

Antelope Valley Air Quality Management District Governing Board Regular Meeting

Agenda

LOCATION

**ANTELOPE VALLEY AQMD District Office
43301 Division Street, Suite 206
Lancaster, CA 93535**

661.723.8070

TUESDAY, AUGUST 21, 2018

10:00 A.M.

BOARD MEMBERS

Marvin Crist, Chair, City of Lancaster
Austin Bishop, Vice Chair, City of Palmdale
Ron Hawkins, Los Angeles County
Howard Harris, Los Angeles County
Ken Mann, City of Lancaster
Steven Hofbauer, City of Palmdale
Newton Chelette, Public Member

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

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

Except where noted, all scheduled items will be heard in the District Office of the Governing Board, 43301 Division Street, Suite 206, Lancaster, CA 93535 and the teleconference location(s), if applicable. 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.

Public Comments on any Agenda Item will be heard at the time of discussion of the Agenda Item. Public Comments not pertaining to Agenda Items will be heard during the PUBLIC COMMENT period below.

CALL TO ORDER 10:00 A.M.

Pledge of Allegiance.

Roll Call

PUBLIC COMMENT

CONSENT CALENDAR

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

1. [Approve Minutes from Regular Governing board Meeting of July 17, 2018.](#)
2. [Monthly Grant Funding Summary. Presenter: Bret Banks, Executive Director/APCO.](#)
3. [Monthly Activity Report. Receive and File. Presenter: Bret Banks, Executive Director/APCO.](#)
4. [1\) Authorize the acceptance of AB 197 Emission Inventory District Grant Program Funding; 2\) Accept the terms and conditions for the funds; and 3\) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and carry out related activities to meet the requirements of AB 197. Presenter: Bret Banks, Executive Director/APCO.](#)
5. [1\) Authorize the acceptance of Funding Agricultural Replacement Measures for Emission Reductions \(FARMER\) Program Funds; 2\) Accept the terms and conditions for the funds; and 3\) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and to negotiate and execute agreements for eligible projects. Presenter: Julie McKeehan, Grant's Analyst.](#)
6. [1\) Authorize \\$15,000 in Mobile Emission Reductions Program \(AB 2766\) funds to the Alternative Fuel Vehicle Program; and 2\) Authorize the Executive Director/APCO and staff to execute the Alternative Fuel Vehicle Program as outlined in the Work Plan. Presenter: Julie McKeehan, Grant's Analyst.](#)
7. [1\) Award \\$80,000 in Mobile Source Emissions Reduction Program funds \(AB 2766\) to Antelope Valley College for the Campus Connect Student Pass Program; and 2\) Authorize the Executive Director/APCO and staff to negotiate target time frames, technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Bret Banks, Executive Director/APCO.](#)
8. [Approve payment to MDAQMD in the total amount of \\$121,096.93, subject to availability of funds, for services provided during the month of June 2018. Presenter: Bret Banks, Executive Director/APCO.](#)

ITEMS FOR DISCUSSION

DEFERRED ITEMS

NEW BUSINESS

9. 1) Award an amount not to exceed \$32,265 in Carl Moyer Program and Mobile Source Emission Reductions Program (AB 2766) funds to Heritage Sign Company for the replacement of an older light-heavy duty diesel vehicle with new, clean diesel technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Bret Banks, Executive Director/APCO.
10. Approve Agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the Mojave Desert Air Quality Management District (MDAQMD) to provide administrative and operations services; Authorize the Chairman to finalize terms and conditions of the proposed Agreement if necessary, and; Authorize the Chairman to execute the final Agreement. Presenter: Bret Banks, Executive Director/APCO.
11. Conduct a continued public hearing to consider the amendment of Rule 1171 Solvent Cleaning Operations: a. Re-open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption amending Rule 1171 Solvent Cleaning Operations and directing staff actions. Presenter: Bret Banks, Executive Director/APCO.
12. Presentation: Regulatory Options for Cannabis growing/Manufacturing Facilities. Presenter: Bret Banks, Executive Director/APCO.
13. Reports: Governing Board Counsel, Executive Director/APCO, Staff.
14. Board Member Reports and Suggestions For Future Agenda Items.
15. Adjourn to Regular Governing Board Meeting of Tuesday, September 18, 2018.

In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the Board Meeting, please contact the Executive Director during regular business hours at 661.723.8070 x2. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at the District Office at 43301 Division Street, Suite 206, Lancaster, CA 93535 or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at dhernandez@mdaqmd.ca.gov .

Mailed & Posted on: Tuesday, August 14, 2018 Tuesday, February 14, 2018

Karen K Nowak for
Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing board Meeting of July 17, 2018.](#)

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD MEETING
TUESDAY, JULY 17, 2018
ANTELOPE VALLEY DISTRICT OFFICE
LANCASTER, CA**

MINUTES

Board Members Present:

Marvin Crist, Chair, City of Lancaster
Austin Bishop, Vice Chair, City of Palmdale
Howard Harris, Los Angeles County
Ken Mann, City of Lancaster
Steven Hofbauer, City of Palmdale
Newton Chelette, Public Member

Board Members Absent:

Ron Hawkins, Los Angeles County

CALL TO ORDER

Chair **CRIST** called the meeting to order at 10:18 a.m. Board Member **HOFBAUER** led the Pledge of Allegiance. Roll Call was Taken

PUBLIC COMMENT

Chair **CRIST** called for Public Comment. No members of the public made comment.

CONSENT CALENDAR

Agenda Item #1 - Approve Minutes from Regular Governing Board Meeting of June 19, 2018.

Upon Motion by **CHELETTE**, Seconded by **BISHOP**, and carried unanimously, the Board **Approved** Minutes from Regular Governing Board Meeting of June 19, 2018.

Agenda Item #2 – Monthly Activity Report. Receive and file. Presenter: Bret Banks.

Upon Motion by **CHELETTE**, Seconded by **BISHOP**, and carried unanimously, the Board **Received and Filed** Monthly Activity Report.

Agenda Item #3 - Approve payment to MDAQMD in the total amount of \$119,549.51, subject to availability of funds, for services provided during the month of May 2017. Presenter: Bret Banks.

Upon Motion by **CHELETTE**, Seconded by **BISHOP**, and carried unanimously, the Board **Approved** payment to MDAQMD in the total amount of \$119,549.51, subject to availability of funds, for services provided during the month of May 2018.

ITEMS FOR DISCUSSION

DEFERRED

None.

PUBLIC HEARINGS

Agenda Item #4 - Conduct a public hearing to consider the adoption of the Certification Table: 2008 Ozone National Ambient Air Quality Standards Nonattainment New Source Review State Implementation Plan Requirements (O3 NANSR Certification): a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Regulation and directing staff actions. Presenter: Bret Banks

Chair **CRIST** opened the public hearing. Bret Banks shared background information, staff recommendation and answered questions from the Board. Chair **CRIST** solicited public comment. There was no public comment. Chair **CRIST** closed public hearing. Upon a reluctant Motion by **CHELETTE**, Seconded by **HOFBAUER**, carried unanimously. The Board **made a determination** that the CEQA Categorical Exemption applies; **waived** reading of Resolution; **adopted** Resolution #18-02, making appropriate findings, certifying the Notice of Exemption amending the Regulation and direct staff actions.

Agenda Item #5 - Conduct a public hearing to consider the amendment of Regulation III – Fees: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Regulation and directing staff actions. Presenter: Bret Banks.

Chair **CRIST** opened Public Hearing. Bret Banks shared background information and staff report. Discussion ensued. Mr. Banks answered questions from the Board. Board Member **MANN** commented that historically, the District has not raised any fees, stating that the fee increase will allow the District to be more commensurate in supporting District work and programs. Chair **CRIST** solicited public comment. There was no public comment. Chair **CRIST** closed public hearing. Upon Motion by **BISHOP**, Seconded by **HOFBAUER**, and carried unanimously, the Board received staff report; **made a determination** that the CEQA Categorical Exemption applies; **waived** reading of Resolution; **adopted** Resolution #18-03, making appropriate findings, certifying the Notice of Exemption, amending Regulation III – Fees and directing staff actions.

Agenda Item #6 - Conduct a public hearing to consider the amendment of Rule 1171 – Solvent Cleaning 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, amending Rule 1171 – Solvent Cleaning Operations and directing staff actions. Presenter: Bret Banks.

Bret Banks shared background information and requested to continue the Public Hearing to the Governing Board meeting of August 21, 2018. The item was **continued** by consensus of the Board.

NEW BUSINESS

Agenda Item #7 - 1) Award an amount not to exceed \$294,494.00 in District grant program funds to Fine Grade Equipment for the replacement of an older diesel motor grader with cleaner technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Bret Banks.

Bret Banks shared background information, staff recommendation and answered questions from the Board. Upon Motion by **HOFBAUER**, Seconded by **BISHOP** and carried unanimously, the Board **awarded** an amount not to exceed \$294,494.00 in District grant program funds to Fine Grade Equipment for the replacement of an older diesel motor grader with cleaner technology; and **authorized** 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.

ADMINISTRATIVE ITEMS

Agenda Item #10 - Reports

Governing Board Counsel – None.

Executive Director/APCO – Bret Banks provided an update on the AB617 public outreach efforts completed in June and July.

Bret Banks shared presentation on the Wilsona Electric School Bus Ribbon Cutting Ceremony. The ceremony was attended by CARB Board member Riordan and District Board member Hofbauer.

Bret Banks provided an update on the annual District Lawn Mower Exchange Program.

Bret Banks provided information annual Achievement In Reducing Emissions (AIRE) Award nominations open until close of business on Friday August 31, 2018.

Bret Banks informed the Board that they will have future discussions regarding permit fees for Cannabis operations. Mr. Crist suggested a possible fee per square foot of building space. Further discussion to be held at the August 2018 Board meeting.

Bret Banks shared a presentation on the Firework Pollution and increase in PM2.5 emissions on the evening of July 4th 2018. The Board requested further discussion on this topic at the December 2018 Board meeting.

The meeting was adjourned at 10:50 a.m. The next regularly scheduled Governing Board Meeting will be held on **Tuesday, August 21, 2018.**

The following page(s) contain the backup material for Agenda Item: [Monthly Grant Funding Summary](#). Presenter: [Bret Banks, Executive Director/APCO](#).

AB 923 PROJECT FUNDS

<i>Action Date</i>	<i>Project Name</i>	<i>Approved Action</i>
Apr-15	Calandri SonRise Farms ERP Project #3 AV0415#8	-78,372.75 paid
Apr-15	2016 Lawn Mower Exchange Program	-11,200.00 paid
May-15	Gene Wheeler Farms ERP Project #2 AV0515#10	-142,010.00 paid
Aug-15	VAVR Program - Projects & Admin. to EES AV0815#6	-60,000.00 paid
Nov-15	Calandri SonRise Farms Repower Project #4 AV1115#9	-116,471.00 paid
Jan-16	Antelope Valley Farming ERP Project #1 AV0116#8	-181,530.00 paid
Mar-16	Ebee Streetlight EV Charging Project AV0316#10	-25,000.00 paid
Apr-16	VAVR Program - Admin to EES AV0416#10	-60,000.00 paid
Apr-16	2016 Lawn Mower Exchange Program	-11,200.00 paid
Aug-16	Calandri SonRise Farms Harvesting Project AV0816#8	-406,065.00 paid
Oct-16	Antelope Valley Farming ERP Project #2 AV1016#10	-12,940.38 paid
Dec-16	AVSTA CNG Tank Replacement AV1216#11	-63,377.00 paid
Dec-16	AV Hospital/SCE Charge Ready Pilot Project AV1216#10	-37,635.11 paid
Feb-17	City of Pamdale Vanpool/Infrastructure Project AV0117#12	-124,137.00 pending
Feb-17	City of Lancaster Vanpool/Infrastructure Project AV0117#11	-61,925.00 pending
Mar-17	2017 Lawn Mower Exchange Program AV0317#10	-10,730.00 paid
Jul-17	Palmdale Water District EV Charging Project AV0717#9	-18,520.00 paid
Sep-17	City of Palmdale/SCE EV Charging Project AV0917#11	-17,218.00 pending
Sep-17	AVSTA CNG Tank Replacement AV0917#12	-15,949.12 pending
Oct-17	AV Farming ERP Project #1 AV1017#11	-38,622.00 pending
Oct-17	AVTA Electric Transit Bus Project AV1017#7	-207,387.32 pending
Jan-18	Wilsona School District EV School Bus Charging Project AV0118#8	-49,976.00 pending
Feb-18	VAVR Program - Projects to EES AV0218#7	-47,000.00 paid
Mar-18	2018 Lawn Mower Exchange Program AV0318#12	-10,000.00 pending
Mar-18	Robertsons Palmdale Honda EV Charging Project AV0318#9	-86,000.00 pending

AB 923 PROJECTS CURRENT BALANCE

Action Date Project Name

\$417,204.29
Pending Action

AB 923 PROJECTS BALANCE PENDING APPROVAL

\$417,204.29

CARL MOYER PROGRAM PROJECT FUNDS

<i>Action Date</i>	<i>Project Name</i>	<i>Approved Action</i>
Mar-15	Carl Moyer Prog. Funds Year 17 (FY 14-15) Deposit	637,511.00 recv'd
Mar-15	Carl Moyer Interest (FY 13-14) added to Year 17 Deposit	834.45 recv'd
Apr-15	Calandri SonRise Farms ERP Project #3 AV0415#8	-284,211.25 paid
Apr-15	High Desert Dairy ERP Project #3 AV0415#7	-134,239.00 paid
Nov-15	Bill's Landscaping ERP Project #1 AV1115#7	-78,873.00 paid
Nov-15	Gall Brothers Engineering ERP Project #1 AV1115#8	-138,715.00 paid
Feb-16	MDAQMD Year 16 Transfer AV0216#7 Deposit	324,480.00 recv'd
Mar-16	High Desert Dairy ERP Project #4 AV0316#8	-139,224.00 paid
Mar-16	Calandri SonRise Farms ERP Project #5 AV0316#9	-83,983.00 paid
Mar-15	Carl Moyer Prog. Funds Year 18 (FY 15-16) Deposit	659,588.00 recv'd
Mar-15	Carl Moyer Interest (FY 14-15) added to Year 18 Deposit	1,573.18 recv'd
Apr-16	Lane Ranch & Co. ERP Project AV0416#8	-99,989.56 paid
Apr-16	Bill's Landscaping ERP Project #2 AV0416#9	-79,916.00 paid
Jun-16	Calandri SonRise Farms Forklift Project #6 AV0616#8	-60,985.00 paid
Jun-16	Antelope Valley Fair Assoc. Forklift Project AV0616#9	-51,460.00 paid
Jul-16	Bolthouse ERP Project AV0716#11	-18,927.00 paid
Jul-16	South Pac Industries ERP Project AV0716#9	-181,114.00 paid
Sep-16	High Desert Dairy ERP Project #4 AV0916#9	-158,663.00 paid
Sep-16	Gall Brothers Engineering ERP Project #2 AV0916#10	-77,896.00 paid
Oct-16	Antelop Valley Farming ERP Project #2 AV1016#10	-34,943.62 paid
Apr-17	Carl Moyer Prog. Funds Year 19 (FY 16-17) Deposit	669,301.00 recv'd
Apr-17	Carl Moyer Interest (FY 15-16 & FY 16-17) added to Year 19 Depos	7,375.00 recv'd
May-17	AV Fair Assoc. AV0517#9	-15,130.00 pending
Jun-17	High Desert Dairy ERP Project #6 AV0617#12	-170,159.00 paid
Oct-17	AV Farming ERP Project #1 AV1017#	-9,814.00 pending
Oct-17	Miller Equipment ERP Project #1 AV1017#11	-284,887.00 paid
Oct-17	New West Metals ERP Project #1 AV1017#6	-98,581.00 pending
Oct-17	Nick Van Dam Farms ERP Project #1 AV1017#10	-49,600.00 paid
Apr-18	Carl Moyer Prog. Funds Year 20 (FY 17-18) Deposit	701,526.00 recv'd
Apr-18	McWhirter Steel Forklift Repl. Proj. #1 AV0418#6 Rd. 19	-50,000.05 pending
Apr-18	McWhirter Steel Forklift Repl. Proj. #1 AV0418#6 Rd. 20	-135,942.95 pending
May-18	McCarthy Steel Forklift Repl. Proj. #1 AV0518# Rd. 20	-59,155.00 pending
Jun-18	Gall Brothers Engineering ERP Proj. #3 AV0618#? Rd. 20	-94,211.00 pending
Jul-18	Fine Grade Equipment Repl. Proj. #1 AV0718#? Rd. 20	-240,850.00 pending

CARL MOYER PROJECTS CURRENT BALANCE

\$171,367.06

Action Date Project Name

Pending Action

CARL MOYER PROJECTS BALANCE PENDING APPROVAL

\$171,367.06

NOx Remediation Measure Funding

<i>Action Date</i>	<i>Project Name</i>	<i>Approved Action</i>
May-18	NRM Funding Deposit	26,634.00
Jun-18	NRM Add'l Funding Deposit	27,010.00
Jul-18	Fine Grade Equipment Repl. Proj. #1 AV0718#?	-53,644.00

NOx Remediation Measure Funding

\$0.00

Action Date Project Name

Pending Action

NOX REMEDIATION MEASURE FUNDING

\$0.00

The following page(s) contain the backup material for Agenda Item: [Monthly Activity Report. Receive and File. Presenter: Bret Banks, Executive Director/APCO.](#)

Item #3 Monthly Activity Report – July 2018

	<u>July 2018</u>	<u>July 2017</u>	<u>YTD (7/1/19)</u>
Complaints	0	2	0
Complaint Investigations	0	2	0
Asbestos Notifications	9	6	9
Asbestos Inspections	0	0	0
Permit Inspections	50	57	50
Permit Inspections in Compliance (%)	99	100	99
Notice of Violation (NOV)	2	1	2

***Outstanding NOVs**

- AV00000207, Issued 06/2017
- AV00000208, Issued 07/2017
- AV00000210, Issued 02/2018
- AV00000213, Issued 06/2018

Number of Active Companies: 277
Number of Active Facilities: 526
Number of Active Permits: 1,077

Project Comment Letters – July 2018

Attached

	A	B	C	D	E	F	G
1			AVAQMD CEQA PROJECTS				
2			BOARD MEETING				
3			8/21/2018				
4							
5	Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
6	6/20/2018	COL	Superior Vitality -cannabis	NOA/NOI CUP 17-33 for proposed construction and operation of a medical cannabis cultivation and manufacturing facility located on 2.9 acre in Fox Field Industrial. Consists of two 29,400 sf multi-tenant buildings.	comment sent on 01/09/2018	7/16/2018	n/a
7	7/25/2018	COL	sPower	NOA/NOI CUP 17-31 for proposed 80 mw pv solar electric generating facility located on approx 291 acres, generally bounded by Ave J-4, Ave K-8, 75th St West and 85th St West	Dust, CARB Equip	8/23/2018	8/1/2018
8	7/6/2018	COP	Sierra Highway Mini Storage	NOA/NOI SPR 17-001 for the construction and operation of an approx 86,839 sf self storage facility on approx 4.16 acres located at Avenue R-8 and east of Sierra Highway	No Comment	7/25/2018	7/10/2018

	A	B	C	D	E	F	G
1			AVAQMD CEQA PROJECTS				
2			BOARD MEETING				
3			8/21/2018				
4							
5	Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
9	7/23/2018	COP	Park & 5th Street	Pre-App 18-016 to develop a commercial building totaling 11,459 sf to be located at 5th Street West and West Park Drive	No Comment	7/25/2018	7/25/2018
10	7/23/2018	COP	Industrial Building	Pre-App 18-015 to develop an industrial building to be located at the northeast corner of 8th Street East and Blackbird Lane on approx 6.05 acres	Dust, CARB Equip, Permitted Equip	7/25/2018	7/25/2018
11	7/23/2018	COP	Verizon Wireless Tower	CUP 18-010 to construct an unmanned wireless facility at 38250 Sierra Highway	Dust, CARB Equip, Permitted Equip	7/25/2018	8/1/2018
12	7/31/2018	COP	AVTA Bus Charging Station	Pre App for the proposed AVTA Bus Charging station located at 38350 40th Street East	No Comment	8/8/2018	8/1/2018
13	7/31/2018	COP	Auto Repair Shop	SPR 18-022 to develop an auto repair use located at the southeast corner of Avenue R and 5th Street East	No Comment	7/11/2018	8/1/2018

	A	B	C	D	E	F	G
1			AVAQMD CEQA PROJECTS				
2			BOARD MEETING				
3			8/21/2018				
4							
5	Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
14	7/31/2018	COP	Palmdale Senior Living/Protea Senior Living Palmdale	Pre-App 18-017 to develop an assisted living and memory care use within one building totaling 68,300 sf to be located on approx 4.88 acres at the northwest corner of Rancho Vista Blvd and Delson Drive	Dust, CARB Equip, Permitted Equip	8/8/2018	8/1/2018
15	7/25/2018	COL	Icon Properties, Inc	NOA/NOI TTM 61733 consists of the subdivision of approx 10 acres into 18 single family residential lots located at the corner of 27th street West and Avenue L-4.	Dust, CARB Equip	8/23/2018	8/1/2018

	A	B	C	D	E	F	G
1			AVAQMD CEQA PROJECTS				
2			BOARD MEETING				
3			8/21/2018				
4							
5	Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
16	7/25/2018	COL	sPower-San Pablo A	NOA/NOI to adopt MIT NEG/DEC for the construction and operation of a 100 mw pv solar electric generating facility located on approx 424 acres. The site is generally bounded by Avenue g, Avenue H, 75th Street West and 90th Street West	Dust, CARB Equip	8/23/2018	8/1/2018
17	7/30/2018	COP	Palmdale Water District	Notice of Availability of Water System Master Plan Draft Program	No Comment	9/13/2018	n/a
18	6/26/2018	COL	Industrial Building	CUP 18-03 for the proposed construction of a 19,680 sf industrial building and warehouse on approximately 1.77 acres located on the southwest corner of Division and Carriage Lane	Dust, CARB Equip, Permitted Equip	7/29/2018	8/1/2018

	A	B	C	D	E	F	G
1			AVAQMD CEQA PROJECTS				
2			BOARD MEETING				
3			8/21/2018				
4							
5	Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
19	8/2/2018	COL	Circle K	CUP 18-17 for a proposed Circle K to consist of a 4,968 sf mini-mart, 1,260 sf drive thru car wash and a 6,965 sf canopy for 10 fueling pumps. The site is located on approx 3.739 acres at the northeast corner of Avenue K and 20th Street West	Dust, Permitting, CARB Equipment	9/3/2018	8/3/2018

The following page(s) contain the backup material for Agenda Item: 1) Authorize the acceptance of AB 197 Emission Inventory District Grant Program Funding; 2) Accept the terms and conditions for the funds; and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and carr

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #4

DATE: August 21, 2018

RECOMMENDATION: 1) Authorize the acceptance of AB 197 Emission Inventory District Grant Program Funding; 2) Accept the terms and conditions for the funds; and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and carry out related activities to meet the requirements of AB 197.

SUMMARY: This action formally accepts the AB 197 Emission Inventory District Grant Program Funding in the amount of \$18,267 allocated to the AVAQMD. This action also accepts the terms and conditions for the funds as appropriated in the Grant Agreement Provisions and approves staff to carry out related activities.

BACKGROUND: On September 8, 2016, the Governor signed into law AB 197. The law creates a legislative committee to oversee regulators, giving lawmakers more say in how climate goals are met. The law pushes the State to take stronger steps to reduce emissions and protect the State's most impacted and disadvantaged communities. This law requires the California Air Resources Board (CARB) to make available, and update annually, on its Internet Web site the emissions of GHG, criteria pollutants, and toxic air contaminants for each facility that reports to CARB and local Air Districts. Emissions data will be based on data provided to CARB by Air Pollution Control and Air Quality Management Districts. AB 197 Emission Inventory District Grant Program provides Air Districts funding for additional resources needed to meet the emission inventory requirements of AB 197.

REASON FOR RECOMMENDATION: CARB requires the Governing Board formally approve District acceptance of the funds and participation in the program.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns Special Counsel to the Governing Board as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before August 6, 2018.

FINANCIAL DATA: Community Air Protection Funds are supplementary to the AVAQMD budget.

PRESENTER: Bret Banks, Executive Director/APCO

cc: Jean Bracy
Laquita Cole
Michelle Powell
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: [1\) Authorize the acceptance of Funding Agricultural Replacement Measures for Emission Reductions \(FARMER\) Program Funds; 2\) Accept the terms and conditions for the funds; and 3\) Authorize the Executive Director/APCO and staff to execute the agreement, app](#)

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #5

DATE: August 21, 2018

RECOMMENDATION: 1) Authorize the acceptance of Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program Funds; 2) Accept the terms and conditions for the funds; and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and to negotiate and execute agreements for eligible projects.

SUMMARY: This action formally accepts FARMER Funding for an estimated amount of \$550,000 allocated to the AVAQMD. This action also accepts the terms and conditions for the funds, authorizes the Executive Director/APCO and staff to execute the Agreement, develop a FARMER Policies and Procedures, and to negotiate and execute agreements for eligible projects.

BACKGROUND: The California State Legislature allocated \$135 million to the California Air Resources Board (CARB) to reduce agricultural sector emissions by providing grants, rebates, and other financial incentives for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations. CARB has established a program to fund reduction projects related to the FARMER program. The FARMER Program is structured similar to the Carl Moyer Program that provides grants for cleaner-than-required engines and equipment. Eligible projects will reduce criteria pollutants, toxic air contaminants, and GHG emissions from agricultural sources. Projects will be selected pursuant to the Carl Moyer Program 2017 guidelines.

REASON FOR RECOMMENDATION: CARB requires the Governing Board formally approve District acceptance of the funds and participation in the program.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns Special Counsel to the Governing Board as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before August 6, 2018.

FINANCIAL DATA: Community Air Protection Funds are supplementary to the AVAQMD budget.

PRESENTER: Bret Banks, Executive Director/APCO

cc: Jean Bracy
Laquita Cole
Michelle Powell
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: [1\) Authorize \\$15,000 in Mobile Emission Reductions Program \(AB 2766\) funds to the Alternative Fuel Vehicle Program; and 2\) Authorize the Executive Director/APCO and staff to execute the Alternative Fuel Vehicle Program as outlined in the Work Plan. Prese](#)

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #6

DATE: August 21, 2018

RECOMMENDATION: 1) Authorize \$15,000 in Mobile Emission Reductions Program (AB 2766) funds to the Alternative Fuel Vehicle Program; and 2) Authorize the Executive Director/APCO and staff to execute the Alternative Fuel Vehicle Program as outlined in the Work Plan.

SUMMARY: This item authorizes \$15,000 in Mobile Emission Reductions Program (AB 2766) funds to the District's ongoing grant program used to incentivize the purchase of light-duty alternative fuel vehicles.

BACKGROUND: In June 2006, the AVAQMD Board (the Board) established an incentive program to off-set the incremental cost associated with the purchase of natural gas-fueled vehicles and refueling units. In April 2011, the Board expanded the Alternative Fuel Vehicle (AFV) program to include all alternative fuel vehicles including electric and electric/hybrid vehicles. In March 2013, the Board approved new eligibility criteria limiting the District incentives to new AFV purchase or lease agreements made with local Dealerships, and one incentive per household. In September 2013, the Board approved to offer up to 50 percent of the current incentive to local residents who purchase or lease with Dealerships outside the District due to availability. In June 2014, the Board approved to continue the AFV program decreasing the incentive to \$1,000 and discontinuing the home refueling and charging incentives. Since inception, the AFV incentive program has provided incentives towards 482 vehicles and 139 home refueling/charging units totaling approx. \$1.5 million to local residents.

REASON FOR RECOMMENDATION: Governing Board authorization is needed to allocate Mobile Source Emission Reductions Program funds and/or changes to the guidelines.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns Special Counsel to the Governing Board as to legal form and by Bret Banks, Executive Director/APCO on or before August 6, 2018.

FINANCIAL DATA: Sufficient funds are available from the District's Mobile Source Emission Reductions (AB 2766) funds.

PRESENTER: Julie McKeehan, Grants Analyst

cc: Jean Bracy
Laquita Cole
Michelle Powell
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: [1\) Award \\$80,000 in Mobile Source Emissions Reduction Program funds \(AB 2766\) to Antelope Valley College for the Campus Connect Student Pass Program; and 2\) Authorize the Executive Director/APCO and staff to negotiate target time frames, technical project](#)

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #7

DATE: August 21, 2018

RECOMMENDATION: 1) Award \$80,000 in Mobile Source Emissions Reduction Program funds (AB 2766) to Antelope Valley College for the Campus Connect Student Pass Program; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames, technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

SUMMARY: This item awards \$80,000 in Mobile Source Emissions Reduction Program funds (AB 2766) to Antelope Valley College serving as match for expenses already incurred by AVC Student Equity fiscal year 17-18 for the Campus Connect Student Pass Program (Program). The purpose of the Program is to encourage students to use public transportation as a reliable and convenient source of transportation over the use of personal vehicles while reducing traffic congestion and localized vehicle emissions.

BACKGROUND: In August 2016 the AVAQMD Governing Board approved funding to Antelope Valley College (AVC) to support a pilot program to reduce traffic congestion, parking lot overcrowding and vehicle emissions in and around the AVC Campus for fiscal year 16-17. The Program is comprised of a joint partnership with Antelope Valley Transit Authority (AVTA), AVAQMD, and AVC Student Equity, designed to help increase access for students while reducing localized air pollution. The program is available to students that enroll in six or more units per semester with the goal of encouraging students to use public transportation as a reliable and convenient source of transportation over the use of personal vehicles. AVC has recently submitted an invoice to the AVAQMD in the amount of \$80,000 requesting a reimbursement for 50 percent of expenses already incurred for fiscal year 17-18.

Pursuant to the District's Mobile Source Emissions Reduction Program Workplan, AB 2766 funds can be used to fund projects that reduce vehicle emissions such as subsidizing transit fares.

cc: Jean Bracy
Laquita Cole
Michelle Powell
Julie McKeehan

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #7

PAGE 2

REASON FOR RECOMMENDATION: Governing Board approval is needed award Mobile Source Emissions Reduction Program funds (AB 2766). Additionally, Governing Board authorization is needed for the Executive Director/APCO to negotiate and execute an agreement with the grant recipient.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns, Governing Counsel and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before August 6, 2018

FINANCIAL DATA: Sufficient funds are available from the District’s Mobile Source Emissions Reduction Program (AB 2766) funds.

PRESENTER: Bret Banks, Executive Director/APCO

The following page(s) contain the backup material for Agenda Item: [Approve payment to MDAQMD in the total amount of \\$121,096.93, subject to availability of funds, for services provided during the month of June 2018. Presenter: Bret Banks, Executive Director/APCO.](#)

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #8

DATE: August 21, 2018

RECOMMENDATION: Approve payment to MDAQMD in the total amount of \$121,096.93, subject to availability of funds, for services provided during the month of June 2018.

SUMMARY: The District contracts for services with MDAQMD; invoices for services are presented for payment.

CONFLICT OF INTEREST: None

BACKGROUND: Key expenses are staff; six positions are assigned to the local office. The District engaged the services of new auditing firm and the process is continuing. The information provided here is preliminary only to the extent of the unlikely event that the auditors may return with recommended adjustments. Staff will be available to answer questions as needed.

REASON FOR RECOMMENDATION: The AVAQMD Governing Board must authorize all payments to the MDAQMD.

REVIEW BY OTHERS: This item was reviewed by Allison Burns, Special Counsel as to legal form; and by Bret Banks, Executive Director/APCO, on or before August 8, 2018.

FINANCIAL DATA: The contract and direct expenditure amounts are part of the approved District budget for FY 18. No change in appropriations is anticipated as a result of the approval of this item.

PRESENTER: Bret Banks, Executive Director/APCO



Mojave Desert AQMD
 14306 Park Avenue
 Victorville, CA 92392
 760.245.1661

Due Date **DUE UPON RECEIPT**
 Invoice Date **6/30/2018**
 Invoice Number **41917**

INVOICE

Bill To :
ANTELOPE VALLEY AQMD 43301 DIVISION ST. SUITE 206 LANCASTER, CA 93535
Company ID 10193

MUST ADD DETAILS	Amount
Program Staff	83,266.67
Overhead	14,871.55
Professional Services	15,000.00
Professional Services	14.64
Vehicles Expenses	41.07
Capital Expenditures	7,903.00
<p>TO INSURE PROPER CREDIT - PLEASE INCLUDE A COPY OF THE INVOICE WITH YOUR PAYMENT</p> <p>FOR CREDIT CARD PAYMENTS PLEASE VISIT www.mdaqmd.ca.gov</p>	
	Invoice Total 121,096.93 Amount Paid 0.00
MAKE CHECKS PAYABLE TO MOJAVE DESERT AQMD PLEASE INCLUDE THE INVOICE NUMBER ON THE CHECK	Balance Due 121,096.93

**ANTELOPE VALLEY AQMD
Program Staff
FY 2016-17**

Program	FY 16-17 Contracted Hours	Calendar Yr 2016 Actual Hours*	FY 17-18 Contracted Hours	Average Contract Cost/hr	Annual Contract Cost	FTE
Lancaster Office	12,480	11,723	12,480	\$70.00	\$873,600	6.00
Planning, Grants, and Rulemaking	265	146	175	80	\$14,000	0.08
Air Monitoring and Surveillance	440	279	300	95	\$28,500	0.14
Compliance	310	-	-	-	-	-
Stationary Sources	270	273	300	85	\$25,500	0.14
Executive Management and Legal	630	239	250	140	\$35,000	0.12
Community Relations & Education	80	56	65	100	\$6,500	0.03
Administration	1,115	1,139	1,169	100	\$116,900	0.56
TOTAL	15,590	13,855	14,739		\$ 1,100,000	7.09
Full Time Equivalents (FTE) Administrative Costs	7.50	6.66	7.09			14.00%

Fiscal Year Comparison:	<u>Contract Cost</u>	<u>FTE</u>
Fiscal Year 2016-17	\$ 1,111,365	7.50
Fiscal Year 2017-18	\$ 1,100,000	7.09
Fiscal Year 17-18 Monthly	\$91,666.67	

*Hours for year 2017 are provided as a point of reference compared to last fiscal year and next fiscal year.

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$32,265 in Carl Moyer Program and Mobile Source Emission Reductions Program (AB 2766) funds to Heritage Sign Company for the replacement of an older light-heavy duty diesel vehicle with new, clean diesel technology; and 2)

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #10

DATE: August 21, 2018

RECOMMENDATION: 1) Award an amount not to exceed \$32,265 in Carl Moyer Program and Mobile Source Emission Reductions Program (AB 2766) funds to Heritage Sign Company for the replacement of an older light-heavy duty diesel vehicle with new, clean diesel technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

SUMMARY: This item awards an amount not to exceed \$32,265 in grant funding to Heritage Sign Company to replace an older light-heavy duty diesel vehicle with clean diesel. The grant award consists of \$23,545 in Carl Moyer Program funds leveraged with Mobile Source Emission Reductions Program (AB 2766) funds in an amount not to exceed \$8,720 for a total of \$32,265.

BACKGROUND: AVAQMD received an application from Heritage Sign Company requesting grant funding towards retirement and replacement of older light-heavy duty diesel vehicles with newer, cleaner technology. Heritage Sign Company seeks the opportunity to receive grant funds towards the replacement of their 2002 Ford F550 Diesel Truck with newer, cleaner technology certified to the current emission standards before funding opportunities expire. The replacement project is calculated to produce 0.79 ton/yr. emission reduction per year for a one (1) year project life. On-road fleets of 1-3 vehicles GVWR 26,000 lbs. or less are subject 2010 model year engine emission equivalent by January 1, 2020. Staff has evaluated the project for Carl Moyer and Mobile Source Emissions Reduction Program funding eligibility pursuant to guidelines. The District proposes to grant a maximum of 50% of the replacement costs in the amount of \$32,265. The one (1) year early fleet turnover provides emission reductions that help the Antelope Valley move toward attainment of the national ambient air quality standards.

cc: Jean Bracy
Laquita Cole
Michelle Powell
Julie McKeehan

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #10

PAGE 2

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund District grant projects. Additionally, Governing Board authorization is needed for the Executive Director/APCO and staff to negotiate and execute an agreement with the grant recipient.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before August 6, 2018.

FINANCIAL DATA: Funding is granted from the District’s annual allocation of Carl Moyer and Mobile Source Emission Reductions Program (AB 2766) funds and will be dispersed as available.

PRESENTER: Julie McKeehan, Air Quality Specialist

The following page(s) contain the backup material for Agenda Item: [Approve Agreement between the Antelope Valley Air Quality Management District \(AVAQMD\) and the Mojave Desert Air Quality Management District \(MDAQMD\) to provide administrative and operations services; Authorize the Chairman to finalize terms and condition](#)

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #11

DATE: August 21, 2018

RECOMMENDATION: Approve Agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the Mojave Desert Air Quality Management District (MDAQMD) to provide administrative and operations services; Authorize the Chairman to finalize terms and conditions of the proposed Agreement if necessary, and; Authorize the Chairman to execute the final Agreement.

SUMMARY: This item presents a proposed Agreement for the MDAQMD to provide administrative and operational services for the AVAQMD; authorizes the Chairman to finalize terms and conditions of the proposed agreement if necessary; and authorize the Chairman to execute the final Agreement.

BACKGROUND: The Agreement for services between the AVAQMD and the MDAQMD, and its extensions, will expire June 30, 2021. For many years the Agreement adequately served the needs and purposes of the AVAQMD and the MDAQMD. Due to the successful execution of the contract, extending the contract under the current terms and conditions will provide stability, an opportunity for development of long term financial plans and for personnel succession planning.

Staff has developed a draft agreement and legal counsel has reviewed it for matters of interest to the AVAQMD. This item includes a copy of the First Amendment to the Agreement between the Antelope Valley Air Quality Management District and The Mojave Desert Air Quality Management District. The proposed term of this agreement shall be for a period of five (5) years commencing on September 1, 2018 and ending on June 30, 2023, with an option to continue for two (2) more years under the same terms and conditions, unless earlier terminated, extended, or modified as provided herein.

REASON FOR RECOMMENDATION: Governing Board approval is required to enter into contracts and agreements.

REVIEW BY OTHERS: This item was reviewed by Allison K. Burns, Special Counsel as to legal form on or about August 7, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated action will not require any additional appropriation.

PRESENTER: Bret Banks, Executive Director/APCO

1 **FIRST AMENDMENT**
2 **TO THE AGREEMENT BETWEEN THE**
3 **ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT**
4 **AND THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT**

5 This agreement is made between the ANTELOPE VALLEY AIR QUALITY
6 MANAGEMENT DISTRICT (AVAQMD) and the MOJAVE DESERT AIR QUALITY
7 MANAGEMENT DISTRICT (MDAQMD).

8 **RECITALS**

9 **WHEREAS**, AVAQMD and the MDAQMD are the local agencies with the primary
10 responsibility for the control of air pollution from all sources other than vehicular sources within their
11 respective jurisdictions (Health & Safety Code §§39002, 40000); and

12 **WHEREAS**, the AVAQMD and the MDAQMD entered into the “Agreement between the
13 Antelope Valley Air Quality Management District and the Mojave Desert Air Quality Management
14 District on or about April 19, 2016 for the AVAQMD to contract from the MDAQMD services
15 necessary to provide air pollution control services including administration and operations adequate to
16 meet the regulatory and legislated responsibilities of an air quality management district within the
17 AVAQMD jurisdiction; and

18 **WHEREAS**, the AVAQMD and the MDAQMD wish to extend the Agreement to allow the
19 MDAQMD to continue to provide such services consistent with all applicable laws and regulations
20 pursuant to the provisions of this agreement; and

21 **NOW THEREFORE** the parties to the Agreement agree as follows:

- 22 **1. Section 2, TERM OF AGREEMENT is deleted in its entirety and replaced with the**
23 **following:**

24 The term of this agreement shall be for a period of five (5) years
25 commencing on September 1, 2018 and ending on June 30, 2023, with an option
26 to continue for two (2) more years under the same terms and conditions, unless
27 earlier terminated, extended, or modified as provided herein.

1 **2. Section 3, SCOPE OF SERVICES is deleted in its entirety and replaced with**
2 **the following:**

3 The MDAQMD agrees to provide the administration, operations, and services as
4 specified in “Scope of Materials and Services” (Exhibit “A”), attached and
5 incorporated by this reference (collectively, the “Services”). MDAQMD and
6 AVAQMD will mutually agree upon an annual budget for the Services based on a
7 best estimate of the costs to provide such Services and historical data, which
8 budget will be adopted by AVAQMD prior to the commencement of each fiscal
9 year (“Annual Budget”). The Annual Budget will be subject to amendment in
10 accordance with changes in the actual costs of goods and services provided by
11 MDAQMD as described in Section 5(c). Exhibit 1 may be amended in whole or
12 in part to reflect any changes or adjustments as directed by the actions of the
13 Governing Boards of the AVAQMD and/or the MDAQMD. For purposes of
14 interpretation of the scope and nature of the Services, the governing order of
15 document precedence shall be first Exhibit 1 and second the current fiscal year
16 budget for the AVAQMD, as amended.

17 **3. Section 22, EFFECTIVE DATE is deleted in its entirety and replaced with the following:**

18 This Agreement shall be effective September 1, 2018 for the term specified in Section 2.

19 This Agreement is executed in the city of Victorville, San Bernardino County, and in the
20 city of Lancaster, Los Angeles County, California.

21
22 ANTELOPE VALLEY
23 AIR QUALITY MANAGEMENT DISTRICT

MOJAVE DESERT
AIR QUALITY MANAGEMENT DISTRICT

24 _____
Marvin Crist, Chair

_____ James L. Cox, Chair

25 Dated: _____

Dated: _____

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Approved as to Legal Form

ALLISON BURNS, Special Counsel to
the Governing Board

Dated: _____

PIERO C. DALLARDA, Special Counsel to
the Governing Board

Dated: _____

END OF CONTRACT

1 In consideration of the mutual covenants and conditions the AVAQMD and the MDAQMD
2 agree as follows:

3 **TERMS AND CONDITIONS**

4 **1. PURPOSE**

5 The purpose of this agreement is for the AVAQMD to contract from the MDAQMD certain
6 administrative and operations services as AVAQMD and MDAQMD have determined are necessary
7 to enable AVAQMD to meet the regulatory and legislated responsibilities of an air quality
8 management district for compensation consistent with all applicable laws and regulations. This
9 agreement is entered into pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 of the
10 California Government Code (commencing with §6500).

11 **2. TERM OF AGREEMENT**

12 The term of this agreement shall be for a period of five (5) years commencing on January 1,
13 2016 and ending on June 30, 2021, with an option to continue for two (2) more years under the same
14 terms and conditions, unless earlier terminated, extended, or modified as provided herein. Although
15 the agreement will become effective as of January 1, 2016, and the parties will commence planning
16 for the 2016-2017 fiscal year, it is intended that the provision of Services pursuant to this agreement
17 will commence on July 1, 2016. All Services that are provided between January 1, 2016 and June 30,
18 2016, will be subject to the existing agreement between MDAQMD and AVAQMD for administrative
19 services.

20 **3. SCOPE OF SERVICES**

21 The MDAQMD agrees to provide the administration, operations, and services as specified in
22 "Scope of Materials and Services" (Exhibit "A"), attached and incorporated by this reference
23 (collectively, the "Services"). MDAQMD and AVAQMD will mutually agree upon an annual budget
24 for the Services based on a best estimate of the costs to provide such Services and historical data,
25 which budget will be adopted by AVAQMD prior to the commencement of each fiscal year ("Annual
26 Budget"). The Annual Budget for the fiscal year commencing on July 1, 2016, is attached hereto as
27 Exhibit "B". The Annual Budget will be subject to amendment in accordance with changes in the
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1 actual costs of goods and services provided by MDAQMD as described in Section 5(c). Exhibit 1
2 may be amended in whole or in part to reflect any changes or adjustments as directed by the actions of
3 the Governing Boards of the AVAQMD and/or the MDAQMD. For purposes of interpretation of the
4 scope and nature of the Services, the governing order of document precedence shall be first Exhibit 1
5 and second the current fiscal year budget for the AVAQMD, as amended.

6 **4. COMPENSATION**

7 The MDAQMD shall perform its obligations under this agreement in accordance with the
8 approved Annual Budget, as amended, each fiscal year during the term of this agreement or until
9 the termination or expiration of this agreement. Compensation is based on the cost matrix as
10 described below:

- 11 A. MDAQMD may purchase materials and supplies which will be reimbursed by the
12 AVQMD at the actual cost of the material or supplies;
- 13 B. AVAQMD shall pay the pro rata portion of base salary and associated employment
14 benefits for all time spent by Program Staff (as defined in Section 11) on AVAQMD
15 matters as described in the Annual Budget.
- 16 C. The MDAQMD agrees to provide the following products and services in the scope of
17 this agreement to the level used by the MDAQMD in the scope of its regular business
18 practices: Questys (electronic file and content management system), AccuFund
19 (accounting system), CAPS (Compliance and Permit System), AirVision (air monitoring
20 data collection and reporting system). Where the AVAQMD has purchased and/or owns
21 user licenses or enhancements, or chooses to enhance any of these services beyond the
22 level used by MDAQMD, the AVAQMD agrees to cover the cost for the enhancements
23 and related maintenance.
- 24 D. Except as provided in Paragraph C above, the MDAQMD may make available certain
25 services or products for which they are the sole owner, or certain services or purchases from
26 which both Districts derive relevant benefits. The MDAQMD may assess a
27 proportionate share of the purchase cost and/or service costs to the AVAQMD not to
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1 exceed a proportionate amount based on the ratio of operating permits between both
2 Districts at the end of current fiscal year.

3 E. If additional services are required or requested over and above the services described in
4 Exhibit 1 or which exceed the Annual Budget, as amended, then such services and
5 associated costs shall be provided when directed and approved by the AVAQMD
6 Governing Board.

7 F. AVAQMD will further pay a charge to cover administrative overhead and compensate
8 MDAQMD for the indirect costs of delivering the services described herein. Said charge
9 will be calculated as 14% of the total billed each month for services and will be added
10 to the invoice.

11 **5. PAYMENT OF COSTS**

12 On a monthly basis or as necessary, the MDAQMD shall deliver to the AVAQMD an invoice
13 for materials and services provided. The invoice shall include a description of the materials and
14 services provided.

15 A. Payment for the costs of services and materials provided by the MDAQMD to the
16 AVAQMD pursuant to this agreement shall be made at the direction of the AVAQMD
17 Governing Board.

18 B. Professional services of MDAQMD staff will be billed monthly at 1/12 of the
19 contracted amount approved in the annual AVAQMD Budget as set forth in the
20 line item, "Program Staff."

21 C. Not less than quarterly, the MDAQMD will reconcile the actual costs to deliver the
22 Services against the estimates approved in the Annual Budget. If the actual cost to
23 deliver the Services exceeds the estimate in the Annual Budget, then MDAQMD
24 will be entitled to invoice AVAQMD for such excess cost. If the actual cost to
25 deliver the Services is less than the estimate in the Annual Budget, then MDAQMD
26 will credit AVAQMD for such cost saving. If an increase or decrease in actual cost is
27 expected to continue for the remainder of the fiscal year, then the Annual Budget and
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1 the monthly billing will be modified accordingly, provided however, that with respect
2 to increases in the Annual Budget, MDAQMD will cooperate with AVAQMD to find
3 ways to mitigate such increases.

4 D. The AVAQMD shall pay the amount indicated on the invoice within forty-five (45)
5 days of the date of the invoice. If the AVAQMD does not pay the amount indicated
6 on the invoice within forty-five (45) days, interest may accrue on the unpaid amount at
7 the legal rate of interest per annum or such rate as allowed by any subsequent
8 amendment to California law.

9 In the event the AVAQMD disputes an amount indicated on an invoice, such dispute shall
10 be resolved in accordance with the conflict resolution procedures as set forth in Section 8 below. In
11 the event of such a dispute, interest will accrue on only that part of the disputed amount which is
12 determined to be due and owing to the MDAQMD as provided in Section 4 above.

13 In the event of a breach or termination of this agreement, the MDAQMD is entitled to payment
14 for Services actually performed and materials actually provided as of the date of the breach or
15 termination. In such event the MDAQMD shall provide a final invoice as set forth above
16 detailing the materials and services provided and hours expended for the period between the last
17 date indicated on the previous invoice to the date of the breach or termination. The final invoice
18 will include the cost of MDAQMD to transition all Dedicated Staff, as defined in Section 11, and for
19 AVAQMD to assume all Personnel Costs as set forth in Section 11.

20 **6. INDEMNITY AND LIABILITY**

21 AVAQMD and MDAQMD shall, to the extent authorized by law, indemnify and hold
22 harmless each other, their agents and employees against all liabilities arising out of or connected
23 with the performance of this agreement.

24 In the event litigation is threatened or commenced by a third party regarding negligent acts
25 or omissions of the AVAQMD, its officers, volunteers and authorized agents while performing
26 services for the AVAQMD to which the MDAQMD becomes a party, the AVAQMD shall retain and
27 bear all litigation costs of the AVAQMD and MDAQMD engendered by such litigation.

1 In the event litigation is threatened or commenced by a third party regarding negligent acts
2 or omissions of the MDAQMD, its officers, employees, volunteers and authorized agents while
3 performing services for the MDAQMD to which the AVAQMD becomes a party, the MDAQMD shall
4 retain and bear all litigation costs of the AVAQMD and MDAQMD engendered by such litigation.

5 For the purposes of this section, negligent acts and omissions include, but not limited to,
6 the following: the adoption and implementation of rules, regulations, plans and policies; the
7 issuance of permits; the issuance and management of grants and grant programs; the performance of
8 duties under the California Environmental Quality Act Pub. Res. Code 21000 et seq.); and the
9 enforcement of rules, regulations, and orders of either the AVAQMD or MDAQMD.
10 Notwithstanding the foregoing MDAQMD staff will not be considered to be acting negligently if
11 they properly carry out the rules, regulations, plans and policies adopted by AVAQMD.
12 AVAQMD remains solely responsible for such rules, regulations, permit issuance, grant activities,
13 plans and policies, as well as defending any third party claim which challenges the enforceability
14 and/or legality of same.

15 **7. INSURANCE**

16 Within thirty (30) days from the execution of this agreement and for the term of this
17 agreement: the MDAQMD will include the AVAQMD as an additional named insured on the
18 MDAQMD policies for general liability insurance, worker's compensation insurance, and
19 employment practices insurance; and the AVAQMD will include the MDAQMD as an additional
20 named insured on such policies.

21 It is mutually understood that while the AVAQMD and the MDAQMD continue to
22 purchase insurance protection from the same risk pool additional insurance is not required.

23 The AVAQMD shall obtain and maintain general liability insurance, property insurance,
24 vehicle comprehensive and collision insurance, errors and omissions insurance, and other insurance as
25 approved by the AVAQMD Governing Board at the expense of the AVAQMD.

26 In the event the AVAQMD directly obtains the services of officers and employees outside the
27 scope of this agreement the AVAQMD shall obtain and maintain worker's compensation and
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1 employment practices insurance at the expense of the AVAQMD. Such additional insurance shall be
2 obtained within thirty (30) days from the employment of officers or employees outside the scope of
3 this agreement The AVAQMD will, as necessary, include the MDAQMD as an additional named
4 insured on such policies.

5 **8. CONFLICT RESOLUTION**

6 Conflicts regarding the terms, provisions, nature, scope, delivery, provision of specific services
7 or materials, or arising as a result of the implementation of this agreement shall be resolved in the
8 following manner:

- 9 A. The chair of the Governing Board of the AVAQMD or MDAQMD shall contact
10 the other chair, inform him or her of the nature and scope of the conflict and
11 attempt to resolve the conflict
- 12 B. If the chairs of the AVAQMD and MDAQMD cannot resolve the conflict by
13 discussion, each chair shall place an item on the agendas of the next regularly
14 scheduled meetings for their respective Governing Boards regarding the conflict and
15 appointment of Governing Board members to a Conflict Resolution Committee.
- 16 C. The AVAQMD and MDAQMD board shall each appoint two (2) members to the
17 Conflict Resolution Committee.
- 18 D. The Conflict Resolution committee shall schedule a meeting to occur within fifteen
19 (15) days of the later of the AVAQMD or MDAQMD Governing Board meeting at
20 which members were appointed to the Conflict Resolution Committee. The Conflict
21 Resolution Committee shall have fifteen (15) days from the date of the first meeting of
22 the committee to attempt to resolve the conflict
- 23 E. If the Conflict Resolution Committee fails to resolve the conflict within the time stated
24 above, the matter shall be submitted to non-binding arbitration by either party. Each
25 party agrees to bear one-half (1/2) the cost of obtaining such non-binding arbitration.
26 An impartial arbitrator shall be selected by alternately striking from a list provided by
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1 the California State Mediation and Conciliation Service who shall hear the matter and
2 render a decision.

3 F. If either of the Governing Boards elects not to accept the decision of the arbitrator at
4 its next regularly scheduled meeting or the arbitrator fails to resolve the matter, either
5 the AVAQMD or the MDAQMD may terminate this agreement in accordance with the
6 terms set forth herein.

7 G. Each party reserves its rights and remedies to enforce the terms of this agreement at
8 law or equity.

9 **9. DUE DILIGENCE**

10 Upon commencement of the term of this agreement the MDAQMD agrees to perform with
11 due diligence the services specified herein.

12 **10. EQUIPMENT**

13 Equipment owned by the AVAQMD at the expiration or termination of this agreement
14 shall remain the property of the AVAQMD.

15 Equipment owned by the MDAQMD prior to the expiration or termination of this agreement
16 but used in the performance of services under this agreement shall remain the property of the
17 MDAQMD.

18 Equipment purchased and billed to the AVAQMD pursuant to the terms of this agreement shall
19 be the property of the AVAQMD.

20 MDAQMD agrees that upon expiration or termination of this agreement, any property of
21 the AVAQMD which is in the possession of the MDAQMD shall be returned to the AVAQMD at a
22 location designated by the AVAQMD within fifteen (15) days of the expiration or termination of this
23 agreement.

24 **11. PROGRAM STAFF**

25 MDAQMD will provide professional officers and employees of the MDAQMD to perform
26 the Services for AVAQMD pursuant to the terms of this agreement. It is intended that MDAQMD
27 will use both (a) existing MDAQMD staff; and (b) staff which has been hired by MDAQMD solely to
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1 perform the Services (“Dedicated Staff”). All officers and employees of the MDAQMD, including the
2 Dedicated Staff, shall remain the officers and employees of the MDAQMD. Notwithstanding the
3 provisions of paragraph 4 above, the MDAQMD shall remain solely responsible for the payment
4 of all salaries and benefits, including but not limited to salary, health and dental benefits, union
5 benefits if any, employment related taxes and pension contributions (collectively, “Personnel
6 Costs”), for its officers and employees when such officers and employees are performing the
7 Services.

8 The duties which the officers and employees of the MDAQMD may be required to perform for the
9 AVAQMD pursuant to this agreement shall conform to the job descriptions of such officers and
10 employees in their duties with the MDAQMD. For the purposes of this agreement “job description”
11 shall be the current and most recent job description or as subsequently amended by the MDAQMD
12 for the MDAQMD’s officers and employees.

13 Upon expiration or termination of this agreement with the MDAQMD, it is intended that
14 the Dedicated Staff and its office location will be transitioned to AVAQMD. In the event the
15 AVAQMD offers employment to such Dedicated Staff in the same or a similar capacity and
16 subject to the personnel policies and procedures of the AVAQMD and other requirements as
17 determined by the AVAQMD Governing Board, if any, AVAQMD will assume all Personnel Costs of
18 the Dedicated Staff transferred to the AVAQMD employment on the transition date. MDAQMD
19 and AVAQMD will cooperate to transition any existing pension benefits to the extent permitted by
20 applicable law. Following the expiration or termination, if services will be performed by a third
21 party contractor, then AVAQMD may request 1) that the third party contractor offer position(s) to the
22 Dedicated Employees; and 2) that the third party contractor give priority offers of employment of
23 same or similar positions to the Dedicated Employees.. Notwithstanding the use of a third party
24 contractor, AVAQMD will remain financially responsible for the assumption of all Personnel Costs
25 for transferred staff as of the transition date.

26 In the event that AVAQMD or any third party contractor employed by AVAQMD fails to
27 transition the Dedicated Staff, then MDAQMD will continue to treat the Dedicated Staff in
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1 accordance with MDAQMD's normal existing policies and procedures and Dedicated Staff will have
2 the same rights and seniority in the same manner and to the same extent as MDAQMD staff who have
3 not been dedicated to provide services to AVAQMD. Notwithstanding the foregoing, MDAQMD
4 reserves the right to terminate Dedicated Staff if no position(s) are available and AVAQMD will
5 be responsible for all reasonable costs and expenses incurred by MDAQMD in connection with such
6 termination.

7 **12. LEGISLATED POSITIONS**

8 The Governing Board of the AVAQMD shall appoint an Air Pollution Control Officer
9 (APCO) pursuant to H&S §41350(b); and legal counsel pursuant to H&S §41357.

10 **13. OPERATIONAL OVERSIGHT**

11 MDAQMD will provide the services of its Deputy Director to act in the capacity of the
12 Executive Director of AVAQMD. It is acknowledged and understood that the position of
13 Executive Director is unique and that the person serving in this position must have the full confidence
14 of the Governing Board of the AVAQMD. Accordingly, the Governing Board of the AVAQMD
15 with a 75% majority will have the right, at any time, to request the removal of the Deputy Director or
16 any replacement thereof from the position of Executive Director. The replacement for the position of
17 Executive Director will be subject to the review and approval of AVAQMD and AVAQMD will
18 be responsible for all costs incurred by MDAQMD to locate and hire any replacement. The initial
19 Executive Director of AVAQMD will be Bret Banks. Any removal of Bret Banks from this position
20 will not alter the terms of his employment as a Deputy Director of MDAQMD.

21 The Governing Board of the AVAQMD reserves the right to contract separately for
22 operational oversight of the AVAQMD office. The MDAQMD will provide reasonable access to
23 its records and personnel for such oversight. Such third party hired for oversight may direct day to
24 day operations under the contract as well as oversee actions of staff to provide services under the
25 contract as well as oversee actions of staff to provide services under the contract, however they shall
26 not have the right to change the scope or nature of Services under the agreement nor exercise any
27 personnel related authority under the existing MDAQMD policies and procedures including but not
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1 limited to performance reviews and discipline, of MDAQMD personnel. Nothing in this provision
2 shall prevent either the AVAQMD Governing Board or any person contracted to provide operational
3 oversight from providing input, advice and consultation regarding such issues.

4 **14. FEES, FINES, SUBVENTIONS, GRANTS AND OTHER REVENUE**

5 All fees, fines, subventions, grants and other revenue owed to the AVAQMD pursuant to
6 Federal, State or AVAQMD law, rule, regulation, permit or order of a State or Federal Court
7 of competent jurisdiction shall be received by the AVAQMD. In the event that any such fee, fine,
8 subventions, grants and other revenue owed to the AVAQMD is received by the MDAQMD shall
9 be transferred to the AVAQMD immediately upon receipt and shall not affect payments made under
10 this agreement

11 **15. CONTRACT PERFORMANCE**

12 An Annual report of contract performance will be delivered to the Governing Boards of the
13 AVAQMD and MDAQMD in or about June of each year (or upon request of either of the
14 respective Governing Boards) regarding the contracted services including, but not limited to, each of
15 the activities and services performed as specified in Exhibit 1.

16 The MDAQMD agrees to make and maintain all records that are required by Federal or State
17 law or AVAQMD rule, regulation, permit or order or by an order of a State or Federal Court of
18 competent jurisdiction and to transfer such records to the AVAQMD upon expiration or termination
19 of this agreement.

20 A Governing Board member of the respective Governing Boards of the AVAQMD and
21 MDAQMD may attend any Governing Board meetings of the other agency and any public meetings of
22 the other agency which directly relate to the materials and services provided pursuant to this agreement.

23 **16. COPYRIGHT MATERIALS**

24 The AVAQMD reserves the right to any copyrightable materials developed pursuant to
25 this agreement. Upon acceptance of the copyrightable materials the AVAQMD shall have the right,
26 title, and interest including trade secret and copyright interest in the copyrightable materials. During
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1 the term of this Agreement, the MDAQMD shall have a non-exclusive right to use, copy and otherwise
2 benefit from such materials.

3 **17. FISCAL AUDIT**

4 The AVAQMD shall designate an auditor and a fiscal audit shall be conducted annually
5 by a qualified accountancy firm. The results of the audit shall be presented to the Governing
6 Board on completion.

7 In the event the contract expires or terminates, an audit shall be provided to the Governing
8 Board of the AVAQMD within ninety (90) days of the expiration or termination of the agreement.

9 The MDAQMD agrees that the AVAQMD or its duly authorized representative shall have
10 access and the right to examine, audit, excerpt, transcribe and copy the MDAQMD's financial records,
11 documents, papers, and records which are related or pertinent to this agreement. Such materials shall
12 be retained for a period of at least two (2) years or such other longer period as required by State or
13 Federal law, rule or regulation or by MDAQMD policy or procedure.

14 The AVAQMD agrees that the MDAQMD or its duly authorized representative shall have
15 access and the right to examine, audit, excerpt, transcribe and copy the AVAQMD's financial records,
16 documents, papers, and records which are related or pertinent to this agreement. Such materials shall
17 be retained for a period of at least two (2) years or such other longer period as required by State or
18 Federal law, rule or regulation or by AVAQMD policy or procedure.

19 **18. PRIVILEGES AND IMMUNITIES**

20 Pursuant to the provisions of Government Code 6513 and any other applicable law, all of
21 the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension,
22 relief, disability, workmen's compensation and other benefits which apply to the activity of officers,
23 agents or employees of the MDAQMD shall apply to the same degree and extent while such
24 officers, agents or employees of MDAQMD are engaged in the performance of any of their
25 functions and duties within the jurisdiction of the AVAQMD or MDAQMD.

26 **19. SUCCESSORS**

1 Neither party will assign or transfer any rights or obligations under this agreement without
2 the written consent of the other.

3 Each party and their successors, legal representatives, and to the extent permitted herein,
4 their assigns, are hereby bound to the other party and to the successors, legal representatives, and the
5 assigns of the other party in respect to all covenants, agreements and obligations of this agreement

6 **20. AMENDMENT**

7 This agreement and its Exhibits, as amended from time to time in accordance with the terms of
8 this agreement, constitute the entire agreement between the parties and will supersede all prior written
9 or oral understandings. This agreement and its Exhibits, as amended, may only be amended,
10 supplemented, and modified by an executed written instrument as approved by the Governing Boards
11 of the AVAQMD and MDAQMD. Notwithstanding the foregoing, the Governing Boards may
12 specify a threshold for modifications to the Services and the Annual Budget which are within the
13 discretion of the General Managers of each entity.

14 For purposes of this agreement, the annual adoption of the Annual Budget for each
15 successive fiscal year until the expiration or termination of this agreement as provided for in
16 Paragraph 3 shall be deemed an amendment to Exhibit B of this agreement upon mutual approval of
17 the Annual Budget and its adoption by the Governing Board of the AVAQMD.

18 **21. TERMINATION**

19 The Governing Boards of the AVAQMD or MDAQMD may terminate this agreement at any
20 time by giving written notice to the other party 180 days in advance of the proposed termination, but
21 not less than ninety (90) days before the effective date of the proposed termination.

22 In the event this agreement is terminated, all finished and unfinished documents and other
23 materials produced by the MDAQMD pursuant to the terms of this agreement shall be provided to
24 the AVAQMD. If the agreement is terminated by either party, the MDAQMD shall be paid all
25 amounts due and unpaid, whether or not such amounts had been billed to the AVAQMD, as of
26 the date of the termination subject to the resolution of any disputed amounts pursuant to the conflict
27 resolution procedure set forth in Section 8 above.

1 In the event this agreement is terminated, MDAQMD Dedicated Staff will be transitioned
2 in accordance with the terms of Section 11.

3 **22. EFFECTIVE DATE**


4 This contract shall be effective January 1, 2016 for the term specified in Section 2 above 23.

5 **23. VENUE**

6 The venue for any claims or actions brought related to or regarding this agreement shall lie in
7 the County of Riverside, California.

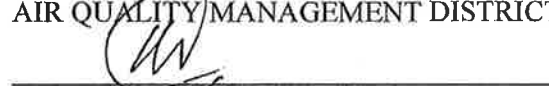
8 This agreement is executed in the city of Victorville, San Bernardino County, and in the city
9 of Lancaster, Los Angeles County, California.

10 ANTELOPE VALLEY
11 AIR QUALITY MANAGEMENT DISTRICT

12 
Marvin Crist, Chair

13 Dated: 4-19-16

MOJAVE DESERT
AIR QUALITY MANAGEMENT DISTRICT

14 
Robert Lovingood, Chair

15 Dated: 4/25/16

16 Approved as to Legal Form

17 
ALLISON BURNS, Special Counsel to
the Governing Board

18 Dated: 4/19/16

19 
PIERO C. DALLARDA, Special Counsel to
the Governing Board

20 Dated: 4/25/16

21 END OF CONTRACT
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1 EXHIBIT 1

2 SCOPE OF MATERIALS AND SERVICES

3 The MDAQMD agrees to provide services to the AVAQMD as specified in the
4 Agreement, namely: provide administration and operations, adequate to meet the regulatory and
5 legislated responsibilities of an air quality management district within the AVAQMD jurisdiction
6 specified in Division 26 of the California Health & Safety Code (commencing with §39000). The
7 scope of services that the MDAQMD may provide as directed by the fiscal year budget are described
8 below.

9 In the event the AVAQMD Governing Board redirects or appoints a third party to perform
10 any of the services or functions listed herein to another party, contractor, consultant, or vendor, the
11 MDAQMD will be relieved from any and all liabilities arising out of or connected with the
12 performance of such services by any or all third parties from the effective date of such
13 assignment. The AVAQMD shall indemnify and hold harmless the MDAQMD, its agents, and
14 employees, against all liabilities arising out of or connected with the transfer of such assignment.

15 **Air Monitoring Program:** all activities including, but not limited to, (i) measuring and
16 monitoring air quality, and (ii) maintaining equipment and providing technical maintenance;

17 **Compliance Program:** all activities including, but not limited to, inspection services,
18 programs for variance support, asbestos, complaint response, emissions violations, source test, EPA
19 Report preparation, and delinquent billing.

20 **Planning and Rule Development:** all activities including, but not limited to, development of
21 new or amendment of existing rules to facilitate regulatory compliance.

22 **Grants Management:** all activities including, but not limited to, making application for
23 available funds, soliciting projects that meet the objectives of each grant program, developing and
24 administering contracts to ensure the grant program objectives are met; disbursing funds and
25 performing reviews on contract performance.

26 **Community Relations and Education:** all activities including, but not limited to, public
27 outreach and education.

1 **Administrative Services:** all activities including, but not limited to, operations for a staffed
2 office located in the AVAQMD jurisdiction with regular business operating hours, revenue
3 collection and expenditure tracking, budget preparation and administration, development,
4 implementation and maintenance of an automated system for tracking permits and permit activities,
5 procurement and maintenance of facilities, operations, and fixed assets as set forth in the annual
6 budget, and miscellaneous expenses as identified in the annual budget. Financial and accounting
7 services including, but not limited to, appropriate accounting procedures to maintain bank accounts,
8 receive and expend funds and report accordingly, computer information systems.

9 **Executive Services:** all activities including, but not limited to services of the Air
10 Pollution Control Officer, Legal Counsel (including, but not limited to, compliance with the Brown
11 Act and Public Records Act), direction and oversight of all operations of the AVAQMD, support for
12 boards, commissions, and committees, including the Governing Board and the Hearing Board.

The following page(s) contain the backup material for Agenda Item: [Conduct a continued public hearing to consider the amendment of Rule 1171 Solvent Cleaning Operations: a. Re-open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing](#)

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #9

DATE: August 21, 2018

RECOMMENDATION: Conduct a continued public hearing to consider the amendment of Rule 1171 – *Solvent Cleaning Operations*: a. Re-open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption amending Rule 1171 – *Solvent Cleaning Operations* and directing staff actions.

SUMMARY: Rule 1171 is proposed for amendment to enhance work practices, adjust categories for consistency with source specific rules, reduce VOC limits and address the alternative composite vapor pressure.

BACKGROUND: The Antelope Valley Air Pollution Control District (AVAPCD) was created by statute on July 1, 1997, with a jurisdiction of the Los Angeles County portion of the South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin. SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute (Health & Safety Code §§41300 et seq.) to replace the AVAPCD. The rules of the AVAPCD also remain in effect until the AVAQMD Governing Board supersedes or amends them.

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 Technique Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) which are ozone precursors. The District adopted the *8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in July 2015 for the 2008, 75 ppb ozone National Ambient Air Quality Standards (NAAQS). This document committed to amending Rule 1171 to enhance work practices, adjust categories for consistency with source specific rules, reduce VOC limits and address the alternative composite vapor pressure.

Cc: Barbara Lods

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #9

PAGE 2

This rule is subject to the CTG's titled *Industrial Cleaning Solvents (EPA-453/R-06-001, September 2006)*. The AVAQMD is now proposing to amend Rule 1171 – *Solvent Cleaning Operations* to reflect current federal RACT.

Rule 1171 was originally adopted on 08/02/91 by the SCAQMD and subsequently amended on 05/12/95, 09/13/96, and 06/13/97. The version of Rule 1171, as amended by SCAQMD on 06/13/97, was the initial rule of the AVAPCD. On 11/17/98 the AVAPCD amended Rule 1171. The 11/17/98 version is the current version in the AVAQMD rule book.

AVAQMD submitted the 11/17/98 version of Rule 1171 for inclusion to the SIP. USEPA finalized approval on 05/24/01 (66 FR 28666).

The proposed amendment of Rule 1171 – *Solvent Cleaning Operations* addresses the 2015 *RACT SIP Analysis* commitment to amend Rule 1171 and also addresses work practices, adjusting categories for consistency with source specific rules, reducing VOC limits and addressing the alternative composite vapor pressure. The proposed amendments are based on the CTG, South Coast Air Quality Management District Rule 1171 - *Solvent Cleaning Operations*, amended 02/01/08, Yolo-Solano AQMD Rule 2.31 – *Solvent Cleaning and Degreasing*, amended 04/12/17, and San Joaquin Valley Air Pollution Control District Rule 4663 - *Organic Solvent Cleaning Storage and Disposal*, amended 09/20/07 and Rule 4605 - *Aerospace Assembly and Component Manufacturing Operations*, amended 06/16/11.

This item was noticed for the July 17, 2018 Governing Board meeting. The item was continued to the August 21, 2018 meeting to address substantive comments from USEPA.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the amendment of Rule 1171 pursuant to the requirements of CEQA.

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

REVIEW BY OTHERS: This item was reviewed as to legal form by Karen Nowak, District Counsel and by Bret Banks, Executive Director on or before August 6, 2018.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Bret Banks, Executive Director

RESOLUTION _____

A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1171-SOLVENT CLEANING OPERATIONS AND DIRECTING STAFF ACTIONS.

On, August 21, 2018, on motion by Member Board Member Name, seconded by Member Board Member Name, and carried, the following resolution is adopted:

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

WHEREAS, the Antelope Valley Air Pollution Control District (AVAPCD) was created by statute on July 1, 1997, with a jurisdiction of the Los Angeles County portion of the South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin; and

WHEREAS, SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them; and

WHEREAS, on January 1, 2002 the AVAQMD was formed pursuant to statute (H&S Code §§41300 et seq) to replace the AVAPCD; and

WHEREAS, the rules of the AVAPCD also remain in effect until the AVAQMD Governing Board supersedes or amends them; and

WHEREAS, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technique Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) which are ozone precursors; and

WHEREAS, the District adopted the *8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in July 2015 for the 2008, 75 ppb ozone National Ambient Air Quality Standards (NAAQS); and

WHEREAS, this document committed to amending Rule 1171 to enhance work practices, adjust categories for consistency with source specific rules, reduce VOC limits and address the alternative composite vapor pressure; and

RESOLUTION _____

1 **WHEREAS**, this rule is subject to the CTG titled *Control Techniques Guidelines: Industrial*
2 *Cleaning Solvents, (EPA-453/R-06-001, September 2006; and*

3 **WHEREAS**, the AVAQMD is now proposing to amend Rule 1171 – *Solvent Cleaning*
4 *Operations* to reflect current federal RACT; and

5 **WHEREAS**, rule 1171 was originally adopted on 08/02/91 by the SCAQMD and subsequently
6 amended on 05/12/95, 09/13/96, and 06/13/97; and

7 **WHEREAS**, the version of Rule 1171, as amended by SCAQMD on 06/13/97, was the initial rule
8 of the AVAPCD; and

9 **WHEREAS**, on 11/17/98 the AVAPCD amended Rule 1171; and

10 **WHEREAS**, the 11/17/98 version is the current version in the AVAQMD rule book; and

11 **WHEREAS**, AVAQMD submitted the 11/17/98 version of Rule 1171 for inclusion to the SIP;
12 and

13 **WHEREAS**, USEPA finalized approval of the 11/17/98 version of Rule 1171 on 05/24/01 (66 FR
14 28666); and

15 **WHEREAS**, the proposed amendment of Rule 1171 – *Solvent Cleaning Operations* addresses the
16 2015 *RACT SIP Analysis* commitment; and

17 **WHEREAS**, the proposed amendments are based on the Control Technique Guidelines: Industrial
18 *Cleaning Solvents, South Coast Air Quality Management District Rule 1171 - Solvent Cleaning*
19 *Operations, amended 02/01/08, Yolo-Solano AQMD Rule 2.31 – Solvent Cleaning and Degreasing,*
20 *amended 04/12/17, and San Joaquin Valley Air Pollution Control District Rule 4663 - Organic Solvent*
21 *Cleaning Storage and Disposal, amended 09/20/07 and Rule 4605 - Aerospace Assembly and Component*
22 *Manufacturing Operations, amended 06/16/11; and*

23 **WHEREAS** this item was noticed for the July 17, 2018 Governing Board meeting, and

24 **WHEREAS**, the item was continued to the August 21, 2018 meeting to address substantive
25 comments from USEPA, and

26 **WHEREAS** the District has the authority pursuant to California Health and Safety Code (H&S
27 Code) §40702 to adopt, amend or repeal rules and regulations; and

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RESOLUTION _____

1 **WHEREAS**, the proposed amendments to Rule 1171 are clear in that they are written so that the
2 persons subject to the rule can easily understand the meaning; and

3 **WHEREAS**, the proposed amendments to Rule 1171 are in harmony with, and not in conflict
4 with or contradictory to any state law or regulation, federal law or regulation, or court decisions; and

5 **WHEREAS**, the proposed rule is consistent with the CTG provisions and other District rules
6 deemed to meet RACT; and

7 **WHEREAS**, the proposed amendments do not impose the same requirements as any existing state
8 or federal regulation because CTGs are primarily guidance documents and not enforceable in and of
9 themselves and a rule is necessary to implement the applicable provisions of these documents; and

10 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code
11 §40725, concerning the proposed amendments to Rule 1171; and

12 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
13 proposed amendments to Rule 1171, completed in compliance with the California Environmental Quality
14 Act (CEQA), has been presented to the AVAQMD Board; each member having reviewed, considered and
15 approved the information contained therein prior to acting on the proposed amendments to Rule 1171, and
16 the AVAQMD Board having determined that the proposed amendments will not have any potential for
17 resulting in any adverse impact upon the environment; and

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

19 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds
20 that the proposed amendments to Rule 1171 – *Solvent Cleaning Operations* are necessary, authorized,
21 clear, consistent, non-duplicative and properly referenced; and

22 **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a
23 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
24 Exemption for the proposed amendments to Rule 1171; and

25 **BE IT FURTHER RESOLVED**, that the Board of the AVAQMD does hereby adopt, pursuant to
26 the authority granted by law, the proposed amendments to Rule 1171, as set forth in the attachments to
27 this resolution and incorporated herein by this reference; and

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RESOLUTION _____

1 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,
2 that the Senior Executive Analyst is directed to file the Notice of Exemption in compliance with the
3 provisions of CEQA.

4 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Antelope Valley Air Quality
5 Management District by the following vote:

6 AYES: MEMBER:

7 NOES: MEMBER:

8 ABSENT: MEMBER:

9 ABSTAIN: MEMBER:

10
11 STATE OF CALIFORNIA)
12 COUNTY OF LOS ANGELES) SS:
13)

14 I, Deanna Hernandez, Senior Executive Analyst of the Antelope Valley Air Quality Management
15 District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the
16 same appears in the Official Minutes of said Governing Board at its meeting of August 21, 2018.

17 _____
18 Senior Executive Analyst
19 Antelope Valley Air Quality Management District.
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RULE 1171

Solvent Cleaning Operations

(A) General

(1) Purpose

- (a) The purpose of this rule is to limit emissions of Volatile Organic Compounds (VOCs) from Solvent Cleaning operations and activities, and from the storage and disposal of these materials used for such operations.

(2) Applicability

- (a) This rule applies to all Persons who use VOC-containing materials in Solvent Cleaning operations during the production, repair, maintenance, or servicing of parts, products, tools, machinery, equipment, or general work areas, and to all Persons who store and dispose of VOC-containing materials used in Solvent Cleaning.

(B) Definitions

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

- (1) “Aerosol Product” - A hand-held, non-refillable container which expels pressurized product by means of a propellant-induced force.
- (2) “Aerospace Vehicle or Components”: - Any fabricated part, processed part, assembly of parts or completed unit, with the exception of electronic components, of any Aircraft or Space Vehicle, including, but not limited to, integral equipment such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons.
- (3) “Aircraft” - Any machine designed to travel through the air, without leaving the earth's atmosphere, whether heavier or lighter than air, including airplanes, balloons, dirigibles, helicopters, and missiles.
- (4) “Air Pollution Control Officer (APCO)” - The Person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health & Safety Code §40750, and his or her designee.
- (5) “Application Equipment” - A device used to apply adhesive, coating, ink, or polyester resin materials.
- (6) “Cured Coatings, Cured Inks, and Cured Adhesives” - Coatings, inks, and adhesives which are dry to the touch.

- (7) “District” - The Antelope Valley Air Quality Management District that includes the geographical area described in District Rule 103.
- (8) “Electrical Apparatus Components” - All internal components such as wires, windings, stators, rotors, magnets, contacts, relays, energizers, and connections in apparatus that generates or transmits electrical energy including, but not limited to generators, transformers, and electric motors.
- (9) “Electronic Components” - All portions of an assembly, including circuit card assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and other electrical fixtures, except for the actual cabinet in which the components are housed.
- (10) “Exempt Compounds” - Those compounds listed as excluded from the definition of volatile organic compounds in 40 CFR 51.100(s).
- (11) “Facility” - A business or businesses engaged in Solvent Cleaning Operations which are owned or operated by the same Person or Persons and are located on the same or contiguous parcels.
- (12) “Grams of VOC Per Liter Of Material” - The weight of VOC per volume of material, calculated by the following equation:

$$\text{Grams of VOC per liter of material} = \frac{W_s - W_w - W_{ec}}{V_m}$$

Where:

W_s	=	Weight of volatile compounds in grams
W_w	=	Weight of water in grams
W_{ec}	=	Weight of Exempt Compounds in grams
V_m	=	Volume of material in liters

- (13) “High Precision Optics” - Optical elements used in electro-optical devices which are designed to sense, detect, or transmit light energy, including specific wavelengths of light energy and changes in light energy levels.
- (14) “Janitorial Cleaning” - The cleaning of building or Facility components, such as floors, ceilings, walls, windows, doors, stairs, bathrooms, etc.
- (15) “Liquid Leak” - The visible liquid solvent leak from the container at a rate of more than three (3) drops per minute, or a visible liquid mist.
- (16) “Manufacturing Process” - The process of making goods or articles by hand or by machinery.
- (17) “Medical Device” - An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar article, including any component or accessory, that meets one of the following conditions:
- (a) Is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease; or
 - (b) Is intended to affect the structure or any function of the body; or

- (c) Is defined in the National Formulary or the United States Pharmacopeia, or any supplement to them.
- (18) “Non-Absorbent Containers”: - Containers made of nonporous material which does not allow the migration of the liquid Solvent through them.
- (19) “Non-Atomized Solvent Flow”: - The use of a solvent in the form of a liquid stream without atomization to remove uncured adhesives, uncured inks, uncured coatings, and contaminants from an article.
- (20) “Non-Leaking Containers”: - Containers without Liquid Leaks.
- (21) “Person”: - Any firm, business establishment, association, partnership, corporation or individual, whether acting as principal, agent, employee, or other capacity including any governmental entity or charitable organization.
- (22) “Pharmaceutical Facility”: - Any facility producing or blending chemicals for use in pharmaceutical products and/or employing chemical processes in the manufacture of pharmaceutical products or medical devices. Pharmaceutical facilities may include, but are not limited to, establishments primarily engaged in manufacturing, fabricating, or processing medicinal chemicals and pharmaceutical products for human or veterinary use.
- (23) “Remote Reservoir Cleaner”: - A cleaning device in which liquid solvent is pumped from a solvent container to a sink-like work area and the solvent from the sink-like area drains into an enclosed solvent container while parts are being cleaned.
- (24) “Repair and Maintenance Cleaning”: - A Solvent Cleaning Operation or activity carried out to:
- (a) Return a damaged object or an object not operating properly to good condition; or
 - (b) Maintain tools, machinery equipment (excluding Application Equipment) or general work areas, in clean and good operational condition.
- (25) “Scientific Instruments”: - Instruments (including the components, assemblies, and subassemblies used in their manufacture) and associated accessories and reagents which are used for the detection, measurement, analysis, separation, synthesis, or sequencing of various compounds.
- (26) “Screen Printing”: - A process in which ink passes through a web or a fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.
- (27) “Solvent”: - A VOC-containing liquid used to perform Solvent Cleaning.
- (28) “Solvent Cleaning”: - The removal of loosely held uncured adhesives, uncured inks, uncured coatings, and contaminants which include, but are not limited to, dirt, soil, and grease from parts, products, tools, machinery, equipment, and general work areas. Each distinct method of cleaning in a cleaning process, which consists of a series of cleaning methods, shall constitute a separate Solvent Cleaning operation.

- (29) “Solvent Flushing”: - The use of a Solvent to remove uncured adhesives, uncured inks, uncured coatings, or contaminants from the internal surfaces and passages of the equipment by flushing Solvent through the equipment.
- (30) “Space Vehicle” – A vehicle designed to travel beyond earth's atmosphere.
- (31) “Sterilization Indicating Ink”: - Ink that changes color to indicate that sterilization has occurred. Such ink is used to monitor the sterilization of medical instruments, autoclave efficiency, and the thermal processing of foods for prevention of spoilage.
- (32) “Stripping”: - The removal of Cured Coatings, Cured Inks, and Cured Adhesives.
- (33) “Surface Preparation”: - The removal of contaminants such as dust, soil, oil, grease, etc., prior to coating, adhesive, or ink applications.
- (34) “United States Environmental Protection Agency (USEPA)”: - The United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.
- (35) “VOC Composite Partial Pressure”: - The sum of the partial pressures of the compounds defined as VOCs. VOC Composite Partial Pressure is calculated as follows:

$$PP_C = \frac{\sum_{i=1}^n \frac{(W_i)(VP_i)}{MW_i}}{\frac{W_w}{MW_w} + \frac{W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

- Where:
- W_i = Weight of the "i"th VOC compound, in grams
 - W_w = Weight of water in grams
 - W_e = Weight of exempt compound, in grams
 - MW_i = Molecular weight of the "i"th VOC compound, in grams per gram-mole
 - MW_w = Molecular weight of water, in grams per gram-mole
 - MW_e = Molecular weight of exempt compound, in grams per gram-mole
 - PP_C = VOC Composite Partial Pressure at 20°C, in mm Hg
 - VP_i = Vapor pressure of the "i"th VOC compound at 20°C, in mm Hg

- (36) “Volatile Organic Compound (VOC)”: - Any volatile compound of carbon, excluding Exempt Compounds.
- (37) “Wipe Cleaning”: - The method of cleaning a surface by physically rubbing it with a material such as a rag, paper, sponge or a cotton swab moistened with a Solvent.

(C) Requirements

(1) Solvent Requirements

(a) A Person shall not perform Solvent Cleaning unless the Solvent complies with the applicable requirements set forth below or:

Solvent Cleaning Activity		VOC Content Limit* grams/liter (lb/gal)	
		Limit	
(i) Product Cleaning During Manufacturing Process or Surface Preparation for Adhesive, Coatings or Ink Application	General		50 (0.42)
	Electrical Components and Electronic Apparatus Components		100 (0.83)
	Medical Devices & Pharmaceuticals		800 (6.7)
(ii) Repair and Maintenance Cleaning	General		50 (0.42)
	Electrical Components and Electronic Apparatus Components		100 (0.83)
	Medical Devices & Pharmaceuticals	Tools, Equipment & Machinery	800 (6.7)
		General Work Surface	600 (5.0)
(iii) Cleaning of Adhesives or Coating Application Equipment	General		50 (0.42)
	Aerospace Vehicle or Component		200 (1.67) or 45 mmHg
(iv) Cleaning of Ink Application Equipment	General		50 (0.42)
	Screen Printing		100 (0.83)
(v) Cleaning of Polyester Resin Application Equipment			50 (0.42)

*For Aerospace Vehicle or Components, the solvent must comply with either the VOC Content limit in grams/liter (g/l) or the VOC Composite Partial Pressure limit in millimeters mercury (mmHg).

(b) Has a VOC Composite Partial Pressure of 8 mmHg at 20° C (68° F), calculated using the equation in subsection (B)(35) of this rule:

(i) Except for Cleaning of Ink Application Equipment, Screen Printing, which has a VOC Composite Partial Pressure of 5 mmHg at 20° C (68° F).

- (2) Cleaning Devices and Methods Requirements
- (a) A Person shall not perform Solvent Cleaning unless one of the following cleaning devices or methods is used:
- (i) Wipe Cleaning;
 - (ii) Cleaning within closed containers or by using hand held spray bottles from which Solvents are applied without a propellant-induced force;
 - (iii) Cleaning equipment which has a Solvent container that is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during nonoperation with the exception of maintenance and repair to the cleaning equipment itself;
 - (iv) Remote Reservoir Cleaner used pursuant to the provisions of subsection (C)(3);
 - (v) Non-Atomized Solvent Flow method where the cleaning Solvent is collected in a container or a collection system which is closed except for Solvent collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container; or
 - (vi) Solvent Flushing method where the cleaning Solvent is discharged into a container which is closed except for Solvent collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container. The discharged Solvent from the equipment must be collected into containers without atomizing into the open air. The Solvent may be flushed through the system by air or hydraulic pressure, or by pumping.
- (b) A Person shall not atomize any Solvent unless it is vented to an air pollution control equipment which meets the requirements of subsection (C)(5).
- (c) A Person shall not specify or require any Person to use Solvent or equipment subject to the provisions of this rule that does not meet the requirements of this rule.

(d) A Person shall not perform Solvent Cleaning activities or operations subject to the provisions of this rule with any material which contains any of the following compounds:

- 1,1,1-trichloroethane (methyl chloroform);
- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
- chloropentafluoroethane (CFC-115);
- ethylfluoride (HFC-161);
- 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- 1,1,1,2,3-pentafluoropropane (HFC-245eb);
- 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- chlorofluoromethane (HCFC-31);
- 1-chloro-1-fluoroethane (HCFC-151a); or
- 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a).

(3) Remote Reservoir Cleaners

(a) Any Person owning or operating a Remote Reservoir Cleaner shall comply with all of the following requirements, in addition to the VOC limits for Repair and Maintenance Cleaning specified in subsection (C)(1)(a)(ii):

- (i) Prevent Solvent vapors from escaping from the Solvent container by using such devices as a cover or a valve when the remote reservoir is not being used, cleaned, or repaired;
- (ii) Direct Solvent flow in a manner that will prevent liquid Solvent from splashing outside of the Remote Reservoir Cleaner;
- (iii) Do not clean porous or absorbent materials, such as cloth, leather, wood, or rope; and
- (iv) Use only Solvent containers free of all Liquid Leaks. Auxiliary equipment, such as pumps, pipelines, or flanges, shall not have any Liquid Leaks, visible tears, or cracks. Any Liquid Leak, visible tear, or crack detected shall be repaired within one (1) calendar day, or the leaking section of the remote reservoir cold cleaner shall be drained of all Solvent and shut down until it is replaced or repaired.

(4) Storage and Disposal

- (a) All VOC containing Solvents, used in Solvent Cleaning operations, or a waste or used product, including items such as cloth or paper laden with VOC containing materials, shall be stored in Non-Absorbent, Non-Leaking Containers which shall be kept closed at all times except when filling or emptying, and disposed of in a manner to prevent evaporation of VOCs into the atmosphere at the facility.

(5) Control Equipment

- (a) In lieu of complying with the requirements in subsection (C)(1)(a) or (C)(2), a Person may comply by using a VOC emission collection and control system in association with the Solvent Cleaning operation provided:
- (i) The emission control system shall collect at least 90 percent, by weight, of the emissions generated by the Solvent Cleaning operation; and
1. have a destruction efficiency of at least 95 percent, by weight, or
 2. have an output of less than 50 parts per million (PPM) calculated as carbon with no dilution; or
- (ii) The emission control system meets the requirements of the applicable source specific rule of the District's Regulation XI. The collection system for cleaning in Screen Printing and cleaning of Application Equipment used for Screen Printing materials shall collect at least 70 percent, by weight, of the emissions generated. This control system shall reduce emissions from the emission collection system by at least 95 percent.

(D) Recordkeeping Requirements

- (1) Records shall be maintained pursuant to Rule 109 for all applications subject to this rule, including those exempted under section (F), except the following:
- (a) Facilities required to keep records of VOC used pursuant to any other Regulation XI rules.
- (2) Records shall be maintained to record the amount and type of each solvent used at each process on a daily basis. The following information should be included:
- (a) The name of the solvent;
 - (b) The name of the solvent manufacturer;
 - (c) The VOC content of the solvent expressed in grams/liter or lb/gallon;
 - (d) Solvent usage; and

- (e) The mix ratio for the cleaning solvent as applied.
- (3) If compliance with this rule is achieved through the use of an Emission Control System, in addition to the provisions of subsection (D)(2), records shall also include:
 - (a) Daily records of temperatures, pressures, flowrates, and hours of operation of the control device to verify compliance of the capture and control device; and
 - (b) Records of maintenance work which interferes with the operation of the control device.
- (4) All records shall be maintained and on site for a period of five (5) years and made available to the APCO or District staff upon request.

(E) Test Methods

- (1) For the purpose of this rule, the following test methods shall be used. Other test methods determined to be equivalent after review by District staff, the Air Resources Board, and the USEPA, and approved in writing by the APCO and the USEPA, may also be used.
 - (a) The VOC content of materials subject to the provisions of this rule shall be determined by the following methods:
 - (i) USEPA Reference Method 24 (Code of Federal Regulations, Title 40, Part 60, Appendix A) and subsection (B)(12) of this rule.
 - (b) Exempt Perfluorocarbon Compounds
 - (i) The following classes of compounds will be analyzed as Exempt Compounds for compliance with Section (C), only when manufacturers specify which individual compounds are used in the Solvent formulation and identify the USEPA, California Air Resources Board, and other USEPA-approved test methods used to quantify the amount of each exempt compound:
 1. cyclic, branched, or linear, completely fluorinated alkanes;
 2. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 3. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 4. sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

- (c) Determination of VOC Composite Partial Pressure
 - (i) The identity and quantity of components in Solvents shall be determined by ASTM Method D323-94. The VOC Composite Partial Pressure is calculated using the equation in subsection (B)(35) of this rule.
- (d) Determination of Presence of VOC in Cleaning Materials
 - (i) The presence of VOC in liquid cleaning materials shall be determined by SCAQMD Method 308 (Quantitation of Compounds by Gas Chromatography) contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (e) Determination of Efficiency of Emission Control System
 - (i) The efficiency of the collection device of the emission control system as specified in subsection (C)(5)(a)(i) shall be determined by the USEPA method cited in USEPA's publication entitled "Guidelines for Determining Capture Efficiency", January 9, 1995, in conjunction with USEPA Method 204, 204A, 204B, 204C, 204D, 204E or 204F, as appropriate, or any other alternative method approved by USEPA, the California Air Resources Board, and the District.
 - (ii) The efficiency of the control device of the emission control system as specified in subsection (C)(5)(a)(i) and the VOC content in the control device exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Method 25 or 25A, as applicable. USEPA Test Method 18, or ARB Method 422 shall be used to determine emissions of Exempt Compounds.
- (f) Multiple Test Methods
 - (i) When more than one test method or set of test methods is specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.
- (g) Unless otherwise specified, all test methods referenced in this section shall be the version most recently approved by USEPA.

(F) Exemptions

- (1) The provisions of this Rule shall not apply to:
 - (a) Any source operation that is subject to or specifically exempted by any of the following:
 - (i) Rule 1102 - *Petroleum Solvent Dry Cleaners*
 - (ii) Rule 1113 - *Architectural Coatings*
 - (iii) Rule 1122 - *Solvent Degreasers*

- (iv) Rule 1124 - *Aerospace Assembly and Component Manufacturing Operations*, except coating Application Equipment cleaning, and storage and disposal of VOC-containing materials used in Solvent Cleaning operations.
 - (v) Rule 1141.1 – *Coatings and Ink Manufacturing*
 - (vi) Rule 1151 – *Motor Vehicle and Mobile Equipment Coating Operations*
 - (vii) Rule 1151.1 – *Motor Vehicle Assembly Coating Operations*
 - (viii) Rule 1164 - *Semiconductor Manufacturing*.
- (b) Janitorial Cleaning, including graffiti removal.
 - (c) Stripping of Cured Coatings, Cured Adhesives, and Cured Inks.
 - (d) Cleaning operations using Solvents with a water content of 98% or more, by weight.
- (2) The provisions of subsection (C)(1)(a) shall not apply when carried out for any of the following applications:
- (a) Cleaning of solar cells, laser hardware, Scientific Instruments, and High Precision Optics.
 - (b) Cleaning for: conducting performance laboratory tests on coatings, adhesives, or inks; research and development programs; and laboratory tests in quality assurance laboratories.
 - (c) Cleaning of polycarbonate plastics.
 - (d) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics.
- (3) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems, and cleaning with spray bottles or containers described in subsection (C)(2)(a)(ii), are not subject to the provisions of subsection (D)(1).
- (4) Cleaning with Aerosol Products shall not be subject to the provisions of subsections (C)(1)(a) and (D)(1) if 160 fluid ounces or less of Aerosol Product are used per day, per Facility.
- (5) Medical Device and pharmaceutical facilities may use up to 1.5 gallons per day of Solvents that are not in compliance with subsection (C)(1)(a).
- (6) The provisions of subsection (C)(1)(a)(iii) shall not apply to cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery product using less than 3 gallons per day of ethyl acetate averaged over a 30 calendar day period.
- (7) The provisions of subsection (C)(1)(a)(iv) shall not apply to Persons or Facilities using less than 1.5 gallons per day of solvents to clean Sterilization Indicating Ink Application Equipment.

(G) Rule 442 Applicability

Any Solvent, Solvent Cleaning activity, Solvent Cleaning unit operation, or Person, which is exempt from all or a portion of this rule except section (D), shall be subject to the applicable requirements of the applicable Regulation XI source specific rule or Rule 442 - *Usage of Solvent*.

See SIP Table at www.avaqmd.ca.gov

Antelope Valley
Air Quality Management District



Draft
Staff Report
Proposed Amendments to
Rule 1171 – *Solvent Cleaning Operations*

For amendment on
August 21, 2018

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STAFF REPORT
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STAFF REPORT

Rule 1171– *Solvent Cleaning Operations*

I. PURPOSE OF STAFF REPORT

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

II. EXECUTIVE SUMMARY

The Antelope Valley Air Pollution Control District (AVAPCD) was created by statute on July 1, 1997, with a jurisdiction of the Los Angeles County portion of the South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin. SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute (Health & Safety Code §§41300 et seq.) to replace the AVAPCD. The rules of the AVAPCD also remain in effect until the AVAQMD Governing Board supersedes or amends them.

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 CTG documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) which are ozone precursors. The District adopted the *8-Hour Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in July, 2015 for the 2008 75 ppb ozone National Ambient Air Quality Standards (NAAQS). This document committed to amending Rule 1171 to enhance work practices, adjust categories for consistency with source specific rules, reduce VOC limits and address the alternative composite vapor pressure. This rule is subject to the CTG titled *Control Techniques Guidelines: Industrial Cleaning Solvents, (EPA-453/R-06-001), September 2006*. The AVAQMD is now proposing to amend Rule 1171 – *Solvent Cleaning Operations* to reflect current federal RACT.

Rule 1171 was originally adopted on 08/02/91 by the SCAQMD and subsequently amended on 05/12/95, 09/13/96, and 06/13/97. The version of Rule 1171, as amended by SCAQMD on 06/13/97, was the initial rule of the AVAPCD. On 11/17/98 the AVAPCD amended Rule 1171. The 11/17/98 version is the current version in the AVAQMD rule book.

AVAQMD submitted the 11/17/98 version of Rule 1171 for inclusion to the SIP. USEPA finalized approval of the 11/17/98 version of Rule 1171 on 05/24/01 (66 FR 28666).

The proposed amendment of Rule 1171 – *Solvent Cleaning Operations* addresses the 2015 RACT SIP Analysis commitment. The proposed amendments are based on the Control Technique Guidelines: Industrial Cleaning Solvents, South Coast Air Quality Management District Rule 1171 - *Solvent Cleaning Operations*, amended 02/01/08, Yolo-Solano AQMD Rule 2.31 – *Solvent Cleaning and Degreasing*, amended 04/12/17, and San Joaquin Valley Air Pollution Control District Rule 4663 - *Organic Solvent Cleaning Storage and Disposal*, amended 09/20/07 and Rule 4605 - *Aerospace Assembly and Component Manufacturing Operations*, amended 06/16/11.

This item was noticed for the July 17, 2018 Governing Board meeting. The item was continued to the August 21, 2018 meeting to address substantive comments from USEPA.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD or District) amend proposed Rule 1171 – *Solvent Cleaning Operations* and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary satisfy 42 U.S.C. §§7511a (FCAA) §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 1171 – *Solvent Cleaning Operations*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

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

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

ELEMENTS OF A FEDERAL SUBMISSION:

- Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- 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.
- N/A Mitigation of impacts.
- N/A 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 Rule 1171. 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 1171 are necessary to enhance work practices, adjust categories for consistency with source specific rules, reduce VOC limits and address the alternative composite vapor pressure.

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 1171 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 1171 are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. The proposed rule is consistent with the CTG provisions and other District rules deemed to meet RACT.

e. Nonduplication:

The proposed amendments to Rule 1171 do not impose the same requirements as any existing state or federal law or regulation, or

court decision. CTGs are primarily guidance documents and not enforceable in and of themselves. A rule is necessary to implement the applicable provisions of these documents.

f. Reference:

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

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendments to Rule 1171 was published on June 15, 2018. This item was noticed for the July 17, 2018 Governing Board meeting. The item was continued to the August 21, 2018 meeting to address substantive comments from USEPA. 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 1171 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The FCAA requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to CTG documents issued by USEPA and for “major sources” of VOCs and NO_x that are ozone precursors. Because the District has an existing SIP rule for this CTG category, the District committed to adopting an updated RACT rule for solvent cleaning operations as part of the *RACT SIP Analysis*. The AVAQMD is proposing to update Rule 1171 – *Solvent Cleaning Operations* to reflect current federal RACT as determined by comments from USEPA, CTG requirements, other related national rules and guidance, and the rules of other California air districts with nonattainment designations. USEPA approved AVAQMD Rule 1171 – *Solvent Cleaning Operations* amended 11/17/98 as a RACT rule on 05/24/01 (66 FR 28666) and this rule was used as a basis for amendment

b. Public Notice and Comment:

Notice for the public hearing for the proposed amendments to Rule 1171 will be published on June 15, 2018. This item was noticed

for the July 17, 2018 Governing Board meeting. The item was continued to the August 21, 2018 meeting to address substantive comments from USEPA. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the proposed amendments to Rule 1171 and the accompanying draft staff report were made available to the public on June 15, 2018.

d. Notice to Specified Entities:

Copies of the proposed amendments to Rule 1171 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 June 15, 2018.

e. Public Hearing:

A public hearing to consider the proposed amendments to Rule 1171 has been set for July 17, 2018. The item was continued to the August 21, 2018 meeting to address substantive comments from USEPA.

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, the District has been designated non-attainment for ozone and classified Severe-17.

The AVAQMD committed to amending Rule 1171 – *Solvent Cleaning Operations* as part of the recently adopted *RACT SIP Analysis*.

The AVAQMD has a solvent cleaning operations rule which was amended November 17, 1998 and approved as RACT into the SIP on May 24, 2001 (66 FR 28666). This rule is subject to the CTG titled Industrial Cleaning Solvents.

The proposed amendments are based on the CTG: *Industrial Cleaning Solvents*, and various district rules deemed as fulfilling RACT requirements, including but not limited to: South Coast Air Quality Management District Rule 1171 - *Solvent Cleaning Operations*, amended 02/01/08 (76 FR 60376), Yolo-Solano AQMD Rule 2.31 – *Solvent Cleaning and Degreasing*, amended 04/12/17, and San Joaquin Valley Air Pollution Control District Rule 4663 - *Organic Solvent Cleaning Storage and Disposal*, amended 09/20/07 (74 FR 37948) and Rule 4605 - *Aerospace Assembly and Component Manufacturing Operations*, amended 06/16/11 (76 FR 70886).

C. ECONOMIC ANALYSIS

1. General

RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). Rule 1171 is equivalent to rules that were determined by USEPA to be RACT¹. This determination by USEPA means that the provisions of Rule 1171 are, by definition, cost effective. In addition, all sources are currently in compliance with this RACT limit without additional control equipment or cost. As a result, no cost impacts are expected from the proposed amendments.

¹ Yolo-Solano AQMD Rule 2.31 – Solvent Cleaning and Degreasing, (Amended 05/08/13, 80 FR 23449)

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). This requirement does not apply to the proposed amendments to Rule 1171 since it does not require BARCT or “all feasible measures.”

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed amendments to Rule 1171 was determined.

1. The proposed amendments to Rule 1171 meet the CEQA definition of “project”. They are not “ministerial” actions.

2. The proposed amendments to Rule 1171 are exempt from CEQA review because they will not create any adverse impacts on the environment. The proposed rule amendments are more stringent than the previous rule version. This rule has been strengthened by reducing VOC limits, establishing work practices and addressing the alternative composite vapor pressure limit. Because there is no potential that the amendment 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 District does not anticipate any potential environmental impacts of compliance with the proposed amendments to Rule 1171, as the amendments will enhance work practices, adjust categories for consistency with source specific rules, reduce VOC limits and address the alternative composite vapor pressure.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

This rule applies to all Persons who use VOC-containing materials in Solvent Cleaning operations during the production, repair, maintenance, or servicing of parts, products, tools, machinery, equipment, or general work areas and all persons who store and dispose of VOC-containing materials used in Solvent Cleaning Operations. This rule also exempts source operations subject to or specifically exempted by existing source specific District rules.

B. EMISSIONS

As an administrative action, this rule amendment would not have any direct impact on the issuance of air contaminants. This rule has been strengthened by enhancing work practices, adjusting categories for consistency with source specific rules, reducing VOC limits and addressing the alternative composite vapor pressure.

C. CONTROL REQUIREMENTS

Please see section (C) of the rule for control requirements. Control requirements consist of loading requirements for Class “A”, “B” and “C” facilities, transport vessels, switch loading, and leak inspection.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed amendments to Rule 1171.

The rule formatting has been updated for consistency with other District rules.

Section (B) The following definitions have been added or updated:

- Aerospace Component
- Aerospace Vehicle or Components
- Aircraft
- District
- Pharmaceutical Facility
- Radiation Effect Coating
- Space Vehicle

Section (C) has been amended as follows:

- The table in (C)(1)(a) has been revised to reflect lower VOC limits.
- (C)(1)(b) now contains the Composite Partial Pressure limit, as that limit was removed from the table in (C)(1)(a).
- Subsection (C)(2)(b thru d) was moved from previous section (D).

- Subsection (C)(4)(a) has clarification on waste or used product and disposal.
- Subsection (C)(5)(a)(ii) removed Graphic Arts as it is cover by a source specific rule 1130.

Section (D) has been moved to (C)((2)(d) and new Section (D), previously (6) has been amended to require more comprehensive record keeping.

Section (F) Rule 442 Applicability is now Section (G).

Section (F) Exemptions

- Source specific Rules have been added, removed or renumbered for ascending order.
- (F)(1)(i) removed “Institutional cleaning” as per USEPA suggestion that it may provide a broader exemption than intended.

Work practices are currently in place within the existing document, but not specifically identified. The following subsections address each of the four recommended work practices:

- Cover open containers and used applicators is addressed in (C)(2)(a)(iii) and (C)(4)(a).
- Minimize air circulation around cleaning operations is addressed in (C)(2)(a)(ii).
- Properly dispose of used solvent and shop towels is addressed in (C)(4)(a).
- Implement equipment practices that minimize emissions is addressed in (C)(2).

E. SIP HISTORY

1. SIP History.

Prior to 1975 the original air district for the Antelope Valley region was the Los Angeles County Air Pollution Control District that had a jurisdiction covering the entire county of Los Angeles. In 1975, the Southern California APCD was created. It was a joint powers authority that had a jurisdiction covering all of the counties of Los Angeles, Orange, Riverside and San Bernardino. The SCAQMD came into existence pursuant to statute on February 1, 1976 and originally covered only the areas within the South Coast Air Basin (SCAB). The legislation was thereafter amended to allow non-SCAB areas to “opt in.” Los Angeles County exercised this option and thus the Antelope Valley became a part of SCAQMD. On July 1, 1997 the AVAPCD replaced the SCAQMD as the agency with jurisdiction over the Los Angeles County portion of the Mojave Desert Air Basin (MDAB). On January 1, 2002 the AVAPCD was replaced by the AVAQMD. Pursuant to both statutory changes, the rule and regulations of the predecessor district were retained until the Governing Board adopted, amended or rescinded them. At the first meeting of both the AVAPCD and the AVAQMD, the respective Governing Boards reaffirmed all the rules and regulations in effect at the time the agency changed.

The jurisdiction of the AVAPCD and the AVAQMD were specified in the statutes as the portion of the Los Angeles County contained within the MDAB. The MDAB was formerly known as the Southeast Desert Air Basin (SEDAB). In 1997 the SEDAB was split into the MDAB and the Salton Sea Air Basin. Descriptions of these air basins can be found in 17 Cal. Code Regs. §§60109 and 60144. Since USEPA adopts SIP revisions in California as effective within jurisdictional boundaries of local air districts, when the local air district boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Thus, upon creation of the AVAPCD on July 1, 1997 the AVAPCD acquired the SIP applicable to the Antelope Valley portion of the SCAQMD that was effective as of June 30, 1997. Likewise the AVAQMD acquired the SIP that was effective in the jurisdiction of the AVAPCD as of December 31, 2000. Therefore, the SIP history for this region is based upon the rules adopted, effective, and approved for the Antelope Valley by SCAQMD.

Rule 1171 was originally adopted on 08/02/91 by the SCAQMD and subsequently amended on 05/12/95, 09/13/96, and 06/13/97. The version of Rule 1171, as amended by SCAQMD on 06/13/97, was the initial rule of the AVAPCD. On 11/17/98 the AVAPCD amended Rule 1171.

The 11/17/98 version is the current version in the AVAQMD rule book.

SCAQMD submitted the 05/12/95 version of Rule 1171 to USEPA for inclusion in the SIP on 06/16/1995 and received final approval on 07/14/95 (60 FR 36230).

AVAQMD submitted the 11/17/98 version of Rule 1171 to USEPA for inclusion in the SIP on 12/10/98 and received final approval on 05/24/01 (66 FR 28666). Therefore the 11/17/98 version of Rule 1171 is the current version in the AVAQMD SIP

2. SIP Analysis.

The District will request CARB to submit the proposed amendments to Rule 1171 – *Solvent Cleaning Operations* to USEPA for inclusion into the State Implementation Plan. This submission is necessary to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors. The District will request that this version, upon approval, supersede the current SIP version as well as any potential outstanding SIP submissions made prior to the adoption date.

The proposed amendments to Rule 1171 – *Solvent Cleaning Operations* are more stringent in that the rule has been strengthened by enhancing work practices, adjusting categories for consistency with source specific rules, reducing VOC limits and addressing the alternative composite vapor pressure.

Appendix “A”
Rule 1171 – *Solvent Cleaning Operations* Iterated Version

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

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

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RULE 1171

Solvent Cleaning Operations

(A) General

(1) Purpose

- (a) The purpose of this rule is to ~~limit~~~~reduce~~ emissions of ~~v~~Volatile ~~e~~Organic ~~e~~Compounds (VOCs) ~~and stratospheric ozone depleting or global-warming compounds~~ from Solvent Cleaning operations and activities, and from the storage and disposal of these materials used ~~in Solvent Cleaning~~~~for such operations.~~ *[Derived from Yolo Solano AQMD Rule 2.31]*

(2) Applicability

- (a) This rule applies to all Persons who use VOC-containing materials in Solvent Cleaning operations during the production, repair, maintenance, or servicing of parts, products, tools, machinery, equipment, or general work areas, and to all Persons who store and dispose of VOC-containing materials used in Solvent Cleaning.

(B) Definitions

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

- (1) “Aerosol Product”: - ~~a~~ hand-held, non-refillable container which expels pressurized product by means of a propellant-induced force.
- (2) “Aerospace Vehicle or Components”: - ~~Any fabricated part, processed part, assembly of parts or completed unit, with the exception of electronic components, of any Aircraft, including but not limited to airplanes, helicopters, missiles, rockets, or Space Vehicle, including, but not limited to, integral equipment such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons. [Derived from Yolo Solano Rule 2.31 and AVAQMD Rule 1124, (B)(6). Added to define sub-category added to (C)(1)(a)(iii). Definition has been modified per Nicole Law, USEPA Region 9, email dated 07/16/2018.]~~
- (3) “Aircraft” - ~~Any machine designed to travel through the air, without leaving the earth's atmosphere, whether heavier or lighter than air, including airplanes, balloons, dirigibles, helicopters, and missiles. [Derived from AVAQMD Rule 1124, (B)(9). Added to define verbiage in (B)(2).]~~

- (24) “Air Pollution Control Officer (APCO)”: - ~~€~~€The ~~p~~person appointed to the position of Air Pollution Control Officer of the District pursuant to the provisions of the California Health & Safety Code §40750, and his or her designee.
- (35) “Application Equipment”: - ~~a~~a device used to apply adhesive, coating, ink, or polyester resin materials.
- (46) “Cured Coatings, Cured Inks, and Cured Adhesives”: - ~~e~~eCoatings, inks, and adhesives which are dry to the touch.
- (7) “District” - The Antelope Valley Air Quality Management District that includes the geographical area described in District Rule 103. [Derived from AVAQMD Rule 102 (M)].
- (58) “Electrical Apparatus Components”: - ~~a~~aAll internal components such as wires, windings, stators, rotors, magnets, contacts, relays, energizers, and connections in apparatus that generates or transmits electrical energy including, but not limited to generators, transformers, and electric motors.
- (69) “Electronic Components”: - ~~a~~aAll portions of an assembly, including circuit card assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and other electrical fixtures, except for the actual cabinet in which the components are housed.
- (710) “Exempt Compounds”: - ~~€~~€Those compounds listed as excluded from the definition of Volatile Organic Compounds in 40 CFR 51.100(~~Ss~~)(4). [Verbiage changed per USEPA Attorney Adviser, Douglas Bushey in email dated 07/17/2016. Strikethrough of uppercase letters in Volatile Organic Compound contained in this definition have been modified to lowercase letters and the term has been made plural per Douglas Bushey, USEPA Attorney Advisor, in email dated 08/08/2018.]
- (811) “Facility”: - ~~a~~a business or businesses engaged in ~~s~~solvent ~~e~~ecleaning ~~o~~operations which are owned or operated by the same Person or Persons and are located on the same or contiguous parcels.
- ~~(9) Flexographic Printing: the method in which the image area is raised relative to the nonimage area and utilizes flexible rubber or other elastomeric plate and rapid drying liquid inks. [Term was included in the amendment of AV Rule 1130 on 11/19/13, no longer necessary in Rule 1171]~~
- (1012) “Grams Of VOC Per Liter Of Material”: - ~~€~~€The weight of VOC per volume of material, ~~and can be~~ calculated by the following equation:

$$\text{Grams of VOC per liter of material} = \frac{W_s - W_w - W_{ec}}{Vm}$$

Where:	Ws	=	Weight of volatile compounds in grams
	Ww	=	Weight of water in grams
	Wesc	=	Weight of Exempt Compounds in grams
	Vm	=	Volume of material in liters

- ~~(11) **Graphic Arts:** all Gravure, Letterpress, Flexographic, and Lithographic Printing processes. *[Term was included in the amendment of AV Rule 1130 on 11/19/13, no longer necessary in Rule 1171.]*~~
- ~~(12) **Gravure Printing:** an intaglio process in which the ink is carried in minute etched or engraved wells on a roll or cylinder. The excess ink is removed from the surface by a doctor blade. *[Term was included in the amendment of AV Rule 1130 on 11/19/13, no longer necessary in Rule 1171]*~~
- (13) **“High Precision Optics”:** - eOptical elements used in electro-optical devices which are designed to sense, detect, or transmit light energy, including specific wavelengths of light energy and changes in light energy levels.
- ~~(14) **Institutional Cleaning:** cleaning activities conducted at organizations, societies, or corporations including, but not limited to schools, hospitals, sanitariums, and prisons. *[Definition deleted per USEPA suggestion via email on 11/28/17, #1, as it includes “cleaning activities conducted at organizations, societies, or corporations...” which may provide a broader exemption than intended. All reference to Institutional Cleaning will be removed.]*~~
- ~~(15) **Janitorial Cleaning:** - tThe cleaning of building or Facility components, such as the floors, ceilings, walls, windows, doors, stairs, bathrooms, etc.~~
- ~~(16) **Letterpress Printing:** the method in which the image area is raised relative to the nonimage area and the ink is transferred to the paper directly from the image surface. *[Term was included in amendment of Rule 1130 on 11/19/13, no longer necessary in Rule 1171]*~~
- ~~(17) **Liquid Leak:** - tThe visible liquid solvent leak from the container at a rate of more than three (3) drops per minute, or a visible liquid mist.~~
- ~~(18) **Liquid Tight Food Container:** a paperboard container that can hold liquid food and food products without leaking even when it is held upside-down. *[Definition is only here and in red-lined definition #36-Specialty Flexographic Printing- definition #36 is being deleted]*~~
- ~~(19) **Lithographic Printing:** a plane o graphic method in which the image and nonimage areas are on the same plane. *[Term was included in the amendment of AV Rule 1130 on 11/19/13, no longer necessary in Rule 1171.]*~~

- ~~(20) Maintenance Cleaning: - a Solvent Cleaning operation or activity carried out to keep tools, machinery, equipment excluding Application Equipment, or general work areas in clean and good operational condition. *[Moved to definition for "Repair and Maintenance Cleaning" definition #26 for clarity.]*~~
- (216) "Manufacturing Process": - ~~¶~~The process of making goods or articles by hand or by machinery.
- (217) "Medical Device": - ~~a~~An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar article, including any component or accessory, that meets one of the following conditions:
- (a) ~~¶~~Is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease; or
 - (b) ~~¶~~Is intended to affect the structure or any function of the body; or
 - (c) ~~¶~~Is defined in the National Formulary or the United States Pharmacopeia, or any supplement to them.
- (218) "Non-Absorbent Containers": - ~~e~~Containers made of nonporous material which ~~do~~does not allow the migration of the liquid Solvent through them.
- (219) "Non-Atomized Solvent Flow": - ~~¶~~The use of a solvent in the form of a liquid stream without atomization to remove uncured adhesives, uncured inks, uncured coatings, and contaminants from an article.
- (220) "Non-Leaking Containers": - ~~e~~Containers without Liquid Leaks.
- (221) "Person": - ~~a~~Any firm, business establishment, association, partnership, corporation or individual, whether acting as principal, agent, employee, or other capacity including any governmental entity or charitable organization.
- (22) "Pharmaceutical Facility": - Any facility producing or blending chemicals for use in pharmaceutical products and/or employing chemical processes in the manufacture of pharmaceutical products or medical devices. Pharmaceutical facilities may include, but are not limited to, establishments primarily engaged in manufacturing, fabricating, or processing medicinal chemicals and pharmaceutical products for human or veterinary use. *[Derived from Yolo Solano Rule 2.31, 240]*
- ~~(27) Printing: - in the Graphic Arts is any operation that imparts color, design, alphabet, or numerals on a substrate. *[Term was included in the amendment of AV Rule 1130 on 11/19/13, no longer necessary in Rule 1171.]*~~
- (23) "Radiation Effect Coating": - ~~A material that prevents radar detection. *[Derived from SCAQMD Rule 1171, (b)(42). Definition is no longer needed as it will not be used in this rule.]*~~

- (~~28~~23) “Remote Reservoir Cleaner”: - ~~a~~A cleaning device in which liquid solvent is pumped from a solvent container to a sink-like work area and the solvent from the sink-like area drains into an enclosed solvent container while parts are being cleaned.
- (~~29~~24) “Repair and Maintenance Cleaning”: - ~~a~~A Solvent Cleaning ~~o~~Operation or activity carried out during:
- (a) Return a damaged object or an object not operating properly to good condition; or
- (b) Maintain tools, machinery equipment (excluding Application Equipment) or general work areas, in clean and good operational condition. ~~a Repair Process. [Throughout the rule Repair Cleaning it is referred to as Repair and Maintenance Cleaning. This definition combines #20 “Maintenance Cleaning” and #29 “Repair Cleaning” for clarification. “Repair Process” definition #30 is only used in the rule in the definition of Repair Cleaning. “Repair Cleaning” language has now been included in “Repair and Maintenance Cleaning” definition.]~~
- ~~(30) Repair Process: - the process of returning a damaged object or an object not operating properly to good condition. [Only used to define #29 above. Combined definitions #29 & #30 for clarification.]~~
- (~~31~~25) “Scientific Instruments”: - ~~i~~Instruments (including the components, assemblies, and subassemblies used in their manufacture) and associated accessories and reagents which are used for the detection, measurement, analysis, separation, synthesis, or sequencing of various compounds.
- (~~32~~26) “Screen Printing”: - ~~a~~A process in which ~~the Printing~~ ink passes through a web or a fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.
- (~~33~~27) “Solvent”: - ~~a~~A VOC-containing liquid used to perform Solvent Cleaning.
- (~~34~~28) “Solvent Cleaning”: - ~~t~~The removal of ~~-~~loosely held uncured adhesives, uncured inks, uncured coatings, and contaminants which include, but are not limited to, dirt, soil, and grease from parts, products, tools, machinery, equipment, and general work areas. Each distinct method of cleaning in a cleaning process, which consists of a series of cleaning ~~methods, methods,~~ shall constitute a separate Solvent Cleaning operation.
- (~~35~~29) “Solvent Flushing”: - ~~t~~The use of a Solvent to remove uncured adhesives, uncured inks, uncured coatings, or contaminants from the internal surfaces and passages of the equipment by flushing Solvent through the equipment.

(30) “Space Vehicle” – A vehicle designed to travel beyond earth's atmosphere. [Derived from AVAQMD Rule 1124, (B)(85), to clarify verbiage in Rule 1171 (B)(2).]

~~(36) Specialty Flexographic Printing: Flexographic Printing on polyethylene or polypropylene food packaging, fertilizer bags, or Liquid-Tight Food Containers.[Term was included in the amendment of AV Rule 1130 on 11/19/13, no longer necessary in Rule 1171]~~

(3731) “Sterilization Indicating Inks”: - ~~inks~~ that changes color to indicate that sterilization has occurred. Such ~~inks are~~ used to monitor the sterilization of medical instruments, autoclave efficiency, and the thermal processing of foods for prevention of spoilage.

(3832) “Stripping”: - ~~The~~ removal of Cured Coatings, Cured Inks, and Cured Adhesives.

(3933) “Surface Preparation”: - ~~The~~ removal of contaminants such as dust, soil, oil, grease, etc., prior to coating, adhesive, or ink applications.

~~(40) Ultraviolet Inks: inks which dry by polymerization reaction induced by ultraviolet energy.[Term was included in the amendment of AV Rule 1130 on 11/19/13, no longer necessary in Rule 1171]~~

(4134) “United States Environmental Protection Agency (USEPA)”: - ~~The~~ United States Environmental Protection Agency, the Administrator of the USEPA and his or her authorized representative.

(4235) “VOC Composite Partial Pressure”: - ~~The~~ sum of the partial pressures of the compounds defined as VOCs. VOC Composite Partial Pressure is calculated as follows:

$$PP_c = \frac{\sum_{i=1} \frac{(W_i)(VP_i)}{MW_i}}{\frac{W_w}{MW_w} + \frac{W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

Where: W_i = Weight of the "i"th VOC compound, in grams
 W_w = Weight of water in grams
 W_e = Weight of exempt compound, in grams
 MW_i = Molecular weight of the "i"th VOC compound, in grams per gram-mole
 MW_w = Molecular weight of water, in grams per gram-mole
 MW_e = Molecular weight of exempt compound, in grams per gram-mole
 PP_c = VOC Composite Partial Pressure at 20°C, in mm Hg
 VP_i = Vapor pressure of the "i"th VOC compound at 20°C, in mm Hg

(4336) “Volatile Organic Compound (VOC)”: - ~~a~~Any volatile compound of carbon, excluding ~~methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and~~ Exempt Compounds. *[Definition is being amended to reflect change in definition #10 “Exempt Compounds”, at the request of USEPA Attorney Adviser, Douglas Bushey in email dated 07/17/2016.]*

(4437) “Wipe Cleaning”: - ~~t~~The method of cleaning a surface by physically rubbing it with a material such as a rag, paper, sponge or a cotton swab moistened with a Solvent.

(C) Requirements

(1) Solvent Requirements

- (a) A Person shall not ~~use a Solvent to~~ perform Solvent Cleaning unless the Solvent complies with the applicable requirements set forth below or:

SOLVENT CLEANING ACTIVITY	CURRENT LIMITS		Effective 1/1/1997		Effective 1/1/1999	
	VOC g/l (lb/gal)	VOC Composite Partial Pressure mm Hg @ 20°C (68°F)	VOC g/l (lb/gal)	VOC Composite Partial Pressure mm Hg @ 20°C (68°F)	VOC g/l (lb/gal)	VOC Composite Partial Pressure mm Hg @ 20°C (68°F)
(i) Product Cleaning During Manufacturing Process Or Surface Preparation For Coating, Adhesive, Or Ink Application						
1. General	70 (0.58)					
2. Electronic Components or Medical Devices	900 (7.5)	33				
(ii) Repair and Maintenance Cleaning						
1. General	900 (7.5)	20				
2. Electrical Apparatus Components	900 (7.5)	20				
3. Medical Devices	900 (7.5)	33				
(iii) Cleaning of Coatings, or Adhesives Application Equipment	950 (7.9)	35				
(iv) Cleaning of Ink Application Equipment						
1. General	100 (0.83)	3				
2. Flexographic or Gravure Printing	100 (0.83)	3				
3. Lithographic or Letter Press Printing	900 (7.5)	25				10
4. Screen Printing	1070 (8.9)	5				
5. Ultraviolet Inks (except Screen Printing)	800 (6.7)	33				
6. Specialty Flexographic Printing	810 (6.8)	21				
(v) Cleaning of Polyester Resin Application Equipment	200 (1.7)		50 (0.42)			
or		±				

[Subsection (C)(1)(a)(iv)(1)(2),(3),(5) and (6) have limits stated in AV Rule 1130 – Graphic Arts, subsection (C)(7)(a) Table 5 (D).]

<u>Solvent Cleaning Activity</u>		<u>VOC Content Limit*</u> <u>grams/liter</u> <u>(lb/gal)</u>	
		<u>Limit</u>	
<u>(i) Product Cleaning During Manufacturing Process or Surface Preparation for Adhesive, Coatings or Ink Application</u>	<u>General</u>	<u>50</u> <u>(0.42)</u>	
	<u>Electrical Components and Electronic Apparatus Components</u>	<u>100</u> <u>(0.83)</u>	
	<u>Medical Devices & Pharmaceuticals</u>	<u>800</u> <u>(6.7)</u>	
<u>(ii) Repair and Maintenance Cleaning</u>	<u>General</u>	<u>50</u> <u>(0.42)</u>	
	<u>Electrical Components and Electronic Apparatus Components</u>	<u>100</u> <u>(0.83)</u>	
	<u>Medical Devices & Pharmaceuticals</u>	<u>Tools, Equipment & Machinery</u>	<u>800</u> <u>(6.7)</u>
		<u>General Work Surface</u>	<u>600</u> <u>(5.0)</u>
<u>(iii) Cleaning of Adhesives or Coating Application Equipment</u>	<u>General</u>	<u>50</u> <u>(0.42)</u>	
	<u>Aerospace Vehicle or Component</u>	<u>200</u> or <u>45</u> <u>(1.67)</u> <u>mmHg</u>	
<u>(iv) Cleaning of Ink Application Equipment</u>	<u>General</u>	<u>50</u> <u>(0.42)</u>	
	<u>Screen Printing</u>	<u>100</u> <u>(0.83)</u>	
<u>(v) Cleaning of Polyester Resin Application Equipment</u>		<u>50</u> <u>(0.42)</u>	

**For Aerospace Vehicle or Components, the solvent must comply with either the VOC Content limit in grams/Liter (g/L) or the VOC Composite Partial Pressure limit in millimeters mercury (mmHg). [New VOC limits Derived from CTG - Industrial Cleaning Solvents, EPA 453/R-06-001, September 2006. Limits in (i), (ii) (iii) and (iv) and Aerospace Vehicle or Component sub-category are derived from Yolo-Solano AQMD Rule 2.31, (C)(1)(a), Revised May 8, 2013 and recorded on 04/28/15, 80 FR 23449. Aerospace sub-category limits derived from the CTG for Aerospace, EPA-453/R-97-004, 1997/12, model rule page B-5, subsection (c)(ii). New limits effective upon amendment. The format of the "Limit" column in (C)(1)(a)(iii), Aerospace Vehicle or Component, has been modified in response to USEPA comment #2 dated 08/02/18]*

(b) Has a VOC Composite Partial Pressure of 8 mmHg at 20° C (68° F), calculated using the equation in subsection (B)(36) of this rule:

(i) Except for Cleaning of Ink Application Equipment, Screen Printing, which has a VOC Composite Partial Pressure of 5 mmHg at 20° C (68° F). [Derived from the CTG-Industrial Cleaning Solvents, EPA 453/R-06-001, September 2006]

(2) Cleaning Devices and Methods Requirements

(a) A Person shall not perform Solvent Cleaning unless one of the following cleaning devices or methods is used:

(i) Wipe Cleaning;

(ii) Cleaning within ~~C~~losed containers or by using hand held spray bottles from which Solvents are applied without a propellant-induced force;

(iii) Cleaning equipment which has a Solvent container that ~~can be, and~~ is closed during cleaning operations, except when depositing and removing objects to be cleaned, and is closed during nonoperation with the exception of maintenance and repair to the cleaning equipment itself;

(iv) Remote Reservoir Cleaner used pursuant to the provisions of subsection (C)(3);

(v) Non-Atomized Solvent Flow method where the cleaning Solvent is collected in a container or a collection system which is closed except for Solvent collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container; or

(vi) Solvent Flushing method where the cleaning Solvent is discharged into a container which is closed except for Solvent collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container. The discharged Solvent from the equipment must be collected into containers without atomizing into the open air. The Solvent may be flushed through the system by air or hydraulic pressure, or by pumping.

(b) A Person shall not atomize any Solvent unless it is vented to an air pollution control equipment which meets the requirements of subsection (C)(5). [Moved from (D) General Prohibitions]

(c) A Person shall not specify or require any Person to use Solvent or equipment subject to the provisions of this rule that does not meet the requirements of this rule. [Moved from (D) General Prohibitions]

(d) A Person shall not perform Solvent Cleaning activities or operations subject to the provisions of this rule with any material which contains any of the following compounds:

- 1,1,1-trichloroethane (methyl chloroform);
- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
- chloropentafluoroethane (CFC-115);
- ethylfluoride (HFC-161);
- 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- 1,1,1,2,3-pentafluoropropane (HFC-245eb);
- 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- chlorofluoromethane (HCFC-31);
- 1-chloro-1-fluoroethane (HCFC-151a); or
- 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a).*[moved from (D) General Prohibitions]*

(3) Remote Reservoir Cleaners

(a) ~~Regardless of Rule 1122 requirements, a~~Any Person owning or operating a Remote Reservoir Cleaner shall comply with all of the following requirements, in addition to the VOC limits for Repair and Maintenance Cleaning specified in ~~clause subsection~~ (C)(1)(a)(ii):

- (i) Prevent Solvent vapors from escaping from the Solvent container by using such devices as a cover or a valve when the remote reservoir is not being used, cleaned, or repaired;
- (ii) Direct Solvent flow in a manner that will prevent liquid Solvent from splashing outside of the Remote Reservoir Cleaner;
- (iii) Do not clean porous or absorbent materials, such as cloth, leather, wood, or rope; and
- (iv) Use only Solvent containers free of all Liquid Leaks. Auxiliary equipment, such as pumps, pipelines, or flanges, shall not have any Liquid Leaks, visible tears, or cracks. Any Liquid Leak, visible tear, or crack detected shall be repaired within one (1) calendar day, or the leaking section of the remote reservoir cold cleaner

shall be drained of all Solvent and shut down until it is replaced or repaired.

(4) Storage and Disposal

- (a) All VOC-containing Solvents, used in Solvent Cleaning operations, or a waste or used product, including items such as cloth or paper laden with VOC containing materials, shall be stored in ~~non-absorbent, Non-Leaking Containers~~ which shall be kept closed at all times except when filling or emptying, and disposed of in a manner to prevent evaporation of VOCs into the atmosphere at the facility. ~~It is recommended that cloth and paper moistened with VOC-containing Solvents be stored in closed, non-absorbent, Non-Leaking Containers.~~ [Derived from Yolo-Solano Rule 2.31, 302.1 (f)]

(5) Control Equipment

- (a) In lieu of complying with the requirements in ~~subsection paragraphs~~ (C)(1)(a) or ~~(C)~~(2), a Person may comply by using a VOC emission collection and control system in association with the Solvent Cleaning operation provided:
- (i) ~~The~~ emission control system shall collect at least ~~ninety percent~~ (90%) percent, by weight, of the emissions generated by the Solvent Cleaning operation; and
1. have a destruction efficiency of at least 95 percent, by weight, or
 2. have an output of less than 50 parts per million (PPM) calculated as carbon with no dilution; or
- (ii) ~~The~~ emission control system meets the requirements of the applicable source specific rule of the District's Regulation XI. The collection system for cleaning in ~~Graphic Arts and~~ Screen Printing and cleaning of Application Equipment used for ~~Graphic Arts materials and~~ Screen Printing materials; shall collect at least 70 percent, by weight, of the emissions generated. This control system shall reduce emissions from the emission collection system by at least 95 percent. [Graphic Arts collection system requirements and cleaning of Application Equipment for Graphic Arts have been included in amended Rule 1130, subsection (C)(4) and (C)(7)]

~~(6D)~~ Recordkeeping Requirements

- ~~(a)~~ Records shall be maintained pursuant to Rule 109 for all applications subject to this rule, including those exempted under section ~~(6F)~~, except the following:

- (a) Facilities required to keep records of VOC used pursuant to any other ~~not~~ subject to recordkeeping requirements from any other Regulation XI rules. [Per USEPA suggestion via email, #2, 11/28/17. Derived from SC 1171, 05/01/2009]
- ~~(b) Cleaning performed with a Solvent which has a water content of 98 percent or more, by weight, or a VOC Composite Partial Pressure of 0.1 mm Hg or less at 20°C (68°F), or contains VOC consisting of more than 12 carbon atoms [Removed per USEPA suggestion via email #3, 11/28/17, that the existing verbiage may provide a broader exemption than intended.]~~
- ~~(e2) Records shall be maintained to record the amount and type of each solvent used at each process on a daily basis. The following information should be included:~~
- ~~(i) The name of the solvent;~~
- ~~(ii) The name of the solvent manufacturer;~~
- ~~(iii) The VOC content of the solvent expressed in grams/liter or lb/gallon;~~
- ~~(d) Solvent usage; and~~
- ~~(e) The mix ratio for the cleaning solvent as applied. [Derived from Yolo Solano Rule 2.31, section 501.2]~~
- ~~(d3) If compliance with this rule is achieved through the use of an Emission Control System, in addition to the provisions of subsection (D)(2), records shall also include:~~
- ~~(a) Daily records of temperatures, pressures, flowrates, and hours of operation of the control device to verify compliance of the capture and control device; and~~
- ~~(b) Records of maintenance work which interferes with the operation of the control device.~~
- ~~(24) All records shall be maintained and on site for a period of five (5) years and made available to the APCO or District staff upon request. [Derived from Yolo Solano Rule 2.31, section 501.2]~~

~~(D) General Prohibitions~~

- ~~(1) A Person shall not atomize any Solvent unless it is vented to air pollution control equipment which meets the requirements of subsection (C)(5). [moved to (C)(2)(b)]~~
- ~~(2) A Person shall not specify or require any Person to use Solvent or equipment subject to the provisions of this rule that does not meet the requirements of this rule.~~

~~(3) On and after January 1, 1997, a Person shall not perform Solvent Cleaning activities or operations subject to the provisions of this rule with any material which contains any of the following compounds: 1,1,1 trichloroethane (methyl chloroform); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); 1,1,2 trichloro-1,2,2 trifluoroethane (CFC-113); 1,2 dichloro-1,1,2,2 tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); ethylfluoride (HFC-161); 1,1,1,3,3,3 hexafluoropropane (HFC-236fa); 1,1,2,2,3 pentafluoropropane (HFC-245ca); 1,1,2,3,3 pentafluoropropane (HFC-245ea); 1,1,1,2,3 pentafluoropropane (HFC-245eb); 1,1,1,3,3 pentafluoropropane (HFC-245fa); 1,1,1,2,3,3 hexafluoropropane (HFC-236ea); 1,1,1,3,3 pentafluorobutane (HFC-365mfe); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); or 1,2 dichloro-1,1,2 trifluoroethane (HCFC-123a).[moved to (C)(2)(d)]~~

(E) Test Methods

- (1) For the purpose of this rule, the following test methods shall be used. Other test methods determined to be equivalent after review by ~~the staffs of the~~ District staff, the Air Resources Board, and the USEPA, and approved in writing by the APCO and the USEPA, may also be used. [Vergiage changed per USEPA suggestion via email, #4, 11/28/17.]
- (a) The VOC content of materials subject to the provisions of this rule shall be determined by the following methods:
- (i) USEPA Reference Method 24 (Code of Federal Regulations, Title 40, Part 60, Appendix A) and subsection (B)(12) of this rule. ~~The Exempt Compounds' content shall be determined by the South Coast Air Quality Management District's (SCAQMD) Method 303 (Determination of Exempt Compounds) contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual; or,~~
- (b) Exempt Perfluorocarbon Compounds
- (i) The following classes of compounds will be analyzed as Exempt Compounds for compliance with Section (C), only when manufacturers specify which individual compounds are used in the Solvent formulation and identify the USEPA, California Air Resources Board, and other USEPA-approved test methods used to quantify the amount of each exempt compound:
1. cyclic, branched, or linear, completely fluorinated alkanes;
 2. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

3. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 4. sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (c) Determination of VOC Composite Partial Pressure
- (i) The identity and quantity of components in Solvents shall be determined by ASTM Method D323-94. The VOC Composite Partial Pressure is calculated using the equation in subsection (B)(~~4235~~) of this rule.
- (d) Determination of Presence of VOC in Cleaning Materials
- (i) The presence of VOC in liquid cleaning materials shall be determined by SCAQMD Method 308 (Quantitation of Compounds by Gas Chromatography) contained in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (e) Determination of Efficiency of Emission Control System
- (i) The efficiency of the collection device of the emission control system as specified in subsection (C)(5)(a)(i) shall be determined by the USEPA method cited in USEPA's publication entitled "Guidelines for Determining Capture Efficiency", January 9, 1995, in conjunction with USEPA Method 204, 204A, 204B, 204C, 204D, 204E or 204F, as appropriate, or any other alternative method approved by USEPA, the California Air Resources Board, and the District.
 - (ii) The efficiency of the control device of the emission control system as specified in subsection (C)(5)(a)(i) and the VOC content in the control device exhaust gases, measured and calculated as carbon, shall be determined by USEPA Test Method 25 or 25A, as applicable. USEPA Test Method 18, or ARB Method 422 shall be used to determine emissions of Exempt Compounds.
- (f) Multiple Test Methods
- (i) When more than one test method or set of test methods is specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.
- (g) Unless otherwise specified, all test methods referenced in this section shall be the version most recently approved by USEPA, ~~version.~~ [Per USEPA suggestion via email, #6, 11/03/17.]

~~(F)~~ ~~Rule 442 Applicability~~

~~Any Solvent, Solvent Cleaning activity, Solvent Cleaning unit operation, or Person, which is exempt from all or a portion of this rule except subsection (C)(6), shall be subject to the applicable requirements of the applicable Regulation XI source specific rule or Rule 442—Usage of Solvent. [moved to (G)]~~

~~(GF)~~ Exemptions

~~(1) The provisions of this Rule shall not apply to: following Solvent Cleaning operations or activities are not subject to any provision of this rule: [changed for clarity as per Nicole Law, USEPA, recommendation, email dated 07/16/2018.]~~

~~(a) Cleaning carried out in batch-loaded cold cleaners, open-top vapor degreasers, conveyorized degreasers, or film cleaning machines which are regulated under Rule 1122—Solvent Degreasers. [Rule 1122 was moved to (F)(1)(ea)(iii) for ascending Rule order]~~

~~(a) Any source operation that is subject to or specifically exempted by any of the following:~~

~~(i) Rule 1102 - Petroleum Solvent Dry Cleaners~~

~~(ii) Rule 1113 – Architectural Coatings~~

~~(iii) Rule 1122 – Solvent Degreasers [moved from prior (G)(1)(a)]~~

~~(iv) Rule 1124 - Aerospace Assembly and Component Manufacturing Operations, except coating Application Equipment cleaning, and storage and disposal of VOC-containing materials used in Solvent Cleaning operations.~~

~~(v) Rule 1141.1 – Coatings and Ink Manufacturing~~

~~(vi) Rule 1151 – Motor Vehicle and Mobile Equipment Coating Operations~~

~~(vii) Rule 1151.1 – Motor Vehicle Assembly Coating Operations~~

~~(viii) Rule 1164 - Semiconductor Manufacturing.~~

~~(b) Cleaning operations subject to Rules 1102—Petroleum Solvent Dry Cleaners, and 1421—Control of Perchloroethylene Emissions from Dry Cleaning Operations [Rule 1102 is being moved to (a) for ascending rule order and Rule 1421 will be removed as an exempt rule in amended Rule 1171 as it is not SIP approved, per USEPA via email, #7, dated 11/03/2017]~~

~~(c) Cleaning operations subject to Rule 1164—Semiconductor Manufacturing. [moved to (h) for ascending Rule order]~~

~~(d) Cleaning operations subject to Rule 1124—Aerospace Assembly and Component Manufacturing Operations, except coating Application Equipment cleaning, and storage and disposal of VOC-containing materials used in Solvent Cleaning operations. [moved to (d) for ascending rule order]~~

- ~~(e _____) — Cleaning operations subject to Rule 1141— Control of Volatile Organic Compound Emissions from Resin Manufacturing, and Rule 1141.1— Coatings and Ink Manufacturing. [Rule 1141 was rescinded 03/06/92 and Rule 1141.1 was moved to (e) for ascending Rule order]~~
- (fb) Janitorial ~~and Institutional cleaning~~ Cleaning, including graffiti removal. [Removed Institutional cleaning to address suggestion per USEPA via email 11/28/17 #1., as it includes “cleaning activities conducted at organizations, societies, or corporations...” which may provide a broader exemption than intended. “Cleaning” was erroneously deleted in rule version D1.]
- (gc) Stripping of Cured Coatings, Cured Adhesives, and Cured Inks.
- (hd) Cleaning operations using Solvents with a water content of 98% or more, by weight.
- (2) The provisions of subsection (C)(1)(a) shall not apply when carried out for any of the following applications:
- (a) Cleaning of solar cells, laser hardware, Scientific Instruments, and High Precision Optics.
- (b) Cleaning for: conducting performance laboratory tests on coatings, adhesives, or inks; research and development programs; and laboratory tests in quality assurance laboratories.
- (c) Cleaning of polycarbonate plastics.
- (d) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics. [Moved from original (G)(5)]
- (3) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems, and cleaning with spray bottles or containers described in subsection (C)(2)(a)(ii), are not subject to the provisions of subsection (D)(1).
- (4) Cleaning with Aerosol Products shall not be subject to the provisions of subsections (C)(1)(a) and (D)(1) if 160 fluid ounces or less of Aerosol Product are used per day, per Facility.
- ~~(5) — Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics shall not be subject to subsection (C)(1)(a). [Moved to (F)(2)(d) for consistency.]~~
- (65) Medical Device and pharmaceutical facilities may use up to 1.5 gallons per day of Solvents that are not in compliance with subsection (C)(1)(a).

(76) The provisions of subsection (C)(1)(a)(iii) shall not apply to cleaning of coating and adhesive application processes utilized to manufacture transdermal drug delivery product using less than 3 gallons per day of ethyl acetate averaged over a 30 calendar day period.

~~(7) Cleaning of application equipment used to apply coatings on satellites and radiation effect coatings shall not be subject to (C)(1)(a)(iii).. [Derived from SCAQMD Rule 1171, section (g)(5)(B), May 1, 2009 and SJVAPCD Rule 4663, section 4.6, amended September 20, 2007.] [This exemption is not necessary after further conversation with industry.]~~

(87) The provisions of subsection (C)(1)(a)(iv) shall not apply to Persons or Facilities using less than 1.5 gallons per day of solvents to clean Sterilization Indicating Ink Application Equipment.

(FG) Rule 442 Applicability

Any Solvent, Solvent Cleaning activity, Solvent Cleaning unit operation, or Person, which is exempt from all or a portion of this rule except subsection ~~(C)(6)(D)~~, shall be subject to the applicable requirements of the applicable Regulation XI source specific rule or Rule 442 - *Usage of Solvent*.

~~{SIP: Submitted as amended 11/17/98 on _____; Submitted as amended 06/13/97 on _____; Approved 5/24/01, 66 FR 28666, 40 CFR 52.220(e)(262)(i)(e)(2); Approved 07/14/95, 60 FR 36230, 40 CFR 52.220(e)(222)(i)(A)(1); Approved 12/20/93, 58 FR 66285, 40 CFR 52.220(e)(188)(i)(e)(1)}~~

See SIP Table at www.avaqmd.ca.gov

Appendix “B”
Public Notice Documents

1. Proof of Publication – Antelope Valley Press 06/15/2018

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AFFIDAVIT OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles

} s s

The space above for filing stamp only

**NOTICE OF HEARING
SOLVENT CLEANING OPERATIONS**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Antelope Valley Press**, a newspaper of general circulation, printed and published daily in the City of Palmdale, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Gazette, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the City of Lancaster, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

June 15, 2018

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

Signature

Dated: June 15, 2018
Executed at Palmdale, California

37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

NOTICE OF HEARING

NOTICE IS HERBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on July 17, 2018 at 10:00 A.M. to consider the proposed amendment of Rule 1171 - Solvent Cleaning Operations.

SAID HEARING will be conducted in the Governing Board Chambers located at the AVAQMD offices, 43301 Division Street, Suite 206, Lancaster, CA 93535-4649 where all interested persons may be present and be heard. Copies of the proposed amendment of Rule 1171 - Solvent Cleaning Operations and the Staff Report are on file and may be obtained at the AVAQMD Office, at the above address. Written comments may be submitted to Bret Banks, Executive Officer/APCO at the above office address, and should be received no later than July 16, 2018 to be considered. If you have any questions, you may contact Barbara Lods at (661) 723-8070 x3 or via E-mail at blods@avaqmd.ca.gov for further information. Traducción este disponible por solicitud.

The proposed amendment of Rule 1171 - Solvent Cleaning Operations will satisfy 42 U.S.C. §1751a (Federal Clean Air Act §192) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are 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.

The proposed amendments to Rule 1171 are necessary to enhance work practices, adjust categories for consistency with source specific rules, reduce VOC limits and address the alternative composite vapor pressure.

Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg. §15308) applies and has prepared a Notice of Exemption for this action.

Deanna Hernandez
Senior Executive Analyst
Antelope Valley Air Quality Management District
Publish: June 15, 2018

**AVAQMD
JUN 25 2018
RECEIVED**

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Appendix “C”
Public Comments and Responses

1. USEPA Comments on AV Rule 1171, July 16, 2018
2. USEPA Comments on AV Rule 1171, August 2, 2018
3. USEPA Legal Comments on AV Rule 1171, August 8, 2018

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Barbara Lods

From: Law, Nicole <Law.Nicole@epa.gov>
Sent: Monday, July 16, 2018 9:31 AM
To: Barbara Lods
Subject: EPA comments on Rule 1171 Solvent Cleaning Operations

Hi Barbara,

Thanks for the opportunity to comment on AVAQMD Rule 1171 Solvent Cleaning Operations as was attached to the staff report dated 05/31/2018. I noticed you addressed all our comments from the 9/28/2017 email, however, we have a few remaining comments on Rule 1171.

- 1. → • Section (B)(2) definition for Aerospace Vehicle or Components. This definition is inconsistent with the definition of section (B)(3) as it says, "Aircraft, including but not limited to...Space Vehicles." And the definition of Aircraft is, "Any machine designed to travel through the air, without leaving the earth's atmosphere..." We suggest the following edit, "Aircraft, ~~including but not limited to airplanes, helicopters, missiles,~~ or Space Vehicles. Including..." since definition of Aircraft already says "including airplanes, balloons, dirigibles, helicopters, and missiles."
- 2. → • Section (B)(10) definition for Exempt Compounds. This definition includes a reference to a very broad section of 40 CFR 51.100 (s) and would exempt all volatile compounds from the rule. We have discussed resolutions to this issue with the district on other district rules.
- 3. → • Section (F)(1) exempts solvent cleaning operations and activities subject to a list of rules. However, this language is not clear as it is meant that cleaning operations and activities subject to the rules is exempt. We suggest you precede each rule with "Activities and operations subject to..." Additionally, in section (F)(1)(i), "Janitorial" should be changed to "Janitorial Cleaning" to refer back to the definition. So the rule would read as follows:
 - The following Solvent Cleaning operations or activities are not subject to any provision of this rule:
 - Activities and operations subject to Rule 1102- Petroleum Solvent Dry Cleaners
 - Activities and operations subject to Rule 1113 Architectural Coatings
 - Activities and operations subject to rule 1122- Solvent Degreasers
 - (...)
 - Janitorial Cleaning, including graffiti removal.
 - Stripping of Cured Coatings, Cured Adhesives, and Cured inks.
 - Cleaning operations using Solvents with a water content of 98% or more, by weight.
- 4. → • A new exemption in section (F)(7) has been added for cleaning of application equipment used to apply coatings on satellites and radiation effect coatings. However, the district staff report has not described whether this rule change would constitute Clean Air Act 110(l) backsliding of the rule.

Please give me a call if you'd like to discuss. Thanks.

Nicole

Nicole Law
Rules Office, Air Division
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, 94105
Office: (415) 947-4128

District Response to USEPA Comment #1 dated 07/16/18




1. Section (B)(2) definition for Aerospace Vehicle or Components was amended as suggested.
2. Section (B)(10) definition for Exempt Compounds was changed as per email thread between District Counsel Karen K. Nowak and USEPA Attorney Advisor, Douglas Bushey in email dated 07/17/2018.
3. Section (F)(1) has been changed for clarification.
4. The new exemption in Section (F)(7) has been removed.

Barbara Lods

From: Schwartz, Robert <schwartz.robert@epa.gov>
Sent: Thursday, August 2, 2018 2:51 PM
To: Barbara Lods
Cc: Law, Nicole; Lo, Doris
Subject: Three minor comments on AV Rule 1171

Hi Barbara,

Thank you for taking our call this afternoon. To recap our call, there are three items I came across while reviewing the rule:

1.  1. Under the "Aircraft" definition on page 1, B3, we recommend modifying slightly to add "but not limited to", so as to be more inclusive of other aircraft, e.g. drones. Should read as ""Aircraft" - Any machine designed to travel through the air, without leaving the earth's atmosphere, whether heavier or lighter than air, including, **but not limited to** airplanes, balloons, dirigibles, helicopters, and missiles."
2.  2. Under Requirements, C 1a, the far right table column with VOC limits is expressed in g/L and lb/gal. In section iii of the table, Aerospace Vehicle or Component, the limit of 200 is also stated in g/L again. We understand that it must also include the composite partial pressure limit (mmHg), but the addition of g/L may be redundant.
3.  3. On our track-changes version of the Rule (D2, 7-20-18) there appears to be some formatting issues on page 11 (3 aiii), page 14 (E 1 ai), and page 15 (E 1 di) of the Rule (they should be indented but they show up on our copy as far left-justified. I see that you've just sent over a Word version in which the formatting seems fine. When I open the PDF, I still see the formatting problem. So, it may have to do with a version of Adobe, etc. I guess it's something to be aware of in case you get similar comments in the future.

Thank you for taking these late comments.

Best Regards,
Robert

Robert Schwartz
Rules Office, Air Division
U.S. EPA, Region 9
75 Hawthorne St., San Francisco, CA 94105
(415) 972-3286

1. The District appreciates the recommendation to modify the “Aircraft” definition, but feels the current definition is all inclusive.
2. The formatting in the limit column for Aerospace Vehicle and Component in (C)(1)(a)(iii) has been modified for clarity.
3. Word version was re-sent at the request of Nicole Law to verify formatting was correct and somehow corrupt when converted to PDF. No change has been made.

3. USEPA Legal Comment, 08/08/18

From: Bushey, Douglas [mailto:bushey.douglas@epa.gov]
Sent: Wednesday, August 8, 2018 3:41 PM
To: Karen Nowak
Cc: Law, Nicole; Schwartz, Robert
Subject: RE: Exempt Compound definition wording

Hello Karen,

Thank you again for working with us on the Exempt Compound definition. Once I saw the new definition in context in the draft rule, another small issue occurred to me. As of now, in (B)(10) it refers to "Volatile Organic Compound". The term that is being defined in 51.100(s) is "Volatile organic compounds". The capitalization, combined with it not being plural may suggest a reference back to the definition in the rule itself. Apologies for not seeing this the first time, but given that we are hopefully coming up with a definition that will work in a number of rules, I thought that shooting for the maximum clarity this time would be a good goal. I am hopeful that it's not a challenge to make a minor edit like this at this point.

As always, please give a call if you'd like to discuss or have any other ideas regarding the phrasing.

Thanks,
Doug

Douglas Bushey
Attorney Adviser

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1. The definition for “Exempt Compound” in subsection (B)(10) has been modified. The capitalization of “Volatile Organic Compound” has been changed to lowercase and the term has been made plural.

Appendix “D”
California Environmental Quality Act
Documentation

1. Draft Notice of Exemption – Los Angeles County

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NOTICE OF EXEMPTION

TO: Los Angeles County Clerk
12400 E. Imperial Hwy, #1001
Norwalk, CA 90650

FROM: Antelope Valley
Air Quality Management District
43301 Division Street, Suite 206
Lancaster, CA 93535-4649

X AVAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 1171 – *Solvent Cleaning Operations*

PROJECT LOCATION – SPECIFIC: Los Angeles County portion of the Mojave Desert Air Basin.

PROJECT LOCATION – COUNTY: Los Angeles County

DESCRIPTION OF PROJECT: The proposed amendment of Rule 1171 – *Solvent Cleaning Operations* will satisfy 42 U.S.C. §§7511a (Federal Clean Air Act §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control 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.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Antelope Valley AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Antelope Valley AQMD

EXEMPT STATUS (CHECK ONE)

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

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

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

REASONS WHY PROJECT IS EXEMPT: The proposed amendments to Rule 1171 are exempt from CEQA review because they will not create any adverse impacts on the environment. This rule has been strengthened by enhancing work practices, adjusting categories for consistency with source specific rules, reducing VOC limits and addressing the alternative composite vapor pressure. 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”.

LEAD AGENCY CONTACT PERSON: Bret Banks **PHONE:** (661) 723-8070

SIGNATURE: _____

TITLE: Executive Director/APCO **DATE:** August 21, 2018

DATE RECEIVED FOR FILING:

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Appendix “E” Bibliography

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

1. *Control Techniques Guidelines: Industrial Cleaning Solvents*, (EPA 453/R-06-001 September 2006).
2. Yolo-Solano AQMD Rule 2.31 – *Solvent Cleaning and Degreasing*, Revised May 8, 2013.
3. SJVUAPCD Rule 4663 – *Organic Solvent Cleaning, Storage, and Disposal*, Amended September 20, 2007.
4. SCAQMD Rule 1171 – *Solvent Cleaning Operations*, Amended February 1, 2008.

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