



**Location:**

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

**MONDAY, SEPTEMBER 26, 2022**

**10:00 a.m.**

**TELECONFERENCE LOCATION(S)**

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

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

IF YOU 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](mailto:PUBLICCOMMENT@MDAQMD.CA.GOV) IN ADDITION TO PARTICIPATION AT THE MEETING. TO ENSURE PROPER DISTRIBUTION AND AVAILABILITY PLEASE SEND YOUR COMMENTS AT LEAST 48 HOURS BEFORE THE MEETING.

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

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

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

## **CALL TO ORDER 10:00 A.M.**

Pledge of Allegiance.

Roll Call.

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

Special Announcements/Presentations:

- A. Employee Recognition Service Award: Chris Anderson – 20 years (August), Catherine Tran – 10 years.

PUBLIC COMMENT – The public may comment on any item not listed on the agenda. For comments relating to a specific item, please use the public comment card and specify the number of the item on which you wish to speak and submit it to the Clerk.

In compliance with the Brown Act, the Governing Board may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The Governing Board may ask brief questions for clarification, provide a reference to staff or other reference for factual information and or direct staff to add an item to a subsequent meeting.

## **CONSENT CALENDAR**

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

1. [Approve Minutes from Regular Governing Board Meeting of August 22, 2022.](#)
2. [Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.](#)
3. [Receive and file the Financial Reports with activity through July 2022, which reflect the District's financial and budgetary performance to date. Presenter: Laquita Cole, Finance Manager.](#)
4. [Receive and file the Legislative Report for September 2022. Presenter: Brad Poiriez, Executive Director/APCO.](#)
5. [Set Date of October 24, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 443 — Labeling of Solvents, 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 443 — Labeling of Solvents. Presenter: Alan De Salvio, Deputy APCO.](#)

6. [Set a date of October 24, 2022, to conduct a public hearing to consider the amendment of District Rule 1160 — Internal Combustion Engines. Presenter: Alan De Salvio, Deputy APCO.](#)

### **ITEMS FOR DISCUSSION**

7. DEFERRED ITEMS.
8. [Conduct a public hearing to consider to consider the rescission of Rule 480 – Natural Gas fired Control Devices, its removal State Implementation Plan 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, rescinding the rule requesting removal of prior versions of the Rule from the SIP and directing staff actions. Presenter: Alan De Salvio, Deputy APCO.](#)
9. [Conduct a public hearing to consider the amendment of Rule 701 – General and rescission of the remaining rules in Regulation VII – Emergencies 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.](#)
10. Reports: Executive Director.
11. 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](http://www.mdaqmd.ca.gov) or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at [dhernandez@mdaqmd.ca.gov](mailto:dhernandez@mdaqmd.ca.gov).

**Mailed & Posted on: Tuesday, September 20, 2022.**

*Deanna Hernandez*

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Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of August 22, 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](http://www.MDAQMD.ca.gov) • [@MDAQMD](https://twitter.com/MDAQMD)



**REGULAR GOVERNING BOARD MEETING**  
**MONDAY, AUGUST 22, 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, 1<sup>st</sup> District Supervisor  
Joseph “Joey” DeConinck, City of Blythe – *via Teleconference*  
Stevevonna Evans, City of Adelanto  
Kari Leon, Town of Apple Valley, **Vice Chair**  
Dan Mintz, Sr., City of Twentynine Palms  
V. Manuel Perez, Riverside County, 4<sup>th</sup> District Supervisor – *via Teleconference*  
Barbara Riordan, Public Member  
Dawn Rowe, San Bernardino County, 3<sup>rd</sup> District Supervisor – *via Teleconference*  
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 10:02 am and asked Board Member **BRIGIT BENNINGTON** 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.

**PUBLIC COMMENT** – The public may comment on any item not listed on the agenda. For comments relating to a specific item, please use the public comment card and specify the number of the item on which you wish to speak and submit it to the Clerk.

*In compliance with the Brown Act, the Governing Board may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The Governing Board may ask brief questions for clarification, provide a reference to staff or other reference for factual information and or direct staff to add an item to a subsequent meeting.*

Chair **MERL ABEL** called for **PUBLIC COMMENT**. Public comment made in person by Mr. Arnold San Miguel of Southern California Association of Governments (SCAG). Mr. San Miguel informed the Board about upcoming SCAG events. Registration is now open for the SCAG and the USC, Sol Price School of Public Policy 33rd annual Demographic Workshop. This year’s theme is “Forecasting the New Normal.” The workshop will be held virtually in two parts on Wednesday, Sept. 14, and on Wednesday, Sept. 21 from 1:30 p.m. to 4:45 p.m. Experts will weigh in on how we can forecast an uncertain future with the relatively limited information available today. The program will also include a keynote address and a series of expert-led roundtable discussions. Registration is now open on the EVENTS portion of the SCAG website. The Connect SoCal Sustainable Communities Program (SCP) Call 4 – Civic Engagement, Equity, and Environmental Justice will be recommended for approval and will authorize staff to release the call for applications for projects . If you are aware of organizations that you think may be interested in applying please let them know or provide their contact information to SCAG. Being no further public comment, Chair **ABEL** moved onto 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 **BARBARA RIORDAN**, 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**, on the Consent Calendar, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of June 27, 2022.  
**Approved** Minutes from Regular Governing Board Meeting of June 27, 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 June 2022.

Presenter: Brad Poiriez, Executive Director/APCO .  
**Received and filed** Financial Reports through June 2022.

Agenda Item 4 – Receive and file the Legislative Report for August 2022.

Presenter: Brad Poiriez, Executive Director/APCO.  
**Received and filed** the Legislative Report for August 2022.

Agenda Item 5 – Set date of September 26, 2022 to conduct a public hearing to consider the rescission of Rule 480 – Natural Gas Fired Control Devices and its removal from the State Implementation Plan (SIP) for both the San Bernardino County portion of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.  
**Date set** of September 26, 2022 to conduct a public hearing to consider the rescission of Rule 480 – Natural Gas Fired Control Devices and its removal from the State Implementation Plan (SIP) for both the San Bernardino County portion of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation.

Agenda Item 6 – Set date of September 26, 2022 to conduct a public hearing to consider the amendment of Rule 701 – *General* and rescission of the remaining rules in Regulation VII – *Emergencies* and approval of California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.  
**Date set** of September 26, 2022 to conduct a public hearing to consider the amendment of Rule 701 – *General* and rescission of the remaining rules in Regulation VII – *Emergencies* and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 7 – DEFERRED ITEMS.

None.

Agenda Item 8 – Conduct a public hearing to consider the rescission of SCAQMD Rule 468 – *Sulfur Recovery Units* from the state implementation plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD, and replacement with the current MDAQMD Rule 468 – *Sulfur Recovery Units* 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.  
Chair **MERL ABEL** opened the public hearing. Brad Poiriez, Executive Director/APCO, provided the staff report and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person or electronically, being none, Chair **MERL ABEL** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **BRIGIT BENNINGTON**, seconded by Board Member **BARBARA RIORDAN**, 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 22-15, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCINDING SCAQMD RULE 468 FROM THE SIP FOR THE PALO VERDE VALLEY/BLYTHE AREA OF RIVERSIDE COUNTY WITHIN THE JURISDICTION OF THE MDAQMD FROM THE SIP AND REPLACEMENT WITH THE CURRENT MDAQMD RULE 468 AND DIRECTING STAFF ACTIONS.”**

Agenda Item 9 – Conduct a public hearing to consider the rescission of SCAQMD Rule 469 – Sulfuric Acid Units from the state implement plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD, and replacement with the current MDAQMD Rule 469 – Sulfuric Acid Units 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.

Chair **MERL ABEL** opened the public hearing. Brad Poiriez, Executive Director/APCO, provided the staff report and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person or electronically, being none, Chair **MERL ABEL** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. 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 22-16, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCINDING SCAQMD RULE 469 FROM THE SIP FOR THE PALO VERDE VALLEY/BLYTHE AREA OF RIVERSIDE COUNTY WITHIN THE JURISDICTION OF THE MDAQMD FROM THE SIP AND REPLACEMENT WITH THE CURRENT MDAQMD RULE 469 AND DIRECTING STAFF ACTIONS.”**

Agenda Item 10 – Conduct a public hearing to consider to consider the request for removal of Rule 470 from the SIP 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, requesting removal of prior versions of the Rule from the SIP and directing staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Chair **MERL ABEL** opened the public hearing. Alan De Salvio, Deputy APCO, provided the staff report and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person or electronically, being none, Chair **MERL ABEL** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **ELIZABETH BECERRA**, 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 22-17, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, REQUESTING REMOVAL OF RULE 470 (AS RESCINDED OCTOBER 26, 1994) FROM THE STATE IMPLEMENTATION PLAN AND DIRECTING STAFF ACTIONS.**”

Agenda Item 11 – Conduct a public hearing to consider the rescission of SCAQMD Rule 472 — Reduction of Animal Matter from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 472 – Reduction of Animal Matter: 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.

Chair **MERL ABEL** opened the public hearing. Alan De Salvio, Deputy APCO, provided the staff report and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person or electronically, being none, Chair **MERL ABEL** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. 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, the board, adopted Resolution 22-18, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCISSION OF THE SCAQMD SIP RULE 472 – REDUCTION OF ANIMAL MATTER FOR THE BLYTHE/PALO VERDE VALLY PORTION OF THE MDAQMD IN RIVERSIDE COUNTY AND REPLACE IT WITH THE CURRENT MDAQMD RULE 472 – REDUCTION OF ANIMAL MATTER, AND DIRECTING STAFF ACTIONS.**”

Agenda Item 12 – Reports:

### **Miscellaneous:**

- ❖ Continue to work on the compliance issues facing Nursery Products (Hawes Compost facility) near Hinkley. We are cooperating with other local and state agencies. We have issued a second NOV to the facility covering June 2 – July 13<sup>th</sup>. Met with representatives of NP on July 27<sup>th</sup> – all piles turned and the majority is extinguished to where no smoke leaving property line. Currently compliance staff doing site visits weekly soon to go to monthly. Staff participated in a community forum via Zoom with other participating agencies on Aug.10 to listen and respond to residents' concerns.
- ❖ This year's annual LGEE program was a very successful campaign. This year we exchanged 514 pieces of equipment. Trimmers were the most popular exchange with 172, followed by first year availability of chainsaw exchange at 157.
  
- ❖ July saw an increase in staff exposures to COVID, which meant many staff out for a period of time in accordance to CDC and CDPH guidelines. Staff did a great job of covering for those whom were out and some were able to work from home.
- ❖ July has seen inflation hovering in the 9% range. Finance continues to track potential impacts on the District. I will be calling the Personnel Committee together for a short meeting to discuss District employee updates, outlook, contracts, etc. before the end of the year.
- ❖ July 29<sup>th</sup>, was Sam Oktay, Engineer II, last day with the District, he had over 23 years of service. We were prepared for his retirement as we have had other Engineers in training, but he will be missed.
- ❖ Chris Anderson, Planning/Monitoring Supervisor, celebrates 20 years of Service at the District this month. Congrats!
- ❖ CARB has announced the selection of the new Executive Officer: Steve Cliff. He served for four years as CARB's Deputy Executive Officer overseeing mobile sources prior to his current position as Administrator of the National Highway Traffic Safety Administration (NHTSA).
- ❖ CalEPA Secretary – Jared Blumenfeld will step down in September. Secretary Blumenfeld, who has led the California Environmental Protection Agency (CalEPA) since 2019, will go on to serve as the inaugural President of the Waverley Street Foundation, a new global climate change nonprofit focused on community-driven climate solutions. Governor Newsom has appointed Amelia Yana Garcia Gonzalez to serve as California's next Secretary for Environmental Protection. Garcia Gonzalez previously served in various leadership roles at CalEPA focused on environmental justice and tribal affairs.
- ❖ These are a lot of changes in leadership – along with last year's change in CARB chairwoman and Region 9 Administrator – not to mention probably the biggest upcoming change for us and that is that Ms. Riordan will be finishing out her term on CARB's Board in December and finishing her run on our Board in January.
- ❖ California Desert Air Working Group (CDAWG) conference update.

### **Mr. Poiriez updated the Board of past events:**

- July 14<sup>th</sup>: MD/AV Fiscal and Transition call – many items are moving along and progress is being made on many fronts but still a lot to do.
- July 15<sup>th</sup>: Received proposed EPA approval of our 1161 Portland Cement Kiln rule that was sent to them end of May 2018. This is important, and timing a bit odd, since headquarters

still has a proposed Ozone FIP for the nation that includes cement kilns (still tracking this one as well).

- July 19<sup>th</sup> – attended the AVAQMD Board meeting: AV Board Chairman, City of Lancaster Fiscal Director, myself and AV staff and counsel met afterwards to prepare pieces of MOU between both agencies that are necessary to proceed. As a matter of fact, City of Lancaster approved MOU with AVAQMD on Aug. 9<sup>th</sup>, and AVAQMD approved on Aug. 16<sup>th</sup>. Fiscal staff have continued training on accounting software and processes (including designated City of Lancaster staff), Robyn, met with each AV staff member individually to go over separation benefits and cash outs on Aug. 11<sup>th</sup>.
  - July 20<sup>th</sup> – met with Desirea Haggard, President, MEEC to discuss outlook, future planning. Samantha will be going out on paternity leave in Sept.
  - July 21<sup>st</sup>: Participated in the AAPCA June Air Director call
  - July 25<sup>th</sup>: Met with Robert Martinez Architectural to re-engage security options discussions for North Parking lot. We have continued to have vandalism, a break-in to the office, and a stolen van to name a few. Later, had a meeting with the City of Victorville planning staff on what final items need to be addressed for project on security efforts. Agreement on what needs finalized was reached and the project is proceeding.
  - Aug. 2<sup>nd</sup> – call with CARB staff on outlook for the 2015 Ozone SIP planning efforts; currently SIP is due by end of August but Mojave (as well as other downwind Districts) must wait until South Coast AQMD adopts their SIP with the included modeling that other districts has to rely on – anticipate taking our SIP before this Board in January.
  - Aug. 9<sup>th</sup> – Participated in the CAPCOA Board meeting. Topics included: Draft FY 22-23 Budget; Energy Issues update, Roundtable SIP/FIP updates; Future of CAPCOA enforcement statistics for awareness; newly created annual Mat Ehrhardt Memorial award; Incentive Program Advisory Group (IPAG) update. Met with CARB Executive staff on multiple issues including the above.
  - August 10<sup>th</sup> – CAPCOA Legislative Committee met – continued to oppose several bills that would mandate District actions with no funding and in some cases duplicative of current law, however of note continue to support AB 2836 (E. Garcia) this is the Moyer/923 extension bill and on Friday Aug. 12 it passed out of Appropriations on a unanimous 7-0 bipartisan vote so now will head to Governor to sign (indications is the administration if very supportive and he should sign). August 31<sup>st</sup> is the deadline to determine the fate of this year's legislative bills so with legislature returning from recess expect things to pick up and get busy.
  - Aug. 17<sup>th</sup> – Attended MEEC Board meeting
  - Aug. 18<sup>th</sup> – participated in AAPCA Air Directors call.
- Mr. Poiriez updated the Board of coming events:**
- Sept. 26<sup>th</sup> & 27<sup>th</sup> – CAPCOA Board and Legislative Retreat (will try and participate via phone).
  - Sept. 28<sup>th</sup> – 30<sup>th</sup> – I will be attending the AAPCA fall conference.
  - Next Board meeting is Sept. 26<sup>th</sup>.

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

- Chair **ABEL** commented on the great participation for the Lawn & Garden Equipment Exchange program, and thanked Mr. San Miguel for his public comment.
- Board Member **BECERRA** questioned if the Lawn & Garden Equipment Exchange program was still available and offer to see if District interested in participating in the City of Victorville's Fall Festival.

- Board Member **BENNINGTON** thanked staff for their efforts and commented that Kelly Anderson is the City of Hesperia's new Fire Chief.
- Board Member **COOK** commented on issues with the expansion of Highway 18/San Bernardino County Transportation Authority (SBCTA).
- Vice Chair **LEON** commented on the celebration of her 41<sup>st</sup> wedding anniversary.

Being no further business, Chair **MERL ABEL** adjourned the meeting at **10:49 a.m.** to the next Regular Meeting of *September 26, 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:** September 26, 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
- Technical Services
- Grants
- Operations

Staff is available to answer questions as needed.

**REASON FOR RECOMMENDATION:** These reports are information only.

**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 September 13, 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:** 9/12/2022  
**Subject:** *September 2022*  
*Communications Activity Report*

## Interoffice Memo



### **Advisories**

Communications staff was busy again in September issuing and monitoring several Air Quality Advisories, largely due to forecasts predicting high concentrations of ground-level ozone amid extended heat waves and National Weather Forecast excessive heat warnings in widespread areas of the Mojave Desert Air Basin.

### **Radford Fire**

The District amended an Air Quality Advisory on Sept. 6, originally issued on Aug. 30 for ground-level ozone forecasts, to include smoke impacts from the Radford fire near Big Bear Lake. Smoke moved into the ambient air in the Mojave Desert jurisdiction on Sept. 7, though all impacts were gone by Sept. 9.

### **Emergency generator use**

Communications assisted in relaying messaging regarding Governor Gavin Newsom's proclamation allowing the use of emergency generators in light of several consecutive statewide Flex Alerts. The messaging was directed at district sources with industrial power generators.

### **CAPIO**

Communications Analyst Martial Haprov attended the 2022 conference of the California Association of Public Information Officials Aug. 29 through Sept. 1 in San Diego. PIOs from air districts in Santa Barbara, Yolo-Solano and San Diego were also in attendance, as well as City of Victorville and Town of Apple Valley public information staff. Topics covered in conference sessions Haprov attended covered included press pitches, plain language documents, constituent engagement, website accessibility, community-based organization partnerships, and cultivating relationships with diverse audiences.

### **CDAWG**

Registrations continue to come in for the 2022 installment of the California Desert Air Working Group Conference. Communications Analyst Martial Haprov visited the venue, the Embassy Suites Downtown San Diego on Aug. 29 to assist in technical planning of the event's activities. While not all costs are yet realized, proceeds from sponsorships and registrations as of Sept. 12 showed a near \$32,000 net profit for MEEC, the entity that benefits directly from CDAWG annually.

### **School Flag program**

District staff met in person with officials and administrators in Hesperia and Snowline school districts to expand the School AQI Flag program move forward. The plan is to have five schools total actively participating in the program prior to the typical fall break time for most districts (first/second week of October). Two schools in Victorville and Adelanto are also set to resume the program; both schools previously participated but suspended it during the initial surges of the pandemic and distance-learning situations.



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

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

**Date:** 9/12/2022  
**Subject:** *September 2022*  
*Communications Activity Report*

## Interoffice Memo



### **State of the County**

District staff including Executive Director Brad Poiriez, Compliance Manager Sarah Strout, Human Resources Supervisor Robyn Simpson and Communications Analyst Martial Haprov attended the State of the County presentation at the Greater High Desert Chamber of Commerce's September Valley Morning Insight breakfast meeting.

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

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

**Date:** September 26, 2022  
**Subject:** Technical Services  
Activity Report



## Interoffice Memo

**AVAQMD Migration and Cutover**– Technical Services staff is working with vendors to ensure the independent AV office has all the required software to stand alone.

**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. For the 2<sup>nd</sup> Quarter 158 tickets were received.

**Air Monitoring Sites**–Technical Services has been working with Air Monitoring to increase the internet speed at the Air Monitoring Sites. The Phelan site was most recently updated to higher internet speeds.

**Board Room Laptop Replacements**–Technical Services recently replaced the Board Room laptops. The current laptops had reached their end of life.

**Copiers**–Technical Services is working with vendors for a copier contract.

### Upcoming Projects

**Cable Clean Up Server Room, Wi-Fi Installation, Core and Network Switch.**

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

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

**Date:** September 26, 2022  
**Subject:** Grants Activity Report



## Interoffice Memo

### Updates

- The District has updated our current project list. Please see the table below.

#### Current Project List September 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>
Coxco LLC_Project 1_2022_2003 JD 7820	\$ 267,241.00	Pending
Nish Noroian Farms_Project 2_2022_1973 JD 4230	169,666.00	Pending
Dutch Dairy_Project 2_2022_CAT 950 F	160,443.00	Pending
Daggett Fire Department_Project 1_2022_1999 Pierce 4900	205,116.00	Pending
Town of Yucca Valley_Project 1_2022_2002 Toro 03550	30,761.00	Pending
Seiler_Project 4_2022_2010 JD 6430	80,556.00	Pending
54th District Agricultural Association_Project 1_2022_1994 JCB 926	46,427.00	Pending
Trona Railway Company_Project 1_2022_EMD GP38-2	1,300,000.00	Pending
<b>Total Carl Moyer Grant Awards</b>	<b>\$ 2,260,210.00</b>	

**Funding Source**  
**FARMER Program**

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Chaffin Farms Project 1_2022_1992 International Water Truck	\$ 139,251.00	Pending
Coxco LLC_Project 2_2022_2000 JD 7710	204,066.00	Pending
Nish Noroian Farms_Project 1_2022_1980 JD 4040	157,181.00	Pending
Red Mule Ranch_Project 2_2022_2005 JD 6068H	137,279.00	Pending
Deconinck_Project 1_2022_1970 JD 4020	174,970.00	Pending
Deconinck_Project 4_2022_1975 International Tractor 674	76,944.00	Pending
Dutch Dairy_Project 1_2022_2002 New Holland Tractor	203,724.00	Pending
River Bottom Farms_Project 1_2022_1989 JD 4755	272,209.00	Pending
Elliott & Hull Farms Inc_Project 1_2022_1996 JD 8400	316,935.00	Pending
Fisher Ranch_Project 4_2022_2002 MF 6270	88,611.00	Pending
Fisher Ranch_Project 6_2022_2002 MF 6270	157,802.00	Pending
<b>Total FARMER Grant Awards</b>	<b>\$ 1,928,972.00</b>	

<b>Funding Source</b>		
<b>AB 134/617-Community Action Program</b>		
<b>Project Name</b>	<b>Grant Award</b>	<b>Status</b>
AESD_Proj_1_2022_2006 Thomas xx-8575	\$ 453,029.00	Pending
AESD_Proj_2_2022_2006 Thomas xx-8579	453,029.00	Pending
AESD_Proj_3_2022_2006 Thomas xx-8585	453,029.00	Pending
Lucerne Valley Unified School District_Project 1_2022_2001 Blue Bird	366,069.00	Pending
<b>Total AB 134/617 Grant Awards</b>	<b>\$ 1,725,156.00</b>	

<b>Funding Source</b>		
<b>Mobile Source Emissions Reduction (MSERP)</b>		
<b>Project Name</b>	<b>Grant Award</b>	<b>Status</b>
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
<b>Total AB2766 Grant Awards</b>	<b>\$ 780,372.00</b>	

<b>Funding Source Moyer Reserve and MSERP</b>		
<b>Electric Vehicle Charging Stations</b>		
<b>Project Name</b>	<b>Grant Award</b>	<b>Status</b>
Copper Mountain College	\$ 49,999.00	Pending
MDAQMD 2020 EV Charging Stations Application Exquadrum 2.1.22	6,400.00	Pending
54th District Agricultural Association_Project 1_2022_1994 JCB 926 Charger	3,922.00	Pending
<b>Total Grant Awards</b>	<b>\$ 60,321.00</b>	

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

\*COVID has caused delays in this project. Project completion date is slated for the end of the year.

## **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**   
Deputy Air Pollution Control Officer  
adesalvio@mdaqmd.ca.gov

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

**Date: 9/1/2022**  
**Subject: August 2022 Operations Activity Report**



Permit Inspections Completed – 422 (85% in compliance)  
Notices to Comply (NTCs) Issued – 30  
Notices of Violation (NoVs) Issued – 16  
Outstanding NoVs – 31 (13 in settlement)  
Delinquent Permit Follow-Ups – 29  
Breakdowns – 15  
Vapor Recovery Tests Witnessed – 10  
Complaints – 19  
Complaint Investigations – 19  
Asbestos Notifications – 19  
Asbestos Project Inspections – 2

Permit Applications Received – 29 [and 2 for AVAQMD]  
Permit Changes Processed – 74 [including AVAQMD]  
Title V Permit Actions In Progress – 13 [including AVAQMD]  
Permits Issued – 409 [94]  
Active Companies - 742 [278]  
Active Facilities - 1455 [534] (35 [4] Title V Facilities)  
Active Permits - 4651 [1132]  
Certificate of Occupancy/Building Permit Reviews – 81

Project Comment Letters – 12

*SLAMS Air Monitoring Sites:*<sup>1</sup>

Barstow (NO<sub>x</sub>, O<sub>3</sub>, PM<sub>10</sub>)  
Hesperia (O<sub>3</sub>, PM<sub>10</sub>)  
Lucerne Valley (PM<sub>10</sub>)  
Phelan (O<sub>3</sub>)  
Trona (H<sub>2</sub>S, NO<sub>x</sub>, O<sub>3</sub>, PM<sub>10</sub>)  
Victorville (NO<sub>x</sub>, O<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>)

*Community Sensors:*

Two TAPI T640 PM<sub>2.5</sub> portable trailer-mounted units (one also has PM<sub>10</sub>)  
41 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)

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<sup>1</sup> 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 the Financial Reports with activity through July 2022, which reflect the District's financial and budgetary performance to date.](#) 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:** September 26, 2022

**RECOMMENDATION:** Receive and file Financial Reports for July 2022.

**SUMMARY:** Receive and file the Financial Reports with activity through July 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 July 2022 .

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 February. Grant activities are labeled 'Programs'. Grant activity to date has been adjusted to reflect the revenue recognition and matching principle. The target variance for July is 9%.

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 Alan De Salvio, Deputy APCO, on or before September 13, 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 July 31, 2022**

## Financial Report

	<u>General Fund</u>	<u>Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Fiduciary Fund</u>	<u>Total</u>
<b>Assets</b>					
Current Assets					
Cash	6,260,388.76	2,035,017.96	915,629.35	2,360,584.63	11,571,620.70
Cash Held For Other Fund	454,636.78	(59,999.69)	32,619.86	(427,256.95)	0.00
Receivables	5,362,857.93	125,032.01	0.00	0.00	5,487,889.94
Pre-Paid	156,694.33	0.00	0.00	0.00	156,694.33
<b>Total Current Assets</b>	<b>12,234,577.80</b>	<b>2,100,050.28</b>	<b>948,249.21</b>	<b>1,933,327.68</b>	<b>17,216,204.97</b>
Non-Current Assets					
Deferred Outflows	6,319,324.00	0.00	0.00	0.00	6,319,324.00
<b>Total Assets</b>	<b>18,553,901.80</b>	<b>2,100,050.28</b>	<b>948,249.21</b>	<b>1,933,327.68</b>	<b>23,535,528.97</b>
<b>Liabilities and Net Position</b>					
Current Liabilities					
Payables	206,308.71	0.00	102,002.10	0.00	308,310.81
Accruals	1,115,511.17	0.00	0.00	0.00	1,115,511.17
Due to Others	3,823,853.33	0.00	0.00	0.00	3,823,853.33
Payroll Taxes Liability	7,414.38	0.00	0.00	0.00	7,414.38
Retirement	(6,202.17)	0.00	0.00	0.00	(6,202.17)
Health	(37,753.79)	0.00	0.00	0.00	(37,753.79)
Other Payroll Deductions	1,391.44	0.00	0.00	0.00	1,391.44
Unearned Revenue	1,484,201.98	0.00	836,682.54	0.00	2,320,884.52
<b>Total Current Liabilities</b>	<b>6,594,725.05</b>	<b>0.00</b>	<b>938,684.64</b>	<b>0.00</b>	<b>7,533,409.69</b>
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
<b>Total GASB Liabilities</b>	<b>15,480,718.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>15,480,718.00</b>
Restricted Fund Balance	371,858.28	1,975,018.27	9,564.57	726,817.36	3,083,258.48
Committed Fund Balance	2,096,725.00	0.00	0.00	0.00	2,096,725.00
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	(198,815.88)	0.00	0.00	0.00	(198,815.88)
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	6,006.94	0.00	0.00	0.00	6,006.94
Change in Net Position	(115,070.34)	0.00	0.00	107,112.81	(7,957.53)
<b>Total Liabilities &amp; Net Position</b>	<b>17,982,345.05</b>	<b>1,975,018.27</b>	<b>948,249.21</b>	<b>1,933,327.68</b>	<b>22,838,940.21</b>

**Mojave Desert AQMD**  
**Statement of Revenues & Expenditures**  
**For the Period Ending July 31, 2022**

## Financial Report

	<u>General Fund</u>	<u>Mobile Emissions Program</u>	<u>Carl Moyer Program</u>	<u>Fiduciary Fund</u>	<u>Total Governmental Funds</u>
<b><u>Revenues</u></b>					
Antelope Valley Air Quality Mngmnt Contract	144,970.68	0.00	0.00	0.00	144,970.68
Other Contracts	0.00	0.00	0.00	0.00	0.00
Application and Permit Fees	429,305.53	0.00	0.00	0.00	429,305.53
AB 2766 and Other Program Revenues	95,628.71	0.00	902.63	0.00	96,531.34
Fines	13,147.55	0.00	0.00	0.00	13,147.55
Investment Earnings	7,268.31	0.00	0.00	108,239.92	115,508.23
Federal and State	39,633.93	0.00	0.00	0.00	39,633.93
Other Revenue	0.00	0.00	0.00	0.00	0.00
<b>Total Revenues</b>	<b>729,954.71</b>	<b>0.00</b>	<b>902.63</b>	<b>108,239.92</b>	<b>839,097.26</b>
<b><u>Expenditures</u></b>					
Salaries and Benefits	600,270.56	0.00	0.00	0.00	600,270.56
Services and Supplies	223,338.59	0.00	902.63	1,127.11	225,368.33
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	21,415.90	0.00	0.00	0.00	21,415.90
<b>Total Expenditures</b>	<b>845,025.05</b>	<b>0.00</b>	<b>902.63</b>	<b>1,127.11</b>	<b>847,054.79</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(115,070.34)</b>	<b>0.00</b>	<b>0.00</b>	<b>107,112.81</b>	<b>(7,957.53)</b>

**Mojave Desert AQMD**  
**Statement of Activity - All Funds**  
**For the Period Ending July 31, 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>
<b>Revenues</b>				
Revenue - Permitting	413,107.66	413,107.66	5,902,000.00	7.00
Revenue - Programs	96,531.34	96,531.34	5,440,756.00	1.77
Revenue - Application Fees	17,742.84	17,742.84	120,000.00	14.79
Revenue - State	0.00	0.00	2,968,008.00	0.00
Revenue - Federal	39,633.93	39,633.93	190,982.00	20.75
Fines & Penalties	13,147.55	13,147.55	100,000.00	13.15
Interest Earned	115,508.23	115,508.23	355,000.00	32.54
Revenue - Contracts & Unidentified	144,970.68	144,970.68	2,077,000.00	6.98
Permit Cancellations	(1,544.97)	(1,544.97)	0.00	0.00
<b>Total Revenues</b>	<b>839,097.26</b>	<b>839,097.26</b>	<b>17,153,746.00</b>	<b>4.89</b>
<b>Expenditures</b>				
Office Expenses	57,962.13	57,962.13	380,856.00	15.22
Communications	24,257.14	24,257.14	102,040.00	23.77
Vehicles	3,558.67	3,558.67	64,534.00	5.51
Program Costs	109,908.63	109,908.63	7,404,377.00	1.48
Travel	483.00	483.00	95,000.00	0.51
Professional Services	3,042.28	3,042.28	87,140.00	3.49
Maintenance & Repairs	7,851.07	7,851.07	82,082.00	9.56
Non-Depreciable Inventory	361.48	361.48	62,485.00	0.58
Dues & Subscriptions	3,389.52	3,389.52	48,000.00	7.06
Legal	5,409.14	5,409.14	74,700.00	7.24
Miscellaneous Expense	100.00	100.00	4,460.00	2.24
Suspense	9,045.27	9,045.27	0.00	0.00
Capital Expenditures	21,415.90	21,415.90	417,000.00	5.14
<b>Total Expenditures</b>	<b>246,784.23</b>	<b>246,784.23</b>	<b>8,822,674.00</b>	<b>2.80</b>
<b>Salaries &amp; Benefits</b>				
Personnel Expenses	600,270.56	600,270.56	8,331,072.00	7.21
<b>Total Salaries &amp; Benefits</b>	<b>600,270.56</b>	<b>600,270.56</b>	<b>8,331,072.00</b>	<b>7.21</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(7,957.53)</b>	<b>(7,957.53)</b>	<b>0.00</b>	<b>0.00</b>

**Mojave Desert AQMD**  
**Bank Register from 7/01/2022 to 7/31/2022**  
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>
0010554	7/01/2022	Invoices 2022-11, 2022-12, July 2022	2,541.60	0.00	1,364,612.70
EFT	7/01/2022	Invoices 2022-11, 2022-12, July 2022	41,670.98	0.00	1,364,612.70
0010555	7/01/2022	Inv SI470447 - Membership - 07/18/22 - 07/18/23	579.00	0.00	1,364,033.70
0010556	7/01/2022	2022 CAPCOA Membership Dues.	8,562.00	0.00	1,355,471.70
0010557	7/01/2022	Inv 23413 - Security Monitoring - July - September 2022	405.00	0.00	1,355,066.70
0010558	7/01/2022	TBE Perform Site License	2,500.00	0.00	1,352,566.70
0010559	7/01/2022	Inv QSIMN0000263 - Gold Level Annual Software Maintenance	25,470.80	0.00	1,327,095.90
0010560	7/01/2022	Inv 71719 - FY 2022-23 Workers Comp Insurance	22,352.71	0.00	1,304,743.19
0010561	7/01/2022	Inv 72172 - FY 2022-23 - Property/Liability Insurance	133,618.26	0.00	1,171,124.93
0010562	7/01/2022	Invoices 2022-11, 2022-12, July 2022	1,666.97	0.00	1,169,457.96
0010563	7/01/2022	Acct 900381561 - 52 Week Subscription - 07/04/22 - 07/03/23	738.95	0.00	1,168,719.01
0010564	7/01/2022	Invoices 2022-11, 2022-12, July 2022	729.40	0.00	1,167,989.61
0010565	7/01/2022	Postage Meter # 49485661	6,000.00	0.00	1,120,318.63
		Replenishment			
20131208	7/01/2022	Credit Card Transactions - SBCo Fleet - Sully Miller Contracting - Koala Green Development - Glorietta Management - FAA - California Biotechnology Center - Level 3 Communications -	0.00	15,691.46	1,136,010.09
20131209	7/01/2022	Credit Card Transaction - HPS Mechanical	0.00	5,296.88	1,141,306.97
0002301	7/01/2022	Operating Fund Replenishment #01	0.00	246,835.67	1,388,142.64
20131210	7/05/2022	Credit Card Transactions - Sully-Miller - Ukpe Developments	0.00	1,335.37	1,389,478.01
20131211	7/05/2022	Credit Card Transaction - SBCo Fleet - Searless Valley Minerals	0.00	9,985.51	1,399,463.52
20131212	7/05/2022	Credit Card Transaction - Rhea's Garden	0.00	333.00	1,399,796.52
20131213	7/06/2022	Credit Card Transaction - Fix Auto - American Technologies - RSD Development - AeroPro	0.00	18,639.69	1,418,436.21
20131214	7/06/2022	Credit Card Transaction - Paradise Wellness Center	0.00	3,832.20	1,422,268.41
20131216	7/07/2022	Credit Card Transaction - Ultimate Powder Coating	0.00	709.50	1,422,977.91
20131217	7/08/2022	Credit Card Transaction - Souther California Edison	0.00	250.00	1,423,227.91
20131218	7/11/2022	Credit Card Transaction - Salud Organics	0.00	333.00	1,423,560.91
20131219	7/11/2022	Credit Card Transaction - MEC Environmental	0.00	2,488.00	1,426,048.91
	7/12/2022	PP 14/2022 Federal Taxes	25,788.09	0.00	1,400,260.82
	7/12/2022	PP 14/2022 State Taxes	7,683.14	0.00	1,392,577.68
EFT	7/13/2022	Pay period ending 7/01/2022	127,180.31	0.00	1,265,397.37
	7/13/2022	PP 14/2022 457 Deductions	12,768.20	0.00	1,252,629.17
20131220	7/13/2022	Credit Card Transaction - Northwest Pipe CO	0.00	983.00	1,253,612.17
20131221	7/13/2022	Credit Card Transaction - Couthern California Gas	0.00	666.00	1,254,278.17
	7/14/2022	Supplemental Insurance - June 2022	2,359.17	0.00	1,251,919.00
20131222	7/14/2022	Credit Card Transaction - DPW-EV	0.00	333.00	1,252,252.00
	7/14/2022	Wage Works FSA Claim	10.86	0.00	1,252,241.14
20131223	7/15/2022	Credit Card Transaction - CASTA Dept of Veterans Affairs - EPG - Leblanics Construction	0.00	5,819.00	1,258,060.14
20131224	7/15/2022	Credit Card Transaction - Comander Naws	0.00	333.00	1,258,393.14
0010566	7/18/2022	Refund: Duplicate Payment	1,847.60	0.00	1,256,545.54
0010567	7/18/2022	Invoices 1KF9-W33D-3FH7 , 1LY1-VXV7-JWWH , 1TJR-CLCM-Q9PG	1,655.18	0.00	1,254,890.36
0010568	7/18/2022	Refund: Refund - Paid in Error	321.00	0.00	1,254,569.36

**Mojave Desert AQMD**

Run: 9/13/2022 at 10:03 AM

Page: 2

**Bank Register from 7/01/2022 to 7/31/2022**

**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>
0010569	7/18/2022	Inv BF64332 - Curved Monitor	558.39	0.00	1,254,010.97
0010570	7/18/2022	Inv 16387417 - Rental Car - GFOA	639.61	0.00	1,253,371.36
0010571	7/18/2022	Inv 2805-10255 - Window Washing 07/05/22	192.00	0.00	1,253,179.36
0010572	7/18/2022	GymDed	70.61	0.00	1,253,108.75
0010573	7/18/2022	Inv 40331844 - Copier Lease	2,137.33	0.00	1,250,971.42
0010574	7/18/2022	Inv 162530 - Brewer & Water Cooler Rental	238.11	0.00	1,250,733.31
EFT	7/18/2022	Invoices 192814, 193090	1,709.81	0.00	1,250,733.31
0010575	7/18/2022	Inv 198240 - District Vehicle Washes - June 2022	52.00	0.00	1,250,681.31
0010576	7/18/2022	Wellness Program Reimbursement	100.00	0.00	1,250,581.31
EFT	7/18/2022	Invoices 2022-14, 5130	28,600.65	0.00	1,250,581.31
0010577	7/18/2022	Refund: Duplicate Payment MD17254	1,116.29	0.00	1,249,465.02
0010578	7/18/2022	Inv 3335 - Electric Use - June 2022	160.00	0.00	1,249,305.02
0010579	7/18/2022	Statement # RC710596 - Internet - Phelan AM Site - 07/07/22 - 08/09/22	118.94	0.00	1,249,186.08
0010580	7/18/2022	Lanscaping & Parking Lot Clean Up - June 2022	480.00	0.00	1,248,706.08
0010581	7/18/2022	Inv 180000876 - Service Cost Billing FY 22	383.08	0.00	1,248,323.00
0010582	7/18/2022	Laquita T. Cole Case #CIVDS2014645 Levying Officer File #22003681	1,259.76	0.00	1,247,063.24
0010583	7/18/2022	SBCERAdefer,SBCERAMatch,SurvivorInsBen,SurvivorInsDed,RetireCashBen,S BCERAPickUp	89,401.28	0.00	1,157,661.96
0010584	7/18/2022	GeneralUnitDues	524.97	0.00	1,157,136.99
0010585	7/18/2022	Gas Service - 05/27/22 - 06/27/22	11.00	0.00	1,157,125.99
0010586	7/18/2022	Inv 72468 - Vehicle Insurance - 2022 Ford Escapes (2)	783.67	0.00	1,156,342.32
EFT	7/18/2022	Inv S020545097 - NOX Analyzer	21,338.88	0.00	1,156,342.32
0010587	7/18/2022	Travel Reconciliation - Blythe - 07/05/22 - 07/08/22	241.50	0.00	1,156,100.82
0010588	7/18/2022	UnitedWay	26.00	0.00	1,156,074.82
0010589	7/18/2022	Invoices 72209423, 72274130, 7234411	3,853.91	0.00	1,152,220.91
EFT	7/18/2022	Inv 8690215682226 - Vehicle Fuel	2,605.57	0.00	1,152,220.91
20131225	7/18/2022	Credit Card Deposit - Starboard Realty - Pilot	0.00	7,583.40	1,105,549.40
20131226	7/18/2022	Credit Card Transaction - Castle Mountain Venture	0.00	333.00	1,105,882.40
20131227	7/18/2022	Credit Card Transaction - Pacific Process Systems	0.00	503.36	1,106,385.76
	7/19/2022	Wage Works FSA Claim	5.51	0.00	1,106,380.25
20131228	7/20/2022	Credit Card Transaction - MP Mine	0.00	333.00	1,106,713.25
20131229	7/20/2022	Credit Card Transaction - Sully-Miller	0.00	1,000.00	1,107,713.25
0010590	7/21/2022	800-635-4617 - Complaint Line - 7/07/22 - 08/06/22	77.66	0.00	1,107,635.59
EFT	7/21/2022	Inv 939125 - Matter #27671.00100 General Counsel	2,627.72	0.00	1,107,635.59
EFT	7/21/2022	Invoices 2022-14, 2022-15, August 2022	42,743.72	0.00	1,107,635.59
0010591	7/21/2022	Inv HTSP2100-11 - FY 2021-2022 Hot Spot Assessment	19,245.00	0.00	1,088,390.59
0010592	7/21/2022	Travel Reconciliation - Blythe - 07/05/22 - 07/08/22	241.50	0.00	1,088,149.09
0010593	7/21/2022	Inv 2040671070722 - Internet - 07/07/22 - 08/06/22	990.00	0.00	1,087,159.09
0010594	7/21/2022	Invoices 412570948, 9182993072	135.17	0.00	1,087,023.92
0010595	7/21/2022	Invoices SI1295128, SI1295153	20,089.16	0.00	1,066,934.76
EFT	7/21/2022	Inv FBN4513953 - Vehicle Leases	218.33	0.00	1,066,934.76
0010596	7/21/2022	Inv 2805-103532 - Window Cleaning Service - 07/18/22	192.00	0.00	1,066,742.76

**Mojave Desert AQMD**

Run: 9/13/2022 at 10:03 AM

Page: 3

**Bank Register from 7/01/2022 to 7/31/2022**

**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>
0010597	7/21/2022	Inv 9333512227 - Instant Hot Packs	35.54	0.00	1,066,707.22
0010598	7/21/2022	Retirement plaque for Sam Oktay	174.00	0.00	1,066,533.22
0010599	7/21/2022	Inv 148M 863700 - Fire Extinguisher Service	344.06	0.00	1,066,189.16
0010600	7/21/2022	Electricity Usage - 06/13/22 - 07/12/22	5,416.74	0.00	1,060,772.42
0010601	7/21/2022	Office Supplies	389.18	0.00	1,060,383.24
0010602	7/21/2022	Inv 4805640996 - Mandated Benefits Complainece Guide	819.32	0.00	1,059,563.92
20131231	7/22/2022	Credit Card Transaction - Silverado Contractors	0.00	3,607.00	1,017,581.15
	7/25/2022	Card # 6685 - 06/05/22 - 07/04/22	2,108.47	0.00	1,015,472.68
	7/25/2022	Card # 4902 - 06/05/22 - 07/04/22	1,375.40	0.00	1,014,097.28
	7/25/2022	Card # 6051 - 06/05/22 - 07/04/22	1,071.38	0.00	1,013,025.90
	7/25/2022	Card # 9081 - 06/05/22 - 07/04/22	409.69	0.00	1,012,616.21
	7/25/2022	Card # 1042 - 06/05/22 - 07/04/22	345.00	0.00	1,012,271.21
	7/25/2022	Card # 6251 - 06/05/22 - 07/04/22	445.99	0.00	1,011,825.22
	7/25/2022	Card # 4837 - 06/05/22 - 07/04/22	111.04	0.00	1,011,714.18
	7/25/2022	Card # 6210 - 06/05/22 - 07/04/22	5,881.64	0.00	1,005,832.54
	7/25/2022	Card # 3428 - 06/05/22 - 07/04/22	489.77	0.00	1,005,342.77
	7/25/2022	Card # 7908 - 06/05/22 - 07/04/22	112.29	0.00	1,005,230.48
	7/25/2022	Card # 7885 - 06/05/22 - 07/04/22	587.62	0.00	1,004,642.86
20131230	7/25/2022	Credit Card Transaction - Affordable Cremations - Vicctor Valley Memorial Park	0.00	950.00	1,005,592.86
20131232	7/25/2022	Credit Card Transaction - Southern California Logistics - Harper Construction - Victorville Collision - Masagana Properties	0.00	3,159.68	1,008,752.54
	7/25/2022	Voya 401a - Poiriez July 2022	1,886.73	0.00	1,006,865.81
	7/25/2022	Wage Works FSA Claim	76.25	0.00	1,006,789.56
	7/26/2022	PP 15/2022 Federal Taxes	26,590.97	0.00	980,198.59
	7/26/2022	PP 15/2022 State Taxes	7,851.53	0.00	972,347.06
	7/26/2022	PP 15/2022 457 Deductions	12,768.20	0.00	959,578.86
EFT	7/27/2022	Pay period ending 7/15/2022	124,077.90	0.00	835,500.96
20131233	7/27/2022	Credit Card Transaction - Caliber Collision	0.00	1,006.71	836,507.67
20131234	7/27/2022	Credit Card Transaction - Fix Auto Hesperia	0.00	666.00	837,173.67
20131235	7/28/2022	Credit Card Transaction - SBCo Fleet	0.00	742.11	837,915.78
20131236	7/28/2022	Credit Card Transaction - Desert Industrial Development	0.00	999.00	838,914.78
0010603	7/28/2022	Bill # 4802186 - Water & Trash Service - 06/22/22 - 07/21/22	272.52	0.00	838,642.26
0010604	7/28/2022	Bill # 4803293 - Fire Water Service - 06/22/22 - 07/21/22	61.91	0.00	838,580.35
0010605	7/28/2022	GymDed	70.61	0.00	838,509.74
0010606	7/28/2022	Wellness Program Reimbursement	240.00	0.00	838,269.74
EFT	7/28/2022	FSADed	208.34	0.00	838,269.74
0010607	7/28/2022	Magnets for Operations In/Out board	155.73	0.00	838,114.01
0010608	7/28/2022	Invoices 563, 567	21,554.20	0.00	816,559.81
0010609	7/28/2022	FY 2022 OPEB Contribution	4,823.88	0.00	811,735.93
0010610	7/28/2022	Inv AQM2022-JUL - Lease Agreement July - December 2022	2,196.00	0.00	809,539.93
0010611	7/28/2022	Laquita T. Cole	1,259.76	0.00	808,280.17
		Case #CIVDS2014645			
		Levying Officer File #22003681			

**Mojave Desert AQMD**  
**Bank Register from 7/01/2022 to 7/31/2022**  
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>
0010612	7/28/2022	SBCERADefer,SBCERAMatch,SurvivorInsBen,SurvivorInsDed,RetireCashBen,S BCERAPickUp	87,285.44	0.00	720,994.73
0010613	7/28/2022	GeneralUnitDues	524.97	0.00	720,469.76
0010614	7/28/2022	Claim # MC2122009053-0001 - 2016 Nissan Frontier Deductible	250.00	0.00	720,219.76
0010615	7/28/2022	Claim # CM2122009040-0001 - Ford Escape Deductible	250.00	0.00	719,969.76
0010616	7/28/2022	Inv 286 - July 2022 Services	1,751.00	0.00	718,218.76
0010617	7/28/2022	Invoices 6064595, 6065568	3,114.27	0.00	715,104.49
0010618	7/28/2022	Inv 82830 - Employee Support Services - June 2022	75.00	0.00	715,029.49
0010619	7/28/2022	UnitedWay	26.00	0.00	715,003.49
0010620	7/28/2022	Inv 1502 - Janitorial Services - July 2022	3,300.00	0.00	711,703.49
0010621	7/28/2022	Inv 82615501 - District Vehicle Fuel	308.19	0.00	711,395.30
20131237	7/28/2022	Wells Fargo ACH - SBCo Solid Waste	0.00	268.00	711,454.96
20131231	7/29/2022	Credit Card Transaction - Sprint	0.00	373.93	711,828.89
	7/29/2022	Wage Works FSA Claim	42.09	0.00	711,786.80
<b>Total for Report:</b>			<b>990,756.97</b>	<b>335,389.47</b>	

**Mojave Desert AQMD**  
**Bank Register from 7/01/2022 to 7/31/2022**  
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>
20131208	7/01/2022	Daily Deposit	0.00	25,830.39	3,244,022.77
0002301	7/01/2022	Operating Fund Replenishment #01	246,835.67	0.00	2,997,187.10
20131209	7/05/2022	Daily Deposit	0.00	160,473.66	3,157,660.76
20131210	7/06/2022	Daily Deposit	0.00	278,797.03	3,436,457.79
20131212	7/06/2022	SBCo ACH - Stirling Captial	0.00	1,121.79	3,437,579.58
20131214	7/11/2022	SBCo ACH - MP Mine	0.00	1,116.29	3,438,695.87
20131211	7/12/2022	SBCo ACH - MDAQMD	0.00	30,906.09	3,469,601.96
20131213	7/12/2022	SBCo ACH - Arcadis - Charter Communications	0.00	373.93	3,469,975.89
20131215	7/13/2022	Daily Deposit	0.00	75,311.19	3,545,287.08
20131216	7/13/2022	SBCo ACH - Arcadis - Charter Communications	0.00	373.93	3,545,661.01
20131226	7/14/2022	SBCo ACH - City of VV	0.00	10,215.27	3,555,876.28
20131217	7/15/2022	Daily Deposit	0.00	112,860.49	3,668,736.77
20131218	7/15/2022	Daily Deposit	0.00	14,300.23	3,683,037.00
20131216	7/18/2022	Daily Deposit	0.00	28,519.93	3,711,556.93
0001402	7/18/2022	Account Closed	4,255.02	0.00	3,707,301.91
20131225	7/19/2022	Daily Deposit	0.00	50,807.58	3,758,109.49
20131227	7/19/2022	SBCo ACH - MDAQMD	0.00	28,600.65	3,786,710.14
20131229	7/20/2022	SBCo - USMC AGCC	0.00	1,683.30	3,788,393.44
20131228	7/21/2022	Daily Deposit	0.00	3,816.93	3,792,210.37
20131228	7/25/2022	Daily Deposit	0.00	14,961.09	3,807,171.46
0001403	7/25/2022	NSF Check # 268	2,447.96	0.00	3,804,723.50
20131228	7/26/2022	Daily Deposit	0.00	190,406.94	3,995,130.44
20131230	7/28/2022	Daily Deposit	0.00	11,355.39	4,006,485.83
20131231	7/29/2022	Daily Deposit	0.00	50,205.19	4,056,691.02
20131103	7/29/2022	SBCo ACH - Flyers Energy	0.00	2,331.99	4,059,023.01
20131103	7/29/2022	SBCo ACH - MDAQMD	0.00	208.34	4,059,231.35
	7/31/2022	Interest Earned	0.00	7,268.31	4,066,499.66
<b>Total for Report:</b>			<b>253,538.65</b>	<b>1,101,845.93</b>	



**Mojave Desert AQMD**  
**Bank Register from 7/01/2022 to 7/31/2022**  
**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>
0003126	7/21/2022	AB2766 Grant	75,000.00	0.00	2,056,506.76
0003127	7/28/2022	Inv 9400126921 - AB2766 Grant	21,488.80	0.00	2,035,017.96
<b>Total for Report:</b>			<b>96,488.80</b>	<b>0.00</b>	

**Mojave Desert AQMD**  
**Bank Register from 7/01/2022 to 7/31/2022**  
**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>
	7/28/2022	FY 22 PARS Contribution	0.00	4,823.88	780,031.24
	7/31/2022	Service Charge	389.46	0.00	779,641.78
	7/31/2022	Interest Earned	0.00	38,842.73	818,484.51
<b>Total for Report:</b>			<b>389.46</b>	<b>43,666.61</b>	

**Mojave Desert AQMD**  
**Bank Register from 7/01/2022 to 7/31/2022**  
**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>
	7/31/2022	Service Charge	737.65	0.00	1,472,702.93
	7/31/2022	Interest Earned	0.00	69,397.19	1,542,100.12
<b>Total for Report:</b>			<b>737.65</b>	<b>69,397.19</b>	

**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:** August 31, 2022  
**Subject:** Facilities and Fleet



## Interoffice Memo

### MDAQMD FACILITIES UPDATES

<u>Project</u>	<u>Expense</u>	<u>Status</u>
Air Monitoring Electrical	755.00	Completed
Building LED Light Project	21,416.00	Completed
Building Electrical Repairs	2,246.00	Completed
Server Room A/C	\$10,100.00	In Progress
Total	<b>\$34,517.00</b>	

### MDAQMD FLEET UPDATES

<u>Vehicles</u>	<u>Expense</u>	<u>Status</u>
2013 Ford Escape		Disposed
2014 Ford Escape		Disposed
Total	\$	

The following page(s) contain the backup material for Agenda Item: [Receive and file the Legislative Report for September 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:** September 26, 2022

**RECOMMENDATION:** Receive and file.

**SUMMARY:** The Legislative Report for September 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 September 12, 2022.

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

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

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*Government Affairs and Communication Consulting*

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FRANK T. SHEETS, III  
LAURIE HANSEN SHEETS

## MEMORANDUM

**DATE:** September 5, 2022

**TO:** Brad Poiriez

**FROM:** Frank Sheets  
Laurie Hansen

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As of August 31st, the legislature has now completed the 2021-2022 legislative session and for those bills that passed through both houses, the Governor has until September 30<sup>th</sup> to decide whether to sign, veto or let the bills become law without his signature. On the District's list, there are 26 bills that will now be considered by the Governor. We will provide brief reviews of the most relevant.

There are several bills on the list that failed to make it through the process. It is interesting to note that of those that failed, none received negative majority votes but just were not voted upon. It seems to be the trend in the California legislature to not kill a bill by taking a vote and simply choose to not bring the measure up for a vote. Those bills that failed include the following: AB 1240, AB 1369, AB 1395, AB 2649, AB 2910, SB 18, SB 260, SB 542, SB 726, SB 1101, SB 1297, and SB 1399.

We feel it appropriate to provide brief comments on some of the more significant (in our opinion) enrolled bills. The bills were passed and to "enrollment", the last step before being placed on the Governor's desk for his consideration:

- For interest, in this report we have included AB 117 authored by Assembly-member Boerner. This bill would revise the Air Quality Improvement Program to add financial incentives for the purchase of electric bicycles, similar to incentives for the purchase of zero-emission vehicles.
- AB 1322 (Rivas) has been enrolled, dealing with the reduction in greenhouse gases from aviation fuel. The bill mentions federal legislative efforts to achieve similar results. We believe the bill is referencing H.R. 741, which has not seen any activity since it was referred to the subcommittee on Environmental and Climate Change in February of 2021.
- AB 1749 by Assembly-member Christiana Garcia in its final form has been enrolled and should be reviewed by the District. The bill adjusts the timing allowances available for the adoption of community emissions reduction programs by local air districts.
- We have mentioned Garcia's AB 1857 previously. The bill proposes to repeal current provisions that allow the state to include transformation of solid waste toward meeting the state's waste source reduction requirements.

- For those in the district interested in off-highway recreational vehicles, AB 2152 (as chaptered) will allow the City of Needles to evaluate the combined use of on-highway and off-highway vehicles on local roads for the purpose of accessing off-highway trailheads.
- Also, of interest to Southern California communities is the enrollment of Garcia’s AB 2248. The bill would appropriate \$100 million from the general fund to address quality issues of waters flowing out of Mexico into southern California, most specifically the New River.
- The District should be interested to see that AB 2550 has been enrolled. The bill seems to provide a pathway for the California Air Resources to get involved in San Joaquine Valley APCD efforts to achieve attainment status for federal and state air quality standards.
- With the enrollment of AB 2721, it looks like the Bay Area AQMD board members can anticipate adjustments in their compensation should the Governor choose to sign this piece of legislation.
- Garcia’s AB 2836 dealing with the Carl Moyer program has been enrolled. The bill extends current provisions of the program as well as expands the range of emission reduction programs for consideration from “covered” sources.
- SB 905 was enrolled with significant amendments from the version we commented on in our last report. The bill still deals with the evaluation of carbon capture, utilization and sequestration, but previous versions were specific to Portland cement manufacturing. The specificity toward Portland cement has been removed and the proposed evaluation is now applicable to other carbon emitting sources. The California Portland cement industry supported the final amended version of the bill.

As always, should there be questions, comments, or concerns, please feel free to reach out to us.

## MDAQMD 2022 bills

### Saturday, September 03, 2022

**AB 117**

**(Boerner Horvath D) Air Quality Improvement Program: electric bicycles.**

**Current Analysis:** 08/24/2022 [Assembly Floor Analysis \(text 8/11/2022\)](#)

**Introduced:** 12/18/2020

**Last Amend:** 8/11/2022

**Location:** 8/25/2022-A. ENROLLMENT

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

**Summary:** Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its current 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 electric bicycles, as defined, as projects eligible for funding under the program.

**Vote Events:**

08/25/2022 ASM. CONCURRENCE (Y:73 N:0 A:7) (P)

08/24/2022 SEN. Assembly 3rd Reading (Y:37 N:0 A:3) (P)



08/11/2022 SEN. APPR. (Y:5 N:0 A:2) (P)  
 08/16/2021 SEN. APPR. (Y:7 N:0 A:0) (P)  
 07/12/2021 SEN. E.Q. (Y:6 N:1 A:0) (P)  
 06/24/2021 SEN. TRANS. (Y:14 N:0 A:3) (P)  
 06/01/2021 ASM. THIRD READING (Y:74 N:2 A:3) (P)  
 05/20/2021 ASM. APPR. (Y:12 N:3 A:1) (P)  
 04/05/2021 ASM. TRANS. (Y:11 N:0 A:4) (P)

**AB 1240**

**(Ting D) Indoor air pollution.**

**Current Analysis:** 08/13/2022 [Senate Floor Analyses \(text 1/24/2022\)](#)

**Introduced:** 2/19/2021

**Last Amend:** 1/24/2022

**Location:** 8/22/2022-S. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	<b>Floor</b>	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:**

08/11/2022 SEN. APPR. (Y:5 N:1 A:1) (P)  
 06/20/2022 SEN. APPR. (Y:4 N:0 A:3) (P)  
 06/01/2022 SEN. E.Q. (Y:4 N:1 A:2) (P)  
 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 1322**

**(Rivas, Robert D) California Global Warming Solutions Act of 2006: aviation greenhouse gas emissions reduction plan.**

**Current Analysis:** 08/30/2022 [Assembly Floor Analysis \(text 8/25/2022\)](#)

**Introduced:** 2/19/2021

**Last Amend:** 8/25/2022

**Location:** 8/31/2022-A. ENROLLMENT

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

**Summary:** The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires the state board to consult with other states, the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs. This bill would require the state board, on or before July 1, 2024, to develop a plan, consistent with federal law, to reduce aviation greenhouse gas emissions and help the state reach its goal of net-zero greenhouse gas emissions by 2045, including a sustainable fuels target for the aviation sector of at least 20% by 2030. Contingent upon an appropriation, the bill would require the state board, on or before July 1, 2024, to commence implementation of the plan to achieve these goals. This bill contains other related provisions and other existing laws.

**Vote Events:**

08/31/2022 ASM. CONCURRENCE (Y:73 N:0 A:7) (P)  
 08/30/2022 ASM. TRANS. (Y:10 N:0 A:5) (P)  
 08/29/2022 SEN. Assembly 3rd Reading (Y:33 N:0 A:7) (P)  
 08/11/2022 SEN. APPR. (Y:5 N:0 A:2) (P)  
 08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
 06/08/2022 SEN. E.Q. (Y:4 N:0 A:3) (P)  
 05/10/2021 ASM. THIRD READING (Y:49 N:22 A:7) (P)  
 04/29/2021 ASM. H. & C.D. (Y:6 N:2 A:0) (P)  
 04/14/2021 ASM. L. GOV. (Y:5 N:3 A:0) (P)

**AB 1369**

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

**Current Analysis:** 08/13/2022 [Senate Floor Analyses \(text 6/8/2022\)](#)

**Introduced:** 2/19/2021

**Last Amend:** 6/8/2022

**Location:** 8/29/2022-S. INACTIVE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	<b>Floor</b>	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 revise the definition of “eligible materials” to delete mineral wool board insulation and additionally include gypsum board, insulation, carpet and carpet tiles, and ceiling tiles.

**Vote Events:**

- 08/11/2022 SEN. APPR. (Y:4 N:2 A:1) (P)
- 08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/15/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 06/14/2022 SEN. G.O. (Y:9 N:5 A:1) (P)
- 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 1395**

**(Muratsuchi D) The California Climate Crisis Act.**

**Current Analysis:** 09/09/2021 [Senate Floor Analyses \(text 9/3/2021\)](#)

**Introduced:** 2/19/2021

**Last Amend:** 9/3/2021

**Location:** 8/23/2022-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	<b>Floor</b>	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, the California Climate Crisis Act, would declare the policy of the state both to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 90% below the 1990 levels.

**Vote Events:**

- 09/10/2021 SEN. Assembly 3rd Reading (Y:14 N:12 A:14) (F)
- 09/10/2021 SEN. Assembly 3rd Reading (Y:37 N:0 A:3) (P)
- 08/26/2021 SEN. APPR. (Y:4 N:2 A:1) (P)
- 08/16/2021 SEN. APPR. (Y:7 N:0 A:0) (P)
- 07/12/2021 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 06/03/2021 ASM. THIRD READING (Y:42 N:21 A:16) (P)
- 05/20/2021 ASM. APPR. (Y:11 N:4 A:1) (P)
- 04/28/2021 ASM. NAT. RES. (Y:8 N:3 A:0) (P)

**AB 1445**

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

**Current Analysis:** 08/30/2022 [Assembly Floor Analysis \(text 8/24/2022\)](#)

**Introduced:** 2/19/2021

**Last Amend:** 8/24/2022

**Location:** 8/30/2022-A. ENROLLMENT

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

**Summary:** The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other mandatory elements, a housing element. For the 4th and subsequent revisions of the housing element, existing law requires the Department of Housing and Community Development to determine the existing and projected need for housing for each region. Current law requires the appropriate council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county, as provided. Current law requires that the final regional housing plan adopted by a council of governments, or a delegate subregion, as applicable, be based on a methodology that includes specified factors, and similarly requires that the department take into consideration specified factors in distributing regional housing need, as provided. Commencing January 1, 2025, this bill would instead require a council

of governments or a delegate subregion to consider including specified factors in developing the above-mentioned methodology.

**Vote Events:**

08/30/2022 ASM. CONCURRENCE (Y:60 N:17 A:3) (P)  
08/29/2022 SEN. Assembly 3rd Reading (Y:31 N:9 A:0) (P)  
08/11/2022 SEN. APPR. (Y:5 N:2 A:0) (P)  
06/13/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
05/31/2022 SEN. HOUSING (Y:6 N:2 A:1) (P)  
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.**

**Current Analysis:** 08/10/2022 [Assembly Floor Analysis \(text 6/21/2022\)](#)

**Introduced:** 1/12/2022

**Last Amend:** 6/21/2022

**Location:** 8/29/2022-A. CHAPTERED

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 (the act) 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. The bill would also provide that the act is not intended to weaken preexisting legal protections for workers by excusing compliance with any requirements that would apply in the absence of the act.

**Vote Events:**

08/15/2022 ASM. CONCURRENCE (Y:76 N:0 A:4) (P)  
08/08/2022 SEN. Consent Calendar (Y:36 N:0 A:4) (P)  
06/08/2022 SEN. P.E. & R. (Y:5 N:0 A:0) (P)  
05/12/2022 ASM. CONSENT CALENDAR (Y:65 N:0 A:13) (P)  
05/04/2022 ASM. APPR. (Y:14 N:0 A:2) (P)  
04/20/2022 ASM. L. & E. (Y:7 N:0 A:0) (P)

**AB 1738**

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

**Current Analysis:** 08/24/2022 [Assembly Floor Analysis \(text 8/11/2022\)](#)

**Introduced:** 1/31/2022

**Last Amend:** 8/11/2022

**Location:** 8/25/2022-A. ENROLLMENT

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

**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. Current 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, commencing with the next triennial edition of the California Building Standards Code, require the commission and the Department of Housing and Community Development to research and develop, and authorize the commission and department to propose for adoption, mandatory building standards for the installation of electric vehicle charging stations with low power level 2 or higher electric vehicle chargers in existing multifamily dwellings, hotels, motels, and nonresidential development during certain retrofits, additions, and alterations to existing parking facilities, as specified.

**Vote Events:**

08/25/2022 ASM. CONCURRENCE (Y:54 N:15 A:11) (P)  
08/24/2022 SEN. Assembly 3rd Reading (Y:32 N:8 A:0) (P)  
08/11/2022 SEN. APPR. (Y:4 N:2 A:1) (P)  
06/20/2022 SEN. APPR. (Y:4 N:0 A:3) (P)  
06/13/2022 SEN. HOUSING (Y:7 N:0 A:2) (P)  
05/26/2022 ASM. THIRD READING (Y:46 N:21 A:11) (P)

05/19/2022 ASM. APPR. (Y:12 N:4 A:0) (P)  
04/20/2022 ASM. ED. (Y:5 N:1 A:1) (P)  
04/05/2022 ASM. H. & C.D. (Y:6 N:1 A:1) (P)

**AB 1749**

**(Garcia, Cristina D) Community emissions reduction programs: toxic air contaminants and criteria air pollutants.**

**Current Analysis:** 08/30/2022 [Assembly Floor Analysis \(text 8/25/2022\)](#)

**Introduced:** 2/1/2022

**Last Amend:** 8/25/2022

**Location:** 8/30/2022-A. ENROLLMENT

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

**Summary:** Current law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Current law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Current law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Current law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed, and to prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community emissions reduction program, among other things. This bill would require the state board to additionally 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 state board and a majority of the persons who are designated by the district to participate in the development and adoption of the program agree.

**Vote Events:**

08/30/2022 ASM. CONCURRENCE (Y:52 N:18 A:10) (P)  
08/29/2022 SEN. Assembly 3rd Reading (Y:31 N:9 A:0) (P)  
06/29/2022 SEN. E.Q. (Y:5 N:1 A:1) (P)  
05/26/2022 ASM. THIRD READING (Y:48 N:18 A:12) (P)  
05/19/2022 ASM. APPR. (Y:12 N:4 A:0) (P)  
03/21/2022 ASM. NAT. RES. (Y:8 N:3 A:0) (P)

**AB 1857**

**(Garcia, Cristina D) Solid waste.**

**Current Analysis:** 08/30/2022 [Assembly Floor Analysis \(text 8/23/2022\)](#)

**Introduced:** 2/8/2022

**Last Amend:** 8/23/2022

**Location:** 8/30/2022-A. ENROLLMENT

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

**Summary:** The California Integrated Waste Management Act of 1989 requires a city, county, or city and county, or regional agency formed under the act, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The act requires those jurisdictions to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. The act allows the 50% diversion requirement to include not more than 10% through transformation, as defined, if specified conditions are met. This bill would repeal the provision authorizing the inclusion of not more than 10% of the diversion through transformation. Because the bill would require local agencies to revise the source reduction and recycling elements of their integrated waste management plans, this bill would impose a state-mandated local program.

**Vote Events:**

08/30/2022 ASM. CONCURRENCE (Y:55 N:19 A:6) (P)  
08/29/2022 SEN. Assembly 3rd Reading (Y:25 N:10 A:5) (P)  
08/11/2022 SEN. APPR. (Y:5 N:2 A:0) (P)  
08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
06/22/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)  
05/25/2022 ASM. THIRD READING (Y:52 N:19 A:7) (P)  
05/19/2022 ASM. APPR. (Y:12 N:4 A:0) (P)  
03/21/2022 ASM. NAT. RES. (Y:8 N:3 A:0) (P)

**(Boerner Horvath D) Solid waste: reporting, packaging, and plastic food service ware.**

**Current Analysis:** 08/30/2022 [Senate Appropriations \(text 8/25/2022\)](#)

**Introduced:** 2/9/2022

**Last Amend:** 8/25/2022

**Location:** 8/31/2022-A. CONCURRENCE

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

**Summary:** Current law establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which covers certain single-use packaging and plastic single-use food service ware, as provided. As part of its comprehensive statutory scheme, existing law requires producers, as defined, of these covered materials to source reduce plastic covered material, to ensure that covered material offered for sale, distributed, or imported in or into the state on or after January 1, 2032, is recyclable or compostable, and to ensure that plastic covered material offered for sale, distributed, or imported in or into the state meets specified recycling rates, as provided. The act prohibits a producer from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the producer responsibility plan of a producer responsibility organization (PRO), as prescribed, for the source reduction, collection, processing, and recycling of covered material, except as provided. The act requires the department to establish a producer responsibility advisory board for specified purposes. The act authorizes an affected entity that asserts that specific actions taken to meet the act’s requirements are disrupting or otherwise adversely affecting the sustained operation or commercial viability of solid waste collection programs, solid waste recycling facilities, or composting facilities providing services in accordance with local solid waste handling requirements, to bring the concern and evidence supporting that assertion to the advisory board for discussion and to ask the advisory board to conduct a preliminary evaluation of the information. The act requires, if the evaluation demonstrates that specific actions are disrupting or otherwise adversely affecting existing operations, the advisory board to submit the concern to the department for further analysis. The act requires the department to analyze the information provided by the advisory board and authorizes the department to offer a recommendation for resolution. This bill would instead require, if the advisory board’s evaluation demonstrates that specific actions are disrupting or otherwise adversely affecting existing operations, the advisory board to offer a recommendation for resolution within 90 days of submission of the request for a preliminary evaluation and thereafter authorizes either party to initiate nonbinding arbitration, as specified.

**Vote Events:**

- 08/31/2022 SEN. Assembly 3rd Reading (Y:40 N:0 A:0) (P)
- 08/30/2022 SEN. E.Q. (Y:7 N:0 A:0) (P)
- 08/11/2022 SEN. APPR. (Y:5 N:2 A:0) (P)
- 08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/28/2022 SEN. JUD. (Y:9 N:1 A:1) (P)
- 06/22/2022 SEN. E.Q. (Y:5 N:1 A:1) (P)
- 05/26/2022 ASM. THIRD READING (Y:41 N:25 A:12) (P)
- 05/19/2022 ASM. APPR. (Y:12 N:4 A:0) (P)
- 04/26/2022 ASM. JUD. (Y:7 N:2 A:1) (P)
- 04/18/2022 ASM. NAT. RES. (Y:8 N:2 A:1) (P)

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

**Current Analysis:** 08/03/2022 [Senate Floor Analyses \(text 2/15/2022\)](#)

**Introduced:** 2/15/2022

**Location:** 8/26/2022-A. CHAPTERED

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

**Summary:** 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. Current law, until January 1, 2025, authorizes the County of Inyo to operate a pilot project that exempts specified combined-use highways in the unincorporated area in the County of Inyo from this prohibition to link together existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles, as prescribed. Current law requires the County of Inyo to prepare and submit to the Legislature reports evaluating the effectiveness and environmental impacts of the pilot project, as specified. This bill would authorize, until January 1, 2028, a similar pilot program in the City of Needles.

**Vote Events:**

- 08/08/2022 SEN. Consent Calendar (Y:36 N:0 A:4) (P)
- 06/28/2022 SEN. N.R. & W. (Y:9 N:0 A:0) (P)
- 06/14/2022 SEN. TRANS. (Y:15 N:0 A:2) (P)
- 05/25/2022 ASM. THIRD READING (Y:76 N:0 A:2) (P)



05/19/2022 ASM. APPR. (Y:16 N:0 A:0) (P)  
04/18/2022 ASM. TRANS. (Y:14 N:0 A:1) (P)

**AB 2248**

**(Garcia, Eduardo D) Water quality: California-Mexico cross-border rivers.**

**Current Analysis:** 08/30/2022 [Assembly Floor Analysis \(text 8/11/2022\)](#)

**Introduced:** 2/16/2022

**Last Amend:** 8/11/2022

**Location:** 8/30/2022-A. ENROLLMENT

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

**Summary:** This bill would make \$100,000,000 available from the General Fund, upon appropriation by the Legislature in the annual Budget Act or another statute, to the State Water Resources Control Board for grants and direct expenditures to address water quality problems arising in the California-Mexico cross-border rivers. The bill would require the state board, in consultation with the California Environmental Protection Agency, the San Diego Regional Water Quality Control Board, and the Colorado River Basin Regional Water Quality Control Board, to administer the funding, as specified. The bill would require expenditures of the funding to be consistent with the work of the California Environmental Protection Agency Border Affairs Program and would require priority for the funding to be given to projects that have funding committed by the United States, the Republic of Mexico, the State of Baja California, or the City of Tijuana or Mexicali. The bill would authorize grant funding to be conditioned on enforceability and accountability mechanisms agreed upon by the state board and the recipient, as prescribed, and would authorize funding to be provided for activities or projects in the State of Baja California under certain circumstances. The bill would require the state board and the California Environmental Protection Agency to notify the leadership office in each house of the Legislature on cross-border collaboration and the expenditure of the funding.

**Vote Events:**

08/30/2022 ASM. CONCURRENCE (Y:79 N:0 A:1) (P)  
08/29/2022 SEN. Assembly 3rd Reading (Y:39 N:0 A:1) (P)  
08/11/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
06/29/2022 SEN. E.Q. (Y:7 N:0 A:0) (P)  
05/23/2022 ASM. THIRD READING (Y:74 N:0 A:4) (P)  
05/19/2022 ASM. APPR. (Y:16 N:0 A:0) (P)  
04/26/2022 ASM. W.,P. & W. (Y:15 N:0 A:0) (P)  
04/05/2022 ASM. E.S. & T.M. (Y:9 N:0 A:0) (P)

**AB 2446**

**(Holden D) Embodied carbon emissions: construction materials.**

**Current Analysis:** 08/23/2022 [Assembly Floor Analysis \(text 8/11/2022\)](#)

**Introduced:** 2/17/2022

**Last Amend:** 8/11/2022

**Location:** 8/24/2022-A. ENROLLMENT

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

**Summary:** Would require the State Air Resources Board, by July 1, 2025, to develop, in consultation with specified stakeholders, a framework for measuring and then reducing the average carbon intensity of the materials used in the construction of new buildings, including those for residential uses. The bill would require the framework to include a comprehensive strategy for the state's building sector to achieve a 40% net reduction in greenhouse gas emissions of building materials, as determined from a baseline calculated using a certain 2026 report, if that report is adequate, or as specified. The bill would require the strategy to achieve this target as soon as possible, but no later than December 31, 2035, with an interim target of 20% net reduction by December 31, 2030. The bill would authorize the state board to adjust the interim target, as provided, and would require the established targets to begin no sooner than January 1, 2027. The bill would require the state board to form and maintain a technical advisory committee, as provided, to, among other things, review information that is required to be submitted by entities that are unable to meet the targets.

**Vote Events:**

08/24/2022 ASM. CONCURRENCE (Y:55 N:17 A:8) (P)  
08/23/2022 SEN. Assembly 3rd Reading (Y:30 N:9 A:1) (P)  
08/11/2022 SEN. APPR. (Y:5 N:2 A:0) (P)  
08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
06/29/2022 SEN. E.Q. (Y:6 N:0 A:1) (P)  
06/15/2022 SEN. E. U., & C. (Y:10 N:3 A:1) (P)  
05/23/2022 ASM. THIRD READING (Y:46 N:17 A:15) (P)  
05/19/2022 ASM. APPR. (Y:12 N:4 A:0) (P)  
04/04/2022 ASM. NAT. RES. (Y:7 N:2 A:1) (P)

**AB 2550**

**(Arambula D) State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment.**

**Current Analysis:** 08/25/2022 [Assembly Floor Analysis \(text 8/16/2022\)](#)

**Introduced:** 2/17/2022

**Last Amend:** 8/16/2022

**Location:** 8/25/2022-A. ENROLLMENT

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

**Summary:** Would require the State Air Resources Board, if the San Joaquin Valley Air Pollution Control District does not receive a determination of attainment from the United States Environmental Protection Agency for a national ambient air quality standard established by the agency pursuant to the federal Clean Air Act by the applicable attainment date for that standard, 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 that ambient air quality standard.

**Vote Events:**

- 08/25/2022 ASM. CONCURRENCE (Y:48 N:15 A:17) (P)
- 08/25/2022 SEN. Assembly 3rd Reading (Y:27 N:13 A:0) (P)
- 08/11/2022 SEN. APPR. (Y:4 N:2 A:1) (P)
- 08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/15/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 05/25/2022 ASM. THIRD READING (Y:45 N:19 A:14) (P)
- 05/19/2022 ASM. APPR. (Y:12 N:4 A:0) (P)
- 04/25/2022 ASM. NAT. RES. (Y:7 N:3 A:1) (P)

**AB 2649**

**(Garcia, Cristina D) Natural Carbon Sequestration and Resilience Act of 2022.**

**Current Analysis:** 07/29/2022 [Senate Appropriations \(text 6/16/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 6/16/2022

**Location:** 8/12/2022-S. DEAD

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

**Summary:** Would declare the goal of the state to sequester, through natural carbon sequestration in California, at least 60,000,000 metric tons of carbon dioxide equivalent annually on or before December 31, 2030, and 75,000,000 metric tons of carbon dioxide equivalent annually on or before December 31, 2035. The bill would require, on or before January 1, 2024, the Natural Resources Agency, in coordination with other state entities, to review and, as necessary, update the Natural and Working Lands Climate Smart Strategy, as described, and the Pathways to 30x30: Accelerating Conservation of California’s Nature, as described, to achieve this goal, and to update those documents every 5 years, as described. The bill would also require on December 31, 2025, and every year thereafter, the Natural Resources Agency and the State Air Resources Board to submit a report to the Legislature on progress toward meeting the goal. The bill would also require, on or before March 31, 2026, and annually thereafter, the Natural Resources Agency and the State Air Resources Board to present the findings of the report before the relevant policy committees of the Legislature.

**Vote Events:**

- 08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/29/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)
- 06/14/2022 SEN. N.R. & W. (Y:8 N:1 A:0) (P)
- 05/23/2022 ASM. THIRD READING (Y:52 N:13 A:13) (P)
- 05/19/2022 ASM. APPR. (Y:12 N:4 A:0) (P)
- 04/25/2022 ASM. NAT. RES. (Y:7 N:3 A:1) (P)

**AB 2700**

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

**Current Analysis:** 08/30/2022 [Assembly Floor Analysis \(text 8/2/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 8/2/2022

**Location:** 8/30/2022-A. ENROLLMENT

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

**Summary:** Would prohibit electrical corporations and local publicly owned electric utilities from disclosing that data to third parties. The bill would require electrical corporations and local publicly owned electric utilities, as part of their distribution planning processes, to consider the fleet data produced by the Energy Commission pursuant to this bill, and other available data, to facilitate the readiness of their distribution systems to support the state’s anticipated level of

electric vehicle charging, as specified.

**Vote Events:**

- 08/30/2022 ASM. CONCURRENCE (Y:60 N:2 A:18) (P)
- 08/29/2022 SEN. Assembly 3rd Reading (Y:33 N:2 A:5) (P)
- 08/11/2022 SEN. APPR. (Y:5 N:0 A:2) (P)
- 08/08/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 06/29/2022 SEN. E.Q. (Y:5 N:0 A:2) (P)
- 06/21/2022 SEN. E. U., & C. (Y:10 N:1 A:3) (P)
- 05/25/2022 ASM. THIRD READING (Y:58 N:1 A:19) (P)
- 05/19/2022 ASM. APPR. (Y:12 N:0 A:4) (P)
- 04/25/2022 ASM. TRANS. (Y:11 N:0 A:4) (P)
- 04/20/2022 ASM. U. & E. (Y:13 N:0 A:2) (P)

**AB 2721**

**(Lee D) Bay Area Air Quality Management District: district board: compensation.**

**Current Analysis:** 08/22/2022 [Assembly Floor Analysis \(text 8/1/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 8/1/2022

**Location:** 8/30/2022-A. ENROLLED

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

**Summary:** Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board to govern the district and prescribes the membership of the district board. Existing law authorizes the district board to provide, by ordinance, compensation not to exceed \$100 per day for board members for attending meetings of the board or committees of the board or while on official business of the district and not to exceed \$6,000 per year. Existing law also requires board members to receive actual and necessary expenses incurred in the performance of their duties. This bill would revise the amount of compensation that a member of the board may receive for attending a meeting of the board or attending a meeting while on official business of the district to an amount not to exceed \$100 per meeting and \$200 per day. The bill would also authorize a member of the board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the \$6,000 total annual compensation limit.

**Vote Events:**

- 08/23/2022 ASM. CONCURRENCE (Y:73 N:0 A:7) (P)
- 08/22/2022 SEN. Assembly 3rd Reading (Y:37 N:0 A:3) (P)
- 06/29/2022 SEN. GOV. & F. (Y:4 N:1 A:0) (P)
- 06/01/2022 SEN. E.Q. (Y:5 N:0 A:2) (P)
- 04/18/2022 ASM. THIRD READING (Y:66 N:3 A:7) (P)
- 04/04/2022 ASM. NAT. RES. (Y:10 N:0 A:0) (P)

**AB 2737**

**(Carrillo D) Air pollution: purchase of new drayage and short-haul trucks: incentive programs: lessees: labor standards.**

**Current Analysis:** 08/03/2022 [Senate Floor Analyses \(text 4/7/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 4/7/2022

**Location:** 8/29/2022-A. CHAPTERED

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

**Summary:** Would exclude a rental or leasing entity, as defined, from the definition of a fleet purchaser. The bill would require a lessee of a vehicle that was purchased using that incentive program to comply with the standards applicable to fleet purchasers, as specified. The bill would also require a rental or leasing entity that purchases vehicles for use in fleet operations using an incentive program to notify lessees of these vehicles with lease terms of greater than one year that the lessee is required to comply with the requirements applicable to fleet purchasers. The bill would also make a fleet purchaser and rental or leasing entity subject to specified penalties if the state board determines that the fleet purchaser and rental or leasing entity entered into a rental agreement of less than one year for the express purpose of circumventing these requirements.

**Vote Events:**

- 08/08/2022 SEN. Consent Calendar (Y:36 N:0 A:4) (P)
- 06/22/2022 SEN. E.Q. (Y:7 N:0 A:0) (P)
- 06/08/2022 SEN. P.E. & R. (Y:5 N:0 A:0) (P)
- 05/19/2022 ASM. CONSENT CALENDAR (Y:72 N:0 A:6) (P)
- 05/11/2022 ASM. APPR. (Y:16 N:0 A:0) (P)
- 04/25/2022 ASM. TRANS. (Y:15 N:0 A:0) (P)



[AB 2836](#)

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

**Current Analysis:** 08/13/2022 [Senate Floor Analyses \(text 5/19/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 5/19/2022

**Location:** 8/25/2022-A. ENROLLMENT

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

**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, 2034.

**Vote Events:**

08/25/2022 SEN. Assembly 3rd Reading (Y:39 N:0 A:1) (P)

08/11/2022 SEN. APPR. (Y:7 N:0 A:0) (P)

08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)

06/22/2022 SEN. E.Q. (Y:7 N:0 A:0) (P)

06/14/2022 SEN. TRANS. (Y:14 N:0 A:3) (P)

05/25/2022 ASM. THIRD READING (Y:65 N:0 A:13) (P)

05/19/2022 ASM. APPR. (Y:13 N:0 A:3) (P)

04/25/2022 ASM. NAT. RES. (Y:9 N:0 A:2) (P)

04/18/2022 ASM. TRANS. (Y:12 N:0 A:3) (P)

[AB 2910](#)

**(Santiago D)** Nonvehicular air pollution: civil penalties.

**Current Analysis:** 08/26/2022 [Senate Floor Analyses \(text 8/25/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 8/25/2022

**Location:** 8/15/2022-S. THIRD READING

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

**Summary:** Current law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources. A person who violates these laws and who acts negligently is liable for a civil penalty in a greater amount, as specified. Current law annually adjusts the maximum penalties for violations of these laws based on the California Consumer Price Index. This bill would increase the maximum amount of those civil penalties and would subject those maximum amounts to the annual adjustment based on the California Consumer Price Index, as specified.

**Vote Events:**

08/11/2022 SEN. APPR. (Y:5 N:2 A:0) (P)

08/01/2022 SEN. APPR. (Y:7 N:0 A:0) (P)

06/28/2022 SEN. JUD. (Y:9 N:1 A:1) (P)

06/22/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)

05/26/2022 ASM. THIRD READING (Y:52 N:17 A:9) (P)

05/19/2022 ASM. APPR. (Y:13 N:3 A:0) (P)

04/26/2022 ASM. JUD. (Y:8 N:1 A:1) (P)

04/18/2022 ASM. NAT. RES. (Y:8 N:2 A:1) (P)

[ACR 109](#)

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

**Current Analysis:** 06/10/2022 [Assembly Floor Analysis \(text 6/2/2022\)](#)

**Introduced:** 8/30/2021

**Last Amend:** 6/2/2022

**Location:** 6/27/2022-A. CHAPTERED

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 extreme heat as a serious and urgent threat and would call on the state's agencies and departments to invest resources in increasing resilience to extreme heat, with priority given to communities that are most at risk and vulnerable, and to develop strategies to mitigate urban heat island effects, enhance building resilience, and evaluate the effectiveness of measures to improve protection in the face of

continually rising temperatures, as specified.

**Vote Events:**

- 06/27/2022 ASM. CONCURRENCE (Y:69 N:0 A:11) (P)
- 06/09/2022 SEN. Consent Calendar (Y:38 N:0 A:2) (P)
- 06/01/2022 SEN. N.R. & W. (Y:8 N:0 A:1) (P)
- 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 18**

**(Skinner D) Hydrogen: green hydrogen: emissions of greenhouse gases.**

**Current Analysis:** 08/16/2021 [Assembly Appropriations \(text 6/30/2021\)](#)

**Introduced:** 12/7/2020

**Last Amend:** 6/30/2021

**Location:** 8/12/2022-A. DEAD

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

**Summary:** Would require the State Air Resources Board, by December 31, 2022, as a part of the scoping plan and the state’s goal for carbon neutrality, to identify the role of hydrogen, and particularly green hydrogen, in helping California achieve the goals of the act and the state’s other climate goals. The bill would require the state board, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and Public Utilities Commission (PUC), to prepare an evaluation posted to the state board’s internet website by June 1, 2023, that includes specified information relative to the deployment, development, and use of hydrogen. The bill would require the state board, in making these evaluations, to consult with the California Workforce Development Board and labor and workforce organizations.

**Vote Events:**

- 07/07/2021 ASM. NAT. RES. (Y:11 N:0 A:0) (P)
- 06/16/2021 ASM. U. & E. (Y:15 N:0 A:0) (P)
- 05/28/2021 SEN. Senate 3rd Reading (Y:38 N:0 A:2) (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)
- 04/29/2021 SEN. E.Q. (Y:6 N:0 A:1) (P)
- 03/15/2021 SEN. E. U., & C. (Y:12 N:0 A:2) (P)

**SB 45**

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

**Current Analysis:** 08/29/2022 [Senate Floor Analyses \(text 8/15/2022\)](#)

**Introduced:** 12/7/2020

**Last Amend:** 8/15/2022

**Location:** 8/30/2022-S. ENROLLMENT

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

**Summary:** Current law requires that the methane emissions reduction goals include a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction in the level of statewide disposal of organic waste from the 2014 level by 2025. 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. Current law authorizes the department, if it determines that significant progress has not been made toward achieving the organic waste reduction goals established by the state board, to include incentives or additional requirements in its regulations to facilitate progress towards achieving the goals. This bill would require the department, in consultation with the state board, to assist local jurisdictions in complying with these provisions, including any regulations adopted by the department.

**Vote Events:**

- 08/30/2022 SEN. Unfinished Business (Y:40 N:0 A:0) (P)
- 08/29/2022 ASM. THIRD READING (Y:77 N:0 A:3) (P)
- 08/11/2022 ASM. APPR. (Y:12 N:0 A:4) (P)
- 06/06/2022 ASM. NAT. RES. (Y:9 N:0 A:1) (P)
- 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)

[SB 260](#)**(Wiener D) Climate Corporate Accountability Act.****Current Analysis:** 08/31/2022 [Senate Floor Analyses \(text 8/15/2022\)](#)**Introduced:** 1/26/2021**Last Amend:** 8/15/2022**Location:** 8/16/2022-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	<b>Floor</b>	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 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 emissions registry, as defined, 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 the state board, on or before January 1, 2029, to review, and update as necessary, these deadlines to evaluate trends in scope 3 emissions reporting and to consider changes to the deadlines, 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. The bill would require reporting entities to ensure that their public disclosures have been independently verified by the emissions registry or a third-party auditor, approved by the state board, with expertise in greenhouse gas emissions accounting. The bill would require the state board, in developing these regulations, to consult with the Attorney General, other government stakeholders, stakeholders representing consumer and environmental justice interests, and reporting entities that have demonstrated leadership in full-scope greenhouse gas emissions accounting and public disclosure and greenhouse gas emissions reductions.

**Vote Events:**

08/31/2022 ASM. THIRD READING (Y:37 N:25 A:18) (F)

08/11/2022 ASM. APPR. (Y:12 N:4 A:0) (P)

06/21/2022 ASM. JUD. (Y:6 N:3 A:1) (P)

06/13/2022 ASM. NAT. RES. (Y:7 N:2 A:2) (P)

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:** 08/19/2022 [Senate Floor Analyses \(text 8/15/2022\)](#)**Introduced:** 2/10/2021**Last Amend:** 8/15/2022**Location:** 8/30/2022-S. ENROLLED

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

**Summary:** Existing 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. Existing 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. Existing law prescribes and limits permit fees that a city or county may charge for a residential and commercial solar energy system. Existing 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 or allows the city, county, or city and county to issue permits in real time for a residential solar energy system, as defined, that is no larger than 38.4 kilowatts alternating current nameplate rating and a residential energy storage system, as defined, paired with a residential solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating. This bill contains other related provisions and other existing laws.

**Vote Events:**

08/23/2022 SEN. Unfinished Business (Y:33 N:3 A:4) (P)

08/18/2022 ASM. THIRD READING (Y:64 N:7 A:9) (P)

08/11/2022 ASM. APPR. (Y:13 N:2 A:1) (P)

06/29/2022 ASM. U. &amp; E. (Y:12 N:0 A:3) (P)

06/15/2022 ASM. L. GOV. (Y:6 N:1 A:1) (P)

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:** 08/01/2022 [Assembly Appropriations \(text 6/22/2022\)](#)

**Introduced:** 2/18/2021

**Last Amend:** 6/22/2022

**Location:** 8/3/2022-A. APPR. SUSPENSE FILE

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

**Summary:** Would provide an exemption from sales and use 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, among other things, a new zero-emission truck that is eligible for a project voucher. The bill would, however, disallow the exemption from a sales or use tax where the vehicle purchase was made using a voucher issued by the State Air Resources Board pursuant to the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project. The bill would provide that the tax exemption does not apply to specified state sales and use taxes from which the proceeds are deposited into the Local Revenue Fund, the Local Revenue Fund 2011, or the Local Public Safety Fund. The bill would provide that the exemption would apply to otherwise eligible sales and uses of a vehicle where the internet website of the State Air Resources Board indicates a vehicle is eligible for the voucher program at the time the purchase is made, notwithstanding a contrary determination made by the State Air Resources Board. The bill would require the State Air Resources Board to indicate the date on which it updates its internet website to reflect changes in the eligibility of a vehicle under the voucher project. The bill would provide that the exemption is to become operative on April 1, 2023.

**Vote Events:**

06/30/2022 ASM. REV. & TAX (Y:10 N:1 A:0) (P)  
 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 726**

**(Gonzalez D) Alternative fuel and vehicle technologies: sustainable transportation.**

**Current Analysis:** 08/31/2021 [Assembly Floor Analysis \(text 8/30/2021\)](#)

**Introduced:** 2/19/2021

**Last Amend:** 8/30/2021

**Location:** 8/25/2022-A. INACTIVE FILE

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

**Summary:** Current law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, to provide funding to certain entities to develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies. Current law requires the commission to give preference to those projects that maximize the goals of the program based on specified criteria and to fund specified eligible projects, including, among others, alternative and renewable fuel projects to develop and improve alternative and renewable low-carbon fuels. Current law creates the Alternative and Renewable Fuel and Vehicle Technology Fund, to be administered by the commission, and requires the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission to implement the program. This bill would revise and recast the program to expand the purpose of the program to include developing and deploying innovative technologies that transform California’s fuel and vehicle types to help reduce criteria air pollutants and air toxics.

**Vote Events:**

08/26/2021 ASM. APPR. (Y:12 N:4 A:0) (P)  
 07/05/2021 ASM. TRANS. (Y:8 N:4 A:3) (P)  
 06/23/2021 ASM. NAT. RES. (Y:8 N:2 A:1) (P)  
 06/02/2021 SEN. Senate 3rd Reading (Y:31 N:6 A:3) (P)  
 05/20/2021 SEN. APPR. (Y:5 N:2 A:0) (P)  
 05/10/2021 SEN. APPR. (Y:7 N:0 A:0) (P)  
 04/27/2021 SEN. TRANS. (Y:13 N:1 A:3) (P)  
 04/12/2021 SEN. E.Q. (Y:5 N:1 A:1) (P)

**SB 852**

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

**Current Analysis:** 08/15/2022 [Senate Floor Analyses \(text 8/8/2022\)](#)

**Introduced:** 1/18/2022

**Last Amend:** 8/8/2022

**Location:** 8/23/2022-S. ENROLLED

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

**Summary:** Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Current law also requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan. 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, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, except as specified. The bill would require a district to finance only specified projects that meet the definition of an eligible project. 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.

**Vote Events:**

- 08/16/2022 SEN. Unfinished Business (Y:27 N:8 A:5) (P)
- 08/15/2022 ASM. THIRD READING (Y:51 N:14 A:15) (P)
- 08/03/2022 ASM. APPR. (Y:11 N:4 A:1) (P)
- 06/27/2022 ASM. NAT. RES. (Y:8 N:1 A:2) (P)
- 06/15/2022 ASM. L. GOV. (Y:6 N:2 A:0) (P)
- 05/24/2022 SEN. Senate 3rd Reading (Y:29 N:7 A:4) (P)
- 04/26/2022 SEN. N.R. & W. (Y:7 N:1 A:1) (P)
- 04/07/2022 SEN. GOV. & F. (Y:5 N:0 A:0) (P)

**SB 905**

**(Caballero D) Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program.**

**Current Analysis:** 08/31/2022 [Assembly Floor Analysis \(text 8/28/2022\)](#)

**Introduced:** 2/2/2022

**Last Amend:** 8/28/2022

**Location:** 9/2/2022-S. ENROLLED

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

**Summary:** Would require the State Air Resources Board to establish a Carbon Capture, Removal, Utilization, and Storage Program, as provided, to evaluate the efficacy, safety, and viability of carbon capture, utilization, or storage (CCUS) technologies and carbon dioxide removal (CDR) technologies and facilitate the capture and sequestration of carbon dioxide from those technologies, where appropriate. The bill would require the program to ensure that carbon dioxide capture, removal, and sequestration projects include specified components including, among others, certain monitoring activities. In carrying out the program’s objectives, the bill would require the state board to prioritize, among other priorities, reducing the emissions of greenhouses gases and reducing fossil fuel production in the state. The bill would require the state board to adopt regulations to implement the program and, in developing the program, to consult with the Geologic Carbon Sequestration Group as specified.

**Vote Events:**

- 08/31/2022 ASM. THIRD READING (Y:48 N:15 A:17) (P)
- 08/31/2022 SEN. Unfinished Business (Supplemental File 3) (Y:29 N:9 A:2) (P)
- 08/11/2022 ASM. APPR. (Y:12 N:4 A:0) (P)
- 06/20/2022 ASM. NAT. RES. (Y:7 N:0 A:4) (P)
- 05/24/2022 SEN. Senate 3rd Reading (Y:27 N:9 A:4) (P)
- 05/19/2022 SEN. APPR. (Y:5 N:2 A:0) (P)
- 05/02/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 04/20/2022 SEN. ED. (Y:5 N:2 A:0) (P)
- 03/28/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)

**SB 1010**

**(Skinner D) Air pollution: state vehicle fleet.**

**Current Analysis:** 08/30/2022 [Senate Floor Analyses \(text 8/24/2022\)](#)

**Introduced:** 2/14/2022

**Last Amend:** 8/24/2022

**Location:** 8/30/2022-S. ENROLLMENT



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

**Summary:** Current law sets forth requirements for the acquisition of goods and services by state agencies and sets forth the various responsibilities of the Department of General Services and other state agencies in overseeing and implementing state contracting procedures and policies. This bill would require the department, on and after January 1, 2024, to develop criteria to evaluate bidders, at least in part, based on the number of zero-emission vehicles or plug-in hybrid electric vehicles in their rental car fleet when seeking to award a contract for commercial rental car services.

**Vote Events:**

- 08/30/2022 ASM. THIRD READING (Y:59 N:17 A:4) (P)
- 08/30/2022 SEN. Unfinished Business (Supplemental File 1) (Y:28 N:9 A:3) (P)
- 08/11/2022 ASM. APPR. (Y:12 N:4 A:0) (P)
- 06/29/2022 ASM. A. & A.R. (Y:5 N:2 A:0) (P)
- 05/24/2022 SEN. Senate 3rd Reading (Y:30 N:7 A:3) (P)
- 05/19/2022 SEN. APPR. (Y:5 N:2 A:0) (P)
- 05/09/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 04/20/2022 SEN. E.Q. (Y:5 N:1 A:1) (P)
- 03/29/2022 SEN. G.O. (Y:11 N:3 A:1) (P)

**SB 1101**

**(Caballero D) Carbon sequestration: Geologic Carbon Sequestration Group.**

**Current Analysis:** 08/17/2022 [Assembly Floor Analysis \(text 6/23/2022\)](#)

**Introduced:** 2/16/2022

**Last Amend:** 6/23/2022

**Location:** 8/15/2022-A. THIRD READING

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

**Summary:** Would establish the Geologic Carbon Sequestration Group to provide independent expertise and regulatory guidance to the State Air Resources Board. The bill would establish certain of the group's duties, including identifying suitable locations of a class of carbon dioxide injection wells and providing specified guidance regarding the monitoring and operation of carbon dioxide injection wells.

**Vote Events:**

- 08/11/2022 ASM. APPR. (Y:16 N:0 A:0) (P)
- 06/20/2022 ASM. NAT. RES. (Y:9 N:0 A:2) (P)
- 05/25/2022 SEN. Senate 3rd Reading (Y:38 N:1 A:1) (P)
- 05/19/2022 SEN. APPR. (Y:6 N:0 A:1) (P)
- 05/16/2022 SEN. APPR. (Y:6 N:0 A:1) (P)
- 04/26/2022 SEN. N.R. & W. (Y:8 N:0 A:1) (P)
- 04/20/2022 SEN. E.Q. (Y:6 N:0 A:1) (P)

**SB 1145**

**(Laird D) California Global Warming Solutions Act of 2006: greenhouse gas emissions: dashboard.**

**Current Analysis:** 08/17/2022 [Assembly Floor Analysis \(text 5/19/2022\)](#)

**Introduced:** 2/16/2022

**Last Amend:** 5/19/2022

**Location:** 8/26/2022-S. ENROLLED

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

**Summary:** Would require the State Air Resources Board to create, and maintain on its internet website, a greenhouse gas emissions dashboard that provides updated publicly available information regarding how the state is progressing toward meeting its statewide climate change goals.

**Vote Events:**

- 08/18/2022 ASM. THIRD READING (Y:76 N:0 A:4) (P)
- 08/11/2022 ASM. APPR. (Y:16 N:0 A:0) (P)
- 06/20/2022 ASM. NAT. RES. (Y:9 N:0 A:2) (P)
- 05/26/2022 SEN. Special Consent (Y:38 N:0 A:2) (P)
- 05/19/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 04/18/2022 SEN. APPR. (Y:7 N:0 A:0) (P)
- 03/28/2022 SEN. E.Q. (Y:7 N:0 A:0) (P)

**SB 1158**

**(Becker D) Retail electricity suppliers: emissions of greenhouse gases.**

**Current Analysis:** 08/30/2022 [Senate Floor Analyses \(text 8/25/2022\)](#)

**Introduced:** 2/17/2022

**Last Amend:** 8/25/2022

**Location:** 8/31/2022-S. ENROLLMENT

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

**Summary:** Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, while local publicly owned electric utilities, as defined, are under the direction of their governing boards. Existing law requires every entity that offers an electricity product for sale to retail consumers in California to disclose its electricity sources and the associated intensity of the emissions of greenhouse gases for the previous calendar year. Existing law requires a retail supplier to disclose its electricity sources as a percentage of annual sales that is derived from specified sources of energy, including eligible renewable energy resources. This bill would require, beginning January 1, 2028, every retail supplier to annually report specified information to the State Energy Resources Conservation and Development Commission (Energy Commission), including the retail supplier’s sources of electricity and the emissions of greenhouse gases associated with those sources of electricity, as specified. The bill would require, on or before July 1, 2024, the Energy Commission to adopt rules, through an open process, subject to public comment, and adopted by a vote of the Energy Commission, to implement these reporting requirements. This bill contains other related provisions and other existing laws.

**Vote Events:**

- 08/31/2022 SEN. Unfinished Business (Y:30 N:8 A:2) (P)
- 08/30/2022 ASM. THIRD READING (Y:55 N:18 A:7) (P)
- 08/11/2022 ASM. APPR. (Y:12 N:4 A:0) (P)
- 06/27/2022 ASM. NAT. RES. (Y:8 N:3 A:0) (P)
- 06/22/2022 ASM. U. & E. (Y:12 N:0 A:3) (P)
- 05/25/2022 SEN. Senate 3rd Reading (Y:30 N:9 A:1) (P)
- 05/19/2022 SEN. APPR. (Y:5 N:2 A:0) (P)
- 05/16/2022 SEN. APPR. (Y:6 N:0 A:1) (P)
- 04/26/2022 SEN. E. U., & C. (Y:10 N:2 A:2) (P)

**SB 1203**

**(Becker D) Net-zero emissions of greenhouse gases: state agency operations.**

**Current Analysis:** 08/23/2022 [Senate Floor Analyses \(text 8/15/2022\)](#)

**Introduced:** 2/17/2022

**Last Amend:** 8/15/2022

**Location:** 8/30/2022-S. ENROLLMENT

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

**Summary:** The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. This bill would declare the intent of the Legislature that state agencies aim to achieve net-zero emissions of greenhouse gases resulting from their operations no later than January 1, 2035, or as soon as feasible thereafter. The bill would require the Department of General Services, in consultation with the state board, and to the extent feasible, to publish, on its internet website or other publicly available location, an inventory of the greenhouse gas emissions of state agencies for the prior calendar year, on or before July 1, 2024, and annually thereafter until the goal has been achieved. The bill would require the department to develop and publish a plan, on or before January 1, 2026, that describes required actions and investments for achieving net-zero emissions of greenhouse gases and an estimate of the costs associated with the planned actions, and ensure that the required actions and investments are incorporated into the sustainability roadmaps of all state agencies. The bill would require the department to update the plan beginning June 30, 2028, and every 2 years thereafter until the goal has been achieved. The bill, subject to an appropriation by the Legislature, would require the department to provide information, training, coordination, best practices, and other technical assistance to state agencies to help those state agencies implement the required actions and investments. The bill would require state agencies to incorporate the required actions and investments into their future budget proposals, as provided. The bill would require the department, beginning December 31, 2027, and biennially thereafter until the achievement of the above stated goal, to report to the Legislature on progress toward achieving that goal, as provided.

**Vote Events:**

- 08/30/2022 SEN. Unfinished Business (Y:31 N:9 A:0) (P)
- 08/23/2022 ASM. THIRD READING (Y:63 N:4 A:13) (P)
- 08/11/2022 ASM. APPR. (Y:12 N:3 A:1) (P)
- 06/29/2022 ASM. A. & A.R. (Y:5 N:0 A:2) (P)
- 06/20/2022 ASM. NAT. RES. (Y:7 N:1 A:3) (P)
- 05/25/2022 SEN. Senate 3rd Reading (Y:30 N:9 A:1) (P)
- 05/19/2022 SEN. APPR. (Y:5 N:2 A:0) (P)

05/09/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
04/27/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)  
04/05/2022 SEN. G.O. (Y:9 N:3 A:3) (P)

**SB 1206**

**(Skinner D) Hydrofluorocarbon gases: sale or distribution.**

**Current Analysis:** 08/15/2022 [Senate Floor Analyses \(text 8/11/2022\)](#)

**Introduced:** 2/17/2022

**Last Amend:** 8/11/2022

**Location:** 8/26/2022-S. ENROLLED

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

**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 lower global warming potential limits beginning January 1, 2030, and January 1, 2033. The bill would specify that these provisions do not restrict the state 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 low and ultra-low global warming potential alternatives to hydrofluorocarbons in a sector unless it is not practicable for entities in the sector to comply with the requirement. The bill would require penalties collected for a violation of these prohibitions to be deposited in the Air Pollution Control Fund. Because a violation of these prohibitions would be a crime, this bill would impose a state-mandated local program.

**Vote Events:**

08/18/2022 SEN. Unfinished Business (Y:29 N:9 A:2) (P)  
08/15/2022 ASM. THIRD READING (Y:58 N:8 A:14) (P)  
08/03/2022 ASM. APPR. (Y:11 N:4 A:1) (P)  
06/13/2022 ASM. NAT. RES. (Y:7 N:2 A:2) (P)  
05/25/2022 SEN. Senate 3rd Reading (Y:30 N:9 A:1) (P)  
05/19/2022 SEN. APPR. (Y:5 N:2 A:0) (P)  
04/18/2022 SEN. APPR. (Y:7 N:0 A:0) (P)  
03/28/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)

**SB 1297**

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

**Current Analysis:** 08/01/2022 [Assembly Appropriations \(text 6/23/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 6/23/2022

**Location:** 8/12/2022-A. DEAD

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

**Summary:** Would require the Energy Commission, in consultation with specified state agencies and other entities, 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 state board to develop an accounting protocol to quantify embodied carbon and carbon sequestration in building materials. Following the adoption of that protocol, 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 Office of Planning and Research to evaluate the circumstances in which the use of low-embodied carbon building materials or carbon sequestration in building materials is an acceptable mitigation measure pursuant to the California Environmental Quality Act.

**Vote Events:**

06/20/2022 ASM. NAT. RES. (Y:8 N:0 A:3) (P)  
05/24/2022 SEN. Senate 3rd Reading (Y:27 N:9 A:4) (P)  
05/19/2022 SEN. APPR. (Y:5 N:2 A:0) (P)  
05/16/2022 SEN. APPR. (Y:6 N:0 A:1) (P)  
04/26/2022 SEN. N.R. & W. (Y:7 N:1 A:1) (P)  
03/28/2022 SEN. E.Q. (Y:5 N:2 A:0) (P)

**SB 1399**

**(Wieckowski D) Carbon Capture Technology Demonstration Project Grant Program.**

**Current Analysis:** 06/17/2022 [Assembly Natural Resources \(text 6/14/2022\)](#)

**Introduced:** 2/18/2022

**Last Amend:** 6/14/2022

**Location:** 7/5/2022-A. DEAD



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

**Summary:** Would require the State Energy Resources Conservation and Development Commission, on or before September 30, 2024, and contingent upon an appropriation of funds by the Legislature, to establish the Carbon Capture Technology Demonstration Project Grant Program, including program goals and objectives, to deploy and commercialize carbon capture technologies that will significantly improve the efficiency, effectiveness, cost, emissions reductions, and environmental performance of existing industrial facilities, natural gas electric generation facilities, and biomass electric generation facilities, as provided. The bill would require the commission to coordinate with specified government entities to establish goals and objectives for the program.

**Vote Events:**

05/25/2022 SEN. Senate 3rd Reading (Y:30 N:5 A:5) (P)

05/19/2022 SEN. APPR. (Y:5 N:2 A:0) (P)

05/16/2022 SEN. APPR. (Y:6 N:0 A:1) (P)

04/18/2022 SEN. E. U., & C. (Y:9 N:0 A:5) (P)

**Total Measures: 39**

**Total Tracking Forms: 39**

The following page(s) contain the backup material for Agenda Item: [Set Date of October 24, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 443 — Labeling of Solvents, 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 443 — Labeling of Solvents. 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 #5*

**DATE:** September 26, 2022

**RECOMMENDATION:** Set Date of October 24, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District *Rule 443 — Labeling of Solvents*, 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 443 — Labeling of Solvents*.

**SUMMARY:** The proposed SIP cleanup of the MDAQMD *Rule 443 — Labeling of Solvents*, aims to update the SIP so that the Riverside County portion of the MDAQMD 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 443 – *Labeling of Solvents* 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 443. On June 14, 1978, USEPA approved SoCalAPCD Rule 443 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 443 into the SIP for the remaining non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties (43 FR 40011, 9/8/1978).

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

*AGENDA ITEM #5*

Page 2

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) thereafter, on July 25, 1977, readopted the entire rule book including Rule 443 with minimal changes. This version of Rule 443 was approved as a SIP revision (43 FR 25684, 6/14/1978). Rule 443 has not been amended since that time making the July 25, 1977 version the current SIP approved version for the San Bernardino County portion of the MDAQMD.

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 May 7, 1976 version of SCAQMD Rule 443 is the current version in the SIP for the 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 rules and SIP. Since Rule 443 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 443 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 443.

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

*AGENDA ITEM #5*

Page 3

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the Rescission of SCAQMD Rule 443 -*Labeling of Solvents* as in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD (MDAQMD or District) in Riverside County and replacement with current MDAQMD Rule 443 -*Labeling of Solvents*.

**REASON FOR RECOMMENDATION:** Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations.

**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 September 8, 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: [Set a date of October 24, 2022, to conduct a public hearing to consider the amendment of District Rule 1160 — Internal Combustion Engines. 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:** September 26, 2022

**RECOMMENDATION:** Set a date of October 24, 2022, to conduct a public hearing to consider the amendment of District *Rule 1160 – Internal Combustion Engines*.

**SUMMARY:** The MDAQMD is proposing to amend Rule 1160 – *Internal Combustion Engines* in response to USEPA’s (United States Environmental Protection Agency) Limited Approval and Limited Disapproval (86 FR 50643, 09/10/2021) of the MDAQMD’s most recent 2018 amendment.

**BACKGROUND:** 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to USEPA’s Control Technique Guidelines (CTGs) and are “major sources” of the ozone precursors, VOCs and NOX. Rule 1160 – *Internal Combustion Engines* was last amended on January 22, 2018, to satisfy RACT requirements for the 2008 Ozone NAAQS.

On September 10, 2021, the USEPA published a Limited Approval and Limited Disapproval of MDAQMD Rule 1160 – *Internal Combustion Engines*. While USEPA approved the majority of the rule, it found that the NOx Emission Reduction Alternative provisions are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the FCAA. In addition, EPA also noted other provisions that are not sufficiently enforceable. As a result of the limited disapproval, the EPA must promulgate a Federal Implementation Plan (FIP) under section 110(c) (42 U.S.C. §7410(c)) unless a subsequent SIP revision of the rule is submitted that corrects deficiencies within 24 months of publication of the finalized limited approval and limited disapproval.

In response, the MDAQMD is proposing to amend Rule 1160 to remove the Alternative Emission Reductions section from the rule in favor of source-specific emission limits. The District is also clarifying testing requirements for internal combustion engines in compliance with the rule, without emissions control equipment, including testing requirements and frequency. In addition, the District is proposing to update the rule definitions and reorganize language and formatting for clarity. Staff recommends the amendment of Rule 1160 – *Internal Combustion Engines* to obtain USEPA’s full approval into the SIP.

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

*AGENDA ITEM #6*

Page 2

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of MDAQMD Rule *1160 -Internal Combustion Engines*.

**REASON FOR RECOMMENDATION:** Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations.

**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 September 12, 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 to consider the rescission of Rule 480 – Natural Gas fired Control Devices, its removal State Implementation Plan 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, rescinding the rule requesting removal of prior versions of the Rule from the SIP 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 #8*

**DATE:** September 26, 2022

**RECOMMENDATION:** Conduct a public hearing to consider to consider the rescission of Rule 480 – *Natural Gas fired Control Devices*, its removal State Implementation Plan 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, rescinding the rule requesting removal of prior versions of the Rule from the SIP and directing staff actions.

**SUMMARY:** Rule 480 is proposed for rescission and removal from the SIP as its provisions are unused, unnecessary, duplicative and provide no additional relief beyond what may be provided by permit conditions or the Hearing Board in the case of a Natural Gas shortage.

**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. The portions of the SoCal APCD located within the South Coast Air Basin (SCAB) became the South Coast Air Quality Management District pursuant to legislation effective February 1, 1977. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCal APCD had not yet been dissolved. By June of 1977 the SoCal APCD 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) became the air district for the desert portion of San Bernardino County and thereafter, on July 25, 1977, readopted the entire rule book with minimal changes.

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

*AGENDA ITEM #8*

**PAGE 2**

On October 7, 1977 SCAQMD adopted a Rule 480 – *Natural Gas Fired Control Devices* but this rule was not submitted as a SIP revision. The non-SCAB areas of Riverside County thereafter “opted in” to SCAQMD effective December 1, 1977 acquiring all the then effective SCAQMD rules and SIP provisions. Thus, Riverside County acquired SCAQMD Rule 480 as a rulebook rule and the rule remained outside the SIP for that area upon the ultimate approval of the “opt in” provisions by USEPA (47 FR 25013, 6/9/1982).

On February 20, 1979 the SBCAPCD adopted Rule 480 – *Natural Gas Fired Control Devices* allegedly to “reduce potential variance applications” in case of a natural gas shortage or curtailment. This rule is identical, with the exception of the plan submission date, to SCAQMD Rule 480. It was submitted as a SIP revision by CARB on May 23, 1979 and was approved by USEPA as a SIP element on January 27, 1981 (46 FR 8471, 1/27/1981). Thus, Rule 480 is in the SIP for the San Bernardino County portion but not for the 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 rules and the SIP in effect for that area. 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.

There are at least 6 natural gas fired control devices within the MDAQMD. Of these, none have a Rule 480 plan on file but alternate fuel requirements, if such exist, would be included as part of permit conditions for the device. In the case of a natural gas shortage or curtailment the facility in question would need to do one of the following: Shut down the underlying equipment (Which cannot by permit condition be operated without the control device), Comply with the alternative fuel provisions on the control device permit, or Obtain a variance from the District’s Hearing Board to allow continued operation of the underlying equipment. Each of these options are available and would be required to be used regardless of the existence or non-existence of Rule 480 plan. Rule 480 is thus unused, unnecessary, and duplicative of already existing permit conditions as well as the Hearing Board variance process. Staff is recommending that this rule be rescinded from the rule book and that CARB submit it as a rescission from the SIP for the San Bernardino County portion of the MDAQMD

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the removal of Rule 470 from the SIP pursuant to the requirements of CEQA.

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

*AGENDA ITEM #8*

**PAGE 3**

**REASON FOR RECOMMENDATION:** Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulations. 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 August 8, 2022.

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

**PRESENTER:** Alan De Salvio, Deputy APCO

RESOLUTION NO. 22-\_\_\_\_\_

1           **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT**  
2           **AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING**  
3           **THE NOTICE OF EXEMPTION, REQUESTING RESCISSION OF RULE 480 –**  
4           **NATURAL GAS FIRED CONTROL DEVICES, ITS REMOVAL FROM THE STATE**  
5           **IMPLEMENTATION PLAN AND DIRECTING STAFF ACTIONS.**

6           On September 26, 2022 on motion by Member \_\_\_\_\_, seconded by  
7           Member \_\_\_\_\_, and carried, the following resolution is adopted:

8           **WHEREAS**, the MDAQMD is proposing to rescind Rule 480 – *Natural Gas Fired*  
9           *Control Devices* and request its removal from the State Implementation Plan (SIP) for the San  
10           Bernardino County portion of the MDAQMD; and

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

14           **WHEREAS**, this full county district was succeeded in July of 1976 by the Southern  
15           California Air Pollution Control District (So.Cal.APCD), a Joint Powers Authority (JPA) for  
16           air pollution control consisting of Los Angeles, Orange, Riverside and San Bernardino  
17           counties; and

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

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

23           **WHEREAS**, non-SCAB areas were presumed to revert to county districts despite the  
24           fact that the So.Cal.APCD had not yet been dissolved; and

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

27           **WHEREAS**, the San Bernardino County Air Pollution Control District (SBCAPCD –  
28           Desert District), on July 25, 1977, readopted the entire rule book with minimal changes; and

**WHEREAS**, on October 7, 1977 SCAQMD adopted Rule 480 – *Natural Gas Fired*  
*Control Devices*; and

**RESOLUTION NO. 22-\_\_\_\_\_**

1           **WHEREAS**, this version of Rule 480 was not submitted as a SIP revision for  
2 SCAQMD; and

3           **WHEREAS**, at the end of 1977, the non-SCAB areas of Riverside County (The  
4 Riverside County Air Pollution Control District) adopted a resolution to “opt in” to SCAQMD;  
5 and

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

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

10          **WHEREAS**, this change resulted in Riverside County acquiring SCAQMD Rule 480  
11 which was not and had not been submitted as a SIP revision; and

12          **WHEREAS**, on February 20, 1979 the SBCAPCD adopted Rule 480 – Natural Gas  
13 Fired Control Devices allegedly to “reduce potential variance applications” in case of a natural  
14 gas shortage or curtailment; and

15          **WHEREAS**, CARB submitted the SBCAPCD version of 480 as a SIP revision on  
16 May 23,1979; and

17          **WHEREAS**, on January 27, 1981 USEPA approved the SBCAPCD version of 480  
18 into the SIP (46 FR 8471, 1/27/1981); and

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

22          **WHEREAS**, utilizing a provision of the MDAQMD’s enabling legislation, Riverside  
23 County’s Palo Verde Valley including the City of Blythe left SCAQMD and joined the  
24 MDAQMD effective July 1, 1994; and

25          **WHEREAS**, these actions resulted in Rule 480 being in the SIP for the San  
26 Bernardino County Portion of the MDAQMD and not for the Riverside County; and

27          **WHEREAS**, Rule 480 allows natural gas fired control devices submit a plan for use of  
28 alternative fuel in case of a natural gas shortage or curtailment; and

**RESOLUTION NO. 22-\_\_\_\_\_**

1           **WHEREAS**, no natural gas fired control device existent within the MDAQMD’s  
2 jurisdiction has such a plan; and

3           **WHEREAS**, in the case of a natural gas shortage or curtailment a facility operating a  
4 natural gas fired control device would have the option of shutting down the underlying  
5 equipment, shifting to an alternative fuel use as set forth on its permit if such existed; or  
6 obtaining a variance from the MDAQMD Hearing Board; and

7           **WHEREAS**, each of these options is available and at least one would be required  
8 regardless of the existence or nonexistence of Rule 480; and

9           **WHEREAS**, Rule 480 is thus unused, unnecessary, duplicative and provides no  
10 additional relief beyond what may be provided via permit conditions or the MDAQMD  
11 Hearing Board; and

12           **WHEREAS**, staff recommends that the Governing Board of the MDAQMD rescind  
13 Rule 480, request its removal from the SIP and approve the appropriate California  
14 Environmental Quality Act (CEQA) documentation; and

15           **WHEREAS**, the rescission of Rule 480 and request for removal from the SIP is  
16 necessary to remove unused, unnecessary, and duplicative provisions from the SIP; and

17           **WHEREAS**, the rescission of Rule 480 and request for removal from the SIP is clear  
18 in that the meaning can be easily understood by the persons impacted in that it will remove  
19 superfluous provisions from the SIP; and

20           **WHEREAS**, the rescission of Rule 480 and request for removal from the SIP is in  
21 harmony with, and not in conflict with, or contradictory to existing statutes, court decisions, or  
22 state or federal regulations, in that it will remove unused, unnecessary, and duplicative  
23 provisions from the SIP; and

24           **WHEREAS**, the rescission of Rule 480 and request for removal from the SIP does not  
25 impose the same requirements as any existing state or federal regulation because it simply  
26 removes superfluous provisions from the SIP; and

27 //

28 //

**RESOLUTION NO. 22-\_\_\_\_\_**

1           **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to  
2 H&S Code §40725, concerning the proposed the rescission of Rule 480 and request for  
3 removal from the SIP; and

4           **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR  
5 §15308) for the rescission of Rule 480 and request for removal from the SIP, completed in  
6 compliance with the California Environmental Quality Act (CEQA), has been presented to the  
7 MDAQMD Board; each member having reviewed, considered and approved the information  
8 contained therein prior to acting on the proposed rescission of Rule 480 and request for  
9 removal from the SIP, and the MDAQMD Board having determined that the proposed actions  
10 will not have any potential for resulting in any adverse impact upon the environment; and

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

13           **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the  
14 MDAQMD finds that the rescission of Rule 480 and request for removal from the SIP is  
15 necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

16           **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby  
17 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies  
18 the Notice of Exemption for the proposed rescission of Rule 480 and request for removal from  
19 the SIP P; and

20           **BE IT FURTHER RESOLVED**, that the Board of the MDAQMD does hereby  
21 rescind, pursuant to the authority granted by law, Rule 480 and request its removal from the  
22 SIP; and

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

26 //

27 //

28 //



**RESOLUTION NO. 22-\_\_\_\_\_**

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  
15 Board at its meeting of September 26, 2022.

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\_\_\_\_\_, Senior Executive Analyst – Confidential  
Mojave Desert Air Quality Management District



Draft

# Staff Report

Rescission of Rule 480 and request for removal  
from the State Implementation Plan  
for the San Bernardino County portion of the MDAQMD.

For hearing  
**September 26, 2022**

**Mojave Desert  
Air Quality  
Management District**

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

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

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**STAFF REPORT  
TABLE OF CONTENTS**

Rescission of Rule 480 and Removal from the SIP

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.....	4
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 .....	5
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 .....	8
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. SECTION 110(I) ANALYSIS .....	8
E. SIP HISTORY .....	9
1. SIP History .....	9
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
NO <sub>x</sub>	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 <sub>x</sub>	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

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## **STAFF REPORT**

### **Removal of Rule 470 from the SIP**

#### **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. The portions of the SoCal APCD located within the South Coast Air Basin (SCAB) became the South Coast Air Quality Management District pursuant to legislation effective February 1, 1977. Non-SCAB areas were presumed to revert to county districts despite the fact that the SoCal APCD had not yet been dissolved. By June of 1977 the SoCal APCD 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) became the air district for the desert portion of San Bernardino County and thereafter, on July 25, 1977, readopted the entire rule book with minimal changes.

On October 7, 1977 SCAQMD adopted a Rule 480 – *Natural Gas Fired Control Devices* but this rule was not submitted as a SIP revision. The non-SCAB areas of Riverside County thereafter “opted in” to SCAQMD effective December 1, 1977 acquiring all the then effective SCAQMD rules and SIP provisions. Thus, Riverside County acquired SCAQMD Rule 480 as a rulebook rule and the rule remained outside the SIP for that area upon the ultimate approval of the “opt in” provisions by USEPA (47 FR 25013, 6/9/1982).

On February 20, 1979 the SBCAPCD adopted Rule 480 – *Natural Gas Fired Control Devices* allegedly to “reduce potential variance applications” in case of a natural gas shortage or curtailment. This rule is identical, with the exception of the plan submission date, to SCAQMD Rule 480. It was submitted as a SIP revision by CARB on May 23, 1979 and was approved by USEPA as a SIP element on January 27, 1981 (46 FR 8471, 1/27/1981). Thus, Rule 480 is in the SIP for the San Bernardino County portion but not for the 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 rules and the SIP in effect for that area. 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.

There are at least 6 natural gas fired control devices within the MDAQMD. Of these, none have a Rule 480 plan on file but alternate fuel requirements, if such exist, would be included as part of permit conditions for the device. In the case of a natural gas shortage or curtailment the facility in question would need to do one of the following: Shut down the underlying equipment (which cannot by permit condition be operated without the control device), Comply with the alternative fuel provisions on the control device permit, or Obtain a variance from the District's Hearing Board to allow continued operation of the underlying equipment. Each of these options are available and would be required to be used regardless of the existence or non-existence of Rule 480 plan. Rule 480 is thus unused, unnecessary, and duplicative of already existing permit conditions as well as the Hearing Board variance process. Staff is recommending that this rule be rescinded from the rule book and that CARB submit it as a rescission from the SIP for the San Bernardino County portion of the MDAQMD.

### III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) rescind Rule 480 and request its removal from the SIP as its provisions are unused, unnecessary and duplicative.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the request for removal of Rule 470 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:

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

##### REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

##### ELEMENTS OF A FEDERAL SUBMISSION:

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

##### CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

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

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

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

##### OTHER:

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

## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the request for the rescission of Rule 480 and its removal from the SIP. These are actions that need to be performed and/or information that must be provided in order to remove the old versions of the rule from the SIP 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 rescission of Rule 480 and the request for its removal from the SIP is necessary to remove unused, unnecessary and duplicative provisions from the SIP.

##### 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 rescission of Rule 480 and request for its removal from the SIP is clear in that it removes superfluous requirements from the SIP.

##### d. Consistency:

The rescission of Rule 480 and request for 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 will remove unused, unnecessary and duplicative provisions from the SIP.

##### e. Nonduplication:

The rescission of Rule 480 and request for its removal from the SIP does not impose the same requirements as any existing State or

Federal law or regulation because it simply removes superfluous provisions 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 rescission of Rule 480 and request for its removal from the SIP was published on August 26, 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 the rescission of Rule 480 and request for its removal from the SIP and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The rescission of Rule 480 and request for its removal from the SIP is subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 480 is currently included in the SIP for the San Bernardino County portion 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 rescission of Rule 480 and request for its removal from the SIP was published on August 26, 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 he rescission of Rule 480 and request for its removal from the SIP and the accompanying draft staff report was available to the public on August 22, 2022.

d. Notice to Specified Entities:

Copies of the rescission of Rule 480 and request for its removal from the SIP and the accompanying draft staff report were sent to all affected agencies. The proposed amendments was sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on August 22, 2022.

e. Public Hearing:

A public hearing to consider The rescission of Rule 480 and request for its removal from the SIP was set for September 26, 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 request for the rescission of Rule 480 and request for its removal from the SIP does not change air pollution control requirements in that its provisions are unused, unnecessary, duplicative and provide no additional relief from requirements than that which can be otherwise obtained via permit conditions or from the District Hearing Board.

## C. ECONOMIC ANALYSIS

### 1. General

The rescission of Rule 480 and request for its removal from the SIP does not change air pollution control requirements in that its provisions are unused, unnecessary, duplicative and provide no additional relief from requirements than which can otherwise be obtained via permit conditions or by District Hearing Board action. 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 this rule is procedural and does not change BARCT or “all feasible measures” an incremental cost effectiveness analysis is not required.

## D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the rescission of Rule 480 and request for its removal from the SIP was determined.

1. The rescission of Rule 480 and request for its removal from the SIP meets the CEQA definition of “project”. It is not a “ministerial” action.
2. The rescission of Rule 480 and request for its removal from the SIP is exempt from CEQA review because it is primarily procedural in nature and its provisions are already available through the permit change application or variance process. 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 480 and request for its removal from the SIP will not have any environmental consequences, because this provision is currently unused by any facility operating a natural gas fired control device and any future use or potential use of alternative fuel will be required to go through a noticed public process pursuant to the MDAQMD New Source Review regulation (Regulation XIII) such that the alternative fuel may be added to the permit or the Hearing Board variance process.

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

There are currently a minimum of 6 sources potentially impacted by this action. However, none of these sources have invoked the provisions of Rule 480 at any time since its adoption. In the case of a natural gas shortage or curtailment a facility may either shut down the underlying equipment to which the natural gas fired control device is attached, request or abide by an alternative fuel conditions contained on its permit for such device, or request a variance from the MDAQMD Hearing Board. The existence or nonexistence of Rule 480 will not affect these options.

B. EMISSIONS

No emissions will be directly impacted by the action as there are no Rule 480 plans in effect within the MDAQMD. In addition, any potential emissions increases caused by the inclusion of an alternative fuel condition on a permit would be required to undergo New Source Review (MDAQMD Regulation XIII) or meet the criteria for a variance pursuant to Health & Safety Code §§42400 et. seq..

C. CONTROL REQUIREMENTS

This is a proposed rescission of Rule 480 and request for its removal from the SIP so no additional control requirements are being introduced.

D. PROPOSED RULE SUMMARY

This is a proposed rescission of Rule 480 and request for its removal from the SIP. Upon Governing Board action this rule will be removed from the MDAQMD Rule Book.

E. SECTION 110(I) ANALYSIS

FCAA §110(I) (42 U.S.C. §7410(I)) requires that any SIP amendment which might potentially be construed as a relaxation of a requirement provide a demonstration that the proposed change does not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP).

The proposed rescission of Rule 480 and request for its removal from the SIP is not a relaxation of a requirement and will not interfere with attainment or RFP requirements. This is because Rule 480 is basically a rule created exception to fuel requirements for air pollution control equipment. Removing this exception will effectively require any alternative fuel provisions to either be included on the district permit for the air pollution control device or for the facility to obtain a variance from the District Hearing Board. Additional permit conditions regarding alternative fuels would be required to go through the extensive New Source Review (Regulation XIII) process. This will, pursuant to the express provisions in Regulation XIII, will ensure that such interference with attainment will not occur. Similarly, obtaining a variance from the District's Hearing Board has a variety of legal requirements and safeguards<sup>1</sup> which will ensure that excess emissions, if any, would be minimized to the greatest extent feasible.

## 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.

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

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<sup>1</sup> For example: findings required by Health & Safety Code §42352.



areas outside SCAB could “contract” for air pollution control services in the non-SCAB areas (See former H&S Code 40413). Los Angeles County contracts for services as does San Bernardino County. It is unclear exactly what Riverside County did at this time.

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). Rule 480 is NOT in this rulebook.

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

10/7/1977 – SCAQMD adopts Rule 480 – *Natural Gas Fired Control Devices* which requires any facility with such a device to develop a “plan” to be effectuated in case of a natural gas shortage or curtailment. The rule implies such a plan is either to take the equipment out of service or have an approved alternative system/fuel to run the device. This rule was never submitted as a SIP revision for 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 pursuant to the legislation effective 10/1/1977. Please note that Los Angeles and San Bernardino non-SCAB areas remained under contract with SCAQMD at this point.

2/20/1979 – The SBCAPCD adopts Rule 480 with substantially similar wording as that in the SCAQMD version.

5/23/1979 – CARB submits Rule 480 to USEPA as a SIP revision for SBCAPCD. The submission package did not contain a staff report, only the minutes of adoption, rule evaluation form, and copies of the rules. The submitted rules included: 203.2 – *Eligibility of Compensatory Emissions Reductions*, 220 – *Exemption – Net Increase in Emissions*, 406 – *Specific Contaminants*, 442 – *Usage of Solvents*, 463 – *Storage of Organic Liquids*, 480 – *Natural Gas Fired Control Devices*, 501.1 – *Assistance to Small Businesses*, and 1113 – *Architectural Coatings*. The CARB Rule Evaluation form indicates that the rule intent was to “reduce potential variance applications or violation” and summarizes the rule as “Requires sources installing or using control devices which operate on natural gas to demonstrate to the APCO their plans to control pollutants where there is a natural gas shortage or curtailment.”

9/4/1979 – The SBCAPCD re-publishes the entire rulebook. Despite the 2/20/1979 adoption date Rule 480 is NOT included in this rulebook version.

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 480 as adopted by SCAQMD becomes the effective rule in Riverside County.

10/2/1980 – USEPA publishes a Notice of Proposed Rulemaking (NPRM) for Rule 480. Also included in this proposed action is Rule 501.1 (45 FR 65262, 10/2/1980).

1/27/1981 – USEPA publishes the Final Rule approving Rule 480 into the SIP. Also approved at the same time is Rule 501.1 (46 FR 8471, 1/27/1981). USEPA has been unable to locate a TSD or other docket materials for this action.

**Therefore, the SIP version of Rule 480 for the San Bernardino County portion of the MDAQMD is the 2/20/1979 version of the rule.**

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. At this point the 10/7/1977 SCAQMD version of 480 becomes the rulebook version for the Riverside County. **Since it was never placed in the SIP there is no SIP version of Rule 480 in the SIP for the Riverside County portion of the MDAQMD.**

7/1/1986 – SBCAPCD republishes entire rulebook. Rule 480 is included in this version.

11/20/1989 – SBCAPCD republishes entire rulebook. Rule 480 is included in this version

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.

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 rescission of Rule 480 and request its removal from the SIP. MDAQMD Rule 480 appears to have been placed into the SIP in error given the fact that the identical rule in SCAQMD was not submitted and is not in the SIP. In addition, removal of this rule from the SIP and the Rule Book will not cause a relaxation in SIP requirements in that there is currently no device or system within the MDAQMD which has a Rule 480 alternative fuel plan. In addition, the removal of this rule will remove a potential exemption from air pollution control requirements. It will also not affect the necessity of a facility which wishes to have alternative fuel options for natural gas fired control devices to either have permit conditions placed on their permits<sup>2</sup> or

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<sup>2</sup> Addition of such permit conditions would, by necessity, require analysis and issuance pursuant to the provisions of MDAQMD Regulation XIII – New Source Review.

to obtain a Variance due to the unforeseen interruption or curtailment of natural gas fuel supplies.

## Appendix “A” Iterated Version

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

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

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## ~~RULE 480~~

### ~~Natural Gas Fired Control Devices~~

~~(a) A person installing or using an Air Pollution Control Device which operates on natural gas shall provide one of the following:~~

~~(1) A plan, subject to the approval of the Air Pollution Control Officer which will cause the equipment or source generating the emissions to be taken out of service during a natural gas shortage or curtailment, until approved fuel is restored to the Air Pollution Control Device; or~~

~~(2) A fuel system approved by the Air Pollution Control Officer for use during a natural gas shortage curtailment.~~

~~(b) Effective Dates~~

~~(1) This rule becomes effective on the date of adoption for any equipment subject to the provisions of this rule which is installed or constructed on or after that date.~~

~~(2) The owner or operator of any equipment subject to the provisions of this rule, which has been installed or constructed prior to the adoption shall be March 31, 1979, submit:~~

~~(A) A plan describing at a minimum the steps that will be taken to achieve compliance with the provisions of this rule, or~~

~~(B) An application for Permit to Construct if the equipment is to be modified.~~

~~[SIP: Approved 1/27/81, 46 FR 8471, 40 CFR 52.220(e)(51)(xii)(A)]~~

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**Appendix “B”**  
**Public Notice Documents**

1. Proof of Publication, Daily Press (Published on August 26, 2022)
2. Proof of Publication, Riverside Press Enterprise (Published on August 26, 2022)



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# LOCALiQ

Mount Shasta Herald  
Siskiyou Daily News  
Daily Press | The Record

PO Box 631437 Cincinnati, OH 45263-1437

## PROOF OF PUBLICATION

Sbc Mojave Desert Air Quality  
14306 Park AVE  
Victorville CA 92392-2310

### STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I, being duly sworn, says:

That I am the Legal Clerk of the Daily Press, a daily newspaper of general circulation, printed and published in Victorville, San Bernardino Count, California; that the publication, a copy of which is attached hereto, was published in the said newspaper in the issues dated:

08/26/2022

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 08/26/2022

*Melissa Verge*  
\_\_\_\_\_  
Legal Clerk

*Vicky Felty*  
\_\_\_\_\_  
Notary, State of WI, County of Brown

My commission expires  
Publication Cost: \$272.02  
Order No: 7689712 # of Copies:  
Customer No: 792831 -1  
PO #:

**THIS IS NOT AN INVOICE!**  
*Please do not use this form for payment remittance.*

VICKY FELTY  
Notary Public  
State of Wisconsin

**NOTICE OF HEARING**  
NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 26, 2022 at 10:00 A.M. to consider the rescission of Rule 480 - Natural Gas Fired Control Devices and its removal from the State Implementation Plan (SIP) for the San Bernardino County portion of the MDAQMD.  
SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission of Rule 480 and its removal from the SIP are on file and may be obtained from the Sr. Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, Executive Director/APCO at the above office address. Written comments should be received no later than September 25, 2022 to be considered. If you have any questions you may contact Bertrand Gaschoat at (760) 245-1661 x4020 for further information. Traducción esta disponible por solicitud.  
This action is proposed to remove Rule 480 from the SIP as its provisions are unused, unnecessary, duplicative, and provide no additional relief beyond what may be provided by the MDAQMD Hearing Board in the case of a natural gas shortage.  
Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg 515308) applies and has prepared a Notice of Exemption for this action.  
Published in Daily Press  
August 26  
(7689712)

**NOTICE OF HEARING**  
NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 26, 2022 at 10:00 A.M. to consider the rescission of Rule 480 - Natural Gas Fired Control Devices and its removal from the State Implementation Plan (SIP) for the San Bernardino County portion of the MDAQMD.  
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Published in Daily Press  
August 26  
(7689712)

RECEIVED  
MOJAVE DESERT AQMD

SEP 12 2022

CLERK OF THE BOARD  
BY *[Signature]* Page 1 of 1

**THE PRESS-ENTERPRISE**

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The Press-Enterprise  
3512 14 Street  
Riverside, California 92501  
(123) 123-4567

Mojave Desert Air Quality Management District  
14306 Park Avenue  
Victorville, California 92392

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011555698

FILE NO. 0011555698

**PROOF OF PUBLICATION**

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08/26/2022

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

Date: August 26, 2022.  
At: Riverside, California

  
Signature

**NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN** that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 26, 2022 at 10:00 A.M. to consider the rescission of Rule 480 - Natural Gas Fired Control Devices and its removal from the State Implementation Plan (SIP) for the San Bernardino County portion of the MDAQMD.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission of Rule 480 and its removal from the SIP are on file and may be obtained from the Sr. Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Polriez, Executive Director/APCO at the above office address. Written comments should be received no later than September 25, 2022 to be considered. If you have any questions you may contact Bertrand Gaschat at (760) 245-1661 x4020 for further information. Traducción esta disponible por solicitud.

This action is proposed to remove Rule 480 from the SIP as its provisions are unused, unnecessary, duplicative, and provide no additional relief beyond what may be provided by the MDAQMD Hearing Board in the case of a natural gas shortage.

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: 8/26/22

RECEIVED  
MOJAVE DESERT AQMD

AUG 26 2022

CLERK OF THE BOARD  
BY 

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

*None at this time.*

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Comment Letters: *None at this time.*

Comment Responses: *None at this time.*

**Appendix “D”**  
California Environmental Quality Act  
Documentation

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



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**NOTICE OF EXEMPTION**

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

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



X MDAQMD Senior Executive Analyst

**PROJECT TITLE:** Rescission of Rule 480 and request for removal from the SIP.

**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 rescinding Rule 480 and requesting its removal from the SIP as the rule is unused, unnecessary and duplicative of currently existing processes. There are currently no sources within the jurisdiction of the MDAQMD using the provisions of this rule.

**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 and removal of Rule 480 from the SIP is exempt from CEQA review because it will remove an unused, unnecessary and duplicative rule. In addition, it will effectively remove an unrestricted rule-based exemption from the rulebook and the SIP. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** September 26, 2022

**DATE RECEIVED FOR FILING:**

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**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 480 and request for removal from the SIP.

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

**EXEMPT STATUS (CHECK ONE)**

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

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

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** September 26, 2022

**DATE RECEIVED FOR FILING:**

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## Appendix “E” Bibliography

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

1. 45 FR 65262 1980 02 Oct
2. 46 FR 8471 1981 27 Jan
3. 47 FR 25013 1982 06 Sep
4. SCAQMD 480 1977 07 Oct
5. CARB Eval Rpt SBAPCD 480 1979 28 Mar
6. SBCAPCD Rules as submitted 1979 23 May
7. CARB to EPA Ltr Riv. Co Opt in SCAQMD 1980 11 Aug
8. SBCAPCD 480 1979 20 Feb from 1986 01 Jul Rulebook
9. SBCAPCD 480 1979 20 Feb from 1989 20 Nov Rulebook
10. EPA Email Thread 2022 24 May

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# Rescission of Rule 480 – *Natural Gas Fired Control Devices*

September 26, 2022 Governing Board Meeting



Alan De Salvio  
Deputy APCO



# Rule 480



- Originally adopted to provide an alternative fuel exception in the case of a natural gas shortage.
- Requires the submission of a “plan” for alternative fuel use prior to shortage.
- There are approximately 6 pieces of equipment in the district which could use the rule – no plans have ever been submitted.
- Alternative fuel requirements if needed for affected equipment are already included on the relevant permits.

# History and SIP Status



- Rule originally adopted in 1979 after SCAQMD adopted a similar rule in 1977 to “reduce potential variance applications in case of natural gas shortage”.
  - At this point SCAQMD was working on contract for the San Bernardino County APCD and was echoing SCAQMD rule actions verbatim.
- Rule was submitted in a batch of rules as a SIP submission.
  - SCAQMD’s similar rule was not submitted as a SIP revision.
- EPA approved the batch of rules in 1981 with no comments regarding the subject matter.

# Actions and Effects



- Actions
  - Rescind Rule 480 as unnecessary and duplicative.
  - Request removal of Rule 480 from the SIP.
- Effects on Sources
  - None! No sources can currently use this rule because no alternative fuel plans have been submitted.
  - Sources who would have used this rule have already had alternative fuel provisions added to their permits.
  - Sources who might want to use this rule in the future can either request permit modifications or go through the Hearing Board variance process.

# Questions?



 [mdaqmd.ca.gov](http://mdaqmd.ca.gov)

 [.com/mdaqmd](https://www.facebook.com/mdaqmd)

 [@mdaqmd](https://twitter.com/mdaqmd)

 [@mdaqmd](https://www.instagram.com/mdaqmd)

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the amendment of Rule 701 – General and rescission of the remaining rules in Regulation VII – Emergencies 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 #9*

**DATE:** September 26, 2022

**RECOMMENDATION:** Conduct a public hearing to consider the amendment of Rule 701 – General and rescission of the remaining rules in Regulation VII – Emergencies 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 701 is proposed for amendment to consolidate and update the rules contained in Regulation VII – *Emergencies*, into a single rule for clarity and ease of use. The remaining rules included in the regulation will be rescinded.

**BACKGROUND:** The Mojave Desert Air Quality Management Board (MDAQMD or District) has the authority pursuant to California Health & Safety (H&S) Code §40702 to adopt, amend or repeal rules and regulations. Regulation VII – *Emergencies* contains measures to be taken by the MDAQMD during episodes of pollution. The MDAQMD is now proposing to consolidate and update Regulation VII into a single rule for clarity and ease of use. Rule 701 – *General* is proposed for amendment to incorporate the provisions of the entire Regulation, while the remaining rules in Regulation VII will be rescinded. The rules proposed for rescission are: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712.

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

*AGENDA ITEM #9*

**PAGE 2**

The underlying provisions upon which Regulation VII is based are found in 40 CFR 51 Subpart H and California Health & Safety Code (H&S Code) §40444. These requirements technically only apply to areas classified as nonattainment for specific criteria pollutants. While a portion of the MDAQMD is classified nonattainment for Ozone (O<sub>3</sub>) and Particulate Matter under 10 $\mu$  (PM<sub>10</sub>) the remainder, including the Palo-Verde/Blythe area of Riverside County is unclassified. Thus, these provisions are not required in those unclassified areas. Despite this, USEPA approved the South Coast Air Quality Management District (SCAQMD) Regulation VII as in the SIP for the Southeast Desert Air Basin (SEDAB) portions of Los Angeles, Riverside and San Bernardino Counties as well as for the 9/26/1977 version of SBCAPCD Regulation VII as a SIP revision. The MDAQMD is now proposing, in addition to consolidation of the Regulation into a single rule, to request USEPA remove the portions of the rules inapplicable to the MDAQMD jurisdiction from the SIP.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Regulation VII pursuant to the requirements of CEQA.

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

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about September 10, 2022.

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

**PRESENTER:** Alan De Salvio, Deputy APCO

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

**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, CONSOLIDATION OF REGULATION VII - EMERGENCIES AND DIRECTING STAFF ACTIONS.**

On September 26, 2022, on motion by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, and carried, the following resolution is adopted:

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

**WHEREAS**, the MDAQMD is proposing to consolidate and update Regulation VII – Emergencies into a single rule; and

**WHEREAS**, Regulation VII – *Emergencies* contains measures to be taken by the MDAQMD during various episodes of pollution; and

**WHEREAS**, Rule 701 - *General* of Regulation VII – *Emergencies* will be amended to include the provisions of the entire regulation; and

**WHEREAS**, the remaining rules in Regulation VII will be rescinded; and

**WHEREAS**, the rules proposed for rescission are 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712; and

**WHEREAS**, the underlying provisions upon which Regulation VII is based are found in 40 CFR 51 Subpart H and California Health & Safety Code (H&S Code) §40444, and

**WHEREAS**, these requirements technically only apply to areas classified as nonattainment for specific criteria pollutants; and

**WHEREAS**, while a portion of the MDAQMD is classified nonattainment for Ozone (O<sub>3</sub>) and Particulate Matter under 10 $\mu$  (PM<sub>10</sub>) the remainder, including the Palo-Verde/Blythe area of Riverside County is unclassified; and

**WHEREAS**, thus, these provisions are not required in those unclassified areas; and

**WHEREAS**, despite this USEPA approved the South Coast Air Quality Management District (SCAQMD) Regulation VII as in the SIP for the Southeast Desert Air Basin (SEDAB) portions of Los Angeles, Riverside and San Bernardino Counties as well as for the 9/26/1977



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

1 version of SBCAPCD Regulation VII as a SIP revision, and

2           **WHEREAS**, the MDAQMD is proposing, in addition to consolidation of the  
3 Regulation into a single rule, to request USEPA remove the portions of the rules inapplicable  
4 to the MDAQMD jurisdiction from the SIP; and

5           **WHEREAS**, the proposed consolidation of Regulation VII – *Emergencies* into a single  
6 rule is necessary to improve clarity and ease of use; and

7           **WHEREAS**, the proposed consolidation of Regulation VII – *Emergencies* into a single  
8 rule is clear in that the meaning can be easily understood by the persons impacted by the Rule;  
9 and

10           **WHEREAS**, the proposed consolidation of Regulation VII – *Emergencies* into a single  
11 rule is in harmony with, and not in conflict with, or contradictory to existing statutes, court  
12 decisions, or state or federal regulations; and

13           **WHEREAS**, the proposed consolidation of Regulation VII – *Emergencies* into a single  
14 rule does not impose the same requirements as any existing state or federal regulation because  
15 the applicable CFR subparts require state and/or local regulations for implementation; and

16           **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H  
17 & S Code §40725, concerning the proposed consolidation of Regulation VII – *Emergencies*  
18 into a single rule; and

19           **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR  
20 §15308) for the proposed consolidation of Regulation VII – *Emergencies* into a single rule,  
21 completed in compliance with the California Environmental Quality Act (CEQA), has been  
22 presented to the MDAQMD Board; each member having reviewed, considered and approved  
23 the information contained therein prior to acting on the consolidation of Regulation VII -  
24 *Emergencies*, and the MDAQMD Board having determined that the proposed amendment will  
25 not have any potential for resulting in any adverse impact upon the environment; and

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

28           **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the

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

1 MDAQMD finds that the proposed consolidation of Regulation VII – *Emergencies* into a  
2 single rule is necessary, authorized, clear, consistent, non-duplicative and properly referenced;  
3 and

4 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby makes  
5 a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the  
6 Notice of Exemption for the proposed consolidation of Regulation VII - *Emergencies*; and

7 **BE IT FURTHER RESOLVED**, that the Board of the MDAQMD does hereby adopt,  
8 pursuant to the authority granted by law, the proposed consolidation of Regulation VII -  
9 *Emergencies* as set forth in the attachments to this resolution and incorporated herein by this  
10 reference; and

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

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**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 September 26, 2022.

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

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## Rule 701

### Air Pollution Emergency Contingency Actions

(A) Purpose

(1) General

- (a) The provisions of this Rule shall apply separately to each source area and receptor area in the Mojave Desert Air Quality Management District to control the emissions of Air Contaminants during any Stage 1, Stage 2 and Stage 3 air pollution episode.

(1) Applicability

- (b) This rule applies to source and receptor areas which are based upon air monitoring, geographical and meteorological factors. A list of the areas and boundaries shall be maintained at the District offices and shall be available to the public.

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms* shall apply.

(C) Episode Criteria

	Averaging Time	Stage 1	Stage 2	Stage 3
Ozone	1 Hour	.20 ppm	.35 ppm	.50 ppm

(D) Requirements

(1) Air Monitoring Stations

- (a) The APCO shall maintain air monitoring stations throughout the District so that air quality can be monitored on a continuous basis and air pollution Episodes can be measured and predicted. These monitoring stations shall be continuously maintained at locations designated by the APCO after consultation with the Governing Board of the Mojave Desert Air Quality Management District.
- (b) Air quality information will be reported daily.

- (2) Episode Notifications
- (a) Daily air quality information summaries shall be public records and after preparation shall, upon request, be available at the Mojave Desert Air Quality Management District office and be available to the public, press, radio, television and other mass media of communication.
- (b) Following the prediction or attainment of a first, second or third-stage episode, the APCO shall communicate notification of the episode to:
- (i) Appropriate elected officials.
  - (ii) The press, radio stations and television stations.
  - (iii) Local public health officials and hospitals.
  - (iv) School officials.
  - (v) Local and state law-enforcement agencies.
  - (vi) All other air pollution control officers within the Mojave Desert Air Basin.
  - (vii) The California Air Resources Board.
  - (viii) Public safety personnel who have responsibilities for, or interests in, air pollution control.
  - (ix) Mojave Desert Air Quality Management District personnel.
  - (x) Technical Advisory Committee (TAC).
  - (xi) District website and other appropriate media.
- (c) The notice of prediction or attainment of a first, second or third-stage episode shall include the following information:
- (i) The specific level predicted or attained,
  - (ii) The contaminant for which the notice is made.
  - (iii) The source and receptor areas in which the episode is predicted or attained,
  - (iv) The predicted duration.
- (d) Whenever the APCO declares that a first, second, or third stage episode will occur within the subsequent twenty-four hour period, he shall announce such a declaration not later than 2:00 pm of the previous day. Such declarations shall be public record and shall be made available to the public, press, radio, television and other mass media of communication.
- (e) A first-stage episode shall be declared when any first-stage episode concentration specified in Section (C) is predicted or attained. The following actions shall be taken in the source and receptor areas upon the APCOs declaration of a first-stage episode:
- (i) The notifications required in subsections (D)(2)(b) and (D)(2)(c).
  - (ii) Advise the public that those individuals with special health problems should follow precautions recommended by their physicians and health officials.
  - (iii) Request the public to stop all unnecessary driving.

- (iv) Request the public to operate all privately owned Vehicles on a pool basis.
  - (v) Advise school officials to cancel programs which require outdoor physical activity.
  - (vi) By reasonable electronic means, the APCO shall notify members of the public who contact the District website or telephone the District office.
- (f) A second-stage episode shall be declared when any second-stage episode concentration specified in Section (C) is predicted or attained. The following actions shall be taken in the source and receptor areas upon the APCOs declaration of a second-stage episode:
- (i) The actions required in subsection (D)(2)(e).
  - (ii) Suspend programs which involve physical exertion by participants using public parks or public recreational facilities located in receptor areas. Such programs which are for adult participants in scheduled athletic events with paid attendance are excepted.
  - (iii) Prohibit the burning of combustible refuse.
- (g) A third-stage episode shall be declared when the third-stage episode concentration specified in Section (C) is predicted or attained. The following actions shall be taken in the source and receptor areas upon the APCOs declaration of a third-stage episode:
- (i) The actions required by subsection (D)(2)(f).
  - (ii) For predicted episodes, require the general public, schools, commercial, industrial and governmental activities in the affected areas to operate as though the day were a major national holiday.

If it appears that the steps taken by the APCO will be inadequate to cope with the emergency, the California Air Resources Board shall request the Governor to declare a state of emergency as set forth in the California Emergency Services Act.

## (E) Interdistrict Coordination

- (1) The APCO shall establish and operate a capability for the purpose of exchanging air pollution episode information with other air pollution control districts within the Mojave Desert Air Basin (MDAB). In using that facility, it shall be the APCO's objective to exchange Air Contaminant and meteorological information with other air pollution control districts so as to delineate Source and Receptor Areas within the MDAB and to provide coordination of air-quality forecasts.
- (2) Upon request of an Air Pollution Control Officer within the MDAB for action to abate a second or third-stage episode occurring within the MDAB, the APCO shall consult with the California Air Resources Board to identify any significant source area within the geographical limits of the District and the episode stage, if any, to be declared in such source area. After such consultation and

determination, and the need for action is confirmed, the APCO shall direct the implementation of the action required in subsections (D)(2)(e), (D)(2)(f), or (D)(2)(g) for any significant source area identified within the District.

- (3) Within three hours of the receipt of the request for abatement actions specified in subsection (F)(2) or as soon thereafter as reasonably possible, the APCO shall report to the requesting air pollution control district the actions being taken to reduce Air Contaminant emissions from the source areas within his jurisdiction.

**(F) Termination of Episodes**

- (1) The APCO shall declare the termination of the appropriate episode whenever the concentration of an Air Contaminant which caused the declaration of such episode has been verified to be below the standards set forth in Section(C) for the calling of such episode and the available scientific and meteorological data indicate that the concentration of such Air Contaminant will not immediately increase again so as to reach the standards set forth for such episode in Section (C). The APCO shall immediately communicate the declaration of the termination of the episode in the manner provided in Section (C) for the declaration of episodes.

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



Staff Report  
Amendments to MDAQMD Rule 701 – *Air Pollution  
Emergency Contingency Actions*  
and  
Rescission of Rules 702, 703, 704, 705, 706, 707, 708, 709,  
710, 711, and 712

Proposed for Amendment on September 26, 2022

**Mojave Desert  
Air Quality  
Management District**  
14306 Park Avenue  
Victorville, CA 92392-2310  
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**STAFF REPORT**  
**TABLE OF CONTENTS**  
*Regulation VII - Emergencies*

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 .....	6
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 .....	7
C. ECONOMIC ANALYSIS .....	7
1. General.....	8
2. Incremental Cost Effectiveness .....	8
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 .....	9
A. SOURCE DESCRIPTION .....	10
B. EMISSIONS .....	10
C. CONTROL REQUIREMENTS.....	10
D. PROPOSED RULE SUMMARY .....	10
F. SIP HISTORY .....	12
1. SIP History .....	12
2. SIP Analysis .....	19
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 ..... 1  
Appendix E - Bibliography..... 1

## List of Acronyms

ATCM	Airborne Toxics Control Measure
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CAF	Confined Animal Facility
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CMP	Conservation Management Practices
CTG	Control Techniques Guideline
FAAA	Federal Clean Air Act
FOP	Federal Operating Permit
H&S Code	California Health & Safety Code
HAP	Hazardous Air Pollutant
LCAF	Large Confined Animal Facility
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NESHAP	National Emission Standard for Hazardous Air Pollutants
NO <sub>x</sub>	Oxides of Nitrogen
NRC	National Resource Council of the United States of America
NRCS	National Resource Conservation Service
NSPS	New Source Performance Standard
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter less than or equal to 10 micrometers
PM <sub>2.5</sub>	Particulate Matter less than or equal to 2.5 micrometers
RACT	Reasonably Available Control Technology
RFP	Reasonable Further Progress
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
SCM	Suggested Control Measure
SIP	State Implementation Plan
SO <sub>x</sub>	Oxides of Sulfur
TAC	Technical Advisory Committee
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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# STAFF REPORT

## Rule 701 – Air Pollution Emergency Contingency Actions

### I. PURPOSE OF STAFF REPORT

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

### II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management Board (MDAQMD or District) has the authority pursuant to California Health & Safety (H&S) Code §40702 to adopt, amend or repeal rules and regulations. Regulation VII – *Emergencies* contains measures to be taken by the MDAQMD during episodes of pollution. The MDAQMD is now proposing to consolidate and update Regulation VII into a single rule for clarity and ease of use. Rule 701 – *General* is proposed for amendment to incorporate the provisions of the entire Regulation, while the remaining rules in Regulation VII will be rescinded. The rules proposed for rescission are: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712.

The underlying provisions upon which Regulation VII is based are found in 40 CFR 51 Subpart H and California Health & Safety Code (H&S Code) §40444. These requirements technically only apply to areas classified as nonattainment for specific criteria pollutants. While a portion of the MDAQMD is classified nonattainment for Ozone (O<sub>3</sub>), the remainder, including the Palo-Verde/Blythe area of Riverside County is unclassified. Thus, these provisions are not required in those unclassified areas. Despite this, USEPA approved the South Coast Air Quality Management District (SCAQMD) Regulation VII as in the SIP for the Southeast Desert Air Basin (SEDAB)<sup>1</sup> SEDAB portions of Los Angeles, Riverside and San Bernardino Counties<sup>2</sup> as well as for the 9/26/1977 version of SBCAPCD Regulation VII as a SIP revision.<sup>3</sup> The

---

<sup>1</sup> SEDAB is the predecessor air basin to the Mojave Desert Air Basin (MDAB) and the Salton Sea Air Basin as defined in 17 Cal. Code Regs §§60109 and 60114 respectively. The Western Mojave Desert Ozone Nonattainment Area (WMDONA) is the O<sub>3</sub> nonattainment area partly within the MDAQMD's jurisdiction and wholly within the MDAB. Its boundaries are roughly co-terminus with the boundary of the Greater Los Angeles Metropolitan Statistical Area within the jurisdiction of the MDAQMD. It is that portion of the MDAQMD contained in the Southeast Desert Modified Air Quality Management Area (40 CFR 81.167) commonly referred to in District documents as the Federal Ozone Nonattainment Area (FONA). It is defined in District Rule 102, 9/28/2020 (current) and 17 CCR §60200(b).

<sup>2</sup> 45 FR 37428, 6/3/1980 and revisions which presumably included the SEDAB portions of Riverside County were approved at 46 FR 47451, 9/28/1981.

<sup>3</sup> 47 FR 26618, 7/21/1982

MDAQMD is now proposing, in addition to consolidation of the Regulation into a single rule, to request USEPA remove the portions of the rules inapplicable to the MDAQMD jurisdiction from the SIP.<sup>4</sup>

### III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District amend proposed Rule 701 – *Air Pollution Emergency Contingency Actions*, rescind the remaining rules in Regulation VII – *Emergencies*, including rules 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712, and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary in order to consolidate and update Regulation VII into a single rule for clarity and ease of use.

---

<sup>4</sup> Please note that only certain portions of Regulation VII in the both the San Bernardino County portion and the Riverside County Portion of the MDAQMD have been approved into the SIP.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of Rule 701 - *Air Pollution Emergency Contingency Actions*. 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
- Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- Appropriate findings, if necessary.
- Public Notice & Comment

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

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

##### **OTHER:**

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



## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendment of Rule 701 and rescission of the rest of the rules in Regulation VII. These are actions that need to be performed and/or information that must be provided in order to adopt the rule in a procedurally correct manner.

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

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

##### a. Necessity:

The amendments to Rule 701 and rescission of the remaining rules in Regulation VII is necessary in order to consolidate and update the rules in Regulation VII into a single rule for clarity and ease of use.

##### b. Authority:

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

##### c. Clarity:

The proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII is clear in that it is written so that the persons subject to the rule can easily understand the meaning.

##### d. Consistency:

The proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII is in harmony with, and not in conflict with or contradictory to any state law or regulation, Federal law or regulation, or court decisions because Rule 701 is required in order to implement the provisions of 40 CFR 51 Subpart H.

e. Nonduplication:

The proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII does not impose the same requirements as any existing state or Federal law because Rule 701 is required in order to implement the provisions of 40 CFR 51 Subpart H.

f. Reference:

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

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII will be published 8/26/2022. 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 amendment of Rule 701 and rescission of the remaining rules in Regulation VII and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The MDAQMD's emergency episode program is required by both federal (Code of Federal Regulations, or CFR) and State law. The federal Clean Air Act (CAA) requires any region which meets Priority I criteria (1-hour maximum ozone concentration: 0.10 ppm, or 8-hour average carbon monoxide concentration: 12.0 ppm) to establish contingency plans for actions necessary to prevent ambient air quality from reaching concentrations presenting significant harm to the public (40 CFR 51.150). Under the CFR provisions the emergency episode program must establish a minimum of two or more stages of episode criteria.

The consolidated Regulation VII will continue to satisfy the Federal requirements, while improving the clarity and ease of use of the regulation by placing the various provisions into a single rule. In addition, it will also remove excess requirements not applicable to the areas currently under the jurisdiction of the MDAQMD.

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII was published on 8/26/2022. 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 proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII and the accompanying draft staff report was made available to the public on 8/26/2022.

d. Notice to Specified Entities:

Copies of proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII and the accompanying staff report will be sent to all affected agencies and industries.

e. Public Hearing:

A public hearing to consider the proposed amendment of amendment of Rule 701 and rescission of the remaining rules in Regulation VII will be set for 9/26/2022.

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

The AQMD's emergency episode program is required by both federal (Code of Federal Regulations, or CFR) and State law. The federal Clean Air Act (CAA) requires any region which meets Priority I criteria (1-hour maximum ozone concentration: 0.10 ppm, or 8-hour average carbon monoxide concentration: 12.0 ppm) to establish contingency plans for actions necessary to prevent ambient air quality from reaching concentrations presenting significant harm to the public (40 CFR 51.150). Under the CFR provisions the emergency episode program must establish a minimum of two or more stages of episode criteria.

As part of the California Clean Air Act (CCAA), Section 40444, the AQMD is required to establish and maintain an emergency episode plan in accordance with the State Air Pollution Emergency Plan. The State's emergency plan is more specific than the federal guidance; it defines a three-stage episode program and the division of responsibility for episode prediction, declaration, and abatement actions.

Proposed Rule 701 – *Air Pollution Emergency Contingency Actions* is consolidation of MD Regulation VII – *Emergencies*, and is comprised of provisions from the other rules in the regulation. The majority of the provisions are textually identical to the text in the rules from which they are derived, except in cases in which a provision is no longer applicable, or has been updated or superseded. In addition, provisions have been removed which are not applicable to the areas within the jurisdiction of the MDAQMD.

Section (D)(2)(b)(x) – Technical Advisory Committee (TAC). This is the modern successor to the Advisory Council previously required in Rule 712 – *Advisory Council*. The TAC was first created by the Governing Board in 1993 as a successor to the Advisory Council authorized by District Rule 712. Its membership was revised slightly in 1996. Over the years the TAC has reviewed substantive rule adoptions/amendments as proposed by staff as well as mandated planning documents and provided recommendations to the Governing Board. Occasionally the TAC has identified issues which needed further study, discovered inconsistencies, and detected inadvertent impacts of a proposed regulation on non-directly affected industry.

Section (D)(2)(b)(xi) – additional provision added to include District website and various media outlets.

Section (D)(2)(e)(vi) - Updated method of notification, and to reflect there is only one District office.

Section (E)(1) – updated reference from Southeast Desert Air Basin (SEDAB) to Mojave Desert Air Basin (MDAB).

Section (E)(2) - Updated section to most current references, and to be relevant to MDAB.

## C. ECONOMIC ANALYSIS

### 1. General

This rule action will not cause any cost changes to sources as the action is a consolidation of the provisions of the rules included in Regulation VII. No increase in cost is anticipated.

2. Incremental Cost Effectiveness

N/A

D. ENVIRONMENTAL ANALYSIS (CEQA)

The appropriate CEQA process for proposed Rule 701 was determined through the process below.

1. Proposed amendment of Rule 701 and rescission of the remaining rules in Regulation VII meets the CEQA definition of “project”. They are not “ministerial” actions.

2. The adoption of proposed Rule 701 is exempt from CEQA review because it will not create any adverse impacts on the environment. Proposed amendment of Rule 701 is an action taken in order to consolidate and update the provisions of MDAQMD Regulation VII – *Emergencies* into a single rule. Therefore, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The District does not anticipate any potential environmental impacts of compliance with the proposed amendment of Rule 701 and rescission of the rest of the rules in Regulation VII.

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

The consolidation of Regulation VII into a single rule was completed using the San Bernardino county SIP-approved versions of the Regulation VII rules currently in the MDAQMD rulebook.

These rules are substantively similar to the SIP-approved version in the Riverside portion of the MDAQMD, and are thus appropriate to use as a base for the consolidated rule.

## A. SOURCE DESCRIPTION

Proposed amended Rule 701 is applicable separately to each source area and receptor area in the Mojave Desert Air Quality Management District to control the emissions of air contaminants during any Stage 1, Stage 2 and Stage 3 air pollution episodes. The District considers these areas to include the appropriately designated nonattainment areas.

## B. EMISSIONS

The proposed consolidation of Regulation VII will not result in the release of additional emissions. Proposed amendment of Rule 701 includes Air Pollution Emergency Contingency Actions provisions to control the emissions of air contaminants during any Stage 1, Stage 2 and Stage 3 air pollution episodes.

## C. CONTROL REQUIREMENTS

The requirements for the Prevention of Air Pollution Emergency Episodes for sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone and particulate matter are located in 40 CFR part 51, subpart H. These requirements include provisions for classification of regions for episode plans, significant harm levels, contingency plans and re-evaluation of episode plans. MDAQMD previously adopted Rules 701-712 in response to these requirements. MDAQMD Rule 701 has now been revised to include all of the requirements previously found in these rules.

The Riverside county version of Regulation VII contains episode criteria for other pollutants including sulfur dioxide and carbon monoxide. As the Palo Verde Valley portion of the MDAQMD is unclassified for those other pollutants and thus those provisions in Reg VII, they would not apply in that area although they are in the SIP for the Riverside county portion of the MDAQMD. Thus, the consolidated version of MDAQMD Regulation VII references only Photochemical Oxidant (Ozone) as that is the only applicable nonattainment pollutant in the District.

Riverside Co. Rules 708.1, 708.2, 708.3 contain source-specific requirements which are not applicable within the MDAQMD (Sulfur Dioxide and Carbon monoxide requirements), and are thus not included in the consolidated rule. The consolidated rule does however include requirements for the general public, schools, commercial, industrial and governmental activities in the affected areas during the various stages of pollution. These requirements were directly carried over from SIP-approved MDAQMD rules 707, 708, and 709 with no changes to the plan requirements.

## D. PROPOSED RULE SUMMARY

Please see Appendix A of this Staff Report for a complete copy of Rule 701. This section gives a brief overview of the proposed rule.

The proposed amendment of Rule 701 consolidates provisions of Regulation VII – *Emergencies* into a single rule for clarity and ease of use. These regulations contain provisions to control the emissions of air contaminants during any Stage 1, Stage 2 and

Stage 3 air pollution episodes. Rule 701 is proposed for amendment to incorporate the provisions of entire regulation, while the rest of the Regulation VII rules will be rescinded. The rules proposed for rescission include: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712.



## E. SIP HISTORY

### 1. SIP History.

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. Included Regulation VII, Rules 150-164 regarding “emergencies.”

2/21/1972 – CARB’s original SIP submission for California. Included “emergency episode plans.” Presumably this included Regulation VII, Rules 150-164 as published in the SBCAPCD 1970 Rulebook.

5/3/1972 – USEPA disapproved the emergency plan portion of the California SIP due to a variety of identified deficiencies in compliance with 40 CFR 51.16 (37 FR 10842, 10851, 5/31/1972)

2/13/1973 – SBCAPCD – full county district rulebook published. Rules still mostly 2 digits with a few 3-digit rules. Included Regulation VII, Rules 150-164 regarding “emergencies.”

11/1973 – CARB adopts a replacement emergency plan for the California SIP.

2/6/1974 – Replacement emergency plan for California SIP submitted by CARB to USEPA. Once again this presumably included Regulation VII, Rules 150-164 as published in the SBCAPCD 1973 Rulebook.

6/26/1974 – USEPA proposed conditional approval of the emergency plan (39 FR 23069, 6/26/1974).

3/1975 – California Lung Association sues EPA and CARB regarding lack of adequate emergency plan for the South Coast Air

Basin (SCAB). *California Lung Association et. al. v. Train* Civ #75-1044 WPG (U.S. District Court, Central District of CA).<sup>5</sup>

3/31/1975 – SBCAPCD – full county district rulebook update published. Rules still mostly 2 digits with a few 3-digit rules. Regulation VII is included consisting of Rules 150-164.

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.

9/25/1975 – Adoption date for “Emergency Plans” (presumably including Regulation VII) by SoCalAPCD.<sup>6</sup>

10/21/1975 – CARB adopted or submitted (NPRM text is unclear which) a revised emergency plan for NO<sub>x</sub>, SO<sub>2</sub> and CO in the SCAB<sup>7</sup>

4/12/1976 – EPA approved emergency plan for NO<sub>x</sub>, SO<sub>2</sub> and CO in the SCAB (41 FR 15326, 4/12/1976). Note: The NPRM mistakenly states that this plan was adopted by SCAQMD (which did not come into existence until 2/1/1977).

9/3/1976 – SoCalAPCD Agenda Item #5 sets date for hearing re adoption of Regulation VII

10/8/1976 – SoCalAPCD Minutes Item #8 indicates hearing on Regulation VII is continued until a report on sulfates by the PUC is complete.

12/3/1976 – SoCalAPCD Minutes Item #4 sets a date for hearing on Regulation VII.

1/7/1977 – SoCalAPCD Minutes Item #5 Continues the hearing on Regulation VII until 3/4/1977 (Note: After the creation of SCAQMD)

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

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<sup>5</sup> Information obtained from NPRM 42 FR 60929, 11/20/1977.

<sup>6</sup> Southern California APCD Agenda 9/5/1975

<sup>7</sup> Information obtained from NPRM 42 FR 60929, 11/3/1977.

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).

5/6/1977 – SCAQMD adopts a revised emergency episode plan, Regulation VII.<sup>8</sup>

6/1/1977 – CARB submits the 5/6/1977 revised emergency episode plan, Regulation VII to EPA as a SIP revision.<sup>9</sup>

6/6/1977 – CARB submits G-73 rulebook including Regulation VII as a SIP revision. (See 43 FR 40011 9/8/1978)

6/27/1977 – Court orders EPA to certify that the emergency plan as approved 4/12/1976 was adequate in that it contained emergency plans for all 6 criteria pollutants. *California Lung Association v Costle*, Civ #75-1044 WPG (U.S. District Court, Central District of CA).<sup>10</sup>

6/6/1977 – CARB submits revised emergency episode plan for SEDAB portions of Los Angeles, Riverside, and San Bernardino Counties<sup>11</sup> specifically Rules 701-715. Presumptively these are the rules as reflected in the G-73 Rulebook.

7/6/1977 – EPA provides court an affidavit indicating intent to rescind approval of 4/12/1976 on the basis that not all 6 pollutants were covered.<sup>12</sup>

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

8/8/1977 – EPA submits affidavit to court regarding intent to approve the SCAQMD 5/6/1977 Regulation VII.<sup>13</sup>

8/11/1977 – EPA rescinds the 4/12/1976 approval as it does not cover all 6 pollutants within SCAB and reinstates the disapproval of the emergency plan. (42 FR 40695, 8/11/1977)

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<sup>8</sup> Information obtained from NPRM 42 FR 60929, 11/3/1977.

<sup>9</sup> Information obtained from NPRM 42 FR 60929, 11/3/1977.

<sup>10</sup> Information obtained from NPRM 42 FR 60929, 11/3/1977.

<sup>11</sup> Information obtained from 45 FR 37428, 6/3/1980.

<sup>12</sup> Information obtained from NPRM 42 FR 60929, 11/3/1977.

<sup>13</sup> Information obtained from NPRM 42 FR 60929, 11/3/1977.

9/26/1977 – SBCAPCD revises Regulation VII and shrinks it from Rules 701-715 to 701-712.<sup>14</sup>

October 1977 – CARB submits SCAQMD (5/6/1977 version?) revision(s) to Regulation VII to EPA.<sup>15</sup>

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

11/3/1977 – EPA publishes NPRM proposing partial approval/partial disapproval of SCAQMD Regulation VII 7/25/1977 version. (42 FR 60929, 11/3/1977)

11/4/1977 – CARB submits additional revision(s) to Regulation VII to EPA specifically including updated versions of SBCAPCD Rules 701, 702, 712 and 715.<sup>16</sup>

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

1/13/1978 – There was a public hearing (presumably by USEPA) in Los Angeles. Certain additional deficiencies with the emergency plan was announced.<sup>17</sup>

5/26/1978 – EPA publishes Final Rulemaking re Regulation VII. No action taking on 708.2(b)(3)(B), (b)(4)(B), (b)(4)(C) and (b)(5)(C) as they were superseded by further action and received “too late to be included in the proposed rulemaking.” This action also adopts a variety of provisions to be included in 40 CFR 52.274 as “applicable within the SCAQMD.<sup>18</sup>” Note there is textual reference to applicability only within the South Coast Air Basin and some references to the “SCAQMD portion of Metropolitan Los Angeles Intrastate Air Quality Control Region” however the actual text of 40 CFR 52.274 only references SCAQMD as a whole. Given the dates involved this would technically apply the provisions of this action also to the non-SCAB areas of SCAQMD within Riverside County.

6/2/1978 – SCAQMD amends Regulation VII

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<sup>14</sup> Information obtained from Rulebook Copy published 9/4/1979.

<sup>15</sup> Information obtained from FR 43 FR 22719, 5/26/1978.

<sup>16</sup> Information obtained from FR 43 FR 22719, 5/26/1978 and 45 FR 37428, 6/3/1980.

<sup>17</sup> Information obtained from FR 43 FR 22719, 5/26/1978.

<sup>18</sup> 43 FR 22719, 22721, 5/26/1978

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 apparently 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 the occasional engineering evaluations for certain permits.

9/4/1979 – SBCAPCD publishes a new version of the Rulebook. Regulation VII at this time contains Rules 701-712.

3/27/1980 – USEPA publishes an NPRM (45 FR 20119, 3/27/1980) proposing to approve Rules 701-715 for the SEDAB portions of Los Angeles, Riverside and San Bernardino Counties but takes no actions on portions of the rules referencing SO<sub>2</sub> and CO

4/4/1980 – SCAQMD Amends Regulation VII.

4/23/1980 – CARB submits revisions to Regulation VII to EPA for SCAQMD (should have included the SEDAB Portions of Riverside County as after “opt in” effective date) specifically Rules 701; 702(a), (d), (e), (f), (h), and (i); 703; 704; 705; 706; 708.3(a), (b)(8-10); 708.4(g) and (h); 709(a); 710(a), and (b)(4); 711(a)(1), (a)(4), (b)(1), and (b)(4); 713; 714; and 715.<sup>19</sup>

6/3/1980 – USEPA approves Rules 701-715 for the SEDAB portions of Los Angeles, Riverside and San Bernardino Counties (45 FR 37428, 6/3/1980) with some caveats. Specifically, 40 CFR 52.274(o) is added to note that there is a lack of submission timing and specificity for the submission of curtailment plans and that there is no PM episode criteria/trigger levels. It also adds 40 CFR 52.274(p) to provide certain “extra” provisions to the emergency plan.

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.

8/15/1980 – CARB submits revisions to Regulation VII to EPA for SCAQMD (should have included SEDAB portions of Riverside County as after the “opt in” effective date). Specifically included Rules 707; 708; 708.3(a)(2) and (c); 708.4(a) and (b); 709(e);

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<sup>19</sup> Information obtained from 46 FR 26353, 5/12/1981.

710(b)(1)(D), (b)(2)(D), (b)(3)(D) and (c)(3)(B); 711(a)(1)(E), (a)(2)(D), (a)(3)(B), (a)(4)(F), (b)(3)(B), and (b)(4)(F); and 712.

10/7/1980 – CARB Submits the 9/26/1977 version of SBCAPCD Regulation VII as a SIP submittal to EPA

5/12/1981 – EPA publishes an NPRM (46 FR 26353, 5/12/1981) proposing to approve portions of SCAQMD Regulation VII. Specifically Rules 701; 702(a), (d), (e), (f), (h), and (i); 703; 704; 705; 706; 707; 708; 708.3(a), (a)(2), (b)(8-10), and (c); 708.4(a), (b), (g), (h); 709(a) and (e); 710(a), (b)(1)(D), (b)(2)(D), (b)(3)(D), (b)(4), and (c)(3)(B); 711(a)(1), (a)(1)(E), (a)(2)(D), (a)(3)(B), (a)(4), (a)(4)(F), (b)(1), (b)(3)(B), (b)(4), and (b)(4)(F); 712; 713; 714; and 715

9/28/1981 – EPA approves various revisions to Regulation VII for SCAQMD (4/4/1980 version) presumably including SEDAB portions of Riverside County (46 FR 47451, 9/28/1981) as this is after the inclusion of this area in SCAQMD. ***This is the rule version in the SIP for the Riverside County Portion of the MDAQMD.***

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.<sup>20</sup>

6/9/1982 – SCAQMD amends Regulation VII. This is the rulebook version in effect in Riverside County when Blyth/Palo Verde Valley region leaves SCAQMD. There is no indication that this version was submitted as a SIP revision.<sup>21</sup>

7/21/1982 – EPA approves the 9/26/1977 version of SBCAPCD Regulation VII as a SIP revision (47 FR 26618, 7/21/1982). ***This is the rule version in the SIP for San Bernardino County area of the MDAQMD.***

7/1/1986 – SBCAPCD republishes entire rulebook.

11/20/1989 – SBCAPCD republishes entire rulebook.

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<sup>20</sup> Even if the 9/28/1981 Action did not include Riverside County this action would retroactively apply that portion of the SCAQMD SIP to the Riverside County area.

<sup>21</sup> Per Westlaw FR database search and CARB's Rule Log Database @ <https://ww3.arb.ca.gov/rldb/rldb.htm>

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.

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

9/8/1995 – SCAQMD amends its regulation VII and consolidates it into a single Rule 701.

1/31/1996 – CARB submits SCAQMD 9/8/1995 version of 701 to EPA as a SIP revision.

6/13/1997 – SCAQMD amends Rule 701 again.

9/8/1997 – CARB submits SCAQMD 6/13/1997 version of 701 to EPA as a SIP revision

9/16/1997 – EPA approves SCAQMD 9/8/1995 version of 701 as SIP revision (62 FR 48483, 9/16/1997)

1/20/1998 – AVAPCD amends its Rule 701 (as inherited from SCAQMD upon district formation on 7/1/1997)

3/10/1998 – CARB submits AVAPCD Rule 701 as amended 1/20/1998 to EPA as SIP revision.

3/18/1999 – EPA approves AVAPCD 1/20/1998 version as SIP revision (64 FR 13351, 3/18/1999)

3/25/1999 – EPA approves SCAQMD 6/13/1997 version of 701 as a SIP revision (64 FR 14391, 3/25/1999)

7/8/2000 – AVAQMD amends its Rule 701 (as inherited from AVAPCD 1/1/2000)

12/11/2000 – CARB submits AVAQMD 701 as SIP revision to EPA

3/7/2003 – EPA approves AVAQMD 701 as amended 7/8/2000 as a SIP revision (68 FR 10966, 3/7/2003)

8/27/2014 – AVAQMD amends its Rule 701

11/13/2014 – CARB submits AVAQMD 701 as SIP revision to EPA

10/5/2015 – EPA approves AVAQMD 701 as amended 8/27/2014 as a SIP revision (80 FR 60040, 10/5/2015).

2. SIP Analysis.

Amended Rule 701 will be submitted for inclusion in the SIP for the San Bernardino County portion of the MDAB and the Blythe/Palo Verde Valley portion of Riverside County. The MDAQMD will also request the rescission of the current SIP-approved versions of MDAQMD Rules 702, 702,704,705,706, 707, 708, 709, 710, 711 and 712 from the SIP and replacement with amended MDAQMD Rule 701 - *Air Pollution Emergency Contingency Actions*.

The underlying provisions upon which Regulation VII is based are found in 40 CFR 51 Subpart H and California Health & Safety Code (H&S Code) §40444. These requirements technically only apply to areas classified as nonattainment for specific criteria pollutants. While a portion of the MDAQMD is classified nonattainment for Ozone (O3) and Particulate Matter under 10 $\mu$  (PM10) the remainder, including the Palo-Verde/Blythe area of Riverside County is unclassified. Thus, these provisions are not required in those unclassified areas. Despite this, USEPA approved the South Coast Air Quality Management District (SCAQMD) Regulation VII as in the SIP for the Southeast Desert Air Basin (SEDAB) portions of Los Angeles, Riverside and San Bernardino Counties as well as for the 9/26/1977 version of SBCAPCD Regulation VII as a SIP revision. The MDAQMD is now proposing, in addition to consolidation of the Regulation into a single rule, to request USEPA remove the portions of the rules inapplicable to the MDAQMD jurisdiction from the SIP.

Thus, the MDAQMD will request that CARB request EPA rescind the Riverside Co. versions of these rules within this regulation from the Blythe/Palo Verde Valley portion of the MDAQMD and replace them with the consolidated MDAQMD Rule 701. Specifically, the district will request the rescission of Riverside County APCD rules 701, 702, 703, 704, 705, 706, 707, 708, 708.1, 708.2, 708.3, 708.4, 709, 710, 711, 713, 714, and 715.





## Appendix “A” Rule 701 – Iterated Version

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

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

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# Rule 701

## Air Pollution Emergency Contingency Actions

(A) Purpose

(1) General [Rule 701 – General.]

(a) The provisions of this Rule shall apply separately to each source area and receptor area in the [BG1] Mojave Desert Air Quality Management District to control the emissions of Air Contaminants during any Stage 1, Stage 2 and Stage 3 air pollution episode.

(1) Applicability [Rule 701 – General.]

(b) This rule applies to source and receptor areas which are based upon air monitoring, geographical and meteorological factors. A list of the areas and boundaries shall be maintained at the District offices and shall be available to the public.

(B) Definitions

The definitions contained in District Rule 102 – Definition of Terms shall apply. [Rule 701 – General. See Rule 102 for definition of Source Area and Receptor Area.]

(C) Episode Criteria [Rule 704 – Episode Criteria]

	<u>Averaging Time</u>	<u>Stage 1</u>	<u>Stage 2</u>	<u>Stage 3</u>
<u>Ozone</u>	<u>1 Hour</u>	<u>.20 ppm</u>	<u>.35 ppm</u>	<u>.50 ppm</u>

(D) Requirements

(1) Air Monitoring Stations

(a) The APCO shall maintain air monitoring stations throughout the District so that air quality can be monitored on a continuous basis and air pollution Episodes can be measured and predicted. These monitoring stations shall be continuously maintained at locations designated by the APCO after consultation with the Governing Board of the Mojave Desert Air Quality Management District. [Rule 702 – Air-Monitoring Stations.]

(b) Air quality information will be reported daily. [Rule 703 – Air-Monitoring Summaries.]

(2) Episode Notifications

- (a) Daily air quality information summaries shall be public records and after preparation shall, upon request, be available at the Mojave Desert Air Quality Management District office and be available to the public, press, radio, television and other mass media of communication. [Rule 703 – Air-Monitoring Summaries.]
- (b) Following the prediction or attainment of a first, second or third-stage episode, the APCO shall communicate notification of the episode to: [Rule 705 – Episode Notifications.]
- (i) Appropriate elected officials.
  - (ii) The press, radio stations and television stations.
  - (iii) Local public health officials and hospitals.
  - (iv) School officials.
  - (v) Local and state law-enforcement agencies.
  - (vi) All other air pollution control officers within the Mojave Desert Air Basin.
  - (vii) The California Air Resources Board.
  - (viii) Public safety personnel who have responsibilities for, or interests in, air pollution control.
  - (ix) Mojave Desert Air Quality Management District personnel.
  - (x) Technical Advisory Committee (TAC). [Successor to Advisory Council, previously contained in Rule 712 – Advisory Council.]
  - (xi) District website and other appropriate media. [addition of district website and media]
- (c) The notice of prediction or attainment of a first, second or third-stage episode shall include the following information: [Rule 705 – Episode Notifications.]
- (i) The specific level predicted or attained.
  - (ii) The contaminant for which the notice is made.
  - (iii) The source and receptor areas in which the episode is predicted or attained.
  - (iv) The predicted duration.
- (d) Whenever the APCO declares that a first, second, or third stage episode will occur within the subsequent twenty-four hour period, he shall announce such a declaration not later than 2:00 pm of the previous day. Such declarations shall be public record and shall be made available to the public, press, radio, television and other mass media of communication. [Rule 706 – Episode Declaration.]
- (e) A first-stage episode shall be declared when any first-stage episode concentration specified in Section (C) is predicted or attained. The

following actions shall be taken in the source and receptor areas upon the APCOs declaration of a first-stage episode: [Rule 707 – First-Stage Episode Actions.]

- (i) The notifications required in subsections (D)(2)(b) and (D)(2)(c).
  - (ii) Advise the public that those individuals with special health problems should follow precautions recommended by their physicians and health officials.
  - (iii) Request the public to stop all unnecessary driving.
  - (iv) Request the public to operate all privately owned Vehicles on a pool basis.
  - (v) Advise school officials to cancel programs which require outdoor physical activity.
  - (vi) By reasonable electronic means, the APCO shall notify members of the public who contact the District website or telephone the District office. [Updated method of notification, and to reflect there is only one District office.]
- (f) A second-stage episode shall be declared when any second-stage episode concentration specified in Section (C) is predicted or attained. The following actions shall be taken in the source and receptor areas upon the APCOs declaration of a second-stage episode: [Rule 708 – Second Stage Episode Actions.]
- (i) The actions required in subsection (D)(2)(e).
  - (ii) Suspend programs which involve physical exertion by participants using public parks or public recreational facilities located in receptor areas. Such programs which are for adult participants in scheduled athletic events with paid attendance are excepted.
  - (iii) Prohibit the burning of combustible refuse.
- (g) A third-stage episode shall be declared when the third-stage episode concentration specified in Section (C) is predicted or attained. The following actions shall be taken in the source and receptor areas upon the APCOs declaration of a third-stage episode: [Rule 709 – Third Stage Episode Actions.]
- (i) The actions required by subsection (D)(2)(f).
  - (ii) For predicted episodes, require the general public, schools, commercial, industrial and governmental activities in the affected areas to operate as though the day were a major national holiday.

If it appears that the steps taken by the APCO will be inadequate to cope with the emergency, the California Air Resources Board shall request the Governor to declare a state of emergency as set forth in the California Emergency Services Act.

(E) Interdistrict Coordination [Rule 710 – Interdistrict Coordination.]

- (1) The APCO shall establish and operate a capability for the purpose of exchanging air pollution episode information with other air pollution control districts within the Mojave Desert Air Basin (MDAB). In using that facility, it shall be the APCO's objective to exchange Air Contaminant and meteorological information with other air pollution control districts so as to delineate Source and Receptor Areas within the MDAB and to provide coordination of air-quality forecasts. [Updated reference from SEDAB to MDAB.]
- (2) Upon request of an Air Pollution Control Officer within the MDAB for action to abate a second or third-stage episode occurring within the MDAB, the APCO shall consult with the California Air Resources Board to identify any significant source area within the geographical limits of the District and the episode stage, if any, to be declared in such source area. After such consultation and determination, and the need for action is confirmed, the APCO shall direct the implementation of the action required in subsections (D)(2)(e), (D)(2)(f), or (D)(2)(g) for any significant source area identified within the District. [Updated section to current references, and to be relevant to MDAB.]
- (3) Within three hours of the receipt of the request for abatement actions specified in subsection (F)(2) or as soon thereafter as reasonably possible, the APCO shall report to the requesting air pollution control district the actions being taken to reduce Air Contaminant emissions from the source areas within his jurisdiction.

(F) Termination of Episodes [Rule 711 – Termination of Episodes]

- (1) The APCO shall declare the termination of the appropriate episode whenever the concentration of an Air Contaminant which caused the declaration of such episode has been verified to be below the standards set forth in Section(C) for the calling of such episode and the available scientific and meteorological data indicate that the concentration of such Air Contaminant will not immediately increase again so as to reach the standards set forth for such episode in Section (C). The APCO shall immediately communicate the declaration of the termination of the episode in the manner provided in Section (C) for the declaration of episodes.

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

~~(Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

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## ~~RULE 701~~

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### ~~General~~

*[The content of the 12 rules in Regulation VII have been updated and combined into a single rule for ease of use and streamlining the rule book.]*

~~Notwithstanding any other provisions of these rules and regulations, the provisions of this regulation shall apply separately to each source area and receptor area in the Mojave Desert Air Quality Management District to control the emissions of air contaminants during any Stage 1, Stage 2 and Stage 3 air pollution episode as provided herein.~~

~~For the purposes of this regulation, APCO means the Air Pollution Control Officer of the Mojave Desert Air Quality Management District.~~

~~For the purpose of this regulation, a source area is that area in which air contaminants are emitted. A receptor area is that area in which the air contaminants emitted from a source area are measured.~~

~~The APCO shall establish source and receptor areas based upon air monitoring, geographical and meteorological factors. A list of the areas and their boundaries shall be maintained at the District headquarters and shall be available to the public.~~

~~{SIP: Approved: 6/21/82, 47 FR 26618, 40 CFR 52.220(c)(94)(iii)(A); Approved 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(42)(xiii)(C)}~~



~~— (Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;  
— Readopted: 07/25/77; Amended: 09/26/77)~~

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## ~~RULE 702~~

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### ~~Air Monitoring Stations~~

~~The APCO shall maintain air monitoring stations throughout the District. Those monitoring stations shall be continuously maintained at locations designated by the APCO after consultation with the Governing Board of the Mojave Desert Air Quality Management District.~~

~~[SIP: Approved 6/3/80, 45 FR 37428, 40 CFR 52.220(e)(42)(xiii)(C)]~~

~~— (Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;  
— Readopted: 07/25/77; Amended: 09/26/77)~~

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## ~~RULE 703~~

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### ~~Air Monitoring Summaries~~

~~The APCO shall make summaries of daily air monitoring data. These summaries shall be public records and after preparation shall, upon request, be available at the main office of the Mojave Air Quality Management District and be available to the public, press, radio, television and other mass media of communication.~~

~~[SIP: Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(e)(39)(ii)(E)]~~

~~— (Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;  
— Readopted: 07/25/77; Amended: 09/26/77)~~

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## RULE 704

### Episode Criteria

(In parts per million parts of air)

	Averaging Time	Stage 1	Stage 2	Stage 3
Photochemical Oxidant (Including Ozone)	1 Hour	.20 ppm	.35 ppm	.50 ppm

[SIP: Approved: 6/21/82, 47 FR 26618, 40 CFR 52.220(c)(94)(iii)(A); Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)]

~~(Adopted: \_\_\_\_\_; CARB Ex. Ord. G 73: 02/01/77;~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

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## RULE 705

### Episode Notifications

(a) ~~Following the prediction or attainment of a first, second, or third stage episode, the APCO shall communicate notification of the episode to:~~

- ~~1. Appropriate elected officials.~~
- ~~2. The press, radio stations and television stations.~~
- ~~3. Local public health officials and hospitals.~~
- ~~4. School officials.~~
- ~~5. Local and state law enforcement agencies.~~
- ~~6. All other air pollution control officers within the Southeastern Desert Air Basin.~~
- ~~7. The California Air Resources Board.~~
- ~~8. Public safety personnel who have responsibilities for or interests in air pollution control.~~
- ~~9. Mojave Desert Air Pollution Control District personnel.~~
- ~~10. Advisory Council.~~

~~(b) The notice of prediction or attainment of a first, second, or third stage episode shall include the following information:~~

- ~~1. The specific level predicted or attained.~~
- ~~2. The contaminant for which the notice is made.~~
- ~~3. The source and receptor areas in which the episode is predicted or attained.~~
- ~~4. The predicted duration.~~

~~[SIP: Approved: 6/21/82, 47 FR 26618, 40 CFR 52.220(c)(94)(iii)(A); Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)]~~

~~— (Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77; \_\_\_\_\_)~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

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## ~~RULE 706~~

### ~~Episode Declaration~~

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~~Whenever the APCO declares that a first, second, or third stage episode will occur within the subsequent twenty four hour period, he shall announce such a declaration not later than 2:00 pm of the previous day. Such declarations shall be public record and shall be made available to the public, press, radio, television and other mass media of communication.~~

~~[SIP: Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)]~~

~~— (Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77; \_\_\_\_\_)~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

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## ~~RULE 707~~

### ~~First Stage Episode Actions~~

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~~A first stage episode shall be declared when any first stage episode concentration specified in Rule 704 is predicted or is attained. The following actions shall be taken in the source and receptor areas upon the APCO's declaration of a first stage episode:~~

- ~~a. The notifications required by Rule 705.~~
- ~~b. Advise the public that those individuals with special health problems should follow the precautions recommended by their physicians and health officials.~~
- ~~c. Request the public to stop all unnecessary driving.~~

- d. ~~Request the public to operate all privately owned vehicles on a pool basis.~~
- e. ~~Advise school officials to cancel programs which require outdoor physical activity.~~
- f. ~~By means of recorded telephone messages, the APCO shall notify members of the public who telephone the District's Zone offices.~~

~~[SIP: Approved: 6/21/82, 47 FR 26618, 40 CFR 52.220(c)(94)(iii)(A); Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)] Note: Current rule provisions moved from Prior Rule 709 on 9/26/77. Prior Rule 707 Plans rescinded on that date.~~

~~(Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

## ~~RULE 708~~

### ~~Second Stage Episode Actions~~

~~A second stage episode shall be declared when any second stage episode concentration specified in Rule 704 is predicted or is attained. The following actions shall be taken in the source and receptor areas upon the APCO's declaration of a second stage episode:~~

- a. ~~The actions required by Rule 707.~~
- b. ~~Suspend programs which involve physical exertion by participants using public parks or public recreational facilities located in receptor areas. Such programs which are for adult participants in scheduled athletic events with paid attendance are excepted.~~
- c. ~~Prohibit the burning of combustible refuse.~~

~~[SIP: Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)] Note: Current rule provisions moved from Prior Rule 710 on 9/26/77. Prior Rule 708 Radio Communication System rescinded on that date.~~

~~(Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

## ~~RULE 709~~

### ~~Third Stage Episode Actions~~

~~A third stage episode shall be declared when the third stage episode concentration specified in Rule 704 is predicted or is attained. The following actions shall be taken in the source or receptor areas upon the APCO's declaration of a third stage episode:~~

- a. ~~The actions required by Rule 708.~~
- b. ~~For predicted episodes, require the general public, schools, commercial, industrial~~

~~and governmental activities in the effected areas to operate as though the day were a major national holiday.~~

~~If it appears that the steps taken by the APCO will be inadequate to cope with the emergency, the Air Pollution Control Board shall request the Governor to declare a state of emergency as set forth in the California Emergency Services Act.~~

~~[SIP: Approved: 6/21/82, 47 FR 26618, 40 CFR 52.220(c)(94)(iii)(A); Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)] Note: Current rule provisions moved from Prior Rule 711 on 9/26/77. Prior Rule 709 Full State Episode Actions moved to Rule 707.~~

~~(Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

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## **RULE 710**

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### **Interdistrict Coordination**

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- ~~(a) The APCO shall establish and operate a capability for the purpose of exchanging air pollution episode information with other air pollution control districts within the Southeast Desert Air Basin. In using that facility, it shall be the APCO's objective to exchange air contaminant and meteorological information with other air pollution control districts so as to delineate source and receptor areas within the Southeast Desert Air Basin and to provide coordination of air quality forecasts.~~
- ~~(b) Upon request of an air pollution control officer of an air pollution control zone for action to abate a second or third stage episode occurring within that zone, the APCO shall consult with the Air Pollution Control Board to identify any significant source area within the geographical limits of the District and the episode stage, if any, to be declared in such source area. After such consultation and determination, and the need for action is confirmed, the APCO shall direct the implementation of the action required in Rules 707, 708 or 709 for any significant source area identified within the district.~~
- ~~(c) Within three hours of the receipt of the request for abatement actions specified in Rule 710(b), or as soon thereafter as reasonably possible, the APCO shall report to the requesting air pollution control district the actions being taken to reduce air contaminant emissions from the source areas within his jurisdiction.~~

~~[SIP: Approved: 6/21/82, 47 FR 26618, 40 CFR 52.220(c)(94)(iii)(A); Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)] Note: Current rule provisions moved from Prior Rule 712 on 9/26/77. Prior Rule 710 Second Stage Episode Actions moved to Rule 708.~~

~~(Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77;~~

~~Readopted: 07/25/77; Amended: 09/26/77)~~

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## ~~Rule 711~~

### ~~Termination of Episodes~~

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~~The APCO shall declare the termination of the appropriate episode whenever the concentration of an air contaminant which caused the declaration of such episode has been verified to be below the standards set forth in Rule 704 for the calling of such episode and the available scientific and meteorological data indicate that the concentration of such air contaminant will not immediately increase again so as to reach the standards set forth for such episode in Rule 704. The APCO shall immediately communicate the declaration of the termination of the episode in the manner provided in rule 705 for the declaration of episodes.~~

~~[SIP: Approved: 6/21/82, 47 FR 26618, 40 CFR 52.220(c)(94)(iii)(A); Approved: 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(39)(ii)(E)] Note: Current rule provisions moved from Prior Rule 714 on 9/16/77. Prior Rule 711-Third Stage Episode Actions moved to Rule 709.~~

~~— (Adopted: \_\_\_\_\_; CARB Ex. Ord. G-73: 02/01/77; \_\_\_\_\_  
Readopted: 07/25/77; Amended: 09/26/77; Amended: 01/04/82) —~~

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## ~~Rule 712~~

~~— Advisory Council [The TAC was created by the Governing Board in 1993 as a successor to the Advisory Council authorized by this Rule. See Agenda Item 4, Minutes of the Governing Board of the MDAQMD, May 23, 2016. Also See Policy 16-01 Technical Advisory Committee (TAC).]~~

~~An Advisory Council may be appointed by the Air Pollution Control Board to assist the Board in developing air pollution control rules and regulations which will provide protection of the health and welfare of all persons with the District; to assist in the evaluation of data and recommendations of actions to be taken under episode conditions; and to assist the Air Pollution Control Officer in developing solutions to air pollution problems within the District.~~

~~The Council shall consist of at least eleven (11) members, with special experience or training in areas which could materially assist air pollution control efforts, including licensed physicians, chemists, biologists, meteorologists, engineers, research specialists, educators, etc. Industry, law enforcement and the public should be represented.~~

~~The Air Pollution Control Officer and District Counsel shall be ex-officio members of the Council. The term of appointment of all members, except the ex-officio members, shall be four years and no member shall serve more than two consecutive terms. In the case of initial members appointed to the Advisory Council, staggered terms shall be established by the Council to assure continuity. Thereafter, appointments shall be for four year terms.~~

~~The Council may act upon recommendations of a majority of members present regarding any air pollution problem or program within the District as required by the Air Pollution Control Officer.~~

~~[SIP: Approved 6/21/82, 47 26618, 40 CFR 52.220 (c)(94)(iii)(A); Approved 6/3/80, 45 FR 37428, 40 CFR 52.220(c)(42)(xii)(C)] *Note: Current rule provisions moved from Prior Rule 715 on 9/26/77. Prior Rule 712 Interdistrict Coordination rescinded on that date.*~~

**Appendix “B”**  
**Public Notice Documents**

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



**THE PRESS-ENTERPRISE**

KEEP YOUR EYES ON **THIS 'PRISE**  
pe.com

The Press-Enterprise  
3512 14 Street  
Riverside, California 92501  
(123) 123-4567

Mojave Desert Air Quality Management District  
14306 Park Avenue  
Victorville, California 92392

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011555695

FILE NO. 0011555695

**PROOF OF PUBLICATION**

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08/26/2022

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

Date: August 26, 2022.  
At: Riverside, California

  
Signature

**NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN** that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 26, 2022 at 10:00 A.M. to consider the amendment of MDAQMD Rule 701 - Air Pollution Emergency Contingency Actions and rescission of the remaining rules in Regulation VII - Emergencies.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed amendment of MDAQMD Rule 701 - Air Pollution Emergency Contingency Actions and rescission of the remaining rules in Regulation VII - Emergencies are on file and may be obtained from the Sr. Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Polriez, Executive Director/APCO at the above office address. Written comments should be received no later than September 23, 2022 to be considered. If you have any questions you may contact Bertrand Gaschof at (760) 245-1661 x4020 for further information. Traducción esta disponible por solicitud.

The District is proposing to consolidate and update Regulation VII into a single rule for clarity and ease of use. Rule 701 is proposed for amendment to incorporate the provisions of the entire Regulation, while the rest of the rules in Regulation VII will be rescinded. The rules proposed for rescission are: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712.

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: 8/26/22**

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MOJAVE DESERT AQMD

AUG 26 2022

CLERK OF THE BOARD

BY 

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

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**Appendix “D”**  
California Environmental Quality Act  
Documentation

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

**NOTICE OF EXEMPTION**

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

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



MDAQMD Senior Executive Analyst

**PROJECT TITLE:** Consolidation of Regulation VII – *Emergencies*

**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 consolidate and update Regulation VII into a single rule for clarity and ease of use. Rule 701 – *Air Pollution Emergency Contingency Actions* is proposed for amendment to incorporate the provisions of the entire Regulation, while the rest of the rules in Regulation VII will be rescinded. The rules proposed for rescission are: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Mojave Desert AQMD

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

**EXEMPT STATUS (CHECK ONE)**

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

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

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

**REASONS WHY PROJECT IS EXEMPT:** The proposed consolidation of Regulation VII is exempt from CEQA review because the action will not create any adverse impacts on the environment. This action will simply consolidate the provisions of Regulation VII into a single rule. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** 09/26/2022

**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:** Consolidation of Regulation VII – *Emergencies*

**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 consolidate and update Regulation VII into a single rule for clarity and ease of use. Rule 701 – *Air Pollution Emergency Contingency Actions* is proposed for amendment to incorporate the provisions of the entire Regulation, while the rest of the rules in Regulation VII will be rescinded. The rules proposed for rescission are: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712.

**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 consolidation of Regulation VII is exempt from CEQA review because the action will not create any adverse impacts on the environment. This action will simply consolidate the provisions of Regulation VII into a single rule. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** 09/26/2022

**DATE RECEIVED FOR FILING:**

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# Appendix “E” Bibliography



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# THE PRESS-ENTERPRISE

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Mojave Desert Air Quality Management District  
14306 Park Avenue  
Victorville, California 92392

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011555695

FILE NO. 0011555695

## PROOF OF PUBLICATION

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08/26/2022

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

Date: August 26, 2022.  
At: Riverside, California

  
Signature

## NOTICE OF HEARING

**NOTICE IS HEREBY GIVEN** that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 26, 2022 at 10:00 A.M. to consider the amendment of MDAQMD Rule 701 - Air Pollution Emergency Contingency Actions and rescission of the remaining rules in Regulation VII - Emergencies.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed amendment of MDAQMD Rule 701 - Air Pollution Emergency Contingency Actions and rescission of the remaining rules in Regulation VII - Emergencies are on file and may be obtained from the Sr. Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Politez, Executive Director/APCO at the above office address. Written comments should be received no later than September 23, 2022 to be considered. If you have any questions you may contact Bertrand Gaschof at (760) 245-1661 x4020 for further information. Traducción esta disponible por solicitud.

The District is proposing to consolidate and update Regulation VII into a single rule for clarity and ease of use. Rule 701 is proposed for amendment to incorporate the provisions of the entire Regulation, while the rest of the rules in Regulation VII will be rescinded. The rules proposed for rescission are: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712.

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: 8/26/22

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MOJAVE DESERT AQMD

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CLERK OF THE BOARD

BY 

# THE PRESS-ENTERPRISE

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(formerly The Daily Report)  
3512 14 Street  
Riverside, California 92501  
(123) 123-4567  
legals@inlandnewspapers.com

Mojave Desert Air Quality Management District  
14306 Park Avenue  
Victorville, California 92392

<i>Account Number:</i>	5209382
<i>Ad Order Number:</i>	0011555695
<i>Customer's Reference/PO Number:</i>	
<i>Publication:</i>	The Press-Enterprise
<i>Publication Dates:</i>	08/26/2022
<i>Total Amount:</i>	\$396.76
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<i>Notice ID:</i>	cJmtyF9rXhVTtWLKXWt6
<i>Invoice Text:</i>	<p>NOTICE OF HEARING NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on September 26, 2022 at 10:00 A.M. to consider the amendment of MDAQMD Rule 701 – Air Pollution Emergency Contingency Actions and rescission of the remaining rules in Regulation VII – Emergencies . SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed amendment of MDAQMD Rule 701 – Air Pollution Emergency Contingency Actions and rescission of the remaining rules in Regulation VII – Emergencies are on file and may be obtained from the Sr. Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Polriez, Executive Director/APCO at the above office address. Written comments should be received no later than September 23, 2022 to be considered. If you have any questions you may contact Bertrand Gaschot at (760) 245-1661 x4020 for further information. Traducción esta disponible por solicitud. The District is proposing to consolidate and update Regulation VII into a single rule for clarity and ease of use. Rule 701 is proposed for amendment to incorporate the provisions of the entire Regulation, while the rest of the rules in Regulation VII will be rescinded. The rules proposed for rescission are: 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712. 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.</p>

# LOCALIQ

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## PROOF OF PUBLICATION

Sbc Mojave Desert Air Quality  
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14306 Park AVE  
Victorville CA 92392-2310

## STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

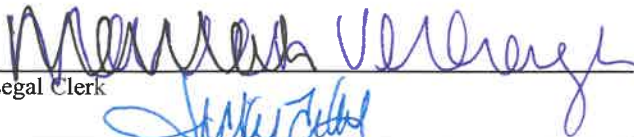
I, being duly sworn, says:

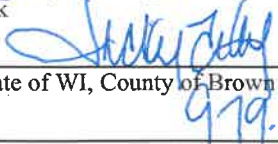
That I am the Legal Clerk of the Daily Press, a daily newspaper of general circulation, printed and published in Victorville, San Bernardino Count, California; that the publication, a copy of which is attached hereto, was published in the said newspaper in the issues dated:

08/26/2022

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 08/26/2022

  
Legal Clerk

  
Notary, State of WI, County of Brown

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VICKY FELTY  
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(7689221)

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CLERK OF THE BOARD

Page 1 of 1

# Consolidation of Regulation VII - Emergencies

September 26, 2022 Governing Board Meeting



Alan De Salvio  
Deputy APCO

# About Regulation VII



- Contains measures to be taken by the MDAQMD during episodes of pollution
- Consolidated rule will update and improve rule clarity and ease of use
- Provisions from all rescinded rules will be included in amended Rule 701 - *Air Pollution Emergency Contingency Actions*

# Actions



- Amending MDAQMD Rule 701 – *Air Pollution Emergency Contingency Actions*
- Rescinding Rules 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, and 712
- SIP submission; request EPA remove older, inapplicable versions of these rules from MDAQMD SIP

# Questions?



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