

Location:

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



MONDAY, SEPTEMBER 25, 2023

10:00 a.m.

TELECONFERENCE LOCATION(S)

San Bernardino County Government Center
385 N. Arrowhead Ave., 5th Floor, 3rd District Conference
San Bernardino, CA 92415

Riverside County Board of Supervisors
78015 Main Street, Suite 205
La Quinta, CA 92253

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

Needles City Hall
817 Third Street
Needles, CA 92363

IF YOU ATTEND THE MEETING IN PERSON PLEASE NOTE THAT CERTAIN ELECTRONIC DEVICES HAVE, IN THE PAST, CAUSED ISSUES WITH THE TELECONFERENCE AND/OR AUDIO CONTENT OF THE MEETING. IF SUCH ISSUES OCCUR YOU MAY BE ASKED TO ADJUST YOUR DEVICE SO THAT THE MEETING MAY CONTINUE IN AN ORDERLY MANNER.

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

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD 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. Presentation of 2022/2023 Exemplar Award. Presenter: Brad Poiriez, Executive Director/APCO.

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 28, 2023.](#)
2. [Receive and file the District Activity Report. Presenter: Brad Poiriez, Executive Director/APCO.](#)
3. [Receive and file Financial Reports for July 2023, which reflects the District's financial and budgetary performance to date. Presenter: Laquita Cole, Finance Manager.](#)
4. [1\) Award an amount not to exceed \\$150,000 in Carl Moyer Memorial Air Quality Standards Attainment Program \(Carl Moyer Program\) and Mobile Source Emission Reductions Program \(MSERP\) to Greenstone Services Inc.; \(2\) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; 3\) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel; and \(4\) authorize staff to revise estimated revenues and expenses in budget to actuals when](#)

- grant funds or subsequent grants funds are received. Presenter: Jorge Camacho, Support Services Supervisor.
5. Set date of October 23, 2023 to conduct a public hearing to consider the amendment of MDAQMD Rule 114 – Registration Program for Compression Ignition Engines used in Small Agricultural Facilities. Presenter: Chris Anderson, Planning/Air Monitoring Supervisor.
 6. Set date of October 23, 2023, to conduct a public hearing to consider the amendment of District Rule 401 — Visible Emissions. Presenter: Alan De Salvio, Deputy APCO.
 7. Set date of October 23, 2023, to conduct a public hearing to consider the adoption of District Rule 1121 — Natural Gas-Fired Water Heaters. Presenter: Alan De Salvio, Deputy APCO.

ITEMS FOR DISCUSSION

8. DEFERRED ITEMS.
9. Conduct a public hearing to consider the amendment of MDAQMD Rule 1157 – Boilers and Process Heaters: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the amendment of MDAQMD Rule 1157 – Boilers and Process Heaters. Presenter: Alan De Salvio, Deputy APCO.
10. Conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Rescission of South Coast Air Quality Management District Rule 1175 – Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting SIP Clean Up: Rescission of South Coast Air Quality Management District Rule 1175 – Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County. Presenter: Chris Anderson, Planning/Air Monitoring Supervisor.
11. Reports: Executive Director.
12. Board Members Comments and Suggestions for future agenda items.

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

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

Mailed & Posted on: Tuesday, September 19, 2023.

Deanna Hernandez

Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of August 28, 2023.](#)
Please scroll down to view the backup material.

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2699
www.MDAQMD.ca.gov • [@MDAQMD](https://twitter.com/MDAQMD)



REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 28, 2023 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

DRAFT MINUTES

Board Members Present:

Merl Abel, Town of Yucca Valley,
Elizabeth Becerra, City of Victorville
Brigit Bennington, City of Hesperia, *Vice Chair*
Joseph “Joey” DeConinck, City of Blythe – *via teleconference*
Carmen Hernandez, City of Barstow
Kari Leon, Town of Apple Valley, *Chair*
Robert Lovingood, Public Member
Jamie McCorkle, City of Needles – *via teleconference*
Dan Mintz, Sr., City of Twentynine Palms
Gabriel Reyes, City of Adelanto
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via teleconference*

Board Members Absent:

Paul Cook, San Bernardino County, 1st District Supervisor
V. Manuel Perez, Riverside County, 4th District Supervisor

CALL TO ORDER

Chair **KARI LEON** called the meeting to order at 10:00 am and asked Board Member **DANIEL MINTZ, SR.** to lead the Pledge of Allegiance.

Chair **KARI LEON** 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 **KARI LEON** 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 **KARI LEON** called for **PUBLIC COMMENT**. No public comment made in person or electronically, so being none, Chair **LEON** moved onto **CLOSED SESSION**.

CLOSED SESSION

Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., GABRIEL REYES, and DAWN ROWE** with Board Members **PAUL COOK, and V. MANUEL PEREZ, absent**, the board entered into **CLOSED SESSION** at 10:04 a.m.

Agenda Item 1 – CONFRENECE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov. Code §54956.9(a)) Case: Mojave Desert AQMD v. U.S. Environmental Protection Agency et. al; U.S. Court of Appeals 9th Cir, Case No. 23-1411.

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session:

The Governing Board entered into **OPEN SESSION** at 10:33 a.m. Karen Nowak, District Counsel, stated for the record that the Governing Board met in Closed Session to discuss Agenda Item #1 with no reportable action.

CONSENT CALENDAR – Chair **KARI LEON** 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 **ROBERT LOVINGOOD**, seconded by Board Member **GABRIEL REYES**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., GABRIEL REYES, and DAWN ROWE** with Board Members **PAUL COOK, and V. MANUEL PEREZ, absent**, on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of June 26, 2023.
Approved Minutes from Regular Governing Board Meeting of June 26, 2023.

Agenda Item 3 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 4 – Receive and file Financial Reports for May and June 2023, which reflects the District’s financial and budgetary performance to date.

Presenter: Laquita Cole, Finance Manager.

Received and filed Financial Reports for May and June 2023, which reflects the District’s financial and budgetary performance to date.

Agenda Item 5 – Receive and file the District’s Community Air Protection Program (617-Implementation) executed agreement.

Presenter: Jorge Camacho, Support Services Supervisor.

Received and filed the District’s Community Air Protection Program (617-Implementation) executed agreement.

Agenda Item 6 – Set Date of September 25, 2023 to conduct a public hearing to consider the amendment of MDAQMD Rule 1157 – *Boilers and Process Heaters*.

Presenter: Alan De Salvio, Deputy APCO.

Date set for September 25, 2023 to conduct a public hearing to consider the amendment of MDAQMD Rule 1157 – *Boilers and Process Heaters*.

Agenda Item 7 – Set Date of September 25, 2023 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Rescission of South Coast Air Quality Management District Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.

Presenter: Alan De Salvio, Deputy APCO.

Date set for September 25, 2023 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Rescission of South Coast Air Quality Management District Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.

Agenda Item 8 – DEFERRED ITEMS.

None.

Agenda Item 9 – Conduct a public hearing to consider a State Implementation Plan (SIP)

Cleanup: Specifically the Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1176 – *Sumps and Wastewater Separators* and SCAQMD Rule 464 – *Wastewater Separators* as they appear in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD) and to replace it with the currently SIP approved MDAQMD Rule 464 – *Oil Water Separators*: 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 **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, being none, Chair **KARI LEON** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **GABRIEL REYES**, seconded by Board Member **JOSEPH “JOEY” DECONINCK**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., GABRIEL REYES, and DAWN ROWE** with Board Members **PAUL COOK, and V. MANUEL PEREZ, absent, the board, adopted Resolution 23-16, A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING A STATE IMPLEMENTATION PLAN CLEAN UP: RESCINDING SCAQMD RULES 1176 – SUMPS AND WASTEWATER SEPARATORS AND 464 – WASTEWATER SEPARATORS AS THEY APPEAR IN THE SIP FOR THE BLYTHE/PALO VERDE VALLEY PORTION OF THE MDAQMD IN RIVERSIDE COUNTY AND REPLACING THEM WITH THE CURRENT SIP APPROVED MDAQMD RULE 464 — OIL WATER SEPARATORS AND VARIOUS FEDERAL NEGATIVE DECLARATIONS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 10 – Conduct a public hearing for the adoption of State Implementation Plan (SIP) Clean Up: Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1104 – Wood Flat Stock Coating Operations from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current SIP approved version of MDAQMD Rule 1114 - Wood Products Coating Operations.: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting State Implementation Plan (SIP) Clean Up: Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1104 – Wood Flat Stock Coating Operations from the SIP for the Palo Verde Valley portion of the MDAQMD in Riverside County and replacement with the current SIP approved version of MDAQMD Rule 1114.

Presenter: Alan De Salvio, Deputy APCO.

Chair **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, being none, Chair **KARI LEON** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **JOSEPH “JOEY” DECONINCK**, 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, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., GABRIEL REYES, and DAWN ROWE with Board Members PAUL COOK, and V. MANUEL PEREZ, absent, adopted Resolution 23-17, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, THE RESCISSION OF SCAQMD RULE 1104 AND REPLACEMENT WITH CURRENT SIP APPROVED MDAQMD RULE 1114 AND DIRECTING STAFF ACTIONS.”

Agenda Item 11 – Executive Director Reports:

Miscellaneous:

- Hope you all enjoyed the summer break. Want to introduce the Board to three of our new staff members: Nathaniel Iniguez – Compliance; Matthew Lipke – Compliance; and David Arokiasamy – Permitting/Engineering.
- CIP Updates – the north parking lot security project is complete. Also proceeding on the second part of the security updates that include additional security cameras and key card entry ways.
- Solar project replacement bids came in and we are proceeding to review. Also, expect to get a new roof replacement bid, that would take place sometime in future after the existing solar is removed from the roof.
- Prior to Tropical Storm Hilary, We did have a flooding event in our bathrooms that damaged some walls and adjacent cubicle space and we needed to do some emergency repairs, etc.. After the storm we had more issues with flooding in an area on West side of Operations where we have had to relocate some staff as that gets dried out and repaired also.
- Brightline West update – received a FONSI (Finding of No Significant Impact) from Rancho to Apple Valley, also received a transportation grant of upwards of \$25M; project moving forward.
- LGEE update - So far 1,377 pieces of equipment exchanged. In total, \$384,329.35 in grant funds. This is also the longest we have run the program. It has been going on for 96 days, we may hit the \$500k grant mark.

Trimmers (FSA)	480
Blowers (BGA)	262
Lawnmowers (RMA)	204
Chainsaws (MSA)	325
Hedgers (HAS, HLA)	106
AK 30 Battery	227
AL 101 Charger	2
Total	1377

- Aug. 21 - EPA Initiates New Review of the Ozone National Ambient Air Quality Standards to reflect the latest science.
- CDAWG update – reminder is Nov. 1 -2 in Temecula; already have over 10 sponsors. Agenda is rounding out and should have the final out in the coming month or so.

- We also have just completed interviews for the AQS - Grants and expect to make a selection soon.
- Other Legislation updates:
 - State - Proposition 1935, Ballot Initiative 21-0042: would restrict the ability of local agencies and the State to fund services and infrastructure by: 1) adopting new and stricter rules for raising taxes, fees, assessments, and property related fees, 2) would restrict the ability of local governments to issue fines and penalties to corporations and property owners that violate local environmental, water quality, public health, public safety, fair housing, nuisance and other laws and ordinances; 3) would amend State Constitution, including portions of previous Props 13, 218, and 26 creating new grounds to challenge these funding sources and disrupting fiscal certainty. Lastly the kicker, includes provisions that would retroactively void *ALL* state and local taxes and fees adopted after 1/1/22 if they did not align with the provisions of the initiative.
 - Federal - HR 1435 (Obernolte) – bill would restrict EPA from granting California waiver to ban the sale of all gas-powered vehicles by 2035. The bill has passed the House Committee on Energy & Commerce so far.
- Other items:
 - Item 11 tab (Executive Report) – in your backup is a one-page info. sheet with approx.. 7 bullet points and also a link to more information regarding CARBs Advance Clean Fleet rule that was requested by Vice Chair Bennington. Also, it was just announced that CARB and partner CALSTART have a new service for fleet operators (focusing on small fleets but all fleets applicable) called Cal Fleet Advisor – companies are paired with their own personal advisor that will help answer questions and help to better understand the aspects of transitioning to zero emission trucks, and help navigate regulatory requirements, but not advise on a particular compliance pathway. The service is free of charge.

Mr. Poiriez updated the Board of past events:

- July 17 – 20 – conducted Interim FY23 audit.
- July 20 – participated in the July AAPCA Air Director’s call.
- July 25 – held the quarterly call with EPA Region IX.
- July 26 – Stone Security Presentation – on security options.
- August 8 – call with Martha Guzman – EPA Regional Administrator, Region IX.
- Aug. 8 – 10 - CAPCOA Board of Directors and Legislative meeting. Items discussed included: FY 23-24 Draft Budget, Update on concerns from our Attorney’s Committee, Membership Updates, IRA updates, Grant contract language revisions, more. Legislative – August 31 will start Suspense file session and Sept. 14th will be last day of session. Couple of bills we been tracking – AB985 – SJ ERC, language changed a bit, but CAPCOA still strongly opposes and had hearing on Aug. 21 in Appropriations Committee, AB1465 -Triple Penalty ceiling for Title V facilities, also hearing on Aug. 21 in Appropriations; and SB 720 re: GHG reductions to zero emissions at airports with 50k takeoffs/year; this is 2 year bill won’t be heard until January and further information states it will only impact 10-11 airports, like Oakland, Long Beach as an example due to Environmental Justice community proximity. Does not appear to impact any of our County or local airports as of now. Will continue to track.
- Aug. 16 – attended the MEEC Board meeting.
- Aug. 23 – held the Community Air Protection (AB617) workshop.

Mr. Poiriez updated the Board of coming events:

- Aug. 29 – 31 – Medium Section APCO meeting in Santa Barbara.
- Sept. 6 – meet with Matt Wells, Director, Mountain Desert Career Pathways JPA to discuss opportunities that local school superintendents can take advantage of such as grants, school flags, purple air, MEEC Enviro Bus Bucks, etc.
- Sept. 13 – the TAC will meet to go over 4 proposed rule revisions.
- Sept. 20 – AAPCA local government committee call.
- Sept. 25 – 26 – Will be CAPCOA Board and Legislative Retreat – I will participate via zoom.

Next Board meeting will be September 25, 2023.

Agenda Item 12 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **ABEL** thanked staff for all their social media outreach efforts.
- Board Member **BECERRA** talked about the City of Victorville’s Trunk or Treat event on October 31, 2023 and candy bag donations are welcomed.
- Vice Chair **BENNINGTON** inquired about the school flag program that alerts schools regarding local air quality forecast; thanked staff for all their work.
- Chair **LEON** thanked staff for MDAQMD logo hat and messenger bag.
- Board Member **LOVINGOOD** mentioned that he will be absent from February 2024 & September 2024 Governing Board meetings.
- Board Member **REYES** offered to assist with the dissemination of the school flag program with the local school’s superintendents.

Being no further business, Chair **KARI LEON** adjourned the meeting at **11:10 a.m.** to the next Regular Meeting of **September 25, 2023.**

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 25, 2023

RECOMMENDATION: Receive and file the District Activity Report.

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

- Communications
- Grants
- Operations
- Technical Services

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 11, 2023.

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: 9/11/2023
Subject: September 2023
Communications Activity Report

Interoffice Memo



Air Mail newsletter

The District sent out its Summer 2023 Air Mail digital newsletter in early September. This edition featured a preview of the Nov. 1 and 2 CDAWG Conference in Temecula, a wrap-up of the residential 2023 Electric Lawn & Garden Equipment Exchange and its record-breaking numbers, a welcome story on new staff who recently joined MDAQMD, and links to stories on the District's 30th Anniversary celebration and new public member of the Governing Board from June. The newsletter's distribution list now has more than 12,000 email addresses subscribed.

Governing Board Chambers refresh

PIO Martial Haprov assisted in an effort to refresh the visual look of the MDAQMD Governing Board Chambers in late August and September. The updates include new graphics on the back walls denoting MDAQMD's represented municipalities and county supervisorial districts, and the District's Mission Statement, modern décor accoutrements, reframed map of MDAQMD's jurisdictional boundaries, among others. Additional small updates are planned for period between October's and January's Governing Board meetings.

2024 Calendars

The District's 2024 Calendar will feature winning student submissions in the 2023 Clean Air Month Poster Contest. Copies of the calendar will be available in October, including some which will be delivered to the schools of the winning student artists. The 2024 contest is planned to be organized and run by the Mojave Environmental Education Consortium (MEEC), partly in an effort to include a broader scope of STEM-based industries for student and teacher interest.

Meeting with MDCP

PIO Martial Haprov joined Executive Director Brad Poiriez, Support Services Supervisor Jorge Camacho and Grants Specialist Truong Tran in a meeting with Matt Wells, the Executive Director of the Mountain Desert Career Pathways (MDCP). The meeting focused on efforts to effectively communicate with and cultivate working relationships with the school districts within MDAQMD's jurisdiction, specifically in the High Desert of San Bernardino County. MDCP's work with local superintendents provides an ample opportunity for connection leverage in expanding the District's outreach in the local education sector.

Exemplar Award

The District selected Victor Valley Wastewater Reclamation Authority as its 2022-2023 Exemplar Award winner. The District asks the community and staff for nominations of individuals and local businesses who have worked to reduce their environmental impact. The Exemplar is the District's highest honor for outstanding contributions toward the prevention or control of air pollution in the Mojave Desert and has been awarded to a local individual, business or non-profit for more than 20 years. Officials from VVWRA including

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

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

Date: 9/11/2023
Subject: September 2023
Communications Activity Report

Interoffice Memo



General Manager Darron Poulsen are scheduled to receive the honor at MDAQMD's Sept. 25 Governing Board meeting. A news release and social media recognition will follow the board ceremony.

State of the County

Haprov and Executive Director/APCO Brad Poiriez attended a presentation by Congressional Rep. Jay Obernolte at GHGCC's Valley Morning Insight meeting on Aug. 2, as well as the State of the Town at Apple Valley Conference Center on Aug. 23.

CDAWG

Planning continues for the 2023 CDAWG conference, scheduled for Nov. 1 and 2 in Temecula. Staff rolled out a draft agenda to all attendees and past conference attendees to encourage registrations prior to the September 22 deadline for early-bird pricing. The agenda includes keynotes from CARB and EPA, presentations from CalPortland, South Coast AQMD, San Joaquin Valley APCD, BNSF, and Clark County Department of Environmental Quality, and returning, regular features of the conference including emissions reduction credits (ERC) market and legislative updates.

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

To: Brad Poiriez
 bradp@mdaqmd.ca.gov

Date: September 25, 2023
Subject: Grants Activity Report



Interoffice Memo

- The District’s highly popular Residential Lawn & Garden program kicked off on April 19, 2023. As the end of July 2023, over 1,000 pieces of gasoline equipment has been exchanged for zero-emission alternatives. As a result of the success of the program, the exchange program for 2023 has been closed.
- The Grants Section is working with CobbleStone Software to implement a grant contract management system. Go live testing began in August and the District has identified areas needing updates.
- Grants Section staff actively participate in the monthly meetings of the CAPCOA Mobile Sources & Grants Committee.
- Due to manufacturers delays on some equipment, Grants Staff has been working with a number of grantees to update the project schedule on agreements.
- The District submitted an application to participate in fiscal year 2024 Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program.
- The annual report for the AB 2766 Transit Allocations were due by August 31, 2023. All eligible entities have submitted their reports.

Current Project List August 2023

<u>Funding Source</u>		
<u>Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program)</u>		
<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Dutch Dairy_Project 1_2023_2003 New Holland TM155	\$ 89,209.00	Awarded
Chaffin Farm_Project 4_2023_2008 New Holland T5050	101,752.00	Awarded
Seiler_Project 2_2023_2007 JD 6715	162,451.00	Awarded
Robinson Farms_Project 1_2023_1996 JD 8770	424,108.00	Awarded
Deconinck_2023_Project 2_1980 JD 4240	215,873.00	Awarded
Elliott&Hull_Project 1_2023_1982 JD 4240	172,422.00	Awarded
Residential Lawn and Garden Equipment Exchange_2023	150,000.00	Awarded
Total Carl Moyer Grant Awards	\$ 1,315,815.00	

Funding Source
Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program)-Infrastructure Projects

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Mitsubishi Cement_2023_Project 1_Infrastructure EV Charging	\$ 52,500.00	Awarded
REDECharge LLC_2023_Project 1 EV Charging	203,388.00	Awarded
Rebel Oil Company, Inc. dba ROC_2023_Project 1 EV Charging	259,680.00	Awarded
Total Carl Moyer Grant Awards	\$ 515,568.00	

Funding Source
FARMER Program

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Nish Norian Farms_2023_Project 1_1985 Hyster H50XL	\$ 84,832.00	Awarded
Desert Oasis Dairy LP_2023_Project 1_2005_Challenger MT295B	40,853.00	Awarded
Dutch Dairy_Project 2_2023_1996 JD 744E	214,504.00	Awarded
Fisher Ranch, LLC_Project 2_2023_2012 JD 7230	159,765.00	Awarded
Chaffin Farm_Project 3_2023_2008 New Holland T5040	101,752.00	Awarded
Sam Cobb Farms_2023_Project 1_1976 JD 4430	221,450.00	Awarded
Nish Norian Farms_2023_Project 3_1995 Ford F700	126,356.00	Awarded
Red Mule Ranch_2023_Project 1_2003 JD 8220	308,821.67	Awarded
Total FARMER Grant Awards	\$ 1,258,333.67	

Funding Source
AB 134/617-Community Action Program

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
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
Total AB 134/617 Grant Awards	\$ 1,725,156.00	

Funding Source
Mobile Source Emissions Reduction (MSERP)

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Lawn and Garden Residential Exchange Program	\$ 150,000.00	Ongoing/Yearly
Morongo Basin Transit	40,000.00	Ongoing/Yearly
Needles Area Transit	15,000.00	Ongoing/Yearly
Palo Verde Transit	20,000.00	Ongoing/Yearly
San Bernardino County	75,000.00	Ongoing/Yearly
Victor Valley Transit Authority	250,000.00	Ongoing/Yearly
Voluntary Accelerated Vehicle Retirement Program	60,000.00	Ongoing/Yearly
EV Charging	100,000.00	Ongoing/Yearly
City of 29 Palms-Infrastructure Project	170,372.00	Pending
Total AB2766 Grant Awards	\$ 880,372.00	

Funding Source Moyer Reserve and MSERP
Electric Vehicle Charging Stations

<u>Project Name</u>	<u>Grant Award</u>	<u>Status</u>
Total Grant Awards	\$ -	

Funding Source
Targeted Air Shed Grant

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

Glossary of Terms and Definitions

Awarded

Grantee was tentatively awarded grant funding by the Governing Board. The project are pending final eligibility determination prior to entering into a formal agreement.

On-Going Yearly

Funds are encumbered on a yearly and ongoing basis.

Pending

Grantee is under a contractual agreement with the District.

Interoffice Memo

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

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

Date: 9/7/2023

Subject: August 2023 Operations Activity Report



Permit Inspections Completed – 528 (94% in compliance)
Notices to Comply (NTCs) Issued – 32
Notices of Violation (NoVs) Issued – 17
Outstanding NoVs – 41 (6 in settlement)
Delinquent Permit Follow-Ups – 24
Breakdowns – 9
Vapor Recovery Tests Witnessed – 8
Complaints – 5
Complaint Investigations – 5
Asbestos Notifications – 23
Asbestos Project Inspections – 2

Permit Applications Received – 30
Permit Changes Processed – 18
Title V Permit Actions in Progress – 11
Permits Issued – 239
Active Companies - 808
Active Facilities - 1573 (28 Title V Permits, 35 Title V Facilities)
Active Permits - 4774
Certificate of Occupancy/Building Permit Reviews – 76

Project Comment Letters – 6

SLAMS Air Monitoring Sites:¹

Barstow (NO_x, O₃, PM₁₀)

Hesperia (O₃, PM₁₀)

Lucerne Valley (PM₁₀)

Phelan (O₃)

Trona (H₂S, NO_x, O₃, PM₁₀)

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

Community Sensors:

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

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)

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

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

To: Brad Poiriez
bradp@mdaqmd.ca.gov

Date: September 25, 2023
Subject: Technical Services
Activity Report



Interoffice Memo

CAPS Upgrades-Technical Services has been aiding NovaCoast as they work on updating the Districts Compliance and Permitting System (CAPS). The majority of the upgrades have been completed but additional modules were requested.

Server Room- The server room hardware/software needs to be updated as the hardware/software has reached its end of life. The hardware/software includes, (1) Core/Network Switch, (2) Net App, (3) servers and (4) racking and cabling. Technical Services has placed the order for the equipment with some of it having a lead time of 6-9 months. In addition, initial cabling work has begun with two drops being added in the Air Monitoring Section. Once, the equipment arrived install date will be set-up with the vendors to rack and stack the equipment.

New Staff- Technical Services set-up work stations for our three new staff members.

Training Room- Technical Services set-up temporary work stations in the Training Room. The purpose of the work stations was to provide staff the option to work in the Training Room due to some recent flooding in Operations.

Trouble Tickets- In the month of August 26 trouble tickets from staff were addressed. Staff are encouraged to submit request for assistance via our ticketing system when possible.

Backup Hard Drives- Technical Services is actively moving data from external hard drives to cloud storage. In addition, the District off-site back-ups are now stored in the cloud.

Migration and Installation of Office 365- Technical Services is working with TruCloud and Microsoft to migrate our Microsoft accounts to the cloud and install Office 365. Delays from the vendor have pushed out the migration.

Others: Technical Services Section staff actively participate in the monthly meetings of the CAPCOA IT Committee.

The following page(s) contain the backup material for Agenda Item: [Receive and file Financial Reports for July 2023, which reflects 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 25, 2023

RECOMMENDATION: Receive and file Financial Reports for July 2023.

SUMMARY: Receive and file the Financial Reports with activity through July 2023, which reflect the District's financial and budgetary performance to date.

BACKGROUND: The Consolidated Financial Reports provide fiscal information for all funds. The **Balance Sheet** details the District's assets, liabilities, and net position. 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 Financial Reports have been combined together with stewardship information to create a new Consolidated Financial Report. This new report is designed to communicate financial information, status, and budgetary performance to date. It presents a clear and comprehensive understanding of the District's financial position as of July 2023. We are currently processing the year end close and preparing for our annual financial audit. As such, the report for July contains preliminary data.

REASON FOR RECOMMENDATION: Receive and file.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form and by Brad Poiriez, Executive Director/APCO, on or before September 11, 2023.

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

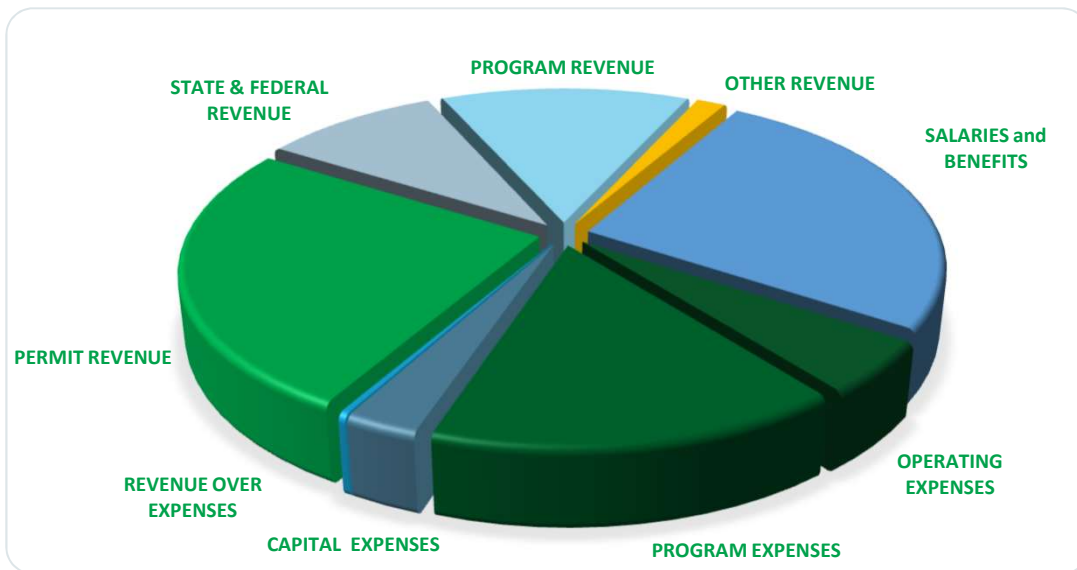
PRESENTER: Laquita Cole, Finance Manager

FINANCIAL ANALYSIS

JULY 2023



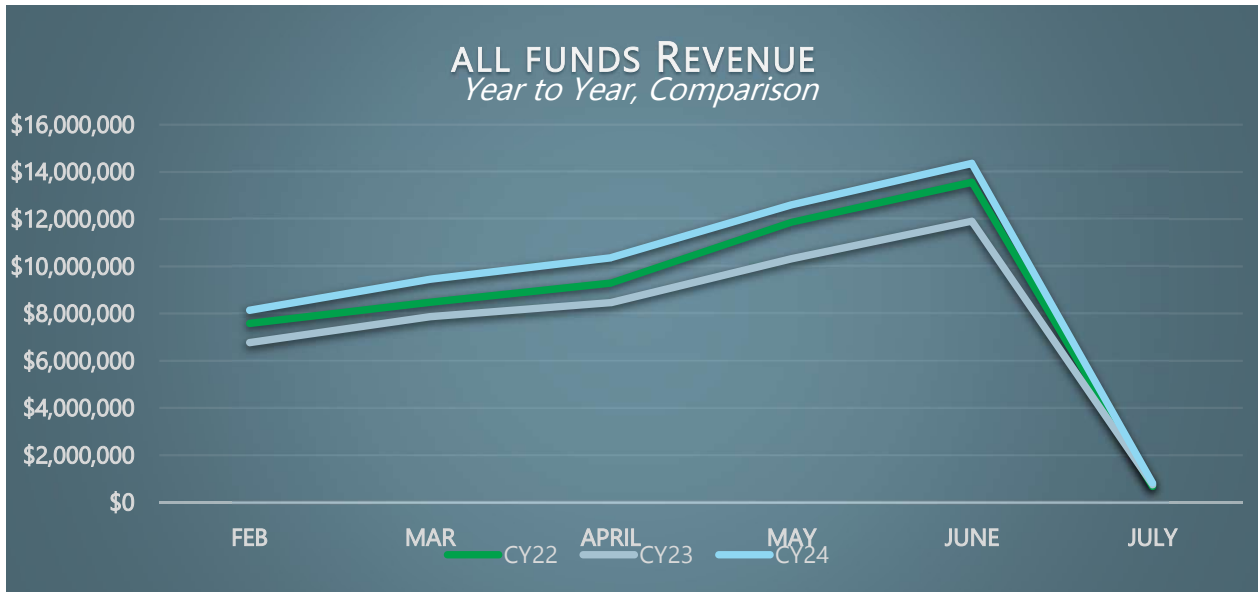
FISCAL YEAR 24 AT A GLANCE



The Budget Committee met with staff and reviewed the District’s financial condition and staff recommendations on April 24, 2023. The Proposed Budget for FY 2023-24 was published May 11, 2023 and made available on the District’s website. A notice was mailed to each permit holder for review and comment. On June 12, 2023, a public hearing was held and continued for adoption to June 26, 2023 with an effective date of July 1, 2023.

PERMIT REVENUE	\$7,019,012
STATE and FEDERAL REVENUE REVENUE	\$2,604,752
PROGRAM REVENUE	\$3,684,305
OTHER REVENUE	\$428,880
SALARIES and BENEFITS	\$7,131,757
OPERATING EXPENSES	\$1,391,324
PROGRAM EXPENSES	\$4,351,257
CAPITAL EXPENSES	\$780,000
REVENUE OVER (UNDER) EXPENSES	\$82,611

The FY24 Budget has Total Revenue of \$13.7M, Personnel Expenses of \$7.1M, and Operating Expenses (including programs) of \$6.5M. Capital expenses of \$780k include \$500k for the Districts 5 year Capital Improvement Plan. The target variance for July is 9%. Additional budget factors include COLA increases, shifting retirement expenses from the District to District staff, attrition, inflation, changes related to GASB68, GASB75, GASB101, and AB2766, which is received two months in arrears.

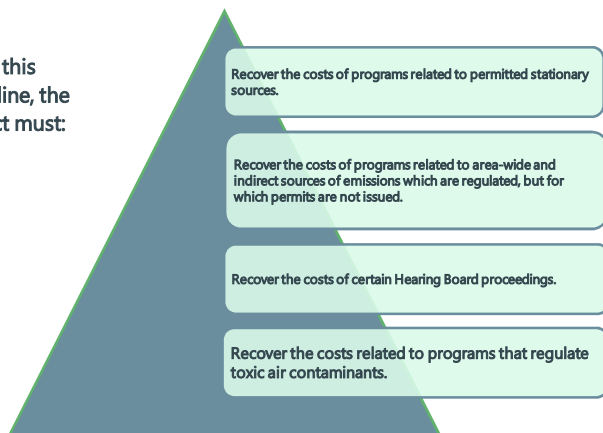


The District's air quality programs are primarily funded by revenue from regulatory fees and government programs. This a visual comparison of all District **Revenue** including revenue from Federal and State Programs. Revenue is displayed by year and includes three years of data.

MONTH	CY22	CY23	CY24
FEB	\$7,587,194	\$6,770,554	\$8,143,329
MAR	\$8,473,308	\$7,872,353	\$9,453,110
APRIL	\$9,290,228	\$8,459,460	\$10,364,194
MAY	\$11,866,331	\$10,321,966	\$12,604,183
JUNE	\$13,558,825	\$11,912,824	\$14,358,753
JULY	\$674,745	\$747,919	\$823,358

This side-by-side revenue comparison is used to reflect on the District's commitment to long-term financial planning, cost-effective services, and fiscal policies designed to support obligations. Revenue increased due to grant programs like the Farmers and Community Air Protection Program. FY23 included a 7% fee increase on Reg III Fees effective January 1, 2023. *Note:* The District implemented a 5% fee increase on Reg III Fees effective January 1, 2024.

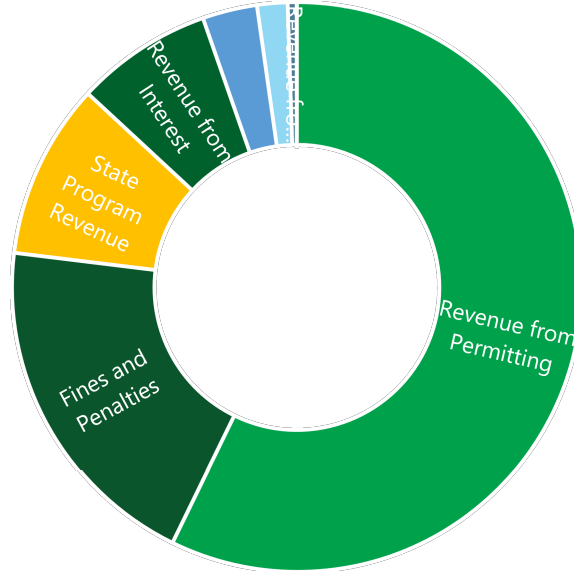
Using this guideline, the District must:



The cost of programs to address air pollution should be borne by the individuals and businesses that cause air pollution through regulatory and service fees. The primary authority for recovering the cost of District programs and activities related to stationary sources is given in Section 41240 of the Health and Safety Code(HSC).

OPERATING REVENUE

Budget to Actual Performance



Budget by Categories of Revenue: General Fund				
Categories	Revenue M-T-D Actuals	Revenue Y-T-D Actuals	FY2023 Amended General Fund Budget	Percentage of FY2023 Budget to Actuals
Revenue from Permitting	\$442,368	\$442,368	\$6,869,012	6%
Revenue from Programs	\$70	\$70	\$1,660,047	0%
Application Fee Revenue	\$13,329	\$13,329	\$150,000	9%
State Program Revenue	\$76,944	\$76,944	\$2,442,496	3%
Federal Program Revenue	\$23,997	\$23,997	\$162,256	15%
Fines and Penalties	\$152,313	\$152,313	\$122,880	124%
Revenue from Interest	\$59,984	\$59,984	\$175,000	34%
Revenue from Contracts	\$3,962	\$3,962	\$0	
Permit Cancellations	(\$11,985)	(\$11,985)	\$0	
Total Revenues	\$760,982	\$760,982	\$11,581,691	7%

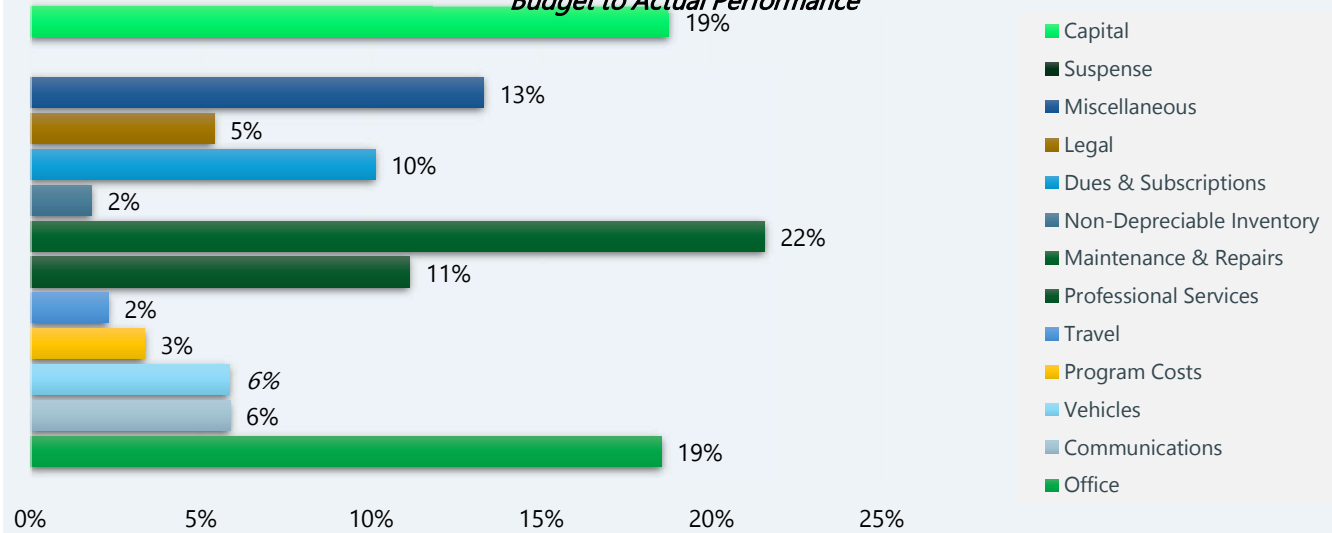
Here the Districts \$11.5M **General Fund Operating Revenue** is broken down by category. Year-to-date actuals are evaluated on a monthly and yearly basis and compared to the Operating Budget. The **July** target of **9%** is slightly under but still sufficient to cover obligations. Revenue is on trend for the month.

Permitting Revenue is trending for July. **AB2766 Program Revenue** is under because it is received two months in arrears. **State Revenue**, is under budget however, these funds are received sporadically from grant sources. Additionally, the budget for the **Fines & Penalties** category, though typically unpredictable, was met entirely during the first month of the fiscal year.

On **September 30, 2022**, the AVAQMD contract ended resulting and a budget amendment was presented to the Governing Board. FY24 is the first full fiscal year after the contract.

Operating Expenditures

Budget to Actual Performance

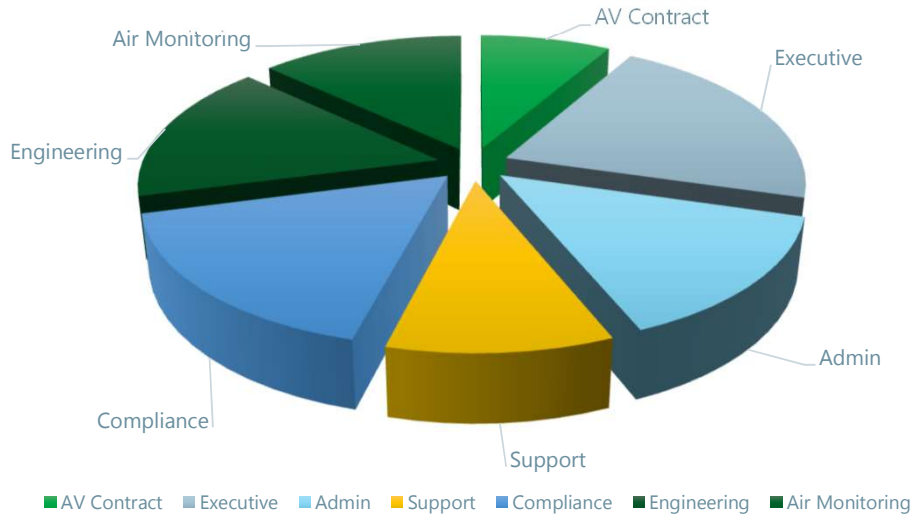


Budget by Categories of Expenses: General Fund				
Categories	M-T-D Actuals	Y-T-D Actuals	FY2024 Budget	Budget to Actuals
Office	\$69,108	\$69,108	\$373,209	19%
Communications	\$3,603	\$3,603	\$61,445	6%
Vehicles	\$4,332	\$4,332	\$74,058	6%
Program Costs	\$76,944	\$76,944	\$2,290,999	3%
Travel	\$4,661	\$4,661	\$204,500	2%
Professional Services	\$5,627	\$5,627	\$50,545	11%
Maintenance & Repairs	\$16,160	\$16,160	\$75,021	22%
Non-Depreciable Inventory	\$1,071	\$1,071	\$59,672	2%
Dues & Subscriptions	\$4,243	\$4,243	\$41,925	10%
Legal	\$23,204	\$23,204	\$430,500	5%
Miscellaneous	\$1,072	\$1,072	\$8,060	13%
Suspense	\$7,662	\$7,662	\$0	
Capital	\$146,085	\$146,085	\$780,000	19%
Total Expenditures	\$363,772	\$363,772	\$4,449,934	8%

The **Operating Expenditures** are displayed by category above. To date, the total Districts General Fund expenditures are below the target of **100%** for the month **June**. Exceedances in the **Vehicles**, **Travel**, **Maintenance & Repairs**, and **Dues & Subscriptions** categories occurred because of a return to normal District operations post-COVID. The **Miscellaneous** category is exceeded due to bank fees. All exceedances are due to a return to normal operations. Fiscal staff are monitoring exceeded categories.

Program Costs at 55% are related to grant activities within the general fund. Grant activity is unpredictable and costs could occur the second half of the fiscal year. Fiscal and Grant staff are monitoring this category for budget impact on a regular and consistent basis.

SALARIES & BENEFITS EXPENSES



Budget by Categories of Salaries and Benefits : General Fund				
Sections	M-T-D Actuals	Y-T-D Actuals	FY2024 Budget	Budget to Actuals
District Wide	\$6,575	\$6,575	\$113,600	6%
Executive	\$111,448	\$111,448	\$1,600,363	7%
Admin	\$73,192	\$73,192	\$1,229,970	6%
Support	\$42,365	\$42,365	\$598,761	7%
Compliance	\$79,472	\$79,472	\$1,410,414	6%
Engineering	\$83,472	\$83,472	\$1,150,717	7%
Air Monitoring	\$60,652	\$60,652	\$1,027,932	6%
Total Personnel Expenses	\$457,176	\$457,176	\$7,131,757	6%

Salaries and Benefits are displayed above by department as a part of Total Personnel Expenses. On **September 30, 2022**, the AVAQMD contract ended resulting in reduced revenues and staffing compared to previous years.

1. To date the Districts Total Personnel Expenses is slightly under the **July** target of **9%** target as a result of attrition and inter-District personnel changes.
2. Employees began picking up to as much as an additional 4% of their retirement costs in July 2022. This means District staff now pays the first 12% of their retirement expenses. Amounts over 12% are considered a pick-up and are paid by the District.
3. Staff received a 1.5% COLA in July 2023.

Mojave Desert AQMD
Balance Sheet - Governmental Funds
As of July 31, 2023

Financial Report

	<u>General Fund</u>	<u>Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Fiduciary Fund</u>	<u>Total</u>
Assets					
Current Assets					
Cash	10,669,222.40	2,415,222.66	3,029,236.67	2,489,379.53	18,603,061.26
Cash Held For Other Fund	60,002.01	(60,000.69)	(1.32)	0.00	0.00
Receivables	956,344.88	62,371.93	0.00	0.00	1,018,716.81
Pre-Paid	139,347.71	0.00	0.00	0.00	139,347.71
Total Current Assets	11,824,917.00	2,417,593.90	3,029,235.35	2,489,379.53	19,761,125.78
Non-Current Assets					
Deferred Outflows	4,089,009.00	0.00	0.00	0.00	4,089,009.00
Total Assets	15,913,926.00	2,417,593.90	3,029,235.35	2,489,379.53	23,850,134.78
Liabilities and Net Position					
Current Liabilities					
Payables	316,504.25	0.00	113,603.04	0.00	430,107.29
Accruals	771,635.70	0.00	0.00	0.00	771,635.70
Due to Others	70.00	0.00	0.00	0.00	70.00
Payroll Taxes Liability	39,475.60	0.00	0.00	0.00	39,475.60
Retirement	93,590.56	0.00	0.00	0.00	93,590.56
Health	36,002.75	0.00	0.00	0.00	36,002.75
Other Payroll Deductions	647.58	0.00	0.00	0.00	647.58
Unearned Revenue	2,607,679.01	0.00	2,938,687.60	0.00	5,546,366.61
Total Current Liabilities	3,865,605.45	0.00	3,052,290.64	0.00	6,917,896.09
Net Pension Liability	4,832,846.00	0.00	0.00	0.00	4,832,846.00
Net OPEB Liability	736,780.00	0.00	0.00	0.00	736,780.00
Deferred Pension Inflows	5,845,313.00	0.00	0.00	0.00	5,845,313.00
Deferred OPEB Inflows	52,548.00	0.00	0.00	0.00	52,548.00
Total GASB Liabilities	11,467,487.00	0.00	0.00	0.00	11,467,487.00
Restricted Fund Balance	582,110.13	2,408,378.84	(23,055.29)	963,921.57	3,931,355.25
Committed Fund Balance	2,296,725.00	0.00	0.00	0.00	2,296,725.00
Budget Stabilization	250,000.00	0.00	0.00	0.00	250,000.00
Retirement Reserves	0.00	0.00	0.00	1,473,440.58	1,473,440.58
Unassigned Fund Balance	(2,946,367.35)	0.00	0.00	0.00	(2,946,367.35)
Compensated Absences	450,000.00	0.00	0.00	0.00	450,000.00
Pre Paid	8,332.31	0.00	0.00	0.00	8,332.31
Change in Net Position	(59,966.54)	9,215.06	0.00	52,017.38	1,265.90
Total Liabilities & Net Position	15,913,926.00	2,417,593.90	3,029,235.35	2,489,379.53	23,850,134.78

Mojave Desert AQMD
Statement of Revenues & Expenditures
For the Period Ending July 31, 2023

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>
<u>Revenues</u>					
Antelope Valley Air Quality Mngmnt Contract	3,922.46	0.00	0.00	0.00	3,922.46
Other Contracts	0.00	0.00	0.00	0.00	0.00
Application and Permit Fees	443,710.84	0.00	0.00	0.00	443,710.84
AB 2766 and Other Program Revenues	70.00	0.00	0.00	0.00	70.00
Fines	152,313.64	0.00	0.00	0.00	152,313.64
Investment Earnings	59,984.41	9,215.06	0.00	53,160.68	122,360.15
Federal and State	100,940.98	0.00	0.00	0.00	100,940.98
Other Revenue	40.00	0.00	0.00	0.00	40.00
Total Revenues	760,982.33	9,215.06	0.00	53,160.68	823,358.07
<u>Expenditures</u>					
Salaries and Benefits	457,176.54	0.00	0.00	0.00	457,176.54
Services and Supplies	217,687.10	0.00	0.00	1,143.30	218,830.40
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	146,085.23	0.00	0.00	0.00	146,085.23
Total Expenditures	820,948.87	0.00	0.00	1,143.30	822,092.17
Excess Revenue Over (Under) Expenditures	(59,966.54)	9,215.06	0.00	52,017.38	1,265.90

Mojave Desert AQMD
Statement of Activity - All Funds
For the Period Ending July 31, 2023

Financial Report

	<u>M-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>% Budget</u> <u>to Actual</u>
Revenues				
Revenue - Permitting	442,368.35	442,368.35	6,869,012.00	6.44
Revenue - Programs	70.00	70.00	3,684,305.00	0.00
Revenue - Application Fees	13,328.44	13,328.44	150,000.00	8.89
Revenue - State	76,944.00	76,944.00	2,442,496.00	3.15
Revenue - Federal	23,996.98	23,996.98	162,256.00	14.79
Fines & Penalties	152,313.64	152,313.64	122,880.00	123.95
Interest Earned	122,360.15	122,360.15	306,000.00	39.99
Revenue - Contracts & Unidentified	3,962.46	3,962.46	0.00	0.00
Permit Cancellations	(11,985.95)	(11,985.95)	0.00	0.00
Total Revenues	823,358.07	823,358.07	13,736,949.00	5.99
Expenditures				
Office Expenses	69,108.12	69,108.12	373,209.00	18.52
Communications	3,602.59	3,602.59	61,445.00	5.86
Vehicles	4,331.98	4,331.98	74,058.00	5.85
Program Costs	76,944.00	76,944.00	4,351,257.00	1.77
Travel	4,660.97	4,660.97	204,500.00	2.28
Professional Services	6,769.96	6,769.96	62,934.00	10.76
Maintenance & Repairs	16,159.95	16,159.95	75,021.00	21.54
Non-Depreciable Inventory	1,071.01	1,071.01	59,672.00	1.79
Dues & Subscriptions	4,242.50	4,242.50	41,925.00	10.12
Legal	23,204.81	23,204.81	430,500.00	5.39
Miscellaneous Expense	1,072.20	1,072.20	8,060.00	13.30
Suspense	7,662.31	7,662.31	0.00	0.00
Capital Expenditures	146,085.23	146,085.23	780,000.00	18.73
Total Expenditures	364,915.63	364,915.63	6,522,581.00	5.59
Salaries & Benefits				
Personnel Expenses	457,176.54	457,176.54	7,131,757.00	6.41
Total Salaries & Benefits	457,176.54	457,176.54	7,131,757.00	6.41
Excess Revenue Over (Under) Expenditures	1,265.90	1,265.90	82,611.00	1.53

Mojave Desert AQMD
Statement of Activity - General Fund
For the Period Ending July 31, 2023

Financial Report

	<u>M-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Actual</u>	<u>Y-T-D</u> <u>Budget</u>	<u>% Budget</u> <u>to Actual</u>
Revenues				
Revenue - Permitting	442,368.35	442,368.35	6,869,012.00	6.44
Revenue - Programs	70.00	70.00	1,660,047.00	0.00
Revenue - Application Fees	13,328.44	13,328.44	150,000.00	8.89
Revenue - State	76,944.00	76,944.00	2,442,496.00	3.15
Revenue - Federal	23,996.98	23,996.98	162,256.00	14.79
Fines & Penalties	152,313.64	152,313.64	122,880.00	123.95
Interest Earned	59,984.41	59,984.41	175,000.00	34.28
Revenue - Contracts & Unidentified	3,962.46	3,962.46	0.00	0.00
Permit Cancellations	(11,985.95)	(11,985.95)	0.00	0.00
Total Revenues	760,982.33	760,982.33	11,581,691.00	6.57
Expenditures				
Office Expenses	69,108.12	69,108.12	373,209.00	18.52
Communications	3,602.59	3,602.59	61,445.00	5.86
Vehicles	4,331.98	4,331.98	74,058.00	5.85
Program Costs	76,944.00	76,944.00	2,290,999.00	3.36
Travel	4,660.97	4,660.97	204,500.00	2.28
Professional Services	5,626.66	5,626.66	50,545.00	11.13
Maintenance & Repairs	16,159.95	16,159.95	75,021.00	21.54
Non-Depreciable Inventory	1,071.01	1,071.01	59,672.00	1.79
Dues & Subscriptions	4,242.50	4,242.50	41,925.00	10.12
Legal	23,204.81	23,204.81	430,500.00	5.39
Miscellaneous Expense	1,072.20	1,072.20	8,060.00	13.30
Suspense	7,662.31	7,662.31	0.00	0.00
Capital Expenditures	146,085.23	146,085.23	780,000.00	18.73
Total Expenditures	363,772.33	363,772.33	4,449,934.00	8.17
Salaries & Benefits				
Personnel Expenses				
Salaries & Wages	210,550.81	210,550.81	3,678,400.00	5.72
Compensated Absences	59,599.83	59,599.83	914,626.00	6.52
Payroll Taxes Expense	4,599.96	4,599.96	65,663.00	7.01
Benefits Expense	60,820.84	60,820.84	808,130.00	7.53
Retirement Benefits Expense	110,581.76	110,581.76	1,568,198.00	7.05
Other Personnel Expenses	2,119.96	2,119.96	21,740.00	9.75
Other Personnel Benefits	8,903.38	8,903.38	75,000.00	11.87
Total Salaries & Benefits	457,176.54	457,176.54	7,131,757.00	6.41
Excess Revenue Over (Under) Expenditures	(59,966.54)	(59,966.54)	0.00	0.00

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

To: Brad Poiriez
 bradp@mdaqmd.ca.gov

Date: July 31, 2023
Subject: Facilities and Fleet



Interoffice Memo

MDAQMD FACILITIES UPDATES

<u>Project</u>	<u>Expense</u>	<u>Status</u>
Roof Leak Repairs		Completed
Parking Lot Fence	315,438	Completed
Cubicle Leak - Wall Repair	4,685	Completed
Bathroom Leak – Wall Repair	7,100	Completed
Bathroom (2) Remodel	43,620	In Progress
West Side Building Leak	31,025	In Progress
Board Chambers Update		In Progress
Total	\$401,868	

MDAQMD FLEET UPDATES

<u>Vehicles</u>	<u>Expense</u>	<u>Status</u>
2023 Ford Escapes Hybrid (2)	78,273	On Order
2024 Ford Ranges 4 x 4 (3)	122,134	On Order
Total	\$200,407	

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$150,000 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) and Mobile Source Emission Reductions Program (MSERP) to Greenstone Services Inc.; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel; and (4) authorize staff to revise estimated revenues and expenses in budget to actuals when grant funds or subsequent grants funds are received. Presenter: Jorge Camacho, Support Services Supervisor.
Please scroll down to view the backup material.

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

AGENDA ITEM #4

PAGE 1

DATE: September 25, 2023.

RECOMMENDATION: 1) Award an amount not to exceed \$150,000 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) and Mobile Source Emission Reductions Program (MSERP) to Greenstone Services Inc.; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel; and (4) authorize staff to revise estimated revenues and expenses in budget to actuals when grant funds or subsequent grants funds are received.

SUMMARY: This item awards a grant to Greenstone Services Inc. in an amount not to exceed \$150,000 in grant program funds.

BACKGROUND: Since 1998 the California Air Resources Board has implemented the Carl Moyer Program. The Carl Moyer Program is a grant program that funds the incremental cost of cleaner-than-required engines, equipment, and other sources of air pollution. The main purpose of the Program is to provide financial incentives to both the public and private sectors to reduce emissions by retiring and replacing older eligible equipment with cleaner engine technology. The removal and destruction of the older off-road equipment provides emission reductions that help reduce overall air pollutant emissions in the District. Since its implementation the Program has been successful in reducing smog-forming and toxic emissions cost-effectively. Greenstone Services Inc. submitted an application to replace their commercial lawn and garden fleet with zero-emission alternatives. The application meets the purpose of the Carl Moyer Program. Funding recommendations are based but not limited to the most cost-effective projects, projects that provided emission reductions in low-income or disadvantaged communities and projects based on local needs

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

AGENDA ITEM #4

PAGE 2

REASON FOR RECOMMENDATION: Governing Board approval is required to: (1) fund grant projects for the Carl Moyer and MSERP (2) utilize available and alternative funding if necessary, (3) delegate to the Executive Director/APCO authority to negotiate and execute agreements with the grant recipient and (4) authorize staff to revise estimated revenues and expenses in the budget to actuals when grant funds or subsequent grants funds are received.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Brad Poiriez, Executive Director on or about September 7, 2023.

FINANCIAL DATA: No increase in appropriation is anticipated and sufficient funds are available in Carl Moyer and Mobile Source Emission Reductions Program grant funds.

PRESENTER: Jorge Camacho, Support Services Supervisor.

The following page(s) contain the backup material for Agenda Item: [Set date of October 23, 2023 to conduct a public hearing to consider the amendment of MDAQMD Rule 114 – Registration Program for Compression Ignition Engines used in Small Agricultural Facilities. Presenter: Chris Anderson, Planning/Air Monitoring Supervisor.](#)
Please scroll down to view the backup material.

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

AGENDA ITEM #5

PAGE 1

DATE: September 25, 2023

RECOMMENDATION: Set date of October 23, 2023 to conduct a public hearing to consider the amendment of MDAQMD Rule 114 – *Registration Program for Compression Ignition Engines used in Small Agricultural Facilities*.

SUMMARY: The proposed amendment is to clarify the rule, standardize formatting, and remove definitions that appear in District Rule 102 – *Definition of Terms*.

BACKGROUND: The MDAQMD adopted Rule 114 - *Registration Program for Compression Ignition Engines used in Small Agricultural Facilities* on April 28, 2008. The original adoption codified the registration program required by 17 CCR 93115. This amendment is to clarify the rule, standardize formatting, and remove definitions that appear in District Rule 102 – *Definition of Terms*. This rule is not currently in the SIP and is not being submitted for inclusion into 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 MDAQMD Rule 114 – *Registration Program for Compression Ignition Engines Used In Small Agricultural Facilities*.

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

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy APCO on or about September 8, 2023.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Chris Anderson, Planning/Air Monitoring Supervisor

The following page(s) contain the backup material for Agenda Item: [Set date of October 23, 2023, to conduct a public hearing to consider the amendment of District Rule 401 — Visible Emissions. 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 25, 2023

RECOMMENDATION: Set date of October 23, 2023, to conduct a public hearing to consider the amendment of District Rule 401 — *Visible Emissions*.

SUMMARY: This item sets the date for a public hearing to amend Rule 401 in response to the United States Environmental Protection Agency's (USEPA's) request to correct a deficiency in the rule as previously amended.

BACKGROUND: On 08/26/2019 the MDAQMD most recently amended Rule 401 – *Visible Emissions* to include elements from the Health and Safety Code (H&S Code) §§ 41701.5, 41701.6, and 41704 as well as other SIP visible emission rules to more closely align with Mojave Desert Air Quality Management District (District) practices. On June 20, 2023 the USEPA published a Notice of Proposed Rulemaking (NPRM) for a Limited Approval/Limited Disapproval (88 FR 46723, 06/20/2023) disapproving several exemptions elements that do not align with the 2015 Startup, Shutdown, and Malfunctions (SSM) SIP Action (80 FR 33840; 06/12/2015), where the USEPA has clarified and revised their guidance concerning interpretation of the California Clean Air Act (CCAA) requirements with respect to treatment in SIP's of excess emissions that occur during periods of SSM.

Upon finalization of this Limited Approval/Limited Disapproval, USEPA would be required to promulgate a Federal Implementation Plan (FIP) within 24 months the final disapproved elements, and an offset sanction of highway funds would also be triggered 18 months after the effective date of final disapproval. The FIP and sanctions will not be imposed if the USEPA determines that a subsequent SIP submission corrects the deficiencies prior to the applicable deadlines.

MDAQMD Rule 401 is proposed for amendment on October 23, 2023 to remove the H&S Code exemptions that do not align with the SSM SIP Action (80 FR 33840; 06/12/2015). All provisions identified in the Limited Disapproval in the current MDAQMD Rule 401 have been enforced via statute in the H&S Code and will continue to be enforced by the MDAQMD, therefore no change in emissions or controls are anticipated.

**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 401 – *Visible Emissions*

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting or amending 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, 2023.

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 date of October 23, 2023, to conduct a public hearing to consider the adoption of District Rule 1121 — Natural Gas-Fired Water Heaters. 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 #7

DATE: September 25, 2023

RECOMMENDATION: Set date of October 23, 2023, to conduct a public hearing to consider the adoption of District Rule 1121 — *Natural Gas-Fired Water Heaters*.

SUMMARY: This item sets the date for a public hearing to adopt rule 1121 as the District committed to do so, in the *Mojave Desert Air Quality Management District Federal 70 PPB Ozone Attainment Plan for the Western Mojave Desert Nonattainment Area*.

BACKGROUND: The Mojave Desert Air Quality Management District (MDAQMD) is proposing to adopt Rule 1121 – *Natural Gas-Fired Water Heaters*. In crafting the *MDAQMD Federal 70 PPB (Parts Per Billion) Ozone Attainment Plan for the Western Mojave Desert Nonattainment Area*, the MDAQMD made a commitment to implement a rule governing residential natural gas water heaters. This rule has been designed to mirror the stringency criteria set by the South Coast Air Quality Management District (SCAQMD) with the primary objective of further curbing emissions of Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOCs).

On October 26, 2015 the EPA finalized their latest 70 parts per billion (ppb) Ozone National Ambient Air Quality Standard (NAAQS) (80 FR 65292, 10/26/2015) for which the western portion of MDAQMD, also known as the Federal Ozone Nonattainment Area (FONA), is classified as severe nonattainment (83 FR 10376, 3/9/2018). The finding of nonattainment triggers a series of events such as strengthening of the district rules via Reasonably Available Control Technology (RACT) analysis, and development of an Attainment Plan to demonstrate how the MDAQMD will achieve attainment by our attainment year of 2032. The MDAQMD Governing Board approved the *MDAQMD Federal 70 PPB Ozone Attainment Plan for the Western Mojave Desert Nonattainment Area* on January 23, 2023 and submitted that plan to the California Air Resources Board where it was heard and approved on February 23, 2023. The plan and has since been sent to USEPA and is pending review.

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

AGENDA ITEM #7

PAGE 2

In the MDAQMD Federal 70 ppb Ozone Attainment Plan, the District did not identify any feasible additional control measures for direct ozone precursor reduction purposes as a result of Reasonably Available Control Technology (RACT) or Reasonably Available Control Measures (RACM) analysis. However, the District has committed to adopting a new natural gas-fired residential water heater rule (Rule 1121 - *Natural Gas-Fired Water Heaters*) as a result of the Reasonable Further Progress (RFP) analysis. This rule is expected to generate a maximum of 0.06 tons per day (tpd) of NO_x reductions by 2032. USEPA conservatively estimated that implementation of a revised water heater rule for the AVAQMD and a new water heater rule for the MDAQMD would result in a 75 percent reduction in the overall emissions inventory for residential water heaters. Actual reductions from implementing more stringent rules for water heaters would likely be much lower, since the 10–15 year expected lifespan of the regulated units would suggest a gradual replacement schedule over several years, and the expected potential reductions associated with the revised rules will be modest particularly in the earlier years of implementation.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting or amending 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, 2023.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy APCO

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the amendment of MDAQMD Rule 1157 – Boilers and Process Heaters: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the amendment of MDAQMD Rule 1157 – Boilers and Process Heaters. 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

PAGE 1

DATE: September 25, 2023

RECOMMENDATION: Conduct a public hearing to consider the amendment of MDAQMD Rule 1157 – *Boilers and Process Heaters*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the amendment of MDAQMD Rule 1157 – *Boilers and Process Heaters*.

SUMMARY: In June of 2023, USEPA published a limited approval and limited disapproval regarding Rule 1157 (88 FR 39366, 6/16/2023) as submitted in 2018, effective July 17th, 2023. The proposed amendment aims to correct deficiencies and bring the rule requirements up to date following EPA guidance.

BACKGROUND: The MDAQMD amended Rule 1157 – Boilers and Process Heaters on January 22nd, 2018 and submitted the rule for inclusion in the MDAQMD SIP. In June of 2023, USEPA published a limited approval and limited disapproval regarding Rule 1157 (88 FR 39366, 6/16/2023) as submitted in 2018, effective July 17th, 2023. The primary deficiencies listed in the Federal register included a startup/shutdown provision and out of date references to various testing methodologies. The official disapproval commenced an 18-month sanctions clock during which the District must correct the deficiencies and submit the rule to EPA for SIP approval. The MDAQMD is now proposing to amend Rule 1157 – Boilers and Process Heaters in response to EPA comments listed in the official limited disapproval. Amendments include the removal of startup and shutdown provisions, formatting corrections, addition of a new definition and updates to testing methods referenced in the rule to reflect current practice.

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

AGENDA ITEM #9

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 1157 – *Boilers and Process Heaters*.

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

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy APCO on or about September 10, 2023.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy APCO

RESOLUTION NO. 01-_____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT**
2 **AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING**
3 **THE NOTICE OF EXEMPTION, THE AMENDMENT OF MDAQMD RULE 1157**
4 **AND DIRECTING STAFF ACTIONS.**

5 On September 25, 2023, on motion by Member _____, seconded by
6 Member _____, and carried, the following resolution is adopted:

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

10 **WHEREAS**, the MDAQMD is proposing to amend MDAQMD Rule 1157 – *Boilers*
11 *and Process Heaters*; and

12 **WHEREAS**, the USEPA published a limited approval and limited disapproval
13 regarding Rule 1157 (88 FR 39366, 6/16/2023) as submitted in 2018, effective July 17th, 2023;
14 and

15 **WHEREAS**, the proposed amendment aims to correct deficiencies and bring the rule
16 requirements up to date following EPA guidance; and

17 **WHEREAS**, the MDAQMD amended Rule 1157 – Boilers and Process Heaters on
18 January 22nd, 2018 and submitted the rule for inclusion in the MDAQMD SIP; and

19 **WHEREAS**, in June of 2023, USEPA published a limited approval and limited
20 disapproval regarding Rule 1157 (88 FR 39366, 6/16/2023); and

21 **WHEREAS**, the official disapproval commenced an 18-month sanctions clock during
22 which the District must correct the deficiencies and submit the rule to EPA for SIP approval;
23 and

24 **WHEREAS**, The MDAQMD is now proposing to amend Rule 1157 – Boilers and
25 Process Heaters in response to EPA comments listed in the official limited disapproval; and

26 **WHEREAS**, the proposed amendments include the removal of startup and shutdown
27 provisions, formatting corrections, addition of a new definition and updates to testing methods
28 referenced in the rule to reflect current practice; and

//

RESOLUTION NO. 01-_____

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

3 **WHEREAS**, the proposed amendment of MDAQMD Rule 1157 – *Boilers and*
4 *Process Heaters* is clear in that the meaning can be easily understood by the persons impacted
5 by the rule; and

6 **WHEREAS**, the proposed amendment of MDAQMD Rule 1157 – *Boilers and*
7 *Process Heaters* is in harmony with, and not in conflict with, or contradictory to existing
8 statutes, court decisions, or state or federal regulations; and

9 **WHEREAS**, the proposed amendment of MDAQMD Rule 1157 – *Boilers and*
10 *Process Heaters* does not impose the same requirements as any existing state or federal
11 regulation because CFR subparts require state and/or local regulations for implementation; and

12 **WHEREAS**, the proposed amendment of MDAQMD Rule 1157 – *Boilers and*
13 *Process Heaters* is needed to standardize the applicability of the MDAQMD SIP; and

14 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
15 H&S Code §40725, concerning the proposed amendment of MDAQMD Rule 1157 – *Boilers*
16 *and Process Heaters*; and

17 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR
18 §15308) for the proposed amendment of MDAQMD Rule 1157 – *Boilers and Process*
19 *Heaters*, completed in compliance with the California Environmental Quality Act (CEQA),
20 has been presented to the Governing Board of the MDAQMD; each member having reviewed,
21 considered and approved the information contained therein prior to acting on the proposed
22 amendment of MDAQMD Rule 1157 – *Boilers and Process Heaters*, and the Governing
23 Board of the MDAQMD having determined that proposed SIP Rule action and FND adoption
24 will not have any potential for resulting in any adverse impact upon the environment; and

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

27 //

28 //

RESOLUTION NO. 01-_____

1 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
2 MDAQMD finds that the proposed amendment of MDAQMD Rule 1157 – *Boilers and*
3 *Process Heaters* is necessary, authorized, clear, consistent, non-duplicative and properly
4 referenced; and

5 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby
6 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies
7 the Notice of Exemption for the proposed amendment of MDAQMD Rule 1157 – *Boilers and*
8 *Process Heaters*; and

9 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does
10 hereby adopt, pursuant to the authority granted by law, the proposed amendment of
11 MDAQMD Rule 1157 – *Boilers and Process Heaters*, as set forth in the attachments to this
12 resolution and incorporated herein by this reference; and

13 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon
14 adoption, and that the Senior Executive Analyst – Confidential is directed to file the Notice of
15 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 25 2023.

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

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RULE 1157

Boilers and Process Heaters

(A) General

(1) Purpose:

- (a) To limit Oxides of Nitrogen (NO_x) and Carbon Monoxide (CO) emissions from industrial, institutional, and commercial Boilers, Steam Generators, and Process Heaters.

(2) Applicability:

- (a) This rule applies to new and existing Boilers, Steam Generators, and Process Heaters located within the Federal Ozone Non-Attainment Area with Rated Heat Inputs of greater than or equal to 5 million Btu per hour (MMBtu/hr) which are used in all industrial, institutional, and commercial operations, including permit units used by Independent Power Producer or a Cogeneration Facility.
 - (b) This rule does not apply to permit units whose sole purpose is the production of steam for electrical power generating equipment when the permit unit is located at a facility directly regulated by a Public Utilities Commission.
- (3) Compliance with this rule does not exempt a person from complying with any other applicable State, federal or local law, statute, code, ordinance, rule, or regulation.

(B) Definitions

- (1) The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless the term is otherwise defined herein:
 - (a) "Annual Heat Input" - The total heat input of fuels, in Btu, burned by a permit unit in a calendar year, as determined from the higher heating value and cumulative annual usage of each fuel.
 - (b) "Cogeneration Facility" – A facility which produces:
 - (i) electric energy; and
 - (ii) steam or forms of useful energy (such as heat) which are used for industrial or commercial heating or cooling purposes.

- (c) “Gas Curtailment” - A period of time during which the supply of gaseous fuel to an permit unit is restricted or halted for reasons beyond the control of the facility. An increase in the cost or unit price of natural gas due to normal market fluctuations not during periods of supplier delivery restriction does not constitute a period of natural gas curtailment or supply interruption. On-site gaseous fuel system emergencies or equipment failures qualify as periods of supply interruption when the emergency or failure is beyond the control of the facility.
- (d) "Emissions Control Plan" - A document which outlines how an existing facility will comply with the requirements of this rule. The plan shall contain the following:
 - (i) a list of all permit units with their Rated Heat Inputs and estimated Annual Heat Inputs; and
 - (ii) for permit units subject to subsection (C)(3)(a) or (C)(4)(a), for each permit unit listed, the selected method of achieving the applicable standard or standards of subsection (C)(3)(a) or (C)(4)(a); and
 - (iii) for permit units subject to subsection (C)(3)(b) or (C)(4)(b), for each permit unit listed, a selection of one of the four options specified in subsection (C)(3)(b) or (C)(4)(b) to achieve compliance with this rule.
- (e) “Gaseous Fuel” - Natural gas, digester gas, landfill gas, methane, ethane, propane, butane, or any gas stored as a liquid at high pressure such as liquefied petroleum gas.
- (f) "High Annual Heat Input Permit Unit" - A permit unit with an annual heat input greater than or equal to 50,000 million Btu (MMBtu).
- (g) "Independent Power Producer" - A power plant which is not directly regulated by a Public Utilities Commission, which provides power to an electric utility rather than directly to rate-payers, and which is a Qualifying Small Power Production Facility per Public Utility Regulatory Policies Act regulations (18 CFR Ch.1, Subpart B).
- (h) “Liquid Fuel” - Any fuel which is a liquid at standard conditions including but not limited to distillate oils, kerosene and jet fuel. Liquefied Gaseous Fuels are not Liquid Fuels.
- (i) "Low Annual Heat Input Permit Unit" - A permit unit with an annual heat input less than 50,000 million Btu (MMBtu).
- (j) "NO_x Emissions" (NO_x) - The sum of any oxides of nitrogen which can be measured in the flue gas.

- (k) "Process Heater" - Any combustion equipment fired with any fuel, which transfers heat from combustion gases to water or process streams. Process Heaters do not include any dryers in which the material being dried is in direct contact with the products of combustion, such as: cement or lime kilns, glass melting furnaces, or smelters.
- (l) "Solar Power Production Facility" - An independent power producer which is a Solar Thermal Powerplant in which 75 percent (75%) or more of the total energy output is from solar energy and the use of backup fuels, such as oil, natural gas, and coal, does not, in the aggregate, exceed 25 percent (25%) of the total energy input of the facility during any calendar year period per Public Resources Code §25140.

(C) Requirements

- (1) RACT standards shall apply to all permit units, unless BARCT standards are applicable to the particular existing permit unit. BARCT standards shall apply to any existing permit units currently permitted to emit more than five tons per day or more than 250 tons per year of NO_x.
- (2) An Owner/Operator of any permit unit(s) subject to subsection (C)(3)(a) or (C)(4)(a) below shall have the option of complying with either the ppmv or pounds per million Btu (lbs/MMBtu) NO_x emission limits.
- (3) RACT Standards:
 - (a) High Annual Heat Input permit units, shall not emit:
 - (i) carbon monoxide in excess of 400 ppmv; and
 - (ii) NO_x in excess of 30 ppmv, and/or 0.036 lbs/MMBtu of heat input, when operated on Gaseous Fuel; and
 - (iii) NO_x in excess of 40 ppmv, and/or 0.052 lbs/MMBtu of heat input, when operated on Liquid Fuels; and
 - (iv) NO_x in excess of the heat-input weighted average of the limits specified in (C)(3)(a)(ii) and (C)(3)(a)(iii), above, when operated on combinations of Gaseous and/or Liquid Fuels.

Sample calculation:

$$Emission\ Limit = \frac{(30\ ppmv * x) + (40\ ppmv * y)}{x + y}$$

Where:

x	=	Annual Heat Input from Gaseous Fuel
y	=	Annual Heat Input from Liquid Fuel

- (b) Low Annual Heat Input permit units shall:
 - (i) be operated in a manner that maintains stack-gas oxygen (O₂) concentrations at less than or equal to 3.0 percent by volume on a dry basis; or
 - (ii) be operated with a stack-gas oxygen trim system set at 3.00±0.15 percent oxygen by volume on a dry basis; or
 - (iii) be tuned at least annually in accordance with the procedure described in Section (I), a modification of the tuning procedure described in Section (I) as approved by the APCO, CARB and USEPA, or the permit unit manufacturer's specified tune-up procedure; or
 - (iv) be operated in compliance with the applicable emission levels specified in subsection (C)(3)(a).

(4) BARCT Standards:

- (a) High Annual Heat Input permit units, as defined in Section (B), shall not emit:
 - (i) carbon monoxide in excess of 400 ppmv; and
 - (ii) NO_x in excess of 30 ppmv, and/or 0.036 lbs/MMBtu of heat input, when operated on Gaseous Fuel; and
 - (iii) NO_x in excess of 40 ppmv, and/or 0.052 lbs/MMBtu of heat input, when operated on Liquid fuels ; and
 - (iv) NO_x in excess of the heat-input weighted average of the limits specified in (C)(4)(a)(ii) and (C)(4)(a)(iii), above, when operated on combinations of Gaseous and/or Liquid fuels.

Sample calculation:

$$Emission\ Limit = \frac{(30\ ppmv * x) + (40ppmv * y)}{x + y}$$

Where:

x	=	Annual Heat Input from Gaseous Fuel
y	=	Annual Heat Input from Liquid Fuel

- (b) Low Annual Heat Input permit units, as defined in Section (B), shall:
 - (i) be operated in a manner that maintains stack-gas oxygen concentration at less than or equal to 3.0 percent by volume on a dry basis; or
 - (ii) be operated with a stack-gas oxygen trim system set at 3.00±0.15 percent oxygen by volume on a dry basis; or

- (iii) be tuned at least annually in accordance with the procedure described in Section (I), a modification of the tuning procedure described in Section (I) as approved by the APCO, CARB and USEPA, or the permit unit manufacturer's specified tune-up procedure; or
- (iv) be operated in compliance with the applicable emission levels specified in subsection (C)(4)(a).

(5) General Equipment Requirements:

- (a) Owner/Operators of permit units which simultaneously fire combinations of different fuels, and are subject to the requirements of subsection (C)(3)(a) or (C)(4)(a), shall:
 - (i) install mass flow rate meters in each fuel line; or
 - (ii) install volumetric flow rate meters in conjunction with temperature and pressure probes in each fuel line; or
 - (iii) maintain a fuel log.
- (b) Owner/Operators of permit units which employ flue-gas NO_x reduction technology, and are subject to the requirements of subsection (C)(3)(a) or (C)(4)(a), shall:
 - (i) install meters as applicable to allow instantaneous monitoring of the operational characteristics of the NO_x reduction equipment; or
 - (ii) maintain a log of NO_x reduction equipment operational characteristics.
- (c) Owner/Operators of permit units which are subject to (C)(3)(b) or (C)(4)(b) and choose to comply with (C)(3)(b)(ii) or (C)(4)(b)(ii), respectively, shall install a stack-gas oxygen trim system.

(D) Exemptions

- (1) During periods of unexpected gas curtailment of normal Gaseous Fuels, permit units subject to the requirements of subsection (C)(3)(a) or (C)(4)(a) which normally burn only Gaseous Fuel shall comply with a NO_x emission limit of either 150 ppmv or 0.215 pound per million Btu of heat input when burning Liquid Fuel. (This exemption shall not exceed the period of natural gas curtailment, and specifically includes equipment and emission testing time not exceeding 48 hours per calendar year).
- (2) Permit units which are located at Solar Power Production Facilities and are subject to the requirements of subsection (C)(3)(a) shall comply with the following NO_x emission limits in lieu of complying with subsection (C)(3)(a):
 - (a) 125 ppmv, when the permit unit is located at SEGS VI or SEGS VII in Kramer Junction and is operating at 40% or less of Rated Heat Input; and

- (b) 70 ppmv, when the permit unit is located at SEGS VI or SEGS VII in Kramer Junction and is operating at more than 40% of Rated Heat Input, or when the permit unit is located at SEGS III, IV, V in Kramer Junction or SEGS VIII or IX in Harper Lake under all operating conditions; and,
 - (c) those limits specified in (C)(3)(a), for all other such permit units and operating conditions.
- (3) The provisions of Section (C) of this rule shall not apply to permit units which have no Annual Heat Input (Annual Heat Input equals zero). The Owner/Operator of any permit unit who wishes to claim an exemption pursuant to this subsection shall meet the record keeping requirements of this rule so as to be able to prove the exemption status.
 - (4) Units which are subject to District Rules 1158 or 1161 are exempt from this rule.
 - (5) Units located outside of the Federal Ozone Non-Attainment Area (FONA) are exempt from this rule.

(E) Monitoring and Records

- (1) Emissions Compliance Testing:
 - (a) Frequency: All permit units covered under subsections (C)(3) and (C)(4) shall demonstrate compliance through emission compliance testing not less than once every 12 months, except that permit units complying with subsection (C)(3)(b)(iii) or (C)(4)(b)(iii) shall be tuned not less than once every 12 months, and permit units claiming an exemption pursuant to subsection (D)(1) which burn a secondary fuel for less than 720 cumulative hours in the twelve month consecutive period prior to testing shall not be required to perform compliance testing for that fuel.
 - (b) Procedures:
 - (i) Compliance testing required by this rule shall follow the administrative procedures outlined in the District's Compliance Test Procedural Manual. All emission determinations shall be made as stipulated in the test protocol accepted by the District.
 - (ii) Emission determinations shall include, at a minimum, one emission compliance test conducted at 90% of the maximum firing rate allowed by the District permit or at normal operating conditions.
 - (iii) All ppmv emission limits specified in subsections (C)(3)(a), (C)(4)(a) and (D)(1) are referenced at dry stack-gas conditions and 3.0 percent by volume stack-gas oxygen.
 - (iv) All lbs/MMBtu NO_x emission rates shall be calculated as pounds of nitrogen dioxide per MMBtu of heat input.
 - (v) All emission concentrations and emission rates shall be based on hourly averages.

(2) Records and Reporting

- (a) For all permit units subject to this rule, the Owner/Operators shall monitor and record for each permit unit the High Heat Value and cumulative annual usage of each fuel. The cumulative annual usage of each fuel shall be monitored from utility service meters, purchase or tank fill records. A statement of the heat input for the previous calendar year shall be submitted to the District by March 1 each year.
- (b) For permit units exempt from subsection (C)(3)(a) or (C)(4)(a) in accordance with subsection (D)(1), the Owner/Operators shall monitor and record for each permit unit the cumulative annual hours of operation on each Liquid Fuel.
- (c) All data shall be kept current and on site for a minimum of five years, and provided to District or state personnel on request.
- (d) The Owner/Operators of permit units subject to this rule shall submit all required compliance test reports to the District.
- (e) For each permit unit complying with subsection (C)(3)(b)(iii) or (C)(4)(b)(iii), records verifying that the tune-up has been performed for each fuel burned shall be maintained on site for five years. If a different tune-up procedure from that described in Section (I) is used, then a copy of this procedure shall be kept on site for five years. Such records shall be provided on request by the APCO.
- (f) Test reports shall include the operational characteristics of all flue-gas NO_x reduction equipment.

(F) Test Methods

- (1) Compliance with the NO_x, carbon monoxide and oxygen requirements of Section C shall be determined using the following test methods:
 - (a) Oxides of Nitrogen - EPA Method 7E or ARB Method 100
 - (b) Carbon Monoxide - EPA Method 10 or ARB Method 100
 - (c) Stack Gas Oxygen - EPA Method 3 or 3A or ARB Method 100 (d) NO_x Emission Rate (Heat Input Basis) - EPA Method 19
- (2) HHV determination shall be by one of the following test methods:
 - (a) ASTM D 240-87 or ASTM D 2382-88 for liquid hydrocarbon fuels; or
 - (b) ASTM D 1826-03, or ASTM D 1945-03 (2010) or D 1945-14 in conjunction with ASTM D 3588-98 (2003) for Gaseous Fuels.

(G) Compliance Schedule

- (1) The Owner/Operator of a permit unit which becomes subject to the requirements of subsection (C)(3)(a) or (C)(4)(a) by exceeding the Annual Heat Input thresholds in subsection (B)(1)(h) for a calendar year, or by operating the permit unit so that an exemption pursuant to (D)(3) no longer applies, shall fulfill the following increments of progress:
 - (a) On or before December 31 of the calendar year immediately following the year that the Annual Heat Input threshold was exceeded or the permit unit commenced operation, submit an Emissions Control Plan containing the information outlined in subsection (B)(1)(e).
 - (b) No later than three calendar years following the submission of the Emissions Control Plan, demonstrate final compliance with all applicable standards and requirements of the rule.
- (2) Failure to perform interim measures as set forth in a submitted Emissions Control Plan shall constitute a violation of this rule.

(H) Severability of Portions of this Rule

If any portion of this rule is found to be invalid or unenforceable, such finding shall have no effect on the validity and enforceability of the remaining portions of the rule, which are severable and shall continue to be in full force and effect.

(I) Tuning Procedure

- (1) Nothing in these Tuning Procedures shall be construed to require any act or omission that would result in unsafe conditions or would be in violation of any regulation or requirement established by Factory Mutual, Industrial Risk Insurers, National Fire Prevention Association, the California Department of Industrial Relations (Occupational Safety and Health Division), the Federal Occupational Safety and Health Administration, or other relevant regulations and requirements.
- (2) Tuning Procedure for Forced-Draft Permit units¹
 - (a) Operate the permit unit at the firing rate most typical of normal operation. If the permit unit experiences significant load variations, operate it at its average firing rate.

¹ This tuning procedure is based on a tune-up procedure developed by KVB, Inc. for the USEPA.
1157-8

- (b) At this firing rate, record stack gas temperature, oxygen concentration, and CO concentration (for Gaseous Fuels) or smoke-spot number² (for Liquid Fuels), and observe flame conditions after permit unit operation stabilizes at the firing rate selected. If the excess oxygen in the stack gas is at the lower end of the range of typical minimum values,³ and if the CO emissions are low and there is no smoke, the permit unit is probably operating at near optimum efficiency - at this particular firing rate. However, complete the remaining portion of this procedure to determine whether still lower oxygen levels are practical.
- (c) Increase combustion air flow to the furnace until stack gas oxygen levels increase by one to two percent over the level measured in subsection (I)(2)(b). As in (I)(2)(b), record the stack gas temperature, CO concentration (for Gaseous Fuels), or smoke-spot number (for Liquid Fuels), and observe flame conditions for these higher oxygen levels after Boiler operation stabilizes.
- (d) Decrease combustion air flow until the stack gas oxygen concentration is at the level measured in (I)(2)(b). From this level gradually reduce the combustion air flow, in small increments. After each increment, record the stack gas temperature, oxygen concentration, CO concentration (for Gaseous Fuels) and smoke-spot number (for Liquid Fuels). Also, observe the flame and record any changes in its condition.
- (e) Continue to reduce combustion air flow stepwise, until one of these limits is reached:
 - (i) Unacceptable flame conditions - such as flame impingement on furnace walls or burner parts, excessive flame carryover, or flame instability.
 - (ii) Stack gas CO concentrations greater than 400 ppmv.
 - (iii) Smoking at the stack.
 - (iv) Equipment-related limitations - such as low windbox/furnace pressure differential, built in air-flow limits, etc.
- (f) Develop an O₂/CO curve (for Gaseous Fuels) or O₂/smoke curve (for Liquid Fuels) using the excess oxygen and CO or smoke-spot number data obtained at each combustion air flow setting.

² The smoke-spot number can be determined with ASTM test method D-2156-80 or with the Bacharach method.

³ Typical minimum oxygen levels for boilers at high firing rates are: For natural gas: 0.5 -3%; 2. For Liquid Fuels: 2 - 4%

- (g) From the curves prepared in (I)(2)(f), find the stack gas oxygen levels where the CO emissions or smoke-spot number equal the following values:

Fuel	Measurement	Value
Gaseous	CO Emissions	400 ppmv
#1 and #2 oils	smoke-spot number	number 1
# 4 Oil	smoke-spot number	number 2
# 5 Oil	smoke-spot number	number 3
Other oils	smoke-spot number	number 4

The above conditions are referred to as the CO or smoke thresholds, or as the minimum excess oxygen levels.

Compare this minimum value of excess oxygen to the expected value provided by the combustion permit unit manufacturer. If the minimum level found is substantially higher than the value provided by the combustion permit unit manufacturer, burner adjustments can probably be made to improve fuel and air mix, thereby allowing operations with less air.

- (h) Add 0.5 to 2.0 percent to the minimum excess oxygen level found in (I)(2)(g) and reset burner controls to operate automatically at this higher stack gas oxygen level. This margin above the minimum oxygen level accounts for fuel variations, variations in atmospheric conditions, load changes, and nonrepeatability or play in automatic controls.
- (i) If the load of the combustion permit unit varies significantly during normal operation, repeat (I)(2)(a) through (h) for firing rates that represent the upper and lower limits of the range of the load. Because control adjustments at one firing rate may affect conditions at other firing rates, it may not be possible to establish the optimum excess oxygen level at all firing rates. If this is the case, choose the burner control settings that give the best performance over the range of firing rates. If one firing rate predominates, setting should optimize conditions at the rate.
- (j) Verify that the new settings can accommodate the sudden load changes that may occur in daily operation without adverse effects. Do this by increasing and decreasing load rapidly while observing the flame and stack. If any of the conditions in (I)(2)(e) result, reset the combustion controls to provide a slightly higher level of excess oxygen at the affected firing rates. Next, verify these new settings in a similar fashion. Then make sure that the final control settings are recorded at steady-state operating conditions for future reference.

- (k) When the above checks and adjustments have been made, record data and attach combustion analysis to permit unit records. Indicate the name and title of the person performing the tune-up, the date the tune-up was performed, and sign the record.
- (3) Equipment Tuning Procedure for Natural Draft Fired Permit units
- (a) Preliminary Analysis
 - (i) CHECK THE OPERATING PRESSURE OR TEMPERATURE. Operate the permit unit at the lowest acceptable pressure or radiation losses. Determine the pressure or temperature that will be used as a basis for comparative combustion analysis before and after tune-up.
 - (ii) COMBUSTION ANALYSIS. Perform an "as is" combustion analysis (CO₂, O₂, etc.) with a warmed up permit unit at high and low fire, if possible. In addition to data obtained from combustion analysis, also record the following:
 - a. Inlet fuel pressure at burner (at high & low fire); and
 - b. Draft above draft hood or barometric damper (at high, medium, and low settings); and
 - c. Steam pressure, water temperature, or process fluid pressure or temperature entering and leaving the permit unit.
 - d. Permit unit rate if meter is available.
 - (b) Adjustments: while taking combustion readings with a warmed up permit unit operated at the Rated Heat Input, perform checks and adjustments as follows:
 - (i) Adjust permit unit to fire at rate; record fuel manifold pressure.
 - (ii) Adjust draft and/or fuel pressure to obtain acceptable, clean combustion at high, medium and low firing rates. The CO value should always be below 400 ppmv at 3% O₂. If CO is high make necessary adjustments.
 - (iii) Check to ensure permit unit light offs are smooth and safe. A reduced fuel pressure test at both high and low fire should be conducted in accordance with the manufacturer's instructions and maintenance manuals.
 - (iv) Check and adjust operations of modulation controller. Ensure proper, efficient and clean combustion through the range of firing rates.
 - (v) When above adjustments and corrections have been made, record all data.
 - (c) Final Test: Perform a final combustion analysis with a warmed up permit unit at high, medium and low firing rates, whenever possible. In addition to data from combustion analysis, also check and record:

- (i) fuel pressure at burner (at high, medium and low settings); and
- (ii) draft above draft hood or barometric damper (at high, medium, and low settings); and
- (iii) steam pressure, water temperature, or process fluid pressure or temperature entering and leaving the permit unit; and
- (iv) permit unit rate if meter is available.

When the above checks and adjustments have been made, record data and attach combustion analysis to permit unit records. Indicate the name and title of the person performing the tune-up, the date the tune-up was performed, and sign the record.

See SIP Table at <http://www.mdaqmd.ca.gov/>



DRAFT

Staff Report

Proposed Amendments to
Rule 1157 — *Boilers and Process Heaters*

For adoption on September 25, 2023

**Mojave Desert
Air Quality
Management District**

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

www.MDAQMD.ca.gov • @MDAQMD

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List of Acronyms

BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NO _x	Oxides of Nitrogen
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

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STAFF REPORT

Rule 1157 – *Boilers and Process Heaters*

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 MDAQMD amended Rule 1157 – *Boilers and Process Heaters* on January 22nd, 2018 and submitted the rule for inclusion in the MDAQMD SIP. In June of 2023, USEPA published a limited approval and limited disapproval regarding Rule 1157 (88 FR 39366, 6/16/2023) as submitted in 2018, effective July 17th, 2023. The primary deficiencies listed in the Federal register included a startup/shutdown provision and out of date references to various testing methodologies. The official disapproval commenced an 18-month sanctions clock during which the District must correct the deficiencies and submit the rule to EPA for SIP approval. The MDAQMD is now proposing to amend Rule 1157 – *Boilers and Process Heaters* in response to EPA comments listed in the official limited disapproval. Amendments include the removal of startup and shutdown provisions, formatting corrections, addition of a new definition and updates to testing methods referenced in the rule to reflect current practice.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD or District) amend proposed Rule 1157 – *Boilers and Process Heaters* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to in to make the rule SIP approvable and stop the sanctions clock associated with the official disapproval.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendment of Rule 1157 – *Boilers and Process Heaters*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

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

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

ELEMENTS OF A FEDERAL SUBMISSION:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- N/A Exemption
- 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.
- Mitigation of impacts.
- Alternative methods of compliance.

OTHER:

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

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendments to Rule 1157 – *Boilers and Process Heaters*. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations

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

a. Necessity

The proposed amendments to Rule 1157 – *Boilers and Process Heaters* are necessary order to make the rule SIP approvable and stop the associated sanctions clock.

b. Authority

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

c. Clarity

The proposed amendments to Rule 1157 – *Boilers and Process Heaters* are clear in that they are written so that the persons subject to the Rule can easily understand the meaning.

d. Consistency

The proposed amendments to Rule 1157 – *Boilers and Process Heaters* is in harmony with, and not in conflict with or contradictory to any State law or regulation, Federal law or regulation, or court decisions. This action is designed to make the rule SIP approvable and stop the associated sanctions clock.

e. Nonduplication

The proposed amendments to Rule 1157 – *Boilers and Process Heaters* do not impose the same requirements as any existing State or Federal law or regulation because The Federal Clean Air Act

(FCAA) requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to CTG documents issued by USEPA and for “major sources” of VOCs and NO_x that are ozone precursors. District Action is necessary to provide a RACT rule pursuant to those requirements.

f. Reference

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

g. Public Notice & Comment, Public Hearing

Notice for the public hearing for the adoption of the proposed SIP update for Rule 1157 will be published on August 25, 2023. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals)

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law that requires the submittal. The information below indicates which elements are required for the proposed amendments to Rule 1157 - *Boilers and Process Heaters* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to CTG documents issued by USEPA and for “major sources” of VOCs and NO_x that are ozone precursors. The amendments to the SIP regarding Rule 1157 are subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 1157 is currently included in the MDAQMD SIP. This action would amend MDAQMD Rule 1157 - *Boilers and Process Heaters* per USEPA comments and make the rule SIP-approvable, stopping the sanctions clock. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment

Notice for the public hearing for the proposed amendments to Rule 1157 - *Boilers and Process Heaters* will be published August 25th, 2023. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document

Copies of the proposed amendment of MDAQMD Rule 1157 - *Boilers and Process Heaters* and the accompanying draft staff report will be made available to the public on August 10, 2023.

d. Notice to Specified Entities

Copies of the amendment of MDAQMD Rule 1157 - *Boilers and Process Heaters* and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on August 10, 2023.

e. Public Hearing

A public hearing to consider the proposed amendment of MDAQMD Rule 1157 - *Boilers and Process Heaters* will be held September 25, 2023.

f. Legal Authority to Adopt and Implement

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The FCAA requires areas designated non-attainment for ozone and classified moderate and above to adopt and maintain RACT rules to control the emissions of VOCs and NO_x for categories which the USEPA has adopted a CTG and for all categories where there are major stationary sources of air pollution (42 U.S.C. §7511a(b)(2), FCAA 182(b)(2)). For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified severe-17. The proposed amendments to MDAQMD Rule 1157 - *Boilers and Process Heaters*, will resolve the SIP disapproval issue and update the methodologies in the rule to current practice. The amendments strengthen the rule by correcting out of date testing references, improving rule formatting, and removing a startup/shutdown provision.

C. ECONOMIC ANALYSIS

1. General

The proposed amendments to MDAQMD Rule 1157 - *Boilers and Process Heaters* will not result in cost increases as the amendments do not require any new control technology or change the underlying requirements listed in rule. The proposed amendments will resolve the SIP disapproval issue regarding a startup/shutdown exemption and update the methodologies in the rule to current practices.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO_x) or oxides of sulfur (SO_x). Previous iterations of this rule outlined BARCT requirements. Those requirements were previously analyzed, and have not changed in this version of the rule; therefore, further BARCT cost effectiveness analysis is not necessary.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendment of Rule 1157 was determined.

1. The proposed amendments to Rule 1157 meet the CEQA definition of “project”. They are not “ministerial” actions.
2. The amendment of Rule 1157 is exempt from CEQA review because the amendments are more stringent and provide more clarity than the prior versions and does not create any adverse impacts on the environment. Because there is no

potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The potential environmental impacts of compliance with the amendment of MDAQMD Rule 1157 - *Boilers and Process Heaters* will not have any environmental consequences. The rule is being updated to resolve a SIP disapproval and update rule sample calculations to current practice. The amendments are more stringent and provide more clarity than the prior versions.

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

The District had approximately 50 boilers and/or process heaters that are subject to this rule when it was last updated in 2018. Additionally this rule only applies to units within the Federal Ozone Non-attainment Area (FONA). The types of facilities having this kind of equipment include: railways, medical centers, structural aerospace manufactures, military bases, mining operations, solar generating facilities, prisons and food and drink manufacturers. Existing Facilities will not have their requirements changed and thus will not be impacted. This rule only applies to applicable sources within the FONA.

B. EMISSIONS

No emissions will be impacted by the amendment of MDAQMD Rule 1157 - *Boilers and Process Heaters*. The amendments will address a SIP disapproval issue regarding a startup/shutdown provision and update rule methodologies to current practice.

C. CONTROL REQUIREMENTS

The amendment of MDAQMD Rule 1157 - *Boilers and Process Heaters* does not impose any new control requirements. The amendments will address a SIP disapproval issue and update rule methodologies to current practice, no additional control requirements are being introduced.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 1157. Listed below is a summary of the proposed amendments.

Various formatting corrections to make the rule more consistent.

Section (B)(c) – addition of definition of “unexpected curtailment” of normal Gaseous Fuels added to definitions section.

Section (C)(3)(a) – updated reflect the current emission limits that would be used in the calculation. The EPA recommends that the sample calculation for weighted heat-input averages in (C)(3)(a)(iv) be corrected to reflect the current emission limits that would be used to calculate a weighted average under the revised rule. The existing sample calculation uses older emission limits. While the calculation is clearly labeled as a sample, the incorrect sample values may lead to confusion. This section has been updated per EPA recommendation.

Section (F)(2)(b) - updated the test methods for the HHV to the most recent EPA-approved methods. These methods can be found in the CFR for example with the NESHAP. Ex. 40 CFR 63.14.

Section (E)(2)(b)(iii) – Startup/shutdown provisions removed per EPA direction to make the rule SIP approvable. The emission limits in section (C) of Rule 1157 apply during all operating conditions. The rule does not include a separate set of requirements and emission limitations during startup and shutdown. Accordingly, the emission limit in place during these periods must be enforceable, and must not forbid the use of credible evidence in establishing a violation. Section (E)(b)(iii) prohibits the use of data gathered during these times from being used for determining compliance with the applicable limit. This is not consistent with the EPA’s SSM policy and Credible Evidence Rule¹.

¹ Technical Support Document for EPA’s Rulemaking for the California State Implementation Plan; Mojave Desert Air Quality Management District Rule 1157 Boilers and Process Heaters; February 2023.

E. FCAA 110(L) (42 U.S.C. 7410(L)) ANALYSIS

FCAA §110(l) (42 U.S.C. 7410(l)) requires that any rule action which might possibly be construed as a relaxation of a requirement provide a demonstration that the change not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP). This action is not a relaxation. USEPA indicated that the rule is not SIP approvable in its current state and has published an official disapproval with an associated sanctions clock. The proposed amendment improves rule stringency by removing a perceived exemption involving startup/shutdown periods and correcting out of date methodologies listed in the rule.

F. ENVIRONMENTAL JUSTICE ANALYSIS

USEPA has recently indicated that submissions should analyze compliance with various Federal non-discrimination laws² as well as EPA's own non-discrimination regulations³ and general principles to ensure that actions do not unduly burden already overburdened populations.⁴

Proposed 1157 – *Boilers and Process Heaters* applies throughout the MDAQMD without regional discrimination, or discrimination on any other basis. The proposed amendments will be applied without discrimination and include removing a perceived exemption to emissions requirements involving start up and shut down periods for approvability. Since the proposed action improves rule clarity and removes an exemption, no specific group of people will bear a disproportionate share of negative environmental consequences if any.

In regards to access to all potentially affected persons, since July 1, 2019 the MDAQMD has complied with California AB 434. This law requires compliance with the latest Web Content Accessibility Guidelines (WCAG) to ensure that posted content maintains full accessibility compliance for all persons. WCAG ensures websites and posted contact are certified for compliance and that a contact phone number and contact person are provided for any inquiries on access. This document, the rule, and all related materials were provided to the public and all interested persons in WCAG compliant format.

The rule amendments have been made available to all interested persons through public notice, direct notice, and website postings (including social media). The rule will be discussed and acted upon in a properly noticed public hearing, at which people will have an opportunity to participate in the amendment decision, contribute to the decision, and express concerns with the decision (in person, in writing, and in digital form). Accommodation for non or limited English speakers in both materials and meeting participation is available upon request.

² Specifically, USEPA has identified Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 13 of the Federal Water Pollution Control Act of 1972 and Title IX of the Education Amendments of 1972 as potential laws of concern.

³ 40 CFR Parts 5 and 7.

⁴ Commonly referred to as Environmental Justice provisions.

G. SIP HISTORY

1. SIP History

The following table contains the Rule and SIP history for MDAQMD Rule 1157.

Agency	Mojave Desert Air Quality Management District (MDAQMD)
SIP Approved Rule	Rule 1157 - Boilers and Process Heaters Amended - May 19, 1997 Submitted - August 1, 1997 EPA Approved - April 20, 1999 (64 FR 19277)
Subject of this TSD	Rule 1157 - Boilers and Process Heaters Amended - January 22, 2018 Submitted – May 23, 2018
Completeness Finding	<i>Complete by operation of law: November 23, 2018</i>

2. SIP Analysis

The proposed amendments to MDAQMD Rule 1157 - *Boilers and Process Heaters*, will resolve the SIP disapproval issue (88 FR 39366, 6/16/2023) and update the methodologies in the rule to the current practice.

Since there are previously existing SIP rules for this category the District will request that they be superseded. In order to replace existing SIP rules the District is required to show that the proposed amendments are not less stringent than the provisions currently in the SIP. The proposed amendments are not less stringent than the current version because they remove an exemption in the rule and update superseded methodologies.

Therefore, the MDAQMD will be formally requesting that CARB submit this action and request that USEPA take the following actions:

- Submit amended MDAQMD Rule 1157 for inclusion in the SIP.
- Request USEPA stop the associated sanctions clock which commenced with the official disapproval at 88 FR 39366 (6/16/2023).

Appendix “A”
Rule 1157 – *Boilers and Process Heaters* 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.

RULE 1157

Boilers and Process Heaters

(A) General

(1) Purpose:

- (a) To limit Oxides of Nitrogen (NO_x) and Carbon Monoxide (CO) emissions from industrial, institutional, and commercial Boilers, Steam Generators, and Process Heaters.

(2) Applicability:

- (a) This rule applies to new and existing Boilers, Steam Generators, and Process Heaters located within the Federal Ozone Non-Attainment Area with Rated Heat Inputs of greater than or equal to 5 million Btu per hour (MMBtu/hr) which are used in all industrial, institutional, and commercial operations, including permit units used by Independent Power Producer or a Cogeneration Facility.
 - (b) This rule does not apply to permit units whose sole purpose is the production of steam for electrical power generating equipment when the permit unit is located at a facility directly regulated by a Public Utilities Commission.
- (3) Compliance with this rule does not exempt a person from complying with any other applicable State, federal or local law, statute, code, ordinance, rule, or regulation.

(B) Definitions

- (1) The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless the term is otherwise defined herein:
 - (a) "Annual Heat Input" - The total heat input of fuels, in Btu, burned by a permit unit in a calendar year, as determined from the higher heating value and cumulative annual usage of each fuel.
 - (b) "Cogeneration Facility" – A facility which produces:
 - (i) electric energy; and
 - (ii) steam or forms of useful energy (such as heat) which are used for industrial or commercial heating or cooling purposes.

- (c) “Gas Curtailment” - A period of time during which the supply of gaseous fuel to a permit unit is restricted or halted for reasons beyond the control of the facility. An increase in the cost or unit price of natural gas due to normal market fluctuations not during periods of supplier delivery restriction does not constitute a period of natural gas curtailment or supply interruption. On-site gaseous fuel system emergencies or equipment failures qualify as periods of supply interruption when the emergency or failure is beyond the control of the facility.
- (c) "Emissions Control Plan" - A document which outlines how an existing facility will comply with the requirements of this rule. -The plan shall contain the following:
- (i) a list of all permit units with their Rated Heat Inputs and estimated Annual Heat Inputs; and
 - (ii) for permit units subject to subsection (C)(3)(a) or (C)(4)(a), for each permit unit listed, the selected method of achieving the applicable standard or standards of subsection (C)(3)(a) or (C)(4)(a); and
 - (iii) for permit units subject to subsection (C)(3)(b) or (C)(4)(b), for each permit unit listed, a selection of one of the four options specified in subsection (C)(3)(b) or (C)(4)(b) to achieve compliance with this rule.
- (d) “Gaseous Fuel” - Natural gas, digester gas, landfill gas, methane, ethane, propane, butane, or any gas stored as a liquid at high pressure such as liquefied petroleum gas.
- (e) "High Annual Heat Input Permit Unit" - A permit unit with an annual heat input greater than or equal to 50,000 million Btu (MMBtu).
- (f) "Independent Power Producer" - A power plant which is not directly regulated by a Public Utilities Commission, which provides power to an electric utility rather than directly to rate-payers, and which is a Qualifying Small Power Production Facility per Public Utility Regulatory Policies Act regulations (18 CFR Ch.1, Subpart B).
- (g) “Liquid Fuel” - Any fuel which is a liquid at standard conditions including but not limited to distillate oils, kerosene and jet fuel.- Liquefied Gaseous Fuels are not Liquid Fuels.
- (h) "Low Annual Heat Input Permit Unit" - A permit unit with an annual heat input less than 50,000 million Btu (MMBtu).
- (i) "NO_x Emissions" (NO_x) - The sum of any oxides of nitrogen which can be measured in the flue gas.

- (j) "Process Heater" - Any combustion equipment fired with any fuel, which transfers heat from combustion gases to water or process streams. - Process Heaters do not include any dryers in which the material being dried is in direct contact with the products of combustion, such as: -cement or lime kilns, glass melting furnaces, or smelters.
- (k) "Solar Power Production Facility" - An independent power producer which is a Solar Thermal Powerplant in which 75 percent (75%) or more of the total energy output is from solar energy and the use of backup fuels, such as oil, natural gas, and coal, does not, in the aggregate, exceed 25 percent (25%) of the total energy input of the facility during any calendar year period per Public Resources Code §25140.

(C) Requirements

- (1) RACT standards shall apply to all permit units, unless BARCT standards are applicable to the particular existing permit unit. -BARCT standards shall apply to any existing permit units currently permitted to emit more than five tons per day or more than 250 tons per year of NO_x.
- (2) An Owner/Operator of any permit unit(s) subject to subsection (C)(3)(a) or (C)(4)(a) below shall have the option of complying with either the ppmv or pounds per million Btu (lbs/MMBtu) NO_x emission limits.
- (3) RACT Standards:
 - (a) High Annual Heat Input permit units, shall not emit:
 - (i) carbon monoxide in excess of 400 ppmv; and
 - (ii) NO_x in excess of 30 ppmv, and/or 0.036 lbs/MMBtu of heat input, when operated on Gaseous Fuel; and
 - (iii) NO_x in excess of 40 ppmv, and/or 0.052 lbs/MMBtu of heat input, when operated on Liquid Fuels; and
 - (iv) NO_x in excess of the heat-input weighted average of the limits specified in (C)(3)(a)(ii) and (C)(3)(a)(iii), above, when operated on combinations of Gaseous and/or Liquid Fuels.

Sample calculation:

$$Emission\ Limit = \frac{(340\ ppmv * x) + (4070\ ppmv * y)}{x + y}$$

Where:

x	=	Annual Heat Input from Gaseous Fuel
y	=	Annual Heat Input from Liquid Fuel

- (b) Low Annual Heat Input permit units shall:
 - (i) be operated in a manner that maintains stack-gas oxygen (O₂) concentrations at less than or equal to 3.0 percent by volume on a dry basis; or
 - (ii) be operated with a stack-gas oxygen trim system set at 3.00±0.15 percent oxygen by volume on a dry basis; -or
 - (iii) be tuned at least annually in accordance with the procedure described in Section (I), a modification of the tuning procedure described in Section (I) as approved by the APCO, CARB and USEPA, or the permit unit manufacturer's specified tune-up procedure; or
 - (iv) be operated in compliance with the applicable emission levels specified in subsection (C)(3)(a).

(4) BARCT Standards:

- (a) High Annual Heat Input permit units, as defined in Section (B), shall not emit:
 - (i) carbon monoxide in excess of 400 ppmv; and
 - (ii) NO_x in excess of 30 ppmv, and/or 0.036 lbs/MMBtu of heat input, when operated on Gaseous Fuel; and
 - (iii) NO_x in excess of 40 ppmv, and/or 0.052 lbs/MMBtu of heat input, when operated on Liquid fuels ; and
 - (iv) NO_x in excess of the heat-input weighted average of the limits specified in (C)(4)(a)(ii) and (C)(4)(a)(iii), above, when operated on combinations of Gaseous and/or Liquid fuels.

Sample calculation:

$$Emission\ Limit = \frac{(30\ ppmv * x) + (40ppmv * y)}{x + y}$$

Where:

x	=	Annual Heat Input from Gaseous Fuel
y	=	Annual Heat Input from Liquid Fuel

- (b) Low Annual Heat Input permit units, as defined in Section (B), shall:
 - (i) be operated in a manner that maintains stack-gas oxygen concentration at less than or equal to 3.0 percent by volume on a dry basis; or
 - (ii) be operated with a stack-gas oxygen trim system set at 3.00±0.15 percent oxygen by volume on a dry basis; or
 - (iii) be tuned at least annually in accordance with the procedure described in Section (I), a modification of the tuning procedure

described in Section (I) as approved by the APCO, CARB and USEPA, or the permit unit manufacturer's specified tune-up procedure; or

- (iv) be operated in compliance with the applicable emission levels specified in subsection (C)(4)(a).

(5) General Equipment Requirements:

- (a) Owner/Operators of permit units which simultaneously fire combinations of different fuels, and are subject to the requirements of subsection (C)(3)(a) or (C)(4)(a), shall:

- (i) install mass flow rate meters in each fuel line; or
- (ii) install volumetric flow rate meters in conjunction with temperature and pressure probes in each fuel line; or
- (iii) maintain a fuel log.

- (b) Owner/Operators of permit units which employ flue-gas NO_x reduction technology, and are subject to the requirements of subsection (C)(3)(a) or (C)(4)(a), shall:

- (i) install meters as applicable to allow instantaneous monitoring of the operational characteristics of the NO_x reduction equipment; or
- (ii) maintain a log of NO_x reduction equipment operational characteristics.

- (c) Owner/Operators of permit units which are subject to (C)(3)(b) or (C)(4)(b) and choose to comply with (C)(3)(b)(ii) or (C)(4)(b)(ii), respectively, shall install a stack-gas oxygen trim system.

(D) Exemptions

- (1) During periods of unexpected gas curtailment of normal Gaseous Fuels, permit units subject to the requirements of subsection (C)(3)(a) or (C)(4)(a) which normally burn only Gaseous Fuel shall comply with a NO_x emission limit of either 150 ppmv or 0.215 pound per million Btu of heat input when burning Liquid Fuel. (This exemption shall not exceed the period of natural gas curtailment, and specifically includes equipment and emission testing time not exceeding 48 hours per calendar year).

- (2) Permit units which are located at Solar Power Production Facilities and are subject to the requirements of subsection (C)(3)(a) shall comply with the following NO_x emission limits in lieu of complying with subsection (C)(3)(a):

- (a) 125 ppmv, when the permit unit is located at SEGS VI or SEGS VII in Kramer Junction and is operating at 40% or less of Rated Heat Input; and

- (b) 70 ppmv, when the permit unit is located at SEGS VI or SEGS VII in Kramer Junction and is operating at more than 40% of Rated Heat Input, or when the permit unit is located at SEGS III, IV, V in Kramer Junction or SEGS VIII or IX in Harper Lake under all operating conditions; and,
 - (c) those limits specified in (C)(3)(a), for all other such permit units and operating conditions.
- (3) The provisions of Section (C) of this rule shall not apply to permit units which have no Annual Heat Input (Annual Heat Input equals zero). -The Owner/Operator of any permit unit who wishes to claim an exemption pursuant to this subsection shall meet the record keeping requirements of this rule so as to be able to prove the exemption status.
 - (4) Units which are subject to District Rules 1158 or 1161 are exempt from this rule.
 - (5) Units located outside of the Federal Ozone Non-Attainment Area (FONA) are exempt from this rule.

(E) Monitoring and Records

- (1) Emissions Compliance Testing:
 - (a) Frequency: -All permit units covered under subsections (C)(3) and (C)(4) shall demonstrate compliance through emission compliance testing not less than once every 12 months, except that permit units complying with subsection (C)(3)(b)(iii) or (C)(4)(b)(iii) shall be tuned not less than once every 12 months, and permit units claiming an exemption pursuant to subsection (D)(1) which burn a secondary fuel for less than 720 cumulative hours in the twelve month consecutive period prior to testing shall not be required to perform compliance testing for that fuel.
 - (b) Procedures:
 - (i) Compliance testing required by this rule shall follow the administrative procedures outlined in the District's Compliance Test Procedural Manual. All emission determinations shall be made as stipulated in the test protocol accepted by the District.
 - (ii) Emission determinations shall include, at a minimum, one emission compliance test conducted at 90% of the maximum firing rate allowed by the District permit or at normal operating conditions.
 - ~~(iii) No compliance determination shall be established based on data obtained from compliance testing, including integrated sampling methods, during a start-up period or shut-down period.~~

- (~~iii~~) All ppmv emission limits specified in subsections (C)(3)(a), (C)(4)(a) and (D)(1) are referenced at dry stack-gas conditions and 3.0 percent by volume stack-gas oxygen.
- (iv) All lbs/MMBtu NO_x emission rates shall be calculated as pounds of nitrogen dioxide per MMBtu of heat input.
- (v) All emission concentrations and emission rates shall be based on hourly averages.

(2) Records and Reporting

- (a) For all permit units subject to this rule, the Owner/Operators shall monitor and record for each permit unit the High Heat Value and cumulative annual usage of each fuel. -The cumulative annual usage of each fuel shall be monitored from utility service meters, purchase or tank fill records. -A statement of the heat input for the previous calendar year shall be submitted to the District by March 1 each year.
- (b) For permit units exempt from subsection (C)(3)(a) or (C)(4)(a) in accordance with subsection (D)(1), the Owner/Operators shall monitor and record for each permit unit the cumulative annual hours of operation on each Liquid Fuel.
- (c) All data shall be kept current and on site for a minimum of five years, and provided to District or state personnel on request.
- (d) The Owner/Operators of permit units subject to this rule shall submit all required compliance test reports to the District.
- (e) For each permit unit complying with subsection (C)(3)(b)(iii) or (C)(4)(b)(iii), records verifying that the tune-up has been performed for each fuel burned shall be maintained on site for five years. -If a different tune-up procedure from that described in Section (I) is used, then a copy of this procedure shall be kept on site for five years. -Such records shall be provided on request by the APCO.
- (f) Test reports shall include the operational characteristics of all flue-gas NO_x reduction equipment.

(F) Test Methods

- (1) Compliance with the NO_x, carbon monoxide and oxygen requirements of Section C shall be determined using the following test methods:
 - (a) Oxides of Nitrogen - EPA Method 7E or ARB Method 100
 - (b) Carbon Monoxide - EPA Method 10 or ARB Method 100

- (c) Stack Gas Oxygen - EPA Method 3 or 3A or ARB Method 100 (d) NOx Emission Rate (Heat Input Basis) - EPA Method 19
- (2) HHV determination shall be by one of the following test methods:
 - (a) ASTM D 240-87 or ASTM D 2382-88 for liquid hydrocarbon fuels; or
 - (b) ASTM D 1826-~~8803~~, or ASTM D 1945-~~03(2010)~~ or ~~D 1945-1481~~ in conjunction with ASTM D 3588-~~8998(2003)~~ for Gaseous Fuels.

(G) Compliance Schedule

- (1) The Owner/Operator of a permit unit which becomes subject to the requirements of subsection (C)(3)(a) or (C)(4)(a) by exceeding the Annual Heat Input thresholds in subsection (B)(1)(h) for a calendar year, or by operating the permit unit so that an exemption pursuant to (D)(3) no longer applies, shall fulfill the following increments of progress:
 - (a) On or before December 31 of the calendar year immediately following the year that the Annual Heat Input threshold was exceeded or the permit unit commenced operation, submit an Emissions Control Plan containing the information outlined in subsection (B)(1)(e).
 - (b) No later than three calendar years following the submission of the Emissions Control Plan, demonstrate final compliance with all applicable standards and requirements of the rule.
- (2) Failure to perform interim measures as set forth in a submitted Emissions Control Plan shall constitute a violation of this rule.

(H) Severability of Portions of this Rule

If any portion of this rule is found to be invalid or unenforceable, such finding shall have no effect on the validity and enforceability of the remaining portions of the rule, which are severable and shall continue to be in full force and effect.

(I) Tuning Procedure

- (1) Nothing in these Tuning Procedures shall be construed to require any act or omission that would result in unsafe conditions or would be in violation of any regulation or requirement established by Factory Mutual, Industrial Risk Insurers, National Fire Prevention Association, the California Department of Industrial Relations (Occupational Safety and Health Division), the Federal Occupational Safety and Health Administration, or other relevant regulations and requirements.

- (2) Tuning Procedure for Forced-Draft Permit units⁵
- (a) Operate the permit unit at the firing rate most typical of normal operation. If the permit unit experiences significant load variations, operate it at its average firing rate.
 - (b) At this firing rate, record stack gas temperature, oxygen concentration, and CO concentration (for Gaseous Fuels) or smoke-spot number⁶ (for Liquid Fuels), and observe flame conditions after permit unit operation stabilizes at the firing rate selected. -If the excess oxygen in the stack gas is at the lower end of the range of typical minimum values,⁷ and if the CO emissions are low and there is no smoke, the permit unit is probably operating at near optimum efficiency - at this particular firing rate. However, complete the remaining portion of this procedure to determine whether still lower oxygen levels are practical.
 - (c) Increase combustion air flow to the furnace until stack gas oxygen levels increase by one to two percent over the level measured in subsection (I)(2)(b). -As in (I)(2)(b), record the stack gas temperature, CO concentration (for Gaseous Fuels), or smoke-spot number (for Liquid Fuels), and observe flame conditions for these higher oxygen levels after Boiler operation stabilizes.
 - (d) Decrease combustion air flow until the stack gas oxygen concentration is at the level measured in (I)(2)(b). -From this level gradually reduce the combustion air flow, in small increments. -After each increment, record the stack gas temperature, oxygen concentration, CO concentration (for Gaseous Fuels) and smoke-spot number (for Liquid Fuels). -Also, observe the flame and record any changes in its condition.
 - (e) Continue to reduce combustion air flow stepwise, until one of these limits is reached:
 - (i) Unacceptable flame conditions - such as flame impingement on furnace walls or burner parts, excessive flame carryover, or flame instability.
 - (ii) Stack gas CO concentrations greater than 400 ppmv.
 - (iii) Smoking at the stack.
 - (iv) Equipment-related limitations - such as low windbox/furnace pressure differential, built in air-flow limits, etc.

⁵ This tuning procedure is based on a tune-up procedure developed by KVB, Inc. for the USEPA.

⁶ The smoke-spot number can be determined with ASTM test method D-2156-80 or with the Bacharach method.

⁷ Typical minimum oxygen levels for boilers at high firing rates are: For natural gas: 0.5 - 3%; 2. For Liquid Fuels: 2 - 4%

- (f) Develop an O₂/CO curve (for Gaseous Fuels) or O₂/smoke curve (for Liquid Fuels) using the excess oxygen and CO or smoke-spot number data obtained at each combustion air flow setting.
- (g) From the curves prepared in (I)(2)(f), find the stack gas oxygen levels where the CO emissions or smoke-spot number equal the following values:

Fuel	Measurement	Value
Gaseous	CO Emissions	400 ppmv
#1 and #2 oils	smoke-spot number	number 1
# 4 Oil	smoke-spot number	number 2
# 5 Oil	smoke-spot number	number 3
Other oils	smoke-spot number	number 4

The above conditions are referred to as the CO or smoke thresholds, or as the minimum excess oxygen levels.

Compare this minimum value of excess oxygen to the expected value provided by the combustion permit unit manufacturer. -If the minimum level found is substantially higher than the value provided by the combustion permit unit manufacturer, burner adjustments can probably be made to improve fuel and air mix, thereby allowing operations with less air.

- (h) Add 0.5 to 2.0 percent to the minimum excess oxygen level found in (I)(2)(g) and reset burner controls to operate automatically at this higher stack gas oxygen level. -This margin above the minimum oxygen level accounts for fuel variations, variations in atmospheric conditions, load changes, and nonrepeatability or play in automatic controls.
- (i) If the load of the combustion permit unit varies significantly during normal operation, repeat (I)(2)(a) through (h) for firing rates that represent the upper and lower limits of the range of the load. -Because control adjustments at one firing rate may affect conditions at other firing rates, it may not be possible to establish the optimum excess oxygen level at all firing rates. -If this is the case, choose the burner control settings that give the best performance over the range of firing rates. -If one firing rate predominates, setting should optimize conditions at the rate.
- (j) Verify that the new settings can accommodate the sudden load changes that may occur in daily operation without adverse effects. -Do this by increasing and decreasing load rapidly while observing the flame and stack. If any of the conditions in (I)(2)(e) result, reset the combustion

controls to provide a slightly higher level of excess oxygen at the affected firing rates. -Next, verify these new settings in a similar fashion. -Then make sure that the final control settings are recorded at steady-state operating conditions for future reference.

- (k) When the above checks and adjustments have been made, record data and attach combustion analysis to permit unit records. -Indicate the name and title of the person performing the tune-up, the date the tune-up was performed, and sign the record.

(3) Equipment Tuning Procedure for Natural Draft Fired Permit units

(a) Preliminary Analysis

(i) CHECK THE OPERATING PRESSURE OR TEMPERATURE. Operate the permit unit at the lowest acceptable pressure or radiation losses. -Determine the pressure or temperature that will be used as a basis for comparative combustion analysis before and after tune-up.

(ii) COMBUSTION ANALYSIS. Perform an "as is" combustion analysis (CO₂, O₂, etc.) with a warmed up permit unit at high and low fire, if possible. In addition to data obtained from combustion analysis, also record the following:

- a. Inlet fuel pressure at burner (at high & low fire); and
- b. Draft above draft hood or barometric damper (at high, medium, and low settings); and
- c. Steam pressure, water temperature, or process fluid pressure or temperature entering and leaving the permit unit.
- d. Permit unit rate if meter is available.

(b) Adjustments: while taking combustion readings with a warmed up permit unit operated at the Rated Heat Input, perform checks and adjustments as follows:

(i) Adjust permit unit to fire at rate; record fuel manifold pressure.

(ii) Adjust draft and/or fuel pressure to obtain acceptable, clean combustion at high, medium and low firing rates. -The CO value should always be below 400 ppmv at 3% O₂. -If CO is high make necessary adjustments.

(iii) Check to ensure permit unit light offs are smooth and safe. -A reduced fuel pressure test at both high and low fire should be conducted in accordance with the manufacturer's instructions and maintenance manuals.

- (iv) Check and adjust operations of modulation controller. -Ensure proper, efficient and clean combustion through the range of firing rates.
 - (v) When above adjustments and corrections have been made, record all data.
- (c) Final Test: -Perform a final combustion analysis with a warmed up permit unit at high, medium and low firing rates, whenever possible. -In addition to data from combustion analysis, also check and record:
- (i) fuel pressure at burner (at high, medium and low settings); and
 - (ii) draft above draft hood or barometric damper (at high, medium, and low settings); and
 - (iii) steam pressure, water temperature, or process fluid pressure or temperature entering and leaving the permit unit; and
 - (iv) permit unit rate if meter is available.

When the above checks and adjustments have been made, record data and attach combustion analysis to permit unit records. -Indicate the name and title of the person performing the tune-up, the date the tune-up was performed, and sign the record.

See SIP Table at <http://www.mdaqmd.ca.gov/>

Appendix “B”
Public Notice Documents

1. Proof of Publication – Riverside Press Enterprise [publication date]
2. Proof of Publication – San Bernardino Sun [publication date]

THE PRESS-ENTERPRISE
KEEP YOUR EYES ON THE PRIZE
INCORPORATED
The Press-Enterprise
3512 14 Street
Riverside, California 92501
(951) 368-9229

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

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc:

FILE NO.

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:

08/25/2023

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

Date: August 25, 2023.
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 25, 2023 at 10:00 A.M. to consider the amendment of MDAQMD Rule 1157 – Boilers and Process Heaters .

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 amendment of MDAQMD Rule 1157 – Boilers and Process Heaters 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, 2023 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.

USEPA has published a limited approval and limited disapproval (88 FR 39366, 6/16/2023) regarding MDAQMD Rule 1157 - Boilers and Process Heaters as submitted in 2018, effective July 17, 2023. The proposed amendment aims to correct deficiencies and bring the rule requirements up to date following EPA guidance. Amendments include the removal of a startup and shutdown provision, general formatting corrections, addition of a new definition, and updates to testing methods referenced in the rule to reflect current practice.

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: 8/25/23

RECEIVED
MOJAVE DESERT AQMD

AUG 25 2023

CLERK OF THE BOARD
BY  _____

The Sun (San Bernardino)
473 E. Carnegie Drive, Suite 250
San Bernardino, California 92408
(909) 386-3864

0011618930

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

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

**STATE OF CALIFORNIA
County of San Bernardino**


I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not party to or interested in the above-entitled matter. I am the principal clerk of the printer of The Sun (San Bernardino), a newspaper of general circulation, printed and published in the City of San Bernardino*, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of San Bernardino, State of California, under the date of 06/20/1952, Case No. 73084. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

08/25/2023

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

Dated at San Bernardino, California

On this 25th day of August, 2023.


Signature

*The Sun (San Bernardino) circulation includes the following cities:
(UNKNOWN LIST)

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The Sun (San Bernardino)
Published: 8/25/23

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AUG 25 2023

CLERK OF THE BOARD
BY 

Appendix “C”
Public Comments and Responses

Appendix “D”
California Environmental Quality Act
Documentation

Completed NOE's to be placed here.

Appendix “E” Bibliography

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

1. 40 CFR 63.14 (up to date as of 8-01-2023)
2. 88 FR 39366
3. EPA-R09-OAR-2023-0087-0003_attachment_1 (4) (1)

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501
FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of MDAQMD Rule 1157 – *Boilers and Process Heaters*.

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: In June of 2023, USEPA published a limited approval and limited disapproval regarding Rule 1157 (88 FR 39366, 6/16/2023) as submitted in 2018, effective July 17th, 2023. The proposed amendment aims to correct deficiencies and bring the rule requirements up to date following EPA guidance.

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 amendment is exempt from CEQA review because the amendment removes an exemption and corrects deficiencies noted by EPA, and will not create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** September 25, 2023

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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

NOTICE OF EXEMPTION

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

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



X MDAQMD Senior Executive Analyst

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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 25, 2023

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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

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:

FILE NO.

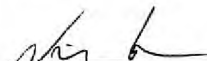
PROOF OF PUBLICATION

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:

08/25/2023

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

Date: August 25, 2023.
At: Riverside, California



Signature

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The Press-Enterprise
Published: 8/25/23

RECEIVED
MOJAVE DESERT AQMD

AUG 25 2023

CLERK OF THE BOARD
BY 

The Sun (San Bernardino)
473 E. Carnegie Drive, Suite 250
San Bernardino, California 92408
(909) 386-3864

0011618930

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

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

**STATE OF CALIFORNIA
County of San Bernardino**

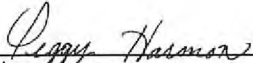
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08/25/2023

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Dated at San Bernardino, California

On this 25th day of August, 2023.



Signature

*The Sun (San Bernardino) circulation includes the following cities:
[UNKNOWN LIST]

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The Sun (San Bernardino)
Published: 8/25/23

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MOJAVE DESERT AQMD

AUG 25 2023

CLERK OF THE BOARD
BY 

Amendment of MDAQMD Rule 1157 – *Boilers and Process Heaters*

Proposed for Adoption on September 25th, 2023



Alan De Salvio, Deputy APCO

Rule 1157 — *Boilers and Process Heaters*



- Previously amended on January 22nd, 2018 and submitted for inclusion in the MDAQMD SIP
- USEPA published a limited approval and limited disapproval (88 FR 39366, 6/16/2023) effective July 17th, 2023
- The primary deficiencies listed by EPA included a startup/shutdown provision and out of date references for various testing methodologies.

Rule 1157 — *Boilers and Process Heaters*



- The disapproval commenced an 18-month sanctions clock during which the District must correct the deficiencies and submit the rule to EPA for SIP approval.
- EPA has confirmed that these amendments will ensure the rule will be approved.
- Amendments include:
 - the removal of a startup and shutdown provision
 - various formatting corrections
 - addition of a new definition for Gas Curtailment
 - updates to testing methods referenced in the rule to reflect current practice

Questions?



 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 a State Implementation Plan \(SIP\) Cleanup: Rescission of South Coast Air Quality Management District Rule 1175 – Control of Emissions from the Manufacture of Polymeric Cellular \(Foam\) Products as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular \(Foam\) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting SIP Clean Up: Rescission of South Coast Air Quality Management District Rule 1175 – Control of Emissions from the Manufacture of Polymeric Cellular \(Foam\) Products as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular \(Foam\) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.](#) Presenter: [Chris Anderson, Planning/Air Monitoring Supervisor.](#)

Please scroll down to view the backup material.

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

AGENDA ITEM #10

PAGE 1

DATE: September 25, 2023

RECOMMENDATION: Conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Rescission of South Coast Air Quality Management District Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting SIP Clean Up: Rescission of South Coast Air Quality Management District Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.

SUMMARY: The proposed SIP cleanup aims to rescind the May 1st, 1990 version of SCAQMD Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District and adopt a Federal Negative Declaration for the source category Manufacturing of Polymeric Cellular (Foam) Products. This SIP update is necessary in order to standardize the applicability of the MDAQMD SIP.

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.

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

AGENDA ITEM #10

PAGE 2

The South Coast Air Quality Management District (SCAQMD) was formed effective February 1, 1977, with only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), primarily the San Bernardino Valley, 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. There was no rule for this source category at this time.

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 a resolution as a SIP revision to replace all the Riverside County rules with SCAQMD rules in the SIP.

On August 11, 1980, CARB submits Riverside County Resolution 77-362 as a SIP revision with the intent that the SCAQMD Rules would replace any Riverside County APCD rules in effect as of 12/1/1977 in both the rulebook and the SIP. USEPA later approved this action (47 FR 25013, 6/9/1982). On November 3rd, 1989 SCAQMD adopts Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products*. This rule was also effective in the Riverside County portion of SCAQMD, including the Palo Verde Valley. On November 20th, 1989 SBCAPCD republishes their entire rulebook. There was no rule covering this source category included in this rulebook. Around the same time period, USEPA publishes an Alternative Control Technique Guideline Titled Control of VOC Emissions from Polystyrene Foam Manufacturing (EPA 450/3-90-020).

Later on, SCAQMD would amend Rule 1175 (1/5/1990) and submit the rule to EPA for inclusion in the SIP. USEPA finalizes a limited approval/limited disapproval of the May 1st, 1990 version of SCAQMD 1175 (57 FR 66286, 10/26/1992). This is the version of SCAQMD 1175 in the SIP for the Blythe/Palo Verde Valley region of the MDAQMD.

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and the SIP. In June of 1994, USEPA publishes final approval of the 3/1/1991 version SC Rule 1104 (59 FR 23254 1994 23 Jun). 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. Thus, the 1/5/1990 version of SCAQMD 1175 became the version currently in the SIP for the Palo Verde Valley/Riverside portion of MDAQMD.

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

AGENDA ITEM #10

PAGE 3

The current action is intended to request that USEPA rescind the May 1st, 1990 version of SCAQMD 1175 from the SIP and approve the adoption of a Federal Negative Declaration (FND) for Polymeric Cellular Foam Products Manufacturing source category for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for SIP Cleanup: Rescission of South Coast Air Quality Management District Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District and adopt a Federal Negative Declaration for the source category Manufacturing of Polymeric Cellular (Foam) Products.

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

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 10, 2023.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Chris Anderson, Planning/Air Monitoring Supervisor.

RESOLUTION NO. 01-_____

1 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT**
2 **AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING**
3 **THE NOTICE OF EXEMPTION, SIP CLEANUP: RESCISSION OF SCAQMD 1175 –**
4 **CONTROL OF EMISSIONS FROM THE MANUFACTURE OF POLYMERIC**
5 **CELLULAR (FOAM) PRODUCTS AS IT APPEARS IN THE SIP AND ADOPTION**
6 **OF A FEDERAL NEGATIVE DECLARATION FOR THE MANUFACTURING OF**
7 **POLYMERIC CELLULAR (FOAM) PRODUCTS SOURCE CATEGORY FOR THE**
8 **BLYTHE/PALO VERDE VALLEY PORTION OF THE MDAQMD IN RIVERSIDE**
9 **COUNTY AND DIRECTING STAFF ACTIONS.**

6 On September 25, 2023, on motion by Member _____, seconded by
7 Member _____, and carried, the following resolution is adopted:

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

11 **WHEREAS**, the MDAQMD is proposing to adopt a State Implementation Plan (SIP)
12 Cleanup: Rescission of SCAQMD 1175 – *Control of Emissions from the Manufacture of*
13 *Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal
14 Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source
15 category for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County; and

16 **WHEREAS**, the proposed rescission of South Coast Air Quality Management District
17 Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam)*
18 *Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the
19 Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo
20 Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside
21 County will standardize the applicability of the SIP; and

22 **WHEREAS**, the South Coast Air Quality Management District (SCAQMD) was
23 formed effective February 1, 1977; and

24 **WHEREAS**, On August 11, 1980, CARB submitted Riverside County
25 Resolution 77-362 as a SIP revision with the intent that the SCAQMD Rules would replace
26 any Riverside County APCD rules in effect as of 12/1/1977 in both the rulebook and the SIP;
27 and

28 **WHEREAS**, USEPA later approved this action (47 FR 25013, 6/9/1982); and

RESOLUTION NO. 01-_____

1 **WHEREAS**, On November 3rd, 1989 SCAQMD adopted Rule 1175 – *Control of*
2 *Emissions from the Manufacture of Polymeric Cellular (Foam) Products*; and

3 **WHEREAS**, SCAQMD Rule 1175 was also effective in the Riverside County portion
4 of SCAQMD, including the Palo Verde Valley; and

5 **WHEREAS**, later on SCAQMD would amend Rule 1175 on May 1st, 1990 and submit
6 the rule to EPA for inclusion in the SIP; and

7 **WHEREAS**, USEPA finalizes a limited approval/limited disapproval of the May 1st,
8 1990 version of SCAQMD 1175 (57 FR 66286, 10/26/1992); and

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

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

15 **WHEREAS**, the May 1st, 1990 version of SC 1104 - *Wood Flat Stock Coating*
16 *Operations* became the version currently in the SIP for the Palo Verde Valley/Riverside
17 portion of MDAQMD; and

18 **WHEREAS**, the current action is intended to request that USEPA rescind the May 1st,
19 1990 version of SCAQMD 1175 from the MDAQMD SIP and approve the adoption of a
20 Federal Negative Declaration (FND) for Polymeric Cellular Foam Products Manufacturing
21 source category for the Palo Verde Valley/Blythe area of Riverside County within the
22 jurisdiction of the MDAQMD, and

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

25 **WHEREAS**, the proposed rescission of SCAQMD Rule 1175 – *Control of Emissions*
26 *from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the MDAQMD
27 SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric
28 Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the

RESOLUTION NO. 01-_____

1 Mojave Desert Air Quality Management District in Riverside County is clear in that the
2 meaning can be easily understood by the persons impacted by the rule; and

3 **WHEREAS**, the proposed rescission of SCAQMD Rule 1175 – *Control of Emissions*
4 *from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the MDAQMD
5 SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric
6 Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the
7 MDAQMD in Riverside County is in harmony with, and not in conflict with, or contradictory
8 to existing statutes, court decisions, or state or federal regulations; and

9 **WHEREAS**, proposed rescission of SCAQMD Rule 1175 – *Control of Emissions from*
10 *the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the MDAQMD SIP
11 and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular
12 (Foam) Products source category for the Blythe/Palo Verde Valley portion of the MDAQMD
13 in Riverside County does not impose the same requirements as any existing state or federal
14 regulation because CFR subparts require state and/or local regulations for implementation; and

15 **WHEREAS**, the proposed rescission of SCAQMD Rule 1175 – *Control of Emissions*
16 *from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the MDAQMD
17 SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric
18 Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the
19 MDAQMD in Riverside County is needed to standardize the applicability of the MDAQMD
20 SIP; and

21 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to
22 H&S Code §40725, concerning the proposed rescission of SCAQMD 1175 – *Control of*
23 *Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the
24 MDAQMD SIP and adoption of a Federal Negative Declaration for the Manufacturing of
25 Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion
26 of the MDAQMD in Riverside County; and

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28 //

RESOLUTION NO. 01-_____

1 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for
2 the proposed to rescission of SCAQMD 1175 – *Control of Emissions from the Manufacture of*
3 *Polymeric Cellular (Foam) Products* as it appears in the MDAQMD SIP and adoption of a
4 Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products
5 source category for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside
6 County, was completed in compliance with the California Environmental Quality Act
7 (CEQA), has been presented to the Governing Board of the MDAQMD; each member having
8 reviewed, considered and approved the information contained therein prior to acting on
9 proposed to rescission of SC 1175 – *Control of Emissions from the Manufacture of Polymeric*
10 *Cellular (Foam) Products* as it appears in the MDAQMD SIP and adoption of a Federal
11 Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source
12 category for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County, and
13 the Governing Board of the MDAQMD having determined that proposed SIP Rule action and
14 FND adoption will not have any potential for resulting in any adverse impact upon the
15 environment; and

16 **WHEREAS**, the Board has considered the evidence presented at the public hearing;
17 and

18 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the
19 MDAQMD finds that the proposed rescission of SC 1175 – *Control of Emissions from the*
20 *Manufacture of Polymeric Cellular (Foam) Products* as it appears in the MDAQMD SIP and
21 adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular
22 (Foam) Products source category for the Blythe/Palo Verde Valley portion of the MDAQMD
23 in Riverside County is necessary, authorized, clear, consistent, non-duplicative and properly
24 referenced; and

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RESOLUTION NO. 01-_____

1 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD hereby
2 makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies
3 the Notice of Exemption for the proposed to rescission of SC 1175 – *Control of Emissions*
4 *from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the MDAQMD
5 SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric
6 Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the
7 MDAQMD in Riverside County; and

8 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does
9 hereby adopt, pursuant to the authority granted by law, the proposed rescission of SCAQMD
10 1175 as it appears in the MDAQMD SIP and adoption of a Federal Negative Declaration for
11 the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo
12 Verde Valley portion of the MDAQMD in Riverside County, as set forth in the attachments to
13 this resolution and incorporated herein by this reference; and

14 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon
15 adoption, and that the Senior Executive Analyst – Confidential is directed to file the Notice of
16 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 25th, 2023.

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

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Mojave Desert Air Quality Management District

Brad Poiriez, Executive Director

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • Fax 760.245.2022

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Mojave Desert Air Quality Management District Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products Source Category in the Riverside County Portion of the MDAQMD

In the process of standardizing the applicability of the MDAQMD SIP by researching and removing previous versions of SCAQMD rules that are currently in the SIP for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD (Specifically SCAQMD 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products*), the MDAQMD noted that the Manufacturing of Polymeric Cellular (Foam) Products is not covered by a local rule in the MDAQMD rule book primarily because there appeared to be no sources in the source category within the MDAQMD’s jurisdiction. The MDAQMD then examined its permit files, emissions inventory, and other documentation and has determined that there are no applicable sources in this category located within the Riverside county portion of the MDAQMD and none are anticipated in the near future.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of Volatile Organic Compounds (VOCs) and oxides of nitrogen (NOX) which are ozone precursors.¹ Since the southwestern portion of the MDAQMD has been designated non-attainment for several of the Federal National Ambient Air Quality Standards (NAAQS) for Ozone² and classified Severe the MDAQMD is subject to this requirement. While there is neither a CTG document nor any “major sources” within this particular source category within the MDAQMD’s jurisdiction, there is an Alternative Control Techniques (ACT) document³ as well as three National Emissions Standards for Hazardous Air Pollutants⁴ that are applicable. Given the applicability of the ACT

¹ Federal Clean Air Act §7511a(b)(2); Federal Clean Air Act §182(b)(2).

² 40 CFR 81.305 (See specifically tables for the O₃ 1-hour Standard, 1997 8-hour O₃ NAAQS, 2008 8 hour O₃ NAAQS, 2015 8 hour O₃ NAAQS). A “clean data” finding has been made for the Southeast Desert Ozone Nonattainment Area, 1-hour O₃ standard at 80 FR 20166, 4/15/2015 and the 1-hour O₃ standard has been revoked.

³ *Control of VOC Emissions from Polystyrene Foam Manufacturing*, September 1990 (EPA 450/3-90-020)

⁴ Specifically: 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (commencing with §63.1290); 40 CFR 63 Subpart M - *National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations* (commencing with §63.8780); and 40 CFR 63, Subpart O - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources* (commencing with §63.11414)

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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

and NESHAPs along with the existence of SCAQMD 1175 in the SIP for the Riverside County portion of the District, the certification of the non-existence of facilities in this particular source category via the adoption of a Federal Negative Declaration is advisable. Such Federal Negative Declaration will allow the proper removal of SCAQMD 1175 from the SIP and avoid the appearance of a regulatory “back off” in applicable requirements.⁵

I certify on behalf of the MDAQMD that, to my knowledge, the MDAQMD does not have any major stationary sources or sources subject to the applicable CTG threshold in the referenced categories located within the Riverside county portion of MDAQMD. Therefore, the MDAQMD requests the USEPA to approve this Federal Negative Declaration for the Polymeric Cellular Foam Products Manufacturing source category and include it in the State Implementation Plan for the MDAQMD.

Brad Poiriez
Executive Director

Date

⁵ 42 U.S.C. §7410(l), FCAA §110(l) prohibits relaxation of previously approved requirements in nonattainment areas; the so-called “anti-backsliding” provisions.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

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



[Draft]

Staff Report

Proposed SIP Cleanup: Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adopt a Federal Negative Declaration (FND) for the Manufacturing of Polymeric Cellular (Foam) Products source category in the Palo Verde/Blythe portion of the MDAQMD in Riverside County.

For adoption on September 25, 2023

**Mojave Desert
Air Quality
Management District**

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

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**STAFF REPORT
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List of Acronyms

BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
FCAA	Federal Clean Air Act
H&S Code	California Health & Safety Code
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NO _x	Oxides of Nitrogen
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

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STAFF REPORT

SIP Cleanup: Rescission of SCAQMD Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP in Riverside County and adopt a Federal Negative Declaration (FND) for the Manufacturing of Polymeric Cellular (Foam) Products source category

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. Mojave Desert Air Quality Management District is proposing to adopt a SIP Submittal to rescind the May 1st, 1990 version of SCAQMD 1175 from the MDAQMD SIP within Riverside County and approve the adoption of a Federal Negative Declaration (FND) for polymeric cellular foam products manufacturing source category for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD.

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. The South Coast Air Quality Management District (SCAQMD) was formed effective February 1, 1977, with only those areas of San Bernardino County located within the South Coast Air Basin (SCAB), primarily the San Bernardino Valley, 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. There was no rule for this source category at this time.

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 a resolution as a SIP revision to replace all the Riverside County rules with SCAQMD rules in the SIP.

On August 11, 1980, CARB submits Riverside County Resolution 77-362 as a SIP revision with the intent that the SCAQMD Rules would replace any Riverside County APCD rules in effect as of 12/1/1977 in both the rulebook and the SIP. USEPA later approved this action (47 FR 25013, 6/9/1982). On November 3rd, 1989 SCAQMD adopts Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products*. This rule was also effective in the Riverside County portion of SCAQMD, including the Palo Verde Valley. On November 20th, 1989 SBCAPCD republishes their entire rulebook. There was no rule covering this source category included in this rulebook. Around the same time period, USEPA publishes an Alternative Control Technique Guideline Titled Control of VOC Emissions from Polystyrene Foam Manufacturing (EPA 450/3-90-020).

Later on, SCAQMD would amend Rule 1175 (1/5/1990) and submit the rule to EPA for inclusion in the SIP. USEPA finalizes a limited approval/limited disapproval of the 1/5/1990 version of SCAQMD 1175 (57 FR 66286, 10/26/1992). This is the version of SCAQMD 1175 in the SIP for the Blythe/Palo Verde Valley region of the MDAQMD.

On July 1, 1993, the SBCAPCD became, pursuant to statute, the autonomous agency known as the Mojave Desert Air Quality Management District (MDAQMD) acquiring both the SBCAPCD-Desert District rules and the SIP. In June of 1994, USEPA publishes final approval of the 3/1/1991 version SC Rule 1104 (59 FR 23254 1994 23 Jun). 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. Thus, the 1/5/1990 version of SCAQMD 1175 became the version currently in the SIP for the Palo Verde Valley/Riverside portion of MDAQMD.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of Volatile Organic Compounds (VOCs) and oxides of nitrogen (NOX) which are ozone precursors.¹ Since the southwestern portion of the MDAQMD has been designated non-attainment for several of the Federal National Ambient Air Quality Standards (NAAQS) for Ozone² and classified Severe the MDAQMD is subject to this requirement. While there is neither a CTG document nor any “major sources” within this particular source category within the MDAQMD’s jurisdiction, there is an Alternative Control Techniques (ACT) document³ as well as three National Emissions Standards for Hazardous Air Pollutants⁴ that are applicable. Given the applicability of the ACT

¹ Federal Clean Air Act §7511a(b)(2); Federal Clean Air Act §182(b)(2).

² 40 CFR 81.305 (See specifically tables for the O₃ 1-hour Standard, 1997 8-hour O₃ NAAQS, 2008 8 hour O₃ NAAQS, 2015 8 hour O₃ NAAQS). A “clean data” finding has been made for the Southeast Desert Ozone Nonattainment Area, 1-hour O₃ standard at 80 FR 20166, 4/15/2015 and the 1-hour O₃ standard has been revoked.

³ *Control of VOC Emissions from Polystyrene Foam Manufacturing*, September 1990 (EPA 450/3-90-020)

⁴ Specifically: 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (commencing with §63.1290); 40 CFR 63 Subpart M - *National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations* (commencing with §63.8780); and 40 CFR 63, Subpart O - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources* (commencing with §63.11414)

and NESHAPs along with the existence of SCAQMD 1175 in the SIP for the Riverside County portion of the District the certification of the non-existence of facilities in this particular source category via the adoption of a Federal Negative Declaration is advisable. Such Federal Negative Declaration will allow the proper removal of SCAQMD 1175 from the SIP and avoid the appearance of a regulatory “back off” in applicable requirements.⁵

The current action is intended to request that USEPA rescind the **May 1st, 1990** (5/1/1990) version of SCAQMD 1175 from the MDAQMD SIP and approve the adoption of a Federal Negative Declaration (FND) for Polymeric Cellular Foam Products Manufacturing source category for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Mojave Desert Air Quality Management District (District) adopt, after conducting a public hearing, a resolution approving the Board Action standardizing the MDAQMD SIP for the Polymeric Cellular Foam Products Manufacturing source category. The proposed adoption is necessary in order to standardize rules in the MDAQMD SIP for this source category.

⁵ 42 U.S.C. §7410(l), FCAA §110(l) prohibits relaxation of previously approved requirements in nonattainment areas; the so-called “anti-backsliding” provisions.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of the Board action removing SC1175 from the MDAQMD SIP and adopting an FND for this source category for the Riverside County portion of the District. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

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

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

ELEMENTS OF A FEDERAL SUBMISSION:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

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

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

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

OTHER:

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

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed Governing Board action standardizing the MDAQMD SIP for the Manufacturing of Polymeric Cellular (Foam) Products source category. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations

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

a. Necessity

The proposed Governing Board action standardizing the MDAQMD SIP and adopting an FND for the Riverside portion of the District is necessary in order to standardize the applicability of 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 as well as to provide certification that no facilities within a particular source category exist within its jurisdiction.

c. Clarity

The proposed Governing Board action standardizing the MDAQMD SIP and adopting an FND for this source category in the Riverside portion of the District is clear in that is written so that the persons subject to the rule can easily understand the meaning.

d. Consistency

The proposed Governing Board action standardizing the MDAQMD SIP and adopting an FND for this source category in the Riverside portion of the District is in harmony with, and not in conflict with or contradictory to any State law or regulation, Federal law or regulation, or court decisions.

e. Nonduplication

The proposed Governing Board action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category do not impose the same requirements as any existing State or Federal law or regulation because the action is merely intended to standardize the applicability of the MDAQMD SIP to its entire jurisdiction.

f. Reference

The District has the authority pursuant to H & S Code §40702 to adopt, amend or repeal rules and regulations as well as to provide certification that particular source categories do not exist within its jurisdiction.

g. Public Notice & Comment, Public Hearing

Notice for the public hearing for the proposed Governing Board action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category will be published on August 25, 2023 for the September 25, 2023 Governing Board Meeting. 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 Governing Board action standardizing the applicability of the MDAQMD SIP and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements

The Governing Board action standardizing the MDAQMD SIP and adopting the FND is subject to all the requirements for a SIP submittal because the MDAQMD SIP contains SCAQMD 1175 for this source category, while having no sources within district boundaries. Therefore, the MDAQMD will request that SC 1175 be removed from the SIP for the Palo Verde Valley/Blythe area of Riverside County. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment

Notice for the public hearing for the proposed the Governing Board action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category will be published on August 25, 2023, for the September 25, 2023 Governing Board Meeting. 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

A copy of the proposed Governing Board action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category will be made available to the public on August 25, 2023 and the accompanying draft staff report will be made available to the public on August 25, 2023.

d. Notice to Specified Entities

Copies of the proposed Governing Board action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category will be made available to all affected agencies, including but not limited to CARB and USEPA on August 10, 2023, and the accompanying draft staff report will be made available to all affected agencies, including but not limited to CARB and USEPA on August 10, 2023.

e. Public Hearing

A public hearing to consider the proposed Governing Board action standardizing the MDAQMD SIP and adopting an FND for the Manufacturing of Polymeric Cellular (Foam) Products in the Riverside portion of the District will be noticed for September 25, 2023.

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.

C. ECONOMIC ANALYSIS

1. General

This SIP action will not create any additional costs other than the costs incurred by the District to take this proposed action.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO_x) or oxides of sulfur (SO_x). The proposed Governing Board action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category is not subject to incremental cost effectiveness calculations because it does not involve BARCT or “all feasible measures.”

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed Governing Board action standardizing the MDAQMD SIP was determined.

1. The action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category meets the CEQA definition of “project”. It is not a “ministerial” action.

2. The proposed standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category

categorically exempt. A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for this action. Copies of the documents relating to CEQA can be found in Appendix “D”.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The adoption of Governing Board action standardizing the MDAQMD SIP and adopting the FND for the Manufacturing of Polymeric Cellular (Foam) Products source category does not have any potential environmental impacts because the action only changes applicability of the SIP and does not affect existing requirements. Furthermore, the District does not have any qualifying sources for this category. Therefore, the rule does not have any impact upon emissions of air contaminants.

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

The Manufacturing of Polymeric Cellular (Foam) Products industry consists of facilities that engaged in cutting, gluing, and/or laminating pieces of flexible polyurethane foam. The MDAQMD does not currently have any existing facilities which fall into this source category within the Riverside portion of the District.

B. EMISSIONS

The proposed rule action removing SC Rule 1175 from the SIP and adopting an FND for the Manufacturing of Polymeric Cellular (Foam) Products source category will not regulate emissions or impose control requirements. Therefore, there will be no impact upon emissions as the District does not have any applicable sources.

C. CONTROL REQUIREMENTS

The proposed rule action removing SC Rule 1175 from the SIP and adopting an FND for the Manufacturing of Polymeric Cellular (Foam) Products source category does not impose any control requirements. This action is intended to standardize the applicability

of the SIP by removing old rule versions from the Riverside county portion of the MDAQMD and adopting an FND for the Manufacturing of Polymeric Cellular (Foam) Products source category. No Rule language will be affected.

D. PROPOSED RULE SUMMARY

The proposed board action standardizing the MDAQMD SIP for the Manufacturing of Polymeric Cellular (Foam) Products source category does not change any existing rule requirements. This action is intended to standardize the applicability of the SIP

E. FCAA 110(L) (42 U.S.C. 7410(L)) ANALYSIS

FCAA §110(l) (42 U.S.C. 7410(l)) requires that any rule action which might possibly be construed as a relaxation of a requirement provide a demonstration that the change not interfere with any FCAA requirements concerning attainment or Reasonable Further Progress (RFP).

Since the southwestern portion of the MDAQMD has been designated non-attainment for several of the Federal National Ambient Air Quality Standards (NAAQS) for Ozone and classified Severe the MDAQMD is subject to this requirement. While there is neither a CTG document nor any “major sources” within this particular source category within the MDAQMD’s jurisdiction, there is an Alternative Control Techniques (ACT) document as well as three National Emissions Standards for Hazardous Air Pollutants that are applicable. Given the applicability of the ACT and NESHAPs along with the existence of SCAQMD 1175 in the SIP for the Riverside County portion of the District the certification of the non-existence of facilities in this particular source category via the adoption of a Federal Negative Declaration is advisable. Such Federal Negative Declaration will allow the proper removal of SCAQMD 1175 from the SIP and avoid the appearance of a regulatory “back off” in applicable requirements.

F. ENVIRONMENTAL JUSTICE ANALYSIS

USEPA has recently indicated that submissions should analyze compliance with various Federal non-discrimination laws as well as EPA’s own non-discrimination regulations and general principles to ensure that actions do not unduly burden already overburdened populations.

This action will not change rule requirements, and will therefore not result in discriminatory emission increases. This action is intended to standardize the applicability of the MDAQMD by removing old, superseded SCAQMD rules from the Riverside county portion of the District.

No group of people will bear a disproportionate share of negative environmental consequences due to the proposed board action standardizing the MDAQMD SIP for the Manufacturing of Polymeric Cellular (Foam) Products source category. Therefore, there will be no negative environmental consequences for any group of people due to the proposed SIP Cleanup action.

In regards to access to all potentially affected persons, since July 1, 2019 the MDAQMD has complied with California AB 434. This law requires compliance with the latest Web Content Accessibility Guidelines (WCAG) to ensure that posted content maintains full accessibility compliance for all persons. WCAG ensures websites and posted contact are certified for compliance and that a contact phone number and contact person are provided for any inquiries on access. This document, and all related materials will be provided to the public and all interested persons in WCAG compliant format.

The proposed rule SIP action has been made available to all interested persons through public notice, direct notice, and website postings. The proposed rule will be discussed and acted upon in a properly noticed public hearing, at which people will have an opportunity to participate in the amendment decision, contribute to the decision, and express concerns with the decision (in person, in writing, and in digital form). Accommodation for non or limited English speakers in both materials and meeting participation is available upon request.

G. 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 (Minutes of San Bernardino County Board of Supervisors, 6/19/1956).

11/6/1961 – SBCAPCD – full county district full rulebook publication. Note: Rules at this point were in #:# format. There was no rule covering this source category included in this rulebook.

6/11/1968 – SBCAPCD – full county district full rulebook amended, effective 7/11/1968. Note: Rules still numbered #:#. There was no rule covering this source category included in this rulebook.

8/18/1970 – SBCAPCD – full county district full rulebook published. Note: Rules now primarily 2 digits with a few 3-digit rules. There was no rule covering this source category included in this rulebook.

2/21/1972 – CARB submits the initial SIP submission to EPA. This set of rules generally includes all the 8/18/1970 Rulebook.

5/31/1972 – EPA adopts initial SIP for California and other states 37 FR 10842, 5/31/1972 (California’s Approval is found at pages 10851-10855)

6/30/1972 – CARB submits additional rules as part of the initial SIP submission

9/22/1972 – USEPA approves various rules from the initial SIP submission. (See 37 FR 19812 9/22/1972).

2/13/1973 – SBCAPCD – full county district rulebook published. Rules still mostly 2 digits with a few 3-digit rules. There was no rule covering this source category included in this rulebook.

3/31/1975 – SBCAPCD – Full county district rulebook update published. Rules still mostly 2 digits with a few 3-digit rules. There was no rule covering this source category included in this rulebook.

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

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

2/1/1977 – Effective date of legislation (Stats 1976 Ch 324 §5) creating SCAQMD in the South Coast Air Basin (See also H&S Code 40410). County areas outside SCAB could “contract” for air pollution control services in the non-SCAB areas (See former H&S Code 40413). San Bernardino County and Los Angeles County did so. It is unclear whether anything formal existed for Riverside County.

2/1/1977 – CARB via Executive Order G-73 adopts a rulebook (G-73 rulebook) for the non-SCAB areas of Los Angeles, Riverside and San Bernardino County (CARB Ex Order G-73 1977 01 Feb). There was no rule covering this source category included in this rulebook.

4/26/1977 – Effective date of the termination of the SoCalAPCD Joint Powers Agreement (Agmt 77-102 JPA Termination). Legislation creating SCAQMD as it was only effective within the SCAB technically left the SoCalAPCD in the non-SCAB areas of Los Angeles, Riverside and San Bernardino Counties. Per the termination document each non-SCAB area reverted to a county air pollution control district and acquired the applicable portions of the SoCalAPCD rulebook as it existed on that date.

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

7/25/1977 – SBCAPCD readopts, with minor changes, the entire rulebook. This is primarily the same language as the G-73 rulebook with minor changes. There was no rule covering this source category included 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 (Stats 1977 Ch 1195 SCAQMD opt in)

12/1/1977 – Effective date of Riverside County Resolution 77-362 that “opted in” to SCAQMD for the non-SCAB areas of Riverside County. (CARB to EPA Ltr Riv Co Opt in SCAQMD 1980 11 Aug)

6/14/1978 – USEPA approves a variety of SoCalAPCD rules into the SIP for air districts located “within the Metropolitan Los Angeles Intrastate AQCR” as defined in 40 CFR 81.17 (43 FR 25684, 6/14/1978). This area appears to be the South Coast Air Basin as defined in 17 CCR 60104. The Federal Register text indicates the limited applicability of the approval however there is no such parallel limitation contained in the CFR.

6/12/1979 – By this date the SBCAPCD was in the process of terminating its contract for air pollution control services with SCAQMD. At that time SCAQMD was refusing to provide historical records (Memo Re SC Records 1979 12 Jun). The only records SCAQMD eventually provided were the actual permits themselves, a copy of the then existent rulebook in Word Perfect format and a small bit of historical permitting information such as engineering evaluations for a minority of facilities.

9/4/1979 – SBCAPCD republishes the entire rulebook. There appear to be few, if any, changes other than reformatting. There was no rule covering this source category included in this rulebook.

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 12/1/1977 in both the rulebook and the SIP.

6/9/1982 – USEPA approves at 47 FR 25013, 6/9/1982 the action replacing Riverside County APCD rules with SCAQMD APCD rules in the non-SCAB areas of Riverside County. Unfortunately, this notation only occurs in the FR text and no CFR citations are changed.

7/1/1986 – SBCAPCD republishes entire rulebook. There was no rule covering this source category included in this rulebook.

11/3/1989 – SCAQMD adopts Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products*.

11/20/1989 – SBCAPCD republishes entire rulebook. There was no rule covering this source category included in this rulebook.

1/5/1990 - SCAQMD amends Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products*.

9/1/1990 – USEPA publishes an Alternative Control Technique Guideline titled *Control of VOC Emissions from Polystyrene Foam Manufacturing* (EPA 450/3-90-020)

12/31/1990 – The 1/5/1990 version of SCAQMD Rule 1175 is submitted to USEPA as a SIP revision.

12/12/1991 – USEPA proposes a limited approval/limited disapproval of the 1/5/1990 version of SCAQMD 1175 alleging deficiencies of missing test methods, problems with capture and control efficiency provisions, exemptions to the rule, and allowance for ‘equivalent’ test methods. (56 FR 64729, 12/12/1991).

10/26/1992 – USEPA finalizes a limited approval/limited disapproval of the 1/5/1990 version of SCAQMD 1175 (57 FR 66286, 10/26/1992). ***This is the version of SCAQMD 1175 in the SIP for the Blythe/Palo Verde Valley region of the MDAQMD.***

12/29/1992 – USEPA adopts a number of NESHAPS regarding Polyurethane Foam Production. Specifically, 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (commencing with §63.1290); 40 CFR 63 Subpart M - *National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations* (commencing with §63.8780); and 40 CFR 63, Subpart O - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources* (commencing with §63.11414) (57 FR 61970, 61992, 12/29/1992).

7/1/1993 – effective date of MDAQMD (statutory). MDAQMD assumes all powers, duties and rules of former SBCAPCD - Desert District. (Stats 1992 ch 642 MDAQMD Creation)

12/22/1993 – MDAQMD reformats the entire rulebook.

5/13/1994 - SCAQMD amends Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products.*

7/1/1994 – effective date of Blythe/Palo Verde Valley region leaving SCAQMD and becoming part of the MDAQMD. (Action #1 1994 25 Jul; Riv Co Reso #94-236 on MD Agenda 1994 25 Jul; Minutes Summary 1994 22 Jun; Action #9 1994 23 Feb; Resolution #94-03 1994 23 Feb)

7/14/1994 – The 5/13/1994 version of SCAQMD 1175 was submitted to USEPA as a SIP revision. As this action occurred after 7/1/1994 it is not applicable to the Blythe/Palo Verde Valley region of the MDAQMD (See USEPA Ltr Thread 2015 1 Apr).

8/25/1994 - The 5/13/1994 version of SCAQMD 1175 was ultimately approved into the SIP (59 FR 43751, 8/25/1994 and 59 FR 43797, 8/25/1994). Once again

as this action occurred after 7/1/1994 it is not applicable to the Blythe/Palo Verde valley area of the MDAQMD.

10/7/1998 – USEPA amends 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (63 FR 53980, 53996, 10/7/1998).

4/14/2003 – USEPA amends 40 CFR 63 Subpart M M M M M - *National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations* (68 FR 18070, 4/14/2003).

6/23/2003 - USEPA amends 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (68 FR 37333, 37357, 6/23/2003).

4/20/2006 – USEPA amends 40 CFR 63 Subpart M M M M M - *National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations* (71 FR 20445, 20470, 4/20/2006).

7/16/2007 – USEPA amends 40 CFR 63, Subpart O O O O O O - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources* (72 FR 38864, 38910, 7/16/2007).

3/26/2008 – USEPA amends 40 CFR 63, Subpart O O O O O O - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources* (73 FR 15928, 3/26/2008)

8/15/2014 - USEPA amends 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (79 FR 48073, 48086, 8/15/2014).

11/19/2020 - USEPA amends 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (85 FR 73854, 73898, 11/19/2020).

11/18/2021 – USEPA amends 40 CFR 63 Subpart M M M M M - *National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations* and 40 CFR 63, Subpart O O O O O O - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources* (86 FR 64407, 11/18/2021).

Present – ***There is no rule covering this source category included in the MDAQMD rulebook as there are no manufacturers of Polymeric Cellular (Foam) Products located within its jurisdiction.***

2. SIP Analysis

The District will request CARB to submit the proposed rule action removing SC Rule 1175 from the SIP and adopting an FND for the Manufacturing of Polymeric Cellular (Foam) Products source category to EPA for inclusion in the SIP. This submission is necessary in order to standardize the applicability of the MDAQMD SIP.

Since The 5/1/1990 version of SCAQMD 1175 is in the SIP in the Blythe/Palo Verde Valley area of Riverside County within the MDAQMD. There is no comparable rule in either the MDAQMD rule book or in the SIP for the San Bernardino County Portion of the District. In addition, the MDAQMD has examined its inventory, permitted sources, and consulted other resources and has determined that there are no stationary sources of air pollution in the polymeric cellular foam products manufacturing source category within its jurisdiction.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of Volatile Organic Compounds (VOCs) and oxides of nitrogen (NOX) which are ozone precursors. Since the southwestern portion of the MDAQMD has been designated non-attainment for several of the Federal National Ambient Air Quality Standards (NAAQS) for Ozone and classified Severe the MDAQMD is subject to this requirement. While there is neither a CTG document nor any “major sources” within this particular source category within the MDAQMD’s jurisdiction, there is an Alternative Control Techniques (ACT) document as well as three National Emissions Standards for Hazardous Air Pollutants that are applicable. Given the applicability of the ACT and NESHAPs along with the existence of SCAQMD 1175 in the SIP for the Riverside County portion of the District the certification of the non-existence of facilities in this particular source category via the adoption of a Federal Negative Declaration is advisable. Such Federal Negative Declaration will allow the proper removal of SCAQMD 1175 from the SIP and avoid the appearance of a regulatory “back off” in applicable requirements.

Therefore, the MDAQMD will be formally requesting that CARB submit this action and request that USEPA take the following actions:

- Request that USEPA rescind the **May 1st, 1990** version of SCAQMD 1175 from the SIP AND approve the adoption of a Federal Negative Declaration (FND) for Polymeric Cellular Foam Products Manufacturing source category for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD.

Appendix “A”
Draft FND - Manufacturing of Polymeric Cellular (Foam) Products Source
Category

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.

Mojave Desert Air Quality Management District

Brad Poiriez, Executive Director

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • Fax 760.245.2022

www.MDAQMD.ca.gov • @MDAQMD



Mojave Desert Air Quality Management District Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products Source Category

In the process of standardizing the applicability of the MDAQMD SIP by researching and removing previous versions of SCAQMD rules that are currently in the SIP for the Palo Verde Valley/Blythe area of Riverside County within the jurisdiction of the MDAQMD (Specifically SCAQMD 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products*), the MDAQMD noted that the Manufacturing of Polymeric Cellular (Foam) Products is not covered by a local rule in the MDAQMD rule book primarily because there appeared to be no sources in the source category within the MDAQMD’s jurisdiction. The MDAQMD then examined its permit files, emissions inventory, and other documentation and has determined that there are no applicable sources in this category located within the Riverside county portion of the MDAQMD and none are anticipated in the near future.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of Volatile Organic Compounds (VOCs) and oxides of nitrogen (NOX) which are ozone precursors.⁶ Since the southwestern portion of the MDAQMD has been designated non-attainment for several of the Federal National Ambient Air Quality Standards (NAAQS) for Ozone⁷ and classified Severe the MDAQMD is subject to this requirement. While there is neither a CTG document nor any “major sources” within this particular source category within the MDAQMD’s jurisdiction, there is an Alternative Control Techniques (ACT) document⁸ as well as three National Emissions Standards for Hazardous Air Pollutants⁹ that are applicable. Given the applicability of the ACT and NESHAPs along with the existence of SCAQMD 1175 in the SIP for the Riverside County portion of the District, the certification of the non-existence of facilities in this particular source category via the adoption of a Federal Negative Declaration is advisable. Such Federal Negative

⁶ Federal Clean Air Act §7511a(b)(2); Federal Clean Air Act §182(b)(2).

⁷ 40 CFR 81.305 (See specifically tables for the O₃ 1-hour Standard, 1997 8-hour O₃ NAAQS, 2008 8 hour O₃ NAAQS, 2015 8 hour O₃ NAAQS). A “clean data” finding has been made for the Southeast Desert Ozone Nonattainment Area, 1-hour O₃ standard at 80 FR 20166, 4/15/2015 and the 1-hour O₃ standard has been revoked.

⁸ *Control of VOC Emissions from Polystyrene Foam Manufacturing*, September 1990 (EPA 450/3-90-020)

⁹ Specifically: 40 CFR 63 Subpart III - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production* (commencing with §63.1290); 40 CFR 63 Subpart M - *National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations* (commencing with §63.8780); and 40 CFR 63, Subpart O - *National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources* (commencing with §63.11414)

Declaration will allow the proper removal of SCAQMD 1175 from the SIP and avoid the appearance of a regulatory “back off” in applicable requirements.¹⁰

I certify on behalf of the MDAQMD that, to my knowledge, the MDAQMD does not have any major stationary sources or sources subject to the applicable CTG threshold in the referenced categories located within the Riverside county portion of MDAQMD. Therefore, the MDAQMD requests the USEPA to approve this Federal Negative Declaration for the Polymeric Cellular Foam Products Manufacturing source category for the Riverside County portion of the MDAQMD and include it in the State Implementation Plan for the District.

Brad Poiriez
Executive Director

Date

¹⁰ 42 U.S.C. §7410(l), FCAA §110(l) prohibits relaxation of previously approved requirements in nonattainment areas; the so-called “anti-backsliding” provisions.

Appendix “B”
Public Notice Documents

1. Proof of Publication – Riverside Press Enterprise 8/25/2023
2. Proof of Publication – San Bernardino Sun 8/25/2023

THE PRESS-ENTERPRISE
KEEP YOUR EYES ON THE PRIZE
The Press-Enterprise
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Riverside, California 92501
(951) 368-9229

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

Publication: The Press-Enterprise

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FILE NO. 0011618964


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:

08/25/2023

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

Date: August 25, 2023.
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 25, 2023 at 10:00 A.M. to consider the adoption of State Implementation Plan (SIP) Cleanup: Rescission of South Coast Air Quality Management District Rule 1175 – Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products as it appears in the MDAQMD SIP and adoption of a Federal Negative Declaration (FND) for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.

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 **State Implementation Plan Cleanup: Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1175 – Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products** as it appears in the MDAQMD SIP and adoption of a Federal Negative Declaration (FND) for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County 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/APCD at the above office address. Written comments should be received no later than September 25, 2023 to be considered. If you have any questions you may contact Bertrand Gascho at (760) 245-1661 x4020 for further information. Traducción esta disponible por solicitud.

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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: 8/25/23

RECEIVED
MOJAVE DESERT AQMD

AUG 25 2023

CLERK OF THE BOARD
BY 

The Sun (San Bernardino)
473 E. Carnegie Drive, Suite 250
San Bernardino, California 92408
(909) 386-3864

0011618931

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

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

**STATE OF CALIFORNIA
County of San Bernardino**

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08/25/2023

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

Dated at San Bernardino, California

On this 25th day of August, 2023.


Signature

*The Sun (San Bernardino) circulation includes the following cities:
[UNKNOWN LIST]

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Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 6 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

The Sun (San Bernardino)
Published: 8/25/23

RECEIVED
MOJAVE DESERT AQMD

AUG 25 2023

CLERK OF THE BOARD

BY 

Appendix “C”
Public Comments and Responses

No comments received.

Appendix “D”
California Environmental Quality Act
Documentation

[List of CEQA Documents to be posted here in chronological order]

[Insert image of documents here in chronological order.]

Appendix “E” Bibliography

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

1. 17 CCR 60104 SCAB
2. 17 CCR 60109 MDAB
3. 37 FR 10842 1972 31 May
4. 37 FR 10842 10851-10855 1972 31 May
5. 37 FR 19812 Fnl 1972 22 Sep
6. 40 CFR 63 Subpart OOOOOO as of 2023 18 Apr
7. 40 CFR 81.17 LA Metro Intersate AQCR
8. 40 CFR 81.167 SED Intrastate AQCR
9. 40 CFR Part 63 Subpart III as of 2023 18 Apr
10. 40 CFR Part 63 Subpart MMMMMM as of 2023 18 Apr
11. 42 FR 27000 NPRM 1977 26 May
12. 42 FR 46554 NPRM 1977 16 Sep
13. 43 FR 25684 1978 14 Jun
14. 43 FR 40011 Final 1978 08 Sep
15. 47 FR 25013 Final 1982 09 Jun
16. 56 FR 64729 1991 12 Dec
17. 57 FR 48457 1992 26 Oct
18. 57 FR 61971 1992 29 Dec Various 40CFR63
19. 59 FR 43751 1994 25 Aug
20. 59 FR 43797 1994 25 Aug
21. 63 FR 53980 1998 07 Oct 40CFR63SubIII
22. 68 FR 18061 2003 14 Apr 40CFR63SubMMMMM
23. 68 FR 37333 2003 23 Jun 40CFR63SubIII
24. 71 FR 20445 2006 20 Apr 40CFR63SubMMMMM
25. 72 FR 38864 2007 16 Jul 40CFR63SubOOOOOO
26. 73 FR 15923 2008 26 Mar 40CFR63SubOOOOOO
27. 79 FR 48073 2014 15 Aug 40CFR63SubIII
28. 85 FR 73854 2020 19 Nov 40CFR63SubIII
29. 86 FR 64407 2021 18 Nov 40CFR63SubMMMMM and OOOOOO
30. ACT EPA 450_3_90_020 1990 Sep
31. Action #1 1994 25 Jul
32. Action #9 1994 23 Feb
33. Agmt 77-102 JPA Termination
34. CARB Ex. Order G-73 1977 01 Feb
35. CARB to EPA Ltr Riv Co Opt in SCAQMD 1980 11 Aug
36. Creation Old SBCAPCD
37. CTG EPA 450_3_83_008 1983 Nov
38. JPA Creating SoCal APCD
39. Memo Re SC Records 1979 12 Jul
40. Minutes Summary 1994 22 Jun

41. Resolution #94-03 1994 23 Feb
42. Riv Co Reso #94-236 on MD Agenda 1994 25 Jul
43. SCAQMD1175 2010 05 Nov
44. Stats 1976 Ch 354 SCAQMD Creation
45. Stats 1977 Ch 1195 SCAQMD opt in
46. Stats 1992 ch 642 MDAQMD Creation
47. USEPA Ltr Thread 2015 1 Apr

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: State Implementation Plan (SIP) Clean Up: Rescission of SCAQMD Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.

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 Mojave Desert Air Quality Management District is proposing to adopt a SIP update to for the Rescission of South Coast Air Quality Management District Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.

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

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

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** September 25, 2023

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
BRAD POIRIEZ, EXECUTIVE DIRECTOR

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



NOTICE OF EXEMPTION

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

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

X MDAQMD Senior Executive Analyst

PROJECT TITLE State Implementation Plan (SIP) Clean Up: Rescission of SCAQMD Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP and adoption of a Federal Negative Declaration for the Manufacturing of Polymeric Cellular (Foam) Products source category for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District in Riverside County.

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City of *Town of* *City of* *City of* *City of* *City of* *County of* *County of* *City of* *City of* *Town of*
ADELANTO APPLE VALLEY BARSTOW BLYTHE HESPERIA NEEDLES RIVERSIDE SAN BERNARDINO TWENTYNINE PALMS VICTORVILLE YUCCA VALLEY

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The Press-Enterprise
Published: 8/25/23

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

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011618964

FILE NO. 0011618964

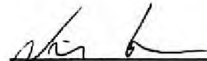
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BY  _____

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473 E. Carnegie Drive, Suite 250
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Mojave Desert Air Quality Management District
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Victorville, California 92392

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

**STATE OF CALIFORNIA
County of San Bernardino**

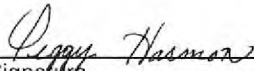
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AUG 25 2023

CLERK OF THE BOARD
BY 

SIP Clean Up: Rescission of SCAQMD Rule 1175 and Adoption of an FND for the Manufacturing of Polymeric Cellular (Foam) Products Source Category in Riverside County.

Proposed for Adoption on September 25th, 2023



Chris Anderson, Planning & Air Monitoring
Supervisor



mdaqmd.ca.gov



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



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



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

SC 1175 - Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products



- SC 1175 - Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products was adopted and approved into the SIP prior to Riverside County leaving the SCAQMD for the MDAQMD in 1994.
- The District does not have any large sources of this category.
- There are no sources in the RS county Portion of the MDAQMD.

Conclusion



The current action is intended to:

- Request that USEPA rescind the May 1st, 1990 version of SCAQMD Rule 1175 – *Control of Emissions from the Manufacture of Polymeric Cellular (Foam) Products* as it appears in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD.
- Adopt a Federal Negative Declaration for the source category *Manufacturing of Polymeric Cellular (Foam) Products* for the Riverside portion of the MDAQMD.
- This action is intended to standardize the applicability of rules in the SIP.

Questions?

