



Location:

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

MONDAY, APRIL 25, 2022

10:00 a.m.

TELECONFERENCE LOCATION(S)

San Bernardino County Government Center
385 N. Arrowhead Ave., Fifth Floor, 3rd District Conference
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 ATTEND THE MEETING IN PERSON PLEASE NOTE THAT CERTAIN ELECTRONIC DEVICES HAVE, IN THE PAST, CAUSED ISSUES WITH THE TELECONFERENCE AND/OR AUDIO CONTENT OF THE MEETING. IF SUCH ISSUES OCCUR YOU MAY BE ASKED TO ADJUST YOUR DEVICE SO THAT THE MEETING MAY CONTINUE IN AN ORDERLY MANNER.

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

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

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

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

CALL TO ORDER 10:00 A.M.

Pledge of Allegiance.

Roll Call.

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

Special Announcements/Presentations:

- A. Mojave Green Gas Station Program Award presentations to: Caltrans District 8 – Vidal Maintenance Station, Chevron USA #9-9752 Barstow and Chevron Station #37-3173 Victorville. Presenter. Brad Poiriez, Executive Director/APCO.

PUBLIC COMMENT

CONSENT CALENDAR

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

1. [Approve Minutes from Regular Governing Board Meeting of March 28, 2022.](#)
2. [Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.](#)
3. [Receive and file Financial Reports through February 2022. Presenter: Laquita Cole, Finance Manager.](#)
4. [Receive and file the Legislative Report for April 2022. Presenter: Brad Poiriez, Executive Director/APCO.](#)
5. [Authorize \(1\) participation in Year 24 of the Carl Moyer State Reserve Program, \(2\) authorize application submittal, \(3\) authorize the Executive Director/APCO to negotiate technical program details, execute contract with CARB approved as to legal form by the Office of District Counsel, \(4\) authorize acceptance and encumbrance of funds \(5\) authorize the Executive Director/APCO to revise budget accordingly. Presenter: Jorge Camacho, Support Services Supervisor.](#)
6. [Set date of June 13, 2022 to conduct a public hearing to consider the amendment of Regulation III – Fees. Specifically, the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, and Rule 303 – Hearing Board Fees and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio, Deputy APCO.](#)

ITEMS FOR DISCUSSION

7. DEFERRED ITEMS.
8. PUBLIC COMMENT.
9. [Conduct a public hearing to consider the rescission of SCAQMD Rule 408 — Circumvention from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 408 - Circumvention: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)
10. [Conduct a public hearing to consider the rescission of SCAQMD Rule 409 — Combustion Contaminants from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 409 – Combustion Contaminants: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)
11. [Conduct a public hearing to consider the rescission of MDAQMD Rule 432 - Gasoline Specifications, removal of this rule from the SIP for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act \(CEQA\) documentation. a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)
12. [Conduct a public hearing to present the 2019 Air Toxics “Hot Spots” Program Annual Report and discuss its content and significance: a. Open public hearing; b. Receive the 2019 Air Toxics “Hot Spots” Program Annual Report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)
13. [Reports: Executive Director.](#)
14. Board Members Comments and Suggestions for future agenda items.

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

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

Mailed & Posted on: Tuesday, April 19, 2022.

Approved:

Deanna Hernandez

Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of March 28, 2022.](#)
Please scroll down to view the backup material.

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



REGULAR GOVERNING BOARD MEETING
MONDAY, MARCH 28, 2022 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

DRAFT MINUTES

Board Members Present:

Merl Abel, Town of Yucca Valley, **Chair**
Elizabeth Becerra, City of Victorville
Brigit Bennington, City of Hesperia
Paul Cook, San Bernardino County, 1st District Supervisor
Joseph “Joey” DeConinck, City of Blythe – *via Zoom*
Steevonna Evans, City of Adelanto – *via Zoom*
Kari Leon, Town of Apple Valley, **Vice Chair**
V. Manuel Perez, Riverside County, 4th District Supervisor – *via Zoom*
Barbara Riordan, Public Member – *via Zoom*
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via Zoom*
Tim Silva, City of Barstow

Board Members Absent:

Dan Mintz, Sr., City of Twentynine Palms
Jeff Williams, City of Needles

CALL TO ORDER

Chair **MERL ABEL** called the meeting to order at 10:00 am and asked Board Member **ELIZABETH BECERRA** to lead the Pledge of Allegiance.

Chair **MERL ABEL** called for Roll Call – Deanna Hernandez, Senior Executive Analyst, called roll.

Items with potential Conflict of Interests – If you believe you have a conflict of interest, please recuse yourself at the appropriate time. If you have a question regarding a potential conflict of interest, please contact District Counsel. Chair **MERL ABEL** asked if any members wished to indicate a conflict of interest in regards to any agenda items. No Members did so.

Chair **MERL ABEL** called for **PUBLIC COMMENT**. Public comment was made by Samantha Duvall, MEEC Program Specialist. Ms. Duvall informed and invited the Board to attend MEEC's 9th Annual Solar Over Cook-off May 14, 2022 and the 2022 Annual Awards and Recognition Dinner April 28, 2022. After public comment, the Board moved on to the **CONSENT CALENDAR**.

CONSENT CALENDAR – Chair **MERL ABEL** polled the Board to determine if any member wished pull an item on the consent calendar for discussion. No member did so. The following consent items were acted upon by the Board at one time without discussion. Upon motion by Board Member **BRIGIT BENNINGTON**, seconded by Board Member **KARI LEON**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA, with Board Members DANIEL MINTZ Sr. and JEFF WILLIAMS absent**, on the Consent Calendar, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of February 28, 2022.
Approved Minutes from Regular Governing Board Meeting of February 28, 2022.

Agenda Item 2 – Receive and file the District Activity Report.
Presenter: Brad Poiriez, Executive Director/APCO.
Received and filed the District Activity Report.

Agenda Item 3 – Receive and file Financial Reports through January 2022.
Presenter: Laquita Cole, Finance Manager.
Received and filed Financial Reports through January 2022.

Agenda Item 4 – Receive and file the Legislative Report for March 2022.
Presenter: Brad Poiriez, Executive Director/APCO.
Received and filed the Legislative Report for March 2022.

Agenda Item 5 – Receive and file minutes of the Technical Advisory Committee (TAC) meeting February 23, 2022.
Presenter: Alan De Salvio, Deputy APCO
Received and filed minutes of the Technical Advisory Committee (TAC) meeting February 23, 2022.

Agenda Item 6 – Set Date of April 25, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District *Rule 408 -Circumvention*, as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County and replace it with the current MDAQMD *Rule 408 -Circumvention* and approve California Environmental Quality Act (CEQA) documentation.
Presenter: Alan De Salvio, Deputy APCO.

Date set of April 25, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District *Rule 408 -Circumvention*, as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County and replace it with the current MDAQMD *Rule 408 -Circumvention* and approve California Environmental Quality Act (CEQA) documentation.

Agenda Item 7 – Set Date of April 25, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District *Rule 409 – Combustion Contaminants*, as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County and replace it with the current MDAQMD *Rule 409 – Combustion Contaminants* and approve California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.

Date set of April 25, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District *Rule 409 – Combustion Contaminants*, as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County and replace it with the current MDAQMD *Rule 409 – Combustion Contaminants* and approve California Environmental Quality Act (CEQA) documentation.

Agenda Item 8 – Set date of April 25, 2022 to conduct a public hearing to consider the rescission of MDAQMD Rule 432 - *Gasoline Specifications*, removal of this rule from the SIP for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.

Date set of April 25, 2022 to conduct a public hearing to consider the rescission of MDAQMD Rule 432 - *Gasoline Specifications*, removal of this rule from the SIP for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation.

Agenda Item 9 – DEFERRED ITEMS.

None.

Agenda Item 10 – PUBLIC COMMENT.

No public comment was made in person, telephonically or electronically.

Agenda Item 11 – Conduct a public hearing to consider the adoption of Rule 315.1 – *Federal Clean Air Act Section 185 Penalty (1997 Standard)* and Rule 315.2 – *Federal Clean Air Act Section 185 Penalty (2008 Standard)*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Alan De Salvio, Deputy APCO, provided the background information and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public

comment was made in person, telephonically or electronically, so being none, Chair **MERL ABEL** closed the public hearing. The determination was made that the California Environmental Quality Act (CEQA) Categorical Exemption applies and reading of the resolution was waived. Upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **PAUL COOK**, and carried by the following roll call vote, eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA**, with Board Members **DANIEL MINTZ Sr. and JEFF WILLIAMS** absent, the board, adopted **Resolution 22-07, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING RULE 315.1 - FEDERAL CLEAN AIR ACT SECTION 185 PENALTY (1997 STANDARD) AND 315.2 - FEDERAL CLEAN AIR ACT SECTION 185 PENALTY (2008 STANDARD) AND DIRECTING STAFF ACTIONS.”**

Agenda Item 12 – Conduct a public hearing to consider the rescission of the applicable portions of SCAQMD Rule 407 – *Liquid and Gaseous Air Contaminants* and prior rules from the state implement plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD and replacement with the current MDAQMD SIP Rule 406 – *Specific Contaminants*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Karen Nowak, District Counsel, provided the background information and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person, telephonically or electronically, so being none, Chair **MERL ABEL** closed the public hearing. The determination was made that the California Environmental Quality Act (CEQA) Categorical Exemption applies and reading of the resolution was waived. Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **KARI LEON**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA**, with Board Members **DANIEL MINTZ Sr. and JEFF WILLIAMS** absent, the board, adopted **Resolution 22-08, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCINDING THE APPLICABLE PORTIONS OF SCAQMD RULE 407 – LIQUID AND GASEOUS AIR CONTAMINANTS AND PRIOR RULES FROM THE STATE IMPLEMENT PLAN (SIP) FOR THE BLYTHE/PALO VERDE VALLEY PORTION OF THE MDAQMD AND REPLACING THEM WITH THE CURRENT MDAQMD SIP RULE 406 – SPECIFIC CONTAMINANTS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 13 – Conduct a public hearing to consider the rescission of the applicable portions of SCAQMD Rule 407 – *Liquid and Gaseous Air Contaminants* from the state implement plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD and replacement with the current MDAQMD SIP Rule 407 – *Liquid and Gaseous Air Contaminants*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Karen Nowak, District Counsel, provided the background information and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person, telephonically or electronically, so being none, Chair **MERL ABEL** closed the public hearing. The determination was made that the California Environmental Quality Act (CEQA) Categorical Exemption applies and reading of the resolution was waived. Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **BRIGIT BENNINGTON**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, V. MANUEL PEREZ, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA**, with Board Members **DANIEL MINTZ Sr. and JEFF WILLIAMS** absent, the board, adopted Resolution 22-09, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCINDING THE APPLICABLE PORTIONS OF SCAQMD RULE 407 – LIQUID AND GASEOUS AIR CONTAMINANTS FROM THE STATE IMPLEMENT PLAN (SIP) FOR THE BLYTHE/PALO VERDE VALLEY PORTION OF THE MDAQMD AND REPLACEMENT WITH THE CURRENT MDAQMD SIP RULE 407 – LIQUID AND GASEOUS AIR CONTAMINANTS AND DIRECTING STAFF ACTIONS.**”

Agenda Item 14 – The Annual Audited Financial Report and Management Report for Fiscal Year 2020-21 is being presented for receive and file. The audit process is complete and the information is provided to the Governing Board.

Presenter: Laquita Cole, Finance Manager.

Laquita Cole, Finance Manager, and Chris Brown, Fedak & Brown representative, provided the background information and answered questions from the Board. After discussion, the board, **received and filed** the Annual Audited Financial Report and Management Report for Fiscal Year 2020-21.

Agenda Item 15 – Reports:

Miscellaneous:

- ❖ Reminder that the Carl Moyer application deadline ends March 31st.
- ❖ April 1st – kicks off the residential Lawn and Garden Equipment Exchange, we are again partnered with Stihl.
- ❖ Had our CARB audits on our monitoring network this month and initial reports were that all passed.
- ❖ We were notified of Anticipated Air Monitoring Grant of \$64K each for MD and AV. Funds

will come from the American Rescue Plan.

- ❖ Palo Verde Valley Transit will have a ribbon cutting ceremony for their CNG station improvements on April 6 at 1:00 at the station in Blythe. The MDAQMD has given over \$600k over the years to this station with the last coming in 2018 with a grant of \$360k.
- ❖ AB 2836 (E. Garcia) would extend the current authorization for the Carl Moyer Program to fund a broader range of products that reduce emissions from covered sources until January 2038.
- ❖ Mojave Green Gas Station Awards in April; 3 recipients to be awarded at April's Governing Board meeting.
- ❖ Air Aware Award presented to Walmart Distribution Center in Apple Valley. This award is presented to those regulated facilities who are consistently passing their rigorous air quality permit inspections annually, for at least three years consecutively.

Mr. Poiriez updated the Board of past events:

- March 1-2: Led the Medium District APCO meeting.
- Mar. 2: Participated in the WRAP Board of Directors Meeting.
- Mar. 9-10: Participated in the CAPCOA Board of Directors Board meeting: Items included: USEPA Ozone transport (Good Neighbor) FIP; AB 617 allocations for both Implementation and Incentives, Moyer guideline change recommendations; Mobile refueling updates; Met with CARB Executive staff on: Ozone FIP, lawsuit dealing with SIP contingency measures, CARB/District Enforcement Coordination, Moyer Subcommittee. CAPCOA legislative committee met to go over approximately 60 bills – several Brown Act bills introduced; AB 8 – Moyer reauthorization discussed. AB1749 (C. Garcia): Sent update last week, language changed much of the concerned draft language has been removed. AB2250 (Arambula): was a spot bill, now has substantial language related to air districts and attainment standards. It would increase CARB oversight and authority over districts that are not in attainment.
- Mar. 10 – WRAP local agency Board rep call.
- Mar. 10 – Discussion with EPA re: Rule 315 draft rules.
- Mar. 11 – Held executive meeting on AV/MD contract.
- Mar. 15 – Attended the AVAQMD Board meeting in support of item notifying of 180-day termination of contract between AV/MD. Copies of letters in your backup. Alan also gave an informational presentation on Rule 315 for AV rules – same as ours essentially.
- Mar. 16 – Participated in the AAPCA Local Government Committee call.
- Mar. 16 – Participated in the WRAP Admin Committee call.
- Mar. 16 – Attended the MEEC Board meeting.
- Mar. 17 – Had a call with AV and City of Lancaster's Fiscal Director.
- Mar. 23 – Discussion with EPA/CARB/CAPCOA on Ozone Transport FIP.
- Mar. 24 – Participated on the CSUSB – Environmental Health Sciences Advisory Committee call.

Mr. Poiriez updated the Board of coming events:

- April 4-8: Will attend the WRAP Spring Conference.
- April 13-14 – CAPCOA Board meeting.
- April 20 – MEEC Board meeting.
- April 25 – Budget Committee Meeting at 9 am, prior to Governing Board meeting.
- April 25 – Next MDAQMD Board meeting, it will be in person or at the video conferencing sites – no Zoom or conference call-in.

Agenda Item 16 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **BENNINGTON** indicated that she is proud of such an awesome and impressive staff and requested to be notified of future award presentations.
- Board Member **COOK** inquired if the District has a consultant/lobbyist. Brad Poiriez, Executive Director/APCO, replied no but the District is part of CAPCOA and CAPCOA does have a consultant/lobbyist.
- Board Member **BECERRA** inquired if the District will be participating in the Home and Garden show since April 1st kicks off the residential Lawn and Garden Equipment Exchange program. Brad Poiriez, Executive Director/APCO, replied that Stihl (partnering vendor) will be participating and the District will be joining Stihl in their booth.

Being no further business, Chair **MERL ABEL** adjourned the meeting at **11:24 a.m.** to the next Regular Meeting of *April 25, 2022*.

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

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

AGENDA ITEM #2

DATE: April 25, 2022

RECOMMENDATION: Receive and file the District Activity Report.

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

- Communications
- Information Systems
- Grants
- Operations

Staff is available to answer questions as needed.

REASON FOR RECOMMENDATION: These reports are for information only.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director/APCO on or about April 11, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO.

From: Martial Haprov
Communications Analyst
mhaprov@mdaqmd.ca.gov

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

Date: 4/11/2022
Subject: *April 2022*
Communications Activity Report

Interoffice Memo



Mojave Green & Air Aware awards programs

Communications and Compliance section staff finished presenting all but three Mojave Green Gas Station awards to recipients throughout the District. The three remaining facilities, who are the program's first 5-Year recipients, will attend the Governing Board meeting on April 25 to receive their certificates and special 5-Year banners to display on their buildings. After the board meeting, 20 refueling facilities permitted by MDAQMD will have received the Mojave Green distinction in 2022 for inspection year 2021.

Air Aware Awards presentations were also completed, beginning with the Walmart Distribution Center in Apple Valley. Apple Valley Town Councilmember and MDAQMD Governing Board alternate member Curt Emick joined MDAQMD in presenting the certificate to Walmart DC management. Other recipients of the inaugural set of Air Aware awards included Brickley Construction (with several operations in MDAQMD jurisdiction); High Desert Auto Body in Victorville; Silver Hanger Cleaners and Twentynine Palms Water District in Twentynine Palms; and Crawford & Associates in Blythe.

Blythe visit

Communications Analyst Martial Haprov and Air Quality Specialist I Travis Staley traveled to Blythe for several engagements with the community:

- Ribbon-cutting ceremony for the expansion and upgrade of the Blythe public CNG refueling station, which three CNG buses for the Palo Verde Valley Unified School District utilize daily;
- Blythe's first Mojave Green Gas Station recipient, 7th Street Valero;
- Air Aware Award presentation to Crawford & Associates;
- SoCalGas annual BBQ event;
- Annual Palo Verde Valley Outlook Conference.

Blythe Vice Mayor and MDAQMD Governing Board Member Joey DeConinck and the Blythe Chamber of Commerce joined Haprov and Staley for the awards presentations. The Palo Verde Valley Times newspaper included coverage of the awards presentations.

Electric Lawn & Garden Equipment Exchange launch

Communications and Grants staff formally kicked off the 2022 Electric Lawn & Garden Equipment Exchange program. Staff from Pacific STIHL, STIHL USA's western arm, setup and manned a booth at the 2022 Home & Garden Show at the San Bernardino County Fairgrounds April 1, 2 and 3 to display the battery-powered equipment available through the exchange program. Social media posts announced the program kick-off and

From: Martial Haprov
Communications Analyst
mhaprov@mdaqmd.ca.gov

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

Date: 4/11/2022
Subject: *April 2022*
Communications Activity Report

Interoffice Memo



display at the Home Show, which were shared by numerous other pages including those for Supervisor Dawn Rowe and Supervisor Col. Paul Cook. Early reports from merely the first week indicated participating dealers in Hesperia and Blythe sold out of exchange-available equipment and Phelan's Mills Hardware saw immediate participation from residents. Actual numbers for exchanged units weren't available prior to this report.

CDAWG

Planning continues for the 2022 CDAWG Conference in San Diego. Sponsorship benefits and cost information sheets will be delivered to potential sponsors and Save-the-Date mailers are in production ahead of postal delivery. Initial interest from past CDAWG attendees and sponsors indicates potential for another successful conference.

From: Jorge Camacho
Support Services Supervisor
jcamacho@mdaqmd.ca.gov

To: Brad Poiriez
bradp@mdaqmd.ca.gov

Date: 4/11/2022
Subject: Technical Services
Activity Report



Interoffice Memo

District Permitting Software – Technical Services in conjunction with Compliance has been working on a current programming project with AgreeYA to deliver key workflow and user interface changes needed for our NOV (Notice of Violation) and NTC (Notice to Comply) code in the Districts permitting software colloquially known as CAPS. The module development has been delayed but we are looking at a project completion by end of March 2022.

District Financial Software – Technical Services been working with the Finance Section to implement the OpenGov Financial software.

AVAQMD Migration Planning – A migration plan was developed to move AVAQMD from their current location, to a joint tenant location at the Antelope Valley Fair Grounds. This plan was developed to ensure all their technical items were moved and was extensive as the existing Air Monitoring site and technology resources were to stay at their current location, necessitating a detailed strategic plan.\

Ticketing System–Technical Services staff now accept requests for assistance with technology (computers, devices, software, etc.) via a ticketing system. The purpose of the ticketing system is to assist Technical Services as they strive to resolve issues in a timely and efficient manner.

Upcoming Projects

Computer Replacements – We have 22 marked units up for replacement, the equipment order was placed, and the items have been delivered as of 01/03/2022. This is expected to be completed by the end of the fiscal year.

From: Jorge Camacho
Support Services Supervisor
 jcamacho@mdaqmd.ca.gov

To: Brad Poiriez
 bradp@mdaqmd.ca.gov

Date: April 8, 2022
Subject: April Activity Report



Interoffice Memo

Updates

- The 2022 Carl Moyer Application period officially closed on March 31st. The District received 36 applications to replace on-road and off-road vehicles with cleaner engine technology.
- Communications and Grants staff formally kicked off the 2022 Electric Lawn & Garden Equipment Exchange program. Staff from Pacific STIHL, STIHL USA’s western arm, setup and manned a booth at the 2022 Home & Garden Show at the San Bernardino County Fairgrounds April 1, 2 and 3 to display the battery-powered equipment available through the exchange program.

Current Project List April 2022

Funding Source

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

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Chaffin Farms Project # 1_2021_1990 MF 383	\$ 59,841.60	Pending
Red River Farms Project #1 2021_JD 7210 (3-2)	164,400.00	Pending
Robinson Farms Project #1 2021-1993 JD 7400	108,832.00	Pending
Total Carl Moyer Grant Awards	\$ 333,073.60	

Funding Source

AB 134/617-Community Action Program

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
AVUSD Electric Bus Infrastructure	\$ 30,738.97	Pending
AESD Electric Bus Infrastructure	29,900.63	Pending
Total AB 134/617 Grant Awards	\$ 60,639.60	

Funding Source

Mobile Source Emissions Reduction (MSERP)

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Lawn and Garden Residential Exchange Program	\$ 150,000.00	Ongoing/Yearly
Morongo Basin Transit	40,000.00	Ongoing/Yearly
Needles Area Transit	15,000.00	Ongoing/Yearly
Palo Verde Transit	20,000.00	Ongoing/Yearly
San Bernardino County	75,000.00	Ongoing/Yearly
Victor Valley Transit Authority	250,000.00	Ongoing/Yearly
Voluntary Accelerated Vehicle Retirement Program	60,000.00	Ongoing/Yearly
City of 29 Palms-Infrastructure Project	170,372.00	Pending
Total AB2766 Grant Awards	\$ 780,372.00	

Funding Source Moyer Reserve and MSERP

Electric Vehicle Charging Stations

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Copper Mountain College	\$ 49,999.00	Pending
EV Charging Solutions (VVGMC)	40,000.00	Pending
Total Grant Awards	\$ 89,999.00	

Funding Source

Targeted Air Shed Grant

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
MNRC/CEMEX Locomotive Replacement	\$ 2,694,670.00	Pending
Diesel School Bus Replacement Program	1,022,312.00	Pending
Total Grant Awards	\$ 3,716,982.00	

Glossary of Terms and Definitions

On-Going Yearly

Funds are encumbered on a yearly and ongoing basis.

Pending

Grantee is under a contractual agreement with the District.

Interoffice Memo

From: Alan De Salvio *ADS*
Deputy Air Pollution Control Officer
adesalvio@mdaqmd.ca.gov

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

Date: 4/5/2022

Subject: March 2022 Operations Activity Report



Permit Inspections Completed – 1174 (94% in compliance)
Notices to Comply (NTCs) Issued – 19
Notices of Violation (NoVs) Issued – 34
Outstanding NoVs – 45 (8 in settlement)
Delinquent Permit Follow-Ups – 7
Breakdowns – 20
Vapor Recovery Tests Witnessed – 8
Complaints – 12
Complaint Investigations – 12
Asbestos Notifications – 27
Asbestos Project Inspections – 1

Permit Applications Received – 45 [and 10 for AVAQMD]
Permit Changes Processed – 121 [including AVAQMD]
Title V Permit Actions In Progress – 18 [including AVAQMD]
Permits Issued – 326 [121]
Active Companies - 704 [281]
Active Facilities - 1413 [532] (39 [4] Title V Facilities)
Active Permits - 4589 [1125]
Certificate of Occupancy/Building Permit Reviews – 68

Project Comment Letters – 5

*SLAMS Air Monitoring Sites:*¹

Barstow (NO_x, O₃, PM₁₀)

Hesperia (O₃, PM₁₀)

Lucerne Valley (PM₁₀)

Phelan (O₃)

Trona (H₂S, NO_x, O₃, PM₁₀)

Victorville (NO_x, O₃, PM₁₀, PM_{2.5})

Community Sensors:

Two TAPI T640 PM_{2.5} portable trailer-mounted units (one also has PM₁₀)

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

¹ Each site also monitors meteorology (exterior temperature, wind speed, wind direction, exterior pressure and relative humidity)

The following page(s) contain the backup material for Agenda Item: [Receive and file Financial Reports through February 2022. Presenter: Laquita Cole, Finance Manager.](#)
Please scroll down to view the backup material.

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

AGENDA ITEM #3

DATE: April 25, 2022

RECOMMENDATION: Receive and file Financial Reports through February 2022.

SUMMARY: Receive and file the Financial Reports with activity through February 2022, which reflect the District's financial and budgetary performance to date.

BACKGROUND: The Financial Reports provide fiscal information for all funds.

The **Balance Sheet** details the District's assets, liabilities, and net position. When combined with the stewardship information within the Statement of Activities, this information presents a comprehensive understanding of the District's financial position as of February .

The **Statement of Revenues and Expenditures** tracks the inflow and outflow of resources and expenditures by source or type.

The **Statement of Activity** focuses on the total organization (as opposed to focusing on funds within the organization) and reports consolidated revenue and expenditure information for January. Grant activities are labeled 'Programs'. Grant activity to date has been adjusted to reflect the revenue recognition and matching principle. The target variance for January is 58%.

The **Registers** list payments for goods and services, and fund transfers for District accounts. The **Facilities and Fleet Summary** includes activities related to fixed assets.

REASON FOR RECOMMENDATION: Receive and file.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director/APCO, on or before April 12, 2022.

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

PRESENTER: Laquita Cole, Finance Manager

Mojave Desert AQMD
Balance Sheet - Governmental Funds
As of February 28, 2022

Financial Report

	<u>General Fund</u>	<u>Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Fiduciary Fund</u>	<u>Total</u>
Assets					
Current Assets					
Cash	5,917,628.77	2,038,843.78	1,375,064.35	2,519,806.67	11,851,343.57
Cash Held For Other Fund	449,812.90	(59,999.69)	32,619.86	(422,433.07)	0.00
Receivables	826,770.88	0.00	0.00	0.00	826,770.88
Pre-Paid	44,153.03	0.00	0.00	0.00	44,153.03
Total Current Assets	7,238,365.58	1,978,844.09	1,407,684.21	2,097,373.60	12,722,267.48
Non-Current Assets					
Deferred Outflows	6,319,324.00	0.00	0.00	0.00	6,319,324.00
Total Assets	13,557,689.58	1,978,844.09	1,407,684.21	2,097,373.60	19,041,591.48
Liabilities and Net Position					
Current Liabilities					
Payables	264,302.82	0.00	0.00	0.00	264,302.82
Accruals	1,122,318.79	0.00	0.00	0.00	1,122,318.79
Due to Others	875.00	0.00	0.00	0.00	875.00
Payroll Taxes Liability	(4,004.33)	0.00	0.00	0.00	(4,004.33)
Retirement	(6,202.17)	0.00	0.00	0.00	(6,202.17)
Health	(26,866.22)	0.00	0.00	0.00	(26,866.22)
Other Payroll Deductions	1,391.44	0.00	0.00	0.00	1,391.44
Unearned Revenue	1,673,089.75	0.00	1,398,119.64	0.00	3,071,209.39
Total Current Liabilities	3,024,905.08	0.00	1,398,119.64	0.00	4,423,024.72
Net Pension Liability	13,570,334.00	0.00	0.00	0.00	13,570,334.00
Net OPEB Liability	506,364.00	0.00	0.00	0.00	506,364.00
Deferred Pension Inflows	1,067,479.00	0.00	0.00	0.00	1,067,479.00
Deferred OPEB Inflows	336,541.00	0.00	0.00	0.00	336,541.00
Total GASB Liabilities	15,480,718.00	0.00	0.00	0.00	15,480,718.00
Restricted Fund Balance	371,858.28	2,035,912.24	9,564.57	1,081,606.84	3,498,941.93
Committed Fund Balance	1,362,080.00	0.00	0.00	0.00	1,362,080.00
Budget Stabilization	250,000.00	0.00	0.00	0.00	250,000.00
Retirement Reserves	0.00	0.00	0.00	1,099,397.51	1,099,397.51
Unassigned Fund Balance	(341,771.97)	0.00	0.00	0.00	(341,771.97)
Adjustments to Fund Balance - GASB 68	(6,953,802.00)	0.00	0.00	0.00	(6,953,802.00)
Compensated Absences	450,000.00	0.00	0.00	0.00	450,000.00
Pre Paid	7,194.13	0.00	0.00	0.00	7,194.13
Change in Net Position	(93,561.94)	(57,068.15)	0.00	(83,630.75)	(234,260.84)
Total Liabilities & Net Position	13,557,619.58	1,978,844.09	1,407,684.21	2,097,373.60	19,041,521.48

Mojave Desert AQMD
Statement of Revenues & Expenditures
For the Period Ending February 28, 2022

Financial Report

	<u>General</u> <u>Fund</u>	<u>Mobile</u> <u>Emissions</u> <u>Program</u>	<u>Carl</u> <u>Moyer</u> <u>Program</u>	<u>Fiduciary</u> <u>Fund</u>	<u>Total</u> <u>Governmental</u> <u>Funds</u>
<u>Revenues</u>					
Antelope Valley Air Quality Mngmnt Contract	164,221.38	0.00	0.00	0.00	164,221.38
Other Contracts	0.00	0.00	0.00	0.00	0.00
Application and Permit Fees	447,002.59	0.00	0.00	0.00	447,002.59
AB 2766 and Other Program Revenues	84,106.58	55,954.38	0.00	0.00	140,060.96
Fines	27,058.00	0.00	0.00	0.00	27,058.00
Investment Earnings	0.00	0.00	0.00	(40,452.33)	(40,452.33)
Federal and State	0.00	0.00	0.00	0.00	0.00
Other Revenue	763.64	0.00	0.00	0.00	763.64
Total Revenues	723,152.19	55,954.38	0.00	(40,452.33)	738,654.24
<u>Expenditures</u>					
Salaries and Benefits	591,862.06	0.00	0.00	0.00	591,862.06
Services and Supplies	211,182.17	0.00	0.00	1,298.57	212,480.74
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	0.00	0.00	0.00	0.00	0.00
Total Expenditures	803,044.23	0.00	0.00	1,298.57	804,342.80
Excess Revenue Over (Under) Expenditures	(79,892.04)	55,954.38	0.00	(41,750.90)	(65,688.56)

Mojave Desert AQMD
Statement of Activity - All Funds
For the Period Ending February 28, 2022

Financial Report

	<u>M-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>% Budget</u> <u>to Actual</u>
Revenues				
Revenue - Permitting	436,245.48	3,455,037.99	5,425,000.00	63.69
Revenue - Programs	140,060.96	1,349,851.10	2,955,000.00	45.68
Revenue - Application Fees	12,197.64	109,836.88	140,000.00	78.45
Revenue - State	0.00	650,113.02	1,029,000.00	63.18
Revenue - Federal	0.00	35,695.63	147,900.00	24.13
Fines & Penalties	27,058.00	90,274.10	102,000.00	88.50
Interest Earned	(40,452.33)	(37,149.79)	350,000.00	(10.61)
Revenue - Contracts & Unidentified	164,985.02	1,223,164.31	1,606,000.00	76.16
Permit Cancellations	(1,440.53)	(106,269.41)	0.00	0.00
Total Revenues	738,654.24	6,770,553.83	11,754,900.00	57.60
Expenditures				
Office Expenses	18,358.17	244,670.21	366,780.00	66.71
Communications	6,648.15	57,632.31	59,185.00	97.38
Vehicles	3,179.16	28,197.76	50,125.00	56.25
Program Costs	162,087.00	1,407,130.51	2,794,500.00	50.35
Travel	2,044.97	21,584.74	103,275.00	20.90
Professional Services	4,329.42	55,964.32	92,725.00	60.36
Maintenance & Repairs	8,612.42	50,761.79	73,535.00	69.03
Non-Depreciable Inventory	816.97	17,988.55	58,245.00	30.88
Dues & Subscriptions	2,329.62	28,261.32	33,560.00	84.21
Legal	4,424.34	26,319.86	44,875.00	58.65
Miscellaneous Expense	130.00	4,267.06	2,550.00	167.34
Suspense	(479.48)	5,150.06	0.00	0.00
Capital Expenditures	0.00	115,448.51	375,000.00	30.79
Total Expenditures	212,480.74	2,063,377.00	4,054,355.00	50.89
Salaries & Benefits				
Personnel Expenses	591,862.06	4,938,937.67	7,935,881.00	62.24
Total Salaries & Benefits	591,862.06	4,938,937.67	7,935,881.00	62.24
Excess Revenue Over (Under) Expenditures	(65,688.56)	(231,760.84)	(235,336.00)	98.48

Mojave Desert AQMD

Run: 4/12/2022 at 7:29 AM

Bank Register from 2/01/2022 to 2/28/2022

Page: 1

Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	2/01/2022	Wage Works FSA Claim	35.00	0.00	964,842.92
	2/02/2022	Wage Works FSA Claim	5.00	0.00	964,837.92
20130970	2/02/2022	Credit Card Transactions - Loves Travel Stop - Mars Petcare - Quality Resources	0.00	6,465.85	971,303.77
EFT	2/03/2022	Attendance MD Personnel Committee & Governing Board meetings Monday, January 24, 2022.	191.26	0.00	971,303.77
0010175	2/03/2022	M. Haprov Membership Renewal	98.00	0.00	971,205.77
0010176	2/03/2022	Membership Renewal	460.00	0.00	970,745.77
EFT	2/03/2022	Attendance MD Personnel Committee & Governing Board meetings Monday, January 24, 2022.	100.00	0.00	970,745.77
0010177	2/03/2022	Attendance MD Personnel Committee & Governing Board meetings Monday, January 24, 2022.	100.00	0.00	970,645.77
EFT	2/03/2022	Invoices 2021-25, 2022-01, Feb 2022	48,408.65	0.00	970,645.77
0010178	2/03/2022	Inv R372387 - APC Smart UPS 2200VA	1,946.92	0.00	968,698.85
0010179	2/03/2022	Inv 4109321433 - Sanitizing Supplies	45.85	0.00	968,653.00
0010180	2/03/2022	Water Service - 12/17/21 - 01/18/22	267.97	0.00	968,385.03
0010181	2/03/2022	Fire Water Service - 12/17/21 - 01/18/22	59.63	0.00	968,325.40
0010182	2/03/2022	Inv SI-1294064 - LCD Monitor	447.61	0.00	967,877.79
0010183	2/03/2022	Attendance Governing Board meeting Monday, January 24, 2022.	100.00	0.00	967,777.79
0010184	2/03/2022	Acct 209-190-0245-030905-5 - Telephone Service 01/22/22 - 02/21/22	763.04	0.00	967,014.75
0010185	2/03/2022	Invoices 4854, 4873	310.00	0.00	966,704.75
0010186	2/03/2022	Training for M. Haprov	400.00	0.00	966,304.75
0010187	2/03/2022	Retirement Plaque for Chris Collins retirement recognition.	103.01	0.00	966,201.74
0010188	2/03/2022	Pay Period 02/2022 - GymDed	102.91	0.00	966,098.83
0010189	2/03/2022	Attendance MD Personnel Committee & Governing Board meetings Monday, January 24, 2022.	100.00	0.00	965,998.83
0010190	2/03/2022	Inv 68489200 - Cylinder Rental	161.69	0.00	965,837.14
EFT	2/03/2022	Inv 190564 - Filter Tape - O-Rings	1,506.95	0.00	965,837.14
0010191	2/03/2022	Attendance Governing Board meeting Monday, January 24, 2022.	100.00	0.00	965,737.14
EFT	2/03/2022	Bank Transfer - Credit Card A/R Receipts - December 2021	68,172.56	0.00	965,737.14
EFT	2/03/2022	Pay Period 02/2022 - FSADed	333.34	0.00	965,737.14
0010192	2/03/2022	Inv 5166 - Budget & Planning Software	25,000.00	0.00	940,737.14
0010193	2/03/2022	Inv 202201 - Drywall Repair	400.00	0.00	940,337.14
EFT	2/03/2022	Travel Reconciliation - CAPCOA Board Retreat - 01/03/22 - 01/05/22	185.00	0.00	940,337.14
0010194	2/03/2022	Inv 2584-69701 - Pre Employment Physical	100.00	0.00	940,237.14
0010195	2/03/2022	Attendance MD Personnel Committee & Governing Board meetings Monday, January 24, 2022.	100.00	0.00	940,137.14
EFT	2/03/2022	Attendance Governing Board meeting Monday, January 24, 2022.	100.00	0.00	940,137.14
0010196	2/03/2022	Pay Period 02/2022 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	89,134.71	0.00	851,002.43
0010197	2/03/2022	Pay Period 02/2022 - GeneralUnitDues	520.53	0.00	850,481.90
0010198	2/03/2022	Pay Period 02/2022 - GeneralUnitMisc	3.00	0.00	850,478.90
0010199	2/03/2022	Attendance Governing Board meeting Monday, January 24, 2022.	140.13	0.00	850,338.77
0010200	2/03/2022	Invoices 2021-25, 2022-01, Feb 2022	1,443.81	0.00	848,894.96
0010201	2/03/2022	Refund: 43270	317.00	0.00	848,577.96

Mojave Desert AQMD

Run: 4/12/2022 at 7:29 AM

Page: 2

Bank Register from 2/01/2022 to 2/28/2022

Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0010202	2/03/2022	Pay Period 02/2022 - UnitedWay	26.00	0.00	848,551.96
0010203	2/03/2022	Inv 1402 - Janitorial Service - January 2022	3,300.00	0.00	845,251.96
0010204	2/03/2022	Refund: Overpayment	531.45	0.00	844,720.51
0010205	2/03/2022	Refund: Overpayment	178.06	0.00	844,542.45
0010206	2/03/2022	Inv 508 - District Vehicle Wash	40.00	0.00	844,502.45
EFT	2/03/2022	Inv 869215682205 - District Vehicle Fuel	923.64	0.00	844,502.45
0010207	2/03/2022	Invoices 2021-25, 2022-01, Feb 2022	708.62	0.00	843,793.83
0010208	2/03/2022	Statement 301515 - Internet Lucerne Valley - 02/20/22 - 02/19/23	1,128.00	0.00	842,665.83
0010209	2/03/2022	Inv 4805467114-001 - Publications	1,075.54	0.00	841,590.29
0010210	2/03/2022	Refund: Overpayment/duplicate payment	2,064.24	0.00	839,526.05
	2/03/2022	Wage Works FSA Claim	266.68	0.00	719,337.97
20130971	2/03/2022	Credit Card Transactions - Ms Hatch Consulting - Carmax	0.00	650.00	719,987.97
20130972	2/04/2022	Credit Card Transactions - Costco - Searles Valley Mineral (3) - Trona Railway	0.00	1,589.33	721,577.30
20130973	2/07/2022	Credit Card Transactions - Resource Enviornmental (2)	0.00	3,277.00	724,854.30
0002216	2/08/2022	Operating Fund Replenishment #16	0.00	645,715.93	1,370,570.23
EFT	2/09/2022	Pay period ending 1/28/2022	122,589.92	0.00	1,247,980.31
	2/09/2022	PP 03/2022 State Taxes	6,865.16	0.00	1,241,115.15
	2/09/2022	PP 03/2022 Federal Taxes	23,032.09	0.00	1,218,083.06
20130974	2/09/2022	Credit Card Transactions - Resource Enviornmental	0.00	1,858.00	1,219,941.06
EFT	2/10/2022	Inv #926339 - Matter #27671.00100 - General Counsel	899.00	0.00	1,219,941.06
0010211	2/10/2022	Wellness Program Reimbursement - Health/Nutrition Coaching	240.00	0.00	1,219,701.06
0010212	2/10/2022	Inv 9163697568 - AED Lease	107.66	0.00	1,219,593.40
0010213	2/10/2022	Acct #405684 - Pre Employment Physical - D Mariano - R Labon	190.00	0.00	1,219,403.40
0010214	2/10/2022	Invoices ,	3,799.00	0.00	1,215,604.40
0010215	2/10/2022	Safety Shoe Reimbursement - K. Heald	130.00	0.00	1,215,474.40
0010216	2/10/2022	Pay Period 03/2022 - GymDed	102.91	0.00	1,215,371.49
EFT	2/10/2022	Pay Period 03/2022 - FSADed	333.34	0.00	1,215,371.49
0010217	2/10/2022	Invoices 114236, 114244, 114319	134.93	0.00	1,215,236.56
0010218	2/10/2022	Inv 3273 - Electric Use - January 2022	160.00	0.00	1,215,076.56
0010219	2/10/2022	Landscaping & Parking Lot Clean Up - January 2022	480.00	0.00	1,214,596.56
0010220	2/10/2022	Pay Period 03/2022 - SBCERADefer, SBCERAMatch, SBCERAPickUp, SurvivorInsBen, SurvivorInsDed, RetireCashBen	89,569.72	0.00	1,125,026.84
0010221	2/10/2022	Pay Period 03/2022 - GeneralUnitDues	484.43	0.00	1,124,542.41
0010222	2/10/2022	Pay Period 03/2022 - GeneralUnitMisc	3.00	0.00	1,124,539.41
0010223	2/10/2022	Wellness Program Reimbursement - Peloton Exercise Bike monthly subscription	240.00	0.00	1,124,299.41
0010224	2/10/2022	Gas Service 12/29/21 - 01/27/22	199.54	0.00	1,124,099.87
0010225	2/10/2022	Inv 254 - Services - February 2022	1,751.00	0.00	1,122,348.87
0010226	2/10/2022	RO #6057930/1 - Oil Change - Tire Rotation	87.65	0.00	1,122,261.22
0010227	2/10/2022	Travel Reconciliation - Long Beach - 02/02/22 - 02/03/22	111.00	0.00	1,122,150.22
0010228	2/10/2022	Inv 81356 - Employee Support Service - January 2022	150.00	0.00	1,122,000.22
0010229	2/10/2022	Pay Period 03/2022 - UnitedWay	26.00	0.00	1,121,974.22
	2/10/2022	Wage Works FSA Claim	30.97	0.00	1,120,710.91
	2/10/2022	PP 03/2022 457 Deductions	10,955.05	0.00	1,109,755.86
	2/11/2022	VOYA 401a - Poiriez - February 2022	1,831.79	0.00	1,107,924.07

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0002217	2/11/2022	Operating Fund Replenishment #17	0.00	152,251.74	1,260,175.81
20130975	2/11/2022	Credit Card Transactions - Resource Environmental (2) - Integrated Demolition - Exclusive Tent Rentals	0.00	5,514.00	1,265,689.81
20130976	2/14/2022	Credit Card Transactions - Alvarado Venture - Matthew Venture	0.00	500.00	1,266,189.81
20130977	2/14/2022	Credit Card Transactions - AU Energy	0.00	333.00	1,266,522.81
	2/15/2022	Wage Works FSA Claim	30.00	0.00	1,266,492.81
	2/16/2022	Wage Works FSA Claim	59.36	0.00	1,266,433.45
20130978	2/16/2022	Credit Card Transactions - Boeing	0.00	317.00	1,266,750.45
20130968	2/17/2022	Credit Card Transactions - VPSS1 Inc - Calportland	0.00	1,891.00	1,268,641.45
20130969	2/17/2022	Credit Card Transaction - Christensen Brothers	0.00	1,163.00	1,269,804.45
0010230	2/17/2022	Inv 006427 - A/C Unit #7 not colling	310.00	0.00	1,269,494.45
0010231	2/17/2022	800-635-4647 - 02/07/22 - 03/06/22	58.05	0.00	1,269,436.40
EFT	2/17/2022	Invoices 2022-03, 2022-04, Feb 2022 (1)	41,487.33	0.00	1,269,436.40
0010232	2/17/2022	Inv 2040671020722 - Internet Service - 02/07/22 - 03/06/22	990.00	0.00	1,268,446.40
EFT	2/17/2022	Inv FBN4402795 - Vehicle Leases	1,237.95	0.00	1,268,446.40
0010233	2/17/2022	Inv 2805-98318 - Solar Panel Cleaning	615.00	0.00	1,267,831.40
0010234	2/17/2022	Inv #39387082 - Copier Lease	2,137.33	0.00	1,265,694.07
0010235	2/17/2022	Wellness Program Reimbursement	240.00	0.00	1,265,454.07
EFT	2/17/2022	Inv 16608403 - Postage Meter Ink	151.96	0.00	1,265,454.07
0010236	2/17/2022	Electricity Usage - 01/12/22 - 02/09/22	2,865.40	0.00	1,262,588.67
0010237	2/17/2022	Office Supplies	1,004.49	0.00	1,261,584.18
0010238	2/17/2022	Inv 72105447 - Telephone Service - February 2022	1,272.81	0.00	1,260,311.37
	2/17/2022	Card #6685 - 01/05/22 - 02/04/22	301.24	0.00	1,217,132.89
	2/17/2022	Card #7885 - 01/05/22 - 02/04/22	2,458.71	0.00	1,214,674.18
	2/17/2022	Card #9081 - 01/05/22 - 02/04/22	548.18	0.00	1,214,126.00
	2/17/2022	Card #3428 - 01/05/22 - 02/04/22	481.26	0.00	1,213,644.74
	2/17/2022	Card #4837 - 01/05/22 - 02/04/22	2,237.08	0.00	1,211,407.66
	2/17/2022	Card #6210 - 01/05/22 - 02/04/22	3,924.28	0.00	1,207,483.38
	2/17/2022	Card #8110 - 01/05/22 - 02/04/22	2,091.42	0.00	1,205,391.96
0002218	2/17/2022	Operating Fund Replenishment #18	0.00	184,556.40	1,389,948.36
20130979	2/18/2022	Credit Card Transactions - Boeing	0.00	16.00	1,389,964.36
	2/18/2022	Wage Works FSA Claim	154.39	0.00	1,389,809.97
20130980	2/22/2022	Credit Card Transactions - M.S. Hatch Consulting - Boeing - Carmax - Falcon Drilling -	0.00	833.17	1,390,643.14
20130981	2/22/2022	Credit Card Transactions - Mars Petcare (2) - Falcon Drilling - Amerigas - M.S. Hatch Consulting - Castle Mountain Venture	0.00	7,294.72	1,397,937.86
EFT	2/23/2022	Pay period ending 2/11/2022	119,900.17	0.00	1,278,037.69
	2/23/2022	PP 04/2022 State Taxes	6,859.58	0.00	1,271,178.11
	2/23/2022	PP 04/2022 Federal Taxes	23,296.18	0.00	1,247,881.93
	2/23/2022	PP 04/2022 457 Deductions	12,305.05	0.00	1,235,576.88
	2/23/2022	Wage Works FSA Claim	81.50	0.00	1,235,495.38
20130996	2/23/2022	Credit Card Transaction - US Bureau of Reclamation	0.00	373.93	1,235,869.31
20130982	2/24/2022	Credit Card Transactions - MEC Environmental (2)	0.00	2,070.00	1,237,939.31

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
20130983	2/25/2022	Credit Card Transaction - Terra-Gen Operating (3) - SBCO Fleet Management - Gerber Collision California - Costco	0.00	4,212.58	1,242,151.89
20130985	2/28/2022	Credit Card Transaction - Crestview Consolidated - GAMA Contracting Services	0.00	2,015.34	1,244,167.23
20130986	2/28/2022	Credit Card Transaction - Flyers Energy - Induction Technologies - GAMA Contracting Services	0.00	1,300.00	1,245,467.23
Total for Report:			743,608.68	1,024,197.99	

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
General Fund MPA

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
20131107	2/01/2022	Daily Deposit	0.00	50,323.08	3,329,061.01
20131108	2/02/2022	Daily Deposit	0.00	11,604.98	3,340,665.99
20131109	2/04/2022	SBCo ACH - So Cal Logistics Airport	0.00	3,244.54	3,343,910.53
20131110	2/04/2022	SBCo ACH - MDAQMD	0.00	68,172.56	3,412,083.09
20131111	2/04/2022	SBCo ACH - MDAQMD	0.00	333.34	3,412,416.43
0002216	2/08/2022	Operating Fund Replenishment #16	645,715.93	0.00	2,766,700.50
20131112	2/08/2022	Daily Deposit	0.00	172,680.11	2,939,380.61
20131113	2/09/2022	Daily Deposit	0.00	8,322.06	2,947,702.67
20131114	2/11/2022	Daily Deposit	0.00	17,774.32	2,965,476.99
0002217	2/11/2022	Operating Fund Replenishment #17	152,251.74	0.00	2,813,225.25
20131115	2/14/2022	Daily Deposit	0.00	140,025.18	2,953,250.43
20131116	2/14/2022	SBCo ACH - MDAQMD	0.00	333.34	2,953,583.77
#####	2/14/2022	Transfer AB2766 - December 2021	55,954.38	0.00	2,897,629.39
20131117	2/15/2022	Daily Deposit	0.00	35,673.27	2,933,302.66
0002218	2/17/2022	Operating Fund Replenishment #18	184,556.40	0.00	2,748,746.26
20130970	2/17/2022	Daily Deposit	0.00	198,657.74	2,947,404.00
	2/17/2022	Service Charge	130.00	0.00	2,947,274.00
20131118	2/23/2022	Daily Deposit	0.00	7,247.38	2,954,521.38
20131119	2/28/2022	Daily Deposit	0.00	91,857.07	3,046,378.45
Total for Report:			1,038,608.45	806,248.97	

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
WF AB2766

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0003114	2/03/2022	AB2766 Grant	1,052.00	0.00	1,982,889.40
#####	2/14/2022	Transfer AB2766 - December 2021	0.00	55,954.38	2,038,843.78
Total for Report:			1,052.00	55,954.38	

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
WF Carl Moyer

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0001029	2/03/2022	Inv 114231 - Carl Moyer Insert	444.02	0.00	1,375,064.35
Total for Report:			444.02	0.00	

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
Special Revenue

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000018	2/03/2022	Farmers Grant	162,087.00	0.00	1,267,794.66
0000019	2/03/2022	Invoices ,	50,900.60	0.00	1,216,894.06
Total for Report:			212,987.60	0.00	

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
PARS TRUST - OPEB

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	2/28/2022	Service Charge	450.79	0.00	887,930.39
	2/28/2022	Interest Earned	14,690.27	0.00	873,240.12
Total for Report:			15,141.06	0.00	

Mojave Desert AQMD
Bank Register from 2/01/2022 to 2/28/2022
PARS TRUST - PENSION

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	2/28/2022	Service Charge	847.78	0.00	1,672,328.61
	2/28/2022	Interest Earned	25,762.06	0.00	1,646,566.55
Total for Report:			26,609.84	0.00	

From: Michelle Powell
Fiscal Specialist II
 760.245.1661, ext. 6270
 Fax 760.245.2699
 mpowell@mdaqmd.ca.gov

To: Brad Poiriez
 bradp@mdaqmd.ca.gov

Date: March 31, 2022
Subject: Facilities and Fleet



Interoffice Memo

MDAQMD FACILITIES UPDATES

<u>Project</u>	<u>Expense</u>	<u>Status</u>
Air Monitoring Cubicles	5400.00	In Process
A/C Replacement	18,218.00	In Process
Toilet Repair	200.00	Completed
Total		
\$23,818.00		

MDAQMD FLEET UPDATES

<u>Vehicles</u>	<u>Expense</u>	<u>Status</u>
2022 Ford Escape (2)	\$ 55,176.00	Completed
Total		
\$ 55,176.00		

The following page(s) contain the backup material for Agenda Item: [Receive and file the Legislative Report for April 2022. Presenter: Brad Poiriez, Executive Director/APCO.](#)
Please scroll down to view the backup material.

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

AGENDA ITEM #4

DATE: April 25, 2022

RECOMMENDATION: Receive and file.

SUMMARY: The Legislative Report for April 2022.

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

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

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

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director/APCO, on or about April 11, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Brad Poiriez, Executive Director/APCO.



Government Affairs and Communication Consulting

FRANK T. SHEETS, III
LAURIE HANSEN SHEETS

MEMORANDUM

DATE: April 5, 2021
TO: Brad Poiriez
FROM: Frank Sheets
Laurie Hansen

As the legislature moves into April, two calendar items should be noted. On April 7 the legislature begins its spring recess, reconvening on April 18th. At that point, both houses have until April 29 to move bills from their relative policy committees to the fiscal committees. As the bill list is reviewed, readers will note that several bills have proceeded to Fiscal Committees and many that have not, have been scheduled for hearing in their policy committees. Regardless, both houses only have 11 days after reconvening from spring break to advance bills. We are assuming that if bills do not meet the April 29th deadline, they will be dead. But, as we all know in California, rules are made to be broken.

Many of the bills provided in our last report were “spot” bills and did not represent the full intent of the author. In many cases, the previous versions of the bills only represented placeholders to meet legislative deadlines. At this point in the legislative process, amended bills now reflect a more mature version of the authors intent. Below we are providing comments on many of the bills in the list that have seen significant amendments.

- AB 1001 has been amended since our last report and while continuing to propose environmental justice components to CEQA, seems to have become more specific. For example, words such as “authorize” have been replaced by “require”. It remains our understanding that associations such as the California Chamber of Commerce remain in opposition.
- AB 1676 no longer deals with Carbon Capture and sequestration. The amended bill now deals with pipeline safety regarding the transport of hazardous or highly volatile liquids including carbon dioxide.
- AB 1749 amendments call for new Air District requirements when implementing and revising a “community emissions reduction programs”. The bill should be reviewed to confirm any new potential District responsibilities.
- AB 1771 has seen significant amendments. The bill originally dealt with Zero-emission vehicle grants and now calls for tax increases on qualifying capital gains. The revised bill currently has no air district implications.
- SB 2141, originally dealing with BARCT, now proposes to take 10% of the proceeds from the Greenhouse Gas Reduction fund and allocate those dollars through the State Air Resources Board to local air districts

with the intent of supporting community emissions reduction programs. This should be of interest to the District.

- AB 2550 amendments now apparently call for the State Board to provide technical support and guidance to a district that has failed or is unable to achieve and maintain attainment with national or state air quality standards. This may represent additional state oversight into District operations and should be reviewed.
- AB 2578 still references Carbon Capture, utilization, and sequestration (CCUS) and now specifies that technologies used to implement CCUS be included in the State Energy Commission's required assessment of air pollution control technologies.
- AB 2700 has seen significant modifications and is now titled "Transportation electrification: electrical distribution grid upgrades" as compared to "Climate change: scoping plan."
- AB 2793: We are now seeing a much more detailed version of Muratsuchi's AB 2793. The bill now calls for a periodic review of the existing market-based compliance mechanism to determine the programs effectiveness in meeting the State's GHG goals.
- AB 2840: In its original version AB 2840 dealt with the Sacramento Air Quality Management District. The subject of the bill is now "Qualifying logistics use projects". The bill restricts the building of warehouses and manufacturing facilities over 100,000 square within so many miles of a hospital, EJ community, etc.
- AB 2852 appears to be administrative in nature changing the designation of air districts to "independent special districts". The bill seems to expand various financing methods available to California air districts. We recommend that the District **review the bill in detail to determine potential implications**.
- AB 2944: Amendments to AB 2944 now propose, beginning in 2023, the state Air Resources Board report annually an evaluation of Carbon Capture, utilization, and sequestration's contribution toward reducing emissions of greenhouse gases.
- SB 1086: The title of SB 1086 has been amended to read "Greenhouse Gas Reduction Fund: Salton Sea Restoration". The bill would require, if moneys are appropriated from the Greenhouse Gas Reduction Fund for the Salton Sea ecosystem as a priority, that those moneys be deposited into the Salton Sea Restoration Fund.
- AB 1095 deals with Air District responsibilities regarding socioeconomic impact assessments in permitting and rulemaking processes. Although the District may already have such assessment responsibilities, additions to those obligations should be evaluated. Interestingly, in the current bill analysis there are comments questioning whether the bill is "duplicative" and "if the requirements in this bill would lead to better decision making".
- SB 1101 has also seen a title change and subsequent amendments. The bill is now entitled "Carbon sequestration: pore space ownership and Carbon Capture, Utilization, and Storage Program". The bill now deals with ownership of "free space" as it relates to the storage of gaseous or liquid substances. We assume the bill's intent is to address questions that may arise as sequestration prospects become more probable.

On another note, we find it interesting that two of Assemblymember Muratsuchi's bills AB 2802 and AB 2862 dealing with a carbon tax and limitations of the use of carbon offsets respectively remain at the "desk" and have seen no activity since their introduction in February.

As always, should there be questions or comments please feel free to contact us.

MDAQMD 2021 bills

Tuesday, April 05, 2022

[AB 1001](#)

(Garcia, Cristina D) Environment: mitigation measures for air quality impacts: environmental justice.

Current Analysis: 01/26/2022 [Assembly Floor Analysis \(text 1/24/2022\)](#)

Introduced: 2/18/2021

Last Amend: 3/22/2022

Location: 2/1/2022-S. RLS.

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

Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air quality of a disadvantaged community, to include measures for avoiding, minimizing, or otherwise mitigating for the adverse effects on that community. The bill would require mitigation measures to include measures conducted at the project site that avoid or minimize to less than significant the adverse effects on the air quality of a disadvantaged community or measures conducted in the affected disadvantaged community that directly mitigate those effects.

Vote Events:

01/31/2022 ASM. THIRD READING (Y:43 N:24 A:9) (P)

01/24/2022 ASM. SECOND READING (Y:48 N:16 A:12) (P)

01/20/2022 ASM. APPR. (Y:12 N:3 A:1) (P)

01/10/2022 ASM. NAT. RES. (Y:8 N:2 A:1) (P)

[AB 1240](#)

(Ting D) Indoor air pollution.

Current Analysis: 01/25/2022 [Assembly Floor Analysis \(text 1/24/2022\)](#)

Introduced: 2/19/2021

Last Amend: 1/24/2022

Location: 2/1/2022-S. RLS.

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

Summary: Current law requires the State Air Resources Board, in consultation with other state agencies and interested members of the public, to provide a report to the Legislature on issues relating to indoor air pollution by January 1, 2004. This bill would require the state board to provide to the Legislature an addendum, as specified, to the above-described report by January 1, 2025. The bill would repeal these provisions on January 1, 2029.

Vote Events:

01/31/2022 ASM. THIRD READING (Y:75 N:0 A:1) (P)

01/20/2022 ASM. APPR. (Y:12 N:0 A:4) (P)

01/10/2022 ASM. NAT. RES. (Y:11 N:0 A:0) (P)

[AB 1369](#)

(Bennett D) Buy Clean California Act: eligible materials: product-specific global warming potential emissions.

Current Analysis: 01/24/2022 [Assembly Floor Analysis \(text 1/12/2022\)](#)

Introduced: 2/19/2021

Last Amend: 1/12/2022

Location: 2/1/2022-S. RLS.

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

Summary: The Buy Clean California Act requires the Department of General Services, by January 1, 2022, to establish and publish in the State Contracting Manual, in a department management memorandum, or on the department's internet website, a maximum acceptable global warming potential for each category of eligible materials, set at the industry average of facility-specific global warming potential emissions for that material, expressed as specified. Current law defines eligible materials for those purposes to mean carbon steel rebar, flat glass, mineral wool board insulation, or structural steel. This bill would define eligible materials to additionally include gypsum board, insulation, carpet and carpet tiles, and ceiling tiles.

Vote Events:

01/31/2022 ASM. THIRD READING (Y:57 N:17 A:2) (P)
 01/20/2022 ASM. APPR. (Y:12 N:3 A:1) (P)
 01/10/2022 ASM. NAT. RES. (Y:8 N:2 A:1) (P)
 04/14/2021 ASM. A. & A.R. (Y:5 N:1 A:1) (P)

AB 1445

(Levine D) Planning and zoning: regional housing need allocation: climate change impacts.

Current Analysis: 01/24/2022 [Assembly Floor Analysis \(text 1/3/2022\)](#)

Introduced: 2/19/2021

Last Amend: 1/3/2022

Location: 2/1/2022-S. RLS.

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

Summary: Would, commencing January 1, 2025, require that a council of governments, a delegate subregion, or the Department of Housing and Community Development, as applicable, additionally consider among these factors emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

Vote Events:

01/31/2022 ASM. THIRD READING (Y:57 N:16 A:3) (P)
 01/20/2022 ASM. APPR. (Y:12 N:3 A:1) (P)
 01/12/2022 ASM. L. GOV. (Y:6 N:1 A:1) (P)

AB 1644

(Flora R) Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.

Introduced: 1/12/2022

Last Amend: 3/30/2022

Location: 1/20/2022-A. L. & E.

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

Summary: Current law, beginning in the 2022–23 fiscal year through the 2028–29 fiscal year, continuously appropriates \$200,000,000 from the fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects, and the completion of prescribed fire and other fuel reduction projects. The California Jobs Plan Act of 2021 requires the State Air Resources Board to work with the Labor and Workforce Development Agency to update, on or before July 1, 2025, Greenhouse Gas Reduction Fund funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as provided. Current law exempts from these standards applicants for certain types of projects. This bill would exempt from these standards applicants for projects for healthy forest and fire prevention programs and projects, and the completion of prescribed fire and other fuel reduction projects.

AB 1676

(Grayson D) Pipeline safety: carbon dioxide.

Introduced: 1/20/2022

Last Amend: 3/31/2022

Location: 3/31/2022-A. U. & E.

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

Calendar: 4/6/2022 Upon adjournment of Communications and Conveyance Committee - State Capitol, Room 437 ASSEMBLY UTILITIES AND ENERGY, GARCIA, EDUARDO, Chair

Summary: Under the Elder California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory jurisdiction over intrastate pipelines used for the transportation of hazardous or highly volatile liquid substances. The act imposes various requirements in relation to the regulation of these intrastate pipelines and requires the State Fire Marshal to adopt regulations, not later than June 30, 1991, that establish procedures for maintaining, testing, and inspecting mainline valves and check valves on intrastate hazardous liquid pipelines. A person who willfully and knowingly violates the act or a regulation issued pursuant to the act is, upon conviction, subject to a fine, imprisonment, or both a fine and imprisonment, as provided. This bill would expand the regulation of intrastate pipelines under the act to

intrastate pipelines used for the transportation of carbon dioxide, as defined, including by revising the definition of “pipeline” for purposes of the act to also include intrastate pipelines used for the transportation of carbon dioxide.

[AB 1738](#)

(Boerner Horvath D) Building standards: installation of electric vehicle charging stations: existing buildings.

Current Analysis: 04/01/2022 [Assembly Housing And Community Development \(text 1/31/2022\)](#)

Introduced: 1/31/2022

Location: 2/10/2022-A. H. & C.D.

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

Calendar: 4/5/2022 9 a.m. - State Capitol, Room 127 ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT, WICKS, Chair

Summary: Current law requires the Department of Housing and Community Development to propose to the California Building Standards Commission for consideration mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings, as specified. Existing law requires the commission to adopt, approve, codify, and publish mandatory building standards for the installation of electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development. This bill would recast these provisions to instead require mandatory building standards for the installation of electric vehicle charging stations with Level 2 or direct current fast charger electric vehicle supply equipment, as defined, to be proposed by the Department of Housing and Community Development for the installation in existing multifamily dwellings, hotels, and motels, by the Division of the State Architect for the installation in existing school buildings, and by the commission for the installation in existing nonresidential buildings, as specified.

[AB 1749](#)

(Garcia, Cristina D) Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants.

Current Analysis: 03/18/2022 [Assembly Natural Resources \(text 3/14/2022\)](#)

Introduced: 2/1/2022

Last Amend: 3/14/2022

Location: 3/21/2022-A. APPR.

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

Summary: Existing law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy, known as the “Community Air Protection Blueprint” or “Blueprint,” to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. This bill would require the state board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants. The bill would authorize an air district that is required to adopt a community emissions reduction program to take up to one additional year to adopt the program, if the community steering committee agrees. The bill would require an air district that is required to adopt a community emissions reduction program to additionally include in its annual report a summary of updates to the program made to ensure consistency with the statewide strategy.

Vote Events:

03/21/2022 ASM. NAT. RES. (Y:8 N:3 A:0) (P)

[AB 1771](#)

(Ward D) The California Housing Speculation Act: income taxes: capital gains: sale or exchange of qualified asset: housing.

Introduced: 2/2/2022

Last Amend: 3/22/2022

Location: 3/3/2022-A. REV. & TAX

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

Summary: The Personal Income Tax Law and Corporation Tax Law impose taxes upon income, including income generated from any gain from the sale or exchange of a capital asset. This bill would, for taxable years beginning on or after January 1, 2023, impose an additional 25% tax on that portion of a qualified taxpayer’s net capital gain from the sale or exchange of a qualified asset, as defined. The bill would reduce those taxes depending on how many years has passed since the qualified taxpayer’s initial purchase of the qualified asset.

[AB 1774](#)

(Sevarto R) California Environmental Quality Act: water conveyance or storage projects: judicial review.

Introduced: 2/3/2022

Location: 2/10/2022-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
------	---------------	--------	-------	------	--------	--------	-------	-------	----------	--------	-----------

1st House	2nd House	Conc.			
-----------	-----------	-------	--	--	--

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects.

[AB 1795](#) (Fong R) Open meetings: remote participation.

Introduced: 2/7/2022

Location: 2/18/2022-A. G.O.

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

Summary: The Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified. This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

[AB 1857](#) (Garcia, Cristina D) Solid waste.

Current Analysis: 03/18/2022 [Assembly Natural Resources \(text 2/8/2022\)](#)

Introduced: 2/8/2022

Location: 3/21/2022-A. APPR.

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

Summary: (1)The California Integrated Waste Management Act of 1989 requires the department and local agencies to maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal. This bill would require the department to certify that a local agency is in compliance with that requirement before approving a permit for a new transformation, EMSW, or land disposal facility serving the local agency.

Vote Events:

03/21/2022 ASM. NAT. RES. (Y:8 N:3 A:0) (P)

[AB 1897](#) (Wicks D) Nonvehicular air pollution control: refineries: penalties.

Introduced: 2/9/2022

Location: 2/18/2022-A. NAT. RES.

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

Calendar: 4/18/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Under existing law, a person who violates this provision is guilty of a misdemeanor, as specified, or is strictly liable for a civil penalty of not more than \$10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than \$5,000. A person who violates this provision and who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge.

[AB 2074](#)

(Gipson D) Air Quality Improvement Program: micromobility devices.

Current Analysis: 04/04/2022 [Assembly Appropriations \(text 2/14/2022\)](#)

Introduced: 2/14/2022

Location: 3/22/2022-A. APPR.

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

Calendar: 4/6/2022 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, Chair

Summary: Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the production and use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles. Current law specifies the types of projects eligible to receive funding under the program. This bill would specify projects providing incentives for purchasing micromobility devices, as defined, as projects eligible for funding under the program.

Vote Events:

03/21/2022 ASM. TRANS. (Y:11 N:0 A:4) (P)

[AB 2078](#)

(Flora R) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

Current Analysis: 03/31/2022 [Assembly Water, Parks And Wildlife \(text 3/22/2022\)](#)

Introduced: 2/14/2022

Last Amend: 3/22/2022

Location: 2/24/2022-A. W.,P. & W.

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

Calendar: 4/5/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Existing law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would, upon the appropriation of funds for these purposes, require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

[AB 2141](#)

(Garcia, Eduardo D) Greenhouse Gas Reduction Fund: community projects: funding.

Introduced: 2/15/2022

Last Amend: 3/21/2022

Location: 3/17/2022-A. NAT. RES.

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

Summary: Current law requires that all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism be deposited in the Greenhouse Gas Reduction Fund and be available, upon appropriation by the Legislature, for purposes relating to the reduction of greenhouse gas emissions. Current law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project. Current law requires the state board to select locations around the state for the preparation of community emissions reduction programs, and to select locations based on findings and recommendations in a specified monitoring plan to deploy community air monitoring systems, as defined. Current law requires the state board to provide grants to community-based organizations for technical assistance and to support community participation in the implementation of these requirements. This bill would continuously appropriate to the state board, beginning in the 2023–24 fiscal year, 10% of the annual proceeds of the Greenhouse Gas Reduction Fund, up to \$300,000,000, for allocation to air pollution control districts and air quality management districts for the purpose of supporting community emissions reduction strategies in, and reimbursement for participation by, communities so

by the state board, as specified.

AB 2152

(Smith R) Vehicles: off-highway vehicle recreation: City of Needles.

Introduced: 2/15/2022

Location: 2/24/2022-A. TRANS.

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

Calendar: 4/18/2022 2:30 p.m. - 1021 O Street, Room 1100 ASSEMBLY TRANSPORTATION, FRIEDMAN, Chair

Summary: Current law authorizes an off-highway motor vehicle that has been issued a plate or device to be operated or driven upon a highway under certain circumstances. Current law authorizes various public entities, and the Director of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met, including a prohibition on a designation of greater than 3 miles. This bill would authorize, until January 1, 2028, a similar pilot program in the City of Needles. The bill would also require the City of Needles, in conjunction with specified state agencies, to prepare and submit to the Legislature reports evaluating the effectiveness and environmental impacts of the pilot project by January 1, 2027, as specified. This bill contains other existing laws.

AB 2446

(Holden D) Embodied carbon emissions: construction materials.

Current Analysis: 04/01/2022 [Assembly Natural Resources \(text 2/17/2022\)](#)

Introduced: 2/17/2022

Location: 4/4/2022-A. APPR.

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

Summary: Current law requires the State Energy Resources Conservation and Development Commission to adopt regulations on building design and construction standards that increase efficiency in the use of energy and water for new residential and nonresidential buildings, and energy and water conservation performance standards for new residential and nonresidential buildings. This bill would require the commission to develop a framework for measuring and then reducing carbon intensity in the construction of new buildings, including those for residential uses. The bill would require the commission to design the framework to achieve an 80% net reduction in the carbon intensity of construction and materials used in new construction by 2045, with interim goals of 20% below 2020 levels by 2030 and 40% below 2020 levels by 2035.

Vote Events:

04/04/2022 ASM. NAT. RES. (Y:7 N:2 A:1) (P)

AB 2550

(Arambula D) State Air Resources Board: ambient air quality standards: nonattainment districts.

Introduced: 2/17/2022

Last Amend: 3/24/2022

Location: 3/24/2022-A. NAT. RES.

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

Calendar: 4/18/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary: Current law requires the State Air Resources Board, to coordinate air pollution control activities throughout the state and to ensure that the entire state is, or will be, in compliance with state standards. Current law authorizes the state board, if, after a public hearing, it finds that a program or the rules and regulations of an air district will not likely achieve and maintain the state's ambient air quality standards, to establish a program, or portion thereof, or rules and regulations it deems necessary to enable the air district to achieve and maintain ambient air quality standards. This bill would require the state board to provide technical support and guidance to a district that has failed or is unable to achieve by the applicable attainment date a national or state ambient air quality standard to assist the district to attain and maintain the ambient air quality standard. The bill would require the state board, after reviewing the attainment plan submitted by a district that has failed or is unable to achieve a national or state ambient air quality standard and the district's rules, regulations, programs, and enforcement practices, to undertake certain activities, including coordinating with the district and community-based organizations in the district and conducting outreach to under-resourced communities in the district to identify gaps in the state implementation plan and the district's attainment plan, rules, regulations, programs, and enforcement practices that impact the district's ability to attain and maintain the national or state ambient air quality standard.

[AB 2562](#)

(Bennett D) Clean Transportation Program: hydrogen-fueling stations.

Current Analysis: 03/25/2022 [Assembly Transportation \(text 3/21/2022\)](#)

Introduced: 2/17/2022

Last Amend: 3/21/2022

Location: 3/29/2022-A. APPR.

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

Summary: Current law creates the Alternative and Renewable Fuel and Vehicle Technology Fund, to be administered by the State Energy Resources Conservation and Development Commission, and requires the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission to implement the program. Current law requires the commission, until January 1, 2024, to allocate \$20,000,000 annually to fund a specified number of publicly available hydrogen-fueling stations identified by the State Air Resources Board, not to exceed 20% of the moneys appropriated by the Legislature from the Alternative and Renewable Fuel and Vehicle Technology Fund, until there are at least 100 publicly available hydrogen-fueling stations in operation in the state. Under current law, these allocations are subject to all of the requirements applicable to allocations from the Clean Transportation Program. This bill would require the commission, if it awards funding to hydrogen-fueling station projects under the program, to provide preference to those projects that are located at a port and are publicly accessible, are co-located at a fueling station for medium- and heavy-duty trucks, or are located along a specified corridor or on the state’s portion of the National Highway Freight Network.

Vote Events:

03/28/2022 ASM. TRANS. (Y:9 N:0 A:6) (P)

[AB 2563](#)

(Quirk D) Air pollution: permits: mobile fueling on-demand tank vehicles.

Current Analysis: 03/31/2022 [Assembly Transportation \(text 2/17/2022\)](#)

Introduced: 2/17/2022

Location: 3/10/2022-A. TRANS.

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

Summary: Would, except as provided, require air pollution control and air quality management districts to establish a mobile fueling on-demand tank vehicle uniform permit program for mobile fueling on-demand tank vehicle operations, as defined. The bill would require that a mobile fueling on-demand tank vehicle uniform permit program provide, among other things, a consolidated permitting process for an operation that requires more than one permit and an expedited permit review and fee schedule. By placing additional duties upon air pollution control and air quality management districts, and expanding the scope of existing crimes, the bill would impose a state-mandated local program.

[AB 2578](#)

(Cunningham R) State Energy Resources Conservation and Development Commission: integrated energy policy report: carbon capture, utilization, and sequestration.

Introduced: 2/18/2022

Last Amend: 3/17/2022

Location: 3/17/2022-A. U. & E.

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

Calendar: 4/6/2022 Upon adjournment of Communications and Conveyance Committee - State Capitol, Room 437 ASSEMBLY UTILITIES AND ENERGY, GARCIA, EDUARDO, Chair

Summary: The Warren-Alquist State Energy Resources Conservation and Development Act establishes the State Energy Resources Conservation and Development Commission (Energy Commission) and requires the Energy Commission to adopt an integrated energy policy report every 2 years. Current law requires the Energy Commission to include in the integrated energy policy report an assessment of the current status of, among other things, the environmental performance of the electrical generation facilities of the state, including air emission pollution control technologies in use in operating plants. This bill would specify that air emission pollution technologies includes carbon capture, utilization, and sequestration technologies.

[AB 2700](#)

(McCarty D) Transportation electrification: electrical distribution grid upgrades.

Introduced: 2/18/2022

Last Amend: 3/21/2022

Location: 3/28/2022-A. U. & E.

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

Summary: Current law requires the Energy Commission, working with the State Air Resources Board and the P.U.C.

Utilities Commission (PUC), to prepare, at least once every 2 years, a statewide assessment of the electrical vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet certain goals. This bill would require electrical corporations and local publicly owned electric utilities to ensure that their distribution systems are upgraded at the times and locations necessary to support the state’s anticipated level of electric vehicle charging. The bill would require the PUC, by July 1, 2024, to the extent that there are any permitting or licensing requirements for transmission or distribution grid upgrades necessary to support the anticipated level of electric vehicle charging, to develop an expedited process to ensure that electrical corporations can meet the requirements to upgrade their distribution systems, and to direct electrical corporations to develop an expedited process for grid interconnection. The bill would require the State Air Resources Board to annually gather and share fleet data from entities subject to its regulations with electrical corporations and local publicly owned electric utilities to help inform electrical grid planning efforts, as specified, and would require the Energy Commission to develop more sophisticated distribution system electrical grid-needs forecasting that includes transportation electrification, building electrification, industrial electrification, distributed energy resources, and energy efficiency necessary to meet the state’s goals.

[AB 2793](#)

([Muratsuchi D](#)) Greenhouse gases: market-based compliance mechanism.

Introduced: 2/18/2022

Last Amend: 3/24/2022

Location: 3/24/2022-A. NAT. RES.

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

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board, in consultation with the Independent Emissions Market Advisory Committee, on a triennial basis, to conduct an evaluation of the market-based compliance mechanism to determine its effectiveness in meeting the goals of the act. This bill would require the state board to adopt public banking metrics that track the number of unused compliance instruments in public and private accounts on an annual basis. The bill would require the chairperson of the state board to appear before the Joint Legislative Committee on Climate Change Policies to present the results of the evaluation and specified proposed revisions to the regulations implementing the market-based compliance mechanism. The bill would authorize, following the chairperson’s appearance before the Joint Legislative Committee on Climate Change Policies, the state board to revise the regulations implementing the market-based compliance mechanism so that the mechanism can more effectively meet the goals of the act and objectives specified in the most recent scoping plan.

[AB 2802](#)

([Muratsuchi D](#)) Air pollution: carbon tax and dividend.

Introduced: 2/18/2022

Location: 2/18/2022-A. PRINT

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

Summary: The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Current law requires the state board to adopt greenhouse gas emissions limits and emissions reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving a specified statewide greenhouse gas emissions limit. This bill would express the intent of the Legislature to enact future legislation that would create a carbon tax and dividend program that would impose charges on entities responsible for air pollution emissions and allocate the revenue from those charges to frontline communities that suffer from the air pollution caused by those emissions.

[AB 2836](#)

([Garcia, Eduardo D](#)) Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

Introduced: 2/18/2022

Last Amend: 3/30/2022

Location: 3/24/2022-A. TRANS.

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

Calendar: 4/18/2022 2:30 p.m. - 1021 O Street, Room 1100 ASSEMBLY TRANSPORTATION, FRIEDMAN, Chair

Summary: Current law, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Current law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any marine vessel and any other category necessary for the state and air districts to meet air quality goals. This bill would extend the current authorization for the Carl Moyer Program to fund

a broader range of projects that reduce emissions from covered sources until January 1, 2033.

[AB 2840](#)

(Reyes D) Qualifying logistics use projects.

Introduced: 2/18/2022

Last Amend: 3/24/2022

Location: 3/24/2022-A. L. GOV.

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

Summary: The Planning and Zoning Law, sets forth various requirements relating to the review of development project permit applications and the issuance of development permits for specified classes of development projects. This bill would prohibit a public agency from approving the development or expansion of any qualifying logistics use, as defined, within 1,000 feet of sensitive receptors, as defined. The bill would require a public agency, before approving a qualifying logistics use, to require the project applicant to develop a prescribed written construction careers agreement that requires all construction work for the qualifying logistics use project to use a skilled and trained workforce, and that requires a set percentage of jobs created by the qualifying logistics use project to go to local residents.

[AB 2852](#)

(Bloom D) Air pollution control districts and air quality management districts: independent special districts: funding.

Introduced: 2/18/2022

Last Amend: 3/24/2022

Location: 3/24/2022-A. L. GOV.

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

Summary: Current law provides for the establishment of air pollution control districts and air quality management districts. Current law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Current law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties. This bill would designate, retroactive to January 1, 2020, a district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.

[AB 2862](#)

(Muratsuchi D) California Global Warming Solutions Act of 2006: offset credits.

Introduced: 2/18/2022

Location: 2/18/2022-A. PRINT

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

Summary: The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms in regulating greenhouse gas emissions. The act, until January 1, 2031, authorizes a covered entity to meet a certain percentage of its compliance obligation under the act by surrendering offset credits of which no more than 1/2 may be sourced from projects that do not provide direct environmental benefits in the state. This bill would express the intent of the Legislature to enact subsequent legislation limiting the use of offset credits under the California Global Warming Solutions Act of 2006.

[AB 2944](#)

(Petrie-Norris D) Greenhouse gases: carbon capture, utilization, and sequestration.

Introduced: 2/18/2022

Last Amend: 3/24/2022

Location: 3/24/2022-A. NAT. RES.

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

Calendar: 4/18/2022 2:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, RIVAS, LUZ, Chair

Summary: The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. This bill would require the state board, beginning January 1, 2023, and annually thereafter, to include in a specified annual report to the Joint Legislative Budget Committee, an evaluation of how carbon capture, utilization, and sequestration technologies are contributing to the state's efforts to reduce the emissions of greenhouse gases, as provided.

[ACR 109](#)

(Garcia, Eduardo D) Extreme heat: state response.

Current Analysis: 01/07/2022 [Assembly Natural Resources \(text 1/3/2022\)](#)

Introduced: 8/30/2021

Last Amend: 1/12/2022

Location: 2/2/2022-A. NAT. RES.

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

Summary: Would declare the California Legislature’s recognition of the threat that extreme heat poses to our communities and calls on the state’s agencies and departments to take immediate action to prepare and protect our communities from its impacts.

Vote Events:

01/20/2022 ASM. CONSENT CALENDAR (Y:62 N:0 A:14) (P)

01/10/2022 ASM. NAT. RES. (Y:11 N:0 A:0) (P)

SB 45

(Portantino D) Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.

Current Analysis: 01/21/2022 [Senate Floor Analyses \(text 1/3/2022\)](#)

Introduced: 12/7/2020

Last Amend: 1/3/2022

Location: 1/24/2022-A. DESK

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

Summary: Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025, as provided. Current law requires the department, no later than July 1, 2020, and in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving these organic waste reduction goals. This bill would require the department, in consultation with the state board, to provide assistance to local jurisdictions, including, but not limited to, any funding appropriated by the Legislature in the annual Budget Act, for purposes of assisting local agencies to comply with these provisions, including any regulations adopted by the department.

Vote Events:

01/24/2022 SEN. Senate 3rd Reading (Y:36 N:0 A:4) (P)

01/20/2022 SEN. APPR. (Y:7 N:0 A:0) (P)

01/18/2022 SEN. APPR. (Y:6 N:0 A:1) (P)

01/10/2022 SEN. E.Q. (Y:6 N:0 A:1) (P)

05/20/2021 SEN. APPR. (Y:5 N:2 A:0) (P)

05/03/2021 SEN. APPR. (Y:6 N:0 A:1) (P)

04/15/2021 SEN. GOV. & F. (Y:5 N:0 A:0) (P)

03/16/2021 SEN. N.R. & W. (Y:7 N:2 A:0) (P)

SB 260

(Wiener D) Climate Corporate Accountability Act.

Current Analysis: 01/21/2022 [Senate Floor Analyses \(text 1/3/2022\)](#)

Introduced: 1/26/2021

Last Amend: 1/3/2022

Location: 1/26/2022-A. DESK

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, on or before January 1, 2024, to develop and adopt regulations requiring United States-based partnerships, corporations, limited liability companies, and other business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California, defined as "reporting entities," to publicly disclose to the Secretary of State, and verify, starting in 2025 on a date to be determined by the state board, and annually thereafter, their greenhouse gas emissions, categorized as scope 1, 2, and 3 emissions, as defined, from the prior calendar year, as provided. The bill would require reporting entities to disclose their greenhouse gas emissions in a manner that is easily understandable and accessible to residents of the state.

Vote Events:

01/26/2022 SEN. Senate 3rd Reading (Y:23 N:7 A:10) (P)

01/20/2022 SEN. APPR. (Y:5 N:2 A:0) (P)

05/17/2021 SEN. APPR. (Y:7 N:0 A:0) (P)

04/27/2021 SEN. JUD. (Y:8 N:2 A:1) (P)

04/12/2021 SEN. E.Q. (Y:4 N:2 A:1) (P)

SB 379

(Wiener D) Residential solar energy systems: permitting.

Current Analysis: 01/21/2022 [Senate Floor Analyses \(text 1/12/2022\)](#)

Introduced: 2/10/2021

Last Amend: 1/12/2022

Location: 1/24/2022-A. DESK

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

Summary: Current law requires a city or county to approve administratively applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Current law requires every city, county, or city and county to develop a streamlined permitting process for the installation of small residential rooftop solar energy systems, as that term is defined. Current law prescribes and limits permit fees that a city or county may charge for a residential and commercial solar energy system. Current law creates the State Energy Resources Conservation and Development Commission (Energy Commission) in the Natural Resources Agency and prescribes its duties, which include administering programs for the installation of solar energy systems. This bill would require every city, county, or city and county to implement an online, automated permitting platform that verifies code compliance and issues permits in real time for a solar energy system, as defined, that is no larger than 38.4 kilowatts alternating current nameplate rating and an energy storage system, as defined, paired with a solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating.

Vote Events:

- 01/24/2022 SEN. Senate 3rd Reading (Y:31 N:1 A:8) (P)
- 01/20/2022 SEN. APPR. (Y:5 N:0 A:2) (P)
- 01/18/2022 SEN. APPR. (Y:6 N:0 A:1) (P)
- 01/10/2022 SEN. E. U., & C. (Y:11 N:1 A:2) (P)
- 01/06/2022 SEN. GOV. & F. (Y:3 N:1 A:1) (P)
- 05/10/2021 SEN. APPR. (Y:7 N:0 A:0) (P)
- 04/21/2021 SEN. HEALTH (Y:9 N:2 A:0) (P)
- 03/17/2021 SEN. ED. (Y:5 N:2 A:0) (P)

SB 542

(Limón D) Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.

Current Analysis: 01/11/2022 [Senate Floor Analyses \(text 5/25/2021\)](#)

Introduced: 2/18/2021

Last Amend: 5/25/2021

Location: 1/18/2022-A. DESK

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

Summary: Current sales and use tax laws impose taxes on retailers measured by gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, measured by sales price. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle. The bill would define "qualified motor vehicle" as a specified zero-emission truck. The bill would disallow the exemption for sales or uses made on or after January 1, 2025, if the purchaser also received other specified benefits.

Vote Events:

- 01/18/2022 SEN. Senate 3rd Reading (Y:33 N:0 A:7) (P)
- 05/20/2021 SEN. APPR. (Y:7 N:0 A:0) (P)
- 05/17/2021 SEN. APPR. (Y:7 N:0 A:0) (P)
- 05/06/2021 SEN. GOV. & F. (Y:4 N:1 A:0) (P)
- 04/13/2021 SEN. TRANS. (Y:14 N:0 A:3) (P)

SB 852

(Dodd D) Climate resilience districts: formation: funding mechanisms.

Introduced: 1/18/2022

Last Amend: 3/9/2022

Location: 1/26/2022-S. GOV. & F.

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

Calendar: 4/7/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

Summary: Current law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Current law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and

investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would define “eligible project” to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

[SB 905](#) ([Skinner D](#)) Decarbonized Cement and Geologic Carbon Sequestration Demonstration Act.

Current Analysis: 03/24/2022 [Senate Environmental Quality \(text 2/18/2022\)](#)

Introduced: 2/2/2022

Last Amend: 2/18/2022

Location: 3/28/2022-S. ED.

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

Summary: Would establish the Decarbonized Cement and Geologic Carbon Sequestration Demonstration Act, which would require the state board to develop and administer the Geologic Carbon Sequestration Demonstration Initiative to evaluate and demonstrate the efficacy, safety, and viability of geologic sequestration of carbon dioxide not associated with enhanced oil recovery or fossil fuel production, among other things.

Vote Events:

03/28/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)

[SB 1010](#) ([Skinner D](#)) Air pollution: state vehicle fleet: zero-emission vehicles.

Current Analysis: 03/25/2022 [Senate Governmental Organization \(text 3/17/2022\)](#)

Introduced: 2/14/2022

Last Amend: 3/17/2022

Location: 3/29/2022-S. E. Q.

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

Calendar: 4/20/2022 1:30 p.m. - 1021 O Street, Room 2100 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Current law, except as provided, requires at least 15% of newly purchased vehicles with a gross vehicle weight of 19,000 pounds or more purchased by the Department of General Services and other state entities for the state vehicle fleet to be zero-emission vehicles by December 31, 2025. This bill would, instead, beginning December 31, 2024, require at least 50% of newly purchased vehicles with a gross vehicle weight of 19,000 pounds or more purchased by the department and other state entities for the state vehicle fleet to be zero-emission vehicles.

Vote Events:

03/29/2022 SEN. G.O. (Y:11 N:3 A:1) (P)

[SB 1086](#) ([Melendez R](#)) Greenhouse Gas Reduction Fund: Salton Sea restoration.

Introduced: 2/15/2022

Last Amend: 3/14/2022

Location: 3/23/2022-S. E. Q.

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

Calendar: 4/20/2022 1:30 p.m. - 1021 O Street, Room 2100 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Current law states the intent of the Legislature that moneys collected pursuant to the market-based compliance mechanism be appropriated to include certain priorities, including air toxic and criteria air pollutants from stationary and mobile sources. This bill would include pollutants from the Salton Sea as air toxic and criteria air pollutants from stationary and mobile sources for purposes of the priorities established in the above-described statement of intent of the Legislature. The bill would require, if moneys are appropriated from the Greenhouse Gas Reduction Fund for the Salton Sea ecosystem as a priority, that those moneys be deposited into the Salton Sea Restoration Fund.

[SB 1095](#) ([Durazo D](#)) Air quality: rules and regulations: socioeconomic impacts assessment.

Current Analysis: 03/25/2022 [Senate Environmental Quality \(text 2/16/2022\)](#)

Introduced: 2/16/2022
Last Amend: 3/29/2022
Location: 3/28/2022-S. APPR.

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

Calendar: 4/18/2022 9 a.m. - 1021 O Street, Room 1200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Current law requires a local air pollution control district or an air quality management district (local air district) that intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations to perform, except as specified, an assessment of the socioeconomic impacts of the proposed adoption, amendment, or repeal of the rule or regulation, as provided. Current law defines “socioeconomic impacts” to include, among other things, the type of industries or business, including small business, affected by the rule or regulation, the impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation, and the range of probable costs, including costs to industry or business, including small business, of the rule or regulation. This bill would authorize a local air district to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. The bill would require a local air district to ensure that a prospective third-party contractor include in its proposal for the assessment specified information, including, among other things, a conflicts statement and a proposed schedule and budget for the assessment.

Vote Events:

03/28/2022 SEN. E.Q. (Y:4 N:2 A:1) (P)

SB 1101

(Caballero D) Carbon sequestration: pore space ownership and Carbon Capture, Utilization, and Storage Program.

Introduced: 2/16/2022
Last Amend: 3/16/2022
Location: 3/24/2022-S. E.Q.

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

Calendar: 4/20/2022 1:30 p.m. - 1021 O Street, Room 2100 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Current law prescribes the nature of property rights, including lands. Current law defines land to include free or occupied space for an indefinite distance upwards and downwards, subject to limitation upon the use of airspace imposed, and rights in the use of airspace granted, by law. This bill would specify that free space includes pore space that can be possessed and used for the storage of gaseous or liquid substances.

SB 1206

(Skinner D) Hydrofluorocarbon gases: sale or distribution.

Current Analysis: 03/25/2022 [Senate Environmental Quality \(text 3/14/2022\)](#)
Introduced: 2/17/2022
Last Amend: 3/29/2022
Location: 3/28/2022-S. APPR.

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

Calendar: 4/18/2022 9 a.m. - 1021 O Street, Room 1200 SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary: Would prohibit a person from offering for sale or distribution, or otherwise entering into commerce in the state, bulk hydrofluorocarbons or bulk blends containing hydrofluorocarbons that exceed a specified global warming potential limit beginning January 1, 2025, and a lower global warming potential limit beginning January 1, 2030. The bill would specify that these provisions do not restrict the State Air Resources Board’s authority to establish by regulation maximum allowable global warming potential levels for hydrofluorocarbons entered into commerce in the state below these maximum levels. The bill would require the state board to initiate a rulemaking requiring very low global warming potential alternatives to hydrofluorocarbons in all sectors no later than January 1, 2035. Because a violation of these prohibitions would be a crime, this bill would impose a state-mandated local program.

Vote Events:

03/28/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)

SB 1235

(Borgeas R) Air pollution: portable equipment: emergency events.

Introduced: 2/17/2022
Location: 3/2/2022-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
------	---------------	--------	-------	------	--------	--------	-------	-------	----------	--------	-----------

1st House	2nd House	Conc.			
-----------	-----------	-------	--	--	--

Calendar: 4/25/2022 9 a.m. - 1021 O Street, Room 2100 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

Summary: Would codify the State Air Resources Board’s regulation authorizing portable equipment to be operated during an emergency event, as defined above, and would also authorize portable equipment to be operated during a public safety power shut-off event. The bill would define "public safety power shut-off event," in part, as a planned power outage undertaken by an electrical corporation to reduce the risk of wildfires caused by utility equipment.

SB 1297

(Cortese D) Low-embodied carbon building materials: carbon sequestration.

Current Analysis: 03/24/2022 [Senate Environmental Quality \(text 3/14/2022\)](#)

Introduced: 2/18/2022

Last Amend: 3/29/2022

Location: 3/28/2022-S. N.R. & W.

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

Summary: Would require the Energy Commission, in consultation with specified state agencies, to develop a plan as part of the 2023 Integrated Energy Policy Report to advance low-carbon materials and methods in building and construction projects that details a strategy and recommendations to minimize embodied carbon and maximize carbon sequestration in building materials, as provided. The bill would require the Natural Resources Agency to incorporate, as appropriate, projects using low-embodied carbon building materials or carbon sequestration in building materials into the California Carbon Sequestration and Climate Resiliency Project Registry. The bill would require the state board to develop an accounting protocol to quantify embodied carbon and carbon sequestration in building materials. The bill would require the Office of Planning and Research to evaluate the circumstances, if any, in which the use of low-embodied carbon building materials or carbon sequestration in building materials qualifies as an acceptable mitigation measure for impacts related to emissions of greenhouse gases pursuant to the California Environmental Quality Act.

Vote Events:

03/28/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)

SB 1399

(Wieckowski D) Carbon capture and storage pilot program: industrial facilities.

Introduced: 2/18/2022

Location: 3/9/2022-S. E. U., & C.

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

Calendar: 4/18/2022 3 p.m. or upon adjournment of Session - Senate Chamber SENATE ENERGY, UTILITIES AND COMMUNICATIONS, HUESO, Chair

Summary: Would require the State Energy Resources Conservation and Development Commission, in consultation with various local, state, and federal agencies, including the state board, to establish a pilot program to encourage and expedite the design, construction, and operation of carbon capture and storage projects at industrial facilities in the state. As part of the pilot program, the bill would require the commission to establish a competitive grant program to provide funding, upon appropriation by the Legislature, to no more than 3 proposed projects for the design and construction of a carbon capture and storage project at an industrial facility. The bill would require specified state agencies to provide permitting and technical support with regard to a proposed carbon capture and storage project to eligible applicants of the grant program and to entities that receive a grant under the grant program.

Total Measures: 45

Total Tracking Forms: 45

The following page(s) contain the backup material for Agenda Item: [Authorize \(1\) participation in Year 24 of the Carl Moyer State Reserve Program, \(2\) authorize application submittal, \(3\) authorize the Executive Director/APCO to negotiate technical program details, execute contract with CARB approved as to legal form by the Office of District Counsel, \(4\) authorize acceptance and encumbrance of funds \(5\) authorize the Executive Director/APCO to revise budget accordingly. Presenter: Jorge Camacho, Support Services Supervisor.](#)

Please scroll down to view the backup material.

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

AGENDA ITEM #5

DATE: April 25, 2022

RECOMMENDATION: Authorize (1) participation in Year 24 of the Carl Moyer State Reserve Program, (2) authorize application submittal, (3) authorize the Executive Director/APCO to negotiate technical program details, execute contract with CARB approved as to legal form by the Office of District Counsel, (4) authorize acceptance and encumbrance of funds (5) authorize the Executive Director/APCO to revise budget accordingly.

SUMMARY: This item authorizes the District's participation, application, contract negotiation, acceptance and encumbrance of Year 24 Carl Moyer State Reserve grant funds.

BACKGROUND: The Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program) provides monetary grants for the incremental cost of cleaner than required technology. While the California Air Resources Board (CARB) is responsible for developing the Moyer Program Guidelines, the participating California air pollution control districts and air quality management districts (air districts) are in charge of administering the program. Section 44286(d) of the Health and Safety Code (H&SC) gives CARB the authority to reserve up to 10 percent of Moyer Program funding to directly fund any project that is a covered source and is described in Section 44281. CARB reserves the sole authority to distribute this State Reserve funding. For fiscal year 2021-2022, the State Reserve funds have been allocated towards Moyer eligible lawn and garden equipment. See exhibit A attached for program information and application.

REASON FOR RECOMMENDATION: Program guidelines require Governing Board formally authorize the District's participation, application, and acceptance of grant funds for the Carl Moyer State Reserve program. By this action the Governing Board delegates authority to the Executive Director/APCO to execute contract(s) with CARB for this grant and comply with program requirements.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about March 25, 2022.

FINANCIAL DATA: Approving the item will allow the District to revise estimated revenues and expenses in the budget to actuals when grant funds or subsequent grants funds are received.

PRESENTER: Jorge Camacho, Support Services Supervisor – Support Services

Fiscal Year 2021-2022 (Moyer Year 24)

State Reserve Project Solicitation

**Open to Air Quality Management Districts and Air Pollution
Control Districts**

The Carl Moyer Program

California Air Resources Board

March 18, 2022

BACKGROUND

The Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program) provides monetary grants for the incremental cost of cleaner than required technology. While the California Air Resources Board (CARB) is responsible for developing the Moyer Program Guidelines, the participating California air pollution control districts and air quality management districts (air districts) are in charge of administering the program. Section 44286(d) of the Health and Safety Code (H&SC) gives CARB the authority to reserve up to 10 percent of Moyer Program funding to directly fund any project that is a covered source and is described in Section 44281. CARB reserves the sole authority to distribute this State Reserve funding. For Fiscal Year (FY) 2021-2022, the State Reserve funds have been allocated towards Moyer eligible lawn and garden equipment.

Under the 2017 Moyer Program Guidelines, CARB may provide funding toward the replacement of lawn and garden equipment for projects that support the deployment of alternative, advanced, and cleaner technologies. In support of the 2021 Small Off-Road Engine (SORE) Regulation amendments, FY 2021-2022 State Reserve funds will be directed toward paying for the replacement of SORE-powered lawn and garden equipment with zero-emission equipment. This would provide further support for the governor's goals to transition California to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible according to the Governor's Executive Order N-79-20.

This State Reserve Project Solicitation is directed at providing monetary grants to offset the cost of commercial grade zero-emission lawn and garden equipment within the air districts. Staff will work with air districts to modify Chapter 9 in order to expand equipment eligibility in the Moyer guidelines. Once the modified, expanded guidelines are finalized to include the eligibility of commercial grade zero emission lawn and garden equipment, districts can move forward with the projects contemplated under this solicitation.

ELIGIBLE APPLICANTS

Air districts that are willing and able to administer the Moyer Program and meet the requirements listed below are eligible to apply for this State Reserve Project Solicitation to support the jurisdictions in transitioning California to zero-emission equipment.

ELIGIBLE PROJECTS

This State Reserve Project Solicitation is directed at providing monetary grants to offset the cost of non-residential lawn and garden equipment within the air districts. Eligible projects are limited to commercial grade zero emission lawn and garden equipment utilized by landscaping operations that include, but are not limited to, landscapers, cities, non-profit organizations, schools, businesses, or sole proprietors. All projects must be eligible in accordance with the Moyer Program Guidelines, Chapter 9.

AVAILABLE FUNDING

In FY 2021-2022, CARB has approximately \$24.7 million for State Reserve projects. The funding has been allocated toward eligible lawn and garden equipment projects under the Moyer Program. If there are not sufficient applications to encumber funds, at CARB's discretion, the Executive Officer may reallocate the funds to other Moyer eligible projects.

AIR DISTRICT REQUIREMENTS TO PARTICIPATE

In order to participate, the air district must agree and obtain a signed board resolution or board minute order that states the air district is able to:

1. Receive and expend FY 2021-2022 funds toward commercial grade lawn and garden equipment projects eligible in the Moyer Program.
2. Comply with current Moyer Program Guidelines, mail-outs/advisories, and other written guidance by CARB.

If an air district is unable to obtain a signed board resolution or board minute order by the end of the application period, the air district must indicate on the application the scheduled board date.

The deadline for Resolutions and board minute orders to be received by CARB is June 30, 2022. Should an air district require additional time to obtain a resolution or board minute order, beyond the date specified, or require a model resolution, please contact your State Reserve administration lead for additional assistance.

ALLOCATION AND APPLICATION PROCESS

FY 2021-2022 funds toward the replacement of commercial grade lawn and garden equipment projects supports the deployment of alternative, advanced, and cleaner technologies. Allocations will be calculated based on the formula described in H&SC, section 44299.2 and the number of air districts that apply. Participating air districts will be awarded a minimum amount of \$200,000 and are not required to provide match funding. Applications must be complete and accurate and will be reviewed based on the requirements listed above. An air district that applies and agrees to the above requirements is eligible to receive funds. Administration fees will be included in the final grant award in accordance with H&SC, section 44299.1.

The State Reserve application must be completed, signed by the air district, and returned to CARB **no later than April 4, 2022**. Air districts must send completed applications by email to MSCDGrants@arb.ca.gov.

GRANT AWARD AND DISBURSEMENT OF FUNDS

Application review will be completed by **April 15, 2022**, and successful air districts will be notified shortly thereafter via email. A grant award will be made through a Grant Agreement

between CARB and the participating air districts. Once the Grant Agreement has been executed and all requirements have been met, payments will be made upon submission of a grant disbursement request by the participating air districts. Air districts may request their entire grant award in the initial disbursement. To fully execute the Grant Agreement and thus encumber funds, Grant Agreement coversheets will be sent to the air districts to be signed and returned by the due date assigned by CARB following the solicitation period. Otherwise, funds may, at CARB's discretion, be transferred to another participating air district or be spent on other Moyer Program eligible projects pending CARB allowance via a subsequent mail-out. All funds must be liquidated no later than **June 30, 2026**.

MONITORING AND REPORTING REQUIREMENTS

The reporting requirements are located in the Moyer Program Guidelines and are to be followed accordingly.

CONTACT PERSON

For questions about the application process, please contact your State Reserve administration lead, Ms. Telena Vo, via email.

Telena Vo
Air Resources Engineer
Mobile Source Control Division
California Air Resources Board
Email: Telena.Vo@arb.ca.gov

The California Air Resources Board must receive this application by the due date specified in the Solicitation (<https://ww2.arb.ca.gov/administrative-forms-carl-moyer-program-community-air-protection-incentives>).

Send the Air District's signed application to MSCD Grants at MSCDGrants@arb.ca.gov.

SECTION 1: STATE RESERVE FUNDS REQUESTED

Moyer Year:	Fiscal Year:
Amount Requested:	

SECTION 2: AIR DISTRICT INFORMATION

Air District Name:	Street Address:
Contact Person:	City/Zip:
Telephone Number:	Email Address:
The address provided above matches the address provided on the Air District's Data Record Form (STD 204) or Government Agency Tax Payer ID Form : <input type="checkbox"/> Yes <input type="checkbox"/> If no, the Air District will be submitting a corrected STD. 204 or Government Agency Tax Payer ID Form to CARB.	

SECTION 3: BOARD RESOLUTION OR BOARD MINUTE ORDER (BMO)

Check one box and complete the date (if applicable):

This application has been duly approved and authorized by the governing board of the applicant, as specified in the attached resolution/BMO.

This application is scheduled to go before the Air District Board.
 Date scheduled to go before the Air District Board:

SECTION 4: PROGRAM ADMINISTRATION

Check the box with the percentage for program administration that best applies to the Air District. If the Air District wishes to request a program administration grant percentage lower than the 6.25% or 12.5% allowed under statute (H&SC § 44299.1) check last box and enter the percentage.

<input type="checkbox"/> 6.25% (Air District with one million or more inhabitants)
<input type="checkbox"/> 12.5% (Air District under one million inhabitants)
<input type="checkbox"/> The Air District requests program administration funds be included in this grant at a lower portion than allowed by statute. Percent of the total grant:

SECTION 5: AIR DISTRICT CARL MOYER PROGRAM GUIDELINE REQUIREMENTS

As an Air District participating in State Reserve, I agree to follow the applicable Carl Moyer Program guideline requirements, which include but are not limited to:

- Obtaining Board approval to run the Carl Moyer Program. Board approval is not necessary for each individual project.
- Air districts shall not limit operation to an individual Air District's boundaries.
- Air districts shall not impose stricter requirements than those set in the Carl Moyer Program guidelines.

SECTION 6: AIR DISTRICT CONTACT INFORMATION

Air District Air Pollution Control Officer:	
Telephone Number:	Email Address:
Air District State Reserve Manager:	
Telephone Number:	Email Address:

SECTION 7: AIR DISTRICT AIR POLLUTION CONTROL OFFICER/EXECUTIVE OFFICER APPROVED SIGNATURE

To the best of my knowledge and belief, the information in this application is true and correct. The Air District confirms that an up-to-date Carl Moyer Program District Policies and Procedures Manual, based on current Carl Moyer Program Guidelines, is maintained at the Air District office.

Printed Name:	Date:
Signature:	

The California Air Resources Board must receive this application by the due date specified in the Solicitation (<https://ww2.arb.ca.gov/administrative-forms-carl-moyer-program-community-air-protection-incentives>).

Send the Air District's signed application to MSCD Grants at MSCDGrants@arb.ca.gov.

SECTION 1: STATE RESERVE FUNDS REQUESTED

Moyer Year: 24	Fiscal Year: 2021-2022
Amount Requested: 500,000	

SECTION 2: AIR DISTRICT INFORMATION

Air District Name: Mojave Desert AQMD	Street Address: 14306 Park Ave
Contact Person: Jorge Camacho	City/Zip: Victorville/92392
Telephone Number: 760.245.1661 ext. 2020	Email Address: jcamacho@mdaqmd.ca.gov
The address provided above matches the address provided on the Air District's Data Record Form (STD 204) or Government Agency Tax Payer ID Form : <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If no, the Air District will be submitting a corrected STD. 204 or Government Agency Tax Payer ID Form to CARB.	

SECTION 3: BOARD RESOLUTION OR BOARD MINUTE ORDER (BMO)

Check one box and complete the date (if applicable): <input type="checkbox"/> This application has been duly approved and authorized by the governing board of the applicant, as specified in the attached resolution/BMO. <input checked="" type="checkbox"/> This application is scheduled to go before the Air District Board. Date scheduled to go before the Air District Board: 04/25/2022
--

SECTION 4: PROGRAM ADMINISTRATION

Check the box with the percentage for program administration that best applies to the Air District. If the Air District wishes to request a program administration grant percentage lower than the 6.25% or 12.5% allowed under statute (H&SC § 44299.1) check last box and enter the percentage.

<input type="checkbox"/> 6.25% (Air District with one million or more inhabitants)
<input checked="" type="checkbox"/> 12.5% (Air District under one million inhabitants)
<input type="checkbox"/> The Air District requests program administration funds be included in this grant at a lower portion than allowed by statute. Percent of the total grant:

SECTION 5: AIR DISTRICT CARL MOYER PROGRAM GUIDELINE REQUIREMENTS

As an Air District participating in State Reserve, I agree to follow the applicable Carl Moyer Program guideline requirements, which include but are not limited to:


- Obtaining Board approval to run the Carl Moyer Program. Board approval is not necessary for each individual project.
- Air districts shall not limit operation to an individual Air District's boundaries.
- Air districts shall not impose stricter requirements than those set in the Carl Moyer Program guidelines.

SECTION 6: AIR DISTRICT CONTACT INFORMATION

Air District Air Pollution Control Officer: Brad Poiriez	
Telephone Number: 760.245.1661 ext. 5737	Email Address: bpoiriez@mdaqmd.ca.gov
Air District State Reserve Manager: Jorge Camacho	
Telephone Number: 760.245.1661 ext. 2020	Email Address: jcamacho@mdaqmd.ca.gov

SECTION 7: AIR DISTRICT AIR POLLUTION CONTROL OFFICER/EXECUTIVE OFFICER APPROVED SIGNATURE

To the best of my knowledge and belief, the information in this application is true and correct. The Air District confirms that an up-to-date Carl Moyer Program District Policies and Procedures Manual, based on current Carl Moyer Program Guidelines, is maintained at the Air District office.

Printed Name: Brad Poiriez	Date: 3/25/2022
Signature: 	

The following page(s) contain the backup material for Agenda Item: [Set date of June 13, 2022 to conduct a public hearing to consider the amendment of Regulation III – Fees. Specifically, the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, and Rule 303 – Hearing Board Fees and approval of California Environmental Quality Act \(CEQA\) documentation. Presenter: Alan De Salvio, Deputy APCO.](#)
Please scroll down to view the backup material.

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

AGENDA ITEM #6

DATE: April 25, 2022

RECOMMENDATION: Set date of June 13, 2022 to conduct a public hearing to consider the amendment of Regulation III – *Fees*. Specifically, the amendment of Rule 301 – *Permit Fees*, Rule 302 – *Other Fees*, and Rule 303 – *Hearing Board Fees* and approval of California Environmental Quality Act (CEQA) documentation.

SUMMARY: Adjustments in fees are required from time to time to ensure that the costs are aligned with the reasonable regulatory costs of the programs they support. Rule 301, Rule 302, and Rule 303 are proposed for amendment in order to ensure that District fees recover the rising costs associated with personnel; issuing licenses and permits; performing investigations, inspections, and audits; and the administrative enforcement and adjudication thereof.

BACKGROUND: On 07/01/93 the Mojave Desert Air Quality Management District (MDAQMD) was created by statute and assumed all the air pollution control responsibilities the San Bernardino County Air Pollution Control District (SBCAPCD). The rules in effect at that time remained in effect until such time as the Governing Board of the MDAQMD officially changed them. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Some of the rules contained in Regulation III – *Fees* have been subsequently amended, consolidated and rescinded.

Rules 301, 302, and 303 are proposed for amendment to ensure that fees are reasonably aligned with the regulatory costs of the programs they support. The proposed fee adjustment to Rules 301, 302, and 303 are designed to recover the rising costs associated with personnel; issuing licenses and permits; performing investigations, inspections, and audits; and the administrative enforcement and adjudication thereof.

To allow time to implement the proposed fee changes in the computerized billing system, Rule 301 is proposed to be effective on 01/01/2023, while Rules 302 and 303 will be effective upon adoption.

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

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

AGENDA ITEM #6

PAGE 2

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations. Health & Safety Code §42311 and various other sections as indicated in the Staff Report authorize the imposition of fees by action of the Governing Board.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy APCO on or about April 5, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy APCO

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the rescission of SCAQMD Rule 408 — Circumvention from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 408 - Circumvention: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)

Please scroll down to view the backup material.

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

AGENDA ITEM #9

DATE: April 25, 2022

RECOMMENDATION: Conduct a public hearing to consider the rescission of SCAQMD Rule 408 — *Circumvention* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 408 - *Circumvention*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

SUMMARY: This proposed rescission of SCAQMD Rule 408 — *Circumvention* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 408 - *Circumvention*, will update the SIP so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

BACKGROUND:

In the late 1950s, air pollution control in the entire County of San Bernardino was governed by the San Bernardino County Air Pollution Control District (SBCAPCD – Full County District). Given the regional nature of the air pollution problem in Southern California the Boards of Supervisors of Los Angeles, Orange, Riverside and San Bernardino counties entered into a Joint Powers Authority (JPA) agreement on July 1, 1975 to form the Southern California Air Pollution Control District (SoCalAPCD), a short-lived regional agency. This agency adopted Rule 408 – *Circumvention* on May 7, 1976, which applied to Los Angeles, Orange, Riverside and San Bernardino Counties and it was approved into the SIP (43 FR 25684, 6/14/1978).

About a year later, the South Coast Air Quality Management District (SCAQMD) was formed effective February 1, 1977. Only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), including the San Bernardino Valley, were included in SCAQMD’s jurisdiction. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCalAPCD had not yet been dissolved.

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

AGENDA ITEM #9

PAGE 2

Based upon this presumption, CARB adopted a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73 including Rule 408. On June 14, 1978 USEPA approved SoCalAPCD Rule 408 into the SIP (43 FR 25684, 6/14/1978) for the Los Angeles Air Quality Control Region (AQCR), and on September 8, 1978 USEPA approves Rule 408 into the SIP for the remaining non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978).

By June of 1977 the SoCalAPCD had been officially dissolved into its component county air districts covering the non-SCAB areas of the respective counties. The San Bernardino County Air Pollution Control District (SBCAPCD – Desert District) thereafter, on July 25, 1977, readopted the entire rule book including Rule 408 with minimal changes. This version of Rule 408 was approved as a SIP revision (43 FR 25684, 6/14/1978). Rule 408 has not been amended since that time making the July 25, 1977 version the current SIP approved version for SBCAPCD – Desert District.

At the end of 1977, the non-SCAB areas of Riverside County (The Riverside County Air Pollution Control District) “opted in” to SCAQMD. CARB submitted this resolution as a SIP revision to replace all the Riverside County rules with SCAQMD rules in the SIP. USEPA approved the replacement of the Riverside County APCD SIP Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982). This means that the rule in effect in SCAQMD as of this date is the version in the SIP for Riverside County. This is the same rule text as the G-73 rulebook rule.

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and SIP. Since Rule 408 had not been amended since its July 25, 1977 re-adoption, that version remains the current SIP approved rule for the San Bernardino County portion of the MDAQMD.

Utilizing a provision of the MDAQMD’s enabling legislation, Riverside County’s Palo Verde Valley including the City of Blythe left SCAQMD and joined the MDAQMD effective July 1, 1994. Since Rule 408 was not amended and no SIP action had been taken on it prior to July 1, 1994 the SIP rule for the Riverside County portion of the MDAQMD remains the SCAQMD Rule 408 approved into the SIP on June 9, 1982 (47 FR 25013, 6/9/1982).

The current action is intended to request that USEPA rescind the SCAQMD version of Rule 408 (which was previously adopted by the SoCalAPCD on May 7, 1976 and inherited by the newly formed SCAQMD on February 1, 1977), from the SIP for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD and replace it with the current SIP version effective within the rest of the MDAQMD; namely, the SBCAPCD July 25, 1977 version of Rule 408.

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

AGENDA ITEM #9

PAGE 3

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the rescission and replacement of Rule 408 from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County pursuant to the requirements of CEQA.

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

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Air Pollution Control Officer on or about 4/11/2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Air Pollution Control Officer.

RESOLUTION NO. 01- _____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT**
2 **AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING**
3 **THE NOTICE OF EXEMPTION, RESCISSION OF THE SCAQMD SIP RULE 408 –**
4 **CIRCUMVENTION FOR THE BLYTHE/PALO VERDE VALLY PORTION OF THE**
5 **MDAQMD IN RIVERSIDE COUNTY AND REPLACE IT WITH THE CURRENT**
6 **MDAQMD RULE 408 - CIRCUMVENTION, AND DIRECTING STAFF ACTIONS.**

5 On April 25, 2022 on motion by Member _____, seconded by Member
6 , and carried, the following resolution is adopted:

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

10 **WHEREAS**, the MDAQMD is proposing to rescind the SCAQMD Rule 408 —
11 *Circumvention* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in
12 Riverside County and replace it with the current MDAQMD Rule 408 - *Circumvention*; and

13 **WHEREAS**, in the late 1950s air pollution control in the entire County of San
14 Bernardino was governed by the San Bernardino County Air Pollution Control District
15 (SBCAPCD – Full County District); and

16 **WHEREAS**, given the regional nature of the air pollution problem in Southern
17 California the Boards of Supervisors of Los Angeles, Orange, Riverside and San Bernardino
18 counties entered into a Joint Powers Authority (JPA) agreement on July 1, 1975 to form the
19 Southern California Air Pollution Control District (SoCalAPCD), a short-lived regional
20 agency; and

21 **WHEREAS**, this agency adopted Rule 408 – *Circumvention* on May 7, 1976, which
22 applied to Los Angeles, Orange, Riverside and San Bernardino Counties and it was approved
23 into the SIP (43 FR 25684, 6/14/1978); and

24 **WHEREAS**, about a year later, the South Coast Air Quality Management District
25 (SCAQMD) was formed effective February 1, 1977; and

26 **WHEREAS**, only those areas of San Bernardino County located within the South
27 Coast Air Basin (SCAB), including the San Bernardino Valley, were included in SCAQMD’s
28 jurisdiction; and

RESOLUTION NO. 01-_____

1 **WHEREAS**, non-SCAB areas were presumed to revert to county districts despite the
2 fact that the SoCalAPCD had not yet been dissolved; and

3 **WHEREAS**, based upon this presumption, CARB adopted a rulebook for the non-
4 SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73
5 including Rule 408; and

6 **WHEREAS**, on June 14, 1978 USEPA approved SoCalAPCD Rule 408 into the SIP
7 (43 FR 25684, 6/14/1978) for the Los Angeles Air Quality Control Region (AQCR), and on
8 September 8, 1978 USEPA approves Rule 408 into the SIP for the remaining non-SCAB areas
9 of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978); and

10 **WHEREAS**, by June of 1977 the SoCalAPCD had been officially dissolved into its
11 component county air districts covering the non-SCAB areas of the respective counties; and

12 **WHEREAS**, the San Bernardino County Air Pollution Control District (SBCAPCD –
13 Desert District) thereafter, on July 25, 1977, readopted the entire rule book including Rule 408
14 with minimal changes; and

15 **WHEREAS**, this version of Rule 408 was approved as a SIP revision (43 FR 25684,
16 6/14/1978); and

17 **WHEREAS**, rule 408 has not been amended since that time, making the July 25, 1977
18 version the current SIP approved version for SBCAPCD – Desert District; and

19 **WHEREAS**, at the end of 1977, the non-SCAB areas of Riverside County (The
20 Riverside County Air Pollution Control District) “opted in” to SCAQMD; and

21 **WHEREAS**, CARB submitted this resolution as a SIP revision to replace all the
22 Riverside County rules with SCAQMD rules in the SIP; and

23 **WHEREAS**, USEPA approved the replacement of the Riverside County APCD SIP
24 Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982); and

25 **WHEREAS**, this means that the rule in effect in SCAQMD as of this date is the
26 version in the SIP for Riverside County; and

27 **WHEREAS**, this is the same rule text as the G-73 rulebook rule; and

28 **WHEREAS**, on July 1, 1993, the SBCAPCD became, pursuant to statute, the

RESOLUTION NO. 01-_____

1 autonomous agency known as the Mojave Desert Air Quality Management District
2 (MDAQMD) acquiring both the SBCAPCD-Desert District rules and SIP; and

3 **WHEREAS**, since Rule 408 had not been amended since its July 25, 1977 re-adoption,
4 that version remains the current SIP approved rule for the San Bernardino County portion of
5 the MDAQMD; and

6 **WHEREAS**, utilizing a provision of the MDAQMD's enabling legislation, Riverside
7 County's Palo Verde Valley including the City of Blythe left SCAQMD and joined the
8 MDAQMD effective July 1, 1994; and

9 **WHEREAS**, since Rule 408 was not amended and no SIP action had been taken on it
10 prior to July 1, 1994 the SIP rule for the Riverside County portion of the MDAQMD remains
11 the SCAQMD Rule 408 approved into the SIP on June 9, 1982 (47 FR 25013, 6/9/1982); and

12 **WHEREAS**, the current action is intended to request that USEPA rescind the
13 SCAQMD version of Rule 408 (which was previously adopted by the SoCalAPCD on May 7,
14 1976 and inherited by the newly formed SCAQMD on February 1, 1977), from the SIP for the
15 Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD
16 and replace it with the current SIP version effective within the rest of the MDAQMD; namely,
17 the SBCAPCD July 25, 1977 version of Rule 408; and

18 **WHEREAS**, staff recommends that the Governing Board of the Mojave Desert Air
19 Quality Management District (MDAQMD or District) rescind the SCAQMD Rule 408 —
20 *Circumvention* in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in
21 Riverside County and replace it with the current SIP approved MDAQMD Rule 408 -
22 *Circumvention* and approve the appropriate California Environmental Quality Act (CEQA)
23 documentation; and

24 **WHEREAS**, this action is necessary and required in H&S Code §40724.6, and by
25 FCAA §§182(b)(2) and 182(f), and will make all jurisdictions of the District subject to the
26 same SIP approved rule; and

27 **WHEREAS**, the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for
28 the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement

RESOLUTION NO. 01-_____

1 with current MDAQMD Rule 408 - *Circumvention* is clear in that the meaning can be easily
2 understood by the persons impacted by the Rule and there will be no underlying changes to the
3 rule; and

4 **WHEREAS**, the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for
5 the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement
6 with current MDAQMD Rule 408 - *Circumvention* is in harmony with, and not in conflict
7 with, or contradictory to existing statutes, court decisions, or state or federal regulations, this
8 action will ensure that all jurisdictions are subject to the same MDAQMD SIP rule; and

9 **WHEREAS**, the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for
10 the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement
11 with current MDAQMD Rule 408 - *Circumvention* does not impose the same requirements as
12 any existing state or federal regulation; this action will ensure that all jurisdictions are subject
13 to the same MDAQMD SIP rule; and

14 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
15 H&S Code §40725, concerning the proposed SIP rescission of SCAQMD Rule 408 -
16 *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside
17 County and replacement with current MDAQMD Rule 408 - *Circumvention*; and

18 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
19 §15308) for the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the
20 Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement
21 with current MDAQMD Rule 408 - *Circumvention*, completed in compliance with the
22 California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board;
23 each member having reviewed, considered and approved the information contained therein
24 prior to acting on the proposed actions for Rule 408, and the MDAQMD Board having
25 determined that the proposed actions will not have any potential for resulting in any adverse
26 impact upon the environment; and

27 **WHEREAS**, the Board has considered the evidence presented at the public hearing;
28 and

RESOLUTION NO. 01-_____

1 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
2 MDAQMD finds that the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for
3 the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement
4 with current MDAQMD Rule 408 - *Circumvention* is necessary, authorized, clear, consistent,
5 non-duplicative and properly referenced; and

6 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby
7 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies
8 the Notice of Exemption for the proposed SIP rescission of SCAQMD Rule 408 -
9 *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside
10 County and replacement with current MDAQMD Rule 408 - *Circumvention*; and

11 **BE IT FURTHER RESOLVED**, that the Board of the MDAQMD does hereby adopt,
12 pursuant to the authority granted by law, the proposed SIP rescission of SCAQMD Rule 408 -
13 *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside
14 County and replacement with current MDAQMD Rule 408 - *Circumvention* as set forth in the
15 attachments to this resolution and incorporated herein by this reference; and

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

19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //

RESOLUTION NO. 01-_____

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

3 **AYES:** **MEMBER:**

4 **NOES:** **MEMBER:**

5 **ABSENT:** **MEMBER:**

6 **ABSTAIN:** **MEMBER:**

7)

8 STATE OF CALIFORNIA)

9) **SS:**

10 COUNTY OF SAN BERNARDINO)

11)

12 I, Deanna Hernandez, Senior Executive Analyst – Confidential of the Mojave Desert
13 Air Quality Management District, hereby certify the foregoing to be a full, true and correct
14 copy of the record of the action as the same appears in the Official Minutes of said Governing
Board at its meeting of April 25, 2022.

15 _____, Senior Executive Analyst – Confidential
16 Mojave Desert Air Quality Management District

17

18

19

20

21

22

23

24

25

26

27

28



Draft

Staff Report

Rescission of SCAQMD Rule 408 — *Circumvention* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 -*Circumvention*

For presentation to the
Mojave Desert AQMD Governing Board
on **April 25, 2022**

**Mojave Desert
Air Quality**

This page intentionally left blank

STAFF REPORT
TABLE OF CONTENTS
Rule 408 – Circumvention

I. PURPOSE OF STAFF REPORT	1
II. EXECUTIVE SUMMARY	1
III. STAFF RECOMMENDATION	2
IV. LEGAL REQUIREMENTS CHECKLIST	3
V. DISCUSSION OF LEGAL REQUIREMENTS	4
A. REQUIRED ELEMENTS/FINDINGS.....	4
1. State Findings Required for Adoption of Rules & Regulations	4
a. Necessity	4
b. Authority	4
c. Clarity	4
d. Consistency	5
e. Nonduplication.....	5
f. Reference	5
g. Public Notice & Comment, Public Hearing.....	5
2. Federal Elements (SIP Submittals, Other Federal Submittals).....	5
a. Satisfaction of Underlying Federal Requirements	5
b. Public Notice and Comment	6
c. Availability of Document	6
d. Notice to Specified Entities	6
e. Public Hearing	6
f. Legal Authority to Adopt and Implement	7
g. Applicable State Laws and Regulations Were Followed.....	7
B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS	7
C. ECONOMIC ANALYSIS	7
1. General.....	7
2. Incremental Cost Effectiveness	7
D. ENVIRONMENTAL ANALYSIS (CEQA).....	8
E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS	8
1. Potential Environmental Impacts.....	8
2. Mitigation of Impacts	8
3. Alternative Methods of Compliance.....	8
F. PUBLIC REVIEW	8
VI. TECHNICAL DISCUSSION	8
A. SOURCE DESCRIPTION	8
B. EMISSIONS	9
C. CONTROL REQUIREMENTS.....	9
D. PROPOSED RULE SUMMARY	9
E. SIP HISTORY	9
1. SIP History	9
a. SIP in the San Bernardino County Portion of MDAQMD	9
2. SIP Analysis	11

Appendix A - Iterated Version..... 1
Appendix B - Public Notice Documents..... 1
Appendix C - Public Comments and Responses..... 1
Appendix D - California Environmental Quality Act Documentation 3
Appendix E - Bibliography..... 1

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
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
JPA	Joint Powers Agreement
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NOx	Oxides of Nitrogen
SBCAPCD	San Bernardino County Air Pollution Control District
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SoCalAPCD	Southern California Air Pollution Control District
SOx	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

This page intentionally left blank.

STAFF REPORT

Rule 408 – *Circumvention*

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

In the late 1950s, air pollution control in the entire County of San Bernardino was governed by the San Bernardino County Air Pollution Control District (SBCAPCD – Full County District). Given the regional nature of the air pollution problem in Southern California the Boards of Supervisors of Los Angeles, Orange, Riverside and San Bernardino counties entered into a Joint Powers Authority (JPA) agreement on July 1, 1975 to form the Southern California Air Pollution Control District (SoCalAPCD), a short-lived regional agency. This agency adopted Rule 408 – *Circumvention* on May 7, 1976, which applied to Los Angeles, Orange, Riverside and San Bernardino Counties and it was approved into the SIP (43 FR 25684, 6/14/1978).

About a year later, the South Coast Air Quality Management District (SCAQMD) was formed effective February 1, 1977. Only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), including the San Bernardino Valley, were included in SCAQMD's jurisdiction. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCalAPCD had not yet been dissolved. Based upon this presumption, CARB adopted a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73 including Rule 408. On June 14, 1978 USEPA approved SoCalAPCD Rule 408 into the SIP (43 FR 25684, 6/14/1978) for the Los Angeles Air Quality Control Region (AQCR), and on September 8, 1978 USEPA approves Rule 408 into the SIP for the remaining non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978).

By June of 1977 the SoCalAPCD had been officially dissolved into its component county air districts covering the non-SCAB areas of the respective counties. The San Bernardino County Air Pollution Control District (SBCAPCD – Desert District) thereafter, on July 25, 1977, readopted the entire rule book including Rule 408 with minimal changes. This version of Rule 408 was approved as a SIP revision (43 FR 25684, 6/14/1978). Rule 408 has not been amended since that time making the July 25, 1977 version the current SIP approved version for SBCAPCD – Desert District.

At the end of 1977, the non-SCAB areas of Riverside County (The Riverside County Air Pollution Control District) “opted in” to SCAQMD. CARB submitted this resolution as a SIP revision to replace all the Riverside County rules with SCAQMD rules in the SIP. USEPA approved the replacement of the Riverside County APCD SIP Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982). This means that the rule in effect in SCAQMD as of this date is the version in the SIP for Riverside County. This is the same rule text as the G-73 rulebook rule.

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and SIP. Since Rule 408 had not been amended since its July 25, 1977 re-adoption, that version remains the current SIP approved rule for the San Bernardino County portion of the MDAQMD.

Utilizing a provision of the MDAQMD’s enabling legislation, Riverside County’s Palo Verde Valley including the City of Blythe left SCAQMD and joined the MDAQMD effective July 1, 1994. Since Rule 408 was not amended and no SIP action had been taken on it prior to July 1, 1994 the SIP rule for the Riverside County portion of the MDAQMD remains the SCAQMD Rule 408 approved into the SIP on June 9, 1982 (47 FR 25013, 6/9/1982).

The current action is intended to request that USEPA rescind the SCAQMD version of Rule 408 (which was previously adopted by the SoCalAPCD on May 7, 1976 and inherited by the newly formed SCAQMD on February 1, 1977), from the SIP for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD and replace it with the current SIP version effective within the rest of the MDAQMD; namely, the SBCAPCD July 25, 1977 version of Rule 408.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) rescind the SCAQMD Rule 408 — *Circumvention* in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current SIP approved MDAQMD Rule 408 -*Circumvention* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary so that Blythe and the rest of the Palo Verde Valley are subject to the same SIP approved Rule 408 currently published in the MDAQMD Rulebook.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 - *Circumvention*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

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

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

ELEMENTS OF A FEDERAL SUBMISSION:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

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

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

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

OTHER:

- Written analysis of existing air pollution control requirements
- Economic Analysis
- Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed Rescission of SCAQMD Rule 408 — *Circumvention* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 - *Circumvention*. These are actions that need to be performed and/or information that must be provided in order to rescind and replace the SIP rule in a procedurally correct manner.

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

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

a. Necessity:

The proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 -*Circumvention* is necessary so that Blythe and the Palo Verde Valley are subject to the same SIP approved Rule 408 currently published in the MDAQMD Rulebook. The language of MDAQMD Rule 408, will not be changed.

b. Authority:

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

c. Clarity:

The proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 - *Circumvention* is clear in that they are written so that the persons subject to the Rule can easily understand the meaning in that underlying requirements do not change.

d. Consistency:

The proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 -*Circumvention* is in harmony with, and not in conflict with or contradictory to any State law or regulation, Federal law or regulation, or court decisions. This action is designed to make the same SIP requirements applicable throughout the entire MDAQMD jurisdiction.

e. Nonduplication:

The proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 -*Circumvention* does not impose the same requirements as any existing State or Federal law or regulation because the SIP update is to simply make sure that all portions of the MDAQMD are subject to the same SIP approved Rule 408, currently published in the MDAQMD Rulebook.

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 adoption of the proposed SIP update for Rule 408 was published on March 25, 2022. 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 SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 -*Circumvention* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendments to the SIP for Rule 408 are subject to all the requirements for a State Implementation Plan (SIP) submittal

because Rule 408 is currently included in both the SCAQMD and MDAQMD SIP. This action would rescind the SCAQMD Rule 408 from the Blythe/Palo Verde Valley, and replace it with the MDAQMD version. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 - *Circumvention* was published on March 25, 2022. 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 SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 - *Circumvention* and the accompanying draft staff report has been made available to the public on March 25, 2022.

d. Notice to Specified Entities:

Copies of the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 - *Circumvention* and the accompanying draft staff report were sent to all affected agencies. The proposed amendments have been sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on March 11, 2022.

e. Public Hearing:

A public hearing to consider the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 - *Circumvention* is set for April 25, 2022.

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. This proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 - *Circumvention*, only changes applicability of the SIP and does not change the underlying requirements.

C. ECONOMIC ANALYSIS

1. General

This proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 - *Circumvention*, only changes applicability of the SIP and does not affect existing requirements. The currently adopted Rule 408 is already enforced in all areas of the District, therefore cost to implement will not change.

2. Incremental Cost Effectiveness

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

this proposed action is only updating the SIP for Rule 408, costs to implement rule will not change.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 -*Circumvention* was determined:

1. The proposed SIP update for Rule 408 meets the CEQA definition of “project”. They are not “ministerial” actions.
2. The proposed SIP update for Rule 408 is exempt from CEQA review because the language of the existing rule will not change, therefore this proposed SIP update will not create any adverse impacts to the environment. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The potential environmental impacts of compliance with the proposed SIP update for Rule 408 will not have any environmental consequences, because the language of the rule will not be changed.

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

No sources will be impacted by the action. MDAQMD Rule 408 is currently enforced throughout the District. The language in the SIP rule is the same in both counties and will not be changed.

B. EMISSIONS

No emissions will be impacted by the action. MDAQMD Rule 408 is currently enforced throughout the District. The language in the SIP rule is the same in both counties and will not be changed.

C. CONTROL REQUIREMENTS

This is a proposed SIP update to unify the Riverside County portion of the District with the rest of the District. The rule will not be changed; therefore, no additional control requirements are being introduced.

D. PROPOSED RULE SUMMARY

This is a proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 408 - *Circumvention*. There are no changes proposed for Rule 408.

E. SIP HISTORY

1. SIP History.

The following timeline contains the Rule and SIP history for both the San Bernardino and Riverside County Portions of MDAQMD:

6/19/1956 – San Bernardino County APCD – full county district (SBCAPCD – full county district) formed.

11/6/1961 – SBCAPCD – full county district full rulebook publication. Note: Rules at this point were in ## format

6/11/1968 – SBCAPCD – full county district full rulebook amended, effective 7/11/1968. Note: Rules still numbered ##.

8/18/1970 – SBCAPCD – full county district full rulebook published. Note: Rules now primarily 2 digits with a few 3-digit rules.

2/13/1973 – SBCAPCD – full county district rulebook published. Rules still mostly 2 digits with a few 3-digit rules.

3/31/1975 – SBCAPCD – full county district rulebook update published. Rules still mostly 2 digits with a few 3-digit rules.

7/1/1975 – Los Angeles, Orange, Riverside and San Bernardino Counties formed the Southern California APCD (SoCalAPCD), a JPA for regional air pollution control. All Rules of respective air districts remain in effect for the original area until changed by the SoCalAPCD.

5/7/1976 – Agenda for SoCalAPCD meeting indicates item #3 is a hearing regarding adoption of a number of Rules including Rule 408. Minutes indicate that the rule was adopted.

8/2/1976 – CARB submitted SoCalAPCD rule 408 as a SIP revision. (See 42 FR 27000, 5/26/1977 and 43 FR 25684, 6/14/1978)

2/1/1977 – Effective date of legislation (Stats 1976 Ch 324 §5) creating SCAQMD in the South Coast Air Basin (See also H&S Code 40410). County areas outside SCAB could “contract” for air pollution control services in the non-SCAB areas (See former H&S Code 40413).

2/1/1977 – CARB adopts a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino County via Executive Order G-73 (the G-73 rulebook).

6/6/1977 – CARB submits G-73 rulebook including Rule 408 as a SIP revision. (See 42 FR 46554, 9/16/1977 and 43 FR 40011 9/8/1978)

7/25/1977 – SBCAPCD readopts, with minor changes, the entire rulebook including Rule 408.

10/1/1977 – Effective date of legislation allowing non-SCAB areas of Los Angeles, Riverside and San Bernardino County to “opt in” to SCAQMD.

12/1/1977 – Effective date of Riverside County Resolution 77-362 that “opted in” to SCAQMD for the non-SCAB areas of Riverside County.

6/14/1978 – USEPA approved SoCalAPCD Rule 408 into the SIP at 43 FR 25684, 6/14/1978. Text indicates that this is only effective for Los Angeles Air Quality Control Region (AQCR) but the CFR citations do not contain such limitation.

9/8/1978 USEPA approves the G-73 Rulebook version of Rule 408 into the SIP for the non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978). This is the version of the rule in effect in San Bernardino county portion of the MDAQMD (See G-73 Rulebook version and USEPA 1994 SEDAB SIP version)

6/12/1979 – The SBCAPCD was in the process of gearing up to create its own staff for the district and SCAQMD was refusing to provide historical records without an astronomical amount of funds for “copying charges” for either the SoCalAPCD OR the SBCAPCD (See draft memo of 1979 12 Jun). The only records SCAQMD eventually provided to my knowledge were the actual permits

themselves, a copy of the then existent rulebook in Word Perfect format and a small bit of historical permitting information such as engineering evaluations.

8/11/1980 – CARB submits Riverside County Resolution 77-362 as a SIP revision. The intent is that the SCAQMD Rules would replace any Riverside County APCD rules in effect as of the effective date of the resolution.

6/9/1982 – USEPA approves at 47 FR 25013, 6/9/1982 the action replacing Riverside County APCD rules with SCAQMD APCD rules in the non-SCAB areas of Riverside County. Unfortunately, this notation only occurs in the FR text and no CFR citations are changed. This means that the rule in effect in SCAQMD as of this date is the version in the SIP for Riverside County. This is the same rule text as the G-73 rulebook rule. (See USEPA 1994 SCAQMD SIP Book version).

7/1/1986 – SBCAPCD republishes entire rulebook.

11/20/1989 – SBCAPCD republishes entire rulebook.

7/1/1993 – effective date of MDAQMD (statutory). MDAQMD assumes all powers, duties and rules of former SBCAPCD (the desert district.)

7/1/1994 – effective date of Blythe/Palo Verde Valley region leaving SCAQMD and becoming part of the MDAQMD.

2. SIP Analysis.

The District will request that CARB submit the proposed SIP rescission of SCAQMD Rule 408 - *Circumvention* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 -*Circumvention*. This submission is necessary to align the Blythe/Palo Verde Valley portion of the MDAQMD with the rest of the District so that all areas of the District are subject to the MDAQMD SIP approved rule 408.

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. This is a proposed adoption of SIP update only for Rule 408. There are no changes proposed for Rule 408, therefore stringency will not be affected.

Page Intentionally Left Blank

Appendix “A”
Rule 408 – *Circumvention*, Iterated Version

The iterated version is provided so that the differences between SIP versions are easily identifiable. The manner of differentiating text is as follows:

1. **Highlighted Yellow** = In SB SIP but not in Palo Verde Blythe SIP
2. **Highlighted Green** = In Palo Verde Blythe SIP but not in SB SIP
3. Underlined = Not applicable by its terms for equipment in service prior to 7/1/76 in Palo Verde/Blythe

This page intentionally left blank.

Yellow Highlight = In SB SIP but not in Palo Verde/Blythe

Green Highlight = In Palo Verde/Blythe but not in SB SIP

Underlined Text = Not applicable by its terms in Palo Verde/Blythe

Rule 408 Circumvention

A person shall not build, erect, install or use any equipment, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Chapter 3 (commencing with Section 41700) of Part 4, of Division 26 of the Health and Safety Code or of these Rules. This rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code, or of Rule 402 of these Rules.

This page intentionally left blank.

Appendix “B”
Public Notice Documents

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

This page intentionally left blank.

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-360-9010 FAX

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

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF:

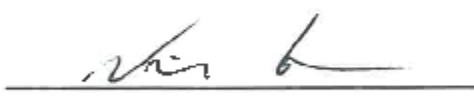
Ad Desc.: FVBBZQQDAABOVZCWBHYE-11 NOH Rule 408 & Rule 409

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 64448, under date of March 29, 1957, Case Number 60673, under date of August 25, 1955, Case Number 287684, and under date of September 16, 2013, Case Number RHC 13067-3; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereto on the following dates, to wit:

03/25/2022

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

Date: March 25, 2022
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14308 PARK AVE
ATTN: D. HERNANDEZ
VICTORVILLE, CA 92392

Ad Number: 0011524522-03
P.O. Number: NOH Rule 408 & Rule 409

Ad Copy:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on April 25, 2022 at 10:00 A.M. to consider the rescission of SCAQMD Rule 408 a "Circumvention" in the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County, and SCAQMD Rule 409 "Combustion Contaminants" which is also in the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County, and replace each rule with the current and corresponding MDAQMD Rule 408 - Circumvention and MDAQMD Rule 409 - Combustion Contaminants.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14308 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission of SCAQMD Rule 408 a "Circumvention" the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 - Circumvention; and the proposed rescission of SCAQMD Rule 409 - Combustion Contaminants from the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - Combustion Contaminants are on file and may be obtained from the Senior Executive Analyst at the MDAQMD Office. Written comments may be submitted to Brad Pollock, APCD at the above office address. Written comments should be received no later than April 21, 2022 to be considered. If you have any questions you may contact Michelle Zumwalt at (760) 245-4661 x5756 for further information. Translation costs disposable per solicited.

This action is proposed to allow USEPA to clean up and consolidate the SIP rules for the MDAQMD such that Blythe and the rest of the Palo Verde Valley are subject to the same SIP approved Rule 408 & 409 currently published in the MDAQMD Rulebook.

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.

The Press-Enterprise
Published: 3/25/22

RECEIVED
MOJAVE DESERT AQMD

MAR 25 2022

CLERK OF THE BOARD
BY _____

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
County of San Bernardino**

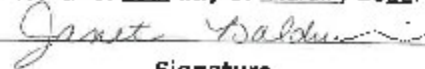
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 25

All in the year 2022.

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

Dated this: 25th day of March, 2022.



Signature

Janet Baldwin

This space is the County Clerk's Filing Stamp

**RECEIVED
MOJAVE DESERT AQMD**

APR 08 2022

CLERK OF THE BOARD

BY

**Proof of Publication of
NOTICE OF HEARING**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the proposed revision of the SIP for the Mojave Desert Air Quality Management District (MDAQMD) is being published for public hearing on April 22, 2022, at 10:00 a.m. in a public hearing room at the MDAQMD, 2500 West 10th Street, Victorville, California 92593. The hearing will be held in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900. The hearing will be held in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900. The hearing will be held in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900.

The notice is provided to the public in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900. The notice is provided to the public in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900.

Published in the Mojave Desert Air Quality Management District, Victorville, California, on April 22, 2022.

Printed by the County Clerk, Victorville, California, on April 22, 2022.

Said hearing will be conducted in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900. The hearing will be held in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900. The hearing will be held in accordance with the provisions of the California Air Resources Act, Title 4, Part 1, Chapter 1, Section 41301, and the Administrative Procedure Act, Title 5, Part 2, Chapter 5, Section 54900.

Appendix “C”
Public Comments and Responses

No Comments.

This page intentionally left blank.

Appendix “D”
California Environmental Quality Act
Documentation

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

This page intentionally left blank.

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for Rule 408 – *Circumvention*

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 MDAQMD is proposing to adopt a SIP update for Rule 408 – *Circumvention*, so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 408 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:



NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

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

X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for Rule 408 – *Circumvention*

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 MDAQMD is proposing to adopt a SIP update for Rule 408 – *Circumvention*, so that the Riverside County portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 408 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

Appendix “E” Bibliography

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

1. 17 CCR 60104 SCAB
2. 17 CCR 60109 MDAB
3. 40 CFR 81.17 LA Metro Intersate AQCR
4. 40 CFR 81.167 SED Intrastate AQCR
5. 42 FR 27000 NPRM 1977 26 May
6. 42 FR 46554 NPRM 1977 16 Sep
7. 43 FR 25684 Final 1978 14 Jun
8. 43 FR 40011 Final 1978 08 Sep
9. 43 FR 59489 Final 1978 21 Dec
10. 46 FR 30355 NPRM 1981 08 Jun
11. 47 FR 25013 Final 1982 09 Jun
12. Action L.A. Co JPA termination 1977 03 Mar
13. Action Orange Co JPA termination 1977 26 Apr
14. Agmt 77-102 JPA Termination
15. CARB Ex. Order G-73 1977 01 Feb
16. CARB to EPA Ltr Riv Co Opt in SCAQMD 1980 11 Aug
17. Creation Old SBCAPCD
18. JPA Creating SoCal APCD
19. MD408 408 as published 1977 22 DEC
20. MDAQMD 408 1993 22 DEC
21. MDAQMD 408 EPA 94 SIP
22. Memo Re SC Records 1979 12 Jul
23. SB 408 G73 Rulebook 1977 01 FEB
24. SB Action Creating SoCal APCD 1975 21 Jul
25. SBC408 G73 Rulebook 1977 01 Feb
26. SBCAPCD 408 1977 25 JUL
27. SBCAPCD 408 1979 04 SEP
28. SBCAPCD 408 1986 01 JUL
29. SBCAPCD 408 1989 02 NOV
30. SBCAPCD 408 1991 26 MAY
31. SCAQMD 408 2018 04 MAY
32. SCAQMD 408 EPA 94 SIP
33. SoCal APCD Agenda 1976 07 May
34. ScCalAPCD 408 1976 07 MAY
35. SoCalAPCD Minutes 1976 07 May
36. USEPA Ltr Thread Old SC SIP submittals 2015 1 Apr

This page intentionally left blank

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for *Rule 408 – Circumvention*

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 MDAQMD is proposing to adopt a SIP update for *Rule 408 – Circumvention*, so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

- Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)
- Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

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

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 408 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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

NOTICE OF EXEMPTION



TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

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

X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for *Rule 408 – Circumvention*

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 MDAQMD is proposing to adopt a SIP update for *Rule 408 – Circumvention*, so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

- Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)
- Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

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

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 408 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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



Rule 408 – Circumvention

Rule 409 – Combustion Contaminants

Proposed SIP Actions

Rule 408/409 SIP Action

- No changes to the existing Rules 408 & 409 in the MDAQMD Rulebook.
- Currently, the Riverside County portion of the MDAMD is subject to the SCAQMD SIP approved Rules 408 & 409.
- These rules were adopted and approved into the SIP prior to Riverside County leaving the SCAQMD for the MDAQMD in 1994.
- This action will only update the SIP to acknowledge that the Riverside County portion of the MDAQMD is subject to Rules 408 & 409 as they exist in the MDAQMD Rulebook.



Effect of SIP Update

The District does not expect an impact to our sources as both Rules 408 & 409 are currently enforced in all areas of our District, including Riverside County.



Questions?



The following page(s) contain the backup material for Agenda Item: Conduct a public hearing to consider the rescission of SCAQMD Rule 409 — Combustion Contaminants from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 409 – Combustion Contaminants: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy APCO.

Please scroll down to view the backup material.

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

AGENDA ITEM #10

DATE: April 25, 2022

RECOMMENDATION: Conduct a public hearing to consider the rescission of SCAQMD Rule 409 — *Combustion Contaminants* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 409 – *Combustion Contaminants*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

SUMMARY: This proposed rescission of SCAQMD Rule 409 — *Combustion Contaminants* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 409 – *Combustion Contaminants*, will update the SIP so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

BACKGROUND:

In the late 1950s, air pollution control in the entire County of San Bernardino was governed by the San Bernardino County Air Pollution Control District (SBCAPCD – Full County District). Given the regional nature of the air pollution problem in Southern California the Boards of Supervisors of Los Angeles, Orange, Riverside and San Bernardino counties entered into a Joint Powers Authority (JPA) agreement on July 1, 1975 to form the Southern California Air Pollution Control District (SoCalAPCD), a short-lived regional agency. This agency adopted Rule 409 – *Combustion Contaminants* on May 7, 1976, which applied to Los Angeles, Orange, Riverside and San Bernardino Counties and it was approved into the SIP (43 FR 25684, 6/14/1978).

About a year later, the South Coast Air Quality Management District (SCAQMD) was formed effective February 1, 1977. Only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), including the San Bernardino Valley, were included in SCAQMD's jurisdiction. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCalAPCD had not yet been dissolved.

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

AGENDA ITEM #10

PAGE 2

Based upon this presumption, CARB adopted a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73 including Rule 409. On June 14, 1978 USEPA approved SoCalAPCD Rule 409 into the for the Los Angeles Air Quality Control Region (AQCR) SIP (43 FR 25684, 6/14/1978), and a few months later, on September 8, 1978 USEPA approved Rule 409 into the SIP for the remaining non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978).

By June of 1977 the SoCalAPCD had been officially dissolved into its component county air districts covering the non-SCAB areas of the respective counties. The San Bernardino County Air Pollution Control District (SBCAPCD – Desert District) thereafter, on July 25, 1977, readopted the entire rule book including Rule 409 with minimal changes. This version of Rule 409 was approved as a SIP revision (43 FR 25684, 6/14/1978). Rule 409 has not been amended since that time making the July 25, 1977 version the current SIP approved version for SBCAPCD – Desert District.

At the end of 1977, the non-SCAB areas of Riverside County (The Riverside County Air Pollution Control District) “opted in” to SCAQMD. CARB submitted this resolution as a SIP revision to replace all the Riverside County rules with SCAQMD rules in the SIP. USEPA approved the replacement of the Riverside County APCD SIP Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982).

On August 7, 1981 SCAQMD amended Rule 409, and USEPA approved Rule 409 into the SIP on June 9, 1982 (47 FR 25013, 6/9/1982). This means that the August 7, 1981 SCAQMD Rule 409 is the current version in the SIP for Riverside County portion of the MDAQMD.

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and SIP. Since Rule 409 had not been amended since its July 25, 1977 re-adoption, that version remains the current SIP approved rule for the San Bernardino County portion of the MDAQMD.

The following year, utilizing a provision of the MDAQMD’s enabling legislation, Riverside County’s Palo Verde Valley including the City of Blythe left SCAQMD and joined the MDAQMD effective July 1, 1994.

The current action is intended to request that USEPA rescind the SCAQMD version of Rule 409 from the SIP for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD and replace it with the current SIP version effective within the rest of the MDAQMD; namely, the SBCAPCD July 25, 1977 version of Rule 409.

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

AGENDA ITEM #10

PAGE 3

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the rescission and replacement of Rule 409 from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County pursuant to the requirements of CEQA.

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

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Air Pollution Control Officer on or about 4/11/2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Air Pollution Control Officer.

RESOLUTION NO. 01-_____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT**
2 **AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING**
3 **THE NOTICE OF EXEMPTION, RESCISSION OF THE SCAQMD SIP RULE 409 –**
4 **COMBUSTION CONTAMINANTS FOR THE BLYTHE/PALO VERDE VALLY**
5 **PORTION OF THE MDAQMD IN RIVERSIDE COUNTY AND REPLACE IT WITH**
6 **THE CURRENT MDAQMD RULE 409 – COMBUSTION CONTAMINANTS, AND**
7 **DIRECTING STAFF ACTIONS.**

8 On April 25, 2022 on motion by Member _____, seconded by Member
9 , and carried, the following resolution is adopted:

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

13 **WHEREAS**, the MDAQMD is proposing to rescind the SCAQMD Rule 409 —
14 *Combustion Contaminants* from the SIP for the Blythe/Palo Verde Valley portion of the
15 MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 –
16 *Combustion Contaminants*; and

17 **WHEREAS**, in the late 1950s air pollution control in the entire County of San
18 Bernardino was governed by the San Bernardino County Air Pollution Control District
19 (SBCAPCD – Full County District); and

20 **WHEREAS**, given the regional nature of the air pollution problem in Southern
21 California the Boards of Supervisors of Los Angeles, Orange, Riverside and San Bernardino
22 counties entered into a Joint Powers Authority (JPA) agreement on July 1, 1975 to form the
23 Southern California Air Pollution Control District (SoCalAPCD), a short-lived regional
24 agency; and

25 **WHEREAS**, this agency adopted Rule 409 – *Combustion Contaminants* on May 7,
26 1976, which applied to Los Angeles, Orange, Riverside and San Bernardino Counties and it
27 was approved into the SIP (43 FR 25684, 6/14/1978); and

28 **WHEREAS**, about a year later, the South Coast Air Quality Management District
(SCAQMD) was formed effective February 1, 1977; and

WHEREAS, only those areas of San Bernardino County located within the South

RESOLUTION NO. 01-_____

1 Coast Air Basin (SCAB), including the San Bernardino Valley, were included in SCAQMD’s
2 jurisdiction; and

3 **WHEREAS**, non-SCAB areas were presumed to revert to county districts despite the
4 fact that the SoCalAPCD had not yet been dissolved; and

5 **WHEREAS**, based upon this presumption, CARB adopted a rulebook for the non-
6 SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73
7 including Rule 409; and

8 **WHEREAS**, on June 14, 1978 USEPA approved SoCalAPCD Rule 409 into the for
9 the Los Angeles Air Quality Control Region (AQCR) SIP (43 FR 25684, 6/14/1978), and a
10 few months later, on September 8, 1978 USEPA approved Rule 409 into the SIP for the
11 remaining non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR
12 40011, 9/8/1978); and

13 **WHEREAS**, by June of 1977 the SoCalAPCD had been officially dissolved into its
14 component county air districts covering the non-SCAB areas of the respective counties; and

15 **WHEREAS**, the San Bernardino County Air Pollution Control District (SBCAPCD –
16 Desert District) thereafter, on July 25, 1977, readopted the entire rule book including Rule 409
17 with minimal changes; and

18 **WHEREAS**, this version of Rule 409 was approved as a SIP revision (43 FR 25684,
19 6/14/1978); and

20 **WHEREAS**, rule 409 has not been amended since that time making the July 25, 1977
21 version the current SIP approved version for SBCAPCD – Desert District; and

22 **WHEREAS**, at the end of 1977, the non-SCAB areas of Riverside County (The
23 Riverside County Air Pollution Control District) “opted in” to SCAQMD; and

24 **WHEREAS**, CARB submitted this resolution as a SIP revision to replace all the
25 Riverside County rules with SCAQMD rules in the SIP; and

26 **WHEREAS**, USEPA approved the replacement of the Riverside County APCD SIP
27 Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982); and

28 **WHEREAS**, on August 7, 1981 SCAQMD amended Rule 409, and USEPA approved

RESOLUTION NO. 01-_____

1 Rule 409 into the SIP on June 9, 1982 (47 FR 25013, 6/9/1982); and

2 **WHEREAS**, this means that the August 7, 1981 SCAQMD Rule 409 is the current
3 version in the SIP for Riverside County portion of the MDAQMD; and

4 **WHEREAS**, on July 1, 1993, the SBCAPCD became, pursuant to statute, the
5 autonomous agency known as the Mojave Desert Air Quality Management District
6 (MDAQMD) acquiring both the SBCAPCD-Desert District rules and SIP; and

7 **WHEREAS**, since Rule 409 had not been amended since its July 25, 1977 re-adoption,
8 that version remains the current SIP approved rule for the San Bernardino County portion of
9 the MDAQMD; and

10 **WHEREAS**, the following year, utilizing a provision of the MDAQMD's enabling
11 legislation, Riverside County's Palo Verde Valley including the City of Blythe left SCAQMD
12 and joined the MDAQMD effective July 1, 1994; and

13 **WHEREAS**, the current action is intended to request that USEPA rescind the
14 SCAQMD version of Rule 409 from the SIP for the Palo Verde Valley/Blythe area of
15 Riverside County within the jurisdiction of the MDAQMD and replace it with the current SIP
16 version effective within the rest of the MDAQMD; namely, the SBCAPCD July 25, 1977
17 version of Rule 409; and

18 **WHEREAS**, staff recommends that the Governing Board of the Mojave Desert Air
19 Quality Management District (MDAQMD or District) rescind the SCAQMD Rule 409 —
20 *Combustion Contaminants* in the SIP for the Blythe/Palo Verde Valley portion of the
21 MDAQMD in Riverside County and replace it with the current SIP approved MDAQMD Rule
22 409 -*Combustion Contaminants* and approve the appropriate California Environmental Quality
23 Act (CEQA) documentation; and

24 **WHEREAS**, this action is necessary and required in H&S Code §40724.6, and by
25 FCAA §§182(b)(2) and 182(f), and will make all jurisdictions of the District subject to the
26 same SIP approved rule; and

27 **WHEREAS**, the proposed SIP rescission of SCAQMD Rule 409 - *Combustion*
28 *Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County

RESOLUTION NO. 01-_____

1 and replacement with current MDAQMD Rule 409 – *Combustion Contaminants* is clear in that
2 the meaning can be easily understood by the persons impacted by the Rule, the SCAQMD SIP
3 version of the rule contains an exclusion of internal combustion engines, however the
4 MDAQMD rulebook has been enforced District wide since Blythe and the Palo Verde Valley
5 joined the MDAQMD; and

6 **WHEREAS**, the proposed SIP rescission of SCAQMD Rule 409 – *Combustion*
7 *Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County
8 and replacement with current MDAQMD Rule 409 – *Combustion Contaminants* is in harmony
9 with, and not in conflict with, or contradictory to existing statutes, court decisions, or state or
10 federal regulations, this action will ensure that all jurisdictions are subject to the same
11 MDAQMD SIP rule; and

12 **WHEREAS**, the proposed SIP rescission of SCAQMD Rule 409 – *Combustion*
13 *Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County
14 and replacement with current MDAQMD Rule 409 – *Combustion Contaminants* does not
15 impose the same requirements as any existing state or federal regulation; this action will
16 ensure that all jurisdictions are subject to the same MDAQMD SIP rule; and

17 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
18 H&S Code §40725, concerning the proposed SIP rescission of SCAQMD Rule 409 –
19 *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in
20 Riverside County and replacement with current MDAQMD Rule 409 – *Combustion*
21 *Contaminants*; and

22 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
23 §15308) for the proposed SIP rescission of SCAQMD Rule 409 – *Combustion Contaminants*
24 for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and
25 replacement with current MDAQMD Rule 409 – *Combustion Contaminants*, completed in
26 compliance with the California Environmental Quality Act (CEQA), has been presented to the
27 MDAQMD Board; each member having reviewed, considered and approved the information
28 contained therein prior to acting on the proposed actions for Rule 409, and the MDAQMD

RESOLUTION NO. 01-_____

1 Board having determined that the proposed actions will not have any potential for resulting in
2 any adverse impact upon the environment; and

3 **WHEREAS**, the Board has considered the evidence presented at the public hearing;
4 and

5 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
6 MDAQMD finds that the proposed SIP rescission of SCAQMD Rule 409 – *Combustion*
7 *Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County
8 and replacement with current MDAQMD Rule 409 – *Combustion Contaminants* is necessary,
9 authorized, clear, consistent, non-duplicative and properly referenced; and

10 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby
11 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies
12 the Notice of Exemption for the proposed SIP rescission of SCAQMD Rule 409 – *Combustion*
13 *Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County
14 and replacement with current MDAQMD Rule 409 – *Combustion Contaminants*; and

15 **BE IT FURTHER RESOLVED**, that the Board of the MDAQMD does hereby adopt,
16 pursuant to the authority granted by law, the proposed SIP rescission of SCAQMD Rule 409 –
17 *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in
18 Riverside County and replacement with current MDAQMD Rule 409 – *Combustion*
19 *Contaminants* as set forth in the attachments to this resolution and incorporated herein by this
20 reference; and

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

24 //

25 //

26 //

27 //

28 //

RESOLUTION NO. 01-_____

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

3 **AYES:** **MEMBER:**

4 **NOES:** **MEMBER:**

5 **ABSENT:** **MEMBER:**

6 **ABSTAIN:** **MEMBER:**

7)

8 STATE OF CALIFORNIA)

9) **SS:**

10 COUNTY OF SAN BERNARDINO)

11)

12 I, Deanna Hernandez, Senior Executive Analyst – Confidential of the Mojave Desert
13 Air Quality Management District, hereby certify the foregoing to be a full, true and correct
14 copy of the record of the action as the same appears in the Official Minutes of said Governing
Board at its meeting of April 25, 2022.

15 _____, Senior Executive Analyst – Confidential
16 Mojave Desert Air Quality Management District

17

18

19

20

21

22

23

24

25

26

27

28



Draft

Staff Report

Rescission of SCAQMD Rule 409 — *Combustion Contaminants* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 -*Combustion Contaminants*

For presentation to the
Mojave Desert AQMD Governing Board
on **April 25, 2022**

**Mojave Desert
Air Quality
Management District**

14306 Park Avenue
Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022

This page intentionally left blank

STAFF REPORT
TABLE OF CONTENTS
Rule 409 – Combustion Contaminants

I. PURPOSE OF STAFF REPORT	1
II. EXECUTIVE SUMMARY	1
III. STAFF RECOMMENDATION	2
IV. LEGAL REQUIREMENTS CHECKLIST	3
V. DISCUSSION OF LEGAL REQUIREMENTS	4
A. REQUIRED ELEMENTS/FINDINGS.....	4
1. State Findings Required for Adoption of Rules & Regulations	4
a. Necessity	4
b. Authority	4
c. Clarity	4
d. Consistency	5
e. Nonduplication.....	5
f. Reference	5
g. Public Notice & Comment, Public Hearing.....	5
2. Federal Elements (SIP Submittals, Other Federal Submittals).....	5
a. Satisfaction of Underlying Federal Requirements	6
b. Public Notice and Comment	6
c. Availability of Document	6
d. Notice to Specified Entities	6
e. Public Hearing	6
f. Legal Authority to Adopt and Implement	7
g. Applicable State Laws and Regulations Were Followed.....	7
B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS	7
C. ECONOMIC ANALYSIS	7
1. General.....	7
2. Incremental Cost Effectiveness	7
D. ENVIRONMENTAL ANALYSIS (CEQA).....	8
E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS	8
1. Potential Environmental Impacts.....	8
2. Mitigation of Impacts	8
3. Alternative Methods of Compliance.....	8
F. PUBLIC REVIEW	8
VI. TECHNICAL DISCUSSION	8
A. SOURCE DESCRIPTION	8
B. EMISSIONS	9
C. CONTROL REQUIREMENTS.....	9
D. PROPOSED RULE SUMMARY	9
E. SIP HISTORY	9
1. SIP History	9
a. SIP in the San Bernardino County Portion of MDAQMD	9
2. SIP Analysis	11

Appendix A - Iterated Version..... 1
Appendix B - Public Notice Documents..... 1
Appendix C - Public Comments and Responses..... 1
Appendix D - California Environmental Quality Act Documentation 3
Appendix E - Bibliography..... 1

List of Acronyms

AQCR	Air Quality Control Region
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
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
JPA	Joint Powers Agreement
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NO _x	Oxides of Nitrogen
SBCAPCD	San Bernardino County Air Pollution Control District
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SoCalAPCD	Southern California Air Pollution Control District
SO _x	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

This page intentionally left blank.

STAFF REPORT

Rule 409 – *Combustion Contaminants*

I. PURPOSE OF STAFF REPORT

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

II. EXECUTIVE SUMMARY

In the late 1950s, air pollution control in the entire County of San Bernardino was governed by the San Bernardino County Air Pollution Control District (SBCAPCD – Full County District). Given the regional nature of the air pollution problem in Southern California the Boards of Supervisors of Los Angeles, Orange, Riverside and San Bernardino counties entered into a Joint Powers Authority (JPA) agreement on July 1, 1975 to form the Southern California Air Pollution Control District (SoCalAPCD), a short-lived regional agency. This agency adopted Rule 409 – *Combustion Contaminants* on May 7, 1976, which applied to Los Angeles, Orange, Riverside and San Bernardino Counties and it was approved into the SIP (43 FR 25684, 6/14/1978).

About a year later, the South Coast Air Quality Management District (SCAQMD) was formed effective February 1, 1977. Only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), including the San Bernardino Valley, were included in SCAQMD's jurisdiction. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCalAPCD had not yet been dissolved. Based upon this presumption, CARB adopted a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73 including Rule 409. On June 14, 1978 USEPA approved SoCalAPCD Rule 409 into the for the Los Angeles Air Quality Control Region (AQCR) SIP (43 FR 25684, 6/14/1978), and a few months later, on September 8, 1978 USEPA approved Rule 409 into the SIP for the remaining non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978).

By June of 1977 the SoCalAPCD had been officially dissolved into its component county air districts covering the non-SCAB areas of the respective counties. The San Bernardino County Air Pollution Control District (SBCAPCD – Desert District) thereafter, on July 25, 1977, readopted the entire rule book including Rule 409 with minimal changes. This version of Rule 409 was approved as a SIP revision (43 FR 25684, 6/14/1978). Rule 409 has not been amended since that time making the July 25, 1977 version the current SIP approved version for SBCAPCD – Desert District.

At the end of 1977, the non-SCAB areas of Riverside County (The Riverside County Air Pollution Control District) “opted in” to SCAQMD. CARB submitted this resolution as a SIP revision to replace all the Riverside County rules with SCAQMD rules in the SIP. USEPA approved the replacement of the Riverside County APCD SIP Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982).

On August 7, 1981 SCAQMD amended Rule 409, and USEPA approved Rule 409 into the SIP on June 9, 1982 (47 FR 25013, 6/9/1982). This means that the August 7, 1981 SCAQMD Rule 409 is the current version in the SIP for Riverside County portion of the MDAQMD.

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and SIP. Since Rule 409 had not been amended since its July 25, 1977 re-adoption, that version remains the current SIP approved rule for the San Bernardino County portion of the MDAQMD.

The following year, utilizing a provision of the MDAQMD’s enabling legislation, Riverside County’s Palo Verde Valley including the City of Blythe left SCAQMD and joined the MDAQMD effective July 1, 1994.

The current action is intended to request that USEPA rescind the SCAQMD version of Rule 409 from the SIP for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD and replace it with the current SIP version effective within the rest of the MDAQMD; namely, the SBCAPCD July 25, 1977 version of Rule 409.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) rescind the SCAQMD Rule 409 — *Combustion Contaminants* in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current SIP approved MDAQMD Rule 409 - *Combustion Contaminants* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary so that Blythe and the rest of the Palo Verde Valley are subject to the same SIP approved Rule 409 currently published in the MDAQMD Rulebook.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - *Combustion Contaminants*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

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

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

ELEMENTS OF A FEDERAL SUBMISSION:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

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

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

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

OTHER:

- Written analysis of existing air pollution control requirements
- Economic Analysis
- Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed Rescission of SCAQMD Rule 409 — *Combustion Contaminants* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - *Combustion Contaminants*. These are actions that need to be performed and/or information that must be provided in order to rescind and replace the SIP rule in a procedurally correct manner.

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

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

a. Necessity:

The proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants* is necessary so that Blythe and the Palo Verde Valley are subject to the same SIP approved Rule 409 currently published in the MDAQMD Rulebook. The language of MDAQMD Rule 409, will not be changed.

b. Authority:

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

c. Clarity:

The proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants* is clear in that they are written so that the persons subject to the Rule can easily understand the meaning. The SCAQMD Blythe/Palo Verde Valley SIP approved rule has an exclusion for internal combustion engines that does not exist in the SIP approved SB County MDAQMD Rule. The SB County version of the MDAQMD Rule

has been enforced District wide – so no changes in enforcement will result due to this SIP update.

d. Consistency:

The proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants* is in harmony with, and not in conflict with or contradictory to any State law or regulation, Federal law or regulation, or court decisions. This action is designed to make the same SIP requirements applicable throughout the entire MDAQMD jurisdiction.

e. Nonduplication:

The proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants* does not impose the same requirements as any existing State or Federal law or regulation because the SIP update is to simply make sure that all portions of the MDAQMD are subject to the same SIP approved Rule 409, currently published in the MDAQMD Rulebook.

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 adoption of the proposed SIP update for Rule 409 was published on March 25, 2022. 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 SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - *Combustion Contaminants* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendments to the SIP for Rule 409 are subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 409 is currently included in both the SCAQMD and MDAQMD SIP. This action would rescind the SCAQMD Rule 409 from the Blythe/Palo Verde Valley, and replace it with the MDAQMD version. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants* was published on March 25, 2022. 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 SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - *Combustion Contaminants* and the accompanying draft staff report has been made available to the public on March 25, 2022.

d. Notice to Specified Entities:

Copies of the proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants* and the accompanying draft staff report were sent to all affected agencies. The proposed amendments have been sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on March 11, 2022.

e. Public Hearing:

A public hearing to consider the proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - *Combustion Contaminants* is set for April 25, 2022.

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. This proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants*, only changes applicability of the SIP and does not change the underlying requirements.

C. ECONOMIC ANALYSIS

1. General

This proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - *Combustion Contaminants*. The current MDAQMD Rule 409 does not include the internal combustion engine exclusion that exists in the SCAQMD Blythe/Palo Verde Valley version of the rule. The MDAQMD Rulebook version of Rule 409 is already enforced in all areas of the District, therefore cost to implement will not change.

2. Incremental Cost Effectiveness

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

this proposed action is only updating the SIP for Rule 409, costs to implement rule will not change.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants* was determined:

1. The proposed SIP update for Rule 409 meets the CEQA definition of “project”. They are not “ministerial” actions.
2. The proposed SIP update for Rule 409 is exempt from CEQA review because the language of the existing rule will not change, therefore this proposed SIP update will not create any adverse impacts to the environment. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The potential environmental impacts of compliance with the proposed SIP update for Rule 409 will not have any environmental consequences. Even though the SCAQMD Blythe/Palo Verde Valley version included an internal combustion engine exclusion, the San Bernardino County version of the MDAQMD rule has been enforced District wide since Blythe and the Palo Verde Valley joined the MDAQMD, therefore, no potential environmental impacts are expected.

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

No sources will be impacted by the action. MDAQMD Rule 409 is currently enforced throughout the District. The language in the rule will not be changed.

B. EMISSIONS

No emissions will be impacted by the action. MDAQMD Rule 409 is currently enforced throughout the District. The language in the rule will not be changed.

C. CONTROL REQUIREMENTS

This is a proposed SIP update to unify the Riverside County portion of the District with the rest of the District. The rule will not be changed; therefore, no additional control requirements are being introduced.

D. PROPOSED RULE SUMMARY

This is a proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current MDAQMD Rule 409 - *Combustion Contaminants*. There are no changes proposed for Rule 409.

E. SIP HISTORY

1. SIP History.

The following timeline contains the Rule and SIP history for both the San Bernardino and Riverside County Portions of MDAQMD:

6/19/1956 – San Bernardino County APCD – full county district (SBCAPCD – full county district) formed.

11/6/1961 – SBCAPCD – full county district full rulebook publication. Note: Rules at this point were in #:# format.

6/11/1968 – SBCAPCD – full county district full rulebook amended, effective 7/11/1968. Note: Rules still numbered #:#.

8/18/1970 – SBCAPCD – full county district full rulebook published. Note: Rules now primarily 2 digits with a few 3-digit rules.

2/13/1973 – SBCAPCD – full county district rulebook published. Rules still mostly 2 digits with a few 3-digit rules.

3/31/1975 – SBCAPCD – full county district rulebook update published. Rules still mostly 2 digits with a few 3-digit rules.

7/1/1975 – Los Angeles, Orange, Riverside and San Bernardino Counties formed the Southern California APCD (SoCalAPCD), a JPA for regional air pollution control. All Rules of respective air districts remain in effect for the original area until changed by the SoCalAPCD.

5/7/1976 – Agenda for SoCalAPCD meeting indicates item #5 is a hearing regarding adoption of a number of Rules including Rule 409. Minutes do not mention this item, but it is presumed that it was adopted since CARB submitted it.

8/2/1976 – CARB submitted SoCalAPCD rule 409 as a SIP revision. (See 42 FR 27000, 5/26/1977 and 43 FR 25684, 6/14/1978).

2/1/1977 – Effective date of legislation (Stats 1976 Ch 324 §5) creating SCAQMD in the South Coast Air Basin (See also H&S Code 40410). County areas outside SCAB could “contract” for air pollution control services in the non-SCAB areas (See former H&S Code 40413).

2/1/1977 – CARB adopts a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino County via Executive Order G-73 (the G-73 rulebook).

6/6/1977 – CARB submits G-73 rulebook including Rule 409 as a SIP revision. (See 42 FR 46554, 9/16/1977 and 43 FR 40011 9/8/1978).

7/25/1977 – SBCAPCD readopts, with minor changes, the entire rulebook including Rule 409.

10/1/1977 – Effective date of legislation allowing non-SCAB areas of Los Angeles, Riverside and San Bernardino County to “opt in” to SCAQMD.

12/1/1977 – Effective date of Riverside County Resolution 77-362 that “opted in” to SCAQMD for the non-SCAB areas of Riverside County.

6/14/1978 – USEPA approved SoCalAPCD Rule 409 into the SIP at 43 FR 25684, 6/14/1978. Text indicates that this is only effective for Los Angeles AQCR but the CFR citations do not contain such limitation.

9/8/1978 USEPA approves the G-73 Rulebook version of Rule 409 into the SIP for the non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978) This is the version of the rule in effect in San Bernardino county portion of the MDAQMD (See G-73 Rulebook version and USEPA 1994 MDAQMD SIP version).

6/12/1979 – The SBCAPCD was in the process of gearing up to create its own staff for the district and SCAQMD was refusing to provide historical records without an astronomical amount of funds for “copying charges” for either the SoCalAPCD OR the SBCAPCD (See draft memo of 1979 12 Jun). The only records SCAQMD eventually provided were the actual permits themselves, a copy of the then existent rulebook in Word Perfect format and a small bit of historical permitting information such as engineering evaluations for a minority of facilities.

8/11/1980 – CARB submits Riverside County Resolution 77-362 as a SIP revision. The intent is that the SCAQMD Rules would replace any Riverside County APCD rules in effect as of the effective date of the resolution.

8/7/1981 – SCAQMD amends Rule 409.

10/23/1981 – CARB submits 1981 version of SCAQMD 409 as SIP Revision (See 47 FR 29231, 7/6/1982).

6/9/1982 – USEPA approves at 47 FR 25013, 6/9/1982 the action replacing Riverside County APCD rules with SCAQMD APCD rules in the non-SCAB areas of Riverside County. Unfortunately, this notation only occurs in the FR text and no CFR citations are changed.

7/6/1982 – USEPA approves SCAQMD 409 (1981 version) into SIP at 47 FR 29231, 7/6/1982. Action taken without prior NPRM as it was “noncontroversial.” This is the rule in the SIP for Riverside county portion of the MDAQMD.

7/1/1986 – SBCAPCD republishes entire rulebook.

11/20/1989 – SBCAPCD republishes entire rulebook.

7/1/1993 – effective date of MDAQMD (statutory). MDAQMD assumes all powers, duties and rules of former SBCAPCD (the desert district.).

12/22/1993 – MDAQMD reformats the entire rulebook. Rule 409 acquires a typographical error.

7/1/1994 – effective date of Blythe/Palo Verde Valley region leaving SCAQMD and becoming part of the MDAQMD..

2. SIP Analysis.

The District will request that CARB submit the proposed SIP rescission of SCAQMD Rule 409 - *Combustion Contaminants* for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - *Combustion Contaminants*. Please note that the SCAQMD SIP version contains an exclusion of internal combustion engines, while the MDAQMD version does not. Replacement of the SCAQMD SIP version with the MDAQMD version is thus more stringent as the exclusion for internal combustion engines has been removed. This submission is necessary to align the Blythe/Palo Verde Valley portion of the MDAQMD with the rest of the District so that all areas of the District are subject to the MDAQMD SIP approved rule 409.

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. This is a proposed adoption of SIP update only for Rule 409. There are no changes proposed for Rule 409, therefore stringency will not be affected.

Appendix “A”

Rule 409 – *Combustion Contaminants*, Iterated Version

The iterated version is provided so that the differences between SIP versions are easily identifiable. The manner of differentiating text is as follows:

1. **Highlighted Yellow** = In SB SIP but not in Palo Verde Blythe SIP
2. **Highlighted Green** = In Palo Verde Blythe SIP but not in SB SIP
3. Underlined = Not applicable by its terms for equipment in service prior to 7/1/76 in Palo Verde/Blythe

This page intentionally left blank.

Yellow Highlight = In SB SIP but not in Palo Verde/Blythe

Green Highlight = In Palo Verde/Blythe but not in SB SIP

Blue Highlight = Typo acquired in SBCAPCD 1993 Rulebook Reprint

Underlined Text = Not applicable by its terms in Palo Verde/Blythe

Rule 409

Combustion Contaminants

A person shall not discharge into the atmosphere from the burning of fuel, combustion contaminants exceeding 0.23 gram per cubic meter (0.1 grain per cubic foot) of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions averaged over a minimum of **25** 15 consecutive minutes.

The provisions of this rule shall not apply to jet engine test stands **and emissions from internal combustion engines.**

This page intentionally left blank.

Appendix “B”
Public Notice Documents

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

This page intentionally left blank.

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-360-9010 FAX

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

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF:

Ad Desc.: FVBBZQQDAABOVZCWBYE-1 | NOH Rule 408 & Rule 409

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 64448, under date of March 29, 1957, Case Number 60673, under date of August 25, 1995, Case Number 287584, and under date of September 16, 2013, Case Number RHC 1306J-3; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereto on the following dates, to wit:

03/25/2022

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

Date: March 25, 2022
At: Riverside, California

Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14308 PARK AVE
ATTN: D. HERNANDEZ
VICTORVILLE, CA 92392

Ad Number: 0011524522-03
P.O. Number: NOH Rule 408 & Rule 409

Ad Copy:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on April 25, 2022 at 10:00 A.M. to consider the rescission of SCAQMD Rule 408 a "Circumvention" in the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County, and SCAQMD Rule 409 "Combustion Contaminants" which is also in the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County, and replace each rule with the current and corresponding MDAQMD Rule 408 - Circumvention and MDAQMD Rule 409 - Combustion Contaminants.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14308 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission of SCAQMD Rule 408 a "Circumvention" the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 408 - Circumvention; and the proposed rescission of SCAQMD Rule 409 - Combustion Contaminants from the SIP for the Blythe/Pala Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 409 - Combustion Contaminants are on file and may be obtained from the Senior Executive Analyst at the MDAQMD Office. Written comments may be submitted to Brad Pollock, APCO at the above office address. Written comments should be received no later than April 21, 2022 to be considered. If you have any questions you may contact Michelle Zumwalt at (760) 245-1661 x5756 for further information. Translation costs available per solicited.

This action is proposed to allow USEPA to clean up and consolidate the SIP rules for the MDAQMD such that Blythe and the rest of the Palo Verde Valley are subject to the same SIP approved Rule 408 & 409 currently published in the MDAQMD Rulebook.

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.

The Press-Enterprise
Published: 3/25/22

RECEIVED
MOJAVE DESERT AQMD

MAR 25 2022

CLERK OF THE BOARD
BY _____

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
County of San Bernardino**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 25

All in the year 2022.

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

Dated this: 25th day of March, 2022.

Janet Baldwin

Signature

Janet Baldwin

This space is the County Clerk's Filing Stamp

RECEIVED
MOJAVE DESERT AQMD

APR 08 2022

CLERK OF THE BOARD

BY

**Proof of Publication of
NOTICE OF HEARING**

NOTICE OF HEARING
NOTICE IS HEREBY GIVEN that the proposed revision of the SIP for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) is being published in the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022. The proposed revision of the SIP for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) is being published in the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022. The proposed revision of the SIP for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) is being published in the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022.

The notice is proposed to be published in the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022. The proposed revision of the SIP for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) is being published in the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022.

Printed by the
County Clerk
March 25, 2022
11:51

Sole Hearing will be conducted in the County of San Bernardino at the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022. The proposed revision of the SIP for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) is being published in the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022. The proposed revision of the SIP for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) is being published in the Mojave Desert Air Quality Management District (AQMD) Bulletin Board (BB) for the Victorville Valley portion of the Mojave Desert Air Quality Management District (AQMD) on March 25, 2022.

Appendix “C”
Public Comments and Responses

No Comments

This page intentionally left blank.

Appendix “D”

California Environmental Quality Act
Documentation

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

This page intentionally left blank.

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for Rule 409 – *Combustion Contaminants*

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

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The MDAQMD is proposing to adopt a SIP update for Rule 409 – *Combustion Contaminants*, so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 409 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for Rule 409 – *Combustion Contaminants*

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

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The MDAQMD is proposing to adopt a SIP update for Rule 409 – *Combustion Contaminants*, so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 409 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

Appendix “E” Bibliography

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

1. 17 CCR 60104 SCAB
2. 17 CCR 60109 MDAB
3. 40 CFR 81.17 LA Metro Intersate AQCR
4. 40 CFR 81.167 SED Intrastate AQCR
5. 42 FR 27000 NPRM 1977 26 May
6. 42 FR 46554 NPRM 1977 16 Sep
7. 43 FR 25684 Final 1978 14 Jun
8. 43 FR 40011 Final 1978 08 Sep
9. 46 FR 30355 NPRM 1981 08 Jun
10. 47 FR 25013 Final 1982 09 Jun
11. 47 FR 29231 Final 1982 06 JUL
12. Action L.A. Co JPA termination 1977 03 Mar
13. Action Orange Co JPA termination 1977 26 Apr
14. Agmt 77-102 JPA Termination
15. CARB Ex. Order G-73 1977 01 Feb
16. CARB to EPA Ltr Riv Co Opt in SCAQMD 1980 11 Aug
17. Creation Old SBCAPCD
18. JPA Creating SoCal APCD
19. MD409 409 as published 1977 22 DEC
20. MDAQMD 409 1993 22 DEC
21. MDAQMD 409 EPA 94 SIP
22. Memo Re SC Records 1979 12 Jul
23. SB 409 G73 Rulebook 1977 01 FEB
24. SB Action Creating SoCal APCD 1975 21 Jul
25. SBAPCD 409 1977 25 JUL
26. SBC409 G73 Rulebook 1977 01 Feb
27. SBCAPCD 409 1979 04 SEP
28. SBCAPCD 409 1986 01 JUL
29. SBCAPCD 409 1989 20 NOV
30. SBCAPCD 409 1996 26 NOV
31. SBCAPCD 409 1981 07 AUG
32. SCAQMD 409 2018 04 MAY
33. SCAQMD 409 EPA 94 SIP
34. SoCal APCD Agenda 1976 07 May
35. ScCalAPCD 409 1976 07 MAY
36. SoCalAPCD Minutes 1976 07 May
37. USEPA Ltr MD SIP Clarification 2020 16 Mar
38. USEPA Ltr Thread Old SC SIP submittals 2015 1 Apr

This page intentionally left blank

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for *Rule 409 – Combustion Contaminants*

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

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The MDAQMD is proposing to adopt a SIP update for *Rule 409 – Combustion Contaminants*, so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

- Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)
- Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))
- X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 409 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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

NOTICE OF EXEMPTION



TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

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

X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of SIP Update for *Rule 409 – Combustion Contaminants*

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

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The MDAQMD is proposing to adopt a SIP update for *Rule 409 – Combustion Contaminants*, so that the Riverside Country portion of the Mojave Desert Air Quality Management District (MDAQMD or District) is subject to the same SIP approved rule as the San Bernardino County jurisdictions of the District.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of Rule 409 is exempt from CEQA review because the adoption is simply a SIP update and will not change the language in the existing rule, nor create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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



Rule 408 – Circumvention

Rule 409 – Combustion Contaminants

Proposed SIP Actions

Rule 408/409 SIP Action

- No changes to the existing Rules 408 & 409 in the MDAQMD Rulebook.
- Currently, the Riverside County portion of the MDAQMD is subject to the SCAQMD SIP approved Rules 408 & 409. These rules were adopted and approved into the SIP prior to Riverside County leaving the SCAQMD for the MDAQMD in 1994.
- The SCAQMD SIP Rule 409 has an exclusion for internal combustion engines, but the MDAQMD rulebook version of Rule 409 has been in affect since Blythe and the Palo Verde Valley joined the MDAQMD. The MDAQMD Rulebook version of Rule 409 will be maintained.
- This action will only update the SIP to acknowledge that the Riverside County portion of the MDAQMD is subject to Rules 408 & 409 as they exist in the MDAQMD Rulebook.

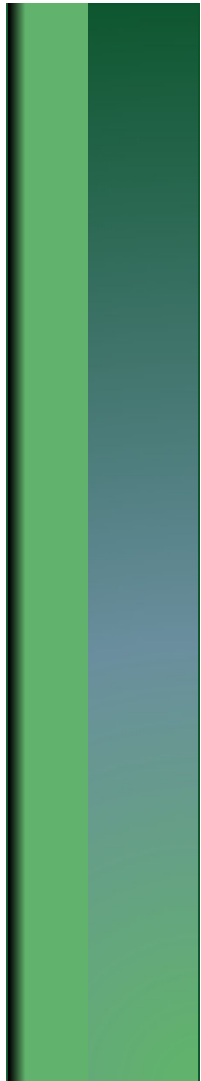


Effect of SIP Update

The District does not expect an impact to our sources as both Rules 408 & 409 are currently enforced in all areas of our District, including Riverside County.



Questions?



The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the rescission of MDAQMD Rule 432 - Gasoline Specifications, removal of this rule from the SIP for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act \(CEQA\) documentation. a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)

Please scroll down to view the backup material.

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

AGENDA ITEM #11

DATE: April 25, 2022

RECOMMENDATION: Conduct a public hearing to consider the rescission of MDAQMD Rule 432 - *Gasoline Specifications*, removal of this rule from the SIP for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation. a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

SUMMARY: Rule 432 is proposed for rescission and removal from the SIP as the provisions have been superseded both locally and in the SIP by the California Reformulated Gasoline provisions (13 Cal. Code Regs. §§2250 et seq.)

BACKGROUND: In the late 1950s air pollution control in the entire County of San Bernardino was governed by the San Bernardino County Air Pollution Control District (SBCAPCD – Full County District). This full county district was succeeded in July of 1976 by the Southern California Air Pollution Control District (SoCal APCD), a Joint Powers Authority (JPA) for air pollution consisting of Los Angeles, Orange, Riverside and San Bernardino counties. On May 7, 1976 the SoCalAPCD adopted Rule 432 – Gasoline Specifications which was submitted as a SIP revision and approved (43 FR 25684, 6/14/1978).

The South Coast Air Quality Management District was formed via legislation effective February 1, 1977. Only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), primarily the San Bernardino Valley, were included in SCAQMD's jurisdiction. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCal APCD had not yet been dissolved. Based upon this presumption, CARB adopted a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73 (G-73 Rulebook). This rulebook, including Rule 432 as unchanged from the May 7, 1976 So.Cal.APCD version, was submitted as a SIP revision and approved (43 FR 40011, 9/8/1978).

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

AGENDA ITEM #11

PAGE 2

By June of 1977 the SoCalAPCD was formally dissolved into its component county air districts covering the non-SCAB areas of the respective counties. The San Bernardino County Air Pollution Control District (SBCAPCD – Desert District) thereafter, on 7/25/1977, readopted the entire rule book with minimal changes. Rule 432 was not changed and has not changed to the present day. Thus the current MDAQMD Rule 432 is the G-73 rule which also happens to be exactly the same as the rule adopted by the So.Cal.APCD on May 7, 1976.

At the end of 1977, the non-SCAB areas of Riverside County opted in to SCAQMD. CARB submitted this resolution opting in as a SIP revision to replace all the Riverside County rules with SCAQMD rules both in the rulebook and in the SIP. This action was SIP approved at 47 FR 25013, 6/9/1982. The Riverside County “opt in” resulted in that area gaining SCAQMD Rule 432 which, once again, was unchanged from the So.Cal.APCD version of May 7, 1976 as acquired by SCAQMD upon its creation.

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and the SIP in effect for that area. Since Rule 432 has not been amended or resubmitted since the G-73 rulebook version, the G-73 version remains in the SIP for the San Bernardino County portion of the MDAQMD.

Utilizing a provision of the MDAQMD’s enabling legislation, Riverside County’s Palo Verde Valley including the City of Blythe left SCAQMD and joined the MDAQMD effective July 1, 1994. Since the SIP in effect in Riverside County at this time included SCAQMD Rule 432 as it existed on that date the version in effect in the SIP for the Riverside County portion of the MDAQMD is the So.Cal.APCD May 7, 1976 version.

In May of 1994 USEPA proposed a Federal Implementation Plan for multiple areas of California (59 FR 23264, 5/5/1994). Reformulated gasoline was one of the areas which USEPA found the California SIP insufficient so in response CARB amended its state-wide gasoline specifications (13 Cal. Code Regs. §§2250 et seq.) and submitted them as a SIP revision. These regulations were approved into the SIP by USEPA (60 FR 43379, 8/21/1995 and 75 FR 26653, 5/12/2010). The net effect of this action is that the state-wide gasoline specifications supersede the provisions of Rule 432 in both local effect and in the SIP. Therefore, Rule 432 can be rescinded and removed from the SIP as it is no longer in effect.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the rescission of Rule 432 pursuant to the requirements of CEQA.

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

AGENDA ITEM #11

PAGE 3

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(1) (FCAA §110) 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 Chris Anderson, Planning and Air Monitoring Supervisor on or about April 11, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy APCO

RESOLUTION NO. 01- _____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT**
2 **AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING**
3 **THE NOTICE OF EXEMPTION, RESCINDING RULE 432 – GASOLINE**
4 **SPECIFICATIONS AND DIRECTING STAFF ACTIONS.**

5 On April 25, 2022 on motion by Member _____, seconded by Member
6 , and carried, the following resolution is adopted:

7 **WHEREAS**, the MDAQMD is proposing to rescind Rule 432 - *Gasoline*
8 *Specifications*; and

9 **WHEREAS**, the MDAQMD is proposing to request that Rule 432 be removed from
10 the State Implementation Plan (SIP) for both the San Bernardino and Riverside County
11 portions of the MDAQMD; and

12 **WHEREAS**, in the late 1950s air pollution control in the entire County of San
13 Bernardino was governed by the San Bernardino County Air Pollution Control District
14 (SBCAPCD – Full County District); and

15 **WHEREAS**, this full county district was succeeded in July of 1976 by the Southern
16 California Air Pollution Control District (So.Cal.APCD), a Joint Powers Authority (JPA) for
17 air pollution control consisting of Los Angeles, Orange, Riverside and San Bernardino
18 counties; and

19 **WHEREAS**, on May 7, 1976 the So.Cal.APCD adopted Rule 432 – *Gasoline*
20 *Specifications*; and

21 **WHEREAS**, Rule 432 was submitted as a SIP revision and was approved by USEPA
22 as a SIP revision (43 FR 25684, 6/14/1978); and

23 **WHEREAS**, about a year later the South Coast Air Quality Management District
24 (SCAQMD) was formed effective February 1, 1977; and

25 **WHEREAS**, only those areas of San Bernardino County located within the South
26 Coast Air Basin (SCAB), including the San Bernardino Valley, were included in SCAQMD’s
27 jurisdiction; and

28 **WHEREAS**, non-SCAB areas were presumed to revert to county districts despite the
fact that the So.Cal.APCD had not yet been dissolved; and

RESOLUTION NO. 01-_____

1 **WHEREAS**, based upon this presumption, the California Air Resources Board
2 (CARB) adopted a rulebook for the non-SCAB areas of Los Angeles, Riverside and San
3 Bernardino counties via Executive Order G-73 (G-73 Rulebook) including an unchanged Rule
4 432; and

5 **WHEREAS**, the G-73 Rulebook was submitted and approved as a SIP revision at 43
6 FR 40011, 9/8/1978; and

7 **WHEREAS**, the SoCalAPCD had been officially dissolved into its component county
8 air districts covering the non-SCAB areas of the respective counties by June of 1977; and

9 **WHEREAS**, the San Bernardino County Air Pollution Control District (SBCAPCD –
10 Desert District), on July 25, 1977, readopted the entire rule book with minimal changes; and

11 **WHEREAS**, Rule 432 remained unchanged from the G-73 rulebook version and from
12 the May 7, 1976 version; and

13 **WHEREAS**, Rule 432 remains unchanged to the current version in the MDAQMD
14 Rulebook; and

15 **WHEREAS**, at the end of 1977, the non-SCAB areas of Riverside County (The
16 Riverside County Air Pollution Control District) adopted a resolution to “opt in” to SCAQMD;
17 and

18 **WHEREAS**, CARB submitted this resolution as a SIP revision to replace all the
19 Riverside County rules with SCAQMD rules in the SIP; and

20 **WHEREAS**, USEPA approved the replacement of the Riverside County APCD SIP
21 Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982); and

22 **WHEREAS**, this change resulted in Riverside County gaining the May 7, 1976
23 version of Rule 432 which SCAQMD had inherited from the So.Cal.APCD upon its creation;
24 and

25 **WHEREAS**, on July 1, 1993, the SBCAPCD became, pursuant to statute, the
26 autonomous agency known as the Mojave Desert Air Quality Management District
27 (MDAQMD) acquiring both the SBCAPCD-Desert District rules and SIP; and

28 **WHEREAS**, since Rule 432 had not been amended since its July 25, 1977 readoption

RESOLUTION NO. 01-_____

1 which was the G-73 Rulebook version, the G-73 Rulebook version remains the current SIP
2 approved rule for the San Bernardino County portion of the MDAQMD; and

3 **WHEREAS**, utilizing a provision of the MDAQMD’s enabling legislation, Riverside
4 County’s Palo Verde Valley including the City of Blythe left SCAQMD and joined the
5 MDAQMD effective July 1, 1994; and

6 **WHEREAS**, since Rule 432 was not amended, and no SIP action had been taken on it
7 prior to July 1, 1994 the SIP rule for the Riverside County portion of the MDAQMD remains
8 the May 7, 1976 version that SCAQMD inherited upon its formation; and

9 **WHEREAS**, in May of 1994 USEPA proposed a Federal Implementation Plan (FIP)
10 for multiple areas of California (59 FR 23264, 5/5/1994); and

11 **WHEREAS**, Gasoline specifications was one of the areas where USEPA alleged the
12 California SIP was insufficient; and

13 **WHEREAS**, CARB adopted a gasoline specification regulation to rectify this alleged
14 insufficiency; and

15 **WHEREAS**, CARB submitted and USEPA approved 13 Cal. Code Regs §§2250 et
16 seq. into the SIP (60 FR 43379, 8/21/1995 and 75 FR 26653, 5/12/2010); and

17 **WHEREAS**, the effect of this regulation and its SIP approval was to supersede the
18 provisions of Rule 432 with more stringent requirements; and

19 **WHEREAS**, staff recommends that the Governing Board of the Mojave Desert Air
20 Quality Management District rescind Rule 432 – *Gasoline Specifications* and approve the
21 appropriate California Environmental Quality Act (CEQA) documentation; and

22 **WHEREAS**, the rescission of Rule 432 is necessary as its provisions have been
23 superseded by the adoption and approval into the SIP of 13 Cal. Code Regs §§2250 et seq; and

24 **WHEREAS**, the proposed rescission Rule 432 is clear in that the meaning can be
25 easily understood by the persons impacted in that it will remove superfluous and superseded
26 requirements; and

27 **WHEREAS**, the proposed rescission of Rule 432 is in harmony with, and not in
28 conflict with, or contradictory to existing statutes, court decisions, or state or federal

RESOLUTION NO. 01-_____

1 regulations, in that is will remove superseded requirements from both the MDAQMD rulebook
2 and the SIP; and

3 **WHEREAS**, the proposed rescission of Rule 432 does not impose the same
4 requirements as any existing state or federal regulation because it simply removes superseded
5 requirements from the MDAQMD rulebook and the SIP; and

6 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
7 H&S Code §40725, concerning the proposed rescission Rule 432 – *Gasoline Specifications*;
8 and

9 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
10 §15308) for the proposed rescission Rule 432 – *Gasoline Specifications*, completed in
11 compliance with the California Environmental Quality Act (CEQA), has been presented to the
12 MDAQMD Board; each member having reviewed, considered and approved the information
13 contained therein prior to acting on the proposed actions for the SIP in relation to Rule 432,
14 and the MDAQMD Board having determined that the proposed actions will not have any
15 potential for resulting in any adverse impact upon the environment; and

16 **WHEREAS**, the Board has considered the evidence presented at the public hearing;
17 and

18 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
19 MDAQMD finds that the proposed rescission Rule 432 – *Gasoline Specifications* is necessary,
20 authorized, clear, consistent, non-duplicative and properly referenced; and

21 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby
22 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies
23 the Notice of Exemption for the proposed the proposed rescission Rule 432 – *Gasoline*
24 *Specifications*; and

25 **BE IT FURTHER RESOLVED**, that the Board of the MDAQMD does hereby adopt,
26 pursuant to the authority granted by law, the proposed rescission of Rule 432 – *Gasoline*
27 *Specifications* as set forth in the attachments to this resolution and incorporated herein by this
28 reference; and

RESOLUTION NO. 01-_____

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

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

6 **AYES:** MEMBER:

7 **NOES:** MEMBER:

8 **ABSENT:** MEMBER:

9 **ABSTAIN:** MEMBER:

10)

11 STATE OF CALIFORNIA)

12) **SS:**

13 COUNTY OF SAN BERNARDINO)

14)

15 I, Deanna Hernandez, Senior Executive Analyst – Confidential of the Mojave Desert
16 Air Quality Management District, hereby certify the foregoing to be a full, true and correct
17 copy of the record of the action as the same appears in the Official Minutes of said Governing
Board at its meeting of April 25, 2022.

18 _____, Senior Executive Analyst – Confidential
19 Mojave Desert Air Quality Management District

20
21
22
23
24
25
26
27
28



Draft

Staff Report

Rescission of Rule 432 – *Gasoline Specifications* and
Removal of the Rule from the State Implementation Plan
for both the San Bernardino and Riverside County
portions of the MDAQMD.

For presentation to the
Mojave Desert AQMD Governing Board
on **April 25, 2022**

**Mojave Desert
Air Quality
Management District**

14306 Park Avenue
Victorville, CA 92392-2310

This page intentionally left blank

**STAFF REPORT
TABLE OF CONTENTS**

Rescission of Rule 432 – Gasoline Specifications

I. PURPOSE OF STAFF REPORT	1
II. EXECUTIVE SUMMARY	1
III. STAFF RECOMMENDATION	2
IV. LEGAL REQUIREMENTS CHECKLIST	3
V. DISCUSSION OF LEGAL REQUIREMENTS	4
A. REQUIRED ELEMENTS/FINDINGS.....	4
1. State Findings Required for Adoption of Rules & Regulations	4
a. Necessity	4
b. Authority	4
c. Clarity	4
d. Consistency	4
e. Nonduplication.....	5
f. Reference	5
g. Public Notice & Comment, Public Hearing.....	5
2. Federal Elements (SIP Submittals, Other Federal Submittals).....	5
a. Satisfaction of Underlying Federal Requirements	5
b. Public Notice and Comment	5
c. Availability of Document	6
d. Notice to Specified Entities	6
e. Public Hearing	6
f. Legal Authority to Adopt and Implement	6
g. Applicable State Laws and Regulations Were Followed.....	6
B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS	6
C. ECONOMIC ANALYSIS	7
1. General.....	7
2. Incremental Cost Effectiveness	7
D. ENVIRONMENTAL ANALYSIS (CEQA).....	7
E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS	7
1. Potential Environmental Impacts.....	7
2. Mitigation of Impacts	7
3. Alternative Methods of Compliance.....	8
F. PUBLIC REVIEW	8
VI. TECHNICAL DISCUSSION	8
A. SOURCE DESCRIPTION.....	8
B. EMISSIONS	8
C. CONTROL REQUIREMENTS.....	8
D. PROPOSED RULE SUMMARY	8
E. SIP HISTORY	8
1. SIP History	8
2. SIP Analysis	11
Appendix A - Iterated Version.....	A-1
Appendix B - Public Notice Documents.....	B-1

Appendix C - Public Comments and Responses..... C-1
Appendix D - California Environmental Quality Act Documentation D-1
Appendix E - Bibliography.....E-1

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
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
JPA	Joint Powers Agreement
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NOx	Oxides of Nitrogen
SBCAPCD	San Bernardino County Air Pollution Control District
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SoCalAPCD	Southern California Air Pollution Control District
SOx	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

This page intentionally left blank.

STAFF REPORT

Rescission of Rule 432 – *Gasoline Specifications*

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

In the late 1950s air pollution control in the entire County of San Bernardino was governed by the San Bernardino County Air Pollution Control District (SBCAPCD – Full County District). This full county district was succeeded in July of 1976 by the Southern California Air Pollution Control District (SoCal APCD), a Joint Powers Authority (JPA) for air pollution consisting of Los Angeles, Orange, Riverside and San Bernardino counties. On May 7, 1976 the SoCalAPCD adopted Rule 432 – Gasoline Specifications which was submitted as a SIP revision and approved (43 FR 25684, 6/14/1978).

The South Coast Air Quality Management District was formed via legislation effective February 1, 1977. Only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), primarily the San Bernardino Valley, were included in SCAQMD’s jurisdiction. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCal APCD had not yet been dissolved. Based upon this presumption, CARB adopted a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino counties via Executive Order G-73 (G-73 Rulebook). This rulebook, including Rule 432 as unchanged from the May 7, 1976 So.Cal.APCD version, was submitted as a SIP revision and approved (43 FR 40011, 9/8/1978).

By June of 1977 the SoCalAPCD was formally dissolved into its component county air districts covering the non-SCAB areas of the respective counties. The San Bernardino County Air Pollution Control District (SBCAPCD – Desert District) thereafter, on 7/25/1977, readopted the entire rule book with minimal changes. Rule 432 was not changed and has not changed to the present day. Thus the current MDAQMD Rule 432 is the G-73 rule which also happens to be exactly the same as the rule adopted by the So.Cal.APCD on May 7, 1976.

At the end of 1977, the non-SCAB areas of Riverside County (The Riverside County Air Pollution Control District) “opted in” to SCAQMD. CARB submitted this resolution as a SIP revision to replace all the Riverside County rules with SCAQMD rules in the SIP. USEPA

approved the replacement of the Riverside County APCD SIP Rules with the SCAQMD rules currently in effect (47 FR 25013, 6/9/1982).

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and the SIP in effect for that area. Since Rule 432 has not been amended or resubmitted since the G-73 rulebook version, the G-73 version remains in the SIP for the San Bernardino County portion of the MDAQMD.

Utilizing a provision of the MDAQMD's enabling legislation, Riverside County's Palo Verde Valley including the City of Blythe left SCAQMD and joined the MDAQMD effective July 1, 1994. Since the SIP in effect in Riverside County at this time included SCAQMD Rule 432 as it existed on that date the version in effect in the SIP for the Riverside County portion of the MDAQMD is the So.Cal.APCD May 7, 1976 version.

In May of 1994 USEPA proposed a Federal Implementation Plan for multiple areas of California (59 FR 23264, 5/5/1994). Reformulated gasoline was one of the areas which USEPA found the California SIP insufficient so in response CARB amended its state-wide gasoline specifications (13 Cal. Code Regs. §§2250 et seq.) and submitted them as a SIP revision. These regulations were approved into the SIP by USEPA (60 FR 43379, 8/21/1995 and 75 FR 26653, 5/12/2010). The net effect of this action is that the state-wide gasoline specifications supersede the provisions of Rule 432 in both local effect and in the SIP. Therefore, Rule 432 can be rescinded and removed from the SIP as it is has been superseded by the state-wide regulations.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) rescind Rule 432 – *Gasoline Specifications* and remove it from the SIP as its provisions have been superseded.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the proposed SIP rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

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

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

ELEMENTS OF A FEDERAL SUBMISSION:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

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

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

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

OTHER:

- Written analysis of existing air pollution control requirements
- Economic Analysis
- Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed Rescission of Rule 432 – *Gasoline Specifications*. These are actions that need to be performed and/or information that must be provided in order to rescind and replace the SIP rule in a procedurally correct manner.

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

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

a. Necessity:

The proposed rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP is necessary as its provisions have been superseded by the adoption and approval into the SIP of the state-wide gasoline specifications as set forth in 13 Cal. Code Regs. §§2250 et seq.

b. Authority:

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

c. Clarity:

The proposed rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP is clear in that it removes superfluous and superseded requirements.

d. Consistency:

The proposed rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP is in harmony with, and not in conflict with or contradictory to any State law or regulation, Federal law or regulation, or court decisions. This action is designed to remove superseded requirements from both the MDAQMD rulebook and the SIP.

e. Nonduplication:

The proposed rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP does not impose the same requirements as any existing State or Federal law or regulation because it simply removes superseded requirements from the MDAQMD rulebook and the SIP.

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 adoption of the proposed SIP update for Rule 432 was published on March 25, 2022. 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 rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The rescission of Rule 432 – *Gasoline Specifications* is subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 432 is currently included in the SIP for both the San Bernardino and Riverside County portions of the MDAQMD. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed rescission of Rule 432 – *Gasoline Specifications* was published on March 25, 2022. 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 rescission of Rule 432 – *Gasoline Specifications* and the accompanying draft staff report was made available to the public on February 28, 2022.

d. Notice to Specified Entities:

Copies of the proposed rescission of Rule 432 – *Gasoline Specifications* and the accompanying draft staff report were sent to all affected agencies. The proposed amendments have been sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on February 28, 2022.

e. Public Hearing:

A public hearing to consider the proposed rescission of Rule 432 – *Gasoline Specifications* was set for April 25, 2022.

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. This proposed rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP does not change air pollution control requirements in that its provisions have been already superseded both locally and in the SIP by 13 Cal. Code Regs §§2250 et seq.

C. ECONOMIC ANALYSIS

1. General

This proposed rescission of Rule 432 – *Gasoline Specifications* and its removal from the SIP does not change air pollution control requirements in that its provisions have been already superseded both locally and in the SIP by 13 Cal. Code Regs §§2250 et seq. The state-wide regulations are already enforced in all areas of the District, therefore there will be no additional implementation costs.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NOx) or oxides of sulfur (SOx). Since the superseding state-wide regulations are already enforced within the District the incremental cost effectiveness will not change.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed rescission of Rule 432 – *Gasoline Specifications* was determined.

1. The proposed rescission of Rule 432 meets the CEQA definition of “project”. They are not “ministerial” actions.
2. The proposed rescission of Rule 432 is exempt from CEQA review because as its provisions have been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The potential environmental impacts of the rescission of Rule 432 will not have any environmental consequences, because its provisions have been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq.

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

No sources will be impacted by the action. MDAQMD Rule 432 has been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. This state-wide regulation is currently enforced throughout the District and will not change as a result of this action.

B. EMISSIONS

No emissions will be impacted by the action. MDAQMD Rule 432 has been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. This state-wide regulation is currently enforced throughout the District and will not change as a result of this action.

C. CONTROL REQUIREMENTS

This is a proposed rescission of Rule 432 so no additional control requirements are being introduced.

D. PROPOSED RULE SUMMARY

This is a proposed rescission of Rule 432 and removal from the SIP will remove superseded requirements from the MDAQMD’s rulebook and the SIP and replace them with the requirements contained in 13 Cal. Code. Regs §§2250 et seq. This state-wide regulation is already enforced throughout the District.

E. SIP HISTORY

1. SIP History.

The following timeline contains the Rule and SIP history for both the San Bernardino and Riverside County Portions of MDAQMD.

6/19/1956 – San Bernardino County APCD – full county district (SBCAPCD – full county district) formed.

11/6/1961 – SBCAPCD – full county district full rulebook publication. Note: Rules at this point were in #:# format.

6/11/1968 – SBCAPCD – full county district full rulebook amended, effective 7/11/1968. Note: Rules still numbered #:#.

8/18/1970 – SBCAPCD – full county district full rulebook published. Note: Rules now primarily 2 digits with a few 3-digit rules.

2/13/1973 – SBCAPCD – full county district rulebook published. Rules still mostly 2 digits with a few 3-digit rules.

3/31/1975 – SBCAPCD – full county district rulebook update published. Rules still mostly 2 digits with a few 3-digit rules.

7/1/1975 – Los Angeles, Orange, Riverside and San Bernardino Counties formed the Southern California APCD (SoCalAPCD), a JPA for regional air pollution control. All Rules of respective air districts remain in effect for the original area until changed by the SoCalAPCD.

5/7/1976 – Agenda and Minutes for SoCalAPCD meeting indicates item #3 is a hearing regarding adoption of a number of rules including Rule 432.

8/2/1976 – CARB submitted a variety of SoCalAPCD Rules, including Rule 432 as a SIP revision. (See 42 FR 27000, 5/26/1977 and 43 FR 25684, 6/14/1978).

2/1/1977 – Effective date of legislation (Stats 1976 Ch 324 §5) creating SCAQMD in the South Coast Air Basin (See also H&S Code 40410). County areas outside SCAB could “contract” for air pollution control services in the non-SCAB areas (See former H&S Code 40413).

2/1/1977 – CARB adopts a rulebook for the non-SCAB areas of Los Angeles, Riverside and San Bernardino County via Executive Order G-73 (the G-73 rulebook).

6/6/1977 – CARB submits G-73 rulebook including Rule 432 as a SIP revision (See 42 FR 46554, 9/16/1977 and 43 FR 40011 9/8/1978).

7/25/1977 – SBCAPCD readopts, with minor changes, the entire rulebook including Rule 432.

10/1/1977 – Effective date of legislation allowing non-SCAB areas of Los Angeles, Riverside and San Bernardino County to “opt in” to SCAQMD.

12/1/1977 – Effective date of Riverside County Resolution 77-362 that “opted in” to SCAQMD for the non-SCAB areas of Riverside County.

6/14/1978 – USEPA approved SoCalAPCD Rule 432 into the SIP at 43 FR 25684, 6/14/1978. Text indicates that this is only effective for Los Angeles AQCR but the CFR citations do not contain such limitation.

9/8/1978 USEPA approves the G-73 Rulebook version of Rule 432 into the SIP for the non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978). ***This is the version of the rule in effect in San Bernardino county portion of the MDAQMD***

8/11/1980 – CARB submits Riverside County Resolution 77-362 as a SIP revision. The intent is that the SCAQMD Rules would replace any Riverside County APCD rules in effect as of the effective date of the resolution. Rule 432 as originally adopted by SoCalAPCD becomes the effective rule in Riverside County.

6/9/1982 – USEPA approves at 47 FR 25013, 6/9/1982 the action replacing Riverside County APCD rules with SCAQMD APCD rules in the non-SCAB areas of Riverside County. Unfortunately, this notation only occurs in the FR text and no CFR citations are changed. ***This makes the 5/7/1976 version the SIP rule for the Riverside County portion of the MDAQMD. Please note this version is exactly the same as the G-73 Rulebook version in effect in the San Bernardino County portion of the MDAQMD.***

7/1/1986 – SBCAPCD republishes entire rulebook.

11/20/1989 – SBCAPCD republishes entire rulebook.

12/6/1992 – Effective date of original CARB Gasoline specifications (see former 13 CCR §§2250 et seq.).

7/1/1993 – effective date of MDAQMD (statutory). MDAQMD assumes all powers, duties and rules of former SBCAPCD (the desert district).

12/22/1993 – MDAQMD reformats the entire rulebook.

5/5/1994 – EPA proposes a FIP for multiple areas of California including provisions regarding reformulated gasoline (59 FR 23264, 5/5/1994).

7/1/1994 – effective date of Blythe/Palo Verde Valley region leaving SCAQMD and becoming part of the MDAQMD.

8/21/1995 – CARB gasoline specifications as revised approved into the SIP by USEPA as a result of CARB's action taken in response to FIP proposal in 1994 (60 FR 43379, 8/21/1995).

7/10/1998 – SCAQMD rescinds its version of Rule 432 as superfluous since the CARB gasoline specifications are included in the SIP

5/12/2010 – CARB's reformulated gasoline regulations (see current version of 13 Cal. Code Regs. §§2250 et seq.) approved by USEPA into the SIP (75 FR 26653, 5/12/2010).

2. SIP Analysis.

The District will request that CARB submit the proposed rescission of Rule 432 – *Gasoline Specifications* and remove all prior versions of this rule from the SIP. This action will not cause any relaxation in the SIP the rule provisions have already been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. This state-wide regulation is currently enforced throughout the District

This page intentionally left blank.

Appendix “A”
Rule 432 – *Gasoline Specifications*, 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.

This page intentionally left blank.

(~~Adopted: 05/07/76; CARB Ex. Ord. G-73: 02/01/77;~~
~~Readopted: 07/25/77~~)

~~Rule 432~~ ~~Gasoline Specifications~~

~~A person shall not sell or supply for use within the District as a fuel for motor vehicles as defined by the Vehicle Code of the State of California, gasoline having a degree of unsaturation greater than that indicated by a Bromine Number of 30 as determined by ASTM Method D1159-66.~~

~~This page intentionally left blank.~~

Appendix “B”
Public Notice Documents

1. Daily Press (To be Published on March 25, 2022)
2. Proof of Publication, Riverside Press Enterprise (Published on March 25, 2022)

This page intentionally left blank.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
County of San Bernardino**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 25

All in the year 2022.

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

Dated this: 25th day of March, 2022.

Janet Baldwin
Signature

Janet Baldwin

This space is the County Clerk's Filing Stamp

**Proof of Publication of
NOTICE OF HEARING**

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Metropolitan Air Quality Management District (MAQMD) will be conducting a public hearing on April 25, 2022 at 10:00 AM to consider the petition of July 4, 2021, submitted by the State Implementation Plan (SIP) for both the San Bernardino County and Orange County Air Quality Management District (AQMD).

The hearing will be conducted at the Governing Board Chamber located at the MDAQMD, 11775 Park Avenue, Orange, CA 92667 where all interested persons may be present and have notice of the draft SIP for the proposed modification to the SIP and to be submitted from the MDAQMD, 11775 Park Avenue, Orange, CA 92667. The hearing will be held at the MDAQMD, 11775 Park Avenue, Orange, CA 92667. The hearing will be held on April 25, 2022 at 10:00 AM. If you have any questions, you may contact the staff at (714) 941-4000 for further information. Insurance will be provided.

The hearing is required to meet the SIP because its petition has been previously approved and is a SIP revision. It is a SIP revision because it is a SIP revision. It is a SIP revision because it is a SIP revision.

Pursuant to the California Air Resources Act (CARB) (4140), the MDAQMD has determined that a categorical exemption (Class 1, Cal. Code Reg. 415208) applies and has prepared a Notice of Exemption for the action.

Published in the
114th Issue,
March 25, 2022
11:02

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-884-1200
951-368-9018 FAX

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

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc : EQYUAKJ054KMEVLSPYZT-1 / Rescission Rule 432
Removal from SIP

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1982, Case Number 84445, under date of March 29, 1987, Case Number 65873, under date of August 25, 1995, Case Number 267384, and under date of September 18, 2013, Case Number RIC 1308013; that the notice, of which the enclosed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

03/25/2022

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

Date: March 25, 2022
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

MOJAVE DESERT AQMD
14300 PARK AVE
ATTN: D. HERNANDEZ
VICTORVILLE, CA 92382

Ad Number: 00115233-6-02

P.O. Number: Rescission Rule 432 Removal from SIP

Ad Copy:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on April 25, 2022 at 10:00 A.M. to consider the rescission of Rule 432 - Specific Regulations and removal from the State Implementation Plan (SIP) for both the San Bernardino County and Riverside County portions of the MDAQMD.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14300 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission Rule 432 and its removal from the SIP are available and may be obtained from the Sr. Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Poirier, Executive Director/AQCD of the above office address. Written comments should be received no later than April 23, 2022 to be considered. If you have any questions you may contact Brandon Gaschoff at (760) 246-1661 x4600 for further information. Translation also available upon request.

This action is proposed to rescind Rule 432 because its provisions have been superseded both locally and in the SIP by more stringent state-wide regulations found in 13 Cal. Code Regs. 88462250 et. seq.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg. 8815308) applies and has prepared a Notice of Exemption for this action.

The Press-Enterprise
Published: 3/25/22

RECEIVED
MOJAVE DESERT AQMD

MAR 25 2022

CLERK OF THE BOARD

BY 

Appendix “C”
Public Comments and Responses

None at this time.

This page intentionally left blank.

Comment Letters: *None at this time.*

Comment Responses: *None at this time.*

Appendix “D”
California Environmental Quality Act
Documentation

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

This page intentionally left blank.

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Rescission of Rule 432 – *Gasoline Specifications*

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 MDAQMD is proposing to rescind Rule 432 and have it removed from the SIP as its provisions have been superseded by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed rescission of Rule 432 is exempt from CEQA review because its provisions have been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** February 28, 2022

DATE RECEIVED FOR FILING:

This page intentionally left blank.

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Rescission of Rule 432 – *Gasoline Specifications*

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 MDAQMD is proposing to rescind Rule 432 and have it removed from the SIP as its provisions have been superseded by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed rescission of Rule 432 is exempt from CEQA review because its provisions have been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

This page intentionally left blank.

Appendix “E” Bibliography

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

1. 42 FR 27000, 5/26/1977
2. 42 FR 46554, 9/16/1977
3. 43 FR 25684, 6/14/1978
4. 43 FR 40011, 9/8/1978
5. 46 FR 30355, 6/8/1981
6. 47 FR 25013, 6/9/1982
7. 59 FR 23264, 5/5/1994
8. 60 FR 43379, 8/21/1995
9. 60 FR 43379, 8/21/1995
10. 74 FR 33196, 7/10/2009
11. 74 FR 35838, 7/21/2009
12. 74 FR 26653, 5/12/2010
13. 13 California Code of Regulations §§2250 et. seq
14. CARB Table Re Reformulated Gasoline (<https://ww2.arb.ca.gov/sites/default/files/2020-03/gasspecs.pdf>)
15. SBCAPCD 432 G73 Rulebook 1997 01 Feb
16. SBCAPCD 432 Rulebook 1977 25 Jul
17. SBCAPCD 432 Rulebook 1979 04 Sep
18. SCAQMD 432 Rescinded 1998 10 Jul
19. SCAQMD 432 Rule Rescission Action (Item, Staff Report etc) 1998 10 Jul
20. So.Cal.APCD Agenda 1976 07 May
21. So.Cal.APCD Minutes 1976 07 May

This page intentionally left blank

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Rescission of Rule 432 – *Gasoline Specifications*

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 MDAQMD is proposing to rescind Rule 432 and have it removed from the SIP as its provisions have been superseded by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed rescission of Rule 432 is exempt from CEQA review because its provisions have been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

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



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Rescission of Rule 432 – *Gasoline Specifications*

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 MDAQMD is proposing to rescind Rule 432 and have it removed from the SIP as its provisions have been superseded by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

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

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed rescission of Rule 432 is exempt from CEQA review because its provisions have been superseded both locally and in the SIP by a more stringent set of requirements contained in 13 Cal. Code. Regs §§2250 et seq. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** April 25, 2022

DATE RECEIVED FOR FILING:

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to present the 2019 Air Toxics “Hot Spots” Program Annual Report and discuss its content and significance: a. Open public hearing; b. Receive the 2019 Air Toxics “Hot Spots” Program Annual Report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)
Please scroll down to view the backup material.

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

AGENDA ITEM #12

DATE: April 25, 2022

RECOMMENDATION: Conduct a public hearing to present the 2019 Air Toxics “Hot Spots” Program Annual Report and discuss its content and significance: a. Open public hearing; b. Receive the 2019 Air Toxics “Hot Spots” Program Annual 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 2019 Air Toxics “Hot Spots” Program Annual Report in accordance with Health and Safety Code §44363 and a copy is provided to the Governing Board.

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.

Pursuant to Health and Safety Code §44363, this report summarizes the Air Toxic “Hot Spots” Act program elements, the current status of the program in the Mojave Desert Air Quality Management District (MDAQMD or District), results of local Health Risk Assessments, current status of public notifications, and conclusions drawn from the program to date. This report and content significance will be discussed at said hearing. Notice of this hearing was published on March 16, 2022 and was published on the District’s website on March 16, 2022.

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

AGENDA ITEM #12

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.

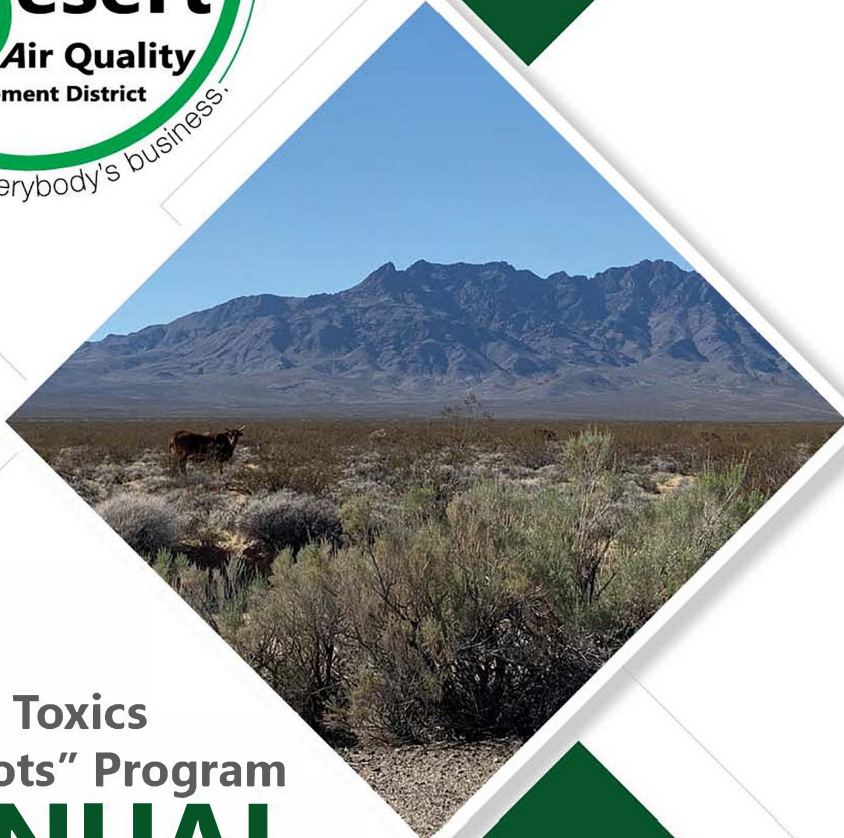
REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form, and by Brad Poiriez, Executive Director on or before March 16, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated

PRESENTER: Alan De Salvio, Deputy APCO.



California Air Toxics
"Hot Spots"
Information and
Assessment Act (AB 2588)



2019 Air Toxics
"Hot Spots" Program
**ANNUAL
REPORT**

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
BRAD POIRIEZ, EXECUTIVE DIRECTOR
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • www.MDAQMD.ca.gov • @MDAQMD

TABLE OF CONTENTS

INTRODUCTION	2
BACKGROUND	2
FACILITY PRIORITIZATION	3
RISK ASSESSMENT.....	5
CURRENT STATUS OF HEALTH RISK ASSESSMENTS.....	7
PUBLIC NOTIFICATION AND RISK REDUCTION	10
RECENT AND EXPECTED UPDATES TO THE PROGRAM.....	11
INDUSTRYWIDE SOURCE CATEGORIES AND UPDATES	13
CONCLUSIONS	14

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 that emit 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 Assessment Reports (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 Air Toxics “Hot Spots” Act program elements, the current status of the program in the Mojave Desert Air Quality Management District (MDAQMD or District), results of local Health Risk Assessment Reports, current status of public notifications, and conclusions drawn from the program to date. This report reflects facility data of emissions released in calendar year 2019 or earlier. Please note that this report date reflects a release date of 2021 due to the fact that several facilities required the submission of a Health Risk Assessment Report based on their 2016 and 2017 emissions data, which can take up to two and a half years to complete due to the submission and review processes by the MDAQMD and the Office of Environmental Health Hazard Assessment (OEHHA). Some of these Health Risk Assessment Reports triggered by the 2016 and 2017 emissions data may still pending.

Emission estimates for facilities regulated by the MDAQMD, are available using CARB’s CEIDARS emissions data lookup tool at <https://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php> , or by request from the MDAQMD. Please make these requests to engineering@mdaqmd.ca.gov or contact the engineering section at 760-245-1661.

BACKGROUND

The District is the implementing agency for approximately 1,400 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. This information includes:

- (1) *Emission Inventory Reports* – Facilities must periodically submit the information needed by the District to prepare a toxic emissions inventory report. The District then prioritizes the health risks associated with each facility to determine if a Health Risk Assessment Report (HRA) is required based upon the amount and toxicity of the reported emissions. See Facility Prioritization on page 3.

- (2) *Health Risk Assessments* – Facilities required to submit a Health Risk Assessment Report (HRA) must determine the level of public exposure to emitted compounds, and the potential adverse public health impacts. The 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.
- (3) *Public Notification* – If an adverse health impact exceeding public notification levels (specified in District Rules 1320 and/or 1520) is identified, the facility must provide notice to all exposed persons regarding the results of the Health Risk Assessment Report (HRA). See Public Notification and Risk Reduction on page 10.
- (4) *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. See Public Notification and Risk Reduction on page 10.

Further, CARB Guidelines allow local air districts such as the MDAQMD 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 the Air Toxics “Hot Spots” Act. These guidelines require that the New Source Review permit contain conditions to ensure calculated toxic risk is not exceeded.

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 one of the three Prioritization Categories based on their Prioritization Score:

- (1) *High Priority Category* – Facilities are required to prepare and submit a HRA.
- (2) *Intermediate Priority Category* – Facilities may be required to conduct a HRA at a future date if toxic risk continues to increase.
- (3) *Low Priority Category* – Facilities are not required to conduct a HRA.

A summary of the Prioritization Categories are shown in Table 1, below:

Table 1: Prioritization Score Categories

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

Facilities are Prioritized as part of a permitting evaluation for any proposed new and/or modified equipment and are Re-Prioritized at least every four years. The Facility Prioritization is based on either the maximum potential to emit for any new equipment, and/or their most recently approved toxic emissions inventory report. All inventory reports are prepared using the District’s Comprehensive Emission Inventory Guidance. All facility Prioritization Scores are calculated using the California Air Pollution Control Officers Association’s (CAPCOA) *Air Toxic “Hot Spots” Program Facility Prioritization Guidelines* (August 2016). These Guidelines were revised in 2015 in response to revisions to the Office of Environmental Health Hazard Assessment’s (OEHHA) updates to the health risk assessment methodology.

The updates to the health risk assessment methodology was triggered by the passage of the Children’s Health Protection Act of 1999 (SB 25, Stats. 1999) requiring OEHHA to ensure infants and children are explicitly addressed in assessing risk. The new risk assessment methodology addresses this greater sensitivity and incorporates the most recent data on childhood and adult exposure to air toxics. For some sources, the revised Prioritization Guidelines and OEHHA risk assessment methodology may result in higher estimated potential cancer risk than previously estimated for the same level of emissions and conditions. This means that facilities that were not categorized as High Priority in the past may now be categorized as High Priority under the revised Prioritization Guidelines and OEHHA risk assessment methodology, even without any increase in actual emissions from the facility. These facilities would be required to submit a subsequent Health Risk Assessment (HRA).

Table 2 – Summary of Facilities Categorized as High Priority and Subsequently have HRAs Pending

<i>HRA Date</i>	<i>Facility No.</i>	<i>Facility</i>	<i>Location</i>	<i>Status</i>
None Pending at This Time				

RISK ASSESSMENT

A Health Risk Assessment (HRA) is a study of the possible public health risks that may be posed by emissions of toxic air contaminants emitted from a facility. Each facility that has been categorized as a High Priority during the Facility Prioritization process must prepare and submit a HRA to the District.

The HRA calculates the health risk using a CARB-approved computer model called the Air Dispersion Modeling and Risk Tool (ADMRT). This tool is a part of the software suite of the Hotspots Analysis and Reporting Program (HARP) that evaluates emissions reported by the facility. A HRA includes a comprehensive analysis of the dispersion of hazardous substances into the environment, the proximity of receptors and the potential for human exposure, and a quantitative assessment of both individual and population wide health risks associated with those levels of exposure. CARB and MDAQMD require that some cautious assumptions be used in the HRA to insure potential adverse health effects are not underestimated. For example, under a Tier 1 risk assessment, a HRA typically estimates the cancer risk for a residential receptor as an 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, for 30 years.

While the HRA procedures are generally considered to be conservative, it is important to note that there are some limitations to consider when evaluating the results. For example, a HRA is based upon emission estimates solely for the indicated inventory year. Years other than that specific inventory year may have higher or lower emissions and are not included. Additionally, the cumulative effect of background air toxic 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 and are not included in the HRA. Also, some facility emission estimates are based on average factors for individual types of equipment, while actual emissions may be lower. Finally, the HRA results only indicate potential impacts from compounds that have been reviewed and assigned a health risk Reference Exposure Level by the Office of Environmental Health Hazard Assessment (OEHHA). Compounds that have not been reviewed and assigned a health risk Reference Exposure Level by OEHHA are not included in the HRA.

CARB currently 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 on a routine basis in addition to adding newly identified

compounds of health concern. All HRAs are required to use the most current list of toxic compounds and associated Reference Exposure Levels available. HRAs must adhere to California Air Pollution Control Officers Association's (CAPCOA) and OEHHA's guidance and methodology. These documents can be found at the following links:

- (1) CARB/CAPCOA's: *Risk Management Guidance for Stationary Sources of Air Toxics* (May 2015): <https://www.arb.ca.gov/toxics/rma/rmgssat.pdf>
- (2) OEHHA's *Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* (February 2015): <https://oehha.ca.gov/air/crnrr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>

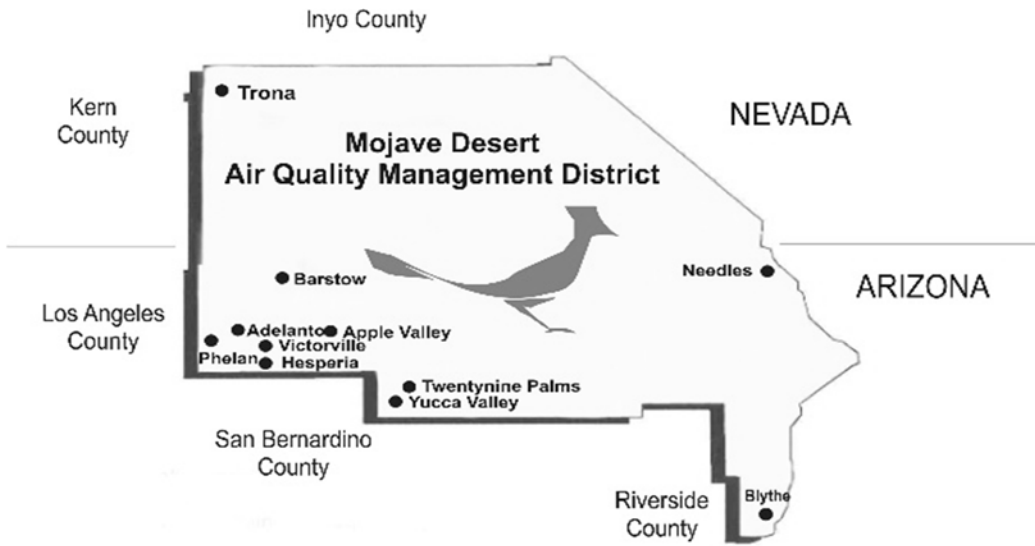
Each HRA is reviewed by the District and OEHHA, and any deficiencies must be corrected by the facility. The results of all HRAs prepared under this program are available for public review. A summary of the results of the HRAs prepared under this program within the MDAQMD is presented in Table 3.

As with all emissions information accumulated by the District, the MDAQMD's air toxic emission inventory is public information and available for public review upon request to the District. Please make these requests to engineering@mdaqmd.ca.gov or contact the engineering section at 760-245-1661. All air district emission inventory data is accessible to the public through the State's (CARB's) California Emission Inventory Development and Reporting System (CEIDARS) website at <http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php>. Additionally, CARB has a Pollution Mapping Tool available which allows any user to locate, view, and analyze emissions of greenhouse gases (GHG), criteria pollutants, and toxic air contaminants from large facilities in California. The CARB Pollution Mapping Tool is located on the web here: https://www.arb.ca.gov/ei/tools/pollution_map/.

This annual Air Toxics "Hot Spots" Report ranks and identifies facilities according to cancer and non-cancer risk posed, and describes toxic control measures. After presentation at a public hearing, this annual Air Toxics "Hot Spots" report is distributed to the Riverside County and San Bernardino County Board of Supervisors with governing authority over the MDAQMD, city councils in the MDAQMD, and the County Health Officers of Riverside and San Bernardino Counties.

CURRENT STATUS OF HEALTH RISK ASSESSMENTS

MDAQMD has jurisdiction of the geographic area shown below. 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 pollution control districts. The MDAQMD’s boundaries include the desert portion of San Bernardino County and those portions of the County of Riverside commonly known as the Palo Verde Valley.



Map Not to Scale

Figure 1: MDAQMD area of jurisdiction

CRP2018

The MDAQMD’s rural areas provide significant dispersion potential for most sources within the District’s jurisdiction. The MDAQMD is also unique in that it has a vast variety of large industrial sources, which are subsequently facilities subject to the Air Toxics “Hot Spots” Act. Examples include Portland cement manufacturing facilities, various mineral mining industries, several military installations, gas utility compressor stations, and power generating facilities.

As discussed in previous sections of this report, the District routinely and programmatically assesses potential health risk from each facility under its regulative authority. Those facilities which have a health risk that has been prioritized as a High Priority are required to prepare a Health Risk Assessment (HRA). A summary of the results of the HRAs prepared under this program is presented in Table 3. A summary of the facilities that have been categorized as High Priority and have a HRA pending (if any) is presented in Table 2 – please note that the results of pending HRAs are still under review and will be reported in future *Annual Air Toxics “Hot Spots” Reports* once the review is complete.

Table 3: Summary of Facility HRA Results
(table continues on p.9)

HRA Date (Emission Year)	Facility No.	Facility	Location	Maximum Individual Cancer Risk ¹	Chronic THI ²	8 Hour Chronic THI ³	Acute THI ⁴
<i>Facilities required to implement a risk reduction plan and conduct quadrennial public notification:</i>							
There are no facilities in this category at this time.							
<i>Facilities that have implemented a risk reduction plan and currently have risks below the public notification level:</i>							
There are no facilities in this category at this time.							
<i>Facilities required to conduct quadrennial public notification:</i>							
2018 (EY16)	535	PG&E - Hinkley Compressor Station	Hinkley	27.2	0.174	0.1064	0.867
2020 (EY17)	2, 7, 79	Searles Valley Minerals	Trona	6.23	0.236	0.002	4.97
2018 (EY16)	3	CalPortland Cement	Oro Grande	68.6	1.1	0.14	0.78
2018 (EY16)	246	Ducommun AeroStructures	Adelanto	17.2	0.073	4.75e-7	1.44
2020 (EY16)	6	CEMEX River Plant	Victorville	64.2	5.79	0.3	7.52
<i>Facilities not required to implement a risk reduction plan and not required to conduct quadrennial public notification:</i>							
2010	3007, 3008, 3009	Solar Partners - Ivanpah Solar ⁵	Ivanpah	0.08	<1	NA	<1
2007	364	Union Oil Molycorp (Mountain Pass Mine) ⁵	Mountain Pass	5	0	NA	0.49
2007	591, 3245, 3247, 3250, 3251, 3252	USMC AGCC	Twentynine Palms	2	<0.29	NA	0.24
2000		Blythe Energy Project ⁵	Blythe	0.4	0.21	NA	0.03
2018 (EY16)	1849	High Desert Power Project ⁶	Victorville	0.0346	0.00038	0.00038	0.0475
2018 (EY16)	39	PG&E – Topock Compressor Station	Needles	8.86	0.0421	0.0213	0.276
2018 (EY16)	2933	Sully Miller	Victorville	8.75	0.68	0.119	0.248

2019 (EY16)	Co. No. 1489	International Aerospace Coatings (IAC)	Victorville	0.0461	0.00288	0.0118	0.974
<i>HRAs that have been superseded by a more recent version:</i>							
2001	2, 7, 79	Searles Valley Minerals	Trona	4.39	1.03	NA	20.4
2014 (EY13)	2, 7, 79	Searles Valley Minerals Operations, Inc	Trona	3.46	0.494	NA	22.6
1999	1849	High Desert Power Project	Victorville	<1.4	0.10	NA	0.8
2009	3	CalPortland Cement	Oro Grande	7	1.52	NA	1.43
1994	535	PG&E - Hinkley Compressor Station	Hinkley	2	0	NA	0.09
1997	6	Southdown River Plant (CEMEX - River Plant)	Victorville	7.1	0.066	NA	0.12
<i>Facilities that have conducted HRAs that have ceased operation:</i>							
There are no facilities in this category at this time.							

Footnotes for Table 3:

1. Maximum Cancer Risk is the probability (chances per million) of a potentially maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants
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. The 8 hour chronic non-carcinogenic hazard index is evaluated only for the maximally exposed individual worker (MEIW). Evaluation of 8 hour chronic HI is not a requirement of HRA conducted prior to 2015 (Initiated by OEHHA 2015 Risk Assessment Updates).
4. 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.
5. 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). Additionally, this facility changed ownership in 2017 from Union Oil Molycorp to Mountain Pass Mine. Toxic emissions under the new ownership will be evaluated for emission year 2018.
6. Cancer burden is the estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants. The cancer burden was evaluated from each facility listed in the table above individually with no facility exceeding the MDAQMD Rule 1520 action risk level of 0.5.

PUBLIC NOTIFICATION AND RISK REDUCTION

Once a HRA has been reviewed and approved by the District and OEHHA, the Air Toxics “Hot Spots” Act program requires facilities with health risks over specified levels to provide public notice to all exposed persons. In addition, facilities with significant risks are required to reduce health risks below the significant risk levels within five years by submitting a risk reduction plan that must be approved by the District. The established public notification and significant risk levels (as well as public notification and risk reduction procedures) are codified in District Rule 1320 and District Rule 1520. The threshold levels for triggering public notification and risk reduction are presented in Table 4.

Table 4: Public Notification and Significant Risk Levels

	Public Notification Level	Risk Reduction Level
Maximum Individual Cancer Risk ¹	≥10 in a million	≥100 in a million
Cancer Burden ²	NA	0.50
Total Chronic Noncancer Health Hazard Index ³	≥1.0	≥10
Total Acute Noncancer Health Hazard Index ³	≥1.0	≥10

1. Maximum Individual Cancer Risk is the probability (chances per million) of a potentially maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants.
2. Cancer Burden is used to evaluate risk from a population basis. Cancer Burden is the estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants. The result of this calculation is a single number that is intended to estimate of the number of potential cancer cases within the population that was exposed to the emissions for a lifetime (70 years).
3. Noncancer Hazard Indices are an indicator of potential noncancer health effects (e.g., eye or respiratory irritation, reproductive, or developmental effects, etc.). They are the ratio of the estimated concentration of a specific pollutant compared to the reference exposure level for that pollutant. A pollutant’s reference exposure level identifies the potential threshold level for some type of pollutant-specific toxic effect. It is important to note that hazard indices above one do not necessarily mean there is certainty for an adverse effect; rather, it indicates there may be the potential for adverse effects that warrant further investigation.

In establishing public notification procedures, the District considered input from the California Air Pollution Control Officers Association’s (CAPCOA’s) *Air Toxics “Hot Spots” Program Public Notification Guidelines* (October 1992), CARB guidance, and other regulatory precedents. The MDAQMD’s *Air Toxic “Hot Spots” Program Public Notification Procedures* (May 1, 1996) are generally consistent with procedures adopted by other California air districts and are posted on the MDAQMD website here: <http://mdaqmd.ca.gov/Home/ShowDocument?id=6010>

Facilities required to perform public notification must distribute notices to each household and business that may be exposed to potential health risks exceeding the District's public notification level. Notifications must be prepared, approved by the District, and distributed on a quadrennial basis until the facility demonstrates to the District that it has reduced the potential health risk below the

notification thresholds. Table 5 lists the facilities within the MDAQMD that are currently required to conduct quadrennial public notification. It is important to note, again, that the preparation and review process of a HRA can span up to two and a half years to complete; therefore, an emission year that triggered a HRA in 2016 may not reach full review until mid-2019. This means that any public notification requirement triggered by the results of the HRA may not be fulfilled until nearly three years after the emission year.

Table 5: Facilities Required to Conduct Quadrennial Public Notification

HRA Date (Emission Year)	Facility	Location	Most Recent Notification Date
2018 (EY16)	PG&E – Hinkley Compressor Station	Hinkley	11/20/2020
2018 (EY16)	CalPortland Cement	Oro Grande	12/1/2020
2018 (EY16)	Ducommun Aerostructures	Adelanto	12/9/2020
2020 (EY16)	CEMEX – River Plant	Victorville	11/23/2020
2020 (EY17)	Searles Valley Mineral	Trona	9/30/2021

Pursuant to the Air Toxics “Hot Spots” Act, facilities with significant public health risks must reduce those risks below significant risk levels within five (5) years of the approval of a risk reduction plan. There are currently no facilities in the MDAQMD that pose a significant public health risk; therefore, there are no facilities that are required to conduct risk reduction at this time.

RECENT AND EXPECTED UPDATES 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 listed below and are available for review at the corresponding links:

- (1) *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (February 2015)
<https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>
- (2) *Technical Support Document for the Derivation of Noncancer Reference Exposure Levels* (June 2008)
<https://oehha.ca.gov/media/downloads/cnr/noncancertsdfinal.pdf>
- (3) *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures* (May 2009)
<https://oehha.ca.gov/media/downloads/cnr/tsdcancerpotency.pdf>
- (4) *Technical Support Document for Exposure Assessment and Stochastic Analysis* (August 2012)
<https://oehha.ca.gov/media/downloads/cnr/tsdportfolio2012.pdf>

To supplement OEHHA's guidelines, CARB provided a document titled *Risk Management Guidance for Stationary Sources of Air Toxics* (July 2015):
<https://www.arb.ca.gov/toxics/rma/rmgssat.pdf>

In March 2015, OEHHA finalized updates to *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. The updates were triggered by the passage of the Children’s Health Protection Act of 1999 (SB 25, Stats. 1999), requiring OEHHA to ensure infants and children are explicitly addressed in assessing risk. The new risk assessment methodology addresses this greater sensitivity and incorporates the most recent data on childhood and adult exposure to air toxics. 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.

This update has prompted the MDAQMD to re-evaluate every facility within the District for Air Toxics to ensure that all health risk Prioritization Scores and Health Risk Assessment (HRA) calculations have been updated to incorporate the updated risk methodology. This District-wide update began with the 2016 emission inventory and will take approximately three years to complete, with the last updates made in calendar year 2019 for the 2018 emission year. This re-evaluation of Air Toxics has resulted in an increased number of facilities being categorized as High Priority, thus an increased number of facilities that are required to submit a subsequent Health Risk Assessment. Please see Table 2 for a summary of the facilities that have been categorized as High Priority and have a HRA pending.

In 2016, the Legislature passed Senate Bill 32, which codified a 2030 GHG emissions reduction target of 40% below 1990 levels. With SB32, the Legislature passed companion legislation, AB197, which provided direction to CARB for developing the Scoping Plan for reaching this reduction target. Under the direction provided by AB197, CARB is required to annually post GHG, criteria, and toxic air contaminant data throughout the state. In order to comply with the public accessibility to emission inventory data requirements of AB197, CARB is currently updating their Pollution Mapping Tool to include criteria and toxic emissions in addition to greenhouse gas emissions. More information on this tool, and the tool itself, is on CARB’s website at the following link:

https://www.arb.ca.gov/ei/tools/pollution_map/pollution_map.htm

AB 617 was passed in 2017, aiming to establish a new community-scale emissions abatement program; updates air quality standards for certain stationary sources located in or contributing to non-attainment areas; provides for improved enforcement, and ensures community participation in the process. In response to AB 617, CARB established the Community Air Protection Program (CAPP or Program). The Program’s focus is to reduce exposure in communities most impacted by air pollution. For more details pertaining to CAPP, please visit CARB’s CAPP webpage here:

<https://ww2.arb.ca.gov/capp>

Most recently, CARB developed and adopted the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants" (or CTR) to implement statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities. The reporting regulation became effective January 1, 2020. CTR supports the mandates of AB 617, AB 197 (described above), and AB 2588, and also continues California’s environmental leadership by establishing innovative new policies to improve many aspects of air quality, including emission inventory. Emissions inventory data is critical to understanding the sources of emissions that may contribute to adverse health risks or other impacts at the local, regional, and statewide level; therefore, the CTR is CARB’s intent of adopting a new paradigm, making significant improvements in the completeness of emission inventory data collected, and how it is collected, to meet the community protection and other public

health priorities for CARB and the local air districts. For more information pertaining to the CTR and the implementation schedule please refer to CARB’s webpage here: <https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting>

In conjunction with the CTR, CARB has amended the Emission Inventory Criteria and Guidelines (Guidelines, or EICG Regulation) at the November 2020 Board meeting. The purpose of these amendments are to ensure continued protection of public health by collecting more comprehensive emission data, provide CARB and the local air districts with a better understanding of stationary source emissions, enhance the public access to information on toxic pollutant emissions, and require the reduction of localized health risks at facilities that may present significant impacts. The proposed amendments are also designed to support community-focused efforts at CARB to reduce criteria pollutant and air toxic emissions from California’s most disadvantaged communities as required by AB 617.

INDUSTRYWIDE SOURCE CATEGORIES AND UPDATES

Some of the District’s smallest emitters are subject to the Air Toxics “Hot Spots” Act program, such as auto body shops, dry cleaners, and retail gasoline stations. To provide some relief from the burden of reporting, some of 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 on September 26, 1996, and the “Gasoline Service Station Industry-Wide Risk Assessment Guidelines” was approved in December of 1997 (Appendix E updated in November 2001). Updates to the “Gasoline Service Station Industry-Wide Risk Assessment Guidelines” are currently pending review as of October 2019 under the direction and participation of the local air pollution control districts. The MDAQMD inventories about 237 retail gas stations each year and the trend in emissions from retail gas stations has steadily declined, reduced each year by the CARB’s Vapor Recovery Program which controls vapor emissions from gasoline service stations. The MDAQMD assessed risk from each retail gas station, incorporating OEHHA 2015 risk assessment updates into the Gasoline Service Station Industry-Wide Risk Assessment Guidelines. The results of the MDAQMD gas station industrywide risk assessment show that none of these sources are a significant health risk and that the majority are low risk, obviously reflecting the emission reduction achieved through CARB’s Vapor Recovery Programs.

Additionally, the “Perchloroethylene (Perc) Dry Cleaner Industry-Wide Risk Assessment” was never finalized; however, on January 25, 2007, the California Air Resources Board (CARB) approved amendments to the Dry Cleaning Air Toxic Control Measure (ATCM) and adopted requirements for Perc manufacturers and distributors. These amendments will over time phase out dry cleaning machines that use perchloroethylene by January 1, 2023. Since this ATCM’s adoption the MDAQMD has phased out over 37 dry cleaning machines that used perchloroethylene. To date, there are only two dry cleaning machines that use perchloroethylene that remain in service. Most of these dry cleaning machines have been replaced with an alternative cleaning solvent that has little to no known toxicity associated with their use.

CONCLUSIONS

While facilities regulated by the MDAQMD emit toxic air contaminants, emissions from these stationary sources have been greatly reduced since 1989 due to the Air Toxic “Hot Spots” Act programs implemented at the District level. The issuance and enforcement of MDAQMD air permits ensure that stationary source facilities are in compliance with all District, State, and Federal air quality regulation. The MDAQMD’s programmatic tracking of each facility’s emissions through the Comprehensive Emissions Inventory Program ensures that each facility’s toxic risk is re-evaluated on a routine basis, and that health risk notification and risk reduction is carried out in compliance with the Air Toxic “Hot Spots” Act. It is important to note that other non-stationary sources such as motor vehicles are the largest contributing source of toxic air contaminants; and, mobile, area and natural sources are also key contributors of toxic air contaminants, yet these aren’t regulated by the MDAQMD at the local level.

Current and future air quality programs at the local, state, and federal levels continue to further reduce toxic air contaminants emissions:

Stationary Source Emission Reductions

As mentioned previously in this report, the MDAQMD is re-evaluating every facility to ensure that the updated OEHHA risk methodology is used to estimate health risk. The OEHHA risk methodology updates are more health-conservative and have prompted many facilities to re-evaluate their operations, or conduct a Health Risk Assessment to ensure that they continue to comply with the Air Toxic “Hot Spots” Act. The MDAQMD also continues to implement and enforce the state’s Airborne Toxic Control Measures (ATCMs) on all applicable stationary source facilities. These ATCMs target specific toxic air contaminants from specific sources requiring stringent controls, and in some cases, complete elimination of air polluting products or equipment. For example, there are ATCMs that reduce emissions of diesel particulate matter from engines, perchloroethylene from dry cleaning operations, hexavalent chromium from electroplating operations, hexavalent chromium and nickel from metal deposition operations, and toxic metals from metal melting operations. Similarly, the MDAQMD continues to implement and enforce the federal National Emission Standards for Hazardous Air Pollutants/Maximum Achievable Emission Standards (NESHAP/MACT) on all applicable stationary source facilities.

These NESHAP/MACT regulations have produced dramatic air toxic emission reductions from an array of source categories located in the MDAQMD such as Aerospace, Boat Manufacturing, Internal Combustion Engines, Portland Cement Manufacturing, Miscellaneous Coating Manufacturing, Municipal Solid Waste Landfills, Plastics and Surface Coatings, and Reinforced Plastic Composites Production. A complete list of the state’s ATCMs can be viewed here:
<https://www.arb.ca.gov/toxics/atcm/atcm.htm>

A complete list of the federal NESHAP/MACT standards can be viewed here:
<https://www.epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-neshap-9>.

Additionally, measures to reduce emissions of volatile organic compounds as ozone precursors will also decrease emissions of toxic volatile organic compounds, and the MDAQMD is routinely

amending source specific District Rules to implement and enforce measures to decrease emissions of toxic volatile organic compounds. Recent District rule amendments/adoptions include: Rule 1104 – Organic Solvent Degreasing Operations, Rule 1113 – Architectural Coatings, Rule 1114 – Wood Products Coating Operations, Rule 1118 – Aerospace Vehicle parts & Products Coating Operations, Rule 1158 – Electric Power Generating Facilities, Rule 1160 – Internal Combustion Engines, and Rule 1168 – Adhesive and Sealant Applications

Mobile and Area Source Emission Reductions

Mobile and Area sources are the predominant sources of air toxic emissions, and are typically regulated and enforced at the state and federal level. Reductions from these source types have long been occurring and are ongoing. There are both state and federal measures to reduce vehicle trips and miles traveled, as well as, increased requirements and incentives for alternative fueled and electric vehicles. The evolution of cleaner low-emission and zero-emission vehicles is an important step in reducing toxic air contaminants and improving overall air quality. The District works with State and Federal grant programs to secure funding for local citizens and business looking to reduce emissions, inclusive of toxic emissions, through source specific projects such as equipment replacement programs. In 2019, 39 vehicles registered in the MDAQMD were scraped as part of the Voluntary Accelerated Vehicle Retirement (VAVR) Program which compensates owners whom voluntarily remove older model vehicles (20 years or older) from service.

In conclusion, ongoing implementation of the Air Toxics “Hot Spots” Act 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.

The following page(s) contain the backup material for Agenda Item: [Reports: Executive Director](#).

Please scroll down to view the backup material.



**1107 Ninth Street, Suite 801
Sacramento, CA 95814
(916) 441-5700 (916) 441-5708 FAX
www.capcoa.org**

April 6, 2022

PRESIDENT

Aeron Arlin Genet
Santa Barbara County APCD

VICE PRESIDENT

Laki Tisopulos, PhD
Ventura County APCD

**SECRETARY/CHIEF
FINANCIAL OFFICER**

Samir Sheikh
San Joaquin Valley APCD

PAST PRESIDENT

Gretchen Bennitt
Northern Sierra AQMD

DIRECTORS

Alberto Ayala, PhD
Sacramento Metro AQMD

Brad Poiriez
Mojave Desert AQMD

Doug Gearhart
Lake County APCD

Jack P. Broadbent
Bay Area AQMD

Joseph Tona
Tehama County APCD

Paula Forbis
San Diego County APCD

Richard Stedman
Monterey Bay ARD

Robert Bamford
Northern Sonoma County APCD

Wayne Nastri
South Coast AQMD

EXECUTIVE DIRECTOR

Tung T. Le
tung@capcoa.org

The Honorable Luz M. Rivas
Chair, Assembly Committee on Natural Resources
1020 N Street, Room 164
Sacramento, CA 95814

RE: AB 2550 (Arambula) – State Air Resources Board: ambient air quality standards: nonattainment districts – Oppose

Dear Chair Rivas:

On behalf of the California Air Pollution Control Officers Association (CAPCOA), I respectfully inform you of our opposition to AB 2550 (Arambula). CAPCOA is the non-profit association of the air pollution control officers representing the 35 local air quality districts throughout California and is dedicated to improving public health and providing clean air for all our residents. AB 2550 prescribes an unnecessary and potentially counterproductive process for the development of air quality plans required by state and federal law. The bill would transfer local responsibility to regulate stationary sources of air pollution to the state which will impede ability to consider California's unique regional and local air quality needs. Additionally, we believe this bill is unnecessary as state law already provides the California Air Resources Board (CARB) authority to oversee air district activities related to air quality management.

California's 35 local air pollution control districts (districts) and CARB both have responsibility under state and federal law to jointly develop air quality plans to bring the diverse regions of the state into compliance with health-based state and federal air quality standards. Plan elements include the development of emissions inventories, air quality modeling, and control measures to reduce emissions. In addition to participating in these joint activities, the districts develop strategies to further reduce stationary source emissions considering local and regional air quality needs for plan inclusion. The jointly developed air quality plans are then subject to extensive public review processes at the local and state level which includes opportunity for all stakeholders to provide input. After considering public comments and making necessary revisions to incorporate material input, these plans are approved by local and state officials. Plans to attain federal air quality standards are then submitted to the United States Environmental Protection Agency (U.S. EPA), where they

April 6, 2022

Page 2 of 3

are subject to yet another public review process before U.S. EPA can act on them. In addition to joint plan development, CARB and local air districts work together to operate and maintain air quality monitors throughout the state to measure ambient air quality, which provides real-world data as to the efficacy of approved plans. It is only when a district does not uphold its responsibility to participate in these joint activities would CARB need to assume the district's role in developing stationary source emission control strategies. Never in its 55-year history has CARB been required to invoke this authority. Districts, CARB and U.S. EPA have a long and successful record of working together to address the air quality challenges California faces, with California adopting the most stringent stationary and mobile source regulatory programs in the nation. These decades-long efforts have resulted in dramatic reductions in air pollution and improvements to air quality, and work continues to reduce air pollution in communities throughout the state. The changes to state law proposed in AB 2550 will not enhance the success of this longstanding collaboration nor will it expedite attaining air quality standards.

AB 2550 will not help alleviate the significant air quality challenges California faces because it does not address mobile source emissions. Mobile sources continue to be the largest contributor of criteria pollutant, toxic, and anthropogenic greenhouse gas emissions throughout the state. As an example, CARB data shows that mobile sources currently account for 70-80% of overall emissions of oxides of nitrogen (NO_x) which is the primary contributor to the formation of ground level ozone and PM_{2.5}. In comparison, stationary source emissions of NO_x have been reduced by approximately 90% through decades of air district regulation. Despite this significant progress and absent authority that CARB and EPA hold to regulate mobile source emissions, districts continue to further reduce stationary source emissions through the application of Best Available Control Technologies to new and expanded sources, implementation of rules that require stationary sources to retrofit equipment with new control technologies, and through highly localized, community-focused emission reduction programs like AB 617. Additionally, districts administer incentive programs like the highly successful Carl Moyer program which is designed to accelerate emissions reductions from mobile sources beyond those required by law. Increasing resources for mobile source incentive programs like Carl Moyer is the single largest opportunity available for achieving air quality goals and related public health benefits faster.

The Honorable Luz M. Rivas
Chair, Assembly Committee on Natural Resources
1020 N Street, Room 164
Sacramento, CA 95814

April 6, 2022

Page 3 of 3

While well-intentioned, AB 2550 will do little to improve air quality and may instead slow progress as it distorts a process that has been proven over decades of experience to effectively reduce stationary source emissions. We urge you to oppose this measure when it comes before you for consideration. Should you have any questions please do not hesitate to contact me at (805) 979-8282 or our Legislative Advocate, Brendan Twohig at (916) 492-9363.

Sincerely,



Aeron Arlin Genet
President

Cc: The Honorable Joaquin Arambula, Assembly Member, 31st District
Members of the Assembly Committee on Natural Resources



**1107 Ninth Street, Suite 801
Sacramento, CA 95814
(916) 441-5700 (916) 441-5708 FAX
www.capcoa.org**

April 11, 2022

PRESIDENT

Aeron Arlin Genet
Santa Barbara County APCD

VICE PRESIDENT

Erik White
Placer County APCD

**SECRETARY/CHIEF
FINANCIAL OFFICER**

Samir Sheikh
San Joaquin Valley APCD

PAST PRESIDENT

Gretchen Bennitt
Northern Sierra AQMD

DIRECTORS

Alberto Ayala, PhD
Sacramento Metro AQMD

Alexander "Sandy" Crockett
(Interim)
Bay Area AQMD

Brad Poiriez
Mojave Desert AQMD

Doug Gearhart
Lake County APCD

Joseph Tona
Tehama County APCD

Paula Forbis
San Diego County APCD

Richard Stedman
Monterey Bay ARD

Robert Bamford
Northern Sonoma County APCD

Wayne Nastri
South Coast AQMD

EXECUTIVE DIRECTOR

Tung T. Le
tung@capcoa.org

The Honorable Laura Friedman
Chair, Assembly Committee on Transportation
1020 N Street, Room 112
Sacramento, CA 95814

RE: AB 2836 (E. Garcia) – Carl Moyer and Local Clean Air Incentives
Programs Extension – Co-sponsor and Support

Dear Chair Friedman:

On behalf of the California Air Pollution Control Officers Association (CAPCOA), I respectfully inform you of our co-sponsorship and strong support for AB 2836 (E. Garcia), which reauthorizes California's most successful clean air programs, the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer) and local clean air incentives programs, which are critical to meeting California's clean air goals. CAPCOA is the non-profit association of the air pollution control officers representing the 35 local air quality districts throughout California and is dedicated to improving public health and providing clean air for all our residents.

In cooperation with the California Air Resources Board, air districts administer the highly successful and cost-effective Carl Moyer program, which provides incentives to private businesses and public agencies to voluntarily clean up older, dirtier vehicles and mobile off-road engines. Since its inception in 1998, the Carl Moyer program has enabled the replacement, scrappage or repower of over 68,000 engines resulting in reduction of more than 198,000 tons of Nitrogen Oxides and Reactive Organic Gases, which contribute to smog formation and reduction of over 7,300 tons of particulate matter much of which is diesel exhaust – an air toxic¹. The local AB 923 incentives program provides funding for school bus replacements, agricultural equipment, light-duty vehicle scrapping programs and Carl Moyer qualifying projects.

Reauthorizing these programs, which are efficient, effective, and primarily locally operated and address local conditions and priorities, is essential to meeting California's clean air goals. They are critical to attaining both

The Honorable Laura Friedman
Chair, Assembly Committee on Transportation
1020 N Street, Room 112
Sacramento, CA 95814

April 11, 2022

Page 2 of 2

health-based National (federal) and California (state) Ambient Air Quality Standards and for cutting emissions of diesel exhaust particulate matter (PM), a toxic air contaminant which causes cancer, respiratory, other health problems, and premature death with children and the elderly being especially vulnerable. Cars, trucks, trains, and other mobile equipment produce more than 70% of California's air pollution. To meet federal and state clean air standards and protect public health, this pollution must be cut by up to 80% by the mid-2030s.

AB 2836 reauthorizes a 75-cent fee on tire sales to fund the Carl Moyer program and existing authority for local air district boards to collect up to \$2 in locally generated motor vehicle registration fees for the local AB 923 incentives program and reauthorizes the San Joaquin Valley specific vehicle surcharge.

The Carl Moyer and the local AB 923 clean air incentives programs are the gold standard of incentives programs in California. These popular and effective programs have historically enjoyed broad statewide support from public health, environmental, business, and agricultural communities. If these fiscally sound programs are not extended, substantial opportunities to achieve much needed emission reductions ahead of current regulatory deadlines will be lost and public health will suffer. In order to protect public health, allow for programs to continue seamlessly, help inform State Implementation Plan development and provide business certainty and a clear signal for continued private investment in California's clean air future, we respectfully urge your support of AB 2836 when it comes before you for consideration.

Should you have any questions please do not hesitate to contact me at (805) 979-8282 or our Legislative Advocate, Brendan Twohig at (916) 492-9363.

Sincerely,



Aeron Arlin Genet
President

Cc: The Honorable Eduardo Garcia, Assembly Member, 56th District
Members of the Assembly Committee on Transportation
Chair and Members of the Assembly Committee on Natural Resources