

Mojave Desert Air Quality Management District Governing Board Meeting

Agenda

LOCATION

**MOJAVE DESERT AQMD BOARD CHAMBERS
14306 PARK AVENUE
MONDAY, OCTOBER 24, 2016
10:00 AM**

TELECONFERENCE LOCATION(S)

San Bernardino County Government Center
385 N. Arrowhead Ave., Fifth Floor
San Bernardino, CA 92415

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.

Roll Call.

Special Announcements/Presentations:

- A. Employee recognition service award:
- Alan De Salvio 25 years of service as of November 2016.
 - Daniel Concho 5 years of service as of November 2016.

Items with potential Conflict of Interests - for information only.

A. Item #3 Governing Board Members, and Larry Bowden.

CONSENT CALENDAR

1. [Approve Minutes from Regular Governing Board Meeting of September 26, 2016.](#)
2. [Receive and File: The Legislative Report for October 5, 2016. Presenter: Brad Poiriez](#)
3. [Reappoint Larry Bowden, to the Hearing Board of the Mojave Desert Air Quality Management District \(MDAQMD\) as the public member for a 3 year term to expire June 30, 2019. Presenter: Brad Poiriez](#)
4. [Allocate Carl Moyer Program \(CMP\) funds not to exceed \\$100,000 for continued implementation of the MDAQMD's Voluntary Accelerated Vehicle Retirement \(VAVR\) Program; and 2. Authorize the Executive Director to extend the current contract with Environmental Engineering Services \(EES\), approved as to legal form, through December 2017. Presenter: Jean Bracy](#)
5. [Amend the MDAQMD Exempt Compensation Plan \(ECP\) to provide different benefits for employees hired on or after October 24, 2016 and employees that transition to a position in the Exempt Groups on or after that date. Presenter: Brad Poiriez](#)
6. [Amend the District's Classification Plan to 1\) Add new classifications and assign a pay range: Air Monitoring Supervisor, Compliance Supervisor, and Permit Engineering Supervisor; 2\) Revise classification: Air Quality Instrument Technician; 3\) Rename and revise classifications: Executive Lead to Executive Assistant; one AQS to Grants Specialist; and Deputy COB/Administrative Secretary to Administrative Secretary; and 4\) Eliminate classifications: Supervising Air Quality Engineer, Lead Air Quality Instrument Technician, Lead Air Quality Planner, Lead Air Quality Specialist, Lead Air Quality Engineer, and Clerk of the Boards. Presenter: Brad Poiriez](#)

ITEMS FOR DISCUSSION

7. DEFERRED ITEMS.
8. PUBLIC COMMENT.
9. [Conduct a public hearing to present the 2015 Annual Hot Spots Report and discuss its content and significance: a. Open public hearing; b. Receive 2015 Annual Hot Spots Report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions. Presenter: Alan De Salvio](#)
10. [Conduct a public hearing to consider the amendment of Rule 1106 Marine and Pleasure Craft Coating Operations: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 1106 and directing staff actions. Presenter: Alan De Salvio](#)
11. [Reports: Executive Director](#)
12. Board Members Comments and Suggestions for future agenda items.

CLOSED SESSION

13. 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)
14. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Brad Poiriez. Unrepresented Employees.

OPEN SESSION

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

In compliance with the Americans with Disabilities act, if special assistance is needed to participate in the Board Meeting, please contact Deanna Hernandez, Executive Lead, 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 .

Mailed & Posted on: Tuesday, October 18, 2016.

Approved:

Deanna Hernandez, Executive Lead

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, SEPTEMBER 26, 2016 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Robert Lovingood, Chair, San Bernardino County
Jim Cox, Vice-Chair, City of Victorville
Carmen Hernandez, City of Barstow
Joseph “Joey” DeConinck, City of Blythe
Robert Leone, Town of Yucca Valley
Jeff Williams, City of Needles
Paul Russ, City of Hesperia
John J. Benoit, Riverside County
James Ramos, San Bernardino County
Barb Stanton, Town of Apple Valley

Board Members Absent:

John Cole, City of Twentynine Palms
Ed Camargo, City of Adelanto
Barbara Riordan, Public Member

CALL TO ORDER

Chair **ROBERT LOVINGOOD** called the meeting to order at 10:00 a.m. and asked Board Member **ROBERT LEONE** to lead the Pledge of Allegiance.

Chair **ROBERT LOVINGOOD** asked the Clerk to call roll; roll was called.

Special Announcements/Presentations:

Presentation of 2015/2016 Exemplar Award to CEMEX Victorville Plant. Chair **ROBERT LOVINGOOD** and Executive Director Brad Poiriez, on behalf of the Governing Board, congratulated and presented CEMEX the Exemplar Award for their leadership in energy efficiency, implementing renewable energy projects which have significantly reduced emissions and for demonstrating a solid commitment to improving air quality.

CONSENT CALENDAR - The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **PAUL RUSS**, Seconded by Board Member **JEFF WILLIAMS**, and carried by unanimous roll call vote, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of August 22, 2016.

Approved the minutes from the Regular Governing Board meeting of August 22, 2016.

Agenda Item 2– Receive and File: The Legislative Report for September 7, 2016.

Received and filed the Legislative Report for September 7, 2016.

Agenda Item 3– Continue item to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program to January 23, 2017.

Approved to continue the Item to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program to January 23, 2017.

Agenda Item 4 – Set date of 10/24/2016 to conduct a public hearing to consider the amendment of Rule 1106 – Marine and Pleasure Craft Coating Operations and approval of California Environmental Quality Act (CEQA) documentation.

Approved to set date of 10/24/2016 to conduct a public hearing to consider the amendment of Rule 1106 – Marine and Pleasure Craft Coating Operations and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 5 – Award an amount not to exceed \$37,926.60 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Approved to award an amount not to exceed \$37,926.60 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) **Authorized** the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 6 – Award an amount not to exceed \$27,686.10 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-

road tractor; and 2) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Approved to award an amount not to exceed \$27,686.10 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) **Authorized** the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 7 – Ratify the action of the Executive Director/APCO to authorize Special Assignment Compensation to the Executive Lead effective July 22, 2016.

Approved to ratify the action of the Executive Director/APCO to authorize Special Assignment Compensation to the Executive Lead effective July 22, 2016.

Agenda Item 8 – DEFERRED ITEMS:

None

Agenda Item 9 – PUBLIC COMMENT.

None

Agenda Item 10 – Adopt a Resolution to: 1) enter into an agreement with Teamsters Local 1932 (“Teamsters”) for employees in the General Unit and adopting the Memorandum of Understanding (MOU) effective July 1, 2016; 2) Grant conforming changes in terms and conditions, as specified, to Exempt Employees; 3) Authorize conforming amendments in the Exempt Compensation Plan (ECP); 4) Authorize the elimination of the Confidential Group, and its corresponding Confidential Compensation Plan; and 5) Direct staff actions.

Adopt a Resolution to: 1) enter into an agreement with Teamsters Local 1932 (“Teamsters”) for employees in the General Unit and adopting the Memorandum of Understanding (MOU) effective July 1, 2016; 2) Grant conforming changes in terms and conditions, as specified, to Exempt Employees; 3) Authorize conforming amendments in the Exempt Compensation Plan (ECP); 4) Authorize the elimination of the Confidential Group, and its corresponding Confidential Compensation Plan; and 5) Direct staff actions.

Upon Motion by Board Member **PAUL RUSS**, Seconded by Board Member **JIM COX**, and carried with nine **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, CARMEN HERNANDEZ, BARB STANTON, JAMES RAMOS, JIM COX, JEFF WILLIAMS and ROBERT LEONE** the Board **adopted RESOLUTION 16-05, titled, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT TO ADOPT A ONE-YEAR AGREEMENT WITH TEAMSTERS LOCAL 1932 FOR REPRESENTED EMPLOYEES IN THE GENERAL UNIT EFFECTIVE JULY 1, 2016; ADOPT NEGOTIATED CHANGES TO THE PERSONNEL POLICIES AND PROCEDURES; AUTHORIZE CONFORMING AMENDMENTS IN THE EXEMPT COMPENSATION**

PLAN; ELIMINATE THE CONFIDENTIAL GROUP; AND DIRECT STAFF ACTIONS.”

Agenda Item 11 – Amend the Mojave Desert Air Quality Management District (MDAQMD) Exempt Compensation Plan (ECP) to conform with changes to the recently adopted Memorandum of Understanding (MOU) and Personnel Policies and Procedures (PPP) and make other amendments to reflect recent changes in classifications.

Upon motion by Board Member **PAUL RUSS**, Seconded by **JEFF WILLIAMS**, and carried with nine **AYES** votes by Board Members **JOSEPH DECONINCK, ROBERT LOVINGOOD, PAUL RUSS, CARMEN HERNANDEZ, BARB STANTON, JAMES RAMOS, JIM COX, JEFF WILLIAMS and ROBERT LEONE** the Board **approved** to amend the Mojave Desert Air Quality Management District (MDAQMD) Exempt Compensation Plan (ECP) to conform with changes to the recently adopted Memorandum of Understanding (MOU) and Personnel Policies and Procedures (PPP) and make other amendments to reflect recent changes in classifications.

Agenda Item 12 – Reports:

Executive Director Brad Poiriez:

Mr. Poiriez updated the Board of past events:

- September 8th he met with Assemblyman Obernolte for initial introduction and offer assistance and support on air quality efforts in Sacramento;
- September 19th he attended VVTA Board meeting to receive an appreciation award for partnership on a grant for the Xpress Bus;
- September 21st he met with Doug Robertson and staff from the City of Victorville to discuss resolutions on the Hybrid 2 facility and CNG grants;
- September 19th – 21st was the District’s annual financial audit; looks like the District will be receiving an outstanding report and publicly thanked all staff involved with this year’s audit;
- September 22nd conference call with EPA regarding Mojave Desert AQMD and Antelope Valley AQMD rules;
- Special District Risk Management Authority notified the District of receiving incentive credit for having no paid property or liability claims for FY 15-16 that reduces the District’s annual premium.

Mr. Poiriez informed the Board of upcoming events:

- September 29th he will be attending CEMEX Victorville Plant’s Centennial Celebration;
- October 4th the District has a scheduled TAC meeting;
- October 20th he will be attending the High Desert Opportunity event and will be on a panel discussion titled “Pro-Business Resources”;
- And lastly, reminded Board Members of the District’s upcoming CDAWG conference taking place in Las Vegas on November 16th & 17th.

Agenda Item 13 - Board Member Comments and Suggestions for Future Agenda Items.

- Supervisor John Benoit wished to ensure his Aye vote for consent items and his Aye vote for the closed session item.
- Mayor Pro Tem Paul Russ publicly thanked staff for processing permits in a timely manner for buildings affected by the recent fires currently rebuilding in our communities.
- Supervisor Robert Lovingood publicly thanked Supervisor Benoit and Riverside County for joining quad states; looking forward to being a part of this event going forward.
- Supervisor Lovingood asked we mark our calendars for October 28th & 29th for the 2nd annual High Desert Manufacturers “Made in the High Desert” event at the High Desert Event Center (fairgrounds). This event raises awareness of local manufacturing companies, educates students about jobs and offers a direct job recruitment search for employers of the Desert. These three events are very well attended; the students are engaged; you will walk away being quite enthralled with the young people living here in our Desert.

CLOSED SESSION

Upon Motion by Board Member **PAUL RUSS**, Seconded by Board Member **JEFF WILLIAMS** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 10:10 a.m.

Agenda Item 14 - 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 15 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Roger Crawford. Employee Organization: SBPEA, Teamsters Local 1932.

Agenda Item 16 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Brad Poiriez. Unrepresented Employees.

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.

The Governing Board reconvened to open session at 10:50 a.m., and Special Counsel **Piero Dallarda** stated that the Board met in Closed Session on Items #14, #15 and #16. Special Counsel Dallarda stated for the record that there was no reportable action on Items #15 & #16 and reported that for Item #14 the Governing Board rejected the settlement offer by Ms. Baird’s counsel unanimously with one abstention by Board Member **JAMES RAMOS** noted in the roll call vote.

Being no further business, Chair **ROBERT LOVINGOOD** adjourned the meeting at **11:03 a.m.** to the next Regular Meeting of **October 24, 2016.**

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

AGENDA ITEM 2

DATE: October 24, 2016

RECOMMENDATION: Receive and file

SUMMARY: The Legislative Report for October 5, 2016

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 on or about October 6, 2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director



Government Affairs and Communication Consulting

FRANK T. SHEETS, III
LAURIE HANSEN SHEETS

MEMORANDUM

TO: Brad Poiriez
Bret Banks

FROM: Frank Sheets
Laurie Hansen

DATE: Oct. 5, 2016

RE: Bill Tracking Report

Below please find Strategic Partners Group October legislative report.

The bill list now includes 20 measures, all signed by the Governor by his September 30 deadline, except one.

For this report we have added AB 2784, Gatto's bill titled "Environmental Disaster: release of claims: statute of limitations: attorneys' fees". We mentioned this Bill in last month's report but we did not include in your list, so we made that addition. The bill would have allowed litigators basically an open door policy to continue to try to collect on alleged damage claims associated with environmental disasters. The bill originally had no limitations what environmental disasters could be impacted however was amended to address only the Aliso Canyon gas leaks as well as the Exide battery plan. Governor Brown chose to veto this measure for the reasons provided below in his veto message:

I am returning Assembly Bill 2748 without my signature. This bill would prohibit the use of release clauses and limit the scope of waivers in settlements pertaining to the Exide Technologies facility and Southern California Gas Company's Aliso Canyon gas storage facility. This bill could eliminate the incentive for defendants to settle legal disputes stemming from these two unrelated incidents, something that clearly is not in the public interest. Nothing has been shown to indicate that current law is insufficient to hold polluters accountable. I would point to the many direct enforcement actions and lawsuits that have been filed on behalf of the state and affected communities. Sincerely, Edmund G. Brown Jr.

Of course, we have a very important election coming up in November. Not only is it important on a Federal level but here in California as well. Many are forecasting the possibility of one or both houses generating supermajorities with the Democratic Party in control. What this means is that Democrats, assuming they vote in unanimously, no Republican votes will be required to pass

proposed tax measures requiring a 2/3 vote. Also, 17 ballot measures will be voted on in the California election.

We also find it of interest that the South Coast Air Quality Management District is in the process of considering implementing a vehicle registration fee in addition to those paid to the Department of Motor Vehicles. We have included a recent article on that subject.

Once again, Strategic Partners Group appreciates the opportunity to be of service to the Districts. Should there be any questions or comments, please do not hesitate to contact either Laurie or myself and any time.

AQMD 2016 Bills
Wednesday, October 05, 2016

AB 197 ([Garcia, Eduardo](#) D) *State Air Resources Board: greenhouse gases: regulations.*

Current Text: Chaptered: 9/8/2016 [pdf](#) [html](#)

Current Analysis: 08/24/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 1/28/2015

Last Amend: 8/19/2016

Location: 9/8/2016-A. CHAPTERED

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 add 2 Members of the Legislature to the state board as ex officio, nonvoting members. The bill would provide that the voting members of the state board are appointed for staggered 6-year terms and upon expiration of the term of office of a voting member, the appointing authority may reappoint that member to a new term of office, subject to specified requirements. The bill would require the state board to establish the initial staggered terms.

Vote Events:

08/24/2016 ASM. FLOOR (Y:45 N:30 A:5) (P)

08/24/2016 ASM. NAT. RES. (Y:6 N:1 A:2) (P)

08/22/2016 SEN. FLOOR (Y:23 N:13 A:3) (P)

08/11/2016 SEN. APPR. (Y:5 N:2 A:0) (P)

08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/29/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)

07/13/2015 SEN. APPR. (Y:7 N:0 A:0) (P)

06/30/2015 SEN. E.,U. & C. (Y:7 N:1 A:3) (P)

06/02/2015 ASM. FLOOR (Y:55 N:21 A:4) (P)

05/28/2015 ASM. APPR. (Y:12 N:4 A:1) (P)

04/27/2015 ASM. NAT. RES. (Y:6 N:2 A:1) (P)

04/20/2015 ASM. U. & C. (Y:10 N:3 A:2) (P)

Notes 1: AB 197 is tied at the hip so to speak to Senator Pavely's SB 32, meaning if SB 32 does not pass, nor does AB 197. The bill proposes to add two non voting members from the legislature to the State Air Board as well as suggesting that term limits may be applicable to board members. Concern was expressed by some concerning these "term limits", however ammendments to the bill now allow for the reappointment of Board members for additional terms.

The bill also calls for the formation of the Joint Legislative Committee on Climate Change Policies. The purpose of this new committee is to make recommendations to the Legislature concerning the states climate change policies and programs.

Contrary to speculation by many in Sacramento of the Bill's failure, AB 197 successfully past through the Senate and was confirmed by the Assembly and Governor Brown has indicated he will sign this legislation.

AB 1115 ([Salas](#) D) *School zones: state highways.*

Current Text: Chaptered: 8/30/2016 [pdf](#) [html](#)

Current Analysis: 08/03/2016 [Senate Floor Analyses \(text 1/13/2016\)](#)

Introduced: 2/27/2015

Last Amend: 1/13/2016

Location: 8/29/2016-A. CHAPTERED

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

Summary: Current law generally provides that the Department of Transportation and local authorities have authority over the highways under their respective jurisdictions. This bill would designate a specified portion of State Highway Route 184 in the County of Kern as a school zone and require the zone to be identified with standard "SCHOOL" warning signs. The bill would provide that the above-referenced provisions governing prima facie speed limits in school zones apply in that zone. This bill contains other current laws.

Vote Events:

08/11/2016 SEN. FLOOR (Y:37 N:0 A:2) (P)
 06/14/2016 SEN. T. & H. (Y:11 N:0 A:0) (P)
 01/27/2016 ASM. FLOOR (Y:78 N:0 A:1) (P)
 01/21/2016 ASM. APPR. (Y:17 N:0 A:0) (P)
 01/11/2016 ASM. TRANS. (Y:16 N:0 A:0) (P)

Notes 1: SPG felt members of the Mojave Desert AQMD might have interest in this bill as it has similarities to efforts to deal with vehicular traffic in school districts.

AB 1550

(Gomez D) Greenhouse gases: investment plan: disadvantaged communities.

Current Text: Chaptered: 9/14/2016 [pdf](#) [html](#)

Current Analysis: 08/31/2016 [Assembly Floor Analysis \(text 8/23/2016\)](#)

Introduced: 1/4/2016

Last Amend: 8/23/2016

Location: 9/14/2016-A. CHAPTERED

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

Summary: Current law requires the Department of Finance, in consultation with the State Air Resources Board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. This bill would require the investment plan to allocate (1) a minimum of 25% of the available moneys in the fund to projects located within, and benefiting individuals living in, disadvantaged communities, (2) an additional minimum of 5% to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state, and (3) an additional minimum of 5% either to projects that benefit low-income households that are outside of, but within a 1/2 mile of, disadvantaged communities, or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within a 1/2 mile of, disadvantaged communities.

Vote Events:

09/01/2016 SEN. Assembly 3rd Reading (Supplemental File 1) (Y:26 N:12 A:1) (P)
 08/31/2016 ASM. ASSEMBLY (Y:53 N:22 A:5) (P)
 08/31/2016 SEN. FLOOR (Y:26 N:12 A:1) (P)
 08/11/2016 SEN. APPR. (Y:5 N:2 A:0) (P)
 08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
 06/29/2016 SEN. E.Q. (Y:5 N:1 A:1) (P)
 06/02/2016 ASM. FLOOR (Y:54 N:23 A:3) (P)
 05/27/2016 ASM. APPR. (Y:15 N:2 A:3) (P)
 04/04/2016 ASM. NAT. RES. (Y:7 N:0 A:2) (P)

Notes 1: AB 1532, codified in 2012, mandates the state to use monies generated by the Cap and Trade program and deposited in the California Green House Gas Reduction fund to be used to the benefit of disadvantaged communities. This bill proposes 45% of those funds be directed toward such communities. There have been several bills this legislative session making attempts to direct funds from the Green House Gas Reduction fund, however with shortfalls in GHG emissions auction proceeds, many of those bills have been significantly altered. Assembly Member Gomez's bill is one of the few that made it through both houses however still requires the Governor's signature.

[AB 1685](#) ([Gomez D](#)) *Vehicular air pollution: zero-emission vehicles: civil penalties.*

Current Text: Chaptered: 9/25/2016 [pdf](#) [html](#)

Current Analysis: 08/26/2016 [Assembly Floor Analysis \(text 8/18/2016\)](#)

Introduced: 1/20/2016

Last Amend: 8/18/2016

Location: 9/25/2016-A. CHAPTERED

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

Summary: Current law provides that a manufacturer or distributor who does not comply with the emission standards or the test procedures adopted by the State Air Resources Board is subject to a civil penalty of \$50 per vehicle. This bill would increase those penalties to up to \$37,500 per violation. The bill would require the state board to adjust those maximum penalties for inflation, as specified, and would exempt those adjustments from the Administrative Procedure Act.

Vote Events:

08/30/2016 ASM. ASSEMBLY (Y:51 N:28 A:1) (P)

08/24/2016 SEN. FLOOR (Y:26 N:13 A:0) (P)

06/28/2016 SEN. JUD. (Y:5 N:2 A:0) (P)

06/21/2016 SEN. T. & H. (Y:7 N:4 A:0) (P)

06/08/2016 SEN. E.Q. (Y:4 N:2 A:1) (P)

05/12/2016 ASM. FLOOR (Y:48 N:29 A:3) (P)

05/04/2016 ASM. APPR. (Y:14 N:6 A:0) (P)

04/18/2016 ASM. TRANS. (Y:10 N:5 A:1) (P)

Notes 1: This bill significantly increase penalties for individuals who sell, rent, lease new vehicles or provide new replacement engines that fail state emission limitations, has been enrolled and is headed to the Governor for consideration.

[AB 1773](#) ([Oberholte R](#)) *Local government renewable energy self-generation program.*

Current Text: Chaptered: 9/26/2016 [pdf](#) [html](#)

Current Analysis: 08/03/2016 [Senate Floor Analyses \(text 4/13/2016\)](#)

Introduced: 2/3/2016

Last Amend: 4/13/2016

Location: 9/26/2016-A. CHAPTERED

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

Summary: Under current law, the Public Utilities Commission is vested with regulatory authority over public utilities. Current law authorizes a local governmental entity, except a joint powers authority, to receive a bill credit to a designated benefiting account, for electricity exported to the electrical grid by an eligible renewable generating facility and requires the commission to adopt a rate tariff for the benefiting account. This bill would include as a local governmental entity for this purpose a joint powers authority, except as specified. This bill contains other related provisions and other existing laws.

Vote Events:

08/18/2016 SEN. FLOOR (Y:36 N:0 A:3) (P)

06/21/2016 SEN. E.,U. & C. (Y:10 N:0 A:1) (P)

05/12/2016 ASM. FLOOR (Y:78 N:0 A:2) (P)

05/04/2016 ASM. APPR. (Y:20 N:0 A:0) (P)

04/20/2016 ASM. L. GOV. (Y:9 N:0 A:0) (P)

04/06/2016 ASM. U. & C. (Y:15 N:0 A:0) (P)

Notes 1: Not too many Republicans get legislation passed considering the make of the Legislature. Assemblymember Oberholte's AB 1773 is an exception.

[AB 1787](#) ([Gomez D](#)) *Open meetings: public comments: translation.*

Current Text: Chaptered: 9/23/2016 [pdf](#) [html](#)

Current Analysis: 08/26/2016 [Assembly Floor Analysis \(text 8/2/2016\)](#)

Introduced: 2/4/2016

Last Amend: 8/2/2016

Location: 9/23/2016-A. CHAPTERED

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

Summary: *The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The act authorizes the legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker. This bill, if a local legislative body limits the time for public comment, would require the legislative body to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.*

Vote Events:

08/30/2016 ASM. ASSEMBLY (Y:69 N:9 A:2) (P)

08/25/2016 ASM. L. GOV. (Y:9 N:0 A:0) (P)

08/15/2016 SEN. FLOOR (Y:32 N:5 A:2) (P)

06/29/2016 SEN. GOV. & F. (Y:6 N:0 A:1) (P)

06/08/2016 SEN. E.Q. (Y:4 N:0 A:3) (P)

04/11/2016 ASM. FLOOR (Y:73 N:0 A:6) (P)

04/06/2016 ASM. APPR. (Y:17 N:0 A:3) (P)

03/14/2016 ASM. NAT. RES. (Y:7 N:0 A:2) (P)

Notes 1: *The bill, now enrolled provides for special conditions applicable individuals requiring translators while providing public testimony before governmental bodies. Should the bill be Chaptered, the Districts should be aware of the requirements.*

[AB 1923](#)

([Wood D](#)) *Bioenergy feed-in tariff.*

Current Text: Chaptered: 9/26/2016 [pdf](#) [html](#)

Current Analysis: 08/24/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 2/11/2016

Last Amend: 8/19/2016

Location: 9/26/2016-A. CHAPTERED

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

Summary: *Would, for the purposes of the bioenergy feed-in tariff, revise a generally applicable interconnection requirement for electric generation facilities, as specified. The bill would also require the Public Utilities Commission to direct the electrical corporations to authorize a bioenergy electric generation facility with an effective capacity of up to 5 megawatts to participate in the bioenergy feed-in tariff if the facility delivers no more than 3 megawatts to the grid at any time and complies with specified interconnection and payment requirements. This bill contains other related provisions.*

Vote Events:

08/29/2016 ASM. ASSEMBLY (Y:80 N:0 A:0) (P)

08/23/2016 SEN. FLOOR (Y:39 N:0 A:0) (P)

06/21/2016 SEN. E., U. & C. (Y:10 N:0 A:1) (P)

05/05/2016 ASM. FLOOR (Y:79 N:0 A:1) (P)

04/27/2016 ASM. APPR. (Y:19 N:0 A:1) (P)

03/30/2016 ASM. U. & C. (Y:15 N:0 A:0) (P)

Notes 1: *Previously, bioenergy facilities wishing to connect to the utility grid and supply electricity at appropriate renewable feed in tariffs were restricted to a generation capacity of 3 MW. This bill, now enrolled, would allow facilities with up to 5 MW of capacity to participate in the renewable feed in tariffs as long as no more than 3MW of electricity is supplied at any particular time.*

[AB 1937](#)

([Gomez D](#)) *Electricity: procurement.*

Current Text: Chaptered: 9/26/2016 [pdf](#) [html](#)

Current Analysis: 08/23/2016 [Assembly Floor Analysis \(text 8/17/2016\)](#)

Introduced: 2/12/2016

Last Amend: 8/17/2016

Location: 9/26/2016-A. CHAPTERED

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

Summary: *Would require electrical corporations' proposed procurement plans to also include a showing that the electrical corporations (1), in soliciting bids for new gas-fired generating units, actively seek bids for resources that are not gas-fired generating units located in communities that suffer from cumulative pollution burdens and (2), in considering bids for, or negotiating bilateral contracts for, new gas-fired generating units, give preference to resources that are not gas-fired generating units located in those communities.*

Vote Events:

08/25/2016 ASM. FLOOR (Y:53 N:26 A:1) (P)

08/22/2016 SEN. FLOOR (Y:26 N:13 A:0) (P)

08/01/2016 SEN. APPR. (Y:5 N:2 A:0) (P)

06/29/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)

06/21/2016 SEN. E.,U. & C. (Y:7 N:3 A:1) (P)

05/23/2016 ASM. FLOOR (Y:51 N:26 A:3) (P)

05/18/2016 ASM. APPR. (Y:14 N:6 A:0) (P)

04/18/2016 ASM. NAT. RES. (Y:6 N:2 A:1) (P)

04/13/2016 ASM. U. & C. (Y:10 N:5 A:0) (P)

Notes 1: *This bill requires the utilities to preferentially not bid on gas fired generation that is located in communities highly impacted by cumulative pollution burdens. Could this impact gas fired generation located within district boundaries assuming air quality within the relative district is considered an area of high pollution burdens?*

[AB 2125](#)

(Chiu D) Healthy Nail Salon Recognition Program.

Current Text: Chaptered: 9/24/2016 [pdf](#) [html](#)

Current Analysis: 08/19/2016 [Assembly Floor Analysis \(text 8/1/2016\)](#)

Introduced: 2/17/2016

Last Amend: 8/1/2016

Location: 9/24/2016-A. CHAPTERED

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

Summary: *Would require the Department of Toxic Substances Control to publish guidelines for cities, counties, and cities and counties to voluntarily implement local healthy nail salon recognition (HNSR) programs. The bill would allow the guidelines to include, but not be limited to, specified criteria, such as the potential for exposure of nail salon workers and customers to chemicals. The bill would also require the department to develop a consumer education program, present the guidelines to local health officers, local environmental health departments, and other local agencies, and post specified information on its Internet Web site.*

Vote Events:

08/24/2016 ASM. FLOOR (Y:77 N:3 A:0) (P)

08/19/2016 SEN. FLOOR (Y:37 N:0 A:2) (P)

08/11/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

08/01/2016 SEN. APPR. (Y:7 N:0 A:0) (P)

06/27/2016 SEN. B.,P. & E.D. (Y:9 N:0 A:0) (P)

06/15/2016 SEN. E.Q. (Y:7 N:0 A:0) (P)

06/02/2016 ASM. FLOOR (Y:76 N:4 A:0) (P)

05/27/2016 ASM. APPR. (Y:19 N:1 A:0) (P)

04/12/2016 ASM. E.S. & T.M. (Y:7 N:0 A:0) (P)

03/29/2016 ASM. HEALTH (Y:18 N:0 A:1) (P)

Notes 1: *A bill calls for the development of voluntary guidelines for managing toxic emissions from finger nail salons.*

[AB 2313](#)

(Williams D) Renewable natural gas: monetary incentive program for biomethane projects: pipeline infrastructure.

Current Text: Chaptered: 9/24/2016 [pdf](#) [html](#)

Current Analysis: 08/26/2016 [Assembly Floor Analysis \(text 8/19/2016\)](#)

Introduced: 2/18/2016
 Last Amend: 8/19/2016
 Location: 9/24/2016-A. CHAPTERED

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 modify the monetary incentive program for biomethane projects so that the total available incentive limitation for a project, other than a dairy cluster biomethane project, as defined, is increased from \$1,500,000 to \$3,000,000. The bill would require the commission to increase the total available incentive limitation for a dairy cluster biomethane project to \$5,000,000 and would authorize the use of incentive payments subject to this limitation for interconnection costs and costs incurred for gathering lines for transport of biogas to a centralized processing facility for the project.

Vote Events:
 08/30/2016 ASM. ASSEMBLY (Y:59 N:19 A:2) (P)
 08/23/2016 SEN. FLOOR (Y:37 N:2 A:0) (P)
 08/11/2016 SEN. APPR. (Y:6 N:1 A:0) (P)
 08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
 06/27/2016 SEN. E., U. & C. (Y:9 N:0 A:2) (P)
 05/23/2016 ASM. FLOOR (Y:57 N:20 A:3) (P)
 05/11/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
 04/20/2016 ASM. U. & C. (Y:9 N:4 A:2) (P)
 03/31/2016 ASM. RLS. (Y:8 N:0 A:3) (P)

[AB 2454](#) ([Williams D](#)) Energy: procurement plans.
 Current Text: Chaptered: 9/29/2016 [pdf](#) [html](#)
 Current Analysis: 08/23/2016 [Assembly Floor Analysis \(text 8/16/2016\)](#)

Introduced: 2/19/2016
 Last Amend: 8/16/2016
 Location: 9/29/2016-A. CHAPTERED

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

Summary: The Public Utilities Act requires that an electrical corporation's proposed procurement plan include certain elements, including a showing that the electrical corporation will first meet its unmet needs through all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible. This bill would require the electrical corporation, in determining the availability of cost-effective, reliable, and feasible demand reduction resources, to consider the findings of the Demand Response Potential Study required by a specific order of the commission, as specified. This bill contains other related provisions and other existing laws.

Vote Events:
 08/25/2016 ASM. FLOOR (Y:56 N:21 A:3) (P)
 08/22/2016 SEN. FLOOR (Y:26 N:13 A:0) (P)
 06/27/2016 SEN. E., U. & C. (Y:6 N:3 A:2) (P)
 06/02/2016 ASM. FLOOR (Y:58 N:20 A:2) (P)
 05/27/2016 ASM. APPR. (Y:15 N:5 A:0) (P)
 04/20/2016 ASM. U. & C. (Y:10 N:3 A:2) (P)

[AB 2620](#) ([Dababneh D](#)) Passenger rail projects: funding.
 Current Text: Chaptered: 9/28/2016 [pdf](#) [html](#)
 Current Analysis: 08/31/2016 [Assembly Floor Analysis \(text 8/29/2016\)](#)

Introduced: 2/19/2016
 Last Amend: 8/29/2016
 Location: 9/28/2016-A. CHAPTERED

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

Summary: Would reallocate funds allocated pursuant to the Clean Air and Transportation Improvement Act of 1990 that are not expended or encumbered by July 1, 2020, to any other existing passenger rail project with existing rail service, except as specified. The bill would require the California Transportation Commission to determine the projects pursuant to this reallocation. By reallocating unexpended or unencumbered funds to any other existing passenger rail project, the bill would make an appropriation. This bill contains other existing laws.

Vote Events:

- 08/31/2016 ASM. ASSEMBLY (Y:76 N:0 A:4) (P)
- 08/31/2016 SEN. Assembly 3rd Reading (Y:39 N:0 A:0) (P)
- 08/11/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/27/2016 SEN. APPR. (Y:6 N:0 A:1) (P)
- 06/14/2016 SEN. T. & H. (Y:11 N:0 A:0) (P)
- 05/12/2016 ASM. FLOOR (Y:78 N:0 A:2) (P)
- 05/04/2016 ASM. APPR. (Y:20 N:0 A:0) (P)
- 04/18/2016 ASM. TRANS. (Y:15 N:0 A:1) (P)

[AB 2722](#) ([Burke D](#)) Transformative Climate Communities Program.

Current Text: Chaptered: 9/14/2016 [pdf](#) [html](#)

Current Analysis: 08/31/2016 [Senate Floor Analyses \(text 8/31/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/31/2016

Location: 9/14/2016-A. CHAPTERED

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

Summary: Would create the Transformative Climate Communities Program, to be administered by the Strategic Growth Council. The bill would require the council to award competitive grants to specified eligible entities for the development and implementation of neighborhood-level transformative climate community plans that include greenhouse gas emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities, as defined. The bill would require the council to develop guidelines and selection criteria for the implementation of the program.

Vote Events:

- 08/31/2016 ASM. ASSEMBLY (Y:49 N:27 A:4) (P)
- 08/31/2016 SEN. Assembly 3rd Reading (Supplemental File 1) (Y:25 N:12 A:2) (P)
- 08/11/2016 SEN. APPR. (Y:5 N:2 A:0) (P)
- 08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/29/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 06/02/2016 ASM. FLOOR (Y:51 N:26 A:3) (P)
- 05/27/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
- 04/18/2016 ASM. NAT. RES. (Y:6 N:3 A:0) (P)

[AB 2748](#) ([Gatto D](#)) Environmental disaster: release of claims: statute of limitations: attorneys' fees.

Current Text: Vetoed: 9/26/2016 [pdf](#) [html](#)

Current Analysis: 09/30/2016 [Asm Flr \(text\)](#)

Introduced: 2/19/2016

Last Amend: 8/19/2016

Location: 9/26/2016-A. VETOED

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

Summary: Current law provides that an obligation is extinguished by a release given to the debtor by the creditor, upon a new consideration, or in writing, with or without new consideration. A general release does not extend to claims the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor. Under this bill, a partial or interim payment or reimbursement, made in connection with an environmental disaster by the responsible polluter or any agent or entity related to the responsible polluter to any recipient, would not release the polluter from liability to the recipient for any claim related to the environmental disaster or for any future claim by the recipient against the polluter, or for both current and future claims.

Vote Events:

- 08/30/2016 ASM. ASSEMBLY (Y:54 N:23 A:3) (P)
- 08/23/2016 SEN. FLOOR (Y:23 N:13 A:3) (P)
- 06/29/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 06/21/2016 SEN. JUD. (Y:4 N:2 A:1) (P)
- 06/02/2016 ASM. FLOOR (Y:53 N:18 A:9) (P)
- 06/02/2016 ASM. JUD. (Y:7 N:3 A:0) (P)
- 05/05/2016 ASM. FLOOR (Y:30 N:32 A:18) (F)
- 04/26/2016 ASM. JUD. (Y:7 N:3 A:0) (P)

Notes 1: Even though Governor Brown vetoed Gatto's AB 2748, we felt it appropriate to add this bill considering its implications. The bill would have removed the "release clause" for lawsuits and allow continued litigation in "environmental disasters". Originally the bill would have applied to ANY "environmental disaster" and was later amended to apply only to Aliso Canyon gas leaks and the Exide battery plant. The bill would have established a precedence in the environmental litigation arena, allowing plaintiffs to continue lawsuits indefinitely even though settlements had been reached. As mentioned, Governor Brown vetoed this legislation stating it was not in the public's best interest. For more, here is the link to the Governor's veto message (https://www.gov.ca.gov/docs/AB_2748_Veto_Message.pdf).

AB 2800

(Quirk D) Climate change: infrastructure planning.

Current Text: Chaptered: 9/24/2016 [pdf](#) [html](#)

Current Analysis: 08/23/2016 [Assembly Floor Analysis \(text 8/17/2016\)](#)

Introduced: 2/19/2016

Last Amend: 8/17/2016

Location: 9/24/2016-A. CHAPTERED

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

Summary: Would, until July 1, 2020, require state agencies to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining, and investing in state infrastructure. The bill, by July 1, 2017, and until July 1, 2020, would require the agency to establish a Climate-Safe Infrastructure Working Group for the purpose of examining how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, as prescribed.

Vote Events:

- 08/25/2016 ASM. FLOOR (Y:59 N:19 A:2) (P)
- 08/22/2016 SEN. FLOOR (Y:32 N:6 A:1) (P)
- 08/11/2016 SEN. APPR. (Y:6 N:1 A:0) (P)
- 08/08/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/29/2016 SEN. E.Q. (Y:6 N:1 A:0) (P)
- 06/14/2016 SEN. N.R. & W. (Y:7 N:2 A:0) (P)
- 06/01/2016 ASM. FLOOR (Y:59 N:19 A:2) (P)
- 05/27/2016 ASM. APPR. (Y:14 N:6 A:0) (P)
- 04/18/2016 ASM. NAT. RES. (Y:7 N:2 A:0) (P)

Notes 1: This bill deals with state infrastructure planning taking into consideration the known, scientifically proven implications of climate change on such infrastructure improvements.

SB 32

(Pavley D) California Global Warming Solutions Act of 2006: emissions limit.

Current Text: Chaptered: 9/8/2016 [pdf](#) [html](#)

Current Analysis: 08/24/2016 [Senate Floor Analyses \(text 8/19/2016\)](#)

Introduced: 12/1/2014

Last Amend: 8/19/2016

Location: 9/8/2016-S. CHAPTERED

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 ensure that statewide greenhouse gas emissions are reduced to 40% below the 1990 level by 2030. This bill contains other related provisions.

Vote Events:

08/24/2016 SEN. FLOOR (Y:25 N:13 A:1) (P)
 08/23/2016 ASM. FLOOR (Y:48 N:31 A:1) (P)
 08/19/2016 ASM. FLOOR (Y:44 N:21 A:15) (P)
 08/11/2016 ASM. APPR. (Y:11 N:4 A:5) (P)
 06/27/2016 ASM. NAT. RES. (Y:6 N:2 A:1) (P)
 09/09/2015 ASM. FLOOR (Y:43 N:29 A:8) (P)
 09/08/2015 ASM. FLOOR (Y:30 N:35 A:15) (F)
 09/04/2015 ASM. FLOOR (Y:45 N:28 A:7) (P)
 08/27/2015 ASM. APPR. (Y:12 N:5 A:0) (P)
 07/13/2015 ASM. NAT. RES. (Y:6 N:3 A:0) (P)
 06/03/2015 SEN. FLOOR (Y:24 N:15 A:1) (P)
 05/28/2015 SEN. APPR. (Y:5 N:2 A:0) (P)
 05/18/2015 SEN. APPR. (Y:7 N:0 A:0) (P)
 04/29/2015 SEN. E.Q. (Y:5 N:2 A:0) (P)

Notes 1: As with AB 197, many Sacramento pundits were surprised with AB 32 was passed by both houses. With much fanfare, Governor Brown applauded the bills passage and promised to sign both pieces of legislation. As mentioned previously, there remains considerable debate whether the bill provides sufficient legislative horsepower to extend the AB 32 cap and trade program. The fight over extending AB 32 is not over, by any means.

SB 209 ([Pavley D](#)) Surface mining: financial assurances: reclamation plans.

Current Text: Chaptered: 4/18/2016 [pdf](#) [html](#)
 Current Analysis: 03/30/2016 [Senate Floor Analyses \(text 3/17/2016\)](#)
 Introduced: 2/11/2015
 Last Amend: 3/17/2016
 Location: 4/18/2016-S. CHAPTERED

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

Summary: Would establish the Division of Mine Reclamation within the Department of Conservation under the direction of the Supervisor of Mine Reclamation. The bill also would raise the maximum amount of the annual reporting fee to \$10,000 per mining operation, except as specified. The bill would raise the maximum amount of the total revenue generated from the reporting fee to \$8,000,000, as specified. This bill contains other related provisions and other existing laws.

Vote Events:

03/31/2016 SEN. FLOOR (Y:28 N:8 A:4) (P)
 03/28/2016 ASM. FLOOR (Y:54 N:20 A:5) (P)
 08/27/2015 ASM. APPR. (Y:12 N:4 A:1) (P)
 07/13/2015 ASM. NAT. RES. (Y:7 N:1 A:1) (P)
 05/28/2015 SEN. FLOOR (Y:25 N:13 A:2) (P)
 05/26/2015 SEN. APPR. (Y:5 N:2 A:0) (P)
 03/24/2015 SEN. N.R. & W. (Y:7 N:2 A:0) (P)

Notes 1: The bill has been signed by the Governor with approval of the mining industry.

SB 1383 ([Lara D](#)) Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills.

Current Text: Chaptered: 9/19/2016 [pdf](#) [html](#)
 Current Analysis: 08/31/2016 [Assembly Floor Analysis \(text 8/31/2016\)](#)
 Introduced: 2/19/2016
 Last Amend: 8/31/2016
 Location: 9/19/2016-S. CHAPTERED

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

Summary: *The State Air Resources Board is required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state. This bill would require the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also would establish specified targets for reducing organic waste in landfills.*

Vote Events:

- 08/31/2016 ASM. ASSEMBLY (Y:44 N:24 A:12) (P)
- 08/31/2016 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 08/31/2016 SEN. W/O REF. TO FILE (Y:25 N:12 A:2) (P)
- 08/30/2016 ASM. NAT. RES. (Y:6 N:1 A:2) (P)
- 08/19/2016 ASM. FLOOR (Y:46 N:22 A:12) (P)
- 08/11/2016 ASM. APPR. (Y:11 N:4 A:5) (P)
- 06/27/2016 ASM. NAT. RES. (Y:6 N:1 A:2) (P)
- 06/01/2016 SEN. FLOOR (Y:21 N:13 A:6) (P)
- 05/27/2016 SEN. APPR. (Y:5 N:2 A:0) (P)
- 05/02/2016 SEN. APPR. (Y:7 N:0 A:0) (P)
- 04/06/2016 SEN. E.Q. (Y:4 N:2 A:1) (P)

Notes 1: *Calls for specific reductions in short lived climate pollutants.*

SB 1398 ([Leyva D](#)) *Public water systems: lead user service lines.*

Current Text: *Chaptered: 9/27/2016* [pdf](#) [html](#)
Current Analysis: 08/30/2016 [Senate Floor Analyses \(text 8/18/2016\)](#)
Introduced: 2/19/2016
Last Amend: 8/18/2016
Location: 9/27/2016-S. CHAPTERED

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

Summary: *Would require a public water system to compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines in use in its distribution system by July 1, 2018. This bill would require a public water system, after completing the inventory, to provide a timeline for replacement of known lead user service lines in the distribution system to the State Water Resources Control Board.*

Vote Events:

- 08/31/2016 SEN. Unfinished Business (Y:39 N:0 A:0) (P)
- 08/29/2016 ASM. ASSEMBLY (Y:72 N:7 A:1) (P)
- 08/10/2016 ASM. APPR. (Y:17 N:2 A:1) (P)
- 06/28/2016 ASM. E.S. & T.M. (Y:5 N:1 A:1) (P)
- 06/02/2016 SEN. FLOOR (Y:36 N:0 A:4) (P)
- 05/27/2016 SEN. APPR. (Y:6 N:1 A:0) (P)
- 05/09/2016 SEN. APPR. (Y:6 N:0 A:1) (P)
- 04/20/2016 SEN. E.Q. (Y:6 N:1 A:0) (P)

SB 1464 ([De León D](#)) *California Global Warming Solutions Act of 2006: greenhouse gas emissions reduction.*

Current Text: *Chaptered: 9/26/2016* [pdf](#) [html](#)
Current Analysis: 08/18/2016 [Assembly Floor Analysis \(text 4/11/2016\)](#)
Introduced: 2/19/2016
Last Amend: 4/11/2016
Location: 9/26/2016-S. CHAPTERED

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

Summary: Current law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop and update, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Current law requires the investment plan to, among other things, identify priority programmatic investments of moneys that will facilitate the achievement of feasible and cost-effective greenhouse gas emissions reductions toward achievement of greenhouse gas reduction goals and targets by sector. This bill would require, in identifying priority programmatic investments, that the investment plan assess how proposed investments interact with current state regulations, policies, and programs, and evaluate if and how the proposed investments could be incorporated into existing programs.

Vote Events:

08/25/2016 ASM. FLOOR (Y:72 N:3 A:5) (P)

08/11/2016 ASM. APPR. (Y:12 N:1 A:7) (P)

06/27/2016 ASM. NAT. RES. (Y:7 N:1 A:1) (P)

05/31/2016 SEN. FLOOR (Y:26 N:5 A:9) (P)

05/27/2016 SEN. APPR. (Y:5 N:0 A:2) (P)

05/09/2016 SEN. APPR. (Y:6 N:0 A:1) (P)

04/20/2016 SEN. E.Q. (Y:7 N:0 A:0) (P)

Total Measures: 20
Total Tracking Forms: 20

Articles of Interest:

Jerry Brown signs funding bill amid push to extend cap-and-trade

Capitol Alert

David Siders dsiders@sacbee.com

BY DAVID SIDERS

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FRESNO

Gov. Jerry Brown, laboring to build support for California's controversial cap-and-trade program, signed legislation Wednesday authorizing \$900 million in spending on climate-related programs, including clean car rebates, parks and public transportation.

The legislation, negotiated by Brown and legislative leaders last month, was significant to many moderate Democrats who viewed spending in their districts as critical to buttress a state climate program that has faced heavy resistance from industry.

Brown's signature on the cap-and-trade expenditure was never in doubt, but the bill signing ceremony marked the beginning of a public relations push in his effort to extend cap-and-trade beyond 2020. The program, in which polluters pay to offset emissions under a declining cap, is on tenuous footing amid litigation and uncertainty in the Legislature.

Brown, appearing in a heavily polluted region of the state still suffering from effects of the recession, framed cap-and-trade as a program that "creates real jobs" and benefits poor people. The program is a significant source of revenue from Brown's \$64 billion high-speed rail projects and other climate-related initiatives.

"Cleaning up the air is not something that is forgetting about poor people," he told a small crowd on the sun-baked roof of a parking garage in Fresno. "Because in this area particularly, and in Riverside and other places, the air's bad. And a lot of kids have asthma, a lot of old people have bronchitis and other kinds of respiratory diseases. And you put this poison into the air, and you can actually take it out. That's what this bill is all about. It's cleaning things up, the pollutants, it's reducing the greenhouse gases, all that's good for people, rich and poor alike."

The spending plan authorized Wednesday includes \$140 million for transportation, housing and other programs in especially poor and heavily polluted areas of the state, \$135 million for transit and intercity rail programs, \$80 million for the creation of local parks and green spaces and \$133 million in subsidies for clean vehicle purchases.

The use of cap-and-trade revenue has been controversial since 2014, when Brown and legislative leaders agreed to dedicate 25 percent of carbon emission funds in future years to high-speed rail. The Democratic governor and lawmakers repeatedly put off negotiating other spending, with environmentalists criticizing Brown for withholding funding.

Some environmental justice groups have criticized cap-and-trade for allowing industries to continue polluting in poor areas of the state while buying offsets, while many conservatives have

criticized spending from the program. Hosts on Fresno's KMJ news Talk Radio were mocking Brown on air minutes before he spoke.

Rob Lapsley, president of the California Business Roundtable, said more cap-and-trade money should go to businesses to help them comply with greenhouse gas reduction mandates. "This is such a pot of money spread around to so many places," he said. "I want to see exactly the measurables for where it gets spent, who gets it, and what it accomplishes."

The cap-and-trade bill signing came a week after Brown signed Senate Bill 32, sweeping legislation requiring California to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030. While the legislation did not expressly authorize of cap-and-trade beyond 2020, it offered Brown leverage to negotiate an extension.

"They're going to get commands to do things," Brown said last month of California's business interests, "and they're going to plead for a market system called cap and trade so they can respond in a way that's more beneficial to their bottom line."

Brown, a longtime champion of environmental causes, shielded his head from the sun while waiting to speak on Wednesday.

"If this climate change gets away from us – and I'm not saying tomorrow, but in the next years, decades – it can be so hot here it becomes unlivable," he said.

Lawmakers who joined Brown for the signing ceremony said the authorization of such a large pool of cap-and-trade spending could improve the visibility of the program outside of Sacramento. High-speed rail, another main beneficiary of the program, became far less popular among California voters after they approved its construction in 2008.

"There's going to be a drastic investment into these communities," said Assemblyman Jimmy Gomez, D-Los Angeles. "And I believe if we actually extend our program, the cap-and-trade program, this is the foundation for the greatest investment into low-income communities to deal with climate change ever. But that's only if we continue these programs that have already started changing the face of California."

Read more here: <http://www.sacbee.com/news/politics-government/capitol-alert/article101847517.html#storylink=cpy>

This is what the climate bill Jerry Brown signed means

Gov. Jerry Brown, on Thursday Sept. 8, 2016 signed major legislation battling climate change.

David Siders dsiders@sacbee.com

BY DAVID SIDERS

dsiders@sacbee.com

When Gov. Jerry Brown signed Senate Bill 32 into law on Thursday, he said of the sweeping climate change bill, “This is big, and I hope it sends a message across the country.”

Q: So what, exactly, does it do?

A: SB 32 comes a decade after California’s landmark Assembly Bill 32, which required the California Air Resources Board to reduce statewide emissions of greenhouse gases to 1990 levels by 2020. The legislation Brown signed Wednesday expands on that mandate, requiring California to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

In adopting a more aggressive standard, the state is empowering the air board to enact further regulations to reduce emissions, while not prescribing what those regulations must entail.

Here is the relevant language in the bill:

In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the state board shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than Dec. 31, 2030.

Q: That’s not very specific. How will it affect Californians?

A: Existing regulations, as well as goals expressed by the Brown administration, offer an outline of how the state might ratchet down emissions.

First, since the transportation sector is the single largest source of greenhouse gas emissions in the state – accounting for more than one-third of total emissions – California has a lot riding on what your commute looks like in 15 years.

Brown wants to reduce petroleum use in cars and trucks by as much as 50 percent, and regulators could further tighten the state’s low carbon fuel standard, which requires producers of gasoline and other transportation fuels to reduce the carbon intensity of their products.

Brown also wants to put 1.5 million zero-emission vehicles on California roadways by 2025, and he adopted a goal last year of making all new passenger vehicles sold in California zero-emission by 2050.

That’s a tall order that will almost certainly rely on technological advances to overcome consumer fears about the cost and range of zero-emission vehicles. The California Plug-In Electric Vehicle Collaborative estimates only 231,482 plug-in cars have been sold in the state since 2011, and greenhouse gas emissions from the transportation sector ticked up slightly – not down – in 2014.

One way to reduce emissions is to reduce vehicle miles traveled, which could be accomplished by shifting drivers onto high-speed rail and by encouraging people to live in city cores.

The state last year enacted a goal of increasing to one-half from one-third the proportion of electricity the state derives from renewable sources. The Brown administration wants to double the energy efficiency of buildings and make heating fuels cleaner, while also better managing forests and farmland.

The state is planning to spend hundreds of millions of dollars on a range of emission-reduction programs, from clean vehicle rebates and high-speed rail to efforts to reduce methane from dairies.

Q: Will it make a difference?

A: For Californians living near major sources of pollution, it might. One of the state's more recent areas of focus is on so-called "short-lived climate pollutants," a hazardous class of pollutants, including black carbon, that sickens millions of people worldwide each year.

Reducing those pollutants, scientists say, can both improve public health and slow the pace of global warming.

But California represents such a small fraction of the world's total greenhouse gas emissions that even if it does continue to dramatically reduce emissions, the broader impact on global warming will be minimal.

Q: So what's the point?

A: As an example to other governments, California could be significant. Brown and other proponents of the state's climate change policies argue that the state has demonstrated that a large economy can reduce emissions while enjoying economic growth. Emissions have declined since 2001, though progress has slowed amid the economic recovery.

While reducing emissions, California has supported a growing clean technology sector, technology that could be exported to other states and countries. Meanwhile, Brown has signed more than 125 sub-national jurisdictions around the world on to a nonbinding pact to reduce their emissions.

"If California stopped all of our emissions tomorrow, it really wouldn't change the global warming picture in a physical sense," said Jeffery Greenblatt, staff scientist at Lawrence Berkeley National Laboratory. "But we set a huge political example."

The enactment of SB 32 required Brown and Democratic legislative leaders to overcome intense lobbying from the oil industry, as well as reservations from moderate Democrats in the Assembly. If the bill had failed, it would have served as an embarrassment for a fourth-term governor who has made climate change the centerpiece of his administration.

Q: Didn't Brown lose on cap and trade?

A: In an effort to preserve California's cap-and-trade program beyond 2020, Brown last month proposed amending Senate Bill 32 to authorize the extension.

Lawmakers resisted, and the proposal fell flat. The program, in which polluters pay to offset carbon emissions, is a major piece of California's climate effort, and amid an ongoing legal challenge, its future is uncertain.

Yet SB 32 should give Brown leverage for negotiating an extension, with the legislation allowing his administration to order more onerous regulations, instead.

"They're going to get commands to do things," Brown said last month, "and they're going to plead for a market system called cap and trade so they can respond in a way that's more beneficial to their bottom line."

Q: Didn't Brown sign two bills?

A: Yes. Brown also signed Assembly Bill 197, giving lawmakers more authority over the California Air Resources Board.

One long-standing criticism of California's climate policies has focused on the power wielded by the board, and AB 197 helped Brown and legislative leaders gain support from business-friendly Democrats in the Assembly.

The bill creates six-year term limits for ARB members, adds two nonvoting lawmakers to the board and creates a new legislative oversight committee.

AB 197 also targets climate change programs to "disadvantaged communities" and requires the ARB to consider the social costs of greenhouse gas emissions.

Assembly Speaker Anthony Rendon, D-Los Angeles, said Thursday that he is committed to "bringing the benefits of greenhouse gas reductions to every community in California."

Read more here: <http://www.sacbee.com/news/politics-government/capitol-alert/article100734142.html#storylink=cpy>

Gov. Brown signs sweeping legislation to combat climate change

California will become a petri dish for international efforts to slow global warming under legislation signed by Gov. Jerry Brown on Thursday, forcing one of the world's largest economies to squeeze into a dramatically smaller carbon footprint.

“What we’re doing here is farsighted, as well as far-reaching,” Brown said at a signing ceremony at Vista Hermosa Natural Park in downtown Los Angeles. “California is doing something that no other state has done.”

The legislation, SB 32, requires the state to slash greenhouse gas emissions to 40% below 1990 levels by 2030, a much more ambitious target than the previous goal of hitting 1990 levels by 2020.

Cutting emissions will affect nearly all aspects of life in the state — where people live, how they get to work, how their food is produced and where their electricity comes from.

“We’re going to have to make the change about three times as fast as we’ve done so far,” said James Sweeney, director of the Precourt Energy Efficiency Center at [Stanford University](#).

The state has already been ramping up solar power generation, handing out subsidies for drivers to buy electric cars and prodding developers to create denser communities connected to mass transit.

But research from the Lawrence Berkeley National Laboratory shows that current policies may get the state only about halfway to the 2030 goal. Right now the state is inching closer to 1990 emissions levels, a target set a decade ago by an earlier law.

That means Californians can expect to feel more of what Brown has called the “coercive power of government.” Businesses will likely face more restrictive rules, and taxpayer and ratepayer money will be needed to subsidize cleaner technologies.

“You name it, we’re going to need it,” said Snuller Price, senior partner at E3, an energy efficiency consulting firm that has worked with state regulators.

Reaching the goal set by SB 32 could be a difficult task in a growing state. California has 38 million people now, with a gross domestic product of almost \$2.5 trillion, making it the sixth-largest economy in the world.

By 2030, estimates from the Public Policy Institute of California and the Center for Continuing Study of the California Economy show, the state could have 44 million people and an economy of nearly \$3.5 trillion, but carbon emissions would need to be dramatically reduced.

The effort will require not only policies and innovations to make clean technology more available and affordable, but political acumen to prevent a public backlash to those policies.

"Whatever it's going to take, it's going to take battle, it's going to take wisdom and it will take some balance that we don't overdo it," Brown said. "But I'm not afraid that we're going to get to that point."

Some business groups have already raised concerns. Allan Zaremberg, president of the state's Chamber of Commerce, said the law doesn't require "regulatory agencies to give any consideration to the impacts on our economy, disruptions in everyone's daily lives or the fact that California's population will grow."

Perhaps the biggest challenge is getting more clean cars on the roads, a key issue in a sprawling state where residents can face long commutes to work.

Despite subsidies, Californians aren't buying electric cars fast enough to help the state meet its target of reducing emissions to 40% below 1990 levels. And every gasoline-powered car purchased today could remain on the road for years to come, further undermining climate goals.

Chris Busch, research director at Energy Innovation, a San Francisco-based think tank, said more charging stations could help drivers feel more confident about ditching gasoline. "We need to be rolling out the infrastructure quickly," he said.

Shawn Yadon, CEO of the California Trucking Assn., said businesses are spending heavily to comply with existing emissions regulations, and the new law will only exacerbate their costs. "It's very clear that it's going to require new tech and new fuels," he said.

The agricultural industry could also feel the pinch of new regulations, and the state probably will need to slash methane emissions from dairy production and landfills. Methane is about 80 times more powerful a climate pollutant in the long term than carbon dioxide.

Assembly Speaker Anthony Rendon (D-Paramount) said the state won't be able to rely on easy fixes to make more progress. "It's no longer the low-hanging fruit," Rendon said of the state making progress toward its goal. "We're going to have to attack it more vigorously."

The deep changes needed to hit the new emissions goal have prompted Sweeney to question whether it will be possible.

"I frankly doubt whether California is going to meet those targets," he said. "But I hope that they can."

It's an effort that will be closely watched around the U.S. and the world. California has often set benchmarks for environmental programs, and environmental leaders said they hope other places will follow suit.

"California is becoming the world's leader in the reduction of climate pollution," said Daniel Weiss, a clean energy consultant in Washington, D.C. "Its aggressive stance will help drive innovation and adoption of clean energy policies in other places."

A second measure signed Thursday by the governor, AB 197, shifts the trajectory of the state's environmental policies. It creates a legislative committee to oversee regulators, giving lawmakers more say in how climate goals are met. It pushes the state to take stronger steps to curb local pollution, rather than simply seeking a statewide reduction in emissions.

"Our climate change policies, I think today and by the signing of these two bills, represent a turning of the page as it relates to focusing on people," said Assemblyman Eduardo Garcia (D-Coachella), who wrote the measure.

The legislation does not specifically address the future of the cap-and-trade program, the centerpiece of California's climate agenda. The program requires companies to buy permits to release emissions into the atmosphere, creating a financial incentive to clean up operations.

Cap and trade has raised billions of dollars in recent years, but revenue from the program has slowed to a trickle, and it's facing legal uncertainty from a years-long legal battle over whether the program amounts to an unconstitutional tax.

After the new legislation was approved by lawmakers last month, Brown said he would have additional leverage to persuade businesses to support an extension of cap and trade. Otherwise, he said, the state would have to rely on less flexible policies to reach its emissions goals.

Brown said Thursday that he hoped California's efforts would help change the minds of Republicans and businesses that have resisted climate policies.

"I don't want to be partisan, but these guys deny science," he said. "Anybody who lies like that should not be listened to. That's all."

Clinton and Trump polar opposites on global warming and energy

Both Hillary Clinton and Donald Trump want the United States to become a global energy superpower.

The similarity in their energy policies ends there.

The two major-party presidential candidates have staked out nearly opposite positions — Trump's based on fossil fuels, Clinton's on renewable power.

Trump vows to expand drilling for oil and natural gas, both onshore and off. He wants to **end America's dependence on OPEC and rescue the failing coal industry**, which he says has been strangled by President Obama. His stances largely match the energy priorities pushed by the Republican Party for the last eight years.

Democrat Clinton, meanwhile, pledges to turn the United States into the world's "clean energy superpower," installing 500 million solar panels nationwide during her first term. She wants to kill subsidies to oil and gas companies, cut America's use of petroleum by one third and upgrade the electric grid to handle more wind, solar and geothermal power.

Driving the difference is climate change.

Clinton, like Obama, considers global warming a grave threat that needs to be confronted now. Trump has labeled climate change a "hoax" and "bull—," at one point suggesting that **the idea had been cooked up by China** to undermine American manufacturers. He later called the China comment a joke.

Although Trump has recently softened his stance, telling an interviewer in August that **"there could be some impact"** from warming, he has pledged to back out of last year's international climate accord signed in Paris and scuttle Obama's Clean Power Plan.

Clinton, in contrast, would uphold both the Paris accord and the Clean Power Plan. She aims to **cut America's greenhouse gas emissions 30 percent** below 2005's levels by 2025. Her long-term goal is far more ambitious — an 80 percent reduction by 2050, the same target California uses in its climate plans.

“Focusing on zero-carbon energy is tremendously important right now, and Clinton is focusing on it, and Trump isn't,” said UC Berkeley energy economist Severin Borenstein.

Their positions reflect the polarization of American climate politics during Obama's two terms. While most Democratic and independent voters agree that human activity is warming the globe — the conclusion of the vast majority of climate scientists — only **38 percent of Republican voters do**, according to a Gallup poll in March. Long gone are the days when Obama and his 2008 Republican opponent for the White House, John McCain, agreed on the dangers of global warming and **pitched many of the same policies** to deal with it.

“Hillary Clinton feels climate change is a major concern, so she has major efforts to address it,” said Paul Knappenberger, a researcher with the Cato Institute libertarian think tank who argues that the effects of global warming will not be as severe as many fear. “Donald Trump does not share her concern. He wants to level the playing field and let the best or cheapest energy source win out.”

True to her policy-wonk reputation, Clinton has offered **more energy proposals in detail** than has Trump, from building more renewable power projects on public lands to pumping federal funding into research on energy storage and other carbon-free technologies.

Trump has touted a few specific steps he would take, such as bringing back the Keystone XL pipeline extension that Obama killed, a project that would have shipped crude from Canada's vast oil sands to Gulf Coast refineries.

But Trump has largely stuck with broader proposals.

He has called for America to ramp up oil and gas production, particularly on public lands, using the money to improve roads, schools and public infrastructure.

“This is your treasure, and you — the American people — are entitled to share in the riches,” Trump said during a May speech in North Dakota on energy issues.

He has called for removing bureaucratic barriers to all forms of energy production — including renewables — arguing that the government should not try to favor one energy source over another. And he has vowed to revive the American coal industry, while saying Clinton's policies would destroy it.

“His promise is, ‘We're not going to do regulation, we're going to go with whatever's cheapest, and that's coal,’” said Amy Myers Jaffe, a longtime energy market expert with UC Davis. “My problem with that is coal isn't actually the cheapest.”

Indeed, while Obama's Clean Power Plan would force utilities to move away from coal as an energy source, the coal industry has been increasingly unable to compete against a different fossil fuel — natural gas. Hydraulic fracturing, better known as fracking, has triggered a boom in domestic gas production and pulled down prices, undercutting coal. Analysts don't expect that to change anytime soon.

“Unless (Trump) plans to subsidize coal mining, he’s not going to save those jobs,” Borenstein said.

Clinton, for her part, has proposed a **\$30 billion revitalization plan** for coal-mining communities that would redevelop mining sites for factories, expand rural broadband access to boost small-town economies, retrain workers and guarantee their pensions in case their old companies go bankrupt.

While Clinton’s plans would shift America away from fossil fuels, she doesn’t reject them entirely.

During the primary campaign, for example, she staked out a **much more nuanced position on fracking** than her opponent, Bernie Sanders. Sanders called for ending the controversial practice — which uses pressurized water, sand and chemicals to extract fuel — while Clinton said she would let states or communities choose whether to ban it. She also said she would only support fracking if the companies involved revealed the chemicals they used and if there was no contamination of local water supplies.

“While some in the environmental community want to come down hard on fracking, at some point you need to have energy, and right now, that’s mostly fossil fuels,” Knappenberger said. “You can’t dial back on them too fast, too much.”

Clinton does, however, insist that the country start facing climate change now.

“Future generations will look back and wonder, ‘What we were thinking? How could we possibly be so irresponsible,’” she says on a video posted on her website.

The candidates on energy, climate change

Presidential contenders Hillary Clinton and Donald Trump have pushed opposing visions:

Donald Trump

Expand oil and natural gas drilling, on land and at sea, and spend the proceeds on roads, schools and infrastructure.

Revive the U.S. coal industry.

“Cancel” the Paris climate accord.

Hillary Clinton

Boost renewable power, installing 500 million solar panels in four years.

Follow through with the Paris climate accord and President Obama’s Clean Power Plan

Cut greenhouse gas emissions 30 percent below 2005 levels by 2025.

Misplaced priorities in state Capitol

Sept. 18, 2016

By JOHN MOORLACH / Contributing writer

When I was elected to represent the people of the 37th Senate District in Sacramento, I resolved to fix the things we could fix — the things that we must fix in order for California to have a prosperous future.

What I have observed is that there is an ongoing effort by many in Sacramento to fix the things we cannot, while ignoring the major issues that affect the lives of every single Californian, not only in my district but throughout this great state.

Recently, the state Legislature approved Senate Bill 32, a bill that takes aim at global warming by requiring California to reduce greenhouse gas emissions to at least 40 percent below 1990 levels by the year 2030.

This sounds like a worthy goal, but it's a goal that is going to cost every California resident and business more money from their pockets. California's contribution to greenhouse gas emissions is approximately 1 percent of the worldwide total. So, no matter how much California tightens its belt when it comes to reducing emissions, the fact is that the state's global impact is next to nothing.

Many in Sacramento patted themselves on the back for passing a bill they believe will save the world. Meanwhile, my constituents are concerned with the more pressing issues — like California's ticking time bomb, the public employee pension system. Or our retiree medical costs. Nationwide, California claims the top prize as having the largest unfunded liabilities for both, and continues to be the least economically competitive state in the nation. And what about the mass exodus of businesses? Almost 9,000 of them, over the last seven years, have chosen to leave California and operate out of state. You'll find many of them in Texas.

My colleagues engaged in a passionate debate about global warming and the need for California to be the world leader on the issue, but where is the dialogue about fixing California's balance sheet, which carries the largest unrestricted net deficit in the United States?

What this state desperately needs is balance and restraint, not more feel-good legislation and disconnects. Once the high of SB32 wears off, will the Legislature address the gorilla in the room? California must stop mortgaging its future and prepare for the next economic recession. Even Gov. Jerry Brown warned it's coming.

Here's a disconnect: This year, legislative Democrats approved a 50 percent increase in the minimum wage, which will cause far too many small businesses to close their doors, costing jobs and hurting workers. Increasing electricity rates will also cost Californians more, and a new tax is on the table that would hike California's gas prices by 17 cents per gallon.

Piling on more cost pressures and tax increases is not my idea of balance or restraint, and it's not what California residents and businesses need.

The Legislature passed hundreds of bills in the final days of the legislative session, but it must remember that there is a looming fiscal downturn on the horizon for this state. Sacramento must show restraint and focus on its spending priorities.

Instead of passing feel-good legislation with little impact, like SB32, the Legislature needs to focus on the issues we can fix — issues like paying down debt, putting more money away in our state’s Rainy Day Fund and prioritizing practical transportation needs over a costly high-speed rail project and a severely mismanaged Caltrans.

There’s a reason for the story about the camel. I fear that SB32 is one more straw that will break California’s back.

John Moorlach is a state Senator representing the 37th District, which includes the communities of Costa Mesa, Irvine, Lake Forest, Laguna Beach, Laguna Woods, Newport Beach Tustin, Villa Park and portions of Anaheim, Huntington Beach and Orange.

Socal Air Quality Regulators Mulling Hike In Vehicle Registration Fees For Smog Reduction

The South Coast Air Quality Management District is considering an increase on vehicle registration fees as one component of a funding plan for smog reduction efforts over the next 15 years. (Genaro Molina / Los Angeles Times)

Tony Barboza

Air quality regulators are considering seeking an increase in vehicle registration fees for millions of Southern California drivers to help pay for smog reduction programs.

The idea, though still in preliminary stages, would be one component of a funding proposal under development by the South Coast Air Quality Management District as part of a major pollution-reduction plan, agency officials confirmed Wednesday. [That plan](#) will guide efforts to reduce emissions in the nation’s smoggiest region over the next 15 years.

Increasing annual vehicle registration fees collected from more than 10 million drivers across Los Angeles, Orange, Riverside and San Bernardino counties by \$30 would generate an additional \$300 million a year for pollution-reduction programs, AQMD Acting Executive Officer Wayne Nastri said in an interview Wednesday.

The South Coast air district currently collects \$2 per vehicle in annual registration fees through the Department of Motor Vehicles. That’s less than other parts of the state with similar air pollution problems, such as the San Joaquin Valley, where drivers pay an extra \$12 a year for local air-quality improvement projects.

[A draft plan](#) released in June by the South Coast district proposes cutting smog-forming emissions from cars, trucks, oil refineries, ports, logistics centers and an array of other sources largely through voluntary, “nonregulatory” measures that encourage, rather than force, polluters to adopt cleaner technology. The plan, which could go to a vote of the AQMD governing board as early as December, relies on finding \$1 billion a year for emissions-cutting incentive programs — a 10- to 20-fold increase over what is spent today.

In recent months, that plan has encountered skepticism from environmental groups and some members of the South Coast air district governing board, who criticize it as unrealistic. While its industry-friendly approach has garnered support from regulated businesses, environmentalists have urged a stronger focus on emissions-cutting rules and regulations.

The plan targets ozone, the lung-searing gas in smog that triggers asthma and other respiratory problems. Ozone reaches the nation's highest levels in Southern California's inland valleys and mountains. To meet a key federal deadline for reducing the pollutant, the region must slash emissions of smog-forming nitrogen oxides by 2031.

Nastri emphasized that a vehicle registration fee hike is only one of a broad range of potential federal, state and local funding sources the agency is evaluating for use in fighting smog. A more detailed outline is expected by October, he said.

"Right now, we're looking at the number of vehicles in the region, we're just postulating what the potential revenue would be if we were to say 30, 40, 20, 50 [dollars]," Nastri said. "We'll figure out what's reasonable, what's not reasonable."

At a public meeting earlier this month, however, air quality board chairman William Burke said that the \$30 vehicle registration fee suggested by Nastri would not be enough and that he has been discussing a \$60 fee.

"Nobody wants to pay \$60, but everybody says, you know, that would cure the problem," Burke said at an air district [committee meeting](#) on Sept. 9. Burke could not be reached for comment Wednesday.

Imposing a vehicle registration fee hike would require action by state lawmakers. Because it would be considered a new tax, it would have to pass with a two-thirds majority in the legislature.

Adrian Martinez, staff attorney for the environmental law nonprofit Earthjustice, criticized the idea of raising vehicle registration fees as "verging on political fantasy."

"Our air regulators should instead do what they do best, which is requiring large polluters to clean up our air," he added.

Nastri acknowledged that "if we actually go to the legislature, we're facing some big challenges," including competing requests for funding for transportation, infrastructure and other critical projects. "But we believe that air quality and public health should rank right up there."

Nastri added that the agency is pursuing a targeted approach for pollution-reduction fees that would seek to place more of the burden on high-polluting sectors, such as heavy-duty trucks, and less on low-income communities and those who drive electric vehicles.

"We don't want those least able from an economic perspective to pay a majority of the cleanup cost that we're facing in the basin," Nastri said.

Nastri has previously proposed asking Congress to create a national fund for cleaning the regions with the most polluted air, an idea modeled on the federal Superfund program for hazardous-waste sites. He has also suggested tapping money from the state's cap-and-trade program or from Volkswagen's settlement with regulators over emissions test-cheating software on diesel vehicles.

There is some precedent for raising vehicle fees to fight smog.

San Joaquin Valley air quality regulators have raised more than \$133 million from drivers since 2012 by imposing a \$12 increase in annual vehicle registration fees, a spokeswoman said. The fees, assessed as part of a [U.S. Environmental Protection Agency](#)-required penalty, are used to pay for cleaner cars, trucks, buses and farm equipment.

When the South Coast air district was faced with a similar EPA penalty for missing an ozone-reduction deadline in 2010, it arranged to use money for local air quality improvement projects as credits rather than imposing tens of millions in fees on area businesses or drivers.

[An analysis](#) released by the South Coast district last month as part of the agency's clean air plan found that the health benefits of meeting federal pollution reduction deadlines, including prevention of thousands of early deaths, emergency room visits and missed school days, would far outweigh the billions in costs to industry, the government and consumers.

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

AGENDA ITEM 3

DATE: October 24, 2016

RECOMMENDATION: Reappoint Larry Bowden, to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) as the public member for a 3 year term to expire June 30, 2019.

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

CONFLICT OF INTEREST: Governing Board Members, and Larry Bowden.

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

The expiration date for the terms of the public member has previously expired. However, due to the terms of the appointment the incumbents continue to serve in the previously appointed position until a subsequent appointment is made. Mr. Bowden has expressed his desire to continue serving on the Hearing Board in their current capacity.

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

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

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VICTORVILLE, CALIFORNIA**

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REVIEW BY OTHERS: This item was reviewed by Karen K. Nowak, District Counsel on or before October 6, 2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO

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

AGENDA ITEM 4

DATE: October 24, 2016

RECOMMENDATION: 1. Allocate Carl Moyer Program (CMP) funds not to exceed \$100,000 for continued implementation of the MDAQMD's Voluntary Accelerated Vehicle Retirement (VAVR) Program; and 2. Authorize the Executive Director to extend the current contract with Environmental Engineering Services (EES), approved as to legal form, through December 2017.

SUMMARY: This item adds funds for additional vehicle retirements and allows the APCO to extend the current contract with EES.

CONFLICT OF INTEREST: None

BACKGROUND: In March 2009, the MDAQMD Governing Board (Board) approved the MDAQMD's VAVR Implementation Plan, now known as Voluntary Accelerated Vehicle Retirement (VAVR) Program Work Plan. Since the program's inception in July of 2009, the MDAQMD has operated the VAVR Program according to the Work Plan. Currently the program accepts vehicles through model year 1995. This highly successful program has permanently removed 978 older high polluting vehicles to date.

In addition, staff recommends that Carl Moyer Program (CMP) funds and the required associated match funding be allocated in an amount not to exceed \$100,000 to continue the implementation of the MDAQMD's VAVR Program. Current funds allocated will allow for the retirement of 75 vehicles. Based on historical program activity, the proposed funding should extend the VAVR Program for approximately one year and result in an estimated retirement of an additional 100 vehicles.

The current contract with Environmental Engineering Services, Inc. for implementation of the VAVR Program has been executed by the APCO and extends through December 2016. MDAQMD Staff and Environmental Engineering Services, Inc. wish to extend that contract through December 2017. Staff recommends delegation of the ability to extend and modify the contract if necessary to the Executive Director.

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REASON FOR RECOMMENDATION: The Carl Moyer Program guidelines require that the Governing Board formally authorize MDAQMD's use of Carl Moyer Program funds, associated administrative and matching funds.

REVIEW BY OTHERS: This item was reviewed as to legal form by Karen Nowak, District Counsel and by Jean Bracy, Deputy Director, Administration on or before October 5, 2016.

FINANCIAL DATA: Both the Carl Moyer Program and administrative funds are supplementary to the MDAQMD budget. The distribution of these funds is included in the FY 16-17 budget.

PRESENTER: Jean Bracy, Deputy Director, Administration

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

AGENDA ITEM 5

DATE: October 24, 2016

RECOMMENDATION: Amend the MDAQMD Exempt Compensation Plan (ECP) to provide different benefits for employees hired on or after October 24, 2016 and employees that transition to a position in the Exempt Groups on or after that date.

SUMMARY: This item amends the ECP and sets forth different benefits to employees hired into or transitioned into the Exempt Groups on or after October 24, 2016.

CONFLICT OF INTEREST: None.

BACKGROUND: The ECP is the written description of the benefits, compensation, and special provisions available to classifications designated as exempt. The classifications included in the ECP are those positions which are exempt from payment of overtime under the Fair Labor and Standard Act (FLSA). There are certain benefits provided employees in the Exempt Groups that are distinct from benefits provided to the classifications in the General Unit.

This recommendation amends the ECP by changing two particular benefits. First, it eliminates the supplementary retirement benefit. Second, it reduces administrative leave that is provided “in lieu” of overtime. Additional changes are administrative and “cleanup” revisions that have no impact on employee benefits. Finally, these changes effect employees hired on or after today’s adoption, October 24, 2016, and employees that transition into a position in the Exempt Groups on or after that date.

A full background and description of the recommended changes is included in Exhibit 1 and a Redline version of the ECP is attached as Exhibit 2.

REASON FOR RECOMMENDATION: Governing Board action is necessary to change policies such as the ECP.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form on or about October 6, 2016.

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FINANCIAL DATA: No increase in appropriation is anticipated; cost savings are expected over time.

PRESENTER: Brad Poiriez, Executive Director/APCO

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VICTORVILLE, CALIFORNIA**

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Exhibit 1

Policy Documents

The MDAQMD Exempt Compensation Plan (ECP) is the written description of the benefits, compensation, and special provisions available to classifications designated as exempt. The classifications included in ECP are exempt from payment of overtime under the Fair Labor and Standard Act (FLSA). These classifications generally meet the duties tests by performing exempt job duties. Employees in the classifications included in the Exempt Groups are not represented by any labor organization at this time.

The personnel management of MDAQMD employees is also governed by other documents. The Personnel Policies and Procedures (PPP) apply to all employees with broad policies. The Memorandum of Understanding (MOU) is a negotiated labor contract which applies to the employees in the General Unit represented by the Teamsters Local 1932. On September 26, 2016 the Governing Board adopted a one year successor MOU with the Teamsters Local 1932.

Amendments to District personnel documents such as the PPP and MOU are subject to meet and confer with the employee union. The ECP has no requirement for meet and confer as the classifications included are not represented.

District Wide Demographics

District personnel includes 38 full time employees (plus two vacant positions):

- Contract employee – 1
- Exempt employees – 11 (one assigned to the AVAQMD)
- Non Exempt employees – 26 (five assigned to the AVAQMD)

District wide, the age of the employees are evenly distributed across three age groups: 32% are aged 20-40; 37% are aged 41-54; and 32% are aged 55 and older. The gender distribution is about 60% female and 40% male. The average tenure is 11 years; and for those with 11 years or more of service, the average tenure is 18¾ years. The most recent employees (2) were nearly 4 years ago. The Executive Director/APCO is under contract and started July 25, 2016.

Exempt Group Demographics

The demographics of the 11 employees (excluding the Executive Director/APCO) in the Exempt Groups are distributed differently: 82% (9 of the 11) are over 50 years old. Ten of the eleven have more than 14 years of service. Of those ten employees, 5 have 25 years or more of service (including reciprocal service time with other public agencies). These demographics clearly demonstrate that up to 9 employees in the Exempt Groups will turn over in the next five to seven years.

These conditions provide an opportunity to address legacy benefits that came with employees who transferred from San Bernardino County when the District was formed in 1993. These legacy benefits enrich a small group of employees, contribute to dividing the Exempt/Non-exempt groups,

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and are a source of tension. While one solution is to add these benefits District-wide, the associated cost may not be acceptable. Another solution is to terminate these benefits from the existing Exempt Groups. This solution seems counterproductive as it negatively impacts long tenured employees and may not be allowed for some because of promises to pre-District employees to hold over certain benefits from their County employment. Finally, recognizing the demographics of the Exempt Groups at this time allows for a unique opportunity to re-consider the benefit package offered to the future employees of the Exempt Groups.

Revisions Approved September 26, 2016

The Governing Board amended the ECP to conform to changes in terms and conditions in the MOU adopted on the same date. Those conforming changes included adopting retirement reform language that requires new employees be responsible for the full amount of the employee required contribution for retirement, and 2% adjustment to wages.

Incorporating an amendment from January 2012

Section III.B.3. "Other Benefits" In January 2012 the Governing Board rescinded Governing Board Policy 06-04, "Executive Physical Examination" and directed that the benefit described in the policy be included in the ECP. The provision has been further revised to reference the Employment Contract for employees in Group E (Executive Director/APCO). Adopting this item will complete that direction which was overlooked at the time and in the subsequent revision on September 26, 2016.

Recommended Revisions to the ECP

In this proposed revision, certain benefits will not be offered to employees hired on or after October 24, 2016. The new benefit structure will apply to employees who transition to a position in the Exempt Groups on or after that date.

1. Section I, Exempt Classification Groups. Classifications assigned to the Exempt Groups have been revised to conform to the proposed reorganization described in a separate Board action.
2. Some language clean-up was inserted for clarification. Section III.A. 1 "Flexible Benefit Plan" and "Health and Dental" clarifies the intended recipients. Section III.A.3 "Other Potential Adjustments" refers to the precursor to what is now the Affordable Care Act (ACA). This paragraph can be removed since the ACA is in effect and does not have any impact on the District's offering for medical benefits.
3. Section III. C. Retirement Program. This revision addresses last paragraph in the section describing a condition from the 1937 Act for employees with 30 years of service. This provision stops the employee contribution to the retirement plan and pays that portion to the employee in taxable cash. The paragraph is one long sentence listing several conditions. The revision recommended separates the conditions into the three distinct elements. The application of the paragraph does not change. The revision also inserts language conforming to PEPPRA indicating that employees hired on or after January 1, 2013, are not eligible for this provision. This language was reviewed by staff at SBCERA.

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4. Section III. C. 2 Retirement Contributions. A legacy benefit from San Bernardino County is a supplemental retirement contribution for employees in the Exempt Groups only. Employees in Group A receive \$380 per month to offset the Employee required contribution, and Employees in Group B receive \$180 per month.

This benefit will not be available for employees hired on or after October 24, 2016 and for employees that transition to a position in the Exempt Groups on or after that date.

- Estimated *annual* savings: \$4,560 per employee in Group A; and \$2,160 per employee in Group B

5. Section VI. D. Administrative Leave. A legacy benefit from San Bernardino County is the allocation of Administrative Leave in lieu of overtime for employees in the Exempt Groups. It is customary for employers to provide some amount of hours “in-lieu of” overtime for employees in those positions that are exempt from payment of overtime. Note that these hours, if unused, are cashed to the employee at the end of the calendar year and are considered “pensionable” in that they count toward calculating retirement benefits.

Current:		
Group E	Executive Management	per contract
Group A	Management	120 hours/year
Group B	Program Management	80 hrs/year

This recommendation reduces the allocation for Groups A and B. Note that for Group E, the Executive Director/APCO, this provision is addressed in the Employment Agreement. Employees hired on or after October 24, 2016 and employees that transition to a position in the Exempt Groups on or after that date are allocated administrative leave as follows:

Proposed:		
Group A	Management	40 hrs/year (66% reduction)
Group B	Program Management	20 hrs/year (75% reduction)

- Estimated *annual savings* (varies based on the hourly rate of each employee): about \$50,000

Summary

There is a reasonable expectation that of the 11 current exempt employees (excluding the APCO) up to 7 employees may retire in the next 5 to 7 years. Given that assumption, by 2023 annual cost savings could reach \$70,000. Note that those savings will be achieved incrementally and over five or more years offset by salary adjustments or other general cost increases.

If adopted these changes will be effective October 24, 2016.

[Exhibit 2](#)

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***EXEMPT
COMPENSATION
PLAN***

[Draft Amendment October 24, 2016](#)

[Amended September 26, 2016](#)

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INTRODUCTION

1. This Exempt Compensation Plan (“Plan”) provides written description of the benefits, compensation, and special provisions available to positions and/or classifications defined herein but generally those not represented in the General Bargaining Unit established in January, 1994, and subsequently amended or the Confidential Group as established September 26, 2011 and subsequently amended.
2. This Plan is not intended to serve as a representation document for the specified classifications. This Plan is not intended to serve as a negotiating tool and it is not a collective bargaining agreement nor was it created by any negotiating team. This Plan shall in no manner be interpreted as a guaranteed or implied contract between the District and any employee or group of employees.

I. EXEMPT CLASSIFICATION GROUPS

The classifications generally referred to in this Plan are employee positions that are strategically placed to drive the District’s business processes. The incumbents in these positions, and those that may be identified in the future, formulate or administer significant executive policy, employee relations responsibilities and/or District confidential, proprietary information.

1. Group E Executive Management

Executive Director/APCO

2. Group A Management

Deputy Director / Mojave Desert Operation
Deputy Director / Antelope Valley Operations
Deputy Director / Administration
~~Deputy Air Pollution Control Officer~~
District Counsel
~~Director of Administrative Services~~
~~Operations Manager~~

3. Group B Program Management

~~Administrative Services Lead~~
~~Administrative Services Manager~~
~~Clerk of the Boards~~
~~Finance Manager~~
Community Relations & Education Manager
~~Human Resources Specialist~~
~~Executive Assistant~~
Records Management Specialist
~~Compliance Supervisor~~
~~Permit Engineering Supervisor~~
~~Air Monitoring Supervisor~~

~~Supervising Air Quality Engineer
Supervising Air Quality Specialist
Systems Administrator~~

II. ADMINISTRATION OF PERSONNEL

A. PROMOTIONS

A promotion is the appointment of an employee from one classification to a classification having a higher base salary range. A promoted employee shall receive at least the entrance rate of the new range or a two range salary increase, whichever is greater; provided that no employee is thereby advanced in step nor advanced above the top (or final) step of the higher base salary range. The APCO may approve placing an employee at any step within the higher base salary range. Promotions shall be effective only at the beginning of a pay period unless an exception is approved by the APCO.

B. DEMOTIONS

A demotion is the appointment of an employee from an incumbent position to a position in a different classification for which the maximum rate of pay is lower. An employee demoted for disciplinary reasons shall be placed on the step within the base salary range of the class to which demoted as provided in the disciplinary action.

An employee demoted for non-disciplinary reasons shall be retained at the same salary rate, provided, that the salary rate does not exceed the top (or final) step of the salary range of the demoted class, except that such an employee may be placed on an "X" step as provided herein, with the approval of the APCO.

C. DUAL APPOINTMENTS

The appointment of two full-time employees to the same budgeted regular position may be authorized by the APCO to facilitate training, to make assignments to a position which is vacant due to extended authorized leave of absence, or in an emergency. The most recently hired dual appointee shall enjoy all of the benefits of regular employees except regular status.

III. BENEFITS

A. FLEXIBLE BENEFIT PLAN

All ~~Each~~ regular, full-time employees holding a position that is identified in an Exempt Group as defined herein shall be eligible for health, dental, vision and disability programs offered by the District. Qualified dependents of regular full-time employees shall be eligible for health, dental, and vision programs offered by the District.

1. HEALTH AND DENTAL

Each regular, full-time employee holding a position that is identified in an Exempt Group as defined herein shall be entitled to a monthly benefit at the level set forth below plus or minus any adjustments calculated pursuant to the annual adjustment procedure herein:

Group A	Management = \$915 per month
Group B	Program Management = \$915 per month

2. ANNUAL ADJUSTMENT PROCEDURE

About August 31, 2011, or as soon thereafter as benefit cost information is available from CalPers and annually thereafter, the District shall calculate 80% of the premium required by the Kaiser HMO plan (for Los Angeles Area Region including Los Angeles, San Bernardino and Ventura counties) offered for regular employees and families under the District's plan with CalPers ("Recalculated Amount"). The calculation of premium required shall be performed according to the following schedule: On or about August 31, 2011 for adjustments for the Flexible Benefit Plan effective January 1, 2012; On or about August 31, 2012 for adjustments for the Flexible Benefit Plan effective January 1, 2013; On or about August 31, 2013 for adjustments for the Flexible Benefit Plan effective January 1, 2014; On or about August 31, 2014 for adjustments for the Flexible Benefit Plan effective January 1, 2015; On or about August 31, 2015 for adjustments for the Flexible Benefit Plan effective January 1, 2016.

If and when the Recalculated Amount exceeds the benefit level as listed above the District shall increase the Flexible Benefit Plan dollars provided to match the Recalculated Amount. Such increase, if provided, shall be effective January 1 of each year, as described above. In no case will the benefit amount be reduced below the benefit level listed above as a result of this calculation.

Example 1 (Using the Exempt Group B Benefit Level): In August, CalPers informs the District regarding the premium amounts for District insurance plans for the next calendar year. The monthly premium required for the Kaiser HMO plan (in the Los Angeles Area Region) for families is \$1,200. 80% of \$1,200 = \$960. On January 1 the Flexible Benefit Plan dollars will be adjusted to \$960 until the next premium rate change is issued by CalPers.

Example 2 (Using the Exempt Group B Benefit Level): In the following year, CalPers informs the District that the premium amount for the Kaiser HMO plan (in the Los Angeles Region) for families is \$1,190. 80% of \$1,190 = \$952. Then on January 1 the Flexible Benefit Plan dollars would be adjusted to \$952.

Example 3 (Using the Exempt Group B Benefit Level): In the following year, CalPers informs the District that the premium amount for the Kaiser HMO plan (in the Los Angeles Region) for families is \$1,125. 80% of \$1,125 = \$900. Then on January 1, 2012 the Flexible Benefit Plan dollars would be adjusted to \$915.

Any funds not used for the purchase of medical, dental, and other insurance programs shall be paid to the employee as taxable wages.

In the event health care reform crafted by the State of California and/or the Federal government is imposed in such a manner that such reform impacts these agreed upon matters regarding the Flexible Benefit Plan, management may adjust the plan to meet those new requirements.

~~3. OTHER POTENTIAL ADJUSTMENTS~~

~~In the event health care reform crafted by the State of California and/or the Federal government is imposed in such a manner that such reform impacts these agreed upon matters regarding the Flexible Benefit Plan, management may, at that time, adjust the plan to meet those new requirements.~~

B. OTHER BENEFITS

1. VISION CARE

Subject to carrier requirements, the District will pay the premiums for vision care insurance for employees in the Exempt Groups and their dependents.

2. DEPENDENT CARE ASSISTANCE PLAN & MEDICAL SPENDING ACCOUNTS

Dependant Care Assistance Plan: Employees in regular positions and receiving a minimum of 41 hours pay per pay period are eligible to participate in the Dependent Care Assistance Plan (DCAP). DCAP allows eligible employees to elect to receive dependent care assistance benefits which are excludable under Sections 125 and 129 of the Internal Revenue Code, as amended. DCAP exclusions from gross income do not affect compensation for retirement purposes.

Employees shall be eligible to participate the first day of the month following thirty (30) days from the date they submit their enrollment. An employee must contribute to DCAP through salary reduction on forms approved by Administrative Services. An employee election to participate may not be changed for the remainder of the plan year, except to the extent permitted under IRS regulations.

Medical Spending Accounts: The District has established a program for purposes of allowing employees to contribute to a tax exempt savings account for reimbursing medical and other allowable expenses pursuant to the provisions of applicable law and described in Article X of the MDAQMD Flexible Benefit Plan.

3. SHORT-TERM DISABILITY & WORKER'S COMPENSATION

Short Term Disability Insurance: The District agrees to pay the premium for short-term disability insurance for regular employees in the Exempt Groups earning Forty-one (41) hours or more per pay period.

The short-term disability insurance plan coverage shall include a provision for a Fourteen (14) calendar day waiting period from the first day of disability before benefits begin. Benefits shall be equal to fifty-five percent (55%) of the base salary, up to a maximum benefit of \$959.00

(nine hundred fifty-nine dollars) per week. Benefit payments terminate when the employee is no longer disabled, or upon termination of employment from the District, or after Fifty-two (52) weeks of disability, whichever occurs first. Other benefit conditions shall be determined by the District and/or the provider of the benefit.

Workers' Compensation Insurance: Workers' compensation insurance is provided for all employees of the District. Employees shall receive a maximum of three (3) consecutive days of paid leave, with no charge to sick leave or vacation leave, following an occupational injury or illness, provided the leave is authorized in a bona fide off-work order and the injury or illness qualifies for coverage under the California Workers' Compensation Act.

Upon request, the employee may continue to receive their regular pay during periods of disability due to an illness or injury covered under the California Workers' Compensation Act by supplementing workers' compensation benefit payments with accrued sick leave or vacation pay. Under this policy, an employee may coordinate benefits with accrued sick leave and vacation leave to receive payment equivalent to regular salary per pay period. In no event shall an employee receive more than their regular salary by means of this process.

4. LONG TERM DISABILITY

The District will provide employees in the Exempt Groups with long term disability insurance subject to carrier requirements and approval.

5. LIFE INSURANCE

The District agrees to pay the premium for a Fifty Thousand Dollar (\$50,000.00) term life insurance policy for each employee in the Exempt Groups. This benefit shall only apply to regular full-time employees.

The District will also make available to each employee in the Exempt Groups a group term life insurance program wherein the employee may purchase, through payroll deductions, term life insurance in amounts equivalent to one times or two times the employee's annual gross earnings, subject to the approval of the provider of such benefit.

New employees shall become eligible to participate in these programs on the start of the pay period following the completion of 13 pay periods of satisfactory performance.

6. EMPLOYEE ASSISTANCE PROGRAM

The District agrees to provide an employee assistance program available to employees in the Exempt Groups to provide confidential counseling for employees and their eligible dependents who request such services.

7. LEAVE DONATION PROGRAM

General: Full time, regular employees may voluntarily donate their accrued leave to another eligible employee experiencing a serious health condition or whose immediate family member is experiencing a serious condition. The district recognizes that there are occurrences brought

about by prolonged medical conditions that cause employees to exhaust all available leave and, therefore, must be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without their regular salary income and medical benefits at the most critical point in their work life.

Eligibility for Program: A voluntary donation of leave from one employee to another may be permitted for the purpose of providing a full time, regular employee with paid sick leave time for the care of themselves, or an immediate family member, who is experiencing a serious health condition as determined by a physician or other qualified health care provider.

An employee is eligible to receive voluntary donations of leave when all of the following conditions have been met:

The employee who is, or whose immediate family member is, experiencing a serious health condition provides documentation of such serious health condition as verified by a qualified health care provider. Employees are eligible to receive leave donations where they (or their immediate family member) have, are, or are expected to experience a serious, catastrophic or unforeseen illness, injury or impairment that meets both of the following criteria: a) has caused or is likely to cause, the employee to take leave without pay; b) requires continuing treatment or supervision by a licensed health care provider. The definitions and documentation of catastrophic or unforeseen illness, injury or impairment will be interpreted and documented in accordance with the provisions of Family Medical Leave Act (FMLA).

The employee receiving donated leave has exhausted, or soon will exhaust, all accrued leave such as vacation leave, comp time, sick leave, holiday leave, and/or administrative leave, if applicable. Employees in these situations must make application to receive donated sick leave by completing the Application for Donated Leave form developed and issued by Administrative Services.

Employees subject to this program and determined eligible to receive donated sick leave are also required to submit a claim for short-term disability. Use of the employee's own accrued leave balance and any donated leave amounts will be coordinated with disability benefits to achieve at or near the equivalent of 80 hours of pay per pay period. Use of donated leave is taxable income to the recipient and subject to withholding as required by law.

Continuation of Benefits for Employee: Employees who are on an approved medical leave of absence or an approved leave of absence without pay under FMLA will continue to receive benefits as set forth in the PPP Section 5.3 Continuation of Benefits Coverage.

Donation Procedure & Limitations: Donations of accrued leave time shall be made in minimum increments of four (4) whole hour blocks of time.

To retain sufficient accrued leave to meet their own needs, donors contributing accrued leave must not reduce their total accumulated accrued leave balances to fewer than one hundred sixty (160) hours. The donation of leave accrual shall not be counted against the current year accrual and will not, therefore, count against usage for the current year for purposes of the annual sick leave cash out program (Standard Practice 2-9) . Donation of accrued leave is irrevocable and will be deducted from the donor's accruals in the pay period following the request. Donated

accrued leave will be reimbursed if it has not been used by the end of the recipient's need. Verification, obtained by the APCO or designee, ensuring that these conditions have been met will be done prior to the transfer of time from one employee to another

Nothing in this program shall be construed to require donations of time from one employee to another. To emphasize the voluntary nature of the donation, the names of the donors will not be made available to the recipient. Recipient employees are expected to refrain from personally soliciting donations from other District employees. However, the APCO or designee may announce a need and offer all District employees the opportunity to contribute. The notice of need shall not be construed as a demand or as an order for employees to contribute. There shall remain confidentiality of employees subject to the receipt of donated leave

Employees who wish to donate leave accrual must provide written authorization to the Director of Administrative Services for the transfer of accrual by completing a Leave Donation Form developed and issued by Administrative Services. Administrative Services will confirm the donor has sufficient accrued leave for donation and sufficient leave accruals (particularly sick leave) available for the donating employee to meet their own needs.

The accrued leave donated will be converted to its cash value at the donor's base rate of pay and then credited to the recipient in equivalent hours of sick leave at the recipient's base rate of pay. For example: Employee A donates 10 hours of leave at Employee A's rate of pay \$50/hour. Employee B's rate of pay is \$25/hour, therefore the donated leave available to Employee B is 20 hours.

Following verification, the donations will be used for the recipient in the order they were received. Once the recipient has exhausted all paid leave, donations will be processed on a pay period by pay period basis. This process will continue until such time as the recipient's status changes and they are no longer eligible for donations, or until no donations are available. When the need is resolved or the process is concluded, any remaining unused donations will be returned to the donor(s).

Definitions: "Immediate family" - The husband, wife, father/step, mother/step, brother/step, sister/step, child/step, legally registered domestic partners and legal dependents of the employee receiving the donation of leave.

"Serious health condition" - An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider which is expected to incapacitate the employee or a member of the employee's immediate family requiring the employee to take time off from work to care for themselves or that family member.

Any other definition and or procedure not otherwise defined in this standard practice shall be as defined or set forth in the FMLA and its implementing regulations.

8. EXECUTIVE PHYSICAL EXAMINATION

To encourage the health and well-being of classifications assigned to Exempt Groups E and A may annually receive a complete executive physical and health examination. Such services may

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include, but not be limited to a comprehensive medical examination including services such as in-depth health assessment, diagnostic screenings, physical and nutritional assessments, and services included in a program specifically designed for executive professionals. Employees in Group E shall be reimbursed out of pocket expenses for such services per contract. Employees in Group A shall be reimbursed out of pocket expenses for such services up to \$500 per fiscal year. (approved January, 2012; amended)

C. RETIREMENT PROGRAM

1. RETIREMENT PROGRAM

The District shall pick up a portion of the eligible employee's required contribution to the San Bernardino County Employees' Retirement Association as follows:

For employees hired on or before 6/30/09: The District shall pay ("pick up") the first seven percent (7%) of the employee's earnable compensation, as defined in the San Bernardino County Retirement Board By-laws.

For employees hired on or after 7/1/09: The employee shall pay ("pick up") the first seven percent (7%) of the required contribution of the employee's earnable compensation, as defined in the San Bernardino County Retirement Board by-laws. The District will pick up the balance of the contribution required.

For employees hired on or after 7/1/2016: Pursuant to the California Employee Pension Reform Act of 2013, a new employee who is being employed for the first time by any public employer, had a break in service of more than six months, or was employed by another public employer but not subject to reciprocity with SBCERA, shall pay the employee contribution rate as determined by SBCERA. The District will not be responsible for any portion of the employee required contribution. This provision shall remain in effect through the term of this agreement and shall not be reversed or invalidated on expiration of the agreement.

A new employee hired on or after 7/1/2016, who was a prior member of SBCERA or another public retirement system ("Classic Employees") and established reciprocity with SBCERA, or had a break in service of less than six months, shall pay their full General Membership Contribution Rate for their retirement through SBCERA. The employee's rate is established by SBCERA, and varies depending upon age of entry into the pension system. This provision shall remain in effect through the term of this agreement and shall not be reversed or invalidated on expiration of the agreement.

~~Employees who have 30 years of service credit and no longer make retirement contributions under the provisions of the County Employees' Retirement Law of 1937 and employees over age 60 in a regular position who choose not to be a member of the Retirement Association shall be paid in cash 7% of earnable compensation as defined by the bylaws of the Retirement Board as well as the monthly dollar amount allocation to their group in Paragraph 2 below.~~

Propose Language. Rework the single sentence into the three topics that are contained in the paragraph.

- 1) Employees who either have or thereafter attain thirty (30) years of service credit, as set forth in Government Code section 31625.3, and no longer make retirement contributions under the provisions of the County Employees' Retirement Law of 1937 shall receive taxable cash payments equal to the amount of employee contributions only
- 2) Employees first hired at age 60 or over may elect not to become a member of the Retirement Association at the time of hire as set forth in Government Code section 31552. If this election is made, the employee shall receive taxable cash payments equal to the amount of employee contributions only.
- 3) District paid employer contributions to the San Bernardino County Employees' Retirement Association (SBCERA) shall be paid from the same source of funds as are used in paying the salaries of the affected employees. No employee shall have the option to receive Retirement System employer contribution amounts directly instead of having them paid to SBCERA as an obligation of the District in accordance with Government Code section 31586.

Insert the following to comply with Public Employee's Pension Reform Act

Employees hired on or after January 1, 2013 and subject to the Public Employees' Pension Reform Act are not eligible for this provision (Government Code §7522).

2. RETIREMENT CONTRIBUTIONS

Additionally, employees in the Exempt Groups shall receive the following amounts monthly to be applied to the portion of the employee's retired contribution not covered by the provisions of Section III.D.1 above as follows:

Group E	Executive Management	\$380/month <u>per contract</u>
Group A	Management	\$380/month
Group B	Program Management	\$180/month

Any dollars which are remaining after all retirement system obligations are fully satisfied shall be paid to the employee in cash and will be subject to applicable taxes.

Remove this benefit for new employees/newly exempt (matches non-exempt benefits):

Employees hired on or after October 24, 2016 and existing employees that transition to a position in the Exempt Groups on or after that date are not eligible for this benefit.

3. RETIREE MEDICAL BENEFIT

General: The District agrees to pay to eligible retired employees who retire from active service at the MDAQMD a portion of the premium of CalPers health insurance for the employee and his or her spouse

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Eligibility: Retiring employee shall be eligible for retiree medical benefits under the following conditions:

Retiring employee must be enrolled in the District's CalPers health plan at the time of the retirement.

Retiring employee must have a minimum total of twenty (20) years of public service with any of the member agencies of the District and any air district in California.

However, a minimum of ten (10) years of must have been served with the District and/or its predecessor agency. Years of public service with the District shall be calculated in the same manner as the calculation of time of employment set forth in Health & Safety Code §41265.

Calculation of Premium Portion: The portion of the premium to be paid shall be calculated as 2% per service year from the date of hire with the District. The date of hire with the District shall be calculated in the same manner as the calculation of time of employment set forth in Health & Safety Code §41265. For those eligible employees hired between 7/1/1993 and 7/1/2009 years of service with a member agency or any air district in California shall be added to District years of service for the purposes of the premium portion calculation.

In no case shall the portion of the premium to be paid exceed the Flexible Benefit amount for a full time employee as set forth in III.A.1 above.

Length of Benefit: Such benefit is payable from the date of retirement to five (5) years, or until the date retiree becomes eligible for Medicare, or until the date retiree discontinues the coverage, whichever occurs first.

Member Agency: For the purposes of Section III.D.4, a "member agency" is defined as a city or county that lies in whole or in part within the boundaries of the District.

4. DEFERRED COMPENSATION PLAN

Employees shall be eligible to enroll in deferred compensation plans offered by the District from the first day of employment. Employees are permitted to specify amounts to be deducted from the employee's paycheck for deposit to the District's deferred compensation account. The MDAQMD Deferred Compensation Plan (457(b)) contains the plan specifics.

5. 401(A) MATCHING CONTRIBUTION PLAN

The District has established a 401(a) Matching Contribution Plan. The District will contribute a percentage based on the employee's salary deferrals made during the prior calendar year to the MDAQMD Deferred Compensation Plan according to the table set forth below. The District's match shall not be applied to catch-up contributions and additional elective deferrals. (See MDAQMD 401(a) Matching Contribution Plan, Article VII).

Employees are eligible to be credited the matching contribution when they have elected to participate in the MDAQMD Deferred Compensation Plan. (See MDAQMD 401(a) Matching Contribution Plan, Article VI)

Employees are fully vested and shall have a non-forfeitable and vested right to their retirement account (401(a)) following five years of service with the District. (See MDAQMD 401(a) Matching Contribution Plan, Article IX)

	Minimum & Maximum Contribution Amt	District Match
(maximum as allowed by the IRS) Max	\$18,000 - \$18,000	6.00%
50% of Max	\$9,000 - \$17,999	4.00%
25% of Max	\$4,500 - \$8,999	2.00%
up to 25% of Max	\$0 - \$4,499	1.00%

IV. CLASSIFICATION

A. PURPOSE

Classification is a management tool to ensure the accurate reflection of tasks and duties involved in each Exempt position for the purpose of recruitment, compensation and organizational structuring. Whenever positions are subject to any change as a result of classification review, and are allocated within the Exempt Group, any Governing Board action shall be on the recommendation of the APCO. Requests to review a classification action shall be submitted to the APCO. Positions allocated to the Exempt Group shall not be subject to any classification appeal procedure.

The purpose of Classification review is to ensure the accurate reflection of tasks and duties involved in the Exempt position. Factors involved in this process include recruitment, retention, compensation and organizational structure. Any changes to Exempt position responsibilities are subject to classification review with the APCO having the final and binding authority in the review process determination.

B. CLASSIFIED AND UNCLASSIFIED SERVICE

1. Classified Service includes those positions which are authorized and regular positions and to which appointments are made through a competitive process governed by merit system requirements and in which an employee can achieve regular employee status.
2. Unclassified Service includes positions which are other than classified positions. Unclassified positions do not have appeal rights.

C. CLASSIFICATION ADJUSTMENTS

An upgrade is a reclassification of a position from one classification to another classification having a higher base salary range.

When a position is downgraded, the APCO may authorize continuation of the same salary rate payment to the incumbent employee that the employee received prior to the downgrading of the position by placing the employee on an "X" step, provided that the employee shall receive no further salary rate increases until the salary rate of the position held exceeds the "X" step.

D. EXEMPT CONFIDENTIAL EMPLOYEE

An exempt confidential employee is a direct subordinate of exempt executive or management employees where the duties of the exempt executive or management employees require imparting confidential information and entrusting confidence to the subordinate; and where the subordinate is required to exercise independent judgment and cautions to prevent dereliction of confidence or injury to the District.

V. COMPENSATION

A. WAGES

Effective July 1, 2016, the wage rate for each exempt employee in Groups A and B will increase 2.0% as set forth in Exhibit 1 - Salary Schedule

B. SALARY ADJUSTMENTS

The performance evaluation shall be made up of a list of duties and standards that reflects the employee's position description and duties. Employees will be evaluated based upon these standards. Salary increases will be given for performance evaluations rated "meets," "satisfactory," or scored 3.0, or higher on a scale of 1 to 5. The maximum salary adjustment available is 2½% of base hourly rate of pay, as set forth in the appropriate Salary Range Table as set forth in Exhibit 2 attached hereto.

C. LONGEVITY AWARD

In pay period one, longevity awards shall be granted to eligible employees in an amount not to exceed 2½% of the annual base pay as calculated in pay period 26 of the prior calendar year subject to:

The employee having reached or passed the top (or final) step in their respective pay range on July 1 of the previous calendar year; and

The employee having received a successfully rated performance evaluation as described in section V.B above

D. SPECIAL ASSIGNMENT COMPENSATION

Special assignment compensation is a classification concept which allows for temporary increases in pay beyond that which is normally allowed when duties performed support such additional pay for specific periods of time.

Increases in pay may be granted to recognize the temporary assignment of more difficult duties requiring a greater level of skills. "Temporary assignment" shall mean a period of one calendar year or less. Selected positions may be authorized for special assignment compensation, rather than being permanently reclassified to a higher level, to allow for employee rotation to enhance upward mobility. Increases in pay shall be temporary so long as the higher level duties are assigned and performed, not to exceed one calendar year. Such increases in pay shall not affect an employee's step advancement in the base range. The amount of additional pay awarded will be determined by the APCO subject to procedures approved by the Governing Board.

VI. LEAVE PROVISIONS

Employees in the Exempt Groups shall apply available paid leave time whenever a leave of absence is approved. However, employees who are on an approved leave of absence for less than one full day, who do not have sufficient leave time available to cover the absence, shall be paid the full salary for their regular work day.

A. SICK LEAVE

1. The accrual rate for sick leave for regular full-time employees shall be 3.69 hours per pay period or prorated on the basis of 96 hours per calendar year.
2. Any employee may elect to convert to cash at the employee's current hourly rate of pay thirty percent (30%) of the unused sick leave each July that was accrued during the preceding fiscal year provided the subject employee leaves a minimum sick leave balance of 160 hours. Employees must submit a pre-election agreement to convert sick leave to cash by June 30 of the year before the leave will accrue. For example, an employee must elect by June 30, 2016 to convert 30% of unused sick leave earned from July 1, 2016 – June 30, 2017 to cash in July 2017 if the employee's remaining sick leave balance at the time of conversion will be at least 160 hours.
3. After 10 years of continuous service from the date of hire in a regular position, and upon retirement, death, or separation, an employee will be paid for unused sick leave balances according to the following formula:

<u>Sick Leave Balance as of Date of Separation</u>	<u>Cash Payment Percentage of Hours of Sick Leave Balance</u>
480 hours or less	30%
481 to 600 hours	35%
601 to 720 hours	40%
721 to 840 hours	45%
841 to 1,000 hours	50%

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to 100% cash payment of any unused sick leave balances, computed at their then current base hourly rate, if they elect an early retirement in lieu of exhausting such

accrued sick leave balances. In no event shall any employee, except those receiving a disability retirement, receive compensation under this subsection in excess of five hundred (500) hours pay computed at the then current base hourly rate of said employee.

4. Vacation Conversion Option. Employees may exchange accrued sick leave hours in excess of eight hundred forty (840) hours for vacation time on the basis of two hours of sick leave for one hour of vacation leave. Any such exchange must be made in forty (40) hour increments of accrued sick leave.

B. VACATION LEAVE

The accrual rate for vacation leave for regular full-time employees shall be as follows:

1. Accrual of 3.08 hours per pay period during the first four years of continuous employment;
2. Accrual of 4.62 hours per pay period during the years five through nine of continuous employment; and
3. Accrual of 6.15 hours per pay period the years nine through fourteen years of continuous employment.
4. Accrual of 6.46 hours per pay period following the fourteenth year of continuous employment and increasing by 0.3077 hours per pay period each successive year thereafter of continuous employment up to a maximum of 9.23 hours per pay period.
5. There shall be no limit on vacation accruals, however exempt employees are strongly encouraged to use at least 40 hours of vacation leave during the calendar year.
6. Employees not planning to return to District employment at the expiration of a vacation leave, except those retiring, shall be compensated in a lump sum payment for accrued vacation and shall not be carried on the payroll. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave.
7. Prior Service. Employees in regular positions who have been employed by a public jurisdiction in a comparable position or a position which has prepared such employees for an assignment to a position in the Exempt Group may receive credit for such previous experience in the former agency in determining their vacation accrual rate. Such determination as the comparability of previous experience and amount of credit to be granted rests solely with the APCO.
8. Vacation sell-back. An employee may sell back vacation time at their base hourly rate. Eligible employees may exercise this option under procedures established by the District, subject to the following:
 - a.) Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next

calendar year's vacation time accrual. Such election must be made in increments of not less than 40 hours and may not exceed 160 hours. Once an election is made, the employee must request that the designated number of hours actually be sold back by pay period 25 of the calendar year in which the election is effective, or the hours will automatically be converted into cash in pay period 26.

- b.) Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 40 hours and will be subject to a 10% penalty.

C. HOLIDAY LEAVE

All employees in regular positions shall be entitled to established District holidays.

- 1. Upon retirement or termination, employees shall be compensated for any unused accrued holiday time at the then current base rate equivalency.
- 2. An employee may sell back holiday time at their base hourly rate. Eligible employees may exercise this option under procedures established by the District, subject to the following:
 - a) Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next calendar year's holiday time accrual. Such election must be made in increments of not less than 8 hours and may not exceed 40 hours. Once an election is made, the employee must request that the designated number of hours actually be sold back by pay period 25 of the calendar year in which the election is effective, or the hours will automatically be converted into cash in pay period 26.
 - b) Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 8 hours and will be subject to a 10% penalty.

D. ADMINISTRATIVE LEAVE

Effective pay period 1 of each year an employee in a regular position will be provided with Administrative Leave for the employee's use in the amounts allocated in this section. Employees hired after the beginning of pay period 1 shall receive a prorated number of hours. Such Administrative Leave may be cashed out at the employee's then current base rate of pay to the extent that the hours would have accrued at the appropriate accrual rate per pay period minus any hours used up to that time. Any Administrative Leave accrual balances in effect at the end of the last pay period paid in the calendar year will automatically be paid at employee's then current base rate of pay. Upon termination of employment unused Administrative Leave will be paid at the current rate of pay only by the amount of hours that would have been accrued at the appropriate rate per pay period that exceeds the total number of hours previously used and cashed out.

Group E	Executive Management	120 hours/year per contract
Group A	Management	120 hours/year
Group B	Program Management	80 hrs/year

Employees hired on or after October 24, 2016 and employees that transition to a position in the Exempt Groups on or after that date are allocated administrative leave as follows:

<u>Group E</u>	<u>Executive Management</u>	<u>per contract</u>
<u>Group A</u>	<u>Management</u>	<u>40 hours/year</u>
<u>Group B</u>	<u>Program Management</u>	<u>20 hrs/year</u>

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E. COMPULSORY LEAVE

If in the opinion of the APCO employees are unable to perform the duties of their position for physical or psychological reasons, an examination may be required by a physician or other competent authority designated by the APCO. If the examination report shows the employee to be in an unfit condition to perform the duties required of the position, the APCO shall have the right to compel such employee to take sufficient leave of absence with or without pay, to transfer to another position without reduction in compensation, and/or follow a prescribed treatment regimen until medically qualified to return to unrestricted duty.

F. MILITARY LEAVE

As provided in the Military and Veterans Code Section 395 et seq., and any amendment thereto, a District employee may be entitled to the following rights concerning military leave:

1. Temporary Duty. Any employee who is a member of the reserve corps of the Armed Forces, National Guard, or Naval Militia shall be entitled to temporary military leave of absence for the purpose of active military training provided that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty. While on paid status, an employee on temporary military leave shall receive the same vacation, holiday, and sick leave and step advances that would have been enjoyed had the employee not been absent, providing such employee has been employed by the District for at least one year immediately prior to the date such leave begins. In determining the one year employment requirement all time spent in recognized military service shall be counted. An exception to the above is that an uncompleted probationary period must be completed upon return to the job. Any employee meeting the above one year employment requirement shall be entitled to receive their regular salary or compensation for the first 30 calendar days of any such temporary leave. Pay for such purpose shall not exceed 30 calendar days in any one fiscal year and shall be paid only for the employee's regularly scheduled workdays.

The compensation provision does not include an employee's attendance at weekend reserve meetings or drills. Employees must use their own time to attend such meetings. Should the meetings unavoidably conflict with an employee's regular working hours, the employee is required to use vacation or holiday leave, leave without pay, or make up the time. Employees who are called in for a medical examination to determine physical fitness for military duty must also use vacation leave, leave without pay, or make up the time. The 30 day compensation provision also applies to an employee on military leave other than temporary military leave who is ordered into active military duty or is inducted, enlists, enters, or is otherwise called into active military duty.

Copy of military orders must accompany the request for leave form.

2. **Active Duty.** Employees who resign from their positions to serve in the Armed Forces of the United States or of this State shall have a right to return to their former classification, subject to a physical/psychological examination, on serving a written notice to the APCO within six months of the termination of their active service with the Armed Forces; provided, that such right to return to former classification shall not be granted to such employees who fail to return to their position within 12 months after the first date upon which they could terminate their active service with the Armed Forces.

Should such employee's former classification have been abolished, then the employee shall be entitled to a classification of comparable functions, duties, and compensation if such classification exists, or to a comparable vacant position for which the employee is qualified.

The right to return to former classification shall include the right to be restored to such civil service status as the employee would have if the employee had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such employee of this right to restoration. However, such employee will not have accrued vacation, sick leave, other benefits while absent from District employment, except as provided in the temporary duty provision.

G. POLITICAL LEAVE

Any employee who is a declared candidate for public office shall have the right to a leave of absence without pay for a reasonable period to campaign for the election. Such leave is subject to the conditions governing special leaves of absence without pay contained herein.

H. SPECIAL LEAVES OF ABSENCES WITHOUT PAY

A special leave of absence without pay for a period not exceeding one year may be granted to an employee who is:

1. Medically incapacitated to perform the duties of the position;
2. Desires to engage in a relevant course of study which will enhance the employee's value to the District;
3. For any reason considered appropriate by the APCO.

Such request must be in writing and requires the approval of the APCO. Upon request, the APCO may grant successive leaves of absence. Leaves of absence without pay may be given to a regular employee with or without right to return to classification.

I. JURY LEAVE

Employees in regular positions who are ordered to serve jury duty shall be entitled to base pay for those hours of absence from work, provided the employee waives fees for service, other than mileage.

J. EXAMINATION TIME

Employees having regular status in regular positions at the time of application shall be entitled to a reasonable amount of time off with pay for the purpose of taking District promotional examinations or for selection interviews. Employees are responsible for notifying and obtaining approval from their immediate supervisor prior to taking such leave. Such time off shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly rate.

K. WITNESS LEAVE

Employees in regular positions shall be entitled to a leave of absence from work when subpoenaed to testify as a witness, such subpoena being properly issued by a court, agency, or commission legally empowered to subpoena witnesses. This benefit shall not apply in any case in which the subpoenaed employee is a party to the action or the subpoena has arisen out of the employee's scope of employment. Witness leave shall not be charged against any accumulated leave balances and shall be compensated at the employee's base hourly rate. This benefit will be paid only if the employee has demanded witness fees at the time of service of the subpoena, and such fees are turned over to the District.

L. BLOOD DONATIONS

Employees in regular positions may be granted time to donate blood without receiving compensation for such donation.

M. BENEFIT DATE

For the purpose of step advancements, sick and vacation leave accrual, the benefit date is defined as follows for each employee:

1. If the first working day of the pay period was worked, the benefit date is defined as the first day of the pay period.
2. If the employee started any time after the first working day of the pay period, then the benefit date will be the first day of the following pay period.
3. The benefit date of an employee who is absent without pay may be adjusted accordingly.

VII. SPECIAL PROVISIONS

A. EXPENSE REIMBURSEMENT

Employees in the Exempt Group are subject to the District's expense reimbursement policies except as provided in this section.

1. **Travel via Private Vehicle.** Reimbursement for use of privately owned vehicles to conduct District business, approved by the APCO or designee, shall be at the standard mileage rates published periodically by the U.S. Internal Revenue Service per mile for all miles traveled. Reimbursement at this rate shall be considered as full and complete payment for actual necessary expenses for the use of the private vehicle, insurance, maintenance and all other transportation-related costs. The District does not provide any insurance for private vehicles used on District business. The owner of a vehicle is responsible for the personal liability and property damage insurance when the vehicle is used on District business.

2. **Subsistence.** Subsistence allowances for lodging and meals shall not be allowed without prior approval of the APCO or designee as necessary for the purposes of conducting District business. Excess charges greater than the allowances listed below may be authorized under special conditions, such as a convention requirement or in an area of high cost. Receipts are mandatory to obtain reimbursement for all lodging.

The allowance for meals is Six Dollars (\$6.00) for breakfast, Nine Dollars (\$9.00) for lunch, and Twenty Dollars (\$20.00) for dinner plus a 15 percent gratuity, and tax. Receipts will not be required for meal purchases not exceeding these limits.

B. TUITION REIMBURSEMENT AND MEMBERSHIP DUES

The District shall maintain a Tuition and Dues Reimbursement Fund for exempt employees

Reimbursement from the Fund may be used for tuition or professional dues or both so long as the employee does not use the reimbursement for dues of more than two (2) professional organizations.

Reimbursement is available for each such full-time employee pursuant to Standard Practice 2-12. Any reimbursement that exceeds limits of Governing Board Policy 94-1 is subject to the approval of the District's Governing Board.

The District agrees to appropriate to the Fund each fiscal year sufficient sums to make available an aggregate amount equal to six hundred dollars (\$600) per each full time exempt employee. The District also agrees that on June 30 of each year, the amount remaining in the Fund will be moved for separate accounting and allowed to accrue each year, without interest, and may be available for withdrawal for tuition reimbursement requests in accordance with Standard Practice No. 2-12, as amended.

C. PERSONAL PROTECTIVE EQUIPMENT ENHANCEMENT

Governing Board Policy No. 96-5 Occupational Illness and Injury Prevention Program ensures District compliance with providing personal protective equipment for all District employees.

Employees are eligible to enhance their personalized protective equipment if their position requires it as part of their field work. If it is uncertain whether an employee will be required to wear enhanced personalized protective equipment, no purchase will be made until it is actually needed. Enhanced personalized protective equipment shall be described as safety shoes and safety prescription eyeglasses.

The maximum benefit available per calendar year will be one hundred thirty Dollars (\$130.00) . Employees may purchase any kind of enhanced personalized protective equipment, as described above that will be acceptable at the locations where they will be required to wear them. Employees will be responsible for any amount exceeding \$130.00 during the calendar year.

Safety shoes will be replaced when they wear out. New employees whose position require wearing safety shoes will be fitted for safety shoes shortly after they start working for the District. Employees who are in designated job categories will be required to wear safety shoes while on duty in the field.

Safety prescription eyeglasses will be replaced as prescribed by the employee's attending eye care professional.

D. CONDITIONS OF EMPLOYMENT

In the event an employee's position is abolished the District will make reasonable efforts to place the employee in a comparable position based upon the employee's skills, knowledge and abilities, as well as consideration of the employee's length of service with the District. If reasonable efforts to place the Exempt employee are unsuccessful, the employee will be subject to layoff according to established District procedures. An Exempt employee does not have bumping rights to other District positions, whether previously held or not.

E. HOURS OF WORK

Employees in the Exempt Groups shall be required to work during such hours as necessary to carry out the duties of their position, as designated by the APCO and such hours may be varied so long as the work requirements and efficient operations of the District are assured.

The nature of exempt employment for affected employee classifications is such that work outside normal District business hours may be needed to fulfill the responsibilities and requirements of the position. Usually, additional time and effort are proportionate to the importance and level of the responsible position. These factors of time and effort are incorporated when the compensation level of exempt positions are established.

F. REEMPLOYMENT

A regular employee in good standing who has terminated District employment, and who is subsequently rehired may receive restoration according to established District policy.

G. WORK PERFORMANCE

Work performance criteria for employees in classified exempt positions are governed by the Personnel Policies and Procedures.

1. Probationary Period. Employees in these Exempt Groups are required to serve a probationary period except in those circumstances where the same has been waived by the APCO.

2. Performance evaluations. For those Classified Exempt employees who have attained regular status in an Exempt position, a performance evaluation is to be issued at least on an annual basis and/or whenever an employee's work performance necessitates documentation. The evaluation includes the measurement of both conduct and production standards.
3. Unclassified employees shall be evaluated periodically by their appointing authority.

Revision History

[Amended September 26, 2016](#)

Amended January 12, 2012

Amended Tables October 24, 2011

Amended September 26, 2011,

Amended January 24, 2011

Amended August 24, 2009

Amended June 23, 2008

Amended January 28, 2008

Amended August 28, 2006

Amended April 24, 2006

Amended January 23, 2006

Amended June 27, 2005

Amended April 26, 2004

Amended June 25, 2001

Approved and Adopted November 27, 2000

Mojave Desert Air Quality Management District
 Exempt Compensation Plan

~~September 26, 2016~~ Draft Amendment October 24, 2016

Mojave Desert Air Quality Management District
 SALARY SCHEDULE FY 16-17
 Effective July 1, 2016

RANGE										Not attainable as of January 1, 2000							MONTHLY
	1	2	3	4	5	6	7	8	9	5	F	6	G	7	H		
600	13.83	14.18	14.53	14.89	15.27	15.65	16.04	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	2,397 - 2,921	
601	14.18	14.53	14.90	15.27	15.65	16.04	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	20.03	2,458 - 2,994	
602	14.54	14.90	15.27	15.65	16.04	16.45	16.86	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	2,519 - 3,070	
603	14.89	15.26	15.65	16.04	16.44	16.85	17.27	17.70	18.14	18.60	19.06	19.54	20.03	20.53	21.04	2,581 - 3,145	
604	15.27	15.65	16.04	16.44	16.85	17.28	17.71	18.15	18.60	19.07	19.55	20.03	20.54	21.05	21.58	2,647 - 3,225	
605	15.65	16.04	16.44	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	2,712 - 3,304	
606	16.04	16.45	16.86	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	2,781 - 3,388	
607	16.44	16.85	17.27	17.71	18.15	18.60	19.07	19.54	20.03	20.53	21.05	21.57	22.11	22.67	23.23	2,850 - 3,472	
608	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	2,921 - 3,559	
609	17.28	17.71	18.15	18.61	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	23.24	23.82	24.41	2,995 - 3,649	
610	17.71	18.15	18.60	19.07	19.55	20.03	20.53	21.05	21.57	22.11	22.67	23.23	23.81	24.41	25.02	3,069 - 3,740	
611	18.15	18.60	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	3,145 - 3,832	
612	18.60	19.07	19.55	20.04	20.54	21.05	21.58	22.12	22.67	23.23	23.82	24.41	25.02	25.65	26.29	3,225 - 3,929	
613	19.06	19.54	20.03	20.53	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	26.28	26.94	3,304 - 4,026	
614	19.54	20.03	20.53	21.05	21.57	22.11	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	3,387 - 4,127	
615	20.03	20.53	21.05	21.57	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.62	28.31	3,472 - 4,231	
616	20.53	21.05	21.57	22.11	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	28.30	29.01	3,559 - 4,336	
617	21.04	21.57	22.11	22.66	23.23	23.81	24.40	25.01	25.64	26.28	26.94	27.61	28.30	29.01	29.73	3,647 - 4,444	
618	21.57	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.62	28.31	29.01	29.74	30.48	3,739 - 4,556	
619	22.11	22.67	23.23	23.81	24.41	25.02	25.64	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	3,833 - 4,670	
620	22.66	23.23	23.81	24.41	25.02	25.64	26.28	26.94	27.61	28.30	29.01	29.74	30.48	31.24	32.02	3,928 - 4,786	
621	23.24	23.82	24.41	25.02	25.65	26.29	26.95	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	4,028 - 4,907	
622	23.82	24.41	25.02	25.65	26.29	26.95	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	33.65	4,128 - 5,030	
623	24.41	25.02	25.64	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	32.03	32.83	33.65	34.49	4,231 - 5,155	
624	25.02	25.65	26.29	26.94	27.62	28.31	29.02	29.74	30.49	31.25	32.03	32.83	33.65	34.49	35.35	4,337 - 5,284	
625	25.64	26.28	26.94	27.61	28.30	29.01	29.74	30.48	31.24	32.02	32.82	33.65	34.49	35.35	36.23	4,445 - 5,415	
626	26.29	26.94	27.62	28.31	29.01	29.74	30.48	31.25	32.03	32.83	33.65	34.49	35.35	36.23	37.14	4,556 - 5,551	
627	26.94	27.61	28.30	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.35	36.23	37.13	38.06	4,669 - 5,689	
628	27.61	28.30	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	4,786 - 5,831	
629	28.31	29.01	29.74	30.48	31.24	32.02	32.83	33.65	34.49	35.35	36.23	37.14	38.07	39.02	39.99	4,906 - 5,978	
630	29.01	29.73	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	39.99	40.99	5,028 - 6,126	
631	29.74	30.49	31.25	32.03	32.83	33.65	34.49	35.36	36.24	37.15	38.07	39.03	40.00	41.00	42.03	5,155 - 6,281	
632	30.48	31.24	32.02	32.82	33.64	34.48	35.34	36.23	37.13	38.06	39.01	39.99	40.99	42.01	43.06	5,283 - 6,437	
633	31.24	32.02	32.82	33.64	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.14	5,415 - 6,598	
634	32.03	32.83	33.65	34.49	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.25	5,552 - 6,764	
635	32.82	33.64	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.14	45.25	46.38	5,689 - 6,932	
636	33.65	34.49	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.26	46.39	47.55	5,833 - 7,106	
637	34.49	35.35	36.23	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	5,978 - 7,283	
638	35.35	36.24	37.14	38.07	39.02	40.00	41.00	42.02	43.07	44.15	45.26	46.39	47.55	48.73	49.95	6,128 - 7,466	
639	36.23	37.14	38.06	39.02	39.99	40.99	42.02	43.07	44.14	45.25	46.38	47.54	48.73	49.94	51.19	6,280 - 7,651	
640	37.14	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	6,437 - 7,843	
641	38.07	39.02	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.47	53.79	6,598 - 8,039	
642	39.02	39.99	40.99	42.01	43.07	44.14	45.25	46.38	47.54	48.72	49.94	51.19	52.47	53.78	55.13	6,763 - 8,240	
643	39.99	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	6,932 - 8,446	
644	40.99	42.02	43.07	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.92	7,106 - 8,657	
645	42.02	43.07	44.15	45.26	46.39	47.55	48.73	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	7,284 - 8,875	
646	43.07	44.15	45.26	46.39	47.55	48.73	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	60.86	7,466 - 9,097	
647	44.15	45.25	46.38	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.92	59.37	60.86	62.38	7,652 - 9,323	
648	45.25	46.38	47.54	48.73	49.94	51.19	52.47	53.78	55.13	56.51	57.92	59.37	60.85	62.37	63.93	7,843 - 9,566	
649	46.38	47.54	48.73	49.95	51.19	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.38	63.93	65.53	8,039 - 9,795	
650	47.54	48.73	49.95	51.20	52.48	53.79	55.13	56.51	57.93	59.37	60.86	62.38	63.94	65.54	67.18	8,241 - 10,040	
651	48.74	49.95	51.20	52.48	53.79	55.14	56.52	57.93	59.38	60.86	62.39	63.95	65.54	67.18	68.86	8,448 - 10,292	
652	49.95	51.20	52.48	53.79	55.13	56.51	57.93	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	8,658 - 10,549	
653	51.19	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	8,874 - 10,812	
654	52.48	53.79	55.14	56.51	57.93	59.38	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	9,096 - 11,083	
655	53.78	55.13	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.33	74.14	76.00	9,323 - 11,359	
656	55.13	56.51	57.92	59.37	60.85	62.38	63.94	65.53	67.17	68.85	70.57	72.34	74.15	76.00	77.90	9,556 - 11,643	
657	56.51	57.92	59.37	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	9,795 - 11,934	
658	57.93	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	10,040 - 12,233	
659	59.37	60.86	62.38	63.94	65.54	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	83.89	10,292 - 12,539	
660	60.85	62.37	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98	10,548 - 12,852	
661	62.38	63.94	65.54	67.18	68.86	70.58	72.35	74.15	76.01	77.91	79.86	81.85	83.90	86.00	88.15	10,813 - 13,175	
662	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.85	81.84	83.89	85.98	88.13	90.34	11,082 - 13,502	
663	65.54	67.17	68.85	70.57	72.34	74.15	76.00	77.90	79.85	81.84	83.89	85.98	88.14	90.34	92.60	11,359 - 13,840	
664	67.18	68.86	70.58	72.34	74.15	76.00	77.90	79.85	81.85	83.90	85.99	88.14	90.35	92.60	94.92	11,644 - 14,187	
665	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98	88.13	90.34	92.60	94.91	97.28	11,934 - 14,540	
666	70.57	72.34	74.15	76.00	77.90	79.85	81.										

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

AGENDA ITEM 6

DATE: October 24, 2016

RECOMMENDATION: Amend the District's Classification Plan to 1) Add new classifications and assign a pay range: Air Monitoring Supervisor, Compliance Supervisor, and Permit Engineering Supervisor; 2) Revise classification: Air Quality Instrument Technician; 3) Rename and revise classifications: Executive Lead to Executive Assistant; one AQS to Grants Specialist; and Deputy COB/Administrative Secretary to Administrative Secretary; and 4) Eliminate classifications: Supervising Air Quality Engineer, Lead Air Quality Instrument Technician, Lead Air Quality Planner, Lead Air Quality Specialist, Lead Air Quality Engineer, and Clerk of the Boards.

SUMMARY: This action amends the District's Classification Plan and assigns a pay range to new classifications.

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 are, in part, responding to the Organizational Review commissioned by the Governing Board earlier this year. The proposed action makes a number of changes which are described in Exhibit 1.

The Organizational Review was conducted during April and May 2016 and considered the District's organizational structure at the time. The report offered a number of recommendations to address succession planning, career training, and employee professional development. It also suggested the District review staffing assignments taking into consideration the structures of comparable agencies. The District's unique training requirement in regard to regulatory functions was considered in the review as well as the composition of the organization compared to agencies of similar size and function.

This recommendation is comprehensive and will be implemented in stages beginning upon adoption and continuing through early 2017. The District's full time equivalent (FTE) will not increase as a result of these actions. Several of the recommendations are subject to meet and confer process with the Teamsters Local 1932 and discussions are ongoing regarding the effects of the changes.

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

AGENDA ITEM 6

PAGE 2

Governing Board Policy 94-1 delegates to the APCO “the authority to hire, dismiss, make assignments, direct, supervise ... 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.”

REASON FOR RECOMMENDATION: The Governing Board has the authority to amend and revise the District Classification Plan, approve pay ranges for new position, 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 October 6, 2016.

FINANCIAL DATA: Amending the District’s Classification Plan is an administrative action. New positions will be recruited and filled as other positions are removed and/or vacated; no increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO

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Exhibit 1

These organizational changes are intended to address succession planning, career training, and employee professional development.

1. This action adds **new “supervisor” classifications** for three key technical areas: Air Monitoring, Compliance, and Permit Engineering. An external/internal recruitment will be conducted to fill the Compliance and Permit Engineering Supervisor positions. These new classifications will be exempt from overtime under the Fair Labor and Standards Act (FLSA) and assigned Exempt Group B and subject to the Exempt Compensation Plan, as amended. A salary range recommendation is included.

The **Supervising AQ Engineer classification** will be **eliminated**. The Air Monitoring Supervisor position has been filled fulltime with an employee previously assigned ½ time to these duties. The incumbent in the Supervising AQ Engineering position will be assigned to the Air Monitoring Supervisor classification while retaining current salary and benefits.

- Classification Descriptions (attached)
 - Recommended Pay Range of 644. This Pay Range is midway between the Deputy classification (663) and the Specialist classification (629).
 - Cost estimates – These positions will be recruited and filled as other positions are removed and/or vacated.
2. This action eliminates the **four “Lead” positions** and the incumbents will revert to their former position retaining their current salary and benefits. The Organizational Review noted that while these positions provide mentoring and leadership, they are not tasked with supervisory responsibilities such as conducting performance evaluations, career development, or discipline. This action will be implemented at a date to be determined. The incumbents in the Lead positions are being encouraged to apply for the promotional opportunity generated by the creation of the new supervisory positions.
 - Classification Descriptions – NA
 - Cost estimates – NA
 3. The action will add an additional AQ Instrument Technician position (same pay range as currently for the classification). This action, together with the full time assignment of the Air Monitoring Supervisor will **increase the staffing in the Air Monitoring** Section from 2.5 FTE to 4 FTE. This will address a recent audit by EPA/ARB indicating that the staffing level in this Section needs to be increased to meet the requirements for maintenance of the District’s seven air monitoring stations and accurate data management. The AQ Instrument Technician **classification will be updated** by this action to reflect the current duties of the

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position. One AQ Specialist position (vacant) will be eliminated and the Table of Organization will be changed to note 3 AQ Instrument Technician positions.

- Classification Description (attached)
 - Cost estimates – NA
4. Classifications will be renamed and revised by this action. None of these actions require a salary range change.
- a. The Executive Lead position will be revised and retitled **Executive Assistant** to include the broad scope of administrative duties being performed. The duties of this position include clerk of the board, supervising records management and support the Executive Director.
 - b. A **Grants Specialist** classification will be renamed and revised from one Air Quality Specialist position. This position is currently assigned to the District’s grant programs and the new classification accurately reflects the duties and focus currently being performed in that position. In addition, the APCO has already reassigned this position to the Administrative Services Section from the Planning/Rulemaking/Grants Section.
 - c. The Deputy Clerk of the Board/Administrative Secretary classification will be renamed to **Administrative Secretary** to reflect the broad scope of administrative duties being performed. This position is assigned to support the contract with the Antelope Valley AQMD and reports to the office in Lancaster. The duties of this position include clerk of the board, records management and support the Deputy Director at the Antelope Valley AQMD.
- Classifications Descriptions (attached)
 - Cost estimates - NA
5. The Organization Review noted that in comparable agencies, the Clerk of the Board duties were part of the duties of an administrative position reporting to the Executive Director. During the extended leave of absence of the District’s Clerk of the Board, the duties have been performed by other District staff. This reorganization will eliminate the **Clerk of the Boards classification**.

Upon adoption of the revised Classification Plan the APCO will move expeditiously to execute this plan. Implementation will be ongoing into early 2017.

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Proposed Classification Plan Amendments (summary)		Pay Range
Classifications – New	<ul style="list-style-type: none"> • Air Monitoring Supervisor • Compliance Supervisor • Permit Engineering Supervisor 	644 644 644
Classifications - Revised	<ul style="list-style-type: none"> • AQ Instrument Technician 	629
Classifications – Rename and modify	<ul style="list-style-type: none"> • Air Quality Specialist to Grants Specialist • Deputy Clerk of the Board/ Administrative Secretary to Administrative Secretary • Executive Lead to Executive Assistant 	629 624 636
Classifications – Eliminated	<ul style="list-style-type: none"> • Supervising AQ Engineer • Lead AQ Instrument Technician • Lead AQ Planner • Lead AQ Specialist • Lead AQ Engineer • Clerk of the Boards 	650 636 636 636 636 636

CLASS SPECIFICATION

AIR MONITORING SUPERVISOR

DEFINITION:

Under general supervision, operates, services and maintains instrumentation and equipment used in monitoring air contaminant concentrations and atmospheric conditions; performs a variety of electronic checks to determine instrumentation performance according to specifications established by the District, CARB, and/or EPA, records accurate information about equipment performance; performs quality assurance on data records; and performs other work as required.

DISTINGUISHING CHARACTERISTICS:

Air Monitoring Supervisor supervises and coordinates the Air Monitoring section within the Mojave Desert AQMD. This position reports to the applicable Deputy Director assigned to oversee the Air Monitoring section.

CLASSIFICATION GROUP: Exempt Group B

ESSENTIAL JOB FUNCTIONS:

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

- Operates, services, and maintains air monitoring and meteorological instrumentation and equipment; follow approved Standard Operating Procedures (SOPs) for operation and maintenance.
- Calibrates a variety of air monitoring and meteorological instruments, according to authorized specifications, to ensure validity of data.
- Assists with the analysis and design of air monitoring equipment and systems.
- Tests instruments and components to determine causes of fluctuations or irregularities in readings or results, instrument malfunctions, and failures; follows approved Standard Operating Procedures (SOPs) adjusts, replaces, or repairs faulty components by using designated test equipment, tools, schematics, and instrument manuals.
- Implements modifications to instruments and procedures to improve accuracy, dependability, and serviceability as directed.
- Records accurate and complete notes and reports on repairs, calibrations, instrument performance, and modifications in instrument and station log books, maintenance sheets, and other documents, following approved Standard Operating Procedures (SOPs).
- Monitors state and federal measurement requirements to ensure compliance with state and federal regulations.
- Inspects station instrumentation, equipment, facilities, and logs to ensure that station or mobile testing unit operations and procedures comply with District Standard Operating Procedures (SOPs).
- Notifies supervisor immediately of abnormal instrumentation fluctuations and equipment failures in order to request repairs, calibrations, or backup instrumentation to avoid excessive loss of air monitoring data.

CLASS SPECIFICATION

AIR MONITORING SUPERVISOR

- Assists in evaluating new instruments and equipment for quality, consistency with manufacturers' specifications, and ability to meet District requirements.
- Assists in preparing administrative or technical testimony for presentation before industry, District Hearing Board, District Governing Board, and/or representatives of governmental and environmental organizations; makes presentations to said groups.
- Assist in developing written procedures to operate, service, repair, or calibrate air monitoring instrumentation.
- Participates in the evaluation of technical data, reports and measurement systems according to quality assurance requirements.
- Analyzes and reviews raw data to evaluate accuracy, inconsistencies and trends within the data over various periods of time.
- Performs quality assurance/quality control for raw data input into the Environmental Protection Agency's Air Quality System (AQS)
- Follow approved Standard Operating Procedures (SOPs) for the collection, collation and transmission of ambient air quality data including meteorological data.
- Participates in cross training in the techniques and procedures of operating, auditing, servicing, repairing, calibrating, and modifying instrumentation and equipment.
- Understands, follows, and adheres to both oral and written directions.
- Communicates effectively both orally and in writing.
- Establishes and maintains professional and effective working relationships with those contacted in the course of the work. Maintains positive working relationships with coworkers and management, and interacts effectively and professionally under pressure.
- Understands and works within the scope of authority.
- Provides temporary relief as required.
- Performs related duties as assigned.

SUPPLEMENTAL INFORMATION (if applicable):

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office setting, with frequent field observational and inspection events. Must be able to perform essential functions of the job. This position requires prolonged sitting, standing, walking, climbing, 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 computer keyboard, computer mouse and various office machinery and monitoring equipment. This position also requires good listening skills and the occasional need to lift, drag and push files, computer reports or other materials weighing up to 50 pounds. Travel throughout the District, State and county is required.

CLASS SPECIFICATION

AIR MONITORING SUPERVISOR

QUALIFICATIONS (Knowledge and Abilities):

- Ability to operate, service, and repair electronic and mechanical instrumentation and equipment;
- Ability to assemble and install technical and electronic and mechanical instruments and equipment, using various tools, electronic testing equipment, materials and processes.
- Ability to understand or acquire theories and principles of physics, chemistry, and electronics as applied to the calibration, repair, and maintenance of air monitoring instruments and equipment;
- Ability to understand or acquire methods used in the measurement and monitoring of air contaminants;
- Ability to perform techniques for installing, calibrating, and repairing instrumentation used in the air monitoring program.
- Ability to read, to interpret complex documentation and follow instructions, and perform operating and maintenance procedures;
- Ability to understand and follow oral and written instructions for installing, operating, servicing or repairing various electronic and mechanical instruments and equipment including but not limited to air quality monitoring instrumentation;
- Ability to perform specialized calibrations and functional checks for electronic instruments;
- Ability to prepare and maintain accurate logs, records, and reports; and
- Ability to perform special projects independently with minimal guidance;
- Ability to work cooperatively with other agencies, divisions, coworkers, and the general public.

OTHER REQUIREMENTS:

This position requires possession of a valid California driver's license.

EDUCATION/EXPERIENCE:

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

- Any combination equivalent to graduation from high school including and or supplemented by college-level courses in electronics, instrumentation or engineering technology and one year of experience in air quality (gaseous & particulate) instrument operation, maintenance and calibration that could likely provide the desired knowledge and abilities.

CLASS SPECIFICATION
AIR MONITORING SUPERVISOR

Approved:

BRAD POIRIEZ
Executive Director/ APCO

JEAN BRACY
Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

COMPLIANCE SUPERVISOR

DEFINITION:

Under general supervision, the Compliance Supervisor supervises the performance of comprehensive reviews of existing emissions source compliance with Federal, State and Mojave Desert AQMD requirements, and the development and implementation of air quality compliance programs. The Compliance Supervisor also performs related duties as required.

DISTINGUISHING CHARACTERISTICS:

Compliance Supervisor supervises and coordinates the Compliance section within the Mojave Desert AQMD. This position reports to the applicable Deputy Director assigned to oversee the Compliance section.

CLASSIFICATION GROUP: Exempt Group B

ESSENTIAL JOB FUNCTIONS:

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

- Supervises the inspections of existing sources for compliance with local, State and Federal regulatory requirements, including supervision of enforcement actions due to non-compliance.
- Supervises the public complaint intake, response and investigation program.
- Supervises the breakdown and notification program.
- Supervises the State and Federal compliance documentation and tracking program.
- Supervises the development, maintenance and operation of data management systems containing compliance and enforcement-related materials.
- Meets and corresponds with owner/operator representatives to discuss regulatory issues regarding existing activities.
- Meets and corresponds with regional, State and Federal agencies on air quality compliance and enforcement-related issues.
- Supervises the variance program.
- Assists in preparing administrative or technical testimony for presentation before industry, District Hearing Board, District Governing Board, and/or representatives of governmental and environmental organizations; makes presentations to said groups.
- Testifies as an expert witness in cases heard before the District Hearing Board and/or other public boards.
- Organizes own work, sets priorities and meets critical deadlines; ensures that such deadlines are met.
- Understands and follows both oral and written directions.

CLASS SPECIFICATION

COMPLIANCE SUPERVISOR

- Communicates effectively both orally and in writing.
- Establishes and maintains effective working relationships with those contacted in the course of the work. Communicates effectively, maintains positive working relationships with coworkers and management, and interacts effectively and professionally under pressure.
- Understands and works within the scope of authority.
- Provides temporary relief as required.
- Performs related duties as assigned.

SUPPLEMENTAL INFORMATION (if applicable):

WORKING CONDITIONS and PHYSICAL ABILITIES:

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

QUALIFICATIONS (Knowledge and Abilities):

- Principles of technical supervision.
- Principles of personnel management.
- Principles of project management.
- All the qualifications of an Air Quality Specialist.

OTHER REQUIREMENTS:

This position requires possession of a valid California driver's license.

EDUCATION/EXPERIENCE:

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

At least five years of experience as an Air Quality Specialist or Air Quality Engineer; or any combination of education and experience deemed equivalent by the Air Pollution Control Officer.

CLASS SPECIFICATION
COMPLIANCE SUPERVISOR

Approved:

BRAD POIRIEZ
Executive Director/ APCO

JEAN BRACY
Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

PERMIT ENGINEERING SUPERVISOR

DEFINITION:

Under general supervision, the Permit Engineering Supervisor supervises the performance of comprehensive engineering reviews of proposed and existing emissions sources, and the development and implementation of air quality control programs. The Permit Engineering Supervisor also performs related duties as required.

DISTINGUISHING CHARACTERISTICS:

Permit Engineering Supervisor supervises and coordinates the Engineering section within the Mojave Desert AQMD. This position reports to the applicable Deputy Director assigned to oversee the Engineering section.

CLASSIFICATION GROUP: Exempt Group B

ESSENTIAL JOB FUNCTIONS:

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

- Supervises the evaluation of permit applications for compliance with local, State and Federal regulatory requirements and recommends approval or denial of same.
- Supervises the evaluation of sources of air contaminants in terms of actual and potential emissions.
- Supervises the creation and maintenance of emissions inventories in response to local, State and Federal requirements.
- Supervises the analysis and design of systems to reduce contaminants from existing and proposed sources of air contaminants.
- Supervises the development, maintenance and operation of data management systems containing permit engineering-related materials.
- Meets and corresponds with applicant and owner/operator representatives to discuss regulatory issues regarding existing and proposed activities.
- Meets and corresponds with regional, State and Federal agencies on permit engineering-related issues.
- Designs, coordinates and supervises major engineering projects and studies; selects project/study teams; establishes project/study goals and deadlines; coordinates with representatives of industry and other agencies; reviews findings and makes recommendations to management.
- Assists in preparing administrative or technical testimony for presentation before industry, District Hearing Board, District Governing Board, and/or representatives of governmental and environmental organizations; makes presentations to said groups.
- Testifies as an expert witness in cases heard before the District Hearing Board and/or other public boards.

CLASS SPECIFICATION

PERMIT ENGINEERING SUPERVISOR

- Organizes own work, sets priorities and meets critical deadlines; ensures that such deadlines are met.
- Understands and follows both oral and written directions.
- Communicates effectively both orally and in writing.
- Establishes and maintains effective working relationships with those contacted in the course of the work. Communicates effectively, maintains positive working relationships with coworkers and management, and interacts effectively and professionally under pressure.
- Understands and works within the scope of authority.
- Provides temporary relief as required.
- Performs related duties as assigned.

SUPPLEMENTAL INFORMATION (if applicable):

WORKING CONDITIONS and PHYSICAL ABILITIES:

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

QUALIFICATIONS (Knowledge and Abilities):

- Principles of technical supervision.
- Principles of personnel management.
- Principles of project management.
- All the qualifications of an Air Quality Engineer.

OTHER REQUIREMENTS:

This position requires possession of a valid California driver's license.

EDUCATION/EXPERIENCE:

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

At least five years of experience as an Air Quality Engineer; or any combination of education and experience deemed equivalent by the Air Pollution Control Officer.

CLASS SPECIFICATION

PERMIT ENGINEERING SUPERVISOR

Approved:

BRAD POIRIEZ
Executive Director/ APCO

JEAN BRACY
Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

AIR QUALITY INSTRUMENT TECHNICIAN

DEFINITION:

Under general supervision, operates, services, and maintains instrumentation and equipment used in monitoring air contaminant concentrations and atmospheric conditions; performs a variety of electronic checks to determine instrumentation performance according to specifications established by the District, CARB, and/or EPA, records accurate information about equipment performance; performs quality assurance on data records; and performs other work as required.

DISTINGUISHING CHARACTERISTICS:

The Air Quality Instrument Technician maintains the air monitoring station and data collection within the Mojave Desert AQMD and Antelope Valley AQMD. This position reports to the Air Monitoring Supervisor.

CLASSIFICATION GROUP: General Unit

ESSENTIAL JOB FUNCTIONS:

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

- Operates, services, and maintains air monitoring and meteorological instrumentation and equipment; follow approved Standard Operating Procedures (SOPs) for operation and maintenance.
- Calibrates a variety of air monitoring and meteorological instruments, according to authorized specifications, to ensure validity of data.
- Assists with the analysis and design of air monitoring equipment and systems.
- Tests instruments and components to determine causes of fluctuations or irregularities in readings or results, instrument malfunctions, and failures; follows approved Standard Operating Procedures (SOPs) adjusts, replaces, or repairs faulty components by using designated test equipment, tools, schematics, and instrument manuals.
- Implements modifications to instruments and procedures to improve accuracy, dependability, and serviceability as directed.
- Records accurate and complete notes and reports on repairs, calibrations, instrument performance, and modifications in instrument and station log books, maintenance sheets, and other documents, following approved Standard Operating Procedures (SOPs).
- Monitors state and federal measurement requirements to ensure compliance with state and federal regulations.
- Inspects station instrumentation, equipment, facilities, and logs to ensure that station or mobile testing unit operations and procedures comply with District Standard Operating Procedures (SOPs).
- Notifies supervisor immediately of abnormal instrumentation fluctuations and equipment failures in order to request repairs, calibrations, or backup instrumentation to avoid excessive loss of air monitoring data.

CLASS SPECIFICATION

AIR QUALITY INSTRUMENT TECHNICIAN

- Assists in evaluating new instruments and equipment for quality, consistency with manufacturers' specifications, and ability to meet District requirements.
- Assists in preparing administrative or technical testimony for presentation before industry, District Hearing Board, District Governing Board, and/or representatives of governmental and environmental organizations; makes presentations to said groups.
- Assist in developing written procedures to operate, service, repair, or calibrate air monitoring instrumentation.
- Participates in the evaluation of technical data, reports and measurement systems according to quality assurance requirements.
- Analyzes and reviews raw data to evaluate accuracy, inconsistencies and trends within the data over various periods of time.
- Performs quality assurance/quality control for raw data input into the Environmental Protection Agency's Air Quality System (AQS)
- Follow approved Standard Operating Procedures (SOPs) for the collection, collation and transmission of ambient air quality data including meteorological data.
- Participates in cross training in the techniques and procedures of operating, auditing, servicing, repairing, calibrating, and modifying instrumentation and equipment.
- Understands, follows, and adheres to both oral and written directions.
- Communicates effectively both orally and in writing.
- Establishes and maintains professional and effective working relationships with those contacted in the course of the work. Maintains positive working relationships with coworkers and management, and interacts effectively and professionally under pressure.
- Understands and works within the scope of authority.
- Provides temporary relief as required.
- Performs related duties as assigned.

SUPPLEMENTAL INFORMATION (if applicable):

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office setting, with frequent field observational and inspection events. Must be able to perform essential functions of the job. This position requires prolonged sitting, standing, walking, climbing, 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 computer keyboard, computer mouse and various office machinery and monitoring equipment.

CLASS SPECIFICATION

AIR QUALITY INSTRUMENT TECHNICIAN

This position also requires good listening skills and the occasional need to lift, drag and push files, computer reports or other materials weighing up to 50 pounds. Travel throughout the District, State and county is required.

QUALIFICATIONS (Knowledge and Abilities):

- Ability to operate, service, and repair electronic and mechanical instrumentation and equipment;
- Ability to assemble and install technical and electronic and mechanical instruments and equipment, using various tools, electronic testing equipment, materials and processes.
- Ability to understand or acquire theories and principles of physics, chemistry, and electronics as applied to the calibration, repair, and maintenance of air monitoring instruments and equipment;
- Ability to understand or acquire methods used in the measurement and monitoring of air contaminants;
- Ability to perform techniques for installing, calibrating, and repairing instrumentation used in the air monitoring program.
- Ability to read, to interpret complex documentation and follow instructions, and perform operating and maintenance procedures;
- Ability to understand and follow oral and written instructions for installing, operating, servicing or repairing various electronic and mechanical instruments and equipment including but not limited to air quality monitoring instrumentation;
- Ability to perform specialized calibrations and functional checks for electronic instruments;
- Ability to prepare and maintain accurate logs, records, and reports; and
- Ability to perform special projects independently with minimal guidance;
- Ability to work cooperatively with other agencies, divisions, coworkers, and the general public;

OTHER REQUIREMENTS:

This position requires possession of a valid California driver's license.

EDUCATION/EXPERIENCE:

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

- Any combination equivalent to graduation from high school including and or supplemented by college-level courses in electronics, instrumentation or engineering technology and one year of experience in air quality (gaseous & particulate) instrument operation, maintenance and calibration that could likely provide the desired knowledge and abilities.

CLASS SPECIFICATION

AIR QUALITY INSTRUMENT TECHNICIAN

Approved:

BRAD POIRIEZ
Executive Director/ APCO

JEAN BRACY
Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

GRANTS SPECIALIST

DEFINITION:

Under - direction of the Deputy Director – Administrative Services, plans, analyzes, organizes, and coordinates all aspects of the grant programs that support the mobile source emissions reduction and related grant programs, and special projects. Implements District grant programs and special projects that may include, but are not limited to, assisting with developing and implementing transportation control measures in coordination with other governmental agencies.

DISTINGUISHING CHARACTERISTICS:

This position class is characterized by its responsibility for implementing and coordinating the District's grants and special projects programs.

CLASSIFICATION GROUP: General Unit

ESSENTIAL JOB FUNCTIONS:

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

- Organize, coordinate and manage all aspects of mobile source emissions reduction grants and special project programs, including but not limited to: soliciting proposals for the District's grant programs; estimating emission reductions and assessing project eligibility; serving as staff liaison to the Board-appointed committee(s) for these programs; and performing contract implementation, compliance and evaluation.
- Responsible for program compliance and reporting requirements related to mobile source emission reduction grants, special project programs, and transportation control measures as outlined in the State Implementation Plan (SIP).
- Prepare grant proposals for air quality programs and manage grant-funded projects as needed.
- Assist in developing transportation control measure programs according to all regulatory requirements of the State and Federal Clean Air Act, including coordination with other governmental agencies, as needed.
- Keep abreast of the latest developments in lower-emission transportation technology.
- Perform special project activities encompassing duties such as analytic research, data compilation, and developing new programs that relate to air quality regulations as assigned. Represent the District as needed.
- Set priorities, meet critical deadlines, and ensure that such deadlines are met.
- Establish and maintain effective working relationships with those contacted in the course of the work. Maintain positive working relationships with coworkers and management, and interact effectively and professionally under pressure.

CLASS SPECIFICATION

GRANTS SPECIALIST

- Understand and follow oral and written directions; communicate effectively, both orally and in writing; and understand and work within the scope of authority.
- Provide temporary relief as required.
- Perform related duties as assigned.

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office setting with occasional field observational and inspection events. Must possess and apply the knowledge, skills, and ability to successfully perform the essential functions of the job.

While performing the duties of this job, the employee is occasionally exposed to wet and/or humid conditions; moving mechanical parts; fumes or airborne particles; toxic or caustic chemicals; outside weather conditions; extreme cold; extreme heat; and risk of electrical shock.

This position may require prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, climbing, 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 and various office machinery. Position requires good listening skills and the occasional need to lift, drag and push files or other materials weighing up to 50 pounds. Travel via air and or ground transportation is required.

QUALIFICATIONS (Knowledge and Abilities):

- Must be able to perform all of the Essential Job Functions satisfactorily.
- Ability to conduct thorough research to assist and develop transportation programs, including making application for and securing grant funding related to supporting the programs.
- Ability to prepare clear and concise reports, correspondence and other written materials.
- Knowledge of and/or ability to acquire air quality management principles and practices; air pollution analysis techniques and control methodologies.
- Knowledge of applicable state and federal laws, rules and regulations.
- Knowledge of computer applications related work.
- Ability to maintain accurate records and files.
- Ability to understand and carry out oral and written directions; prioritize work; coordinate several activities; meet critical deadlines; and use initiative and sound judgment within established guidelines.
- Ability to effectively present instructions and information, in writing and orally, to District staff, general public, outside agencies, elected officials.

CLASS SPECIFICATION

GRANTS SPECIALIST

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:

Any combination equivalent to graduation from high school and or the possession of a bachelor's degree from an accredited college or university preferably with a major in a related field to contract management (e.g. business or public administrations, political science, regional planning, urban development, transportation, environmental planning or environmental science) that could likely provide the desired knowledge and abilities.

Approved:

Brad Poiriez
Executive Director

JEAN BRACY
Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

ADMINISTRATIVE SECRETARY

DEFINITION:

Under direction of the Operations Manager, performs a variety of highly responsible confidential, complex and routine secretarial and administrative clerical duties; performs a wide variety of specialized duties relative to the maintenance of the District's records, including records retention, retrieval, storage, and disposal activities; acts as liaison between other departments and the Records Management group. Acts in the capacity of Clerk of the Board to the District's Governing Board and Hearing Board as deemed necessary; and performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS:

This class is distinguished in that the nature, diversity and scope or responsibility require the use of initiative and good judgement by the primary and continuing performance of the secretarial and administrative functions. Responsibilities include regular contact with government officials, the District's Governing Board and Hearing Board members, committee members' representatives of business and community organizations, the public and all levels of District personnel to exchange information and explain administrative policies and procedures. Incumbent exercises a high level of independence in providing office management support to an independent office involving the performance of a broad range of secretarial and administrative clerical tasks.

CLASSIFICATION GROUP: General Unit

ESSENTIAL JOB FUNCTIONS:

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

Administrative:

- Perform a wide variety of complex, responsible and confidential clerical and administrative duties supporting a manager.
- Perform administrative projects for a manager; research and compile background data; maintain records and department administrative activities.
- Assume overall clerical responsibility including maintaining appropriate records, coordinating routine events, preparing necessary reports, ordering inventory and supplies and serving as an overall information source.
- Acts as receptionist, screens calls, visitors and mail; independently responds to letters and general correspondence not requiring the attention of management.
- Receive and process incoming mail; review and evaluate mail to identify those items requiring priority attention; prepare and process outgoing mail.

CLASS SPECIFICATION

ADMINISTRATIVE SECRETARY

- Maintain postage meter, i.e., monitor available postage, order postal supplies and additional postage as needed.
- Receive and screen telephone calls and visitors; provide assistance related to responsibilities assigned and answer questions and provide information to the public using judgment as to those requiring priority attentions; respond to complaints; coordinate and prepare voicemail greetings; serve as liaison for telephone system and service.
- Interpret and explain policies, rules and regulations in response to inquiries; refer inquiries as appropriate; assist in developing office policies and procedures in order to meet office objectives.
- Establishes, maintains and keeps office files, mailing lists, logs, records, receipts, complaints, Notice of Violations (NOV) for data entry and follow-up actions; review and approve Certificate of Occupancy forms and forward to appropriate agency as assigned.
- Receive applications and other forms from the public; register participants in programs; schedule appointments; maintain calendars; receive and record payments; handle cash and issue receipts and complete tax I.D. forms as assigned.
- Prepare health advisories and disseminate information as assigned.
- Perform general clerical duties including filing, copying, and collating, assembling, sorting, faxing, checking and recording information on records and processing the more difficult requests for information; ensure that work is handled on a priority basis and completed in a timely manner.
- Take information from electronic or verbal instructions; and, use word processing, spread sheets, database or other computer applications and other tools.
- Provide secretarial/clerical support for assigned task forces, commissions and boards.
- Serves as the District's authorized personnel to represent the District in Small Claims Court (Resolution #07-10).
- Build and maintain positive working relationships with those contacted in the course of work using principles of good customer service; and, deal effectively and professionally under pressure.

Records Management:

- Assists with the District's records management system for storage, retrieval and print copies of documents upon request.
- Maintain, organize and preserve official records; create, sort, index, cross-reference and scan a wide variety of District's records, documents and other materials.

CLASS SPECIFICATION

ADMINISTRATIVE SECRETARY

- Assist and maintain the implementation of the District's records retention policy; serves as custodian of the official District records in compliance with laws, regulations and policies.
- Serves as focal point for the District's records management system; correspond with the Records Management Specialist to problem-solve issues.
- Receive and process public records request; provide counter assistance.
- Respond in a timely manner to inquiries from the public by letter, telephone, electronic mail and in person regarding public information; research information for the public or District staff.
- Under direction, compose type and process a wide variety of public and/or confidential correspondence, documents, records, forms, memorandums, reports, manuals and other materials.
- Build and maintain positive working relationships with those contacted in the course or work using principles of good customer service and deal effectively and professionally under pressure.

Board Support:

- Perform a variety of complex and responsible duties related to preparation of the District's Governing Board and Hearing Board agendas; administration and maintenance of official District records and legal documents.
- Handle and coordinate preparation and distribution of the District's Governing Board and Hearing Board agendas; review staff reports, resolutions, ordinances and related items for mathematical, grammatical and procedural adequacy and completeness; track agenda staff reports submitted for Board signature; assist in item placement/order on the agenda.
- Compile data from agenda notifications to prepare agendas for various public agencies and upload agendas to District website; coordinate and track personal computer based linked staff reports/agenda items.
- Attend District's Governing Board and Hearing Board meetings, records actions and prepare official minutes; maintain subject records regarding Governing Board and Hearing Board actions.
- Compose and schedule legal notices for publication according to required time lines; publish and post legal notices related to meetings, public hearing and appeals.
- Make travel arrangements and schedules for the District's Governing Board and Hearing Board members as assigned; ensure accurate maintenance of the District's Governing Board and Hearing Board member's files, rosters and stipend requests.
- Serve as filing officer for economic interest and campaign disclosure statements and stay current with requirements of the Fair Political Practices Commission.

CLASS SPECIFICATION

ADMINISTRATIVE SECRETARY

- Build and maintain positive working relationships with those contacted in the course of work using principles of good customer service; and, deal effectively and professionally under pressure.

SUPPLEMENTAL INFORMATION (if applicable):

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed primarily in a standard office environment with public contact and constant interruptions; incumbent must be able to perform the essential functions of the job; and. May be required to travel outside the District boundaries to attend meetings. Primary functions may require sufficient physical ability and mobility to work in an office setting to: stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach and twist; to lift carry, push and or pull light to moderate amounts of weight in an office setting; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; to travel to other locations using various modes of private and commercial transportation; and to verbally communicate to exchange information.

QUALIFICATIONS (Knowledge and Abilities):

Knowledge of:

- Modern office practices and procedures relating to records management, including imaging equipment and computer software.
- Basic organization and function of public agencies, including the role of an elected Governing Board and appointed committees.
- Government operations and organizations; pertinent local, State and Federal rules, regulations and laws, including the California Public Records Act, the Ralph M. Brown Act, Robert's Rules of Order, the California Political Reform Act, the California Elections and Government Codes and regulations of the California Fair Political Practices Commission.
- General principles and practices of office work; general terminology used in board clerk duties; telephone and office receptionist etiquette; elements of English grammar, spelling usage and punctuation; alpha numeric filing and retrieval systems.

Ability to:

- Understand the organization and operation of the District and other governmental agencies as necessary to perform assigned responsibilities; maintain confidentiality; observe, identify and problem solve office systems and procedures; and understand, interpret and explain policies and procedures to staff and the public; and plan, organize and prioritize work.

CLASS SPECIFICATION

ADMINISTRATIVE SECRETARY

- Compose general and complex correspondence, letters and reports; interpret and apply administrative policies, laws and rules; analyze situations carefully, recommend solutions, adopt effective courses of action; communicate clearly and concisely, orally and in writing.
- Operate personal computer with proficiency and familiarity; type at a speed for successful job performance; maintain accurate records and files.
- Interpreting, applying and explaining policies and procedures.
- Using tact, discretion, initiative and independent judgement within established guidelines.
- Organizing work, setting priorities, meeting critical deadlines and following up assignments.

OTHER REQUIREMENTS:

This position may require possession of a valid California driver's license.

Education/Experience:

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

- Four years of increasingly responsible secretarial and administrative support experience providing assistance to a manager involving frequent public contact that could likely provide desired knowledge and abilities
- Equivalent to the completion of twelfth grade; supplemented by education/training in business, office management, records management or a related field is highly desired.

Approved:

BRAD POIRIEZ
Executive Director/ APCO

JEAN BRACY
Deputy Director - Administration

Date: _____

CLASS SPECIFICATION

EXECUTIVE ASSISTANT

DEFINITION:

Under executive direction, performs advanced, diversified administrative duties for an executive responsible for a major function; handles confidential matters and assignments are complex in nature, where considerable judgment, tact, creativity and initiative are required in resolving problems in the performance of duties; may also provide administrative support of other managers within the executive's group; plans, organizes, leads and reviews the work of assigned staff; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS:

This single position class oversees specialized and complex assignments in office activities such as correspondence, calendar, travel plans, expense processing, file maintenance, content management and risk management that requires the frequent use of discretion, initiative and independent judgment. Responsibilities include regular contact with government officials, the District's Governing Board and Hearing Board members, committee members' representatives of business and community organizations, the public and all levels of District personnel to exchange information and explain administrative policies and procedures. Incumbent exercises a high level of independence in providing office management support to an independent office involving the performance of a broad range of secretarial and administrative clerical tasks.

CLASSIFICATION GROUP: Exempt Group B

ESSENTIAL JOB FUNCTIONS

GENERAL:

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

- Serves as liaison between executives, managers, board members and visitors as required.
- Interprets and relays confidential information as appropriate and keeps management informed.
- Acts as a resource for administrative staff members; understands business well enough to provide administrative solutions to issues.
- Takes independent action on handling requests and determines appropriate course of action.
- Handles routine day-to-day office activities such as correspondence, calendar, travel plans, phone, fax, expense processing, and file maintenance.

CLASS SPECIFICATION

EXECUTIVE ASSISTANT

- Handles assigned special projects to carrying out the programs/activities of the functional area; performs and assists with complex administrative projects.
- Provides training, supervision and evaluation to assigned staff; organizes, assigns work, sets priorities and follows up on work to ensure coordination and completion of assigned work.
- Performs a variety of specialized administrative duties for the District's content management system involving the processing and maintenance of the District's records; serves as a key member in the records management group.
- Performs administrative and back-up support for Legal Counsel, Administrative Services, Operations, and Community Relations & Education.
- Assist with inquiries of the District's Governing Board Policy No. 93-2 Response to Requests for Public Information.
- Develops and implements various employee training such as the employee performance program, risk management, safety, workers' compensation and wellness programs.
- Organizes meetings by notifying participants, making room arrangements, preparing agendas and required informational materials; may attend such meetings, hearings, etc., and prepare minutes.
- Relieves executive staff of certain administrative matters by following up on projects, transmitting information and keeping informed of pertinent activities.
- Organizes own work, sets priorities and meets critical deadlines; ensures that such deadlines are met by other staff.
- Prepares reports, correspondence and a variety of written materials; prepares and maintains accurate documentation of activities.
- Learn and understand assigned functional area's activities and programs and acquire an ability to anticipate the support, tools and supplies needed.
- Understand and follow oral and written directions.
- Communicate effectively both orally and in writing.
- Establish and maintain effective working relationships; gets along with coworkers, and management and deal effectively and professionally under pressure.
- Understand and work within the scope of authority.
- Provides temporary relief as required.
- Performs related duties as assigned.

CLASS SPECIFICATION

EXECUTIVE ASSISTANT

BOARDS SUPPORT:

- Coordinates Board meetings and other meetings as required.
- Prepares meeting rooms for various meetings of the Boards.
- Acts as custodian of the District's records and seal, files and ensures the accurate maintenance of the District's official records of hearings; coordinates the compilation and issuance of official transcripts.
- Ensures appropriate handling of confidential and public correspondence received that is addressed to the Boards.
- Records and files minutes of business conducted, resolutions adopted, actions taken, contracts and agreements.
- Serves as liaison to the Board Members to answer questions, resolve problems, ensure timeliness of stipend payments and travel claims, update and maintain personal information on file.
- Distributes, maintains and ensures compliance of all designated employees and Board Members' Statement of Economic Interests as required by State Law. (California Code of Regulations, Title 2, Section 18227).
- Serves as the filing official for Form 700 – Conflict of Interest Code for District Board Members and Officers; produces and retains copies of Form 700 Statements filed, performs facial review and ensures submission to the Fair Political Practices Commission.
- Provides clerical and administrative support by providing reports, memoranda, and other documents, to the Boards and to individual Board Members in the execution of official duties.
- Provides timely agendas and information to the Boards.
- Coordinates travel arrangements for various Workshops and Seminars offered to Board Members during the course of their service on the Boards.

WORKING CONDITIONS and PHYSICAL ABILITIES:

Work is performed in an office environment in close proximity with other workers and incumbent will be exposed to those conditions normally encountered in a business office environment. Incumbent must be able to perform the essential functions of the job satisfactorily. Physical demands require frequent standing, reaching, leaning, twisting, grasping, lifting and sitting for prolonged periods of time. The ability to lift, push boxes and equipment or other material weighing up to 50 pounds or so. Incumbent must be able to see and hear in the normal range, with or without correction, and communicate verbally and in written form with great facility and must be able to be understood. Incumbent must be able to drive safely to various District sites. Travel via air and or ground transportation is required.

CLASS SPECIFICATION

EXECUTIVE ASSISTANT

QUALIFICATIONS

Education/Experience:

- Any combination equivalent to graduation from high school including or supplemented by college-level courses in business administration/management and three years increasingly responsible related work experience or any combination of training and/or experience that could likely provide the desired knowledge and abilities.

Knowledge and Abilities:

- Principles and practices of office administration relating to executive support, workers' compensation, risk management, safety, and content management.
- Office administration and secretarial practices and procedures, such as business letter writing and the operation of standard office equipment, including a word processor and personal computer.
- Basic organization and function of public agencies, including the role of an elected Governing Board and appointed committees.
- Ability to prioritize and adapt to change; knowledge of District business; good communication skills.
- Recordkeeping, report preparation, filing methods and records management techniques.
- Correct English usage, including spelling, grammar, punctuation, and vocabulary.
- Standard business arithmetic, including percentages and decimals.
- Basic budgetary principles and practices.
- Providing varied, responsible, and often confidential secretarial and office administrative assistance to an executive and associated staff and boards.
- Analyze, interpret, evaluate, summarize and explain policies, procedures, laws, rules and regulations and other written materials.
- Using tact, discretion, initiative, confidentiality and independent judgment within established guidelines.
- Analyzing situations, evaluating alternatives and recommending effective courses of action.
- 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 on a topic into a concise, coherent written document.

CLASS SPECIFICATION

EXECUTIVE ASSISTANT

- 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 may require possession of a valid California driver's license.

Approved:

BRAD POIRIEZ
Executive Director/ APCO

JEAN BRACY
Deputy Director - Administration

Date: _____

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

AGENDA ITEM 9

DATE: October 24, 2016

RECOMMENDATION: Conduct a public hearing to present the 2015 Annual "Hot Spots" Report and discuss its content and significance: a. Open public hearing; b. Receive 2015 Annual "Hot Spots" Report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions.

SUMMARY: The Mojave Desert Air Quality Management District (MDAQMD) has prepared the 2015 Annual "Hot Spots" Report in accordance with Health and Safety Code §44363 and a copy is provided to the Governing Board.

CONFLICT OF INTEREST: None.

BACKGROUND: The California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) was enacted by the Legislature in 1987 to address public concern over the release of toxic air contaminants into the atmosphere. The law requires facilities emitting toxic substances to provide local air pollution control districts with information to identify sources of toxic air contaminants, assess air toxic problems, locate resulting "hot spots," notify persons that may be exposed to significant risks, and develop effective strategies to reduce potential risks to the public.

A requirement of the Air Toxics "Hot Spots" Information and Assessment Act (Section 44363 of the California Health and Safety Code) is for local air pollution control districts to provide the public with an annual progress report on the program. This report fulfills that requirement by providing information about emission inventories, approved health risk assessments (HRA), public notification procedures, and steps undertaken to reduce public health risks. State and local health officials may use the report to establish priorities for developing and implementing air toxic control measures to protect public health.

This report summarizes the AB 2588 program elements, the current status of the program in the Mojave Desert Air Quality Management District (MDAQMD or District), results of local HRAs, current status of public notifications, and conclusions drawn from the program to date. Stationary source emission estimates, by facility, are available by request from the MDAQMD.

Cc: Chris Anderson

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

AGENDA ITEM 9

PAGE 2

REASON FOR RECOMMENDATION: Health and Safety Code §44363(6) requires the Governing Board to hold a public hearing to present and discuss the report and discuss its content and significance.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or before September 24, 2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

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

NOTICE OF HEARING

NOTICE IS HERBY GIVEN that the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 24, 2016 at 10:00 A.M. to present the 2015 Annual “Hot Spots” Report and discuss its content and significance. This report summarizes the “Hot Spots” program elements, the current status of the program in the Mojave Desert Air Quality Management District (MDAQMD or District), results of local HRAs, current status of public notifications, and conclusions drawn from the program to date.

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 the proposed 2015 Annual “Hot Spots” Report are on file and may be obtained from the Clerk of the Governing Bard 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 October 22, 2016 to be considered. If you have any questions you may contact Chris Anderson at (760) 245-1661 extension 1846 or via E-mail at canderson@mdaqmd.ca.gov for further information.

Traducción esta disponible por solicitud

MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT

Michele Baird
Clerk of the Board
Phone (760) 245-1661 x5040

**CALIFORNIA AIR TOXICS "HOT
SPOTS"
INFORMATION AND ASSESSMENT ACT
(AB 2588)**

**2015 Air Toxics "Hot Spots"
Program Report
for the
Mojave Desert Air Quality
Management District**

September 16, 2016

MOJAVE DESERT AQMD
14306 Park Avenue
Victorville, CA 92392

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INTRODUCTION

The California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) was enacted by the Legislature in 1987 to address public concern over the release of toxic air contaminants into the atmosphere. The law requires facilities emitting toxic substances to provide local air pollution control districts with information to identify sources of toxic air contaminants, assess air toxic problems, locate resulting "hot spots," notify persons that may be exposed to significant risks, and develop effective strategies to reduce potential risks to the public.

A requirement of the Air Toxics "Hot Spots" Information and Assessment Act (Section 44363 of the California Health and Safety Code) is for local air pollution control districts to provide the public with an annual progress report on the program. This report fulfills that requirement by providing information about emission inventories, approved health risk assessments (HRA), public notification procedures, and steps undertaken to reduce public health risks. State and local health officials may use the report to establish priorities for developing and implementing air toxic control measures to protect public health.

This report summarizes the AB 2588 program elements, the current status of the program in the Mojave Desert Air Quality Management District (MDAQMD or District), results of local HRAs, current status of public notifications, and conclusions drawn from the program to date. Stationary source emission estimates, by facility, are available by request from the MDAQMD.

BACKGROUND

The District is the implementing agency for approximately 1,000 MDAQMD facilities required to comply with the Air Toxics "Hot Spots" Act. The law requires facilities to submit information that is used to achieve the objectives of the program. For larger industrial facilities, this information includes:

- **Emission Inventory Reports** - Facilities must submit the information needed by the District to prepare a toxic emissions inventory report. The District then prioritizes each facility to determine if a HRA is necessary based upon the amount and toxicity of the reported emissions.
- **Health Risk Assessments** - Facilities required to submit HRAs must determine the level of public exposure to emitted compounds and potential adverse public health impacts. The State Office of Environmental Health Hazard Assessment (OEHHA) assists the District in reviewing each HRA and is responsible for developing and providing risk managers in state and local government agencies with toxicological and medical information relevant to decisions involving public health.
- **Public Notification** - If an adverse health impact exceeding public notification levels (specified in District Rule 1320) is identified, the facility must provide notice to all exposed persons regarding the results of the HRA.

- **Risk Reduction Audits and Plans** - Facilities with emissions that pose a potentially significant public health risk must submit a risk reduction audit and plan to the District. This plan must demonstrate how the facility will reduce health risks below significant levels. The facility must implement the plan as approved by the District.

State Guidelines now allow local air districts such as Mojave Desert Air Quality Management District (MDAQMD or District) to utilize air toxics analyses conducted as part of its toxics permitting (Rule 1320 - New Source Review For Toxics Air Contaminants and Rule 1520 - Control of Toxic Air Contaminants From Existing Sources) process, in-lieu of requiring separate quantification of air toxics emissions to satisfy AB2588. Guidelines require the NSR permit contain conditions to ensure calculated toxic risk is not exceeded. Providing integration of the AB2588 with District’s permitting program is a time and cost savings both for the District and affected facilities without compromising the intent of the regulation or public health.

FACILITY PRIORITIZATION

Prioritization procedures consider the magnitude of toxic air contaminant emissions from facilities and the toxicity of those emissions, but do not consider the expected health risks posed by the emissions. Requiring a facility to prepare a Prioritization Score does not mean the facility poses a significant risk to public health.

Facilities are placed into three categories: High Priority Category for facilities that are required to prepare and submit a HRA; Intermediate Priority Category for facilities that may be required to conduct a HRA at a future date; and Low Priority Category for facilities that are not required to conduct a HRA. Ranges of prioritization scores for each category are shown in Table 1.

Table 1: Prioritization Categories

	Prioritization Category		
	High	Intermediate	Low
Facility Score	Score \geq 10	1 \leq Score < 10	Score < 1

Facilities are reprioritized based on their most recently approved toxic emissions inventory report. Prioritization procedures can be found on the California Air Pollution Control Officers Association website at: www.capcoa.org

RISK ASSESSMENT

A HRA is a study of the possible public health risks that may be posed by emissions of toxic compounds. Each facility that has been prioritized as High Priority must prepare and submit a HRA to the District.

The assessment incorporates conservative pollutant dispersion estimates, human exposure assumptions, and health effects information to ensure that the final risk assessments are not underestimated. Accordingly, the results of a HRA may overstate actual health risks but are useful in

comparing the relative risks of sources and pollutants and setting priorities for mitigation. For example, a HRA typically will estimate the increased cancer risk for a hypothetical individual who would remain at the one location with the greatest potential for exposure to toxic air contaminant emissions from the facility for 24 hours a day, 365 days per year, over 70 years.

While the HRA procedures are generally considered to be conservative, some factors that may tend to underestimate impacts are difficult to evaluate. For example, a HRA is based on emission estimates for the indicated inventory year. These emissions are assumed to occur for 70 years to obtain a "lifetime" cancer risk. Years other than the inventory year, in particular for years before this program, may have higher (or lower) emissions. Additionally, the cumulative effect of emissions from other nearby mobile, area, and stationary sources, and the potential for complex mixtures of toxic air contaminants to create an additional health problem by their combined reaction to each other, cannot be estimated. Also, some facility emission estimates are based on average factors for individual types of equipment and actual emissions may be higher or lower. Finally, the HRA results only include potential impacts from compounds with Office of Environmental Health Hazard Assessment (OEHHA) -approved health values. Compounds without OEHHA-approved health values are not included.

CARB lists more than 700 compounds to be assessed under the Air Toxics "Hot Spots" program. The list includes potentially carcinogenic substances as well as compounds that may cause health problems such as respiratory irritation or central nervous system depression. The toxicity varies from compounds that pose concern if more than a few grams are emitted per day, to those that may pose no significant health risks if many pounds are emitted per day. OEHHA reviews and updates the toxicity of the listed compounds in addition to adding newly identified compounds of health concern. This updated information is then used in identifying facilities required to prepare HRA assessments and in preparing the assessments.

Each HRA is reviewed by the District and OEHHA to identify deficiencies requiring correction. The District then approves, modifies, or returns the HRA for corrections. The results of all HRA prepared under this program are available for public review. A summary of the results of the HRAs prepared under this program is presented in Table 2.

As with all emissions information accumulated by the District, MDAQMD's air toxic emission inventory is public information and available for public review upon request to the District and can also be found on CARB website at <http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php>.

This annual report ranks and identifies facilities according to cancer and non-cancer risk posed, and describes toxic control measures. After presentation at a public hearing, it is distributed to the San Bernardino County Board of Supervisors, city councils in the District, and the County Health Officer.

CURRENT STATUS OF MDAQMD TOXIC EMISSION SOURCES

MDAQMD has jurisdiction of the geographic area shown below.



Map Not to Scale

CRF02W111

Stretched out over almost 20,000 square miles of California’s vast desert expanse, the MDAQMD, is geographically, the second largest of the state’s 35 air districts. The MDAQMD boundaries include the desert portion of San Bernardino County and those portions of the County of Riverside commonly known as the Palo Verde Valley.

The District’s rural areas provide significant dispersion potential for most sources within the District’s jurisdiction. The District has assessed potential health risk with the implementation of the May 1996 revision to ARB’s “Emission Inventory Criteria and Guidelines Report.” Each air toxics emission source within the District was placed into one of three categories, based upon potential adverse health effects created by the facility.

A summary of the results of the HRA prepared under this program is presented in Table 2.

Table 2: Summary of Facility HRA Results ⁽⁷⁾

HRA Evaluation Period	Facility	Location	Max. Lifetime Cancer Risk per million (1)	Chronic THI (2)	Acute THI (3)
<i>Facilities required to implement a risk reduction plan and conduct quadrennial public notification:</i>					
2014	(6) Searles Valley Minerals	Trona	3.46	0.494	22.6
<i>Facilities required to conduct quadrennial public notification.</i>					
2009	Riverside Cement	Oro Grande	7	1.52	1.43
1997	Ducommun AeroStructures	Adelanto	12	0	1.01
<i>Facilities that have implemented a risk reduction plan and currently have risks below the public notification:</i>					
	There are no facilities in this category at this time.				
<i>Facilities not required to implement a risk reduction plan and not required to conduct quadrennial public notification:</i>					
	CEMEX- River Plant	Victorville	6	0	0.0015
2007	(4) Union Oil Molycorp	Mountain Pass	5	0	0.49
	Pacific Gas & Electric	Hinkley	2	0	0.09
2007	USMC MAGTFTC MCAQCC	Twentynine Palms	2	< 0.29	0.24
1999	(5) High Desert Power Project	Victorville	<1.	0.1	0.8
2000	(5) Blythe Energy Project	Blythe	0.4	0.21	0.03
2010	(5) Ivanpah Solar	Ivanpah	0.08	<1	<1
<i>Facilities with previous health risk assessment results:</i>					
1997	Southdown River Plant (Cemex River Plant)	Victorville	7.1	0.066	0.12
2001	Searles Valley Minerals	Trona	4.39	1.03	20.4
<i>Facilities that have ceased operation:</i>					
	There are no facilities in this category at this time.				

1. This column reports the maximum lifetime excess cancer risk estimate at an occupational or residential receptor (whichever is greater) approved by the District. The maximum estimated risk generally is possible at only one location. All other locations show lower risks. This estimate assumes that a person resides at the location of maximum impact 24 hours per day, 365 days per year, for 70 years of exposure or a person works at the location of maximum impact 8 hours per day, 245 days per year, for 40 years of exposure. Actual cancer risk will likely be less.
2. Chronic total health hazard index (THI) is the sum of the ratios of the average annual exposure level of each compound to the compound's reference exposure level (REL). Actual chronic THI will likely be less.
3. Acute THI is the sum of the ratios of the maximum one-hour exposure level of each compound to the compound's REL. Actual acute THI will likely be less.
4. Facility underwent major renovations and improvements from 2012 to 2015. Inventory updated to reflect upgrades resulting in lower emissions and a facility PS less than 8 (Intermediate Priority).
5. HRA results are from District approved screening risk assessment carried out pursuant to District air toxics permitting program. Air emissions are represented at maximum potential to emit.
6. SVM, as part of their RRAP, has contracted with an environmental consultant to reexamine their existing risk assessments to ensure accuracy of emissions dispersed to offsite receptors. A preliminary report has been submitted and is currently under review by the District.
7. HRA results reported in Table 2 are reflective of 2003 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.

PUBLIC NOTIFICATION AND RISK REDUCTION

Once a HRA has been approved, the Air Toxics “Hot Spots” program requires facilities with risks over specified levels to provide public notice to all exposed persons. In addition, facilities with significant risks are required to reduce risks below the significant risk levels within five years. The California Health and Safety Code does not define “significant risk.” The District, in consultation with interested parties, established public notification and significant risk levels (as well as public notification and risk reduction procedures) in District Rule 1320 and District Rule 1520. These levels are presented in Table 3.

Table 3: Public Notification and Significant Risk Levels

	Public Notification Level	Significant Risk Level
Maximum Incremental Cancer Risk	10	100
Cancer Burden	NA	0.5
Total Chronic Noncancer Health Hazard Index	1.0	10
Total Acute Noncancer Health Hazard Index	1.0	10

In establishing public notification procedures, the District considered input from the California Air Pollution Control Officers Association’s Air Toxics "Hot Spots" Program Public Notification Guidelines (October 1992), CARB guidance, and other regulatory precedents. The procedures are generally consistent with procedures adopted by other California air districts.

Facilities required to perform public notification must distribute notices to each household and business that may be exposed to potential risks exceeding the District's public notification level. Notifications must be issued quadrennially until the facility demonstrates to the District that it has reduced the potential health risk below the notification thresholds.

As of January 1, 2014, three facilities with estimated risks above public notification levels were required to inform the public of their most recent approved HRA results. Based on the response from the public, one facility (Searles Valley Minerals) was required to hold a public meeting to provide further information regarding their emissions and their HRA results.

Public notification is required quadrennially based on the most recent approved HRA until it is demonstrated that potential health risks have been reduced below public notification levels. Table 4 lists the facilities currently required to conduct quadrennial public notification.

Table 4: Facilities Required to Conduct Quadrennial Public Notification

HRA Evaluation Period	Facility	Location	Most Recent Notification Date
2009	CalPortland Cement	Oro Grande	2014
1997	Ducommun Aerostructures	Adelanto	2014
2001	Searles Valley Mineral	Trona	2012

Pursuant to the “Hot Spots” Act, facilities with potentially significant public health risks must reduce those risks below significant risk levels within five years of the approval of a risk reduction plan. Of the seven approved HRAs under the "Hot Spots" program, one currently active facility had estimated risks above the significant risk mitigation levels.

RECENT AND EXPECTED CHANGES TO THE PROGRAM

Changes to the Air Toxics "Hot Spots" Act in 1992 required that OEHHA develop risk assessment guidelines for the Air Toxics "Hot Spots" Program, including a "likelihood of risks" approach to risk assessment. OEHHA has developed and published documents providing guidance for HRA work. These documents are: (1) The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, (2) Technical Support Document for the Derivation of Noncancer Reference Exposure Levels, (3) Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures, and (4) Technical Support Document for Exposure Assessment and Stochastic Analysis. To supplement OEHHA's guidelines, CARB provided a document titled Recommended Interim Risk Management Policy for Inhalation-Based Residential Cancer Risk.

In February 2012, OEHHA presented a draft version of their Technical Support Document for Exposure Assessment and Stochastic Analyses for public comment. This document addresses the 8-hour RELs, the age sensitive adjustments and updates to the cancer potency. On March 2012, OEHHA approved modified non-cancer health data for nickel with the main effect being the acute toxicity increased 30 times. In March 2015, OEHHA finalized updates to The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. These changes consider the varying breathing rates of different age groups. The combined effects of these updates will, in most cases, result in a higher calculated risk. The higher calculated risk may range from a very small increase to as much as a factor of 2.7, depending on exposure type and other parameters. The District is working to develop tools and guidance to streamline the implementation of these new HRA procedures.

INDUSTRYWIDE SOURCE CATEGORIES

Some of the District's smallest emitters are subject to the AB2588 program, for example auto body shops, dry cleaners, and gasoline retailers. To provide some relief from the burden of reporting, these sources are identified in the Program as "industry-wide" sources. CARB, in cooperation with the California Air Pollution Control Officers Association (CAPCOA), has adopted and continues to develop health risk guidelines, risk reduction plans, and audit plans that Districts may utilize to assess, reduce, and verify toxics emissions from industry-wide sources. The "Auto Body Shop Industry-Wide Risk Assessment Guidelines" was approved by CAPCOA September 26, 1996, and the "Gasoline Service Station Industry-Wide Risk Assessment Guidelines" was approved in December, 1997 (Appendix E updated in November 2001). The "Perchloroethylene (Perc) Dry Cleaner Industry-Wide Risk Assessment" was never finalized. However, on January 25, 2007, the California Air Resources Board (ARB) approved amendments to the Dry Cleaning Air Toxic Control Measure (ATCM) and adopted requirements for Perc manufacturers and distributors.

CONCLUSIONS

Industrial facilities still emit substantial quantities of toxic air contaminants although emissions from industrial sources have been greatly reduced since 1989. Motor vehicles and area and natural sources are also key contributors of toxic air contaminants. The majority of local facilities are in compliance with current District emission standards, which now focus on both criteria air pollutants (e.g., volatile organic compounds, oxides of nitrogen, particulate matter) and toxic air contaminants.

Current and future air quality programs at the local, state, and federal levels will further reduce toxic air contaminants emissions. Measures to reduce vehicle trips and miles traveled as well as alternative fueled and electric vehicle market penetration will reduce toxic emissions which result from the burning of gasoline. Measures to reduce emissions of volatile organic compounds as ozone precursors will also decrease emissions of toxic volatile organic compounds.

State ATCMs are reducing emissions of diesel particulate matter from engines, Perc from dry cleaning operations, hexavalent chromium from electroplating operations, hexavalent chromium and nickel from metal deposition operations, and toxic metals from metal melting operations. Federal National Emission Standards for Hazardous Air Contaminants/Maximum Achievable Emission Standards (NESHAP/MACT) emission control programs have produced dramatic emission reductions of chlorofluorocarbons and methyl chloroform. The District also requires best available control technology for many new and modified sources of toxic air contaminants. For a complete listing of all ATCM please visit CARB website; <http://www.arb.ca.gov/toxics/atcm/atcm.htm>. For a complete listing of all Federal NESHAP/MACT please visit USEPA website at; <http://www.epa.gov/ttn/atw/mactfnlalph.html>

Ongoing implementation of the Air Toxics "Hot Spots" Program will continue to reduce local public health risks associated with emissions of toxic air contaminants. Those efforts will improve information on levels of exposure and risk as well as identifying compounds, processes, and facilities that are potentially causing significant risks.

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

AGENDA ITEM 10

DATE: 10/24/2016

RECOMMENDATION: Conduct a public hearing to consider the amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 1106 and directing staff actions.

SUMMARY: Rule 1106 is proposed for to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Technique Guidelines (CTGs) and for major sources of ozone precursors.

CONFLICT OF INTEREST: None

BACKGROUND: The FCAA requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to CTG documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) which are ozone precursors. The District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 1106 – *Marine Coating Operations* to current Federal RACT. The MDAQMD has a marine coating operations rule which was approved as RACT into the SIP in 2008 (75 FR 40754, 07/16/2008). This rule is subject to the CTG titled *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96), the CTG titled *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003, September 2008)*, and the *National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)* (40 CFR Part 64335, December 15, 1995). The District has several facilities that apply marine and/or pleasure craft coatings. There are two facilities that have the potential to be subject to the applicability of the CTGs and the NESHAP. The MDAQMD is now proposing to update Rule 1106 – *Marine and Pleasure Craft Coating Operations* to reflect current RACT.

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

AGENDA ITEM 10

PAGE 2

The proposed amendments to Rule 1106 address the *RACT SIP Analysis* commitments. The proposed amendments update rule purpose, definitions, coating limits, control device efficiency, work practices, VOC content for surface preparation, and test methods. The amendments are based on the CTGs, NESHAP, and various district rules deemed to be RACT or a Preliminary Definition of RACT by USEPA, including Ventura County Air Pollution Control District (VCAPCD) Rule 74-24 – *Marine Coating Operations* (09/11/12, 79 FR 37223, 07/01/14), VCAPCD Rule 74-24-1 – *Pleasure Craft Coating and Commercial Boatyard Operations* (01/08/02, 67 FR 52611, 08/13/02), San Diego Air Pollution Control District (SDAPCD) Rule 67.18 – *Marine Coating Operations* (05/15/96, 62 FR 14639, 03/27/97), and South Coast Air Quality Management District (SCAQMD) Rule 1106 – *Marine Coating Operations* (01/13/95, 60 FR 36227, 07/14/95).

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1106 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 Brad Poiriez, Executive Director on or about 10/06/2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

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

RESOLUTION _____

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1106 – MARINE AND PLEASURE CRAFT COATING OPERATIONS AND DIRECTING STAFF ACTIONS.

On October 24, 2016, on motion by Member Board Member Name, seconded by Member Board Member Name, 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, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technology Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors; and

WHEREAS, the District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 1106 – *Marine Coating Operations* to current Federal RACT; and

WHEREAS, the MDAQMD has a marine coating operations rule which was approved as RACT into the SIP in 2008 (75 FR 40754, 07/16/2008); and

WHEREAS, this rule is subject to the CTG titled *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96), the CTG titled *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003, September 2008)*, and the *National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)* (40 CFR Part 64335, December 15, 1995); and

WHEREAS, the District has several facilities that apply marine and/or pleasure craft coatings; and

WHEREAS, there are two facilities that have the potential to be subject to the applicability of the CTGs and the NESHAP; and

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RESOLUTION _____

1 **WHEREAS**, the MDAQMD is now proposing to update Rule 1106 – *Marine and Pleasure Craft*
2 *Coating Operations* to reflect current RACT; and

3 **WHEREAS**, the proposed amendments to Rule 1106 address the *RACT SIP Analysis*
4 commitments; and

5 **WHEREAS**, the proposed amendments update rule purpose, definitions, coating limits, control
6 device efficiency, work practices, VOC content for surface preparation, and test methods; and

7 **WHEREAS**, the amendments are based on the CTGs, NESHAP, and various district rules
8 deemed to be RACT or a Preliminary Definition of RACT by USEPA, including Ventura County Air
9 Pollution Control District (VCAPCD) Rule 74-24 – *Marine Coating Operations* (09/11/12, 79 FR 37223,
10 07/01/14), VCAPCD Rule 74-24-1 – *Pleasure Craft Coating and Commercial Boatyard Operations*
11 (01/08/02, 67 FR 52611, 08/13/02), San Diego Air Pollution Control District (SDAPCD) Rule 67.18 –
12 *Marine Coating Operations* (05/15/96, 62 FR 14639, 03/27/97), and South Coast Air Quality
13 Management District (SCAQMD) Rule 1106 – *Marine Coating Operations* (01/13/95, 60 FR 36227,
14 07/14/95); and

15 **WHEREAS**, the proposed amendments to the rule are necessary to satisfy 42 U.S.C. §§7511a
16 (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are
17 subject to CTGs and for major sources of ozone precursors; and; and

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

20 **WHEREAS**, the proposed amendments are clear in that the meaning can be easily understood by
21 the persons impacted by the rule; and

22 **WHEREAS**, the proposed amendments are in harmony with, and not in conflict with, or
23 contradictory to existing statutes, court decisions, or state or federal regulations; and

24 **WHEREAS**, the proposed amendments do not impose the same requirements as any existing state
25 or federal regulation because the District is amending this rule in response to federal VOC RACT
26 requirements; and

27 //

28 //

RESOLUTION _____

1 **WHEREAS**, the proposed amendments are needed to satisfy 42 U.S.C. §§7511a (FCAA §182)
2 which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs
3 and for major sources of ozone precursors; and

4 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code
5 §40725, concerning the proposed amendments to Rule 1106; and

6 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
7 proposed amendments to Rule 1106, completed in compliance with the California Environmental Quality
8 Act (CEQA), has been presented to the Governing Board of the MDAQMD; each member having
9 reviewed, considered and approved the information contained therein prior to acting on the proposed
10 amendments to Rule 1106, and the Governing Board of the MDAQMD having determined that the
11 proposed amendments will not have any potential for resulting in any adverse impact upon the
12 environment; and

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

15 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the MDAQMD finds
16 that the proposed amendments to Rule 1106 – *Marine and Pleasure Craft Coating Operations* are
17 necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

18 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby makes a
19 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
20 Exemption for the proposed amendments to Rule 1106; and

21 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does hereby adopt,
22 pursuant to the authority granted by law, the proposed amendments to Rule 1106, as set forth in the
23 attachments to this resolution and incorporated herein by this reference; and

24 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,
25 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
26 of CEQA.

27 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Mojave Desert Air Quality
28 Management District by the following vote:

RESOLUTION _____

AYES: MEMBER:

NOES: MEMBER:

ABSENT: MEMBER:

ABSTAIN: MEMBER:

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO)

SS:

I, _____, Clerk of the Governing Board 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 October 24, 2016.

Clerk of the Governing Board,
Mojave Desert Air Quality Management District.

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Rule 1106

Marine and Pleasure Craft Coating Operations

(A) General

(1) Purpose

- (a) The purpose of this rule is to limit the emissions of Volatile Organic Compounds (VOC) from Marine and Pleasure Craft Coating Operations.

(2) Applicability

- (a) This rule applies to all Coating Operations of both commercial boats and Ships, Pleasure Craft and their appurtenances, and to the Coating of buoys and oil drilling rigs, or their parts and components intended for the marine environment, which occur within the Mojave Desert Air Quality Management District.
- (b) Any Coating, Coating Operation, or facility which is exempt from all or a portion of the VOC limits of this rule shall comply with the applicable provisions of Rules 1114 – *Wood Products Coating Operations*, 1115 – *Metal Parts & Products Coating Operations* and 442 – *Usage of Solvents*.

(B) Definitions

For the purpose of this rule the following definitions shall apply:

- (1) “Adhesive” – Any substance that is used to bond one surface to another surface by attachment.
- (2) “Aerosol Coating Product” – A hand-held, non-refillable container that expels pressurized materials by means of a propellant-induced force.
- (3) “Air-Dried Coating” – Any Coating that is not heated above 90°C (194°F) for the purpose of curing or drying.
- (4) “Air Flask Coating” – A Coating applied to the interior surfaces of high pressure breathing air flasks to provide corrosion resistance and which is certified safe for use with breathing air supplies.
- (5) “Antenna Coating” – Any Coating applied to equipment and associated structural appurtenances that are used to receive or transmit electronic signals.
- (6) “Antifoulant Coating” – Any Coating applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and is registered with the United States Environmental Protection Agency (USEPA) as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act.

- (7) “As Applied” – The condition of a Coating at the time of application to the substrate, including any thinning solvent.
- (8) “As Supplied” – The condition of a Coating before any thinning, as sold and delivered by the Coating manufacturer to the user.
- (9) “Baked-Coating” – Any Coating that is cured at a temperature at or above 90°C (194°F).
- (10) “Bitumens” – Black or brown materials that are soluble in carbon disulfide and consist mainly of hydrocarbons.
- (11) “Bituminous Resin Coating” – Any Coating that incorporates Bitumens as a principal component and is formulated primarily to be applied to a substrate or surface to resist ultraviolet radiation and/or water.
- (12) “Clear Topcoat” – A final Coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Including, but not limited to, Varnishes.
- (13) “Clear Wood Finishes” – Clear and semi-transparent Topcoats applied to wood substrates to provide a transparent or translucent film.
- (14) “Coating” – A material that is applied to a surface and forms a film in order to identify, beautify, protect, convey a message, or minimize detection of such surface. Coating includes, but is not limited to, materials such as Topcoats, stains, Sealers, primers, fillers, conversion Varnish, pigmented Coating, multicolored Coating, moldseal Coating, washcoat and toner.
- (15) “Compliance Assurance Monitoring” – The combined total equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with control device efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates.
- (16) “District” – The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103 – *Description of District Boundaries*.
- (17) “Elastomeric Adhesive” – Any Adhesive containing natural or synthetic rubber.
- (18) “Epoxy” – Any thermoset Coating formed by reaction of an Epoxy resin (i.e., a resin containing a reactive epoxide with a curing agent).
- (19) “Exempt Compound” – Those compounds listed in 40 CFR §51.100(s).
- (20) “Extreme High-Gloss Coating” – A Coating that achieves at least a 95 percent reflectance on a 60° meter when tested by American Society for Testing and Materials (ASTM) Method D523–89 *Standard Test Method for Specular Gloss*.

- (21) “Extreme Performance Coating” – A Coating that is used on a metal surface where the coated surface, in its intended use, is acutely and chronically exposed to salt water, corrosives, caustics, acids, oxidizing agents, wind or ocean driven debris or electromagnetic pulse.
- (22) “Finish Primer/Surfacer” – A Coating applied with a wet film thickness of less than 10 mils (0.01 inch) prior to the application of a Topcoat for purposes of providing corrosion resistance, adhesion of subsequent Coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.
- (23) “General Use Coating” – Any Coating that is not a Specialty Coating, or does not have an otherwise specified limit.
- (24) “Grams of VOC per Liter of Coating Less Water and Less Exempt Compounds” (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids, calculated using the formula in subsection (E)(1)(a).
- (25) “Grams of VOC per Liter of Material” – The weight of VOC per volume of material, calculated using the formula found in subsection (E)(1)(b).
- (26) “Heat-Resistant Coating” – Any Coating which during normal use must withstand temperatures of at least 204°C (400°F).
- (27) “High Build Primer/Surfacer” – A Coating applied with a wet film thickness of 10 mils (0.01 inch) or more prior to the application of a Topcoat for purposes of providing corrosion resistance, adhesion of subsequent Coatings, or a moisture barrier, or promoting a uniform surface necessary for filling in surface imperfections.
- (28) “High Gloss Coating” – Any Coating which achieves at least 85 percent reflectance on a 60° meter when tested by ASTM Method D523–89 *Standard Test Method for Specular Gloss*.
- (29) “High-Temperature Coating” – Any Coating that during normal use must withstand temperatures of at least 426°C (800°F).
- (30) “High-Volume, Low-Pressure (HVLP) Spray” – Spray equipment permanently labeled as such and which is designed and operated between 0.1 and 10 pounds per square inch gauge (psig) air atomizing pressure, measured dynamically at the center of the air cap and at the air horns.
- (31) “Inorganic Zinc (High-Build) Coating” – A Coating that contains 960 grams per liter (eight (8) pounds per gallon) or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. These Coatings are typically applied at more than two (2) mil (0.002 inch) dry film thickness.

- (32) “Low Activation Interior Coating” – Any Coating used on interior surfaces aboard Ships to minimize the activation of pigments on painted surfaces within a radiation environment.
- (33) “Marine Coating” – Any Coating, except unsaturated polyester resin (fiberglass) Coatings, containing Volatile Organic Compounds and applied by any means to Ships, boats, and their appurtenances, and to navigational aids and oil drilling rigs intended for the marine environment.
- (34) “Marine Deck Sealant Primer” – Any sealant primer intended by the manufacturer to be applied to wooden marine decks. A sealant primer is any product intended by the manufacturer to be applied to a substrate, prior to the application of a sealant, to enhance the bonding surface.
- (35) “Metallic Heat-Resistant Coating” – Any Coating which contains more than five (5) grams of metal particles per liter of Coating As Applied and which must withstand temperatures over 80°C (175°F).
- (36) “Military Exterior Coating” or “Chemical Agent Resistant Coating” (CARC) – Any exterior Topcoat intended by the manufacturer to be applied to military vessels (including US Coast Guard) that are subject to specified chemical, biological, and radiological washdown requirements.
- (37) “Mist Coating” – Any low viscosity, thin film, Epoxy Coating applied to an inorganic zinc primer that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing.
- (38) “Navigational Aids Coating” – Any Coating applied to US Coast Guard Buoys or other US Coast Guard waterway markers when they are recoated aboard Ship at their usage site and immediately returned to the water.
- (39) “Non-Skid Coating” – Any Coating which has, as its primary purpose, the creation of traction to prevent slippage for personnel, vehicles or aircraft.
- (40) “Nuclear Coating” – Any protective Coating used to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials. These Coatings must be resistant to long-term (service life) cumulative radiation exposure as tested by ASTM D4082–89 *Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants*, relatively easy to decontaminate as determined by ASTM D4256–89, 94 *Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants*, and resistant to various chemicals to which the Coatings are likely to be exposed as tested by ASTM D3912–80 *Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants*.
- (41) “Organic Zinc Coating” – Any Coating derived from zinc dust incorporated into an organic binder that contains more than 960 grams of elemental zinc per liter (eight (8) pounds per gallon) of Coating, As Applied, and that is used for the expressed purpose of corrosion protection.

- (42) “Overall Control Efficiency” (CE) – The ratio, expressed as a percentage, of the weight of the VOC removed by the emission control system to the total weight of VOC emitted from Coating application operations, both measured simultaneously, calculated pursuant to the formula found in subsection (E)(1)(c).
- (43) “Pleasure Craft” – Vessels which are manufactured or operated primarily for recreational purposes, or leased, rented, or chartered to a person or business for recreational purposes. The owner or operator of such vessels shall be responsible for certifying that the intended use is for recreational purposes.
- (44) “Pleasure Craft Coating” – Any Coating, except unsaturated polyester resin (fiberglass) Coatings, applied by brush, spray, roller, or other means to a Pleasure Craft.
- (45) “Pretreatment Wash Primer” – A Coating which contains no more than 12 percent solids, by weight, and at least one-half (½) percent acids, by weight; is used to provide surface etching; and is applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent Coatings.
- (46) “Repair and Maintenance Thermoplastic Coating” – Any resin-bearing Coating, such as vinyl, chlorinated rubber, or Bituminous Resin Coatings, in which the resin becomes pliable with the application of heat, and is used to recoat portions of a previously coated substrate which has sustained damage to the Coating following normal operations purposes.
- (47) “Rubber Camouflage Coating” – Any specially formulated Epoxy Coating used as a camouflage Topcoat for exterior submarine hulls and sonar domes.
- (48) “Sealant for Wire-Sprayed Aluminum” – Any Coating of up to one (1) mil (0.001 inch) in thickness of an Epoxy material which is reduced for application with an equal part of an appropriate solvent (naphtha, or ethylene glycol monoethyl ether).
- (49) “Sealer” – A low viscosity Coating, containing binders, applied to bare wood to seal surface pores to prevent subsequent Coatings from being absorbed into the wood.
- (50) “Ship” – Any marine or fresh-water vessel used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). This definition includes, but is not limited to, all military and US Coast Guard vessels, commercial cargo and passenger (cruise) Ships, ferries, barges, tankers, container Ships, patrol and pilot boats, and dredges. For purposes of this rule, Pleasure Crafts and offshore oil and gas drilling platforms are not considered Ships.
- (51) “South Coast Air Quality Management District” (SCAQMD) – The air quality District created pursuant to Division 26, Part 3, Chapter 5.5 of the California Health and Safety Code (commencing with §40400).
- (52) “Special Marking Coating” – Any Coating used for items such as flight decks, Ship numbers, and other safety/identification applications.

- (53) “Specialty Coating” – Any Coating that is manufactured and used for one of the specialized applications described in this rule.
- (54) “Specialty Interior Coating” – An Extreme Performance Coating used on interior surfaces aboard Ships which has fire retardant properties and has a toxicity index of less than 0.03 in addition to existing military physical and performance requirements.
- (55) “Tack Coating” – An Epoxy Coating of up to two (2) mils (0.002 inch) thick applied to an existing Epoxy Coating. The existing Epoxy Coating must have aged beyond the time limit specified by the manufacturer for application of the next coat.
- (56) “Teak Primer” – A Coating applied to teak or previously oiled decks in order to improve the adhesion of a seam Sealer to wood.
- (57) “Topcoat” – Any final Coating applied to the interior or exterior of a Pleasure Craft for purposes such as appearance, identification, or protection. Includes but is not limited to Varnishes.
 - (a) “One-Component Topcoat” – Any Topcoat where the Coating resin cures without the need for added catalyst or converter. Addition of reducers or other additives to a Topcoat shall not change the Coating’s status as a one-component Topcoat.
 - (b) “Two-Component Topcoat” – Any Topcoat where the Coating resin cures only after adding a catalyst or converter.
- (58) “Touch-Up Coating” – Any Coating used to cover minor imperfections prior to shipment appearing after the main Coating operation.
- (59) “Underwater Weapons Systems Coating” – A Coating applied to any or all components of a weapons system that is intended to be launched or fired from underwater.
- (60) “United States Environmental Protection Agency” (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (61) “Varnishes” – Clear Wood Topcoats formulated with various resins to dry by chemical reaction on exposure to air.
- (62) “Volatile Organic Compound” (VOC) – Any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and Exempt Compounds.
- (63) “Weld-Through Preconstruction Primer” – A Coating that provides corrosion protection for steel during inventory, is typically applied at less than one (1) mil (0.001 inch) dry film thickness, does not require removal prior to welding, is temperature resistant (burn back from a weld is less than 1.25 centimeters (0.5

inch)), and does not normally require removal before applying film-building Coatings, including Inorganic Zinc (high-build) Coatings. When constructing new vessels, there may be a need to remove areas of Weld-Through Preconstruction Primer due to surface damage or contamination prior to application of film-building Coatings.

(C) Requirements

(1) VOC Content of Coatings

- (a) A person shall not apply any Coating to commercial boats or Ships, Pleasure Craft and their appurtenances, and to buoys and oil drilling rigs or their parts and components intended for the marine environment, including any VOC-containing materials added to the original Coating supplied by the manufacturer, which contains VOC in excess of the limits specified in Table 1.

**Table 1
COATING LIMITS
(Grams of VOC Per Liter of Coating, Less Water
and Less Exempt Compounds)**

Marine and Pleasure Craft Coating Materials Categories	VOC Limit Grams per Liter Coating Minus Water and Exempt Compounds	
	Air-Dried	Baked
General Use Coating – Non Pleasure Craft	340	275
General Use Coating – Pleasure Craft	420	
Specialty Coating		
Air Flask	340	
Antenna	340	
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(b) In lieu of complying with the VOC content limitations in Table 1, air pollution control equipment with a capture and control system Overall Control Efficiency of at least 90 percent, as determined pursuant to subsections (E)(2)(d) and (E)(2)(e) of this rule may be used.

(c) Any Coating, Coating operation, or facility which is exempt from all or a portion of the VOC content limits of this rule shall comply with the provisions of Rule 442 – *Usage of Solvents*, 1114 – *Wood Products Coating Operations* and 1115 – *Metal Parts & Products Coating Operations* unless compliance with the limits specified in this rule are achieved.

(2) Extreme Performance Coatings – Military Installations

(a) The VOC limits of Table 1 shall not apply to military installation use of an Extreme Performance Coating which has been approved by the Air Pollution Control Officer (APCO) in writing pursuant to this subsection.

(b) Any person seeking to use an Extreme Performance Coating in any military Coating operation which is subject to the provisions of this rule shall:

(i) Submit a petition to the APCO stating the performance requirements, volume of Coating, and VOC content which is attainable. Such petition shall include a technical justification of the attainable VOC content and an explanation why the Coating cannot meet the limits set forth in subsection (C)(1)(a).

- (ii) If the APCO grants written approval, such petition shall be resubmitted for approval on an annual basis.
- (iii) If the APCO grants written approval, such approval shall contain volume and VOC limit conditions.
- (iv) Records shall be maintained pursuant to Section (D).

(3) Transfer Efficiency

A person shall not apply any Coating subject to the provisions of this rule, unless the Coating is applied with equipment properly operated according to the manufacturer's suggested guidelines, and using one of the following application methods:

- (a) Electrostatic attraction; or
- (b) High Volume Low Pressure (HVLV) spray equipment; or
- (c) Dip coat; or
- (d) Hand application methods; or
- (e) Other Coating application methods as are demonstrated to have a transfer efficiency at least equal to method (C)(3)(b), and which are used in a manner that the parameters under which they were tested are permanent features of the method. Prior to their use, such alternative Coating application methods shall be approved in writing by the APCO.

(4) Prohibition of Specification

- (a) No person shall solicit or require for use or specify the application of a Coating if such use or application results in a violation of the provisions of this rule. The prohibition of this subsection shall apply to all written or oral contracts under the terms of which any Coating which is subject to the provisions of this rule is to be applied to any marine vessel, or part or component at any physical location within the District.

(5) Prohibition of Sale

- (a) A person shall not offer for sale or sell within the District any Coating that does not meet the VOC content limits, as set forth in Table 1 of this rule. The prohibition of this section shall apply to the sale of any Coating subject to this rule which will be applied at any physical location within the District, except those which are specifically exempted in Section (C) and (G) of this rule.

(6) Compliance Statement Requirement

- (a) The manufacturer of Coatings subject to this rule shall include a designation of VOC, As Supplied, on data sheets; including Coating

components, expressed in grams per liter or pounds per gallon, excluding water and Exempt Compounds.

(7) Surface Preparation and Cleanup Solvent

- (a) The requirements of this section shall apply to any person using solvent for surface preparation, cleanup, and paint removal, including paint spray equipment.
- (b) A person shall not use VOC-containing materials for the cleanup of application equipment used in Coating operations subject to this rule, unless such material is collected in a closed container when not in use; and
 - (i) The application equipment is disassembled and cleaned in an enclosed system during the washing, rinsing and draining processes; and
 - (ii) The application equipment or equipment parts are cleaned in a container which is open only when being accessed for adding, cleaning, or removing application equipment or when cleaning material is being added, provided the cleaned equipment or equipment parts are drained in the container until dripping ceases; and
 - (iii) VOC-containing material spills are minimized; and
 - (iv) VOC-containing materials are conveyed in closed containers or pipes.
 - (v) Other application equipment cleaning methods that are demonstrated to be as effective as the equipment described above in minimizing emissions of VOC to the atmosphere are used, provided that the device has been approved in writing prior to use, by the APCO.
- (c) A person shall not use VOC-containing materials for surface preparation unless:
 - (i) The material contains 25 grams or less of VOC per liter of material (0.21 pounds per gallon); or
 - (ii) The material has an initial boiling point of 190°C (374°F) or greater; or
 - (iii) The material has a total VOC vapor pressure of 20 mm Hg or less, at 20°C (68°F); or
 - (iv) The cleaning operation is performed within air pollution control equipment with a capture efficiency that meets the requirements of subsection (C)(1)(b).
- (d) A person shall use closed, nonabsorbent containers for the storage of fresh or spent solvent, and disposal of cloth, paper, or any other absorbent material used for solvent surface preparation and cleanup.

(D) Monitoring and Records

(1) Coating Records

- (a) Any person subject to Section (C) or claiming exemption under Section (G) shall comply with the following requirements:
- (i) The person shall maintain and have available during an inspection, a current list of Coatings in use which provides all of the Coating data necessary to evaluate compliance, including the following information, as applicable:
 - 1. Coating, catalyst, and reducer used.
 - 2. Mix ratio of components used.
 - 3. VOC content of Coating, As Applied.
 - (ii) The person shall maintain records on a daily basis including:
 - 1. Coating and mix ratio of components used in the Coating; and
 - 2. Quantity of each Coating applied.
 - (iii) The person shall maintain records on a daily basis showing the type and amount of solvent used for cleanup, surface preparation, and paint removal.
- (b) Notwithstanding the provisions of subsection (D)(1)(a), a person or facility which exclusively uses Coating formulations compliant with subsection (C)(1)(a) may maintain usage records on a monthly basis.

(2) Compliance Assurance Monitoring

- (a) Each Coating operation subject to subsection (C)(1) which is using air pollution control equipment to meet the control requirement shall:
- (i) Utilize Compliance Assurance Monitoring, as approved by the APCO. Each monitoring device(s), mechanism and/or technique shall be calibrated/maintained as recommended by the manufacturer; and
 - (ii) Maintain and produce daily records of key system operating parameters and maintenance procedures which will demonstrate continuous operation and compliance of the air pollution control equipment during periods of emissions-producing activities. Key system operating parameters are those necessary to ensure compliance with VOC content of Coating requirements, such as temperatures, pressures and flow rates.
- (b) Compliance with subsection (C)(1) shall be determined by compliance testing as prescribed in subsection (E)(2) and/or by evaluating Compliance Assurance Monitoring data.

- (3) All records for the previous five (5) year period maintained and produced pursuant to this Section shall be retained and available for inspection by the APCO upon request.

(E) Compliance Procedures and Test Methods

(1) Calculation Methods

- (a) Grams of VOC per Liter of Coating Less Water and Less Exempt Compounds shall be determined by the following equation:

$$G_v = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

Where:

G_v = Grams of VOC per Liter of Coating Less Water and Less Exempt Compounds

W_s = Weight of volatile compounds in grams

W_w = Weight of water in grams

W_{es} = Weight of Exempt Compounds in grams

V_m = Volume of material in liters

V_w = Volume of water in liters

V_{es} = Volume of Exempt Compounds in liters

- (b) Grams of VOC per Liter of Material shall be determined by the following equation:

$$G_v = \frac{W_s - W_w - W_{es}}{V_m}$$

Where:

G_v = Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds

W_s = Weight of volatile compounds in grams

W_w = Weight of water in grams

W_{es} = Weight of Exempt Compounds in grams

V_m = Volume of material in liters

- (c) Overall Control Efficiency shall be determined by the following equations

$$\text{Capture Efficiency} = \left(\frac{W_c}{W_e} \right) \times 100$$

Where: W_c = Weight of VOC entering control device
 W_e = Weight of VOC emitted

$$\text{Control Device Efficiency} = \left(\frac{W_c - W_a}{W_c} \right) \times 100$$

Where: W_c = Weight of VOC entering control device
 W_a = Weight of VOC discharged from the control device

$$CE = \frac{[(\text{Capture Efficiency}) \times (\text{Control Device Efficiency})]}{100}$$

- (2) The following specified test methods shall be used to determine compliance with the provisions of this rule.
- (a) Determination of VOC Content:

The VOC content of Coatings, subject to the provisions of this rule shall be determined by the following methods:

- (i) USEPA Reference Method 24 – *Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings* (40 CFR 60, Appendix A) for VOC content, ASTM D4457–85 *Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph*, or CARB Method 432 – *Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings* for determination of Exempt Compounds. The Exempt Compound content shall be determined by SCAQMD Method 303-91 – *Determination of Exempt Compounds* contained in the SCAQMD *Laboratory Methods of Analysis for Enforcement Samples* manual; or,
- (ii) SCAQMD Method 304-91 *Determination of Volatile Organic Compounds (VOC) in Various Materials* contained in the SCAQMD *Laboratory Methods of Analysis for Enforcement Samples* manual.
- (iii) Exempt Perfluorocarbon Compounds: The following classes of compounds: cyclic, branched, or linear, completely fluorinated

alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine, will be analyzed as Exempt Compounds for compliance with Section (C), only when manufacturers specify which individual compounds are used in the Coating formulation. In addition, the manufacturers shall identify the USEPA, California Air Resources Board (CARB), or other approved test methods used to quantify the amount of each Exempt Compound.

- (iv) Determination of the initial boiling point of liquid containing VOC, subject to subsection (C)(1)(a), shall be conducted in accordance with ASTM D1078–86 *Standard Test Method for Distillation Range of Volatile Organic Liquids*.
- (v) Calculation of total VOC vapor pressure for materials subject to subsection (C)(1)(a) shall be conducted in accordance with ASTM D2879–97 *Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope*. The fraction of water and Exempt Compounds in the liquid phase shall be determined by using ASTM D3792–91 *Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatography* and D4457–85 *Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph* and shall be used to calculate the partial pressure of water and Exempt Compounds. The results of vapor pressure measurements obtained using ASTM D2879–97 *Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope* shall be corrected for partial pressure of water and Exempt Compounds.
- (vi) Measurement of solvent losses from alternative application cleaning equipment subject to (C)(7)(b)(v) shall be conducted in accordance with the SCAQMD *General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems* (10/03/89).

(b) Determination of Metal Content:

- (i) The metal content in metallic Coatings subject to the provisions of this rule shall be determined by the SCAQMD Method 311-91 – *Determination of Percent Metal in Metallic Coatings by Spectrographic Method* contained in the SCAQMD) *Laboratory Methods of Analysis for Enforcement Samples* manual.

(c) Determination of Acid Content

- (i) The acid content of Coating subject to the provisions of this rule shall be determined by ASTM D1613-96 *Standard Test Method for*

Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products.

- (d) Determination of Efficiency of Air Pollution Control Equipment
 - (i) The Overall Control Efficiency of the collection device of the air pollution control equipment as specified in subsection (C)(1)(b) shall be determined by the USEPA method cited in 55 Federal Register 26865 (June 29, 1990), or any other method approved by USEPA, CARB, and the District.
 - (ii) The Overall Control Efficiency of the control device of the air pollution control equipment as specified in subsection (C)(1)(b) and the VOC content in the control device exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Methods 25 (*Determination of total gaseous nonmethane organic emissions as carbon*), 25A (*Determination of total gaseous organic concentration using a flame ionization analyzer*), or SCAQMD Method 25.1 (*Determination of Total Gaseous Non-Methane Organic Emissions as Carbon*) as applicable. USEPA Test Method 18 (*Measurement of gaseous organic compound emissions by gas chromatography*), or CARB Method 422 – *Determination of Volatile Organic Compounds in Emissions from Stationary Sources*, (December 13, 1991) shall be used to determine emissions of Exempt Compounds.
- (e) Determination of Capture Efficiency
 - (i) Capture efficiency shall be determined according to the USEPA’s technical document, *Guidelines for Determining Capture Efficiency* (01/9/95).
- (f) Determination of Extreme High-Gloss and High-Gloss
 - (i) Gloss shall be determined by ASTM Method D523–89 *Standard Test Method for Specular Gloss*.
- (g) Determination of Transfer Efficiency
 - (i) Demonstration of Transfer Efficiency of alternative application methods subject to subsection (C)(3)(e) shall be conducted in accordance with SCAQMD *Spray Equipment Transfer Efficiency Test Procedure for Equipment User* (05/24/89).
- (3) All test methods referenced in this section shall be those incorporated by reference into the Federal Register or by USEPA for use in State Implementation Plan rules.
- (4) Alternative Test Methods
 - (a) Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with any provisions of this rule may

also be used after review and approval in writing by the District, CARB and USEPA.

(F) Violations

- (1) Failure to comply with any provision of this rule shall constitute a violation of this rule.
- (2) A violation of the limits contained in this rule as determined by any one of these test methods shall constitute a violation of this rule.
- (3) When more than one (1) test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

(G) Exemptions

The provisions of this rule shall not apply to:

- (a) The use of Aerosol Coating Products.
- (b) Facilities whose rate per day of Coating use is less than one (1) gallon, including any VOC-containing materials added to the original Coating, As Supplied, by the manufacturer. Only Coatings subject to this rule shall be included in the calculation of rate per day, or; Coating application operations that emit not more than three (3) pounds of VOC per day and not more than 200 pounds of VOC per calendar year.
- (c) Marine Coatings applied to interior surfaces of potable water containers.
- (d) Touch-Up Coatings.

See SIP Table at www.mdaqmd.ca.gov



Draft
Staff Report
Proposed Amendments to
Rule 1106 – *Marine and Pleasure Craft*
Coating Operations

For amendment on
October 24, 2016

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List of Acronyms

BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CTG	Control Techniques Guidelines
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Oxides of Nitrogen
RACT	Reasonably Available Control Technology
SBCAPCD	San Bernardino County Air Pollution Control District
SCAQMD	South Coast Air Quality Management District
SDAPCD	San Diego Air Pollution Control District
SIP	State Implementation Plan
SOx	Oxides of Sulfur
U.S.C.	United States Code
USEPA	U.S. Environmental Protection Agency
VCAPCD	Ventura County Air Pollution Control District
VOC	Volatile Organic Compounds

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TC-4

MDAQMD Rule 1106
Staff Report D1, 08/19/2016

STAFF REPORT

Rule 1106 – *Marine and Pleasure Craft Coating Operations*

I. PURPOSE OF STAFF REPORT

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

II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management District (MDAQMD or District) has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 1106 – *Marine and Pleasure Craft Coating Operations* for inclusion in the current rulebook.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technology Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. The District adopted the *2015 8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in February, 2015 which committed to amending Rule 1106 – *Marine Coating Operations* to current Federal RACT. The MDAQMD has a marine coating operations rule which was approved as RACT into the SIP in 2008 (75 FR 40754, 07/16/2008). This rule is subject to the CTG titled *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96), the CTG titled *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003, September 2008)*, and the *National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)* (40 CFR Part 64335, December 15, 1995). The District has several facilities that apply marine and/or pleasure craft coatings. There are two facilities that have the potential to be subject to the applicability of the CTGs and the NESHAP. The MDAQMD is now proposing to update Rule 1106 – *Marine and Pleasure Craft Coating Operations* to reflect current RACT.

The proposed amendments to Rule 1106 address the *RACT SIP Analysis* commitments. The proposed amendments update rule purpose, definitions, coating limits, control device efficiency, work practices, VOC content for surface preparation, and test methods. The amendments are based on the CTGs, NESHAP, and various district rules deemed RACT or a Preliminary Definition of RACT by USEPA, including Ventura County Air Pollution Control District (VCAPCD) Rule 74-24 – *Marine Coating Operations* (09/11/12, 79 FR 37223, 07/01/14),

VCAPCD Rule 74-24-1 – *Pleasure Craft Coating and Commercial Boatyard Operations* (01/08/02, 67 FR 52611, 08/13/02), San Diego Air Pollution Control District (SDAPCD) Rule 67.18 – *Marine Coating Operations* (05/15/96, 62 FR 14639, 03/27/97), and South Coast Air Quality Management District (SCAQMD) Rule 1106 – *Marine Coating Operations* (01/13/95, 60 FR 36227, 07/14/95). Therefore, MDAQMD staff recommends amending Rule 1106 – *Marine and Pleasure Craft Coating Operations*.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the MDAQMD amend proposed Rule 1106 – *Marine and Pleasure Craft Coating Operations* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 1106 – *Marine and Pleasure Craft Coating Operations*. 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 Rule 1106 – *Marine and Pleasure Craft Coating Operations*. 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 Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

a. Necessity:

The proposed amendments to Rule 1106 – *Marine and Pleasure Craft Coating Operations* are necessary to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.

b. Authority:

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

c. Clarity:

The proposed amendments to Rule 1106 – *Marine and Pleasure Craft Coating Operations* 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 1106 – *Marine and Pleasure Craft Coating Operations* are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions.

e. Nonduplication:

The proposed amendments to Rule 1106 – *Marine and Pleasure Craft Coating Operations* do not impose the same requirements as any existing state or federal law or regulation because the District

is amending this rule in response to federal VOC RACT requirements.

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 1106 will be published 09/23/2016. 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 1106 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The FCAA requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to CTG documents issued by USEPA for “major sources” of VOCs and NO_x that are ozone precursors. Because the District has an existing SIP rule for this CTG category, the District committed to adopting an updated RACT rule for marine coating operations in the *2015 RACT SIP Analysis*. The CTGs, NESHAP, and SCAQMD Rule 1106 – *Marine Coating Operations*, VCAPCD Rule 74.24 – *Marine Coating Operations*, and VCAPCD Rule 74.24.1 – *Pleasure Craft Coating and Commercial Boatyard Operations* were used as the basis for the amendment.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 1106 will be published 09/23/2016. 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 1106 and the accompanying draft staff report were made available to the public on or before 09/23/2016. The proposed amendments will be

reviewed by the Technical Advisory Committee (TAC), a committee consisting of a variety of regulated industry and local governmental entities, prior to the amendment of the rule.

d. Notice to Specified Entities:

Copies of the proposed amendments to Rule 1106 and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and USEPA on or about 09/07/2016.

e. Public Hearing:

A public hearing to consider the amendments to Rule 1106 has been set for 10/24/2016.

f. Legal Authority to Adopt and Implement:

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

g. Applicable State Laws and Regulations Were Followed:

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

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district.

The FCAA requires areas designated non-attainment for ozone and classified moderate and above to adopt and maintain RACT rules to control the emissions of VOCs and NO_x for categories which the USEPA has adopted a CTG and for all categories where there are major stationary sources of air pollution (42 U.S.C. §7511a(b)(2), FCAA 182(b)(2)). For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified severe-17.

The MDAQMD has a marine coating operations rule approved into the SIP in 2008 (73 FR 40754, 07/16/2008) and determined to fulfill RACT requirements. This rule is subject to the CTG titled *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)*, the CTG titled *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings*, and the *National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)*. The District has several facilities that apply marine and/or pleasure craft coatings. There are two facilities that have the potential to be subject to the applicability of the CTGs and the NESHAP. The amendments are based on the CTGs, NESHAP, and various district rules deemed RACT or a Preliminary Definition of RACT by USEPA, including VCAPCD Rule 74-24 – *Marine Coating Operations* (09/11/12, 79 FR 37223, 07/01/14), VCAPCD Rule 74-24-1 – *Pleasure Craft Coating and Commercial Boatyard Operations* (01/08/02, 67 FR 52611, 08/13/02), and SCAQMD Rule 1106 – *Marine Coating Operations* (01/13/95, 60 FR 36227, 07/14/95).

C. ECONOMIC ANALYSIS

1. General

RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). Rule 1106 is equivalent to rules that were determined by USEPA to be a Preliminary Determination of RACT or RACT.¹ This determination by USEPA means that the provisions of Rule 1106 are, by definition, cost effective.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO_x) or oxides of sulfur (SO_x). The amendment of Rule 1106 is not subject to incremental cost effectiveness calculations because it does not involve BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 1106 was determined.

1. The proposed amendments to Rule 1106 meet the CEQA definition of “project”. They are not “ministerial” actions.

¹ VCAPCD Rule 74-24 – *Marine Coating Operations* (09/11/12, 79 FR 37223, 07/01/14), VCAPCD Rule 74-24-1 – *Pleasure Craft Coating and Commercial Boatyard Operations* (01/08/02, 67 FR 52611, 08/13/02), and SCAQMD Rule 1106 – *Marine Coating Operations* (01/13/95, 60 FR 36227, 07/14/95).

2. The proposed amendments to Rule 1106 are exempt from CEQA review because the amendments will not create any adverse impacts on the environment. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

There are no potential adverse environmental impacts of compliance with the adoption of Rule 1106. Rule 1106 will impose additional controls on VOCs, control device efficiency, work practices, surface preparation and cleanup solvent VOC limits.

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

This rule applies to all coating operations of both commercial boats and ships, pleasure craft and their appurtenances, and to the coating of buoys and oil drilling rigs, or their parts and components intended for the marine environment, which occur within the MDAQMD.

B. EMISSIONS

The amendments to Rule 1106 do not cause the release of additional air contaminants or create any environmental impacts. Rule 1106 will impose additional controls on VOCs, control device efficiency, work practices, surface preparation and cleanup solvent VOC limits.

C. CONTROL REQUIREMENTS

Please see section (C) of the rule (Appendix A) for control requirements.

The amendments to Rule 1106 – *Marine and Pleasure Craft Coating Operations* do not cause the release of additional air contaminants or create any environmental impacts. Section (C)(1)(a) proposes more stringent VOC specialty coating limits for antenna, clear wood finishes – sealers, pretreatment wash primer – non pleasure craft, repair and maintenance thermoplastics, and special marking categories. Section (C)(1)(b) proposes increased overall control efficiency from 85 to 90 percent. Section (C)(7)(b) proposes improved work practices. Section (C)(7)(c) proposes reduced VOC limits for surface preparation materials.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 1106.

Minor format changes have been made throughout which are for consistency and not substantive. These changes include changes including, but not limited to, capitalization of defined terms and including referenced rule and test method titles.

Subsection (A)(1)(a) has been updated to reflect that the rule covers both marine and pleasure craft coating operations.

Subsection (A)(3) has been moved to new section (G) for consistency with current rule format.

Section (B) has been modified to update existing definitions, remove unused definitions, and add definitions for specialty coating categories.

Definition removed for solvent cleaning operation. Definition removed for wire sprayed aluminum because there was no corresponding category limit in (C)(1)(a) (see definition for “sealant for wire-sprayed aluminum”).

Definitions modified to provide clarity and consistency for antifoulant coating, compliance assurance monitoring, exempt compound, military exterior coating or chemical agent resistant coating, navigational aids coating, topcoat, and underwater weapons systems coating.

Definitions have been added for bitumens, bituminous resin coating, epoxy, HVLP, marine deck sealant primer, ship, specialty coating, one-component topcoat and two-component topcoat.

Subsection (C)(1)(a) has been modified to specify coating categories are for marine and pleasure craft. General use and pretreatment wash primer categories have been separated out for pleasure and non-pleasure craft. Additional categories have been added for low activation interior, marine deck sealant primer, and one-component and two-component topcoats for pleasure craft.

Subsection (C)(1)(b) has been modified so overall control efficiency meets current federal RACT. OCE has been raised from 85 percent to 90 percent.

Subsection (C)(7)(b) has additional work practices added pursuant to the CTG for Miscellaneous Metal and Plastic Parts Coatings.

Subsection (C)(7)(c) has been amended to reduce the VOC content of surface preparation materials to 25 grams per liter or less, or to allow for cleaning operations to be performed within air pollution control equipment with a capture efficiency of at least 90 percent.

E. 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. Rule 1106 was adopted 08/28/2006 and subsequently amended 10/23/2006. USEPA took no action on the 08/28/2006 version. The 10/23/2006 was determined to fulfill RACT and was included in the SIP for the MDAQMD (73 FR 40754, 07/16/2008).

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 07/01/1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left the SCAQMD and joined the MDAQMD.

Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to 07/01/1994 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.

MDAQMD inherited Rule 1106 from SCAQMD which was contained in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD. SCAQMD Rule 1106, Marine Coating Operations, was originally adopted on 11/04/1988 and subsequently amended on 05/05/1989, 06/02/1989, 03/02/1990, 11/02/1990, 12/07/1990, and 08/02/1991. SCAQMD has amended and submitted a subsequent version of Rule 1106 after 07/01/1994. USEPA has identified that any action on SCAQMD Rule 1106 submitted after 07/01/1994 should have no effect on the Blythe/Palo Verde Valley SIP. While the Technical Support Document for the 2008 approval of MDAQMD Rule 1106 acknowledges a SCAQMD version of Rule 1106 in the Blythe/Palo Verde Valley Portion of the MDAQMD SIP (08/02/91 version with LA/LD, 12/20/93), there is no indication that USEPA removed this version and replaced it with MDAQMD Rule 1106 as amended 10/23/2006.

2. SIP Analysis.

The District will request CARB to submit the proposed amendments to Rule 1106 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 satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors..

Since there are previously existing SIP rules 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. The 10/23/2006 MDAQMD Rule 1106 version was determined to be more stringent than the 1991 SCAQMD Rule version by USEPA in the Technical Support Document of May 2008. Proposed Rule 1106 is more stringent than the previous version because amended Rule 1106 will impose additional controls on VOCs, control device efficiency, work practices, surface preparation and cleanup solvent VOC limits. Therefore, the proposed amendments to Rule 1106 are more stringent than both the 1991 SCAQMD version and the 2006 MDAQMD version of the rule.

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Appendix “A”

Rule 1106 – *Marine and Pleasure Craft Coating Operations* Iterated Version

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

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

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Rule 1106

Marine and Pleasure Craft Coating Operations

[Title updated to reflect that the rule covers both categories of surface coating operations.]

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(A) General

(1) Purpose

- (a) The purpose of this ~~r~~Rule is to limit the emissions of Volatile Organic Compounds (VOC~~s~~) from Marine and Pleasure Craft Coatings Operations. *[Purpose updated to reflect that the rule covers both categories of surface coating operations.]*

(2) Applicability

- (a) This ~~r~~Rule applies to all ~~marine~~ Coating Operations of both commercial boats and ~~S~~hips, ~~P~~leasure Craft and their appurtenances, and to the Coating of buoys and oil drilling rigs, or their parts and components intended for the marine environments, which occur within the Mojave Desert Air Quality Management District.

(3) ~~Exemptions~~*[Moved to §G for consistency with current rule format.]*

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The provisions of this rule shall not apply to:

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~~(a) The use of aerosol coating products.~~

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~~(b) Facilities whose rate per day of coating use is less than one gallon, including any VOC containing materials added to the original coating as supplied by the manufacturer. Only coatings subject to this rule shall be included in the calculation of rate per day, or, coating application operations that emit not more than 3 pounds of VOC's per day and not more than 200 pounds of VOC's per calendar year.~~

~~(c) Marine coatings applied to interior surfaces of potable water containers.~~

~~± (d) Touch-up coatings.~~

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~~±~~ Any Coating, Coating Operation, or facility which is exempt from all or a portion of the VOC limits of this ~~r~~Rule shall comply with the applicable provisions of Rules 1114 – Wood Products Coating Operations, 1115 – Metal Parts & Products Coating Operations and 442 – Usage of Solvents.

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(B) Definitions

For the purpose of this rule the following definitions shall apply:

- (1) “Adhesive” – Any substance that is used to bond one surface to another surface by attachment.
- (2) “Aerosol Coating Product” – A hand-held, non-refillable container that expels pressurized materials by means of a propellant-induced force.
- (3) “Air-Dried Coating” – Any Coating that is not heated above 90°C (194°F) for the purpose of curing or drying.
- (4) “Air Flask Coating” – A Coating applied to the interior surfaces of high pressure breathing air flasks to provide corrosion resistance and which is certified safe for use with breathing air supplies.
- (5) “Antenna Coating” – Any Coating applied to equipment and associated structural appurtenances that are used to receive or transmit electronic signals.
- (6) “Antifoulant Coating” – Any Coating applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and is registered with the United States Environmental Protection Agency (USEPA) as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act. *[Updated for consistency with CTG for Shipbuilding and Ship Repair Operations.]*
- (7) “As Applied” – The condition of a coating at the time of application to the substrate, including any thinning solvent.
- (8) “As Supplied” – The condition of a Coating before any thinning, as sold and delivered by the Coating manufacturer to the user.
- (9) “Baked-Coating” – Any Coating that is cured at a temperature at or above 90°C (194°F).
- (10) “Bitumens” – Black or brown materials that are soluble in carbon disulfide and consist mainly of hydrocarbons. *[Derived from 40 CFR Part 63 Subpart II NESHAP for Shipbuilding and Ship Repair (Surface Coating).]*
- (11) “Bituminous Resin Coating” – Any Coating that incorporates Bitumens as a principal component and is formulated primarily to be applied to a substrate or surface to resist ultraviolet radiation and/or water. *[Derived from 40 CFR Part 63 Subpart II NESHAP for Shipbuilding and Ship Repair (Surface Coating).]*
- (102) “Clear Topcoat” – A final Coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film. Includes but is not limited to Varnishes.
- + (134) “Clear Wood Finishes” – Clear and semi-transparent Topcoats applied to wood substrates to provide a transparent or translucent film.

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- 1. (142) “Coating” – A material that is applied to a surface and forms a film in order to identify, beautify, protect convey a message, or minimize detection of such surface. “Coating” includes, but is not limited to, materials such as Topcoats, stains, Sealers, primers, fillers, conversion Varnish, pigmented Coating, multicolored Coating, moldseal Coating, washcoat and toner.
- 2. (153) “Compliance Assurance Monitoring” – ~~The combined t~~Total equipment, mechanism(s), and/or technique(s) used to demonstrate and insure compliance with control device efficiency requirements. Such monitoring is used to analyze and/or provide a permanent record of process parameters, such as temperatures, pressures and flow rates.
- (164) “District” – The Mojave Desert Air Quality Management District the geographical area of which is described in District Rule 103 – *Description of District Boundaries*.
- (175) “Elastomeric Adhesive” – Any Aadhesive containing natural or synthetic rubber.
- (18) “Epoxy” – Any thermoset Coating formed by reaction of an Epoxy resin (i.e., a resin containing a reactive epoxide with a curing agent). [Derived from 40 CFR Part 63 Subpart II NESHAP for Shipbuilding and Ship Repair (Surface Coating).]
- (196) “Exempt Compound” – Those compounds listed in 40 CFR §51.100(~~S~~)(~~+~~). [Updated for consistency.]
- (2047) “Extreme High--Gloss Coating” – A Coating that achieves at least a 95 percent% reflectance on a 60° meter when tested by American Society for Testing and Materials (ASTM) Method D523--89 Standard Test Method for Specular Gloss.
- (2148) “Extreme Performance Coating” – A Coating that is used on a metal surface where the coated surface, in its intended use, is acutely and chronically exposed to salt water, corrosives, caustics, acids, oxidizing agents, wind or ocean driven debris or electromagnetic pulse.
- (2249) “Finish Primer/Surfacers” – A Coating applied with a wet film thickness of less than 10 mils (0.01 inch) prior to the application of a Topcoat for purposes of providing corrosion resistance, adhesion of subsequent Coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.
- (230) “General Use Coating” – A ~~general use coating is any~~ Mmarine Coating that is not a Specialty Coating, or does not have an otherwise specified limit.
- (244) “Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds” (VOC Content) – The weight of VOC per combined volume of VOC and Coating solids, calculated using the formula in subsection (E)(1)(a).

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- (252) “Grams of VOC Per Liter of Material” – The weight of VOC per volume of material, calculated using the formula found in subsection (E)(1)(b).
- (263) “Heat-Resistant Coating” – Any Coating which during normal use must withstand temperatures of at least 204°C (400°F).
- (274) “High Build Primer/Surfer” – A Coating applied with a wet film thickness of 10 mils (0.01 inch) or more prior to the application of a Topcoat for purposes of providing corrosion resistance, adhesion of subsequent Coatings, or a moisture barrier, or promoting a uniform surface necessary for filling in surface imperfections.
- (285) “High-Gloss Coating” – Any Coating which achieves at least 85 percent% reflectance on a 60° meter when tested by ASTM Method-D523—89 Standard Test Method for Specular Gloss.
- (296) “High--Temperature Coating” – Any Coating that during normal use ~~which~~ must withstand temperatures of at least 426°C (800°F).
- (30) “High-Volume, Low-Pressure (HVLP) Spray” -- Spray equipment permanently labeled as such and which is designed and operated between 0.1 and 10 pounds per square inch, gauge, (psig) air atomizing pressure, measured dynamically at the center of the air cap and at the air horns. [Derived from MDAQMD Rule 1116 – Automotive Finishing Operations.]
- (3127) “Inorganic Zinc (high-build) ~~Specialty~~ Coating” – A Coating that contains 960 grams per liter (eight (8) pounds per gallon) or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. (These Coatings are typically applied at more than two (2) mil (0.002 inch) dry film thickness.)
- (3228) “Low Activation Interior Coating” – Any Coating used on interior surfaces aboard Ships to minimize the activation of pigments on painted surfaces within a radiation environment.
- (3329) “Marine Coating” – Any Coating, except unsaturated polyester resin (fiberglass) Coatings, containing Volatile Organic Compounds and applied by any means to Ships, boats, and their appurtenances, and to navigational aids and oil drilling rigs intended for the marine environment.
- (34) “Marine Deck Sealant Primer” – Any sealant primer intended by the manufacturer to be applied to wooden marine decks. A sealant primer is any product intended by the manufacturer to be applied to a substrate, prior to the application of a sealant, to enhance the bonding surface. [Derived from Ventura County APCD Rule 74.24.1.]

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- (359) “Metallic Heat-Resistant Coating” – Any Coating which contains more than five (5) grams of metal particles per liter of Coating As Appplied and which must withstand temperatures over 80°C (175°F).
- (364) “Military Exterior Specialty Coating” or “Chemical Agent Resistant Coating” (CARC) – Any exterior Topcoat intended by the manufacturer to be applied to military vessels (including US Coast Guard) that are subject to specified chemical, biological, and radiological washdown requirements.
- (372) “Mist Coating” – Any low viscosity, thin film, Epoxy Coating applied to an inorganic zinc primer that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing.
- (383) “Navigational Aids Coating” – Any Coating applied to US Coast Guard Buoys or other US Coast Guard waterway markers when they are recoated aboard Ship at their usage site and immediately returned to the water. [Updated for consistency with CTG for Shipbuilding and Ship Repair Operations.]
- (394) “Non-Skid Coating” – Any Coating which has, as its primary purpose, the creation of traction to prevent slippage for personnel, vehicles or aircraft.
- (4035) “Nuclear Specialty Coating” – Any protective Coating used to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials. These Coatings must be resistant to long-term (service life) cumulative radiation exposure as tested by ASTM D4082–89, Standard Test Method for Effects of Gamma Radiation on Coatings for Use in Light-Water Nuclear Power Plants, relatively easy to decontaminate as determined by ASTM D4256–89, 94 Standard Test Method for Determination of the Decontaminability of Coatings Used in Light-Water Nuclear Power Plants, and resistant to various chemicals to which the Coatings are likely to be exposed as tested by ASTM D3912–80, Standard Test Method for Chemical Resistance of Coatings Used in Light-Water Nuclear Power Plants.
- (4136) “Organic Zinc Coating” – Any Coating derived from zinc dust incorporated into an organic binder that contains more than 960 grams of elemental zinc per liter (eight (8) pounds per gallon) of Coating, As Appplied, and that is used for the expressed purpose of corrosion protection.
- (4237) “Overall Control Efficiency” (CE) – The ratio, expressed as a percentage, of the weight of the VOC removed by the emission control system to the total weight of VOC emitted from coating application operations, both measured simultaneously, calculated pursuant to the formula found in Subsection (E)(1)(c).
- (4338) “Pleasure Craft” – Vessels which are manufactured or operated primarily for recreational purposes, or leased, rented, or chartered to a person or business for recreational purposes. The owner or operator of such vessels shall be responsible for certifying that the intended use is for recreational purposes.

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~~(4439)~~ “Pleasure-Craft Coating” – Any Marine Coating, except unsaturated polyester resin (fiberglass) Coatings, applied by brush, spray, roller, or other means to a Pleasure Craft.

(450) “Pretreatment Wash Primer” – A Coating which contains no more than 12 percent solids, by weight, and at least one-half (½) percent acids, by weight; is used to provide surface etching; and is applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent Coatings.

~~(464)~~ “Repair and Maintenance Thermoplastic Coating” – Any resin-bearing Coating, such as vinyl, chlorinated rubber, or Bituminous Resin Coatings, in which the resin becomes pliable with the application of heat, and is used to recoat portions of a previously coated substrate which has sustained damage to the Coating following normal operations purposes.

~~(472)~~ “Rubber Camouflage Coating” – Any specially formulated Epoxy Coating used as a camouflage Topcoat for exterior submarine hulls and sonar domes.

~~(483)~~ “Sealant for Wire-Sprayed Aluminum” – Any Coating of up to one (1) mil (0.001 inch) in thickness of an Epoxy material which is reduced for application with an equal part of an appropriate solvent (naphtha, or ethylene glycol monoethyl ether).

(494) “Sealer” – A low viscosity Coating, containing binders, applied to bare wood to seal surface pores to prevent subsequent Coatings from being absorbed into the wood.

~~(50)~~ “Ship” – Any marine or fresh-water vessel used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). This definition includes, but is not limited to, all military and Coast Guard vessels, commercial cargo and passenger (cruise) Ships, ferries, barges, tankers, container Ships, patrol and pilot boats, and dredges. For purposes of this rule, Pleasure Crafts and offshore oil and gas drilling platforms are not considered Ships. [Derived from CTG for Shipbuilding and Ship Repair Operations (Surface Coating)].

~~(45)~~ Solvent Cleaning Operation – The removal of loosely held uncured adhesives, uncured inks, uncured coatings, and contaminants from parts, products, tools, machinery, equipment, and general work areas. Contaminants include, but are not limited to, dirt, soil, and grease. In a cleaning process that consists of a series of cleaning methods, each distinct method shall constitute a separate cleaning operation. [Definition not used].

(5146) “South Coast Air Quality Management District” (SCAQMD) – The air quality District created pursuant to Division 26, Part 3, Chapter 5.5 of the California Health and Safety Code (commencing with §40400).

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- (5247) “Special Marking Coating” – Any Coating used for items such as flight decks, Ship’s numbers, and other safety/identification applications.
- (53) “Specialty Coating” – Any Coating that is manufactured and used for one of the specialized applications described in this rule. *[Derived from the CTG for Shipbuilding and Ship Repair Operations.]*
- (5448) “Specialty Interior Coating” – An Extreme Performance Coating used on interior surfaces aboard Ships which has fire retardant properties and has a toxicity index of less than 0.03 in addition to existing military physical and performance requirements.
- (5549) “Tack Coating” – An Epoxy Coating of up to two (2) mils (0.002 inch) thick applied to an existing Epoxy Coating. The existing Epoxy Coating must have aged beyond the time limit specified by the manufacturer for application of the next coat.
- (569) “Teak Primer” – A Coating applied to teak or previously oiled decks in order to improve the adhesion of a seam Sealer to wood.
- (574) “Topcoat” – Any final Coating applied to the interior or exterior of a Pleasure Craft for purposes such as appearance, identification, or protection. Includes but is not limited to Varnishes.
- (a) “One-Component Topcoat” – Any Topcoat where the Coating resin cures without the need for added catalyst or converter. Addition of reducers or other additives to a Topcoat shall not change the Coating’s status as a one-component Topcoat. *[Derived from Ventura County APCD Rule 74.24.1.]*
- (b) “Two-Component Topcoat” – Any Topcoat where the Coating resin cures only after adding a catalyst or converter. *[Derived from Ventura County APCD Rule 74.24.1.]*
- (582) “Touch-Up Coating” – Any Coating used to cover minor imperfections prior to shipment appearing after the main Coating operation.
- (593) “Underwater Weapons Systems Coating” – A Coating applied to any or all components of a weapons system that is intended to be launched or fired from underwater.
- (6054) “United States Environmental Protection Agency” (USEPA) – The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (6155) “Varnishes” – Clear Wood Topcoats formulated with various resins to dry by chemical reaction on exposure to air.

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(6256) **“Volatile Organic Compound” (VOC)** – Any volatile compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and Exempt Compounds.

(6357) **“Weld-Through Preconstruction Primer”** – A specialty Coating that provides corrosion protection for steel during inventory, is typically applied at less than one (1) mil (0.001 inch) dry film thickness, does not require removal prior to welding, is temperature resistant (burn back from a weld is less than 1.25 centimeters (0.5 inch)), and does not normally require removal before applying film-building Coatings, including Inorganic Zinc (high-build) Coatings. When constructing new vessels, there may be a need to remove areas of Weld-Through Preconstruction Primer due to surface damage or contamination prior to application of film-building Coatings.

(58) ~~Wire Sprayed Aluminum~~ – Any multi-aluminum coating applied to a steel substrate using oxygen-fueled combustion spray methods. ~~[No corresponding Table 1 Coating Limit. See definition for “Sealant for Wire-Sprayed Aluminum” which is in Table 1.]~~

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(C) Requirements

(1) VOC Content of Coatings

- (a) A person shall not apply any marine Coating to commercial boats or Ships, Pleasure Craft and their appurtenances, and to buoys and oil drilling rigs or their parts and components intended for the marine environment, including any VOC-containing materials added to the original Coating supplied by the manufacturer, which contains VOC in excess of the limits specified in Table 1.

**Table 1
COATING LIMITS
(Grams of VOC Per Liter of Coating, Less Water and Less Exempt Compounds)**

Marine and Pleasure Craft Coating Materials Categories	VOC Limit (g/liter) Grams Per Liter Coating Minus Water and Exempt Compounds	
	Air-Dried	Baked
General Use Coating – Non Pleasure Craft¹	340	275
General Use Coating – Pleasure Craft²	420	
Specialty Coating		
Air Flask	340	
Antenna ³	340 ⁵³⁰	
Antifoulant Coating – Non Pleasure Craft	400	
Antifoulant Coating – Aluminum Substrate Pleasure Craft	560	
Antifoulant Coating – Other Substrates Pleasure Craft	330	
Clear Wood Finishes – Sealers ⁴	340 ⁵⁵⁰	

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1106-8

MDAQMD Rule 1106
Marine Coating Operations
D1: 08/01/16

(b) In lieu of complying with the VOC content limitations in Table 1, air pollution control equipment with a capture and control system Overall Control Efficiency of at least ~~85-90~~ percent, as determined pursuant to subsections (E)(2)(d) and (E)(2)(e) of this rule may be used. *[Overall Control Efficiency modified to meet current Federal RACT.]*

~~1-(c)~~ Any ~~C~~oating, ~~C~~oating operation, or facility which is exempt from all or a portion of the VOC ~~c~~ontent limits of this rule shall comply with the provisions of Rule 442 ~~- Usage of Solvents~~, 1114 ~~- Wood Products Coating Operations~~ and 1115 ~~- Metal Parts & Products Coating Operations~~ unless compliance with the limits specified in this rule are achieved.

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(2) Extreme Performance Coatings – Military Installations

~~1-(a)~~ The VOC limits of Table 1 shall not apply to ~~only~~ military installation use of an ~~E~~xtr~~e~~m~~e~~ ~~P~~erformance ~~C~~oating which has been approved by the Air Pollution Control Officer (APCO) in writing pursuant to this subsection. *[Modified for clarity.]*

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~~2-(b)~~ Any person seeking to use an Extreme ~~-P~~erformance Coating in any military ~~C~~oating operation which is subject to the provisions of this ~~r~~ule shall:

(i) Submit a petition to the APCO stating the performance requirements, volume of ~~C~~oating, and VOC ~~content level~~ which is attainable. Such petition shall include a technical justification of the attainable VOC ~~content level~~ and an explanation why the ~~C~~oating cannot meet the limits set forth in subsection (C)(1)(a).

~~1-(ii)~~ If the APCO grants written approval, such petition shall be resubmitted for approval on an annual basis.

~~2-(iii)~~ If the APCO grants written approval, such approval shall contain volume and VOC limit conditions.

(iv) Records shall be maintained pursuant to Section (D).

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(3) Transfer Efficiency

A person shall not apply any ~~C~~oatings ~~to marine vessels and appurtenances~~ subject to the provisions of this ~~r~~ule, unless the ~~C~~oating is applied with equipment properly operated according to the manufacturer's suggested guidelines, and using one of the following application methods:

(a) Electrostatic attraction; or

(b) High Volume Low Pressure (HVLP) spray equipment; or

(c) Dip coat; or

- (d) Hand application methods; or
 - (e) Other Ceoating application methods as are demonstrated to have a transfer efficiency at least equal to method (C)(3)(b)one of the above methods, and which are used in a manner that the parameters under which they were tested are permanent features of the method. Prior to their use, such alternative Ceoating application methods shall be approved in writing by the APCO.
- (4) Prohibition of Specification
- (a) No person shall solicit or require for use or specify the application of a Ceoating ~~on marine vessels, or part or component thereof~~ if such use or application results in a violation of the provisions of this Rule. The prohibition of this subsection shall apply to all written or oral contracts under the terms of which any Ceoating which is subject to the provisions of this rule is to be applied to any marine vessel, or part or component at any physical location within the District.
- (5) Prohibition of Sale
- (a) A person shall not offer for sale or sell within the District any Ceoating that does not meet the VOC content limits, as set forth in Table 1 of this rule. The prohibition of this section shall apply to the sale of any marine Ceoating subject to this rule which will be applied at any physical location within the District, except those which are specifically exempted in subsection ~~B (C15)~~ and ~~(GE)~~ of this rule.
- (6) Compliance Statement Requirement
- (a) The manufacturer of Ceoatings subject to this rule shall include a designation of VOC As Supplied on data sheets; including Ceoating components, expressed in grams per liter or pounds per gallon, excluding water and Exempt Compounds.
- (7) Surface Preparation and Cleanup Solvent
- (a) The requirements of this section shall apply to any person using solvent for surface preparation, cleanup, and paint removal, including paint spray equipment.
 - (b) A person shall not use VOC-containing materials for the cleanup of application equipment used in marine Ceoating Operations subject to this rule, unless such material is collected in a closed container when not in use; and

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- (i) The application equipment is disassembled and cleaned in an enclosed system during the washing, rinsing and draining processes; ~~and~~
 - (ii) The application equipment or equipment parts are cleaned in a container which is open only when being accessed for adding, cleaning, or removing application equipment or when cleaning material is being added, provided the cleaned equipment or equipment parts are drained ~~into~~ the container until dripping ceases; ~~and~~
 - (iii) VOC-containing material spills are minimized; and [Work practice added pursuant to CTG for Miscellaneous Metal and Plastic Parts Coatings.]
 - (iv) VOC-containing materials are conveyed in closed containers or pipes. [Work practice added pursuant to CTG for Miscellaneous Metal and Plastic Parts Coatings.]
 - (viii) Other application equipment cleaning methods that are demonstrated to be as effective as the equipment described above in minimizing emissions of VOC to the atmosphere are used, provided that the device has been approved in writing prior to use, by the APCO.
- (c) A person shall not use VOC-containing materials for surface preparation unless:
- (i) The material contains ~~2500~~ grams or less of VOC per liter of material (~~0.214.67~~ pounds per gallon); or [Derived from SJVUAPCD Rule 4603 §5.10 and SCAQMD Rule 1171.]
 - (ii) The material has an initial boiling point of 190°C (374°F) or greater; or
 - (iii) The material has a total VOC vapor pressure of 20 mm Hg or less, at 20°C (68°F); or
 - (iv) The cleaning operation is performed within air pollution control equipment with a capture efficiency that meets the requirements of subsection (C)(1)(b).
- ~~4-(d)~~ A person shall use closed, nonabsorbent containers for the storage of fresh or spent solvent, and disposal of cloth, paper, or any other absorbent material used for solvent surface preparation and cleanup.

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(D) Monitoring and Records

(1) Coating Records

- (a) Any person subject to Ssection (C) or claiming exemption under Ssection (~~GA~~)(3) shall comply with the following requirements:

- (i) The person shall maintain and have available during an inspection, a current list of Coatings in use which provides all of the Coating data necessary to evaluate compliance, including the following information, as applicable:
 - 1. Coating, catalyst, and reducer used.
 - 2. Mix ratio of components used.
 - 3. VOC ~~c~~Content of ~~C~~oating, ~~A~~s ~~A~~ppplied.
 - (ii) The person shall maintain records on a daily basis including:
 - 1. Coating and mix ratio of components used in the ~~C~~oating; and
 - 2. Quantity of each ~~C~~oating applied.
 - (iii) The person shall maintain records on a daily basis showing the type and amount of solvent used for cleanup, surface preparation, and paint removal.
- (b) Notwithstanding the provisions of subsection (D)(1)(a), a person or facility which exclusively uses Coatings formulations compliant with subsection (C)(1)(a) may maintain usage records on a monthly basis.
- (2) Compliance Assurance Monitoring
- (a) Each Coating ~~Application-o~~Operation subject to ~~subsectionparagraph~~ subsection (C)(1) which is using air pollution ~~controlabatement~~ equipment to meet the control requirement shall:
 - (i) Utilize Compliance Assurance Monitoring, as approved by the APCO. Each monitoring device(s), mechanism and/or technique shall be calibrated/maintained as recommended by the manufacturer; and
 - (ii) Maintain and produce daily records of key system operating parameters and maintenance procedures which will demonstrate continuous operation and compliance of the air pollution ~~controlabatement~~ equipment during periods of emissions-producing activities. Key system operating parameters are those necessary to ensure compliance with VOC content of ~~C~~oating requirements, such as temperatures, pressures and flow rates.
 - (b) Compliance with subsection (C)(1) shall be determined by compliance testing as prescribed in subsection (E)(2) and/or by evaluating Compliance Assurance Monitoring data.
- (3) All records for the previous five ~~(5)~~ year period maintained and produced pursuant to this Section shall be retained and available for inspection by the APCO upon request.

(E) Compliance Procedures and Test Methods

(1) Calculation Methods

4-(a) Grams of VOC Pper Liter of Coating Less Water and Less Exempt Compounds shall be determined by the following equation:

$$G_v = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

~~Where: G_v =Grams of VOC per liter of coating less water and less Exempt Compounds~~

~~W_s =weight of volatile compounds in grams~~

~~W_w =weight of water in grams~~

~~W_{es} =weight of Exempt Compounds in grams~~

~~V_m =volume of material in liters~~

~~V_w =volume of water in liters~~

~~V_{es} =volume of Exempt Compounds in liters~~

Where: G_v \equiv Grams of VOC per Liter of Coating Less Water and Less Exempt Compounds

W_s \equiv Weight of volatile compounds in grams

W_w \equiv Weight of water in grams

W_{es} \equiv Weight of Exempt Compounds in grams

V_m \equiv Volume of material in liters

V_w \equiv Volume of water in liters

V_{es} \equiv Volume of Exempt Compounds in liters

(b) Grams of VOC pPer Liter of Material shall be determined by the following equation:

$$G_v = \frac{W_s - W_w - W_{es}}{V_m}$$

~~Where: G_v =Grams of VOC per liter of coating less water and less Exempt Compounds~~

~~W_s =weight of volatile compounds in grams~~

~~W_w =weight of water in grams~~

~~W_{es} =weight of Exempt Compounds in grams~~

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V_m = volume of material in liters

Where: G_v \equiv Grams of VOC Per Liter of Coating Less Water and Less Exempt Compounds

W_s \equiv Weight of volatile compounds in grams

W_w \equiv Weight of water in grams

W_{es} \equiv Weight of Exempt Compounds in grams

V_m \equiv Volume of material in liters

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(c) Overall Control Efficiency shall be determined by the following equations

$$\text{Capture Efficiency} = \left(\frac{W_c}{W_e} \right) \times 100$$

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Where: W_c \equiv Weight of VOC entering Control Device
 W_e \equiv Weight of VOC emitted

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$$CE = \frac{(W_c - W_a)}{W_e} \times 100$$

Field Code Changed

$$\text{Control Device Efficiency} = \left(\frac{W_c - W_a}{W_c} \right) \times 100$$

Field Code Changed

Where: W_c \equiv Weight of VOC entering Control Device
 W_a \equiv Weight of VOC discharged from the Control Device

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$$CE = \frac{[(\text{Capture Efficiency}) \times (\text{Control Device Efficiency})]}{100}$$

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(2) The following specified test methods shall be used to determine compliance with the provisions of this Rule.

(a) Determination of VOC Content:

The VOC content of Coatings, subject to the provisions of this rule shall be determined by the following methods:

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(i) United States Environmental Protection Agency (USEPA) Reference Method 24 - Determination of volatile matter content.

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- water content, density, volume solids, and weight solids of surface coatings* (40 CFR 60, Appendix A) for VOC content, ~~and~~ ASTM D4457-~~85~~ *Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph*, or CARB Method 432 ~~--~~ *Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings* for determination of ~~E~~exempt ~~C~~ompounds. The Exempt Compound content shall be determined by SCAQMD Method 303-~~91~~ *Determination of Exempt Compounds* contained in the SCAQMD *Laboratory Methods of Analysis for Enforcement Samples* manual; or,
- (ii) SCAQMD Method 304-~~91~~ *Determination of Volatile Organic Compounds (VOC) in Various Materials* contained in the SCAQMD *Laboratory Methods of Analysis for Enforcement Samples* manual.
 - (iii) Exempt Perfluorocarbon Compounds: -The following classes of compounds: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine, will be analyzed as Exempt Compounds for compliance with ~~S~~ection (C), only when manufacturers specify which individual compounds are used in the ~~C~~oating formulation. In addition, the manufacturers shall identify the USEPA, [California Air Resources Board](#), or other approved test methods used to quantify the amount of each Exempt Compound.
 - (iv) Determination of the initial boiling point of liquid containing VOC, subject to subsection (C)(1)(a), shall be conducted in accordance with ASTM D1078-86 *Standard Test Method for Distillation Range of Volatile Organic Liquids*.
 - (v) Calculation of total VOC vapor pressure for materials subject to subsection (C)(1)(a) shall be conducted in accordance with ASTM D2879-~~9786~~ *Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope*. The fraction of water and ~~E~~exempt ~~C~~ompounds in the liquid phase shall be determined by using ASTM D3792-91 *Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatography* and D4457-85 *Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph* and shall be used to calculate the partial pressure of water and ~~E~~exempt ~~C~~ompounds. The results of vapor pressure measurements obtained using ASTM D2879-~~9786~~ *Test Method for Vapor*

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Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope shall be corrected for partial pressure of water and Exempt Ceomounds.

(vi) Measurement of solvent losses from alternative application cleaning equipment subject to (C)(7)(b)(viii) shall be conducted in accordance with the South Coast Air Quality Management District's SCAQMD "General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems" (10/03/89-11/1/94).

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(b) Determination of Metal Content:

(i) The metal content in metallic Ceoatings subject to the provisions of this rule shall be determined by the SCAQMD Method 311 -91 - ~~(Determination/Analysis of Percent Metal in Metallic Coatings by Spectrographic Method)~~ contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.

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(c) Determination of Acid Content

(i) The acid content of Ceoating subject to the provisions of this rule shall be determined by ASTM D1613-9685 - Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products.

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(d) Determination of Efficiency of Emission-Air Pollution Control EquipmentSystem

(i) The efficiency of the collection device of the emission-air pollution control system-equipment as specified in subsectionparagraph (C)(1)(b) shall be determined by the USEPA method cited in 55 Federal Register 26865 (June 29, 1990), or any other method approved by the USEPA, the California Air Resources Board, and the District.

(ii) The efficiency of the control device of the emission-air pollution control system-equipment as specified in paragraph (C)(1)(b) and the VOC content in the control device exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Methods 25 (Determination of total gaseous nonmethane organic emissions as carbon), 25A (Determination of total gaseous organic concentration using a flame ionization analyzer), or SCAQMD Method 25.1 (Determination of Total Gaseous Non-Methane Organic Emissions as Carbon) as applicable. USEPA Test Method 18 (Measurement of gaseous organic compound emissions by gas chromatography), or California Air Resources Board Method 422 - Determination of Volatile Organic Compounds in

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Emissions from Stationary Sources, (December 13, 1991) shall be used to determine emissions of Exempt Compounds.

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(e) Determination of Capture Efficiency

- (i) Capture efficiency shall be determined according to the USEPA's technical document, *Guidelines for Determining Capture Efficiency*²² (01/9/95).

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(f) Determination of Extreme High-Gloss and High-Gloss

- ~~(i)~~ Gloss shall be determined by ASTM Method D-523-89 *Standard Test Method for Specular Gloss*.

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~~(g)~~ Determination of Transfer Efficiency

- (i) Demonstration of Transfer Efficiency of alternative application methods subject to subsection (C)(3)(e) shall be conducted in accordance with *South Coast Air Quality Management District's SCAQMD "Spray Equipment Transfer Efficiency Test Procedure for Equipment User"* (05/24/89).

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- (3) All test methods referenced in this section shall be those incorporated by reference into the Federal Register or by USEPA for use in State Implementation Plan rulese most recently approved version.

(4) Alternative Test Methods

- (a) Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with any provisions of this rule may also be used after review and approval in writing by the District, California Air Resources Board and USEPA.

(F) Violations

- (1) Failure to comply with any provision of this ~~r~~Rule shall constitute a violation of thise rRule.
- (2) A violation of the limits contained in this ~~r~~Rule as determined by any one of these test methods shall constitute a violation of this ~~r~~Rule.
- (3) When more than one (1) test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of thise rule.

(G) Exemptions [Relocated from (A)(3).]

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The provisions of this rule shall not apply to:

- (a) The use of Aerosol Coating Products.
- (b) Facilities whose rate per day of Coating use is less than one (1) gallon, including any VOC-containing materials added to the original Coating As Supplied by the manufacturer. Only Coatings subject to this rule shall be included in the calculation of rate per day, or; Coating application operations that emit not more than three (3) pounds of VOC per day and not more than 200 pounds of VOC per calendar year.
- (c) Marine Coatings applied to interior surfaces of potable water containers.
- (d) Touch-Up Coatings.

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MDAQMD Rule 1106
Marine Coating Operations
D1: 08/01/16

Appendix “B”
Public Notice Documents

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

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 24, 2016 at 10:00 A.M. to consider the proposed amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations*.

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 the proposed amended Rule 1106 – *Marine and Pleasure Craft Coating Operations* and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, Executive Director at the above office address. Comments must be received no later than October 20, 2014 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 amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations* will satisfy 42 U.S.C. §§7511a (Federal Clean Air Act §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Technology Guidelines (CTG) and for major sources of ozone precursors.

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.

Michele Baird
Clerk of the Board
Mojave Desert Air Quality Management District

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Michele Baird
Clerk of the Board
Mojave Desert Air Quality Management District

Appendix “C”
Public Comments and Responses

No comments received at this time.

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Appendix “D”
California Environmental Quality Act
Documentation

1. Notice of Exemption, San Bernardino County
2. Notice of Exemption, Riverside County

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NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

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

MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations*.

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

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations* will satisfy 42 U.S.C. §§7511a (Federal Clean Air Act §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Technology Guidelines (CTG) and for major sources of ozone precursors.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

- Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)
- Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

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

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 1106 are exempt from CEQA review because the amendments will not create any adverse impacts on the environment. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** October 24, 2016

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

MDAQMD Clerk of the Governing Board

PROJECT TITLE: Amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations*.

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

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The proposed amendment of Rule 1106 – *Marine and Pleasure Craft Coating Operations* will satisfy 42 U.S.C. §§7511a (Federal Clean Air Act §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Technology Guidelines (CTG) and for major sources of ozone precursors.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 1106 are exempt from CEQA review because the amendments will not create any adverse impacts on the environment. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** October 24, 2016

DATE RECEIVED FOR FILING:

Appendix “E” Bibliography

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

1. *Control Techniques Guidelines for Shipbuilding and Ship Repair Operations (Surface Coating)* (61 FR 44050, 8/27/96),
2. *Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (EPA-453/R-08-003, September 2008)*
3. *National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)* (40 CFR Part 64335, December 15, 1995)
4. *Alternative Control Techniques Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities* (EPA 453/R-94-032, April 1994)
5. *Ventura County Air Pollution Control District (VCAPCD) Rule 74-24 – Marine Coating Operations* (09/11/12, 79 FR 37222, July 1, 2014)
6. *VCAPCD Rule 74-24-1 – Pleasure Craft Coating and Commercial Boatyard Operations* (01/08/02, 67 FR 52611, 08/13/02)
7. *Technical Support Document for VCAPCD Rule 74.24.1 Pleasure Craft Coating and Commercial Boatyard Operations* April 2002
8. *San Diego Air Pollution Control District (SDAPCD) Rule 67.18 – Marine Coating Operations* (05/15/96, 62 FR 14639, March 27, 1997)
9. *South Coast Air Quality Management District (SCAQMD) Rule 1106 – Marine Coating Operations* (01/13/95, 60 FR 36227, July 14, 1995)
10. *SCAQMD Rule 1106.1 Pleasure Craft Coating Operations* (02/12/1999, 64 FR 47392, August 31, 1999)
11. *SCAQMD Draft Staff Report Proposed Amended Rule 1106 – Marine and Pleasure Craft Coating Operations, and Proposed Rescinding of Rule 106.1 – Pleasure Craft Coating Operations, September 2015*
12. *Bay Area Air Quality Management District Regulation 8 Organic Compounds Rule 43 Surface Preparation and Coating of Marine Vessels, October 16, 2002*
13. *San Joaquin Valley Unified Air Pollution Control District Rule 4603 Surface Coating of Metal Parts and Products, Plastic Parts and Products, and Pleasure Crafts, 09/17/2009*
14. *Technical Support Document for the Mojave Desert Air Quality Management District Rule 1106, Marine Coating Operations* May 2008
15. *73 FR 40754, July 16, 2008*

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Mojave Desert Air Quality Management District
Community Relations & Education Office
14306 Park Avenue, Victorville, CA 92392

REPORT OF MDAQMD ACTIVITIES FOR OCTOBER/NOVEMBER 2016

Register Today for CDAWG 2016

“Beating the Odds in Today’s Regulatory Environment” is the theme of the 2016 California Desert Air Working Group Conference, scheduled to take place in Las Vegas, NV, on November 16-17. This year’s conference topics include “An Overview of California’s ERC Market,” “Lessons from Aliso Canyon,” “Air Quality Due to Wildfires in California” and a panel discussion on “Expansion of California’s Grid.” An Interagency Exceptional Event Workshop for agency representatives will be held on November 15 to discuss the Federal Exceptional Event Rule. CDAWG conferences are designed to appeal to anyone interested in obtaining technical information and training on timely, relevant air quality and regulatory issues. For registration information, contact Violette Roberts at (760) 245-1661, ext. 6104 or visit www.mdaqmd.ca.gov

Poiriez to Serve as Panelist at High Desert Opportunity

MDAQMD Executive Director Brad Poiriez has been tapped to serve on a “Pro-Business Resources Panel” aimed at showcasing how local agencies roll out the red carpet to streamline the permitting process for new and expanding High Desert businesses. Poiriez will be joined on the panel by Victorville City Manager Doug Robertson and San Bernardino County Assistant EO of Finance & Administration Mary Jane Olhasso, and Moderator Scott Kubicek of the Walmart Distribution Center. The MDAQMD will also serve as a sponsor and man an outreach booth during the conference, which is relocating to the Victoria Gardens Cultural Center in Rancho Cucamonga this year. This one-time move was implemented to enhance access to the event’s target audience outside of the High Desert. For more information, visit www.highdesertopportunity.com

CEMEX Awarded District’s Highest Honor

During the MDAQMD’s September Governing Board meeting, staff from CEMEX’s Victorville Plant accepted the 2016 Exemplar Award in recognition of emission-cutting measures and renewable energy projects which have served to drastically reduce emissions from the facility. Later during the same week, Executive Director Brad Poiriez was invited to “re-present” the award during the plant’s Centennial Celebration which was held at the Victorville facility and attended by both local dignitaries and top officials from CEMEX’s headquarters in Mexico.

District Hosts Barstow Students during STEM Career Day & Tour

On October 4, 32 grade 6-8 girls from Barstow Middle School and the STEM Academy (Barstow) toured the MDAQMD’s Clean Power Education Center and Air Monitoring station and learned about the exceptional STEM career opportunities available to women in air quality management from a female District engineer and inspector. The field trip was sponsored through a special grant to the San Gorgonio Girl Scouts Council aimed at providing STEM opportunities to at-risk girls while fueling their interest in joining the Girl Scouts. The girls also learned first-hand about solar cooking as CRE staff used solar ovens to heat up “s’mores” assembled by the students during their visit.

For more information on activities/projects listed above, contact the MDAQMD’s Community Relations & Education Office at (760) 245-1661, ext. 6104.