bennett,

See MARINES, B5

ADELANTO, APPLE VALLEY, BARSTOW, BIG BEAR LAKE, HESPERIA, OAK HILLS, PHELAN, VICTORVILLE, WRIGHTWOOD, YERMO

## Mitsubishi Cement Rolls Out New Clean Technology Locomotive in Lucerne Valley

by [admin](#) • March 10, 2019 • [0 Comments](#) [Rectangular Snip](#)



By Staff Reports

(Victor Valley)– Mitsubishi Cement Corporation has replaced two pieces of obsolete equipment with a clean, low-emission locomotive at its Lucerne Valley plant. The Mojave Desert Air Quality Management District helped fund a new clean diesel mobile railcar mover with \$323,712 in grant funds.

“We greatly appreciate that MDAQMD found a grant to retire our ancient locomotive,” said David Rib, Mitsubishi Cement’s Environmental Manager. “That’s one more clean diesel engine we are proud to operate.”

Supervisor Lovingood, who is a member of the MDAQMD board, said the new railcar mover will reduce emissions and significantly improve air quality.

Tags: [Mitsubishi Cement Rolls Out New Clean Technology Locomotive in Lucerne Valley](#)

# Lawn & Garden Equipment Exchange Returns with Bigger Savings

by [admin](#) • February 21, 2019 • [0 Comments](#)



By Staff Reports

(Victor Valley)– The 2019 Lawn and Garden Equipment Exchange, hosted by the Mojave Desert Air Quality Management District (MDAQMD), aims to be the largest in District history. Coming off of a new record in equipment exchanges in 2018, the District increased funding for the 2019 event in hopes of further reducing the emissions from gas-powered lawn and garden equipment.

The boost in funding has allowed the District to offer the zero-emission, 56-volt EGO lawn mowers for only \$99 (tax included) to the first 100 prepaid registrants with trade-in of their gas-powered lawn mowers.

Despite the efforts of countless residents who've converted their landscaping due to the drought and successful incentive programs such as Mojave Water Agency's Cash for Grass program, there is still a significant amount of gas-powered equipment used throughout the District.

"Our program continues to draw in more and more of our District residents each year," said MDAQMD Executive Director Brad Poiriez. "The positive impact this simple exchange has on reducing our local emissions can't be overstated, and we're always excited to see that our local residents understand that."

Beyond the special price for the first 100 prepaid registrants, lawn mowers are available for \$125 while electric blowers and trimmers are available for \$75 with the exchange of eligible, working gas equivalents. Registration is now open and all participants must preregister at [www.thegreenstationproducts.com/mdaqmd.html](http://www.thegreenstationproducts.com/mdaqmd.html). The exchange event will be held from 8 a.m. to 1 p.m. April 20, 2019 at the SBC Fairgrounds.



MDAQMD is the air pollution control authority and permitting agency for the High Desert portion of San Bernardino County and the Palo Verde Valley in Riverside County. It's governed by a board of 13 members representing nine incorporated municipalities and two counties within its boundaries. Visit [mdaqmd.ca.gov](http://mdaqmd.ca.gov) or follow us on social media @MDAQMD.



## Mitsubishi Cement rolls out new clean technology locomotive in Lucerne Valley



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Posts



Mojave Desert AQMD shared a post.

Published by Mojave Desert AQMD [?] · March 7 at 11:07 AM ·

In case you missed it: We're accepting applications for Air Quality Engineer until March 15! Click the link below for more information including how to apply.



Mojave Desert AQMD

Published by Mojave Desert AQMD [?] · March 4 at 9:14 AM ·

The Mojave Desert Air Quality Management District, an equal opportunity employer, is now accepting applications for an Air Quality Engineer opening. Deadline to apply is March 15, 2019. Learn more: [mdaqmd.ca.gov/jobs](http://mdaqmd.ca.gov/jobs)

Hiring? Create a job from your Page for free

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Like Following Share ...



Mojave Desert AQMD shared a post.

Published by Mojave Desert AQMD [?] · March 7 at 8:37 AM ·

We'll have a booth at the Pirate Renaissance Fair next weekend where you can get a demonstration of the EGO lawn mower, leaf blower and string trimmer offered through our annual Lawn & Garden Equipment Exchange! Anyone who wants to participate can also preregister in person at this event on March 16 at Hesperia Lake Park!



Hesperia Recreation and Park District shared an event.

February 28 at 5:17 PM ·

Like Page

Bring the whole family to Hesperia Lake Park on March 16 and 17, from 10:00 a.m. to 6:00 p.m. for the 2019 High Desert Pirate Renaissance Faire!  
The Pirate Fair...

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SAT, MAR 16 AND 1 MORE

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**Mojave Desert AQMD** @MDAQMD · Mar 4

Two new MDAQMD Governing Board alternate members were sworn in at the board's regular meeting last week: Barstow City Council Member James M. Noble; and Yucca Valley Town Council Member Jim Schooler. Learn more about our boards: [mdaqmd.ca.gov/about-us/gover...](http://mdaqmd.ca.gov/about-us/gover...)



The following page(s) contain the backup material for Agenda Item: [Receive and file the Financial Report for FY19, through the month of January 2019, which provides financial information and budget performance concerning the fiscal status of the District. Presenter: Jean Bracy, Deputy Director – Administration.](#)

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

*AGENDA ITEM #9*

**DATE:** March 25, 2019

**RECOMMENDATION:** Receive and file.

**SUMMARY:** Receive and file the Financial Report for **FY19**, through the month of **January 2019**, which provides financial information and budget performance concerning the fiscal status of the District.

**CONFLICT OF INTEREST:** None

**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 January is 58% of Fiscal Year 2019.

The January financial statements (most recent available) indicate that the financial position for the District is sound and tracking well to the adopted budget estimates. Several funding sources are received later in the fiscal year, including Program Revenue from AB2766 which will be received through November 2019.

Expenditures in the General Fund (not included in these reports) are under budget (7%) to date, and Personnel Expenses (5%) are slightly under budget. The Finance Reports are attached.

**REASON FOR RECOMMENDATION:** Receive and file.

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or before March 11, 2019.

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

**PRESENTER:** Jean Bracy, Deputy Director / Administration

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

*AGENDA ITEM #9*

**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 19. 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.

The report for January indicates expenses greater than revenue for FY 19 to date in the amount of \$1,605.94. This reports the District’s financial condition as a snapshot on January 31. As noted in the Background section of this agenda item, about \$265,000 in AB 2766 and other revenue is yet to be received and recorded as revenue to date for FY 19.

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

BANK REGISTERS – DISTRICT CARDS – These reports show the purchases made using the District’s MasterCard’s. The items on these registers are the expenditure detail for the payments made to BUSINESS CARD as shown on the Check Register Wells Fargo Operating Account.

**Mojave Desert AQMD**  
**Balance Sheet - Governmental Funds**  
**As of January 31, 2019**

## Financial Report

	<u>General Fund</u>	<u>Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Fiduciary Fund</u>	<u>Total</u>
<b>Assets</b>					
Current Assets					
Cash	2,901,366.88	2,921,081.68	958,453.26	1,215,131.11	7,996,032.93
Cash Held For Other Fund	90,033.57	(61,662.41)	0.00	(28,371.16)	0.00
Receivables	1,185,527.49	1,662.72	1,093,949.00	0.00	2,281,139.21
Pre-Paids	114,808.37	0.00	0.00	0.00	114,808.37
<b>Total Current Assets</b>	<b>4,291,736.31</b>	<b>2,861,081.99</b>	<b>2,052,402.26</b>	<b>1,186,759.95</b>	<b>10,391,980.51</b>
Non-Current Assets					
Deferred Outflows	4,881,013.00	0.00	0.00	0.00	4,881,013.00
<b>Total Assets</b>	<b>9,172,749.31</b>	<b>2,861,081.99</b>	<b>2,052,402.26</b>	<b>1,186,759.95</b>	<b>15,272,993.51</b>
<b>Liabilities and Net Position</b>					
Current Liabilities					
Payables	117,178.16	0.00	111,797.00	0.00	228,975.16
Accruals	615,698.39	0.00	0.00	0.00	615,698.39
Due to Others	420.00	(34,370.18)	0.00	0.00	(33,950.18)
Payroll Taxes Liability	35,119.85	0.00	0.00	0.00	35,119.85
Retirement	(6,667.50)	0.00	0.00	0.00	(6,667.50)
Health	(33,279.18)	0.00	0.00	314,010.00	280,730.82
Other Payroll Deductions	1,391.44	0.00	0.00	0.00	1,391.44
Unearned Revenue	(1,974.88)	0.00	1,910,136.90	0.00	1,908,162.02
<b>Total Current Liabilities</b>	<b>727,886.28</b>	<b>(34,370.18)</b>	<b>2,021,933.90</b>	<b>314,010.00</b>	<b>3,029,460.00</b>
Net Pension Liability	9,252,237.00	0.00	0.00	0.00	9,252,237.00
Deferred Inflows	2,139,878.00	0.00	0.00	0.00	2,139,878.00
<b>Total Current Liabilities</b>	<b>11,392,115.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>11,392,115.00</b>
Restricted Fund Balance					
Cash Reserves	163,894.08	3,041,834.36	30,468.36	583,341.73	3,819,538.53
Building Improvements	766,000.00	0.00	0.00	0.00	766,000.00
Litigation Reserves	200,000.00	0.00	0.00	0.00	200,000.00
Budget Stabilization	300,000.00	0.00	0.00	0.00	300,000.00
Retirement Reserves	250,000.00	0.00	0.00	0.00	250,000.00
Unassigned Fund Balance	350,000.00	0.00	0.00	650,000.00	1,000,000.00
Adjustments to Fund Balance - GASB	1,686,590.42	0.00	0.00	0.00	1,686,590.42
Compensated Absences	(6,466,848.00)	0.00	0.00	(290,807.00)	(6,757,655.00)
Pre Paid	(522,237.90)	0.00	0.00	0.00	(522,237.90)
Change in Net Position	110,788.40	0.00	0.00	0.00	110,788.40
<b>Total Liabilities &amp; Net Position</b>	<b>9,172,749.31</b>	<b>2,861,081.99</b>	<b>2,052,402.26</b>	<b>1,186,759.95</b>	<b>15,272,993.51</b>



**Mojave Desert AQMD**  
**Statement of Revenues & Expenditures**  
**For the Period Ending January 31, 2019**

## 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>
<b><u>Revenues</u></b>					
Antelope Valley Air Quality Mngmnt Contract	122,479.80	0.00	0.00	0.00	122,479.80
Other Contracts	0.00	0.00	0.00	0.00	0.00
Application and Permit Fees	411,547.22	0.00	0.00	0.00	411,547.22
AB 2766 and Other Program Revenues	75,795.09	50,460.06	475,545.00	0.00	601,800.15
Fines	3,824.33	0.00	0.00	0.00	3,824.33
Investment Earnings	0.00	0.00	0.00	0.00	0.00
Federal and State	134,694.53	0.00	0.00	0.00	134,694.53
Other Revenue	3,713.92	0.00	0.00	0.00	3,713.92
<b>Total Revenues</b>	<b>752,054.89</b>	<b>50,460.06</b>	<b>475,545.00</b>	<b>0.00</b>	<b>1,278,059.95</b>
<b><u>Expenditures</u></b>					
Salaries and Benefits	485,146.18	0.00	0.00	0.00	485,146.18
Services and Supplies	32,284.80	78,137.92	475,545.00	0.00	585,967.72
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	20,781.85	0.00	0.00	0.00	20,781.85
<b>Total Expenditures</b>	<b>538,212.83</b>	<b>78,137.92</b>	<b>475,545.00</b>	<b>0.00</b>	<b>1,091,895.75</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>213,842.06</b>	<b>(27,677.86)</b>	<b>0.00</b>	<b>0.00</b>	<b>186,164.20</b>

**Mojave Desert AQMD**  
**Statement of Activity - All Funds**  
**For the Period Ending January 31, 2019**

## 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>
<b>Revenues</b>				
Revenue - Permitting	407,561.05	2,648,738.99	4,555,000.00	58.15
Revenue - Programs	601,800.15	1,473,561.01	2,645,670.00	55.70
Revenue - Application Fees	7,436.76	77,576.14	116,000.00	66.88
Revenue - State	134,694.53	205,035.57	329,172.00	62.29
Revenue - Federal	0.00	(6,022.79)	148,900.00	(4.04)
Fines & Penalties	3,824.33	58,574.33	83,000.00	70.57
Interest Earned	0.00	(28,204.11)	154,900.00	(18.21)
Revenue - Contracts & Unidentified	126,193.72	863,232.59	1,300,250.00	66.39
Permit Cancellations	(3,450.59)	(25,987.61)	0.00	0.00
<b>Total Revenues</b>	<b>1,278,059.95</b>	<b>5,266,504.12</b>	<b>9,332,892.00</b>	<b>56.43</b>
<b>Expenditures</b>				
Office Expenses	8,030.36	101,728.52	248,335.00	40.96
Communications	1,648.96	36,677.07	76,577.00	47.90
Vehicles	3,927.51	35,978.02	65,085.00	55.28
Program Costs	554,323.29	1,248,886.31	787,318.00	158.63
Travel	713.87	50,793.60	82,950.00	61.23
Professional Services	9,013.21	41,971.05	137,848.00	30.45
Depreciation	107.75	538.05	(3,000.00)	(17.94)
Maintenance & Repairs	3,980.27	46,471.48	68,890.00	67.46
Non-Depreciable Inventory	(833.24)	16,566.39	36,600.00	45.26
Dues & Subscriptions	4,076.55	26,430.06	50,860.00	51.97
Legal	973.20	23,409.24	37,000.00	63.27
Miscellaneous Expense	160.00	3,727.40	11,500.00	32.41
Suspense	(154.01)	5,441.34	0.00	0.00
Capital Expenditures	20,781.85	41,737.92	130,000.00	32.11
<b>Total Expenditures</b>	<b>606,749.57</b>	<b>1,680,356.45</b>	<b>1,729,963.00</b>	<b>97.13</b>
<b>Salaries &amp; Benefits</b>				
Personnel Expenses	485,146.18	3,587,753.61	6,777,669.00	52.93
<b>Total Salaries &amp; Benefits</b>	<b>485,146.18</b>	<b>3,587,753.61</b>	<b>6,777,669.00</b>	<b>52.93</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>186,164.20</b>	<b>(1,605.94)</b>	<b>825,260.00</b>	<b>(0.19)</b>

## Mojave Desert AQMD

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**Bank Register from 1/01/2019 to 1/31/2019**

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>
8391189	1/01/2019	Wage Works FSA Claim	15.00	0.00	840,526.75
EFT	1/02/2019	Pay period ending 12/21/2018	124,582.62	0.00	715,944.13
0000002	1/02/2019	Credit Card Transaction - Grace	0.00	4,262.62	720,206.75
8398027	1/02/2019	Wage Works FSA Claim	265.00	0.00	719,941.75
0007841	1/03/2019	[10195] ACCUFUND, INC-Remote Access Support Patial year	70.32	0.00	719,871.43
0007842	1/03/2019	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 01/2019 - GymDed	281.48	0.00	719,589.95
0007843	1/03/2019	[15130] MG COMMUNICATIONS LLC-Ad for Lawn and Garden Equipment exchange to run for tree months.	2,101.13	0.00	717,488.82
EFT	1/03/2019	[10200] MOJAVE DESERT AQMD-Pay Period 01/2019 - FSADed	623.33	0.00	717,488.82
0007844	1/03/2019	[10126] SBCERA-Pay Period 01/2019 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	85,644.86	0.00	631,843.96
0007845	1/03/2019	[10213] SBPEA-Pay Period 01/2019 - GeneralUnitDues	513.31	0.00	631,330.65
0007846	1/03/2019	[15001] SBPIS-Pay Period 01/2019 - GeneralUnitMisc	5.00	0.00	631,325.65
0007847	1/03/2019	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 01/2019 - UnitedWay	4.00	0.00	631,321.65
0007848	1/03/2019	[14323] VSP-Invoices 2018-25, 2018-26, Jan 19	717.13	0.00	630,604.52
0007849	1/03/2019	[14217] BRET BANKS-Medical Exam Reimbursement per Exempt Policy	138.00	0.00	629,843.19
0007850	1/03/2019	[10076] HI DESERT WINDOW WASHING-Window Wasing Dec 2018	200.00	0.00	629,643.19
PP0119	1/04/2019	[14296] INTERNAL REVENUE SERVICE-PP01/19 - FITW FICA Med	23,504.20	0.00	606,138.99
8417266	1/05/2019	Wage Works FSA Claim	5.00	0.00	606,133.99
PP0119	1/09/2019	[10082] VOYA FINANCIAL (457)-PP01/19 - 457 Reduction	10,302.88	0.00	595,831.11
0007851	1/10/2019	[10057] ALLIED ADMIN-Invoices 010119, 2018-26, 2019-01	2,558.95	0.00	594,572.16
0007852	1/10/2019	[10067] ENTERPRISE RENT A CAR-CalPelra Training 2018	174.51	0.00	594,397.65
0007853	1/10/2019	[15003] LINCOLN FINANCIAL GROUP-Annual payment for life insurance policy for B.Poiriez	1,300.00	0.00	593,097.65
0007854	1/10/2019	[10091] MASTER'S SERVICES-Qrtly Brewer and Water Dispenser Rental	235.81	0.00	592,861.84
0007855	1/10/2019	[10109] PHELAN PINON HILLS CSD-Electric use Fee	160.00	0.00	592,701.84
0007856	1/10/2019	[10129] PRAXAIR DISTRIBUTION INC-Cylinder Rental	88.20	0.00	592,613.64
0007857	1/10/2019	[10114] RAINBOW BUILDING MAINTENANCE-Custodial Services Dec 18	2,346.00	0.00	590,267.64
EFT	1/10/2019	[10117] RICOH AMERICAS CORP-Copier Lease	1,281.24	0.00	590,267.64
0007858	1/10/2019	[15050] RICOH USA INC-Copy overages	326.79	0.00	589,940.85
0007859	1/10/2019	[10137] SOUTHWEST GAS CORP-Gas service Dec 18	406.67	0.00	589,534.18
0007860	1/10/2019	[10144] STANDARD INSURANCE-Invoices 2018-24, 2018-25, SI0119	1,406.29	0.00	588,127.89
0007861	1/10/2019	[10163] USPS/NEOPOST-Pre paid postage	3,000.00	0.00	585,127.89
0007862	1/10/2019	[10174] WEST GROUP-Subscription info charges	773.54	0.00	584,354.35
8417267	1/10/2019	Voya 401 (a) Match APCO	1,046.75	0.00	582,026.36
0000002	1/11/2019	Credit Card Transaction - Fluid Mfg	0.00	749.53	582,775.89
0000002	1/11/2019	Credit Card Transaction - DPW Enviro - US Army	0.00	288.00	583,063.89
0000002	1/14/2019	Credit Card Transactions - Welltower Pegasus	0.00	548.00	583,611.89
ACH011519	1/15/2019	[10047] COLONIAL INSURANCE-Supplemental Insurance Premiums	879.00	0.00	582,732.89
EFT	1/16/2019	Pay period ending 1/04/2019	114,071.03	0.00	468,661.86
EFT	1/16/2019	Pay period ending 1/04/2019	801.92	0.00	468,454.30
PP0219	1/17/2019	[10082] VOYA FINANCIAL (457)-PP02/19 - 457 Reduction	10,199.16	0.00	458,255.14

## Mojave Desert AQMD

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**Bank Register from 1/01/2019 to 1/31/2019**

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>
PP0219	1/17/2019	[14296] INTERNAL REVENUE SERVICE-PP2/19 - FICA FITW Med	17,881.58	0.00	440,373.56
8468338	1/17/2019	Wage Works FSA Claim	13.75	0.00	440,359.81
0007864	1/18/2019	[14349] CPAC INC-Purchase Vmware Vsphere 6 Note: This is server software used to run all of our virtualized server infrastructure.	6,970.90	0.00	433,388.91
0007865	1/18/2019	[14227] CHRISTIAN ANDERSON-Wellness Program Reimbursement	110.78	0.00	433,278.13
0007866	1/18/2019	[10013] AT & T-Complaint Line	42.53	0.00	433,235.60
0007867	1/18/2019	[10021] CAL PUBLIC EMP RETIREMENT SYSTEM-Invoices 100000015553460, 2018-26, 2019-01	39,275.34	0.00	393,960.26
0007868	1/18/2019	[10024] CALIFORNIA CHAMBER OF COMMERCE-2019 required employer posters and pamphlets	458.75	0.00	393,501.51
0007869	1/18/2019	[15040] CINTAS-Invoices 5012601175, 9040636582	134.58	0.00	393,366.93
EFT	1/18/2019	[10065] ENTERPRISE FLEET MANAGEMENT-Vehicle Leases	2,890.74	0.00	393,366.93
0007870	1/18/2019	[10233] GENTRY AIR CONDITIONING INC-AC Repair Trona Station	243.30	0.00	393,123.63
0007871	1/18/2019	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 02/2019 - GymDed	245.49	0.00	392,878.14
0007872	1/18/2019	[02473] J K SQUARED LLC-Refund: Refund of Application Fee	274.00	0.00	392,604.14
0007873	1/18/2019	[15153] MACLEOD WATTS INC-Actuarial Valuation of OPEB Liabilities as of 6/30/18	5,600.00	0.00	387,004.14
0007874	1/18/2019	[15005] MAY MAMARI-Tuition reimbursement for M. Mamari - Chemistry 698Z - Continuous Enrollment	520.00	0.00	386,484.14
EFT	1/18/2019	[10200] MOJAVE DESERT AQMD-Pay Period 02/2019 - FSADed	623.33	0.00	386,484.14
EFT	1/18/2019	[14256] BRAD A POIRIEZ-CAPCOA 2019 Board Retreat.	177.50	0.00	386,484.14
0007875	1/18/2019	[10126] SBCERA-Pay Period 02/2019 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	81,124.60	0.00	305,359.54
0007876	1/18/2019	[10213] SBPEA-Pay Period 02/2019 - GeneralUnitDues	514.16	0.00	304,845.38
0007877	1/18/2019	[15001] SBPIS-Pay Period 02/2019 - GeneralUnitMisc	5.00	0.00	304,840.38
0007878	1/18/2019	[10135] SOCIETY FOR HUMAN RESOURCE MANAGEMENT-Organization dues for annual SHRM renewal - R. Simpson	209.00	0.00	304,631.38
0007879	1/18/2019	[10136] SOUTHERN CALIF EDISON-Electric service	1,993.61	0.00	302,637.77
0007880	1/18/2019	[15131] TEMPLETON ENGINEERING-Refund Asbestos Demo/Reno Fee - Paid incorrect amount	274.00	0.00	302,363.77
0007881	1/18/2019	[15095] TWENTYNINE PALMS CHAMBER OF COMMERCE-Fee for chamber member plaque.	25.00	0.00	302,338.77
0007882	1/18/2019	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 02/2019 - UnitedWay	4.00	0.00	302,334.77
0007883	1/18/2019	[10166] VERIZON BUSINESS-VOIP and Internet Service	1,216.32	0.00	301,118.45
0007884	1/18/2019	[10165] VERIZON CONFERENCING-TC Service	45.98	0.00	301,072.47
EFT	1/18/2019	[10173] VOYAGER FLEET SERVICE-Fuel Card Charges	1,831.32	0.00	301,072.47
0007885	1/18/2019	[10179] WOLTERS KLUWER LAW & BUSINESS-2019 Mandated Benefits Compliance Guide	635.73	0.00	300,436.74
0000003	1/18/2019	Credit Card Transaction - Liberty Utilities AV	0.00	288.00	295,201.85
2019018	1/18/2019	Op Fund Rep #18	0.00	681,663.99	976,865.84
PP0119	1/18/2019	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP01/19 - CA SWT	7,593.15	0.00	969,272.69
PP2618	1/18/2019	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP26/18 - CA SWT	9,784.54	0.00	959,488.15
PP2418	1/22/2019	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP24/18 - CA SWT	6,328.63	0.00	953,159.52

**Mojave Desert AQMD**

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**Bank Register from 1/01/2019 to 1/31/2019**

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>
PP0219	1/22/2019	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP02/19 - CA SWT	5,692.22	0.00	947,467.30
PP2518	1/22/2019	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP25/18 - CA SWT	5,518.68	0.00	941,948.62
PP2618-Non	1/22/2019	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP26/18 Non EC Admin Cash	6.38	0.00	941,942.24
8488323	1/22/2019	Wage Works FSA Claim	505.88	0.00	941,436.36
8493987	1/23/2019	Wage Works FSA Claim	58.21	0.00	941,378.15
0000003	1/24/2019	Credit Card Transaction - Draeger	0.00	236.00	941,614.15
EFT	1/24/2019	[10017] BEST BEST & KRIEGER LLP-Gen Counsel Services	188.10	0.00	941,614.15
0007886	1/24/2019	[15156] DRAGER-Refund: Refund Application Fee paid in error	236.00	0.00	941,378.15
0007887	1/24/2019	[10079] HIGH DESERT LASER GRAPHICS-Name plates for Governing Board Members: Rita Ramirez, Cameron Gregg, Kari Leon, Curt Emick, Jim Schooler, Gabriel Reyes, Dawn Rowe and Edward Paget.	103.44	0.00	941,274.71
0007888	1/24/2019	[14247] BARBARA LODS-Wellness Program Reimbursement	227.91	0.00	941,046.80
0007889	1/24/2019	[15046] RYAN ORR-Reimbursement for a meal for a PR Coalition meeting hosted by the MDAQMD.	301.65	0.00	940,745.15
0007890	1/24/2019	[01913] RIVERSIDE COUNTY-Notice of Exemption filing - Admendments of MDAQMD Rule 102-Definition of Terms & Rule 219-Equipment Not Requiring a Permit , January 28, 2019.	100.00	0.00	940,645.15
0007891	1/24/2019	[10122] SAN BERNARDINO COUNTY CLERK-Notice of Exemption filing - Admendments of MDAQMD Rule 102-Definition of Terms & Rule 219-Equipment Not Requiring a Permit , January 28, 2019.	100.00	0.00	940,545.15
0007892	1/24/2019	[10150] THE COUNSELING TEAM-EAP hours Dec18	300.00	0.00	940,245.15
PP0319	1/24/2019	[10064] EMPLOYMENT DEVELOPMENT DEPARTMENT-PP03/19 - CA SWT	4,768.57	0.00	935,288.48
0000003	1/25/2019	Credit Card Transaction - PG&E	0.00	288.00	935,576.48
0000003	1/28/2019	Credit Card Transactions - 1st Certified Collision & United Rentals	0.00	412.00	935,988.48
0000003	1/28/2019	Credit Card Transaction - Synagro	0.00	274.00	936,262.48
0000003	1/28/2019	Credit Card Transactions - Union Pacific & Castlerock Env	0.00	4,389.62	940,652.10
EFT	1/29/2019	Pay period ending 1/18/2019	99,905.51	0.00	840,844.71
PP0319	1/29/2019	[14296] INTERNAL REVENUE SERVICE-PP03/19 - FITW, FICA Med	16,824.18	0.00	824,020.53
PP0319	1/29/2019	[10082] VOYA FINANCIAL (457)-PP03/19 - 457 Reduction	10,163.77	0.00	813,856.76
8523589	1/29/2019	Wage Works FSA Claim	78.94	0.00	813,777.82
0000003	1/30/2019	Credit Card Transactions - Castlerock Env	0.00	1,155.76	814,933.58
#3042	1/30/2019	[10071] BUSINESS CARD-#3042 Jan 19 Payment	40.00	0.00	814,893.58
#0357	1/30/2019	[10071] BUSINESS CARD-#0357 Jan 19 Payment	616.79	0.00	814,276.79
#7885	1/30/2019	[10071] BUSINESS CARD-#7885 Jan 19 Payment	830.66	0.00	813,446.13
#8110	1/30/2019	[10071] BUSINESS CARD-#8110 Jan 19 Payment	894.20	0.00	812,551.93
#6210	1/30/2019	[10071] BUSINESS CARD-#6210 Jan 19 Payment	1,541.58	0.00	811,010.35
0000003	1/31/2019	Credit Card Transaction - SBCo Fleet	0.00	323.01	811,333.36
0007893	1/31/2019	[10199] MERL R ABEL-Attendance Governing Board Meeting Monday, January 28, 2019.	190.48	0.00	811,142.88
0007894	1/31/2019	[11809] CHRIS COLLINS-Off-site staff meeting - restaurant system would not accept credit card..	98.12	0.00	811,044.76
0007895	1/31/2019	[10228] JAMES L COX-Attendance Governing Board Meeting Monday, January 28, 2019.	100.00	0.00	810,944.76

**Mojave Desert AQMD****Bank Register from 1/01/2019 to 1/31/2019****Wells Fargo Operating**

<b><u>Check/Ref</u></b>	<b><u>Date</u></b>	<b><u>Name/Description</u></b>	<b><u>Check Amount</u></b>	<b><u>Deposit Amount</u></b>	<b><u>Account Balance</u></b>
0007896	1/31/2019	[10222] JOSEPH DE CONINCK-Attendance Governing Board Meeting Monday, January 28, 2019.	100.00	0.00	810,844.76
0007897	1/31/2019	[10283] GOVT FINANCE OFFICERS ASSN-Organization dues for GFOA - R. Simpson	150.00	0.00	810,694.76
0007898	1/31/2019	[10229] CARMEN HERNANDEZ-Attendance Governing Board Meeting Monday, January 28, 2019.	140.02	0.00	810,554.74
0007899	1/31/2019	[10079] HIGH DESERT LASER GRAPHICS-Name plate for Governing Board Members.	12.93	0.00	810,541.81
0007900	1/31/2019	[10263] IN SHAPE HEALTH CLUBS INC-Pay Period 03/2019 - GymDed	233.96	0.00	810,307.85
0007901	1/31/2019	[15160] KARI L LEON-Attendance Governing Board Meeting Monday, January 28, 2019.	100.00	0.00	810,207.85
0007902	1/31/2019	[10086] KELLY PAPER COMPANY-Office Copy Paper	485.68	0.00	809,722.17
0007903	1/31/2019	[10224] ROBERT LOVINGOOD-Attendance Governing Board Meeting Monday, January 28, 2019.	100.00	0.00	809,622.17
EFT	1/31/2019	[10200] MOJAVE DESERT AQMD-Invoices 2533, 2585	22,009.51	0.00	809,622.17
0007904	1/31/2019	[10244] PAUL'S PRECISION MAINTENANCE-Monthly Building Maintnenace	1,500.00	0.00	808,122.17
0007905	1/31/2019	[15025] V MANUEL PEREZ-Attendance Governing Board Meeting Monday, January 28, 2019.	100.00	0.00	808,022.17
EFT	1/31/2019	[14256] BRAD A POIRIEZ-Meeting expense Governing Board meeting January 28, 2019.	21.95	0.00	808,022.17
0007906	1/31/2019	[10129] PRAXAIR DISTRIBUTION INC-Cylinder Rental	88.20	0.00	807,933.97
EFT	1/31/2019	[10117] RICOH AMERICAS CORP-Copier lease	1,281.84	0.00	807,933.97
0007907	1/31/2019	[10223] BARBARA RIORDAN-Attendance Governing Board Meeting Monday, January 28, 2019.	155.68	0.00	807,778.29
0007908	1/31/2019	[10123] SAN BERNARDINO COUNTY FAIR-Rental agreement for space to hold Lawn and Garden Equipment Exchange	450.00	0.00	807,328.29
0007909	1/31/2019	[10126] SBCERA-Pay Period 03/2019 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	66,133.39	0.00	741,194.90
0007910	1/31/2019	[10213] SBPEA-Pay Period 03/2019 - GeneralUnitDues	514.16	0.00	740,680.74
0007911	1/31/2019	[15001] SBPIS-Pay Period 03/2019 - GeneralUnitMisc	5.00	0.00	740,675.74
0007912	1/31/2019	[14221] ROBYN SIMPSON-Wellness Program Reimbursement	229.95	0.00	740,445.79
0007913	1/31/2019	[10140] SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY-Additional insured cert	47.50	0.00	740,398.29
0007914	1/31/2019	[10144] STANDARD INSURANCE-Invoices 012119, 2018-26, 2019-01	1,406.29	0.00	738,992.00
0007915	1/31/2019	[15019] REBEKAH SWANSON-Attendance Governing Board Meeting Monday, January 28, 2019.	106.73	0.00	738,885.27
0007916	1/31/2019	[10161] UNITED WAY DESERT COMMUNITIES-Pay Period 03/2019 - UnitedWay	4.00	0.00	738,881.27
0007917	1/31/2019	[15056] VICTOR VALLEY CHAMBER OF COMMERCE-Sponsorship of an MDAQMD table at the 2019 State of the City address at the Victor Valley Morning Insight	580.00	0.00	738,301.27
0007918	1/31/2019	[15004] VILLEGAS AUTO REPAIR SERVICE-Oil Change 14 Escape	49.04	0.00	738,252.23
0007919	1/31/2019	[14323] VSP-Invoices 0219, 2019-01, 2019-02, 2019-02	717.13	0.00	737,535.10

**Mojave Desert AQMD**  
**Bank Register from 1/01/2019 to 1/31/2019**  
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	1/31/2019	[14303] JEFFREY HAYES WILLIAMS-Attendance Governing Board Meeting Monday, January 28, 2019.	303.00	0.00	737,535.10
2019019	1/31/2019	Op Fund Rep #19	0.00	198,877.17	912,795.97
<b>Total for Report:</b>			<b>823,493.96</b>	<b>893,755.70</b>	

**Mojave Desert AQMD**  
**Bank Register from 1/01/2019 to 1/31/2019**  
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>
0000002	1/04/2019	SBCo ACH - MDAQMD	0.00	623.33	4,403,847.72
20130983	1/08/2019	Daily Deposit	0.00	380,493.12	4,784,340.84
20130984	1/09/2019	Daily Deposit	0.00	129,481.63	4,913,822.47
0000002	1/10/2019	SBCO ACH - City of Victorville	0.00	610.53	4,914,433.00
	1/14/2019	Transfer - AB2766 - November 2018	50,460.06	0.00	4,863,972.94
	1/14/2019	Transfer - Moyer Year 20 Funds	86,842.36	0.00	4,777,130.58
	1/16/2019	[10023] CALIFORNIA AIR RESOURCES BOARD-CCAA Fees - FY 2018/2019	2,532,176.01	0.00	2,244,954.57
0000003	1/17/2019	SBCO ACH - Blythe Energy - City of VV - Charter Comm	0.00	150,303.83	2,395,258.40
20130985	1/18/2019	Daily Deposit	0.00	8,572.16	2,403,830.56
2019018	1/18/2019	Op Fund Rep #18	681,663.99	0.00	1,722,166.57
0000003	1/22/2019	SBCo ACH - MDAQMD	0.00	623.33	1,722,789.90
20130986	1/22/2019	Daily Deposit	0.00	132,331.38	1,855,121.28
20130987	1/24/2019	Daily Deposit	0.00	7,143.30	1,862,264.58
20130988	1/28/2019	Daily Deposit	0.00	5,457.48	1,867,722.06
0000003	1/28/2019	Daily Deposit	0.00	149,882.70	2,017,604.76
2019019	1/31/2019	Op Fund Rep #19	198,877.17	0.00	1,818,727.59
<b>Total for Report:</b>			<b>3,550,019.59</b>	<b>965,522.79</b>	



**Mojave Desert AQMD**  
**Bank Register from 1/01/2019 to 1/31/2019**  
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>
	1/14/2019	Transfer - AB2766 - November 2018	0.00	50,460.06	1,259,994.73
0003025	1/17/2019	[10240] ENVIRONMENTAL ENGINEERING STUDIES-AB2766 Grant	3,137.92	0.00	1,256,856.81
0003026	1/24/2019	[10036] CITY OF ADELANTO-AB2766 Local Agency - 2nd Disbursement FY17 - Replace Stale Dated Check issued by County	12,479.88	0.00	1,244,376.93
0003027	1/24/2019	[10125] SAN BERNARDINO COUNTY-Transit FY 2018	75,000.00	0.00	1,169,376.93
<b>Total for Report:</b>			<b>90,617.80</b>	<b>50,460.06</b>	

**Mojave Desert AQMD**  
**Bank Register from 1/01/2019 to 1/31/2019**  
**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>
	1/14/2019	Transfer - Moyer Year 20 Funds	0.00	86,842.36	701,078.32
0001004	1/31/2019	[15119] NISH NORIAN FARMS - John Deere-Moyer Grant	363,748.00	0.00	337,330.32
<b>Total for Report:</b>			<b>363,748.00</b>	<b>86,842.36</b>	

**Mojave Desert AQMD****Bank Register from 1/01/2019 to 1/31/2019****District Card - Assigned**

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000764	1/30/2019	[14324] AMAZON.COM-Invoices 2704, 2705	300.93	0.00	13,462.32
0000765	1/30/2019	[15073] APPLE VALLEY CHAMBER-Two admissions for the monthly chamber luncheon for the month of December for Martial and Ryan.	42.00	0.00	13,420.32
0000766	1/30/2019	[13961] JEAN BRACY-Replace desktop keyboard	66.79	0.00	13,353.53
0000767	1/30/2019	[13961] JEAN BRACY-Meeting refreshments for school district representatives to discuss EV bus programs and grant opportunities.	10.45	0.00	13,343.08
0000768	1/30/2019	[14254] LAQUITA COLE-TRAVEL MASTER - Travel, registration and meals for CalPELRA Meeting	184.34	0.00	13,158.74
0000769	1/30/2019	[10078] HIGH DESERT HISPANIC CHAMBER OF COMMERCE-Price for two admission to monthly chamber meetings	30.00	0.00	13,128.74
0000770	1/30/2019	[15113] HYATT REGENCY-Invoices 668, 673	818.12	0.00	12,310.62
0000771	1/30/2019	[15163] INSTITUTESUCCESS.COM-Onlins DiSC Training Course for Chris C.	895.00	0.00	11,415.62
0000772	1/30/2019	[10101] NUTECH CARPET CARE-Carpet and upholstery cleaning 12/27/2018	550.00	0.00	10,865.62
0000773	1/30/2019	[15110] ONTARIO AIRPORT PARKING-Travel, registration and meals for CalPELRA Meeting	33.00	0.00	10,832.62
0000774	1/30/2019	[15060] PARK N FLY ONTARIO-CAPCOA Board Meeting December 2018.	34.75	0.00	10,797.87
0000775	1/30/2019	[15184] ROADHOUSE GRILL-Professional Development/Team Building - Lunch Meeting	150.77	0.00	10,647.10
0000776	1/30/2019	[15057] SOUTHWEST AIRLINES-WESTAR/WRAP 2019 Spring Business Meeting.	830.66	0.00	9,816.44
0000777	1/30/2019	[10149] TELEDYNE ADVANCED POLLUTION INSTRUMENTATION-Maintenance, repair and replacement part for air monitoring analyser (NO2) Trona Station. (An update price quote will be included, but in order to expedite this order a previous quote is being used)	969.54	0.00	8,846.90
0000778	1/30/2019	[15058] UBER-CAPCOA Board Meeting December 2018 Ground Transport	43.21	0.00	8,803.69
0000779	1/30/2019	[01315] VALLEY COLLISION CENTER-Automotive repair - Lic: 1400346- Valley Collision Center	636.35	0.00	8,167.34
0000780	1/30/2019	[15056] VICTOR VALLEY CHAMBER OF COMMERCE-Price of two admission to monthly Victor Valley Chamber breakfast meeting	40.00	0.00	8,127.34
0000070	1/30/2019	Jan 19	0.00	2,381.65	10,508.99
<b>Total for Report:</b>			<b>5,635.91</b>	<b>2,381.65</b>	

**Mojave Desert AQMD**  
**Bank Register from 1/01/2019 to 1/31/2019**  
District Card - 4837

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000667	1/30/2019	[10046] CLARK PEST CONTROL-Pest Control Service	48.00	0.00	3,692.52
0000668	1/30/2019	[15090] HAMPTON INN & SUITES-Blythe inspections in Dec	305.80	0.00	3,386.72
0000669	1/30/2019	[10055] HIGH DESERT MEDIA GROUP-Legal Notice - 2016 Annual "Hot Spots" Report (T. Walters). Publication date December 28, 2018.	342.10	0.00	3,044.62
0000670	1/30/2019	[10055] HIGH DESERT MEDIA GROUP-Legal Notice - Notice of Title V Permit Renewal Unlimited Performance Products (C. Anderson). Publication date December 20, 2018.	362.37	0.00	2,682.25
0000671	1/30/2019	[15116] HOTELS.COM-Needles Inspection Lodging	29.52	0.00	2,652.73
<b>Total for Report:</b>			<b>1,087.79</b>	<b>0.00</b>	

**Mojave Desert AQMD**  
**Bank Register from 1/01/2019 to 1/31/2019**  
District Card- 6210

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000408	1/20/2019	[10070] FEDERAL EXPRESS CORPORATION-Courier Service	30.52	0.00	3,513.19
0000409	1/20/2019	[00638] FRONTIER COMMUNICATIONS-Invoices BAM010219, FC123018, HAM120618, PAM010219	269.62	0.00	3,243.57
0000410	1/20/2019	[15113] HYATT REGENCY-CalPelra Training 2018	562.60	0.00	2,680.97
0000411	1/20/2019	[10116] IRON MOUNTAIN-Doc Shred Service	73.39	0.00	2,607.58
0000412	1/20/2019	[14275] IRON MOUNTAIN INC (DR SERV)-Invoices 120618, 121118	630.81	0.00	1,976.77
0000413	1/20/2019	[10094] MOJAVE PRINTING SOLUTIONS-MDAQMD Qrtly Newsletter Qtr 1 FY19	1,100.63	0.00	876.14
0000414	1/20/2019	[10094] MOJAVE PRINTING SOLUTIONS-Car Buy Back Flyer	59.62	0.00	816.52
0000415	1/20/2019	[15185] THE GALLEY-District Holiday Staff Lunch (rewards points)	581.85	0.00	234.67
0000416	1/20/2019	[10169] VERIZON WIRELESS SERVICES, LLC-District Cell Phone Service	163.17	0.00	71.50
0000073	1/30/2019	Jan 19	0.00	1,541.58	1,613.08
<b>Total for Report:</b>			<b>3,472.21</b>	<b>1,541.58</b>	

**Mojave Desert AQMD**  
**Bank Register from 1/01/2019 to 1/31/2019**  
**District Card - 6232**

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000241	1/30/2019	[10033] CHARTER BUSINESS-Internet Service	1,730.67	0.00	-1,648.95
0000242	1/30/2019	[10138] SPARKLETTS-Water Delivery Service	55.19	0.00	-1,704.14
<b>Total for Report:</b>			<b>1,785.86</b>	<b>0.00</b>	

The following page(s) contain the backup material for Agenda Item: [Receive and file the Legislative Report for March 1, 2019](#). Presenter: [Brad Poiriez, Executive Director/APCO](#).

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

*AGENDA ITEM #10*

**DATE:** March 25, 2019

**RECOMMENDATION:** Receive and file.

**SUMMARY:** The Legislative Report for March 1, 2019.

**CONFLICT OF INTEREST:** None

**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 March 11, 2019.

**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:** March 1, 2019  
**TO:** Brad Poiriez  
**FROM:** Frank Sheets  
Laurie Hansen  
**RE:** March 2019 Legislative Report

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Below, please find our March Legislative report.

In our February report we noted that there seemed to be few bills introduced that met the District's search criteria. At this point, with the February 22 deadline for bill introduction passed, the list of bills we are providing the District has grown substantially, now 59 compared to the 18 measures of last month. To some, this may represent a substantial list, but considering the California Legislature broke a record this year introducing 2576 measures, the 59 bills we are providing here is relatively minuscule. All those bills must be heard and acted upon in the policy committees by April 26 for them to make it to the fiscal committees.

We invite the readers to review these bills in a relatively cursory manner to get a basic understanding of subject matter. Keep in mind, many of these bills are spot bills containing not too much detail on specific intent of the proposed legislation and simply represent placeholders for the authors. We now enter the amendment portion of the legislative process and more detailed versions of the bills will be forthcoming. Also, keep in mind that the bills we have provided may not represent all that potentially could be of interest to the District. Many of the bills not currently listed can be amended at future dates. That is why Strategic Partners Group will continue to monitor all bills containing language on the Districts' subject list.

We would like to bring your attention to a few bills listed below that may be of specific interest to the District at this point in the process:

- AB 1276 entitled a "Green New Deal" sounds similar in part to the resolution by Alexandria Ocasio-Cortez being considered at the Federal level.
- AB 1445 and AB 1445 attempts to establish state policy to restore "optimal safe climate" **including the immediate phase out of all fossil fuels.** These are two all-encompassing pieces of legislation that if adopted could reflect on the future direction of the state regarding environmental regulations. These both should be watched closely.

- There are three bills dealing with the Carl Moyer program, AB 126, AB 1589 and SB 216.
- AB 315 calls for 3<sup>rd</sup> party verification for criteria and toxic emissions reporting. The cement industry and most likely other reporting entities will likely oppose this proposal.
- At this point we do not understand the point of Assembly Member Garcia’s AB 646 that deals with the definition of “district” as it relates to Air Quality Management Districts.
- AB 661 deals with District determination of BACT and Mojave District should have an understanding of the implications of this bill. We may be wrong, but we were of the opinion that BACT determination was a Federal responsibility.
- AB 966, Bonta, is a follow-up on the authors efforts on “buy clean California” AB 262 passed last year. Cement/concrete was not addressed in AB 262 and now Assembly Member Bonta wants to address this building material. The California Cement industry is intently engaged with the author and others regarding the outcome of the legislation.
- AB 1038 should also be reviewed. The bill proposes that Air Districts could recuperate costs associated with 3<sup>rd</sup> party scientific and engineering review.
- AB 1167 proposes to remove continual funding of the High-Speed Rail project from the GHG fund. It will be interesting to see where this bill goes.
- AB 1430 proposes an evaluation of the definition of “cost affective” as it relates to public investment opportunities. A redefinition of the term “cost affective” as it relates to many state regulatory determinations could be significant should findings of this bill be determined applicable to other categories.
- The District should also be aware of AB 629 as it relates to Hearing Board notifications.

We would also like to note that CARB recently made an announcement regarding an attainment plan for the San Joaquin Valley. CARB’s press release entitled “Clean-air plan for San Joaquin Valley first to meet all federal standards for fine particle pollution” can be found here:

<https://ww2.arb.ca.gov/news/clean-air-plan-san-joaquin-valley-first-meet-all-federal-standards-fine-particle-pollution>

As always, please do not hesitate to contact us should there be questions or concerns.

## **MDAQMD 2019 bills**

### **Thursday, February 28, 2019**

**AB 35**

**(Kalra D) Worker safety: blood lead levels: reporting.**

**Introduced: 12/3/2018**

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

**Summary:** *Would require the State Department of Public Health to consider a report from a laboratory of an employee’s blood lead level at or above 25 micrograms per deciliter to be injurious to the health of the employee and to report that case within 5 business days to the Division of Occupational Safety and Health. The bill would further provide that the above-described report would constitute a serious violation and subject the employer or place of employment to an investigation, as provided, by the division, and would require the division to make any citations or fines imposed as a result of the investigation publicly available on an annual basis.*

**Notes 1:** *Assuming it might be possible that high lead levels in blood might be caused by an air source, this bill might*

be of interest to the District.

[AB 40](#)

**(Ting D) Zero-emission vehicles: comprehensive strategy.**

Introduced: 12/3/2018

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

**Summary:** Would, no later than January 1, 2021, require the State Air Resources Board to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero-emission vehicles, as defined, by 2040, as specified.

**Notes 1:** We are not sure this should be a California Air Resources Board responsibility.

[AB 56](#)

**(Garcia, Eduardo D) Statewide central electricity procurement entity.**

Introduced: 12/3/2018

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

**Summary:** Current law requires the Public Utilities Commission (PUC) and the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake various actions in furtherance of meeting the state's clean energy and pollution reduction objectives. This bill would require the PUC and the Energy Commission to provide to the Legislature, by March 31, 2020, a joint assessment, as specified, of options for establishing a central statewide entity to procure electricity for all end-use retail customers in the state.

**Notes 1:** Although not an air bill, we find it fascinating that the author is even suggesting the potential of having the state procure electricity rather than the public utilities.

[AB 126](#)

**(Cooper D) Air Quality Improvement Program.**

Introduced: 12/3/2018

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

**Summary:** Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Current law creates the Air Quality Improvement Fund and requires the state board, upon appropriation by the Legislature, to expend moneys in the fund for purposes of the Air Quality Improvement Program. This bill would make a nonsubstantive change to the provision creating the fund.

**Notes 1:** This bill should be of interest to the District in that the Carl Moyer program is mentioned.

[AB 129](#)

**(Bloom D) Waste management: plastic microfiber.**

Introduced: 12/4/2018

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

**Summary:** Would declare the intent of the Legislature to, among other things, enact legislation to recognize the emerging threat that microfibers pose to the environment and water quality and would make related findings and declarations.

**Notes 1:** Although not necessarily an air bill, considering the increasing concern regarding plastic contamination, we are including this bill in the District's list.

[AB 176](#)

**(Cervantes D) California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions.**

Introduced: 1/9/2019

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

**Summary:** The California Alternative Energy and Advanced Transportation Financing Authority Act authorizes, until January 1, 2021, the California Alternative Energy and Advanced Transportation Financing Authority to provide financial assistance in the form of a sales and use tax exclusion for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. The act prohibits the sales and use tax exclusion

exceeding \$100,000,000 for each calendar year. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 1, 2031, and would extend the sales and use tax exclusion until January 1, 2031.

[AB 210](#)

**(Voepel R)** Smog check: exemption.

Introduced: 1/14/2019

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

Summary: Would exempt from the smog check program all motor vehicles manufactured prior to the 1983 model-year.

[AB 254](#)

**(Quirk-Silva D)** Alternative fuel vehicles: flexible fuel vehicles.

Introduced: 1/23/2019

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

Summary: Current law creates the Joint Legislative Committee on Climate Change Policies and requires the committee to ascertain facts and make recommendations to the Legislature and to committees of the Legislature concerning the state's programs, policies, and investments related to climate change, as specified. This bill would authorize the joint committee to recommend that the State Air Resources Board provide education and support to local governments regarding specific components of local government climate action plans, such as ensuring the use of E85 in flexible fuel vehicles, expanding infrastructure for zero-emission vehicles, and enabling active transportation.

[AB 257](#)

**(Mathis R)** Solid waste: woody biomass: disposal.

Introduced: 1/23/2019

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

Summary: Would create a 5-year woody biomass rural county collection and disposal pilot program, to be administered by the Department of Resources Recycling and Recovery, consisting of awarding funding to participating counties with a total population of less than 250,000 for the purpose of conducting community collection days at which individuals can dispose of woody biomass free of charge. The bill would require a county awarded funding under the program to contract with a local biomass conversion facility to collect and dispose of the biomass in a way that results in fewer greenhouse gases emitted than if the biomass had been disposed of otherwise.

Notes 1: Although we suspect this bill to be in response to recent wildfires, we do not see much of an impact in that it only applies to counties with populations of less than 250,000 people.

[AB 285](#)

**(Friedman D)** California Transportation Plan.

Introduced: 1/28/2019

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

Summary: Would require the Department of Transportation to address in the California Transportation Plan how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions of 40% below 1990 levels by the end of 2030 and carbon neutrality by 2045. Commencing with the 3rd update to the plan to be completed by December 31, 2025, the bill would require the department to include specified information in the plan, including, among other things, a review, conducted in consultation with the Strategic Growth Council, of the potential impacts and opportunities for coordination of specified grant programs and recommendations for the improvement of the grant programs to better align them to meet long-term common goals.

[AB 293](#)

**(Garcia, Eduardo D)** Greenhouse gases: offset protocols.

Introduced: 1/28/2019

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

Summary: Current law, until January 1, 2031, establishes the Compliance Offsets Protocol Task Force 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 while prioritizing disadvantaged communities, Native American or tribal lands, and rural and agricultural regions. This bill would require the task force to consider the development and adoption of additional offset protocols, including, but not limited to, protocols for the enhanced management or conservation of agricultural and natural lands, and for the enhancement and restoration of wetlands.

Notes 1: Creating new offset protocols to provide more flexibility for entities required to comply with GHG emissions reductions should be viewed favorably.

[AB 296](#)

([Cooley D](#)) Climate change: Climate Innovation Commission.

Introduced: 1/28/2019

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

Summary: Would establish the Climate Innovation Grant Program, to be administered by the Climate Innovation Commission, which the bill would establish in the Natural Resources Agency. The program would award grants in the form of matching funds for the development and research of new innovations and technologies to address issues related to emissions of greenhouse gases and impacts caused by climate change. The bill would establish the Climate Innovation Fund, a special fund, in the State Treasury and would continuously appropriate the moneys in the fund to the commission for purposes of the program. The bill would repeal the program and the commission on January 1, 2031.

[AB 315](#)

([Garcia, Cristina D](#)) Stationary sources: emissions reporting.

Introduced: 1/30/2019

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

Summary: Current law authorizes the State Air Resources Board to require, as appropriate, a stationary source to verify or certify the accuracy of its annual emissions reports by a 3rd-party verifier or certifier that is accredited by the state board. This bill instead would require, instead of authorize, the state board to require, as appropriate, a stationary source to verify or certify the accuracy of its annual emissions reports by a 3rd-party verifier or certifier that is accredited by the state board

Notes 1: This bill will mandate 3rd party verification of criteria and toxic emissions reporting Although 3rd party verification is required under the GHG reporting requirements, it is a new mandate for this category. The proposal most likely will be opposed by the cement industry and perhaps other reporting entities.

[AB 345](#)

([Muratsuchi D](#)) State Air Resources Board.

Introduced: 2/4/2019

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

Summary: Current law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues. This bill would make technical, nonsubstantive changes to that provision.

[AB 352](#)

([Garcia, Eduardo D](#)) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan: Transformative Climate Communities Program.

Introduced: 2/4/2019

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

Summary: Would, beginning July 1, 2020, require state agencies administering competitive grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality, to include a specified application timeline, to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications, and to require grant eligibility and scoring criteria to define disadvantaged community consistent with specified allocation requirements of the Greenhouse Gas Reduction Fund so as not to preclude low-income communities, as defined, from applying for or being awarded a grant.

Notes 1: This bill is similar to one authored last year by Assembly Member Garcia that failed to pass.

[AB 383](#)

**(Maves R)** Clean Energy Financing Clearinghouse.

Introduced: 2/5/2019

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

Summary: Would establish the Clean Energy Financing Clearinghouse, a new office under the direction of the Treasurer, to coordinate all government programs that invest capital in energy technologies that advance environmental protection and environmental justice goals, make program information clear and accessible for market participants, and partnering with capital providers, investors, project developers, technology companies, and partner with other market actors to catalyze more private investment into energy technologies that advance environmental protection and environmental justice goals.

[AB 394](#)

**(Obernolte R)** California Environmental Quality Act: exemption: fire safety.

Introduced: 2/6/2019

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

Summary: Would exempt from CEQA projects or activities recommended by the State Board of Forestry and Fire Protection that improve the fire safety of an existing subdivision if certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project or activity is exempt. The bill would require the lead agency to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project or activity will be located. Because the bill would impose additional duties on a lead agency, this bill would impose a state-mandated local program.

[AB 423](#)

**(Gloria D)** San Diego County Air Pollution Control District: members.

Introduced: 2/7/2019

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

Summary: Current law provides for the establishment of air pollution control districts and air quality management districts. This bill would require the San Diego County Air Pollution Control District to have a specified membership. By requiring local governments to appoint members to the San Diego County Air Pollution Control District in a specified manner, this bill would impose a state-mandated local program.

[AB 464](#)

**(Garcia, Cristina D)** California Global Warming Solutions Act of 2006.

Introduced: 2/11/2019

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 State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act defines specified terms, including, among others, district to mean an air pollution control or an air quality management district until January 1, 2031. This bill would indefinitely define district to mean an air pollution control or an air quality management district.

Notes 1: We don't know the significance of this bill as it relates to the continued use of the term "District" in reference to local air quality agencies.

[AB 470](#)

**(Limón D)** California Green Business Program.

Introduced: 2/11/2019

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

Summary: Would establish the California Green Business Program within the California Environmental Protection Agency. The bill would require the California Green Business Program to, among other things, develop baseline, beyond compliance, sector-specific environmental standards, as defined, for green business certification programs operated by local governments or their designees.

[AB 661](#)

([McCarty D](#)) *Best available control technology: lowest achievable emission rate requirements.*  
Introduced: 2/15/2019

<b>Desk</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

*Summary: Current law requires an air district to review whether the best available control technology or lowest achievable emission rate requirements have been achieved and whether the requirements should be required for the source category or source if the owner or operator demonstrates that specified conditions are true. Current law requires an air district after conducting that review to revise the best available control technology or lowest achievable emission rate requirements to a level achievable by that source if the air district determines that those requirements are not achievable by a source. This bill would make technical, nonsubstantive changes to that provision.*

[AB 753](#)

([Garcia, Eduardo D](#)) *Alternative and Renewable Fuel and Vehicle Technology Program: fuels: fueling infrastructure.*  
Introduced: 2/19/2019

<b>Desk</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

*Summary: Would require the State Energy Resources Conservation and Development Commission to make available at least 30% of the moneys available for allocation as part of the Alternative and Renewable Fuel and Vehicle Technology Program for projects to produce alternative and renewable low-carbon fuels in the state, as specified, and projects to develop stand-alone alternative and renewable fuel infrastructure, fueling stations, and equipment, as specified.*

[AB 801](#)

([Levine D](#)) *Solar energy systems.*  
Introduced: 2/20/2019

<b>Desk</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

*Summary: Would state the intent of the Legislature to enact legislation to remove obstacles to the expansion of community-shared solar electric generation systems as an option for onsite solar electric generation requirements in California.*

[AB 836](#)

([Wicks D](#)) *Bay Area Clean Air Incentive Program.*  
Introduced: 2/20/2019

<b>Desk</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

*Summary: Would establish the Bay Area Clean Air Incentive Program, to be administered by the Bay Area Air Quality Management District, to provide funding through a grant program to retrofit ventilation systems to create a network of clean air centers within the boundaries of the district in order to mitigate the adverse public health impacts due to wildfires and other smoke events, as specified. The bill would specify that moneys for the program would be available upon appropriation.*

*Notes 1: This seems to be a special program specific to the Bay Area Air Quality Management District.*

[AB 839](#)

([Mullin D](#)) *Climate adaptation: strategy: Adaptation through Resiliency, Economic Vitality, and Equity Account.*  
Introduced: 2/20/2019

<b>Desk</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

*Summary: Would require the Secretary of the Natural Resources Agency, no later than July 1, 2021, to develop, adopt, and implement a comprehensive, coordinated, and proactive strategy for the state to adapt to the unavoidable impacts of climate change, with the intent to ensure the state is prepared for climate change impacts modeled for 2050 and beyond, as specified.*

[AB 966](#)

([Bonta D](#)) *Greenhouse gases: cement production.*

Introduced: 2/21/2019

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

Summary: Would state the intent of the Legislature to enact legislation to reduce the carbon impact of cement production in the state.

Notes 1: Needless to say, the cement industry is intently interested in this bill and currently has plans to meet with the author and other interested parties.

[AB 1038](#)

([Muratsuchi D](#)) Air quality management districts: scientific and engineering review.

Introduced: 2/21/2019

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

Summary: Would authorize an air district to impose a charge equal to the costs the air district expends in contracting with a third party to review the scientific or engineering information provided to the air district at the air district's request by a facility regulated pursuant to specified provisions in order to verify the information provided is accurate. The bill would state that this provision is declaratory of existing law.

Notes 1: Should be of interest to the District. Does not the district currently have the authority to make apply these charges?

[AB 1046](#)

([Ting D](#)) Charge Ahead California Initiative.

Introduced: 2/21/2019

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

Summary: Would set as a goal of the Charge Ahead California Initiative the placement in service of at least 5 million zero-emission vehicles by January 1, 2030 (2030 goal). The bill would require the forecast for the Clean Vehicle Rebate Project to include, among other things, the total state rebate investment necessary to facilitate reaching the 2030 goal and recommendation on changes to the project structure and rebate levels. The bill would require the state board to annually update the forecast until January 1, 2030. The bill would require the state board to adopt criteria and other requirements to ensure that rebate levels can be phased down in increments based on cumulative sales levels.

[AB 1056](#)

([Garcia, Eduardo D](#)) Regional transportation plans: State Air Resources Board: report.

Introduced: 2/21/2019

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

Summary: Current law requires a regional transportation plan to include, among other things, a sustainable communities strategy or alternative planning strategy prepared by each metropolitan planning organization, as specified, which is designed to achieve certain targets for 2020 and 2035 established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Current law requires the state board, by September 1, 2018, and every 4 years thereafter, to prepare a report that assesses progress made by each metropolitan planning organization in meeting the regional greenhouse gas emission reduction targets set by the state board. This bill would instead require this report to be prepared every 2 years.

[AB 1115](#)

([Quirk-Silva D](#)) State Air Resources Board: climate action plans.

Introduced: 2/21/2019

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

Summary: Would state the intent of the Legislature to enact legislation that directs the state board to support local governments on specific components of those local governments' climate action plans.

[AB 1167](#)

([Mathis R](#)) Greenhouse Gas Reduction Fund: high-speed rail.

Introduced: 2/21/2019



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

*Summary: Would no longer continuously appropriate 25% of the annual proceeds of the Greenhouse Gas Reduction Fund for certain components of a specified high-speed rail project. The bill also would make a conforming change.*

*Notes 1: It will be interesting to see where this bill goes.*

[AB 1195](#)

**(O'Donnell D)** California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations. Introduced: 2/21/2019

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

*Summary: Would require the State Air Resources Board to recognize as generating an innovative crude production method credit under the Low-Carbon Fuel Standard regulations the use of renewable natural gas to displace the existing use of natural gas by oil and natural gas companies that are otherwise eligible to opt in to the innovative crude provisions of the regulations, as specified.*

[AB 1236](#)

**(Lackey R)** Public resources: greenhouse gases: utilities: recycling: California Environmental Quality Act. Introduced: 2/21/2019

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

*Summary: Would require the State Air Resources Board for a market-based compliance mechanism applicable from January 1, 2021, to December 31, 2030, to develop and adopt, in consultation with the Compliance Offsets Protocol Task Force, a carbon offset compliance protocol for recycled product manufacturing no later than January 1, 2022.*

[AB 1262](#)

**(O'Donnell D)** California Global Warming Solutions Act of 2006: rules and regulations. Introduced: 2/21/2019

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

*Summary: The State Air Resources Board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The California Global Warming Solutions Act of 2006 requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. This bill would make a technical, nonsubstantive change to the latter provisions pertaining to rules and regulations.*

[AB 1276](#)

**(Bonta D)** Green New Deal. Introduced: 2/21/2019

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

*Summary: Current law establishes various environmental and economic policies. This bill would state the intent of the Legislature to enact legislation to develop and implement a Green New Deal with the objective of reaching specified environmental outcomes within the target window of 10 years from the start of execution of the plan and accomplishing certain social goals.*

*Notes 1: An all encompassing environmental bill similar to current federal efforts.*

[AB 1284](#)

**(Carrillo D)** Carbon neutrality. Introduced: 2/21/2019

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

*Summary: This bill would require the State Air Resources Board to adopt a regulation defining carbon neutrality, as specified.*

[AB 1347](#)

[\(Boerner Horvath D\)](#) *Electricity: renewable energy and zero-carbon resources: state and local government buildings.*

Introduced: 2/22/2019

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

*Summary: Current law establishes the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. This bill would establish the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to state and local government buildings by December 31, 2030, and to all California end-use customers by December 31, 2045.*

[AB 1363](#)

[\(Stone, Mark D\)](#) *Electrical corporations: financing wildfire expenses: executive compensation.*

Introduced: 2/22/2019

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

*Summary: Would establish the Electrical Corporation Recovery Fund as a special fund in the State Treasury. This bill would require an electrical corporation to pay excess compensation, as defined, that would otherwise be paid to an executive officer, as defined, to the fund.*

*Notes 1: Although not an air bill, we thought this District might be interested in efforts to curtail executive bonuses. Considering that is language in the bill referring to the financial conditions of the utility, we assume the bill is only applicable to PG&E.*

[AB 1371](#)

[\(Cunningham R\)](#) *California Renewables Portfolio Standard Program: offshore wind generation.*

Introduced: 2/22/2019

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

*Summary: Would require the Public Utilities Commission to determine appropriate targets for the procurement of offshore wind generation on behalf of retail end-use customers of retail sellers in California in order to meet the goals that eligible renewable energy resources supply 60% of retail sales of electricity to California end-use customers by December 31, 2030, and that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045.*

[AB 1406](#)

[\(O'Donnell D\)](#) *State Air Resources Board.*

Introduced: 2/22/2019

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

*Summary: Current law regulates the emissions of air pollution and authorizes the State Air Resources Board to take certain actions, including the provision of assistance to a local air quality management or air pollution control district. This bill would make nonsubstantive changes to that provision.*

[AB 1411](#)

[\(Reyes D\)](#) *Integrated action plan for sustainable freight.*

Introduced: 2/22/2019

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

*Summary: Would establish as a state goal the deployment of 200,000 zero-emission medium- and heavy-duty vehicles and off-road vehicles and equipment, and the corresponding infrastructure to support them, by 2030. The bill would require the Public Utilities Commission, the state board, the Department of Transportation, the State Energy Resources Conservation and Development Commission, and the Governor's Office of Business and Economic Development to develop and update by January 1, 2021, and at least every 5 years thereafter, an integrated action plan for sustainable freight that identifies strategies relating to that state goal.*

[AB 1418](#)

[\(Chiu D\)](#) *State Air Resources Board: membership.*

Introduced: 2/22/2019

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

Summary: Current law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues. This bill would make technical, nonsubstantive changes to that provision.

[AB 1430](#)

([Garcia, Eduardo](#) D) State government: public investment opportunities: cost-effective definition.

Introduced: 2/22/2019

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

Summary: Current law authorizes the Public Utilities Commission, the State Air Resources Board, the California Transportation Commission, and the Labor and Workforce Development Agency to invest public moneys on various project and programs. Current law requires some of those investments to be cost effective. This bill would require these agencies, by January 1, 2021, to provide a joint assessment of options for redefining the term "cost-effective" to the Legislature for the purposes of prioritizing public investment opportunities.

Notes 1: Considering the term "cost affective" is used in multiple regulation affecting numerous regulated entities, a proposal to change the definition of "cost affective" should be watched carefully.

[AB 1431](#)

([Burke](#) D) Greenhouse gases: education, career technical education, job training, and workforce development.

Introduced: 2/22/2019

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

Summary: Would state the intent of the Legislature to enact legislation on the need for increased education, career technical education, job training, and workforce development resources or capacity to help industry, workers, and communities transition to economic and labor-market changes related to statewide greenhouse gas emissions reduction goals in response to the report.

[AB 1445](#)

([Gloria](#) D) Climate change: emergency declaration and policy.

Introduced: 2/22/2019

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

Summary: Would declare that it is the policy of the State of California to restore an optimal safe climate and to provide maximum protection from climate change to all people and species, globally, including the most vulnerable. The bill would state the intent of the Legislature that the state, in furtherance of that policy, undertake various immediate and large-scale efforts, including conversion of the economy to zero greenhouse gas emissions by no later than 2030, with an immediate phaseout of fossil fuels. The bill would make related legislative findings and declarations.

Notes 1: This bill seeks to establish state policy that would provide overwhelming policy changes addressing climate change including zero greenhouse emissions no later than 2030.

[AB 1463](#)

([Gabriel](#) D) California Global Warming Solutions Act of 2006.

Introduced: 2/22/2019

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 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires the state board to consult with other states, the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs. This bill would make technical, nonsubstantive changes to these provisions.

[AB 1589](#)

([Salas](#) D) Carl Moyer Memorial Air Quality Standards Attainment Program.

Introduced: 2/22/2019

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

*Summary: Current law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program authorizes the State Air Resources Board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources. The program also authorizes funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals. This bill would make technical, nonsubstantive changes to these provisions.*

*Notes 1: Additional activity regarding the Carl Moyer program. The bill makes minor amendments to existing law.*

[AB 1655](#)

**(O'Donnell D)** Hydrogen-fueled vehicles.

Introduced: 2/22/2019

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

*Summary: Current law, until January 1, 2024, requires the State Air Resources Board to annually aggregate and make available information on the number of hydrogen-fueled vehicles that motor vehicle manufacturers project to be sold or leased over the next 3 years and the total number of hydrogen-fueled vehicles registered with the Department of Motor Vehicles through April 30. Current law, until January 1, 2024, requires the state board, based on that information, to evaluate the need for additional publicly available hydrogen-fueling stations, as specified, and report findings to the State Energy Resources Conservation and Development Commission on the need for additional publicly available hydrogen-fueling stations, as specified. This bill would make technical, nonsubstantive changes to that provision.*

[AB 1744](#)

**(Salas D)** Schoolbuses: retrofit and replacement.

Introduced: 2/22/2019

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

*Summary: Would require the State Air Resources Board to prioritize the retrofit or replacement of the most polluting and oldest schoolbuses that operate in air districts that are designated federal extreme nonattainment, followed by small air districts, and then medium air districts, as specified.*

[AJR 10](#)

**(Reyes D)** Federal Clean Air Act.

Introduced: 2/26/2019

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

*Summary: Would state that the Legislature strongly and unequivocally supports the existing fuel economy and greenhouse gas emissions standards and California's federal Clean Air Act waivers; will consider any and all appropriate actions to maintain vehicle emissions standards for the protection of public health, California residents, and the economy; and strongly urges the President and Vice President of the United States, the Secretary of the United States Department of Transportation, and the Administrator of the United States Environmental Protection Agency to reject the Safer and Affordable Fuel Efficient Vehicles Proposed Rule for Model Years 2021–2026.*

*Notes 1: Not surprising the State would stick by their guns regarding various emission standards compared to changes in Federal rules.*

[SB 1](#)

**(Atkins D)** California Environmental, Public Health, and Workers Defense Act of 2019.

Introduced: 12/3/2018

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

*Summary: Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. 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 generally prohibits the taking of those species. This bill would require specified agencies to take*

prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified.

Notes 1: This bill seems to be in direct opposition to the current Federal administrations' roll back certain regulations.

[SB 43](#)

(Allen D) Carbon taxes.

Introduced: 12/3/2018

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

Summary: Would require the State Air Resources Board, in consultation with the California Department of Tax and Fee Administration, to submit a report to the Legislature on the results of a study, as specified, to propose, and to determine the feasibility and practicality of, a system to replace the tax imposed pursuant to the Sales and Use Tax Law with an assessment on retail products sold or used in the state based on the carbon intensity of the product to encourage the use of less carbon-intensive products.

Notes 1: This bill apparently seeks to evaluate whether a Carbon Tax should be established to encourage the use of less carbon intensive products.

[SB 45](#)

(Allen D) Wildfire, Drought, and Flood Protection Bond Act of 2020.

Introduced: 12/3/2018

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

Summary: Would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.

[SB 162](#)

(Galgiani D) California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions.

Introduced: 1/24/2019

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

Summary: The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2021, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 1, 2030, and would extend the sales and use tax exclusion until January 1, 2030.

[SB 168](#)

(Wieckowski D) Climate change: Chief Officer of Climate Adaptation and Resilience.

Introduced: 1/28/2019

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

Summary: Would establish the Chief Officer of Climate Adaptation and Resilience in the Office of Planning and Research to serve as the statewide lead for planning and coordination of climate adaptation policy and implementation in California, and would specify the duties of the chief officer. The bill would make the chief officer, or the chief officer's designee, a member of the advisory council and would designate the chief officer, or the chief officer's designee, as the chair of the advisory council. The bill would include additional expertise members of the advisory council are to have. The bill would specify that members of the advisory council serve staggered 4-year terms, except as provided.

Notes 1: This bill proposes to establish a new state officer, appointed by the governor, and associated advisory

council, whose roll is help develop climate adaptation policies in the state.

**SB 210**

**(Leyva D) Heavy-Duty Vehicle Inspections and Maintenance Program.**

**Introduced: 2/4/2019**

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

**Summary:** Would authorize the State Air Resources Board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill would authorize the state board to assess a fee and penalties as part of the program. The bill would create the Truck Emission Check (TEC) Fund, with all the moneys deposited in the fund to be available upon appropriation.

**SB 216**

**(Galgiani D) Carl Moyer Memorial Air Quality Standards Attainment Program: used heavy-duty truck exchange.**

**Introduced: 2/6/2019**

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

**Summary:** Current law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program, which is administered by the State Air Resources Board. The program authorizes the state board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources. The program also authorizes funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals. This bill would add as an eligible project under the program a used heavy-duty truck exchange, as specified.

**Notes 1:** An expansion of the Carl Moyer Program?

**SB 535**

**(Moorlach R) California Global Warming Solutions Act of 2006: scoping plan.**

**Introduced: 2/21/2019**

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 requires the state 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 to include greenhouse gas emissions from wildfires and forest fires, as specified, in the scoping plan.

**SB 629**

**(McGuire D) Air districts: hearing boards: notice requirements.**

**Introduced: 2/22/2019**

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

**Summary:** The State Air Resources Board is designated with the primary responsibility for the control of vehicular air pollution and 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 establishes one or more hearing boards in each district for the purposes of performing specified functions, including, among others, issuing specified interim variances. The Ralph M. Brown Act requires a legislative body of a local agency, at least 72 hours before a regular meeting, to post an agenda containing, among other things, information on the time and location of the meeting. The act requires the body, upon the request of a person, to mail the agenda to the person at the time the agenda is posted. This bill would require a hearing board to send a notice of the hearing not less than 72 hours before the hearing to any person who requests the notice, thereby making changes to conform the notice provisions with the notice provisions of the act.

**Notes 1:** This bill makes adjustments to Hearing Board notification requirements and therefore should be of interest to the District.

**Total Measures: 59**

**Total Tracking Forms: 59**

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the amendment of Rule 1320 – New Source Review for Toxic Air Contaminants: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the Califor](#)

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

*AGENDA ITEM #13*

**DATE:** March 25, 2019

**RECOMMENDATION:** Conduct a public hearing to consider the amendment of Rule 1320 – *New Source Review for Toxic Air Contaminants*: 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.

**SUMMARY:** Rule 1320 is proposed for amendment to adjust the rule to conform to the California Air Resources Board (CARB)/California Air Pollution Control Officers Association (CAPCOA) *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHHA) in 2015, as well as to update several definitions and rule provisions for clarity.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** Mojave Desert Air Quality Management District (MDAQMD) Rule 1320 – *New Source Review for Toxic Air Contaminants* (amended 08/22/16) currently defines Maximum Individual Cancer Risk (MICR) as the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 70 years for residential locations and 46 years for worker receptor locations.

The rule is currently in conflict with the *Risk Management Guidance for Stationary Sources of Air Toxics* adopted by CARB and CAPCOA on July 23, 2015, which was drafted to incorporate the adjusted 2015 OEHHA health risk assessment methodology. This document decreased the exposure duration currently being used for estimating cancer risk at the maximum exposed individual resident from 70 years to 30 years. Additionally, the off-site worker exposure duration is now 25 years instead of 46 years.



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

*AGENDA ITEM #13*

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Rule 1320 implements pre-construction review requirements as part of the New Source Review (NSR) process to ensure that any new or modified emission of Toxic Air Contaminants (TAC) or Hazardous Air Pollutants (HAP) are properly controlled as required by state and federal law. Regular, pre-existing and unmodified equipment is covered by Rule 1520 and other District rules. Please note that Rule 1520 only covers the Air Toxic Hot Spots Act as federal toxics requirements applicable to existing sources are covered by the Rule 1000 adoption by reference of Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and the enforcement of Maximum Achievable Control Technology (MACT) Standards as listed in the *Notification (MACTs)* pursuant to H&S Code §39666.

The MDAQMD now plans to amend Rule 1320 to adhere to the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, specifically in CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Additionally, emission unit health risk assessment requirements have been separated to independently address the Health Risk Assessment (HRA) and the HRA plan. Contemporaneous risk reduction provisions have been removed, because under this rule, if the risk is greater than 100 it is required that the District deny any new or modified application in its submitted form. Several definitions and rule provisions have also been updated for clarity.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1320 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 March 11, 2019.

**FINANCIAL DATA:** No increase in appropriation is anticipated.

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

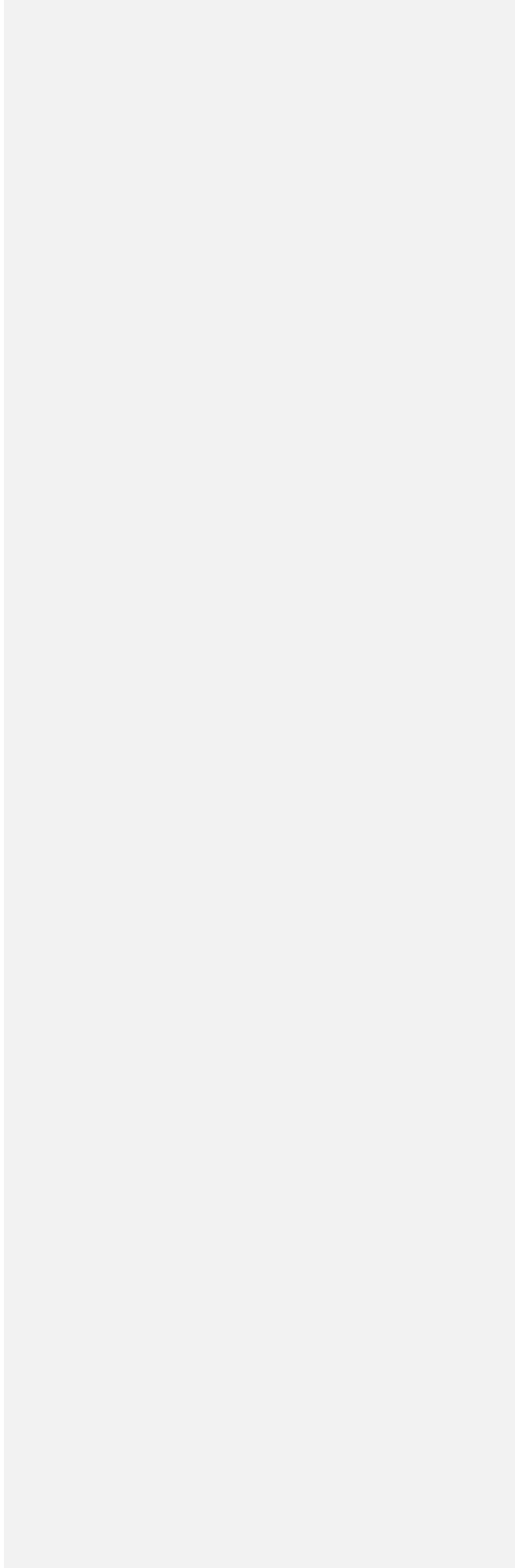
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Draft  
Staff Report  
Proposed Amendments to  
Rule 1320 – *New Source Review for  
Toxic Air Contaminants*

For amendment on  
March 25, 2019

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## List of Acronyms

ATCM	Air Toxics Control Measure
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NANSR	Nonattainment New Source Review
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	Oxides of Nitrogen
NSR	New Source Review
OEHHA	Office of Environmental Health Hazard Assessment
PSD	Prevention of Significant Deterioration
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO <sub>x</sub>	Oxides of Sulfur
TAC	Toxic Air Contaminant
TARMAC	Air Toxics and Risk Managers Committee
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

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TC-4

MDAQMD Rules 1320  
Staff Report D1a, 03/11/2019

**STAFF REPORT**  
**Rule 1320 – New Source Review for Toxic Air Contaminants**

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

Mojave Desert Air Quality Management District (MDAQMD) Rule 1320 – *New Source Review for Toxic Air Contaminants* (amended 08/22/16) currently defines Maximum Individual Cancer Risk (MICR) as the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 70 years for residential locations and 46 years for worker receptor locations.

The rule is currently in conflict with the *Risk Management Guidance for Stationary Sources of Air Toxics* adopted by CARB and CAPCOA on July 23, 2015, which was drafted to incorporate the adjusted 2015 OEHHA health risk assessment methodology. This document decreased the exposure duration currently being used for estimating cancer risk at the maximum exposed individual resident from 70 years to 30 years. Additionally, the off-site worker exposure duration is now 25 years instead of 46 years.

Rule 1320 implements pre-construction review requirements as part of the New Source Review (NSR) process to ensure that any new or modified emission of Toxic Air Contaminants (TAC) or Hazardous Air Pollutants (HAP) are properly controlled as required by state and federal law. Regular, pre-existing and unmodified equipment is covered by Rule 1520 and other District rules. Please note that Rule 1520 only covers the Air Toxic Hot Spots Act as federal toxics requirements applicable to existing sources are covered by the Rule 1000 adoption by reference of Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and the enforcement of Maximum Achievable Control Technology (MACT) Standards as listed in the *Notification (MACTs)* pursuant to H&S Code §39666.

The MDAQMD now plans to amend Rule 1320 to adhere to the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, specifically in CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Additionally, emission unit health risk assessment requirements have been separated to independently address the



Health Risk Assessment (HRA) and the HRA plan. Contemporaneous risk reduction provisions have been removed, because under this rule, if the risk is greater than 100 it is required that the District deny any new or modified application in its submitted form. Several definitions and rule provisions have also been updated for clarity.

### III. STAFF RECOMMENDATION

The proposed amendments were reviewed by the Technical Advisory Committee (TAC), a committee consisting of a variety of regulated industry and local governmental entities, on February 5, 2019. The TAC had no objections on the proposed draft of Rule 1320. It was the consensus of the TAC to recommend submittal of Rule 1320 to the Governing Board for amendment on March 25, 2019. Staff and the TAC recommend that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) amend proposed Rule 1302 – *New Source Review for Toxic Air Contaminants* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to amend Rule 1320 to adhere to the CARB/CAPCOA’s *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, as well as to update several definitions and rule provisions for clarity.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 1302 – *New Source Review for Toxic Air Contaminants*. 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:**

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

##### **SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):**

- Environmental impacts of compliance.
- Mitigation of impacts.
- Alternative methods of compliance.

##### **OTHER:**

- Written analysis of existing air pollution control requirements
- 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 amendments to Rule 1320. 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 amendments to Rule 1320 are necessary to adjust the rule to conform to CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, and to update several definitions and rule provisions for clarity.

b. Authority:

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

c. Clarity:

The proposed amendments to Rule 1320 is clear in that it is written so that the persons subject to the rule can easily understand the meaning.

d. Consistency:

The proposed amendments to Rule 1320 are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions in that they conform the rule to CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015.

e. Nonduplication:

The proposed amendments to Rule 1320 do not impose the same requirements as any existing state or federal law or regulation. The rule in and of itself implements applicable provisions of the FCAA and federal regulations regarding the preconstruction review of a new or modified source of Hazardous Air Pollutants (HAP). The rule also implements the applicable provisions of the Air Toxics Hot Spot Act relating to the control of Toxic Air Contaminants (TAC) from new and modified sources.

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 1320 will be published February 25, 2019. 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 amendments to Rule 1320 and how they were satisfied. Rule 1320 is not currently approved in the California State Implementation Plan (SIP), but has been submitted for inclusion. Rule 1320 as amended on 08/22/16 was sent to USEPA on 01/24/17 and a request was made to approve into the SIP.

a. Satisfaction of Underlying Federal Requirements:

The FCAA requires that certain large new or modified stationary sources of air pollutants obtain permits prior to construction or modification (42 USC §§7412(i)(1); 7475, 7502(b)(6); 7503, 7511a(a)(2)(C)). The program covering pollutants for areas designated nonattainment for that pollutant is commonly referred to as NSR or NANSR and must be included as part of the area’s State Implementation Plan (SIP). Such programs must comply with the applicable implementing regulations which are primarily contained in 40 CFR 51.160 et seq.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 1320 will be published 02/25/19. 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 amendments to Rule 1320 and the accompanying draft staff report will be made available to the public on or before 02/07/19. The proposed amendments were also reviewed by the Technical Advisory Committee, a committee consisting of a variety of regulated industry and local governmental entities, on 02/05/19.

d. Notice to Specified Entities:

Copies of the proposed amendments to Rule 1320 and the accompanying draft staff report will be sent to all affected agencies. The proposed amendments were sent to CARB and USEPA on or before 02/12/19.

e. Public Hearing:

A public hearing to consider the proposed amendments to Rule 1320 has been set for 03/25/19.

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 by Division 26 of the H & S Code (commencing with §39000). The District is also required to adopt and enforce rules and regulations to attain and maintain the FAAQS and SAAQS (H&S Code §40001(a)).

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 1320 apply to all new or modified Facilities emitting air contaminants over particular amounts as defined in the rule. This rule is primarily procedural in nature and meant to implement specific provisions of federally mandated programs namely NANSR and Prevention of Significant Deterioration (PSD). 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

Rule 1320 has been part of the District's preconstruction review program since September 24, 2001. It is not expected that the proposed amendments will impose any additional costs upon applicants undergoing NANSR review.

##### 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>). The proposed amendments to Rule 1320 as a procedural rule does not require specific control measures on particular types of equipment and thus this analysis is not required.

#### D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 1320 was determined.

1. The proposed amendments to Rule 1320 meet the CEQA definition of "project". They are not "ministerial" actions.

2. The proposed amendments to Rule 1320 is exempt from CEQA Review because the proposed action is the amendment of a procedural rule designed to protect the environment. Specifically, the proposed amendment of Rule 1320

increases protections in that it provides for additional agency and public review of a greater number of new or modified Facilities. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The potential environmental impacts of compliance with the proposed amendments to Rule 1320 should not have any additional environmental consequences. The proposed amendments are primarily procedural in nature and are designed to enhance the review of various new and modified Facilities under the existing NSR program. This program does not impose specific requirements on specific sources or source categories. Instead it requires compliance with other source specific rules and regulations as well as requiring compliance with particular measures found in NESHAP and MACT standards as well as compliance with the Air Toxics Hot Spots risk analysis. As a procedural rule the specific application of the requirements is highly dependent upon the nature and type of the application submitted for a new or modified Facility. Thus, analysis of specific potential impacts regarding a particular project is too speculative to be performed in this particular instance.

In addition, it must be noted that any new or modified Facility will in and of itself be required to undergo CEQA review when proposed thus specific potential environmental impacts caused by the imposition of requirements such as BACT will be analyzed at that time.

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 1320 ensures that all appropriate analyses are performed prior to permit issuance. Exactly which analyses are applicable to a particular Facility or Emissions Unit are based upon the proposed type and quantity of emissions produced.

B. EMISSIONS

The proposed amendments to Rule 1320 are not expected to change emissions reductions from those achieved under the current nonattainment NSR program. Since this rule applies to new and modified Facilities or Emissions Units it is impossible to quantify specific emissions reductions since such reductions are entirely dependent upon the applications submitted and cannot be quantified in advance.

#### C. CONTROL REQUIREMENTS

The proposed amendments to Rule 1320 adhere to the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, specifically in CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. The amendments will reduce the Maximum Individual Cancer Risk (MICR) exposure periods. It is impossible to know the specific overall impact of this amendment since it will be entirely dependent upon applications submitted and cannot be known in advance. Please note that all submitted applications for new and modified equipment will go through at least a part of the 1320 analysis which should result in additional controls due to the MICR exposure reductions.

#### D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 1320.

Several typographical changes, format changes, cross references, and minor language changes have been made for clarity and are not substantive.

Subsection (C)(4) definition has been supplemented with language from the *Guidance Manual for Preparation of Health Risk Assessment, OEHHA, February 2015* for clarity.

Subsection (C)(6) definition for Contemporaneous Risk Reduction has been removed as unnecessary. See further discussion regarding Contemporaneous Risk Reduction in subsection (E)(4).

Subsection (C)(15) definition for Maximum Individual Cancer Risk (MICR) has been modified in response to the *OEHHA Air Toxics Hot Spots Program Guidance Manual, February 2015*.

Subsection (C)(17) definition of Noncancer Hazard Indices has been added for clarification.

Subsection (D)(3) has been modified to address Health Risk Assessment Plans (subsection (a)) and Health Risk Assessment (subsection (b)) separately for clarity. The provision for Contemporaneous Risk Reduction has been removed.

Subsection (D)(4) has been removed because, under this rule, if the risk is calculated greater than 100 the District must deny the application/modification in its current form. This makes this provision unnecessary. Any facility so denied would have to submit a



new application with a risk less than 100 rather than submit a Contemporaneous Risk Reduction plan. Under Rule 1520, contemporaneous risk reduction is allowed. Please note existing sources with a risk greater than 100 are covered by Rule 1520.

E. FCAA 110(L) AND HEALTH & SAFETY CODE §42504 ANALYSIS

FCAA §110(l) (42 U.S.C. §7410(l)) requires that any SIP amendment which might potentially be construed as a relaxation of a requirement provide a demonstration that the proposed change will not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP). In addition, California Law (H&S Code §§42500 et seq.) requires a similar analysis when amendments are proposed to a nonattainment NSR program to show that the proposed changes are not less stringent than the FCAA provisions and implementing regulations which were in existence as of December 30, 2002 (H&S Code §42504).

The proposed amendments to Rule 1320 do not relax any NSR related requirements. The amendments will reduce the Maximum Individual Cancer Risk (MICR) exposure periods, thereby enhancing the protections it provides by requiring additional analyses and potentially control measures as more applicants will have a MICR greater than the applicable trigger levels.

F. SIP HISTORY

1. SIP History.

a. SIP in the San Bernardino County Portion of MDAQMD

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the San Bernardino County Air Pollution Control District (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.

On October 27, 1993 the Governing Board amended various rules in Regulation XIII. This version was submitted as a SIP revision but no action was taken by USEPA. On March 25, 1996 the MDAQMD completely reorganized the regulation such that it now consisted of Rules 1300, 1301, 1302, 1303, 1304, 1305 and 1306. This version was submitted and approved by USEPA on November 13, 1996 (61 FR 58113; 40 CFR 52.220(c)(239)(i)(A)). The Governing Board adopted further amendments and added an additional rule 1320 – *New Source Review for Toxic Air Contaminants* on September 24, 2001. These amendments were submitted as a SIP revision but no action was taken by USEPA. On August 28, 2006 the MDAQMD again amended various rules in Regulation XIII including Rule 1320. Once again these

amendments were submitted as a SIP revision but no action was taken by USEPA. While submitted for inclusion in the SIP, Rule 1320 has not been SIP approved at this time.

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 the South Coast Air Quality Management District (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.

South Coast AQMD Rule 1401 – *New Source Review of Toxic Air Contaminants* was originally adopted on June 1, 1990, and amended multiple times subsequently. No versions of this Rule appear to be in the SIP for Riverside County.

2. SIP Analysis.

The District will request CARB to submit the proposed amendments to Rule 1320 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. This submission is necessary because it provides a method to ensure that NESHAP and MACT standards are properly incorporated into new and modified permits..

Since there are previously existing SIP submissions for this category the District will request that they be superseded. In order to replace existing SIP rules the District is required to show that the proposed amendments are not less stringent than the provisions currently in the SIP. There are no changes to federal portions of the rule other than clarity.

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**Appendix “A”**  
**Rule 1320 – *New Source Review For Toxic Air Contaminants***  
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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(Adopted: 09/24/01; Amended: 08/28/06; Amended: 06/27/16;  
Amended: 08/22/16; Amended: mm/dd/yy)

## Rule 1320

### New Source Review ~~f~~For Toxic Air Contaminants

#### (A) Purpose

- (1) The purpose of this Rule is to:
  - (a) Set forth the requirements for preconstruction review of all new, Modified, Relocated, or Reconstructed Facilities which emits or have the potential to emit any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance; and
  - (b) Ensure that any new, Modified, or Relocated Emissions Unit is required to control the emissions of Toxic Air Contaminants as required pursuant to Chapter 3.5 of Part ~~4~~2 of Division 26 of the California Health and Safety Code (commencing with §39650); and *[Citation corrected.]*
  - (c) Ensure that any proposed new or Reconstructed Facility or Emissions Unit is required to control the emissions of Hazardous Air Pollutants as required under 42 U.S.C. §7412(g) (FCAA §112(g)).

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#### (B) Applicability

- (1) General Applicability
  - (a) The provisions of this rule shall be applicable to:
    - (i) Applications for new, Modified or Relocated Facilities or Permit Units which were received by the District on or after the adoption date of this rule.
    - (ii) Permit Units installed without a required Authority to Construct Permit shall be subject to this rule, if the application for a permit to operate such equipment was submitted after the adoption date of this rule.
    - (iii) Applications shall be subject to the version of the District Rules that are in effect at the time the application is received.
- (2) State Toxic New Source Review Program (State T-NSR) Applicability
  - (a) The provisions of Subsection (E) of this Rule shall apply to any new or Modified Emissions Unit which:
    - (i) Emits or has the potential to emit a Toxic Air Contaminant; or
    - (ii) Is subject to an Airborne Toxic Control Measure.

- (3) Federal Toxic New Source Review Program (Federal T-NSR) Applicability
- (a) The provisions of Subsection (F) of this Rule shall apply to any new or Reconstructed Facility or new or Modified Emissions Unit which:
    - (i) Emits or has the potential to emit 10 tons per year or more of any single HAP; or
    - (ii) Emits or has the potential to emit 25 tons per year or more of any combination of HAPs; or
  - (iii) Has been designated an Air Toxic Area Source by USEPA pursuant to the provisions of 42 U.S.C. §7412 (FCAA §112) and the regulations promulgated thereunder.

(C) Definitions

The definitions contained in District Rule 1301 shall apply unless the term is otherwise defined herein.

- (1) “Air Toxic Area Source” – Any stationary source of Hazardous Air Pollutants that emits or has the potential to emit less than ten (10) tons per year of any single HAP or twenty-five (25) tons per year of any combination of HAPs and which has been designated as an area source by USEPA pursuant to the provisions of 42 U.S.C. §7412 (FCAA §112).
- (2) “Airborne Toxic Control Measure” (ATCM) – Recommended methods or range of methods that reduce, avoid, or eliminate the emissions of a TAC promulgated by CARB pursuant to the provisions of [Division 26, Part 2, Chapter 3.5 of the California Health and Safety Code commencing with §39658396509](#).
- (3) “Best Available Control Technology for Toxics” (T-BACT) – ~~T~~he most stringent emissions limitation or control technique for Toxic Air Contaminants or Regulated Toxic Substances which:
  - (i) Has been achieved in practice for such permit unit category or class of source; or
  - (ii) Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the APCO to be technologically feasible for such class or category of sources, or for a specific source.
- (4) “Cancer Burden” – The estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants. [The cancer burden can be calculated by multiplying the cancer risk at a census block centroid by the number of people who live in the census block, and adding up the estimated number of potential cancer cases across the zone of impact. The result of this calculation is a single number that is intended to estimate of the number of potential cancer cases within the population that was exposed to the emissions for](#)

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a lifetime (70 years). The cancer burden is calculated on the basis of lifetime (70 year) risks (whereas individual cancer risk at the MEIR is based on 30-year residential exposure). Cancer burden is independent of how many people move in or out of the vicinity of an individual facility. For example, if 10,000 people are exposed to a carcinogen at a concentration with a  $1 \times 10^{-5}$  cancer risk for a lifetime the cancer burden is 0.1, and if 100,000 people are exposed to a  $1 \times 10^{-5}$  risk the cancer burden is 1. *[Derived from Guidance Manual for Preparation of Health Risk Assessments, OEHHA, February 2015.]*

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(5) “Case-by-Case Maximum Achievable Control Technology Standard” (Case-by-Case MACT) – An emissions limit or control technology that is applied to a new, ~~or Relocated, or Reconstructed~~ Facility or Emissions Unit, located at a major source of HAP where USEPA has not yet promulgated a MACT standard pursuant to 42 U.S.C. §7412(d)(3) (FCAA §112(d)(3)). Such limit or control technique shall be determined pursuant to the provisions of 40 CFR 63.43. *[Updated for consistency with language in 40 CFR 63.43.]*

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~~(6)~~ “Contemporaneous Risk Reduction” – Any reduction in risk resulting from a decrease in emissions of Toxic Air Contaminants at the facility which is real, enforceable, quantifiable, surplus and permanent. *[Applications that are determined to require a Contemporaneous Risk Reduction Analysis would be rejected.]*

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~~(67)~~ “Hazard Index” (HI) – The total acute or chronic non-cancer Hazard Quotient for a substance by toxicological endpoint. [Also see definition of Noncancer Hazard Indices.](#)

~~(78)~~ “Hazard Quotient” (HQ) – The estimated ambient air concentration divided by the acute or chronic reference exposure for a single substance and a particular endpoint.

~~(89)~~ “Hazardous Air Pollutant” (HAP) – Any air pollutant listed pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112(b)) or in regulations promulgated thereunder.

~~(94)~~ “Health Risk Assessment” (HRA) – A detailed and comprehensive analysis prepared pursuant to the ~~District’s~~ most recently ~~approved published District Modeling Guidelines for Health Risk Assessments Guidelines~~ to evaluate and predict the dispersion of Toxic Air Contaminants and Regulated Toxic Substances in the environment, the potential for exposure of human population and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. ~~Such An HRA~~ document shall include details of the methodologies and methods of analysis which were utilized to prepare the document.



- (104) “High Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to ten (10).
- (112) “Intermediate Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to one (1) and less than ten (10).
- (123) “Low Priority” – A Facility or Emissions Unit for which all Prioritization Scores for cancer, acute non-cancer health effects or chronic non-cancer health effects are less than one (1).
- (134) “Maximum Achievable Control Technology Standard” (MACT) – The maximum degree of reduction in emissions of HAPs, including prohibitions of such emissions where achievable, as promulgated by USEPA pursuant to 42 U.S.C. §7412(d)(3) (Federal Clean Air Act §112(d)(3)).
- (145) “Maximum Individual Cancer Risk” (MICR) – The estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of ~~3070~~ years for residential locations and ~~2546~~ years for worker receptor locations. *[Updated in response to the OEHHA Air Toxics Hot Spots Program Guidance Manual, February 2015.]*
- (156) “Moderate Risk” – A classification of a Facility or Emission Unit for which the HRA Report indicates the MICR is greater than one (1) in one million ( $1 \times 10^{-6}$ ) but less than ten (10) in a million ( $1 \times 10^{-5}$ ) at the location of any receptor.
- (167) “Modification” (Modified) – Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation, including but not limited to changes which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance or which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance not previously emitted.
- (a) A physical or operational change shall not include:
- (i) Routine maintenance or repair; or
  - (ii) A change in the owner or operator of an existing Facility with valid PTO(s); or
  - (iii) An increase in the production rate, unless:
    - a. Such increase will cause the maximum design capacity of the Emission Unit to be exceeded; or
    - b. Such increase will exceed a previously imposed enforceable limitation contained in a permit condition.

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- (iv) An increase in the hours of operation, unless such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
  - (v) An Emission Unit replacing a functionally identical Emission Unit, provided:
    - a. There is no increase in maximum rating or increase in emissions of any HAP, TAC or Regulated Toxic Substance; and
    - b. No ATCM applies to the replacement Emission Unit.
  - (vi) An Emissions Unit which is exclusively used as emergency standby equipment provided:
    - a. The Emissions Unit does not operate more than 200 hours per year; and
    - b. No ATCM applies to the Emission Unit.
  - (vii) An Emissions Unit which previously did not require a written permit pursuant to District Rule 219 provided:
    - a. The Emissions Unit was installed prior to the amendment to District Rule 219 which eliminated the exemption; and
    - b. A complete application for a permit for the Emission Unit is received within one (1) year after the date of the amendment to District Rule 219 which eliminated the exemption.
  - (viii) An Emissions Unit replacing Emissions Unit(s) provided that the replacement causes either a reduction or no increase in the cancer burden, MICR, or acute or chronic HI at any receptor location.
- (b) Any applicant claiming exemption from this rule pursuant to the provisions of subsection (C)(17)(a) above:
- (i) Shall provide adequate documentation to substantiate such exemption; and
  - (ii) Any test or analysis method used to substantiate such exemption shall be approved by the APCO.

(17) “Noncancer Hazard Indices” – Noncancer hazard indices are an indicator of potential noncancer health effects (e.g., eye or respiratory irritation, reproductive, or developmental effects, etc). They are the ratio of the estimated concentration of a specific pollutant compared to the reference exposure level for that pollutant. A pollutant’s reference exposure level identifies the potential threshold level for some type of pollutant-specific toxic effect.

Noncancer hazard indices can be expressed for one substance as a hazard quotient or as a hazard index when there are multiple substances emitted that affect the same target organ (e.g., lung, eye, etc.). Hazard indices can be evaluated for acute periods (e.g., one-hour) and for chronic (long-term) exposures (e.g., annual average). Hazard indices less than one are typically not of concern because they are below the reference exposure level. It is important to note that hazard indices

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*above one do not necessarily mean there is certainty for an adverse effect; rather, it indicates there may be the potential for adverse effects that warrant further investigation. [Derived from Risk Management Guidance for Stationary Sources of Air Toxics, Discussion Draft, May 27, 2015.]*

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- (18) “Office of Environmental Health Hazard Assessment” (OEHHA) – A department within the California Environmental Protection Agency that is responsible for evaluating chemicals for adverse health impacts and establishing safe exposure levels.
- (19) “Prioritization Score” – The numerical score for cancer health effects, acute non-cancer health effects or chronic non-cancer health effects for a Facility or Emissions Unit as determined by the District pursuant to California Health and Safety Code §44360 in a manner consistent with the District’s most recently published-District-approved Facility Prioritization Guidelines; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
- (20) “Receptor” – Any location outside the boundaries of a Facility at which a person may be impacted by the emissions of that Facility. Receptors include, but are not limited to residential units, commercial work places, industrial work places and sensitive sites such as hospitals, nursing homes, schools and day care centers.
- (21) “Reconstruction” (Reconstructed) – The replacement of components at an existing process or Emissions Unit that in and of itself emits or has the Potential to Emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever:
- (a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and
  - (b) It is technically and economically feasible for the reconstructed major source to meet the applicable MACT Standard for new sources.
- (22) “Reference Exposure Level” (REL) – The ambient air concentration level expressed in microgram/cubic meter ( $\mu\text{g}/\text{m}^3$ ) at or below which no adverse health effects are anticipated for a specified exposure.
- (23) “Regulated Toxic Substance” – A substance which is not a Toxic Air Contaminant but which has been designated as a chemical substance which poses a threat to public health when present in the ambient air by CARB in regulations promulgated pursuant to California Health and Safety Code §44321.
- (24) “Relocation” (Relocated) – The removal of an existing permit unit from one location in the District and installation at another location. The removal of a permit unit from one location within a Facility and installation at another location

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within the same Facility is a relocation only if an increase in MICR in excess of one in one million ( $1 \times 10^{-6}$ ) occurs at any receptor location.

- (25) “Significant Health Risk” – A classification of a Facility for which the HRA Report indicates that the MICR is greater than or equal to ten (10) in a million ( $1 \times 10^{-5}$ ) but less than one hundred (100) in a million ( $1 \times 10^{-4}$ ), or that the HI is greater than or equal to one (1).
- (26) “Significant Risk” – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to one hundred (100) in a million ( $1 \times 10^{-4}$ ) or that the HI is greater than or equal to ten (10).
- (27) “Toxic Air Contaminant” (TAC) – an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health and has been identified by CARB pursuant to the provisions of California Health and Safety Code §39657, including but not limited to, substances that have been identified as HAPs pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112(b)) and the regulations promulgated thereunder.
- (28) “Toxics Emission Inventory Report” – An emissions inventory report for TAC and Toxic Substances prepared for a Facility or Emissions Unit pursuant to the District’s *Comprehensive Emission Inventory Guidelines*.
- (29) “Unit Risk Factor” (URF) – ~~The~~ theoretical upper bound probability of extra cancer cases occurring from the chemical when the air concentration is expressed in exposure units ~~of~~ per microgram/cubic meter ( $(\mu\text{g}/\text{m}^3)^{-1}$ ).

(D) Initial Applicability Analysis

- (1) The APCO shall analyze the Potential to Emit and/or the Comprehensive Emissions Inventory Report or Comprehensive Emissions Inventory Report Update which was submitted pursuant to District Rule 1302(B)(1)(~~ab~~) within thirty (30) days of receipt or after such longer period as the APCO and the applicant agree to in writing, to determine if the new, Modified, Relocated, Emissions Unit or Reconstructed Facility is subject to provisions (E) or (F) of this rule. [Updated cross reference.]
  - (a) If the Facility or Emissions Unit is subject to the State T-NSR pursuant to Section (B)(2), then the APCO shall perform the analysis required pursuant to Section (E).
  - (b) If the Facility is subject to the Federal T-NSR pursuant to Section (B)(3), then the APCO shall perform the analysis required pursuant to Section (F).
  - (c) If the Facility or Emissions Unit is subject to both the State T-NSR pursuant to Section (B)(2) and the Federal T-NSR pursuant to Section

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(B)(3) then the APCO shall perform the analysis required pursuant to Section (E) followed by the analysis pursuant to Section (F).

- (d) If the provisions of this Rule are not applicable to the Facility or Emissions Unit then the APCO shall continue the permit analysis process commencing with the provisions of District Rule 1302(C)(6).

(E) State Toxic New Source Review Program Analysis (State T-NSR)

(1) ATCM Requirements

- (a) The APCO shall analyze the application, [Potential to Emit](#) and/or Comprehensive Emission Inventory Report within thirty (30) days of receipt or after such longer period as the APCO and the applicant agree to in writing, for the new or modified Emission Units(s) and determine if any currently enforceable ATCM applies to the Emissions Unit(s).
- (b) If an ATCM applies to the new or modified Emission Units(s) the APCO shall:
  - (i) Add the requirements of the ATCM or of any alternative method(s) submitted and approved pursuant to Health & Safety Code §39666(f) to any ATC or PTO issued pursuant to the provisions of this Regulation or District Regulation II whichever process is utilized to issue the permit(s); and
  - (ii) Continue the analysis with Section (E)(2).
- (c) If no ATCM applies to the proposed new or modified Emissions Unit the APCO shall continue the analysis with Section (E)(2).

(2) Emission Unit Prioritization Score

- (a) The APCO shall analyze the application, [Potential to Emit](#), and/or Comprehensive Emission Inventory Report for the Emission Unit(s) and calculate three (3) prioritization scores for each new or modified Emission Unit.
  - (i) Prioritization Scores shall be calculated for carcinogenic effects, non-carcinogenic acute effects and non-carcinogenic chronic effects.
  - (ii) Prioritization Scores shall be calculated utilizing the [District's](#) most recently approved [CAPCOA-Facility Prioritization Guidelines](#); the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.

- (iii) Prioritization Scores may be adjusted utilizing any or all of the following factors if such adjustment is necessary to obtain an accurate assessment of the Facility.
    - a. Multi-pathway analysis
    - b. Method of release.
    - c. Type of Receptors potentially impacted.
    - d. Proximity or distance to any Receptor.
    - e. Stack height.
    - f. Local meteorological conditions.
    - g. Topography of the proposed new or Modified Facility and surrounding area.
    - h. Type of area.
    - ~~ig.~~ Screening dispersion modeling.
    - ~~j.~~ Project life.
  - (b) If all Prioritization Scores indicate that the Emission Unit is categorized as Low or Intermediate Priority, the APCO shall:
    - (i) Determine if the Facility or Emission Unit is subject to Federal T-NSR pursuant to subsection (B)(3) and continue the analysis with Section (F).
    - (ii) If the Facility or Emission Unit is not subject to Federal T-NSR, continue the permit analysis process commencing with the provisions of District Rule 1302(C)(6).
  - (c) If any Prioritization Score indicates that the Emission Unit is categorized as High Priority, the APCO shall continue the analysis pursuant to subsection (E)(3).
- (3) Emission Unit Health Risk Assessment
- (a) Health Risk Assessment Plans
    - (i) The APCO shall notify the applicant in writing that the applicant is required to prepare and submit an HRA plan for the new or modified Emission Units(s).
    - (ii) The applicant shall prepare the HRA plan for the new or modified Emission Units(s) in accordance with the District's most recently ~~issued-approved~~ *Modeling Guidelines for Health Risk Assessment Plan and Report Guidelines.*
    - (iii) The HRA plan for the emission unit shall be submitted by the applicant no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the applicant and the APCO may agree to in writing.
    - (iv) The APCO shall approve or disapprove the HRA plan within thirty (30) days of receipt from the owner/operator.

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- (v) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.
  - a. If the HRA plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.
    - 1. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.
    - 2. Upon such resubmission a new thirty (30) day review period shall begin.

~~(ii)(i) The HRA may include a demonstration of Contemporaneous Risk Reduction pursuant to subsection (E)(4) [Under this Rule, if the risk is greater than 100 it is required that the District deny the application/modification in its current form. Under Rule 1520, if the risk is greater than 100, contemporaneous risk reduction is allowed. Rule 1320 implements NSR, Rule 1520 is for AB2588 Hotspots].~~

(b) Health Risk Assessment

- (i) The applicant shall submit the HRA prepared pursuant to the plan within ninety (90) days of receipt of the written determination approving the plan or after such longer period as the APCO and the applicant may agree to in writing.
- (ii) The APCO shall approve or disapprove the HRA within thirty (30) days of receipt or after such longer time that the applicant and the APCO may agree to in writing.
- (iii) The APCO shall transmit a written notice of the approval or disapproval of the HRA immediately to the applicant of the Facility.
  - a. If the HRA was disapproved the APCO shall:
    - 1. Specify the deficiencies and indicate how they can be corrected; and
    - 2. Require the applicant to resubmit the HRA to the District within sixty (60) days.
- (iv) Upon receipt by the District of a resubmitted HRA a new thirty (30) day period in which the APCO must determine the approval or disapproval of the HRA shall begin.

~~(b) The APCO shall approve or disapprove the HRA for the new or modified Emission Units(s) within thirty (30) days of receipt of the plan from the applicant or after such longer time that the applicant and the APCO may agree to in writing.~~

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- ~~(e) After the approval or disapproval of the HRA for the new or modified Emission Units(s) the APCO shall transmit a written notice of the approval or disapproval of the HRA plan immediately to the applicant at the address indicated on the application.~~
- ~~(i) If the HRA for the new or modified Emission Units(s) was disapproved the APCO shall specify the deficiencies and indicate how they can be corrected.~~
- ~~a. Upon receipt by the District of a resubmitted HRA a new thirty (30) day period in which the APCO must determine the approval or disapproval of the HRA shall begin.~~
- (d) The APCO shall analyze the HRA for the new or modified Emission Unit(s) to determine the cancer burden for each Emissions Unit(s).
- (i) If the cancer burden is greater than 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall immediately notify the applicant that the application will be denied in its current form unless the applicant submits a revised application which reduces the cancer burden to equal or below 0.5 within thirty (30) days of receipt of the notice or after such longer time as both the applicant and the APCO may agree to in writing.
- a. If the applicant does not submit a revised application within the time period specified the APCO shall notify the applicant in writing that the application has been denied.
- b. If the applicant submits a revised application the analysis process shall commence pursuant to District Rule 1302 as if the application was newly submitted.
- (ii) If the cancer burden is less than or equal to 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall continue with the analysis pursuant to subsection (E)(3)(ed).
- (ed) The APCO shall analyze the HRA for the new or modified Emissions Unit(s) and determine the risk for each Emissions Unit.
- (i) If the HRA indicates that the Emissions Unit(s) are less than a Moderate Risk then the APCO shall continue the analysis pursuant to subsection (E)(3)(f).
- (ii) If the HRA indicates that the Emissions Unit(s) are a Moderate Risk but less than a Significant Health Risk then the APCO shall:
- a. Add requirements for each Emissions Unit sufficient to ensure T-BACT is applied to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and



- b. Continue with the analysis pursuant to subsection (E)(3)(f).
  - (iii) If the HRA indicates that an Emission Unit is a Significant Health Risk but less than a Significant Risk then the APCO shall:
    - a. Add requirements for each Emissions Unit sufficient to ensure T-BACT is applied to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and
    - b. Require the Facility to perform a public notification pursuant to the District's *Public Notification Guidelines* and District Rule 1520; and
    - c. Continue with the analysis pursuant to subsection (E)(3)(f).
  - (iv) If the HRA indicates that an Emissions Unit is a Significant Risk then the APCO shall immediately notify the applicant that the application will be denied in its current form unless the applicant submits a revised application which reduces the risk below that of Significant Risk within thirty (30) days of receipt of the notice or after such longer time as both the applicant and the APCO may agree to in writing.
- (ef) If the HRA Report indicates that all new or modified Emission Unit(s) are less than a Significant Risk then the APCO shall determine if the Facility or Emission Unit is subject to Federal T-NSR pursuant to subsection (B)(3).
- (i) If the Facility or Emission Unit is subject to the Federal T-NSR, continue the analysis with Section (F).
  - (ii) If the Facility or Emission Unit is not subject to the Federal T-NSR, continue the permit analysis process commencing with the provisions of District Rule 1302(C)(5).

~~(4) — Contemporaneous Risk Reduction~~

- ~~(a) — Applicant may, as a part of an HRA required pursuant to subsection (E)(3), provide Contemporaneous Risk Reduction to reduce the Facility risk from the new or modified Emissions Units.~~
- ~~(b) — Contemporaneous Risk Reductions shall be:~~
  - ~~(i) — Real, enforceable, quantifiable, surplus and permanent; and~~
  - ~~(ii) — Calculated based on the actual average annual emissions as determined by the APCO based upon verified data for the two year period immediately preceding the date of application; and~~
  - ~~(iii) — Accompanied by an application for modification of the Emission Unit(s) which cause the Contemporaneous Risk Reduction.~~

- ~~(c) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience a total increase in MCIR due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.~~
- ~~(i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:~~
- ~~a. The Contemporaneous Risk Reduction is:~~
- ~~1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or~~
  - ~~2. No receptor location will experience a total increase in MCIR of greater than one in one million ( $1.0 \times 10^{-6}$ ) due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.~~
- ~~b. T BACT is applied to any Emissions Unit which is a Moderate Risk or greater.~~
- ~~(d) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience an increase in total acute or chronic HI due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.~~
- ~~(i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:~~
- ~~a. The Contemporaneous Risk Reduction is:~~
- ~~1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or~~
  - ~~2. No receptor location will experience an increase in total acute or chronic HI of more than .1 due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction; and~~
- ~~(e) Any Contemporaneous Risk Reduction must occur before the start of operations of the Emissions Unit(s) which increase the risk. *[Under this Rule, if the risk is greater than 100 it is required that the District deny the application/modification in its current form. Please note that existing sources are covered by Rule 1520. Under Rule 1520, if the risk is greater than 100, contemporaneous risk reduction is allowed. Rule 1320 implements NSR and preconstruction Air Toxics Hotspots. Rule 1520 is for Air Toxics Hotspots.]*~~

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(F) Federal Toxic New Source Review Program Analysis (Federal T-NSR)

(1) MACT Standard Requirements

- (a) The APCO shall analyze the application and Comprehensive Emission Inventory and determine if any currently enforceable MACT standard applies to the new or Reconstructed Facility or Emissions Unit.
- (b) If a MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall:
  - (i) Add the requirements of the MACT standard to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and
  - (ii) Continue the analysis with District Rule 1302(C)(6).
- (c) If no MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall continue the analysis with Section (G)(2).

(2) Case-by-Case MACT Standards Requirements

- (a) The APCO shall determine if a Case-by-Case MACT standard applies to the proposed new or Reconstructed Facility or Emissions Unit.
- (b) If a Case-by-Case MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall:
  - (i) Notify the applicant in writing that the applicant is required to prepare and submit a Case-by-Case MACT application.
    - a. The applicant shall prepare the Case-by-Case MACT application in accordance with the provisions of 40 CFR 63.43(e).
    - b. The Case-by-Case MACT application shall be submitted no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the applicant and the APCO may agree to in writing.
  - (ii) Preliminarily approve or disapprove the Case-by-Case MACT application within 30 days after receipt of the application or after such longer time as the applicant and the APCO may agree to in writing.
  - (iii) After the approval or disapproval of the Case-by-Case MACT application the APCO shall transmit a written notice of the approval or disapproval to the applicant at the address indicated on the application.
    - a. If the Case-by-Case MACT application is disapproved the APCO shall specify the deficiencies, indicate how they can

- be corrected and specify a new deadline for submission of a revised Case-by-Case MACT application.
- (iv) The APCO shall review and analyze the Case-by-Case MACT application and submit it to USEPA along with any proposed permit conditions necessary to enforce the standard.
  - (v) Provide public notice and comment of the proposed Case-by-Case MACT standard determination pursuant to the procedures in 40 CFR 63.42(h).
    - a. Such notice may be concurrent with the notice required under District Rule 1302(C)(7)(a) if notice is required pursuant to that provision.
  - (vi) Add the approved Case-by-Case MACT standard requirements or conditions to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and
  - (vii) Continue the analysis with District Rule 1302(C)(6).
- (c) If a Case-by-Case MACT standard does not apply to the new or Reconstructed Facility or Emissions Unit the APCO shall continue the analysis with District Rule 1302(C)(6).

**(G) Most Stringent Emission Limit or Control Technique**

- (1) If a Facility or Emission Unit is subject to more than one emission limitation pursuant to sections (E) or (F) of this rule the most stringent emission limit or control technique shall be applied to the Facility or Emission Unit.
  - (i) Notwithstanding the above, if a Facility or Emission Unit is subject to a published MACT standard both the MACT standard and the emissions limit or control technique, if any, required pursuant to sections (E) shall apply unless the District has received delegation from USEPA for that particular MACT standard pursuant to the provisions of 42 U.S.C. §7412(l) (FCAA §112(l)).

**(H) Interaction with Air Toxic “Hot Spots” Program for Existing Facilities**

- (1) Nothing in this Rule shall be construed to exempt an existing Facility from compliance with the provisions of District Rule 1520.

See SIP Table at:  
<http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=45>{SIP: Not SIP}

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1320-16

**MDAQMD** Rule 1320  
NSR for Toxic Air Contaminants  
D1, 01/31/2019

**Appendix “B”**  
Public Notice Documents

1. Proof of Publication – Daily Press
2. 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:

February 25

**All in the year 2019.**

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

**Dated this: 25th day of February, 2019.**

*Leslie Jacobs*  
**Signature**  
Leslie Jacobs

**This space is the County Clerk's Filing Stamp**

**FILED  
MOJAVE DESERT AQMD  
CLERK OF THE BOARD**

**FEB 28 2019**

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 March 25, 2019 at 10:00 A.M. to consider the proposed amendment of Rule 1320 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of proposed amended Rule 1320 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources and the accompanying 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 at the above office address. Comments must be received no later than March 21, 2019 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. Traducción esta disponible por solicitud.

The proposed amendments to Rule 1320 are necessary to adhere to the California Air Resources Board (CARB) California Air Pollution Control Officers Association (CAPCOA) Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHA) in 2015, as well as to update several definitions and rule provisions for clarity.

The proposed amendments to Rule 1520 are necessary to adhere to the CARB/CAPCOA's Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by OEHA in 2015, as well as to update several definitions and rule provisions for clarity.

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 this action.

Published in the Daily Press February 25, 2019 (M-9)



# THE PRESS-ENTERPRISE

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Riverside, CA 92507  
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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 54446, 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:

02/25/2019

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

Date: February 25, 2019  
At: Riverside, California

  
Legal Advertising Representative, The Press-Enterprise

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

Ad Number: 0011238292-01

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 March 25, 2019 at 10:00 A.M. to consider the proposed amendment of Rule 1320 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2318 where all interested persons may be present and be heard. Copies of proposed amended Rule 1320 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources and the accompanying 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 at the above office address. Comments must be received no later than March 21, 2019 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. Traducción esta disponible por solicitud.

The proposed amendments to Rule 1320 are necessary to adhere to the California Air Resources Board (CARB)/California Air Pollution Control Officers Association (CAPCOA) Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHHA) in 2015, as well as to update several definitions and rule provisions for clarity.

The proposed amendments to Rule 1520 are necessary to adhere to the CARB/CAPCOA's Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by OEHHA in 2015, as well as to update several definitions and rule provisions for clarity.

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 this action.

2/25

RECEIVED  
MOJAVE DESERT AQMD  
CLERK OF THE BOARD

MAR 13 2019

BY 

**Appendix “C”**  
Public Comments and Responses

No comments received at this time.

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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 1320 – *New Source Review for Toxic Air Contaminants*.

**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 amendments to Rule 1320 are necessary to adjust the rule to conform to the California Air Resources Board (CARB)/California Air Pollution Control Officers Associations (CAPCOA) *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by Office of Environmental Health Hazzard Assessment (OEHHA) in 2015, as well as to update several definitions and rule provisions for clarity.

**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 1320 is exempt from CEQA Review because the proposed action is the amendment of a procedural rule designed to protect the environment. Specifically, the proposed amendment of Rule 1320 increases protections in that it provides for additional agency and public review of a greater number of new or modified Facilities.

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** March 25, 2019

**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 1320 – *New Source Review for Toxic Air Contaminants*.

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

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** March 25, 2019

**DATE RECEIVED FOR FILING:**

## Appendix “E” Bibliography

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

1. CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics*
2. OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*.



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## Rule 1320

### New Source Review for Toxic Air Contaminants

#### (A) Purpose

- (1) The purpose of this Rule is to:
  - (a) Set forth the requirements for preconstruction review of all new, Modified, Relocated, or Reconstructed Facilities which emits or have the potential to emit any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance; and
  - (b) Ensure that any new, Modified, or Relocated Emissions Unit is required to control the emissions of Toxic Air Contaminants as required pursuant to Chapter 3.5 of Part 2 of Division 26 of the California Health and Safety Code (commencing with §39650); and
  - (c) Ensure that any proposed new or Reconstructed Facility or Emissions Unit is required to control the emissions of Hazardous Air Pollutants as required under 42 U.S.C. §7412(g) (FCAA §112(g)).

#### (B) Applicability

- (1) General Applicability
  - (a) The provisions of this rule shall be applicable to:
    - (i) Applications for new, Modified or Relocated Facilities or Permit Units which were received by the District on or after the adoption date of this rule.
    - (ii) Permit Units installed without a required Authority to Construct Permit shall be subject to this rule, if the application for a permit to operate such equipment was submitted after the adoption date of this rule.
    - (iii) Applications shall be subject to the version of the District Rules that are in effect at the time the application is received.
- (2) State Toxic New Source Review Program (State T-NSR) Applicability
  - (a) The provisions of Subsection (E) of this Rule shall apply to any new or Modified Emissions Unit which:
    - (i) Emits or has the potential to emit a Toxic Air Contaminant; or
    - (ii) Is subject to an Airborne Toxic Control Measure.

- (3) Federal Toxic New Source Review Program (Federal T-NSR) Applicability
  - (a) The provisions of Subsection (F) of this Rule shall apply to any new or Reconstructed Facility or new or Modified Emissions Unit which:
    - (i) Emits or has the potential to emit 10 tons per year or more of any single HAP; or
    - (ii) Emits or has the potential to emit 25 tons per year or more of any combination of HAPs; or
    - (iii) Has been designated an Air Toxic Area Source by USEPA pursuant to the provisions of 42 U.S.C. §7412 (FCAA §112) and the regulations promulgated thereunder.

(C) Definitions

The definitions contained in District Rule 1301 shall apply unless the term is otherwise defined herein.

- (1) “Air Toxic Area Source” – Any stationary source of Hazardous Air Pollutants that emits or has the potential to emit less than ten (10) tons per year of any single HAP or twenty-five (25) tons per year of any combination of HAPs and which has been designated as an area source by USEPA pursuant to the provisions of 42 U.S.C. §7412 (FCAA §112).
- (2) “Airborne Toxic Control Measure” (ATCM) – Recommended methods or range of methods that reduce, avoid, or eliminate the emissions of a TAC promulgated by CARB pursuant to the provisions of Division 26, Part 2, Chapter 3.5 of the California Health and Safety Code commencing with §39650.
- (3) “Best Available Control Technology for Toxics” (T-BACT) – The most stringent emissions limitation or control technique for Toxic Air Contaminants or Regulated Toxic Substances which:
  - (i) Has been achieved in practice for such permit unit category or class of source; or
  - (ii) Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the APCO to be technologically feasible for such class or category of sources, or for a specific source.
- (4) “Cancer Burden” – The estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants. The cancer burden can be calculated by multiplying the cancer risk at a census block centroid by the number of people who live in the census block, and adding up the estimated number of potential cancer cases across the zone of impact. The result of this calculation is a single number that is intended to estimate of the number of potential cancer cases within the population that was exposed to the emissions for a lifetime (70 years). The cancer burden is calculated on the basis of lifetime (70-year) risks (whereas individual cancer risk at the MEIR is based on 30-year

residential exposure). Cancer burden is independent of how many people move in or out of the vicinity of an individual facility. For example, if 10,000 people are exposed to a carcinogen at a concentration with a  $1 \times 10^{-5}$  cancer risk for a lifetime the cancer burden is 0.1, and if 100,000 people are exposed to a  $1 \times 10^{-5}$  risk the cancer burden is 1.

- (5) “Case-by-Case Maximum Achievable Control Technology Standard” (Case-by-Case MACT) – An emissions limit or control technology that is applied to a new, Relocated, or Reconstructed Facility or Emissions Unit, located at a major source of HAP where USEPA has not yet promulgated a MACT standard pursuant to 42 U.S.C. §7412(d)(3) (FCAA §112(d)(3)). Such limit or control technique shall be determined pursuant to the provisions of 40 CFR 63.43.
- (6) “Hazard Index” (HI) – The total acute or chronic non-cancer Hazard Quotient for a substance by toxicological endpoint. Also see definition of Noncancer Hazard Indices.
- (7) “Hazard Quotient” (HQ) – The estimated ambient air concentration divided by the acute or chronic reference exposure for a single substance and a particular endpoint.
- (8) “Hazardous Air Pollutant” (HAP) – Any air pollutant listed pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112(b)) or in regulations promulgated thereunder.
- (9) “Health Risk Assessment” (HRA) – A detailed and comprehensive analysis prepared pursuant to the District’s most recently approved *Modeling Guidelines for Health Risk Assessments* to evaluate and predict the dispersion of Toxic Air Contaminants and Regulated Toxic Substances in the environment, the potential for exposure of human population and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. An HRA document shall include details of the methodologies and methods of analysis which were utilized to prepare the document.
- (10) “High Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to ten (10).
- (11) “Intermediate Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to one (1) and less than ten (10).
- (12) “Low Priority” – A Facility or Emissions Unit for which all Prioritization Scores for cancer, acute non-cancer health effects or chronic non-cancer health effects are less than one (1).
- (13) “Maximum Achievable Control Technology Standard” (MACT) – The maximum degree of reduction in emissions of HAPs, including prohibitions of such emissions where achievable, as promulgated by USEPA pursuant to 42 U.S.C. §7412(d)(3) (Federal Clean Air Act §112(d)(3)).

- (14) “Maximum Individual Cancer Risk” (MICR) – The estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 30 years for residential locations and 25 years for worker receptor locations.
- (15) “Moderate Risk” – A classification of a Facility or Emission Unit for which the HRA Report indicates the MICR is greater than one (1) in one million ( $1 \times 10^{-6}$ ) but less than ten (10) in a million ( $1 \times 10^{-5}$ ) at the location of any receptor.
- (16) “Modification” (Modified) – Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation, including but not limited to changes which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance or which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance not previously emitted.
- (a) A physical or operational change shall not include:
- (i) Routine maintenance or repair; or
  - (ii) A change in the owner or operator of an existing Facility with valid PTO(s); or
  - (iii) An increase in the production rate, unless:
    - a. Such increase will cause the maximum design capacity of the Emission Unit to be exceeded; or
    - b. Such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
  - (iv) An increase in the hours of operation, unless such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
  - (v) An Emission Unit replacing a functionally identical Emission Unit, provided:
    - a. There is no increase in maximum rating or increase in emissions of any HAP, TAC or Regulated Toxic Substance; and
    - b. No ATCM applies to the replacement Emission Unit.
  - (vi) An Emissions Unit which is exclusively used as emergency standby equipment provided:
    - a. The Emissions Unit does not operate more than 200 hours per year; and
    - b. No ATCM applies to the Emission Unit.
  - (vii) An Emissions Unit which previously did not require a written permit pursuant to District Rule 219 provided:
    - a. The Emissions Unit was installed prior to the amendment to District Rule 219 which eliminated the exemption; and

- b. A complete application for a permit for the Emission Unit is received within one (1) year after the date of the amendment to District Rule 219 which eliminated the exemption.
  - (viii) An Emissions Unit replacing Emissions Unit(s) provided that the replacement causes either a reduction or no increase in the cancer burden, MICR, or acute or chronic HI at any receptor location.
- (b) Any applicant claiming exemption from this rule pursuant to the provisions of subsection (C)(17)(a) above:
  - (i) Shall provide adequate documentation to substantiate such exemption; and
  - (ii) Any test or analysis method used to substantiate such exemption shall be approved by the APCO.
- (17) “Noncancer Hazard Indices” – Noncancer hazard indices are an indicator of potential noncancer health effects (e.g., eye or respiratory irritation, reproductive, or developmental effects, etc). They are the ratio of the estimated concentration of a specific pollutant compared to the reference exposure level for that pollutant. A pollutant’s reference exposure level identifies the potential threshold level for some type of pollutant-specific toxic effect.

Noncancer hazard indices can be expressed for one substance as a hazard quotient or as a hazard index when there are multiple substances emitted that affect the same target organ (e.g., lung, eye, etc.). Hazard indices can be evaluated for acute periods (e.g., one-hour) and for chronic (long-term) exposures (e.g., annual average). Hazard indices less than one are typically not of concern because they are below the reference exposure level. It is important to note that hazard indices above one do not necessarily mean there is certainty for an adverse effect; rather, it indicates there may be the potential for adverse effects that warrant further investigation.

- (18) “Office of Environmental Health Hazard Assessment” (OEHHA) – A department within the California Environmental Protection Agency that is responsible for evaluating chemicals for adverse health impacts and establishing safe exposure levels.
- (19) “Prioritization Score” – The numerical score for cancer health effects, acute non-cancer health effects or chronic non-cancer health effects for a Facility or Emissions Unit as determined by the District pursuant to California Health and Safety Code §44360 in a manner consistent with the District’s most recently approved Facility Prioritization Guidelines; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.

- (20) “Receptor” – Any location outside the boundaries of a Facility at which a person may be impacted by the emissions of that Facility. Receptors include, but are not limited to residential units, commercial work places, industrial work places and sensitive sites such as hospitals, nursing homes, schools and day care centers.
- (21) “Reconstruction” (Reconstructed) – The replacement of components at an existing process or Emissions Unit that in and of itself emits or has the Potential to Emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever:
- (a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and
  - (b) It is technically and economically feasible for the reconstructed major source to meet the applicable MACT Standard for new sources.
- (22) “Reference Exposure Level” (REL) – The ambient air concentration level expressed in microgram/cubic meter ( $\mu\text{g}/\text{m}^3$ ) at or below which no adverse health effects are anticipated for a specified exposure.
- (23) “Regulated Toxic Substance” – A substance which is not a Toxic Air Contaminant but which has been designated as a chemical substance which poses a threat to public health when present in the ambient air by CARB in regulations promulgated pursuant to California Health and Safety Code §44321.
- (24) “Relocation” (Relocated) – The removal of an existing permit unit from one location in the District and installation at another location. The removal of a permit unit from one location within a Facility and installation at another location within the same Facility is a relocation only if an increase in MICR in excess of one in one million ( $1 \times 10^{-6}$ ) occurs at any receptor location.
- (25) “Significant Health Risk” – A classification of a Facility for which the HRA Report indicates that the MICR is greater than or equal to ten (10) in a million ( $1 \times 10^{-5}$ ) but less than one hundred (100) in a million ( $1 \times 10^{-4}$ ), or that the HI is greater than or equal to one (1).
- (26) “Significant Risk” – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to one hundred (100) in a million ( $1 \times 10^{-4}$ ) or that the HI is greater than or equal to ten (10).
- (27) “Toxic Air Contaminant” (TAC) – an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health and has been identified by CARB pursuant to the provisions of California Health and Safety Code §39657, including but not limited to, substances that have been identified as HAPs pursuant to 42 U.S.C. §7412(b) (Federal Clean Air Act §112(b)) and the regulations promulgated thereunder.

- (28) “Toxics Emission Inventory Report” – An emissions inventory report for TAC and Toxic Substances prepared for a Facility or Emissions Unit pursuant to the District’s *Comprehensive Emission Inventory Guidelines*.
- (29) “Unit Risk Factor” (URF) – The theoretical upper bound probability of extra cancer cases occurring from the chemical when the air concentration is expressed in exposure units per microgram/cubic meter ( $(\mu\text{g}/\text{m}^3)^{-1}$ ).

(D) Initial Applicability Analysis

- (1) The APCO shall analyze the Potential to Emit and/or the Comprehensive Emissions Inventory Report or Comprehensive Emissions Inventory Report Update which was submitted pursuant to District Rule 1302(B)(1)(a) within thirty (30) days of receipt or after such longer period as the APCO and the applicant agree to in writing, to determine if the new, Modified, Relocated, Emissions Unit or Reconstructed Facility is subject to provisions (E) or (F) of this rule.
  - (a) If the Facility or Emissions Unit is subject to the State T-NSR pursuant to Section (B)(2), then the APCO shall perform the analysis required pursuant to Section (E).
  - (b) If the Facility is subject to the Federal T-NSR pursuant to Section (B)(3), then the APCO shall perform the analysis required pursuant to Section (F).
  - (c) If the Facility or Emissions Unit is subject to both the State T-NSR pursuant to Section (B)(2) and the Federal T-NSR pursuant to Section (B)(3) then the APCO shall perform the analysis required pursuant to Section (E) followed by the analysis pursuant to Section (F).
  - (d) If the provisions of this Rule are not applicable to the Facility or Emissions Unit then the APCO shall continue the permit analysis process commencing with the provisions of District Rule 1302(C)(6).

(E) State Toxic New Source Review Program Analysis (State T-NSR)

- (1) ATCM Requirements
  - (a) The APCO shall analyze the application, Potential to Emit and/or Comprehensive Emission Inventory Report within thirty (30) days of receipt or after such longer period as the APCO and the applicant agree to in writing, for the new or modified Emission Units(s) and determine if any currently enforceable ATCM applies to the Emissions Unit(s).
  - (b) If an ATCM applies to the new or modified Emission Units(s) the APCO shall:
    - (i) Add the requirements of the ATCM or of any alternative method(s) submitted and approved pursuant to Health & Safety Code §39666(f) to any ATC or PTO issued pursuant to the provisions of



- this Regulation or District Regulation II whichever process is utilized to issue the permit(s); and
- (ii) Continue the analysis with Section (E)(2).
- (c) If no ATCM applies to the proposed new or modified Emissions Unit the APCO shall continue the analysis with Section (E)(2).
- (2) Emission Unit Prioritization Score
- (a) The APCO shall analyze the application, Potential to Emit, and/or Comprehensive Emission Inventory Report for the Emission Unit(s) and calculate three (3) prioritization scores for each new or modified Emission Unit.
    - (i) Prioritization Scores shall be calculated for carcinogenic effects, non-carcinogenic acute effects and non-carcinogenic chronic effects.
    - (ii) Prioritization Scores shall be calculated utilizing the District's most recently approved *Facility Prioritization Guidelines*; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
    - (iii) Prioritization Scores may be adjusted utilizing any or all of the following factors if such adjustment is necessary to obtain an accurate assessment of the Facility.
      - a. Multi-pathway analysis
      - b. Method of release.
      - c. Type of Receptors potentially impacted.
      - d. Proximity or distance to any Receptor.
      - e. Stack height.
      - f. Local meteorological conditions.
      - g. Topography of the proposed new or Modified Facility and surrounding area.
      - h. Type of area.
      - i. Screening dispersion modeling.
      - j. Project life.
  - (b) If all Prioritization Scores indicate that the Emission Unit is categorized as Low or Intermediate Priority, the APCO shall:
    - (i) Determine if the Facility or Emission Unit is subject to Federal T-NSR pursuant to subsection (B)(3) and continue the analysis with Section (F).
    - (ii) If the Facility or Emission Unit is not subject to Federal T-NSR, continue the permit analysis process commencing with the provisions of District Rule 1302(C)(6).

- (c) If any Prioritization Score indicates that the Emission Unit is categorized as High Priority, the APCO shall continue the analysis pursuant to subsection (E)(3).
- (3) Emission Unit Health Risk Assessment
- (a) Health Risk Assessment Plans
    - (i) The APCO shall notify the applicant in writing that the applicant is required to prepare and submit an HRA plan for the new or modified Emission Units(s).
    - (ii) The applicant shall prepare the HRA plan for the new or modified Emission Units(s) in accordance with the District's most recently approved *Modeling Guidelines for Health Risk Assessment*.
    - (iii) The HRA plan for the emission unit shall be submitted by the applicant no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the applicant and the APCO may agree to in writing.
    - (iv) The APCO shall approve or disapprove the HRA plan within thirty (30) days of receipt from the owner/operator.
    - (v) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.
      - a. If the HRA plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.
        - 1. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.
        - 2. Upon such resubmission a new thirty (30) day review period shall begin.
  - (b) Health Risk Assessment
    - (i) The applicant shall submit the HRA prepared pursuant to the plan within ninety (90) days of receipt of the written determination approving the plan or after such longer period as the APCO and the applicant may agree to in writing.
    - (ii) The APCO shall approve or disapprove the HRA within thirty (30) days of receipt or after such longer time that the applicant and the APCO may agree to in writing.
    - (iii) The APCO shall transmit a written notice of the approval or disapproval of the HRA immediately to the applicant of the Facility.
      - a. If the HRA was disapproved the APCO shall:
        - 1. Specify the deficiencies and indicate how they can be corrected; and

2. Require the applicant to resubmit the HRA to the District within sixty (60) days.
- (iv) Upon receipt by the District of a resubmitted HRA a new thirty (30) day period in which the APCO must determine the approval or disapproval of the HRA shall begin.
- (c) The APCO shall analyze the HRA for the new or modified Emission Unit(s) to determine the cancer burden for each Emissions Unit(s).
    - (i) If the cancer burden is greater than 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall immediately notify the applicant that the application will be denied in its current form unless the applicant submits a revised application which reduces the cancer burden to equal or below 0.5 within thirty (30) days of receipt of the notice or after such longer time as both the applicant and the APCO may agree to in writing.
      - a. If the applicant does not submit a revised application within the time period specified the APCO shall notify the applicant in writing that the application has been denied.
      - b. If the applicant submits a revised application the analysis process shall commence pursuant to District Rule 1302 as if the application was newly submitted.
    - (ii) If the cancer burden is less than or equal to 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall continue with the analysis pursuant to subsection (E)(3)(d).
  - (d) The APCO shall analyze the HRA for the new or modified Emissions Unit(s) and determine the risk for each Emissions Unit.
    - (i) If the HRA indicates that the Emissions Unit(s) are less than a Moderate Risk then the APCO shall continue the analysis pursuant to subsection (E)(3)(f).
    - (ii) If the HRA indicates that the Emissions Unit(s) are a Moderate Risk but less than a Significant Health Risk then the APCO shall:
      - a. Add requirements for each Emissions Unit sufficient to ensure T-BACT is applied to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and
      - b. Continue with the analysis pursuant to subsection (E)(3)(f).
    - (iii) If the HRA indicates that an Emission Unit is a Significant Health Risk but less than a Significant Risk then the APCO shall:
      - a. Add requirements for each Emissions Unit sufficient to ensure T-BACT is applied to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and

- b. Require the Facility to perform a public notification pursuant to the District's *Public Notification Guidelines* and District Rule 1520; and
  - c. Continue with the analysis pursuant to subsection (E)(3)(f).
- (iv) If the HRA indicates that an Emissions Unit is a Significant Risk then the APCO shall immediately notify the applicant that the application will be denied in its current form unless the applicant submits a revised application which reduces the risk below that of Significant Risk within thirty (30) days of receipt of the notice or after such longer time as both the applicant and the APCO may agree to in writing.
- (e) If the HRA Report indicates that all new or modified Emission Unit(s) are less than a Significant Risk then the APCO shall determine if the Facility or Emission Unit is subject to Federal T-NSR pursuant to subsection (B)(3).
- (i) If the Facility or Emission Unit is subject to the Federal T-NSR, continue the analysis with Section (F).
  - (ii) If the Facility or Emission Unit is not subject to the Federal T-NSR, continue the permit analysis process commencing with the provisions of District Rule 1302(C)(5).

**(F) Federal Toxic New Source Review Program Analysis (Federal T-NSR)**

**(1) MACT Standard Requirements**

- (a) The APCO shall analyze the application and Comprehensive Emission Inventory and determine if any currently enforceable MACT standard applies to the new or Reconstructed Facility or Emissions Unit.
- (b) If a MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall:
  - (i) Add the requirements of the MACT standard to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and
  - (ii) Continue the analysis with District Rule 1302(C)(6).
- (c) If no MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall continue the analysis with Section (G)(2).

**(2) Case-by-Case MACT Standards Requirements**

- (a) The APCO shall determine if a Case-by-Case MACT standard applies to the proposed new or Reconstructed Facility or Emissions Unit.

- (b) If a Case-by-Case MACT standard applies to the new or Reconstructed Facility or Emissions Unit the APCO shall:
  - (i) Notify the applicant in writing that the applicant is required to prepare and submit a Case-by-Case MACT application.
    - a. The applicant shall prepare the Case-by-Case MACT application in accordance with the provisions of 40 CFR 63.43(e).
    - b. The Case-by-Case MACT application shall be submitted no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the applicant and the APCO may agree to in writing.
  - (ii) Preliminarily approve or disapprove the Case-by-Case MACT application within 30 days after receipt of the application or after such longer time as the applicant and the APCO may agree to in writing.
  - (iii) After the approval or disapproval of the Case-by-Case MACT application the APCO shall transmit a written notice of the approval or disapproval to the applicant at the address indicated on the application.
    - a. If the Case-by-Case MACT application is disapproved the APCO shall specify the deficiencies, indicate how they can be corrected and specify a new deadline for submission of a revised Case-by-Case MACT application.
  - (iv) The APCO shall review and analyze the Case-by-Case MACT application and submit it to USEPA along with any proposed permit conditions necessary to enforce the standard.
  - (v) Provide public notice and comment of the proposed Case-by-Case MACT standard determination pursuant to the procedures in 40 CFR 63.42(h).
    - a. Such notice may be concurrent with the notice required under District Rule 1302(C)(7)(a) if notice is required pursuant to that provision.
  - (vi) Add the approved Case-by-Case MACT standard requirements or conditions to any ATC or PTO issued pursuant to the provisions of District Regulation XIII or Regulation II whichever process is utilized to issue the permit(s); and
  - (vii) Continue the analysis with District Rule 1302(C)(6).
- (c) If a Case-by-Case MACT standard does not apply to the new or Reconstructed Facility or Emissions Unit the APCO shall continue the analysis with District Rule 1302(C)(6).

## (G) Most Stringent Emission Limit or Control Technique

- (1) If a Facility or Emission Unit is subject to more than one emission limitation pursuant to sections (E) or (F) of this rule the most stringent emission limit or control technique shall be applied to the Facility or Emission Unit.

- (i) Notwithstanding the above, if a Facility or Emission Unit is subject to a published MACT standard both the MACT standard and the emissions limit or control technique, if any, required pursuant to sections (E) shall apply unless the District has received delegation from USEPA for that particular MACT standard pursuant to the provisions of 42 U.S.C. §7412(l) (FCAA §112(l)).

(H) Interaction with Air Toxic “Hot Spots” Program for Existing Facilities

- (1) Nothing in this Rule shall be construed to exempt an existing Facility from compliance with the provisions of District Rule 1520.

See SIP Table at: <http://www.mdaqmd.ca.gov/Modules/ShowDocument.aspx?documentid=45>

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RESOLUTION NO. 01-\_\_\_\_\_

1           **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE**  
2           **DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS,**  
3           **CERTIFYING THE NOTICE OF EXEMPTION **AMENDING RULE** 1320 – *NEW***  
              ***SOURCE REVIEW FOR TOXIC AIR CONTAMINANTS AND DIRECTING STAFF***  
              ***ACTIONS.***

4           On March 25, 2019, 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**, Mojave Desert Air Quality Management District (MDAQMD) Rule  
10           1320 – *New Source Review for Toxic Air Contaminants* (amended 08/22/16) currently  
11           defines Maximum Individual Cancer Risk (MICR) as the estimated probability of a potential  
12           maximally exposed individual contracting cancer as a result of exposure to carcinogenic air  
13           contaminants over a period of 70 years for residential locations and 46 years for worker  
14           receptor locations; and

15           **WHEREAS**, the rule is currently in conflict with the *Risk Management Guidance for*  
16           *Stationary Sources of Air Toxics* adopted by CARB and CAPCOA on July 23, 2015, which  
17           was drafted to incorporate the adjusted 2015 OEHHA health risk assessment methodology;  
18           and

19           **WHEREAS**, this document decreased the exposure duration currently being used for  
20           estimating cancer risk at the maximum exposed individual resident from 70 years to 30 years  
21           and the off-site worker exposure duration is now 25 years instead of 46 years; and

22           **WHEREAS**, Rule 1320 implements pre-construction review requirements as part of  
23           the New Source Review (NSR) process to ensure that any new or modified emission of  
24           Toxic Air Contaminants (TAC) or Hazardous Air Pollutants (HAP) are properly controlled  
25           as required by state and federal law; and

26           **WHEREAS**, regular, pre-existing and unmodified equipment is covered by Rule  
27           1520 and other District rules; and  
28



**RESOLUTION NO. 01-\_\_\_\_\_**

1           **WHEREAS**, Rule 1520 only covers the Air Toxic Hot Spots Act as federal toxics  
2 requirements applicable to existing sources are covered by the Rule 1000 adoption by  
3 reference of Federal National Emission Standards for Hazardous Air Pollutants (NESHAP)  
4 and the enforcement of Maximum Achievable Control Technology (MACT) Standards as  
5 listed in the *Notification (MACTs)* pursuant to H&S Code §39666; and

6           **WHEREAS**, the MDAQMD now plans to amend Rule 1320 to adhere to the  
7 CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the  
8 updated health risk assessment methodology defined by OEHHA in 2015, specifically in  
9 CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and  
10 OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk*  
11 *Assessments*; and

12           **WHEREAS**, in addition, emission unit health risk assessment requirements have  
13 been separated to independently address the Health Risk Assessment (HRA) and the HRA  
14 plan; and

15           **WHEREAS**, contemporaneous risk reduction provisions have been removed,  
16 because under this rule, if the risk is greater than 100 it is required that the District deny any  
17 new or modified application in its submitted form; and

18           **WHEREAS**, several definitions and rule provisions have also been updated for  
19 clarity; and

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

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

24           **WHEREAS**, the proposed amendments to Rule 1320 are clear in that the meaning  
25 can be easily understood by the persons impacted by the rule; and

26           **WHEREAS**, the amendments to Rule 1320 are in harmony with, and not in conflict  
27 with, or contradictory to existing statutes, court decisions, or state or federal regulations in  
28 that they conform the rule to CARB/CAPCOA's *Risk Management Guidance for Stationary*

**RESOLUTION NO. 01-\_\_\_\_\_**

1 *Sources of Air Toxics* and the updated health risk assessment methodology defined by  
2 OEHHA in 2015; and

3 **WHEREAS**, the proposed amendments do not impose the same requirements as any  
4 existing state or federal regulation because the rule in and of itself implements applicable  
5 provisions of the FCAA and federal regulations regarding the preconstruction review of a  
6 new or modified source of Hazardous Air Pollutants (HAP) and the rule also implements the  
7 applicable provisions of the Air Toxics Hot Spot Act relating to the control of Toxic Air  
8 Contaminants (TAC) from new and modified sources; and

9 **WHEREAS**, the proposed amendments to Rule 1320 are needed in order to adjust the  
10 rule to conform to CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of*  
11 *Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015,  
12 and to update several definitions and rule provisions for clarity; and

13 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to  
14 H&S Code §40725, concerning the amendments to Rule 1320; and

15 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR  
16 §15308) for the proposed amendments to Rule 1320, completed in compliance with the  
17 California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board;  
18 each member having reviewed, considered and approved the information contained therein  
19 prior to acting on the proposed amendments to Rule 1320, and the MDAQMD Board having  
20 determined that the proposed amendments will not have any potential for resulting in any  
21 adverse impact upon the environment; and

22 **WHEREAS**, the Governing Board has considered the evidence presented at the  
23 public hearing; and

24 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the  
25 MDAQMD finds that the amendments to Rule 1320 – *New Source Review for Toxic Air*  
26 *Contaminants* are necessary, authorized, clear, consistent, non-duplicative and properly  
27 referenced; and

28 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD

**RESOLUTION NO. 01-\_\_\_\_\_**

1 hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and  
2 certifies the Notice of Exemption for the proposed amendments to Rule 1320; and

3 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does  
4 hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule  
5 1320, as set forth in the attachments to this resolution and incorporated herein by this  
6 reference; and

7 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately  
8 upon adoption, and that the Clerk of the Board is directed to file the Notice of Exemption in  
9 compliance with the provisions of CEQA.

10  
11 **PASSED, APPROVED and ADOPTED** by the Governing Board of the Mojave Desert Air  
12 Quality Management District by the following vote:

13 **AYES: MEMBER:**

14 **NOES: MEMBER:**

15 **ABSENT: MEMBER:**

16 **ABSTAIN: MEMBER:**

17 )

18 STATE OF CALIFORNIA )

19 ) SS:

20 COUNTY OF SAN BERNARDINO)

21 )

22 I, Deanna Hernandez, Senior Executive Analyst of the Governing Board of the  
23 Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full,  
24 true and correct copy of the record of the action as the same appears in the Official Minutes  
of said Governing Board at its meeting of March 25, 2019.

25 \_\_\_\_\_, Senior Executive Analyst  
26 Mojave Desert Air Quality Management District

27  
28

Amendments to  
Rule 1320 – *New Source Review for  
Toxic Air Contaminants*  
Rule 1520 – *Control of Toxic Air Contaminants  
from Existing Sources*

Alan De Salvio, Tracy Walters,  
Sheri Haggard, Chris Anderson  
March 25, 2019

# Rules History

- \* Rules 1320 and 1520 define the MDAQMD air toxics program:
  - Rule 1320 incorporates air toxics review into New Source Review, ensuring that new sources do not create a significant health risk
  - Rule 1520 applies air toxics evaluation and reporting requirements to existing sources
- \* Both are required by State law

# Proposed Rule Actions

- \* Amend both rules to synchronize them with the latest OEHHA and CARB/CAPCOA air toxics procedures and guidance
- \* The MDAQMD air toxics program has complied with the OEHHA and CARB/CAPCOA air toxics procedures and guidance since they were finalized in 2015; this action simply brings the applicable rules up to date

# Rule 1320 Details

- \* Update residential exposure duration to 30 years (was 70); update off-site worker exposure duration to 25 years (was 46)
- \* Clarify Health Risk Assessment submission and review process including removing obsolete contemporaneous risk reduction section
- \* Update definitions and rule provisions for clarity
- \* Publicly posted, local, state and Federal review and TAC recommendation

# Rule 1520 Details

- \* Update residential exposure duration to 30 years (was 70); update off-site worker exposure duration to 25 years (was 46)
- \* Remove obsolete contemporaneous risk reduction reference
- \* Update definitions and rule provisions for clarity
- \* Publicly posted, local, state and Federal review and TAC recommendation



# Proposed Action

- \* Staff recommends that the Governing Board of the MDAQMD adopt proposed amendments to Rule 1320 – *New Source Review for Toxic Air Contaminants* and Rule 1520 – *Control of Toxic Air Contaminants from Existing Sources*
- \* Questions?

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the amendment of Rule 1520 – Control of Toxic Air Contaminants from Existing Sources: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that](#)

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

*AGENDA ITEM #14*

**DATE:** March 25, 2019

**RECOMMENDATION:** Conduct a public hearing to consider the amendment of Rule 1520 – *Control of Toxic Air Contaminants from Existing Sources*: 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.

**SUMMARY:** Rule 1520 is proposed for amendment to adjust the rule to conform to the California Air Resources Board (CARB)/California Air Pollution Control Officers Association (CAPCOA) *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHHA) in 2015, as well as to update several definitions and rule provisions for clarity.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** Mojave Desert Air Quality Management District (MDAQMD) Rule 1520— *Control of Toxic Air Contaminants from Existing Sources* (adopted 09/24/01) currently defines Maximum Individual Cancer Risk (MICR) as the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 70 years for residential locations and 46 years for worker receptor locations.

This definition is currently in conflict with the *Risk Management Guidance for Stationary Sources of Air Toxics* adopted by CARB and CAPCOA on July 23, 2015, which was drafted to incorporate the adjusted 2015 OEHHA health risk assessment methodology. This document decreased the exposure duration currently being used for estimating cancer risk at the maximum exposed individual resident from 70 years to 30 years. Additionally, the off-site worker exposure duration is now 25 years instead of 46 years.

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

*AGENDA ITEM #14*

**PAGE 2**

Rule 1520 only covers the Air Toxics Hot Spot Act requirements as federal toxics requirements applicable to existing sources are covered by the Rule 1000 adoption by reference of Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and the enforcement of Maximum Achievable Control Technology (MACT) Standards as listed in the *Notification (MACTs)* pursuant to H&S Code §39666. Toxic Air Contaminant (TAC) and Hazardous Air Pollutant (HAP) requirements for new or modified equipment are covered by Rule 1320.

The MDAQMD now plans to amend Rule 1520 to adhere to the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, specifically in CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Additionally, several rule definitions have been updated, references have been updated, and language has been modified for clarity.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1520 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 March 11, 2019.

**FINANCIAL DATA:** No increase in appropriation is anticipated.

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

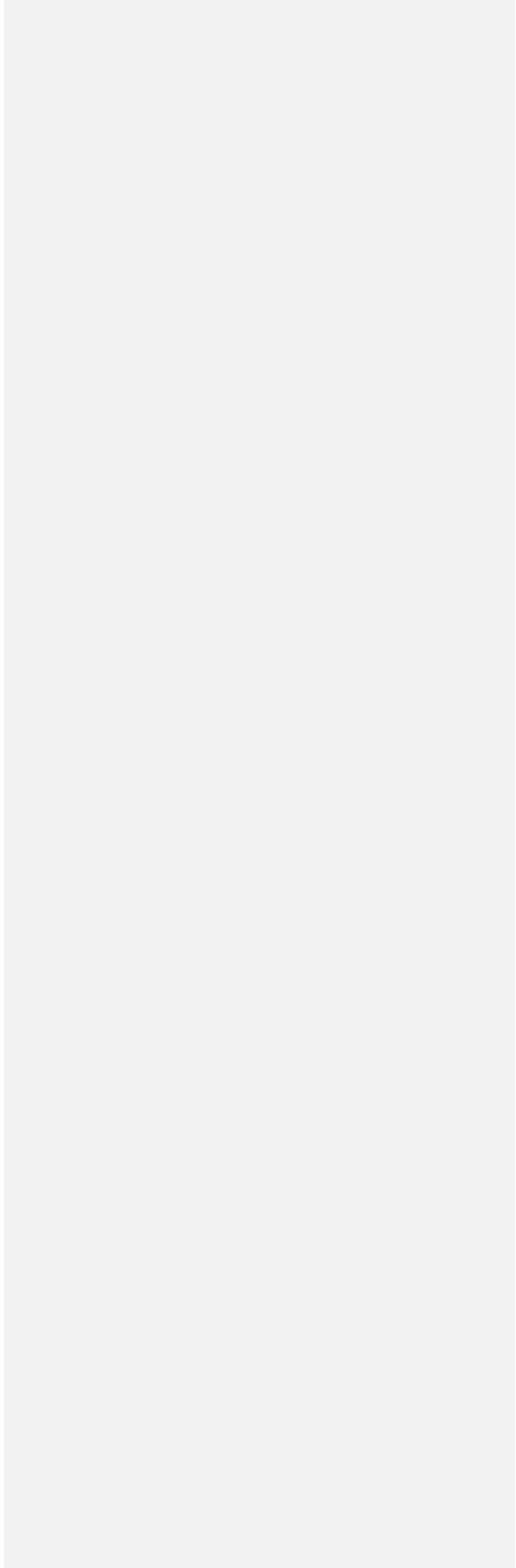
**Mojave Desert Air Quality Management District**  
Brad Poiriez, *Executive Director*  
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Draft  
Staff Report  
Proposed Amendments to  
Rule 1520 – *Control of Toxic Air Contaminants  
from Existing Sources*

For amendment on  
March 25, 2019

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**STAFF REPORT**  
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## List of Acronyms

ATCM	Air Toxics Control Measure
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NANSR	Nonattainment New Source Review
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>x</sub>	Oxides of Nitrogen
NSR	New Source Review
OEHHA	Office of Environmental Health Hazard Assessment
PSD	Prevention of Significant Deterioration
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO <sub>x</sub>	Oxides of Sulfur
TAC	Toxic Air Contaminant
TARMAC	Air Toxics and Risk Managers Committee
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

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TC-4

MDAQMD Rule 1520  
Staff Report D1a, 03/11/2019

## STAFF REPORT

### Rule 1520 – *Control of Toxic Air Contaminants from Existing Sources*

#### 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

Mojave Desert Air Quality Management District (MDAQMD) Rule 1520— *Control of Toxic Air Contaminants from Existing Sources* (adopted 09/24/01) currently defines Maximum Individual Cancer Risk (MICR) as the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 70 years for residential locations and 46 years for worker receptor locations.

This definition is currently in conflict with the *Risk Management Guidance for Stationary Sources of Air Toxics* adopted by CARB and CAPCOA on July 23, 2015, which was drafted to incorporate the adjusted 2015 OEHHA health risk assessment methodology. This document decreased the exposure duration currently being used for estimating cancer risk at the maximum exposed individual resident from 70 years to 30 years. Additionally, the off-site worker exposure duration is now 25 years instead of 46 years.

Rule 1520 only covers the Air Toxics Hot Spot Act requirements as federal toxics requirements applicable to existing sources are covered by the Rule 1000 adoption by reference of Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and the enforcement of Maximum Achievable Control Technology (MACT) Standards as listed in the *Notification (MACTs)* pursuant to H&S Code §39666. Toxic Air Contaminant (TAC) and Hazardous Air Pollutant (HAP) requirements for new or modified equipment are covered by Rule 1320.

The MDAQMD now plans to amend Rule 1520 to adhere to the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, specifically in CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Additionally, several rule definitions have been updated, references have been updated, and language has been modified for clarity.

### III. STAFF RECOMMENDATION

The proposed amendments were reviewed by the Technical Advisory Committee (TAC), a committee consisting of a variety of regulated industry and local governmental entities, on February 5, 2019. It was the consensus of the TAC to recommend submittal of Rule 1520 to the Governing Board for amendment on March 25, 2019. Staff and the TAC recommend that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) amend proposed Rule 1502 – *Control of Toxic Air Contaminants from Existing Sources* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to amend Rule 1520 to adhere to the CARB/CAPCOA’s *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, and to update several definitions and rule provisions for clarity.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 1502 – *Control of Toxic Air Contaminants from Existing Sources*. 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):**

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

##### **SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):**

- Environmental impacts of compliance.
- Mitigation of impacts.
- Alternative methods of compliance.

##### **OTHER:**

- Written analysis of existing air pollution control requirements
- 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 amendments to Rules 1320 and 1420. These are actions that need to be performed and/or information that must be provided in order to amend the rules 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 amendments to Rule 1520 are necessary to adhere to the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, and to update several definitions and rule provisions for clarity.

b. Authority:

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

c. Clarity:

The proposed amendments to Rule 1520 are clear in that they are written so that the persons subject to the rule can easily understand the meaning.

d. Consistency:

The proposed amendments to Rule 1520 are 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 amendments are consistent with CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015.

e. Nonduplication:

The proposed amendments to Rule 1520 do not impose the same requirements as any existing state or federal law or regulation in that it provides implementation of the Air Toxics Hot Spot Act (H&S Code §§44300, et seq.).

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 1520 will be published February 25, 2019. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

h. Availability of Document:

Copies of the proposed amended Rule 1520 and the accompanying draft staff report were made available to the public on or before February 11, 2019. The proposed amendments were also reviewed by the Technical Advisory Committee (TAC), a committee consisting of a variety of regulated industry and local governmental entities, on February 5, 2019. The TAC had no objections on the proposed draft of Rule 1520. It was the consensus of the TAC to recommend submittal of Rule 1520 to the Governing Board for amendment on March 25, 2019.

i. Notice to Specified Entities:

Copies of proposed amended Rule 1520 and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) on or before February 11, 2019.

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. Rule 1520 as amended 09/24/01 is entirely a state program and has not been submitted to USEPA for inclusion in the SIP.

## 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 1520 is primarily a procedural rule, and does not in and of itself impose air pollution control requirements. Therefore, the preparation of a written analysis of existing pollution control requirements that apply to the same equipment or source type is not required.

## C. ECONOMIC ANALYSIS

### 1. General

Rule 1520 has been in place since 09/24/01. These amendments are not expected to impose additional costs from those currently. However, due to the change in risk calculations, some facilities which previously were not subject to certain requirements may end up triggering additional analyses.

### 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 (NOx) or oxides of sulfur (SOx). The proposed amendments to Rule 1520 as a procedural rule does not require specific control measures on particular types of equipment and thus this analysis is not required.

## D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 1520 was determined.

1. The proposed amendments to Rule 1520 meet the CEQA definition of “project”. They are not “ministerial” actions.

2. The proposed amendments to Rule 1520 are exempt from CEQA Review because the proposed action is the amendment of a procedural rule designed to protect the environment. Specifically, the proposed amendment of Rule 1520 increases protections in that it provides for additional agency and public review of a greater number of new or modified Facilities for compliance with the Air Toxics Hot Spots Act. Copies of the documents relating to CEQA can be found in Appendix “D”.



E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The potential environmental impacts of compliance with the proposed amendments to Rule 1520 should not have any environmental consequences. The proposed amendments are procedural in nature and are designed to enhance the review of existing facilities risk under the Air Toxics Hot Spot Program. This program does not impose specific control requirements on specific sources or source categories. As a procedural rule the specific application of the requirements is highly dependent upon the nature and type of the application submitted for a new or modified Facility. Thus, analysis of specific potential impacts regarding a particular project is too speculative to be performed in this particular instance.

Please note however, that the proposed adjustment of MICR calculations may result in certain facilities triggering additional analyses and/or Risk Reduction Audit requirements. Any reductions would thereafter be subject to District NSR requirements, including Rule 1320, as well as CEQA review.

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 1520 ensures that appropriate analyses for risk of exposure to Toxic Air Contaminants are performed at existing facilities on a periodic basis pursuant to Air Toxics Hot Spots. If the risk is greater than a triggering level, additional analysis may be required and/or a Risk Reduction Audit plan may be needed.

B. EMISSIONS

The proposed amendments to Rule 1520 are not expected to change emissions reductions from those currently achieved. It is not expected that any additional facilities will trigger a Risk Reduction Audit requirement; however, some facilities may require additional analyses.

## C. CONTROL REQUIREMENTS

The proposed amendments to Rule 1520 conform to the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by OEHHA in 2015, specifically in CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. The amendments will reduce the Maximum Individual Cancer Risk (MICR) exposure periods. It is impossible to know the specific impact of this amendment since it will be entirely dependent upon analysis of the Comprehensive Emission Inventory Report for each facility and cannot be known in advance.

## D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 1520.

Several typographical changes, format changes, cross references, and minor languages changes have been made for clarity and are not substantive.

Subsection (C)(13) – Maximum Individual Cancer Risk definition has been modified in response to the *OEHHA Air Toxics Hot Spots Program Guidance Manual, February 2015*.

Subsection (D)(3)(a)(iii) has been removed as Rule 1320 has proposed removal of the Contemporaneous Risk Reduction provisions. In Rule 1320, these provisions are not applicable because any application that would trigger the Contemporaneous Risk Reduction provision would be rejected, thus making the provisions unnecessary.

Subsection (E)(2)(a)(i) has been updated for consistency with other District Rule provisions.

Subsection (E)(2)(a)(xiii) has been included to make adjustments for cancer and chronic HI for short term projects.

## E. SIP HISTORY

### 1. SIP History.

Since this Rule is an implementation of a state program it is not required to be submitted as a SIP revision or as part of any other federal program. Therefore, SIP history and analysis is not necessary.

**Appendix “A”**  
**Rule 1320 – New Source Review For Toxic Air Contaminants and**  
**Rule 1520 – Control of Toxic Air Contaminants From Existing Sources** 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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(Adopted: 09/24/01; Amended: mm/dd/yy)

**RULE 1520**  
**Control of Toxic Air Contaminants**  
~~From~~ from Existing Sources

(A) Purpose

- (1) The purpose of this rule is to:
  - (a) Reduce the health risk associated with emissions of toxic air contaminants from existing Facilities; and
  - (b) Ensure that any new or existing Facility is required to control the emissions of Toxic Air Contaminants or Regulated Toxic Substances as required pursuant to Part 6 of Division 26 of the California Health and Safety Code (commencing with Section 44300).

(B) Applicability

- (1) The provisions of this rule shall be applicable to new Facilities for which applications are received on or after September 24, 2001 and existing facilities which:
  - (a) Emits or has the potential to emit greater than 10 tons per year of Total Organic Gases (TOG), Particulates (PM), Oxides of Nitrogen (NO<sub>x</sub>) or Oxides of Sulfur (SO<sub>x</sub>); or
  - (b) Is listed in *Appendix "E" of the Emissions Inventory Criteria and Guidelines For the Air Toxics "Hot Spots" Program* as adopted by reference in 17 California Code of Regulations §93300.5; or
  - (c) Emits or has the potential to emit a Toxic Air Contaminant or Regulated Toxic Substance.

(C) Definitions

The definitions contained in District Rule 1301 shall apply unless the term is otherwise defined herein.

- (1) "Air Toxic 'Hot Spots' Information and Assessment Act of 1987" (Toxic Hot Spots Act) – Part 6 of Division 26 of the California Health and Safety Code (commencing with Section 44300).

- (2) “Best Available Control Technology for Toxics” (T-BACT) – the most stringent emissions limitation or control technique for Toxic Air Contaminants or Regulated Toxic Substances which:
- (a) Has been achieved in practice for such permit unit category or class of source; or
  - (b) Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the APCO to be technologically feasible for such class or category of sources, or for a specific source.
- (3) “Cancer Burden” – The estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants.
- (4) “Comprehensive Emission Inventory” – A plan and report prepared pursuant to the most recently published District *Comprehensive Emissions Inventory Guidelines* which consists of numerical representations of the existing and proposed emissions from a Facility and the methods utilized to determine such data.
- (5) “Contemporaneous Risk Reduction” – Any reduction in risk resulting from a decrease in emissions of Toxic Air Contaminants at the facility which is real, enforceable, quantifiable, surplus and permanent.
- (6) “Criteria Emissions Inventory” – A portion of the Comprehensive Emissions Inventory setting forth the prior years emissions of Oxides of Nitrogen, Volatile Organic Compounds, Carbon Monoxide, Oxides of Sulfur and Particulate Matter for a Facility or Emissions Unit prepared pursuant to the District’s *Comprehensive Emissions Inventory Guidelines*.
- (7) “Hazard Index” (HI) – The acute or chronic non-cancer Hazard Quotient for a substance by toxicological endpoint.
- (8) “Hazard Quotient” (HQ) – The estimated ambient air concentration divided by the acute or chronic reference exposure for a single substance and a particular endpoint.
- (9) “Health Risk Assessment” (HRA) – A detailed and comprehensive analysis prepared pursuant to the District’s most recently ~~published-approved District Modeling Guidelines for Health Risk Assessment-Guidelines~~ to evaluate and predict the dispersion of Toxic Air Contaminants and Regulated Toxic Substances in the environment, the potential for exposure of human population and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. Such document shall include details of the methodologies and methods of analysis which will be utilized to prepare the document.

- (10) “High Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to ten (10).
- (11) “Intermediate Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to one (1) and less than ten (10).
- (12) “Low Priority” – A Facility or Emissions Unit for which all Prioritization Scores for cancer, acute non-cancer health effects or chronic non-cancer health effects are less than one (1).
- (13) “Maximum Individual Cancer Risk” (MICR) – The estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of ~~3070~~ years for residential locations and ~~2546~~ years for worker receptor locations. The MICR calculations shall include multi-pathway considerations and, where appropriate, age sensitivity factors to account for inherent increased susceptibility to carcinogens during infancy and childhood, if applicable. [Changed in response to the OEHH Air Toxics Hot Spots Program Guidance Manual, February 2015.]
- (14) “Moderate Risk” – A classification of a Facility or Emission Unit for which the HRA Report indicates the MICR is greater than one (1) in one million ( $1 \times 10^{-6}$ ) but less than ten (10) in a million ( $1 \times 10^{-5}$ )-at the location of any receptor.
- (15) “Modification” (Modified) – -Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation, including but not limited to changes which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance or which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance not previously emitted. A physical or operational change shall not include:
- (a) Routine maintenance or repair; or
  - (b) A change in the owner or operator of an existing Facility with valid PTO(s); or
  - (c) An increase in the production rate, unless:
    - (i) Such increase will cause the maximum design capacity of the Emission Unit to be exceeded; or
    - (ii) Such increase will exceed a previously imposed enforceable limitation contained in a permit condition.

- (d) An increase in the hours of operation, unless such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
- (e) An Emission Unit replacing a functionally identical Emission Unit, provided:
  - (i) There is no increase in maximum rating or increase in emissions of any HAP, TAC or Regulated Toxic Substance; and
  - (ii) No ATCM applies to the replacement Emission Unit.
- (f) An Emissions Unit which is exclusively used as emergency standby equipment provided:
  - (i) The Emissions Unit does not operate more than 200 hours per year; and
  - (ii) No ATCM applies to the Emission Unit.
- (gh) An Emissions Unit which previously did not require a written permit pursuant to District Rule 219 provided:
  - (i) The Emissions Unit was installed prior to the amendment to District Rule 219 which eliminated the exemption; and
  - (ii) A complete application for a permit for the Emission Unit is received within one (1) year after the date of the amendment to District Rule 219 which eliminated the exemption.
- (16) “Office of Environmental Health Hazard Assessment” (OEHHA) – A department within the California Environmental Protection Agency that is responsible for evaluating chemicals for adverse health impacts and establishing safe exposure levels.
- (17) “Prioritization Score” – The numerical score for cancer health effects, acute non-cancer health effects or chronic non-cancer health effects for a Facility or Emissions Unit as determined by the District pursuant to California Health and Safety Code §44360 in a manner consistent with the District’s most recently published-approved District-Facility Prioritization Guidelines; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
- (18) “Receptor” – Any location outside the boundaries of a Facility at which a person may be impacted by the emissions of that Facility. Receptors include, but are not limited to residential units, commercial work places, industrial work places and sensitive sites such as hospitals, nursing homes, schools and day care centers.
- (19) “Reference Exposure Level” (REL) – The ambient air concentration level expressed in microgram/cubic meter ( $\mu\text{g}/\text{m}^3$ ) at or below which no adverse health effects are anticipated for a specified exposure.

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- (20) “Regulated Toxic Substance” – A substance which is not a Toxic Air Contaminant but which has been designated as a chemical substance which poses a threat to public health when present in the ambient air by CARB in regulations promulgated pursuant to California Health and Safety Code §44321.
- (21) “Significant Health Risk” – A classification of a Facility for which the HRA Report indicates that the MICR is greater than or equal to ten (10) in a million ( $1 \times 10^{-5}$ ) but less than one hundred (100) in a million ( $1 \times 10^{-4}$ ), or that the HI is greater than or equal to one (1).
- (22) “Significant Risk” – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to one hundred (100) in a million ( $1 \times 10^{-4}$ ) or that the HI is greater than or equal to ten (10).
- (23) “Toxic Air Contaminant” (TAC) – An air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health and has been identified by CARB pursuant to the provisions of California Health and Safety Code §39657, including but not limited to, substances that have been identified as HAPs pursuant to 42 U.S.C. Sec. 7412(b) (Federal Clean Air Act §112(b)) and the regulations promulgated thereunder.
- (24) “Toxics Emission Inventory” – The portion of the Comprehensive Emissions Inventory documenting the emissions of TACs and Regulated Toxic Substances for a Facility or Emissions Unit prepared pursuant to the District’s *Comprehensive Emission Inventory Guidelines*.
- (25) “Unit Risk Factor” (URF) – the theoretical upper bound probability of extra cancer cases occurring from the chemical when the air concentration is expressed in exposure units of per microgram/cubic meter ( $(\mu\text{g}/\text{m}^3)^{-1}$ ).
- (26) “Unreasonable Risk” – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to two hundred fifty in one million ( $250 \times 10^{-6}$ ) or that the HI is greater than or equal to twenty five (25).

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#### (D) Requirements

- (1) Comprehensive Emission Inventory
  - (a) The owner/operator of a proposed new Facility is required to submit a Comprehensive Emission Inventory as part of the application process pursuant to the provisions of District Rule 1302(~~EB~~)(1)(a)(ii). *Updated cross reference.*
  - (b) The owner/operator of an Existing Facility is required to submit a Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update when:

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- (i) Submitting applications for new or modified Emissions Units or for modifications to the Facility pursuant to provisions of District Rule 1302(B)(1)(a)(ii).
- (ii) On an annual basis, a Criteria Emissions Inventory or update.
- (iii) Once every four (4) years pursuant to the schedule established in the most recent Comprehensive Emission Inventory Guidelines as published by the District, a Toxic Emissions Inventory.
- (iv) Any of the following occurs:
  - a. The Facility emits a substance newly listed as a TAC or Regulated Toxic Substance; or
  - b. A sensitive receptor has been established or constructed within 1640 feet. (500 meters) of the Facility after the last regularly submitted Toxic Emissions Inventory for the Facility; or
  - c. The Facility emits a substance for which the potency factor has increased.
- (v) Upon good cause to believe that a Facility may pose a potential threat to public health and upon receipt of written notification by the APCO that a new Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update is required for the Facility.

(2) Comprehensive Emissions Inventory Submission Procedure

- (a) For those Facilities required to submit a Comprehensive Emissions Inventory or Comprehensive Emissions Update pursuant to subsection (D)(1)(b)(ii) - (v) inclusive, the owner/operator shall submit a Comprehensive Emissions Inventory plan prepared in accordance with the District's most recently published Comprehensive Emissions Inventory Guidelines, within ninety (~~90~~30) days of the receipt of the request by the APCO or after such longer period as the APCO and the owner/operator may agree to in writing.
- (b) The APCO shall review and approve or disapprove the Comprehensive Emissions Inventory plan within sixty (~~60~~30) days of receipt by the District
- (c) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.
  - (i) If the Comprehensive Emission Inventory Plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.
    - a. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.

- b. Upon such resubmission a new sixty (~~60~~30) day review period shall begin.
    - (d) The owner/operator of the Facility shall submit the Comprehensive Emission Inventory prepared pursuant to the plan within one hundred eighty (~~180~~60) days of receipt of the written determination approving the plan or after such longer period as the APCO and the owner/operator may agree to in writing.
- (3) The APCO shall perform a Toxic “Hot Spots” Program Analysis for a Facility pursuant to Section (E) when:
  - (a) The owner/operator of an existing Facility submits any of the following:
    - (i) A Toxic Emissions Inventory; or
    - (ii) An HRA for any new or modified emissions unit(s) at the Facility submitted pursuant to the provisions of District Rule 1320(E)(3) and the HRA indicates that any of the new or modified Emissions unit(s) is a significant health risk or greater; or
    - (iii) ~~An HRA for any new or modified Emissions Unit(s) at the Facility pursuant to the provisions of District Rule 1320(E)(3) contains Contemporaneous Risk Reduction pursuant to District Rule 1320(E)(4); or [A contemporaneous Risk Reduction is not required in Rule 1320.]~~
    - (iii\*) A new Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update has been required by the APCO pursuant to subsection (D)(1)(b)(v).

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## (E) Toxic “Hot Spots” Program Analysis

- (1) Facility Prioritization Score
  - (a) The APCO shall analyze the Comprehensive Emission Inventory and calculate three (3) prioritization scores for the Facility.
    - (i) Prioritization Scores shall be calculated for carcinogenic effects, non-carcinogenic acute effects and non-carcinogenic chronic effects.
    - (ii) Prioritization Scores shall be calculated utilizing the District’s most recently approved ~~CAPCOA~~ Facility Prioritization Guidelines; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
    - (iii) Prioritization Scores may be adjusted utilizing any or all of the following factors if such adjustment is necessary to obtain an accurate assessment of the Facility.

- a. Multi-pathway analysis
  - b. Method of release.
  - c. Type of Receptors potentially impacted.
  - d. Proximity or distance to any Receptor.
  - e. Stack height.
  - f. Local meteorological conditions.
  - g. Topography of the proposed new or Modified Facility and surrounding area.
  - h. Type of area.
  - gi. Screening dispersion modeling.
  - j. Project life. [Included to make adjustments for cancer and chronic HI for short term projects.]
- (iv) The APCO shall calculate the Prioritization Scores within ninety ~~(90)~~ days of the receipt of the Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update.
- (b) If all Prioritization Scores indicate that the Facility is categorized as Low Priority, the APCO shall notify the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's *Comprehensive Emissions Inventory Guidelines*.
- (c) If any Prioritization Score indicates that the Facility is categorized as Intermediate Priority, the APCO shall perform the Intermediate Facility analysis pursuant to subsection (E)(2).
- (d) If any Prioritization Score indicates that the Facility is categorized as High Priority, the APCO shall continue the analysis pursuant to subsection (E)(3).
- (2) Intermediate Facility Analysis
- (a) The APCO shall analyze the Facility and determine if the analysis should continue pursuant to subsection (E)(3) based upon the following factors:
- (i) Any Prioritization Score greater than ~~ten (10)~~ ten (10); [For consistency with other District rule requirements.]
  - (ii) Type of Facility
  - (iii) Multi-pathway analysis
  - (iv) Method of release.
  - (v) Type of Receptors potentially impacted.
  - (vi) Proximity or distance to any Receptor.
  - (vii) Stack height.
  - (viii) Local meteorological conditions.
  - (ix) Topography of the proposed new or Modified Facility and surrounding area.
  - (x) Type of area.

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- (xi) Screening dispersion modeling.
- (xii) Number and type of complaints, if any, received about an existing Facility.
- (xiii) Project Life.

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- (b) If the APCO determines that the proposed new or modified Facility should not be subject to further analysis pursuant to subsection (E)(3) the APCO shall notify the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's *Comprehensive Emissions Inventory Guidelines*.

(3) Health Risk Assessment Plans

- (a) The APCO shall notify the owner/operator of the Facility in writing that the owner/operator is required to prepare and submit an HRA plan for the Facility.
  - (i) The owner/operator shall prepare the HRA plan in accordance with the District's most recently published-approved *Health Risk Assessment Plan and Report Guidelines*.
  - (ii) The owner/operator shall submit the HRA plan no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the owner or operator and the APCO may agree to in writing.
- (b) The APCO shall approve or disapprove the HRA plan within thirty (30) days of receipt from the owner/operator.
- (c) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.
  - (i) If the HRA plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.
    - a. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.
    - b. Upon such resubmission a new thirty (30) day review period shall begin.
- (d) The HRA plan may include a plan for Contemporaneous Risk Reduction pursuant to subsection (E)(6).

(4) Health Risk Assessment

- (a) The owner/operator of the Facility shall submit the HRA prepared pursuant to the plan within ninety (90) days of receipt of the written determination approving the plan or after such longer period as the APCO and the owner/operator may agree to in writing.
  - (b) The APCO shall review the HRA and submit it to ~~OEHAA-OEHHA~~ or ~~OEHAA's-OEHHA's~~ designated representative for analysis.
    - (i) ~~OEHAA-OEHHA~~ shall review the HRA and submit to the District its comments, data and findings relating to health effects within one hundred eighty (180) days of receipt of the HRA.
  - (c) The APCO shall approve or disapprove the HRA within thirty (30) days of receipt of approval from ~~OEHAA-OEHHA~~ or after such longer time that the owner/operator and the APCO may agree to in writing.
  - (d) The APCO shall transmit a written notice of the approval or disapproval of the HRA immediately to the owner/operator of the Facility.
    - (i) If the HRA was disapproved the APCO shall:
      - a. Specify the deficiencies and indicate how they can be corrected; and
      - b. Require the owner/operator to resubmit the HRA to the District within sixty (60) days.
    - (ii) Upon receipt by the District of a resubmitted HRA a new thirty (30) day period in which the APCO must determine the approval or disapproval of the HRA shall begin.
- (5) Health Risk Assessment Analysis
- (a) The APCO shall analyze the HRA for the Facility to determine the cancer burden.
    - (i) If the cancer burden is greater than 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall require the owner/operator of the Facility to comply with the provisions of section (F).
    - (ii) If the cancer burden is less than or equal to 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall continue with the analysis pursuant to subsection (E)(5)(b).
  - (b) The APCO shall analyze the HRA and determine the risk level for the Facility.
    - (i) If the HRA indicates that the Facility is less than a Significant Health Risk then the APCO shall notify the owner/operator of the Facility and indicate when the next regularly scheduled

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- Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's Comprehensive Emissions Inventory Guidelines.
- (ii) If the HRA indicates that an Emission Unit is a Significant Health Risk then the APCO shall require the owner/operator of the Facility to comply with the provisions of section (F).
  - (iii) If the HRA indicates that an Emissions Unit is a Significant Risk then the APCO shall require the owner/operator of the Facility to comply with the provisions of section (G).
- (6) Contemporaneous Risk Reduction
- (a) The owner/operator of the Facility may, as a part of an HRA required pursuant to subsection (E)(3), provide Contemporaneous Risk Reduction to reduce the Facility risk.
  - (b) Contemporaneous Risk Reductions shall be:
    - (i) Real, enforceable, quantifiable, surplus and permanent; and
    - (ii) Calculated based on the actual average annual emissions as determined by the APCO based upon verified data for the two year period immediately preceding the date of application; and
    - (iii) Accompanied by an application for modification of the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
  - (c) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience a total increase in ~~MCIR~~MICR due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
    - (i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
      - a. The Contemporaneous Risk Reduction is:
        - 1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
        - 2. No receptor location will experience a total increase in MCIR of greater than one in one million ( $1.0 \times 10^{-6}$ ) due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
      - b. T-BACT is applied to any Emissions Unit which is a Moderate Risk or greater.
  - (d) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience an increase in total acute or chronic HI due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.

- (i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
  - a. The Contemporaneous Risk Reduction is:
    - 1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
    - 2. No receptor location will experience an increase in total acute or chronic HI of more than 0.1 due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction; and
- (e) Any Contemporaneous Risk Reduction must occur before the start of operations of any new or modified Emissions Unit(s) which increase the Facility risk.

(F) Toxic “Hot Spots” Public Notification

(1) Notice to Facility

- (a) If the APCO has determined that the Facility has a Cancer Burden in excess of that set forth in subsection (E)(5)(a)(i) or that the Facility HRA indicates that the Facility is a Significant Health Risk pursuant to (E)(5)(b)(ii) then the APCO shall notify the owner or operator of the Facility in writing that:
  - (i) The Facility is subject to the public notification requirements of the Air Toxic “Hot Spots” Notification and Assessment Act; and
  - (ii) The owner or operator is required to submit to the District within thirty (30) days of receipt of the written notification, or such longer period as the APCO and the owner/operator may agree to in writing, the following:
    - a. A draft Facility Public Notification Letter prepared in compliance with the District’s most recently published *Public Notification Guidelines*; and
    - b. A proposed mailing list for the Public Notification Package.

(2) Preparation of Public Notification Package

- (a) The owner/operator of the Facility shall prepare draft Facility Public Notification Letter and a proposed mailing list for the public notification package in compliance with the District’s *Public Notification Guidelines*.



- (b) The APCO shall prepare District Public Notification Letter and Public Meeting Request Postcard in compliance with the most recently published the District's *Public Notification Guidelines*.
  - (c) The APCO shall review and approve or disapprove the Facility Public Notification Letter and proposed mailing list within thirty (30) days of receipt of the draft letter and proposed mailing list from the owner/operator, or after such longer time as the owner/operator and the APCO may agree to in writing.
    - (i) If the draft Facility Public Notification Letter or proposed mailing list was disapproved the APCO shall:
      - a. Specify the deficiencies and indicate how they can be corrected; and
      - b. Require the owner/operator to resubmit the draft Facility Public Notification Letter or proposed mailing list to the District within thirty (30) days, or such longer period that the owner/operator and the APCO may agree to in writing.
    - (ii) Upon receipt of a resubmitted Facility Public Notification Letter a new thirty (30) day period in which the APCO must approve or disapprove the draft letter shall begin.
  - (d) Upon approval of the Facility Public Notification Letter and proposed mailing list the APCO shall forward the District Public Notification Letter and Public Meeting Request Postcard to the Facility for inclusion in the Public Notification Package.
- (3) Mailing the Public Notification Package
- (a) The owner/operator of the Facility shall assemble the Public Notification Package including the Facility Public Notification Letter, District Public Notification Letter and Public Meeting Request Postcard and any other informational material approved for inclusion in the package by the APCO.
  - (b) The owner/operator of the Facility shall thereafter mail out the Public Notification Package to each person or business on the mailing list within thirty (30) days of receipt of the District Public Notification Letter and Public Meeting Request Postcard from the APCO.
- (4) Request for Public Meeting
- (a) The APCO shall tabulate the returned Public Meeting Request Postcards, if any, and determine if a public meeting is necessary pursuant to the standards set forth in the District's Public Notification Guidelines.
- (5) Public Meeting

- (a) If the APCO determines that a public meeting is necessary the APCO shall notify the Facility in writing that a public meeting is necessary.
  - (b) The owner/operator shall produce a public meeting notice in accordance with the District's *Public Notice Guidelines* and shall mail such notice to all persons on the mailing list at least two (2) weeks but not more than (4) weeks prior to the date of the meeting.
  - (c) The owner/operator shall conduct the meeting in a manner consistent with the procedures in the District's *Public Notification Guidelines*.
- (6) After completion of the public notification process and public meeting, if any, the owner/operator shall be required to submit subsequent Comprehensive Emissions Inventory data pursuant to subsection (D)(1).

**(G) Risk Reduction and Audit Plans**

(1) Notice to Facility

- (a) If the APCO has determined that the Facility is a Significant Risk pursuant to (E)(5)(b)(iii) then the APCO shall notify the owner or operator of the Facility in writing that:
  - (i) The Facility is subject to the risk reduction requirements of the Air Toxic "Hot Spots" Notification and Assessment Act; and
  - (ii) The owner or operator is required to submit to the District within one hundred eighty (180) days, a Risk Reduction and Audit Plan.

(2) Preparation of Risk Reduction Plan

- (a) The owner/operator of the Facility shall prepare and submit for approval a Risk Reduction and Audit Plan which includes, at the minimum, all of the following:
  - (i) The name, address, and SIC code of the Facility; and
  - (ii) A Facility risk characterization which includes an updated Toxics Emission Inventory and HRA, if the risk due to total Facility emissions has increased above the level indicated in the previously approved HRA; and
  - (iii) Identification of each Emissions Unit from which risk must be reduced in order to reduce the risk level for the Facility to less than a Significant Risk; and
  - (iv) For each Emissions Unit identified in subsection (G)(2)(B)(iii), an evaluation of the risk reduction measures available to the owner/operator, including emission and risk reduction potential and time necessary for implementation; and

- (v) Specification of the risk reduction measures that shall be implemented by the operator to reduce the Facility risk level to below that of significant risk; and
- (vi) A schedule for implementing the specified risk reduction measures as quickly as feasible, including but not limited to the specification of dates for increments of progress associated with the risk reduction measures; and
- (vii) A final compliance date that is no later than five (5) years from the initial plan submittal date unless:
  - a. The APCO determines that additional time, up to five (5) additional years, will not result in an Unreasonable Risk to public health and that requiring implementation of a risk reduction plan within five (5) years places an unreasonable economic burden on the owner/operator of the Facility or is not technically feasible.
- (viii) An estimation of the residual health risk after implementation of the specified risk reduction measures; and
- (ix) Proof of certification of the risk reduction plan as meeting all requirements by an engineer who is registered as a professional engineer pursuant to Business and Professions Code Section 6762, by an individual who is officially responsible for the processes and operations of the facility, or by a registered environmental assessor.

(3) Approval of Risk Reduction Plans

- (a) The APCO shall approve or disapprove the risk reduction plan within ninety (90) days of submittal based on the owner/operator's ability to reduce the Facility risk level to below Significant Risk.
  - (i) If the risk reduction plan was disapproved the APCO shall:
    - a. Specify the deficiencies and indicate how they can be corrected; and
    - b. Require the owner/operator to revise and resubmit the risk reduction plan within ninety (90) days of receipt of the disapproval.
  - (ii) If the risk reduction plan contains a facility risk characterization demonstrating to the satisfaction of the APCO that the facility does not exceed Significant Risk, the plan may be approved without the inclusion of the plan components specified in subparagraphs (G)(2)(B)(iii) through (viii).
- (b) Upon approval of the risk reduction plan the owner/operator of the Facility shall submit any applications for permits to construct or modify any Emissions Unit(s) which must be modified to effectuate the risk reductions identified in the plan.

- (i) Such applications for permits to construct or modify must be submitted within one hundred eighty (180) days of the date of approval of the risk reduction plan or on or before a date specified for the submission of applications for specifically identified Emissions Unit in the approved risk reduction plan.
- (4) Public Notification
  - (a) Upon approval of the risk reduction plan, and annually thereafter until such time as the Facility risk has been reduced to less than a Significant Risk, the owner/operator of the Facility shall be required to provide public notice of the risk and the risk reduction plan pursuant to the provisions of section (F).
- (5) Progress Reports and Plan Updates
  - (a) Annually, on or before the anniversary date of the approval of the risk reduction plan, the owner/operator shall submit to the District progress report(s) on the emissions and risk reduction achieved by the plan which include at a minimum all of the following:
    - (i) The increments of progress achieved in implementing the risk reduction measures specified in the plan; and
    - (ii) A schedule indicating dates for future increments of progress; and
    - (iii) Identification of any increments of progress that have been or will be achieved later than specified in the plan and the reason for achieving the increments late; and
    - (iv) A description of any increases or decreases in emissions of TACs that have occurred at the Facility, including a description of any associated permits that were subject to Rule1320, since the approval of the plan or the last progress report.
  - (b) The APCO may require a risk reduction plan to be updated and resubmitted if information becomes known that risks posed by the Facility and/or emission reduction technologies used by the Facility would substantially impact the risks to exposed persons or the implementation of the risk reduction plan.
- (6) Modification of a Risk Reduction and Audit Plan
  - (a) The owner/operator of a Facility may modify or update a risk reduction plan by submitting a revised risk reduction plan for approval of the APCO.
  - (b) The APCO shall analyze the revised risk reduction plan in the same manner as if it was an initial submission.

(c) The APCO shall not approve a revised risk reduction plan where any change in risk reduction measures would result in the reduction of the Facility risk later than five (5) years from the initial plan submission date.

(7) After completion of the risk reduction audit plan the owner/operator shall be required to submit subsequent Comprehensive Emissions Inventory data pursuant to subsection (D)(1).

(H) Effect of Compliance

(1) Compliance with this rule does not authorize the emission of a toxic air contaminant in violation of any federal, state, local or District law or regulation or exempt the operator from any law or regulation.

(2) Risk reduction measures implemented in order to comply with other regulatory requirements are acceptable risk reduction measures for the purposes of this rule, provided they are consistent with the requirements of this rule.

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**Appendix “B”**  
Public Notice Documents

1. Proof of Publication – Daily Press
2. 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:

February 25

All in the year 2019.

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

Dated this: 25th day of February, 2019.

*Leslie Jacobs*  
Signature  
Leslie Jacobs

This space is the County Clerk's Filing Stamp

FILED  
MOJAVE DESERT AQMD  
CLERK OF THE BOARD

FEB 28 2019

BY *[Signature]*

**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 March 25, 2019 at 10:00 A.M. to consider the proposed amendment of Rule 1320 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of proposed amended Rule 1320 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources and the accompanying 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 at the above office address. Comments must be received no later than March 21, 2019 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. Traducción esta disponible por solicitud.

The proposed amendments to Rule 1320 are necessary to adhere to the California Air Resources Board (CARB)/California Air Pollution Control Officers Association (CAPCOA) Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHHa) in 2015, as well as to update several definitions and rule provisions for clarity.

The proposed amendments to Rule 1520 are necessary to adhere to the CARB/CAPCOA's Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by OEHHa in 2015, as well as to update several definitions and rule provisions for clarity.

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 this action.

Published in the Daily Press February 25, 2019 (M-91)

# 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 54446, 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:

02/25/2019

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

Date: February 25, 2019  
At: Riverside, California

  
\_\_\_\_\_  
Legal Advertising Representative, The Press-Enterprise

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

Ad Number: 0011238292-01

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 March 25, 2019 at 10:00 A.M. to consider the proposed amendment of Rule 1300 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of proposed amended Rule 1300 - New Source Review for Toxic Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants from Existing Sources and the accompanying 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 at the above office address. Comments must be received no later than March 21, 2019 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information. Traducción esta disponible por solicitud.

The proposed amendments to Rule 1300 are necessary to adhere to the California Air Resources Board (CARB)/California Air Pollution Control Officers Association (CAPCOA) Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHHA) in 2015, as well as to update several definitions and rule provisions for clarity.

The proposed amendments to Rule 1520 are necessary to adhere to the CARB/CAPCOA's Risk Management Guidance for Stationary Sources of Air Toxics and the updated health risk assessment methodology defined by OEHHA in 2015, as well as to update several definitions and rule provisions for clarity.

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 this action.

2/25

RECEIVED  
MOJAVE DESERT AQMD  
CLERK OF THE BOARD

MAR 13 2019

BY 

**Appendix “C”**  
Public Comments and Responses

No comments received at this time.

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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 1520 – *Control of Toxic Air Contaminants from Existing Sources.*

**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:** Rule 1520 is proposed for amendment to adhere to the California Air Resources Board (CARB)/California Air Pollution Control Officers Association (CAPCOA) *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHHA) in 2015, and to update several definitions and rule provisions for clarity.

**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 1520 are exempt from CEQA Review because the proposed action is the amendment of a procedural rule designed to protect the environment. Specifically, the proposed amendment of Rule 1520 increases protections in that it provides for additional agency and public review of a greater number of new or modified Facilities for compliance with the Air Toxics Hot Spots Act..

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** March 25, 2019

**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 1520 – *Control of Toxic Air Contaminants from Existing Sources.*

**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:** Rule 1520 is proposed for amendment to adhere to the California Air Resources Board (CARB)/California Air Pollution Control Officers Association (CAPCOA) *Risk Management Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment methodology defined by the Office of Environmental Health Hazard Assessment (OEHHA) in 2015, and to update several definitions and rule provisions for clarity.

**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 1520 are exempt from CEQA Review because the proposed action is the amendment of a procedural rule designed to protect the environment. Specifically, the proposed amendment of Rule 1520 increases protections in that it provides for additional agency and public review of a greater number of new or modified Facilities for compliance with the Air Toxics Hot Spots Act..

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** March 25, 2019

**DATE RECEIVED FOR FILING:**



## Appendix “E” Bibliography

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

1. CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics*
2. OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*.

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## RULE 1520

### Control of Toxic Air Contaminants from Existing Sources

#### (A) Purpose

- (1) The purpose of this rule is to:
  - (a) Reduce the health risk associated with emissions of toxic air contaminants from existing Facilities; and
  - (b) Ensure that any new or existing Facility is required to control the emissions of Toxic Air Contaminants or Regulated Toxic Substances as required pursuant to Part 6 of Division 26 of the California Health and Safety Code (commencing with Section 44300).

#### (B) Applicability

- (1) The provisions of this rule shall be applicable to new Facilities for which applications are received on or after September 24, 2001 and existing facilities which:
  - (a) Emits or has the potential to emit greater than 10 tons per year of Total Organic Gases (TOG), Particulates (PM), Oxides of Nitrogen (NO<sub>x</sub>) or Oxides of Sulfur (SO<sub>x</sub>); or
  - (b) Is listed in *Appendix "E" of the Emissions Inventory Criteria and Guidelines For the Air Toxics "Hot Spots" Program* as adopted by reference in 17 California Code of Regulations §93300.5; or
  - (c) Emits or has the potential to emit a Toxic Air Contaminant or Regulated Toxic Substance.

#### (C) Definitions

The definitions contained in District Rule 1301 shall apply unless the term is otherwise defined herein.

- (1) "Air Toxic 'Hot Spots' Information and Assessment Act of 1987" (Toxic Hot Spots Act) – Part 6 of Division 26 of the California Health and Safety Code (commencing with Section 44300).

- (2) “Best Available Control Technology for Toxics” (T-BACT) – The most stringent emissions limitation or control technique for Toxic Air Contaminants or Regulated Toxic Substances which:
  - (a) Has been achieved in practice for such permit unit category or class of source; or
  - (b) Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the APCO to be technologically feasible for such class or category of sources, or for a specific source.
- (3) “Cancer Burden” – The estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants.
- (4) “Comprehensive Emission Inventory” – A plan and report prepared pursuant to the District’s most recently published *Comprehensive Emissions Inventory Guidelines* which consists of numerical representations of the existing and proposed emissions from a Facility and the methods utilized to determine such data.
- (5) “Contemporaneous Risk Reduction” – Any reduction in risk resulting from a decrease in emissions of Toxic Air Contaminants at the facility which is real, enforceable, quantifiable, surplus and permanent.
- (6) “Criteria Emissions Inventory” – A portion of the Comprehensive Emissions Inventory setting forth the prior years emissions of Oxides of Nitrogen, Volatile Organic Compounds, Carbon Monoxide, Oxides of Sulfur and Particulate Matter for a Facility or Emissions Unit prepared pursuant to the District’s *Comprehensive Emissions Inventory Guidelines*.
- (7) “Hazard Index” (HI) – The acute or chronic non-cancer Hazard Quotient for a substance by toxicological endpoint.
- (8) “Hazard Quotient” (HQ) – The estimated ambient air concentration divided by the acute or chronic reference exposure for a single substance and a particular endpoint.
- (9) “Health Risk Assessment” (HRA) – A detailed and comprehensive analysis prepared pursuant to the District’s most recently approved *Modeling Guidelines for Health Risk Assessment* to evaluate and predict the dispersion of Toxic Air Contaminants and Regulated Toxic Substances in the environment, the potential for exposure of human population and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. Such document shall include details of the methodologies and methods of analysis which will be utilized to prepare the document.
- (10) “High Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to ten (10).

- (11) “Intermediate Priority” – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to one (1) and less than ten (10).
- (12) “Low Priority” – A Facility or Emissions Unit for which all Prioritization Scores for cancer, acute non-cancer health effects or chronic non-cancer health effects are less than one (1).
- (13) “Maximum Individual Cancer Risk” (MICR) – The estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 30 years for residential locations and 25 years for worker receptor locations. The MICR calculations shall include multi-pathway considerations and, where appropriate, age sensitivity factors to account for inherent increased susceptibility to carcinogens during infancy and childhood, if applicable.
- (14) “Moderate Risk” – A classification of a Facility or Emission Unit for which the HRA Report indicates the MICR is greater than one (1) in one million ( $1 \times 10^{-6}$ ) but less than ten (10) in a million ( $1 \times 10^{-5}$ ) at the location of any receptor.
- (15) “Modification” (Modified) – Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation, including but not limited to changes which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance or which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance not previously emitted. A physical or operational change shall not include:
- (a) Routine maintenance or repair; or
  - (b) A change in the owner or operator of an existing Facility with valid PTO(s);  
or
  - (c) An increase in the production rate, unless:
    - (i) Such increase will cause the maximum design capacity of the Emission Unit to be exceeded; or
    - (ii) Such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
  - (d) An increase in the hours of operation, unless such increase will exceed a previously imposed enforceable limitation contained in a permit condition.
  - (e) An Emission Unit replacing a functionally identical Emission Unit, provided:

- (i) There is no increase in maximum rating or increase in emissions of any HAP, TAC or Regulated Toxic Substance; and
  - (ii) No ATCM applies to the replacement Emission Unit.
- (f) An Emissions Unit which is exclusively used as emergency standby equipment provided:
  - (i) The Emissions Unit does not operate more than 200 hours per year; and
  - (ii) No ATCM applies to the Emission Unit.
- (g) An Emissions Unit which previously did not require a written permit pursuant to District Rule 219 provided:
  - (i) The Emissions Unit was installed prior to the amendment to District Rule 219 which eliminated the exemption; and
  - (ii) A complete application for a permit for the Emission Unit is received within one (1) year after the date of the amendment to District Rule 219 which eliminated the exemption.
- (16) “Office of Environmental Health Hazard Assessment” (OEHHA) – A department within the California Environmental Protection Agency that is responsible for evaluating chemicals for adverse health impacts and establishing safe exposure levels.
- (17) “Prioritization Score” – The numerical score for cancer health effects, acute non-cancer health effects or chronic non-cancer health effects for a Facility or Emissions Unit as determined by the District pursuant to California Health and Safety Code §44360 in a manner consistent with the District’s most recently approved *Facility Prioritization Guidelines*; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
- (18) “Receptor” – Any location outside the boundaries of a Facility at which a person may be impacted by the emissions of that Facility. Receptors include, but are not limited to residential units, commercial work places, industrial work places and sensitive sites such as hospitals, nursing homes, schools and day care centers.
- (19) “Reference Exposure Level” (REL) – The ambient air concentration level expressed in microgram/cubic meter ( $\mu\text{g}/\text{m}^3$ ) at or below which no adverse health effects are anticipated for a specified exposure.
- (20) “Regulated Toxic Substance” – A substance which is not a Toxic Air Contaminant but which has been designated as a chemical substance which poses a threat to public health when present in the ambient air by CARB in regulations promulgated pursuant to California Health and Safety Code §44321.

- (21) “Significant Health Risk” – A classification of a Facility for which the HRA Report indicates that the MICR is greater than or equal to ten (10) in a million ( $1 \times 10^{-5}$ ) but less than one hundred (100) in a million ( $1 \times 10^{-4}$ ), or that the HI is greater than or equal to one (1).
- (22) “Significant Risk” – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to one hundred (100) in a million ( $1 \times 10^{-4}$ ) or that the HI is greater than or equal to ten (10).
- (23) “Toxic Air Contaminant” (TAC) – An air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health and has been identified by CARB pursuant to the provisions of California Health and Safety Code §39657, including but not limited to, substances that have been identified as HAPs pursuant to 42 U.S.C. Sec. 7412(b) (Federal Clean Air Act §112(b)) and the regulations promulgated thereunder.
- (24) “Toxics Emission Inventory” – The portion of the Comprehensive Emissions Inventory documenting the emissions of TACs and Regulated Toxic Substances for a Facility or Emissions Unit prepared pursuant to the District’s *Comprehensive Emission Inventory Guidelines*.
- (25) “Unit Risk Factor” (URF) – The theoretical upper bound probability of extra cancer cases occurring from the chemical when the air concentration is expressed in exposure units per microgram/cubic meter ( $(\mu\text{g}/\text{m}^3)^{-1}$ ).
- (26) “Unreasonable Risk” – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to two hundred fifty in one million ( $250 \times 10^{-6}$ ) or that the HI is greater than or equal to twenty five (25).

(D) Requirements

- (1) Comprehensive Emission Inventory
  - (a) The owner/operator of a proposed new Facility is required to submit a Comprehensive Emission Inventory as part of the application process pursuant to the provisions of District Rule 1302(B)(1)(a)(i).
  - (b) The owner/operator of an Existing Facility is required to submit a Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update when:
    - (i) Submitting applications for new or modified Emissions Units or for modifications to the Facility pursuant to provisions of District Rule 1302(B)(1)(a)(ii).
    - (ii) On an annual basis, a Criteria Emissions Inventory or update.

- (iii) Once every four (4) years pursuant to the schedule established in the most recent Comprehensive Emission Inventory Guidelines as published by the District, a Toxic Emissions Inventory.
- (iv) Any of the following occurs:
  - a. The Facility emits a substance newly listed as a TAC or Regulated Toxic Substance; or
  - b. A sensitive receptor has been established or constructed within 1640 feet. (500 meters) of the Facility after the last regularly submitted Toxic Emissions Inventory for the Facility; or
  - c. The Facility emits a substance for which the potency factor has increased.
- (v) Upon good cause to believe that a Facility may pose a potential threat to public health and upon receipt of written notification by the APCO that a new Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update is required for the Facility.

(2) Comprehensive Emissions Inventory Submission Procedure

- (a) For those Facilities required to submit a Comprehensive Emissions Inventory or Comprehensive Emissions Update pursuant to subsection (D)(1)(b)(ii) - (v) inclusive, the owner/operator shall submit a Comprehensive Emissions Inventory plan prepared in accordance with the District's most recently published Comprehensive Emissions Inventory Guidelines, within ninety (30) days of the receipt of the request by the APCO or after such longer period as the APCO and the owner/operator may agree to in writing.
- (b) The APCO shall review and approve or disapprove the Comprehensive Emissions Inventory plan within sixty (30) days of receipt by the District
- (c) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.
  - (i) If the Comprehensive Emission Inventory Plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.
    - a. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.
    - b. Upon such resubmission a new sixty (30) day review period shall begin.
- (d) The owner/operator of the Facility shall submit the Comprehensive Emission Inventory prepared pursuant to the plan within one hundred eighty (60) days of receipt of the written determination approving the plan



or after such longer period as the APCO and the owner/operator may agree to in writing.

- (3) The APCO shall perform a Toxic “Hot Spots” Program Analysis for a Facility pursuant to Section (E) when:
  - (a) The owner/operator of an existing Facility submits any of the following:
    - (i) A Toxic Emissions Inventory; or
    - (ii) An HRA for any new or modified emissions unit(s) at the Facility submitted pursuant to the provisions of District Rule 1320 (E)(3) and the HRA indicates that any of the new or modified Emissions unit(s) is a significant health risk or greater; or
    - (iii) A new Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update has been required by the APCO pursuant to subsection (D)(1)(b)(v).

(E) Toxic “Hot Spots” Program Analysis

(1) Facility Prioritization Score

- (a) The APCO shall analyze the Comprehensive Emission Inventory and calculate three (3) prioritization scores for the Facility.
  - (i) Prioritization Scores shall be calculated for carcinogenic effects, non-carcinogenic acute effects and non-carcinogenic chronic effects.
  - (ii) Prioritization Scores shall be calculated utilizing the District’s most recently approved *Facility Prioritization Guidelines*; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
  - (iii) Prioritization Scores may be adjusted utilizing any or all of the following factors if such adjustment is necessary to obtain an accurate assessment of the Facility.
    - a. Multi-pathway analysis
    - b. Method of release.
    - c. Type of Receptors potentially impacted.
    - d. Proximity or distance to any Receptor.
    - e. Stack height.
    - f. Local meteorological conditions.
    - g. Topography of the proposed new or Modified Facility and surrounding area.
    - h. Type of area.
    - i. Screening dispersion modeling.
    - j. Project life.

- (iv) The APCO shall calculate the Prioritization Scores within ninety (30) days of the receipt of the Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update.
  - (b) If all Prioritization Scores indicate that the Facility is categorized as Low Priority, the APCO shall notify the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's *Comprehensive Emissions Inventory Guidelines*.
  - (c) If any Prioritization Score indicates that the Facility is categorized as Intermediate Priority, the APCO shall perform the Intermediate Facility analysis pursuant to subsection (E)(2).
  - (d) If any Prioritization Score indicates that the Facility is categorized as High Priority, the APCO shall continue the analysis pursuant to subsection (E)(3).
- (2) Intermediate Facility Analysis
- (a) The APCO shall analyze the Facility and determine if the analysis should continue pursuant to subsection (E)(3) based upon the following factors:
    - (i) Any Prioritization Score greater than ten (10);
    - (ii) Type of Facility
    - (iii) Multi-pathway analysis
    - (iv) Method of release.
    - (v) Type of Receptors potentially impacted.
    - (vi) Proximity or distance to any Receptor.
    - (vii) Stack height.
    - (viii) Local meteorological conditions.
    - (ix) Topography of the proposed new or Modified Facility and surrounding area.
    - (x) Type of area.
    - (xi) Screening dispersion modeling.
    - (xii) Number and type of complaints, if any, received about an existing Facility.
    - (xiii) Project Life.
  - (b) If the APCO determines that the proposed new or modified Facility should not be subject to further analysis pursuant to subsection (E)(3) the APCO shall notify the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's *Comprehensive Emissions Inventory Guidelines*.

(3) Health Risk Assessment Plans

- (a) The APCO shall notify the owner/operator of the Facility in writing that the owner/operator is required to prepare and submit an HRA plan for the Facility.
  - (i) The owner/operator shall prepare the HRA plan in accordance with the District's most recently approved *Health Risk Assessment Plan and Report Guidelines*.
  - (ii) The owner/operator shall submit the HRA plan no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the owner or operator and the APCO may agree to in writing.
- (b) The APCO shall approve or disapprove the HRA plan within thirty (30) days of receipt from the owner/operator.
- (c) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.
  - (i) If the HRA plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.
    - a. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.
    - b. Upon such resubmission a new thirty (30) day review period shall begin.
- (d) The HRA plan may include a plan for Contemporaneous Risk Reduction pursuant to subsection (E)(6).

(4) Health Risk Assessment

- (a) The owner/operator of the Facility shall submit the HRA prepared pursuant to the plan within ninety (90) days of receipt of the written determination approving the plan or after such longer period as the APCO and the owner/operator may agree to in writing.
- (b) The APCO shall review the HRA and submit it to OEHHA or OEHHA's designated representative for analysis.
  - (i) OEHHA shall review the HRA and submit to the District its comments, data and findings relating to health effects within one hundred eighty (180) days of receipt of the HRA.

- (c) The APCO shall approve or disapprove the HRA within thirty (30) days of receipt of approval from OEHHA or after such longer time that the owner/operator and the APCO may agree to in writing.
  - (d) The APCO shall transmit a written notice of the approval or disapproval of the HRA immediately to the owner/operator of the Facility.
    - (i) If the HRA was disapproved the APCO shall:
      - a. Specify the deficiencies and indicate how they can be corrected; and
      - b. Require the owner/operator to resubmit the HRA to the District within sixty (60) days.
    - (ii) Upon receipt by the District of a resubmitted HRA a new thirty (30) day period in which the APCO must determine the approval or disapproval of the HRA shall begin.
- (5) Health Risk Assessment Analysis
- (a) The APCO shall analyze the HRA for the Facility to determine the cancer burden.
    - (i) If the cancer burden is greater than 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall require the owner/operator of the Facility to comply with the provisions of section (F).
    - (ii) If the cancer burden is less than or equal to 0.5 in the population subject to a risk of greater than or equal to one in one million ( $1 \times 10^{-6}$ ) the APCO shall continue with the analysis pursuant to subsection (E)(5)(b).
  - (b) The APCO shall analyze the HRA and determine the risk level for the Facility.
    - (i) If the HRA indicates that the Facility is less than a Significant Health Risk then the APCO shall notify the owner/operator of the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's Comprehensive Emissions Inventory Guidelines.
    - (ii) If the HRA indicates that an Emission Unit is a Significant Health Risk then the APCO shall require the owner/operator of the Facility to comply with the provisions of section (F).
    - (iii) If the HRA indicates that an Emissions Unit is a Significant Risk then the APCO shall require the owner/operator of the Facility to comply with the provisions of section (G).

(6) Contemporaneous Risk Reduction

- (a) The owner/operator of the Facility may, as a part of an HRA required pursuant to subsection (E)(3), provide Contemporaneous Risk Reduction to reduce the Facility risk.
- (b) Contemporaneous Risk Reductions shall be:
  - (i) Real, enforceable, quantifiable, surplus and permanent; and
  - (ii) Calculated based on the actual average annual emissions as determined by the APCO based upon verified data for the two (2) year period immediately preceding the date of application; and
  - (iii) Accompanied by an application for modification of the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
- (c) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience a total increase in MICR due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
  - (i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
    - a. The Contemporaneous Risk Reduction is:
      - 1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
      - 2. No receptor location will experience a total increase in MCIR of greater than one in one million ( $1.0 \times 10^{-6}$ ) due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
    - b. T-BACT is applied to any Emissions Unit which is a Moderate Risk or greater.
- (d) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience an increase in total acute or chronic HI due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
  - (i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
    - a. The Contemporaneous Risk Reduction is:
      - 1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
      - 2. No receptor location will experience an increase in total acute or chronic HI of more than 0.1 due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction; and

- (e) Any Contemporaneous Risk Reduction must occur before the start of operations of any new or modified Emissions Unit(s) which increase the Facility risk.

(F) Toxic “Hot Spots” Public Notification

(1) Notice to Facility

- (a) If the APCO has determined that the Facility has a Cancer Burden in excess of that set forth in subsection (E)(5)(a)(i) or that the Facility HRA indicates that the Facility is a Significant Health Risk pursuant to (E)(5)(b)(ii) then the APCO shall notify the owner or operator of the Facility in writing that:
  - (i) The Facility is subject to the public notification requirements of the Air Toxic “Hot Spots” Notification and Assessment Act; and
  - (ii) The owner or operator is required to submit to the District within thirty (30) days of receipt of the written notification, or such longer period as the APCO and the owner/operator may agree to in writing, the following:
    - a. A draft Facility Public Notification Letter prepared in compliance with the District’s most recently published *Public Notification Guidelines*; and
    - b. A proposed mailing list for the Public Notification Package.

(2) Preparation of Public Notification Package

- (a) The owner/operator of the Facility shall prepare draft Facility Public Notification Letter and a proposed mailing list for the public notification package in compliance with the District’s *Public Notification Guidelines*.
- (b) The APCO shall prepare District Public Notification Letter and Public Meeting Request Postcard in compliance with the most recently published the District’s *Public Notification Guidelines*.
- (c) The APCO shall review and approve or disapprove the Facility Public Notification Letter and proposed mailing list within thirty (30) days of receipt of the draft letter and proposed mailing list from the owner/operator, or after such longer time as the owner/operator and the APCO may agree to in writing.
  - (i) If the draft Facility Public Notification Letter or proposed mailing list was disapproved the APCO shall:
    - a. Specify the deficiencies and indicate how they can be corrected; and
    - b. Require the owner/operator to resubmit the draft Facility Public Notification Letter or proposed mailing list to the District within thirty (30) days, or such longer period that the owner/operator and the APCO may agree to in writing.

- (ii) Upon receipt of a resubmitted Facility Public Notification Letter a new thirty (30) day period in which the APCO must approve or disapprove the draft letter shall begin.
  - (d) Upon approval of the Facility Public Notification Letter and proposed mailing list the APCO shall forward the District Public Notification Letter and Public Meeting Request Postcard to the Facility for inclusion in the Public Notification Package.
- (3) Mailing the Public Notification Package
  - (a) The owner/operator of the Facility shall assemble the Public Notification Package including the Facility Public Notification Letter, District Public Notification Letter and Public Meeting Request Postcard and any other informational material approved for inclusion in the package by the APCO.
  - (b) The owner/operator of the Facility shall thereafter mail out the Public Notification Package to each person or business on the mailing list within thirty (30) days of receipt of the District Public Notification Letter and Public Meeting Request Postcard from the APCO.
- (4) Request for Public Meeting
  - (a) The APCO shall tabulate the returned Public Meeting Request Postcards, if any, and determine if a public meeting is necessary pursuant to the standards set forth in the District's Public Notification Guidelines.
- (5) Public Meeting
  - (a) If the APCO determines that a public meeting is necessary the APCO shall notify the Facility in writing that a public meeting is necessary.
  - (b) The owner/operator shall produce a public meeting notice in accordance with the District's *Public Notice Guidelines* and shall mail such notice to all persons on the mailing list at least two (2) weeks but not more than (4) weeks prior to the date of the meeting.
  - (c) The owner/operator shall conduct the meeting in a manner consistent with the procedures in the District's *Public Notification Guidelines*.
- (6) After completion of the public notification process and public meeting, if any, the owner/operator shall be required to submit subsequent Comprehensive Emissions Inventory data pursuant to subsection (D)(1).

## (G) Risk Reduction and Audit Plans

### (1) Notice to Facility

- (a) If the APCO has determined that the Facility is a Significant Risk pursuant to (E)(5)(b)(iii) then the APCO shall notify the owner or operator of the Facility in writing that:
  - (i) The Facility is subject to the risk reduction requirements of the Air Toxic “Hot Spots” Notification and Assessment Act; and
  - (ii) The owner or operator is required to submit to the District within one hundred eighty (180) days, a Risk Reduction and Audit Plan.

### (2) Preparation of Risk Reduction Plan

- (a) The owner/operator of the Facility shall prepare and submit for approval a Risk Reduction and Audit Plan which includes, at the minimum, all of the following:
  - (i) The name, address, and SIC code of the Facility; and
  - (ii) A Facility risk characterization which includes an updated Toxics Emission Inventory and HRA, if the risk due to total Facility emissions has increased above the level indicated in the previously approved HRA; and
  - (iii) Identification of each Emissions Unit from which risk must be reduced in order to reduce the risk level for the Facility to less than a Significant Risk; and
  - (iv) For each Emissions Unit identified in subsection (G)(2)(B)(iii), an evaluation of the risk reduction measures available to the owner/operator, including emission and risk reduction potential and time necessary for implementation; and
  - (v) Specification of the risk reduction measures that shall be implemented by the operator to reduce the Facility risk level to below that of significant risk; and
  - (vi) A schedule for implementing the specified risk reduction measures as quickly as feasible, including but not limited to the specification of dates for increments of progress associated with the risk reduction measures; and
  - (vii) A final compliance date that is no later than five (5) years from the initial plan submittal date unless:
    - a. The APCO determines that additional time, up to five (5) additional years, will not result in an Unreasonable Risk to public health and that requiring implementation of a risk reduction plan within five (5) years places an unreasonable economic burden on the owner/operator of the Facility or is not technically feasible.
  - (viii) An estimation of the residual health risk after implementation of the specified risk reduction measures; and



- (ix) Proof of certification of the risk reduction plan as meeting all requirements by an engineer who is registered as a professional engineer pursuant to Business and Professions Code Section 6762, by an individual who is officially responsible for the processes and operations of the facility, or by a registered environmental assessor.
- (3) Approval of Risk Reduction Plans
- (a) The APCO shall approve or disapprove the risk reduction plan within ninety (90) days of submittal based on the owner/operator's ability to reduce the Facility risk level to below Significant Risk.
    - (i) If the risk reduction plan was disapproved the APCO shall:
      - a. Specify the deficiencies and indicate how they can be corrected; and
      - b. Require the owner/operator to revise and resubmit the risk reduction plan within ninety (90) days of receipt of the disapproval.
    - (ii) If the risk reduction plan contains a facility risk characterization demonstrating to the satisfaction of the APCO that the facility does not exceed Significant Risk, the plan may be approved without the inclusion of the plan components specified in subparagraphs (G)(2)(B)(iii) through (viii).
  - (b) Upon approval of the risk reduction plan the owner/operator of the Facility shall submit any applications for permits to construct or modify any Emissions Unit(s) which must be modified to effectuate the risk reductions identified in the plan.
    - (i) Such applications for permits to construct or modify must be submitted within one hundred eighty (180) days of the date of approval of the risk reduction plan or on or before a date specified for the submission of applications for specifically identified Emissions Unit in the approved risk reduction plan.
- (4) Public Notification
- (a) Upon approval of the risk reduction plan, and annually thereafter until such time as the Facility risk has been reduced to less than a Significant Risk, the owner/operator of the Facility shall be required to provide public notice of the risk and the risk reduction plan pursuant to the provisions of section (F).
- (5) Progress Reports and Plan Updates
- (a) Annually, on or before the anniversary date of the approval of the risk reduction plan, the owner/operator shall submit to the District progress report(s) on the emissions and risk reduction achieved by the plan which include at a minimum all of the following:

- (i) The increments of progress achieved in implementing the risk reduction measures specified in the plan; and
  - (ii) A schedule indicating dates for future increments of progress; and
  - (iii) Identification of any increments of progress that have been or will be achieved later than specified in the plan and the reason for achieving the increments late; and
  - (iv) A description of any increases or decreases in emissions of TACs that have occurred at the Facility, including a description of any associated permits that were subject to Rule 1320, since the approval of the plan or the last progress report.
- (b) The APCO may require a risk reduction plan to be updated and resubmitted if information becomes known that risks posed by the Facility and/or emission reduction technologies used by the Facility would substantially impact the risks to exposed persons or the implementation of the risk reduction plan.
- (6) **Modification of a Risk Reduction and Audit Plan**
- (a) The owner/operator of a Facility may modify or update a risk reduction plan by submitting a revised risk reduction plan for approval of the APCO.
  - (b) The APCO shall analyze the revised risk reduction plan in the same manner as if it was an initial submission.
  - (c) The APCO shall not approve a revised risk reduction plan where any change in risk reduction measures would result in the reduction of the Facility risk later than five (5) years from the initial plan submission date.
- (7) After completion of the risk reduction audit plan the owner/operator shall be required to submit subsequent Comprehensive Emissions Inventory data pursuant to subsection (D)(1).

## (H) Effect of Compliance

- (1) Compliance with this rule does not authorize the emission of a toxic air contaminant in violation of any federal, state, local or District law or regulation or exempt the operator from any law or regulation.
- (2) Risk reduction measures implemented in order to comply with other regulatory requirements are acceptable risk reduction measures for the purposes of this rule, provided they are consistent with the requirements of this rule.

[SIP: Not SIP]

**RESOLUTION NO. 01-\_\_\_\_\_**

**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION AMENDING RULE 1520 – CONTROL OF TOXIC AIR CONTAMINANTS FROM EXISTING SOURCES AND DIRECTING STAFF ACTIONS.**

On March 25, 2019, on motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, and carried, the following resolution is adopted:

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

**WHEREAS**, Mojave Desert Air Quality Management District Rule 1520— *Control of Toxic Air Contaminants from Existing Sources* (adopted 09/24/01) currently defines Maximum Individual Cancer Risk (MICR) as the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 70 years for residential locations and 46 years for worker receptor locations; and

**WHEREAS**, this definition is currently in conflict with the *Risk Management Guidance for Stationary Sources of Air Toxics* adopted by CARB and CAPCOA on July 23, 2015, which was drafted to incorporate the adjusted 2015 OEHHA health risk assessment methodology; and

**WHEREAS**, this document decreased the exposure duration currently being used for estimating cancer risk at the maximum exposed individual resident from 70 years to 30 years, and the off-site worker exposure duration from 25 years instead of 46 years; and

**WHEREAS**, Rule 1520 only covers the Air Toxics Hot Spot Act requirements as federal toxics requirements applicable to existing sources are covered by the Rule 1000 adoption by reference of Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) and the enforcement of Maximum Achievable Control Technology (MACT) Standards as listed in the *Notification (MACTs)* pursuant to H&S Code §39666; and

**WHEREAS**, Toxic Air Contaminant (TAC) and Hazardous Air Pollutant (HAP)

**RESOLUTION NO. 01-\_\_\_\_\_**

1 requirements for new or modified equipment are covered by Rule 1320; and

2       **WHEREAS**, the MDAQMD now plans to amend Rule 1520 to adhere to the  
3 CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and the  
4 updated health risk assessment methodology defined by OEHHA in 2015, specifically in  
5 CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* and  
6 OEHHA's *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk*  
7 *Assessments*; and

8       **WHEREAS**, in addition, several rule definitions have been updated, references have  
9 been updated, and language has been modified for clarity; and

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

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

14       **WHEREAS**, the proposed amendments to Rule 1520 are clear in that the meaning  
15 can be easily understood by the persons impacted by the rule; and

16       **WHEREAS**, the amendments to Rule 1520 are in harmony with, and not in conflict  
17 with, or contradictory to existing statutes, court decisions, or state or federal regulations  
18 because the proposed amendments are consistent with CARB/CAPCOA's *Risk Management*  
19 *Guidance for Stationary Sources of Air Toxics* and the updated health risk assessment  
20 methodology defined by OEHHA in 2015; and

21       **WHEREAS**, the proposed amendments do not impose the same requirements as any  
22 existing state or federal regulation in that they provide implementation of the Air Toxics Hot  
23 Spot Act (H&S Code §§44300, et seq.); and

24       **WHEREAS**, the proposed amendments to Rule 1520 are needed in order to adhere to  
25 the CARB/CAPCOA's *Risk Management Guidance for Stationary Sources of Air Toxics* and  
26 the updated health risk assessment methodology defined by OEHHA in 2015, and to update  
27 several definitions and rule provisions for clarity; and

28       **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to

**RESOLUTION NO. 01-\_\_\_\_\_**

1 H&S Code §40725, concerning the amendments to Rule 1520; and

2       **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR  
3 §15308) for the proposed amendments to Rule 1520, completed in compliance with the  
4 California Environmental Quality Act (CEQA), has been presented to the MDAQMD  
5 Governing Board; each member having reviewed, considered and approved the information  
6 contained therein prior to acting on the proposed amendments to Rule 1520, and the  
7 MDAQMD Governing Board having determined that the proposed amendments will not have  
8 any potential for resulting in any adverse impact upon the environment; and

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

11       **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the  
12 MDAQMD finds that the amendments to Rule 1520 – *Control of Toxic Air Contaminants*  
13 *from Existing Sources* are necessary, authorized, clear, consistent, non-duplicative and  
14 properly referenced; and

15       **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD  
16 hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and  
17 certifies the Notice of Exemption for the proposed amendments to Rule 1520; and

18       **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does  
19 hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule  
20 1520, as set forth in the attachments to this resolution and incorporated herein by this  
21 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.

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**RESOLUTION NO. 01-\_\_\_\_\_**

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

**AYES: MEMBER:**

**NOES: MEMBER:**

**ABSENT: MEMBER:**

**ABSTAIN: MEMBER:**

)

STATE OF CALIFORNIA )

) SS:

COUNTY OF SAN BERNARDINO)

)

I, Deanna Hernandez, Senior Executive Analyst of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of March 25, 2019.

\_\_\_\_\_, Senior Executive Analyst  
Mojave Desert Air Quality Management District

The following page(s) contain the backup material for Agenda Item: [Reports: Executive Director](#).

## Mojave Desert Air Quality Management District

Brad Poiriez, *Executive Director*

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# ADVISORY

March 7, 2019

## IMPORTANT INFORMATION ABOUT CARB'S CRITERIA AND TOXICS REPORTING REGULATION

This advisory provides owners and operators information about potential state regulations currently being developed by the California Air Resources Board (CARB) that may have a significant impact on businesses within the Mojave Desert Air Quality Management District.

### Background

In 2017, Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017) was adopted to develop a new community-focused program to more effectively reduce exposure to air pollution and preserve public health. This bill directs CARB and all local air districts, including the Mojave Desert Air Quality Management District, to take measures to protect communities disproportionately impacted by air pollution. The key components to the new AB 617 mandate include: community-level air monitoring and emission reduction plans, accelerated review of retrofit pollution control technologies on industrial facilities subject to Cap-and-Trade, enhanced emission reporting requirements and increased penalty provisions for air quality violations. The emission reporting component of the AB 617 program is the focus of this advisory.

During its December 2018 meeting, CARB adopted the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants", which requires affected businesses located in AB 617 communities to annually report to their local air district and CARB their emissions from all permitted activities. Simultaneously, CARB directed its staff to consider further refinements to the regulation's applicability. CARB staff responded to that direction, and on March 5, 2019 released proposed regulatory text which is available at:

<https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting>

### Enhanced Emissions Reporting

In its revised regulation, CARB staff have expanded the scope of applicability and is now proposing that essentially all permitted sources in the state will be subject to enhanced emissions reporting requirements. Compliance with this new reporting mandate is expected to bring significant cost increases to all businesses in California, with small businesses likely to be the most affected. Further, CARB staff is proposing to amend the regulation under an abbreviated "15-day" rulemaking process that may not allow affected businesses to provide comments in time for them to be considered before regulatory changes take effect.

Please note that while the Mojave Desert Air Quality Management District supports all efforts to ensure the health of our communities are protected from the effects of air pollution, including developing tools like emissions reporting to help identify air quality issues, CARB's proposed changes are not sponsored by the district. We are continuing to engage with CARB staff on this important issue and are working with them to ensure that regulations are developed with ample opportunity for affected entities to



participate in the rulemaking process, as well as to ensure that those regulations are cost-effective and efficacious.

Should you wish to learn more about CARB's regulation, please visit CARB's website listed above. If you have questions or wish to submit comments on the proposed regulation, please contact CARB staff at [ctr-report@arb.ca.gov](mailto:ctr-report@arb.ca.gov) or Patrick Gaffney at 916-322-7303.

### Public Workshops

CARB has held, or will be holding, public workshops to discuss the modified applicability requirements and proposed changes. The remaining workshops are listed below. You are invited to attend and participate in these workshops, and encouraged to share your comments. No pre-registration is required to attend any of these workshops.

#### San Diego

Monday, March 11, 2019  
1:30 PM to 3:30 PM  
County Operations Center, Room 124  
5500 Overland Avenue  
San Diego, CA 92123

#### Los Angeles

Tuesday, March 12, 2019  
10:00 AM to 12:00 PM  
Ronald Regan State Building  
Auditorium  
300 S. Spring Street  
Los Angeles, CA 90013

#### San Joaquin Valley \*\*

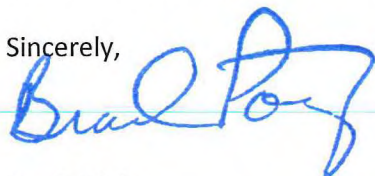
Thursday, March 14, 2019  
1:30 to 3:30 PM  
San Joaquin Valley APCD Offices  
Board Meeting Room  
1990 E. Gettysburg Avenue  
Fresno, CA 93726

\*\*This workshop will include a video conference to the SJU Air District regional offices:

Northern Region Office  
4800 Enterprise Way, Modesto, CA 95356  
Southern Region Office  
34946 Flyover Court, Bakersfield, CA 93308

Should you have any questions pertaining to this advisory, do not hesitate to contact our engineering section via phone (760-245-1661) or email ([engineering@mdaqmd.ca.gov](mailto:engineering@mdaqmd.ca.gov)).

Sincerely,



**Brad Poiriez**

*Executive Director/Air Pollution Control Officer*

cc: David Edwards, Assistant Division Chief, Air Quality Planning and Science Division, California Air Resources Board



March 4, 2019

Dave Edwards, Branch Chief  
California Air Resources Board  
P.O. Box 2815  
Sacramento, CA 95814

**SUBJECT: CTR Regulation 15-Day Draft**

Dear Dave Edwards:

The Mojave Desert Air Quality Management District (MDAQMD) does not support primary elements of proposed 15-day changes to the Proposed Regulation Reporting Criteria Air Pollutants and Toxic Air Contaminants, as detailed below.

§93401(a)(4) selected communities strikeout:

The proposed regulation effectively implements the emissions reporting intent of AB617 in the Applicability provision, by targeting significant emission or risk permitted facilities and those facilities within communities selected through the AB 617 process for increased reporting burden. This targeting process is otherwise consistent with the mature statewide emissions reporting program (which as you know already targets significant and high-emitting sources). The proposed regulation ties the mandatory reduction of reporting thresholds to the community selection process; any increased reporting burden will be associated with selected communities. However, *this strikeout removes this association with selected communities and apply the increased reporting burden throughout the state.* This is akin to defining the entire State of California an AB 617 selected community for emissions inventory reporting purposes – no reading of AB 617 supports this unprecedented emissions inventory burden throughout the state.

§93401(a)(4) permitted facility strikeout and new thresholds:

The strikeout removes the association of the increased reporting burden with permitted facilities. The listed activity categories with an emissions threshold of zero may by definition include operations currently exempted from permit by the existing MDAQMD permit structure. The new applicability criteria of “4 or more tpy of any criteria pollutant” and those subject to an “activity level” would greatly increase those sources that we inventory on an annual basis, and may significantly expand MDAQMD permitting requirements as a result. The MDAQMD supports the gathering of emissions inventory data – my staff are dedicated to gathering, reviewing, approving and evaluating emissions data. My staff employ the resulting emissions and risk data through permitting and planning decisions. My staff dedicate the most time to obtaining and reviewing the largest and greatest impact facilities, and provide the least time to obtaining and reviewing the smallest and least impact facilities (like remote engines and low use spray booths). The existing ten ton per year general threshold makes sense for the state (after the

**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](http://www.MDAQMD.ca.gov) • @MDAQMD

major source and high risk source filters), and applies my finite staff resources in the correct places. I see no benefit to a further refinement of emissions data for sources down to the proposed four ton per year threshold (or the zero threshold for that matter). If the proposed zero threshold source categories represent a potential health risk the appropriate response is a statewide source specific rulemaking, not a backdoor emissions inventory requirement.

The MDAQMD has a solid emissions inventory program (inventory criteria and toxics routinely), but the proposed changes would translate to a significantly increased workload. Currently we only inventory our major sources on an annual basis (those FOPs and a few more we have identified as a need for annual), and then we inventory the remaining sources once every three years, effectively updating one third of our 'minor' facilities ever year. The change in applicability to this low threshold equates to tripling the amount of inventories processed on an annual basis. Inventory season always bogs down our workload as it is, as the MDAQMD does not have a dedicated inventory team and each permit engineer is required to perform other duties such as permitting. Another concern is that the low applicability threshold also corresponds to a smaller type facility and from experience it is safe to say that the smaller the facility is the more amount of hand-holding required to get accurate inventory data. And this regulation requires quite a lot of detail such as device and stack data. The MDAQMD has the local expertise, the local relationships with sources, and strives to assist them as new requirements are discussed and ultimately adopted. We do prefer to keep this at the local level as we have in the past with toxic inventory work. I think throughout this process little to no outreach has happened to the regulated community explaining how these proposed changes may impact their operations.

Here are some specific numbers for our jurisdictions that may be impacted:

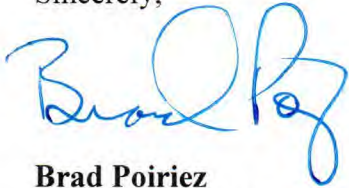
- Every diesel engine (essentially) – this is huge – essentially adds a specific inventory requirement for 1136 emergency engines alone. Very few would be exempt under the proposed activity levels.
- Every methylene chloride stripper user and every body shop using more than 30 gallons of paint per year (370 permits)
- Every asphalt batch plant (45 permits)
- Potentially every commercial printer (including some we may not currently be requiring a permit from!)
- Every crematory (13 permits)

I have had limited time to review, discuss, and comment or share concerns on these 15-day draft changes without the threat of CARB just moving forward to the public domain – which in and of itself has the potential to pit air districts vs CARB on the very proposed changes. I must say I am disheartened at how this is working through the system when the CAPCOA Board and CARB Executive staff have met and discussed these components many times to share our strong concerns and why, only to feel that those concerns fall on deaf ears and it is full steam ahead to meet some other CARB commitment, Legislative or Board directive. The MDAQMD is not the only district with concerns – we believe the proposal comes with many pitfalls or flaws. I recommend a more inclusive and comprehensive revision process to provide clarity and

justification for the proposed changes, which could then generate support from the group which will implement the regulation.

If you have any questions regarding this action, please contact me at 760-245-1661 extension 5737 or Alan De Salvio of my staff at extension 6726.

Sincerely,



**Brad Poiriez**  
Executive Director

*15 day comment letter*