



South Coast Air Quality Management District

South Coast
AQMD

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

A G E N D A

MEETING, NOVEMBER 4, 2022 HYBRID GOVERNING BOARD MEETING

Pursuant to Assembly Bill 361, a meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m. on Friday, November 4, 2022 through a hybrid format of in-person attendance in the Dr. William A. Burke Auditorium at the South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, and/or virtual attendance via videoconferencing and by telephone. Please follow the instructions below to join the meeting remotely.

Given health and safety concerns, seating availability may be limited, and the meeting format may be changed to full remote via webcast. Please refer to South Coast AQMD's website for information regarding the format of the meeting, updates if the meeting is changed to a full remote via webcast format, and details on how to participate:

<http://www.aqmd.gov/home/news-events/meeting-agendas-minutes>

Face coverings: In accordance with state and local public health department guidelines, people attending the meeting in person may choose to wear a mask based on personal preference while in South Coast AQMD facilities.

ELECTRONIC PARTICIPATION INFORMATION (Instructions provided at bottom of the agenda)

Join Zoom Meeting - from PC, Laptop or Phone

<https://scaqmd.zoom.us/j/93128605044>

Meeting ID: **931 2860 5044** (applies to all)

Teleconference Dial In +1 669 900 6833 or +1 253 215 8782

One tap mobile +16699006833,,93128605044# or +12532158782,,93128605044#

Audience will be allowed to provide public comment in person and through Zoom connection or telephone.

PUBLIC COMMENT WILL STILL BE TAKEN

Phone controls for participants:

The following commands can be used on your phone's dial pad while in meeting:

- *6 - Toggle mute/unmute
- *9 - Raise hand

Questions About an Agenda Item

- The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.
- In preparation for the meeting, you are encouraged to obtain whatever clarifying information may be needed to allow the Board to move expeditiously in its deliberations.

Meeting Procedures

- The public meeting of the South Coast AQMD Governing Board begins at 9:00 a.m. The Governing Board generally will consider items in the order listed on the agenda. However, any item may be considered in any order.
- After taking action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

All documents (i) constituting non-exempt public records, (ii) relating to an item on the agenda, and (iii) having been distributed to at least a majority of the Governing Board after the agenda is posted, are available prior to the meeting for public review at South Coast AQMD's Clerk of the Boards Office, 21865 Copley Drive, Diamond Bar, CA 91765 or web page at www.aqmd.gov

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Governing Board meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov. Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the South Coast AQMD. Please contact the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to cob@aqmd.gov

A webcast of the meeting is available for viewing at:
<http://www.aqmd.gov/home/news-events/webcast>

CALL TO ORDER

- Pledge of Allegiance
- Roll Call
- Opening Comments: Ben J. Benoit, Chair
Other Board Members
Wayne Nastri, Executive Officer
- Presentation to Outgoing Board Member – Sheila Kuehl Benoit

PUBLIC COMMENT PERIOD – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3) The public may comment on any subject within the South Coast AQMD’s authority that **does not** appear on the agenda, during the Public Comment Period. Each speaker addressing non-agenda items may be limited to a total of (3) minutes.

Staff/Phone (909) 396-

CONSENT AND BOARD CALENDAR (Items 1 through 23)

Note: Consent and Board Calendar items held for discussion will be moved to Item No. 24.

Items 1 & 2 – Action Items/No Fiscal Impact

- | | | |
|----|--|----------------|
| 1. | Comply with AB 361 Requirements to Allow South Coast AQMD Board and South Coast AQMD Brown Act Committees to Continue to Meet Remotely | Gilchrist/3459 |
| 2. | Approve Minutes of October 7, 2022 Meeting | Thomas/3268 |

Note: There are no set hearing items scheduled for this meeting¹.

Items 3 through 9 -- Budget/Fiscal Impact

- | | | |
|----|---|------------------|
| 3. | Issue RFP, Execute Contracts, and Program Announcement for Residential Air Filtration Program Within East Los Angeles, Boyle Heights, West Commerce and Eastern Coachella Valley AB 617 Communities

Through a participatory budget process, the East Los Angeles, Boyle Heights, West Commerce (ELABHWC) Community Steering Committee (CSC) prioritized \$1.8 million, and the Eastern Coachella Valley (ECV) CSC prioritized \$1 million, in Community Air Protection Program funding for a Residential Air Filtration Program. These actions are to: 1) issue RFP #P2023-04 and Execute Contracts for air filtration units to offer through the Residential Air Filtration Program; 2) issue Program Announcement #PA2023-03 in an amount up | Katzenstein/2219 |
|----|---|------------------|

¹ The Board, at its October 7, 2022 meeting, set a public hearing for December 2, 2022 to consider adoption of the Draft Final 2022 AQMP.

to \$2,625,000 from the Community Air Protection AB 134 Fund (77) to solicit applications from residents within ELABHWC and ECV for the Residential Air Filtration Program; 3) reimburse the General Fund for administrative costs of up to \$167,000 from the Community Air Protection AB 134 Fund (77); and, 4) transfer and appropriate up to \$8,000 from the administrative portion of Community Air Protection AB 134 Fund (77) into Technology Advancement's FYs 2022-23 and/or 2023-24 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account for administrative costs to implement the Residential Air Filtration Program. (Reviewed: Technology Committee, October 21, 2022; Recommended for Approval)

4. **Recognize Revenue and Amend Contract Awards for Cleaner Freight California Projects**

Katzenstein/2219

In May 2022, the Board recognized a \$2,349,995 award from U.S. EPA to replace diesel cargo handling equipment with innovative zero-emission electric alternatives for the Cleaner Freight California Projects. In August 2022, U.S. EPA awarded additional funding of \$219,938 to South Coast AQMD's Cleaner Freight California Projects for a total of \$2,569,933. These additional funds would be distributed to contracts with Albertsons Companies, McLane Company, and Long Beach Container Terminal. These actions are to: 1) recognize revenue, upon receipt, of up to \$219,938 from the U.S. EPA National Clean Diesel Program into the Advanced Technology, Outreach and Education Fund (17), and 2) execute contracts with Albertsons Companies, McLane Company, and Long Beach Container Terminal in amounts not to exceed \$1,396,386, \$775,770, and \$273,150, respectively from the Advanced Technology, Outreach and Education Fund (17). (Reviewed: Technology Committee, October 21, 2022; Recommended for Approval)

5. **Amend Contracts for Legislative Representation in Sacramento, California**

Alatorre/3122

The current contracts for legislative representation in Sacramento with The Resolute Company (Resolute), formerly Quintana, Watts and Hartmann; Joe A. Gonsalves & Son; and California Advisors, LLC expire on December 31, 2022. Based on the firms' effective performance during the second year of their current contracts, this action is to approve a second one-year extension of the contracts with these three lobbying firms in the amount of \$180,000 for Resolute, \$143,000 for Joe A. Gonsalves & Son, and \$142,080 for California Advisors, LLC, for legislative lobbying services in Sacramento for Calendar Year 2023. Sufficient funding is available in the Legislative, Public Affairs & Media FY 2022-23 Budget. (Reviewed: Administrative Committee, October 14, 2022; Recommended for Approval)

6. Amend Contracts for Legislative Representation in Washington, D.C. **Alatorre/3122**

The current contracts for legislative and regulatory representation in Washington D.C. with Kadesh & Associates, LLC, Cassidy & Associates, and Carmen Group Inc., expire on January 14, 2023. Each of these contracts includes an option for two one-year extensions. This action is to consider approval of the first one-year extension of the existing contracts for Calendar Year 2023 with Kadesh & Associates, LLC for \$226,392; Cassidy & Associates for \$216,000; and Carmen Group Inc. for \$222,090 as South Coast AQMD's legislative and regulatory representatives in Washington D.C., to further the agency's policy positions at the federal level. Sufficient funding is available in the Legislative, Public Affairs & Media FY 2022-23 Budget. (Reviewed: Administrative Committee, October 14, 2022; Recommended for Approval)

7. Enter into Agreement with Enterprise Fleet Management to Lease Fleet Vehicles, Transfer Budgeted Funds to Make Lease Payments, and Direct Future Vehicle Resale Revenue for Lease Payments **Olvera/2309**

South Coast AQMD maintains a fleet of 220 vehicles for use by field staff and daily business. This action is to authorize the Executive Officer to execute an open-ended lease and maintenance agreement with Enterprise Fleet Management and to execute individual vehicle leases. This action also seeks approval to transfer \$545,000 from the General Fund (Administrative & Human Resources Capital Outlay Account) to Administrative & Human Resources Services and Supplies Account for FY 2022-23 annual vehicle lease payments. Finally, this item would direct future revenue from the resale of fleet vehicles into the Infrastructure Improvement Fund (02) to use for ongoing lease payments. Funding will be requested in future budgets for ongoing fleet vehicle leases. (Administrative Committee, October 14, 2022; Recommended for Approval)

8. Amend FY 2022-23 Budget by Adding Funds to Legal's FY 2022-23 Budgets, Services and Supplies Major Object, Professional and Special Services Account to Cover Costs of Legal Counsel and Specialized Counsel and Services and Amend or Execute Contracts with Outside Counsel and Specialized Legal Counsel and Services **Gilchrist/3459**

This item is to amend the FY 2022-23 Budget to add \$754,000 to Legal's FY 2022-23 Budget to cover anticipated costs of legal counsel and specialized counsel and services, and amend or execute contracts

for legal counsel for specialized, environmental and other litigation. This action will result in an increased annual cost of \$754,000. Funding for the budget will be appropriated into the FY 2022-23 Budget from the Undesignated (Unassigned) Fund Balance and will be requested in future budgets. (Reviewed: Administrative Committee, October 14, 2022; Recommended for Approval)

9. Approve Contract Modification as Approved by MSRC

McCallon

As part of their FYs 2018-21 Work Program, the MSRC approved a modification to the Southern California Association of Governments' (SCAG) contract to implement the Last Mile Freight Program. Due to the withdrawal of projects, the scope and funding allocation for the Sysco Corporation project would be increased. Additionally, SCAG would bring back an additional reallocation request in the near future. At this time, the MSRC seeks Board approval of the contract modification as part of the FYs 2018-21 Work Program. (Reviewed: Mobile Source Air Pollution Reduction Review, October 20, 2022; Recommended for Approval)

Item 10 -- Action/No Fiscal Impact

10. Establish Board Meeting Schedule for Calendar Year 2023

Nastri/3131

The proposed Board Meeting Schedule for Calendar Year 2023 is submitted for Board consideration. The meeting schedule for the Administrative Committee meeting, as well as the other standing committees, is included for information only. (Reviewed: Administrative Committee, October 14, 2022; Recommended for Approval)

Items 11 through 17 – Information Only/Receive and File

11. Legislative, Public Affairs and Media Report

Alatorre/3122

This report highlights the September 2022 outreach activities of Legislative, Public Affairs and Media Office, which includes Major Events, Community Events/Public Meetings, Environmental Justice Update, AB 617, Speakers Bureau/Visitor Services, Communications Center, Public Information Center, Small Business Assistance, Media Relations, and Outreach to Community Groups and Federal, State and Local Governments. (No Committee Review)

12. Hearing Board Report

Verdugo-Peralta

This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2022. (No Committee Review)

13. **Civil Filings and Civil Penalties Report** **Gilchrist/3459**
This report summarizes monthly penalties and legal actions filed by the General Counsel's Office from September 1, 2022 through September 30, 2022. An Index of South Coast AQMD Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, October 21, 2022)
14. **Lead Agency Projects and Environmental Documents Received** **Rees/2856**
This report provides a listing of CEQA documents received by South Coast AQMD between September 1, 2022 and September 30, 2022, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA. (No Committee Review)
15. **Rule and Control Measure Forecast** **Rees/2856**
This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2022. (No Committee Review)
16. **Report of RFQs/RFPs Scheduled for Release in November** **Jain/2804**
This report summarizes the RFQs/RFPs for budgeted services over \$100,000 scheduled to be released for advertisement for the month of November. (Reviewed: Administrative Committee, October 14, 2022)
17. **Status Report on Major Ongoing and Upcoming Projects for Information Management** **Moskowitz/3329**
Information Management is responsible for data systems management services in support of all South Coast AQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects. (Reviewed: Administrative Committee, October 14, 2022)

Items 18 through 24 -- Reports for Committees and CARB

Note: The October 21, 2022 Mobile Source Committee meeting was cancelled; the next meeting is scheduled for November 18, 2022.

18. **Administrative Committee (Receive & File)** Chair: Benoit **Nastri/3131**
19. **Legislative Committee (Receive & File)** Chair: Cacciotti **Alatorre/3122**
20. **Stationary Source Committee (Receive & File)** Chair: Benoit **Aspell/2491**
21. **Technology Committee (Receive & File)** Chair: Richardson **Katzenstein/2219**
22. **Mobile Source Air Pollution Reduction Review Committee (Receive & File)** Board Liaison: Benoit **Katzenstein/2219**

23. California Air Resources Board Monthly Board Rep.: Kracov **Thomas/3268**
Report (Receive & File)
24. Items Deferred from Consent and Board Calendar

PUBLIC HEARINGS

25. Determine That Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets Is Exempt from CEQA and Approve Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets **Rees/2856**
- Under the Clean Air Act, Motor Vehicle Emissions Budgets (MVEB) are required for each air quality standard for which an area is in nonattainment. Coachella Valley is classified as a “severe” nonattainment area for the 2008 8-Hour Ozone Standard. Coachella Valley’s MVEB for the 2008 Ozone Standard was approved by U.S. EPA in 2020. Since then, an updated on-road mobile source emissions model estimates higher emissions than the approved MVEB for the same vehicular activities. This leads to transportation conformity lockdown, under which no new transportation projects are allowed in the region. According to SCAG, \$26 billion worth of projects are impacted by this transportation conformity lockdown. Reclassifying the Coachella Valley to “extreme” nonattainment provides an opportunity to develop a new SIP and update the MVEB, resolving this conformity lockdown. South Coast AQMD developed SIP elements required to update the MVEB, which are the baseline emissions inventory, reasonable further progress demonstration and an updated MVEB(Reviewed: Mobile Source Committee, August 19, 2022)
26. Determine That Proposed Amended Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers, Is Exempt from CEQA and Amend Rule 1148.2 **Krause/2706**
- Staff is recommending that the Public Hearing on this item be pulled from consideration.***
- Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers is a notification rule for facilities that operate oil and gas wells. Proposed Amended Rule 1148.2 (PAR 1148.2)

will add notification requirements to include both acidizing work for injection wells and diesel-fueled workover rig operations. PAR 1148.2 will also increase notification time and reduce the number of extensions to delay the project start date. PAR 1148.2 addresses air quality priorities identified by the Wilmington, Carson, and West Long Beach and South Los Angeles AB 617 Community Emission Reduction Plans. This action is to adopt the Resolution: 1) Determining that Proposed Amended Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers, is exempt from the requirements of the California Environmental Quality Act, and 2) Amending Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers. (Reviewed: Stationary Source Committee, September 16, 2022)

27. **Certify Final Subsequent Environmental Assessment for Proposed Amended Rule 1168 – Adhesive and Sealant Applications; and Amend Rule 1168** **Krause/2706**

Proposed Amended Rule 1168 will delay VOC limit effective dates or increase VOC limits for certain categories where the technology assessment demonstrated the proposed effective dates or limits are not feasible; create further subcategories to better characterize and refine VOC limits; prohibit the use of para-Chlorobenzotrifluoride (pCBtF) and tertiary-Butyl Acetate (t-BAc); include a conditional VOC exemption for Opteon 1100 based on an assessment by OEHHA; and clarify rule language. This action is to adopt the Resolution: 1) Certifying the Final Subsequent Environmental Assessment for Proposed Amended Rule 1168 – Adhesive and Sealant Applications; and 2) Amending Rule 1168 – Adhesive and Sealant Applications. (Reviewed: Stationary Source Committee, September 16, 2022)

28. **Determine That Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations Is Exempt from CEQA, and Adopt Proposed Rule 1460** **Krause/2706**

Proposed Rule 1460 will reduce fugitive dust emissions from metal recycling and metal shredding facilities by requiring housekeeping and best management practice provisions. Proposed Rule 1460 will also require facilities to register with South Coast AQMD. Proposed Rule 1460 also addresses an air quality priority identified by the Southeast Los Angeles and South Los Angeles Community Emission Reduction Plans that were developed under the AB 617 program. This action is to adopt the Resolution: 1) Determining that Proposed Rule 1460 - Control of Particulate Emissions from Metal Recycling and Shredding Operations, is exempt from the requirements of the California

Environmental Quality Act; and 2) Adopting Proposed Rule 1460 - Control of Particulate Emissions from Metal Recycling and Shredding Operations. (Reviewed: Stationary Source Committee, September 16, 2022)

BOARD MEMBER TRAVEL – (No Written Material)

Board member travel reports have been filed with the Clerk of the Boards, and copies are available upon request.

CONFLICT OF INTEREST DISCLOSURES – (No Written Material)

1. The District will enter into a contract with Waste Management of California, Inc. (Contract # C23064). Waste Management and affiliated entities made a campaign contribution to Governing Board Chair Benoit on November 17, 2021. Chair Benoit has abstained from any participation in the making of this contract.
2. The District will enter into a contract with USA Waste of California Inc. (Contract # C23067). USA Waste of California Inc. made a campaign contribution to Governing Board Chair Benoit on November 10, 2021. Chair Benoit has abstained from any participation in the making of this contract.

CLOSED SESSION – (No Written Material)

Gilchrist/3459

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

It is necessary for the Board to recess to closed session pursuant to Government Code sections 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the SCAQMD is a party. The actions are:

- In the Matter of SCAQMD v. Southern California Gas Company, Aliso Canyon Storage Facility, SCAQMD Hearing Board Case No. 137-76 (Order for Abatement); People of the State of California, ex rel SCAQMD v. Southern California Gas Company, Los Angeles Superior Court Case No. BC608322; Judicial Council Coordinated Proceeding No.4861;
- CalPortland Company v. South Coast Air Quality Management District; Governing Board of the South Coast Air Quality Management District; and Wayne Nastri, Executive Officer, and Does 1-100, San Bernardino County Superior Court, Case No. CIV DS 1925894
- SCAQMD, et al. v. EPA, United States Court of Appeals, D.C. Circuit, Case No. 19-1241 (consolidated with Union of Concerned Scientists v. NHTSA, No. 19-1230)
- SCAQMD, et al. v. NHTSA, EPA, et al., United States Court of Appeals, D.C. Circuit, Filed May 28, 2020
- Natural Resources Defense Council, et al. v. City of Los Angeles, et al., San Diego Superior Court, Case No. 37-2021-00023385-CU-TT-CTL (China Shipping Case) (transferred from Los Angeles Superior Court, Case No. 20STCP02985)
- California Trucking Association v. South Coast Air Quality Management; the Governing Board of the South Coast Air Quality Management District; and Does 1 through 25, inclusive, Case No.: 2:21-cv-06341
- In the Matter of SCAQMD v. Baker Commodities, SCAQMD Hearing Board Case No. 6223-1 (Order for Abatement); Baker Commodities, Inc. v. South Coast Air Quality Management District Hearing Board; South Coast Air Quality Management District; South Coast Air Quality Management District Hearing Board Members: Cynthia Verdugo-Peralta, Robert Pearman, Micah Ali, and Allan Bernstein, DPM MBA, in their official capacities only; and 100 Does and Roes, Los Angeles County Superior Court, Case No. 22STCP03597

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

It is also necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (two cases).

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Also, it is necessary for the Board to recess to closed session pursuant to Government Code section 54956.9(d)(2) to confer with its counsel because there is a significant exposure to litigation against the SCAQMD (two cases).

ADJOURNMENT

*****PUBLIC COMMENTS*****

Members of the public are afforded an opportunity to speak on any agenda item before consideration of that item. Persons wishing to speak may do so in person or remotely via Zoom or telephone. To provide public comments via a Desktop/Laptop or Smartphone, click on the "Raise Hand" at the bottom of the screen, or if participating via Dial-in/Telephone Press *9. This will signal to the host that you would like to provide a public comment and you will be added to the list.

All agendas are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, and website, <http://www.aqmd.gov/home/news-events/meeting-agendas-minutes>, at least 72 hours in advance of the meeting. At the beginning of the agenda, an opportunity is also provided for the public to speak on any subject within the South Coast AQMD's authority. Speakers may be limited to a total of three (3) minutes for the entirety of the Consent Calendar plus Board Calendar, and three (3) minutes or less for each of the other agenda items.

Note that on items listed on the Consent Calendar and the balance of the agenda any motion, including action, can be taken (consideration is not limited to listed recommended actions). Additional matters can be added and action taken by two-thirds vote, or in the case of an emergency, by a majority vote. Matters raised under the Public Comment Period may not be acted upon at that meeting other than as provided above.

Written comments will be accepted by the Board and made part of the record. Individuals who wish to submit written or electronic comments must submit such comments to the Clerk of the Board, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765-4178, (909) 396-2500, or to cob@aqmd.gov, on or before 5:00 p.m. on the Tuesday prior to the Board meeting.

ACRONYMS

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| AQ-SPEC = Air Quality Sensor Performance Evaluation Center | NATTS =National Air Toxics Trends Station |
| AQIP = Air Quality Investment Program | NESHAPS = National Emission Standards for Hazardous Air Pollutants |
| AQMP = Air Quality Management Plan | NGV = Natural Gas Vehicle |
| AVR = Average Vehicle Ridership | NOx = Oxides of Nitrogen |
| BACT = Best Available Control Technology | NSPS = New Source Performance Standards |
| BARCT = Best Available Retrofit Control Technology | NSR = New Source Review |
| Ca/EPA = California Environmental Protection Agency | OEHHA = Office of Environmental Health Hazard Assessment |
| CARB = California Air Resources Board | PAMS = Photochemical Assessment Monitoring Stations |
| CEMS = Continuous Emissions Monitoring Systems | PEV = Plug-In Electric Vehicle |
| CEC = California Energy Commission | PHEV = Plug-In Hybrid Electric Vehicle |
| CEQA = California Environmental Quality Act | PM10 = Particulate Matter ≤ 10 microns |
| CE-CERT =College of Engineering-Center for Environmental Research and Technology | PM2.5 = Particulate Matter ≤ 2.5 microns |
| CNG = Compressed Natural Gas | RECLAIM=Regional Clean Air Incentives Market |
| CO = Carbon Monoxide | RFP = Request for Proposals |
| DOE = Department of Energy | RFQ = Request for Quotations |
| EV = Electric Vehicle | RFQQ=Request for Qualifications and Quotations |
| EV/BEV = Electric Vehicle/Battery Electric Vehicle | SCAG = Southern California Association of Governments |
| FY = Fiscal Year | SIP = State Implementation Plan |
| GHG = Greenhouse Gas | SOx = Oxides of Sulfur |
| HRA = Health Risk Assessment | SOON = Surplus Off-Road Opt-In for NOx |
| LEV = Low Emission Vehicle | SULEV = Super Ultra Low Emission Vehicle |
| LNG = Liquefied Natural Gas | TCM = Transportation Control Measure |
| MATES = Multiple Air Toxics Exposure Study | ULEV = Ultra Low Emission Vehicle |
| MOU = Memorandum of Understanding | U.S. EPA = United States Environmental Protection Agency |
| MSERCs = Mobile Source Emission Reduction Credits | VOC = Volatile Organic Compound |
| MSRC = Mobile Source (Air Pollution Reduction) Review Committee | ZEV = Zero Emission Vehicle |

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

Speakers may be limited to a total of 3 minutes for the entirety of the consent calendar plus board calendar, and three minutes or less for each of the other agenda items.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the **“Raise Hand”** button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the **“Raise Hand”** button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.

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BOARD MEETING DATE: November 4, 2022

AGENDA NO: 1

PROPOSAL: Comply with AB 361 Requirements to Allow South Coast AQMD Board and South Coast AQMD Brown Act Committees to Meet Remotely

SYNOPSIS: This action is to adopt the attached Resolution finding that the Board: 1) has reconsidered the circumstances of the state of emergency; and 2) State or local officials continue to impose or recommend measures to promote social distancing. See California Government Code Section 54953(e)(3).

COMMITTEE: No Committee Review

RECOMMENDED ACTIONS:

Adopt the attached Resolution finding that the Board:

1. Has reconsidered the circumstances of the state of emergency; and
2. State or local officials continue to impose or recommend measures to promote social distancing.

Wayne Natri
Executive Officer

BTG:lal

Background

Governor Newsom previously issued Executive Orders (EOs) N-29-20 and N-35-2 in March 2020, as a response to the public health crisis brought about by the COVID-19 pandemic. These EOs authorized local legislative bodies subject to the Ralph M. Brown Act to conduct meetings entirely via telephonic or other electronic means in lieu of requiring the physical presence of Board members or members of the public. On June 11, 2021, the Governor issued EO N-08-21, which continued suspension of the Brown Act's teleconferencing requirements, without requiring that members of the public be given the right to access all teleconference locations, through September 30, 2021, in anticipation of the State's proposed re-opening.

Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, amends the Brown Act and will stay in effect from October 1, 2021 through January 1, 2024. In part, AB 361 amends subparagraph (e) of Section 54953 of the California Government Code to state that local agencies may continue to use teleconferencing without complying with the teleconferencing requirements of the Brown Act in any of the following circumstances:

- A. When the legislative body holds a meeting during a proclaimed state of emergency and State or local officials have imposed or recommended measures to propose social distancing;
- B. When the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- C. When the legislative body holds a meeting during a proclaimed state of emergency and has already determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

In the event of an ongoing proclaimed state of emergency, or where state or local officials have imposed or recommended measures to promote social distancing, in order to continue to utilize the teleconferencing measures set forth above, a legislative body must, no later than 30 days after teleconferencing for the first time pursuant to Government Code Section 54953(e)(1), and every 30 days thereafter, make the following findings by majority vote:

- A. The legislative body has reconsidered the circumstances of the state of emergency.
- B. Any of the following circumstances exist:
 - i. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
 - ii. State or local officials continue to impose or recommend measures to promote social distancing.

See California Government Code Section 54953(e)(1). Governor Newsom first declared a statewide emergency resulting from the COVID-19 pandemic on March 4, 2020. Furthermore, although the State no longer requires physical distancing, local officials have recommended measures to promote social distancing.

Proposal

This action is to address the requirements of AB 361 to allow the South Coast AQMD Board and South AQMD Brown Act Committees to continue to meet remotely. The recommended action is to adopt the attached Resolution finding that the Board: 1) has reconsidered the circumstances of the state of emergency; and 2) State or local officials continue to impose or recommend measures to promote social distancing. See California Government Code Section 54953(e)(3).

Resource Impacts

No fiscal impact.

Attachment

Resolution

RESOLUTION 22-_____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RECOGNIZING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020 AND THAT LOCAL OFFICIALS CONTINUE TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING; AND AUTHORIZING FULLY OR PARTIALLY REMOTE TELECONFERENCE MEETINGS OF THE GOVERNING BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, AND SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT COMMITTEES SUBJECT TO THE BROWN ACT, FOR THE PERIOD OF NOVEMBER 4, 2022 THROUGH DECEMBER 4, 2022 PURSUANT TO PROVISIONS OF THE BROWN ACT.

WHEREAS, the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) is committed to preserving and nurturing public access and participation in all meetings subject to the provisions of the Ralph M. Brown Act (Cal. Gov. Code §§54950-54963, hereafter Brown Act); and

WHEREAS, pursuant to the provisions of the Brown Act, all meetings of legislative bodies of the South Coast AQMD, which include the South Coast AQMD Governing Board, all Brown Act standing committees ultimately reporting to the South Coast AQMD Governing Board, and all advisory committees and groups subject to the Brown act, (collectively, hereinafter, “legislative bodies”), are required to be open and public so that any member of the public may attend, participate, and watch the South Coast AQMD’s legislative bodies conduct their business; and

WHEREAS, the Brown Act Government Code §54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code §54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency has been declared by the Governor pursuant to Government Code §8625, proclaiming the existence of conditions of

disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code §8558; and

WHEREAS, on March 4, 2020 the Governor proclaimed a State of Emergency to exist in California as a result of the threat of the novel coronavirus (COVID-19); and

WHEREAS, the jurisdiction of the South Coast AQMD includes portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino areas as set forth in Health & Safety Code §40410 and South Coast AQMD Rule 103; and

WHEREAS, the South Coast AQMD headquarters is located in the County of Los Angeles; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting would present imminent risks to the health and safety of attendees; and

WHEREAS, local officials still recommend measures promoting social distancing; and

WHEREAS, the spread of COVID-19 poses a continued risk to the health and safety of members of the South Coast AQMD legislative bodies, South Coast AQMD staff, and members of the general public who attend such meetings in that unvaccinated or partially vaccinated persons are at a high risk of contracting COVID-19 and even fully vaccinated persons can contract and potentially unknowingly spread COVID-19; and

WHEREAS, the Governing Board of the South Coast AQMD does hereby find that the legislative bodies of the South Coast AQMD shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code §54953, as authorized by subdivision (e) of §54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of §54953; and

WHEREAS, the legislative bodies of the South Coast AQMD will continue to ensure access to their meetings by making them available telephonically and via virtual access for both members of the legislative bodies and the general public; and

WHEREAS, a notice of meetings along with information regarding all methods which may be used for public participation in such meetings will continue to be published in the newspaper, posted at the South Coast AQMD's headquarters, posted at any teleconference locations which are officially noticed on the agenda, posted on the South Coast AQMD's website, provided to anyone who requests such information, and clearly printed on any agendas produced for such meetings.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the South Coast AQMD hereby finds that highly contagious nature of COVID-19 poses an imminent risk to large numbers of persons meeting indoors in a single location; and

BE IT FURTHER RESOLVED, that the Governing Board of the South Coast AQMD hereby finds that the Governor of California issued a Proclamation of Emergency on March 4, 2020; and

BE IT FURTHER RESOLVED, that the Governing Board of the South Coast AQMD hereby finds that local officials continue to impose or recommend measures to promote social distancing in the South Coast AQMD's jurisdiction and where the South Coast AQMD's headquarters is located; and

BE IT FURTHER RESOLVED, that the Governing Board of the South Coast AQMD authorizes and directs staff to take all actions necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption and remain in effect until December 4, 2022, or until such time as the South Coast

AQMD Governing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which legislative bodies of the South Coast AQMD may continue to teleconference without strict compliance with paragraph 3 of Government Code section 54953(b).

DATE: _____

CLERK OF THE BOARDS

[↑ Back to Agenda](#)

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 2

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the October 7, 2022 Board Meeting.

RECOMMENDED ACTION:

Approve Minutes of the October 7, 2022 Board Meeting.

Faye Thomas
Clerk of the Boards

FT

FRIDAY, OCTOBER 7, 2022

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted in a hybrid format (in person and remotely via videoconferencing and telephone). Members present:

Mayor Ben J. Benoit, Chair
Cities of Riverside County

Senator Vanessa Delgado (Ret.), Vice Chair
Senate Rules Committee Appointee

Mayor Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Supervisor Andrew Do (Left the meeting at 11:49 a.m.)
County of Orange

Gideon Kracov
Governor's Appointee

Supervisor Sheila Kuehl
County of Los Angeles

Mayor Larry McCallon
Cities of San Bernardino County

Veronica Padilla-Campos
Speaker of the Assembly Appointee

Supervisor V. Manuel Perez
County of Riverside

Council Member Nithya Raman
City of Los Angeles

Vice Mayor Rex Richardson
Cities of Los Angeles County – Western Region

Mayor Carlos Rodriguez (Left the meeting at 11:41 a.m.)
Cities of Orange County

Supervisor Janice Rutherford
County of San Bernardino

Members Absent: None

CALL TO ORDER: Chair Benoit called the meeting to order at 9:05 a.m.

- Pledge of Allegiance: Led by Vice Chair Delgado
- Roll Call

For additional details of the Governing Board Meeting, please refer to the recording of the Webcast at: Live Webcast (aqmd.gov)

- Opening Comments

Mayor Cacciotti shared photos of a commercial lawn and garden equipment demonstration that he attended at Mount San Antonio College in Walnut. He asked staff to explain how interested parties can participate in the commercial lawn and garden equipment program.

Dr. Aaron Katzenstein, Deputy Executive Officer/Science & Technology Advancement, stated that the concept is to have a voucher program and explained the process and eligibility requirements. For additional details, please refer to the Webcast beginning at 5:32.

Mayor McCallon announced that last month the San Bernardino County Transportation Authority and Stadler unveiled the first hydrogen-powered Zero Emission Multiple Unit (ZEMU) passenger rail. He noted that the state will purchase four, with an option to buy additional units.

Vice Chair Delgado reported meeting with the El Segundo City Manager regarding ongoing compliance issues with the Hyperion Water Reclamation Plant and had requested that staff coordinate with the City Manager regarding issues related to Hyperion. Executive Officer Wayne Nastri stated that staff is working on this issue.

Supervisor Perez highlighted California Clean Air Day, which was held on October 5, noting that the County of Riverside adopted a proclamation recognizing Clean Air Day and that many residents also pledged to take action to improve air quality and the environment. He also attended a Clean Air Day educational discussion event with the Association of Women in Water, Energy and Environment (AWWEE). For additional details, please refer to the Webcast beginning at 8:11.

Board Member Padilla-Campos shared photos of a tour that she took of the San Bernardino region. The tour included a visit to the Garcia Center for the Arts, Ruben Campos Community Center, which is located next to the BNSF Intermodal Railyard, and the proposed expansion of the BNSF Colton Intermodal Facility site. For additional details, please refer to the Webcast beginning at 12:38.

Vice Mayor Richardson announced that he gave the welcome for the launch event of the Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES), a new public-private partnership, which includes the city of Long Beach, that aims to advocate for federal funds to develop a renewable hydrogen hub. He reported that the Long Beach City Council would discuss accelerating the transition to unleaded fuel at the Long Beach Airport at their October 18, 2022 meeting, and extended an invitation to South Coast AQMD Board members and staff to participate in the opening of the Long Beach Conservation Corps Environmental Education Center at DeForest Park on October 26, 2022.

Mr. Nastri reported on plans for staff to return to the office on October 18, with an expanded telework program. He noted that regional hearings on the Draft 2022 AQMP will be held on October 18 in the Coachella Valley and in other parts of the Basin on October 12 and 19.

PUBLIC COMMENT PERIOD – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

Misch Anderson, a member of the public, commented that subsequent to the May Board meeting, she was invited by staff to participate in the pilot phase of the E-bike incentive program and purchased a small cargo E-bike. She commented on the positive experience working with South Coast AQMD staff and recommended that outreach for the Replace Your Ride program be improved. Mayor Cacciotti thanked staff for their efforts in helping Ms. Anderson through the process and Chair Benoit thanked her for coming back to report on the outcome and provide input. For additional details, please refer to the Webcast beginning at 20:40.

Board Member Padilla-Campos asked whether Ms. Misch had to turn in an older vehicle to get the voucher for an E-bike. Ms. Misch responded that she traded in a 1995 Honda Civic and that according to the eligibility requirements of the program, the vehicle model year must be 2007 or older.

Ranji George, a member of the public, expressed concern that hydrogen fueling stations are being built at a slow rate and that existing fueling stations are not providing adequate service to their customers. He urged staff to contact True Zero, a company that operates a network of hydrogen stations. For additional details, please refer to the Webcast beginning at 27:29.

There being no further testimony, the Public Comment Period was closed.

CONSENT AND BOARD CALENDAR

Items 1 through 3 – Action Items/No Fiscal Impact

1. Comply with AB 361 Requirements to Allow South Coast AQMD Board and South Coast AQMD Brown Act Committees to Continue to Meet Remotely
2. Approve Minutes of September 2, 2022 Board Meeting

3. Set Public Hearings to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations:

November 4, 2022

- A. Determine That Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets Are Exempt from CEQA and Approve Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets
- B. Determine That Proposed Amended Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers, Is Exempt from CEQA and Amend Rule 1148.2
- C. Certify Final Subsequent Environment Assessment for Proposed Amended Rule 1168 – Adhesive and Sealant Applications; and Amend Rule 1168
- D. Determine That Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations Is Exempt from CEQA, and Adopt Proposed Rule 1460

December 2, 2022

- E. Certify Final Program Environmental Impact Report for 2022 AQMP and Adopt Draft Final 2022 AQMP

Items 4 through 13 -- Budget/Fiscal Impact

4. Execute Contract to Demonstrate Zero-Emission Port Equipment and Mobile Hydrogen Refueler
5. Transfer Funds to Assist Small Fleets in Purchasing Low NOx and Zero-Emission Trucks Under the Voucher Incentive Program 5. Recognize Revenue, Appropriate Federal Funds, and Issue Solicitations and Purchase Orders for Air Monitoring Equipment
6. Adopt Resolution to Authorize Participation as CARB At-Berth Regulation Remediation Fund Administrator, Establish Special Revenue Fund, Recognize Funds, and Reimburse General Fund for Administrative Costs
7. Amend Contracts for Technical Assistance with Incentive Program Implementation and Carl Moyer Program Awards
8. Issue Purchase Order for Ingres Relational Database Management System Software Support
9. Appropriate Funds for Consultant Services for South Coast AQMD's Environmental Justice Outreach and Initiatives, Clean Air Program for Elementary Students and Why Healthy Air Matters Program
10. Amend FY 2022-23 Budget By Adding and Deleting Positions Throughout the Agency to Address Operational Needs
11. Approve Amendments to MOU with South Coast AQMD Professional Employees Association Regarding Employer Contributions for Health Insurance Premiums

12. Amend Provisions of South Coast AQMD's Salary Resolution, Teamsters Local 911 MOU and SC-PEA MOU Relating to Vacation Leave Accrual Limitations
13. Approve Contract Modification Approved by MSRC

Items 14 through 21 – Information Only/Receive and File

14. Legislative, Public Affairs and Media Report
15. Hearing Board Report
16. Civil Filings and Civil Penalties Report
17. Lead Agency Projects and Environmental Documents Received
18. Rule and Control Measure Forecast
19. Status Report on Major Ongoing and Upcoming Projects for Information Management
20. 2022 Annual Progress Report for AB 617 Community Emissions Reduction Plans
21. Report to Legislature and CARB on South Coast AQMD's Regulatory Activities for Calendar Year 2021

Item 22 – Staff Presentation/Board Discussion/Receive and File

22. 2022 AQMP, Socioeconomic Report, and CARB State Strategy for the SIP (Presentation in lieu of Board Letter)

Items 23 through 29 -- Reports for Committees and CARB

23. Administrative Committee
24. Legislative Committee
25. Mobile Source Committee
26. Stationary Source Committee
27. Technology Committee
28. Mobile Source Air Pollution Reduction Review Committee
29. California Air Resources Board Monthly Report
30. Items Deferred from Consent and Board Calendar
Items 3E, 6, and 22 were pulled for discussion.

Agenda Item No. 9

Mayor Cacciotti expressed support to add funding for the Clean Air Program for Elementary Students (CAPES) and the Why Healthy Air Matters (WHAM) Program but recommended that these programs incorporate a career development component where students are exposed to professionals and leaders they can learn from and emulate.

Public comment for Agenda Item Nos. 1-29, (except 3E, 6 and 22) was opened; and the following individuals addressed the Board.

Agenda Item No. 4

Adrian Martinez, Earthjustice, commented that the Ports of Los Angeles and Long Beach released their emissions inventory for 2021 which showed a large impact on communities and the region. The Ports have indicated that they will not meet their voluntary emission goals for 2023 and South Coast AQMD should ask the Ports questions before providing funding. Mr. Martinez expressed concern that the project is \$8 million for one top pick and one hydrogen mobile refueler. For additional details, please refer to the Webcast beginning at 35:09.

Ranji George commented on the significant cost of the contract with Toyota Tsusho America, Inc. to develop a hydrogen mobile refueler. He expressed support for large-scale solar and wind energy. For additional details, please refer to the Webcast beginning at 44:24.

Chair Benoit reported that the Riverside hydrogen station is back online after a three-year hiatus.

Agenda Item No. 5

Mr. Martinez expressed opposition to the expenditure of funds on methane burning trucks. He commented that the programs need to shift focus to zero-emission technologies, which include the VIP program.

Agenda Item No. 3C

Rita Loof, RadTech, commented on the ASTM D 7767 test method to measure the VOC content of UV/EB/LED materials. She is strongly opposed to Proposed Amended Rule 1168 because the proposal would eliminate their test method as an option, leaving the UV/EB/LED industry at risk of penalties and fines by regulators because neither U.S. EPA or South Coast AQMD have provided an alternative. She highlighted UV/EB/LED as a low-emission technology that can help provide additional emission reductions and urged the Board to request that staff support efforts to gain U.S. EPA approval of test method ASTM D 7767. For additional details, please refer to the Webcast beginning at 41:13.

Harvey Eder, Public Solar Power Coalition, emphasized the need to ensure the equitable transition to solar and sustainable new renewable energy.

Agenda Item No. 22 (this comment was taken out of order)

Victor Reyes, Valley Industry and Commerce Association, recognized the challenges with the AQMP to reduce NOx emissions and the need to utilize zero-emission technologies. For additional details, please refer to the Webcast beginning at 48:14.

Disclosures

General Counsel Bayron Gilchrist reported that Vice Mayor Richardson has no financial interests in Agenda Item Nos. 6 and 7 but is required to identify for the record that he is the Vice Mayor of the city of Long Beach which is involved in these items.

Board Action (Items 1–3D, 4, 5, 7-21, 23-29)

MOVED BY KRACOV, SECONDED BY KUEHL TO:
APPROVE AGENDA ITEMS 1, 2, 3A, 3B, 3C, 3D, 4, 5,
7 THROUGH 21, AND 23 THROUGH 29 AS
RECOMMENDED TO:

ADOPT RESOLUTION NO. 22-30, RECOGNIZING THE
PROCLAMATION OF A STATE OF EMERGENCY BY
GOVERNOR NEWSOM ON MARCH 4, 2020 AND THAT
LOCAL OFFICIALS CONTINUE TO RECOMMEND
MEASURES TO PROMOTE SOCIAL DISTANCING;
AND AUTHORIZING FULLY OR PARTIALLY REMOTE
TELECONFERENCE MEETINGS OF THE
GOVERNING BOARD OF THE SOUTH COAST AIR
QUALITY MANAGEMENT DISTRICT, AND SOUTH
COAST AIR QUALITY MANAGEMENT DISTRICT
COMMITTEES SUBJECT TO THE BROWN ACT, FOR
THE PERIOD OCTOBER 7, 2022 THROUGH
NOVEMBER 6, 2022 PURSUANT TO PROVISIONS OF
THE BROWN ACT; AND

RECEIVE AND FILE THE COMMITTEE REPORTS
AND CARB REPORT.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Cacciotti, Delgado, Do, Kracov,
Kuehl, McCallon, Padilla-Campos, Perez,
Raman, Richardson, Rodriguez, and
Rutherford

NOES: None

ABSENT: None

Items Pulled for Discussion (3E, 6, and 22)

Agenda Item No. 6

Board Member Kracov reported having no financial interests in Agenda Item No. 6 but, as required, identified for the record that he is a board member of the California Air Resources Board which is involved in this item.

Council Member Raman made a motion to amend the staff recommendation so that to the extent possible funds administered through this program go towards zero-emission technologies. Supervisor Kuehl seconded the amendment.

Public comment for Agenda Item No 6 was opened; there being no requests to speak, the public comment period was closed.

Board Action (Agenda Item 6)

MOVED BY RAMAN, SECONDED BY KUEHL TO APPROVE AGENDA ITEM NO. 6 AS RECOMMENDED, WITH THE CONDITION THAT TO THE EXTENT POSSIBLE FUNDS ADMINISTERED THROUGH THIS PROGRAM GO TOWARDS ZERO-EMISSION TECHNOLOGY, TO:

ADOPT RESOLUTION 22-31, WITH THE REVISIONS SET FORTH BELOW, THAT AUTHORIZES THE SOUTH COAST AQMD TO PARTICIPATE IN CARB'S REMEDIATION FUND PROGRAM AS A REMEDIATION FUND ADMINISTRATOR, ACCEPT THE TERMS AND CONDITIONS OF THE OCEAN-GOING VESSELS AT-BERTH REGULATION'S REMEDIATION FUND ADMINISTRATION REQUIREMENTS, AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH CARB;

ESTABLISH THE AT-BERTH REGULATION REMEDIATION SPECIAL REVENUE FUND (88) UPON EXECUTION OF THE MOU WITH CARB;

RECOGNIZE, UPON RECEIPT, FUNDS FROM CARB INTO THE AT-BERTH REGULATION REMEDIATION SPECIAL REVENUE FUND (88); AND

REIMBURSE THE GENERAL FUND FOR UP TO 10 PERCENT FROM THE AT-BERTH REGULATION REMEDIATION SPECIAL REVENUE FUND (88) FOR ADMINISTRATIVE COSTS INCURRED IN IMPLEMENTING THE INCENTIVE PROGRAMS.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Cacciotti, Delgado, Do, Kracov, Kuehl, McCallon, Padilla-Campos, Perez, Raman, Richardson, Rodriguez, and Rutherford

NOES: None

ABSENT: None

Modify the Resolution as follows:

WHEREAS, South Coast AQMD agrees to use remediation funds for incentive activities that directly benefit communities impacted by excess emissions from the ports or independent marine terminals, and achieve emission reductions consistent with CARB's most recent applicable incentive program guidelines for the: Carl Moyer Program, Proposition 1B Program, Community Air Protection Incentives Program, or similar programs for mobile and/or stationary sources of air pollution; the Remediation Funds, to the extent possible, will be used to fund eligible zero emission projects and infrastructure solicited from the incentive programs; and

WHEREAS, South Coast AQMD agrees to prioritize eligible activities in communities that are also identified by CARB under the AB 617 Community Air Protection Program or disadvantaged communities as defined by the Secretary for Environmental Protection. While at-berth remediation funds can be administered as part of an existing incentive program, the remediation funds will prioritize funding eligible zero emission projects and infrastructure; and cannot be used in place of any required match funding. Remediation funds may only be combined with funds from other incentive programs to the extent that the emission reductions caused by the remediation fund are capable of being calculated and attributed to the remediation fund; and

- 3E. Set Public Hearing December 2, 2022 to Certify Final Program Environmental Impact Report for 2022 AQMP and Adopt Draft Final 2022 AQMP; and
- 22. 2022 AQMP, Socioeconomic Report, and CARB State Strategy for the SIP

Edie Chang, Deputy Executive Officer/California Air Resources Board, gave the CARB staff presentation on their State Strategy for the SIP; and

Dr. Sarah Rees, Deputy Executive Officer/Planning, Rule Development & Implementation gave the staff presentation on the status of the Draft 2022 AQMP, results from the Draft Socioeconomic Report, an in-depth look at cost-effectiveness, and implications of what a zero-emission AQMP would look like and the "black box."

Board Member Kracov thanked Ms. Chang for her leadership and hard work on the SIP. He commented on the challenges to meet attainment without help from our federal partners, noting that South Coast AQMD and CARB are working together on a federal strategy that includes different options.

Chair Benoit asked whether there is a "black box" in the SIP. Ms. Chang explained that the SIP is CARB's and South Coast AQMD's plan for attainment. The SIP does have black box measures (182(e)(5) measures) that are under federal responsibility. This SIP provides a strategy that establishes a path for how U.S. EPA can achieve the needed 50 tons per day of emission reductions. For additional details, please refer to the Webcast beginning at 1:11:31.

In response to clarifying questions from Chair Benoit and Board Member Padilla-Campos, Dr. Rees explained that the cost savings is associated with all of the health benefits and it covers all measures in the Draft 2022 AQMP. For additional details, please refer to the Webcast beginning at 1:17:47.

Supervisor Kuehl called attention to the issue of cost shifting because the costs for health issues related to pollution gets shifted to the counties, private health care providers and insurance, and there is also loss of tax revenue when people are not able to work.

Dr. Elaine Shen, Planning Manager explained that the 10 million jobs in the region is from the U.S. Bureau of Economic and Welfare that counts every single job, recognizing that one person can hold multiple jobs. For additional details, please refer to the Webcast beginning at 1:21:50.

Mayor McCallon inquired about results that show ozone levels tend to be lower in EJ communities. Ian MacMillan, Assistant Deputy Executive Officer/Planning, Rule Development and Implementation, Planning and Rules Manager explained that on average, there's higher ozone in the Inland Empire, relative to LA County, and less environmental justice communities in the Inland Empire relative to LA County. So that relative difference is why we are seeing that difference on the ozone and the PM in the EJ and non-EJ communities. For additional details, please refer to the Webcast beginning at 1:50:26.

Supervisor Kuehl commented that the term “cost-effectiveness” is not intuitive as high cost-effectiveness implies that a measure is very effective and is a good “bang for buck” when that may not be the case. Mr. Nastri replied that staff will clarify the term in future presentations. For additional details, please refer to the Webcast beginning at 1:31:38.

Mayor Rodriguez asked if the analysis includes the cost for zero emission technologies and infrastructure costs. Dr. Rees explained that all available cost data was incorporated into the analysis, however there is a gap since cost data is not available for a number of zero emission technologies and associated infrastructure. Mayor Rodriguez expressed his concern that cost estimates for zero-emission technology infrastructure costs are not available and emphasized the importance of having that information re-examined.

Board Member Kracov commented that as control measures are developed into rules, there will be more information and details for the Board as they consider each rule proposal. For additional details, please refer to the Webcast beginning at 1:38:04.

Board Member Padilla Campos asked if the \$325,000 threshold is different than the 2016 AQMP. Dr. Rees confirmed the proposed \$325,000 threshold is different and that the 2016 AQMP had a cost-effectiveness threshold of \$50,000 per ton of NOx reduced. For additional details, please refer to the Webcast beginning at 1:46:50.

Mr. MacMillan provided an overview of how staff is communicating to the CPUC and the CEC about the energy needs to support the Draft 2022 AQMP. Mr. MacMillan commented that the CPUC and CEC are the best agencies to forecast the future energy demands and potential costs estimates statewide and commented that the future role is unclear for other non-electric generation sources, such as hydrogen, energy storage systems, solar, and wind. For additional details, please refer to the Webcast beginning at 1:53:03.

Mayor McCallon complimented staff for providing a detailed, comprehensive presentation that highlights issues that need to be addressed.

Veronica Padilla-Campos asked about the process for submission of the AQMP to U.S. EPA and a follow-up question regarding contingency measures. Dr. Rees provided the process and timeline for approval and disapproval of the AQMP, black box measures, and contingency measures. Mr. Nastri provided additional clarification about sources under federal authority, federal regulatory efforts and regulatory process, and the importance of getting federal funding from the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) programs. For additional details, please refer to the Webcast beginning at 2:12:29.

Public comment for Agenda Item Nos. 3E and 22 was opened; and the following individuals addressed the Board.

Tiffany Sanchez, a member of the public, emphasized the need to electrify the Ports and trucks to help reduce NOx emissions and pursue investing in cleaner technology for locomotives.

Nayiri Baghdassarian, San Gabriel Valley Economic Partnership
Debbie Coraline, Los Angeles South Chamber of Commerce
Elias Garcia, Los Angeles Area Chamber of Commerce
Wanda Love, Gardena Valley Chamber of Commerce
Mandeera Wijetunga, Pacific Environment
Sarah Wiltfong, Los Angeles County Business Federation

These commenters provided testimony on the following issues:

- Acknowledged the challenge of developing an AQMP that needs significant emission reductions even though most of the emission sources are not within the South Coast AQMD's jurisdiction;
- Supports zero-emission technology but the AQMP also has to include options for businesses when zero-emission technologies are not practical, available or affordable;
- Concerned that the costs of zero-emission technologies have not been fully estimated;
- Cannot support an AQMP that will result in businesses closing and significant job loss based on the cost-effectiveness threshold; and
- Urged for input from all stakeholders and focus on an AQMP that is achievable and includes practical solutions that businesses and consumers can comply with, does not require technologies that would impact the electrical grid and would not be sustainable.

Whitney Amaya, East Yard Communities for Environmental Justice
(EYCEJ)
Laura Cortez, EYCEJ and Southeast Los Angeles resident
Jocelyn Del Rio, EYCEJ and Southeast Los Angeles resident
Fernando Gaytan, Earthjustice (Written Comments Submitted)
Ana Gonzalez, Center for Community Action and Environmental Justice
(CCAEJ) (Written Comments Submitted)
LB, Sierra Club, Altadena resident

Marcos Lopez, EYCEJ
Adrian Martinez, Earthjustice (Written Comments Submitted)
Marven Norman, San Bernardino resident and CCAEJ
Mandeera Wijetunga, Pacific Environment

These commenters provided testimony on the following issues:

- Urged for a stronger AQMP;
- Commented on the significant number of days with poor air quality;
- Commitment to a true zero-emission approach is needed;
- Expressed concerns about the “black box”;
- Need to eliminate cost effectiveness thresholds;
- Commit to pursuing control measures in the AQMP;
- Abandon subsidies for combustion technology and provide incentives to programs promoting zero-emission technologies;
- Stronger emission reduction commitments with measurable targets;
- Pursue clear targets for the Ports and Railyard Indirect Source Rules;
- Stronger emission reduction commitments for large commercial and industrial combustion sources;
- Opposition to use of LNG; and
- Hydrogen not as efficient as electricity or battery.

Angie Balderas, Sierra Club, thanked Board Members Raman and Padilla-Campos for visiting the Inland Empire. She commented on the heat and air pollution in the Inland Empire, emphasizing the need for a strong AQMP that makes a real impact on community pollution.

Bill LaMarr, California Small Business Alliance, expressed disappointment with the cost-effectiveness proposal that would burden small businesses with impossible compliance costs and result in small businesses closing, relocating, and jobs being lost. For additional details, please refer to the Webcast beginning at 2:29:04.

Mark Abramowitz, Community Environmental Services, expressed concern that essential services like wastewater treatment plants are not required to do their fair share to offset emission increases like all other sources in the Basin. He emphasized the need to change New Source Review to require equal treatment. For additional details, please refer to the Webcast beginning at 2:34:01.

Bill Quinn, California Council for Environmental Economic Balance, asked if staff has analyzed what impact the alternative cost effectiveness threshold would have on local businesses, and would the socioeconomic report look differently if it took into account the alternative cost effectiveness threshold. For additional details, please refer to the Webcast beginning at 2:43:04.

There being no further requests to speak, the public comment period was closed.

Chair Benoit invited the public to submit detailed comments in writing. Staff noted that the public comment period on the Draft Socioeconomic Report is still open and will close on November 2. Staff will be responding to comments received. Mr. Nastri appreciated all of the input received from all stakeholders and commented that staff will be working to provide more clarity relative to comments from the Board members. For additional details, please refer to the Webcast beginning at 2:46:29.

Mayor Cacciotti asked about Mark Abramowitz's question regarding emergency services, wastewater facilities, etc. Mr. Nastri replied that there are a number of details that staff will be looking at such as Mr. Abramowitz's comments regarding New Source Review essential public services. For additional details, please refer to the Webcast beginning at 2:49:40.

Board Member Padilla-Campos commented that she recognizes that zero-emission technologies will cost more, however, it is important to highlight the health impacts. She also mentioned a letter submitted by Earthjustice with targets, and that she would like to see staff's response to the letter. Board Member Padilla-Campos also asked for a clear deadline for the rail and Ports ISR. For additional details, please refer to the Webcast beginning at 2:50:34.

Mr. Nastri commented that the AQMP has one target, and that's the 2037 attainment date for ozone. He explained that staff will be taking the questions and comments received today and will be incorporating responses to the written comment letters in the final board package. Staff is continuing to look at the technology for the port and the rail ISR efforts. For additional details, please refer to the Webcast beginning at 2:52:42.

Board Members thanked staff for all their work and taking the time to explain the complex issues.

Written Comments Submitted By Earthjustice

- One letter (dated October 6, 2022) Regarding Agenda Item No. 22 signed by the following organizations: Adrian Martinez and Fernando Gaytan, Earthjustice; Ana Gonzalez, Center for Community Action and Environmental Justice; Jesse N. Marquez, Coalition for A Safe Environment; Taylor Thomas, East Yard Communities for Environmental Justice; Andrea Vidaurre, People's Collective for Environmental Justice; Peter Warren, San Pedro & Peninsula Homeowners Coalition; Yassi Kavezade, Sierra Club; and Theral Golden, West Long Beach Association.

(Mayor Rodriguez and Supervisor Do left the meeting)

Board Action

MOVED BY MCCALLON, SECONDED BY CACCIOTTI TO APPROVE AGENDA ITEM NO. 3E AS RECOMMENDED TO:

SET THE PUBLIC HEARING ON DECEMBER 2, 2022 TO CONSIDER ADOPTION OF THE 2022 AQMP.

THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: Benoit, Cacciotti, Delgado, Kracov, Kuehl, McCallon, Padilla-Campos, Perez, Raman, Richardson, and Rutherford

NOES: None

ABSENT: Do and Rodriguez

CLOSED SESSION

The Board recessed to closed session at approximately 12:04 p.m., pursuant to Government Code sections:

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (one case).

Following closed session, Mr. Gilchrist announced that there were no reportable actions taken in closed session.

ADJOURNMENT

There being no further business, the meeting was adjourned by Mr. Gilchrist at 12:20 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on October 7, 2022.

Respectfully Submitted,

Faye Thomas
Clerk of the Boards

Date Minutes Approved: _____

Ben J. Benoit, Chair

ACRONYMS

AQMP = Air Quality Management Plan
ASTM = American Society for Testing and Materials
BACT = Best Available Control Technology
CARB = California Air Resources Board
CEC = California Energy Commission
CEQA = California Environmental Quality Act
CPUC = California Public Utilities Commission
FY = Fiscal Year
LAER = Lowest Achievable Emission Rate
NOx = Oxides of Nitrogen
RECLAIM = Regional Clean Air Incentives Market
UV/EB = Ultraviolet/Electron Beam
VIP = Voucher Incentive Program

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 3

PROPOSAL: Issue RFP, Execute Contracts, and Program Announcement for Residential Air Filtration Program Within East Los Angeles, Boyle Heights, West Commerce and Eastern Coachella Valley AB 617 Communities

SYNOPSIS: Through a participatory budget process, the East Los Angeles, Boyle Heights, West Commerce (ELABHWC) Community Steering Committee (CSC) prioritized \$1.8 million, and the Eastern Coachella Valley (ECV) CSC prioritized \$1 million, in Community Air Protection Program funding for a Residential Air Filtration Program. These actions are to: 1) issue RFP #P2023-04 and Execute Contracts for air filtration units to offer through the Residential Air Filtration Program; 2) issue Program Announcement #PA2023-03 in an amount up to \$2,625,000 from the Community Air Protection AB 134 Fund (77) to solicit applications from residents within ELABHWC and ECV for the Residential Air Filtration Program; 3) reimburse the General Fund for administrative costs of up to \$167,000 from the Community Air Protection AB 134 Fund (77); and, 4) transfer and appropriate up to \$8,000 from the administrative portion of Community Air Protection AB 134 Fund (77) into Technology Advancement's FYs 2022-23 and/or 2023-24 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account for administrative costs to implement the Residential Air Filtration Program.

COMMITTEE: Technology, October 21, 2022; Recommended for Approval

RECOMMENDED ACTIONS:

1. Authorize the Procurement Manager, in accordance with South Coast AQMD Procurement Policy and Procedure, to issue RFP #P2023-04 to establish a list of eligible filtration units and replacement filters, and based on the results of the RFP, authorize Executive Officer to execute subsequent contracts with filtration company vendors to provide portable air filtration units and replacement filters requested by applicants to the Residential Air Filtration Program;

2. Issue #PA2023-03 in an amount up to \$2,625,000 from the Community Air Protection AB 134 Fund (77) to solicit applications for the Residential Air Filtration Program, which will provide air filtration units and replacement filters to residents in:
 - a) ELABHWC in an amount not to exceed \$1,687,500 from the Community Air Protection AB 134 Fund (77); and
 - b) ECV in an amount not to exceed \$937,500 from the Community Air Protection AB 134 Fund (77).
3. Reimburse the General Fund for administrative costs of up to \$167,000 from Community Air Protection AB 134 Fund (77); and
4. Transfer and appropriate up to \$8,000 from the administrative portion of Community Air Protection AB 134 Fund (77) into Technology Advancement's FYs 2022-23 and/or 2023-24 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account for administrative costs to implement the Residential Air Filtration Program.

Wayne Natri
Executive Officer

AK:DG:KTG:FM:VT

Background

Assembly Bill (AB) 617 was signed into state law in July 2017 and focuses on improving air quality and reducing exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. AB 617 recognizes the disproportionate impacts environmental justice (EJ) communities experience from sources of air pollution near residences and seeks to address these impacts through community-driven actions focused on developing and implementing community emissions reduction plans (CERPs) and community air monitoring plans (CAMPs).

In 2021 through a participatory budgeting process to allocate \$36 million for Year 3 Community Air Protection (CAP) incentive funds to AB 617 communities, the ELABHWC and ECV Community Steering Committees (CSCs) prioritized \$1.8 million and \$1 million, respectively, for residential air filtration units. The CSCs are comprised of stakeholders (e.g., residents and local community groups) with community knowledge that provide input and guidance for implementation of the CERP and CAMP. The ELABHWC and ECV CERPs include measures to reduce

residential exposure to particulate matter (PM) by installing and maintaining air filtration units.

In June 2022, CARB approved the AB 617 Project Plan for Residential Air Filtration. This plan allows South Coast AQMD to allocate CAP incentive funds to portable residential air filtration units and replacement filters in the ELABHWC and ECV communities.

Proposal

South Coast AQMD staff proposes releasing RFP #P2023-04 to develop a list of eligible manufacturers to supply portable air filtration units and replacement filters to residents in the ELABHWC and ECV Community Boundaries through the Residential Air Filtration Program. Bidders selected through the RFP process will supply air filtration units that meet the unit qualifications set forth within the approved AB 617 Project Plan for Residential Air Filtration available at http://www.aqmd.gov/docs/default-source/tao-capp-incentives/project-plan-residential-air-filtration_6-28-2022.pdf?sfvrsn=6.

Following the results of the RFP, staff anticipates the release of the Residential Air Filtration Program, #PA2023-03, within the first half of 2023. Further, the solicitation will remain open to residents within the ELABHWC and ECV Community Boundaries until funds are exhausted.

Outreach

In accordance with South Coast AQMD's Procurement Policy and Procedure, a public notice advertising the RFP and Program Announcement will be published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, and Riverside County's Press Enterprise newspapers to leverage the most cost-effective method of outreach to the South Coast Basin.

Additionally, potential applicants may be notified utilizing South Coast AQMD's own electronic listing of certified minority vendors. Notice of the RFP and Program Announcement will be emailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations and placed on South Coast AQMD's website (<http://www.aqmd.gov>) where it can be viewed by making the selection "Grants & Bids."

Benefits to South Coast AQMD

Health studies have determined that fine and ultrafine PM, including diesel PM, present the most significant air pollution health risk to sensitive receptors in EJ communities. Therefore, the Residential Air Filtration Program within ELABHWC and ECV communities will reduce exposure to diesel PM.

Resource Impacts

Up to \$2,625,000 from the Community Air Protection AB 134 Fund (77) Year 3 CAPP funds will be used to provide air filtration units and replacement filters to residents within ELABHWC and ECV for the Residential Air Filtration Program, and reimbursement of administrative costs will not exceed \$167,000. Transfer and appropriation to FYs 2022-23 and 2023-24 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account will not exceed \$8,000. Any funds not expended after the budget cycles will be returned to the Community Air Protection AB 134 Fund (77). The Residential Air Filtration Program in future years will be included as part of the annual budget process. Sufficient funds are available in Community Air Protection AB 134 Fund (77).

Attachments

RFP #P2023-04

PA #PA2023-03



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

REQUEST FOR PROPOSALS

FOR RESIDENTIAL AIR FILTRATION UNIT AND THREE (3) YEAR SUPPLY OF FILTERS P2023-04

South Coast Air Quality Management District (South Coast AQMD) requests proposals for the following purpose according to terms and conditions attached. In the preparation of this Request for Proposals (RFP) the words "Proposer," "Contractor," "Consultant," "Bidder" and "Firm" are used interchangeably.

PURPOSE

The South Coast AQMD is pleased to announce a Request for Proposals (RFP) to solicit qualified firms or sole practitioners to supply bulk-purchase pricing for a package containing a minimum of one air filtration unit and a three (3) year supply of associated replacement filter(s) per unit. The purpose of the Residential Air Filtration Program is to supply portable residential air filtration units to the Assembly Bill (AB) 617 East Los Angeles, Boyle Heights, West Commerce (ELABHWC), and Eastern Coachella Valley (ECV) communities. The program aims to reduce exposure to criteria air pollutants and toxic air contaminants in these AB 617 communities.

Work will be on an as needed basis. Due to the indefinite nature of the work, the actual contract amount cannot be determined at this time.

INDEX - The following are contained in this RFP:

Section I	Background/Information
Section II	Contact Person
Section III	Schedule of Events
Section IV	Participation in the Procurement Process
Section V	Statement of Work/Schedule of Deliverables
Section VI	Required Qualifications
Section VII	Proposal Submittal Requirements
Section VIII	Proposal Submission
Section IX	Proposal Evaluation/Contractor Selection Criteria
Section X	Sample Contract

Attachment A - Participation in the Procurement Process

Attachment B - Certifications and Representations

SECTION I: BACKGROUND/INFORMATION

The South Coast AQMD is the air pollution control agency for the South Coast Air Basin, which is comprised of all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. This area of 10,743 square miles is home to approximately 17 million people and is the second most populated area in the United States.

Assembly Bill (AB) 617 addresses air pollution in environmental justice (EJ) communities. Since 2018 the California Air Resources Board (CARB) has selected six communities in the South Coast Air Quality Management District (South Coast AQMD) to participate in the AB 617 program. Each AB 617 Community has a Community Steering Committee (CSC). The CSCs advise South Coast AQMD on developing and implementing a Community Emissions Reduction Plan (CERP) for their respective community. Further, the CERP sets forth strategies, actions, and goals to reduce emissions and exposure to air pollution in the community.

Through a participatory budgeting process, the CSCs for two of the six AB 617 communities prioritized Community Air Protection Program (CAPP) Incentive funds for residential air filtration projects to reduce residential exposure to particulate matter and diesel particulate matter. These two communities are East Los Angeles, Boyle Heights, West Commerce (ELABHWC) and Eastern Coachella Valley (ECV). The ELABHWC and ECV CSCs prioritized \$1,800,000 and \$1,000,000 respectively in CAPP incentives for residential air filtration projects. As a result, South Coast AQMD anticipates allocating \$2,625,000 to purchase residential air filtration units and three years of replacement filters for these two communities. The units selected from this Request for Proposal (RFP) will support the Residential Air Filtration Project Plan (available at <http://www.aqmd.gov/docs/default-source/tao-capp-incentives/project-plan-residential-air-filtration-6-28-2022.pdf?sfvrsn=6>) and supply air filtration units for communities within the ELABHWC and ECV Communities.

All air filtration units must meet the specifications detailed in Section VI of this RFP. This is an RFP only and is not an issue of award or purchase. Funding allocation is subject to change at South Coast AQMD's discretion. All air filtration units must meet the specifications detailed in Section III of this RFP. The bidder must provide pricing based on quantity price breaks per package as detailed in Attachment C of this RFP. Quotes shall be valid until *March 31, 2025*. South Coast AQMD may place recurring orders at varying frequencies and quantities until March 31, 2025.

SECTION II: CONTACT PERSON:

Questions regarding the content or intent of this RFP or on procedural matters should be addressed to:

Frances Maes
Staff Specialist
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765-4178
(909) 396-2473

SECTION III: SCHEDULE OF EVENTS

Date	Event
November 4, 2022	RFP Released
January 10, 2023	Proposals Due to South Coast AQMD - No Later Than 2:00PM
Beginning Jan 20, 2023	Proposal Evaluations
April 2023	Anticipated Contract Execution

SECTION IV: PARTICIPATION IN THE PROCUREMENT PROCESS

It is the policy of South Coast AQMD to ensure that all businesses including minority business enterprises, women business enterprises, disabled veteran business enterprises and small businesses have a fair and equitable opportunity to compete for and participate in South Coast AQMD contracts. Attachment A to this RFP contains definitions and further information.

SECTION V: STATEMENT OF WORK/SCHEDULE OF DELIVERABLES

The purpose of the Residential Air Filtration Program is to supply portable air filtration units and filters to households within AB 617 Environmental Justice Communities, thereby reducing exposure to particulate matter, including diesel particulate matter (a known carcinogen).

This project requires the following tasks:

1. Quarterly meetings with South Coast AQMD staff to discuss program logistics and implementation
2. Guaranteed delivery services
3. Warranty services

Potential bidders should address all tasks based on their background and expertise in their proposal based on the format provided in Section VII – Proposal Submittal Requirements. The three tasks listed below are integral to maximizing program participation and providing a streamlined and positive consumer experience. Proposals submitted may separately address Tasks 1 through 3.

Statement of Work

The selected contractor(s) shall perform assignments on an as-needed basis upon receiving written notification from the South Coast AQMD. Each assignment will have specific tasks to be conducted and resources to be utilized. No work can be implemented without South Coast AQMD authorization. Tasks include the following:

Task 1 – Quarterly meetings with South Coast AQMD staff to discuss program logistics and implementation

All contracting parties shall meet with South Coast AQMD staff at the beginning of project implementation to discuss and establish program coordination details, including training, chain of command, responsibilities, contacts, timelines, and other logistics before working on Tasks 2 through 3. South Coast AQMD staff will guide contractor staff, including all written materials and procedures necessary to meet program goals. Additionally, all contracting parties shall meet with South Coast AQMD staff quarterly throughout project implementation (i.e., until funds are fully liquidated). At these quarterly meetings, the contractor shall provide a verbal

and written report of program implementation (e.g., number of packages delivered and warranty issues), discuss matters impacting program implementation (e.g., logistical issues), and suggest improvements.

Task 2 – Guaranteed delivery services

Selected contractor(s) will be responsible for the timely delivery of air filtration units to multiple applicants within the Los Angeles and Riverside Counties. In addition, the contractor shall provide updated information regarding the status, timing, and confirmation of deliveries to each program participant and resolve any issues with shipping delays. Section VII, paragraph (a) of this RFP further outlines requirements for delivery services.

Task 3 Warranty services

The selected contractor(s) shall honor manufacturer warranties and resolve to replace defective air filtration units in a timely manner for the duration of the manufacturer warranty. All warranty replacements must be documented and reported to the South Coast AQMD. Section VII, paragraph (e) of this RFP further outlines requirements for delivery services.

Schedule of Deliverables

The South Coast AQMD will establish deliverables and schedules for task completion in writing when each task is authorized. Deliverables include preparing quarterly reports detailing the number of packages delivered, documentation of issues encountered, warranty replacements, and other program implementation measures.

SECTION VI: REQUIRED QUALIFICATIONS

- A. An interested bidder shall provide Attachment C, a proposed pricing quote for bulk pricing for a package containing a minimum of one air filtration unit and a three (3) year supply of associated replacement filters per unit. If multiple packages are submitted for consideration, a copy of Attachment C is required for each package.

The air filtration unit must meet the following specifications to be considered under this RFP. If a proposed air filtration unit does not meet these specifications, it is not eligible under this RFP and will not be evaluated. The specifications below are the minimum acceptable by the South Coast AQMD.

B. Minimum Specifications:

1. The unit must use a certified true high-efficiency particulate air (HEPA) filter rated to remove 99.97% of particles measuring 0.3 micrometers or greater; air filtration units using HEPA-like, HEPA-type or non-HEPA filters are not eligible.
2. The unit must be a CARB-certified air cleaning device. The list of CARB-certified air cleaning devices is available at: <https://ww2.arb.ca.gov/list-carb-certified-air-cleaning-devices>.
3. The unit must be ENERGY STAR certified to ensure energy-efficient operation.
4. The unit's Clean Air Delivery Rating (CADR) must be certified by the Association of Home Appliance Manufacturers (AHAM) through AHAM's Portable Electric Room Air Cleaner Certification Program.
5. The unit must have an AHAM-certified CADR value of at least 97 for tobacco smoke (0.09-1.0 µM) or CADR equivalent manufacturer's rating.

C. **Additional Features:** South Coast AQMD will also consider the following features in the evaluation of the product:

1. Life of filter(s) with normal/daily use
2. Presence of other filters (i.e., pre-filter, carbon filter, etc.) in addition to HEPA filter
3. Portability of unit (size and weight)
4. Maneuverability of unit (e.g., unit has wheels)
5. Operating noise level of unit on high
6. AHAM-certified CADR value for smoke and dust
7. Affordability of the air filtration unit and replacement HEPA filter (and other filter[s] if applicable)

D. **Warranty:** Manufacturer warranties will be provided directly from the air filtration unit manufacturer, South Coast AQMD does not provide any additional warranty for the air filtration unit or the replacement filters.

SECTION VII: PROPOSAL SUBMITTAL REQUIREMENTS

Submitted proposals must follow the format outlined below and all requested information must be supplied. Failure to submit proposals in the required format will result in elimination from proposal evaluation. South Coast AQMD may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to the due date. Please check our website for updates (<http://www.aqmd.gov/grants-bids>). The cost for developing the proposal is the responsibility of the Contractor and shall not be chargeable to South Coast AQMD.

Each proposal must be submitted in three separate volumes:

- **Volume I** - Technical Proposal
- **Volume II** - Cost Proposal, including Attachment C
 - Bidder must submit Attachment C for a package containing a minimum of one air filtration unit and a three (3) year supply of associated replacement filters per unit. In addition to the primary submission, a bidder may submit up to five (5) alternate packages (Attachment C) for consideration. All submissions that meet the minimum specification will be evaluated on the same criteria.
- **Volume III** - Certifications and Representations included in Attachment B to this RFP, must be completed and executed by an authorized official of the Contractor.

A separate Table of Contents should be provided for Volumes I and II.

A separate cover letter should accompany the proposal submission. The cover letter should include the following:

- a. Name, address and telephone number of the company and must be signed by the person(s) authorized to represent the firm. Also include the name and contact information, including email address of the firm's representative designated as the main contact.
- b. *Quote Validity:* Acknowledgement that the pricing for the proposed packages will be valid

through March 31, 2025. Section III Subsection 2 of this RFP details pricing requirements and product specifications.

- c. *Delivery Guarantee*: include a guarantee that in-stock products will be delivered within thirty (30) days of the order date. Acknowledge that the vendor will incur a 10 percent (%) late delivery penalty and will reduce the unit price by 10% for each unit arriving after forty-five (45) days past the order date. Also, provide a detailed description of how issues encountered with the delivery of air filtration units and replacement filters to recipients would be resolved, including damaged units, incorrect address, returns, replacements, and other potential issues
- d. *Order Cancellations*: Acknowledge that the South Coast AQMD reserves the right to cancel an order at no charge within three business days after it is placed.
- e. *Warranty*: South Coast AQMD requires a minimum 2-year manufacturer warranty for air filtration units. Additionally, replacement filters must have a minimum lifespan of six months and be provided directly to the recipients of air filtration units upon delivery. Each proposed package must cover three years of replacement filters per air filtration unit (e.g., for replacement filters with a lifespan of six months, the package must include six replacement filters per air filtration unit). South Coast AQMD does not offer an additional warranty for the air filtration unit or the replacement filters. Also, describe how complaints and issues about defective units will be addressed during the lifetime of the unit warranty.
- f. *Additional Data*: Provide other essential data that may assist in the evaluation of the quote (e.g., small business certification, etc.).

VOLUME I - TECHNICAL PROPOSAL

DO NOT INCLUDE ANY COST INFORMATION IN THE TECHNICAL VOLUME

Summary (Section A) - State overall approach to meeting the objectives and satisfying the scope of work to be performed, the sequence of activities, and a description of methodology or techniques to be used.

Program Schedule (Section B) - Provide projected milestones or benchmarks for completing the project (to include reports) within the total time allowed.

Qualifications (Section C) - Describe the technical capabilities of the Firm. Provide references of other similar projects performed during the last five years demonstrating ability to successfully complete the work. Include contact name, title, and telephone number for any references listed. Provide a statement of your Firm's background and related experience in performing similar services for other governmental organizations, if applicable.

Assigned Personnel (Section D) - Provide the following information about the staff to be assigned to this project:

1. List all key personnel assigned to the project by level, name and location. Provide a resume or similar statement describing the background, qualifications and experience of the lead person and all persons assigned to the project. Substitution of project manager or lead personnel will not be permitted without prior written approval of South Coast AQMD.
2. Provide a statement indicating whether 90% of the work will be performed within the geographical boundaries of South Coast AQMD.
3. Provide a summary of your Firm's general qualifications to meet required qualifications and fulfill statement of work, including additional Firm personnel and resources beyond those who may be assigned to the project.

Subcontractors (Section E) - This project may require expertise in multiple technical areas. List any subcontractors that will be used, identifying functions to be performed by them, their related qualifications and experience and the total number of hours or percentage of time they will spend on the project.

Conflict of Interest (Section F) - Address possible conflicts of interest with other clients affected by actions performed by the Firm on behalf of South Coast AQMD. South Coast AQMD recognizes that prospective Contractors may be performing similar projects for other clients. Include a complete list of such clients for the past three (3) years with the type of work performed and the total number of years performing such tasks for each client. Although the Proposer will not be automatically disqualified by reason of work performed for such clients, South Coast AQMD reserves the right to consider the nature and extent of such work in evaluating the proposal.

Additional Data (Section G) - Provide other essential data that may assist in the evaluation of this proposal.

VOLUME II - COST PROPOSAL

Name and Address - The Cost Proposal must list the name and complete address of the Proposer in the upper left-hand corner.

Cost Proposal – South Coast AQMD anticipates awarding a fixed price contract. Cost information must be provided as listed below:

1. **Product Specifications and Pricing** - Complete a separate form, Attachment C, for each proposed package. A package must include a minimum of one air filtration unit and three years of replacement filter(s) for each unit.
 - a. *Product Specifications* – Complete *Section A* of Attachment C, with details of the proposed products for each package. A package must include a minimum of one air filtration unit and three years of replacement filter(s) for each unit. Bidder may include a copy of the manufacturer’s brochure for the product, if available.
 - b. *Product Pricing* - Complete *Section B* of Attachment C with proposed pricing for each package. A package must include a minimum of one air filtration unit and three years of replacement filter(s) per unit. The bidder must offer a discounted price from the retail price for the bulk purchase of the air filtration unit and the replacement filter(s) for this unit. **Each residence will not receive over \$1,000 in air filtration units and replacement filters. Submitted packages should be tailored so that air filtration units can adequately cover different square footage rooms to ensure proper air filtration within a residence.** Bidder shall provide quantities at which price breaks will occur. Also, the proposed pricing must include shipping costs (including insurance for lost, stolen, or damaged products), and taxes.
 - c. *Product Availability* – Complete *Section C* of Attachment C to demonstrate all air filtration units and replacement filters would be available on demand. Specify the lead time from order placement to delivery for stock and non-stock units.

2. It is the policy of the South Coast AQMD to receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services. South Coast AQMD will give preference, where appropriate, to

vendors who certify that they will provide “most favored customer” status to the South Coast AQMD. To receive preference points, Proposer shall certify that South Coast AQMD is receiving “most favored customer” pricing in the Business Status Certifications page of Volume III, Attachment B – Certifications and Representations.

VOLUME III - CERTIFICATIONS AND REPRESENTATIONS (see Attachment B to this RFP)

SECTION VIII: PROPOSAL SUBMISSION

All proposals must be submitted according to specifications set forth in the section above, and this section. Failure to adhere to these specifications may be cause for rejection of the proposal.

Signature - All proposals must be signed by an authorized representative of the Proposer.

Due Date - **All proposals are due no later than 2:00pm January 10, 2023, and should be directed to:**

Procurement Unit
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178
(909) 396-3520

Submittal – Submit two (2) complete copies of the proposal along with a USB flash drive containing a digital copy of the proposal in a sealed envelope, plainly marked in the upper left-hand corner with the name and address of the Proposer and the words "Request for Proposals P2023-04."

Late bids/proposals will not be accepted under any circumstances.

Grounds for Rejection - A proposal may be immediately rejected if:

- It is not prepared in the format described, or
- It is signed by an individual not authorized to represent the Firm, or
- An air filtration unit quoted does not use a true high-efficiency particulate air (HEPA) filter rated to remove 99.97% of particles measuring 0.3 micrometers or greater (air filtration units using HEPA-like, HEPA-type or non-HEPA filters are not eligible), or
- Air filtration units quoted are not California Air Resources Board (CARB)-certified air cleaning devices (the list of CARB-certified air cleaning devices is available at: <https://ww2.arb.ca.gov/list-carb-certified-air-cleaning-devices>), or
- Air filtration units quoted do not have an AHAM-certified CADR value of at least 97 for tobacco smoke (0.09-1.0 µM) or CADR equivalent manufacturer’s rating for air filtration that is appropriate for residences within AB 617 Communities.

Modification or Withdrawal - Once submitted, proposals cannot be altered without the prior written consent of South Coast AQMD. All proposals shall constitute firm offers and may not be withdrawn for a period of ninety (90) days following the last day to accept proposals.

SECTION IX: PROPOSAL EVALUATION/CONTRACTOR SELECTION CRITERIA

A. Each member of the evaluation panel shall be accorded equal weight in his or her rating of proposals. The evaluation panel members shall evaluate the proposals according to the specified criteria and numerical weightings set forth below.

1. (a) Standardized Services:

Criteria	Description	Points
Cost	Total Cost per package including a minimum of one air filtration unit, shipping to residence, and three years' worth of replacement filters per unit	60
CADR-Smoke	The CADR smoke rating of the unit (more points for higher CADR rating)	10
CADR-Dust	The CADR dust rating of the unit (more points for higher CADR rating)	10
Product Specifications	Additional features such as unit operation noise on high (dba rating), size, weight and maneuverability and life expectancy of filters	20
Total		100

(b) Additional Points

Small Business or Small Business Joint Venture	10
DVBE or DVBE Joint Venture	10
Use of DVBE or Small Business Subcontractors	7
Zero or Near-Zero Emission Vehicle Business	5
Local Business (Non-Federally Funded Projects Only)	5
Off-Peak Hours Delivery Business	2
Most Favored Customer	2

The cumulative points awarded for small business, DVBE, use of small business or DVBE subcontractors, Zero or Near-Zero emission vehicle business, local business, and off-peak hours delivery business shall not exceed 15 points. Most Favored Customer status incentive points shall be added, as applicable for a total of 17 points.

Self-Certification for Additional Points

The award of these additional points shall be contingent upon Proposer completing the Self-Certification section of Attachment B – Certifications and Representations and/or inclusion of a statement in the proposal self-certifying that Proposer qualifies for additional points as detailed above.

2. To receive additional points in the evaluation process for the categories of Small Business or Small Business Joint Venture, DVBE or DVBE Joint Venture or Local Business (for non-federally funded projects), the proposer must submit a self-certification at the time of proposal submission certifying that the proposer meets the requirements set forth in Attachments A and B. To receive points for the use of DVBE and/or Small Business subcontractors, at least 25 percent of the total contract value must be subcontracted to DVBEs and/or Small Businesses. To receive points as a Zero or Near-Zero Emission Vehicle Business, the proposer must demonstrate to the Executive Officer, or designee, that supplies and materials delivered to South Coast AQMD are delivered in vehicles that operate on clean-fuels. To receive points as a Local Business, the proposer must affirm that it has an ongoing business within the South Coast AQMD at the time of bid/proposal submittal and that 90% of the work related to the contract will be performed within the South Coast AQMD. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points. Federally funded projects are not eligible for local business incentive points. To receive points as an Off-Peak Hours Delivery Business, the proposer must submit, at proposal submission, certification of its commitment to delivering supplies and materials to South Coast AQMD between the hours of 10:00 a.m. and 3:00 p.m. To receive points for Most Favored Customer status, the proposer must submit, at proposal submission, certification of its commitment to provide most favored customer status to the South Coast AQMD. The cumulative points awarded for Small Business, DVBE, use of Small Business or DVBE Subcontractors, Local Business, Zero or Near- Zero Emission Vehicle Business, Off-Peak Hour Delivery Business and Most Favored Customer shall not exceed 17 points.
 3. The lowest cost proposal will be awarded the maximum cost points available and all other cost proposals will receive points on a prorated basis. For example, if the lowest cost proposal is \$100 and the maximum points available are 30 points, this proposal would receive the full 30 points. If the next lowest cost proposal is \$300 it would receive 27 points reflecting the fact that it is 10% higher than the lowest cost (90% of 30 points = 27 points).
- B. During the selection process the evaluation panel may wish to interview some proposers for clarification purposes only. No new material will be permitted at this time. Additional information provided during the bid review process is limited to clarification by the Proposer of information presented in his/her proposal, upon request by South Coast AQMD.
- C. The Executive Officer or Governing Board may award the contract to a Proposer other than the Proposer receiving the highest rating in the event the Governing Board determines that another Proposer from among those technically qualified would provide the best value to South Coast AQMD considering cost and technical factors. The determination shall be based solely on the Evaluation Criteria contained in the Request for

Proposal (RFP), on evidence provided in the proposal and on any other evidence provided during the bid review process.

- D. Selection will be made based on the above-described criteria and rating factors. The selection will be made by and is subject to Executive Officer or Governing Board approval. Proposers may be notified of the results by letter.
- E. The Governing Board has approved a Bid Protest Procedure which provides a process for a Bidder or prospective Bidder to submit a written protest to South Coast AQMD Procurement Manager in recognition of two types of protests: Protest Regarding Solicitation and Protest Regarding Award of a Contract. Copies of the Bid Protest Policy can be secured through a request to South Coast AQMD Procurement Department.
- F. The Executive Officer or Governing Board may award contracts to more than one proposer if in (his or their) sole judgment the purposes of the (contract or award) would best be served by selecting multiple proposers.
- G. If additional funds become available, the Executive Officer or Governing Board may increase the amount awarded. The Executive Officer or Governing Board may also select additional proposers for a grant or contract if additional funds become available.
- H. Disposition of Proposals – Pursuant to South Coast AQMD's Procurement Policy and Procedure, South Coast AQMD reserves the right to reject any or all proposals. All proposals become the property of South Coast AQMD and are subject to the California Public Records Act. One copy of the proposal shall be retained for South Coast AQMD files. Additional copies and materials will be returned only if requested and at the proposer's expense.
- I. **If proposal submittal is for a Public Works project as defined by State of California Labor Code Section 1720, Proposer is required to include Contractor Registration No. in Attachment B. Proposal submittal will be deemed as non-responsive and Bidder may be disqualified if Contractor Registration No. is not included in Attachment B. Proposer is alerted to changes to California Prevailing Wage compliance requirements as defined in Senate Bill 854 (Stat. 2014, Chapter 28), and California Labor Code Sections 1770, 1771, 1725, 1777, 1813 and 1815.**

SECTION X: SAMPLE CONTRACT

A sample contract to carry out the work described in this RFP is available on South Coast AQMD's website at <http://www.aqmd.gov/grants-bids> or upon request from the RFP Contact Person (Section II).

ATTACHMENT A

PARTICIPATION IN THE PROCUREMENT PROCESS

A. It is the policy of South Coast Air Quality Management District (South Coast AQMD) to ensure that all businesses including minority business enterprises, women business enterprises, disabled veteran business enterprises and small businesses have a fair and equitable opportunity to compete for and participate in South Coast AQMD contracts.

B. Definitions:

The definition of minority, women or disadvantaged business enterprises set forth below is included for purposes of determining compliance with the affirmative steps requirement described in Paragraph G below on procurements funded in whole or in part with federal grant funds which involve the use of subcontractors. The definition provided for disabled veteran business enterprise, local business, small business enterprise, Zero or Near-Zero emission vehicle business and off-peak hours delivery business are provided for purposes of determining eligibility for point or cost considerations in the evaluation process.

1. "Women business enterprise" (WBE) as used in this policy means a business enterprise that meets all of the following criteria:
 - a. a business that is at least 51 percent owned by one or more women, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more or women.
 - b. a business whose management and daily business operations are controlled by one or more women.
 - c. a business which is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.
2. "Disabled veteran" as used in this policy is a United States military, naval, or air service veteran with at least 10 percent service-connected disability who is a resident of California.
3. "Disabled veteran business enterprise" (DVBE) as used in this policy means a business enterprise that meets all of the following criteria:
 - a. is a sole proprietorship or partnership of which at least 51 percent is owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is owned by one or more disabled veterans; a subsidiary which is wholly owned by a parent corporation but only if at least 51 percent of the voting stock of the parent corporation is owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint

venture's management and control and earnings are held by one or more disabled veterans.

- b. the management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.
 - c. is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, firm, or other foreign-based business.
4. "Local business" as used in this policy means a company that has an ongoing business within geographical boundaries of South Coast AQMD at the time of bid or proposal submittal and performs 90% of the work related to the contract within the geographical boundaries of South Coast AQMD and satisfies the requirements of subparagraph H below. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points.
5. "Small business" as used in this policy means a business that meets the following criteria:
- a. 1) an independently owned and operated business; 2) not dominant in its field of operation; 3) together with affiliates is either:
 - A service, construction, or non-manufacturer with 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or
 - A manufacturer with 100 or fewer employees.
 - b. Manufacturer means a business that is both of the following:
 - 1) Primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products.
 - 2) Classified between Codes 311000 and 339000, inclusive, of the North American Industrial Classification System (NAICS) Manual published by the United States Office of Management and Budget, 2007 edition.
6. "Joint ventures" as defined in this policy pertaining to certification means that one party to the joint venture is a DVBE or small business and owns at least 51 percent of the joint venture.
7. "Zero or Near-Zero Emission Vehicle Business" as used in this policy means a company or contractor that uses Zero or Near-Zero emission vehicles in conducting deliveries to South Coast AQMD. Zero or Near-Zero emission vehicles

include vehicles powered by electric, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG), ethanol, methanol and hydrogen and are certified to 90% or lower of the existing standard.

8. "Off-Peak Hours Delivery Business" as used in this policy means a company or contractor that commits to conducting deliveries to South Coast AQMD during off-peak traffic hours defined as between 10:00 a.m. and 3:00 p.m.
9. "Benefits Incentive Business" as used in this policy means a company or contractor that provides janitorial, security guard or landscaping services to South Coast AQMD and commits to providing employee health benefits (as defined below in Section VIII.D.2.d) for full time workers with affordable deductible and co-payment terms.
10. "Minority Business Enterprise" as used in this policy means a business that is at least 51 percent owned by one or more minority person(s), or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more or minority persons.
 - a. a business whose management and daily business operations are controlled by one or more minority persons.
 - b. a business which is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.
 - c. "Minority person" for purposes of this policy, means a Black American, Hispanic American, Native-American (including American Indian, Eskimo, Aleut, and Native Hawaiian), Asian-Indian (including a person whose origins are from India, Pakistan, and Bangladesh), Asian-Pacific-American (including a person whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan).
11. "Most Favored Customer" as used in this policy means that the South Coast AQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.
12. "Disadvantaged Business Enterprise" as used in this policy means a business that is an entity owned and/or controlled by a socially and economically disadvantaged individual(s) as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note) (10% statute), and Public Law 102-389 (42 U.S.C. 4370d)(8% statute), respectively;
 - a Small Business Enterprise (SBE);
 - a Small Business in a Rural Area (SBRA);
 - a Labor Surplus Area Firm (LSAF); or

a Historically Underutilized Business (HUB) Zone Small Business Concern, or a concern under a successor program.

- C. Under Request for Quotations (RFQ), DVBEs, DVBE business joint ventures, small businesses, and small business joint ventures shall be granted a preference in an amount equal to 5% of the lowest cost responsive bid. Zero or Near-Zero Emission Vehicle Businesses shall be granted a preference in an amount equal to 5 percent of the lowest cost responsive bid. Off-Peak Hours Delivery Businesses shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid. Local businesses (if the procurement is not funded in whole or in part by federal grant funds) shall be granted a preference in an amount equal to 2% of the lowest cost responsive bid. Businesses offering Most Favored Customer status shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid.
- D. Under Request for Proposals, DVBEs, DVBE joint ventures, small businesses, and small business joint ventures shall be awarded ten (10) points in the evaluation process. A non-DVBE or large business shall receive seven (7) points for subcontracting at least twenty-five (25%) of the total contract value to a DVBE and/or small business. Zero or Near-Zero Emission Vehicle Businesses shall be awarded five (5) points in the evaluation process. On procurements which are not funded in whole or in part by federal grant funds local businesses shall receive five (5) points. Off-Peak Hours Delivery Businesses shall be awarded two (2) points in the evaluation process. Businesses offering Most Favored Customer status shall be awarded two (2) points in the evaluation process.
- E. South Coast AQMD will ensure that discrimination in the award and performance of contracts does not occur on the basis of race, color, sex, national origin, marital status, sexual preference, creed, ancestry, medical condition, or retaliation for having filed a discrimination complaint in the performance of South Coast AQMD contractual obligations.
- F. South Coast AQMD requires Contractor to be in compliance with all state and federal laws and regulations with respect to its employees throughout the term of any awarded contract, including state minimum wage laws and OSHA requirements.
- G. When contracts are funded in whole or in part by federal funds, and if subcontracts are to be let, the Contractor must comply with the following, evidencing a good faith effort to solicit disadvantaged businesses. Contractor shall submit a certification signed by an authorized official affirming its status as a MBE or WBE, as applicable, at the time of contract execution. South Coast AQMD reserves the right to request documentation demonstrating compliance with the following good faith efforts prior to contract execution.
 - 1. Ensure Disadvantaged Business Enterprises (DBEs) are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
 - 2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates

participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and Local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
 4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
 5. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
 6. If the prime contractor awards subcontracts, require the prime contractor to take the above steps.
- H. To the extent that any conflict exists between this policy and any requirements imposed by federal and state law relating to participation in a contract by a certified MBE/WBE/DVBE as a condition of receipt of federal or state funds, the federal or state requirements shall prevail.
- I. When contracts are not funded in whole or in part by federal grant funds, a local business preference will be awarded. For such contracts that involve the purchase of commercial off-the-shelf products, local business preference will be given to suppliers or distributors of commercial off-the-shelf products who maintain an ongoing business within the geographical boundaries of South Coast AQMD. However, if the subject matter of the RFP or RFQ calls for the fabrication or manufacture of custom products, only companies performing 90% of the manufacturing or fabrication effort within the geographical boundaries of South Coast AQMD shall be entitled to the local business preference. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points.
- J. In compliance with federal fair share requirements set forth in 40 CFR Part 33, South Coast AQMD shall establish a fair share goal annually for expenditures with federal funds covered by its procurement policy.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Business Information Request

Dear South Coast AQMD Contractor/Supplier:

South Coast Air Quality Management District (South Coast AQMD) is committed to ensuring that our contractor/supplier records are current and accurate. If your firm is selected for award of a purchase order or contract, it is imperative that the information requested herein be supplied in a timely manner to facilitate payment of invoices. In order to process your payments, we need the enclosed information regarding your account. **Please review and complete the information identified on the following pages, remember to sign all documents for our files, and return them as soon as possible to the address below:**

**Attention: Accounts Payable, Accounting Department
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178**

If you do not return this information, we will not be able to establish you as a vendor. This will delay any payments and would still necessitate your submittal of the enclosed information to our Accounting department before payment could be initiated. Completion of this document and enclosed forms would ensure that your payments are processed timely and accurately.

If you have any questions or need assistance in completing this information, please contact Accounting at (909) 396-3777. We appreciate your cooperation in completing this necessary information.

Sincerely,

Sujata Jain
Chief Financial Officer

DH:jn

Enclosures: Business Information Request
Disadvantaged Business Certification
W-9
Form 590 Withholding Exemption Certificate
Federal Contract Debarment Certification
Campaign Contributions Disclosure



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-
4178 (909) 396-2000 • www.aqmd.gov

Business Name	
Division of	
Subsidiary of	
Website Address	
Type of Business <i>Check One:</i>	<input type="checkbox"/> Individual <input type="checkbox"/> DBA, Name _____, County Filed in _____ <input type="checkbox"/> Corporation, ID No. _____ <input type="checkbox"/> LLC/LLP, ID No. _____ <input type="checkbox"/> Other _____

Address			
City/Town			
State/Province		Zip	
Phone	() - Ext	Fax	() -
Contact		Title	
E-mail Address			
Payment Name if Different			

**Attention: Accounts Payable, Accounting Department
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178**

BUSINESS STATUS CERTIFICATIONS

Federal guidance for utilization of disadvantaged business enterprises allows a vendor to be deemed a small business enterprise (SBE), minority business enterprise (MBE) or women business enterprise (WBE) if it meets the criteria below.

- is certified by the Small Business Administration or
- is certified by a state or federal agency or
- is an independent MBE(s) or WBE(s) business concern which is at least 51 percent owned and controlled by minority group member(s) who are citizens of the United States.

Statements of certification:

As a prime contractor to South Coast AQMD, _____ (name of business) will engage in good faith efforts to achieve the fair share in accordance with 40 CFR Section 33.301, and will follow the six affirmative steps listed below **for contracts or purchase orders funded in whole or in part by federal grants and contracts.**

1. Place qualified SBEs, MBEs, and WBEs on solicitation lists.
2. Assure that SBEs, MBEs, and WBEs are solicited whenever possible.
3. When economically feasible, divide total requirements into small tasks or quantities to permit greater participation by SBEs, MBEs, and WBEs.
4. Establish delivery schedules, if possible, to encourage participation by SBEs, MBEs, and WBEs.
5. Use services of Small Business Administration, Minority Business Development Agency of the Department of Commerce, and/or any agency authorized as a clearinghouse for SBEs, MBEs, and WBEs.
6. If subcontracts are to be let, take the above affirmative steps.

Self-Certification Verification: Also for use in awarding additional points, as applicable, in accordance with South Coast AQMD Procurement Policy and Procedure:

Check all that apply:

- | | |
|--|---|
| Small Business Enterprise/Small Business Joint Venture | Women-owned Business Enterprise |
| Local business | Disabled Veteran-owned Business Enterprise/DVBE Joint Venture |
| Minority-owned Business Enterprise | Most Favored Customer Pricing Certification |

Percent of ownership: _____%

Name of Qualifying Owner(s): _____

State of California Public Works Contractor Registration No. _____ . MUST BE INCLUDED IF BID PROPOSAL IS FOR PUBLIC WORKS PROJECT.

I, the undersigned, hereby declare that to the best of my knowledge the above information is accurate. Upon penalty of perjury, I certify information submitted is factual.

_____	_____
<i>NAME</i>	<i>TITLE</i>
_____	_____
<i>TELEPHONE NUMBER</i>	<i>DATE</i>

Definitions

Disabled Veteran-Owned Business Enterprise means a business that meets all of the following criteria:

- is a sole proprietorship or partnership of which is at least 51 percent owned by one or more disabled veterans, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more disabled veterans; a subsidiary which is wholly owned by a parent corporation but only if at least 51 percent of the voting stock of the parent corporation is owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture's management and control and earnings are held by one or more disabled veterans.
- the management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.
- is a sole proprietorship, corporation, partnership, or joint venture with its primary headquarters office located in the United States and which is not a branch or subsidiary of a foreign corporation, firm, or other foreign-based business.

Joint Venture means that one party to the joint venture is a DVBE and owns at least 51 percent of the joint venture. In the case of a joint venture formed for a single project this means that DVBE will receive at least 51 percent of the project dollars.

Local Business means a business that meets all of the following criteria:

- has an ongoing business within the boundary of South Coast AQMD at the time of bid application.
- performs 90 percent of the work within South Coast AQMD's jurisdiction.

Minority-Owned Business Enterprise means a business that meets all of the following criteria:

- is at least 51 percent owned by one or more minority persons or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority persons.
- is a business whose management and daily business operations are controlled or owned by one or more minority person.
- is a business which is a sole proprietorship, corporation, partnership, joint venture, an association, or a cooperative with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign business.

“Minority” person means a Black American, Hispanic American, Native American (including American Indian, Eskimo, Aleut, and Native Hawaiian), Asian-Indian American (including a person whose origins are from India, Pakistan, or Bangladesh), Asian-Pacific American (including a person whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, or Taiwan).

Small Business Enterprise means a business that meets the following criteria:

- a. 1) an independently owned and operated business; 2) not dominant in its field of operation; 3) together with affiliates is either:
 - A service, construction, or non-manufacturer with 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or
 - A manufacturer with 100 or fewer employees.
- b. Manufacturer means a business that is both of the following:
 - 1) Primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products.
 - 2) Classified between Codes 311000 to 339000, inclusive, of the North American Industrial Classification System (NAICS) Manual published by the United States Office of Management and Budget, 2007 edition.

Small Business Joint Venture means that one party to the joint venture is a Small Business and owns at least 51 percent of the joint venture. In the case of a joint venture formed for a single project this means that the Small Business will receive at least 51 percent of the project dollars.

Women-Owned Business Enterprise means a business that meets all of the following criteria:

- is at least 51 percent owned by one or more women or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more women.
- is a business whose management and daily business operations are controlled or owned by one or more women.
- is a business which is a sole proprietorship, corporation, partnership, or a joint venture, with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign business.

Most Favored Customer as used in this policy means that the South Coast AQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <p>2 Business name/disregarded entity name, if different from above</p> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <p>6 City, state, and ZIP code</p> <p>7 List account number(s) here (optional)</p>	<p>Requester's name and address (optional)</p>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
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Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What Is Backup Withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China Income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABL accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

***Note:** The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
 - Ensure your employer is protecting your SSN, and
 - Be careful when choosing a tax preparer.
- If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

TAXABLE YEAR

CALIFORNIA FORM

2021 Withholding Exemption Certificate

590

The payee completes this form and submits it to the withholding agent. The withholding agent keeps this form with their records.

Withholding Agent Information

Name

Payee Information

Name

SSN or ITIN FEIN CA Corp no. CA SOS file no.

Address (apt./ste., room, PO box, or PMB no.)

City (If you have a foreign address, see instructions.)

State ZIP code

Exemption Reason

Check only one box.

By checking the appropriate box below, the payee certifies the reason for the exemption from the California income tax withholding requirements on payment(s) made to the entity or individual.

- Individuals — Certification of Residency:**
I am a resident of California and I reside at the address shown above. If I become a nonresident at any time, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.
- Corporations:**
The corporation has a permanent place of business in California at the address shown above or is qualified through the California Secretary of State (SOS) to do business in California. The corporation will file a California tax return. If this corporation ceases to have a permanent place of business in California or ceases to do any of the above, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.
- Partnerships or Limited Liability Companies (LLCs):**
The partnership or LLC has a permanent place of business in California at the address shown above or is registered with the California SOS, and is subject to the laws of California. The partnership or LLC will file a California tax return. If the partnership or LLC ceases to do any of the above, I will promptly inform the withholding agent. For withholding purposes, a limited liability partnership (LLP) is treated like any other partnership.
- Tax-Exempt Entities:**
The entity is exempt from tax under California Revenue and Taxation Code (R&TC) Section 23701 (insert letter) or Internal Revenue Code Section 501(c) (insert number). If this entity ceases to be exempt from tax, I will promptly notify the withholding agent. Individuals cannot be tax-exempt entities.
- Insurance Companies, Individual Retirement Arrangements (IRAs), or Qualified Pension/Profit-Sharing Plans:**
The entity is an insurance company, IRA, or a federally qualified pension or profit-sharing plan.
- California Trusts:**
At least one trustee and one noncontingent beneficiary of the above-named trust is a California resident. The trust will file a California fiduciary tax return. If the trustee or noncontingent beneficiary becomes a nonresident at any time, I will promptly notify the withholding agent.
- Estates — Certification of Residency of Deceased Person:**
I am the executor of the above-named person's estate or trust. The decedent was a California resident at the time of death. The estate will file a California fiduciary tax return.
- Nonmilitary Spouse of a Military Servicemember:**
I am a nonmilitary spouse of a military servicemember and I meet the Military Spouse Residency Relief Act (MSRRA) requirements. See instructions for General Information E, MSRRA.

CERTIFICATE OF PAYEE: Payee must complete and sign below.

To learn about your privacy rights, how we may use your information, and the consequences for not providing the requested information, go to ftb.ca.gov/forms and search for 1131. To request this notice by mail, call 800.852.5711.

Under penalties of perjury, I declare that I have examined the information on this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare under penalties of perjury that if the facts upon which this form are based change, I will promptly notify the withholding agent.

Type or print payee's name and title _____ Telephone _____

Payee's signature ► _____ Date _____

2021 Instructions for Form 590

Withholding Exemption Certificate

References in these instructions are to the California Revenue and Taxation Code (R&TC).

General Information

California Revenue and Taxation Code (R&TC) Section 18662 requires withholding of income or franchise tax on payments of California source income made to nonresidents of California. For more information, See General Information B, Income Subject to Withholding.

Registered Domestic Partners (RDPs) – For purposes of California income tax, references to a spouse, husband, or wife also refer to a California RDP unless otherwise specified. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

A Purpose

Use Form 590, Withholding Exemption Certificate, to certify an exemption from nonresident withholding.

Form 590 does not apply to payments of backup withholding. For more information, go to ftb.ca.gov and search for **backup withholding**.

Form 590 does not apply to payments for wages to employees. Wage withholding is administered by the California Employment Development Department (EDD). For more information, go to edd.ca.gov or call 888.745.3886.

Do not use Form 590 to certify an exemption from withholding if you are a **seller of California real estate**. Sellers of California real estate use Form 593, Real Estate Withholding Statement, to claim an exemption from the real estate withholding requirement.

The following are excluded from withholding and completing this form:

- The United States and any of its agencies or instrumentalities.
- A state, a possession of the United States, the District of Columbia, or any of its political subdivisions or instrumentalities.
- A foreign government or any of its political subdivisions, agencies, or instrumentalities.

B Income Subject to Withholding

Withholding is required on the following, but is not limited to:

- Payments to nonresidents for services rendered in California.
- Distributions of California source income made to domestic nonresident partners, members, and S corporation shareholders and allocations of California source income made to foreign partners and members.
- Payments to nonresidents for rents if the payments are made in the course of the withholding agent's business.
- Payments to nonresidents for royalties from activities sourced to California.

- Distributions of California source income to nonresident beneficiaries from an estate or trust.
- Endorsement payments received for services performed in California.
- Prizes and winnings received by nonresidents for contests in California.

However, withholding is optional if the total payments of California source income are \$1,500 or less during the calendar year.

For more information on withholding, get FTB Pub. 1017, Resident and Nonresident Withholding Guidelines. To get a withholding publication, see Additional Information.

C Who Certifies this Form

Form 590 is certified (completed and signed) by the payee. California residents or entities exempt from the withholding requirement should complete Form 590 and submit it to the withholding agent before payment is made. The withholding agent is then relieved of the withholding requirements if the agent relies in good faith on a completed and signed Form 590 unless notified by the Franchise Tax Board (FTB) that the form should not be relied upon.

An incomplete certificate is invalid and the withholding agent should not accept it. If the withholding agent receives an incomplete certificate, the withholding agent is required to withhold tax on payments made to the payee until a valid certificate is received. In lieu of a completed exemption certificate, the withholding agent may accept a letter from the payee as a substitute explaining why they are not subject to withholding. The letter must contain all the information required on the certificate in similar language, including the under penalty of perjury statement and the payee's taxpayer identification number (TIN).

The certification does not need to be renewed annually. The certification on Form 590 remains valid until the payee's status changes. The withholding agent must retain a copy of the certification or substitute for at least five years after the last payment to which the certification applies. The agent must provide it to the FTB upon request.

If an entertainer (or the entertainer's business entity) is paid for a performance, the entertainer's information must be provided. **Do not** submit the entertainer's agent or promoter information.

The grantor of a grantor trust shall be treated as the payee for withholding purposes. Therefore, if the payee is a grantor trust and one or more of the grantors is a nonresident, withholding is required. If all of the grantors on the trust are residents, no withholding is required. Resident grantors can check the box on Form 590 labeled "Individuals — Certification of Residency."

D Definitions

For California nonwage withholding purposes:

- **Nonresident** includes all of the following:
 - Individuals who are not residents of California.
 - Corporations not qualified through the California Secretary of State (CA SOS) to do business in California or having no permanent place of business in California.
 - Partnerships or limited liability companies (LLCs) with no permanent place of business in California.
 - Any trust without a resident grantor, beneficiary, or trustee, or estates where the decedent was not a California resident.
- **Foreign** refers to non-U.S.

For more information about determining resident status, get FTB Pub. 1031, Guidelines for Determining Resident Status. Military servicemembers have special rules for residency. For more information see General Information E, Military Spouse Residency Relief Act (MSRRA), and FTB Pub. 1032, Tax Information for Military Personnel.

Permanent Place of Business:

A corporation has a permanent place of business in California if it is organized and existing under the laws of California or it has qualified through the CA SOS to transact intrastate business. A corporation that has not qualified to transact intrastate business (e.g., a corporation engaged exclusively in interstate commerce) will be considered as having a permanent place of business in California only if it maintains a permanent office in California that is permanently staffed by its employees.

E Military Spouse Residency Relief Act (MSRRA)

Generally, for tax purposes you are considered to maintain your existing residence or domicile. If a military servicemember and nonmilitary spouse have the same state of domicile, the MSRRA provides:

- A spouse shall not be deemed to have lost a residence or domicile in any state solely by reason of being absent to be with the servicemember serving in compliance with military orders.
- A spouse shall not be deemed to have acquired a residence or domicile in any other state solely by reason of being there to be with the servicemember serving in compliance with military orders.

Domicile is defined as the one place:

- Where you maintain a true, fixed, and permanent home.
- To which you intend to return whenever you are absent.

A military servicemember's nonmilitary spouse is considered a nonresident for tax purposes if the servicemember and spouse have the same domicile outside of California and the spouse is in California solely to be with the servicemember who is serving in compliance with Permanent Change of Station orders.

California may require nonmilitary spouses of military servicemembers to provide proof that they meet the criteria for California personal income tax exemption as set forth in the MSRRA.

Income of a military servicemember's nonmilitary spouse for services performed in California is not California source income subject to state tax if the spouse is in California to be with the servicemember serving in compliance with military orders, and the servicemember and spouse have the same domicile in a state other than California.

For additional information or assistance in determining whether the applicant meets the MSRRA requirements, get FTB Pub. 1032.

Specific Instructions

Payee Instructions

Enter the withholding agent's name.

Enter the payee's information, including the TIN and check the appropriate TIN box.

You must provide a valid TIN as requested on this form. The following are acceptable TINs: social security number (SSN); individual taxpayer identification number (ITIN); federal employer identification number (FEIN); California corporation number (CA Corp no.); or CA SOS file number.

Private Mail Box (PMB) – Include the PMB in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

Foreign Address – Follow the country's practice for entering the city, county, province, state, country, and postal code, as applicable, in the appropriate boxes. Do not abbreviate the country name.

Exemption Reason – Check the box that reflects the reason why the payee is exempt from the California income tax withholding requirement.

Withholding Agent Instructions

Do not send this form to the FTB. The certification on Form 590 remains valid until the payee's status changes. The withholding agent must retain a copy of the certificate or substitute for at least five years after the last payment to which the certificate applies. The agent must provide it to the FTB upon request.

The payee must notify the withholding agent if any of the following situations occur:

- The individual payee becomes a nonresident.
- The corporation ceases to have a permanent place of business in California or ceases to be qualified to do business in California.
- The partnership ceases to have a permanent place of business in California.
- The LLC ceases to have a permanent place of business in California.
- The tax-exempt entity loses its tax-exempt status.

If any of these situations occur, then withholding may be required. For more information, get Form 592, Resident and Nonresident Withholding Statement, Form 592-B, Resident and Nonresident Withholding Tax Statement, [Form 592-PTE](#), Pass-Through Entity Annual Withholding Return, Form 592-Q, Payment Voucher for Pass-Through Entity Withholding, and Form 592-V, Payment Voucher for Resident or Nonresident Withholding.

Additional Information

Website: For more information, go to ftb.ca.gov and search for nonwage.

MyFTB offers secure online tax account information and services. For more information, go to ftb.ca.gov and login or register for **MyFTB**.

Telephone: 888.792.4900 or 916.845.4900, Withholding Services and Compliance phone service

Fax: 916.845.9512

Mail: WITHHOLDING SERVICES AND COMPLIANCE MS F182
FRANCHISE TAX BOARD
PO BOX 942867
SACRAMENTO CA 94267-0651

For questions unrelated to withholding, or to download, view, and print California tax forms and publications, or to access the TTY/TDD numbers, see the Internet and Telephone Assistance section.

Internet and Telephone Assistance

Website: ftb.ca.gov

Telephone: 800.852.5711 from within the United States
916.845.6500 from outside the United States

TTY/TDD: 800.822.6268 for persons with hearing or speech disability
711 or 800.735.2929 California relay service

Asistencia Por Internet y Teléfono

Sitio web: ftb.ca.gov

Teléfono: 800.852.5711 dentro de los Estados Unidos
916.845.6500 fuera de los Estados Unidos

TTY/TDD: 800.822.6268 para personas con discapacidades auditivas o del habla.

711 ó 800.735.2929 servicio de televo de California

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and the principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them or commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statute or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative Date

I am unable to certify to the above statements. My explanation is attached.



CAMPAIGN CONTRIBUTIONS DISCLOSURE

In accordance with California law, bidders and contracting parties are required to disclose, at the time the application is filed, information relating to any campaign contributions made to South Coast Air Quality Management District (SCAQMD) Board Members or members/alternates of the MSRC, including: the name of the party making the contribution (which includes any parent, subsidiary or otherwise related business entity, as defined below), the amount of the contribution, and the date the contribution was made. 2 C.C.R. §18438.8(b). Where a proposed rule or proposed amended rule impacts three or fewer facilities, those facilities will be treated in much the same manner as contracting parties and so must also complete this form, disclosing information relating to any campaign contributions made to any SCAQMD Board Members. See Quadri Advice Letter (2002) A-02.096.1 In the event that a qualifying campaign contribution is made, the Board Member to whom it was made may be disqualified from participating in the actions involving that donor.

California law prohibits a party, or an agent, from making campaign contributions to SCAQMD Governing Board Members or members/alternates of the Mobile Source Air Pollution Reduction Review Committee (MSRC) of more than \$250 while their contract or permit is pending before the SCAQMD; and further prohibits a campaign contribution from being made for three (3) months following the date of the final decision by the Governing Board or the MSRC on a donor's contract or permit. Gov't Code §84308(d). For purposes of reaching the \$250 limit, the campaign contributions of the bidder or contractor plus contributions by its parents, affiliates, and related companies of the contractor or bidder are added together. 2 C.C.R. §18438.5.

In addition, SCAQMD Board Members or members/alternates of the MSRC must abstain from voting on a contract or permit if they have received a campaign contribution from a party or participant to the proceeding, or agent, totaling more than \$250 in the 12-month period prior to the consideration of the item by the Governing Board or the MSRC. Gov't Code §84308(c).

The list of current SCAQMD Governing Board Members can be found at the SCAQMD website (www.aqmd.gov). The list of current MSRC members/alternates can be found at the MSRC website (<http://www.cleantransportationfunding.org>).

SECTION I.

Contractor (Legal Name): _____

DBA, Name _____, County Filed in _____ Corporation, ID No. _____ LLC/LLP, ID No. _____
--

List any parent, subsidiaries, or otherwise affiliated business entities of Contractor:
(See definition below).

SECTION II.

Has Contractor and/or any parent, subsidiary, or affiliated company, or agent thereof, made a campaign contribution(s) totaling \$250 or more in the aggregate to a current member of the South Coast Air Quality Management Governing Board or member/alternate of the MSRC in the 12 months preceding the date of execution of this disclosure?

The information provided on this form does not, and is not intended to, constitute legal advice. To the extent that you may have questions regarding any case law, citations, or legal interpretations provided above please seek the guidance of your own independent counsel.

Yes No **If YES, complete Section II below and then sign and date the form. If NO, sign and date below. Include this form with your submittal.**

Campaign Contributions Disclosure, *continued*:

Name of Contributor _____

Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution
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Name of Contributor _____

Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution
---	------------------------	----------------------

Name of Contributor _____

Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution
---	------------------------	----------------------

Name of Contributor _____

Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution
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I declare the foregoing disclosures to be true and correct.

By: _____

Title: _____

Date: _____

DEFINITIONS

Parent, Subsidiary, or Otherwise Related Business Entity (2 Cal. Code of Regs., §18703.1(d).)

- (1) Parent subsidiary. A parent subsidiary relationship exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.
- (2) Otherwise related business entity. Business entities, including corporations, partnerships, joint ventures and any other organizations and enterprises operated for profit, which do not have a parent subsidiary relationship are otherwise related if any one of the following three tests is met:
 - (A) One business entity has a controlling ownership interest in the other business entity.
 - (B) There is shared management and control between the entities. In determining whether there is shared management and control, consideration should be given to the following factors:
 - (i) The same person or substantially the same person owns and manages the two entities;
 - (ii) There are common or commingled funds or assets;
 - (iii) The business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis;
 - (iv) There is otherwise a regular and close working relationship between the entities; or
 - (C) A controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.

**REQUEST FOR PROPOSAL (RFP) FOR
RESIDENTIAL AIR FILTRATION UNIT
AND THREE (3) YEAR SUPPLY OF FILTERS**

P2023-04- ATTACHMENT C: Product Specifications and Pricing

January 10, 2023

SECTION A: PRODUCT FEATURES AND SPECIFICATIONS	
Manufacturer	
Brand Name	
Model Number	
CARB Certification Executive Order Number	
ENERGY STAR Unique ID Number	
AHAM-Verified CADR Value for Smoke	
AHAM-Verified CADR Value for Dust	
Recommended room size or area filtered (sq.ft.)	
Filters Included with Unit:	
<i>Filter description (e.g., all 3 filter types combined into 1 filter)</i>	
<i>Certified HEPA filter (REQUIRED)</i>	Model #:
<i>Carbon filter (if applicable)</i>	Model #:
<i>Pre-filter (if applicable)</i>	Model #:
Recommended Frequency of Filter Changeout with Normal/Daily Use:	
<i>HEPA filter</i>	
<i>Carbon filter (if applicable)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Pre-filter (if applicable)</i>	
Product Specifications:	
<i>Operating Noise on high (dB)</i>	
<i>Wheels/Casters?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Filter Changeout Indicator?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Dimensions (in.) of unit</i>	
<i>Dimensions (in.) of box</i>	
<i>Weight of unit (lbs.)</i>	
<i>Other (e.g., UV-C)</i>	
Retail Price (\$) of:	
<i>Air filtration unit</i>	
<i>HEPA replacement filter</i>	
<i>Carbon replacement filter (if applicable)</i>	
<i>Pre-filter replacement (if applicable)</i>	

SECTION B: PRODUCT PRICING				
Quantity Price Breaks (up to 1000 units)	Cost (\$) – Not to Exceed \$1,000	Shipping and Delivery Fees (if not free)*	Other Fees (if any)**	Description for Other Fees**
1. Air Filtration Unit and Three Years of Replacement Filters Per Unit				
1 - 50 units				
51 - 150 units				
151 - 200 units				
> 201 units				
<i>If price-break categories other than above, specify:</i>				

Notes:

*Orders may be shipped to Los Angeles and Riverside Counties.

**Any additional fees (excluding sales tax) and a description (i.e., stocking, processing, or handling fees)

Sales tax will be added and calculated based on current tax rate of the ship-to location.

SECTION C: PRODUCT AVAILABILITY***

Notes:

***Indicate the quantity of air filtration unit and replacement filter(s) in stock. Specify the lead time from order placement to delivery for both stock and non-stock units once an order is placed.

Residential Air Filtration Program

Residential Air Filtration Program for the AB 617 Community of East Los Angeles, Boyle Heights, West Commerce (ELABHWC) and Eastern Coachella Valley (ECV)

Program Announcement & Application PA 2023-03



PROGRAM INTRODUCTION

The East Los Angeles, Boyle Heights, West Commerce (ELABHWC), and Eastern Coachella Valley (ECV) AB 617 communities have prioritized \$1,800,000 and \$1,000,000, respectively, in Community Air Protection Program Incentives for residential air filtration projects. These air filtration projects will reduce residential exposure to Particulate Matter (PM) and diesel particulate matter (DPM), consistent with the goals of their Community Emission Reduction Plans. As a result, South Coast AQMD is allocating \$2,625,000 to purchase residential air filtration units and three years of replacement filters within ELABHWC and ECV communities.

In November 2022, the South Coast AQMD Board authorized the release of this program announcement to solicit applications from residents within the ELABHWC and ECV communities for air filtration units. This program aims to reduce exposure to PM and DPM from sources of air pollution near residences in the ELABHWC and ECV communities. Health studies have determined that fine and ultrafine PM, including DPM, present the most significant air pollution health risk to sensitive receptors in Environmental Justice communities. The Residential Air Filtration Program focuses on portable air filtration units available as small tabletop units and larger console units. These units clean the air within a single room or enclosed space. Studies have reported reductions in PM exposures using high-efficiency portable air cleaners on the order of approximately 50 percent or higher.

PROGRAM ELIGIBILITY GUIDELINES AND CRITERIA

Eligible Applicants – Residents within the AB 617 ELABHWC and ECV community and emissions boundaries are eligible to apply for air filtration units. Eligible residents will receive one or more air filtration units and three years of replacement filters.

Eligible Air Filtration Units - A list of qualifying air filtration units will be provided for residents to choose from. All air filtration units will be CARB and Energy Star certified and must include a high-efficiency particulate air (HEPA) filter rated to remove 99.97% of particles measuring 0.3 micrometers or greater. Additionally, the air filtration units must have a clean air delivery rate (CADR) for tobacco smoke (0.09-1.0 µM) or CADR equivalent manufacturer's rating for air filtration that is appropriate for a room or residence.

Funding Availability – A funding amount of \$1,687,500 is available for residents within the East Los Angeles, Boyle Heights, and West Commerce designated 617 community from Year 3 CAPP Incentive Funds. For the first 30 days, air filtration units will be provided to residents of ELABHWC based upon household addresses closest to emission sources. After that, air filtration units will be available to applicants on a first-come, first-served basis for eligible residents of the ELABHWC designated 617 community area ([ELABHWC Community Map](#)). Funding is limited and may be revised at any time.

A funding amount of \$937,500 is available for the ECV from their Year 3 CAPP Incentive Funds. Funding is available to applicants on a first-come, first-served basis for eligible residents of ECV. Funding is limited and may be revised at any time ([ECV Community Map](#)).

Funding Limits – Project funding is limited to the purchase price, sales tax, and shipping costs of new equipment and three years of new replacement filters. Funding will cover up to a maximum total of \$1,000 per residence (i.e., home address) for one or more air filtration units and three years of new replacement filters. Funds remaining from residences that consume less than \$1,000 for one or more air filtration units and three years of new replacement filters will not be distributed to the applicant(s) of the residence. Instead, South Coast AQMD will disburse these funds toward subsequent applications for air filtration units under this program. Applicants and program participants are responsible for ongoing operation and maintenance, replacement filter storage costs, and any reporting during the project life. Ineligible costs are all costs outside the purchase price plus sales tax of the equipment and three years of replacement filters. The program will not pay for the cost of installation, electricity to operate units, repairs and replacement expenses, extended warranties, accessories, and other equipment. Manufacturer warranties will be provided directly from the air filtration unit manufacturer and program participants needing replacement units or repairs under warranty must reach out directly to the manufacturer.

South Coast AQMD may modify the funding limit for each applicant based on the number of applications to this program announcement. South Coast AQMD retains the discretion to make full, partial or no awards. If the program is undersubscribed, the South Coast AQMD may choose to re-open this Program Announcement. South Coast AQMD will retain a wait list if selected projects drop out of the program.

Program Schedule – Implementation schedule for the Residential Air Filtration Program Announcement PA

2023-03 is shown in Table 1 below.

Table 1: Schedule

Spring 2023	<ul style="list-style-type: none"> • Conduct outreach to residents in qualifying communities • Issue Program Announcement and begin accepting applications for PA 2023-03 • South Coast AQMD will begin accepting applications until funds are exhausted. For ECV, funding will be available to applicants on a first-come, first-served basis. For ELABHWC, applications received within 30 days of releasing this program announcement, South Coast AQMD will prioritize funding for residences near sources of DPM. After this period, funding will be available to applicants on a first-come, first-served basis.
Beginning July 2023	Delivery of Air Filtration Units and replacement filters

APPLICATION REQUIREMENTS

Eligible applicants must complete and submit an online application to receive the air filtration unit and three years of replacement filters. At a minimum the online application form will request the information below.

- Applicant's contact information (e.g., name, address, email, etc.)
- Residence information (e.g., residence address where unit will be used and square footage of home)
- Utility information (e.g., name of electricity utility provider and upload a recent copy of electricity utility bill)
- Air Filtration Unit(s) Selected – applicant to identify the type of unit(s) preferred
- Applicant agreement to program terms and conditions

Applications must be submitted in accordance with the instructions outlined below, and all requested information on the application must be provided.

Applicants can only participate in one residential air filtration program. Applicants that receive an air filtration unit through another program (e.g., a program administered by a local city or utility service provider), is ineligible to participate in the Residential Air Filtration Program in this program announcement. Applicants can only apply once to this program and only one application can be provided per residential address.

APPLICATION SUBMITTAL INSTRUCTIONS

Applications will only be accepted via the South Coast AQMD's online application link at:

<http://www.aqmd.gov/home/programs/business/community-air-protection-incentives/residential-air-filtration-incentives>

Faxed applications will not be accepted. Applications will be accepted on a first-come first-served basis. The Program Announcement and application link PA 2023-03 can also be accessed by visiting South Coast AQMD's website at: <http://www.aqmd.gov/nav/grants-bids>

APPLICATION EVALUATION AND APPROVAL PROCESS

Applicants are subject to a maximum total of \$1,000 per residence (i.e., home address) for one or more air filtration units and three years of new replacement filters. South Coast AQMD may modify the funding limit based on the number of applications to this Program Announcement with the intent to provide air filtration units to residents of the ELABHWC and ECV communities. If there are more applications than available

funding under this Program Announcement, each application will undergo additional evaluation with consideration to criteria for prioritization or ranking of applications listed below.

1. For applications from the ELABHWC Community received within 30 days of releasing this program announcement, South Coast AQMD will consider the applicant's residence (i.e., home address) proximity to sources of DPM and prioritize funding for applicants near these sources. After this period, funding will be available to applicants on a first-come, first-served basis.
2. For applications from the ECV Community, South Coast AQMD will prioritize applications on a first-come, first-served basis.

Upon application approval, eligible applicants will receive notice by email whether they qualified for an air filtration unit. South Coast AQMD staff will submit an order for the selected air filtration unit and three years of replacement filters directly to the manufacturer and have the unit sent to the applicant's residence.

ADDITIONAL INFORMATION & ASSISTANCE

This Program Announcement can be accessed at the South Coast AQMD website at <http://www.aqmd.gov/nav/grants-bids>. South Coast AQMD staff members are available to answer questions during the Program Announcement acceptance period.

For General, Administrative, or Technical Assistance, please contact:

Frances Maes

Staff Specialist

Technology Advancement

Office Phone: 909-396-2473

Fax: 909-396-3252

fmaes@aqmd.gov

Veronica Tejada

Assistant Air Quality Specialist

Technology Advancement

Office Phone: 909-396-2687

Fax: 909-396-3252

vtejada@aqmd.gov

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 4

PROPOSAL: Recognize Revenue and Amend Contract Awards for Cleaner Freight California Projects

SYNOPSIS: In May 2022, the Board recognized a \$2,349,995 award from U.S. EPA to replace diesel cargo handling equipment with innovative zero-emission electric alternatives for the Cleaner Freight California Projects. In August 2022, U.S. EPA awarded additional funding of \$219,938 to South Coast AQMD's Cleaner Freight California Projects for a total of \$2,569,933. These additional funds would be distributed to contracts with Albertsons Companies, McLane Company, and Long Beach Container Terminal. These actions are to: 1) recognize revenue, upon receipt, of up to \$219,938 from the U.S. EPA National Clean Diesel Program into the Advanced Technology, Outreach and Education Fund (17), and 2) execute contracts with Albertsons Companies, McLane Company, and Long Beach Container Terminal in amounts not to exceed \$1,396,386, \$775,770, and \$273,150, respectively from the Advanced Technology, Outreach and Education Fund (17).

COMMITTEE: Technology, October 21, 2022; Recommended for Approval

RECOMMENDED ACTIONS:

1. Recognize revenue, upon receipt, of up to \$219,938 from the U.S. EPA Diesel Emissions Reduction Act Funding into the Advanced Technology, Outreach and Education Fund (17) for electrification of cargo handling equipment; and
2. Authorize the Executive Officer to execute contracts from the Advanced Technology, Outreach and Education Fund (17) as follows:
 - a. Albertsons Companies to replace up to nine diesel yard hostlers with zero-emission, all-electric hostlers in an amount not to exceed \$1,396,386;
 - b. McLane Company to replace up to five diesel yard hostlers with zero-emission, all-electric yard hostlers in an amount not to exceed \$775,770; and

- c. Long Beach Container Terminal to replace up to five intermodal box connector carts with zero-emission electric intermodal box connector carts in an amount not to exceed \$273,150.

Wayne Natri
Executive Officer

AK:MW:PSK:SH

Background

In 2021, staff submitted a proposal to U.S. EPA for the Diesel Emission Reduction Act (DERA) grants for electrification of cargo handling equipment at facilities in Southern California. Staff was notified by U.S. EPA that South Coast AQMD had been awarded \$2,349,995 in partial funding for the Cleaner Freight California Projects.

In August 2022, U.S. EPA awarded additional funding of \$219,938 for the Cleaner Freight California Projects to the South Coast AQMD, amending the total award amount to up to \$2,569,933.

Proposal

U.S. EPA awarded additional funding of \$219,938 to South Coast AQMD's Cleaner Freight California Projects for a total of \$2,569,933. This additional funding will be distributed to Albertsons, McLane, and Long Beach Container Terminal (LBCT) in the amounts of \$81,507, \$45,281, and \$93,150, respectively. Due to the increased retail price of vehicles, U.S. EPA funding will be used to offset costs of vehicle purchases.

Albertsons, McLane, and LBCT currently own and operate the respective diesel-powered units proposed for scrapping and replacement with new zero-emission electric variants. New electric units will be supported with chargers and pedestals funded under this project.

Zero-Emission Yard Hostlers at Albertsons' Distribution Center

Albertsons will replace up to nine diesel yard hostlers with all-electric hostlers at three distribution centers in Irvine, Brea, and Tracy, California.

Zero-Emission Yard Hostlers at McLane's Distribution Center

McLane will scrap and replace up to five eligible diesel yard tractors with new, eligible, zero-emission electric hostlers.

Zero-Emission Intermodal Box Connector Carts (IBC carts) at Port of Long Beach
LBCT will scrap and replace up to five eligible IBC carts with new, eligible, zero-emission electric IBC carts at LBCT.

Sole Source Justification

Section VIII.B.3. of the Procurement Policy and Procedure identifies four major provisions under which a sole source award may be justified for federally funded procurement. The request for sole source awards for the Albertsons, McLane, and LBCT contracts are made under Section VIII.B.3.c, which states the awarding federal agency or pass-through entity expressly authorizes non-competitive proposals in response to a written request from the non-federal entity.

Benefits to South Coast AQMD

The South Coast Air Basin is classified as an “extreme” nonattainment area for ozone under the federal Clean Air Act. The success of this project will contribute to the attainment of national ambient air quality standards in the South Coast Air Basin by helping to eliminate PM and NOx emissions as a result of replacing the diesel cargo handling equipment. The project supports the *Technology Advancement Office Clean Fuels Program 2023 Plan Update* under the categories of “Electric/Hybrid Technologies” and “Zero Emission Infrastructure”.

Resource Impacts

U.S. EPA FY21 DERA Grant award of \$2,569,933 towards the electrification of cargo handling equipment in Southern California. Projects include \$2,445,306 for project costs and \$124,627 for South Coast AQMD staff administrative costs.

U.S. EPA FY21 DERA Fund	Funding Amount
Albertsons	\$1,396,386
McLane	\$775,770
LBCT	\$273,150
Total	\$2,445,306

Sufficient funds will be available to execute contracts from the Advanced Technology, Outreach and Education Fund (17) once U.S. EPA 2021 DERA funds are recognized.

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BOARD MEETING DATE: November 4, 2022

AGENDA NO. 5

PROPOSAL: Amend Contracts for Legislative Representation in Sacramento, California

SYNOPSIS: The current contracts for legislative representation in Sacramento with The Resolute Company (Resolute), formerly Quintana, Watts and Hartmann; Joe A. Gonsalves & Son; and California Advisors, LLC expire on December 31, 2022. Based on the firms' effective performance during the second year of their current contracts, this action is to approve a second one-year extension of the contracts with these three lobbying firms in the amount of \$180,000 for Resolute, \$143,000 for Joe A. Gonsalves & Son, and \$142,080 for California Advisors, LLC, for legislative lobbying services in Sacramento for Calendar Year 2023. Sufficient funding is available in the Legislative, Public Affairs & Media FY 2022-23 Budget.

COMMITTEE: Administrative, October 14, 2022; Recommended for Approval

RECOMMENDED ACTIONS:

1. Authorize the Chair to execute a second one-year extension of the contract with Resolute at the current contract amount of \$180,000;
2. Authorize the Chair to execute a second one-year extension of the contract with Joe A. Gonsalves & Son at the current contract amount of \$143,000; and
3. Authorize the Chair to execute a second one-year extension of the contract with California Advisors, LLC at the current contract amount of \$142,080.

Wayne Natri
Executive Officer

Background

As a leading air quality agency in California and an innovative leader in developing emission reduction programs, it is critical for South Coast AQMD to be an active and timely participant in policy discussions and activities in Sacramento. It is necessary for South Coast AQMD to be involved in the day-to-day discussions in Sacramento in support of air quality priorities, both through policy and funding, to support and implement the 2016 and future AQMPs, AB 617 communities, additional air quality-related programs and projects, and to address administrative and operational issues.

In 2022, the lobbying firms of Resolute, Joe A. Gonsalves & Son, and California Advisors, LLC represented South Coast AQMD in Sacramento and performed at a high professional level.

Resolute and the firm's principal, David Quintana, have a professional history that spans over 23 years with extensive expertise in a wide range of issue areas, including air quality, the environment and energy. Mr. Quintana served as a Legislative Director in the State Senate and as a Consultant for the Senate Committee on Public Safety. Resolute has capabilities that help provide access to difficult to reach legislators and other elected officials to help resolve policy or political roadblocks on South Coast AQMD issues. Resolute's experience and strong relationships help enhance the effectiveness of South Coast AQMD efforts to achieve policy and funding goals with respect to the California Legislature, Governor and others.

Joe A. Gonsalves & Son (Gonsalves) is a Sacramento lobbying firm with strong ties to legislators on both sides of the aisle. The firm has relationships with many cities throughout the state, including several within the South Coast region. With over 33 years of experience, the firm's principals are well-respected and knowledgeable on many local and statewide issues. On multiple occasions, while representing South Coast AQMD, Gonsalves has secured access for staff and Board Members to elected officials and key staff, including to the Governor's Office, at critical junctures in the legislative process. Gonsalves consistently demonstrates creativity in providing solutions and alternatives to legislative challenges on policy priorities and funding issues to facilitate South Coast AQMD's ability to achieve its clean air mission and state and federal air quality standards.

Will Gonzalez, principal of California Advisors, LLC (Cal Advisors) has over 20 years of legislative and bipartisan political experience specializing in transportation, environmental and energy issues. Mr. Gonzalez also served as a Legislative Director in the state legislature working on funding issues relating to compressed natural gas transit buses and innovative air quality programs. Cal Advisors' principals have a comprehensive understanding of both politics and policy and an extensive history of successfully representing South Coast AQMD in Sacramento with respect to the Legislature, Governor and state agencies.

Throughout the year, the three firms have worked effectively and in coordination with staff to advance the Board's legislative agenda, including by facilitating meetings with legislators and staff and testifying in committee hearings. The three firms work in concert to keep South Coast AQMD apprised of the latest developments in Sacramento. They have successfully negotiated bill language with legislative offices and committee staff and, when necessary, worked to have bills held in committee or otherwise not move forward if they were detrimental to South Coast AQMD's policy positions.

The three firms also ensure that South Coast AQMD is strategically aware of policy and political considerations related to pending legislative and budget proposals. The constant communication among the firms and staff is essential to ensure that messaging is correctly communicated to legislators and staff, as well as the Governor's office in a timely fashion.

Although the 2022 Legislative session is not yet completed, the three consultant firms skillfully contributed to efforts that led to South Coast AQMD budgetary and legislative successes, including the following:

- 1) \$50 million in statewide monies from the Greenhouse Gas Reduction Fund (GGRF) for local air districts to fund implementation of community air monitoring and community emission reduction programs mandated by AB 617 (Garcia, 2017), with a significant portion of those funds to be directed to the South Coast region;
- 2) \$240 million in AB 617 incentive funding from the GGRF to be awarded to local air districts statewide to facilitate co-benefit criteria pollutant emission reductions. These funds support implementation of Community Emissions Reduction Programs (CERP) by funding community priorities, such as accelerating the turnover of older, polluting medium- and heavy-duty vehicles to cleaner ones;
- 3) Securing ongoing annual baseline funding from the General Fund in the amount of \$290 million statewide for air districts for AB 617 implementation and incentives;
- 4) Sponsorship and passage of AB 2836 (E. Garcia) which reauthorizes the Carl Moyer and AB 923 Local Incentive Programs until 2034. These programs provide funding for air districts to accelerate the turnover of older, polluting vehicles and equipment to cleaner ones. The reauthorization of these program fees could generate approximately \$75 million on an annual statewide basis; and
- 5) Support and passage of AB 1749 (C. Garcia) which extends the time for an air district to develop a CERP for an AB 617 community from one to two years.

The three firms worked together to create an efficient and effective consultant team for South Coast AQMD. Their policy and political insights inform South Coast AQMD and strengthen its presence, credibility, and ability to support the Board's policy priorities and pursue funding needs in Sacramento. At this critical point in time, it is important that the momentum through political and stakeholder partnerships continue to work on

legislation and funding to achieve South Coast AQMD's mission and policy goals, including implementation of the 2016 and future AQMPs.

Proposal

The contracts with the three firms expire on December 31, 2022. The current contracts have options for two one-year extensions that may be exercised at the Board's discretion, pursuant to the original RFP. This proposal is to approve the second one-year extension for each of the contracts.

Resource Impacts

The Legislative, Public Affairs & Media Budget for FY 2022-23 contains sufficient funds for this action.

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 6

PROPOSAL: Amend Contracts for Legislative Representation in Washington, D.C.

SYNOPSIS: The current contracts for legislative and regulatory representation in Washington, D.C. with Kadesh & Associates, LLC, Cassidy & Associates and Carmen Group, Inc., expire on January 14, 2023. Each of these contracts includes an option for two one-year extensions. This action is to consider approval of the first one-year extension of the existing contracts for Calendar Year 2023 with Kadesh & Associates, LLC for \$226,392; Cassidy & Associates for \$216,000; and Carmen Group, Inc. for \$222,090 as South Coast AQMD's legislative and regulatory representatives in Washington, D.C., to further the agency's policy positions at the federal level. Sufficient funding is available in the Legislative, Public Affairs & Media FY 2022-23 Budget.

COMMITTEE: Administrative, October 14, 2022; Recommended for Approval

RECOMMENDED ACTIONS:

1. Authorize the Chair to execute a first one-year extension of the contract with Kadesh & Associates for \$226,392;
2. Authorize the Chair to execute a first one-year extension of the contract with Cassidy & Associates, Inc. for \$216,000; and
3. Authorize the Chair to execute a first one-year extension of the contract with Carmen Group, Inc. for \$222,090.

Wayne Natri
Executive Officer

DJA:LTO:PFC

Background

After a competitive request for proposals process in 2021, the Board selected Kadesh & Associates (Kadesh), Cassidy & Associates (Cassidy) and the Carmen Group

(Carmen) for legislative and regulatory representation in Washington, D.C. for one year beginning on January 15, 2022, with an option for up to two one-year renewals upon satisfactory performance, at the Board's discretion. Each of the three one-year contracts will expire on January 14, 2023; however, each agreement includes an option for two one-year extensions.

In 2022, the firms of Kadesh, Cassidy and Carmen represented South Coast AQMD in Washington, D.C. and performed at a high professional level. The firms have been effective in working with the Board and staff to sustain active engagement in federal legislative, policy and regulatory issues with the Administration, Congressional Members and staff, industry, environmental and health organizations and other stakeholders.

Kadesh is a bipartisan federal advocacy firm specializing in California interests. Kadesh's team has considerable experience working as senior Congressional staffers in the House and the Senate. Mark Kadesh, President, is the primary contact with Ben Miller, Principal Consultant, for South Coast AQMD. Mr. Kadesh has extensive legislative and political experience and insights gained from his sixteen years working on Capitol Hill. For seven years he served as Chief of Staff to Senator Dianne Feinstein (D-CA). He previously served as Legislative Director for Senator Feinstein, handling and gaining in-depth knowledge of issues ranging from air quality, water, energy, tax, commerce, environmental regulations, air quality, transportation, finance, trade, and appropriations. Mr. Miller worked for more than seventeen years as an advisor for Members of the California Congressional Delegation. He served as the Chief of Staff for Representative Jared Huffman (D-CA) and has expertise working on air quality, water, environmental, infrastructure, transportation, natural resources, and climate issues.

Cassidy is a bipartisan federal government relations firm with more than 45 years of demonstrated experience. Amelia Morales, Executive Vice President, and Jed Dearborn, Senior Vice President, serve as South Coast AQMD's primary representatives. Ms. Morales joined Cassidy after serving as Deputy Staff Director and Senior Policy Advisor to the U.S. House Committee on Natural Resources since 2011. She served as chief policy advisor and strategist to then U.S. Representative and now U.S. Senator Ed Markey (D-MA), U.S Representative Grace Napolitano (D-CA), U.S. Representative Peter DeFazio (D-OR) and its current Ranking Member U.S. Representative Raul Grijalva (D-AZ). She was also the primary policy contact with House leadership, White House Legislative Affairs, Council on Environmental Quality, in addition to Departments under the committee's jurisdiction. Mr. Dearborn joined Cassidy after serving as Senior Counsel to the U.S. Senate Committee on Energy and Natural Resources, where he was responsible for negotiating and advancing legislation on electricity generation and transmission, natural gas transportation, cybersecurity, air quality and clean energy technologies such as energy storage and carbon capture,

utilization, and sequestration. Prior to the Committee, he served as Energy Counsel to Senator John Barrasso practiced energy regulatory law at a major law firm.

Carmen Group is a bipartisan government affairs firm with decades of experience in legislative representation and government relations, including building industry coalitions. Gary Hoitsma, Executive Managing Associate, and Dal Harper, Executive Managing Director, are the primary representatives for South Coast AQMD. Mr. Hoitsma leads Carmen Group's Transportation and Environment Practice. He served eight years as a top aide to U.S. Senator James M. Inhofe (R-OK), current chairman of the Senate Armed Services Committee and former chairman of the Environment & Public Works Committee. He worked closely with Senator Inhofe to develop and coordinate legislative strategies and communicate clear positions on a wide variety of critical public policy issues. Previously, he served as special assistant to the administrator of the Federal Highway Administration at the U.S. Department of Transportation, where coordinated public affairs and congressional relations activities and helped build interest group coalitions for administration transportation policies. Mr. Harper brings two decades of government relations including legislation and agencies such as Department of Commerce, Department of Interior, Department of Transportation, U.S. EPA, General Services Administration and the National Park Service.

While the 117th Congress is still in progress, below are some of the accomplishments and issues worked on by these three firms in 2022:

- **U.S. EPA Clean Trucks Plan** – Members of Congress and staff, coordinated efforts with likeminded industry to urge the Administration to release the proposed Clean Truck Plan rule. The consultants assisted in garnering participation in the Office of Management and Budget 12866 meeting process to urge for the strongest possible NO_x standards for heavy-duty trucks beginning with Model Year 2027. After publication of the proposed rule, consultants assisted in organizing and garnering support for a Congressional letter with 66 Representatives and Senators in support of the strongest possible heavy-duty vehicle requirements for the Clean Trucks Plan. Ongoing efforts are to urge U.S. EPA to finalize a rule by the end of 2022.
- **U.S. EPA Working Group with South Coast AQMD, San Joaquin APCD, Bay Area AQMD and CARB** – Building upon Senator Alex Padilla's request to U.S. EPA to form a Working Group on behalf of South Coast AQMD and the other large California air agencies, consultants are maintaining close contact with Congressional offices to elevate air quality issues and the need for federal action to reduce NO_x emissions from heavy-duty trucks, ocean-going vessels, locomotives, aircraft and off-road equipment. The Congressional discussions in parallel with the Working Group efforts with U.S. EPA are a critical component of a "Whole of

Government” approach which spans legislative, regulatory and policy actions on the local, state and federal levels.

- **Increased Fiscal Year (FY) 2022 Appropriations –**
 - Targeted Airshed Grants increased from \$59 million in FY 2021 to nearly \$62 million in FY 2022.
 - Diesel Emissions Reduction Act (DERA) increased from \$90 million in FY 2021 to \$92 million in FY 2022.
 - Section 103/105 increased from \$229.5 million in FY 2021 to \$231.5 million in FY 2022, plus approximately \$100 million in the American Rescue Plan Act.

- **H.R. 5376, the “Inflation Reduction Act”** – Since the beginning of the Biden Harris Administration, the consulting firms have been strategically advocating for South Coast AQMD legislative priorities to address emissions related to goods movement and other federally regulated sources; research, development and demonstration projects; funding prioritization for nonattainment areas and environmental justice, air monitoring, energy, and other air quality programs. This effort entailed a bicameral approach in meeting with Members of Congress and their staff (California and out-of-state), Committees, the Administration, industry and others. Examples include the Offices of Senators Dianne Feinstein, Alex Padilla, and Jim Inhofe; Representatives Tony Cardenás, Ken Calvert, Nanette Barragán, Lisa Blunt Rochester, Raul Ruiz, Mike Thomson; White House Council on Environmental Quality, U.S. Department of Transportation Port Envoy and Climate; and Majority and Minority for House Energy and Commerce and Senate Environment and Public Works. After multiple versions of reconciliation legislation, the Inflation Reduction Act passed containing provisions in alignment with South Coast AQMD’s advocacy priorities, including, but not limited to:
 - Two new programs which provide funding for nonattainment areas –
 - **Clean Vehicles:** \$600 million to U.S. EPA to award grants to help replace medium-duty vehicles with zero-emitting vehicles such as garbage trucks, tow trucks, and school buses. Plus, \$400 million specifically for vehicles that would serve communities located in nonattainment areas. States, municipalities and tribal government are eligible to apply.
 - **Grants to Reduce Air Pollution at Ports:** \$2.25 billion to U.S. EPA to award grants for the purchase of zero-emissions port equipment and technology. An additional \$750 million is provided for ports located in nonattainment areas. Air agencies are eligible to apply for grants.
 - **DERA** – \$60 million for DERA in addition to annual appropriations. Air agencies are eligible to apply for funds.

- **Commercial vehicle tax credit** – \$7,500 up to \$40,000 depending on vehicle weight and providing the highest amount for the cleanest engines.
- **Air Monitoring** – \$280 million to support the national ambient air quality monitoring system, air quality sensors, and other related activities.
- **Consumer Home Energy Rebates** – \$9 billion to electrify home appliances and for energy efficient retrofits.
- **Consumer Home Energy Efficiency Tax Credits** – 10 years of consumer tax credits to make homes energy efficient and to run on clean energy, including heat pumps, rooftop solar, electric HVAC and water heaters.
- **Light-Duty Vehicles** – \$4,000 consumer tax credit for lower/middle income individuals to buy used clean vehicles, and up to \$7,500 tax credit to buy new clean vehicles.
- **Bureau of Reclamation** – \$4 billion with priority for the portion of the Colorado River basin, which the Salton Sea is an adjacent area and receives water, for ecosystem and habitat restoration projects to address issues directly caused by drought in an inland body of water.
- **Air Quality and Environmental Justice** – Programs that support air quality and environmental justice issues. Some programs of note:
 - ***Climate Pollution Reduction Grants***: \$5 billion for a competitive grant program for state planning and implementation of programs, policies, measures, and other investments that will achieve or facilitate greenhouse gas emission reductions. Air agencies are eligible to apply for grants.
 - ***Environmental and Climate Justice Block Grants***: \$3 billion for grants and to provide technical assistance for activities that benefit disadvantaged communities including pollution monitoring and prevention and environmental remediation; investments in low- and zero-emission and resilient technologies and related infrastructure and other purposes. Entities eligible to apply are States, local government, and tribal government and in partnership with community-based non-profits.
 - ***Neighborhood Access and Equity Grant Program***: \$3 billion for a new program to support neighborhood equity, safety and affordable transportation access with four competitive grants to reconnect communities divided by existing infrastructure barriers, mitigate negative impacts of transportation facilities including air pollution and other environmental impacts.

The consultants have represented South Coast AQMD through their advocacy efforts. Continued representation in Washington, D.C. is necessary to further the agency’s legislative, regulatory and policy objectives. The South Coast and Coachella Valley Air Basins nonattainment status and the threat of Clean Air Act sanctions require substantial, consistent engagement with Congress and the Administration. Of specific interest in 2023 to assist South Coast AQMD with nonattainment issues in federal

responsibility through funding, regulations, and policy to address emissions from heavy-duty trucks, ocean-going vessels, locomotives, aircraft, and off-road equipment. Additional areas of interest are energy, infrastructure, residential and commercial building efficiencies, environmental justice, air monitoring and related programs. The consulting firms will also assist South Coast AQMD advocate for favorable program guidance and/or funding from the American Rescue Plan, Bipartisan Infrastructure Law, Inflation Reduction Act, Appropriations and other legislation.

Proposal

Staff recommends retaining Kadesh & Associates, Cassidy & Associates and Carmen Group for Calendar Year 2023, given their successful efforts in 2022 and their ability to build upon these efforts in the coming year. Continuity of representation is critical to strategically advocate with pending nonattainment and Clean Air Act issues.

Pursuant to the original contract, the Board has discretion to exercise options for the two one-year extensions. This proposal is to approve the first one-year extension for all three consulting contracts.

Resource Impacts

The Legislative, Public Affairs, and Media Budget for FY 2022-23 has sufficient funds for legislative advocacy in Washington, D.C.

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 7

PROPOSAL: Enter into Agreement with Enterprise Fleet Management to Lease Fleet Vehicles, Transfer Budgeted Funds to Make Lease Payments, and Direct Future Vehicle Resale Revenue for Lease Payments

SYNOPSIS: South Coast AQMD maintains a fleet of 220 vehicles for use by field staff and daily business. This action is to authorize the Executive Officer to execute an open-ended lease and maintenance agreement with Enterprise Fleet Management and to execute individual vehicle leases. This action also seeks approval to transfer \$545,000 from the General Fund (Administrative & Human Resources Capital Outlay Account) to Administrative & Human Resources Services and Supplies Account for FY 2022-23 annual vehicle lease payments. Finally, this item would direct future revenue from the resale of fleet vehicles into the Infrastructure Improvement Fund (02) to use for ongoing lease payments. Funding will be requested in future budgets for ongoing fleet vehicle leases.

COMMITTEE: Administrative, October 14, 2022; Recommended for Approval

RECOMMENDED ACTIONS:

1. Authorize the Executive Officer to execute an open-ended lease and maintenance agreement with Enterprise Fleet Management and to execute individual vehicle leases under the fleet management services program;
2. Approve the transfer of the currently budgeted \$545,000 from the General Fund (Administrative and Human Resources Capital Outlay Account) to Administrative and Human Resource's FY 2022-23 Budget, Services and Supplies Major Object, Rent & Leases Equipment Account to pay for vehicle leases for this budget year; and
3. Direct upon receipt, any funds from the resale of South Coast AQMD fleet vehicles as part of the fleet management services program, into Fund 02 – Infrastructure Improvement Fund, Miscellaneous Revenue Account.

Wayne Natri
Executive Officer

Background

South Coast AQMD is responsible for the maintenance, distribution, and recordkeeping of a vehicle fleet assigned to field staff and available to employees for daily business use and the Rideshare Program. The fleet currently consists of over 200 vehicles, mostly sedans but also a few SUVs, trucks, and vans. An analysis of the fleet is conducted annually to determine which vehicles should be replaced, based on condition, miles, and age. Replacement vehicles are purchased through the South Coast AQMD Capital Outlay fund. Over the recent years, vehicles have not been replaced on a regular basis, due to budgetary constraints. As a result, the average age of the fleet is 12 years old, with some vehicles reaching 20 years. The older vehicles lack optimal safety features and equipment to minimize risk of injury. Staff seeks to utilize a fleet management services program that will reduce this extended lifecycle of fleet vehicles by maximizing the use of budgeted funds and establishing a structured, ongoing mechanism for procuring replacement vehicles. Staff has determined that initiating a vehicle leasing program with Enterprise Fleet Management (Enterprise) would serve this purpose.

Cooperative Purchase Agreement Process

South Coast AQMD's Procurement Policy and Procedure Section IV(A)(5) allows, whenever possible, the use of cooperative purchasing programs, provided that the quality of the available goods or services meets South Coast AQMD requirements. Cooperative purchasing agreements reduce costs by aggregating the purchasing power of public agencies nationwide. This proposal utilizes a cooperative purchasing agreement with Sourcewell, a cooperative purchasing organization for government, public and private K-12 schools, colleges, universities, and non-profit organizations. All contracts available through Sourcewell are competitively solicited, evaluated, and awarded. Sourcewell awarded a contract to Enterprise to provide fleet management services to its members, such as South Coast AQMD. After review of fleet vehicle requirements and budget impacts, this proposal is to utilize Enterprise to provide South Coast AQMD with fleet management services.

Enterprise is experienced in contracting with other government agencies for these services, such as Bay Area Air Quality Management District, Elsinore Valley Municipal Water District, San Diego Metropolitan Transit System, City of Duarte, and City of Corona.

Proposal

A fleet management services program that leases vehicles, instead of purchasing, will allow for a shorter turnover of existing vehicles. This will bring newer vehicles into the fleet with updated safety features and technology, such as forward collision warning, electronic stability control standardization, and rearview camera standardization, to increase safety for employees and the public. Vehicles with a shorter lifecycle will also reduce fuel and maintenance costs due to better fuel efficiency and less wear and tear.

Under a fleet management services program with Enterprise, South Coast AQMD would identify vehicles to replace and appropriate vehicles to serve as replacements. Selection criteria for vehicles would be based on duty cycle with preference for hybrid and zero-emission vehicles. With this year's budget allocation of \$545,000, the goal is to lease approximately 70 vehicles this fiscal year, depending on inventory availability. As a comparison, under the existing purchase model, the same amount would only enable a purchase of 15 vehicles. Under this fleet management plan proposal, staff would seek to turn over the entire fleet within the next 4 years and to establish an average 5-year lifecycle for fleet vehicles. However, there is no requirement to lease a specific number of vehicles under the Enterprise fleet management services program. South Coast AQMD can lease any number of vehicles in any given year, based on need and budget constraints. The vehicle leases would have no mileage restrictions, abnormal wear and tear costs, or early termination penalties.

At the end of a vehicle lifecycle, Enterprise will be responsible for selling the vehicle. The proceeds from the sale, less a minimal service charge, will be returned to South Coast AQMD. This proposal requests that the Board recognize such future revenue and direct it to Fund 02 Infrastructure Improvement Fund, Miscellaneous Revenue Account where it can be allocated for ongoing lease payments. As newer vehicles are turned over for resale, the expectation is that there will be significant revenue to help fund this program. However, there is no guarantee as to the resale value of vehicles and the agency may decide to purchase the vehicles at the end of the lease, based on operational and financial considerations.

Enterprise's fleet management services program also includes a maintenance program that covers all routine services recommended by the manufacturer of the vehicle and all unexpected repairs, not related to damage or neglect, for all leased vehicles under the fleet management services program, as well as South Coast AQMD's current fleet vehicles. Under the maintenance program, Enterprise also provides 24/7 roadside assistance and tow services and access to over 100 local contracted maintenance and repair shops. Even with the additional maintenance program fee per vehicle, this feature would provide cost savings for the current fleet maintenance budget.

Resource Impacts

Upon approval, FY 2022-23 budgeted funds in the amount of \$545,000 in the General Fund (Administrative and Human Resources Capital Outlay Account) will be transferred to Administrative and Human Resource's FY 2022-23 Budget, Services and Supplies Major Object, Rent & Leases Equipment Account to lease new vehicles this fiscal year.

Funding will be requested in subsequent budgets for ongoing lease payments, budgeted as an operating services expense, rather than a capital outlay.

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 8

PROPOSAL: Amend FY 2022-23 Budget by Adding Funds to Legal's FY 2022-23 Budgets, Services and Supplies Major Object, Professional and Special Services Account to Cover Costs of Legal Counsel and Specialized Counsel and Services and Amend or Execute Contracts with Outside Counsel and Specialized Legal Counsel and Services

SYNOPSIS: This item is to amend the FY 2022-23 Budget to add \$754,000 to Legal's FY 2022-23 Budget to cover anticipated costs of legal counsel and specialized counsel and services, and amend or execute contracts for legal counsel for specialized, environmental, and other litigation. This action will result in an increased annual cost of \$754,000. Funding for the budget will be appropriated into the FY 2022-23 Budget from the Undesignated (Unassigned) Fund Balance and will be requested in future budgets.

COMMITTEE: Administrative, October 14, 2022; Recommended for Approval

RECOMMENDED ACTIONS:

1. Appropriate \$754,000 from the Undesignated (Unassigned) Fund Balance to Legal's FY 2022-23 Budget or, if unused during that year, into the FY 2023-24 Budgets, Services and Supplies Major Object, Professional and Special Services Account; and
2. Authorize the Chairman or the Executive Officer, depending on whether the amount exceeds \$100,000, to amend or execute contracts with legal counsel handling existing matters, as well as prequalified counsel approved by the Board, and specialized legal counsel and services, as the need arises. Allow the Executive Officer to amend or execute such contracts over \$100,000 with the Chair's delegation.

Wayne Natri
Executive Officer

Background

The FY 2022-23 Adopted Budget includes \$246,000 for litigation expenses in environmental law, specialized legal areas, and other litigation. The total amount currently allocated will not cover current and anticipated costs of legal counsel and specialized counsel and services. Historically, this amount has not been sufficient to cover these costs. This item will add funds to reflect historical costs for these services.

South Coast AQMD will require an additional amount of \$754,000 for these services. Money will be expended on lawsuits, legal proceedings, legal advice and other matters. These matters include, but are not limited to, defending the Warehouse ISR rule, potential litigation regarding EPA's need to further reduce emissions from federal sources, analyzing and addressing CEQA and RECLAIM issues, defending lawsuits, and other matters. Accordingly, staff is requesting an appropriation of funds in the amount of \$754,000. The funds requested through this Budget amendment will result in a total annual budget of \$1,000,000 for litigation expenses for this fiscal year.

Proposal

In order to defend ongoing litigation and continue other legal work, it is necessary to amend the FY 2022-23 or FY 2023-24 Budgets to add funds for expenditures by outside counsel. It is expected that ongoing lawsuits and other legal work will require an additional \$754,000 for attorneys handling existing matters, prequalified counsel approved by the Board, and with specialized legal counsel and services, as the need arises.

Resource Impacts

This action will result in an increased annual cost of \$754,000. Funding for the budget will be appropriated into the FY 2022-23 Budget from the Undesignated (Unassigned) Fund Balance and will be requested in future budgets.

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BOARD MEETING DATE: November 4, 2022

AGENDA NO. 9

PROPOSAL: Approve Contract Modification as Approved by MSRC

SYNOPSIS: As part of their FYs 2018-21 Work Program, the MSRC approved a modification to the Southern California Association of Governments' (SCAG) contract to implement the Last Mile Freight Program. Due to the withdrawal of projects, the scope and funding allocation for the Sysco Corporation project would be increased. Additionally, SCAG would bring back an additional reallocation request in the near future. At this time, the MSRC seeks Board approval of the contract modification as part of the FYs 2018-21 Work Program.

COMMITTEE: Mobile Source Air Pollution Reduction Review, October 20, 2022;
Recommended for Approval

RECOMMENDED ACTIONS:

1. Approve reallocation of a total of \$2,231,952 from three withdrawn projects under contract #MS21005 with SCAG under the Last Mile component of the MSRC's Regional Goods Movement Program, as part of approval of the FYs 2018-21 Work Program, as described in this letter and as follows:
 - a. \$1,115,976 reallocated to augment funding for the Sysco Corporation project, with a corresponding increase in scope from nine to 17 zero emission vehicles and nine to 17 electric vehicle chargers; and
 - b. \$1,115,976 reserved without assignment to a specific project, contingent upon receipt of an additional reallocation request no later than February 17, 2023, subject to approval by the MSRC and South Coast AQMD Board at a later date; and

2. Authorize the Board Chair (or by the Board Chair's designation, the Executive Officer) to execute the modified contract under the 2018-21 Work Program, as described above and in this letter.

Larry McCallon,
Chair, MSRC

AK:CR

Background

In September 1990, Assembly Bill (AB) 2766 was signed into law (Health & Safety Code Sections 44220-44247) authorizing an annual \$4 motor vehicle registration fee to fund the implementation of programs exclusively to reduce air pollution from motor vehicles. AB 2766 provides that 30 percent of the annual \$4 vehicle registration fee subvented to South Coast AQMD be placed into an account to be allocated pursuant to a work program developed and adopted by the MSRC and approved by the Board.

Proposal

At its October 20, 2022 meeting, the MSRC considered recommendations from the MSRC-Technical Advisory Committee (TAC) as well as recommendations from MSRC staff and approved the following:

FYs 2018-21 Last Mile Freight Program

The Last Mile component of the MSRC's Regional Goods Movement Program focuses on reducing emissions from transportation of goods following departure from distribution centers. In August 2020, the MSRC approved a sole-source contract award to SCAG in an amount not to exceed \$10,000,000 to implement the Last Mile Freight Program (LMFP) on behalf of the MSRC. Contract #MS21005 was executed to effectuate the award, and in November 2021, the MSRC approved SCAG's proposed project list awarding the original \$10,000,000 to 26 projects across the region. Subsequently, the MSRC approved the allocation of additional funding and the addition of six more projects from SCAG's contingency list.

Contract #MS21005 provides that if a Project Participant withdraws, SCAG may request the MSRC to approve a reallocation of the funds assigned to that project to increase the scope of another project on the approved list or to fund another project on SCAG's contingency list. Recently SCAG indicated that three of the previously approved projects, which had a total incentive funding allocation of \$2,231,952, have been withdrawn. SCAG requested the MSRC to reallocate half of the funding, or \$1,115,976, to augment the Sysco Corporation project, with a corresponding increase in scope from nine to 17 zero emission vehicles and nine to 17 electric vehicle chargers.

SCAG further requested that the remaining \$1,115,976 be reserved while they finalized details of their proposal relative to that increment of funding. The MSRC also approved reserving the remaining \$1,115,976 without immediate assignment to a specific project within the contract, contingent upon the receipt of an additional reallocation request no later than February 17, 2023. Should such request not be received, the \$1,115,976 would revert to the AB 2766 Discretionary Fund.

At this time, the MSRC requests the South Coast AQMD Board to approve the contract modification as part of approval of the FYs 2018-21 AB 2766 Discretionary Fund Work Program as outlined above.

Resource Impacts

South Coast AQMD acts as fiscal administrator for the AB 2766 Discretionary Fund Program (Health & Safety Code Section 44243). Money received for this program is recorded in a special revenue fund (Fund 23) and any contracts awarded in response to the solicitation will be paid from this fund.

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BOARD MEETING DATE: November 4, 2022

AGENDA NO: 10

REPORT: Establish Board Meeting Schedule for Calendar Year 2023

SYNOPSIS: The proposed Board Meeting Schedule for Calendar Year 2023 is submitted for Board consideration. The meeting schedule for the Administrative Committee meeting, as well as the other standing committees, is included for information only.

COMMITTEE: Administrative, October 14, 2022; Recommended for Approval

RECOMMENDED ACTION:

Adopt the attached Resolution establishing the 2023 Board Meeting Schedule.

Ben J. Benoit, Chair
Administrative Committee

cb

Calendar Year 2023 Board Meeting Schedule

<u>MONTH</u>	<u>DATE</u>	<u>START TIME</u>
January:.....	January 6	9:00 a.m.
February:.....	February 3.....	9:00 a.m.
March:.....	March 3	9:00 a.m.
April:.....	April 7	9:00 a.m.
May:.....	May 5	9:00 a.m.
June:.....	June 2	9:00 a.m.
July:	No Meeting.....	
August:.....	August 4	9:00 a.m.
September:	September 1	9:00 a.m.
October:	October 6.....	9:00 a.m.
November:	November 3	9:00 a.m.
December:.....	December 1.....	9:00 a.m.

Attachments

1. Resolution
2. Proposed 2023 Meeting Schedule for Governing Board and Standing Committees

ATTACHMENT 1

RESOLUTION NO. 22-_____

A Resolution of the South Coast Air Quality Management District Governing Board setting the time and place of regular meetings.

WHEREAS, the regular meetings of the South Coast Air Quality Management District Governing Board have been established by Resolution in the past, and

WHEREAS, the Governing Board is establishing the regularly scheduled meetings for Calendar Year 2023.

NOW, THEREFORE, BE IT RESOLVED that, effective January 2023, the regular meetings of the Governing Board shall be held at 9:00 a.m. on the first Friday of each month, except for July when there is no meeting scheduled, in the William A. Burke Auditorium at South Coast AQMD Headquarters, 21865 Copley Dr., Diamond Bar, California.

Dated: _____

Faye Thomas, Clerk of the Boards

South Coast AQMD Governing Board & Standing Committees
Proposed 2023 Meeting Schedule

GOVERNING BOARD	STANDING COMMITTEES				
Time – 9:00 a.m.	Legislative Time – 9:00 a.m.	Administrative Time – 10:00 a.m.	Mobile Source Time – 9:00 a.m.	Stationary Source Time – 10:30 a.m.	Technology Time – 12:00 p.m.
January 6	January 13	January 13	January 20	January 20	January 20
February 3	February 10	February 10	February 17	February 17	February 17
March 3	March 10	March 10	March 17	March 17	March 17
April 7	April 14	April 14	April 21	April 21	April 21
May 5	May 12	May 12	May 19	May 19	May 19
June 2	June 9	June 9	June 16	June 16	June 16
	DARK				
August 4	August 11	August 11	August 18	August 18	August 18
September 1	September 8	September 8	September 15	September 15	September 15
October 6	October 13	October 13	October 20	October 20	October 20
November 3	November 9 (Thursday)	November 9 (Thursday)	November 17	November 17	November 17
December 1	December 8	December 8	No Meeting	No Meeting	No Meeting

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BOARD MEETING DATE: November 4, 2022

AGENDA NO. 11

REPORT: Legislative, Public Affairs and Media Report

SYNOPSIS: This report highlights the September 2022 outreach activities of Legislative, Public Affairs and Media Office, which includes Major Events, Community Events/Public Meetings, Environmental Justice Update, AB 617 Update, Speakers Bureau/Visitor Services, Communications Center, Public Information Center, Small Business Assistance, Media Relations, and Outreach to Community Groups and Federal, State and Local Governments.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Wayne Nastri
Executive Officer

LTO:PC:AL:bel:ar

BACKGROUND

This report summarizes the activities of the Legislative, Public Affairs and Media Office for September. The report includes Major Events, Community Events/Public Meetings, Environmental Justice Update, AB 617 Update, Speakers Bureau/Visitor Services, Communications Center, Public Information Center, Small Business Assistance, Media Relations, and Outreach to Community Groups and Governments.

MAJOR EVENTS (HOSTED AND SPONSORED)

Each year, staff engage in holding and sponsoring several major events throughout South Coast AQMD's four-county jurisdiction to promote, educate, and provide important information to the public regarding reducing air pollution, protecting public health, and improving air quality while minimizing economic impacts.

8th Annual Environmental Justice Conference:

On September 14, the 8th Annual Environmental Justice Conference entitled, “Our Environment, Our Lives: Collaborating for Clean Air,” was held virtually with approximately 900 people participating. Speakers included Attorney General Rob Bonta and U.S. EPA Region 9 Administrator Martha Guzman. The conference included simultaneous breakout sessions entitled “Community Air Monitoring and Building the Road to a Zero-Emissions Future.” The plenary session, entitled “AB 617 Community Air Protection Program: Lessons Learned and Strategies for Positive Change” consisted of Community Steering Committee (CSC) members from several communities.

COMMUNITY EVENTS/PUBLIC MEETINGS

Staff engage with residents and stakeholders of diverse communities to provide information about the agency, incentive programs, and ways individuals can help reduce air pollution through events and meetings sponsored by South Coast AQMD or in partnership with others. Attendees typically receive the following information:

- Tips on reducing their exposure to smog and its health effects;
- How to file a complaint;
- Clean air technologies and their deployment;
- Invitations to or notices of conferences, seminars, workshops, and other public events;
- South Coast AQMD incentive programs;
- Funding/grants opportunities by South Coast AQMD and partner agencies;
- Ways to participate in South Coast AQMD’s rules and policy development; and
- Assistance in resolving air pollution-related problems.

Staff attended and/or provided information and updates at the following September events and meetings:

San Gabriel Valley Council of Governments

On September 4, staff attended the San Gabriel Valley Council of Governments City Manager Steering Committee meeting to provide updates on the Replace Your Ride Program, regional public hearings for the Draft 2022 AQMP and Clean Air Awards nominations.

Gateway Cities Council of Governments

On September 7, staff attended the Gateway Cities Council of Governments Board of Directors meeting to present on the Draft 2022 AQMP and receive feedback from stakeholders.

Big Bear Chamber of Commerce

On September 8, staff participated in a virtual Big Bear Chamber of Commerce Government Affairs/Regional Transportation Advisory Committee meeting. Information was provided on wildfire smoke advisories and funding opportunities under California's Hybrid Voucher Incentive Project program.

Orange County Business Council

On September 9, staff attended the Orange County Business Council Government Affairs Committee meeting to present on the Draft 2022 AQMP and receive feedback from stakeholders.

Santa Ana Chamber of Commerce

On September 13, staff participated in the Santa Ana Chamber of Commerce Government Affairs Committee meeting to provide updates on the Draft 2022 AQMP regional public hearings.

South Pasadena Chamber of Commerce

On September 14, staff attended the South Pasadena Chamber of Commerce Legislative Affairs Committee meeting and provided updates on the Replace Your Ride Program and Draft 2022 AQMP regional public hearings. Staff also announced the opening of Clean Air Awards nominations.

Inland Empire Fire Safe Alliance

On September 14, staff provided updates at an Inland Empire Fire Safe Alliance meeting on air quality, smoke advisories and other programs.

San Fernando Valley Council of Governments

On September 15, staff attended the San Fernando Valley Council of Governments Governing Board meeting to provide updates on Draft 2022 AQMP regional public hearings and Clean Air Award nominations.

San Bernardino County Transportation Authority

On September 15, staff attended the San Bernardino County Transportation Authority Metro Valley Study Session meeting to present on the Draft 2022 AQMP and receive feedback from stakeholders.

Coachella Valley Association of Governments

On September 15, staff attended a Coachella Valley Association of Governments meeting to present on the Draft 2022 AQMP and receive feedback from stakeholders.

Rialto Pollution Prevention Fair

On September 17, staff displayed a hydrogen fuel cell vehicle and shared information on South Coast AQMD's incentive programs focusing on the Residential Lawn Mower Exchange and Residential EV Charging.

San Gabriel Valley Economic Partnership

On September 28, staff attended the San Gabriel Valley Economic Partnership Legislative Action Committee meeting to present on the Draft 2022 AQMP and receive feedback from stakeholders. Staff also provided updates on the Replace Your Ride Program and announced the opening of South Coast AQMD Clean Air Awards nominations.

ENVIRONMENTAL JUSTICE UPDATE

The following are key environmental justice (EJ) related activities in which staff participated during September. These events and meetings involve communities affected disproportionately by adverse air quality impacts.

Pacoima Community Initiative

On September 2, staff participated in the Pacoima Community Initiative's monthly virtual meeting. An invitation to the EJ Conference was extended to meeting attendees.

Environmental Justice Community Partnership Advisory Council

On September 7, staff attended the quarterly Environmental Justice Community Partnership Advisory Council meeting was held including presentations on the Replace Your Ride Program and 2023 Goals and Objectives.

AB 617 UPDATE

The following are key AB 617-related activities in which staff participated during September. These events, workshops, and meetings involve AB 617 communities and support the CSCs, Community Air Monitoring Plans (CAMPs), and Community Emissions Reduction Plans (CERPs).

Eastern Coachella Valley (ECV) Outreach Working Team Meeting

On September 6, approximately 20 people participated in the ECV Outreach Working Team meeting. CSC members discussed upcoming outreach presentations to cities and staff provided updates on the AB 617 Annual Report and Draft 2022 AQMP.

Mecca-North Shore Community Council

On September 7, staff and CSC members presented an overview of the AB 617 program to the Mecca-North Shore Community Council and discussed partnership opportunities through the AB 617 program.

South Los Angeles (SLA) CSC Meeting

On September 8, approximately 75 people participated in the SLA CSC meeting. Staff presented on the AB 617 Annual Report, Draft 2022 AQMP, CERPs and implementation of CAMPs. Caltrans shared information on their California Freight Mobility Plan.

City of Coachella

On September 14, staff and a CSC member presented an overview of AB 617 to the City of Coachella. There also was discussion on opportunities to partner on the AB 617 program for the City of Coachella and its residents.

State EJ Cooperative Agreement Program Grant

On September 22, staff held a Kick-Off Meeting for the State EJ Cooperative Agreement Program grant. Project partners include Twenty-Nine Palms Band of Mission Indians, Desert Healthcare District and Foundation and Health Assessment and Research for Communities. Discussion focused on the air grant which will help establish an air quality academy to improve environmental literacy and air quality data in the Eastern Coachella Valley community.

City of Indio

On September 26, staff and CSC members presented an overview of the AB 617 program to the City of Indio Sustainability Commission, including CERP and CAMP implementation, paving projects and air filtration systems.

Thermal, Oasis & Vista Santa Rosa Community Councils

On September 26, a briefing was held for the Thermal-Oasis & Vista Santa Rosa Community Councils on the AB 617 program. The Community Councils recommended working collaboratively on outreach and CERP actions, especially paving projects and the Coachella Valley Alternative Transportation Route (CV Link).

East Los Angeles, Boyle Heights, West Commerce (ELABHWC) CSC

On September 29, staff met with Legacy LA, to brief their new staff member who will serve on the ELABHWC AB 617 CSC.

SPEAKERS BUREAU/VISITOR SERVICES

South Coast AQMD regularly receives requests for staff to speak on air quality-related issues from a wide variety of organizations, such as trade associations, chambers of commerce, community-based groups, schools, hospitals, and health-based organizations. South Coast AQMD also hosts visitors from around the world who meet with staff on a wide range of air quality issues.

Pomona College

On September 20, staff presented to Pomona College students about South Coast AQMD, air quality, and clean technologies. Staff displayed a hydrogen fuel cell battery electric vehicle.

COMMUNICATION CENTER STATISTICS

The Communication Center handles calls on South Coast AQMD’s main line, 1-800-CUT-SMOG®, the Spanish line, and after-hours calls to those lines. Total calls received in the month of September are summarized below:

Calls to South Coast AQMD’s Main Line and 1-800-CUT-SMOG®	2,579
Calls to South Coast AQMD’s Spanish Line	47
Clean Air Connection	0
Total Calls	2,626

PUBLIC INFORMATION CENTER STATISTICS

The Public Information Center (PIC) handles phone calls for general information. The PIC did not take walk-in requests in September because of the COVID pandemic. Email advisories provided information on upcoming meetings and events, program announcements and alerts on time-sensitive issues. Information for the month of September is summarized below:

Calls Received by PIC	15
Calls to Automated System	136
Total Calls	151
Email Advisories Sent	113,772

SMALL BUSINESS ASSISTANCE

South Coast AQMD notifies local businesses of proposed regulations so they can participate in the agency's rule development process. South Coast AQMD works with other agencies and governments to identify efficient, cost-effective ways to reduce air pollution and shares that information broadly. Staff provided personalized assistance to small businesses both over the telephone and via virtual on-site consultation, as summarized below for September.

- Provided permit application assistance to 181 companies, and
- Processed 56 Air Quality Permit Checklists.

Types of businesses assisted:

Architecture Firms	Engineering Firms	Restaurants
Auto Body Shops	Gas Stations	Retail Facilities
Auto Repair Centers	Gasoline Dispensing	Telecommunication
Construction Firms	Facilities	Centers
Dry Cleaners	Manufacturing Facilities	Warehouses

MEDIA RELATIONS

The Media Office handles all South Coast AQMD outreach and communications with television, radio, newspapers and all other publications, and media operations. The September report is listed below:

Major Media Interactions	121
Press Releases	20
News Carousel	3

Major Media Topics:

- **Hazardous Ozone Levels Due to Heat Wave:** Pitches were sent regarding the ozone advisory extension. Staff participated in an interview with NBC on increased ozone levels.
- **PM10:** Staff participated in an interview with KESQ News on PM10 and the importance of minimizing it for good health.
- **Hyperion Water Reclamation Plant:** The Daily Breeze inquired about testimony information from the Hearing Board hearing for Hyperion. A written responses was provided.
- **U.S. EPA SIP:** Inside EPA inquired if South Coast AQMD still plans to sue U.S. EPA for not approving State Implementation Plans. Written responses were provided.
- **U.S. EPA EtO Enforcement:** Inside EPA inquired on U.S. EPA's role in enforcement against EtO facilities. Staff is working on a response.

- **Ozone Pollution:** China Environment News submitted questions on the causes of ozone pollution, and its sources in our region. A written response was provided.
- **All American Asphalt:** The OC Register reached out with some questions regarding the Health Risk Assessment for the facility. Written responses were provided.
- **Airborne Lead Emissions:** Southern California News Group inquired about airborne lead emissions from airports. A written response was provided.
- **Torrance Refinery:** Bloomberg News inquired regarding the Hearing Board's decision on the Torrance Refinery case. Written responses were provided.
- **Private Jets and Air Quality:** The Los Angeles Times inquired about the rising number of private jets and the air quality around the Van Nuys Airport. Staff is working on a response.
- **Lawn Equipment Incentives:** Staff reached out to the Los Angeles Times to pitch the lawn and garden and other incentive programs. Reporter is potentially working on a SoCal rebate story at the end of the year and will circle back with us in December.
- **AB 617:** Staff reached out to a reporter seeking additional details on an interview request regarding an AB 617 outreach presentation given to the Coachella City Council. Staff is waiting on a response.

Special Topics:

- **Ethylene Oxide (EtO) Investigations:** Staff participated in an interview with Southern California News Group on how EtO emissions from Parter compare to those from Sterigenics. Capital and Main News submitted follow-up questions on EtO Emissions. Staff is working on a response.

News Releases:

- **South Coast AQMD Extends Smoke Advisories due to Wildfires – September 1, 8, 2022 (English and Spanish):** Informed residents of continuing smoke impacts of the fires.
- **South Coast AQMD Issues Smoke Advisory Due to Wildfires – September 5, 6, 7, 2022 (English and Spanish):** Informed residents of smoke impacts due to the fires.
- **South Coast AQMD Extends Ozone Advisory Due to Heat Wave – September 7, 2022 (English and Spanish):** Informed residents of hazardous ozone levels due to the heat.
- **South Coast AQMD Requires Sterigenics in Vernon to Immediately Reduce Ethylene Oxide Emissions – September 9, 2022 (English and Spanish):** Informed residents of South Coast AQMD's action regarding Sterigenics facilities.

- **South Coast AQMD to Host the 8th Annual Environmental Justice Conference Featuring California Attorney General Rob Bonta and U.S. EPA Region 9 Administrator Martha Guzman – September 9, 2022 (English and Spanish):** Informed residents about the EJ Conference held on September 14.
- **South Coast AQMD Designates Sterigenics in Ontario as a Potentially High-Risk Facility – September 29, 2022 (English and Spanish):** Informed residents about the designation of Sterigenics Ontario as a high-risk facility.
- **Rendering Facility in Vernon Ordered to Shut Down for Failing to Comply with Permit Requirements and Reduce Odors – September 30, 2022 (English and Spanish):** Informed residents about Hearing Board decision regarding Baker Commodities.

Social Media Posts:

- **Ozone Advisory (8/30):** 15,734 Twitter Impressions
- **AQ Forecast (8/28):** 8,205 Twitter Impressions
- **Fairview + Radford Fires Smoke Advisory (9/7):** 22,235 Twitter Impressions
- **AQ Forecast (9/18):** 1,655 Twitter Impressions
- **AQ Forecast (9/24):** 5,059 Twitter Impressions

News Carousel:

- **California Attorney General Rob Bonta to be featured Speaker at our 8th Annual EJ Conference - Register now! – September 13, 2022:** Provided a link to EJ Conference registration.
- **Join us Sept. 28 for an update on All American Asphalt’s Health Risk Assessment, annual emission reports, and initial title V permit – September 22, 2022:** Provided a link to the All American Asphalt page.
- **Celebrate National Drive Electric Week from Sept. 23 - Oct. 2 - attend an event near you – September 23, 2022:** Provided a link to the National Drive Electric Week webpage.

OUTREACH TO COMMUNITY GROUPS AND FEDERAL, STATE AND LOCAL GOVERNMENTS

Outreach was conducted personally and virtually in September to communicate with elected officials or staff from the following cities:

Alhambra	Glendale	Pico Rivera
Arcadia	Glendora	Pomona
Artesia	Hawaiian Gardens	Rialto
Azusa	Huntington Park	Rosemead
Baldwin Park	Industry	San Dimas
Bell	Irvine	San Fernando
Bell Gardens	Irwindale	San Gabriel
Bellflower	La Cañada Flintridge	San Marino
Big Bear Lake	La Habra	Santa Ana
Bradbury	La Habra Heights	Santa Clarita
Brea	La Mirada	Santa Fe Springs
Buena Park	La Puente	Seal Beach
Burbank	La Verne	Sierra Madre
Carson	Laguna Niguel	Signal Hill
Cerritos	Lake Forest	South El Monte
Claremont	Lakewood	South Gate
Colton	Long Beach	South Pasadena
Commerce	Los Angeles	Stanton
Compton	Lynwood	Temple City
Covina	Maywood	Tustin
Cudahy	Mission Viejo	Vernon
Diamond Bar	Monrovia	Walnut
Downey	Montebello	West Covina
Duarte	Monterey Park	Whittier
El Monte	Norwalk	Yorba Linda
El Segundo	Paramount	
Garden Grove	Pasadena	

Communication was conducted in September with elected officials and/or staff from the following state and federal offices:

- US Senator Dianne Feinstein
- US Senator Alex Padilla
- US Representative Nanette Barragán
- US Representative Tony Cárdenas
- US Representative Judy Chu
- US Representative Lou Correa
- US Representative Mike Garcia
- US Representative Young Kim
- US Representative Katie Porter
- US Representative Lucille Roybal-Allard
- US Representative Adam Schiff
- US Representative Michelle Park Steel
- US Representative Norma Torres
- Senator Lena Gonzalez
- Senator Connie Leyva
- Senator Josh Newman
- Senator Anthony Portantino
- Senator Susan Rubio
- Senator Scott Wilk
- Assembly Speaker Anthony Rendon
- Assembly Member Isaac Bryan
- Assembly Member Mike Fong
- Assembly Member Laura Friedman
- Assembly Member Cristina Garcia
- Assembly Member Chris Holden
- Assembly Member Freddie Rodriguez
- Assembly Member Blanca Rubio
- Assembly Member Miguel Santiago
- Assembly Member Suzette Martinez Valladares

Staff represented South Coast AQMD in September and/or provided updates or a presentation to the following governmental agencies and business organizations:

Alhambra Chamber of Commerce
Arcadia Chamber of Commerce
Big Bear Chamber of Commerce
Burbank Chamber of Commerce
California Chamber of Commerce
Caltrans
Coachella Valley Association of Governments
El Monte/South El Monte Chamber of Commerce
Foothill Gold Line Construction Authority
Foothill Transit
Gateway Cities Council of Governments
Glendale Chamber of Commerce
Glendora Chamber of Commerce
Hispanic Coalition of Small Businesses
League of California Cities, Los Angeles County and Orange County Divisions
Los Angeles County Board of Supervisors
Los Angeles County Metropolitan Transportation Authority
Los Angeles County Sanitation Districts
Metrolink
Metropolitan Water District of Southern California
Omnitrans
Orange County Business Council
Orange County Transportation Authority
San Bernardino Area Chamber of Commerce
San Bernardino County Transportation Authority
San Bernardino International Airport Authority
San Fernando Valley Council of Governments
San Gabriel Basin Water Quality Authority
San Gabriel Valley Council of Governments
San Gabriel Valley Economic Partnership
San Gabriel Valley Mosquito and Vector Control District
Santa Ana Chamber of Commerce
Santa Clarita Valley Chamber of Commerce
SCAG
South Pasadena Chamber of Commerce
U.S. National Park Service

In September, staff represented South Coast AQMD and/or provided updates or a presentation to the following community and educational groups and organizations:

Asian and Pacific Islander Forward Movement
Cal Poly Pomona
California Inland Empire Council of the Boy Scouts of America
City of Hope
Clean Air Coalition of North Whittier & Avocado Heights
Clean Healthy Air, Clean Healthy Altadena
Coalition for Clean Air
California State University, Fullerton
Inland Action
Inland Empire Fire Safe Alliance
League of Women Voters, Pasadena Area
Los Angeles County Economic Development Corporation
Montebello High School
Mt. San Antonio College
Pasadena City College
Pomona College
Rancho Santiago Community College District
San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
San Gabriel Mountains Community Collaborative
Santa Ana College
The Energy Coalition
Trust for Public Land
University of La Verne

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BOARD MEETING DATE: November 4, 2022

AGENDA NO. 12

REPORT: Hearing Board Report

SYNOPSIS: This reports the actions taken by the Hearing Board during the period of September 1 through September 30, 2022.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Cynthia Verdugo-Peralta
Hearing Board Chair

ft

Two summaries are attached: **September 2022 Hearing Board Cases, and Rules From Which Variances and Orders for Abatement Were Requested in 2022**. An index of South Coast AQMD Rules is also attached.

There were no appeals filed during the period of September 1 to September 30, 2022.

Hearing Board Variance Reports September 2022

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
1. Chevron Products Company Case No. 831-396 (K. Manwaring)	203(b) 2004(f)(1) 3002(c)(1)	Co-Generation Train C was out of compliance due to CO exceedance caused by high temperatures (over 81 degrees) and humidity levels above 50%.	Not Opposed/Granted	Ex Parte EV granted commencing 9/6/22 and continuing through 9/9/22.	NOx: 81.85 lbs/day CO: 266.88 lbs/day
2. County of Riverside, Red Mountain Lookout Case No. 6229-1 (K. Manwaring)	203(b)	One of the County's radio communications facilities lost power, due to the Fairview Fire, forcing the use of the ICE.	Not Opposed/Granted	IV granted commencing 9/21/22 and continuing for 90 days or until the RV hearing scheduled for 10/26/22, whichever comes first.	CO: 0.55 lb./hr. NOx: 0.41 lb./hr. VOC: 0.41 lb./hr.
3. Equilon Enterprises, LLC dba Shell Oil Products US Case No. 4982-130 (S. Pruitt)	203(b) 1142 3002(c)(1)	Due to market and scheduling constraints, petitioner has been unable to conduct required source test, which can only be performed during marine vessel fuel loading operations.	Opposed/Dismissed	IV dismissed for lack of good cause.	N/A
4. South Coast AQMD vs. Baker Commodities Inc. Case No. 6223-1 (D. Hsu & N. Dwyer)	415(f) 415(g) 2004(f)(1) 3002(c)(1)	Public complaints resulted in notices of violations. Respondent refused to comply with conditions and rules.	Not Stipulated/Issued	O/A issued commencing 9/29/22; the Hearing Board shall retain jurisdiction over this matter until 9/28/23.	N/A
5. South Coast AQMD vs. Los Angeles City Sanitation Bureau, Hyperion Water Reclamation Plant Case No. 1212-40 (E. Chavez & M. Reichert)	402 H&S §41700	Respondent unable to contain sewage odors and conduct operations at wastewater treatment plant without being in violation.	Stipulated /Issued	O/A issued commencing 9/8/22; the Hearing Board shall retain jurisdiction over this matter until 9/6/23.	N/A

Case Name and Case No. (South Coast AQMD Attorney)	Rules	Reason for Petition/Hearing	South Coast AQMD Position/Hearing Board Action	Type and Length of Variance or Order	Excess Emissions
6. South Coast AQMD vs. Southern California Edison Pebble Beach Generating Station Case No. 1262-115 (M. Reichert)	1470(c)(4)(A)	Zero-time over-haul & costs factored, engine reclassified as "new" & subject to emission limits and other require PM limit was omitted. Stipulated O/A issued to assure operation of equipment with appropriate conditions and feasible plan to achieve compliance.	Not Stipulated/Issued	Mod. O/A issued commencing 9/1/22; the Hearing Board shall continue to retain jurisdiction over this matter until 1/4/24.	N/A
7. Torrance Refining Company LLC Case No. 6060-16 (D. Hsu)	203(b) 2004(f)(1) 3002(c)(1)	Several failed attempts to repair unexpected leaking solid spent catalyst valve, serving the FCCU Regenerator 2C-3.	Not Opposed/Granted	Ex Parte EV granted commencing 9/15/22 and continuing through 9/23/22.	None

Acronyms

CO: Carbon Monoxide
EV: Emergency Variance
FCCU: Fluid Catalytic Cracking Unit
ICE: Internal Combustion Engine
IV: Interim Variance
Mod. O/A: Modification Order for Abatement
N/A: Not Applicable
NOx: Oxides of Nitrogen
O/A: Order for Abatement
RV: Regular Variance
VOC: Volatile Organic Compounds

Rules from which Variances and Orders for Abatement were Requested in 2022

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
202(c)	1												1
203			1		1								2
203(b)	6	3	6	4	2	5	5	5	4				40
401(b)			2										2
401(b)(1)(B)								1					1
402					1				1				2
403(d)(1)(A)		1	1		1								3
403(d)(2)		1	1		1								3
403(d)(4)		1	1		1								3
415(f)									1				1
415(g)									1				1
431.1						1							1
461.1						1							1
461.1(g)(4)								1					1
461.1(k)(2)(G)								1					1
462(d)(1)		1											1
462(e)(1)(E)(i)(II)		1											1
463(c)								1					1
1133.1(d)(3)		1	1		1								3
1133.1(d)(4)		1	1		1								3
1133.1(e)		1	1		1								3
1142									1				1
1146.2(c)(2)						1							1
1147	1												1
1148.1(d)(8)								1					1
1153.1	1												1
1153.1(c)(1)								1					1
1173(d)(1)(B)								1					1
1179.1						1							1
1189(e)(1)						1							1
1196					1								1
1196(d)(1)							2						2
1196(f)(8)(a)							1						1

Rules from which Variances and Orders for Abatement were Requested in 2022

Rules	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Actions
1196(f)(10)							1						1
1469.1(d)	1			1									2
1470					1	1	1						3
1470(c)(4)(A)	1								1				2
2004(f)(1)	5		3	1	1	2	2	2	3				19
2011(c)(2)(A)	1												1
2011(c)(3)(A)	1												1
2011(e)(1)	1												1
2011(k)	1												1
2011, APP. A, Ch 2-A, Att. C	1												1
2012(c)(2)(A)	1		2			1	2	1					7
2012(c)(2)(C)							1	1					2
2012(c)(3)(A)	1		1										2
2012(d)(1)(A)(ii)								1					1
2012(g)(1)	1		2			1	1						5
2012(i)			1			1	1						3
2012(m)	1												1
2012, APP. A, Ch 2, §A.1			1			1	1						3
2012, App. A, Ch2, A.1.g								1					1
2012, APP. A, Ch 2. A.16	1												1
2012, APP. A, Ch 2-A, Att. C	1												1
2012, Table 1			1										1
2012, APP. A, Ch 2, Table 2-A			1										1
2012, Att. C, Sec B.1.a							1						1
3002(c)(1)	5		5	1	1	2	2	3	4				23
H&S Code §41700					1				1				2
H&S Code §41701			2					1					3

SOUTH COAST AQMD RULES AND REGULATIONS INDEX
2022 HEARING BOARD CASES AS OF SEPTEMBER 30, 2022

REGULATION II – PERMITS

Rule 202 Temporary Permit to Operate
Rule 203 Permit to Operate

REGULATION IV – PROHIBITIONS

Rule 402 Nuisance
Rule 403 Fugitive Dust
Rule 415 Odors from Rendering Facilities
Rule 431.1 Sulfur Content of Gaseous Fuels
Rule 461.1 Gasoline Transfer and Dispensing for Mobile Fueling Operations
Rule 462 Organic Liquid Loading
Rule 463 Organic Liquid Storage

REGULATION XI - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1133.1 Chipping & Grinding Activities
Rule 1146.2 Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters
Rule 1147 NOx Reductions from Miscellaneous Sources
Rule 1148.1 Oil & Gas Production Wells
Rule 1153.1 Emissions of Oxides of Nitrogen from Commercial Food Ovens
Rule 1173 VOC Emissions from Leaks & Releases at Petroleum Facilities and Chemical Plants
Rule 1179.1 Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities
Rule 1189 Emissions from Hydrogen Plant Process Vents
Rule 1196 Clean On-road Heavy-Duty Fleet Vehicles

REGULATION XIV - TOXICS AND OTHER NON-CRITERIA POLLUTANTS

Rule 1469.1 Spraying Operations Using Coatings Containing Chromium
Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines

REGULATION XX – REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements

Rule 2011 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions

Rule 2012 Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions

REGULATION XXX – TITLE V PERMITS

Rule 3002 Requirements

CALIFORNIA HEALTH AND SAFETY CODE

§41700 Prohibited Discharges

§41701 Restricted Discharges

[↑ Back to Agenda](#)

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 13

REPORT: Civil Filings and Civil Penalties Report

SYNOPSIS: This report summarizes monthly penalties and legal actions filed by the General Counsel's Office from September 1 through September 30, 2022. An Index of South Coast AQMD Rules is attached with the penalty report.

COMMITTEE: Stationary Source, October 21, 2022, Reviewed

RECOMMENDED ACTION:
Receive and file.

Bayron T. Gilchrist
General Counsel

BTG:ew

<u>Civil Filings</u>	<u>Violations</u>
1. Carey Hellman, The Carey Hellman 2017 Family Trust Los Angeles Superior Court Case No. 22STCV31799; Filed 9-28-22 (SP) P67512 R. 1403 – Asbestos Emissions from Demolition/Renovation Activities	1
	1 Violation

Attachments

September 2022 Penalty Report
Index of South Coast AQMD Rules and Regulations

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
General Counsel's Office**

Settlement Penalty Report (09/01/2022 - 09/30/2022)

Total Penalties

Civi Settlement: \$164,250.00
Criminal Referral Settlement: \$13,290.72
MSPAP Settlement: \$6,133.30

Total Cash Settlements: \$183,674.02

Fiscal Year through 09/30/2022 Cash Total: \$1,867,256.71

Fac ID	Company Name	Rule Number	Settled Date	Init	Notice Nbrs	Settlement
Civil						
190125	ABACUS BUSINESS CAPITAL/ISLAND PACIFIC	1415.1	09/07/2022	JL	P64775	\$2,000.00
186947	BOOSTER FUELS, INC.	203, 461, H&S 42401	09/20/2022	BT	P68163, P69851, P69855, P69856, P69862, P69868, P69872	\$87,500.00
190097	COMPLETE FUELING SOLUTIONS	1166	09/01/2022	SH	P67434, P67435	\$3,000.00
189971	EXEL/DHL SUPPLY CHAIN	1415.1	09/20/2022	SH	P64776	\$2,000.00
117744	GOLD COAST BAKING CO.	H&S 42401	09/14/2022	NS	P68571	\$40,000.00
20197	LAC/USC MEDICAL CENTER	461(C)(3)(Q), 1146, 1415, 3002	09/16/2022	DH	P63934, P63943	\$20,500.00
800168	PASADENA CITY, DWP	2004	09/01/2022	SH	P66131, P66177	\$2,500.00
189913	UNILEVER	1415.1	9/30/2022	SH	P64772	\$3,500.00
800393	VALERO WILMINGTON ASPHALT PLANT	1176	09/16/2022	SH	P63384, P63393	\$3,250.00
Total Civil Settlements: \$164,250.00						
Criminal Referral						
188287	NEILSON HAMMER YOSEMITE, LLC.	40 CFR 61.145, 1403	09/23/2022	TCF	P65413	\$13,290.72
Total Criminal Referral: \$13,290.72						

Fac ID	Company Name	Rule Number	Settled Date	Init	Notice Nbrs	Settlement
MSPAP						
144558	CLS LANDSCAPE MGMT INC.	203(a)	09/15/2022	GC	P69710	\$800.00
121822	CORONA CITY, DEPT OF WATER & POWER	203(b), 1470	09/15/2022	GC	P69388	\$1,600.00
165923	D & I STATION, INC.	461	09/15/2022	GC	P67249	\$327.30
183218	FIRE STATION #143, CASTAIC, LA COUNTY	461	09/15/2022	GC	P68637	\$800.00
34058	G & M OIL CO #3	461, H&S 41960	09/15/2022	GC	P69626	\$818.00
157896	G & M OIL CO, #186	461, H&S 41960	09/15/2022	GV	P70203	\$1,363.00
148840	GALAXY OIL COMPANY	461(E)(2)(A)	09/15/2022	GC	P69020	\$425.00
Total MSPAP Settlements: \$6,133.30						

SOUTH COAST AQMD'S RULES AND REGULATIONS INDEX

SEPTEMBER 2022 PENALTY REPORT

REGULATION II - PERMITS

Rule 203 Permit to Operate

REGULATION IV - PROHIBITIONS

Rule 461 Gasoline Transfer and Dispensing

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters

Rule 1166 Volatile Organic Compound Emissions from Decontamination of Soil

Rule 1176 Sumps and Wastewater Separators

REGULATION XIV - TOXICS

Rule 1403 Asbestos Emissions from Demolition/Renovation Activities

Rule 1415 Reduction of Refrigerant Emissions from Stationary Refrigeration and Air Conditioning Systems

Rule 1415.1 Reduction of Refrigerant Emissions from Stationary Refrigeration Systems

Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements

REGULATION XXX - TITLE V PERMITS

Rule 3002 Requirements

CODE OF FEDERAL REGULATIONS

40 CFR 61.145 Standard for Demolition and Renovation

CALIFORNIA HEALTH AND SAFETY CODE

41960 Certification of Gasoline Vapor Recovery System

42401 Violation of Order for Abatement

CALIFORNIA CODE OF REGULATIONS

13 CCR 2485 Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

[↑ Back to Agenda](#)

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 14

REPORT: Lead Agency Projects and Environmental Documents Received

SYNOPSIS: This report provides a listing of CEQA documents received by South Coast AQMD between September 1, 2022 and September 30, 2022, and those projects for which South Coast AQMD is acting as lead agency pursuant to CEQA.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Wayne Nastri
Executive Officer

SR:MK:MM:SW:MC

CEQA Document Receipt and Review Logs (Attachments A and B) – Each month, South Coast AQMD receives numerous CEQA documents from other public agencies on projects that could adversely affect air quality. A listing of all documents received during the reporting period September 1, 2022 to September 30, 2022 is included in Attachment A. A list of active projects for which South Coast AQMD staff is continuing to evaluate or prepare comments for the July and August reporting period is included as Attachment B. A total of 56 CEQA documents were received during this reporting period and 28 comment letters were sent.

The Intergovernmental Review function, which consists of reviewing and commenting on the adequacy of the air quality analysis in CEQA documents prepared by other lead agencies, is consistent with the Board's 1997 Environmental Justice Guiding Principles and Environmental Justice Initiative #4. As required by the Environmental Justice Program Enhancements for FY 2002-03, approved by the Board in October 2002, each attachment notes proposed projects where South Coast AQMD has been contacted regarding potential air quality-related environmental justice concerns. South Coast AQMD has established an internal central contact to receive information on projects

with potential air quality-related environmental justice concerns. The public may contact South Coast AQMD about projects of concern by the following means: in writing via fax, email, or standard letters; through telephone communication; and as part of oral comments at South Coast AQMD meetings or other meetings where South Coast AQMD staff is present. The attachments also identify, for each project, the dates of the public comment period and the public hearing date, if applicable. Interested parties should rely on the lead agencies themselves for definitive information regarding public comment periods and hearings as these dates are occasionally modified by the lead agency.

In January 2006, the Board approved the Workplan for the Chairman's Clean Port Initiatives. One action item of the Chairman's Initiatives was to prepare a monthly report describing CEQA documents for projects related to goods movement and to make full use of the process to ensure the air quality impacts of such projects are thoroughly mitigated. In response to describing goods movement, CEQA documents (Attachments A and B) are organized to group projects of interest into the following categories: goods movement projects; schools; landfills and wastewater projects; airports; general land use projects, etc. In response to the mitigation component, guidance information on mitigation measures was compiled into a series of tables relative to off-road engines; on-road engines; harbor craft; ocean-going vessels; locomotives; fugitive dust; and greenhouse gases. These mitigation measure tables are on the CEQA webpages portion of South Coast AQMD's website at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>. Staff will continue compiling tables of mitigation measures for other emission sources.

Staff focuses on reviewing and preparing comments for projects: where South Coast AQMD is a responsible agency; that may have significant adverse regional air quality impacts (e.g., special event centers, landfills, goods movement); that may have localized or toxic air quality impacts (e.g., warehouse and distribution centers); where environmental justice concerns have been raised; and which a lead or responsible agency has specifically requested South Coast AQMD review. If staff provided written comments to the lead agency as noted in the column "Comment Status," there is a link to the "South Coast AQMD Letter" under the Project Description. In addition, if staff testified at a hearing for the proposed project, a notation is provided under the "Comment Status." If there is no notation, then staff did not provide testimony at a hearing for the proposed project.

During the period of September 1, 2022 to September 30, 2022, South Coast AQMD received 56 CEQA documents which are listed in the Attachment A. In addition, there are 13 documents from earlier that either have been reviewed or are still under review. Those are listed in the Attachment B. The current status of the total 68 documents from Attachment A and B are summarized as follows:

- 28 comment letters were sent;
- 35 documents were reviewed, but no comments were made;
- 5 documents are currently under review.

(The above statistics are from September 1, 2022 to September 30, 2022 and may not include the most recent “Comment Status” updates in Attachments A and B.)

Copies of all comment letters sent to lead agencies can be found on South Coast AQMD’s CEQA webpage at the following internet address:

<http://www.aqmd.gov/home/regulations/ceqa/commenting-agency>.

South Coast AQMD Lead Agency Projects (Attachment C) – Pursuant to CEQA, South Coast AQMD periodically acts as lead agency for stationary source permit projects. Under CEQA, the lead agency is responsible for determining the type of CEQA document to be prepared if the proposal for action is considered to be a “project” as defined by CEQA. For example, an Environmental Impact Report (EIR) is prepared when South Coast AQMD, as lead agency, finds substantial evidence that the project may have significant adverse effects on the environment. Similarly, a Negative Declaration (ND) or Mitigated Negative Declaration (MND) may be prepared if South Coast AQMD determines that the project will not generate significant adverse environmental impacts, or the impacts can be mitigated to less than significance. The ND and MND are written statements describing the reasons why projects will not have a significant adverse effect on the environment and, therefore, do not require the preparation of an EIR.

Attachment C to this report summarizes the active projects for which South Coast AQMD is lead agency and is currently preparing or has prepared environmental documentation. As noted in Attachment C, South Coast AQMD continued working on the CEQA documents for two active projects during September.

Attachments

- A. Incoming CEQA Documents Log
- B. Ongoing Active Projects for Which South Coast AQMD Has or Will Conduct a CEQA Review
- C. Active South Coast AQMD Lead Agency Projects

**ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022**

SOUTH COAST AQMD LOG-IN NUMBER	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
<p style="text-align: center;">PROJECT TITLE</p> <p><i>Warehouse & Distribution Centers</i> RVC220906-06 Pre-Application Review No. 220057</p>	<p>The project consists of construction of three warehouses totaling 399,100 square feet on 23 acres. The project is located on the northwest corner of Sky Canyon Drive and Borel Road in Rancho California.</p>	Site Plan	County of Riverside	South Coast AQMD staff commented on 9/8/2022
	<p style="text-align: center;">http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220906-06.pdf</p> <p style="text-align: center;">Comment Period: 8/25/2022 - 9/8/2022 Public Hearing: 9/8/2022</p>			
<p><i>Warehouse & Distribution Centers</i> RVC220913-01 Harvest Landing Industrial Project (Formerly Case No. CUP 22-05005)#</p>	<p>The project consists of construction of five warehouses totaling 1,201,000 square feet on 69 acres. The project is located on the southeast corner of Interstate 215 and West Water Avenue.</p>	Site Plan	City of Perris	South Coast AQMD staff commented on 9/20/2022
	<p style="text-align: center;">http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220913-01.pdf</p> <p style="text-align: center;">Comment Period: 8/29/2022 - 9/20/2022 Public Hearing: N/A</p>			
<p><i>Warehouse & Distribution Centers</i> RVC220913-04 Legacy Highlands Industrial Specific Plan Project#</p>	<p>The project consists of construction of 20,228,000 square feet of warehouse uses, 143,000 square feet of commercial uses, 17.93 acres of circulation uses, and 602.26 acres of open space on 1,431.66 acres. The project is located on the southeast corner of State Route 60 and Potrero Boulevard. Reference RVC220809-07 and RVC220601-06</p>	Site Plan	City of Beaumont	South Coast AQMD staff commented on 9/29/2022
	<p style="text-align: center;">http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220913-04.pdf</p> <p style="text-align: center;">Comment Period: 9/13/2022 - 9/29/2022 Public Hearing: 9/29/2022</p>			
<p><i>Warehouse & Distribution Centers</i> RVC220916-01 Menifee Commerce Center#</p>	<p>The project consists of construction of 1,254,160 square feet of warehouses on 72 acres. The project is located on the southeast corner of Ethanac Road and Trumble Road. Reference RVC220607-03, RVC210615-06 and RVC210518-01</p>	Notice of Availability of a Final Environmental Impact Report	City of Menifee	South Coast AQMD staff commented on 9/28/2022
	<p style="text-align: center;">http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220916-01.pdf</p> <p style="text-align: center;">Comment Period: N/A Public Hearing: 10/19/2022</p>			

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
<i>Industrial and Commercial</i> LAC220901-01 Sunset and Wilcox Project	The project consists of demolition of 26,261 square feet of existing buildings, and construction of 445,218 square feet of commercial uses and 61,449 square feet of open space on 1.7 acres. The project is located on the southeast corner of Wilcox Avenue and Sunset Boulevard in Hollywood. Reference LAC220616-03 and LAC201201-07 Comment Period: N/A Public Hearing: 9/7/2022	Notice of Availability of a Final Environmental Impact Report	City of Los Angeles	Document reviewed - No comments sent for this document received
<i>Industrial and Commercial</i> LAC220901-07 SoCalGas Office Building Project	The project consists of construction of a 70,000 square foot building at 8101 Rosemead Boulevard near the northwest corner of Rosemead Boulevard and Slauson Avenue. Comment Period: 8/30/2022 - 9/28/2022 Public Hearing: N/A	Notice of Intent to Adopt a Mitigated Negative Declaration	City of Pico Rivera	Document reviewed - No comments sent for this document received
<i>Industrial and Commercial</i> LAC220913-08 San Fernando Soundstage Campus Project	The project consists of construction of four buildings totaling 406,318 square feet on 9.74 acres. The project is located on the northeast corner of San Fernando Road and West California Avenue. Comment Period: 9/9/2022 - 10/10/2022 Public Hearing: N/A	Notice of Preparation	City of Glendale	Document reviewed - No comments sent for this document received
<i>Industrial and Commercial</i> LAC220921-08 Case Nos: CUP-2021-004, SPR-2021-0007, OAK-2021-0012, TRM-2021-0001, and SIGN-2021-0013	The project consists of construction of a 20,279 square foot single story office building. The project is located near the northeast corner of Canwood Street and Strawberry Hill Drive. Comment Period: 9/16/2022 - 10/17/2022 Public Hearing: N/A	Notice of Intent to Adopt a Mitigated Negative Declaration	City of Agoura Hills	Document reviewed - No comments sent for this document received

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

**ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022**

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
<i>Industrial and Commercial</i> RVC220901-09 Green River Ranch Specific Plan Amendment and Industrial Park Project	The project consists of construction of 746,330 square feet of business park uses, a 19,600 square foot hotel with 150 rooms, 32 residential units, 1.44 acres of road improvements, and 83.55 acres of open space on 160 acres. The project is located on the southeast corner of Green River Ranch Road and Fresno Road. Reference RVC200825-08 http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220901-09.pdf Comment Period: 8/29/2022 - 9/28/2022 Public Hearing: 9/22/2022	Notice of Preparation	City of Corona	South Coast AQMD staff commented on 9/28/2022
<i>Industrial and Commercial</i> RVC220921-02 Pre-Application Review No. 220051 (PAR220051)	The project consists of construction of a recreational vehicle repair facility on 2.72 acres. The project is located on the northeast corner of High Point Road and High Point Truck Trail in Aguanga. Comment Period: 9/13/2022 - 9/22/2022 Public Hearing: 9/22/2022	Site Plan	County of Riverside	Document reviewed - No comments sent for this document received
<i>Industrial and Commercial</i> SBC220927-04 Giant RV Facility	The project consists of construction of a 25,287 square foot recreational vehicle facility on 6.5 acres. The project is located on the northeast corner of South Mount Vernon Avenue and East San Antonio Drive. Comment Period: 9/27/2022 - 10/17/2022 Public Hearing: 10/25/2022	Notice of Intent to Adopt a Mitigated Negative Declaration	City of Colton	Document reviewed - No comments sent for this document received
<i>Waste and Water-related</i> LAC220921-10 Fremont Elementary School	The project consists of development of cleanup actions to excavate and dispose soil contaminated with lead, arsenic, and total petroleum hydrocarbons on 3.8 acres. The project is located at 4000 East Fourth Street on the northwest corner of Roswell Avenue and East Vermont Street in Long Beach. Reference LAC220503-02 http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/october/LAC220921-10.pdf Comment Period: N/A Public Hearing: N/A	Community Update	Department of Toxic Substances Control	South Coast AQMD staff commented on 10/14/2022

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

**ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022**

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
Transportation LAC220921-04 Santa Monica Pier Bridge Replacement Project	The project consists of construction of a bridge with improved structural stability and enhanced vehicular and pedestrian access to meet seismic standards. The project is located near the southwest corner of Broadway and Ocean Avenue. Reference LAC191101-02 and LAC180201-01 Comment Period: 9/22/2022 - 11/10/2022 Public Hearing: 10/13/2022	Notice of Availability of a Recirculated Draft Environmental Impact Report/Environmental Assessment	City of Santa Monica	Under review, may submit written comments
Transportation SBC220927-06 Interstate 215/Keller Road New Interchange Project	The project consists of development of four build alternatives for auxiliary lanes and roadway improvements along Interstate 215 (I-215) between the I-215 and Scott Road interchange [Post Mile (PM) R15.26] north and the I-215 and Baxter Road interchange (PM R14.10) south in Menifee. Comment Period: 10/5/2022 - 11/21/2022 Public Hearing: 10/19/2022	Notice of Preparation	California Department of Transportation	Document reviewed - No comments sent for this document received
Retail RVC220906-05 Conditional Use Permit No. 220020	The project consists of construction of an RV Park with 105 trailer parking spaces, 15,666 square feet of amenities, 4,729 square feet of retail uses, and sport fields facilities on 240 acres. The project is located on the southeast corner of State Route 79 and Woodchuck Road in Southwest. Comment Period: 8/24/2022 - 9/1/2022 Public Hearing: 9/1/2022	Site Plan (Received after close of comment period)	County of Riverside	Document reviewed - No comments sent for this document received

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

**ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022**

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
<i>Retail</i> RVC220913-05 Pre-Application Review No. 220061 (PAR220061)	The project consists of construction of a self storage facility on 4.6 acres. The project is located near the northwest corner of Mockingbird Canyon and Van Buren Boulevard in Lake Mathews and Woodcrest. Comment Period: 9/7/2022 - 9/15/2022 Public Hearing: 9/15/2022	Site Plan	County of Riverside	Document reviewed - No comments sent for this document received
<i>Retail</i> RVC220913-07 Evergreen Commercial Development Project	The project consists of construction of 43,050 square feet of retail uses, 6,000 square feet of restaurant uses, a 4,088 square foot convenience store, a 4,116 square foot car wash facility, a gasoline service station with 16 pumps, and a fueling canopy on 8.33 acres. The project is located on the southeast corner of Cambern Avenue and Central Avenue. Comment Period: 9/12/2022 - 10/12/2022 Public Hearing: 10/18/2022	Notice of Intent to Adopt a Mitigated Negative Declaration	City of Lake Elsinore	Document reviewed - No comments sent for this document received
<i>Retail</i> RVC220929-01 PA22-0995	The project consists of construction of a hotel with nine rooms on 0.68 acres. The project is located at 41915 Fourth Street on the northwest corner of Fourth Street and Mercedes Street. Comment Period: 9/16/2022 - 9/26/2022 Public Hearing: N/A	Site Plan (Received after close of comment period)	City of Temecula	Document reviewed - No comments sent for this document received
<i>General Land Use (residential, etc.)</i> LAC220906-08 8228-8240 Sunset, The Harper Project	The project consists of construction of a 170,000 square foot building with 45 residential units and a 167 rooms hotel with subterranean parking on 0.88 acres. The project is located on the southeast corner of Sunset Boulevard and Roxbury Road. Comment Period: 9/6/2022 - 10/5/2022 Public Hearing: 9/20/2022	Notice of Preparation	City of West Hollywood	Document reviewed - No comments sent for this document received

- Project has potential environmental justice concerns due to the nature and/or location of the project.
Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

**ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022**

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
<i>General Land Use (residential, etc.)</i> ORC220921-03 Arkansas Street Specific Plan Project & 11700 Arkansas Street Project	The project consists of construction of 59 residential units and 4,544 square feet of commercial uses on 2.65 acres. The project is located on the southeast corner of Arkansas Avenue and Alburdis Avenue. Comment Period: 9/16/2022 - 10/17/2022 Public Hearing: N/A	Notice of Intent to Adopt a Mitigated Negative Declaration	City of Artesia	Document reviewed - No comments sent for this document received
<i>General Land Use (residential, etc.)</i> ORC220921-05 General Plan Amendment 2022-0001, Zone Change 2022-0001, Subdivision 2022-0002, Design Review 2022-0004 and Development Agreement 2022-0002 for the Intracorp Residential Project	The project consists of demolition of 44,948 square feet of existing structures, and construction of 40 residential units on 2.07 acres. The project is located near the southeast corner of Irvine Boulevard and Prospect Avenue. Comment Period: 9/15/2022 - 10/5/2022 Public Hearing: 10/25/2022	Notice of Intent to Adopt a Mitigated Negative Declaration	City of Tustin	Document reviewed - No comments sent for this document received
<i>General Land Use (residential, etc.)</i> ORC220927-02 Paseo de Colinas Townhomes Project	The project consists of construction of a 38 residential units, 15,874 square feet of recreational uses, and 35,499 square feet of open space on 2.47 acres. The project is located at 29001 Paseo de Colinas near the northwest corner of Paseo de Colinas and Del Cerro. Comment Period: 8/26/2022 - 9/26/2022 Public Hearing: N/A	Notice of Intent to Adopt a Mitigated Negative Declaration (Received after close of comment period)	City of Laguna Niguel	Document reviewed - No comments sent for this document received

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
General Land Use (residential, etc.) ORC220929-02 4665 Lampson Avenue Project	The project consists of construction of 246 residential units on 12.3 acres. The project is located on the northwest corner of Lampson Avenue and Rose Street. <div style="text-align: right;"> Comment Period: 10/3/2022 - 11/2/2022 Public Hearing: 10/20/2022 </div>	Notice of Preparation	City of Los Alamitos	Document reviewed - No comments sent for this document received
General Land Use (residential, etc.) RVC220906-01 Wildomar Meadows Specific Plan Project EIR (PA 21-0025)	The project consists of construction of 1,504 residential units, 10 acres of commercial uses, 38.4 acres of recreational park uses, 20 acres of water basins, 17 acres of road improvements, and 347.6 acres of open space on 1,589 acres. The project is located on the southeast corner of Sunset Avenue and Keller Road. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220906-01.pdf <div style="text-align: right;"> Comment Period: 8/31/2022 - 9/29/2022 Public Hearing: 9/19/2022 </div>	Notice of Preparation	City of Wildomar	South Coast AQMD staff commented on 9/29/2022
General Land Use (residential, etc.) RVC220913-02 Refuge Specific Plan	The project consists of construction of 969 residential units on 106.4 acres. The project is located on the southwest corner of Gerald Ford Drive and Rembrandt Parkway. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220913-02.pdf <div style="text-align: right;"> Comment Period: 9/8/2022 - 9/28/2022 Public Hearing: N/A </div>	Notice of Intent to Adopt a Mitigated Negative Declaration	City of Palm Desert	South Coast AQMD staff commented on 9/28/2022
General Land Use (residential, etc.) RVC220927-07 TTM 34760 EOT (TTME2022-0002)	This document consists of a two-year extension of tentative tract map expiration date for the project. The project consists of subdivision of 65.4 acres for future construction of 34 residential units. The project is located on the southwest corner of Jasper Drive and Orange Heights Lane. Reference RVC190301-02 and RVC110204-01 <div style="text-align: right;"> Comment Period: 9/21/2022 - 10/6/2022 Public Hearing: 10/6/2022 </div>	Site Plan	City of Corona	Document reviewed - No comments sent for this document received

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
<i>General Land Use (residential, etc.)</i> SBC220913-06 Belmont and Olive Subdivision Project	The project consists of construction of 25 residential units on 6.10 acres. The project is located on the southwest corner of West Belmont Avenue and North Olive Avenue. Comment Period: 9/10/2022 - 9/29/2022 Public Hearing: 10/11/2022	Notice of Intent to Adopt a Mitigated Negative Declaration	City of San Bernardino	Document reviewed - No comments sent for this document received
<i>Plans and Regulations</i> ALL220901-11 Advanced Clean Fleets Regulation	The project consists of development of statewide requirements to accelerate the use of zero-emission technologies for trucks and buses with a planning horizon of 2045. The project includes six designated AB 617 communities: 1) East Los Angeles, Boyle Heights, West Commerce, 2) Eastern Coachella Valley, 3) San Bernardino, Muscoy, 4) Southeast Los Angeles, 5) South Los Angeles, and 6) Wilmington, Carson, West Long Beach. Reference ALL210216-06 Comment Period: 9/2/2022 - 10/17/2022 Public Hearing: N/A	Notice of Availability of a Draft Environmental Analysis	California Air Resources Board	Document reviewed - No comments sent for this document received
<i>Plans and Regulations</i> ALL220909-01 California's 2022 Climate Change Scoping Plan	The project consists of development of statewide strategies to phase out new internal combustion passenger vehicles by 2035 and in-state oil extraction by 2045. The project includes six designated AB 617 communities: 1) East Los Angeles, Boyle Heights, West Commerce, 2) Eastern Coachella Valley, 3) San Bernardino, Muscoy, 4) Southeast Los Angeles, 5) South Los Angeles, and 6) Wilmington, Carson, West Long Beach. Reference ALL220518-02 and ALL210727-01 Comment Period: 9/9/2022 - 10/24/2022 Public Hearing: N/A	Notice of Availability of a Recirculated Draft Environmental Assessment	California Air Resources Board	Document reviewed - No comments sent for this document received

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

**ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022**

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
<p><i>Plans and Regulations</i></p> <p>ALL220921-01 In-Use Locomotive Regulation</p>	<p>The project consists of development of statewide requirements for locomotives to use Tier 4 or higher emission standard technology, report annual emissions, and limit idling to 30 minutes. The project will include establishment of spending accounts for purchases of cleaner locomotives to mitigate emissions. The project also includes six designated AB 617 communities: 1) East Los Angeles, Boyle Heights, West Commerce, 2) Eastern Coachella Valley, 3) San Bernardino, Muscoy, 4) Southeast Los Angeles, 5) South Los Angeles, and 6) Wilmington, Carson, West Long Beach. Reference ALL201027-05</p> <p align="center">Comment Period: 9/23/2022 - 11/7/2022 Public Hearing: N/A</p>	<p>Notice of Availability of a Draft Environmental Analysis</p>	<p>California Air Resources Board</p>	<p>Under review, may submit written comments</p>
<p><i>Plans and Regulations</i></p> <p>LAC220901-04 2021-2029 Housing Element Update</p>	<p>The project consists of updates to the City's General Plan Housing Element to assess housing needs, densities, and development standards with a planning horizon of 2029. The project encompasses 2.99 square miles and is bounded by Rolling Hills Estate to the north and unincorporated areas of Los Angeles County to the east, south, and west. Reference LAC220119-03</p> <p align="center">Comment Period: 8/8/2022 - 9/7/2022 Public Hearing: 9/20/2022</p>	<p>Notice of Intent to Adopt a Negative Declaration</p>	<p>City of Rolling Hills</p>	<p>Document reviewed - No comments sent for this document received</p>
<p><i>Plans and Regulations</i></p> <p>LAC220906-02 City of Monrovia 2021-2029 Housing Element Update (GPA2022-0002), Safety Element Update (GPA2022-0003), and new Environmental Justice Element (GPA2022-0004)</p>	<p>The project consists of updates to the City's General Plan to assess housing needs, densities, and standards, and development of environmental justice policies with a planning horizon of 2029. The project encompasses 14 square miles and is bounded by Los Angeles National Forest to the north, Bradbury and Duarte to the east, unincorporated areas of Los Angeles County and Irwindale to the south, and Arcadia to the west.</p> <p align="center">Comment Period: 9/1/2022 - 10/3/2022 Public Hearing: 10/12/2022</p>	<p>Notice of Intent to Adopt a Mitigated Negative Declaration</p>	<p>City of Monrovia</p>	<p>Document reviewed - No comments sent for this document received</p>

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

**ATTACHMENT A
INCOMING CEQA DOCUMENTS LOG
September 1, 2022 to September 30, 2022**

SOUTH COAST AQMD LOG-IN NUMBER	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
Plans and Regulations LAC220906-07 City of Carson General Plan Update	The project consists of updates to the City's General Plan elements and strategies for land use, circulation, conservation, open space, noise, safety, housing, and environmental justice with a planning horizon of 2040 on 18.97 square miles. The project is bounded by Compton to the north, Interstate 710 to the east, Pacific Coast Highway to the south, and Interstate 110 to the west and includes the designated AB 617 Wilmington, Carson, West Long Beach community. Reference LAC210323-04, LAC171109-05, and LAC171107-02 http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/october/LAC220906-07.pdf Comment Period: 9/2/2022 - 10/17/2022 Public Hearing: 9/29/2022	Notice of Availability of a Draft Program Environmental Impact Report	City of Carson	South Coast AQMD staff commented on 10/14/2022
Plans and Regulations LAC220916-03 Burbank Housing Element and Safety Element Update	The project consists of updates to the City's General Plan Housing Element to assess housing needs, densities, and development standards with a planning horizon of 2029. The project encompasses 17.1 square miles and is bounded by Los Angeles to the north, east, and west and State Route 134 to the south. Reference LAC220726-12, LAC220201-06, and LAC210325-01 Comment Period: N/A Public Hearing: 9/27/2022	Notice of Availability of a Final Environmental Impact Report	City of Burbank	Document reviewed - No comments sent for this document received
Plans and Regulations LAC220916-04 ENV-2022-4865: Oil and Gas Drilling Ordinance	The project consists of amendments to citywide ordinance to prohibit new oil and gas extraction and make existing extraction activities a nonconforming use in all zones and terminate in 20 years. The project encompasses 468.67 square miles and is bounded by Santa Clarita to the north, Burbank to the east, State Route 1 to the south, and Calabasas to the west. The project includes four designated AB 617 communities: 1) East Los Angeles, Boyle Heights, West Commerce, 2) Southeast Los Angeles, 3) South Los Angeles, and 4) Wilmington, Carson, West Long Beach Comment Period: 9/15/2022 - 10/17/2022 Public Hearing: N/A	Mitigated Negative Declaration	City of Los Angeles	Document reviewed - No comments sent for this document received
Plans and Regulations RVC220921-07 City of Corona General Plan Housing Element Rezoning Program Update	The project consists of updates to the City's General Plan Housing Element to assess housing needs, densities, and development standards with a planning horizon of 2029. The project encompasses 39.55 square miles and is bounded by Norco to the north, El Cerrito to the east, Arcilla to the south, and Chino Hills to the west. Reference RVC220712-02 Comment Period: 9/19/2022 - 11/2/2022 Public Hearing: N/A	Notice of Availability of a Supplemental Environmental Impact Report	City of Corona	Under review, may submit written comments

- Project has potential environmental justice concerns due to the nature and/or location of the project. Documents received by the CEQA Intergovernmental Review program but not requiring review are not included in this report.

ATTACHMENT B*
ONGOING ACTIVE PROJECTS FOR WHICH SOUTH COAST AQMD HAS
OR IS CONTINUING TO CONDUCT A CEQA REVIEW

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
Warehouse & Distribution Centers LAC220819-02 ENV-2021-8928: 15827 Roxford Street	The project consists of demolition of 182,230 square feet of existing structures, and construction of two warehouses totaling 595,147 square feet on 27.93 acres. The project is located on the northwest corner of Roxford Street and Telfair Avenue in Sylmar. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/LAC220819-02.pdf Comment Period: 8/18/2022 - 9/19/2022 Public Hearing: N/A	Mitigated Negative Declaration	City of Los Angeles	South Coast AQMD staff commented on 9/14/2022
Warehouse & Distribution Centers RVC220816-02 Development Plan Review 22-00021	The project consists of construction of a 100,307 square foot warehouse on 4.5 acres. The project is located on the northeast corner of Brennan Avenue and Ramona Expressway. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220816-02.pdf Comment Period: 8/9/2022 - 9/12/2022 Public Hearing: N/A	Site Plan	City of Perris	South Coast AQMD staff commented on 9/8/2022
Warehouse & Distribution Centers SBC220823-03 Conditional Use Permit (CUP 22-009), Design Review Application (DRA 22-012), and Parcel Merger (PM 22-001)	The project consists of construction of a 3,900 square foot warehouse on 1.25 acres. The project is located near the northwest corner of Third Street and Palm Avenue. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/SBC220823-03.pdf Comment Period: 8/23/2022 - 9/9/2022 Public Hearing: N/A	Site Plan	City of Highland	South Coast AQMD staff commented on 9/1/2022
Industrial and Commercial LAC220715-02 TVC 2050 Project	The project consists of demolition of 495,860 square feet of existing structures, and construction of 1,874,000 square feet of commercial uses and 20,000 square feet of retail uses on 25 acres. The project is located on the southeast corner of West Beverly Boulevard and North Fairfax Avenue in Wilshire. Reference LAC210706-06 http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/LAC220715-02.pdf Comment Period: 7/14/2022 - 9/13/2022 Public Hearing: N/A	Notice of Availability of a Draft Environmental Impact Report	City of Los Angeles	South Coast AQMD staff commented on 9/13/2022
Industrial and Commercial LAC220726-09 Crossings Campus (formerly Project Crossings)	The project consists of demolition of 105,047 square feet of existing buildings and construction of two office buildings totaling 536,000 square feet with subterranean parking on 4.46 acres. The project is located on the northeast corner of National Boulevard and Washington Boulevard. Reference LAC211104-01 http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/LAC220726-09.pdf Comment Period: 7/21/2022 - 9/6/2022 Public Hearing: 11/9/2022	Draft Environmental Impact Report	City of Culver City	South Coast AQMD staff commented on 9/6/2022

*Sorted by Comment Status, followed by Land Use, then County, then date received.

- Project has potential environmental justice concerns due to the nature and/or location of the project.

**ATTACHMENT B
ONGOING ACTIVE PROJECTS FOR WHICH SOUTH COAST AQMD HAS
OR IS CONTINUING TO CONDUCT A CEQA REVIEW**

SOUTH COAST AQMD LOG-IN NUMBER PROJECT TITLE	PROJECT DESCRIPTION	TYPE OF DOC.	LEAD AGENCY	COMMENT STATUS
Retail LAC220811-01 ENV-2018-1512: 8th and Mariposa Hotel at 3216 8th Street	The project consists of construction of a 129,675 square foot hotel with 95 rooms and subterranean parking on 21,614 square feet. The project is located on the southeast corner of West Eight Street and South Mariposa Street in Wilshire. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/LAC220811-01.pdf Comment Period: 8/11/2022 - 9/12/2022 Public Hearing: N/A	Negative Declaration	City of Los Angeles	South Coast AQMD staff commented on 9/9/2022
Retail RVC220823-07 7-Eleven CUP2019-0037 and CUP2019-0038	The project consists of construction of a 3,130 square foot convenience store, a gasoline service station with 12 pumps, and a 3,096 square foot fueling canopy on 0.76 acres. The project is located on the northwest corner of Oak Valley Parkway and Beaumont Avenue. Reference RVC210303-02 and RVC190809-08 http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220823-07.pdf Comment Period: 8/23/2022 - 9/8/2022 Public Hearing: 9/8/2022	Site Plan	City of Beaumont	South Coast AQMD staff commented on 9/1/2022
General Land Use (residential, etc.) ORC220816-01 Artesia Place Project (Artesia Boulevard Corridor Specific Plan Amendment)	The project consists of construction of 80 residential units, 8,650 square feet of commercial uses, and 40,265 square feet of open space on 3.3 acres. The project is located at 11709 Artesia Boulevard on the northeast corner of Artesia Boulevard and Alburto Avenue. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/ORC220816-01.pdf Comment Period: 8/10/2022 - 9/9/2022 Public Hearing: 8/16/2022	Notice of Preparation	City of Artesia	South Coast AQMD staff commented on 9/1/2022
General Land Use (residential, etc.) ORC220816-07 Westminster Mall Specific Plan Project	The project consists of construction of 3,000 residential units, a hotel with 425 rooms, and 1.2 million square feet of retail and office uses on 100 acres. The project is located at 1025 Westminster Mall on the southeast corner of Westminster Mall and Interstate 405. Reference ORC191101-05 http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/ORC220816-07.pdf Comment Period: 8/15/2022 - 9/29/2022 Public Hearing: N/A	Notice of Availability of a Draft Environmental Impact Report	City of Westminster	South Coast AQMD staff commented on 9/29/2022
General Land Use (residential, etc.) RVC220816-08 Plot Plan No. PLN 22-0198 (Cypress Sands Apartments)	The project consists of construction of 136 residential units on 9.71 acres. The project is located on the northwest corner of McCall Boulevard and Antelope Road. http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2022/september/RVC220816-08.pdf Comment Period: 8/16/2022 - 9/1/2022 Public Hearing: N/A	Site Plan	City of Menifee	South Coast AQMD staff commented on 9/1/2022

- Project has potential environmental justice concerns due to the nature and/or location of the project.

ATTACHMENT C
ACTIVE SOUTH COAST AQMD LEAD AGENCY
PROJECTS THROUGH SEPTEMBER 30, 2022

PROJECT DESCRIPTION	PROPONENT	TYPE OF DOCUMENT	STATUS	CONSULTANT
<p>Quemetco is proposing to modify existing South Coast AQMD permits to allow the facility to recycle more batteries and to eliminate the existing daily idle time of the furnaces. The proposed project will increase the rotary feed drying furnace feed rate limit from 600 to 750 tons per day and increase the amount of total coke material allowed to be processed. In addition, the project will allow the use of petroleum coke in lieu of or in addition to calcined coke, and remove one existing emergency diesel-fueled internal combustion engine (ICE) and install two new emergency natural gas-fueled ICEs.</p>	<p>Quemetco</p>	<p>Environmental Impact Report (EIR)</p>	<p>The Draft EIR was released for a 124-day public review and comment period from October 14, 2021 to February 15, 2022 and approximately 200 comment letters were received.</p> <p>Staff held two community meetings, on November 10, 2021 and February 9, 2022, which presented an overview of the proposed project, the CEQA process, detailed analysis of the potentially significant environmental topic areas, and the existing regulatory safeguards. Written comments submitted relative to the Draft EIR and oral comments made at the community meetings, along with responses will be included in the Final EIR which is currently being prepared by the consultant.</p>	<p>Trinity Consultants</p>
<p>Sunshine Canyon Landfill is proposing to modify its South Coast AQMD permits for its active landfill gas collection and control system to accommodate the increased collection of landfill gas. The proposed project will: 1) install two new low emission flares with two additional 300-horsepower electric blowers; and 2) increase the landfill gas flow limit of the existing flares.</p>	<p>Sunshine Canyon Landfill</p>	<p>Subsequent Environmental Impact Report (SEIR)</p>	<p>South Coast AQMD staff reviewed and provided comments on the preliminary air quality analysis, health risk assessment (HRA), and Preliminary Draft SEIR which are to be addressed by the consultant.</p>	<p>SCS Engineers</p>

[↑ Back to Agenda](#)

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 15

REPORT: Rule and Control Measure Forecast

SYNOPSIS: This report highlights South Coast AQMD rulemaking activities and public hearings scheduled for 2022.

COMMITTEE: No Committee Review

RECOMMENDED ACTION:
Receive and file.

Wayne Nastri
Executive Officer

SLR:MK:IM:AK:ZS

2022 MASTER CALENDAR

The 2022 Master Calendar provides a list of proposed or proposed amended rules for each month, with a brief description, and a notation in the third column indicating if the rulemaking is for the 2016 AQMP, Toxics, AB 617 (for BARCT) or measures identified in an AB617 Community Emission Reduction Plan (CERP), or Other. Rulemaking efforts that are noted for implementation of the 2016 AQMP, Toxics, and AB 617 are either statutorily required and/or are needed to address a public health concern. Projected emission reductions will be determined during rulemaking.

Staff continues to move forward with rulemaking, recognizing stakeholders' resource limitations due to COVID-19. To maintain social distancing while integrating public participation in the rulemaking process, staff is connecting with stakeholders using tele- and videoconferencing. Also, staff has increased the review time for working group materials to allow stakeholders additional time to prepare for meetings.

The following symbols next to the rule number indicate if the rulemaking will be a potentially significant hearing, will reduce criteria pollutants, or is part of the RECLAIM transition. Symbols have been added to indicate the following:

- * *This rulemaking may have a substantial number of public comments.*
- + *This rulemaking will reduce criteria air contaminants and assist toward attainment of ambient air quality standards.*
- # *This rulemaking is part of the transition of RECLAIM to a command-and-control regulatory structure.*

The following table provides a list of changes since the previous Rule Forecast Report.

1106	Marine and Pleasure Craft Coatings
1107	Coating of Metal Parts and Products
Proposed Amended Rule 1106 and 1107 are being added to First Quarter 2023 to address a SIP deficiency.	
1118	Control of Emissions from Refinery Flares
Proposed Amended Rule 1118 is being added to First Quarter 2023 to address a SIP deficiency.	
1148.2	Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers
Proposed Amended Rule 1148.2 is being moved from November 2022 to First Quarter 2023 to allow staff to continue to work with stakeholders on remaining key issues.	
1153.1	Emissions of Oxides of Nitrogen from Commercial Food Ovens
Proposed Amended Rule 1153.1 is being moved from December 2022 to Second Quarter 2023 to allow staff additional time to reevaluate the BARCT analysis.	
1159.1	Control of NOx Emissions from Nitric Acid Tanks
Proposed Rule 1159.1 is being moved from December 2022 to First Quarter 2023 to allow staff additional time to reevaluate cost effectiveness and implementation schedule.	

2022 MASTER CALENDAR

Month	Title and Description	Type of Rulemaking
December		No rule adoptions or amendments for consideration in December 2022.

* *Potentially significant hearing*

+ *Reduce criteria air contaminants and assist toward attainment of ambient air quality standards*

Part of the transition of RECLAIM to a command-and-control regulatory structure

Master 2023 CALENDAR

1 st Quarter	Title and Description	Type of Rulemaking
Reg III including 304 304.1 304.2	<p>Fee Rules Equipment, Materials, and Ambient Air Analyses Analyses Fees Fees for Operations Supportive of Emissions Analyses</p> <p>Proposed Amended Rules 304, 304.1, and Proposed Rule 304.2 will seek to recover costs incurred by South Coast AQMD from operators responsible for large incidents requiring South Coast AQMD response, along with Regulation III revisions based on the results of a comprehensive fee study.</p> <p><i>Kalam Cheung 909.396.3281; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1106 1107	<p>Marine and Pleasure Craft Coatings Coating of Metal Parts and Products</p> <p>Proposed Amended Rules 1106 and 1107 will remove references to ASTM D 7767-11 to address the U.S. EPA’s limited SIP disapproval.</p> <p><i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1118	<p>Control of Emissions from Refinery Flares</p> <p>Proposed Amended Rule 1118 will update the Executive Officer approval of allowable ASTM test methods to require approval from CARB and the U.S. EPA.</p> <p><i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1135	<p>Emissions of Oxides of Nitrogen from Electricity Generating Facilities</p> <p>Proposed Amended Rule 1135 will modify provisions for electricity generating units at Santa Catalina Island to reflect a revised BARCT assessment.</p> <p><i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB 617 BARCT
1146.2 [#]	<p>Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters</p> <p>Proposed Amended Rule 1146.2 will update the NOx emission limits to reflect BARCT. Other provisions may be added to facilitate the deployment of zero-emission units regulated under the proposed amended rule.</p> <p><i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB 617 BARCT

* Potentially significant hearing

+ Reduce criteria air contaminants and assist toward attainment of ambient air quality standards

Part of the transition of RECLAIM to a command-and-control regulatory structure

Master 2023 CALENDAR (Continued)

1st Quarter (Continued)	Title and Description	Type of Rulemaking
1148.2	<p>Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers Proposed Amended Rule 1148.2 will evaluate the applicability of well activities, improve notifications of well working activities, and address other issues. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other/ AB 617 CERP
1159.1 [#]	<p>Control of NOx Emissions from Nitric Acid Tanks Proposed Rule 1159.1 will establish requirements to reduce NOx emissions from nitric acid units that will apply to RECLAIM, former RECLAIM, and non-RECLAIM facilities. <i>Kalam Cheung 909.396.3281; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB 617 BARCT
1178	<p>Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities Proposed Amended Rule 1178 will incorporate the use of more advanced early leak detection methods and improve leak detection and repair programs for storage tanks to further reduce VOC emissions. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 CERP
1405	<p>Control of Ethylene Oxide and Chlorofluorocarbon Emissions from Sterilization or Fumigation Processes Amendments needed to address ethylene oxide emissions from sterilization of medical equipment. <i>Kalam Cheung 909.396.3281; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1426.1	<p>Hexavalent Chromium Emissions from Metal Finishing Operations Proposed Rule 1426.1 will reduce hexavalent chromium emissions from heated chromium tanks used at facilities with metal finishing operations that are not subject to Rule 1469. <i>Kalam Cheung 909.396.3281; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
2306	<p>New Intermodal Railyard Indirect Source Rule Proposed Rule 2306 will establish requirements for new intermodal railyards to minimize emissions from indirect sources associated with new railyards. <i>Elaine Shen 909.396.2715; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB 617 CERP
Regulation XX ^{*#}	<p>RECLAIM Proposed Amended Regulation XX will address the transition of RECLAIM facilities to a command-and-control regulatory structure. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP

* Potentially significant hearing

+ Reduce criteria air contaminants and assist toward attainment of ambient air quality standards

Part of the transition of RECLAIM to a command-and-control regulatory structure

Master 2023 CALENDAR (Continued)

2nd Quarter	Title and Description	Type of Rulemaking
1110.2 1110.3	<p>Emissions from Gaseous- and Liquid-Fueled Engines Emissions from Linear Generators Proposed Amended Rule 1110.2 will remove requirements from linear generators and Proposed Rule 1110.3 will establish emission standards and requirements for linear generators. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1153.1 [#]	<p>Emissions of Oxides of Nitrogen from Commercial Food Ovens Proposed Amended Rule 1153.1 will establish NOx BARCT limits and expand the applicability to RECLAIM and former RECLAIM facilities. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB 617 BARCT
2202 [*]	<p>On-Road Motor Vehicle Mitigation Options Proposed Amended Rule 2202 will streamline implementation for regulated entities, as well as reduce review and administration time for South Coast AQMD staff. Concepts may include program components to facilitate achieving average vehicle ridership targets. <i>Vicki White 909.396.3436; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
Regulation XIII ^{*#}	<p>New Source Review Proposed Amended Regulation XIII will revise New Source Review provisions to address facilities that are transitioning from RECLAIM to a command-and-control regulatory structure and to address comments from U.S. EPA. Additional rules under Regulation XIII may be needed to address offsets and other provisions under Regulation XIII. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
3rd Quarter	Title and Description	Type of Rulemaking
1151	<p>Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations Proposed Amended Rule 1151 will provide clarifications of current requirements and amend provisions to address implementation issues. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706 Socio: Elaine Shen 909.396.2715</i></p>	Other

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Part of the transition of RECLAIM to a command-and-control regulatory structure

Master 2023 CALENDAR (Continued)

3rd Quarter (Continued)	Title and Description	Type of Rulemaking
1180.1	<p>Fenceline and Community Monitoring Proposed Rule 1180.1 will establish fenceline and community monitoring requirements for non-petroleum refineries and facilities that are not currently included in Rule 1180 – Refinery Fenceline and Community Air Monitoring. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1445*	<p>Control of Toxic Emissions from Laser Arc Cutting Proposed Rule 1445 will establish requirements to reduce hexavalent chromium and other metal toxic air contaminant particulate emissions from laser arc cutting. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
2304	<p>Marine Port Indirect Source Rule Proposed Rule 2304 will establish requirements to reduce emissions from indirect sources related to marine ports. <i>Elaine Shen 909.396.2715; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB617 CERP

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2022 To-Be-Determined

2022	Title and Description	Type of Rulemaking
102	<p>Definition of Terms Proposed amendments may be needed to update and add definitions, and potentially modify exemptions. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
103	<p>Definition of Geographical Areas Proposed amendments are needed to update geographic areas to be consistent with state and federal references to those geographic areas. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
209	<p>Transfer and Voiding of Permits Proposed amendments may be needed to clarify requirements for change of ownership and permits and the assessment of associated fees. <i>Kalam Cheung 909.396.3281; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
219	<p>Equipment Not Requiring a Written Permit Pursuant to Regulation II Proposed Amendments may be needed to address issues raised by U.S. EPA for approval in the State Implementation Plan or to identify sources that are currently exempt from permitting. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
222	<p>Filing Requirements for Specific Emission Sources Not Requiring a Written Permit Pursuant to Regulation II Proposed Amendments may be needed to require certain equipment that is currently not permitted to register the equipment to gather information and emissions data. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
223	<p>Emission Reduction Permits for Large Confined Animal Facilities Proposed Amended Rule 223 will seek additional ammonia emission reductions from large confined animal facilities by lowering the applicability threshold. Proposed amendments will implement BCM-04 in the 2016 AQMP. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
317	<p>Clean Air Act Non-Attainment Fees Proposed amendments may be needed to modify CAA Section 185 fees for non-attainment. <i>Elaine Shen 909.396.2715; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other

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Part of the transition of RECLAIM to a command-and-control regulatory structure

2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
403.1	<p>Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources Proposed Amended Rule 403.1 would clarify existing requirements for dust control and remove outdated provisions contained in supporting documents for Rule 403.1. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
407 [#]	<p>Liquid and Gaseous Air Contaminants Proposed Amended Rule 407 will update SO_x emission limits to reflect Best Available Retrofit Control Technology, if needed, remove exemptions for RECLAIM facilities, and update monitoring, reporting, and recordkeeping requirements. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT
410	<p>Odors from Transfer Stations and Material Recovery Facilities Proposed Amended Rule 410 will clarify existing provisions. Additional provisions may be needed to address activities associated with diversion of food waste to transfer stations or material recovery facilities. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
425	<p>Odors from Cannabis Processing Proposed Rule 425 will establish requirements for control of odors from cannabis processing. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
430	<p>Breakdown Provisions Amendments to Rule 430 will need to be amended to remove exemptions for facilities that exit the RECLAIM program and update references to CEMS rules. Other amendments may be needed to address current policies from U.S. EPA regarding startup, shutdown, and malfunction requirements. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	RECLAIM Other
431.1 [#]	<p>Sulfur Content of Gaseous Fuels Proposed Amended Rule 431.1 will assess exemptions, including RECLAIM, and update other provisions, if needed. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT/ AB 617 CERP
431.2 [#]	<p>Sulfur Content of Liquid Fuels Proposed Amended Rule 431.2 will assess exemptions, including RECLAIM, and update other provisions, if needed. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT/ AB 617 CERP

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Part of the transition of RECLAIM to a command-and-control regulatory structure

2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
431.3 [#]	<p>Sulfur Content of Fossil Fuels Proposed Amended Rule 431.3 will assess exemptions, including RECLAIM, and update other provisions, if needed. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT/ AB 617 CERP
442.1 1107 1124 1136 1145 1171	<p>Usage of Solvent Coating of Metal Parts and Products Aerospace Assembly and Component Manufacturing Operations Wood Products Coatings Plastic, Rubber, Leather, and Glass Coatings Solvent Cleaning Operations Proposed amendments will prohibit the sale, distribution, and application of materials that do not meet the VOC limits specified in Regulation XI rules and possible provisions to prohibit circumvention of VOC limits. Other provisions may be needed to address exempt compounds. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
444	<p>Open Burning Amendments may be needed to clarify existing provisions. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
445 [*]	<p>Wood Burning Devices Proposed Amended Rule 445 will address additional U.S. EPA requirements for Best Available Control Measures and potentially address ozone contingency measure requirements for the Coachella Valley. Amendments may be needed to revise the penalty structure for violations on No Burn Days during the wood burning season. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
462	<p>Organic Liquid Loading Proposed Amended Rule 462 will incorporate the use of advanced techniques to detect fugitive emissions and Facility Vapor Leak. Other amendments may be needed to streamline implementation and add clarity. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
463	<p>Organic Liquid Storage Proposed Amended Rule 463 will address the current test method and improve the effectiveness, enforceability, and clarity of the rule. Proposed amendments may also be needed to ensure consistency with Rule 1178. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other

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2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
468 [#]	<p>Sulfur Recovery Units Proposed Amended Rule 468 will update SO_x emission limits to reflect Best Available Retrofit Control Technology, if needed, remove exemptions for RECLAIM facilities, and update monitoring, reporting, and recordkeeping requirements. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT
469 [#]	<p>Sulfuric Acid Units Proposed Amended Rule 469 will update SO_x emission limits to reflect Best Available Retrofit Control Technology, if needed, remove exemptions for RECLAIM facilities, and update monitoring, reporting, and recordkeeping requirements. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT
1100	<p>Implementation Schedule for NO_x Facilities Proposed Amended Rule 1100 will establish the implementation schedule for Rule 1147 equipment at NO_x RECLAIM and former NO_x RECLAIM facilities. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	
1101 [#]	<p>Secondary Lead Smelters/Sulfur Oxides Proposed Amended Rule 1101 will update SO_x emission limits to reflect Best Available Retrofit Control Technology, if needed, remove exemptions for RECLAIM facilities, and update monitoring, reporting, and recordkeeping requirements. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT
1105 [#]	<p>Fluid Catalytic Cracking Units SO_x Proposed Amended Rule 1105 will update SO_x emission limits to reflect Best Available Retrofit Control Technology, if needed, remove exemptions for RECLAIM facilities, and update monitoring, reporting, and recordkeeping requirements. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT/ AB 617 CERP
1110.2* ⁺⁺	<p>Emissions from Gaseous- and Liquid-Fueled Engines Proposed amendments will address use of emergency standby engines at essential public services for Public Safety Power Shutoff programs. Proposed amendments may also be needed to incorporate possible comments by U.S. EPA for approval into the SIP and address monitoring provisions for new engines. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB 617 BARCT

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2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
1111.1	<p>Zero-Emission Residential Furnaces Proposed Rule 1111.1 may include provisions to encourage zero emission residential furnaces that goes beyond Rule 1111 for gas-fired furnaces. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
1113	<p>Architectural Coatings Proposed amendments may be needed to address delisted compounds and other amendments to improve clarity and to remove obsolete provisions. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1119 [#]	<p>Petroleum Coke Calcining Operations – Oxides of Sulfur Proposed Amended Rule 1119 will update SOx emission limits to reflect Best Available Retrofit Control Technology, if needed, remove exemptions for RECLAIM facilities, and update monitoring, reporting, and recordkeeping requirements. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AB 617 BARCT/ AB 617 CERP
1121*	<p>Control of Nitrogen Oxides from Residential Type, Natural-Gas-Fired Water Heaters Proposed amendments may be needed to further reduce NOx emissions from water heaters. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
1121.1	<p>Zero Emission Residential Water Heaters Proposed Rule 1121.1 may include provisions to encourage zero emission water heaters that goes beyond Rule 1121 for gas-fired water heaters. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
1133.3	<p>Emission Reductions from Greenwaste Composting Operations Proposed Amended Rule 1133.3 will seek additional VOCs and ammonia emission reductions from greenwaste and foodwaste composting. Proposed amendments will implement BCM-10 in the 2016 AQMP. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
1138	<p>Control of Emissions from Restaurant Operations Proposed Amended Rule 1138 will further reduce emissions from char boilers. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP

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2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
1142	<p>Marine Tank Vessel Operations Proposed Amended Rule 1142 will address VOC and hydrogen sulfide emissions from marine tank vessel operations, applicability, noticing requirements, and provide clarifications. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1146	<p>Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters Proposed amendments to Rule 1146 may be needed to incorporate comments from U.S. EPA. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1146.1 [#]	<p>Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters Proposed amendments to Rule 1146.1 may be needed to clarify provisions for industry-specific categories and to incorporate comments from U.S. EPA. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1148.1*	<p>Oil and Gas Production Wells Proposed Amendments to Rule 1148.1 may be needed to further reduce emissions from operations, implement early leak detection, odor minimization plans, and enhanced emissions and chemical reporting from oil and drilling sites. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other/ AB 617 CERP
1165	<p>Control of Emissions from Incinerators Proposed Rule 1165 will establish emission standards, source testing, and monitoring, recordkeeping, and reporting requirements for incinerators. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP
1166	<p>Volatile Organic Compound Emissions from Decontamination of Soil Proposed Amended Rule 1166 will update requirements, specifically concerning notifications and usage of mitigation plans (site specific versus various locations). <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other

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2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
1171	<p>Solvent Cleaning Operations Proposed Amendments to Rule 1171 may be needed to address certain exempt chemicals and compliance issues. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706 Socio: Elaine Shen 909.396.2715</i></p>	Other
1173	<p>Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants Proposed Amended Rule 1173 will further reduce emissions from petroleum and chemical plants by requiring early leak detection approaches. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other/ AB 617 CERP
1176	<p>VOC Emissions from Wastewater Systems Proposed Amended Rule 1176 will clarify the applicability of the rule to include bulk terminals under definition of “Industrial Facilities,” and streamline and clarify provisions. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other/ AB 617 CERP
1180	<p>Refinery Fenceline and Community Air Monitoring Amendments to Rule 1180 may be needed to provide additional clarity and if Proposed Rule 1180.1 is adopted, provisions may be needed to provide additional clarity. <i>Heather Farr 909.396.3672; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1403*	<p>Asbestos Emissions from Demolition/Renovation Activities Proposed Amended Rule 1403 will enhance implementation, improve rule enforceability, update provisions, notifications, exemptions, and align provisions with the applicable U.S. EPA National Emission Standard for Hazardous Air Pollutants (NESHAP) and other state and local requirements as necessary. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1404	<p>Hexavalent Chromium Emissions from Cooling Towers Amendments may be needed to provide additional clarifications regarding use of process water that is associated with sources that have the potential to contain chromium in cooling towers and address VOC emissions. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics AQMP

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2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
1415 1415.1	<p>Reduction of Refrigerant Emissions from Stationary Air Conditioning Systems, and Reduction of Refrigerant Emissions from Stationary Refrigeration Systems</p> <p>Proposed Amended Rules 1415 and 1415.1 will align requirements with the proposed CARB Refrigerant Management Program and U.S. EPA’s Significant New Alternatives Policy Rule provisions relative to prohibitions on specific hydrofluorocarbons.</p> <p align="center"><i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Other
1420	<p>Emissions Standard for Lead</p> <p>Proposed Amended Rule 1420 will update requirements to address arsenic emissions to close a regulatory gap between Rule 1420 and Rule 1407 - Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Ferrous Metal Melting Operations. Other provisions may be needed to address storage and handling requirements, and revise closure requirements.</p> <p align="center"><i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1420.1	<p>Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities</p> <p>Proposed Amendments are needed to update applicable test methods and provide clarifications regarding submittal of a source-test protocol. Additional amendments may be needed to address monitoring and post closure requirements.</p> <p align="center"><i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1420.2	<p>Emission Standards for Lead from Metal Melting Facilities</p> <p>Proposed Amended Rule 1420.2 will update requirements to address arsenic emissions to close a regulatory gap between Rule 1420 and Rule 1407 - Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Ferrous Metal Melting Operations. Additional amendments may be needed to address monitoring and post closure requirements.</p> <p align="center"><i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1435*	<p>Control of Emissions from Metal Heat Treating Processes</p> <p>Proposed Rule 1435 will establish requirements to reduce point source and fugitive toxic air contaminants including hexavalent chromium emissions from heat treating processes. Proposed Rule 1435 will also include monitoring, reporting, and recordkeeping requirements.</p> <p align="center"><i>Kalam Cheung 909.396.3281; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics/ AB 617 CERP

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2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
1450*	<p>Control of Methylene Chloride Emissions Proposed Rule 1450 will reduce methylene chloride emissions from furniture stripping and establish monitoring, reporting, and recordkeeping requirements. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1455	<p>Control of Hexavalent Chromium Emissions from Torch Cutting and Welding Proposed Rule 1455 will establish requirements to reduce hexavalent chromium emissions from torch cutting and welding of chromium alloys. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1466.1	<p>Control of Particulate Emissions from Demolition of Buildings Proposed Rule 1466.1 will establish requirements to minimize PM emissions during the demolition of buildings that housed equipment and processes with metal toxic air contaminants and pollution control equipment. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1469	<p>Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations Amendments to Rule 1469 may be needed to address potential changes with the CARB’s Hexavalent Chromium Airborne Toxic Control Measure for Chrome Plating and Chromic Acid Anodizing Operations. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1470	<p>Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines Proposed Amended Rule 1470 will include provisions to further reduce diesel particulate emissions from stationary diesel-fueled internal combustion engines. <i>TBD; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics
1472	<p>Requirements for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled Internal Combustion Engines Proposed Amended Rule 1472 will remove provisions that are no longer applicable, update and streamline provisions to reflect the 2015 Health Risk Assessment Guidelines and assess the need for Compliance Plans. <i>Michael Morris 909.396.3282; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	Toxics

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2022 To-Be-Determined (Continued)

2022	Title and Description	Type of Rulemaking
2306.1	<p>Existing Intermodal Railyard Indirect Source Rule Proposed Rule 2306.1 will establish requirements for existing intermodal railyards to minimize emissions from indirect sources associated with these facilities. <i>Elaine Shen 909.396.2715; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ AB 617 CERP
Regulation XXIII* ⁺	<p>Facility-Based Mobile Sources Proposed rules within Regulation XXIII would reduce emissions from indirect sources (e.g., mobile sources that visit facilities). <i>Elaine Shen 909.396.2715; CEQA: Michael Krause 909.396.2706; Socio: Elaine Shen 909.396.2715</i></p>	AQMP/ Toxics/ AB 617 CERP
Regulation II, III, IV, XIV, XI, XIX, XXIII, XXIV, XXX and XXXV	<p>Various rule amendments may be needed to meet the requirements of state and federal laws, implement OEHHA’s 2015 revised risk assessment guidance, changes from OEHHA to new or revised toxic air contaminants or their risk values, address variance issues, emission limits, technology-forcing emission limits, conflicts with other agency requirements, to abate a substantial endangerment to public health, additional reductions to meet SIP short-term measure commitments, to address issues raised by U.S. EPA or CARB for the SIP, compliance issues that are raised by the Hearing Board, or regulatory amendments needed as a result of the COVID-19 pandemic. Amendments to existing rules may be needed to address use of materials that contain chemicals of concern. The associated rule development or amendments include, but are not limited to, South Coast AQMD existing, or new rules to implement the 2012 or 2016 AQMP measures, and if adopted, 2022 AQMP measures. This includes measures in the 2016 AQMP to reduce toxic air contaminants or reduce exposure to air toxics from stationary, mobile, and area sources. Rule adoption or amendments may include updates to provide consistency with CARB Statewide Air Toxic Control Measures, or U.S. EPA’s National Emission Standards for Hazardous Air Pollutants. Rule adoption or amendments may be needed to implement AB 617 including but not limited to BARCT rules, Community Emission Reduction Plans prepared pursuant to AB 617, or new or amended rules to abate a public health issue identified through emissions testing or ambient monitoring.</p>	Other/ AQMP/ Toxics/ AB 617 BARCT/ AB 617 CERP

* Potentially significant hearing

⁺ Reduce criteria air contaminants and assist toward attainment of ambient air quality standards

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 Back to Agenda

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 16

PROPOSAL: Report of RFQs/RFPs Scheduled for Release in November

SYNOPSIS: This report summarizes the RFQs/RFPs for budgeted services over \$100,000 scheduled to be released for advertisement for the month of November.

COMMITTEE: Administrative, October 14, 2022, Reviewed

RECOMMENDED ACTION:

Approve the release of RFQs/RFPs for the month of November.

Wayne Natri
Executive Officer

SJ:gp

Background

In January 2020, the Board approved a revised Procurement Policy and Procedure. Under the revised policy, RFQs/RFPs for budgeted items over \$100,000 that follow the Procurement Policy and Procedure would no longer be required to obtain individual Board approval. However, a monthly report of all RFQs/RFPs over \$100,000 is included as part of the Board agenda package and the Board may, if desired, take individual action on any item. The attached report provides the title and synopsis of the RFQ/RFP, the budgeted funds available, and the name of the Deputy Executive Officer/Assistant Deputy Executive Officer responsible for that item. Further detail including closing dates, contact information, and detailed proposal criteria will be available online at <http://www.aqmd.gov/grants-bids> following Board approval on November 4, 2022.

Outreach

In accordance with South Coast AQMD's Procurement Policy and Procedure, a public notice advertising the RFQs/RFPs and inviting bids will be published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, and Riverside

County's Press Enterprise newspapers to leverage the most cost-effective method of outreach to the South Coast Basin.

Additionally, potential bidders may be notified utilizing South Coast AQMD's own electronic listing of certified minority vendors. Notice of the RFQs/RFPs will be emailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations and placed on South Coast AQMD's website (<http://www.aqmd.gov>), where it can be viewed by making the selection "Grants & Bids."

Proposal Evaluation

Proposals received will be evaluated by applicable diverse panels of technically qualified individuals familiar with the subject matter of the project or equipment and may include outside public sector or academic community expertise.

Attachment

Report of RFQs/RFPs Scheduled for Release in November 2022

**November 4, 2022 Board Meeting
Report on RFQs/RFPs Scheduled for Release on November 4, 2022**

(For detailed information visit South Coast AQMD's website at
<http://www.aqmd.gov/nav/grants-bids>
following Board approval on November 4, 2022)

SPECIAL TECHNICAL EXPERTISE

RFP #P2023-03	Issue Request for Proposal for Independent Audit Services	Jain/2804
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A financial audit of the South Coast AQMD is performed annually in compliance with the Government Code and Single Audit Act Amendments of 1996. This audit is performed by independent Certified Public Accountants, and their reports are addressed to the Governing Board. The contract with South Coast AQMD's current auditors expires on March 31, 2023. This RFP is for financial audit services for fiscal years 2023, 2024, and 2025. Funds for this contract are included in the FY 2023-24 Budget and will be requested for each of the remaining fiscal years of the contract.

RFQ #Q2023-03	Issue Request for Quotation for Qualifications to Establish List of Prequalified Vendors for Automotive Mechanical Repair and Service	Olvera/2309
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South Coast AQMD's vehicle fleet periodically requires mechanical repairs and services. This action is to issue an RFQ to establish a list of prequalified vendors for a three-year period. Funds for this service are included in the FY 23-24 Budget and will be requested in subsequent fiscal years.

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 17

REPORT: Status Report on Major Ongoing and Upcoming Projects for Information Management

SYNOPSIS: Information Management is responsible for data systems management services in support of all South Coast AQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects.

COMMITTEE: Administrative, October 14, 2022, Reviewed

RECOMMENDED ACTION:
Receive and file.

Wayne Natri
Executive Officer

RMM:MAH:XC:dc

Background

Information Management (IM) provides a wide range of information systems and services in support of all South Coast AQMD operations. IM's primary goal is to provide automated tools and systems to implement rules and regulations, and to improve internal efficiencies. The annual Budget and Board-approved amendments to the Budget specify projects planned during the fiscal year to develop, acquire, enhance, or maintain mission-critical information systems.

In light of COVID-19 and the related budget impact, we are evaluating all of our projects and delaying non-critical projects as long as possible.

Summary of Report

The attached report identifies the major projects/contracts or purchases that are ongoing or expected to be initiated within the next six months. Information provided for each project includes a brief project description and the schedule associated with known major milestones (issue RFP/RFQ, execute contract, etc.).

Attachment

Information Management Status Report on Major Ongoing and Upcoming Projects During the Next Six Months

ATTACHMENT
November 4, 2022 Board Meeting
Status Report on Major Ongoing and Upcoming Projects for
Information Management

Project	Brief Description	Estimated Project Cost	Completed Actions	Upcoming Milestones
Phone System Upgrade	Upgrade components of the agency Cisco Unified Communications System that are past end of support	\$175,000	<ul style="list-style-type: none"> • RFQ released September 3, 2021 • Awarded January 7, 2022 	<ul style="list-style-type: none"> • Complete upgrade November 30, 2022
AQ-SPEC Cloud Platform Phase 2	Integrate separate data systems into the AQ-SPEC cloud-based platform to manage data and build interactive data visualizations and data dashboards for web-based viewing	\$313,350	<ul style="list-style-type: none"> • Project Charter released • Task Order issued, evaluated, and awarded • Project kickoff completed • Requirements gathering completed • Fit Gap and data storage analysis completed • Architecture and functional design completed • Work Plan development for Phase 2 completed • Dashboard designs approved • Discovery Phase completed • Proposal for implementation phase received 	<ul style="list-style-type: none"> • Begin implementation phase
PeopleSoft Electronic Requisition	This will allow submittal of requisitions online, tracking multiple levels of approval, electronic archival, pre-encumbrance of budget, and streamlined workflow	\$75,800	<ul style="list-style-type: none"> • Project Charter released • Task Order issued, evaluated, and awarded • Requirements gathering and system design completed • System setup and code development, and User Acceptance Testing for Information Management completed • System setup and code development, and User Acceptance Testing completed for Administrative and Human Resources, and Technology Advancement Office completed 	<ul style="list-style-type: none"> • Deploy to IM and AHR divisions • Training and Integrated User Testing for other divisions

Project	Brief Description	Estimated Project Cost	Completed Actions	Upcoming Milestones
Permitting System Automation Phase 2	Enhanced Web application to automate filing of permit applications, Rule 222 equipment and registration for IC engines; implement electronic permit folder and workflow for staff	\$525,000	<ul style="list-style-type: none"> • Board approved initial Phase 2 funding December 2017 • Board approved remaining Phase 2 funding October 5, 2018 • Completed report outlining recommendations for automation of Permitting Workflow • Developed application submittals and form filing for first nine of 32 400-E forms • Completed application submittals and form filing for 23 types of equipment under Rule 222 for User Testing • Deployed production of the top three most frequently used Rule 222 forms: Negative Air Machines, Small Boilers and Charbroilers • Completed requirements gathering for Phase 2 of the project (an additional 10 400-E-XX forms) • Development of Phase 2 additional 12 400-E-XX forms completed • Deployment to stage of all 400-E-XX and Rule 222 forms for User Acceptance Testing completed • User Acceptance Testing and deployment to production of Emergency IC Engines Form completed • Deployed to production 3 additional Rule 222 forms (Tar Pots, Cooling Towers, and Power Washers) 	<ul style="list-style-type: none"> • Requirements gathering for Phase 3 of the project (final twelve 400-E-XX forms) • Complete User Acceptance Testing and deployment to production of Phase 1 of the project (first ten 400-E-XX forms) • Complete User Acceptance Testing and deployment to production of next set of Rule 222 forms • Complete User Acceptance Testing and deployment to production of the EICE module

Project	Brief Description	Estimated Project Cost	Completed Actions	Upcoming Milestones
Carl Moyer Program GMS	Development of simplified and streamlined Online Grant Management System (GMS) Portal for Carl Moyer Program	\$116,275	<ul style="list-style-type: none"> • Project initiation completed • Task Order issued • Phase 1 completed and approved by stakeholder • Solicitation for On-Road opened to public • Phase 2 – initiation and kickoff completed • Phase 2 – tasks module enhancement User Acceptance Testing completed • Phase 2 – 30-day Letter User Acceptance Testing for completed 	<ul style="list-style-type: none"> • Phase 2 – CARL Import for Off-Road and On-Road User Acceptance Testing • Phase 2 CARL Import for Infrastructure and Marine Development • Phase 2 – Application Status Tracking Development
Warehouse Indirect Source Rule Online Reporting Portal	Development of online reporting portal for Rule 2305 – Warehouse Indirect Source	\$250,000	<ul style="list-style-type: none"> • Draft Charter Document issued • Project initiation completed • Task Order issued • Deployed Phase 1.1 – Warehouse Operations Notification Submittal • Deployed Phase 1.2 – Warehouse Operations Notification Evaluation • Phase 2 Project initiation and planning completed • Phase 2 software requirements completed • Phase 2 architecture and design completed • Phase 2 deployed – Early Annual WAIRE Report (EAWR) , Initial Site Information Report (ISIR), full Annual WAIRE Report (AWR) • Phase 3 Initiated 	<ul style="list-style-type: none"> • Phase 3 Development
Agenda Tracking System	Develop new Agenda Tracking System for submittal, review and approval of governing board agenda items	\$250,000	<ul style="list-style-type: none"> • Project initiation completed • Task order issued 	<ul style="list-style-type: none"> • Project planning

Project	Brief Description	Estimated Project Cost	Completed Actions	Upcoming Milestones
CLASS Database Software Licensing	Purchase Action Ingres database software licensing, support and maintenance for the CLASS system for one year period (November 30, 2022 – November 30, 2023)	\$350,000	<ul style="list-style-type: none"> • Board approved October 7, 2022 	<ul style="list-style-type: none"> • Execute contract(s) November 30, 2022
PeopleSoft HCM (Human Capital Management) upgrade	Upgrade PeopleSoft HCM product to latest tools and image level to maintain regulatory and functional support	\$180,000	<ul style="list-style-type: none"> • Project initiation completed • Task order issued 	<ul style="list-style-type: none"> • System assessment • Customization assessment
Source Test Tracking System (STTS)	Online STSS will keep track of timelines and quantify the number of test protocols and reports received. System will provide an external online portal to submit source testing protocols and reports, track the review process, and provide integration to all other business units. It will also provide an external dashboard to review the status of a submittal.	\$250,000	<ul style="list-style-type: none"> • Project initiation completed • Task Order issued • Project kickoff completed • User requirements gathering for internal users completed • Developed full business process model • Developed screens mock-ups • Reviewed proposed automation with EQUATE Working Group completed • Proposal for system development approved • Completed development of Sprint 1 to 8 • Completed overview of development progress to EQUATE Working Group. • Deploy updated STTS Data Model and move application to stage completed • Internal and external orientation/training for testers completed 	<ul style="list-style-type: none"> • Complete User Acceptance Testing of STTS Portal in stage environment • Complete testing of STTS Portal with regulated community volunteers • Deploy STTS Portal to production

Projects that have been completed within the last 12 months are shown below.

Completed Projects

Project	Date Completed
Upgrade of Ingres Database Software	August 5, 2022
Upgrade of OnBase Software	August 2, 2022
Renewal of OnBase Software Support	July 15, 2022
Replace Your Ride (RYR)/One Stop Shop Integration	July 7, 2022
Warehouse Operations Notification Online Submittal Portal Phase 2.2 Initial Site Information Report (ISIR) and full Annual WAIRE Report (AWR)	June 1, 2022
Alternative Colors for Air Quality Map	May 20, 2022
Permit Application Enhancements for Rule 1109.1 Tracking	May 04, 2022
Mobile Application Enhancements	May 03, 2022
HP Server Maintenance & Support	April 30, 2022
National Weather Service Alert Integration	April 21, 2022
Prop 1B GMS – Locomotive and Cargo	April 19, 2022
AB 2766 Motor Vehicle Subvention Program Report Portal	March 2, 2022
Telecommunications Services	February 28, 2022
Warehouse Operations Notification Online Submittal Portal Phase 2.1 Annual WAIRE Report (AWR)	February 25, 2022
Prequalified Vendors to Provide Computer, Network, Printer, Hardware and Software, and Audio Visual Equipment	February 4, 2022
Three Additional Rule 222 Forms for Online Application Filing	February 1, 2022
Cybersecurity Assessment	January 31, 2022
Office 365 License Renewal	January 31, 2022
PeopleSoft Finance and Human Capital Management updates for tax year 2021	January 10, 2022
Implementation of Labor Agreement	January 10, 2022
Annual Emissions Reporting System 2022 Revisions	December 17, 2021
Warehouse Operations Notification Evaluation Module	December 12, 2021

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BOARD MEETING DATE: November 4, 2022

AGENDA NO. 18

REPORT: Administrative Committee

SYNOPSIS: The Administrative Committee held a meeting remotely on Friday, October 14, 2022. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Ben J. Benoit, Chair
Administrative Committee

SN:cb

Committee Members

Present: Chair Ben Benoit, Committee Chair
Senator (Ret.) Vanessa Delgado, Vice Chair
Mayor Michael Cacciotti
Board Member Gideon Kracov
Supervisor Janice Rutherford

Call to Order

Chair Benoit called the meeting to order at 10:00 a.m.

For additional details of the Administrative Committee Meeting, please refer to the [Webcast](#).

DISCUSSION ITEMS:

1. **Board Members' Concerns:** There were none to report.
2. **Chair's Report of Approved Travel:** There was no travel to report.
3. **Report of Approved Out-of-Country Travel:** There was no out-of-country travel to report.

4. **Review November 4, 2022 Governing Board Agenda:** Wayne Nastri, Executive Officer, noted that the set hearing for Proposed Amended Rule 1153.1 and Proposed Rule 1159.1 will be pulled from the November 4, 2022 Governing Board Agenda.

Board Member Kracov noted a lot of rulemaking on the agenda and expressed appreciation for the work from staff.

Supervisor Rutherford inquired about the changes in the Brown Act. Bayron Gilchrist, General Counsel responded he is working on a memo. Chair Benoit requested that this item be added to the November Administrative Committee agenda and go to the full Board in December.

5. **Approval of Compensation for Board Member Assistant(s)/Consultant(s):**
There were none to report.

6. **Update on South Coast AQMD Inclusion, Diversity and Equity Efforts:**
Dr. Anissa Heard-Johnson, Deputy Executive Officer/Diversity, Equity & Inclusion, provided an update on agency efforts and the direction for the upcoming year. Dr. Heard-Johnson highlighted Alexandra Ocasio-Cortez for Fabulous Female Friday and the success of the Hispanic Heritage month commemoration with keynote speaker, Vice Chair Vanessa Delgado. For additional information on this update please refer to the [Webcast at 10:12](#).

Vice Chair Delgado thanked staff for the commemoration and expressed appreciation for the event.

7. **Status Report on Major Ongoing and Upcoming Projects for Information Management:** Ron Moskowitz, Chief Information Officer, reported that the Environmental Justice Conference was successfully hosted, along with a virtual green room for panelists and provide an update on installation of water leak sensors that were installed in the data center and enhancements to the online complaint web application. South Coast AQMD was highlighted in Government Technology magazine, a nationwide publication, with an article on our mobile application and its new enhancements.
8. **Report of RFQs/RFPs Scheduled for Release in November:** Sujata Jain, Chief Financial Officer, reported that this item has an RFP and RFQ for release. The first is an RFP for independent audit services for a contract that will expire in March of 2023. The second is for RFQ to establish a prequalified list of vendors for automotive mechanical repair services.

ACTION ITEMS:

9. **Establish Board Meeting Schedule for Calendar Year 2023:** Mr. Nastri reported that this item is to establish the schedule for 2023. He noted that the Administrative Committee will meet on Thursday instead of Friday in November due to Veteran's Day.

Moved by Rutherford; seconded by Cacciotti, unanimously approved.

Ayes: Benoit, Delgado, Cacciotti, Kracov, Rutherford
Noes: None

10. **Amend Contracts for Legislative Representation in Sacramento, California:** Derrick Alatorre, Deputy Executive Officer/Legislative, Public Affairs & Media, reported that the current contract for our Sacramento consultants with three lobbying firms will expire at the end of the year. Staff is recommending approval of the second one-year extension for their contracts for this upcoming legislative session in 2023.

Chair Benoit asked members of the Legislative Committee to comment. Vice Chair Delgado confirmed she believed the current consultants to be effective.

Board Member Kracov agreed with Chair Benoit to look to the Legislative Committee to guide the decision. Mr. Kracov inquired about legislative accomplishments. Mr. Alatorre said the AB 617 funding for the next three years and the Carl Moyer funding which is statewide are the big items.

Moved by Cacciotti; seconded by Kracov, unanimously approved.

Ayes: Benoit, Delgado, Cacciotti, Kracov, Rutherford
Noes: None

11. **Amend Contracts for Legislative Representation in Washington, D.C.:** Mr. Alatorre reported that this item is for the contracts of the consultants in Washington, D.C. which will expire in January 2023. Staff is also recommending approval of the second on-year extension for their contracts.

Supervisor Rutherford requested clarification on the expiration date of January 14, 2022 and Mr. Alatorre confirmed it was a typo, as they are set to expire on January 14, 2023.

Board Member Kracov inquired about an update as received for the State. Lisa Tanaka-O'Malley, Assistant Deputy Executive Officer/Legislative, Public Affairs &

Media, reported that the federal consultants have been working hard and appropriations have been increasing. For additional information on this update please refer to the [Webcast at 27:55](#).

Moved by Cacciotti; seconded by Kracov, unanimously approved.

Ayes: Benoit, Delgado, Cacciotti, Kracov, Rutherford

Noes: None

12. **Enter into an Agreement with Enterprise Fleet Management to Lease Fleet Vehicles, Transfer Budgeted Funds to Make Lease Payments, and Direct Future Vehicle Resale Revenue for Lease Payments:** John Olvera, Deputy Executive Officer/Administrative & Human Resources reported that this item is to authorize the leasing of South Coast AQMD fleet vehicles with Enterprise Fleet management. This item will also move \$545,000, which is in the budget, from a Capital Outlay Account into a Services Account and direct funds from the future resale of our fleet vehicles into a Designated Fund so that they can be allocated back into the leasing program. The goal of this proposal is to reduce the average fleet vehicle life cycle from the current twelve years to five years. Chair Benoit and Mayor Cacciotti commented about safety features such as front facing cameras and the importance of using zero-emission vehicles. For additional information on this update please refer to the [Webcast at 35:19](#).

Moved by Cacciotti; seconded by Delgado, unanimously approved.

Ayes: Benoit, Delgado, Cacciotti, Kracov, Rutherford

Noes: None

13. **Amend FY 2022-23 Budget by Adding Funds to Legal's FY 2022-23 Budgets, Services and Supplies Major Object, Professional and Special Services Account to Cover Costs of Legal Counsel and Specialized Counsel and Services and Amend or Execute Contracts with Outside Counsel and Specialized Legal Counsel and Services:** Mr. Gilchrist reported that this item is to add \$754,000 to Legal's budget for a total of \$1,000,000 for legal counsel and specialized, environmental and other litigation. Mr. Gilchrist noted that historically the amount spent has exceeded this amount and this will recognize the amount of funds needed upfront.

Moved by Benoit; seconded by Cacciotti, unanimously approved.

Ayes: Benoit, Delgado, Cacciotti, Kracov, Rutherford

Noes: None

WRITTEN REPORT:

14. **Local Government & Small Business Assistance Advisory Group Minutes for the August 12, 2022 Meeting:** The report was acknowledged and received.

15. **South Coast AQMD Advisory Council Minutes from August 10, 2022 Meeting:** The report was acknowledged and received.

OTHER MATTERS:

16. **Other Business:** Board Member Kracov confirmed that the Mobile Source Committee meeting is cancelled this month.

17. **Public Comment:** There was no public comment.

18. **Next Meeting Date:** The next regular Administrative Committee meeting is scheduled for Thursday, November 10, 2022 at 10:00 a.m.

Adjournment

The meeting adjourned at 10:51 a.m.



South Coast Air Quality Management District

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LOCAL GOVERNMENT & SMALL BUSINESS ASSISTANCE ADVISORY GROUP FRIDAY, AUGUST 12, 2022 MEETING MINUTES

MEMBERS PRESENT:

Senator Vanessa Delgado (Board Member)
Supervisor Janice Rutherford (Board Member)
Felipe Aguirre
Council Member Rachele Arizmendi, City of Sierra Madre
Paul Avila, P.B.A. & Associates
Geoffrey Blake, Metal Finishers of Southern California
Todd Campbell, Clean Energy
LaVaughn Daniel, DancoEN
John DeWitt, JE DeWitt, Inc.
Bill LaMarr, California Small Business Alliance
Rita Loof, RadTech International
Eddie Marquez, Roofing Contractors Association
David Rothbart, Los Angeles County Sanitation Districts

MEMBERS ABSENT:

Mayor Carlos Rodriguez, LGSBA Chair (Board Member)

OTHERS PRESENT:

Mark Abramowitz
Ken Chawkins
Harvey Eder
Mark Taylor, Board Member Consultant (*Rutherford*)

SOUTH COAST AQMD STAFF:

Susan Nakamura, Chief Operating Officer
Derrick Alatorre, Deputy Executive Officer
Sujata Jain, Deputy Executive Officer/Chief Financial Officer
Sarah Rees, Deputy Executive Officer
Lisa Tanaka O'Malley, Assistant Deputy Executive Officer
Jillian Wong, Assistant Deputy Executive Officer
Victor Yip, Assistant Deputy Executive Officer
Daphne Hsu, Principal Deputy District Counsel
Karin Manwaring, Senior Deputy District Counsel
Philip Crabbe III, Senior Public Affairs Manager
Sang-Mi Lee, Planning and Rules Manager

Mark Henninger, Information Technology Manager
Anthony Tang, Information Technology Supervisor
Van Doan, Air Quality Specialist
Britney Gallivan, Air Quality Specialist
Roupen Karakouzian, Financial Analyst
De Groeneveld, Senior Information Technology Specialist

Agenda Item #1 – Call to Order/Opening Remarks

Supervisor Janice Rutherford called the meeting to order at 11:30 a.m.

For additional details of the Local Government & Small Business (LGSBA) Advisory Group Meeting, please refer to the Webcast at [Live Webcast \(aqmd.gov\)](https://aqmd.gov) at 0:07.

Agenda Item #2 – Approval of June 10, 2022 Meeting Minutes

Supervisor Rutherford called for approval of the June 10, 2022 meeting minutes.

No public comment.

Motion to approve minutes made by Eddie Marquez; seconded by Bill LaMarr; approved.

Ayes: Aguirre, Avila, Campbell, Daniel, DeWitt, LaMarr, Loof, Marquez, Rothbart, Rutherford

Noes: None

Abstain: Arizmendi

Absent: Blake (during voting), Delgado (during voting), Rodriguez

For additional details, please refer to the [Webcast](#) beginning at 5:35.

Agenda Item #3 – Review of Follow-Up/Action Items

Derrick Alatorre, Deputy Executive Officer for Legislative, Public Affairs and Media, reviewed the action item from the June 10, 2022 meeting, which was to place on a future agenda a discussion on Assembly Bill (AB) 617.

No public comment.

For additional details, please refer to the [Webcast](#) beginning at 6:54.

Agenda Item #4 – Update on Progress of 2022 LGSBA Goals and Objectives

Mr. Alatorre presented an update on the progress of 2022 LGSBA Goals and Objectives, including a tentative list of discussion topics for upcoming meetings.

For additional details on the presentation and discussions, please refer to the [Webcast](#) beginning at 1:08:20.

Agenda Item #5 – Fiscal Year 2022-23 General Fund Budget

Sujata Jain, Deputy Executive Officer and Chief Financial Officer for Finance, presented an overview of the General Fund Budget, detailing staffing levels, expenditures, and revenues required to maintain current program commitments.

John DeWitt inquired if there were retrospective cost analysis for rules and regulations. Susan Nakamura, Chief Operating Officer, replied that retrospective cost analysis is not done; however, cost analysis is incorporated into rulemaking process. Sarah Rees, Deputy Executive Officer for Planning, Rule Development, and Implementation shared her experience at United States Environmental Protection Agency (USEPA) working on retrospective review and offered to provide previous USEPA and Congressional Research Service reports. Mr. DeWitt requested a one-page summary of those reports. For additional details, please refer to the [Webcast](#) beginning at 13:46.

Action Item 1: Provide a one-page summary of previous USEPA and Congressional Research Service retrospective review reports.

Paul Avila asked if new staff receive the same pay and benefits as retiring staff. Ms. Jain replied that staff in the same pay grade receive the same salary; however, they may have different retirement plans with slightly different costs. For additional details, please refer to the [Webcast](#) beginning at 23:00.

Mr. LaMarr mentioned past building renovation projects and asked what the next costly project would be. Ms. Jain referenced a list of potential building maintenance projects on page #24 of the 2022-23 budget and indicated it would be completed as needed. For additional details, please refer to the [Webcast](#) beginning at 24:45.

Rita Loof referenced slide #6 and asked if the impact of fee increase on the business community has been reviewed. Ms. Jain replied there is a socioeconomic study when there is a fee increase. For additional details, please refer to the [Webcast](#) beginning at 27:38.

David Rothbart commented that it takes longer than usual to obtain permits and asked if the vacancy rate would change. Ms. Nakamura replied that the agency-wide vacancy rate is the same, but the Engineering & Permitting vacancy rate is lower as there has been improved efforts to increase engineering staff and reduce permit backlog. For additional details, please refer to the [Webcast](#) beginning at 31:28.

Harvey Eder commented on solar energy and engineers and asked if the budget includes the employment of solar engineers. Ms. Nakamura replied that the qualifications for engineers include an engineering degree, but does not specify the field. For additional details, please refer to the [Webcast](#) beginning at 34:42.

For additional details on the presentation and discussions, please refer to the [Webcast](#) beginning at 8:35.

Agenda Item #6 – Draft 2022 Air Quality Management Plan (AQMP) Overview

Sang-Mi Lee, Planning and Rules Manager for Planning, Rule Development and Implementation, presented a summary of the draft 2022 AQMP development, including the strategy to attain the 2015 8-hour ozone National Ambient Air Quality Standard.

Mr. Rothbart discussed the AQMP, including non-attainment and South Coast Air Quality Management District, California Air Resources Board, and USEPA obligations. For additional details, please refer to the [Webcast](#) beginning at 49:48.

Ms. Loof referenced slide #10 and agreed that traditional approaches will not reduce emissions by the amount needed. She also referenced page #165 of the AQMP and suggested potential incentive options. For additional details, please refer to the [Webcast](#) beginning at 54:17.

Mr. LaMarr commented on Section 185 fees and the health impacts of ozone. Dr. Rees expressed agreement with Mr. LaMarr's comments on Section 185 fees and provided clarification on the health impacts of ozone. For additional details, please refer to the [Webcast](#) beginning at 58:52.

Mr. Eder commented on the 2022 AQMP. For additional details, please refer to the [Webcast](#) beginning at 1:06:00.

For additional details on the presentation and discussions, please refer to the [Webcast](#) beginning at 38:20.

Agenda Item #7 – Other Business

Ms. Loof expressed interest in receiving the summary of USEPA and Congressional Research Service retrospective review reports requested by Mr. DeWitt.

Agenda Item #8 – Public Comment

No public comment.

Agenda Item #9 – Next Meeting Date

The next regular LGSBA Advisory Group meeting is scheduled for Friday, September 9, 2022, at 11:30 a.m.

Adjournment

The meeting adjourned at 12:42 p.m.



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ADVISORY COUNCIL MEETING MINUTES

Wednesday, August 10, 2022
2:00 p.m.

1. Welcome and Introductions

Dr. Sarah Rees, Deputy Executive Officer of South Coast AQMD's Planning, Rule Development, and Implementation Division, called the virtual meeting to order at 2:02 p.m.

2. Draft Health Effects Analysis

Dr. Rees presented the draft analysis of the health effects associated with criteria pollutants, described in detail in Appendix I of the Draft 2022 Air Quality Management Plan (AQMP). She also presented the USEPA's recent review on PM and ozone National Ambient Air Quality Standards (NAAQS) as well as the Advisory Council mechanics and objectives.

Comments from Advisory Council and Staff Responses:

Ana Gonzalez requested clarification on the purpose of the Advisory Council. Staff explained the function of the Advisory Council is established in the California Health and Safety Code and is focused on advising staff on health effects as staff evaluates and incorporates them into the Draft 2022 AQMP. The control strategy and other AQMP related inquiries are discussed through separate public processes such as Working Groups and AQMP and STMPR Advisory Groups.

Ken Chawkins asked about the comparative air quality impacts on race, ethnicity, and geographic location. Staff responded that ozone is a secondary pollutant which takes time to form and primarily affects locations downwind from emission source areas. Thus, impacts are usually not disproportionate for residents who live adjacent to highways and large industrial facilities. Nevertheless, staff will evaluate any disproportionate health impacts and health benefits as part of the socioeconomic analysis for the 2022 AQMP. Health effects on environmental justice communities and sensitive groups are also addressed in Chapter 8 and Appendix I of the 2022 AQMP, respectively.

Natalie Hernandez asked for more information on the health impacts associated with extreme heat events and how they are addressed in this analysis. Staff acknowledged that heat events can degrade air quality and that there could be synergistic health effects associated with high temperatures and air pollution, especially for sensitive groups. Staff will further investigate these impacts.

Yassi Kavezade inquired regarding the socioeconomic analysis, including health cost savings and health benefits, as well as how the health benefits from this AQMP influence control measures/rulemaking. Staff responded that the 2016 AQMP socioeconomic analysis evaluated health cost savings and health benefits in attaining federal air quality standards. The 2022 AQMP socioeconomic analysis is under development and will be released for public review this fall. Staff concurred that conducting a health benefit analysis for rules, especially those that achieve significant reductions, is an important exercise and will be considered.

Advisory Council Minutes for August 10, 2022

Yassi Kavezade asked if staff could clarify how this plan will achieve interim emission reductions while ensuring that control measures are as specific as possible. Staff responded that South Coast AQMD has an obligation under California law to take all feasible measures to reduce emissions as expeditiously as practicable. Staff further strives to ensure that control measures are defined and as specific as possible, while recognizing that some measures cannot be very specific (e.g., black box measures).

Bonnie Holmes-Gen suggested to refer to a joint comment letter by CARB and OEHHA to USEPA regarding the need to strengthen the ozone NAAQS, and more recent (2019 to present) studies/research on health effects, especially in disadvantaged communities. Staff welcomed the suggestion to include more literature in the analysis and offered to cite the referenced letter in the appendix.

Jennifer Bullard requested clarification regarding the release of the socioeconomic analysis and the Advisory Council's role in reviewing the analysis. Staff responded that the Advisory Council's role is to focus on the health effects, while the socioeconomic analysis will follow a separate process to accommodate public review and comment.

Dr. Xiangmei (May) Wu asked if research published subsequent to USEPA's 2019 Integrated Science Assessment (ISA) was considered. She also asked about cumulative health impacts of multiple air pollutants. Staff responded that recent research was included in the review, but welcomed the inclusion of additional publications that may have been missed. Regarding cumulative, multipollutant health effects, staff responded that there are indeed cumulative effects, but the difficulty lies in the quantification and evaluation of those effects. Any suggestions on approaches were welcomed.

Adonis Galarza inquired regarding how toxics and criteria air pollutants have affected sensitive age groups and the impact of a dried lakebed on air quality and exposure. Staff responded that the South Coast AQMD operates a comprehensive air pollutant monitoring network that includes the Salton Sea. However, this AQMP focuses on man-made emissions and reducing those emissions. The impacts associated with the Salton Sea are analyzed separately. Staff offered to share studies investigating health impacts on sensitive populations.

Ana Gonzalez asked about the exposure to diesel emissions and the increasing diesel VMTs associated with warehouse proliferation. Staff responded that PM levels, including diesel PM, will decrease over time due to various regulations and programs on fleets, even if VMT from heavy-duty trucks increases. The Multiple Air Toxics Exposure Study provides more details on the diesel PM related health effects.

Jo Kay Ghosh asked if the growth in VMT is accounted for in emissions projection and control measures. Staff confirmed that detailed VMT growth projections by vehicle type are included in the 2022 AQMP.

David Rothbart expressed a need to discuss the limitations of South Coast AQMD's regulatory authority and the influence of certain sources on the mortality rate. Staff responded that this topic would be better suited for discussion in the context of the socioeconomic analysis results. Staff may consider reconvening the Advisory Council once the analysis is published.

Advisory Council Minutes for August 10, 2022

Jo Kay Ghosh requested clarification on the reason why wildfire health impacts and COVID health outcomes are carved out in their own section. Staff responded that those topics were separated because they are emerging issues of interest.

Ana Gonzalez asked when the next AQMP Advisory Group meeting would be scheduled. Staff responded that an AQMP Advisory Group meeting has not been scheduled yet, but the next AQMP-related events are the regional public hearings in October.

Ken Chawkins asked what South Coast AQMD staff considers to be the overarching feedback and critical items to take away from this Advisory Council meeting. He also emphasized the importance of race and ethnicity in the socioeconomic analysis. Staff responded that there is a tremendous amount of interest in the socioeconomic analysis to see the connection between what the health impacts are, how they manifest in the area, and what the benefits are. There were also some comments on synergistic effects, particularly effects between the overlap of higher temperatures and the associated effects on air pollution. Staff confirmed that race and ethnicity will be considered.

Bonnie Holmes-Gen reiterated that there is missing information in the USEPA's ISAs which needs to be reflected in this health effects analysis to provide a more comprehensive picture of the health impacts. She also requested to confirm if there is an additional meeting that discusses how the health appendix information was used in the socioeconomic analysis. Staff responded that results from other literature that was published after the most recent ISA supplements would be incorporated into Appendix I. Staff also confirmed that there will be an additional meeting regarding the socioeconomic analysis.

Jennifer Bullard requested to see the health effects of pollutants by agency jurisdiction (e.g., federal, state, regional). Staff noted the comment.

Irene Burga requested clarification regarding the sources of pollution and the health effects associated with those sources. Staff responded that detailed information on the emissions inventory is in Appendix III of the 2022 AQMP.

Comments from Public and Staff Responses:

Laura Rosenberger inquired on the level of pollution from incinerators in comparison to the air pollution in general, the link between Alzheimer's and air pollution, and the impact of lead poisoning on brain cells. Staff responded that South Coast AQMD does not disaggregate pollution associated with incinerators; however, there are a variety of air toxics associated with incinerators. They are subject to permitting requirements, controls installed, and emission minimization requirements. Some studies suggest a link between Alzheimer's and fine particulate matter. This is an emerging area of research. Leaded paint was not phased out until 1978, but it is still present in old housing stock and apartments. Thus, children are still being exposed and it is an issue that South Coast AQMD is aware of.

Gloria Cruz inquired whether health impacts are based on hospitalization data, as this may underrepresent non-English speaking communities who do not seek medical care or do so at local community clinics. Staff responded that the socioeconomic analysis of the 2022 AQMP is not based on actual hospitalization rates. Rather, the socioeconomic impact analysis uses models based on literature that shows the relationships between different pollutants and the associated health impacts to estimate hospitalizations, premature deaths, and other health impacts from air pollution.

Advisory Council Minutes for August 10, 2022

Gloria Cruz also inquired if there has been analysis regarding the type of pollutants and emission rates in communities near railroads and how emissions from locomotives are quantified. Staff responded that South Coast AQMD is currently in the rulemaking process for railyards and is seeking to gain a better understanding of railyard emissions. Staff is aware of the increase in railroad activity and uses growth factors to predict future activity for railyards and other emission sectors.

Gabriela Mendez inquired regarding opportunities for conducting outreach in Environmental Justice communities (e.g., health fairs) to help collect data on hospitalization rates. Staff responded that data on hospitalization rates or public health metrics are not collected, but staff welcomes ideas to improve outreach so that people are more aware of the impacts of air quality on their health.

3. Other Businesses

No additional comments, announcements, or reports from the Advisory Council members.

4. Public Comment

Comments from Advisory Council and Staff Responses:

No comments from the Advisory Council on this agenda item.

Comments from Public and Staff Responses:

No comments from the Public on this agenda item.

Members Present (15)

Adonis Galarza, Alianza Coachella Valley

Ana Gonzalez, Center for Community Action and Environmental Justice

Bill La Marr, California Alliance of Small Business

Bonnie Holmes-Gen, California Air Resources Board (CARB)

David Rothbart, The Los Angeles County Sanitation Districts and Southern California Alliance of Publicly Owned Treatment Works

Greg Osterman, Jet Propulsion Laboratory, NASA

Irene Burga, GreenLatinos

Jennifer Bullard, Orange County Business Council

Jo Kay Ghosh, Heluna Health

Ken Chawkins, Chawkin Communications Consulting

Michael Keinman, University of California, Irvine

Scott Weaver, Ramboll

Natalie Hernandez, Climate Resolve

Yassi Kavezade, Sierra Club

Xiangmei (May) Wu, Office of Environmental Health Hazard Assessment

Public Attendees and Interested Parties (54)

Alan Caldwell

Alison Torres, Eastern Municipal Water District

Amy Jeffries

Amy Lilly, Mercedes-Benz

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Anthony Bonilla
Archana Agrawal
Bill Quinn
Craig Sakamoto, PBF Energy
Curtis Coleman, Southern California Air Quality Alliance
Dean West
Dinh Quach, CARB
Nichole Quick
Peter Evangelakis, REMI
Gabriela Mendez
Gloria Cruz
Ih Shan
Jamie Bartolome
Janet Bernabe
Joaquin Catillejos
John Heintz
John Henkelman, Ventra County APCD
John Peherson
Julia Lester, Ramboll
Karin Fickerson
Kim Fuentes
Kristy Monji-Chung
Lakshmi Jayaram, Ramboll
Laura Rosenberger
Lauren De Valencia
Lauren Nevitt, Sunrun
Lee Kindberg, Maersk
Les Swizer
Leslie Velasquez
Lijin Sun, SCAG
Liz Sena
Lori Huddleston, LA Metro
Luis Amezcua
Mark Abramowitz
Mark Taylor
Marven Norman, CCAEJ
Mary Valdeman, Yuhaaviatam/Serrano Land
Patty Senecal, Western States Petroleum Association
Peter Okuroswki
Ramine Cromartie, Western States Petroleum Association
Resa Barilla
Richard Parks, Redeemer Community Partnership
Robert Freeman, LAWA
Scott King, CARB
Shayne Seever
Steven Slater
Steven Wadding

Advisory Council Minutes for August 10, 2022

Thomas Jelenić
Tim French
Ursula Lai

South Coast AQMD Staff Present (23)

Alicia Lizarraga, Senior Public Affairs Manager
Anthony Tang, Information Technology Supervisor
Barbara Baird, Chief Deputy Counsel
Barbara Radlein, Program Supervisor
Brian Choe, Program Supervisor
Britney Gallivan, Acting Program Supervisor
Daphne Hsu, Principal Deputy District Counsel
Elham Baranizadeh, AQ Specialist
Emily Yen, AQ Specialist
Farzaneh Khalaj, Assistant AQ Specialist
Ian MacMillan, Assistant Deputy Executive Officer
Jong Hoon Lee, AQ Specialist
Kathryn Roberts, Deputy District Counsel II
Kayla Jordan, Assistant AQ Specialist
Kevin Ni, AQ Specialist
Khadeeja Abdullah, Contractor
Lane Garcia, Program Supervisor
Marc Carreras-Sospedra, AQ Specialist
Ranil Dhammapala, Senior Meteorologist
Rosalee Mason, Administrative Assistant I
Sang-Mi Lee, Planning and Rules Manager
Sarah Rees, Deputy Executive Officer
Sina Taghavaee, AQ Specialist

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 19

REPORT: Legislative Committee

SYNOPSIS: The Legislative Committee held a meeting remotely on Friday, October 14, 2022. The following is a summary of the meeting.

RECOMMENDED ACTION:

Receive and file this report and approve agenda items as specified in this letter.

Michael A. Cacciotti, Chair
Legislative Committee

DJA:LTO:PFC:DPG:ar

Committee Members

Present: Mayor Michael A. Cacciotti, Committee Chair
Senator Vanessa Delgado (Ret.)
Supervisor Janice Rutherford

Absent: Board Member Veronica Padilla-Campos
Supervisor V. Manuel Perez
Council Member Nithya Raman

Call to Order

Chair Michael Cacciotti called the meeting to order at 9:00 a.m.

DISCUSSION/ACTION ITEMS:

1. Initial Overview of Potential Concepts for 2023 South Coast AQMD-Sponsored State Legislative Proposals

Derrick Alatorre, Deputy Executive Officer/Legislative, Public Affairs & Media, presented legislative concepts for potential support and/or sponsorship. Concepts presented were:

1. AB 2766 DMV Fee: Increase DMV fees from \$2 to up to \$4 for AB 2766 program plus consumer price index increase. Funds would be used to reduce

motor vehicle emissions and to lead to indirect motor vehicle emission reductions.

2. Carpool/Toll Lanes Access: Allow agencies to use carpool/toll lanes to provide vital resources or critical response under emergency circumstances.
3. AB 617 Policy Changes: Require non-air quality state agencies to assist in development, implementation, and enforcement of Community Emission Reduction Plans (CERPs) and authorize administrative funding for Community Steering Committees.
4. Independent Special District Status for Air Districts: Clarify state law to designate air districts as “independent special districts” for the purposes of receiving state or federal funding.
5. Port Cargo Fee: Create a goods movement cargo-related fee to support air quality incentive funding and the attainment of federal standards.
6. Civil Penalties for Air Quality Violations: Increase civil penalty ceilings for strict liability to increase deterrence for air quality violations.

Senator Vanessa Delgado asked for a bill or appropriation to support Why Healthy Air Matters and Clean Air Program for Elementary Students air quality curriculum to be provided to underserved communities that could be implemented through after-school programs. For additional information, please refer to the [Webcast](#) beginning at 11:13.

Supervisor Janice Rutherford asked for the definition of critical response for the Carpool/Toll lanes Access bill concept. Wayne Nastri, Executive Officer provided different scenarios where response time is critical, including when there is a major incident, and the agency needs to quickly integrate in the incident command. For additional information, please refer to the [Webcast](#) beginning at 12:26.

Supervisor Rutherford inquired about the stipends in the AB 617 Policy Change concept. Mr. Nastri explained that the objective of this legislative concept is to standardize stipends for community representatives for consistency statewide. For additional information, please refer to the [Webcast](#) beginning at 14:45.

In public comment, Thomas Jelenic expressed opposition to the Port Cargo Fee bill concept. Moses Huerta voiced support for the Carpool/Toll Access bill concept.

Bayron Gilchrist, General Counsel, recommended that the Committee provide their perspective on each bill concept. Chair Cacciotti reviewed each bill with the Committee for guidance. For additional information, please refer to the [Webcast](#) beginning at 22:57.

There also was discussion to add Senator Delgado’s air quality education bill concept to the AB 617 Policy Change bill concept.

Staff recommended continuing discussion with the Legislature on bill concept 1.

Moved by Delgado; seconded by Cacciotti; not passed

Ayes: Cacciotti, Delgado

Noes: Rutherford

Abstain: None

Absent: Padilla-Campos, Perez, Raman

The vote on this item communicates Chair Cacciotti and Senator Delgado's approval to discuss bill concept 1 regarding an increase in AB 2766 DMV Fees with the Legislature. The vote also conveys Supervisor Rutherford's opposition to this bill concept. For additional information, please refer to the [Webcast](#) beginning at 35:24.

Staff recommended continuing discussions with the Legislature on bill concepts 2 - 6.

Moved by Delgado; seconded by Rutherford; unanimously approved

Ayes: Cacciotti, Delgado, Rutherford

Noes: None

Abstain: None

Absent: Padilla-Campos, Perez, Raman

2. Update on State Proposition 30

Denise Peralta Gailey, Public Affairs Manager, Legislative, Public Affairs & Media, presented on Proposition 30. If approved by the voters, Proposition 30 would create a tax to fund zero-emission vehicle infrastructure, clean vehicle subsidies, and wildfire programs. For additional information, please refer to the [Webcast](#) beginning at 38:31.

The Committee did not take a position on Proposition 30.

There was no public comment.

DISCUSSION ITEMS:

3. End-of-Year Summary Report on State Legislature's and Governor's Actions during 2022 Legislative Session

Philip Crabbe, Senior Public Affairs Manager/Legislative, Public Affairs & Media, provided an end-of-legislative-year summary report on the actions of the State Legislature and Governor, including items relating to the budget and South Coast AQMD sponsored bills and bill of interest. For additional information, please refer to the [Webcast](#) beginning at 41:09.

There was no public comment.

4. Update and Discussion on Federal Legislative Issues

South Coast AQMD's federal legislative consultants (Cassidy & Associates, Kadesh & Associates, Carmen Group) provided written reports on key Washington, D.C. issues.

There were no updates to the written reports from the federal consultants.

There was no public comment.

5. Update and Discussion on State Legislative Issues

South Coast AQMD's state legislative consultants (California Advisors, LLC, Joe A. Gonsalves & Son, Resolute) provided written reports on key issues in Sacramento.

There were no updates to the written reports from the state consultants.

There was no public comment.

Chair Cacciotti inquired about the national electric vehicle infrastructure plan and funding levels. For additional information, please refer to the [Webcast](#) beginning at 45:38.

OTHER MATTERS:

6. Other Business

There was no other business to report.

7. Public Comment Period

There was no public comment to report.

8. Next Meeting Date

The next regular Legislative Committee meeting is scheduled for Thursday, November 10, 2022, at 9:00 a.m.

Adjournment

The meeting adjourned at 9:51 a.m.

Attachments

1. Attendance Record
2. Recommended State Bill Concepts
3. Update on Federal Legislative Issues – Written Reports
4. Update on State Legislative Issues – Written Reports

ATTACHMENT 1

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT LEGISLATIVE COMMITTEE MEETING ATTENDANCE RECORD – October 14, 2022

Mayor Michael Cacciotti South Coast AQMD Board Member
Senator Vanessa Delgado (Ret.)..... South Coast AQMD Board Member
Supervisor Janice Rutherford..... South Coast AQMD Board Member

Ken Chawkins Board Consultant (Cacciotti)
Debra Mendelsohn Board Consultant (Rutherford)
Mark Taylor Board Consultant (Rutherford)
Amy Wong..... Board Consultant (Padilla-Campos)
Ben Wong Board Consultant (Cacciotti)

Alfredo Arredondo Resolute
Ross Buckley California Advisors, LLC
Jed Dearborn Cassidy & Associates
Paul Gonsalves Joe A. Gonsalves & Son
Gary Hoitsma Carmen Group, Inc.
Mark Kadesh..... Kadesh & Associates
Ben Miller Kadesh & Associates

Mark Abramowitz Public Member
Scott Gallegos Public Member
Jackson Guze Public Member
Moses Huerta Public Member
Thomas Jelenic..... Public Member
Bill La Marr Public Member
Bill Kelly Public Member
Matt Klink..... Public Member
Bridget McCann..... Public Member
Jacqueline Moore Public Member
David Rothbart..... Public Member
Patty Senecal..... Public Member
Peter Whittingham..... Public Member

Derrick Alatorre South Coast AQMD Staff
Jason Aspell South Coast AQMD Staff
Barbara Baird South Coast AQMD Staff
Cindy Bustillos..... South Coast AQMD Staff
Philip Crabbe South Coast AQMD Staff
Sindy Enriquez..... South Coast AQMD Staff
Bayron Gilchrist..... South Coast AQMD Staff
Sheri Hanizavareh South Coast AQMD Staff
Anissa Cessa Heard-Johnson South Coast AQMD Staff
Mark Henninger South Coast AQMD Staff
Sujata Jain South Coast AQMD Staff
Aaron Katzenstein South Coast AQMD Staff

Brandee Keith South Coast AQMD Staff
Jason Low South Coast AQMD Staff
Terrence Mann South Coast AQMD Staff
Ron Moskowitz..... South Coast AQMD Staff
Susan Nakamura..... South Coast AQMD Staff
Wayne Natri South Coast AQMD Staff
Kevin Orellana South Coast AQMD Staff
Denise Peralta Gailey South Coast AQMD Staff
Andrea Polidori South Coast AQMD Staff
Sarah Rees South Coast AQMD Staff
Mary Reichert South Coast AQMD Staff
Aisha Reyes South Coast AQMD Staff
Lisa Tanaka O'Malley South Coast AQMD Staff
Anthony Tang South Coast AQMD Staff
Kristina Voorhees..... South Coast AQMD Staff
Paul Wright..... South Coast AQMD Staff
Rainbow Yeung..... South Coast AQMD Staff
Victor Yip..... South Coast AQMD Staff

ATTACHMENT 2

Initial Overview of Potential Concepts for 2023 South Coast AQMD-Sponsored State Legislative Proposals

1) Proposed Legislation: AB 2766 DMV Fee Increase

- a. Bill would double \$4 DMV fee for AB 2766 Program
 - i. 40% goes to local govts./30% goes to MSRC/30% goes to air districts
 - ii. Include a CPI increase

- b. Require that funds be spent on projects/programs that include quantifiable strategies that reduce motor vehicle emissions, or lead to indirect motor vehicle emission reductions through program and technology implementation.

2) Proposed Legislation: Allow public agencies (including air districts) providing vital resources/critical response to use carpool/toll lanes as needed

- a. Possibly utilize a special carpool/toll lane sticker

3) Proposed Legislation: AB 617 Policy Changes

- a. Bill would make policy and budget-related changes to AB 617 program in response to community needs and concerns:
 - i. Requires (or authorizes) non-air quality state agencies to assist in the development, implementation, and enforcement of CERPs as needed; and

 - ii. Authorizes funding for community steering committees for administrative items, including, but not limited to, translation services, meeting venue costs, meeting coordination, training and stipends.

4) Proposed Legislation: Independent Special District Status for Air Districts

- a. Bill would clarify state law to allow local air districts to be considered “independent special districts.”
- b. Can increase air districts’ eligibility for state and federal funding opportunities.

5) Proposed Legislation: Goods Movement-Related Port Cargo Fee

- a. Bill would create a goods movement-related port cargo fee that would generate a potentially significant amount of air quality-related incentive funding that would assist with our efforts to attain federal standards.
- b. Amount of fee and which ports statewide are included in legislation are open for discussion.

6) Proposed Legislation: Increased Civil Penalties for Air Quality Violations

- a. Bill would increase strict liability (and some negligence) civil penalty ceilings for air quality violations by permitted facilities within the South Coast region.
- b. Bill would increase penalties to enhance their deterrent effect to help reduce toxic and otherwise harmful emissions from facilities and thus protect public health, especially within disadvantaged communities.

ATTACHMENT 3A



To: South Coast Air Quality Management District
From: Cassidy & Associates
Date: September 29, 2022
Re: September Report

HOUSE/SENATE

The House and Senate are working on passing a short-term continuing resolution (CR) to fund the government through December 16. Both chambers have been consumed by potential riders to the CR over the past several weeks, particularly whether or not to include an additional \$12 billion in funding for Ukraine and the permitting reform legislation led by Sen. Joe Manchin (D-WV). The permitting measure failed to gain the support of progressives and Republicans needed to be attached to the CR but the Ukraine funding is expected to be included in the bill. The CR will be the final legislative action before the midterms.

In the meantime, both chambers will continue to work on a longer-term funding package (omnibus) with the goal of passing a full FY23 bill by December 16. Earlier this summer the House passed its first six Fiscal Year 23 bills minibus by a vote of 220 to 207 vote, the six-bill package consists of the Transportation, Housing, & Urban Development, Agriculture, Energy & Water, Financial Services & General Government, Interior, and Military Construction & Veterans Affairs bills. The Senate Appropriations committee released its 12 bills in late July; however, the bills are not expected to see committee action as the parties have been unable to reach agreement on funding numbers.

EPA

Earlier in September, the EPA announced the final determinations for whether certain areas have met the 2008 or 2015 National Ambient Air Quality Standards (NAAQS) for ground-level ozone, as required by the Clean Air Act. The EPA is finalizing determinations regarding the air quality progress of six nonattainment areas classified as “Serious” for the 2008 ozone NAAQS, and for 28 nonattainment areas classified as “Marginal” for the 2015 ozone NAAQS. These final

rules establish new timeframes and next steps states must take to improve ozone air quality in remaining nonattainment areas. The EPA's final decisions are based on a scientific evaluation of certified, publicly-available air quality monitoring data for the years 2018 – 2020. More information on the 2008 and 2015 NAAQS and impacted areas can be found [here \(2008\)](#) and [here \(2015\)](#).

On September 20, the EPA joined the Commission for Environmental Cooperation (CEC) of North America to announce that the \$2 million Environmental Justice for Climate (EJ4Climate) grant program is now open for applications. This cycle of EJ4Climate grants will focus on projects in Canada, Mexico, and the United States that integrate community-led environmental education in support of environmental justice and community resilience to climate-related impacts, with up to \$200,000 in grant funding available for recipients. Proposals are due by November 11, 2022, with the implementation for selected projects to begin in March 2023. More information and the application portal can be found [here](#).

Over the weekend, the EPA launched their new national office dedicated to advancing environmental justice and civil rights. The Office of Environmental Justice and External Civil Rights will position EPA to better advance environmental justice, enforce civil rights laws in overburdened communities, and deliver new grants and technical assistance. The new office will dedicate more than 200 EPA staff in EPA headquarters and across 10 regions towards solving environmental challenges in communities that have been historically underserved. The office will be led by a U.S. Senate-confirmed Assistant Administrator, to be announced at a later date.

Cassidy and Associates support in September:

- Secured key meetings with the Biden Administration and Hill for Executive staff.
- Worked with South Coast AQMD staff to strategize on DC outreach.
- Continued to monitor and report on activities in Congress and the Administration that impact South Coast AQMD.

IMPORTANT LEGISLATIVE DATES

September 30, 2022

Government funding, authorization of Temporary Assistance for Needy Families, National Flood Insurance Program, FDA User Fee programs to fund reviews of prescriptions and medical products, and Livestock Mandatory Price Reporting Act authorization are scheduled to expire.

October 3, 2022

House and Senate out for midterm elections

PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES

End Date/Program

Sept. 30, 2025

Pandemic Response Accountability Committee, Congressional Oversight Commission

AGENCY RESOURCES

USA.gov is cataloging all U.S. government activities related to coronavirus. From actions on health and safety to travel, immigration, and transportation to education, find pertinent actions [here](#). Each Federal Agency has also established a dedicated coronavirus website, where you can find important information and guidance. They include: Health and Human Services ([HHS](#)), Centers of Medicare and Medicaid ([CMS](#)), Food and Drug Administration ([FDA](#)), Department of Education ([DoED](#)), Department of Agriculture ([USDA](#)), Small Business Administration ([SBA](#)), Department of Labor ([DOL](#)), Department of Homeland Security ([DHS](#)), Department of State ([DOS](#)), Department of Veterans Affairs ([VA](#)), Environmental Protection Agency ([EPA](#)), Department of the Interior ([DOI](#)), Department of Energy ([DOE](#)), Department of Commerce ([DOC](#)), Department of Justice ([DOJ](#)), Department of Housing and Urban Development ([HUD](#)), Department of the Treasury ([USDT](#)), Office of the Director of National Intelligence ([ODNI](#)), and U.S. Election Assistance Commission ([EAC](#)).

Helpful Agency Contact Information:

U.S. Department of Health and Human Services – Darcie Johnston (Office – 202-853-0582 / Cell – 202-690-1058 / Email – darcie.johnston@hhs.gov)

U.S. Department of Homeland Security – Cherie Short (Office – 202-441-3103 / Cell – 202-893-2941 / Email – Cherie.short@hq.dhs.gov)

U.S. Department of State – Bill Killion (Office – 202-647-7595 / Cell – 202-294-2605 / Email – killionw@state.gov)

U.S. Department of Transportation – Sean Poole (Office – 202-597-5109 / Cell – 202-366-3132 / Email – sean.poole@dot.gov)

ATTACHMENT 3B

KADESH & ASSOCIATES

South Coast AQMD Report for the October 2022
Legislative Meeting covering September 2022

After returning from the August recess, the House and Senate have been working towards a continuing resolution (CR) to keep federal agencies funded beyond the September 30 fiscal year deadline. The process was complicated by the potential addition of an energy permitting bill authored by Sen. Joe Manchin. That bill was supported by Majority Leader Schumer and the Biden administration as part of the deal to approve the Inflation Reduction Act (IRA) this summer but opposed by most Republicans and many progressive Democrats. When Sen. Manchin announced that he would withdraw the permitting proposal, the Senate moved quickly to approve a CR that provides level funding through December 16, and provides additional funding for other programs, including \$12.4B to support Ukraine, \$2.5B for this year's wildfire in New Mexico, and \$1B for the Low-Income Home Energy Assistance Program.

That CR was approved 72-25 and will be considered by the House in time to meet the Sept 30 deadline. After the House approves the CR, the chamber will adjourn until November 14. The Senate's next scheduled vote will also be November 14, although they may spend some of October considering nominees and debating the annual defense authorization bill. During the period covered by the CR, the hope is that the House and Senate can make additional progress towards a full-year omnibus appropriations package for fiscal year 2023.

Now that the IRA has been signed into law, the focus has shifted to implementation. The EPA has announced a new Office of Environmental Justice and External Civil Rights that will manage some of its programs, and the Biden Administration separately released a new Memorandum of Understanding between the Environmental Protection Agency and the Departments of Energy, Transportation, and Housing and Urban Development regarding interagency efforts to reduce the transportation sector's greenhouse gas emissions. We are coordinating with members of the Congressional delegation on the opportunities available to address air quality challenges through these efforts and the IRA's funding.

Kadesh & Associates Activity Summary-

- Briefed congressional staff on implementation of new federal funding programs for air quality and environmental justice, and on the status of key regulatory proposals
- Worked with South Coast AQMD and the congressional delegation on efforts to encourage whole-of-government efforts to address air quality.
- Continued work with the delegation and South Coast AQMD staff to focus attention on air quality implications of FY23 appropriations

Contacts included:

Staff and Members throughout the CA delegation, especially the authors of priority legislation, Senate offices, members of the South Coast House delegation, and members of key committees. We have also been in touch with administration staff.

###

ATTACHMENT 3C



Carmen Group
I N C O R P O R A T E D

To: South Coast AQMD Legislative Committee

From: Carmen Group

Date: September 29, 2022

Re: Federal Update -- Executive Branch

Appropriations Update: As expected, Congress decided in September to defer final decisions on FY 23 appropriations until after the November elections by approving a continuing resolution (CR) that, for the most part, maintains current spending levels through December 16. In the process, a proposal by Senator Joe Manchin to reform environmental permitting procedures to accelerate energy infrastructure projects was dropped after running into significant opposition on both sides. Congress is now scheduled to return to session on November 14.

USDOT Meeting: In a virtual meeting on September 19, arranged by Carmen Group, South Coast AQMD leadership and staff had the opportunity to discuss issues related to reducing mobile source emissions with key officials at the U.S. Department of Transportation, including representatives from the Federal Highway Administration, the Federal Railroad Administration, and the Federal Aviation Administration.

Department of Transportation

DOT Announces INFRA Grant Awards: In September, the Department of Transportation awarded \$1.5 billion to 26 highway and multimodal freight projects nationwide under the INFRA grant program. California received one project grant: \$150 million for the Otey Mesa Port of Entry in San Diego County, including a new toll road and new port facilities and equipment with zero-emission chargers for staff vehicles.

DOT Announces Funds Available for CRISI Rail Infrastructure Grants: In September, the Department of Transportation's Federal Railroad Administration announced the availability of \$1.4 billion under the Consolidated Rail Infrastructure and Safety Improvement (CRISI) program for projects that modernize freight and passenger rail infrastructure. Applications are due December 1, 2022.

DOT Announces Funds Available for SMART and ATTAIN Grants: In September the Department of Transportation announced the availability of \$160 million for two new grant programs established under the Bipartisan Infrastructure Law. The first is the new Strengthening Mobility and Revolutionizing Transportation (SMART) program with \$100 million available to fund projects "that use data and technology to solve real-world challenges facing communities today." The second is the Advanced Transportation Technology and Innovation (ATTAIN) program to fund projects "that promote advanced technologies to improve safety and reduce travel times for drivers and transit riders and that can serve as national examples." Evaluation criteria include how they reduce

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transportation-related air pollution and address disproportionate impacts on disadvantaged communities. Applications are due November 18, 2022.

DOT Approves All State EV Charging Infrastructure Deployment Plans: In September, the Federal Highway Administration formally approved Electric Vehicle Infrastructure Deployment Plans for all 50 states under the National Electric Vehicle Infrastructure (NEVI) Formula Program established by the Bipartisan Infrastructure Law. The program will allocate \$5 billion per year over five years to the states to cover approximately 75,000 miles of highways across the country with a network of electric vehicle charging stations.

Department of Energy

Notable Appointments:

Gabe Klein, *Executive Director, Joint Office of Energy and Transportation*
Dir., DC DOT; Commissioner, Chicago DOT; Co-Founder, CityFi

Caroline Grey, *Chief of Staff, Office of Clean Energy Demonstrations*
DOE White House Liaison; Biden campaign; Obama campaigns; from Berkeley, CA

DOE Seeks Guidance on Battery Recycling Programs: The Department of Energy has issued a Request for Information (RFI) to help guide implementation of \$335 million for lithium-ion battery recycling programs made available under the Bipartisan Infrastructure Law. Responses are due October 14, 2022.

DOE Announces Formula Funding for Clean Energy Programs: The Department of Energy is accepting applications for \$425 million in new formula funding made available under the Bipartisan Infrastructure Law through the State Energy Program (SEP). This transforms SEP by expanding formula grants to nearly 10 times recent funding levels.

DOE Announces Efforts to Reduce Industrial Emissions: In September, the Department of Energy released its “Industrial Decarbonization Roadmap,” a comprehensive report identifying pathways to reduce industrial emissions in American manufacturing. It also announced a \$104 million funding opportunity to advance industrial decarbonization technologies. Concept papers due October 12, 2022. Full applications due December 20, 2022.

DOE Announces 4-Agency MOU to Reduce Transportation Emissions: In September, the Departments of Energy, Transportation, Housing & Urban Development and the Environmental Protection Agency announced a Memorandum of Understanding (MOU) to work collectively to reduce greenhouse gas emissions associated with the transportation sector and to “ensure resilient and accessible mobility options for all Americans.” DOE said the agencies will “combine efforts to advance low- and zero-emission technologies to reduce reliance on fossil fuels.”

DOE Seeks Applications to Create Regional Clean Hydrogen Hubs: In September, the Department of Energy opened applications for the \$7 billion program under the Bipartisan Infrastructure Law to create regional clean hydrogen hubs (H2Hubs) nationwide. These hubs will be one of the largest investments in DOE’s history. For this initial funding opportunity launch, DOE is aiming to select six to ten hubs for a combined

total of \$7 billion in federal funding. Concept papers due November 7, 2022. Full applications due April 7, 2022.

DOE Releases Roadmap on Aviation Emissions: In September, the Departments of Energy, Agriculture, Transportation, the Environmental Protection Agency, and the Federal Aviation Administration announced a collaboration to spur technological innovation to produce sustainable aviation fuels (SAFs). DOE at the same time released the Sustainable Aviation Fuel Grand Challenge Roadmap, a comprehensive plan that outlines a government-wide strategy for scaling up new technologies for producing SAFs across the U.S. airline industry.

Environmental Protection Agency

EPA Report Highlights DERA Success: The EPA recently released its most current Report to Congress on the Diesel Emissions Reduction Act (DERA) program, summarizing its accomplishments from fiscal years 2008-2018. During that period, DERA led to cleaner air across the United States, saving 520 million gallons of diesel fuel and preventing many tons of emissions from harmful pollutants. See report here: <https://www.epa.gov/system/files/documents/2022-08/420r22021.pdf>

EPA Releases Attainment Status for Air Quality Standards for Ozone: In September, the EPA announced the final determinations for whether certain areas have met the 2008 or 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

More info on 2008 NAAQS Determinations

https://www.epa.gov/system/files/documents/2022-09/Fact%20Sheet%20NFRM%202008%20Ozone%20Determinations%20final_1.pdf

More info on 2015 NAAQS Determinations

https://www.epa.gov/system/files/documents/2022-09/Fact%20Sheet%20NFRM%202015%20Ozone%20Determinations%20final_0.pdf

EPA Launches National Office to Advance Environmental Justice: In September, the EPA announced the creation of the new Office of Environmental Justice and Civil Rights which it says will be dedicated “towards solving environmental challenges in communities that have been underserved for far too long.”

The White House

Notable Appointments:

John Podesta, *Sr Adv. to the President for Clean Energy Innovation and Implementation*
Ctr for Amer. Progress Ch.; Obama Advisor; H. Clinton Camp. Mgr.; Pres. Clinton COS

Ali Zaidi, *Asst. to the President & National Climate Advisor* (Replaces Gina McCarthy)
WH Dep. Climate Adv.; Obama Admin.; NY Sec. for Energy/Env., Climate Policy Chair

Richard Revesz, *Administrator, OMB Office of Information and Regulatory Affairs*
NYU Law School Professor and Dean Emeritus; Expert in Env. Law and Reg. Policy

Outreach: Contacts included Charles Small, Deputy Assistant Secretary of Transportation, on transportation air quality policy and regulatory issues.

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CALIFORNIA ADVISORS, LLC

South Coast AQMD Report
California Advisors, LLC
October 14, 2022, Legislative Committee Hearing

Legislative Update

At midnight on Wednesday, August 31, lawmakers in the state Assembly and Senate reached the deadline to pass bills. As a result, the week leading up to the last day of session consisted of lengthy floor sessions that often lasted into the late evening hours. Upon final adjournment, the Legislature went into their interim recess until it reconvenes on Monday, December 5 to swear-in the new Legislature.

Now that the Legislature's work for the 2021–22 Legislative Session has ended, the action shifts to the Governor's office as he and his staff weigh the merits of each bill before they are signed into law or vetoed. Concurrently, interested groups and individuals are pressing the Governor and his staff for each interest's desired outcome on a particular piece of legislation.

Governor Newsom has until Friday, September 30, to sign or veto bills passed by the Legislature after August 20th. The week before the deadline, the Governor still had hundreds of bills on his desk that needed to be acted upon.

Part of the reason why there was still so much work for him was that the Governor took two trips to New York and Texas towards the end of September. While the Governor is out of the state he cannot formally sign or veto legislation since he is technically not the acting Governor. Usually, the Lieutenant Governor takes on that role when the Governor is away. In New York, the Governor delivered remarks at the Clinton Global Initiative 2022 meeting. That meeting focused on accelerating climate action and the Governor spoke before 1,000 leaders from around the world.

Budget Update

The California Department of Finance ("DOF") released its September finance bulletin. The DOF's figures show that preliminary General Fund agency cash receipts for August were \$816 million, or 6 percent, below the 2022-23 Budget Act forecast of \$13.606 billion. Cash receipts for the first two months of the 2022-23 fiscal year were \$2.007 billion, or 8.4 percent, below the forecast of \$24.04 billion. Preliminary General Fund agency cash receipts for the 2021-22 fiscal year were \$2.186 billion below the forecast of \$233.987 billion, mostly due to a large shortfall in personal income tax receipts in June. Therefore, for the prior fiscal year and the current fiscal year-to-date combined, preliminary General Fund agency cash receipts were \$4.193 billion below forecast. Shortfalls in August continued to be largely driven by lower proceeds from personal income tax, however, the month also saw lower proceeds from sales and corporation taxes.

This is a troubling trend for the state budget and if this continues through the next couple of months the Legislature could be faced with making painful budgetary cuts in 2023. In several veto messages the Governor has referenced the state's declining revenues as part of his rationale. The Legislature sent him over \$20 billion in one-time costs and \$10 billion in ongoing costs created by their legislation.

Political Update

Now that the Legislature's work has drawn to a close, lawmakers shift their attention to the November 8, 2022, General Election. This General Election is especially significant in that it occurs in the context of the newly drawn district lines that are a consequence of the recent census. In this election, every seat in the state Assembly is up, and in the state Senate half of the seats are up for election (all even-numbered seats). Additionally, there are statewide elections for Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, and the Superintendent of Public Instruction. All BOE seats are up for election and there is an election for the U.S. Senate.

ATTACHMENT 4B



Joe A. Gonsalves & Son

Anthony D. Gonsalves

Jason A. Gonsalves

Paul A. Gonsalves

PROFESSIONAL LEGISLATIVE REPRESENTATION

925 L ST. · SUITE 250 · SACRAMENTO, CA 95814-3766

916 441-0597 · FAX 916 441-5061

Email: gonsalves@gonsalvi.com

TO: South Coast Air Quality Management District
FROM: Anthony, Jason & Paul Gonsalves
SUBJECT: Legislative Update – September, 2022
DATE: Thursday, September 29, 2022

The Legislature adjourned the 2021-22 legislative session on August 31, 2022 and will return on December 5, 2022 for the ceremonial organizational session. The Legislature will then return in early January 2023 for the official kickoff to the 2023-24 legislative session.

In 2022, the Legislature introduced 2,353 bills, 1566 in the Assembly and 787 in the Senate. Prior to adjourning on August 31, 2022, the legislature sent 1,133 bills to Governor Newsom for his consideration. Governor Newsom has until September 30, 2022 to take action on all bills presented to him.

To date Governor has acted on just over 1,000 bills, which leaves 100+ pending between now and Sept 30, 2022 for his action. In California, if the Governor does not take action on a bill before the September 30, 2022 deadline, the bill automatically becomes law under the pocket signature provisions.

The following will provide you with updates of interest to the District:

REMOTE TELECONFERENCE MEETINGS

Although President Biden stated earlier this month that the Pandemic is over, California has not rolled back any of the state of emergencies related to the Pandemic/remote meetings. Remote meetings for local agencies are still provided for under AB 361 during a declared state of emergency, which still exists. The Governor's office does not have an anticipated date for an end to the state of emergency. They also noted that they have heard from disability advocates that the remote participation enables people to participate in proceedings that they previously were unable to participate in. Please note, absent legislative action, AB 361 does sunset on January 1, 2024.

ELECTIONS

The 2022 November elections are the first under the newly drawn district boundaries due to reapportionment. The Governor, all Constitutional Officers, all 80 Assemblymembers and 20 of 40 Senators are up for election. In 2023, we will begin with roughly 30+/- new legislators, the

largest number of new members we've seen since the passage of Proposition 28 in 2012, which allowed for 12-year terms.

GOVERNOR'S APPOINTMENTS

On September 13, 2022, Governor Newsom appointed Jennifer Phillips as Assistant Secretary of Climate Change at the California Natural Resources Agency. Phillips has been Senior Policy Advisor at the U.S. Climate Alliance since 2020. She was Senior Scientist at the California Governor's Office of Planning and Research from 2018 to 2020, Climate Policy Advisor at the California Ocean Protection Council from 2015 to 2018 and Special Assistant to the Administrator at the National Oceanic and Atmospheric Administration from 2014 to 2015, where she was Sea Grant Knauss Marine Policy Fellow from 2013 to 2014. Phillips was a Graduate Research and Teaching Assistant at the University of Wisconsin-Madison from 2010 to 2012. She earned a Master of Science degree in environmental Science from the University of Wisconsin-Madison.

CLIMATE PACKAGE

On September 16, 2022, Governor Newsom signed a package of bills to cut pollution, protect Californians from big polluters, and accelerate the state's transition to clean energy. The Governor partnered with legislative leaders this session to advance groundbreaking measures to achieve carbon neutrality no later than 2045 and 90% clean energy by 2035, establish new setback measures protecting communities from oil drilling, capture carbon pollution from the air, and advance nature-based solutions.

This is an essential piece of the California Climate Commitment, climate action that exceeds what most countries are spending and advances economic opportunity and environmental justice in communities across the state.

Over the next two decades, a record \$54 billion investment in the California Climate Commitment will:

- Create 4 million new jobs
- Cut air pollution by 60%
- Reduce state oil consumption by 91%
- Save California \$23 billion by avoiding the damages of pollution
- Reduce fossil fuel use in buildings and transportation by 92%
- Cut refinery pollution by 94%

The climate package includes:

CARBON NEUTRALITY:

AB 1279 by Assemblymembers Al Muratsuchi (D-Torrance) and Cristina Garcia (D-Bell Gardens) codifies the statewide carbon neutrality goal to dramatically reduce climate pollution. Establishes a clear, legally binding, and achievable goal for California to achieve statewide carbon neutrality as soon as possible, and no later than 2045, and establishes an 85% emissions reduction target as part of that goal.

PROTECT COMMUNITIES AGAINST OIL DRILLING:

SB 1137 by Senators Lena Gonzalez (D-Long Beach) and Monique Limón (D-Santa Barbara) protects communities from the harmful impacts of the oil industry. Establishes a setback distance of 3,200 feet between any new oil well and homes, schools, parks or businesses open to the public. Ensures comprehensive pollution controls for existing oil wells within 3,200 feet of these facilities.

100% CLEAN ELECTRIC GRID:

SB 1020 by Senator John Laird (D-Santa Cruz) establishes a pathway toward the state's clean energy future. Creates clean electricity targets of 90% by 2035 and 95% by 2040 with the intent of advancing the state's trajectory to the existing 100% clean electricity retail sales by 2045 goal.

CAPTURING AND REMOVING CARBON POLLUTION:

SB 905 by Senators Anna Caballero (D-Merced) and Nancy Skinner (D-Berkeley) and SB 1314 by Senator Monique Limón (D-Santa Barbara) advance engineered technologies to remove carbon pollution, while banning the use of those technologies for enhanced oil recovery. Establishes a clear regulatory framework for carbon removal and carbon capture, utilization and sequestration. Bans the practice of injecting carbon dioxide for the purpose of enhanced oil recovery.

NATURE-BASED SOLUTIONS:

AB 1757 by Assemblymembers Cristina Garcia (D-Bell Gardens) and Robert Rivas (D-Salinas) enlists nature in the state's climate agenda. Requires the state to develop an achievable carbon removal target for natural and working lands.

In July, Governor Newsom sent a letter to the Chair of the California Air Resources Board (CARB), calling for the state to ensure that the 2022 Climate Change Scoping Plan provides a path to achieve both the 2030 climate goal and state carbon neutrality no later than 2045, requesting that the final plan incorporate new efforts to advance offshore wind, clean fuels, climate-friendly homes, carbon removal and address methane leaks.

ELECTRIC VEHICLE CHARGING NETWORK

On September 19, 2022 the California Energy Commission said that California can start using federal infrastructure funding to expand electric vehicle (EV) charging stations along the state's interstates and highways following the recent federal approval of a joint plan by Caltrans and California Energy Commission.

The U.S. Joint Office of Energy and Transportation's signoff on the California Deployment Plan for the National Electric Vehicle Infrastructure (NEVI) Program makes an initial \$56 million in funding available to install charging stations throughout the state. Funded by the federal Infrastructure Investment and Jobs Act of 2021 (IIJA), California expects to receive a total of \$384 million for the program over the next five years. The federal funding will build on California's \$10 billion, multiyear investment to accelerate the transition to zero-emission vehicles by improving affordability and expanding charging infrastructure.

The IJA funds will add to efforts to complete a 6,600-mile statewide charging network and deploy 1.2 million chargers by 2030 to meet the anticipated charging needs of the state's EV fleet.

The state's NEVI plan focuses on construction of fast-charging stations near interstates, U.S. routes and state routes throughout California. These charging stations will increase the availability of charging options, improve the reliability of the charging network and remove barriers to accessing EVs. NEVI funding will also support upgrades to existing infrastructure, charging stations' operation and maintenance costs, community and stakeholder engagement, workforce development, and related mapping and signage.

California surpassed one million zero-emission vehicles (ZEV) sold in 2021 and leads the country in all ZEV market metrics including the highest level of public funding, the largest EV market share percentage, and the most extensive public charging infrastructure.

2022 STATE IMPLEMENTATION PLAN STRATEGY

On September 22, 2022, the California Air Resources Board approved a statewide plan for attaining the federal health-based standard for ozone. The 2022 State Implementation Plan Strategy identifies the state's control strategy for meeting the federal 70 parts per billion, 8-hour ozone standard over the next 15 years.

The 2022 State Implementation Plan (SIP) Strategy includes a variety of new measures to reduce emissions from sources under the state's authority using all mechanisms available to transition away from combustion through regulations along with incentive and voluntary programs. Strategies outlined in the plan build on measures and commitments already made and range from the Advanced Clean Truck Measures and In-Use Locomotive Measure to a proposed zero-emissions space and water heaters measure, measures to reduce emissions from consumer products, and more.

While California has made great progress in cleaning the air, more than half of Californians still live in areas that exceed the health-based 70 ppb ozone standard. A disproportionate number of those most impacted by high ozone levels live in low-income and disadvantaged communities that also typically experience greater exposure to diesel exhaust and other toxic air pollutants compared to surrounding areas.

Nineteen areas in California are designated as nonattainment for the 70 ppb 8-hour ozone standard including the only two extreme areas in the U.S., the South Coast Air Basin and the San Joaquin Valley.

Seven areas need reductions beyond already-adopted state and local regulations including the South Coast Air Basin, San Joaquin Valley, Ventura County, Eastern Kern County, the Sacramento metropolitan area, Western Mojave Desert and Coachella Valley.

CARB projects the 2022 State SIP Strategy will achieve more than 200 tons per day of NO_x and 40 tons per day of reactive organic gases (ROG) emissions reductions statewide in 2037. A large

portion of these reductions will occur in and around communities near major roadways and ports, airports and warehouses, providing substantial health benefits.

The total net cost of the 2022 State SIP Strategy is estimated as \$96.2 billion, which includes \$33.8 billion in CARB measures and \$62.3 billion in measures that require federal actions between 2023 and 2037 with an annual cost of \$8.8 billion.

CARB held a robust public process over the past 14 months with early stakeholder engagement, four public workshops and an informational update to the Board in February resulting in new measures being added to the 2022 State SIP Strategy throughout the public process.

Later this year and into early 2023, CARB will be considering regional SIPs for the seven nonattainment areas needing additional emission reductions beyond those defined in the 2022 State SIP Strategy. These regional SIPs will identify local actions that will complement the state, federal, and international measures identified in the 2022 State SIP Strategy.

2022 LEGISLATIVE DEADLINES

September 30: Last day for the Governor to act on Legislation presented to him this year.

South Coast Air Quality Management District Legislative and Regulatory Update – September 2022

❖ Important Upcoming Dates

September 30 – Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1

❖ RESOLUTE Actions on Behalf of South Coast AQMD. RESOLUTE partners David Quintana, Jarrell Cook, and Alfredo Arredondo continued their representation of SCAQMD before the State's Legislative and Executive branches. Selected highlights of our recent advocacy include:

- Assisted South Coast staff in submitting the final request for signature to the Governor's office for AB 2836 (E. Garcia)
- Continued communications with South Coast staff as other budget and policy items of interest were dispensed with by the Governor.

❖ SCAQMD Sponsored Legislation.

- AB 2836 (Eduardo Garcia): Carl Moyer Extension
Signed by Governor Newsom and Chaptered (9/16/2022).

❖ Governor Newsom Signs Historic Climate Package. On Friday, September 16, the Governor signed a package of climate bills (including AB 2836). Press Release with Information on Package:

Governor Newsom Signs Sweeping Climate Measures, Ushering in New Era of World-Leading Climate Action

New California laws will create 4 million jobs, reduce the state's oil use by 91%, cut air pollution by 60%, protect communities from oil drilling, and accelerate the state's transition to clean energy

Legislative package complements record \$54 billion climate budget that focuses on equity and economic opportunity

MARE ISLAND – Today, California enacted some of the nation's most aggressive climate measures in history as Governor Gavin Newsom signed a sweeping package of legislation to cut pollution, protect Californians from big polluters, and accelerate the state's transition to clean energy. The Governor partnered with legislative leaders [this session](#) to advance groundbreaking measures to achieve carbon neutrality no later than 2045 and 90% clean energy by 2035, establish new setback measures protecting communities from oil drilling, capture carbon pollution from the air, advance nature-based solutions, and more.

This is an essential piece of the [California Climate Commitment](#), a record \$54 billion investment in climate action that exceeds what most countries are spending and advances economic opportunity and environmental justice in communities across the state.

Over the next two decades, the California Climate Commitment will:

- Create 4 million new jobs
- Cut air pollution by 60%
- Reduce state oil consumption by 91%
- Save California \$23 billion by avoiding the damages of pollution

- Reduce fossil fuel use in buildings and transportation by 92%
- Cut refinery pollution by 94%

Taken together, these measures represent the most significant action on the climate crisis in California's history and raises the bar for governments around the world.

“This month has been a wake-up call for all of us that later is too late to act on climate change. California isn't waiting any more,” said Governor Newsom. “Together with the Legislature, California is taking the most aggressive action on climate our nation has ever seen. We're cleaning the air we breathe, holding the big polluters accountable, and ushering in a new era for clean energy. That's climate action done the California Way – and we're not only doubling down, we're just getting started.”

With multiple oil refineries in the distance, the Governor signed the legislation alongside legislative leaders at the USDA Forest Service Regional Office on Mare Island, a facility powered by clean energy that also feeds the grid.

“Our state has been facing extreme temperatures, putting our communities, especially our most vulnerable neighbors, at risk. We're also continuing to deal with an historic drought and the ongoing threat of wildfires. The challenges of climate change are here, and this Legislative session, we took bold action to address these severe conditions and mitigate future risk both through our state budget and key legislation,” said Senate President pro Tempore Toni G. Atkins (D-San Diego). “We established ambitious and necessary goals to reduce carbon emission and increase renewable energy. We provided the tools industry needs to capture and store carbon before it hits the atmosphere. And we invested in critical infrastructure programs that will keep us firmly planted on the path to a greener future, while simultaneously creating jobs that will support families across the state. California has, and will continue to, lead the nation on not only addressing the worsening climate crisis, but finding proactive solutions.”

“It's great to see California and the Governor celebrating our collective dedication to climate response. The Assembly has initiated this kind of legislation for years, and put forward some of these bills more than a year ago,” said Assembly Speaker Anthony Rendon (D-Lakewood). “That makes it especially heartening to be able to enact a package like this as a team. I look forward to working on additional climate change legislation with the Governor and the Senate. We are just getting started.”

The climate package signed today includes:

- **CARBON NEUTRALITY:** AB 1279 by Assemblymembers Al Muratsuchi (D-Torrance) and Cristina Garcia (D-Bell Gardens) codifies the statewide carbon neutrality goal to dramatically reduce climate pollution.
 - Establishes a clear, legally binding, and achievable goal for California to achieve statewide carbon neutrality as soon as possible, and no later than 2045, and establishes an 85% emissions reduction target as part of that goal.
- **PROTECT COMMUNITIES AGAINST OIL DRILLING:** SB 1137 by Senators Lena Gonzalez (D-Long Beach) and Monique Limón (D-Santa Barbara) protects communities from the harmful impacts of the oil industry.
 - Establishes a setback distance of 3,200 feet between any new oil well and homes, schools, parks or businesses open to the public.
 - Ensures comprehensive pollution controls for existing oil wells within 3,200 feet of these facilities.
- **100% CLEAN ELECTRIC GRID:** SB 1020 by Senator John Laird (D-Santa Cruz) establishes a pathway toward the state's clean energy future.
 - Creates clean electricity targets of 90% by 2035 and 95% by 2040 with the intent of advancing the state's trajectory to the existing 100% clean electricity retail sales by 2045 goal.
- **CAPTURING AND REMOVING CARBON POLLUTION:** SB 905 by Senators Anna Caballero (D-Merced) and Nancy Skinner (D-Berkeley) and SB 1314 by Senator Monique Limón (D-Santa Barbara)

advance engineered technologies to remove carbon pollution, while banning the use of those technologies for enhanced oil recovery.

- Establishes a clear regulatory framework for carbon removal and carbon capture, utilization and sequestration.
- Bans the practice of injecting carbon dioxide for the purpose of enhanced oil recovery.
- **NATURE-BASED SOLUTIONS:** AB 1757 by Assemblymembers Cristina Garcia (D-Bell Gardens) and Robert Rivas (D-Salinas) enlists nature in the state's climate agenda.
 - Requires the state to develop an achievable carbon removal target for natural and working lands.

Last week, Governor Newsom [signed legislation](#) to help protect Californians from more frequent and severe heat waves driven by climate change. This month's legislative action comes on the heels of California enacting a [world-leading regulation](#) to phase out sales of new gas-powered cars by 2035.

[In a July letter](#) to the Chair of the California Air Resources Board (CARB), Governor Newsom called for the state to ensure that the 2022 Climate Change Scoping Plan provides a path to achieve both the 2030 climate goal and state carbon neutrality no later than 2045, requesting that the final plan incorporate new efforts to advance offshore wind, clean fuels, climate-friendly homes, carbon removal and address methane leaks.

The full set of bills the Governor signed that work toward achieving the state's climate goals include:

- AB 1279 by Assemblymember Al Muratsuchi (D-Torrance) – The California Climate Crisis Act.
- AB 1384 by Assemblymember Jesse Gabriel (D-Encino) – Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.
- AB 1389 by Assemblymember Eloise Gómez Reyes (D-Colton) – Clean Transportation Program: project funding preferences.
- AB 1749 by Assemblymember Cristina Garcia (D-Bell Gardens) – Community emissions reduction programs: toxic air contaminants and criteria air pollutants.
- AB 1757 by Assemblymember Cristina Garcia (D-Bell Gardens) – California Global Warming Solutions Act of 2006: climate goal: natural and working lands.
- AB 1857 by Assemblymember Cristina Garcia (D-Bell Gardens) – Solid waste.
- AB 1909 by Assemblymember Laura Friedman (D-Glendale) – Vehicles: bicycle omnibus bill.
- AB 1985 by Assemblymember Robert Rivas (D-Salinas) – Organic waste: recovered organic waste product procurement targets.
- AB 2061 by Assemblymember Philip Ting (D-San Francisco) – Transportation electrification: electric vehicle charging infrastructure.
- AB 2075 by Assemblymember Philip Ting (D-San Francisco) – Energy: electric vehicle charging standards.
- AB 2108 by Assemblymember Robert Rivas (D-Salinas) – Water policy: environmental justice: disadvantaged and tribal communities.
- AB 2204 by Assemblymember Tasha Boerner Horvath (D-Encinitas) – Clean energy: Labor and Workforce Development Agency: Deputy Secretary for Climate.
- AB 2278 by Assemblymember Ash Kalra (D-San Jose) – Natural resources: biodiversity and conservation report.
- AB 2316 by Assemblymember Christopher Ward (D-San Diego) – Public Utilities Commission: customer renewable energy subscription programs and the community renewable energy program.
- AB 2440 by Assemblymember Jacqui Irwin (D-Thousand Oaks) – Responsible Battery Recycling Act of 2022.
- AB 2446 by Assemblymember Chris Holden (D-Pasadena) – Embodied carbon emissions: construction materials.
- AB 2622 by Assemblymember Kevin Mullin (D-South San Francisco) – Sales and use taxes: exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses.
- AB 2700 by Assemblymember Kevin McCarty (D-Sacramento) – Transportation electrification:

- electrical distribution grid upgrades.
- AB 2836 by Assemblymember Eduardo Garcia (D-Coachella) – Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.
 - SB 379 by Senator Scott Wiener (D-San Francisco) – Residential solar energy systems: permitting.
 - SB 529 by Senator Robert Hertzberg (D-Van Nuys) – Electricity: electrical transmission facilities.
 - SB 887 by Senator Josh Becker (D-Menlo Park) – Electricity: transmission facility planning.
 - SB 905 by Senator Anna Caballero (D-Merced) – Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program.
 - SB 1010 by Senator Nancy Skinner (D-Berkeley) – Air pollution: state vehicle fleet.
 - SB 1020 by Senator John Laird (D-Santa Cruz) – Clean Energy, Jobs, and Affordability Act of 2022.
 - SB 1063 by Senator Nancy Skinner (D-Berkeley) – Energy: appliance standards and cost-effective measures.
 - SB 1075 by Senator Nancy Skinner (D-Berkeley) – Hydrogen: green hydrogen: emissions of greenhouse gases.
 - SB 1109 by Senator Anna Caballero (D-Merced) – California Renewables Portfolio Standard Program: bioenergy projects.
 - SB 1137 by Senator Lena Gonzalez (D-Long Beach) – Oil and gas: operations: location restrictions: notice of intention: health protection zone: sensitive receptors.
 - SB 1145 by Senator John Laird (D-Santa Cruz) – California Global Warming Solutions Act of 2006: greenhouse gas emissions: dashboard.
 - SB 1158 by Senator Josh Becker (D-Menlo Park) – Retail electricity suppliers: emissions of greenhouse gases.
 - SB 1203 by Senator Josh Becker (D-Menlo Park) – Net-zero emissions of greenhouse gases: state agency operations.
 - SB 1205 by Senator Ben Allen (D-Santa Monica) – Water rights: appropriation.
 - SB 1215 by Senator Josh Newman (D-Fullerton) – Electronic Waste Recycling Act of 2003: covered battery-embedded products.
 - SB 1230 by Senator Monique Limón (D-Santa Barbara) – Zero-emission and near-zero-emission vehicle incentive programs: requirements.
 - SB 1251 by Senator Lena Gonzalez (D-Long Beach) – Governor’s Office of Business and Economic Development: Zero-Emission Vehicle Market Development Office: Zero-Emission Vehicle Equity Advocate.
 - SB 1291 by Senator Bob Archuleta (D-Pico Rivera) – Hydrogen-fueling stations: administrative approval.
 - SB 1314 by Senator Monique Limón (D-Santa Barbara) – Oil and gas: Class II injection wells: enhanced oil recovery.
 - SB 1322 by Senator Ben Allen (D-Santa Monica) – Energy: petroleum pricing.
 - SB 1382 by Senator Lena Gonzalez (D-Long Beach) – Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.
Governor Newsom previously signed:
 - AB 2251 by Assemblymember Lisa Calderon (D-Whittier) – Urban forestry: statewide strategic plan.
 - SB 1174 by Senator Robert Hertzberg (D-Van Nuys) – Electricity: eligible renewable energy or energy storage resources: transmission and interconnection.

For full text of the bills, visit: <http://leginfo.legislature.ca.gov>.

❖ **CalMatters: Big change for big rigs: California unveils mandate to phase out diesel trucks**
By [NADIA LOPEZ](#)

New big rigs and other trucks will have to be zero-emissions in 2040 — ending their decades-long reliance on high-polluting diesel — under a proposed regulation unveiled by the California Air Resources Board.

Under the [proposal](#), manufacturers couldn't sell new medium-duty and heavy-duty trucks fueled by diesel or gasoline that operate in California, instead turning to electric models. In addition, large trucking companies would have to gradually convert their existing fleets to zero-emission vehicles, buying more over time until all are zero emissions by 2042.

In another worldwide first, California aims to amp up its efforts to end the use of fossil fuels by setting requirements for clean-burning big rigs, garbage trucks, delivery trucks and other large trucks. Transportation is California's largest contributor to climate-warming greenhouse gases as well as smog and other air pollutants.

Chris Shimoda, a senior vice president at the California Trucking Association, which represents truck drivers, said zero-emission truck technology has great possibilities, but truckers worry about "the practical unknowns," such as the high cost of the trucks, a lack of charging stations and the limited range of the vehicles.

"We're flying blind into some pretty major questions about the practicality of actually implementing this rule," Shimoda said.

The air board did not include cost estimates for trucking companies and truck drivers in its proposal, only saying that their upfront costs would be high but they'd save money over time. About 1.8 million heavy-duty trucks on California's roads would be affected by the regulation, according to the report.

The proposed rule could put about 510,000 carbon-free medium and heavy-duty vehicles on California's roads in 2035, increasing to 1.2 million in 2045 and nearly 1.6 million in 2050, according to the air board. Currently there are only [1,943 zero emission medium and heavy duty vehicles](#) on the state's roads, and nearly all of them are buses.

The new truck mandate is "really a critical piece of the state's climate and clean air objectives," said Patricio Portillo, a clean transportation advocate at the Natural Resources Defense Council. "A common sight on California's highways are trucks clogging lanes, blowing thick smoke into the sky while overheated trucks rest at the side. It's so normal that we stop thinking about it, but that exhaust permeating the air harms our lungs and bodies."

The air board will hold a public hearing on the proposal on Oct. 27, after a 45-day public comment period. It comes just a few weeks after the air board [passed another far-reaching mandate](#) that bans sales of gas-powered cars by 2035.

California has been ratcheting down emissions from diesel-powered trucks and buses for decades in an effort to combat the state's severe air pollution. The new proposal builds on a [clean trucks regulation](#) passed in 2020, which gradually increases the number of [zero-emission trucks](#) that manufacturers must sell, starting in 2024.

The provisions requiring turnover of existing fleets would apply only to federal agencies and so-called "high-priority fleets," which are owned or operated by companies with 50 or more trucks or \$50 million or more in annual revenue. Included are trucks weighing 10,001 pounds or more and package delivery vehicles of 8,500 lbs or more, including U.S. Postal Service, FedEx, UPS and Amazon fleets.

These large companies and federal agencies would have a choice on how to comply: They could purchase only zero-emission vehicles beginning in 2024 while retiring diesel trucks at the end of their useful life. Or they could phase-in zero-emission trucks as a percentage of their total fleet, starting with 10% of delivery trucks and other types that are the easiest to electrify in 2025, then ramping up to 100% between 2035 and 2042.

The requirements for converting fleets would not apply to smaller companies, unless they were using a larger company's trucks. They could keep their trucks as long as they want under the proposal, although their new purchases would have to be zero-emission by 2040, according to Tony Brasil, chief of the air board's transportation and technology branch.

"We also believe that some of the market dynamics will probably encourage fleets to replace their trucks earlier," Brasil said. "As new zero emission trucks become available, the cost of operation is considerably lower."

Working toward the 2040 ban on new diesel and gas trucks, the proposal has other deadlines for phasing in new sales, varying based on the type of truck.

Drayage trucks — used largely to transport cargo from ports and railways — would have the strictest timeline. New models would be zero-emission in 2024, while diesel and gas drayage trucks must retire after 18 years to guarantee that they meet a zero-emission requirement by 2035.

In addition, half of all new trucks purchased by state and local governments would be zero-emission in 2024, increasing to 100% by 2027. Some exemptions are allowed, if there is a lack of available models. Counties with small populations, including Inyo, Butte, Mendocino and Tuolumne, would be exempt until 2027.

The new rule banning sale of diesel vehicles would not apply to emergency vehicles, such as ambulances. Some manufacturers have already announced plans to ramp up sales of electric truck fleets. Tesla plans to roll out electric semi trucks with 500 miles of range [later this year](#), while [Volvo Trucks](#) and [Nikola Inc.](#) have launched electric big-rigs and other models with ranges of up to 350 miles. Volvo Trucks this year set a global goal that half of its truck sales would be electric by 2030.

"We are determined to lead the transformation of the transport industry," Roger Alm, president of Volvo Trucks, said in a statement. "The interest among customers is high and it's quickly becoming a competitive advantage for transporters to be able to offer electric, sustainable transports."

But challenges with the transition remain.

Many electric heavy-duty trucks currently on the market still lack the range needed to transport cargo statewide and across state lines. Some vehicles like drayage trucks are better suited for electrification because those vehicles may not need as long of a vehicle range, said Shimoda of the California Trucking Association. But for long-haulers, the mandate could pose serious problems, he said.

Long-haul diesel trucks can operate up to 1,000 miles before needing to refill the tank, which takes 10 to 15 minutes to fill up. But electric models have to be charged often because they have "significantly shorter range" and they take hours to charge.

"The charging infrastructure that is necessary to support these trucks is basically non-existent today. Even the fastest available chargers right now are going to take three to four hours to charge up to a full state," said Shimoda, who represents California truckers.

Todd Spencer, president and CEO of the Owner-Operator Independent Drivers Association, said charging times of more than two hours could "cause total disruption" of the industry.

"Neither the technology nor the interstate infrastructure will be available in the foreseeable future to support a zero-emission requirement for long-haul interstate trucks," he said.

Some new technology, however, has already surfaced that dramatically cuts the charging time. The newest model of the Volvo eVNR tractor-trailer can [recharge to 80% in just 90 minutes](#).

The mandate also would increase demand on the state's already-fragile electric grid.

“These charging stations are going to be a huge, huge power draw,” Shimoda said. “To put into context, the Levi's Stadium in Santa Clara on a game day uses around 300 to 350 kilowatts of power. A charging station needed for a big rig is going to be like 30 times larger.”

Stanley Young, an Air Resources Board spokesperson, said many concerns over the charging infrastructure are already being addressed under the buildout of the grid outlined in the [state's proposed scoping plan](#), its climate change blueprint.

Though new model prices are high, electric trucks would need much lower maintenance costs over time compared to fossil-fueled engines and would save money to recharge with electricity than diesel.

Shane Levy of Proterra, an electric vehicle technology company, said the company has rapidly scaled up its battery technology in recent years. It is currently working with more than a dozen manufacturers to electrify medium- and heavy-duty trucks and has delivered battery systems for more than a thousand commercial vehicles.

He said the new rule could accelerate the market.

“Commercial vehicles are ripe for electrification – benefiting not only how we move people around cities and towns, but also how we provide goods and services to the communities we live in,” he added.

Some [state and federal subsidy programs](#) could also help provide relief to companies and truck drivers.

Although the board provided no cost data, staff said the long-term economic net benefits are expected to save companies about \$22 billion over the life of the regulation and will save more than 5,000 California lives between 2024 and 2050, according to air board staff's estimates.

Environmental groups say the deadlines should be accelerated by four years, from 2040 to 2036 for all sales of new zero-emission trucks.

Portillo, of the Natural Resources Defense Council, said speeding up the transition would have health benefits for low-income, disadvantaged communities that live near highways, railyards and ports, where trucks spew toxic diesel exhaust and smog-forming pollutants.

Diesel exhaust is one of the [most harmful pollutants](#) that threaten Californians' health, containing more than 40 carcinogens as well as particles that contribute to cardiovascular and respiratory disease.

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 20

REPORT: Stationary Source Committee

SYNOPSIS: The Stationary Source Committee held a hybrid meeting on Friday, October 21, 2022. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Ben J. Benoit, Chair
Stationary Source Committee

JA:cr

Committee Members

Present: Mayor Ben J. Benoit/Committee Chair
Supervisor Sheila Kuehl/Committee Vice Chair
Board Member Veronica Padilla-Campos

Absent: Senator Vanessa Delgado (Ret.)
Vice Mayor Rex Richardson
Supervisor Janice Rutherford

Call to Order

Chair Benoit called the meeting to order at 10:30 a.m.

For additional information of the Stationary Source Committee Meeting, please refer to the [Webcast](#)

INFORMATIONAL ITEMS:

1. Update on Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations

Michael Krause, Assistant Deputy Executive Officer/Planning, Rule Development and Implementation, provided a brief update on Proposed Rule 1460

Board Member Padilla-Campos requested clarification on the revised high wind provisions. Mr. Krause explained there were concerns about the potential for idling

trucks outside facilities that needed to cease activities during high wind periods and the revised provisions for ceasing operations during high winds.

Supervisor Kuehl asked why facilities can continue operations for high value grade metal during a high wind event. Mr. Krause clarified that high value grade metals are treated differently from regular scrap metal as these metals are not mixed with other contaminants and have a low potential for generating fugitive emissions.

There were no comments received from the public. For additional details, please refer to the [Webcast](#) beginning at 3:51.

2. Summary of Ethylene Oxide Health Effects

Dr. Vince Cogliano, Deputy Director Scientific Programs/California Office of Environmental Health Hazard Assessment (OEHHA,) presented on the potential health effects of Ethylene Oxide (EtO), as well as recent work carried out by OEHHA on the toxicity of EtO.

Chair Benoit and Board Member Padilla-Campos thanked Dr. Cogliano for his presentation and they look forward to the results of the Scientific Review Panel in 2023.

Chair Benoit suggested that our rule should be structured such that changes from OEHHA's health effects study will be automatically reflected to ensure updates are incorporated. Dr. Cogliano acknowledged that OEHHA is giving this study high priority noting that they do recognize the 34 fold difference between OEHHA's and U.S. EPA's health values for EtO.

Supervisor Kuehl expressed her concern that EtO is used to sterilize medical equipment and that there may be residual effects on the equipment itself. Dr. Cogliano stated that the U.S Food and Drug Administration has strict standards and quality control measures to address EtO and off-gassing.

Wayne Nastri, Executive Officer added that the South Coast AQMD is leading in terms of investigating EtO monitoring efforts and rulemaking efforts.

There were no comments received from the public. For additional details, please refer to the [Webcast](#) beginning at 11:30.

3. Quarterly Permitting Update for Rule 1109.1 – Emissions of Oxides of Nitrogen from Petroleum Refineries and Related Operations

Bhaskar Chandan, Senior Engineering Manager/Engineering and Permitting, provided the first quarterly report on permitting efforts for implementation of Rule 1109.1.

Supervisor Kuehl asked about the permitting process and particularly the high number of applications submitted without sufficient information or pending additional information requests from staff. Mr. Chandan responded that the Rule 1109.1 has strict deadlines that operators must meet. He added that it is expected that there will be less issues moving forward as operators understand more clearly the information needs and expectations to approve permit applications.

There were no comments received from the public. For additional details, please refer to the [Webcast](#) beginning at 21:54.

4. Update on Rule 1111 – Reduction of NO_x Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces Availability for High Altitudes

Michael Krause, Assistant Deputy Executive Officer/Planning, Rule Development and Implementation, presented an update on the availability of 14 ng/J furnaces and provided the status of all-electric heat pump technology for high altitude areas.

Chair Benoit acknowledged the electricity infrastructure concern for high altitude areas such as Big Bear and was glad to hear that more manufacturers were offering the lower NO_x emitting furnaces. Supervisor Kuehl inquired about whether this presentation would also be made to the Board. Executive Officer Wayne Nastri, and Chair Benoit responded that Board members may pull an item from the Board Meeting agenda and ask for further discussion.

There were no comments received from the public. For additional details, please refer to the [Webcast](#) beginning at 35:57.

WRITTEN REPORTS:

5. Monthly Update of Staff’s Work with U.S. EPA and CARB on New Source Review Issues for the Transition of RECLAIM Facilities to a Command-and-Control Regulatory Program

The report was acknowledged by the committee.

6. Twelve-month and Three-month Rolling Average Price of Compliance Years 2021 and 2022 NO_x and SO_x RTCs (June – September 2022)

The report was acknowledged by the committee.

7. Notice of Violation Penalty Summary

The report was acknowledged by the committee.

OTHER MATTERS:

8. Other Business

There was no other business to report.

9. Public Comment Period

There was no public comment to report

10. Next Meeting Date

The next Stationary Source Committee meeting is scheduled for Friday, November 18, 2022 at 10:30 a.m.

Adjournment

The meeting was adjourned at 11:15 a.m.

Attachments

1. Attendance Record
2. Monthly Update of Staff's Work with U.S. EPA and CARB on New Source Review Issues for the Transition of RECLAIM Facilities to a Command-and-Control Regulatory Program
3. Twelve-month and Three-month Rolling Average Price of Compliance Years 2021 and 2022 NO_x and SO_x RTCs (June – September 2022)
4. Notice of Violation Penalty Summary

ATTACHMENT 1

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT STATIONARY SOURCE COMMITTEE

Attendance –October 21, 2022

Mayor Ben J. Benoit South Coast AQMD Board Member
Supervisor Sheila Kuehl..... South Coast AQMD Board Member
Board Member Padilla-Campos South Coast AQMD Board Member

Ruthanne Taylor Berger..... Board Consultant (Benoit)
Tom Gross..... Board Consultant (Benoit)
Loraine Lundquist..... Board Consultant (Kuehl)
Debra Mendelsohn..... Board Consultant (Rutherford)
Amy Wong Board Consultant (Padilla-Campos)
Ross Zelen..... Board Consultant (Kracov)

Mark Abramowitz..... Community Environmental Services
Chris Chavez Coalition for Clean Air
Ramine Cromartie..... WSPA
Harvey Eder..... Public Solar Power Coalition
Bill Lamarr California Small Business Alliance
Dan McGivney SoCalGas
Bethmarie Quiambao SCE
Craig Sakamoto PBF
Patty Senecal WSPA
Peter Whittingham..... Whittingham Public Affairs Advisors

Derrick Alatorre..... South Coast AQMD staff
Jason Aspell..... South Coast AQMD staff
Barbara Baird South Coast AQMD staff
Bhaskar Chandan South Coast AQMD staff
Bayron Gilchrist South Coast AQMD staff
Sheri Hanizavareh..... South Coast AQMD staff
Anissa Heard-Johnson South Coast AQMD staff
Mark Henninger..... South Coast AQMD staff
Sujata Jain South Coast AQMD staff
Aaron Katzenstein South Coast AQMD staff
Michael Krause..... South Coast AQMD staff
Jason Low..... South Coast AQMD staff
Terrence Mann..... South Coast AQMD staff
Susan Nakamura..... South Coast AQMD staff
Wayne Nastri..... South Coast AQMD staff
Sarah Rees South Coast AQMD staff
Lisa Tanaka O'Malley South Coast AQMD staff
Jillian Wong South Coast AQMD staff
Paul Wright South Coast AQMD staff
Victor Yip..... South Coast AQMD staff

October 2022 Update on Work with U.S. EPA and CARB on New Source Review Issues for the RECLAIM Transition

At the October 5, 2018 Board meeting, the Board directed staff to provide the Stationary Source Committee with a monthly update of staff's work with U.S. EPA regarding resolving NSR issues for the transition of facilities from RECLAIM to a command-and-control regulatory structure. The table below summarizes key activities with U.S. EPA and CARB since the last report.

Item	Discussion
Video Conference with U.S. EPA and CARB – September 2, 2022	<ul style="list-style-type: none">• Reviewed presentations for the September RECLAIM and Regulation XIII working group meetings
RECLAIM and Regulation XIII Working Group Meetings – September 8, 2022	<ul style="list-style-type: none">• Provided updates on rulemakings for the RECLAIM transition• Presented proposed amendments to Regulation XIII



South Coast Air Quality Management District

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Twelve-Month and Three-Month Rolling Average Price of Compliance Years 2021 and 2022 NOx and SOx RTCs (June – September 2022)

October 2022 Report to Stationary Source Committee

Table I

Twelve-Month Rolling Average Price Data for Compliance Year 2021 NOx RTCs
(Report to Governing Board if rolling average price greater than \$22,500/ton)

Twelve-Month Rolling Average Price Data for Compliance Year 2021 NOx RTC					
Reporting Month	12-Month Period	Total Volume Traded with Price During Past 12-month (tons)	Total Price of Volume Traded During Past 12-month (\$)	Number of Trades with Price	Rolling Average Price ¹ (\$/ton)
Jan-21	Jan-20 to Dec-20	76.2	\$717,162	15	\$9,418
Feb-21	Feb-20 to Jan-21	77.6	\$736,204	16	\$9,488
Mar-21	Mar-20 to Feb-21	71.7	\$667,889	15	\$9,321
Apr-21	Apr-20 to Mar-21	69.6	\$656,731	13	\$9,439
May-21	May-20 to Apr-21	73.6	\$917,864	12	\$12,470
Jun-21	Jun-20 to May-21	43.3	\$630,190	10	\$14,545
Jul-21	Jul-20 to Jun-21	134.1	\$2,265,703	20	\$16,898
Aug-21	Aug-20 to Jul-21	131.1	\$2,238,560	23	\$17,072
Sep-21	Sep-20 to Aug-21	204.7	\$3,499,147	31	\$17,091
Oct-21	Oct-20 to Sep-21	210.0	\$3,664,844	33	\$17,455
Nov-21	Nov-20 to Oct-21	309.8	\$5,429,848	55	\$17,529
Dec-21	Dec-20 to Nov-21	310.0	\$5,432,348	54	\$17,523
Jan-22	Jan-21 to Dec-21	368.1	\$6,937,025	64	\$18,846
Feb-22	Feb-21 to Jan-22	548.8	\$8,783,951	91	\$16,007
Mar-22	Mar-21 to Feb-22	601.1	\$9,116,953	103	\$15,166
Apr-22	Apr-21 to Mar-22	680.8	\$12,274,023	107	\$18,028
May-22	May-21 to Apr-22	704.4	\$13,127,083	123	\$18,635
Jun-22	Jun-21 to May-22	705.6	\$13,157,558	124	\$18,647
Jul-22	Jul-21 to Jun-22	643.4	\$12,121,674	119	\$18,839
Aug-22	Aug-21 to Jul-22	738.9	\$13,694,488	141	\$18,534

Twelve-Month Rolling Average Price Data for Compliance Year 2021 NOx RTC					
Reporting Month	12-Month Period	Total Volume Traded with Price During Past 12-month (tons)	Total Price of Volume Traded During Past 12-month (\$)	Number of Trades with Price	Rolling Average Price¹ (\$/ton)
Sep-22	Sep-21 to Aug-22	719.3	\$12,926,573	152	\$17,970
Oct-22	Oct-21 to Sep-22	714.1	\$12,760,876	150	\$17,869

1. District Rule 2015(b)(6) - Backstop Provisions provides additional "evaluation and review of the compliance and enforcement aspects of the RECLAIM program" if the average annual RTC price exceeds \$15,000 per ton. The average annual RTC price is reported to the Board in the Annual RECLAIM Audit Report in March of each year.

Table II

Twelve-Month Rolling Average Price Data for Compliance Year 2022 NOx RTCs
(Report to Governing Board if rolling average price greater than \$22,500/ton)

Twelve-Month Rolling Average Price Data for Compliance Year 2022 NOx RTC					
Reporting Month	12-Month Period	Total Volume Traded with Price During Past 12-month (tons)	Total Price of Volume Traded During Past 12-month (\$)	Number of Trades with Price	Rolling Average Price¹ (\$/ton)
Jan-22	Jan-21 to Dec-21	165.4	\$5,473,709	18	\$33,085
Feb-22	Feb-21 to Jan-22	165.4	\$5,473,709	18	\$33,085
Mar-22	Mar-21 to Feb-22	165.4	\$5,473,709	18	\$33,085
Apr-22	Apr-21 to Mar-22	193.6	\$6,611,522	22	\$34,146
May-22	May-21 to Apr-22	194.6	\$6,656,124	24	\$34,198
Jun-22	Jun-21 to May-22	176.4	\$6,227,716	22	\$35,311
Jul-22	Jul-21 to Jun-22	174.8	\$6,373,786	24	\$36,457
Aug-22	Aug-21 to Jul-22	176.3	\$6,434,733	32	\$36,489
Sep-22	Sep-21 to Aug-22	174.6	\$6,443,413	33	\$36,894
Oct-22	Oct-21 to Sep-22	151.8	\$5,960,928	31	\$39,280

1. District Rule 2015(b)(6) - Backstop Provisions provides additional "evaluation and review of the compliance and enforcement aspects of the RECLAIM program" if the average annual RTC price exceeds \$15,000 per ton. The average annual RTC price is reported to the Board in the Annual RECLAIM Audit Report in March of each year.

Table III

Three-Month Rolling Average Price Data for Compliance Year 2021 NOx RTCs
(Report to Governing Board if rolling average price greater than \$35,000/ton)

Three-Month Rolling Average Price Data for Compliance Year 2021 NOx RTC					
Reporting Month	3-Month Period	Total Volume Traded with Price During Past 3-month (tons)	Total Price of Volume Traded During Past 3-month (\$)	Number of Trades with Price	Rolling Average Price (\$/ton)
Jan-21	Oct-20 to Dec-20	1.3	\$16,750	3	\$13,400
Feb-21	Nov-20 to Jan-21	2.9	\$38,049	5	\$13,218
Mar-21	Dec-20 to Feb-21	2.1	\$26,049	3	\$12,238
Apr-21	Jan-21 to Mar-21	1.6	\$21,299	2	\$13,079
May-21	Feb-21 to Apr-21	32.4	\$482,253	3	\$14,900
Jun-21	Mar-21 to May-21	32.4	\$482,253	3	\$14,900
Jul-21	Apr-21 to Jun-21	123.1	\$2,117,767	13	\$17,201
Aug-21	May-21 to Jul-21	95.9	\$1,718,259	15	\$17,921
Sep-21	Jun-21 to Aug-21	169.5	\$2,978,846	23	\$17,575
Oct-21	Jul-21 to Sep-21	84.0	\$1,509,029	15	\$17,974
Nov-21	Aug-21 to Oct-21	178.6	\$3,191,288	32	\$17,865
Dec-21	Sep-21 to Nov-21	106.0	\$1,945,201	25	\$18,346
Jan-22	Oct-21 to Dec-21	159.4	\$3,288,931	34	\$20,636
Feb-22	Nov-21 to Jan-22	241.9	\$3,392,151	41	\$14,024
Mar-22	Dec-21 to Feb-22	293.3	\$3,710,654	52	\$12,653
Apr-22	Jan-22 to Mar-22	314.4	\$5,358,297	45	\$17,045
May-22	Feb-22 to Apr-22	188.1	\$4,825,385	35	\$25,659
Jun-22	Mar-22 to May-22	136.8	\$4,522,857	24	\$33,056
Jul-22	Apr-22 to Jun-22	85.7	\$1,965,417	25	\$22,927
Aug-22	May-22 to Jul-22	130.3	\$2,285,664	33	\$17,542
Sep-22	Jun-22 to Aug-22	183.2	\$2,747,861	51	\$14,997
Oct-22	Jul-22 to Sep-22	154.6	\$2,148,231	46	\$13,891

Table IV

Three-Month Rolling Average Price Data for Compliance Year 2022 NOx RTCs
(Report to Governing Board if rolling average price greater than \$35,000/ton)

Three-Month Rolling Average Price Data for Compliance Year 2022 NOx RTC					
Reporting Month	3-Month Period	Total Volume Traded with Price During Past 3-month (tons)	Total Price of Volume Traded During Past 3-month (\$)	Number of Trades with Price	Rolling Average Price (\$/ton)
Jan-22	Oct-21 to Dec-21	97.4	\$3,780,324	10	\$38,803

Three-Month Rolling Average Price Data for Compliance Year 2022 NOx RTC					
Reporting Month	3-Month Period	Total Volume Traded with Price During Past 3-month (tons)	Total Price of Volume Traded During Past 3-month (\$)	Number of Trades with Price	Rolling Average Price (\$/ton)
Feb-22	Nov-21 to Jan-22	79.5	\$3,110,524	7	\$39,114
Mar-22	Dec-21 to Feb-22	29.5	\$1,110,524	5	\$37,614
Apr-22	Jan-22 to Mar-22	28.2	\$1,137,813	4	\$40,372
May-22	Feb-22 to Apr-22	29.2	\$1,182,415	6	\$40,506
Jun-22	Mar-22 to May-22	29.2	\$1,182,415	6	\$40,506
Jul-22	Apr-22 to Jun-22	21.3	\$852,942	6	\$40,000
Aug-22	May-22 to Jul-22	24.3	\$962,009	13	\$39,531
Sep-22	Jun-22 to Aug-22	25.1	\$998,189	15	\$39,706
Oct-22	Jul-22 to Sep-22	4.8	\$189,849	11	\$39,359

Table V

Twelve-Month Rolling Average Price Data for Compliance Year 2021 SOx RTCs
(Report to Governing Board if rolling average price greater than \$50,000/ton)

Twelve-Month Rolling Average Price Data for Compliance Year 2021 SOx RTC ¹					
Reporting Month	12-Month Period	Total Volume Traded with Price During Past 12-month (tons)	Total Price of Volume Traded During Past 12-month (\$)	Number of Trades with Price	Rolling Average Price ² (\$/ton)
Jan-21	Jan-20 to Dec-20	None	-	-	-
Feb-21	Feb-20 to Jan-21	None	-	-	-
Mar-21	Mar-20 to Feb-21	None	-	-	-
Apr-21	Apr-20 to Mar-21	None	-	-	-
May-21	May-20 to Apr-21	None	-	-	-
Jun-21	Jun-20 to May-21	None	-	-	-
Jul-21	Jul-20 to Jun-21	None	-	-	-
Aug-21	Aug-20 to Jul-21	None	-	-	-
Sep-21	Sep-20 to Aug-21	None	-	-	-
Oct-21	Oct-20 to Sep-21	None	-	-	-
Nov-21	Nov-20 to Oct-21	None	-	-	-
Dec-21	Dec-20 to Nov-21	None	-	-	-
Jan-22	Jan-21 to Dec-21	37.5	\$112,500	1	\$3,000
Feb-22	Feb-21 to Jan-22	37.5	\$112,500	1	\$3,000
Mar-22	Mar-21 to Feb-22	53.9	\$209,201	2	\$3,882
Apr-22	Apr-21 to Mar-22	53.9	\$209,201	2	\$3,882
May-22	May-21 to Apr-22	53.9	\$209,201	2	\$3,882
Jun-22	Jun-21 to May-22	53.9	\$209,201	2	\$3,882

Twelve-Month Rolling Average Price Data for Compliance Year 2021 SOx RTC¹					
Reporting Month	12-Month Period	Total Volume Traded with Price During Past 12-month (tons)	Total Price of Volume Traded During Past 12-month (\$)	Number of Trades with Price	Rolling Average Price² (\$/ton)
Jul-22	Jul-21 to Jun-22	53.9	\$209,201	2	\$3,882
Aug-22	Aug-21 to Jul-22	53.9	\$209,201	2	\$3,882
Sep-22	Sep-21 to Aug-22	53.9	\$209,201	2	\$3,882
Oct-22	Oct-21 to Sep-22	53.9	\$209,201	2	\$3,882

1. Pursuant to District Rule 2002(f)(1)(Q), the requirement to report 12-month rolling average SOx RTC price ended February 1, 2020. This table is provided as a courtesy.
2. District Rule 2015(b)(6) - Backstop Provisions provides additional "evaluation and review of the compliance and enforcement aspects of the RECLAIM program" if the average annual RTC price exceeds \$15,000 per ton. The average annual RTC price is reported to the Board in the Annual RECLAIM Audit Report in March of each year.

Table VI

Twelve-Month Rolling Average Price Data for Compliance Year 2022 SOx RTCs
(Report to Governing Board if rolling average price greater than \$50,000/ton)

Twelve-Month Rolling Average Price Data for Compliance Year 2022 SOx RTC¹					
Reporting Month	12-Month Period	Total Volume Traded with Price During Past 12-month (tons)	Total Price of Volume Traded During Past 12-month (\$)	Number of Trades with Price	Rolling Average Price² (\$/ton)
Jan-22	Jan-21 to Dec-21	None	-	-	-
Feb-22	Feb-21 to Jan-22	None	-	-	-
Mar-22	Mar-21 to Feb-22	None	-	-	-
Apr-22	Apr-21 to Mar-22	None	-	-	-
May-22	May-21 to Apr-22	None	-	-	-
Jun-22	Jun-21 to May-22	None	-	-	-
Jul-22	Jul-21 to Jun-22	None	-	-	-
Aug-22	Aug-21 to Jul-22	None	-	-	-
Sep-22	Sep-21 to Aug-22	None	-	-	-
Oct-22	Oct-21 to Sep-22	None	-	-	-

1. Pursuant to District Rule 2002(f)(1)(Q), the requirement to report 12-month rolling average SOx RTC price ended February 1, 2020. This table is provided as a courtesy.
2. District Rule 2015(b)(6) - Backstop Provisions provides additional "evaluation and review of the compliance and enforcement aspects of the RECLAIM program" if the average annual RTC price exceeds \$15,000 per ton. The average annual RTC price is reported to the Board in the Annual RECLAIM Audit Report in March of each year.

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
General Counsel's Office**

Settlement Penalty Report (09/01/2022 - 09/30/2022)

Total Penalties

Civi Settlement: \$164,250.00
Criminal Referral Settlement: \$13,290.72
MSPAP Settlement: \$6,133.30

Total Cash Settlements: \$183,674.02

Fiscal Year through 09/30/2022 Cash Total: \$1,867,256.71

Fac ID	Company Name	Rule Number	Settled Date	Init	Notice Nbrs	Total Settlement
Civil						
190125	ABACUS BUSINESS CAPITAL/ISLAND PACIFIC	1415.1	09/07/2022	JL	P64775	\$2,000.00
186947	BOOSTER FUELS, INC.	203, 461, H&S 42401	09/20/2022	BT	P68163, P69851, P69855, P69856, P69862, P69868, P69872	\$87,500.00
190097	COMPLETE FUELING SOLUTIONS	1166	09/01/2022	SH	P67434, P67435	\$3,000.00
189971	EXEL/DHL SUPPLY CHAIN	1415.1	09/20/2022	SH	P64776	\$2,000.00
117744	GOLD COAST BAKING CO.	H&S 42401	09/14/2022	NS	P68571	\$40,000.00
20197	LAC/USC MEDICAL CENTER	461(C)(3)(Q), 1146, 1415, 3002	09/16/2022	DH	P63934, P63943	\$20,500.00
800168	PASADENA CITY, DWP	2004	09/01/2022	SH	P66131, P66177	\$2,500.00
189913	UNILEVER	1415.1	9/30/2022	SH	P64772	\$3,500.00
800393	VALERO WILMINGTON ASPHALT PLANT	1176	09/16/2022	SH	P63384, P63393	\$3,250.00
Total Civil Settlements: \$164,250.00						
Criminal Referral						
188287	NEILSON HAMMER YOSEMITE, LLC.	40 CFR 61.145, 1403	09/23/2022	TCF	P65413	\$13,290.72
Total Criminal Referral: \$13,290.72						

Fac ID	Company Name	Rule Number	Settled Date	Init	Notice Nbrs	Total Settlement
MSPAP						
144558	CLS LANDSCAPE MGMT INC.	203(a)	09/15/2022	GC	P69710	\$800.00
121822	CORONA CITY, DEPT OF WATER & POWER	203(b), 1470	09/15/2022	GC	P69388	\$1,600.00
165923	D & I STATION, INC.	461	09/15/2022	GC	P67249	\$327.30
183218	FIRE STATION #143, CASTAIC, LA COUNTY	461	09/15/2022	GC	P68637	\$800.00
34058	G & M OIL CO #3	461, H&S 41960	09/15/2022	GC	P69626	\$818.00
157896	G & M OIL CO, #186	461, H&S 41960	09/15/2022	GV	P70203	\$1,363.00
148840	GALAXY OIL COMPANY	461(E)(2)(A)	09/15/2022	GC	P69020	\$425.00
Total MSPAP Settlements: \$6,133.30						

**SOUTH COAST AQMD'S RULES AND REGULATIONS INDEX
FOR SEPTEMBER 2022 PENALTY REPORT**

REGULATION II - PERMITS

Rule 203 Permit to Operate

REGULATION IV - PROHIBITIONS

Rule 461 Gasoline Transfer and Dispensing

REGULATION XI - SOURCE SPECIFIC STANDARDS

Rule 1146 Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters

Rule 1166 Volatile Organic Compound Emissions from Decontamination of Soil

Rule 1176 Sumps and Wastewater Separators

REGULATION XIV - TOXICS

Rule 1403 Asbestos Emissions from Demolition/Renovation Activities

Rule 1415 Reduction of Refrigerant Emissions from Stationary Refrigeration and Air Conditioning Systems

Rule 1415.1 Reduction of Refrigerant Emissions from Stationary Refrigeration Systems

Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines

REGULATION XX - REGIONAL CLEAN AIR INCENTIVES MARKET (RECLAIM)

Rule 2004 Requirements

REGULATION XXX - TITLE V PERMITS

Rule 3002 Requirements

CODE OF FEDERAL REGULATIONS

40 CFR 61.145 Standard for Demolition and Renovation

CALIFORNIA HEALTH AND SAFETY CODE

41960 Certification of Gasoline Vapor Recovery System

42401 Violation of Order for Abatement

CALIFORNIA CODE OF REGULATIONS

13 CCR 2485 Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

[↑ Back to Agenda](#)

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 21

REPORT: Technology Committee

SYNOPSIS: The Technology Committee held a hybrid meeting on Friday, October 21, 2022. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Rex Richardson, Chair
Technology Committee

AK:dv

Committee Members

Present: Vice Mayor Rex Richardson, Committee Chair
Supervisor Andrew Do
Board Member Gideon Kracov
Mayor Larry McCallon
Board Member Veronica Padilla-Campos
Mayor Carlos Rodriguez

Absent: None

Call to Order

Vice Chair Larry McCallon called the meeting to order at 12:00 p.m.

For additional details of the Technology Committee Meeting, please refer to the [Webcast](#).

ACTION ITEMS:

1. Issue RFP, Execute Contracts, and Program Announcement for Residential Air Filtration Program Within East Los Angeles, Boyle Heights, West Commerce and Eastern Coachella Valley AB 617 Communities

Through a participatory budget process, the East Los Angeles, Boyle Heights, West Commerce (ELABHWC) Community Steering Committee (CSC) prioritized \$1.8 million, and the Eastern Coachella Valley (ECV) CSC prioritized \$1 million, in Community Air Protection Program funding for a Residential Air Filtration Program. These actions are to: 1) issue RFP #P2023-04 and Execute Contracts for air filtration units to offer through the Residential Air Filtration Program; 2) issue Program Announcement #PA2023-03 in an amount up to \$2,625,000 from the Community Air Protection AB 134 Fund (77) to solicit applications from residents within ELABHWC and ECV for the Residential Air Filtration Program; 3) reimburse the General Fund for administrative costs of up to \$167,000 from the Community Air Protection AB 134 Fund (77); and, 4) transfer and appropriate up to \$8,000 from the administrative portion of Community Air Protection AB 134 Fund (77) into Technology Advancement's FYs 2022-23 and/or 2023-24 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account for administrative costs to implement the Residential Air Filtration Program.

Board Member Kracov commented that he does not have a financial interest but is required to identify for the record that he is a Board Member of CARB, which is involved in this item.

Board Member Padilla-Campos asked staff to clarify the administrative costs and how complex the application will be for the air filtration program. Staff explained the administrative costs, expenses to develop the program, and outreach materials (e.g., flyers). Board Member Padilla-Campos also asked if staff can share the application with Board members and how many air filtration suppliers the RFP would target. Staff responded they will share the application with Board members when it is available and, that there are many different manufacturers on the CARB-Certified List, and that they are unsure how many applications will be received.

Mayor McCallon inquired if the San Bernardino, Muscoy CERP includes residential air filtration as a priority. Staff responded that the San Bernardino Muscoy CERP focused on school air filtration and during the participatory budgeting process they allocated AB 617 funds to school air filtration.

Gary Tribolet, Medify Air, commented that the RFP should provide extra points to manufacturers of air filtration units that reduce VOCs. For additional details, please refer to the [Webcast](#) beginning at 9:15.

Moved by McCallon; seconded by Do; unanimously approved.

Ayes: Do, Kracov, McCallon, Padilla-Campos, Richardson, Rodriguez
Noes: None
Abstain: None
Absent: None

2. Recognize Revenue and Amend Contract Awards for Cleaner Freight California Projects

In May 2022, the Board recognized a \$2,349,995 award from U.S. EPA to replace diesel cargo handling equipment with innovative zero-emission electric alternatives for the Cleaner Freight California Projects. In August 2022, U.S. EPA awarded additional funding of \$219,938 to South Coast AQMD's Cleaner Freight California Projects for a total of \$2,569,933. These additional funds would be distributed to contracts with Albertsons Companies, McLane Company, and Long Beach Container Terminal. These actions are to: 1) recognize revenue, upon receipt, of up to \$219,938 from the U.S. EPA National Clean Diesel Program into the Advanced Technology, Outreach and Education Fund (17), and 2) execute contracts with Albertsons Companies, McLane Company, and Long Beach Container Terminal in amounts not to exceed \$1,396,386, \$775,770, and \$273,150, respectively from the Advanced Technology, Outreach and Education Fund (17).

Chair Richardson commented that he does not have a financial interest but is required to identify for the record that he is the Vice Mayor for the City of Long Beach which is involved in this item.

For additional details, please refer to the [Webcast](#) beginning at 19:53.

Moved by Kracov; seconded by Do; unanimously approved.

Ayes: Do, Kracov, McCallon, Padilla-Campos, Richardson, Rodriguez
Noes: None
Abstain: None
Absent: None

INFORMATIONAL ITEM:

3. Clean Fuels Program Draft 2023 Plan Update

The Clean Fuels Plan Update is submitted every year with the Clean Fuels Annual Report as required by legislation. As part of that process, staff provides the Clean Fuels Program Draft Plan Update to the Technology Committee to solicit input on the proposed priority technology areas and potential projects for the upcoming year before requesting final Board approval for the Plan Update in early spring. Staff proposes continued support for a wide portfolio of technologies with particular emphasis on zero emission technologies for vehicles, off-road equipment, and supporting infrastructure for goods movement applications.

Board Member Kracov asked staff to clarify the annual revenue from the Clean Fuels Program Funds. Staff clarified there is approximately \$13 million available annually from Clean Fuels and that the Clean Fuels Plan Update report only focuses on the Clean Fuels Program Fund and the incentive slide is broader and includes Carl Moyer, CAP funds, Prop 1B, and Replace Your Ride, ranging from \$150M-\$200M per year.

Adrian Martinez, Earthjustice, commented that the Clean Fuel program should shift its focus to stationary and area sources technology development and mentioned that his organization submitted a comment letter.

Hilary Lewis, Industrious Labs, stated that food processing is one of the largest operations in California and has been called out by the Department of Energy for the need to transition to zero-emission. She stated that zero-emission technology is commercially available. Staff responded that the Clean Fuels Fund, by statute, needs to go to mobile sources. Moreover, the AQMP emissions inventory shows that major emission reductions are needed from mobile sources and off-road mobile sources still need a lot of technology development.

Board Member Kracov asked for clarification on the “Tech Demo Spent” slide. Staff responded that total project costs include the Clean Fuels fund and other leveraged costs. Board Member Kracov requested that future presentations provide a further break down of incentive funds.

Mayor McCallon thanked the staff for increased funding for hydrogen fuel cell technology and infrastructure and commented that microgrid projects are much needed for emergency operations. For additional details, please refer to the [Webcast](#) beginning at 36:30.

OTHER MATTERS:

6. Other Business

There was no other business to report.

7. Public Comment Period

Mr. Martinez restated the need for stationary source funding. He asked that staff be creative in finding funds for programs to advance the technology in stationary and area sources. For additional details, please refer to the [Webcast](#) beginning at 45:00.

8. Next Meeting Date

The next regular Technology Committee meeting is scheduled for Friday, November 18, 2022, at noon.

Adjournment

The meeting adjourned at 12:46 p.m.

Attachment

Attendance Record

ATTACHMENT

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
TECHNOLOGY COMMITTEE MEETING
Attendance Record – October 21, 2022**

Supervisor Andrew Do	South Coast AQMD Board Member
Board Member Gideon Kracov	South Coast AQMD Board Member
Mayor Larry McCallon.....	South Coast AQMD Board Member
Board Member Veronica Padilla-Campos.....	South Coast AQMD Board Member
Vice Mayor Rex Richardson.....	South Coast AQMD Board Member
Mayor Carlos Rodriguez.....	South Coast AQMD Board Member
Jackson Guze.....	Board Consultant (Raman)
Ron Ketcham.....	Board Consultant (McCallon)
Chris Wangsaporn	Board Consultant (Do)
Amy Wong.....	Board Consultant (Padilla-Campos)
Ross Zelen.....	Board Consultant (Kracov)
Mark Abramowitz	Public Member
Naveen Berry	Public Member
Hilary Lewis.....	Industrious Labs
Adrian Martinez	Earthjustice
Dan McGiveney	SoCalGas
Bethmarie Quiambao.....	So Cal Edison
Patty Senecal	WSPA
Gary Tribolet.....	Medify Air
Laurence Brown	South Coast AQMD Staff
Sam Cao	South Coast AQMD Staff
Dan Garcia	South Coast AQMD Staff
Lily Garcia	South Coast AQMD Staff
Seungbum Ha	South Coast AQMD Staff
Maryam Hajbabaei	South Coast AQMD Staff
Sheri Hanizavareh	South Coast AQMD Staff
Justin Joe.....	South Coast AQMD Staff
Anissa Heard-Johnson	South Coast AQMD Staff
Mark Henninger	South Coast AQMD Staff
Aaron Katzenstein	South Coast AQMD Staff
Farzaneh Khalaj.....	South Coast AQMD Staff
Christina Kusnandar	South Coast AQMD Staff
Tom Lee	South Coast AQMD Staff
Joseph Lopat	South Coast AQMD Staff
Jason Low	South Coast AQMD Staff
Frances Maes.....	South Coast AQMD Staff

Karin Manwaring South Coast AQMD Staff
Wayne Natri..... South Coast AQMD Staff
Susan Nakamura..... South Coast AQMD Staff
Walter Shen..... South Coast AQMD Staff
Veronica Tejada South Coast AQMD Staff
Alejandra Vega..... South Coast AQMD Staff
Donna Vernon South Coast AQMD Staff
Mei Wang..... South Coast AQMD Staff
Paul Wright South Coast AQMD Staff

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BOARD MEETING DATE: November 4, 2022

AGENDA NO. 22

REPORT: Mobile Source Air Pollution Reduction Review Committee

SYNOPSIS: The Mobile Source Air Pollution Reduction Review Committee held a hybrid meeting on Thursday, October 20, 2022. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Ben J. Benoit
South Coast AQMD Representative to
MSRC

AK:CR:me

FYs 2021-24 Work Program

Transformative Transportation Strategies and Mobility Solutions Program Opportunity Notice (PON)

The MSRC released the Transformative Transportation Strategies PON on May 6, 2022 with the goal of receiving conceptual project descriptions to demonstrate innovative mobility approaches which go above and beyond traditional transportation demand strategies. Key objectives were for the MSRC funding to act as seed money, for projects to achieve a transformative outcome, for strategies to be replicable within the South Coast region, and for process and results to be well documented. By the closing date of August 5, 2022, 19 responses were received.

The majority of project concepts received fell into the following categories: electric vehicle purchase, electric vehicle charging infrastructure, bicycle infrastructure, and micro-transit. The submittals were thoroughly evaluated on their merits, including but not limited to development status and co-funding contribution level.

The MSRC-TAC recommended that the MSRC pursue development and release of an RFP for micro-transit projects. This was due to innovative shared mobility features and a high level of interest, but none of the project concepts being sufficiently unique to

justify a sole source award. The MSRC-TAC further recommended that the MSRC request a full proposal from the City of South Pasadena to transition their police vehicles to zero emission, with a not-to-exceed MSRC funding amount of \$500,000. Historically, the transition of emergency response vehicles has been elusive. This project shows high potential for replicability within the South Coast region. The MSRC approved the development of the micro-transit RFP and the request of a full proposal from the City of South Pasadena.

Contract Modification Requests

The MSRC considered four contract modification requests and took the following actions:

1. City of Rancho Cucamonga (Contract #ML18051), to procure six light-duty ZEVs and install electric vehicle charging infrastructure, approval of an 18-month no-cost term extension;
2. City of Grand Terrace (Contract #ML18030), to install electric vehicle charging infrastructure, approval of reduced contract scope;
3. City of Glendale (Contract #ML18059), to install electric vehicle charging infrastructure, approval of an 18-month no-cost term extension; and
4. Southern California Association of Governments (Contract #MS21005), to implement Last Mile Freight Program, approval to reallocate \$1,115,976 to augment the Sysco project and approval to reserve \$1,115,976 without immediate assignment to a specific project, contingent upon the receipt of an additional reallocation request no later than February 17, 2023.

Contracts Administrator's Report

The MSRC AB 2766 Contracts Administrator's report provides a written status report on all open contracts from FY 2008-09 to the present. The Contracts Administrator's Report for August 25 through September 28, 2022 is attached (*Attachment 1*).

Attachment

August 25 through September 28, 2022 Contracts Administrator's Report

MSRC Agenda Item No. 2

DATE: October 20, 2022

FROM: Cynthia Ravenstein

SUBJECT: AB 2766 Contracts Administrator's Report

SYNOPSIS: This report covers key issues addressed by MSRC staff, status of open contracts, and administrative scope changes from August 25 to September 28, 2022.

RECOMMENDATION: Receive and file report

WORK PROGRAM IMPACT: None

Contract Execution Status

2018-21 Work Program

On April 5, 2019, the SCAQMD Governing Board approved an award under the Major Event Center Transportation Program. This contract is executed.

On September 6, 2019, the SCAQMD Governing Board approved an award under the Major Event Center Transportation Program. This contract is executed.

On December 6, 2019, the SCAQMD Governing Board approved an award under the Major Event Center Transportation Program. This contract is executed.

On September 4, 2020, the SCAQMD Governing Board approved an award under the Last Mile component of the MSRC's Regional Goods Movement Program. This contract is executed.

On April 2, 2021, the SCAQMD Governing Board approved five awards under the Zero and Near-Zero Emission Cargo Handling Equipment at Warehouse, Distribution and Intermodal Facilities in Riverside and San Bernardino Counties Program and ten awards under the Zero and Near-Zero Emission Trucking to Warehouse, Distribution and Intermodal Facilities in Riverside and San Bernardino Counties Program. These contracts are undergoing internal review, with the prospective contractor for signature, with the SCAQMD Board Chair for signature, or executed.

On June 4, 2021, the SCAQMD Governing Board approved an award under the Major Event Center Transportation Program. This award has been declined.

2021-24 Work Program

On September 2, 2022, the SCAQMD Governing Board approved an award under the Major Event Center Transportation Program. This contract is under development.

Work Program Status

Contract Status Reports for Work Program years with open and/or pending contracts are attached.

FY 2010-11 Work Program Contracts

One contract from this Work Program year is open.

FY 2010-11 Invoices Paid

No invoices were paid during this period.

FY 2011-12 Work Program Contracts

One contracts from this Work Program year is open, and 3 are in “Open/Complete” status, having completed all obligations except operations. One contract closed during this period: City of Bellflower, Contract #ML12091 – Install EV Charging Infrastructure.

FY 2011-12 Invoices Paid

No invoices were paid during this period.

FYs 2012-14 Work Program Contracts

6 contracts from this Work Program year are open, and 13 are in “Open/Complete” status.

FYs 2012-14 Invoices Paid

No invoices were paid during this period.

FYs 2014-16 Work Program Contracts

19 contracts from this Work Program year are open, and 31 are in “Open/Complete” status.

FYs 2014-16 Invoices Paid

One invoice in the amount of \$60,602.49 was paid during this period.

FYs 2016-18 Work Program Contracts

71 contracts from this Work Program year are open, and 58 are in “Open/Complete” status. 2 contracts passed into “Open/Complete” status during this period: City of Orange, Contract #ML18136 – Purchase 4 Light-duty ZEVs; and City of Indio, Contract #ML18161 – Procure One Light-duty ZEV and Install EV Charging Infrastructure. One contract was declined during this period: the Regents of the University of California (UCI) indicated that due to the cost of preparation for the new location and accelerating equipment costs, they could no longer move forward with their project to expand their existing hydrogen fueling station. \$1,000,000 will revert to the AB 2766 Discretionary Fund.

FYs 2016-18 Invoices Paid

5 invoices totaling \$322,541.16 were paid during this period.

FYs 2018-21 Work Program Contracts

15 contracts from this Work Program year are open.

FYs 2018-21 Invoices Paid

3 invoices totaling \$2,083.40 were paid during this period.

Administrative Scope Changes

6 administrative scope changes were initiated during the period from August 25 to September 28, 2022:

- City of Commerce, Contract #MS18115 (Expand L/CNG Station) – 7-month no-cost term extension
- City of Los Angeles, Contract #ML18082 (Purchase Medium-duty EVs and Install EV Charging Infrastructure) – One-year no-cost term extension
- City of Santa Ana, Contract #ML14012 (Purchase One Heavy-duty CNG Vehicle and Install EV Charging Infrastructure) – Reduce the number of Level II stations from six to two, requiring that the stations be publicly accessible at two locations, and reduce the contract value from \$64,000 to \$41,220
- City of Laguna Niguel, Contract #ML18170 (Procure 2 Light-duty EVs and Install EV Charging Infrastructure) – Reduce the number of light-duty EVs from 2 to 1 and reduce contract value from \$85,100 to \$75,100
- Green Fleet Systems, Contract #MS21014 (Procure 5 Near-Zero Emission Heavy-duty Trucks) – One-year no-cost term extension
- Pac Anchor Transportation, Contract #MS21018 (Procure 23 Near-Zero Emission Heavy-duty Trucks) – One-year no-cost term extension

Attachments

- FY 2008-09 through FYs 2018-21 (except FY 2009-10) Contract Status Reports



AB2766 Discretionary Fund Program Invoices

August 25 to September 28, 2022

Contract Admin.	MSRC Chair	MSRC Liaison	Finance	Contract #	Contractor	Invoice #	Amount
<i>2014-2016 Work Program</i>							
9/20/2022	9/22/2022	9/23/2022	9/28/2022	ML16077	City of Rialto	2	\$60,602.49
Total: \$60,602.49							
<i>2016-2018 Work Program</i>							
9/22/2022	9/22/2022	9/23/2022		MS18024	Riverside County Transportation Commission	03019	\$48,400.00
9/22/2022	9/22/2022	9/23/2022		MS18023	Riverside County Transportation Commission	03018	\$39,141.16
9/21/2022	9/22/2022	9/23/2022		ML18152	County of San Bernardino Flood Control District	FC 017/23	\$75,000.00
9/21/2022	9/22/2022	9/27/2022		ML18151	County of San Bernardino Department of Public	TD 016/23	\$150,000.00
9/20/2022	9/22/2022	9/23/2022		ML18141	City of Rolling Hills Estates	1	\$10,000.00
Total: \$322,541.16							
<i>2018-2021 Work Program</i>							
9/9/2022	9/22/2022	9/23/2022		MS21006	Geographics	22-22949	\$25.75
9/9/2022	9/22/2022	9/23/2022		MS21006	Geographics	22-22948	\$373.00
8/30/2022	9/7/2022	9/9/2022		MS21002	Better World Group Advisors	WG-MSRC2	\$1,684.65

Total: \$2,083.40

Total This Period: \$385,227.05



FYs 2008-09 Through 2018-21 AB2766 Contract Status Report

10/13/2022

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
<i>FY 2008-2009 Contracts</i>									
<i>Declined/Cancelled Contracts</i>									
ML09017	County of San Bernardino Public Wo	1/28/2010	7/27/2016		\$200,000.00	\$0.00	8 Nat. Gas Heavy-Duty Vehicles	\$200,000.00	No
ML09018	Los Angeles Department of Water an	7/16/2010	9/15/2012		\$850,000.00	\$0.00	Retrofit 85 Off-Road Vehicles w/DECS	\$850,000.00	No
ML09019	City of San Juan Capistrano Public	12/4/2009	11/3/2010		\$10,125.00	\$0.00	Remote Vehicle Diagnostics/45 Vehicles	\$10,125.00	No
ML09022	Los Angeles County Department of P				\$8,250.00	\$0.00	Remote Vehicle Diagnostics/15 Vehicles	\$8,250.00	No
ML09025	Los Angeles County Department of P	10/15/2010	12/14/2012	6/14/2013	\$50,000.00	\$0.00	Remote Vehicle Diagnostics/85 Vehicles	\$50,000.00	No
ML09028	Riverside County Waste Manageme				\$140,000.00	\$0.00	Retrofit 7 Off-Road Vehicles w/DECS	\$140,000.00	No
ML09039	City of Inglewood				\$310,000.00	\$0.00	Purchase 12 H.D. CNG Vehicles and Remot	\$310,000.00	No
ML09040	City of Cathedral City				\$83,125.00	\$0.00	Purchase 3 H.D. CNG Vehicles and Remote	\$83,125.00	No
ML09044	City of San Dimas				\$425,000.00	\$0.00	Install CNG Station and Purchase 1 CNG S	\$425,000.00	No
ML09045	City of Orange				\$125,000.00	\$0.00	Purchase 5 CNG Sweepers	\$125,000.00	No
Total: 10									
<i>Closed Contracts</i>									
ML09007	City of Rancho Cucamonga	2/26/2010	4/25/2012		\$117,500.00	\$62,452.57	Maintenance Facility Modification	\$55,047.43	Yes
ML09008	City of Culver City Transportation De	1/19/2010	7/18/2016	7/18/2017	\$175,000.00	\$175,000.00	8 Nat. Gas Heavy-Duty Vehicles	\$0.00	Yes
ML09009	City of South Pasadena	11/5/2010	12/4/2016	3/4/2019	\$125,930.00	\$125,930.00	CNG Station Expansion	\$0.00	Yes
ML09010	City of Palm Springs	1/8/2010	2/7/2016		\$25,000.00	\$25,000.00	1 Nat. Gas Heavy-Duty Vehicle	\$0.00	Yes
ML09011	City of San Bernardino	2/19/2010	5/18/2016		\$250,000.00	\$250,000.00	10 Nat. Gas Heavy-Duty Vehicles	\$0.00	Yes
ML09012	City of Gardena	3/12/2010	11/11/2015		\$25,000.00	\$25,000.00	1 Nat. Gas Heavy-Duty Vehicle	\$0.00	Yes
ML09013	City of Riverside Public Works	9/10/2010	12/9/2011	7/31/2013	\$144,470.00	\$128,116.75	Traffic Signal Synchr./Moreno Valley	\$16,353.25	Yes
ML09014	City of Riverside Public Works	9/10/2010	12/9/2011	7/31/2013	\$113,030.00	\$108,495.94	Traffic Signal Synchr./Corona	\$4,534.06	Yes
ML09015	City of Riverside Public Works	9/10/2010	12/9/2011	7/31/2013	\$80,060.00	\$79,778.52	Traffic Signal Synchr./Co. of Riverside	\$281.48	Yes
ML09016	County of San Bernardino Public Wo	1/28/2010	3/27/2014		\$50,000.00	\$50,000.00	Install New CNG Station	\$0.00	Yes
ML09020	County of San Bernardino	8/16/2010	2/15/2012		\$49,770.00	\$49,770.00	Remote Vehicle Diagnostics/252 Vehicles	\$0.00	Yes
ML09021	City of Palm Desert	7/9/2010	3/8/2012		\$39,450.00	\$38,248.87	Traffic Signal Synchr./Rancho Mirage	\$1,201.13	Yes
ML09023	Los Angeles County Department of P	12/10/2010	12/9/2017		\$50,000.00	\$50,000.00	2 Heavy-Duty Alternative Fuel Transit Vehicl	\$0.00	Yes
ML09026	Los Angeles County Department of P	10/15/2010	10/14/2017	4/14/2019	\$150,000.00	\$80,411.18	3 Off-Road Vehicles Repowers	\$69,588.82	Yes
ML09027	Los Angeles County Department of P	7/23/2010	3/22/2012	6/22/2012	\$150,000.00	\$150,000.00	Freeway Detector Map Interface	\$0.00	Yes
ML09029	City of Whittier	11/6/2009	4/5/2016		\$25,000.00	\$25,000.00	1 Nat. Gas Heavy-Duty Vehicle	\$0.00	Yes
ML09030	City of Los Angeles GSD/Fleet Servi	6/18/2010	6/17/2011		\$22,310.00	\$22,310.00	Remote Vehicle Diagnostics/107 Vehicles	\$0.00	Yes
ML09031	City of Los Angeles Dept of General	10/29/2010	10/28/2017		\$825,000.00	\$825,000.00	33 Nat. Gas Heavy-Duty Vehicles	\$0.00	Yes
ML09032	Los Angeles World Airports	4/8/2011	4/7/2018		\$175,000.00	\$175,000.00	7 Nat. Gas Heavy-Duty Vehicles	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML09033	City of Beverly Hills	3/4/2011	5/3/2017	1/3/2019	\$550,000.00	\$550,000.00	10 Nat. Gas Heavy-Duty Vehicles & CNG St	\$0.00	Yes
ML09034	City of La Palma	11/25/2009	6/24/2015		\$25,000.00	\$25,000.00	1 LPG Heavy-Duty Vehicle	\$0.00	Yes
ML09035	City of Fullerton	6/17/2010	6/16/2017	6/16/2018	\$450,000.00	\$450,000.00	2 Heavy-Duty CNG Vehicles & Install CNG	\$0.00	Yes
ML09037	City of Redondo Beach	6/18/2010	6/17/2016		\$50,000.00	\$50,000.00	Purchase Two CNG Sweepers	\$0.00	Yes
ML09038	City of Chino	9/27/2010	5/26/2017		\$250,000.00	\$250,000.00	Upgrade Existing CNG Station	\$0.00	Yes
ML09041	City of Los Angeles, Bureau of Sanit	10/1/2010	9/30/2017		\$875,000.00	\$875,000.00	Purchase 35 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML09042	Los Angeles Department of Water an	12/10/2010	12/9/2017		\$1,400,000.00	\$1,400,000.00	Purchase 56 Dump Trucks	\$0.00	Yes
ML09043	City of Covina	10/8/2010	4/7/2017	10/7/2018	\$179,591.00	\$179,591.00	Upgrade Existing CNG Station	\$0.00	Yes
ML09046	City of Newport Beach	5/20/2010	5/19/2016		\$162,500.00	\$162,500.00	Upgrade Existing CNG Station, Maintenance	\$0.00	Yes
ML09047	Los Angeles County Department of P	8/13/2014	8/12/2015	11/12/2015	\$400,000.00	\$272,924.53	Maintenance Facility Modifications	\$127,075.47	Yes

Total: 29

Closed/Incomplete Contracts

ML09024	Los Angeles County Department of P	10/15/2010	12/14/2012	6/14/2013	\$400,000.00	\$0.00	Maintenance Facility Modifications	\$400,000.00	No
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Total: 1

Open/Complete Contracts

ML09036	City of Long Beach	5/7/2010	5/6/2017	11/6/2022	\$875,000.00	\$875,000.00	Purchase 35 Natural Gas Refuse Trucks	\$0.00	Yes
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Total: 1

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
FY 2010-2011 Contracts									
Open Contracts									
ML11029	City of Santa Ana - Public Works Ag	9/7/2012	3/6/2020	3/6/2023	\$262,500.00	\$75,000.00	Expansion of Existing CNG Station, Install N	\$187,500.00	No
Total: 1									
Declined/Cancelled Contracts									
ML11038	City of Santa Monica	5/18/2012	7/17/2018		\$400,000.00	\$0.00	Maintenance Facility Modifications	\$400,000.00	No
MS11013	Go Natural Gas, Inc.				\$150,000.00	\$0.00	New CNG Station - Huntington Beach	\$150,000.00	No
MS11014	Go Natural Gas, Inc.				\$150,000.00	\$0.00	New CNG Station - Santa Ana	\$150,000.00	No
MS11015	Go Natural Gas, Inc.				\$150,000.00	\$0.00	New CNG Station - Inglewood	\$150,000.00	No
MS11046	Luis Castro				\$40,000.00	\$0.00	Repower One Heavy-Duty Vehicle	\$40,000.00	No
MS11047	Ivan Borjas				\$40,000.00	\$0.00	Repower One Heavy-Duty Vehicle	\$40,000.00	No
MS11048	Phase II Transportation				\$1,080,000.00	\$0.00	Repower 27 Heavy-Duty Vehicles	\$1,080,000.00	No
MS11049	Ruben Caceras				\$40,000.00	\$0.00	Repower One Heavy-Duty Vehicle	\$40,000.00	No
MS11050	Carlos Arrue				\$40,000.00	\$0.00	Repower One Heavy-Duty Vehicle	\$40,000.00	No
MS11051	Francisco Vargas				\$40,000.00	\$0.00	Repower One Heavy-Duty Vehicle	\$40,000.00	No
MS11053	Jose Ivan Soltero				\$40,000.00	\$0.00	Repower One Heavy-Duty Vehicle	\$40,000.00	No
MS11054	Albino Meza				\$40,000.00	\$0.00	Repower One Heavy-Duty Vehicle	\$40,000.00	No
MS11059	Go Natural Gas				\$150,000.00	\$0.00	New Public Access CNG Station - Paramou	\$150,000.00	No
MS11063	Standard Concrete Products				\$310,825.00	\$0.00	Retrofit Two Off-Road Vehicles under Showc	\$310,825.00	No
MS11070	American Honda Motor Company				\$100,000.00	\$0.00	Expansion of Existing CNG Station	\$100,000.00	No
MS11072	Trillium USA Company DBA Californi				\$150,000.00	\$0.00	New Public Access CNG Station	\$150,000.00	No
MS11077	DCL America Inc.				\$263,107.00	\$0.00	Retrofit of 13 Off-Road Diesel Vehicles with	\$263,107.00	No
MS11083	Cattrac Construction, Inc.				\$500,000.00	\$0.00	Install DECS on Eight Off-Road Vehicles	\$500,000.00	No
MS11084	Ivanhoe Energy Services and Develo				\$66,750.00	\$0.00	Retrofit One H.D. Off-Road Vehicle Under S	\$66,750.00	No
MS11088	Diesel Emission Technologies				\$32,750.00	\$0.00	Retrofit Three H.D. Off-Road Vehicles Under	\$32,750.00	No
MS11089	Diesel Emission Technologies				\$9,750.00	\$0.00	Retrofit One H.D. Off-Road Vehicle Under S	\$9,750.00	No
MS11090	Diesel Emission Technologies				\$14,750.00	\$0.00	Retrofit One H.D. Off-Road Vehicle Under S	\$14,750.00	No
Total: 22									
Closed Contracts									
ML11007	Coachella Valley Association of Gov	7/29/2011	7/28/2012		\$250,000.00	\$249,999.96	Regional PM10 Street Sweeping Program	\$0.04	Yes
ML11020	City of Indio	2/1/2013	3/31/2019	9/30/2020	\$15,000.00	\$9,749.50	Retrofit one H.D. Vehicles w/DECS, repower	\$5,250.50	Yes
ML11021	City of Whittier	1/27/2012	9/26/2018	6/26/2019	\$210,000.00	\$210,000.00	Purchase 7 Nat. Gas H.D. Vehicles	\$0.00	Yes
ML11022	City of Anaheim	3/16/2012	7/15/2018		\$150,000.00	\$150,000.00	Purchase of 5 H.D. Vehicles	\$0.00	Yes
ML11023	City of Rancho Cucamonga	4/20/2012	12/19/2018	9/19/2020	\$260,000.00	\$260,000.00	Expand Existing CNG Station, 2 H.D. Vehicl	\$0.00	Yes
ML11024	County of Los Angeles, Dept of Publi	12/5/2014	6/4/2022		\$90,000.00	\$90,000.00	Purchase 3 Nat. Gas H.D. Vehicles	\$0.00	Yes
ML11025	County of Los Angeles Department o	3/14/2014	9/13/2021		\$150,000.00	\$150,000.00	Purchase 5 Nat. Gas H.D. Vehicles	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML11026	City of Redlands	3/2/2012	10/1/2018		\$90,000.00	\$90,000.00	Purchase 3 Nat. Gas H.D. Vehicles	\$0.00	Yes
ML11027	City of Los Angeles, Dept. of General	5/4/2012	7/3/2015	1/3/2016	\$300,000.00	\$300,000.00	Maintenance Facility Modifications	\$0.00	Yes
ML11028	City of Glendale	1/13/2012	5/12/2018		\$300,000.00	\$300,000.00	Purchase 10 H.D. CNG Vehicles	\$0.00	Yes
ML11030	City of Fullerton	2/3/2012	3/2/2018		\$109,200.00	\$109,200.00	Purchase 2 Nat. Gas H.D. Vehicles, Retrofit	\$0.00	Yes
ML11031	City of Culver City Transportation De	12/2/2011	12/1/2018		\$300,000.00	\$300,000.00	Purchase 10 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML11032	City of Gardena	3/2/2012	9/1/2018	10/1/2020	\$102,500.00	\$102,500.00	Purchase Heavy-Duty CNG Vehicle, Install S	\$0.00	Yes
ML11033	City of Los Angeles, Bureau of Sanit	3/16/2012	1/15/2019		\$1,080,000.00	\$1,080,000.00	Purchase 36 LNG H.D. Vehicles	\$0.00	Yes
ML11034	City of Los Angeles Dept of General	5/4/2012	1/3/2019		\$630,000.00	\$630,000.00	Purchase 21 H.D. CNG Vehicles	\$0.00	Yes
ML11035	City of La Quinta	11/18/2011	11/17/2012		\$25,368.00	\$25,368.00	Retrofit 3 On-Road Vehicles w/DECS	\$0.00	Yes
ML11036	City of Riverside	1/27/2012	1/26/2019	3/26/2021	\$670,000.00	\$670,000.00	Install New CNG Station, Purchase 9 H.D. N	\$0.00	Yes
ML11037	City of Anaheim	12/22/2012	12/21/2019		\$300,000.00	\$300,000.00	Purchase 12 Nat. Gas H.D. Vehicles	\$0.00	Yes
ML11039	City of Ontario, Housing & Municipal	1/27/2012	9/26/2018		\$180,000.00	\$180,000.00	Purchase 6 Nat. Gas H.D. Vehicles	\$0.00	Yes
ML11040	City of South Pasadena	5/4/2012	1/3/2019	1/3/2022	\$30,000.00	\$30,000.00	Purchase 1 Nat. Gas H.D. Vehicle	\$0.00	Yes
ML11041	City of Santa Ana - Public Works Ag	9/7/2012	11/6/2018	1/6/2021	\$265,000.00	\$244,651.86	Purchase 7 LPG H.D. Vehicles, Retrofit 6 H.	\$20,348.14	Yes
ML11042	City of Chino	2/17/2012	4/16/2018		\$30,000.00	\$30,000.00	Purchase 1 Nat. Gas H.D. Vehicle, Repower	\$0.00	Yes
ML11043	City of Hemet Public Works	2/3/2012	2/2/2019		\$60,000.00	\$60,000.00	Purchase 2 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML11044	City of Ontario, Housing & Municipal	1/27/2012	6/26/2019		\$400,000.00	\$400,000.00	Expand Existing CNG Station	\$0.00	Yes
ML11045	City of Newport Beach	2/3/2012	8/2/2018	3/2/2021	\$30,000.00	\$30,000.00	Purchase 1 Nat. Gas H.D. Vehicle	\$0.00	Yes
MS11001	Mineral LLC	4/22/2011	4/30/2013	4/30/2015	\$111,827.00	\$103,136.83	Design, Develop, Host and Maintain MSRC	\$8,690.17	Yes
MS11002	A-Z Bus Sales, Inc.	7/15/2011	12/31/2011	6/30/2013	\$1,705,000.00	\$1,705,000.00	Alternative Fuel School Bus Incentive Progra	\$0.00	Yes
MS11003	BusWest	7/26/2011	12/31/2011	12/31/2012	\$1,305,000.00	\$1,305,000.00	Alternative Fuel School Bus Incentive Progra	\$0.00	Yes
MS11004	Los Angeles County MTA	9/9/2011	2/29/2012		\$450,000.00	\$299,743.34	Clean Fuel Transit Service to Dodger Stadiu	\$150,256.66	Yes
MS11006	Orange County Transportation Autho	10/7/2011	2/29/2012	8/31/2012	\$268,207.00	\$160,713.00	Metrolink Service to Angel Stadium	\$107,494.00	Yes
MS11008	USA Waste of California, Inc.	10/24/2013	4/23/2020		\$125,000.00	\$125,000.00	Expansion of Existing LCNG Station	\$0.00	Yes
MS11009	USA Waste of California, Inc.	10/24/2013	4/23/2020		\$125,000.00	\$125,000.00	Expansion of Existing LCNG Station	\$0.00	Yes
MS11010	Border Valley Trading	8/26/2011	10/25/2017	4/25/2020	\$150,000.00	\$150,000.00	New LNG Station	\$0.00	Yes
MS11011	EDCO Disposal Corporation	12/30/2011	4/29/2019		\$100,000.00	\$100,000.00	New CNG Station - Signal Hill	\$0.00	Yes
MS11012	EDCO Disposal Corporation	12/30/2011	4/29/2019		\$100,000.00	\$100,000.00	New CNG Station - Buena Park	\$0.00	Yes
MS11016	CR&R Incorporated	4/12/2013	10/11/2019		\$100,000.00	\$100,000.00	New CNG Station - Perris	\$0.00	Yes
MS11017	CR&R, Inc.	3/2/2012	2/1/2018		\$100,000.00	\$100,000.00	Expansion of existing station - Garden Grove	\$0.00	Yes
MS11018	Orange County Transportation Autho	10/14/2011	1/31/2012		\$211,360.00	\$211,360.00	Express Bus Service to Orange County Fair	\$0.00	Yes
MS11019	City of Corona	11/29/2012	4/28/2020		\$225,000.00	\$225,000.00	Expansion of Existing CNG Station	\$0.00	Yes
MS11052	Krisda Inc	9/27/2012	6/26/2013		\$120,000.00	\$120,000.00	Repower Three Heavy-Duty Vehicles	\$0.00	Yes
MS11055	KEC Engineering	2/3/2012	8/2/2018	8/2/2019	\$200,000.00	\$200,000.00	Repower 5 H.D. Off-Road Vehicles	\$0.00	Yes
MS11056	Better World Group Advisors	12/30/2011	12/29/2013	12/29/2015	\$206,836.00	\$186,953.46	Programmatic Outreach Services	\$19,882.54	Yes
MS11057	Riverside County Transportation Co	7/28/2012	3/27/2013		\$100,000.00	\$89,159.40	Develop and Implement 511 "Smart Phone"	\$10,840.60	Yes
MS11058	L A Service Authority for Freeway E	5/31/2013	4/30/2014		\$123,395.00	\$123,395.00	Implement 511 "Smart Phone" Application	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
MS11060	Rowland Unified School District	8/17/2012	1/16/2019	1/16/2020	\$175,000.00	\$175,000.00	New Limited Access CNG Station	\$0.00	Yes
MS11061	Eastern Municipal Water District	3/29/2012	5/28/2015		\$11,659.00	\$1,450.00	Retrofit One Off-Road Vehicle under Showc	\$10,209.00	Yes
MS11062	Load Center	9/7/2012	1/6/2016	12/6/2016	\$175,384.00	\$169,883.00	Retrofit Six Off-Road Vehicles under Showc	\$5,501.00	Yes
MS11065	Temecula Valley Unified School Distr	8/11/2012	1/10/2019		\$50,000.00	\$48,539.62	Expansion of Existing CNG Station	\$1,460.38	Yes
MS11066	Torrance Unified School District	11/19/2012	9/18/2018		\$42,296.00	\$42,296.00	Expansion of Existing CNG Station	\$0.00	Yes
MS11067	City of Redlands	5/24/2012	11/23/2018	11/23/2019	\$85,000.00	\$85,000.00	Expansion of Existing CNG Station	\$0.00	Yes
MS11068	Ryder System Inc.	7/28/2012	10/27/2018		\$175,000.00	\$175,000.00	New Public Access L/CNG Station (Fontana)	\$0.00	Yes
MS11069	Ryder System Inc.	7/28/2012	8/27/2018		\$175,000.00	\$175,000.00	New Public Access L/CNG Station (Orange)	\$0.00	Yes
MS11071	City of Torrance Transit Department	12/22/2012	1/21/2019	1/21/2020	\$175,000.00	\$175,000.00	New Limited Access CNG Station	\$0.00	Yes
MS11073	Los Angeles Unified School District	9/11/2015	2/10/2022		\$175,000.00	\$175,000.00	Expansion of Existing CNG Station	\$0.00	Yes
MS11074	SunLine Transit Agency	5/11/2012	7/31/2012		\$41,849.00	\$22,391.00	Transit Service for Coachella Valley Festival	\$19,458.00	Yes
MS11079	Bear Valley Unified School District	2/5/2013	10/4/2019		\$175,000.00	\$175,000.00	New Limited Access CNG Station	\$0.00	Yes
MS11080	Southern California Regional Rail Aut	4/6/2012	7/31/2012		\$26,000.00	\$26,000.00	Metrolink Service to Auto Club Speedway	\$0.00	Yes
MS11086	DCL America Inc.	6/7/2013	10/6/2016		\$500,000.00	\$359,076.96	Retrofit Eight H.D. Off-Road Vehicles Under	\$140,923.04	Yes
MS11087	Cemex Construction Material Pacific,	10/16/2012	2/15/2016		\$448,766.00	\$448,760.80	Retrofit 13 H.D. Off-Road Vehicles Under Sh	\$5.20	Yes
MS11092	Griffith Company	2/15/2013	6/14/2016	12/14/2017	\$390,521.00	\$78,750.00	Retrofit 17 H.D. Off-Road Vehicles Under Sh	\$311,771.00	Yes

Total: 60

Closed/Incomplete Contracts

MS11064	City of Hawthorne	7/28/2012	8/27/2018	8/27/2019	\$175,000.00	\$0.00	New Limited Access CNG Station	\$175,000.00	No
MS11076	SA Recycling, LLC	5/24/2012	9/23/2015		\$424,801.00	\$0.00	Retrofit of 13 Off-Road Diesel Vehicles with	\$424,801.00	No
MS11081	Metropolitan Stevedore Company	9/7/2012	1/6/2016		\$45,416.00	\$0.00	Install DECS on Two Off-Road Vehicles	\$45,416.00	No
MS11082	Baumot North America, LLC	8/2/2012	12/1/2015		\$65,958.00	\$4,350.00	Install DECS on Four Off-Road Vehicles	\$61,608.00	Yes
MS11085	City of Long Beach	8/23/2013	12/22/2016		\$159,012.00	\$0.00	Retrofit Seven H.D. Off-Road Vehicles Unde	\$159,012.00	No
MS11091	California Cartage Company, LLC	4/5/2013	8/4/2016	2/4/2018	\$55,000.00	\$0.00	Retrofit Two H.D. Off-Road Vehicles Under	\$55,000.00	No

Total: 6

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
FY 2011-2012 Contracts									
Open Contracts									
ML12045	City of Baldwin Park DPW	2/14/2014	12/13/2020	12/13/2026	\$400,000.00	\$0.00	Install New CNG Station	\$400,000.00	No
Total: 1									
Declined/Cancelled Contracts									
ML12016	City of Cathedral City	1/4/2013	10/3/2019		\$60,000.00	\$0.00	CNG Vehicle & Electric Vehicle Infrastructure	\$60,000.00	No
ML12038	City of Long Beach Public Works				\$26,000.00	\$0.00	Electric Vehicle Charging Infrastructure	\$26,000.00	No
ML12040	City of Duarte				\$30,000.00	\$0.00	One Heavy-Duty Nat. Gas Vehicle	\$30,000.00	No
ML12044	County of San Bernardino Public Wo				\$250,000.00	\$0.00	Install New CNG Station	\$250,000.00	No
ML12048	City of La Palma	1/4/2013	11/3/2018		\$20,000.00	\$0.00	Two Medium-Duty LPG Vehicles	\$20,000.00	No
ML12052	City of Whittier	3/14/2013	7/13/2019		\$165,000.00	\$0.00	Expansion of Existing CNG Station	\$165,000.00	No
ML12053	City of Mission Viejo				\$60,000.00	\$0.00	EV Charging Infrastructure	\$60,000.00	No
ML12090	City of Palm Springs	10/9/2015	10/8/2021	9/8/2025	\$21,163.00	\$0.00	EV Charging Infrastructure	\$21,163.00	No
MS12007	WestAir Gases & Equipment				\$100,000.00	\$0.00	Construct New Limited-Access CNG Station	\$100,000.00	No
MS12027	C.V. Ice Company, Inc.	5/17/2013	11/16/2019		\$75,000.00	\$0.00	Purchase 3 Medium-Heavy Duty Vehicles	\$75,000.00	No
MS12030	Complete Landscape Care, Inc.				\$150,000.00	\$0.00	Purchase 6 Medium-Heavy Duty Vehicles	\$150,000.00	No
MS12067	Leatherwood Construction, Inc.	11/8/2013	3/7/2017		\$122,719.00	\$0.00	Retrofit Six Vehicles w/DECS - Showcase III	\$122,719.00	No
MS12070	Valley Music Travel/CID Entertainme				\$99,000.00	\$0.00	Implement Shuttle Service to Coachella Mus	\$99,000.00	No
Total: 13									
Closed Contracts									
ML12013	City of Pasadena	10/19/2012	3/18/2015	9/18/2015	\$200,000.00	\$65,065.00	Electric Vehicle Charging Infrastructure	\$134,935.00	Yes
ML12014	City of Santa Ana - Public Works Ag	11/8/2013	8/7/2020	2/7/2022	\$338,000.00	\$255,977.50	9 H.D. Nat. Gas & LPG Trucks, EV Charging	\$82,022.50	Yes
ML12015	City of Fullerton	4/25/2013	11/24/2020	11/24/2021	\$40,000.00	\$40,000.00	HD CNG Vehicle, Expand CNG Station	\$0.00	Yes
ML12017	City of Los Angeles, Bureau of Sanit	6/26/2013	5/25/2020	11/25/2021	\$950,000.00	\$950,000.00	32 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML12019	City of Palm Springs	9/6/2013	7/5/2015		\$38,000.00	\$16,837.00	EV Charging Infrastructure	\$21,163.00	Yes
ML12020	City of Los Angeles Dept of General	9/27/2012	3/26/2019	3/26/2020	\$450,000.00	\$450,000.00	15 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML12021	City of Rancho Cucamonga	9/14/2012	1/13/2020		\$40,000.00	\$40,000.00	Four Medium-Duty Nat. Gas Vehicles	\$0.00	Yes
ML12022	City of La Puente	12/6/2013	6/5/2020		\$110,000.00	\$110,000.00	2 Medium-Duty and Three Heavy-Duty CNG	\$0.00	Yes
ML12023	County of Los Angeles Internal Servi	8/1/2013	2/28/2015		\$250,000.00	\$192,333.00	EV Charging Infrastructure	\$57,667.00	Yes
ML12037	Coachella Valley Association of Gov	3/14/2013	3/13/2014		\$250,000.00	\$250,000.00	Street Sweeping Operations	\$0.00	Yes
ML12039	City of Redlands	2/8/2013	10/7/2019		\$90,000.00	\$90,000.00	Three Heavy-Duty Nat. Gas Vehicles	\$0.00	Yes
ML12041	City of Anaheim Public Utilities Depa	4/4/2014	11/3/2015	11/3/2017	\$68,977.00	\$38,742.16	EV Charging Infrastructure	\$30,234.84	Yes
ML12042	City of Chino Hills	1/18/2013	3/17/2017		\$87,500.00	\$87,500.00	Expansion of Existing CNG Station	\$0.00	Yes
ML12043	City of Hemet	6/24/2013	9/23/2019	11/23/2021	\$30,000.00	\$30,000.00	One Heavy-Duty Nat. Gas Vehicles	\$0.00	Yes
ML12046	City of Irvine	8/11/2013	3/10/2021		\$30,000.00	\$30,000.00	One Heavy-Duty Nat. Gas Vehicle	\$0.00	Yes
ML12047	City of Orange	2/1/2013	1/31/2019		\$30,000.00	\$30,000.00	One Heavy-Duty Nat. Gas Vehicle	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML12049	City of Rialto Public Works	7/14/2014	9/13/2015		\$30,432.00	\$3,265.29	EV Charging Infrastructure	\$27,166.71	Yes
ML12050	City of Baldwin Park	4/25/2013	4/24/2014	10/24/2014	\$402,400.00	\$385,363.00	EV Charging Infrastructure	\$17,037.00	Yes
ML12054	City of Palm Desert	9/30/2013	2/28/2015		\$77,385.00	\$77,385.00	EV Charging Infrastructure	\$0.00	Yes
ML12055	City of Manhattan Beach	3/1/2013	12/31/2018		\$10,000.00	\$10,000.00	One Medium-Duty Nat. Gas Vehicle	\$0.00	Yes
ML12056	City of Cathedral City	3/26/2013	5/25/2014		\$25,000.00	\$25,000.00	Regional Street Sweeping Program	\$0.00	Yes
ML12057	City of Coachella	8/28/2013	8/27/2019	1/27/2022	\$57,456.00	\$57,456.00	Purchase One Nat. Gas H.D. Vehicle/Street	\$0.00	Yes
ML12066	City of Manhattan Beach	1/7/2014	4/6/2015		\$5,900.00	\$5,900.00	Electric Vehicle Charging Infrastructure	\$0.00	Yes
ML12091	City of Bellflower	10/5/2018	10/4/2019	6/30/2022	\$100,000.00	\$49,230.44	EV Charging Infrastructure	\$50,769.56	Yes
MS12001	Los Angeles County MTA	7/1/2012	4/30/2013		\$300,000.00	\$211,170.00	Clean Fuel Transit Service to Dodger Stadiu	\$88,830.00	Yes
MS12002	Orange County Transportation Autho	9/7/2012	4/30/2013		\$342,340.00	\$333,185.13	Express Bus Service to Orange County Fair	\$9,154.87	Yes
MS12003	Orange County Transportation Autho	7/20/2012	2/28/2013		\$234,669.00	\$167,665.12	Implement Metrolink Service to Angel Stadiu	\$67,003.88	Yes
MS12004	USA Waste of California, Inc.	10/24/2013	11/23/2019		\$175,000.00	\$175,000.00	Construct New Limited-Access CNG Station	\$0.00	Yes
MS12005	USA Waste of California, Inc.	10/19/2012	8/18/2013		\$75,000.00	\$75,000.00	Vehicle Maintenance Facility Modifications	\$0.00	Yes
MS12006	Waste Management Collection & Re	10/19/2012	8/18/2013		\$75,000.00	\$75,000.00	Vehicle Maintenance Facility Modifications	\$0.00	Yes
MS12008	Bonita Unified School District	7/12/2013	12/11/2019	4/11/2021	\$175,000.00	\$175,000.00	Construct New Limited-Access CNG Station	\$0.00	Yes
MS12009	Sysco Food Services of Los Angeles	1/7/2014	4/6/2020		\$150,000.00	\$150,000.00	Construct New Public-Access LNG Station	\$0.00	Yes
MS12010	Murrieta Valley Unified School Distric	4/5/2013	9/4/2019		\$242,786.00	\$242,786.00	Construct New Limited-Access CNG Station	\$0.00	Yes
MS12011	Southern California Gas Company	6/14/2013	6/13/2019	5/28/2021	\$150,000.00	\$150,000.00	Construct New Public-Access CNG Station -	\$0.00	Yes
MS12012	Rim of the World Unified School Dist	12/20/2012	5/19/2014		\$75,000.00	\$75,000.00	Vehicle Maintenance Facility Modifications	\$0.00	Yes
MS12024	Southern California Gas Company	6/13/2013	12/12/2019	11/12/2020	\$150,000.00	\$150,000.00	Construct New Public-Access CNG Station -	\$0.00	Yes
MS12025	Silverado Stages, Inc.	11/2/2012	7/1/2018		\$150,000.00	\$150,000.00	Purchase Six Medium-Heavy Duty Vehicles	\$0.00	Yes
MS12026	U-Haul Company of California	3/14/2013	3/13/2019		\$500,000.00	\$353,048.26	Purchase 23 Medium-Heavy Duty Vehicles	\$146,951.74	Yes
MS12028	Dy-Dee Service of Pasadena, Inc.	12/22/2012	1/21/2019		\$45,000.00	\$40,000.00	Purchase 2 Medium-Duty and 1 Medium-He	\$5,000.00	Yes
MS12029	Community Action Partnership of Or	11/2/2012	11/1/2018		\$25,000.00	\$14,850.00	Purchase 1 Medium-Heavy Duty Vehicle	\$10,150.00	Yes
MS12031	Final Assembly, Inc.	11/2/2012	11/1/2018		\$50,000.00	\$32,446.00	Purchase 2 Medium-Heavy Duty Vehicles	\$17,554.00	Yes
MS12032	Fox Transportation	12/14/2012	12/13/2018		\$500,000.00	\$500,000.00	Purchase 20 Medium-Heavy Duty Vehicles	\$0.00	Yes
MS12033	Mike Diamond/Phace Management	12/22/2012	12/21/2018	6/21/2021	\$148,900.00	\$148,900.00	Purchase 20 Medium-Heavy Duty Vehicles	\$0.00	Yes
MS12034	Ware Disposal Company, Inc.	11/2/2012	11/1/2018	5/1/2022	\$133,070.00	\$133,070.00	Purchase 8 Medium-Heavy Duty Vehicles	\$0.00	Yes
MS12035	Disneyland Resort	1/4/2013	7/3/2019		\$25,000.00	\$18,900.00	Purchase 1 Medium-Heavy Duty Vehicle	\$6,100.00	Yes
MS12036	Jim & Doug Carter's Automotive/VSP	1/4/2013	11/3/2018		\$50,000.00	\$50,000.00	Purchase 2 Medium-Heavy Duty Vehicles	\$0.00	Yes
MS12058	Krisda Inc	4/24/2013	1/23/2019		\$25,000.00	\$25,000.00	Repower One Heavy-Duty Off-Road Vehicle	\$0.00	Yes
MS12059	Orange County Transportation Autho	2/28/2013	12/27/2014		\$75,000.00	\$75,000.00	Maintenance Facilities Modifications	\$0.00	Yes
MS12060	City of Santa Monica	4/4/2014	8/3/2017	8/3/2019	\$500,000.00	\$434,202.57	Implement Westside Bikeshare Program	\$65,797.43	Yes
MS12061	Orange County Transportation Autho	3/14/2014	3/13/2017		\$224,000.00	\$114,240.00	Transit-Oriented Bicycle Sharing Program	\$109,760.00	Yes
MS12062	Fraser Communications	12/7/2012	5/31/2014		\$998,669.00	\$989,218.49	Develop & Implement "Rideshare Thursday"	\$9,450.51	Yes
MS12063	Custom Alloy Light Metals, Inc.	8/16/2013	2/15/2020		\$100,000.00	\$100,000.00	Install New Limited Access CNG Station	\$0.00	Yes
MS12064	Anaheim Transportation Network	3/26/2013	12/31/2014		\$127,296.00	\$56,443.92	Implement Anaheim Circulator Service	\$70,852.08	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
MS12065	Orange County Transportation Autho	7/27/2013	11/30/2013		\$43,933.00	\$14,832.93	Ducks Express Service to Honda Center	\$29,100.07	Yes
MS12068	Southern California Regional Rail Aut	3/1/2013	9/30/2013		\$57,363.00	\$47,587.10	Implement Metrolink Service to Autoclub Sp	\$9,775.90	Yes
MS12069	City of Irvine	8/11/2013	2/28/2014		\$45,000.00	\$26,649.41	Implement Special Transit Service to Solar	\$18,350.59	Yes
MS12071	Transit Systems Unlimited, Inc.	5/17/2013	12/16/2018		\$21,250.00	\$21,250.00	Expansion of Existing CNG Station	\$0.00	Yes
MS12072	99 Cents Only Stores	4/5/2013	9/4/2019		\$100,000.00	\$100,000.00	Construct New CNG Station	\$0.00	Yes
MS12073	FirstCNG, LLC	7/27/2013	12/26/2019		\$150,000.00	\$150,000.00	Construct New CNG Station	\$0.00	Yes
MS12074	Arcadia Unified School District	7/5/2013	9/4/2019		\$175,000.00	\$175,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes
MS12075	CR&R Incorporated	7/27/2013	1/26/2021	1/26/2022	\$100,000.00	\$100,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes
MS12076	City of Ontario, Housing & Municipal	3/8/2013	4/7/2015		\$75,000.00	\$75,000.00	Maintenance Facilities Modification	\$0.00	Yes
MS12078	Penske Truck Leasing Co., L.P.	1/7/2014	1/6/2016		\$75,000.00	\$73,107.00	Maintenance Facility Modifications - Vernon	\$1,893.00	Yes
MS12080	City of Pasadena	11/8/2013	8/7/2020	2/7/2022	\$225,000.00	\$225,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes
MS12081	Penske Truck Leasing Co., L.P.	1/7/2014	1/6/2016		\$75,000.00	\$75,000.00	Maintenance Facility Modifications - Santa A	\$0.00	Yes
MS12085	Bear Valley Unified School District	4/25/2013	6/24/2014		\$75,000.00	\$75,000.00	Maintenance Facility Modifications	\$0.00	Yes
MS12086	SuperShuttle International, Inc.	3/26/2013	3/25/2019		\$225,000.00	\$225,000.00	Purchase 23 Medium-Heavy Duty Vehicles	\$0.00	Yes
MS12087	Los Angeles County MTA	8/29/2013	11/28/2015		\$125,000.00	\$125,000.00	Implement Rideshare Incentives Program	\$0.00	Yes
MS12088	Orange County Transportation Autho	12/6/2013	3/5/2016		\$125,000.00	\$18,496.50	Implement Rideshare Incentives Program	\$106,503.50	Yes
MS12089	Riverside County Transportation Co	10/18/2013	9/17/2015		\$249,136.00	\$105,747.48	Implement Rideshare Incentives Program	\$143,388.52	Yes
MS12Hom	Mansfield Gas Equipment Systems				\$296,000.00	\$0.00	Home Refueling Apparatus Incentive Progra	\$296,000.00	Yes

Total: 71

Closed/Incomplete Contracts

ML12051	City of Bellflower	2/7/2014	2/6/2016	5/6/2018	\$100,000.00	\$0.00	EV Charging Infrastructure	\$100,000.00	No
MS12077	City of Coachella	6/14/2013	6/13/2020		\$225,000.00	\$0.00	Construct New CNG Station	\$225,000.00	No
MS12079	Penske Truck Leasing Co., L.P.	1/7/2014	1/6/2016		\$75,000.00	\$0.00	Maintenance Facility Modifications - Boyle H	\$75,000.00	No
MS12084	Airport Mobil Inc.	12/6/2013	5/5/2020		\$150,000.00	\$0.00	Install New CNG Infrastructure	\$150,000.00	No

Total: 4

Open/Complete Contracts

ML12018	City of West Covina	10/18/2013	10/17/2020	8/17/2023	\$300,000.00	\$300,000.00	Expansion of Existing CNG Station	\$0.00	Yes
MS12082	City of Los Angeles, Bureau of Sanit	11/20/2013	2/19/2021	2/19/2023	\$175,000.00	\$175,000.00	Install New CNG Infrastructure	\$0.00	Yes
MS12083	Brea Olinda Unified School District	7/30/2015	2/29/2024		\$59,454.00	\$59,454.00	Install New CNG Infrastructure	\$0.00	Yes

Total: 3

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
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FY 2012-2014 Contracts

Open Contracts

ML14012	City of Santa Ana - Public Works Ag	2/13/2015	10/12/2021	10/12/2022	\$41,220.00	\$41,220.00	EV Charging and 1 H.D. CNG Vehicle	\$0.00	Yes
ML14021	Riverside County Regional Park and	7/24/2014	12/23/2016	9/30/2024	\$250,000.00	\$0.00	Bicycle Trail Improvements	\$250,000.00	No
ML14027	County of Los Angeles Dept of Publi	10/2/2015	5/1/2023	12/1/2025	\$492,000.00	\$0.00	Construct New CNG Station in Canyon Coun	\$492,000.00	No
MS14057	Los Angeles County MTA	11/7/2014	10/6/2019	10/6/2023	\$1,250,000.00	\$0.00	Implement Various Signal Synchronization P	\$1,250,000.00	No
MS14059	Riverside County Transportation Co	9/5/2014	3/4/2018	4/4/2023	\$1,250,000.00	\$899,594.08	Implement Various Signal Synchronization P	\$350,405.92	No
MS14072	San Bernardino County Transportatio	3/27/2015	3/26/2018	3/26/2024	\$1,250,000.00	\$1,148,376.17	Implement Various Signal Synchronization P	\$101,623.83	No

Total: 6

Declined/Cancelled Contracts

ML14063	City of Hawthorne				\$32,000.00	\$0.00	Expansion of Existng CNG Infrastructure	\$32,000.00	No
ML14068	City of South Pasadena	9/12/2014	10/11/2015	1/11/2020	\$10,183.00	\$0.00	Electric Vehicle Charging Infrastructure	\$10,183.00	No
ML14069	City of Beaumont	3/3/2017	3/2/2025		\$200,000.00	\$0.00	Construct New CNG Infrastructure	\$200,000.00	No
MS14035	Penske Truck Leasing Co., L.P.				\$75,000.00	\$0.00	Vehicle Maint. Fac. Modifications - Sun Valle	\$75,000.00	No
MS14036	Penske Truck Leasing Co., L.P.				\$75,000.00	\$0.00	Vehicle Maint. Fac. Modifications - La Mirad	\$75,000.00	No
MS14038	Penske Truck Leasing Co., L.P.				\$75,000.00	\$0.00	Vehicle Maint. Fac. Modifications - Fontana	\$75,000.00	No
MS14043	City of Anaheim				\$175,000.00	\$0.00	Expansion of Existing CNG Station	\$175,000.00	No
MS14078	American Honda Motor Co., Inc.	9/4/2015	8/3/2022		\$150,000.00	\$0.00	New Public Access CNG Station	\$150,000.00	No
MS14085	Prologis, L.P.				\$100,000.00	\$0.00	New Limited Access CNG Station	\$100,000.00	No
MS14086	San Gabriel Valley Towing I				\$150,000.00	\$0.00	New Public Access CNG Station	\$150,000.00	No
MS14091	Serv-Wel Disposal				\$100,000.00	\$0.00	New Limited-Access CNG Infrastructure	\$100,000.00	No

Total: 11

Closed Contracts

ML14010	City of Cathedral City	8/13/2014	10/12/2015		\$25,000.00	\$25,000.00	Street Sweeping Operations	\$0.00	Yes
ML14011	City of Palm Springs	6/13/2014	1/12/2016		\$79,000.00	\$78,627.00	Bicycle Racks, Bicycle Outreach & Educatio	\$373.00	Yes
ML14014	City of Torrance	9/5/2014	12/4/2019		\$56,000.00	\$56,000.00	EV Charging Infrastructure	\$0.00	Yes
ML14015	Coachella Valley Association of Gov	6/6/2014	9/5/2015		\$250,000.00	\$250,000.00	Street Sweeping Operations	\$0.00	Yes
ML14016	City of Anaheim	4/3/2015	9/2/2021		\$380,000.00	\$380,000.00	Purchase 2 H.D. Vehicles, Expansion of Exi	\$0.00	Yes
ML14022	County of Los Angeles Department o	10/2/2015	5/1/2022		\$270,000.00	\$270,000.00	Purchase 9 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML14023	County of Los Angeles Department o	10/2/2015	9/1/2017	3/1/2021	\$230,000.00	\$230,000.00	Maintenance Fac. Modifications-Westcheste	\$0.00	Yes
ML14024	County of Los Angeles Department o	10/2/2015	9/1/2017	9/1/2021	\$230,000.00	\$230,000.00	Maintenance Fac. Modifications-Baldwin Par	\$0.00	Yes
ML14028	City of Fullerton	9/5/2014	1/4/2022		\$126,950.00	\$126,950.00	Expansion of Exisiting CNG Infrastructure	\$0.00	Yes
ML14029	City of Irvine	7/11/2014	6/10/2017		\$90,500.00	\$71,056.78	Bicycle Trail Improvements	\$19,443.22	Yes
ML14030	County of Los Angeles Internal Servi	1/9/2015	3/8/2018	7/30/2021	\$425,000.00	\$216,898.02	Bicycle Racks, Outreach & Education	\$208,101.98	Yes
ML14031	Riverside County Waste Manageme	6/13/2014	12/12/2020		\$90,000.00	\$90,000.00	Purchase 3 H.D. CNG Vehicles	\$0.00	Yes
ML14032	City of Rancho Cucamonga	1/9/2015	1/8/2022		\$113,990.00	\$104,350.63	Expansion of Existing CNG Infras., Bicycle L	\$9,639.37	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML14033	City of Irvine	7/11/2014	2/10/2021	2/10/2022	\$60,000.00	\$60,000.00	Purchase 2 H.D. CNG Vehicles	\$0.00	Yes
ML14034	City of Lake Elsinore	9/5/2014	5/4/2021		\$56,700.00	\$56,700.00	EV Charging Stations	\$0.00	Yes
ML14049	City of Moreno Valley	7/11/2014	3/10/2021		\$105,000.00	\$101,976.09	One HD Nat Gas Vehicle, EV Charging, Bicy	\$3,023.91	Yes
ML14051	City of Brea	9/5/2014	1/4/2017	7/4/2018	\$450,000.00	\$450,000.00	Installation of Bicycle Trail	\$0.00	Yes
ML14054	City of Torrance	11/14/2014	4/13/2017	7/13/2017	\$350,000.00	\$319,908.80	Upgrade Maintenance Facility	\$30,091.20	Yes
ML14055	City of Highland	10/10/2014	3/9/2018	3/9/2019	\$500,000.00	\$489,385.24	Bicycle Lanes and Outreach	\$10,614.76	Yes
ML14056	City of Redlands	9/5/2014	5/4/2016	5/4/2018	\$125,000.00	\$125,000.00	Bicycle Lanes	\$0.00	Yes
ML14061	City of La Habra	3/11/2016	3/10/2022		\$41,600.00	\$41,270.49	Purchase Two Heavy-Duty Nat. Gas Vehicle	\$329.51	Yes
ML14064	City of Claremont	7/11/2014	7/10/2020	1/10/2021	\$60,000.00	\$60,000.00	Purchase Two Heavy-Duty Nat. Gas Vehicle	\$0.00	Yes
ML14065	City of Orange	9/5/2014	8/4/2015		\$10,000.00	\$10,000.00	Electric Vehicle Charging Infrastructure	\$0.00	Yes
ML14070	City of Rancho Cucamonga	9/3/2016	12/2/2018		\$365,245.00	\$326,922.25	Bicycle Trail Improvements	\$38,322.75	Yes
ML14071	City of Manhattan Beach	1/9/2015	11/8/2018		\$22,485.00	\$22,485.00	Electric Vehicle Charging Infrastructure	\$0.00	Yes
ML14072	City of Cathedral City	8/13/2014	1/12/2021	7/12/2022	\$41,000.00	\$41,000.00	Install Bicycle Racks & Implement Bicycle E	\$0.00	Yes
ML14094	City of Yucaipa	6/9/2017	6/8/2018		\$84,795.00	\$84,795.00	Installation of Bicycle Lanes	\$0.00	Yes
ML14095	City of South Pasadena	1/10/2019	7/9/2019		\$142,096.00	\$134,182.09	Bicycle Trail Improvements	\$7,913.91	Yes
ML14096	County of Los Angeles Dept of Pub	5/3/2019	12/2/2019	3/2/2020	\$74,186.00	\$74,186.00	San Gabriel BikeTrail Underpass Improveme	\$0.00	Yes
ML14097	County of Los Angeles Internal Servi	9/6/2019	9/5/2020	9/5/2021	\$104,400.00	\$104,400.00	Electric Vehicle Charging Infrastructure	\$0.00	Yes
MS14001	Los Angeles County MTA	3/6/2015	4/30/2015		\$1,216,637.00	\$1,199,512.68	Clean Fuel Transit Service to Dodger Stadiu	\$17,124.32	Yes
MS14002	Orange County Transportation Autho	9/6/2013	4/30/2014		\$576,833.00	\$576,833.00	Clean Fuel Transit Service to Orange Count	\$0.00	Yes
MS14003	Orange County Transportation Autho	8/1/2013	4/30/2014	10/30/2014	\$194,235.00	\$184,523.00	Implement Metrolink Service to Angel Stadiu	\$9,712.00	Yes
MS14004	Orange County Transportation Autho	9/24/2013	4/30/2014		\$36,800.00	\$35,485.23	Implement Express Bus Service to Solar De	\$1,314.77	Yes
MS14005	Transit Systems Unlimited, Inc.	4/11/2014	2/28/2016		\$515,200.00	\$511,520.00	Provide Expanded Shuttle Service to Hollyw	\$3,680.00	Yes
MS14007	Orange County Transportation Autho	6/6/2014	4/30/2015		\$208,520.00	\$189,622.94	Implement Special Metrolink Service to Ang	\$18,897.06	Yes
MS14008	Orange County Transportation Autho	8/13/2014	5/31/2015		\$601,187.00	\$601,187.00	Implement Clean Fuel Bus Service to Orang	\$0.00	Yes
MS14009	A-Z Bus Sales, Inc.	1/17/2014	12/31/2014	3/31/2015	\$388,000.00	\$388,000.00	Alternative Fuel School Bus Incentive Progra	\$0.00	Yes
MS14037	Penske Truck Leasing Co., L.P.	4/7/2017	6/6/2020		\$75,000.00	\$75,000.00	Vehicle Maint. Fac. Modifications - Carson	\$0.00	Yes
MS14039	Waste Management Collection and	7/10/2015	4/9/2016		\$75,000.00	\$75,000.00	Vehicle Maint. Fac. Modifications - Irvine	\$0.00	Yes
MS14040	Waste Management Collection and	7/10/2015	4/9/2016		\$75,000.00	\$75,000.00	Vehicle Maint. Fac. Modifications - Santa An	\$0.00	Yes
MS14041	USA Waste of California, Inc.	9/4/2015	10/3/2021		\$175,000.00	\$175,000.00	Limited-Access CNG Station, Vehicle Maint.	\$0.00	Yes
MS14042	Grand Central Recycling & Transfer	6/6/2014	9/5/2021		\$150,000.00	\$150,000.00	Expansion of Existing CNG Station	\$0.00	Yes
MS14044	TIMCO CNG Fund I, LLC	5/2/2014	11/1/2020		\$150,000.00	\$150,000.00	New Public-Access CNG Station in Santa A	\$0.00	Yes
MS14045	TIMCO CNG Fund I, LLC	6/6/2014	12/5/2020		\$150,000.00	\$150,000.00	New Public-Access CNG Station in Inglewoo	\$0.00	Yes
MS14046	Ontario CNG Station Inc.	5/15/2014	5/14/2020	11/14/2021	\$150,000.00	\$150,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes
MS14047	Southern California Regional Rail Aut	3/7/2014	9/30/2014		\$49,203.00	\$32,067.04	Special Metrolink Service to Autoclub Speed	\$17,135.96	Yes
MS14048	BusWest	3/14/2014	12/31/2014	5/31/2015	\$940,850.00	\$847,850.00	Alternative Fuel School Bus Incentive Progra	\$93,000.00	Yes
MS14052	Arcadia Unified School District	6/13/2014	10/12/2020		\$78,000.00	\$78,000.00	Expansion of an Existing CNG Fueling Statio	\$0.00	Yes
MS14053	Upland Unified School District	1/9/2015	7/8/2021		\$175,000.00	\$175,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
MS14058	Orange County Transportation Autho	11/7/2014	4/6/2016	4/6/2017	\$1,250,000.00	\$1,250,000.00	Implement Various Signal Synchronization P	\$0.00	Yes
MS14073	Anaheim Transportation Network	1/9/2015	4/30/2017		\$221,312.00	\$221,312.00	Anaheim Resort Circulator Service	\$0.00	Yes
MS14074	Midway City Sanitary District	1/9/2015	3/8/2021		\$250,000.00	\$250,000.00	Limited-Access CNG Station & Facility Modif	\$0.00	Yes
MS14077	County Sanitation Districts of L.A. Co	3/6/2015	5/5/2021		\$175,000.00	\$175,000.00	New Limited Access CNG Station	\$0.00	Yes
MS14080	CR&R Incorporated	6/1/2015	8/31/2021	8/31/2022	\$200,000.00	\$200,000.00	Expansion of Existing CNG Infrastructure/Ma	\$0.00	Yes
MS14081	CR&R Incorporated	6/1/2015	5/30/2021		\$175,000.00	\$100,000.00	Expansion of Existing CNG Infrastructure/Ma	\$75,000.00	Yes
MS14084	US Air Conditioning Distributors	5/7/2015	9/6/2021		\$100,000.00	\$100,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes
MS14087	Orange County Transportation Autho	8/14/2015	4/30/2016		\$239,645.00	\$195,377.88	Implement Special Metrolink Service to Ang	\$44,267.12	Yes
MS14088	Southern California Regional Rail Aut	5/7/2015	9/30/2015		\$79,660.00	\$66,351.44	Special Metrolink Service to Autoclub Speed	\$13,308.56	Yes
MS14089	Top Shelf Consulting, LLC	1/18/2017	8/4/2016	3/31/2017	\$200,000.00	\$200,000.00	Enhanced Fleet Modernization Program	\$0.00	Yes
MS14090	City of Monterey Park	5/7/2015	5/6/2021		\$225,000.00	\$225,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes

Total: 61

Closed/Incomplete Contracts

ML14020	County of Los Angeles Dept of Pub	8/13/2014	1/12/2018		\$150,000.00	\$0.00	San Gabriel BikeTrail Underpass Improveme	\$150,000.00	No
ML14050	City of Yucaipa	7/11/2014	9/10/2015	7/1/2016	\$84,795.00	\$0.00	Installation of Bicycle Lanes	\$84,795.00	No
ML14060	County of Los Angeles Internal Servi	10/6/2017	1/5/2019		\$104,400.00	\$0.00	Electric Vehicle Charging Infrastructure	\$104,400.00	No
ML14066	City of South Pasadena	9/12/2014	7/11/2016	2/11/2018	\$142,096.00	\$0.00	Bicycle Trail Improvements	\$142,096.00	No
ML14093	County of Los Angeles Dept of Pub	8/14/2015	1/13/2019		\$150,000.00	\$0.00	San Gabriel BikeTrail Underpass Improveme	\$150,000.00	No
MS14092	West Covina Unified School District	9/3/2016	12/2/2022		\$124,000.00	\$0.00	Expansion of Existing CNG Infrastructure	\$124,000.00	No

Total: 6

Open/Complete Contracts

ML14013	City of Los Angeles, Bureau of Sanit	10/7/2016	2/6/2025		\$400,000.00	\$400,000.00	Purchase 14 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML14018	City of Los Angeles Dept of General	3/6/2015	9/5/2021	2/5/2026	\$810,000.00	\$810,000.00	Purchase 27 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML14019	City of Corona Public Works	12/5/2014	6/4/2020	3/6/2023	\$111,518.00	\$111,517.18	EV Charging, Bicycle Racks, Bicycle Locker	\$0.82	Yes
ML14025	County of Los Angeles Dept of Publi	10/2/2015	7/1/2018	7/1/2024	\$300,000.00	\$300,000.00	Construct New CNG Station in Malibu	\$0.00	Yes
ML14026	County of Los Angeles Dept of Publi	10/2/2015	5/1/2023	5/1/2024	\$300,000.00	\$300,000.00	Construct New CNG Station in Castaic	\$0.00	Yes
ML14062	City of San Fernando	3/27/2015	5/26/2021	10/31/2023	\$325,679.00	\$325,679.00	Expand Existing CNG Fueling Station	\$0.00	Yes
ML14067	City of Duarte	12/4/2015	1/3/2023	6/3/2024	\$60,000.00	\$60,000.00	Purchase Two Electric Buses	\$0.00	Yes
MS14075	Fullerton Joint Union High School Di	7/22/2016	11/21/2023		\$300,000.00	\$293,442.00	Expansion of Existing CNG Infrastructure/Ma	\$6,558.00	Yes
MS14076	Rialto Unified School District	6/17/2015	2/16/2022	6/25/2023	\$225,000.00	\$225,000.00	New Public Access CNG Station	\$0.00	Yes
MS14079	Waste Resources, Inc.	9/14/2016	8/13/2022	10/13/2024	\$100,000.00	\$100,000.00	New Limited Access CNG Station	\$0.00	Yes
MS14082	Grand Central Recycling & Transfer	12/4/2015	3/3/2023	3/3/2024	\$150,000.00	\$150,000.00	Construct New Public Access CNG Station	\$0.00	Yes
MS14083	Hacienda La Puente Unified School	7/10/2015	3/9/2022	6/9/2023	\$175,000.00	\$175,000.00	New Limited Access CNG Station	\$0.00	Yes

Total: 12

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
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FY 2014-2016 Contracts

Open Contracts

ML16006	City of Cathedral City	4/27/2016	4/26/2022	4/26/2023	\$25,000.00	\$0.00	Bicycle Outreach	\$25,000.00	No
ML16010	City of Fullerton	10/7/2016	4/6/2023	4/6/2024	\$78,222.00	\$27,896.71	Install EV Charging Stations	\$50,325.29	No
ML16017	City of Long Beach	2/5/2016	8/4/2023	1/4/2026	\$1,445,400.00	\$1,415,400.00	Purchase 50 Medium-Duty, 17 H.D. Nat. Ga	\$30,000.00	No
ML16022	Los Angeles Department of Water an	5/5/2017	3/4/2024	9/4/2027	\$240,000.00	\$0.00	Purchase 8 H.D. Nat. Gas Vehicles	\$240,000.00	No
ML16025	City of South Pasadena	6/22/2016	4/21/2023	10/21/2024	\$160,000.00	\$0.00	Purchase H.D. Nat. Gas Vehicle, Expand Exi	\$160,000.00	No
ML16039	City of Torrance Transit Department	1/6/2017	9/5/2022	9/5/2024	\$32,000.00	\$0.00	Install EV Charging Infrastructure	\$32,000.00	No
ML16047	City of Fontana	1/6/2017	8/5/2019	8/5/2024	\$500,000.00	\$0.00	Enhance an Existing Class 1 Bikeway	\$500,000.00	No
ML16048	City of Placentia	3/26/2016	5/25/2021	12/25/2026	\$80,000.00	\$18,655.00	Install EV Charging Infrastructure	\$61,345.00	No
ML16057	City of Yucaipa	4/27/2016	1/26/2019	1/26/2023	\$380,000.00	\$0.00	Implement a "Complete Streets" Pedestrian	\$380,000.00	No
ML16071	City of Highland	5/5/2017	1/4/2020	1/4/2023	\$264,500.00	\$264,500.00	Implement a "Complete Streets" Pedestrian	\$0.00	No
ML16075	City of San Fernando	10/27/2016	2/26/2019	8/26/2024	\$354,000.00	\$0.00	Install a Class 1 Bikeway	\$354,000.00	No
ML16077	City of Rialto	5/3/2018	10/2/2021	2/2/2026	\$463,216.00	\$218,708.00	Pedestrian Access Improvements, Bicycle L	\$244,508.00	No
MS16094	Riverside County Transportation Co	1/25/2017	1/24/2022	4/24/2023	\$1,909,241.00	\$0.00	MetroLink First Mile/Last Mile Mobility Strate	\$1,909,241.00	No
MS16110	City of Riverside	10/6/2017	2/5/2025	2/5/2026	\$300,000.00	\$71,250.00	Expansion of Existing CNG Station and Main	\$228,750.00	No
MS16120	Omnitrans	4/7/2017	5/6/2025		\$945,000.00	\$826,500.00	Repower 63 Existing Buses	\$118,500.00	No
MS16121	Long Beach Transit	11/3/2017	4/2/2024	11/30/2028	\$600,000.00	\$498,750.00	Repower 39 and Purchase 1 New Transit Bu	\$101,250.00	No
MS16123	Orange County Transportation Autho	12/7/2018	11/6/2023		\$91,760.00	\$0.00	Install La Habra Union Pacific Bikeway	\$91,760.00	No

Total: 17

Declined/Cancelled Contracts

ML16014	City of Dana Point				\$153,818.00	\$0.00	Extend an Existing Class 1 Bikeway	\$153,818.00	No
ML16065	City of Temple City				\$500,000.00	\$0.00	Implement a "Complete Streets" Pedestrian	\$500,000.00	No
ML16067	City of South El Monte				\$73,329.00	\$0.00	Implement an "Open Streets" Event	\$73,329.00	No
ML16074	City of La Verne	7/22/2016	1/21/2023		\$365,000.00	\$0.00	Install CNG Fueling Station	\$365,000.00	No
MS16043	LBA Realty Company LLC				\$100,000.00	\$0.00	Install Limited-Access CNG Station	\$100,000.00	No
MS16080	Riverside County Transportation Co				\$1,200,000.00	\$0.00	Passenger Rail Service for Coachella and St	\$1,200,000.00	No
MS16098	Long Beach Transit				\$198,957.00	\$0.00	Provide Special Bus Service to Stub Hub Ce	\$198,957.00	No
MS16104	City of Perris				\$175,000.00	\$0.00	Expansion of Existing CNG Infrastructure	\$175,000.00	No
MS16106	City of Lawndale	3/1/2019	11/30/2025		\$175,000.00	\$0.00	Expansion of Existing CNG Infrastructure	\$175,000.00	No
MS16107	Athens Services				\$100,000.00	\$0.00	Construct a Limited-Access CNG Station	\$100,000.00	No
MS16108	VNG 5703 Gage Avenue, LLC				\$150,000.00	\$0.00	Construct Public-Access CNG Station in Bell	\$150,000.00	No
MS16109	Sanitation Districts of Los Angeles C				\$275,000.00	\$0.00	Expansion of an Existing L/CNG Station	\$275,000.00	No
MS16111	VNG 925 Lakeview Avenue, LLC				\$150,000.00	\$0.00	Construct Public Access CNG Station in Pla	\$150,000.00	No

Total: 13

Closed Contracts

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML16009	City of Fountain Valley	10/6/2015	2/5/2018	5/5/2019	\$46,100.00	\$46,100.00	Install EV Charging Infrastructure	\$0.00	Yes
ML16011	City of Claremont	10/6/2015	6/5/2022		\$90,000.00	\$90,000.00	Purchase 3 Heavy-Duty Nat. Gas Vehicles	\$0.00	Yes
ML16015	City of Yorba Linda	3/4/2016	11/3/2017		\$85,000.00	\$85,000.00	Install Bicycle Lanes	\$0.00	Yes
ML16020	City of Pomona	4/1/2016	2/1/2018	8/1/2018	\$440,000.00	\$440,000.00	Install Road Surface Bicycle Detection Syste	\$0.00	Yes
ML16023	City of Banning	12/11/2015	12/10/2021		\$30,000.00	\$30,000.00	Purchase 1 H.D. Nat. Gas Vehicle	\$0.00	Yes
ML16024	City of Azusa	4/27/2016	2/26/2022		\$30,000.00	\$30,000.00	Purchase 1 H.D. Nat. Gas Vehicle	\$0.00	Yes
ML16026	City of Downey	5/6/2016	9/5/2017		\$40,000.00	\$40,000.00	Install EV Charging Infrastructure	\$0.00	Yes
ML16028	City of Azusa	9/9/2016	4/8/2018		\$25,000.00	\$25,000.00	Enhance Existing Class 1 Bikeway	\$0.00	Yes
ML16031	City of Cathedral City	12/19/2015	2/18/2017		\$25,000.00	\$25,000.00	Street Sweeping in Coachella Valley	\$0.00	Yes
ML16032	City of Azusa	9/9/2016	4/8/2019	4/8/2021	\$474,925.00	\$474,925.00	Implement a "Complete Streets" Pedestrian	\$0.00	Yes
ML16033	Coachella Valley Association of Gov	4/27/2016	4/26/2018		\$250,000.00	\$250,000.00	Street Sweeping Operations in Coachella Va	\$0.00	Yes
ML16034	City of Riverside	3/11/2016	10/10/2018	7/10/2020	\$500,000.00	\$500,000.00	Implement a "Complete Streets" Pedestrian	\$0.00	Yes
ML16036	City of Brea	3/4/2016	12/3/2018		\$500,000.00	\$500,000.00	Install a Class 1 Bikeway	\$0.00	Yes
ML16038	City of Palm Springs	4/1/2016	7/31/2022	9/30/2022	\$170,000.00	\$60,000.00	Install Bicycle Lanes & Purchase 2 Heavy-D	\$110,000.00	Yes
ML16042	City of San Dimas	4/1/2016	12/31/2019	12/31/2021	\$55,000.00	\$55,000.00	Install EV Charging Infrastructure	\$0.00	No
ML16045	City of Anaheim	6/22/2016	8/21/2019		\$275,000.00	\$255,595.08	Maintenance Facility Modifications	\$19,404.92	Yes
ML16049	City of Buena Park	4/1/2016	11/30/2018		\$429,262.00	\$429,262.00	Installation of a Class 1 Bikeway	\$0.00	Yes
ML16050	City of Westminster	5/6/2016	7/5/2020	5/5/2022	\$115,000.00	\$93,925.19	Installation of EV Charging Infrastructure	\$21,074.81	Yes
ML16051	City of South Pasadena	2/12/2016	1/11/2017	12/11/2017	\$320,000.00	\$258,691.25	Implement "Open Streets" Event with Variou	\$61,308.75	Yes
ML16052	City of Rancho Cucamonga	9/3/2016	11/2/2019	3/31/2021	\$315,576.00	\$305,576.00	Install Two Class 1 Bikeways	\$10,000.00	Yes
ML16053	City of Claremont	3/11/2016	7/10/2018	12/10/2020	\$498,750.00	\$498,750.00	Implement a "Complete Streets" Pedestrian	\$0.00	Yes
ML16054	City of Yucaipa	3/26/2016	7/26/2018	10/25/2019	\$120,000.00	\$120,000.00	Implement a "Complete Streets" Pedestrian	\$0.00	Yes
ML16055	City of Ontario	5/6/2016	5/5/2022		\$270,000.00	\$270,000.00	Purchase Nine Heavy-Duty Natural-Gas Veh	\$0.00	Yes
ML16056	City of Ontario	3/23/2016	9/22/2020	9/22/2021	\$106,565.00	\$106,565.00	Expansion of an Existing CNG Station	\$0.00	Yes
ML16059	City of Burbank	4/1/2016	2/28/2022		\$180,000.00	\$180,000.00	Purchase 6 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML16060	City of Cudahy	2/5/2016	10/4/2017		\$73,910.00	\$62,480.00	Implement an "Open Streets" Event	\$11,430.00	Yes
ML16061	City of Murrieta	4/27/2016	1/26/2020		\$11,642.00	\$9,398.36	Installation of EV Charging Infrastructure	\$2,243.64	Yes
ML16062	City of Colton	6/3/2016	7/2/2020		\$21,003.82	\$21,003.82	Installation of EV Charging Infrastructure	\$0.00	Yes
ML16063	City of Glendora	3/4/2016	4/3/2022		\$30,000.00	\$30,000.00	Purchase One H.D. Nat. Gas Vehicle	\$0.00	Yes
ML16064	County of Orange, OC Parks	2/21/2017	10/20/2018		\$204,073.00	\$157,632.73	Implement "Open Streets" Events with Vario	\$46,440.27	Yes
ML16066	City of Long Beach Public Works	1/13/2017	9/12/2018		\$75,050.00	\$63,763.62	Implement an "Open Streets" Event	\$11,286.38	Yes
ML16068	Riverside County Dept of Public Heal	12/2/2016	8/1/2018		\$171,648.00	\$171,648.00	Implement "Open Streets" Events with Vario	\$0.00	Yes
ML16069	City of West Covina	3/10/2017	6/9/2021		\$54,199.00	\$54,199.00	Installation of EV Charging Infrastructure	\$0.00	Yes
ML16072	City of Palm Desert	3/4/2016	1/4/2020	1/3/2022	\$56,000.00	\$56,000.00	Installation of EV Charging Infrastructure	\$0.00	Yes
ML16073	City of Long Beach Public Works	1/13/2017	7/12/2017		\$50,000.00	\$50,000.00	Implement an "Open Streets" Event	\$0.00	Yes
ML16076	City of San Fernando	2/21/2017	8/20/2021		\$43,993.88	\$43,993.88	Install EV Charging Infrastructure	\$0.00	Yes
ML16078	City of Moreno Valley	5/6/2016	11/5/2017	5/5/2018	\$32,800.00	\$31,604.72	Install Bicycle Infrastructure & Implement Bi	\$1,195.28	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML16079	City of Yucaipa	4/1/2016	3/31/2020		\$5,000.00	\$5,000.00	Purchase Electric Lawnmower	\$0.00	Yes
ML16122	City of Wildomar	6/8/2018	6/7/2019		\$500,000.00	\$500,000.00	Install Bicycle Lanes	\$0.00	Yes
ML16126	City of Palm Springs	7/31/2019	7/30/2020	10/30/2020	\$22,000.00	\$19,279.82	Install Bicycle Racks, and Implement Bicycle	\$2,720.18	Yes
MS16001	Los Angeles County MTA	4/1/2016	4/30/2017		\$1,350,000.00	\$1,332,039.84	Clean Fuel Transit Service to Dodger Stadiu	\$17,960.16	Yes
MS16002	Orange County Transportation Autho	10/6/2015	5/31/2016		\$722,266.00	\$703,860.99	Clean Fuel Transit Service to Orange Count	\$18,405.01	Yes
MS16003	Special Olympics World Games Los	10/9/2015	12/30/2015		\$380,304.00	\$380,304.00	Low-Emission Transportation Service for Sp	\$0.00	Yes
MS16004	Mineral LLC	9/4/2015	7/3/2017	1/3/2018	\$27,690.00	\$9,300.00	Design, Develop, Host and Maintain MSRC	\$18,390.00	Yes
MS16029	Orange County Transportation Autho	1/12/2018	6/11/2020		\$836,413.00	\$567,501.06	TCM Partnership Program - OC Bikeways	\$268,911.94	Yes
MS16030	Better World Group Advisors	12/19/2015	12/31/2017	12/31/2019	\$271,619.00	\$245,355.43	Programmic Outreach Services to the MSR	\$26,263.57	Yes
MS16081	EDCO Disposal Corporation	3/4/2016	10/3/2022		\$150,000.00	\$150,000.00	Expansion of Existing Public Access CNG St	\$0.00	Yes
MS16084	Transit Systems Unlimited, Inc.	5/6/2016	2/28/2018		\$565,600.00	\$396,930.00	Implement Special Shuttle Service from Uni	\$168,670.00	Yes
MS16085	Southern California Regional Rail Aut	3/11/2016	9/30/2016		\$78,033.00	\$64,285.44	Special MetroLink Service to Autoclub Spee	\$13,747.56	Yes
MS16086	San Bernardino County Transportatio	9/3/2016	10/2/2021		\$800,625.00	\$769,021.95	Freeway Service Patrols	\$31,603.05	Yes
MS16089	Orange County Transportation Autho	7/8/2016	4/30/2017		\$128,500.00	\$128,500.00	Implement Special Bus Service to Angel Sta	\$0.00	Yes
MS16092	San Bernardino County Transportatio	2/3/2017	1/2/2019		\$242,937.00	\$242,016.53	Implement a Series of "Open Streets" Event	\$920.47	Yes
MS16093	Orange County Transportation Autho	9/3/2016	3/2/2018	9/2/2018	\$1,553,657.00	\$1,499,575.85	Implement a Mobile Ticketing System	\$54,081.15	Yes
MS16095	Orange County Transportation Autho	7/22/2016	5/31/2017		\$694,645.00	\$672,864.35	Implement Special Bus Service to Orange C	\$21,780.65	Yes
MS16096	San Bernardino County Transportatio	10/27/2016	12/26/2019	6/30/2021	\$450,000.00	\$450,000.00	EV Charging Infrastructure	\$0.00	Yes
MS16099	Foothill Transit	3/3/2017	3/31/2017		\$50,000.00	\$50,000.00	Provide Special Bus Service to the Los Ange	\$0.00	Yes
MS16100	Southern California Regional Rail Aut	5/5/2017	9/30/2017		\$80,455.00	\$66,169.43	Provide Metrolink Service to Autoclub Speed	\$14,285.57	Yes
MS16119	Omnitrans	4/21/2017	8/20/2022		\$150,000.00	\$0.00	New Public Access CNG Station	\$150,000.00	No
MS16124	Riverside County Transportation Co	12/14/2018	12/14/2019	5/14/2020	\$253,239.00	\$246,856.41	Extended Freeway Service Patrols	\$6,382.59	Yes
MS16125	San Bernardino County Transportatio	9/20/2019	11/19/2020		\$1,000,000.00	\$1,000,000.00	Traffic Signal Synchronization Projects	\$0.00	Yes
MS16127	Los Angeles County MTA	6/29/2021		6/28/2022	\$2,500,000.00	\$2,500,000.00	Expansion of the Willowbrook/Rosa Parks Tr	\$0.00	Yes

Total: 61

Closed/Incomplete Contracts

ML16005	City of Palm Springs	3/4/2016	10/3/2017		\$40,000.00	\$0.00	Install Bicycle Racks, and Implement Bicycle	\$40,000.00	No
ML16035	City of Wildomar	4/1/2016	11/1/2017		\$500,000.00	\$0.00	Install Bicycle Lanes	\$500,000.00	No
MS16082	Riverside County Transportation Co	9/3/2016	8/2/2018		\$590,759.00	\$337,519.71	Extended Freeway Service Patrols	\$253,239.29	No
MS16090	Los Angeles County MTA	10/27/2016	4/26/2020	10/26/2020	\$2,500,000.00	\$0.00	Expansion of the Willowbrook/Rosa Parks Tr	\$2,500,000.00	No
MS16091	San Bernardino County Transportatio	10/7/2016	11/6/2018		\$1,000,000.00	\$0.00	Traffic Signal Synchronization Projects	\$1,000,000.00	No

Total: 5

Open/Complete Contracts

ML16007	City of Culver City Transportation De	10/6/2015	4/5/2023		\$246,000.00	\$246,000.00	Purchase 7 H.D. Nat. Gas Vehicles, EV Cha	\$0.00	Yes
ML16008	City of Pomona	9/20/2016	11/19/2022	5/19/2025	\$60,000.00	\$60,000.00	Purchase 3 Medium-Duty and 1 Heavy-Duty	\$0.00	Yes
ML16012	City of Carson	1/15/2016	10/14/2022		\$60,000.00	\$60,000.00	Purchase 2 Heavy-Duty Nat. Gas Vehicles	\$0.00	Yes
ML16013	City of Monterey Park	12/4/2015	7/3/2022	7/3/2024	\$90,000.00	\$90,000.00	Purchase 3 Heavy-Duty Nat. Gas Vehicles	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML16016	City of Los Angeles Dept of General	2/5/2016	12/4/2022		\$630,000.00	\$630,000.00	Purchase 21 Heavy-Duty Nat. Gas Vehicles	\$0.00	Yes
ML16018	City of Hermosa Beach	10/7/2016	1/6/2023		\$29,520.00	\$23,768.44	Purchase 2 M.D. Nat. Gas Vehicles, Bicycle	\$5,751.56	Yes
ML16019	City of Los Angeles, Dept of General	1/25/2017	3/24/2023		\$102,955.00	\$102,955.00	Install EV Charging Infrastructure	\$0.00	Yes
ML16021	City of Santa Clarita	10/7/2016	6/6/2024		\$49,400.00	\$49,399.00	Install EV Charging Infrastructure	\$1.00	Yes
ML16027	City of Whittier	1/8/2016	11/7/2022		\$30,000.00	\$30,000.00	Purchase 1 H.D. Nat. Gas Vehicle	\$0.00	Yes
ML16037	City of Rancho Cucamonga	2/5/2016	11/4/2022		\$30,000.00	\$30,000.00	Purchase One Heavy-Duty Natural Gas Vehi	\$0.00	Yes
ML16040	City of Eastvale	1/6/2017	7/5/2022	7/5/2026	\$110,000.00	\$53,908.85	Install EV Charging Infrastructure	\$56,091.15	Yes
ML16041	City of Moreno Valley	9/3/2016	1/2/2021	4/2/2024	\$20,000.00	\$20,000.00	Install EV Charging Infrastructure	\$0.00	Yes
ML16046	City of El Monte	4/1/2016	5/31/2021	5/31/2023	\$20,160.00	\$14,637.50	Install EV Charging Infrastructure	\$5,522.50	Yes
ML16058	Los Angeles County Department of P	10/7/2016	4/6/2024		\$371,898.00	\$371,898.00	Purchase 11 H.D. Nat. Gas Vehicles and Ins	\$0.00	Yes
ML16070	City of Beverly Hills	2/21/2017	6/20/2023		\$90,000.00	\$90,000.00	Purchase 3 H.D. Nat. Gas Vehicles	\$0.00	Yes
ML16083	City of El Monte	4/1/2016	4/30/2021	4/30/2023	\$57,210.00	\$25,375.60	Install EV Charging Infrastructure	\$31,834.40	No
MS16087	Burrtec Waste & Recycling Services,	7/8/2016	3/7/2023		\$100,000.00	\$100,000.00	Construct New Limited-Access CNG Station	\$0.00	Yes
MS16088	Transit Systems Unlimited, Inc.	5/12/2017	1/11/2023		\$17,000.00	\$17,000.00	Expansion of Existing CNG Station	\$0.00	Yes
MS16097	Walnut Valley Unified School District	10/7/2016	11/6/2022		\$250,000.00	\$250,000.00	Expand CNG Station & Modify Maintenance	\$0.00	Yes
MS16102	Nasa Services, Inc.	2/21/2017	4/20/2023		\$100,000.00	\$100,000.00	Construct a Limited-Access CNG Station	\$0.00	Yes
MS16103	Arrow Services, Inc.	2/3/2017	4/2/2023		\$100,000.00	\$100,000.00	Construct a Limited-Access CNG Station	\$0.00	Yes
MS16105	Huntington Beach Union High School	3/3/2017	7/2/2024		\$175,000.00	\$175,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes
MS16112	Orange County Transportation Autho	4/14/2017	3/13/2024		\$1,470,000.00	\$1,470,000.00	Repower Up to 98 Transit Buses	\$0.00	Yes
MS16113	Los Angeles County MTA	5/12/2017	4/11/2024		\$1,875,000.00	\$1,875,000.00	Repower Up to 125 Transit Buses	\$0.00	Yes
MS16114	City of Norwalk	3/3/2017	6/2/2024		\$32,170.00	\$32,170.00	Purchase 3 Transit Buses	\$0.00	Yes
MS16115	City of Santa Monica	4/14/2017	7/13/2025		\$450,000.00	\$450,000.00	Repower 30 Transit Buses	\$0.00	Yes
MS16116	Riverside Transit Agency	3/3/2017	1/2/2023		\$10,000.00	\$9,793.00	Purchase One Transit Bus	\$207.00	Yes
MS16117	Omnitrans	4/21/2017	6/20/2023		\$175,000.00	\$175,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes
MS16118	Omnitrans	4/21/2017	6/20/2023		\$175,000.00	\$175,000.00	Expansion of Existing CNG Infrastructure	\$0.00	Yes

Total: 29

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
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FY 2016-2018 Contracts

Open Contracts

ML18030	City of Grand Terrace	6/28/2018	3/27/2022	3/27/2025	\$45,000.00	\$0.00	Install EVSE	\$45,000.00	No
ML18031	City of Diamond Bar	9/7/2018	11/6/2025	11/6/2027	\$58,930.00	\$0.00	Install EVSE, Purchase up to 2-LD Vehicles	\$58,930.00	No
ML18036	City of Indian Wells	8/8/2018	5/7/2023	5/7/2025	\$50,000.00	\$0.00	Install EV Charging Stations	\$50,000.00	No
ML18041	City of West Hollywood	8/8/2018	12/7/2023	6/7/2024	\$50,000.00	\$50,000.00	Install EV Charging Infrastructure	\$0.00	Yes
ML18046	City of Santa Ana - Public Works Ag	11/9/2018	7/8/2026		\$385,000.00	\$0.00	Purchase 6 Light-Duty ZEVs, 9 Heavy-Duty	\$385,000.00	No
ML18047	City of Whittier	8/8/2018	4/7/2026		\$113,910.00	\$45,564.00	Purchase 5 Heavy-Duty Near-Zero Emission	\$68,346.00	No
ML18050	City of Irvine	9/7/2018	8/6/2028		\$330,490.00	\$0.00	Purchase 1 Medium/Heavy-Duty ZEV and In	\$330,490.00	No
ML18051	City of Rancho Cucamonga	3/1/2019	10/31/2025		\$91,500.00	\$72,500.00	Purchase 6 Light-Duty ZEVs, Install 3 Limite	\$19,000.00	No
ML18053	City of Paramount	9/7/2018	3/6/2023		\$64,675.00	\$0.00	Install EV Charging Infrastructure	\$64,675.00	No
ML18055	City of Long Beach	11/29/2018	11/28/2026		\$622,220.00	\$278,854.36	Install EV Charging Stations	\$343,365.64	No
ML18057	City of Carson	10/5/2018	7/4/2023		\$106,250.00	\$50,000.00	Purchase 5 Zero-Emission Vehicles and Infr	\$56,250.00	No
ML18058	City of Perris	10/12/2018	11/11/2024		\$94,624.00	\$0.00	Purchase 1 Medium-Duty ZEV and EV Char	\$94,624.00	No
ML18059	City of Glendale Water & Power	2/1/2019	7/31/2026		\$260,500.00	\$0.00	Install Electric Vehicle Charging Infrastructur	\$260,500.00	No
ML18060	County of Los Angeles Internal Servi	10/5/2018	8/4/2026	8/4/2028	\$1,367,610.00	\$599,306.31	Purchase 29 Light-Duty Zero Emission Vehi	\$768,303.69	No
ML18063	City of Riverside	6/7/2019	1/6/2027		\$383,610.00	\$0.00	Expand Existing CNG Stations	\$383,610.00	No
ML18064	City of Eastvale	11/29/2018	4/28/2026	4/28/2028	\$80,400.00	\$28,457.43	Purchase 2 Light-Duty, One Medium-Duty. Z	\$51,942.57	No
ML18067	City of Pico Rivera	9/7/2018	11/6/2022	7/6/2025	\$83,500.00	\$0.00	Install EVSE	\$83,500.00	No
ML18068	City of Mission Viejo	7/31/2019	6/30/2027		\$125,690.00	\$10,000.00	Purchase 2 Light-Duty ZEVs, Install EVSE &	\$115,690.00	No
ML18069	City of Torrance	3/1/2019	7/31/2027		\$187,400.00	\$100,000.00	Purchase 4 Heavy-Duty Near-Zero Emission	\$87,400.00	No
ML18078	County of Riverside	10/5/2018	10/4/2028		\$375,000.00	\$300,000.00	Purchase 15 Heavy-Duty Vehicles	\$75,000.00	No
ML18080	City of Santa Monica	1/10/2019	12/9/2023	9/9/2025	\$121,500.00	\$14,748.62	Install EV Charging Stations	\$106,751.38	No
ML18082	City of Los Angeles Bureau of Sanita	8/30/2019	8/29/2028		\$900,000.00	\$0.00	Purchase Medium-Duty Vehicles and EV Ch	\$900,000.00	No
ML18083	City of San Fernando	11/2/2018	11/1/2022		\$20,000.00	\$0.00	Implement Traffic Signal Synchronization	\$20,000.00	No
ML18084	City of South El Monte	10/18/2019	9/17/2023	9/17/2024	\$30,000.00	\$0.00	EV Charging Infrastructure	\$30,000.00	No
ML18089	City of Glendora	7/19/2019	4/18/2025	4/18/2026	\$50,760.00	\$0.00	Purchase a medium-duty ZEV	\$50,760.00	No
ML18091	City of Temecula	1/19/2019	7/18/2023		\$141,000.00	\$0.00	Install Sixteen EV Charging Stations	\$141,000.00	No
ML18092	City of South Pasadena	2/1/2019	1/31/2025	4/30/2027	\$50,000.00	\$20,000.00	Procure Two Light-Duty ZEVs and Install EV	\$30,000.00	No
ML18093	City of Monterey Park	2/1/2019	2/28/2026		\$25,000.00	\$0.00	Purchase Heavy-Duty Near-ZEV	\$25,000.00	No
ML18094	City of Laguna Woods	7/12/2019	12/11/2024		\$50,000.00	\$0.00	Install Two EV Charging Stations	\$50,000.00	No
ML18099	City of Laguna Hills	3/1/2019	5/31/2023		\$32,250.00	\$0.00	Install Six EV Charging Stations	\$32,250.00	No
ML18100	City of Brea	10/29/2020	12/28/2024	7/28/2025	\$56,500.00	\$0.00	Install Twenty-Four Level II EV Charging Sta	\$56,500.00	No
ML18101	City of Burbank	2/1/2019	4/30/2024	10/30/2024	\$137,310.00	\$0.00	Install Twenty EV Charging Stations	\$137,310.00	No
ML18129	City of Yucaipa	12/14/2018	3/13/2023	3/13/2026	\$63,097.00	\$0.00	Install Six EV Charging Stations	\$63,097.00	No
ML18132	City of Montclair	4/5/2019	9/4/2023		\$40,000.00	\$0.00	Install Eight EVSEs	\$40,000.00	No

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML18134	City of Los Angeles Dept of General	5/3/2019	5/2/2028		\$290,000.00	\$0.00	Purchase Five Medium-Duty ZEVs	\$290,000.00	No
ML18135	City of Azusa	12/6/2019	12/5/2029		\$55,000.00	\$0.00	Purchase Three Light-Duty ZEVs and One H	\$55,000.00	No
ML18137	City of Wildomar	3/1/2019	5/31/2021	12/1/2022	\$50,000.00	\$0.00	Install Bicycle Trail	\$50,000.00	No
ML18141	City of Rolling Hills Estates	2/14/2020	1/13/2024	1/13/2025	\$40,000.00	\$10,000.00	Purchase One Light-Duty ZEV and Install Tw	\$30,000.00	No
ML18142	City of La Quinta	4/24/2019	2/23/2023	8/23/2023	\$51,780.00	\$0.00	Install Two EV Charging Stations	\$51,780.00	No
ML18144	City of Fontana Public Works	10/4/2019	12/3/2023		\$269,090.00	\$0.00	Install Twelve EVSEs	\$269,090.00	No
ML18145	City of Los Angeles Dept of Transpor	1/10/2020	4/9/2027		\$1,400,000.00	\$0.00	Provide One Hundred Rebates to Purchaser	\$1,400,000.00	No
ML18146	City of South Gate	3/1/2019	11/30/2023	11/30/2025	\$127,400.00	\$50,000.00	Purchase Five Light-Duty ZEVs and Install T	\$77,400.00	No
ML18147	City of Palm Springs	1/10/2019	1/9/2024	7/9/2026	\$60,000.00	\$0.00	Install Eighteen EV Charging Stations	\$60,000.00	No
ML18148	City of San Dimas	1/21/2022	5/20/2023		\$50,000.00	\$0.00	Implement Bicycle Detection Measures	\$50,000.00	No
ML18151	County of San Bernardino Departme	8/25/2020	10/24/2029		\$200,000.00	\$150,000.00	Purchase Eight Heavy-Duty Near Zero Emis	\$50,000.00	No
ML18152	County of San Bernardino Flood Con	8/11/2020	10/10/2029		\$108,990.00	\$75,000.00	Purchase Five Heavy-Duty Near Zero Emissi	\$33,990.00	No
ML18159	City of Rialto	12/13/2019	5/12/2024	5/12/2025	\$135,980.00	\$96,597.86	Purchase Nine Light-Duty ZEVs and EV Cha	\$39,382.14	No
ML18163	City of San Clemente	3/8/2019	12/7/2024	12/7/2025	\$85,000.00	\$70,533.75	Purchase Four Light-Duty ZEVs and EV Cha	\$14,466.25	No
ML18165	City of Baldwin Park	2/1/2019	1/30/2024		\$49,030.00	\$0.00	Expand CNG Station	\$49,030.00	No
ML18166	City of Placentia	2/18/2021	5/17/2027		\$25,000.00	\$0.00	Purchase One Heavy-Duty Near-Zero Emis	\$25,000.00	No
ML18167	City of Beverly Hills	3/29/2019	6/28/2025		\$50,000.00	\$0.00	Purchase Two Heavy-Duty Near-Zero Emis	\$50,000.00	No
ML18168	City of Maywood	3/29/2019	11/28/2022		\$7,059.00	\$0.00	Purchase EV Charging Infrastructure	\$7,059.00	No
ML18170	City of Laguna Niguel	1/10/2020	8/9/2028		\$85,100.00	\$0.00	Purchase Two Light-Duty ZEVs and EV Cha	\$85,100.00	No
ML18174	City of Bell	11/22/2019	7/21/2026		\$25,000.00	\$0.00	Purchase One Heavy-Duty Near-Zero Emis	\$25,000.00	No
ML18177	City of San Bernardino	6/7/2019	12/6/2026	12/6/2028	\$279,088.00	\$0.00	Purchase Medium- and Heavy-Duty Evs and	\$279,088.00	No
ML18178	City of La Puente	11/1/2019	11/30/2025	11/30/2027	\$25,000.00	\$0.00	Purchase One Heavy-Duty Near-Zero Emis	\$25,000.00	No
MS18015	Southern California Association of G	7/13/2018	2/28/2021	5/31/2023	\$2,000,000.00	\$0.00	Southern California Future Communities Par	\$2,000,000.00	No
MS18023	Riverside County Transportation Co	6/28/2018	6/27/2021	12/27/2022	\$500,000.00	\$423,486.28	Weekend Freeway Service Patrols	\$76,513.72	No
MS18024	Riverside County Transportation Co	6/28/2018	8/27/2021	8/27/2023	\$1,500,000.00	\$772,260.00	Vanpool Incentive Program	\$727,740.00	No
MS18027	City of Gardena	11/2/2018	9/1/2026	1/1/2028	\$365,000.00	\$0.00	Install New Limited Access CNG, Modify Mai	\$365,000.00	No
MS18029	Irvine Ranch Water District	8/8/2018	10/7/2024	1/7/2029	\$185,000.00	\$0.00	Install New Limited Access CNG Station & T	\$185,000.00	No
MS18065	San Bernardino County Transportatio	3/29/2019	8/28/2023		\$2,000,000.00	\$2,000,000.00	Implement Metrolink Line Fare Discount Pro	\$0.00	No
MS18073	Los Angeles County MTA	1/10/2019	2/9/2026		\$2,000,000.00	\$2,000,000.00	Purchase 40 Zero-Emission Transit Buses	\$0.00	No
MS18106	R.F. Dickson Co., Inc.	7/19/2019	1/18/2026		\$265,000.00	\$250,000.00	Expansion of Existing Infrastructure/Mechani	\$15,000.00	No
MS18108	Capistrano Unified School District	2/1/2019	5/30/2025		\$116,000.00	\$0.00	Expansion of Existing Infrastructure & Train	\$116,000.00	No
MS18110	Mountain View Unified School Distric	2/1/2019	3/31/2025		\$275,000.00	\$0.00	Install New Limited-Access CNG Infrastructu	\$275,000.00	No
MS18114	Los Angeles County Department of P	11/15/2019	11/14/2026		\$175,000.00	\$0.00	Install New Limited-Access CNG Infrastructu	\$175,000.00	No
MS18115	City of Commerce	6/7/2019	12/6/2025	7/6/2026	\$275,000.00	\$0.00	Expansion of Existing L/CNG Infrastructure	\$275,000.00	No
MS18116	Los Angeles County Department of P	11/15/2019	11/14/2026		\$175,000.00	\$0.00	Install New Limited-Access CNG Infrastructu	\$175,000.00	No
MS18118	City of Beverly Hills	3/29/2019	7/28/2025		\$85,272.00	\$0.00	Expansion of Existing CNG Infrastructure	\$85,272.00	No
MS18122	Universal Waste Systems, Inc.	2/1/2019	3/31/2025	7/31/2027	\$200,000.00	\$200,000.00	Install New Limited Access CNG Infrastructur	\$0.00	No

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
MS18180	Omnitrans	8/4/2022	8/3/2023		\$83,000.00	\$0.00	Modify Vehicle Maintenance Facility and Trai	\$83,000.00	No
MS18183	Nikola-TA HRS 1, LLC	9/28/2022	1/27/2030		\$1,660,000.00	\$0.00	Install Publicly Accessible Hydrogen Fueling	\$1,660,000.00	No

Total: 73

Pending Execution Contracts

MS18181	San Bernardino County Transportatio				\$1,662,000.00	\$0.00	Construct Hydrogen Fueling Station	\$1,662,000.00	No
MS18182	Air Products and Chemicals Inc.				\$1,000,000.00	\$0.00	Install Publicly Accessible Hydrogen Fueling	\$1,000,000.00	No

Total: 2

Declined/Cancelled Contracts

ML18044	City of Malibu	8/8/2018	10/7/2022	10/7/2023	\$50,000.00	\$0.00	Install EV Charging Infrastructure	\$50,000.00	No
ML18075	City of Orange				\$25,000.00	\$0.00	One Heavy-Duty Vehicle	\$25,000.00	No
ML18140	City of Bell Gardens	12/14/2018	12/13/2028		\$50,000.00	\$0.00	Purchase Two Heavy-Duty Near-ZEVs	\$50,000.00	No
ML18149	City of Sierra Madre				\$50,000.00	\$0.00	Implement Bike Share Program	\$50,000.00	No
ML18150	City of South El Monte				\$20,000.00	\$0.00	Implement Bike Share Program	\$20,000.00	No
ML18153	City of Cathedral City	5/3/2019	4/2/2025		\$52,215.00	\$0.00	Install EV Charging Infrastructure	\$52,215.00	No
ML18158	City of Inglewood				\$146,000.00	\$0.00	Purchase 4 Light-Duty Zero Emission, 4 Hea	\$146,000.00	No
ML18164	City of Pomona				\$200,140.00	\$0.00	Purchase Three Heavy-Duty ZEVs	\$200,140.00	No
ML18172	City of Huntington Park	3/1/2019	2/28/2025		\$65,450.00	\$0.00	Purchase One Heavy-Duty ZEV	\$65,450.00	No
MS18009	Penske Truck Leasing Co., L.P.	8/8/2018	12/7/2020		\$82,500.00	\$0.00	Modify Maintenance Facility & Train Technici	\$82,500.00	No
MS18013	California Energy Commission				\$3,000,000.00	\$0.00	Advise MSRC and Administer Hydrogen Infr	\$3,000,000.00	No
MS18017	City of Banning				\$225,000.00	\$0.00	Expansion of Existing CNG Infrastructure	\$225,000.00	No
MS18018	City of Norwalk	6/8/2018	9/7/2019		\$75,000.00	\$0.00	Vehicle Maintenance Facility Modifications	\$75,000.00	No
MS18107	Huntington Beach Union High School				\$225,000.00	\$0.00	Expansion of Existing Infrastructure	\$225,000.00	No
MS18109	City of South Gate				\$175,000.00	\$0.00	Install New Limited-Access CNG Infrastructu	\$175,000.00	No
MS18111	Newport-Mesa Unified School District				\$175,000.00	\$0.00	Expansion of Existing CNG Infrastructure	\$175,000.00	No
MS18112	Banning Unified School District	11/29/2018	11/28/2024	11/28/2025	\$275,000.00	\$0.00	Install New CNG Infrastructure	\$275,000.00	No
MS18113	City of Torrance				\$100,000.00	\$0.00	Expansion of Existing CNG Infrastructure	\$100,000.00	No
MS18119	LBA Realty Company XI LP				\$100,000.00	\$0.00	Install New Limited-Access CNG Infrastructu	\$100,000.00	No
MS18121	City of Montebello				\$70,408.00	\$0.00	Expansion of Existing CNG Infrastructure	\$70,408.00	No
MS18175	Regents of the University of Californi	6/7/2019	8/6/2025	8/6/2026	\$1,000,000.00	\$0.00	Expansion of Existing Hydrogen Station	\$1,000,000.00	No
MS18184	Clean Energy				\$1,000,000.00	\$0.00	Install Publicly Accessible Hydrogen Fueling	\$1,000,000.00	No

Total: 22

Closed Contracts

ML18021	City of Signal Hill	4/6/2018	1/5/2022		\$49,661.00	\$46,079.31	Install EV Charging Stations	\$3,581.69	Yes
ML18022	City of Desert Hot Springs	5/3/2018	1/2/2020	1/2/2021	\$50,000.00	\$50,000.00	Traffic Signal and Synchronization Project	\$0.00	Yes
ML18040	City of Agoura Hills	7/13/2018	6/12/2022		\$17,914.00	\$17,914.00	Install EV Charging Infrastructure	\$0.00	Yes
ML18054	City of La Habra Heights	8/8/2018	4/7/2022		\$9,200.00	\$9,200.00	Purchase 1 L.D. ZEV	\$0.00	Yes
ML18070	City of Lomita	11/29/2018	6/28/2022		\$6,250.00	\$6,250.00	Purchase 1 Light-Duty ZEV	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML18071	City of Chino Hills	9/7/2018	10/6/2022		\$20,000.00	\$20,000.00	Purchase 2 Light-Duty ZEVs	\$0.00	Yes
ML18077	City of Orange	11/2/2018	10/1/2022		\$59,776.00	\$59,776.00	Four Light-Duty ZEV and EV Charging Infr	\$0.00	Yes
ML18088	City of Big Bear Lake	11/29/2018	8/28/2020	8/28/2021	\$50,000.00	\$50,000.00	Install Bicycle Trail	\$0.00	Yes
ML18097	City of Temple City	11/29/2018	7/28/2022		\$16,000.00	\$12,000.00	Purchase Two Light-Duty ZEVs	\$4,000.00	Yes
ML18126	City of Lomita	12/7/2018	1/6/2020		\$26,500.00	\$13,279.56	Install bicycle racks and lanes	\$13,220.44	Yes
ML18130	City of Lake Forest	3/1/2019	9/30/2022		\$106,480.00	\$106,480.00	Install Twenty-One EVSEs	\$0.00	Yes
ML18139	City of Calimesa	8/30/2019	7/29/2020	11/29/2021	\$50,000.00	\$50,000.00	Install Bicycle Lane	\$0.00	Yes
ML18179	City of Rancho Mirage	8/20/2021	2/19/2022		\$50,000.00	\$50,000.00	Traffic Signal Synchronization	\$0.00	Yes
MS18001	Los Angeles County MTA	6/29/2017	4/30/2018		\$807,945.00	\$652,737.07	Provide Clean Fuel Transit Service to Dodge	\$155,207.93	Yes
MS18002	Southern California Association of G	6/9/2017	11/30/2018	12/30/2021	\$2,500,000.00	\$2,276,272.46	Regional Active Transportation Partnership	\$223,727.54	Yes
MS18003	Geographics	2/21/2017	2/20/2021	6/20/2021	\$72,453.00	\$65,521.32	Design, Host and Maintain MSRC Website	\$6,931.68	Yes
MS18004	Orange County Transportation Autho	8/3/2017	4/30/2019		\$503,272.00	\$456,145.29	Provide Special Rail Service to Angel Stadiu	\$47,126.71	Yes
MS18005	Orange County Transportation Autho	1/5/2018	4/30/2019		\$834,222.00	\$834,222.00	Clean Fuel Bus Service to OC Fair	\$0.00	Yes
MS18006	Anaheim Transportation Network	10/6/2017	2/28/2020		\$219,564.00	\$9,488.22	Implement Anaheim Circulator Service	\$210,075.78	Yes
MS18008	Foothill Transit	1/12/2018	3/31/2019		\$100,000.00	\$99,406.61	Special Transit Service to LA County Fair	\$593.39	Yes
MS18010	Southern California Regional Rail Aut	12/28/2017	7/31/2019		\$351,186.00	\$275,490.61	Implement Special Metrolink Service to Unio	\$75,695.39	Yes
MS18011	Southern California Regional Rail Aut	2/9/2018	6/30/2018		\$239,565.00	\$221,725.12	Special Train Service to Festival of Lights	\$17,839.88	Yes
MS18014	Regents of the University of Californi	10/5/2018	12/4/2019	3/4/2020	\$254,795.00	\$251,455.59	Planning for EV Charging Infrastructure Inve	\$3,339.41	Yes
MS18016	Southern California Regional Rail Aut	1/10/2019	3/31/2019		\$87,764.00	\$73,140.89	Special Train Service to Auto Club Speedwa	\$14,623.11	Yes
MS18025	Los Angeles County MTA	11/29/2018	5/31/2019		\$1,324,560.00	\$961,246.86	Special Bus and Train Service to Dodger Sta	\$363,313.14	Yes
MS18102	Orange County Transportation Autho	10/4/2019	5/31/2020		\$1,146,000.00	\$1,146,000.00	Implement OC Flex Micro-Transit Pilot Proje	\$0.00	Yes
MS18103	Orange County Transportation Autho	2/8/2019	9/7/2020		\$642,000.00	\$613,303.83	Install Hydrogen Detection System	\$28,696.17	Yes
MS18104	Orange County Transportation Autho	2/21/2020	3/31/2021	3/31/2022	\$212,000.00	\$165,235.92	Implement College Pass Transit Fare Subsid	\$46,764.08	Yes
MS18105	Southern California Regional Rail Aut	1/10/2019	6/30/2019		\$252,696.00	\$186,830.04	Special Train Service to the Festival of Light	\$65,865.96	Yes

Total: 29

Closed/Incomplete Contracts

ML18133	City of Rancho Mirage	12/7/2018	11/6/2020		\$50,000.00	\$0.00	Traffic Signal Synchronization	\$50,000.00	No
MS18026	Omnitrans	10/5/2018	1/4/2020		\$83,000.00	\$0.00	Modify Vehicle Maintenance Facility and Trai	\$83,000.00	No

Total: 2

Open/Complete Contracts

ML18019	City of Hidden Hills	5/3/2018	5/2/2022	5/2/2023	\$49,999.00	\$49,999.00	Purchase Two Light-Duty ZEVs and EVSE	\$0.00	Yes
ML18020	City of Colton	5/3/2018	4/2/2024	4/2/2027	\$67,881.00	\$67,881.00	Purchase One Medium-Duty and One Heavy	\$0.00	Yes
ML18028	City of Artesia	6/28/2018	3/27/2025		\$50,000.00	\$50,000.00	Install EVSE	\$0.00	Yes
ML18032	City of Arcadia	2/1/2019	4/30/2025		\$24,650.00	\$24,650.00	Purchase 1 Heavy-Duty Near-ZEV	\$0.00	Yes
ML18033	City of Duarte	8/8/2018	2/7/2025		\$50,000.00	\$50,000.00	Purchase 1-HD ZEV	\$0.00	Yes
ML18034	City of Calabasas	6/8/2018	3/7/2022	3/7/2023	\$50,000.00	\$50,000.00	Install EVSE	\$0.00	Yes
ML18035	City of Westlake Village	8/8/2018	11/7/2022		\$50,000.00	\$50,000.00	Install EVSE	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML18037	City of Westminster	6/28/2018	6/27/2024	12/27/2026	\$120,900.00	\$120,900.00	Install EVSE, Purchase up to 3-LD ZEV & 1-	\$0.00	Yes
ML18038	City of Anaheim	10/5/2018	5/4/2025	5/4/2026	\$151,630.00	\$147,883.27	Purchase 5 Light-Duty ZEVs and Install EVS	\$3,746.73	Yes
ML18039	City of Redlands	6/28/2018	7/27/2024	1/27/2025	\$63,191.00	\$63,190.33	Purchase 1 Medium/Heavy-Duty ZEV and In	\$0.67	Yes
ML18042	City of San Fernando	6/28/2018	2/27/2024		\$10,000.00	\$10,000.00	Purchase 1 Light-Duty ZEV	\$0.00	Yes
ML18043	City of Yorba Linda	9/7/2018	12/6/2023	12/6/2024	\$87,990.00	\$87,990.00	Install EV Charging Infrastructure	\$0.00	Yes
ML18045	City of Culver City Transportation De	6/28/2018	6/27/2025		\$51,000.00	\$51,000.00	Purchase Eight Near-Zero Vehicles	\$0.00	Yes
ML18048	City of Lynwood	6/28/2018	10/27/2024		\$93,500.00	\$44,505.53	Purchase Up to 3 Medium-Duty Zero-Emissi	\$48,994.47	Yes
ML18049	City of Downey	7/6/2018	5/5/2023		\$148,260.00	\$148,116.32	Install EV Charging Stations	\$143.68	Yes
ML18052	City of Garden Grove	8/8/2018	10/7/2022		\$53,593.00	\$46,164.28	Purchase 4 L.D. ZEVs and Infrastructure	\$7,428.72	Yes
ML18056	City of Chino	3/29/2019	9/28/2023		\$103,868.00	\$103,868.00	Install EV Charging Infrastructure	\$0.00	Yes
ML18061	City of Moreno Valley	4/9/2019	2/8/2025		\$25,000.00	\$25,000.00	Purchase 1 Heavy-Duty Near-ZEV	\$0.00	Yes
ML18062	City of Beaumont	8/8/2018	9/7/2024		\$25,000.00	\$25,000.00	Purchase 1 Heavy-Duty Near-ZEV	\$0.00	Yes
ML18072	City of Anaheim	12/18/2018	11/17/2026		\$239,560.00	\$239,560.00	Purchase 9 Light-Duty ZEVs & 2 Med/Hvy-D	\$0.00	Yes
ML18074	City of Buena Park	12/14/2018	6/13/2026		\$107,960.00	\$107,960.00	EV Charging Infrastructure	\$0.00	Yes
ML18076	City of Culver City Transportation De	10/5/2018	10/4/2023		\$1,130.00	\$1,130.00	Purchase Light-Duty ZEV	\$0.00	Yes
ML18079	City of Pasadena	12/7/2018	11/6/2023		\$183,670.00	\$183,670.00	EV Charging Infrastructure	\$0.00	Yes
ML18081	City of Beaumont	10/5/2018	10/4/2022	10/4/2025	\$31,870.00	\$31,870.00	EV Charging Infrastructure	\$0.00	Yes
ML18085	City of Orange	4/12/2019	10/11/2026		\$50,000.00	\$50,000.00	Purchase Two Heavy-Duty Near-Zero Emissi	\$0.00	Yes
ML18086	City of Los Angeles Bureau of Street	2/8/2019	4/7/2023		\$300,000.00	\$300,000.00	Install Sixty EV Charging Stations	\$0.00	Yes
ML18087	City of Murrieta	3/29/2019	3/28/2025		\$143,520.00	\$143,520.00	Install Four EV Charging Stations	\$0.00	Yes
ML18090	City of Santa Clarita	5/9/2019	2/8/2023	2/8/2024	\$122,000.00	\$118,978.52	Install Nine EV Charging Stations	\$3,021.48	Yes
ML18095	City of Gardena	11/9/2018	12/8/2024		\$25,000.00	\$25,000.00	Purchase Heavy-Duty Near-ZEV	\$0.00	Yes
ML18096	City of Highland	12/13/2019	8/12/2024		\$10,000.00	\$9,918.84	Purchase Light-Duty Zero Emission Vehicle	\$81.16	Yes
ML18098	City of Redondo Beach	2/1/2019	3/31/2023	3/31/2025	\$89,400.00	\$89,400.00	Install Six EV Charging Stations	\$0.00	Yes
ML18127	City of La Puente	2/1/2019	2/28/2023		\$10,000.00	\$7,113.70	Purchase Light-Duty Zero Emission Vehicle	\$2,886.30	Yes
ML18128	City of Aliso Viejo	8/30/2019	11/29/2023		\$65,460.00	\$65,389.56	Purchase Two Light-Duty ZEVs and Install S	\$70.44	Yes
ML18131	City of Los Angeles, Police Departm	5/3/2019	12/2/2022		\$19,294.00	\$19,294.00	Purchase Three Light-Duty ZEVs	\$0.00	Yes
ML18136	City of Orange	4/12/2019	8/11/2024		\$40,000.00	\$40,000.00	Purchase Four Light-Duty Zero Emission Ve	\$0.00	Yes
ML18138	City of La Canada Flintridge	2/8/2019	5/7/2023		\$50,000.00	\$32,588.07	Install Four EVSEs and Install Bicycle Racks	\$17,411.93	Yes
ML18143	City of La Habra	10/18/2019	9/17/2025	9/17/2027	\$80,700.00	\$80,700.00	Install Two EV Charging Stations	\$0.00	Yes
ML18154	City of Hemet	11/22/2019	9/21/2023	3/21/2024	\$30,000.00	\$30,000.00	Purchase Two Light-Duty ZEVs and EV Cha	\$0.00	Yes
ML18155	City of Claremont	7/31/2019	9/30/2023		\$35,609.00	\$35,608.86	Install EV Charging Infrastructure	\$0.14	Yes
ML18156	City of Covina	2/1/2019	3/31/2023	12/31/2023	\$63,800.00	\$62,713.00	Purchase Four Light-Duty ZEVs and EV Cha	\$1,087.00	Yes
ML18157	City of Los Angeles Bureau of Street	6/21/2019	5/20/2027		\$85,000.00	\$85,000.00	Purchase One Medium-Duty ZEV	\$0.00	Yes
ML18160	City of Irwindale	3/29/2019	12/28/2022		\$14,263.00	\$14,263.00	Purchase Two Light-Duty ZEVs	\$0.00	Yes
ML18161	City of Indio	5/3/2019	10/2/2025		\$25,000.00	\$25,000.00	Purchase 1 Light-Duty Zero Emission and E	\$0.00	Yes
ML18162	City of Costa Mesa	1/10/2020	7/9/2026		\$148,210.00	\$148,210.00	Purchase Three Light-Duty ZEVs and EV Ch	\$0.00	Yes

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
ML18169	City of Alhambra	6/14/2019	8/13/2024		\$111,980.00	\$111,980.00	Install EV Charging Infrastructure	\$0.00	Yes
ML18171	City of El Monte	3/1/2019	4/30/2025		\$68,079.00	\$68,077.81	Purchase One Heavy-Duty ZEVs and EV Ch	\$1.19	Yes
ML18173	City of Manhattan Beach	3/29/2019	2/28/2023		\$49,000.00	\$49,000.00	Purchase Two Light-Duty ZEVs and EV Cha	\$0.00	Yes
ML18176	City of Coachella	3/1/2019	11/30/2024		\$58,020.00	\$58,020.00	Install EV Charging Stations	\$0.00	Yes
MS18012	City of Hermosa Beach	2/2/2018	2/1/2024		\$36,000.00	\$36,000.00	Construct New Limited-Access CNG Station	\$0.00	Yes
MS18066	El Dorado National	12/6/2019	2/5/2026		\$100,000.00	\$100,000.00	Install New Limited-Access CNG Station	\$0.00	Yes
MS18117	City of San Bernardino	6/7/2019	11/6/2025		\$240,000.00	\$240,000.00	Expansion of Existing CNG Infrastructure/Me	\$0.00	Yes
MS18120	City of Redondo Beach	2/1/2019	9/30/2025		\$275,000.00	\$275,000.00	Install New Limited-Access CNG Infrastructu	\$0.00	Yes
MS18123	City Rent A Bin DBA Serv-Wel Dispo	12/14/2018	2/13/2025		\$200,000.00	\$200,000.00	Install New Limited-Access CNG Infrastructu	\$0.00	Yes
MS18124	County Sanitation Districts of Los An	7/31/2019	2/28/2027		\$275,000.00	\$275,000.00	Install New Limited-Access CNG Infrastructu	\$0.00	Yes
MS18125	U.S. Venture	5/9/2019	8/8/2025		\$200,000.00	\$200,000.00	Install New Limited-Access CNG Infrastructu	\$0.00	Yes

Total: 55

Cont.#	Contractor	Start Date	Original End Date	Amended End Date	Contract Value	Remitted	Project Description	Award Balance	Billing Complete?
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FY 2018-2021 Contracts

Open Contracts

MS21002	Better World Group Advisors	11/1/2019	12/31/2022		\$265,079.00	\$135,318.00	Programmatic Outreach Services	\$129,761.00	No
MS21004	Los Angeles County MTA	1/7/2021	5/31/2023		\$2,188,899.00	\$0.00	Clean Fuel Bus Service to Dodger Stadium	\$2,188,899.00	No
MS21005	Southern California Association of G	5/5/2021	1/31/2024	7/31/2025	#####	\$0.00	Implement Last Mile Goods Movement Progr	#####	No
MS21006	Geographics	4/1/2021	6/20/2023		\$12,952.00	\$5,503.75	Hosting & Maintenance of the MSRC Websit	\$7,448.25	No
MS21007	Penske Truck Leasing Co., L.P.	4/1/2022	3/31/2028		\$1,000,000.00	\$0.00	Deploy 5 Zero-Emission Yard Tractors	\$1,000,000.00	No
MS21009	ITS Technologies & Logistics, LLC	7/15/2022	7/14/2028		\$1,686,900.00	\$0.00	Deploy 12 Zero-Emission Yard Tractors	\$1,686,900.00	No
MS21010	MHX, LLC	9/29/2021	1/28/2028		\$569,275.00	\$0.00	Deploy One Zero-Emission Overhead Crane	\$569,275.00	No
MS21011	RDS Logistics Group	1/21/2022	7/20/2028		\$808,500.00	\$0.00	Deploy 3 Zero-Emission Yard Tractors and	\$808,500.00	No
MS21013	4 Gen Logistics	3/27/2022	5/26/2028		\$7,000,000.00	\$0.00	Deploy 40 Zero Emssion Trucks	\$7,000,000.00	No
MS21014	Green Fleet Systems, LLC	8/31/2021	8/30/2027		\$500,000.00	\$0.00	Deploy up to 5 Near Zero Emission Trucks	\$500,000.00	No
MS21015	Premium Transportation Services, In	9/22/2021	5/21/2027		\$1,500,000.00	\$0.00	Deploy up to 15 Near-Zero Emissions Truck	\$1,500,000.00	No
MS21017	MHX, LLC	9/29/2021	9/28/2030		\$1,900,000.00	\$0.00	Deploy up to 10 Zero-Emission Trucks & Infr	\$1,900,000.00	No
MS21018	Pac Anchor Transportation, Inc.	8/17/2021	8/16/2027		\$2,300,000.00	\$0.00	Deploy up to 23 Near Zero Emission Trucks	\$2,300,000.00	No
MS21019	Volvo Financial Services	3/31/2022	3/30/2030		\$3,930,270.00	\$0.00	Lease up to 14 Zero-Emission Trucks and Pr	\$3,930,270.00	No
MS21023	BNSF Railway Company	4/22/2022	4/21/2028		\$1,313,100.00	\$0.00	Install EV Charging Infrastructure	\$1,313,100.00	No

Total: 15

Pending Execution Contracts

MS21012	Amazon Logistics, Inc.				\$4,157,710.00	\$0.00	Deploy up to 10 Zero-Emission and 100 Nea	\$4,157,710.00	No
MS21016	Ryder Integrated Logistics, Inc.				\$3,169,746.00	\$0.00	Procure Two Integrated Power Centers and	\$3,169,746.00	No
MS21025	Costco Wholesale				\$160,000.00	\$0.00	Install EV Charging Infrastructure	\$160,000.00	No

Total: 3

Declined/Cancelled Contracts

MS21008	CMA CGM (America) LLC				\$3,000,000.00	\$0.00	Deploy 2 Zero-Emission Rubber Tire Gantry	\$3,000,000.00	No
MS21020	Sea-Logix, LLC				\$2,300,000.00	\$0.00	Deploy up to 23 Near-Zero Emssions Trucks	\$2,300,000.00	No
MS21021	CMA CGM (America) LLC				\$1,946,463.00	\$0.00	Deploy up to 13 Near Zero Emission Trucks	\$1,946,463.00	No
MS21022	Orange County Transportation Autho				\$289,054.00	\$0.00	Implement Special Transit Service to the Or	\$289,054.00	No

Total: 4

Closed Contracts

MS21001	Los Angeles County MTA	8/30/2019	7/29/2020		\$1,148,742.00	\$285,664.87	Implement Special Transit Service to Dodger	\$863,077.13	Yes
MS21003	Orange County Transportation Autho	7/8/2020	5/31/2021		\$468,298.00	\$241,150.48	Provide Express Bus Service to the Orange	\$227,147.52	Yes

Total: 2

[↑ Back to Agenda](#)

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 23

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a meeting on October 13, 2022 and October 27, 2022. The following is a summary of the meetings.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Governing Board

ft

The California Air Resources Board (CARB or Board) held a public meeting on October 13, 2022 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key item presented is summarized below.

DISCUSSION ITEM

22-13-1: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program - Arvin/Lamont Community Emissions Reduction Program

The Board approved the Community Emissions Reduction Program (CERP) for the Arvin/Lamont community in Kern County and directed CARB staff to work with the San Joaquin Valley Air Pollution Control District to take additional actions to strengthen implementation of the CERP. CERPs are developed pursuant to Assembly Bill (AB) 617 (C. Garcia, Chapter 136, 2017) and the Community Air Protection Program, and focus on reducing cumulative exposure to air pollution in individual communities. The Arvin/Lamont community has long been overburdened by emissions from industrial sources, agricultural operations, oil production and extraction, dust, and heavy-duty truck traffic. Many neighborhoods are near farmland, making pesticide

exposure a top community priority. The Arvin/Lamont community CERP includes measures to provide investments in residential and agricultural equipment replacement, to address pesticides and oil well impacts on the community, and to re-route heavy-duty diesels trucks away from sensitive populations. CARB staff evaluated the CERP and determined it meets the criteria established in AB 617 and the Community Air Protection Program Blueprint, reflects community priorities, and will reduce air pollution emissions and exposure in the community.

The Board held a public meeting on October 27, 2022 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key item presented is summarized below.

DISCUSSION ITEM

22-14-1: Public Hearing to Consider the Proposed Advanced Clean Fleets Regulation

The Board hosted the first of two planned hearings to consider the proposed Advanced Clean Fleets (ACF) regulation. No action was taken by the Board at this first meeting. The ACF regulation is part of CARB's comprehensive strategy to accelerate the widespread adoption of zero-emission vehicles (ZEV) in the medium- and heavy-duty truck sector and for light-duty package delivery vehicles. Since mobile sources are the greatest contributor to emissions of criteria pollutants and greenhouse gases (GHG) in California, accounting for about 80 percent of ozone precursor emissions and approximately 37 percent of statewide GHG emissions, the ACF regulation is critical to meeting California's public health and climate goals and meeting State and federal air quality standards. The proposed regulation includes several key components that would primarily require State and local government fleets, drayage trucks, high priority fleets, and federal fleets to phase in medium- and heavy-duty ZEVs, and light-duty package delivery ZEVs. The proposed ACF regulation would begin with certain fleets deploying ZEVs starting in 2024 and would establish a clear end date for medium- and heavy-duty internal combustion engine vehicle sales in 2040. The Board directed staff to consider recommended and any other necessary modifications to the draft regulatory language, and bring the final proposed ACF regulation back to the Board for its consideration at a subsequent hearing.

Attachments: CARB October 13, 2022 and October 27, 2022 Meeting Agendas



Public Meeting Agenda

Thursday, October 13, 2022

California Environmental Protection Agency
1001 I Street, Sacramento, California 95814
Byron Sher Auditorium, 2nd Floor

Webcast (Livestream/Watch Only)
Zoom Webinar [Register Here](#)

Phone Number: (669) 900-6833
Webinar ID: 880 0924 2322

The October 13, 2022, meeting of the California Air Resources Board (CARB or Board) will be held at 1001 I Street in Sacramento, with remote participation available to the public and Board members in accordance with [Senate Bill 189](#) (Gov. Code § 11133). This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

To only watch the Board Meeting and not provide verbal comments, please view the [webcast](#). If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments. Please do not view the webcast and then switch over to the webinar to comment as the webcast will have a time delay; instead, register to participate via the Zoom webinar.

Public Comment Guidelines and Information

- [In-Person Public Testimony \(NEW\)](#)
- [Remote Public Participation \(UPDATED\)](#)

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair will close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish interpretation will be available for the October 13 Board Meeting.

- [Agenda de la Reunión Pública](#)
- [Spanish Webcast](#)

Thursday, October 13, 2022 @ 4:00 p.m.

Discussion Items:

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-13-1: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program - Arvin/Lamont Community Emissions Reduction Program

The Board will consider the Arvin/Lamont Community Emissions Reduction Program as required by Assembly Bill 617 and will also consider invoking a California Environmental Quality Act exemption in connection with its action. The San Joaquin Valley Air Pollution Control District and the Arvin/Lamont Community Steering Committee worked in partnership to develop their Community Emissions Reduction Program.

- [More Information](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Opportunity for Members of the Board to Comment on Matters of Interest

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board

Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but that do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board meeting.

If you have any questions, please contact the Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814

cotb@arb.ca.gov or (916) 322-5594

CARB Homepage: www.arb.ca.gov

Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or at (916) 322-5594 as soon as possible, but no later than 7 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Acomodación Especial

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor contacte la oficina del Consejo al (916) 322-5594 o por correo electronico al cotb@arb.ca.gov lo más pronto posible, pero no menos de 7 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.



Public Meeting Agenda

Thursday, October 27, 2022

California Environmental Protection Agency
1001 I Street, Sacramento, California 95814
Byron Sher Auditorium, 2nd Floor

Webcast (Livestream/Watch Only)
Zoom Webinar [Register Here](#)

Phone Number: (669) 900-6833
Webinar ID: 843 9274 6363

The October 27, 2022, meeting of the California Air Resources Board (CARB or Board) will be held at 1001 I Street in Sacramento, with remote participation available to the public and Board members in accordance with [Senate Bill 189](#) (Gov. Code § 11133). This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

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Public Comment Guidelines and Information

- [In-Person Public Testimony \(NEW\)](#)
- [Remote Public Participation \(UPDATED\)](#)

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair will close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish interpretation will be available for the October 27 Board Meeting.

- [Agenda de la Reunión Pública](#)
- [Spanish Webcast](#)

Thursday, October 27, 2022 @ 9:00 a.m.

Discussion Item:

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-14-1: Public Hearing to Consider Proposed Advanced Clean Fleets Regulation

The Board will consider the proposed Advanced Clean Fleets Regulation rulemaking. This hearing will be the first of two planned hearings.

- [Formal Rulemaking Page](#) (includes links to Notice, Staff Report, and Appendices)
 - [Public Hearing Notice](#)
 - [Staff Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

Opportunity for Members of the Board to Comment on Matters of Interest

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board

Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but that do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board meeting.

If you have any questions, please contact the Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814
cotb@arb.ca.gov or (916) 322-5594
CARB Homepage: www.arb.ca.gov

Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or at (916) 322-5594 as soon as possible, but no later than 7 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Acomodación Especial

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor contacte la oficina del Consejo al (916) 322-5594 o por correo electrónico al cotb@arb.ca.gov lo más pronto posible, pero no menos de 7 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 25

PROPOSAL: Determine That Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets Is Exempt from CEQA and Approve Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and Updated Motor Vehicle Emissions Budgets

SYNOPSIS: Under the Clean Air Act, Motor Vehicle Emissions Budgets (MVEB) are required for each air quality standard for which an area is in nonattainment. Coachella Valley is classified as a “severe” nonattainment area for the 2008 8-Hour Ozone Standard. Coachella Valley’s MVEB for the 2008 Ozone Standard was approved by U.S. EPA in 2020. Since then, an updated on-road mobile source emissions model estimates higher emissions than the approved MVEB for the same vehicular activities. This leads to transportation conformity lockdown, under which no new transportation projects are allowed in the region. According to SCAG, \$26 billion worth of projects are impacted by this transportation conformity lockdown. Reclassifying the Coachella Valley to “extreme” nonattainment provides an opportunity to develop a new SIP and update the MVEB, resolving this conformity lockdown. South Coast AQMD developed SIP elements required to update the MVEB, which are the baseline emissions inventory, reasonable further progress demonstration and an updated MVEB.

COMMITTEE: Mobile Source, August 19, 2022; Reviewed

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Determining that the Reclassification of Coachella Valley for the 2008 8-hour ozone standard and the related SIP elements required to update the Motor Vehicle Emissions Budgets are exempt from the requirements of the California Environmental Quality Act (CEQA);
2. Approving the request to reclassify Coachella Valley from “severe-15” to “extreme” nonattainment for the 2008 8-hour ozone standard;

3. Approving selected SIP elements required to update Motor Vehicle Emissions Budgets, which are baseline emissions inventory, reasonable further progress demonstration and updated motor vehicle emissions budgets for “extreme” nonattainment of the 2008 8-hour ozone standard; and
4. Directing staff to forward the request to reclassify Coachella Valley for the 2008 8-hour ozone standard and the related SIP elements to CARB for approval and submission to U.S. EPA for inclusion in the SIP.

Wayne Natri
Executive Officer

SR:IM:SL:EP:JHL

Background

The Coachella Valley Planning Area (Coachella Valley) is defined as the desert portion of Riverside County in the Salton Sea Air Basin (SSAB) under the jurisdiction of South Coast AQMD. The Coachella Valley is currently classified as a “severe-15” nonattainment area for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) of 0.075 parts per million (ppm), with an attainment date of July 20, 2027.

Transportation conformity is required by the federal Clean Air Act (CAA) to ensure that regional transportation plans, programs, and projects are consistent with or conform to a State Implementation Plan (SIP) for meeting the NAAQS. Under U.S. EPA’s transportation conformity regulation, SCAG transportation plans such as the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) must demonstrate that the emissions from the proposed plan/program do not exceed the Motor Vehicle Emissions Budgets (MVEB). The Coachella Valley MVEB for the 2008 8-hour ozone standard was established in the 2016 AQMP and revised in the 2018 SIP Update, which was approved by U.S. EPA with an effective date of October 16, 2020.

When conducting conformity determinations for transportation plan amendments or new projects, SCAG is required to calculate emissions associated with the plan/projects using the latest U.S. EPA approved on-road mobile source emissions model, which is EMFAC2017. The MVEB contained in the approved 2008 8-hour ozone SIP was developed using EMFAC2014, which estimates lower emissions for the same vehicle classes and traffic activities. The new modeled vehicular emissions using EMFAC2017 exceed those in the approved MVEB in the Coachella Valley and are no longer consistent with the SIP, resulting in a transportation conformity lockdown for the Coachella Valley. Under a conformity lockdown, only projects in the current conforming RTP/FTIP and exempt projects can move forward; no new transportation projects can proceed.

Transportation conformity lockdowns have serious implications and carry economic penalties. According to SCAG, there are \$26 billion worth of transportation projects currently being impacted by the conformity lockdown. Under the CAA, states and local agencies can voluntarily request that U.S. EPA reclassify an area to the next nonattainment classification and upon U.S. EPA's granting of the request, revise a SIP to demonstrate attainment by a new attainment due date, update MVEB and address other SIP elements required under the new nonattainment classification.

Proposal

A voluntary reclassification from "severe-15" to "extreme" nonattainment triggers a SIP revision to address "extreme" nonattainment area planning requirements including establishing a new MVEB. This would also extend the attainment date for Coachella Valley from July 20, 2027 to as expeditiously as practicable, but no later than July 20, 2032.

Under the CAA, U.S. EPA establishes the submittal deadline after the reclassification is granted. However, due to the urgency of resolving the conformity lockdown, staff proposes to concurrently submit SIP elements required to establish the new MVEB, which are a baseline emissions inventory, a Reasonable Further Progress demonstration and the revised MVEB using the latest on-road mobile source emissions model approved by U.S. EPA. This will expedite the process to update the MVEB and allow SCAG to move forward with their subsequent RTP and FTIP amendments. South Coast AQMD will continue developing a SIP to address the remaining "extreme" ozone nonattainment area requirements under CAA Section 182(e). The Coachella Valley is already in "extreme" nonattainment for the 1997 8-hour ozone standard, and the South Coast AQMD is also planning to request reclassification to "extreme" for the 2015 8-hour ozone standard. Therefore, no adverse impacts are expected from the change in classification for the 2008 8-hour ozone standard.

Public Process

The Draft Staff Report for Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets was released on September 16, 2022 and a Public Consultation Meeting was held on September 23, 2022 remotely. No written comments were received as of October 18, 2022.

Resource Impacts

The Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets will have nominal impacts on South Coast AQMD resources. This is because "extreme" nonattainment area requirements under CAA 182(e) are already placed in Coachella Valley and the resources developed for the 2022 AQMP will be utilized to demonstrate Coachella Valley's attainment by the new due date.

California Environmental Quality Act (CEQA)

Pursuant to the CEQA Guidelines Sections 15002(k) and 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308. Further, there is no substantial evidence indicating that any of the exceptions in CEQA Guidelines Section 15300.2 apply to the proposed project. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 and is included as Attachment C to this Board letter.

AQMP and Legal Mandates

The Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets is consistent with the federal CAA and the U.S. EPA's guidelines and is required as part of the SIP revision to address the federal CAA requirements for "extreme" nonattainment areas.

Attachments

- A. Resolution
- B. Draft Final Staff Report - Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets
- C. Notice of Exemption from CEQA
- D. Board Presentation

ATTACHMENT A

RESOLUTION NO. 22-_____

A Resolution of the South Coast Air Quality Management District (South Coast AQMD) Governing Board determining that the South Coast AQMD's Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and the related SIP elements required to update the Motor Vehicle Emissions Budgets is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD approving the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the related SIP elements required to update Motor Vehicle Emissions Budgets and directing staff to forward South Coast AQMD's Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the related SIP elements required to update the Motor Vehicle Emissions Budgets to the California Air Resources Board (CARB) for approval and submission to the United States Environmental Protection Agency (U.S. EPA) for inclusion in the State Implementation Plan (SIP).

WHEREAS, the South Coast AQMD Governing Board finds and determines that the Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets is considered a "project" pursuant to CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that the proposed project is exempt from CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that since the Coachella Valley is already in "extreme" nonattainment for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard), and the South Coast AQMD is also planning to request reclassification to "extreme" for the 2015 8-hour ozone standard, no adverse impacts are expected from the change in classification from "severe-15" to "extreme" nonattainment for the 2008 8-hour ozone standard. Thus, it can be seen with certainty that there is no possibility that the proposed project may have any significant adverse effects on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the proposed project is also categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of

the Environment, because the proposed project is intended to further protect or enhance the environment; and

WHEREAS, the South Coast AQMD Governing Board has determined that there is no substantial evidence indicating that any of the exceptions to the categorical exemption as set forth in CEQA Guidelines Section 15300.2 – Exceptions, apply to the proposed project; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project, that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, the proposed project and supporting documentation, including but not limited to, the Notice of Exemption, were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, and has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, the Coachella Valley, defined as the desert portion of Riverside County in the Salton Sea Air Basin, is designated as a “severe-15” nonattainment area for the 2008 8-hour ozone NAAQS with an attainment date of July 20, 2027; and

WHEREAS, the South Coast AQMD will submit a voluntary request to the U.S. EPA to reclassify Coachella Valley from “severe-15” nonattainment to “extreme” nonattainment for the 2008 8-hour ozone NAAQS, pursuant to Clean Air Act (CAA) Section 181(b)(3) – Classifications and Attainment Date; and

WHEREAS, the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets was developed to address statutory requirements related to transportation conformity and portions of CAA Section 182(e) SIP requirements for “extreme” nonattainment areas; and

WHEREAS, the Coachella Valley is under a transportation conformity lockdown due to a methodology update to the on-road mobile source emissions model used for regional transportation planning which results in calculated emissions exceeding those in the approved Motor Vehicle Emissions Budgets; and

WHEREAS, under a transportation conformity lockdown, only projects in the current conforming Regional Transportation Plan/Federal Transportation Improvement Program (RTP/FTIP) and exempt projects can move forward; no new transportation projects can proceed. According to the Southern California Association of Governments, \$26 billion worth of transportation projects are impacted by the lockdown; and

WHEREAS, reclassifying Coachella Valley’s nonattainment status from the current “severe-15” to “extreme” will provide an opportunity to update the Motor Vehicle Emissions Budgets and resolve the transportation conformity lockdown; and

WHEREAS, upon U.S. EPA’s granting the reclassification request, an “extreme” area SIP is required to address other “extreme” nonattainment area planning requirements set forth in CAA Section 182(e) and the attainment strategy to meet the new attainment deadline, which is as expeditiously as practicable, but no later than July 20, 2032; and

WHEREAS, the “extreme” area SIP is not due until U.S. EPA sets a deadline to submit the Plan via its rule and public process, selected SIP elements required to resolve the transportation conformity lockdown are included in this report. They are the baseline emissions inventory, Reasonable Further Progress demonstration, and the updated Motor Vehicle Emissions Budgets using the latest on-road mobile source emissions model approved by U.S. EPA; and

WHEREAS, the draft staff report for the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets was released on September 16, 2022 with a comment period from September 16, 2022 to October 18, 2022; and

WHEREAS, a public consultation meeting was held on September 23, 2022 to solicit information, comments, and suggestions from the public, affected businesses and stakeholders; and

WHEREAS, the draft final staff report for the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets was released on November 1, 2022; and

WHEREAS, South Coast AQMD will develop remaining SIP elements according to the timeline to be specified by U.S. EPA to satisfy applicable “extreme” area requirements under the CAA; and

WHEREAS, the South Coast AQMD Governing Board has determined that no Socioeconomic Impact Assessment is required under Health and Safety Code Section 40440.8 or 40728.5, because these sections apply only to rules, and further that no socioeconomic impact will result from the reclassification of Coachella Valley for the 2008 8-hour ozone NAAQS; and

WHEREAS, the public hearing has been properly noticed in accordance with all provisions regarding notice of revisions to the State Implementation Plan in Code of Federal Regulations Title 40, Part 51, Section 51.102; and

WHEREAS, the South Coast AQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the South Coast AQMD specifies the Planning and Rules Manager of the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets is based, which are located at the South Coast AQMD, 21865 Copley Drive, Diamond Bar, California; and

NOW, THEREFORE BE IT RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that the Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and the related SIP elements required to update the Motor Vehicle Emissions Budgets is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption and CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for the Protection of the Environment. No exceptions to the application of the categorical exemption set forth in CEQA Guidelines Section 15300.2 – Exceptions, apply to the proposed project. This information was presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered, and approved the information therein prior to acting on the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby approve, pursuant to the authority granted by law, the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and related SIP elements required to update the Motor Vehicle Emissions Budgets, which are baseline emissions inventory, Reasonable Further Progress demonstration and updated Motor Vehicle Emissions Budgets, as set forth in the attached, and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets to CARB for approval and subsequent submittal to the U.S. EPA for inclusion in the SIP.

DATE: _____

CLERK OF THE BOARDS

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Draft Final Staff Report

Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets

November 2022

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

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County of Riverside

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Vice Mayor, City of Long Beach
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Cities of Orange County

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EXECUTIVE OFFICER:

WAYNE NASTRI

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Executive Summary

The Coachella Valley Planning Area (Coachella Valley) is defined as the desert portion of Riverside County in the Salton Sea Air Basin (SSAB) under the jurisdiction of South Coast Air Quality Management District (South Coast AQMD). The Coachella Valley is classified as a “severe-15” nonattainment area for the 2008 8-hour ozone national ambient air quality standard (NAAQS) of 0.075 parts per million (ppm), with an attainment date of July 20, 2027. Over the past 15 years, the air quality in the Coachella Valley has steadily improved because of the implementation of emission control measures by South Coast AQMD and California Air Resources Board (CARB).

Transportation conformity is required by the federal Clean Air Act (CAA) to ensure that regional transportation plans, programs, and projects are consistent with or conform to a State Implementation Plan (SIP) for meeting the NAAQS. Under the United States Environmental Protection Agency’s (U.S. EPA’s) transportation conformity regulation, Southern California Association of Governments (SCAG) transportation plans such as the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) are required to demonstrate that the emissions from the proposed plan/program do not exceed the Motor Vehicle Emissions Budget (MVEB). The Coachella Valley MVEB for the 2008 8-hour ozone standard was established in the 2016 Air Quality Management Plan (AQMP) and revised in the 2018 SIP update,¹ which was approved by U.S. EPA with an effective date of October 16, 2020.²

When conducting conformity determinations for transportation plan amendments or new projects, SCAG is required to calculate emissions associated with the plan/projects using the latest U.S. EPA approved on-road mobile source emissions model. The MVEB contained in the approved 2008 8-hour ozone SIP was developed using EMFAC2014. However, EMFAC2017, which is the latest model approved by U.S. EPA for the determination of transportation conformity, estimates higher emissions for the same vehicle classes and traffic activities. This is due to updated emissions factors reflecting new and improved laboratory and in-use testing data, not from increases in vehicle miles traveled or activity. Consequently, the new modeled vehicular emissions exceed those in the approved MVEB in the Coachella Valley and are no longer consistent with the SIP. Therefore, no new transportation conformity determinations can be made, resulting in a conformity lockdown for the Coachella Valley. Under a conformity lockdown, only projects in the current conforming RTP/FTIP and exempt projects can move forward; no new transportation projects can proceed.

Conformity lockdowns have serious implications and carry economic penalties. According to SCAG, there are currently \$26 billion in transportation projects within SCAG’s jurisdiction that are currently being impacted by the conformity lockdown. A new MVEB is necessary to resolve this issue. Under the CAA, states and local agencies can voluntarily request that U.S. EPA reclassify a nonattainment area to a next classification of nonattainment. A voluntary reclassification from “severe-15” to “extreme” nonattainment triggers a SIP revision to address “extreme” nonattainment area planning requirements

¹ <https://www.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf>.

² 85 FR 57714.

including establishing a new MVEB. This would also extend the attainment date for Coachella Valley from July 20, 2027 to as expeditiously as practicable, but no later than July 20, 2032.

Once U.S. EPA grants a reclassification, the revised SIP is not due until U.S. EPA establishes a new submittal deadline. However, due to the urgency of resolving the conformity lockdown, staff proposes to concurrently submit SIP elements required to establish the new MVEB, including a baseline emissions inventory, a Reasonable Further Progress (RFP) demonstration and the revised MVEB. This will expedite the process to update the MVEB and allow SCAG to move forward with their subsequent FTIP and RTP amendments. South Coast AQMD will continue developing a SIP to address the remaining “extreme” ozone nonattainment area requirements under CAA section 182(e). The Coachella Valley is already in “extreme” nonattainment for the 1997 8-hour ozone standard, and the South Coast AQMD is also planning to request reclassification to “extreme” for the 2015 8-hour ozone standard. Therefore, no additional adverse impacts are expected from the change in classification for the 2008 8-hour ozone standard.

Chapter 1 – Introduction

Background

Attainment Status of Coachella Valley for Ozone National Ambient
Air Quality Standards

Transportation Conformity and Motor Vehicle Emissions Budgets

Format of this Document

Background

The Coachella Valley Planning Area (Coachella Valley) is defined as the desert portion of Riverside County in the Salton Sea Air Basin (SSAB) under the jurisdiction of South Coast Air Quality Management District (South Coast AQMD). The Coachella Valley Planning Area excludes the tribal lands which are under the jurisdiction of the U.S. EPA. The Coachella Valley is the most populated area in this desert region, which encompasses several communities, including Palm Springs, Desert Hot Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, Coachella, Thermal, and Mecca. Figure 1-1 provides a map of the area and the surrounding topography.

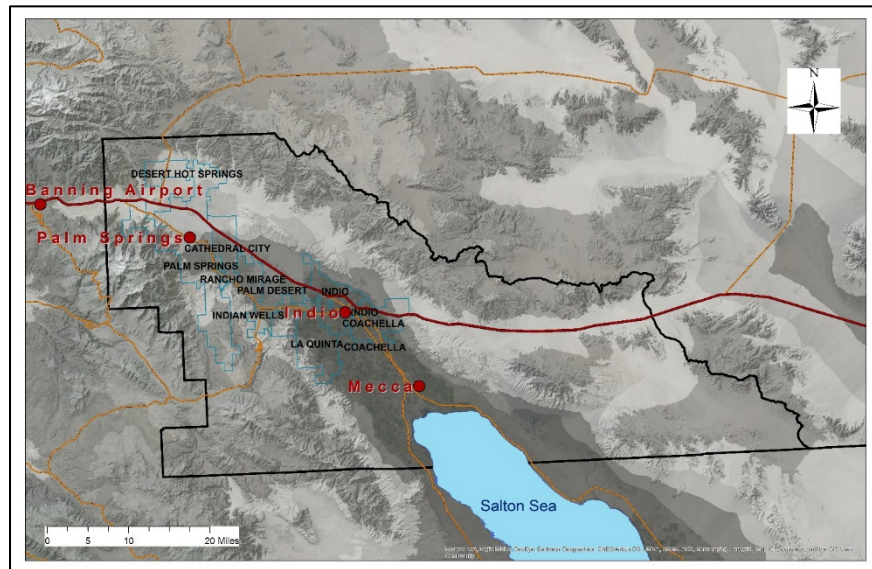


FIGURE 1-1

LOCATION AND TOPOGRAPHY OF THE COACHELLA VALLEY PLANNING AREA

The Coachella Valley is located downwind of the South Coast Air Basin, which is also under the jurisdiction of South Coast AQMD. The combination of topography and climate of Southern California makes the South Coast Air Basin an area of high air pollution potential. Ozone levels in the Coachella Valley are impacted by pollutants directly transported from the South Coast Air Basin as well as pollutants formed secondarily through photochemical reactions from precursors emitted upwind. Local pollutants emitted within the Coachella Valley have limited impact on the ozone levels in the Coachella Valley. While local emission controls benefit Coachella Valley air quality, the area must rely on emission controls being implemented upwind to improve air quality and attain the federal ozone standards.

Attainment Status of Coachella Valley for Ozone National Ambient Air Quality Standards

The U.S. EPA classifies areas of ozone nonattainment (i.e., Extreme, Severe, Serious, Moderate, or Marginal) based on the extent to which an area exceeds the standard. Air districts are permitted to “bump-up” to a higher classification by submitting a voluntary reclassification request, which is subject to U.S. EPA approval. The higher the classification, the more time is allowed to demonstrate attainment in

recognition of the greater challenge to improve ozone air quality. Nonattainment areas with higher classifications are also subject to more stringent requirements.

The Coachella Valley is designated by U.S. EPA as a nonattainment area for the 2015 8-hour ozone standard of 0.070 ppm, the 2008 8-hour ozone standard of 0.075 ppm, and for the 1997 8-hour ozone standard of 0.08 ppm. The ozone nonattainment classifications and attainment deadlines are listed in Table 1-1.

TABLE 1-1

ATTAINMENT STATUS OF THE FEDERAL OZONE AIR QUALITY STANDARDS OF THE COACHELLA VALLEY PLANNING AREA

Criteria Pollutant	Averaging Time	Designation (Classification)	Attainment Date
Ozone (O ₃)	(1979) 1-Hour (0.12 ppm)	Attainment	11/15/2007 (attained 12/31/2013)
	(1997) 8-Hour (0.08 ppm)	Nonattainment (Extreme)	6/15/2024
	(2008) 8-Hour (0.075 ppm)	Nonattainment (Severe)	7/20/2027
	(2015) 8-Hour (0.070 ppm)	Nonattainment (Severe)	8/3/2033

Transportation Conformity and Motor Vehicle Emissions Budgets

Transportation conformity is required by the Federal Clean Air Act (CAA) to ensure that regional transportation plans, programs, and projects are consistent with or conform to a State Implementation Plan (SIP) for meeting the National Ambient Air Quality Standard (NAAQS). Conformity with the SIP means that regional transportation plans, programs, and projects do not cause new violations of the standards, worsen existing violations, or delay timely attainment of the standards. Under U.S. EPA's transportation conformity regulation, Metropolitan Planning Organizations' (MPO) transportation plans such as Southern California Association of Government's (SCAG) Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) are required to demonstrate that the emissions from the proposed plan/program do not exceed the Motor Vehicle Emissions Budget (MVEB) established in the SIP. The MVEB is the portion of the total allowable emissions allocated to highway and transit vehicles and is defined in the SIP for the purpose of demonstrating Reasonable Further Progress (RFP) for interim milestone years and attainment of the NAAQS.³

³ Title 40, Code of Federal Regulations (CFR) Part 93 (40 CFR Part 93), Section 93.101.

The MVEB for the 2008 8-hour ozone standard was established in the 2016 AQMP and revised in the 2018 SIP update,⁴ which was approved by U.S. EPA with an effective date of October 16, 2020.⁵ Since then, the on-road motor vehicle emissions model was updated and the new model generates higher emissions for the same vehicle classes and activities; thus, new estimates are higher than the approved MVEB even though there has not been an increase in vehicle miles traveled or activity. Consequently, the Coachella Valley is no longer able to demonstrate transportation conformity, and is under conformity lockdown.

Conformity lockdowns have serious mobility and economic implications. Only projects in the current conforming RTP/FTIP can move forward and no new projects are allowed, except for exempt projects.⁶ According to SCAG, \$26 billion of new transportation projects are impacted, with more transportation projects expected to be impacted over time.

To rectify the conformity lockdown, the MVEB for the 2008 8-hour ozone standard needs to be revised. A bump-up of the nonattainment classification from “severe” to “extreme” requires a SIP revision, which provides an opportunity to adjust the MVEB. For this reason, South Coast AQMD is seeking a voluntary reclassification to “extreme” ozone nonattainment for the 2008 ozone NAAQS for Coachella Valley. The reclassification would extend the attainment deadline from July 20, 2027 up to July 20, 2032. Because the Coachella Valley is already classified as “extreme” for the 1997 8-hour ozone standard, there would be no additional adverse impacts for the region as a result of this reclassification.

Recognizing the urgency of resolving the conformity lockdown, staff proposes to perform a two-step submission of the required SIP revision. The first submittal will include the “bump-up” request and the enclosed selected SIP elements necessary to update MVEB, which are a baseline emissions inventory, a RFP demonstration and updated MVEB. The remaining SIP elements will be submitted late 2023 or early 2024 as part of the 2008 8-hour Ozone Extreme Area Plan for the Coachella Valley.

Format of this Document

This document is organized into ten chapters, each addressing a specific topic. Each of the chapters is summarized below.

Chapter 1, “Introduction,” includes background, Coachella Valley’s ozone air quality settings, transportation conformity and motor vehicle emissions budgets.

Chapter 2, “Motor Vehicle Emissions Budgets and Transportation Conformity,” discusses Transportation conformity, the current conformity lockdown and associated consequences in greater detail.

⁴ <https://www.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf>.

⁵ 85 FR 57714.

⁶ Safety and rehabilitation projects, as well as certain projects with neutral or beneficial effects on air quality, are exempt from conformity.

Chapter 3, “Ozone Air Quality,” discusses ozone air quality characteristics and improvements in the Coachella Valley.

Chapter 4, “Request for Reclassification to Extreme for the 2008 8-Hour Ozone NAAQS,” includes the formal reclassification request from “severe-15” to “extreme” nonattainment for the 2008 8-hour ozone NAAQS for the Coachella Valley.

Chapter 5, “Emissions Inventory for Base and Future Milestone Years” describes the emission inventory used in the subsequent RFP demonstration and Motor Vehicle Emissions Budget

Chapter 6, “Reasonable Further Progress Demonstration for the Extreme Area Plan,” demonstrates that the RFP requirements are satisfied for the extreme area plan for the 2008 8-hour ozone NAAQS for Coachella Valley.

Chapter 7, “Motor Vehicle Emissions Budgets,” presents the revised MVEB for the 2008 8-hour ozone NAAQS extreme area plan.

Chapter 8 “California Environmental Quality Act Analysis,” discusses legal requirements related to CEQA.

Chapter 9, “Public Process,” discusses the role of public participation in developing the voluntary reclassification request and the revised MVEBs.

Chapter 10, “Staff Recommendation,” recommends approval of the reclassification request and RFP demonstration with the revised MVEB to resolve the conformity lockdown.

Chapter 2 – Motor Vehicle Emissions Budgets and Transportation Conformity

Motor Vehicle Emissions Budgets for the 2008 8-Hour Ozone NAAQS

Updating Motor Vehicle Emissions Budgets

Transportation Conformity Regulations and Lockdown

Motor Vehicle Emissions Budgets for the 2008 8-Hour Ozone NAAQS

The MVEB is the portion of the total allowable emissions allocated to highway and transit vehicles. It is defined in the SIP for the purpose of demonstrating Reasonable Further Progress (RFP) for interim milestone years and attainment of the NAAQS.⁷ The budget represents the maximum allowable emissions from on-road motor vehicles within a nonattainment area.

On-road motor vehicle emissions are estimated by applying the emission rates calculated by the EMFAC (short for Emission FACTor) model to the transportation activity data, including vehicle miles traveled (VMT) and speed distribution. This data is provided by SCAG in its adopted Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). SCAG develops the RTP/SCS every four years, the FTIP every two years, and occasionally amends them. The RTP/SCS, FTIP, and their amendments are required to demonstrate transportation conformity (i.e., the emissions from the proposed plan or program cannot exceed the MVEB established in the SIP). As part of the conformity determination, SCAG is required to use the most recent EMFAC model approved by the U.S. EPA.

The most recent MVEB for NO_x and VOCs for the 2008 8-hour ozone standard was established in the 2016 AQMP and subsequently updated in the 2018 SIP Update.⁸ The on-road mobile source emissions in those Plans were estimated using EMFAC2014, the latest U.S. EPA-approved model at the time of the Plan development⁹ and the transportation activity data from the SCAG's 2016 RTP/SCS.

Updating Motor Vehicle Emissions Budgets

EMFAC2017 underwent extensive revision from EMFAC2014. EMFAC2017 includes new data and significant changes to the methodologies regarding the calculation of motor vehicle emissions factors based on data from studies on car and truck emissions, and emissions reductions associated with regulations. On August 15, 2019, the U.S. EPA approved EMFAC2017 for use in SIPs and to demonstrate transportation conformity, effective August 16, 2019.¹⁰ The U.S. EPA also allowed a two-year grace period until August 16, 2021, during which both EMFAC2014 and EMFAC2017 could be used for regional emissions analyses. SCAG's subsequent transportation plan, the 2020 RTP/SCS employed EMFAC2014.

The 2020 RTP/SCS estimates generally lower VMTs in the region than those from the 2016 RTP/SCS. SCAG's RTP provides vehicular activities for four categories: light and medium duty vehicles, light-heavy vehicles, medium-heavy vehicles and heavy-heavy vehicles. The activity of light- and medium-duty

⁷ 40 CFR Part 93, Section 93.101.

⁸ 2018 Updates to the California State Implementation Plan, October 25, 2018, available at: https://www.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf?_ga=2.125205769.225247069.1661834629-935999839.1593032779.

⁹ U.S. EPA approval of EMFAC2014 can be found at 80 FR 77337, available at: <https://www.govinfo.gov/content/pkg/FR-2015-12-14/pdf/2015-31307.pdf>.

¹⁰ U.S. EPA approval of EMFAC2017 can be found at 84 FR 41717, available at <https://www.federalregister.gov/d/2019-17476>.

vehicles, including passenger cars and light- and medium-duty trucks, are similar to the 2016 RTP traffic activity. However, vehicle miles traveled by heavy-duty vehicles (including light, medium, and heavy heavy-duty gas and diesel trucks categories) were projected to be lower than the 2016 RTP estimates. The reduced VMTs are more prominent in the heavy heavy-duty category. Since the 2020 RTP used the same emission rates as those in the previous RTP (i.e., EMFAC2014 was used both in the 2016 and 2020 RTPs), reduced vehicular activities, especially in heavy-duty vehicles resulted in significantly lower NOx emissions in the 2020 RTP. Therefore, the emissions from the amended RTP were lower than the MVEB and conformed to the latest approved SIP.

Upon the expiration of the EMFAC2014 grace period, RTP/FTIP amendments and new projects are required to use EMFAC2017. While EMFAC2017 reflects new and improved laboratory and in-use testing data, it has higher emission rates especially for heavy-duty trucks with 2010 and newer model year engines. This is largely driven by new data showing higher NOx emissions under low engine load. VOC emissions from EMFAC2017 are marginally lower than those from EMFAC2014. NOx and VOC emissions estimated by EMFAC2017 are compared to the estimates by EMFAC2014 using the 2020 RTP vehicle activity data. Figure 2-1 shows NOx and VOC emissions years 2023, 2026, 2029 and 2031, by major vehicle categories. Figure 2-2 shows the aggregated total on-road emissions estimated by EMFAC2014 and EMFAC2017. While VOC emissions estimated by EMFAC2017 are lower than the estimates by EMFAC2014, future NOx emissions estimated with EMFAC2017 are significantly higher than those estimated with EMFAC2014. The difference in NOx emissions increases gradually towards later years due to the increasing presence of heavy-duty trucks for 2010 and newer model years. While light-duty vehicles have lower running exhaust emissions in EMFAC2017, they have higher start emissions compared to EMFAC2014. Collectively, the changes result in substantially higher NOx emissions that exceed the emissions in the approved MVEB even when identical travel activity data are used.

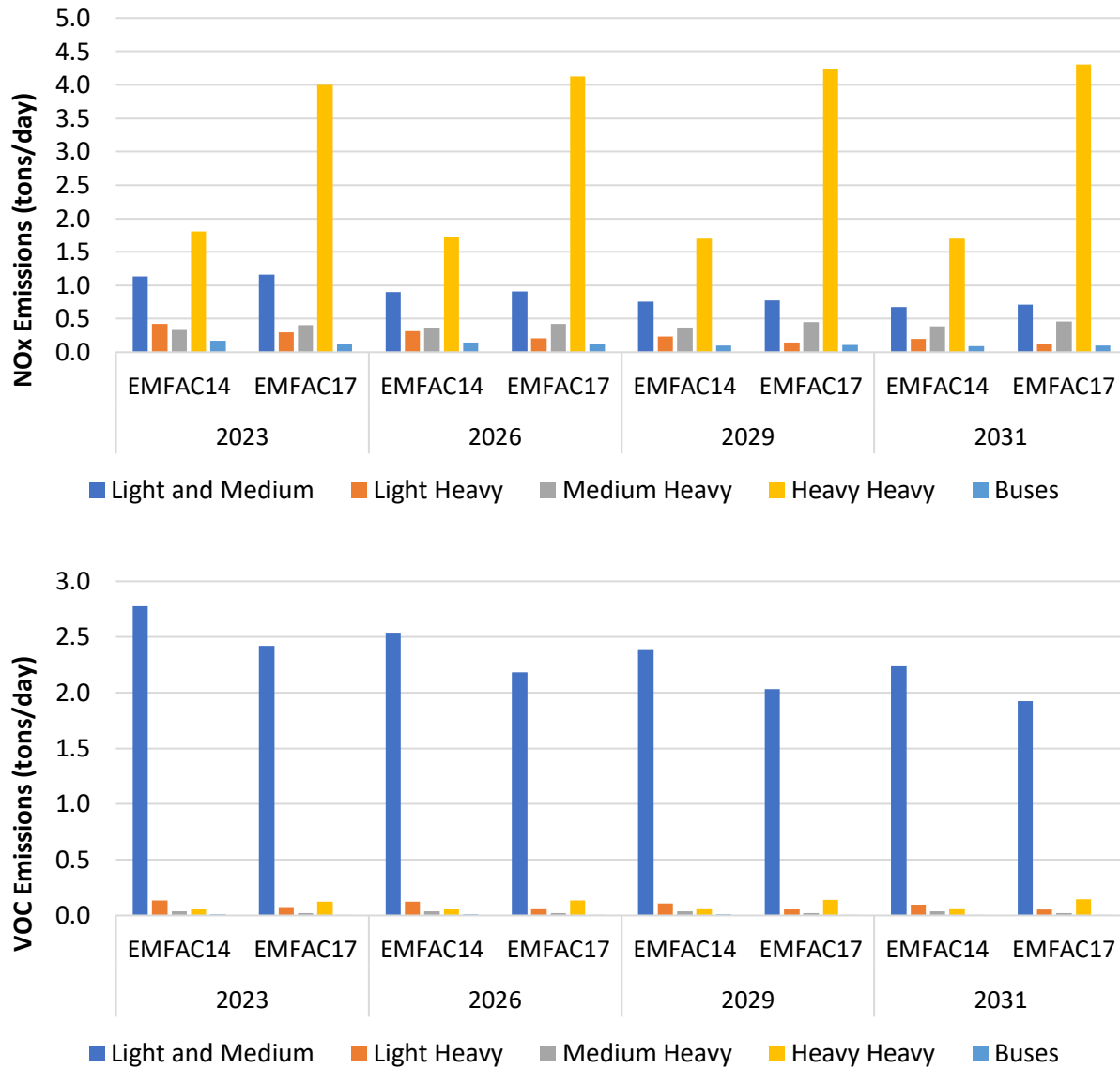


FIGURE 2-1

COMPARISON OF NOx AND VOC SUMMER PLANNING EMISSIONS FROM MAJOR VEHICLE CLASSES ESTIMATED BY EMFAC2014 AND EMFAC2017 USING THE 2020 RTP TRAVEL ACTIVITY DATA. 'EMFAC14' AND 'EMFAC17' REPRESENT EMFAC2014 AND EMFAC2017, RESPECTIVELY

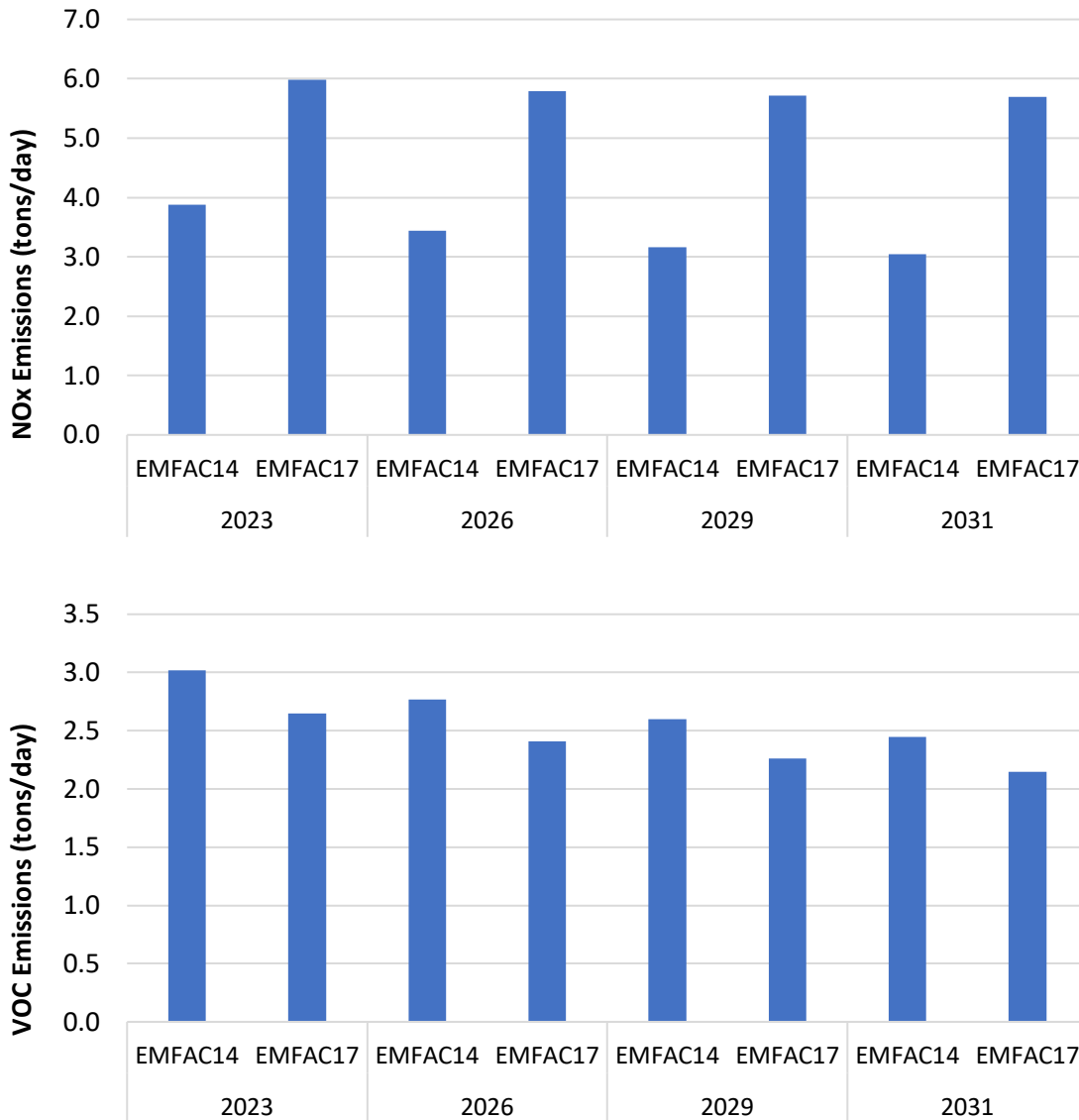


FIGURE 2-2

COMPARISON OF OVERALL NOx AND VOC SUMMER PLANNING EMISSIONS FROM ON-ROAD SOURCES ESTIMATED BY EMFAC2014 AND EMFAC2017 USING THE 2020 RTP TRAVEL ACTIVITY DATA. ‘EMFAC14’ AND ‘EMFAC17’ REPRESENT EMFAC2014 AND EMFAC2017, RESPECTIVELY

Transportation Conformity Regulations and Lockdown

Transportation conformity is required by the Federal CAA to ensure that regional transportation plans, programs, and projects are consistent with or “conform” to SIP/Air Quality Management Plan (AQMP) requirement. Specifically, transportation conformity means that the regional transportation plans, programs, and projects will not cause new violations of the national air quality standards, worsen the

existing violations, or delay the timely attainment of the standards. Under the U.S. EPA's Transportation Conformity Regulations, the RTP and FTIP are required to pass the following conformity tests:

- Consistency with the adopted RTP: The FTIP project listing must be consistent with the policies, programs, and projects of the adopted RTP.
- Regional emission analysis: The RTP and FTIP regional emissions must not exceed the MVEB in the applicable SIPs. Where there are no applicable budgets, the build scenario's emission must not exceed the no-build scenario's emissions and/or the build scenario's emission must not exceed the base year emissions.
- Timely implementation of transportation control measures (TCMs): The RTP and FTIP must demonstrate that the TCM project categories listed in the applicable SIPs have been given funding priority, implemented on schedule, and, in the case of any delays, any obstacles to implementation have been overcome.
- Financial constraint: The RTP and FTIP must be financially constrained, in other words, the RTP and FTIP must be based on reasonable estimates about future revenues. In addition, in the first two years of the FTIP, projects must be limited to those for which funds are known to be available and committed.
- Interagency consultation and public involvement: RTP/FTIP must go through interagency consultation and public processes.

A regional transportation conformity failure can cause serious consequences. A transportation "conformity lockdown" occurs when the transportation conformity determinations of the current RTP/SCS and FTIP are still valid, but no new transportation conformity determination may be made. Under a conformity lockdown, only projects in the current conforming RTP/FTIP can move forward. No new RTP/FTIP amendment is allowed, meaning no new transportation projects except for exempt projects can move forward.

Coachella Valley is currently in transportation conformity lockdown. The current lockdown is due to the methodology update in EMFAC2017, which estimates higher NOx emissions for certain vehicular classes based on new and improved testing data, not because of increased vehicular activities. In fact, the traffic activity in the 2020 RTP is lower than that in the 2016 RTP.

SCAG develops the RTP/SCS every four years, the FTIP every two years, and their amendments from time to time. SCAG is due to develop the 2022 FTIP; however, while under the conformity lockdown, no new RTP/FTIP amendment is allowed except for exempt projects. According to SCAG, over \$26 billion worth of transportation projects are being impacted because SCAG cannot add new projects or amend current projects due to the conformity lockdown. More transportation projects are expected to be impacted over time.

Chapter 3 – Ozone Air Quality

Air Quality Monitoring in the Coachella Valley

Factors that Influence Ozone Concentrations in the Coachella Valley

Ozone Monitoring Data

Ozone Attainment Status

Air Quality Monitoring in the Coachella Valley

South Coast AQMD has historically monitored Coachella Valley ozone concentrations at Indio and Palm Springs. The Palm Springs air monitoring station is located closer to the San Geronio Pass (also known as the Banning Pass), predominantly downwind of the densely populated South Coast Air Basin. Indio is further east in the Coachella Valley, on the downwind side of the main population areas of the Coachella Valley. Both sites have routinely measured ozone (O_3), particulate matter with a diameter less than 10 micron (PM10), particulate matter with a diameter less than 2.5 micron (PM2.5), sulfates (from PM10), and several meteorological parameters. The Palm Springs station also measures carbon monoxide (CO), and nitrogen dioxide (NO₂). The Indio station was temporary closed in the spring of 2022 due to issues securing the lease, but it is expected to reopen in a similar location before the end of 2022. This chapter provides an overview of how O_3 is formed and transported to the Coachella Valley, and summarizes historic O_3 data from the area.

Factors that Influence Ozone Concentrations in the Coachella Valley

Ozone is not emitted directly into the atmosphere; near-surface ozone, in contrast to stratospheric ozone, is formed by the reaction of volatile organic compounds (VOCs) with oxides of nitrogen (NO_x) in the presence of sunlight. In this context, VOCs and NO_x are known as O_3 precursors. Figure 3-1 illustrates the processes influencing ozone concentrations in the Coachella Valley. NO_x is generated from combustion of fossil fuels, whereas VOCs are emitted from a wide variety of sources such as consumer products, mobile sources, vegetation, and combustion. Wildfires generate both NO_x and VOCs. The chemical reactions that form ozone are highly complex and depend not only on NO_x and VOC levels, but also on the ratio of VOC to NO_x concentrations. Meteorological conditions such as temperature (T), relative humidity (RH), the amount of sunlight also influence the chemical formation of ozone. NO_x emissions can even reduce ozone concentrations in the immediate vicinity of an emission source, but will contribute to ozone formation downwind.

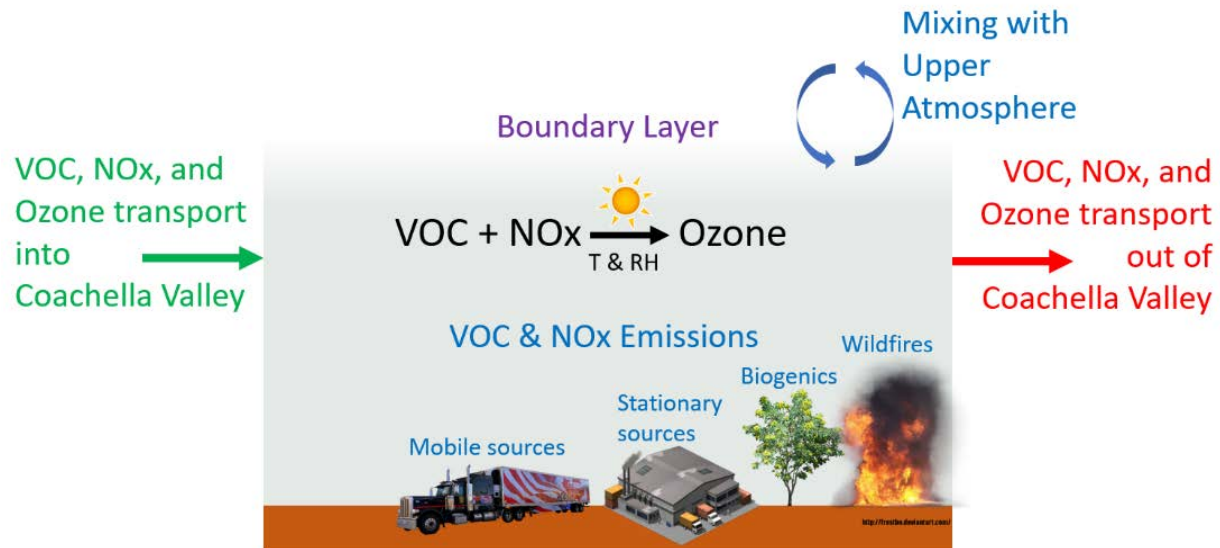


FIGURE 3-1

SCHEMATIC OF PROCESSES INFLUENCING OZONE CONCENTRATIONS IN THE COACHELLA VALLEY

Transport from upwind areas and ozone formation

Ozone in the Coachella Valley is both directly transported from the Basin and formed photochemically from precursors emitted upwind and within the Coachella Valley. The precursors are emitted in the greatest quantity in the coastal and central Los Angeles County areas of the South Coast Air Basin (Basin). The Basin's prevailing sea breeze causes polluted air to be transported inland. As the air is being transported inland, ozone is formed, with peak concentrations occurring in the inland valleys of the Basin, extending from eastern San Fernando Valley through the San Gabriel Valley into the Riverside-San Bernardino area and the adjacent mountains. Ozone and its precursors from these upwind areas mostly enter the Coachella Valley through the San Gorgonio Pass. Ozone levels in the Coachella Valley are therefore mostly due to emissions upwind of the area, with a smaller influence from sources within. As the air is transported further inland into the Coachella Valley through the San Gorgonio Pass, ozone concentrations typically decrease due to dilution, but can remain high enough to exceed ozone standards.

Looking at averaged ozone concentrations by time of day for various stations along the corridor from Los Angeles County into Riverside County and into the Coachella Valley also shows this pollution transport. Figure 3-2 shows averaged 1-hour ozone concentrations for the May–October smog season, by hour, for the 2019–2021 period. At stations near where most ozone precursors are emitted (source region), ozone peaks occur just after mid-day on average. This peak corresponds to the peak of incoming solar radiation and therefore the peak of ozone production via chemical reactions. Ozone peaks near the emissions source region are not as high as those further downwind, due to the time required for ozone to form. From Los Angeles to Banning, ozone peaks occur later in the day as ozone and ozone precursors are transported downwind and ozone-forming reactions continue. At Palm Springs and Indio, ozone concentrations mostly plateau below the levels measured in Banning, between late morning and early

evening. This suggests there is little additional ozone buildup downwind of Banning in the Coachella Valley itself. Any new ozone formed within the Coachella valley is approximately counter-balanced by enhanced atmospheric dispersion caused by intense daytime heating.

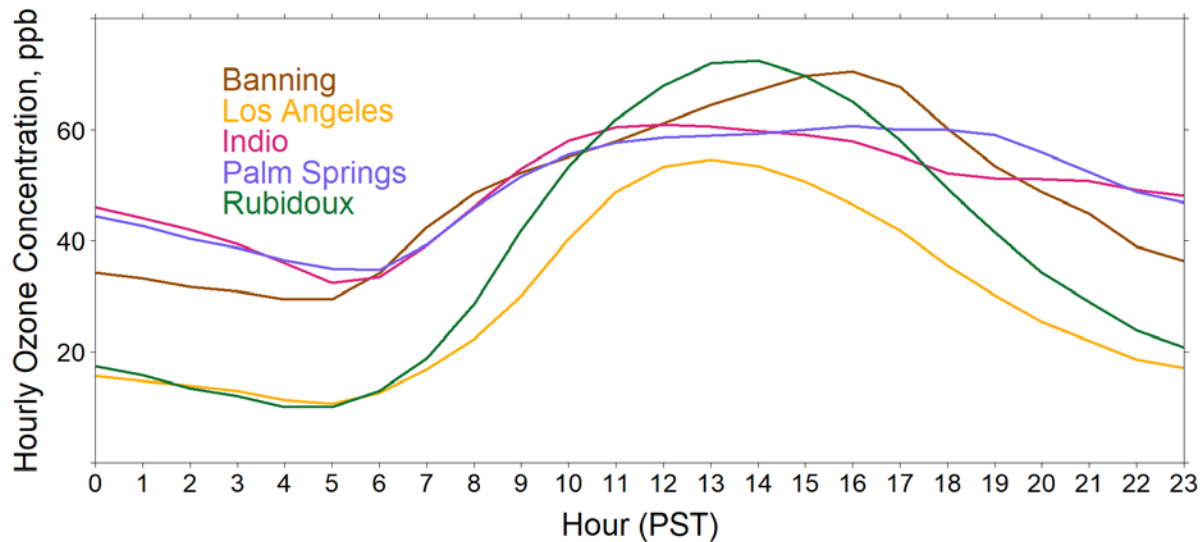


FIGURE 3-2

DIURNAL PROFILE OF 3-YEAR (2019–2021) HOURLY OZONE CONCENTRATIONS
ALONG THE TRANSPORT ROUTE INTO THE COACHELLA VALLEY
(HOURS IN PACIFIC STANDARD TIME (PST); AVERAGED FOR THE
MAY–OCTOBER OZONE SEASON BY HOUR)

Palm Springs also shows higher morning ozone concentrations, when compared to the concentrations in the morning in the South Coast Air Basin closer to the main emissions source areas (i.e., Los Angeles and Rubidoux). The stations in the Basin have more local NO_x emissions (mostly from mobile sources) that titrate ozone during nighttime whereas the Coachella Valley has limited local NO_x emissions to titrate the ozone at night.

Meteorology and emissions

Ozone concentrations are heavily dependent on meteorological conditions. High ozone concentrations and the number of days exceeding the federal ozone standards are greatest in the late spring and summer months, with no exceedances during the winter in the Coachella Valley. Ozone concentrations are a strong function of season for several reasons. First, the rate of the reactions that produce ozone in the atmosphere proceeds faster at higher temperatures. Second, elevated temperatures lead to increased precursor concentrations – the chemicals that react together to form ozone – by hastening the evaporation of VOCs into the air. Third, ozone concentrations are also dependent on sunlight intensity and duration, which are stronger during the summer months. Finally, the stability of the atmosphere also

influences ozone concentrations as strong inversions limit mixing with the upper atmosphere, leading to elevated concentrations at the surface.

Year-to-year changes in meteorology can alter transport patterns, leading to changes in precursors and upwind ozone entering the Coachella Valley. Elevated temperatures and reduced atmospheric mixing can also contribute to additional ozone formation. In addition, the North American Monsoon, which can increase humidity and afternoon thunderstorms in the Coachella Valley between July and September can also affect ozone concentrations.

Biogenic VOC emissions (those emitting from vegetation) may also exhibit large year-to-year variations. Vegetation is a large source of VOCs, especially during summer months. Vegetative growth is highly dependent on rainfall during the growing season, which exhibits significant year-to-year variations throughout California.

While it is difficult to measure anthropogenic emissions (emissions from human activity) of NO_x and VOCs directly, South Coast AQMD's emissions inventory included in the recent Air Quality Management Plans indicates that emissions from anthropogenic sources in the South Coast Air Basin have declined and will continue to decline.

Ozone Monitoring Data

Figure 3-3 shows that Palm Springs exceeds the 1997, 2008, and 2015 8-hr ozone standards more frequently than Indio. This is consistent with the former site being closer to source areas.

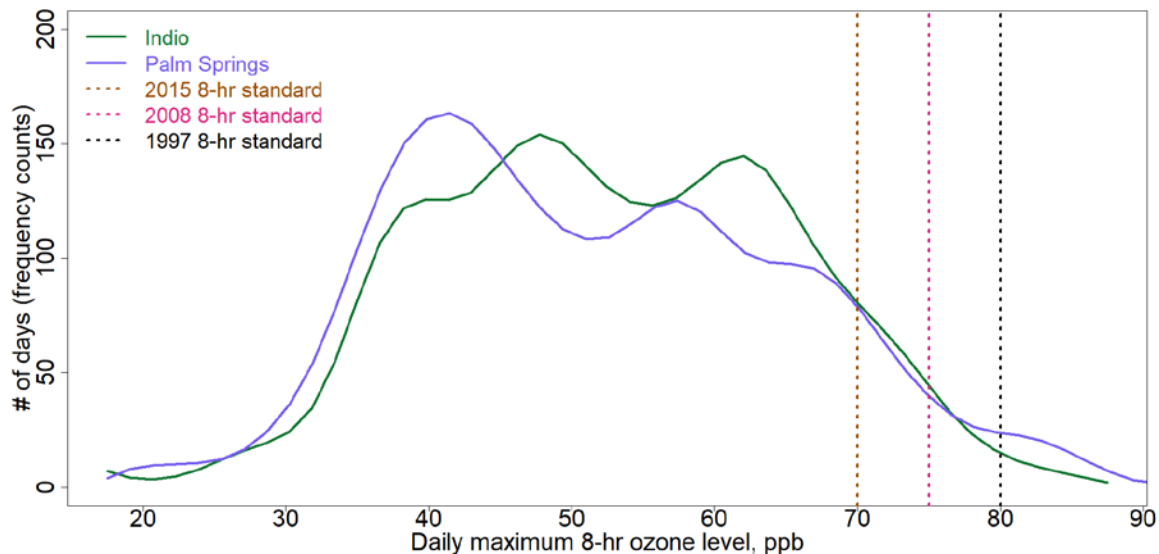


FIGURE 3-3
OZONE HISTOGRAMS FOR THE COACHELLA VALLEY, 2019–2021

South Coast AQMD's Real-time AQI map¹¹ helps visualize how pollutant levels vary spatially using regulatory measurements at South Coast AQMD monitoring sites, low-cost sensor data (PM_{2.5} only) and predictions from a chemical transport model (O₃ and PM_{2.5}). Hourly AQI map archives from May – October 2021 were analyzed to determine the number of exceedances. Figure 3-4 confirms the decreasing northwest-to-south/southeast gradient across the valley, as one moves further from the main source region.

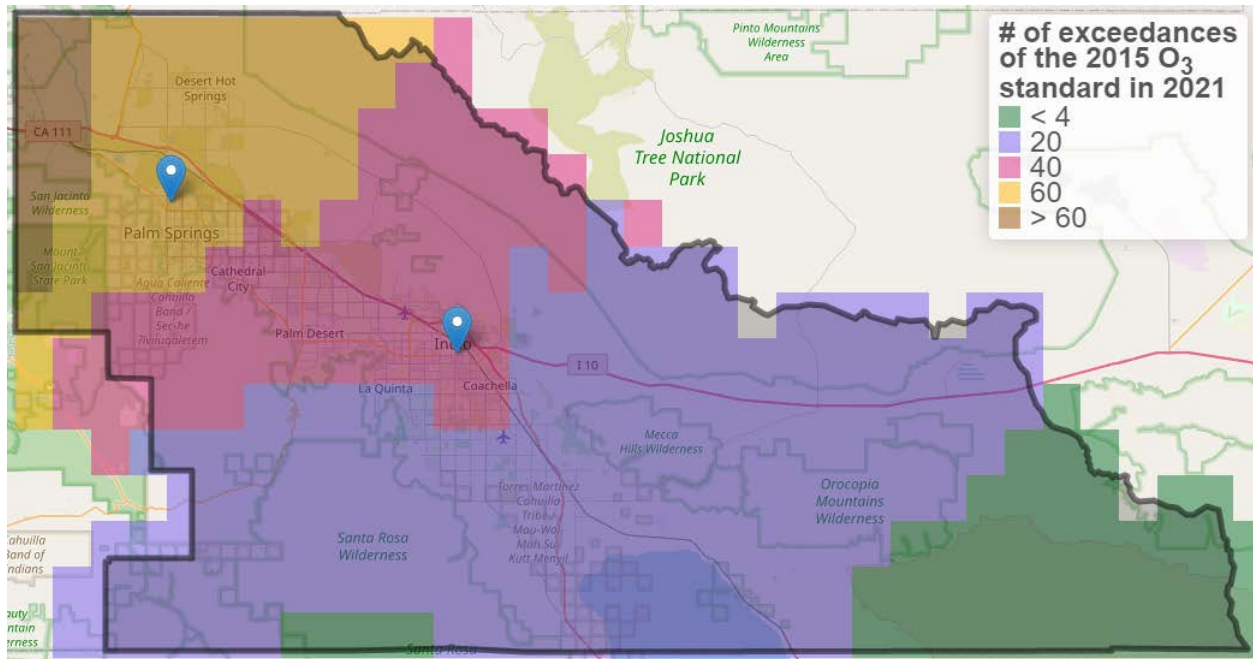


FIGURE 3-4

NUMBER OF TIMES THE MAXIMUM DAILY 8-HR AVERAGE (MDA8) OZONE IN 2021 WITHIN THE COACHELLA VALLEY EXCEEDED 0.07 PPM (2015 8-HR STANDARD). THE LOCATIONS OF THE PALM SPRINGS AND INDO MONITORS ARE SHOWN, ALONG WITH THE BOUNDARY OF SRA #30
(DATA ARE FROM ARCHIVES OF AQMD'S INTERPOLATED REAL-TIME AQI MAP)

Ozone Attainment Status

Design values are statistical metrics that are used to compare pollutant concentrations with the NAAQS. Trends in the 8-hour ozone design value and the 1-hour ozone design value are plotted in Figure 3-5.

¹¹ Schulte, N., Li, X., Ghosh, J. K., Fine, P. M., & Epstein, S. A. (2020). Responsive high-resolution air quality index mapping using model, regulatory monitor, and sensor data in real-time. *Environmental Research Letters*, 15(10), 1040a7.

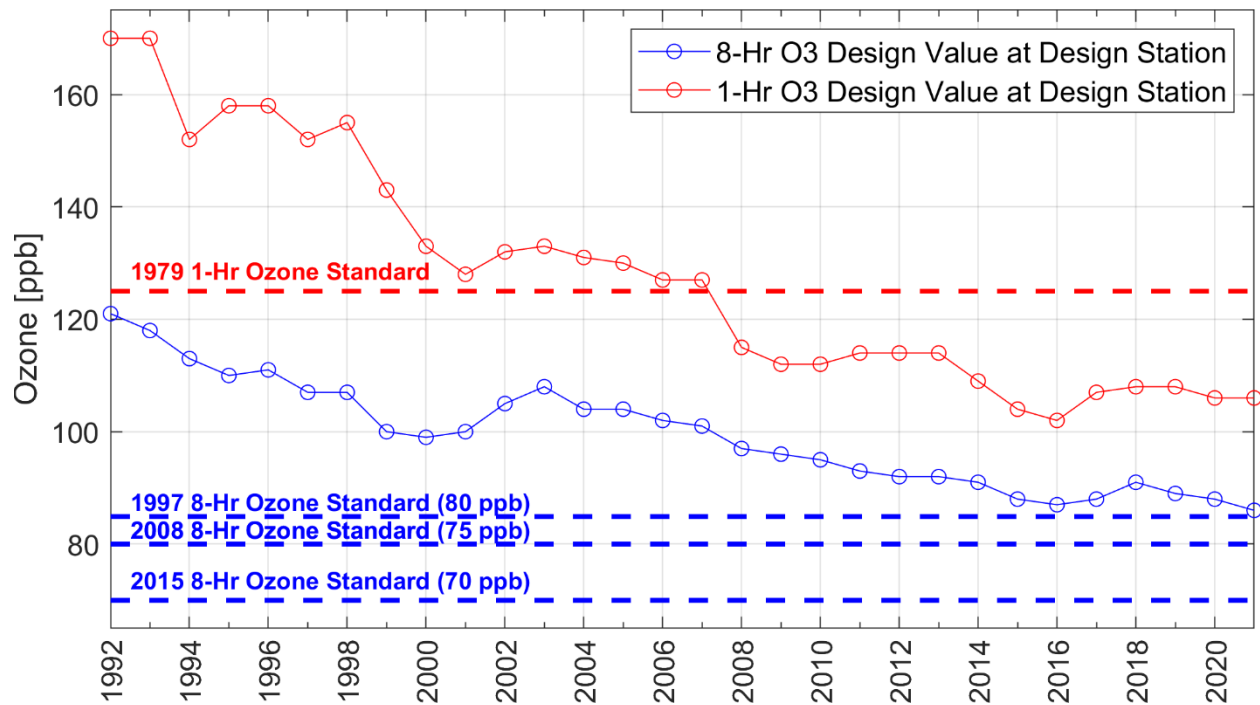


FIGURE 3-5

COACHELLA VALLEY 3-YEAR DESIGN VALUE TRENDS OF OZONE, 1992–2021

(THE YEAR PLOTTED IS THE END YEAR OF THE 3-YEAR DESIGN VALUE)

While the Coachella Valley attains the former 1-hour federal ozone standard, the area exceeds the 8-hour NAAQS. In each year, the Palm Springs monitoring station had the highest design value, and therefore the Palm Springs measurement data reflects the design location for the Coachella Valley. The least-stringent 1997 8-hour standard is met if the design value is less than or equal to 0.084 ppm (84 ppb), due to rounding conventions associated with the 2008 standard of 0.08 ppm. The most recent design value is just 0.002 ppm (2 ppb) over this and is the lowest that has ever been recorded. Ozone design values in the Coachella Valley are expected to continue to decrease because of emission reductions in the South Coast Air Basin and Coachella Valley.¹²

In summary, the Coachella Valley has experienced a multi-decadal trend of steady ozone improvements over the years, however, additional improvements are needed to achieve the 8-hour ozone standard. Due to ozone transport patterns and chemistry, this goal is inextricably linked to ozone reductions in the South Coast Air Basin.

¹² 2022 Draft South Coast AQMD Air Quality Management Plan. Available at <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan#>.

Chapter 4 – Request for Reclassification to Extreme for the 2008 8-Hour Ozone NAAQS

Introduction

1997 8-Hour Ozone Standard Reclassification to an Extreme Nonattainment Area

2008 8-Hour Ozone NAAQS SIP Status

2015 8-Hour Ozone NAAQS SIP Status

Requirements upon Reclassification to an Extreme Nonattainment Area

Impacts on Major Stationary Sources

Introduction

The Coachella Valley is currently classified as a “severe-15” ozone nonattainment area for the 2008 8-hour standard, with an attainment deadline of July 20, 2027. CAA 181(b)(3) allows for a voluntary reclassification request by any State to reclassify to a higher classification for a nonattainment area. Once U.S. EPA grants the reclassification, the State is required to submit a SIP revision to demonstrate attainment and to address the applicable federal Clean Air Act requirements, including MVEB. The reclassification of Coachella Valley to extreme nonattainment for the 2008 8-hour ozone standard provides an opportunity to revise the MVEB which, upon U.S. EPA’s adequacy finding, will resolve the conformity lockdown and alleviate billions of dollars of economic penalties associated with restrictions under the conformity lockdown. The reclassification provides more time to reach attainment as well. Since Coachella Valley is already in extreme nonattainment for the 1997 8-hour ozone standard, extreme nonattainment area requirements are already in place, therefore no regulatory or additional adverse impact is expected from this reclassification.

1997 8-Hour Ozone NAAQS Reclassification to an Extreme Nonattainment Area

On June 7, 2019, the South Coast AQMD Governing Board approved a voluntary request that the U.S. EPA reclassify the Coachella Valley from Severe-15 to Extreme nonattainment for the 1998 8-hour ozone NAAQS, with a new attainment date of June 15, 2024.¹³ The voluntary request for reclassification was submitted through CARB to the U.S. EPA, which granted the reclassification request effective July 10, 2019.¹⁴ The U.S. EPA subsequently required that California submit a State Implementation Plan (SIP) revision to address the requirements of CAA section 182(e) as well as revisions to the New Source Review (NSR) and Title V rules. Additionally, the SIP revision had to include the development of contingency measures, an attainment demonstration, a reasonably available control technology analysis, and increased offset ratios for new sources. These requirements were fulfilled as stated in the Extreme Area Plan for 1997 8-hour ozone NAAQS, which was adopted by the South Coast AQMD Board on December 4, 2020¹⁵ and submitted the Plan to the U.S. EPA on December 28, 2020¹⁶ via CARB. The Plan remains under U.S. EPA’s review as of September 1, 2022.

¹³ <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2019/2019-jun7-027.pdf?sfvrsn=2>.

¹⁴ 84 FR 32841.

¹⁵ <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2020/2020-dec4-031.pdf?sfvrsn=2>.

¹⁶ <https://ww2.arb.ca.gov/resources/documents/2020-coachella-valley-extreme-8-hour-ozone-plan>.

2008 8-Hour Ozone NAAQS SIP Status

The Coachella Valley SIP for the 2008 8-hour ozone standard was established in the 2016 AQMP.¹⁷ The 2016 AQMP contained air quality analyses, an emissions inventory for ozone precursors – oxides of nitrogen and volatile organic compounds – a modeled attainment demonstration, reasonably available control measures (RACM) demonstration, RFP demonstrations, a vehicle miles travelled (VMT) offset demonstration, and MVEB.

The 2016 AQMP used 2012 as the base year to project baseline emissions for future RFP milestone years and the attainment year, 2026. The U.S. EPA’s Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements¹⁸ (hereafter referred to as “SIP Requirements Rule for the 2008 ozone NAAQS”) requires the base year to be the most recent calendar year for which a complete triennial inventory is required to be submitted to U.S. EPA under the provisions of Subpart A of 40 CFR Part 51, Air Emissions Reporting Requirements, 40 CFR Part 51, Section 51.1–51.50. While the latest triennial year for U.S. EPA’s National Emissions Inventory was 2011 at the time of nonattainment designation, the SIP Requirements Rule allowed a State to choose the year of nonattainment designation as an alternative base year, which was 2012.

In response to the court decision in *South Coast Air Quality Management District v. U.S. EPA*, 882 F.3d 1138 (D.C. Cir. 2018), which vacated U.S. EPA’s SIP Requirements Rule for the 2008 ozone NAAQS with respect to the use of an alternative base year, CARB developed the 2018 Updates to the California State Implementation Plan¹⁹ (referred as “2018 SIP Update”) and replaced the RFP demonstration using the required base year, 2011. The 2018 SIP Update continued to demonstrate RFP with a new base year and surplus NOx reductions as ranging from approximately 10.1 tpd to 12.8 tpd depending upon the RFP milestone year.

Complying with CAA sections 172(c)(9) and 182(c)(9), the 2016 AQMP included contingency measure elements for RFP, which relied upon surplus emissions reductions from already implemented control measures in the milestone years. Attainment contingency measures were included in a CARB staff report submitted on May 5, 2017.²⁰

¹⁷ <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>.

¹⁸ 80 FR 12264, 12285 (March 6, 2015).

¹⁹ Available at:

<https://www.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf?ga=2.41245602.1692993247.1654823216-816060816.1597333165>.

²⁰ CARB Staff Report - Coachella Valley 8-Hour Ozone Attainment Contingency available at <https://ww3.arb.ca.gov/planning/sip/planarea/scabsip/cvcont2017.pdf>;

CARB Resolution 17-13 <https://ww3.arb.ca.gov/planning/sip/planarea/scabsip/res17-13.pdf>;

Submittal letter to U.S.E PA https://ww3.arb.ca.gov/planning/sip/planarea/scabsip/cvcont2017_arbltr.pdf.

However, the U.S. Court of Appeals for the Ninth Circuit decision in *Bahr v. U.S. Environmental Protection Agency*, 836 F.3d 1218 (9th Cir. 2016) ruled that emissions reductions from control measures that have already been implemented may not be counted as contingency measures. To comply with the new requirements, the 2018 SIP Update included a contingency measure for the Coachella Valley, which was later withdrawn on January 8, 2021, and accompanying demonstrations related to the contingency measure requirements.

U.S. EPA approved the Coachella Valley portion of the 2016 AQMP and the 2018 SIP update as meeting all applicable statutory and regulatory requirements, with the exception of the contingency measure elements, for which U.S. EPA deferred action.²¹ U.S. EPA indicated that it faced a deadline of September 30, 2022 to take final action on these two measures.

As of September 1, 2022, U.S. EPA has not provided updated guidance for states to develop contingency measures. One of the outstanding questions needed to develop a contingency measure is the specific level of emission reductions that implementation of contingency measures must achieve. U.S. EPA's past interpretation is that such measures should provide for emission reductions approximately equivalent to one year's worth of progress, amounting to reductions of 3 percent of the baseline emissions inventory for the nonattainment area. Such a relatively large emission reduction is virtually impossible to achieve in areas that have already taken all feasible measures to reduce emissions, or whose emissions are largely transported from other regions. U.S. EPA's approval of a contingency measure that achieved far less emissions reduction was recently challenged. The 9th Circuit held that U.S. EPA's approval of the measure was arbitrary and capricious absent a rationale for deviating from past guidance.²² Due to the lack of U.S. EPA's guidance and scarcity of opportunities to achieve one year's worth of reductions, South Coast AQMD requested to withdraw the contingency measure elements for the RFP and attainment contingency measures for the 2008 ozone NAAQS on June 24, 2022, which was submitted to U.S. EPA on August 8, 2022 via CARB.

2015 8-Hour Ozone NAAQS SIP Status

The Coachella Valley is currently classified as "severe-15" nonattainment for the 2015 8-hour ozone standard with an attainment deadline of August 3, 2033. As discussed in the Chapter 5, the ozone levels in Coachella Valley are primarily driven by the transport of ozone and its precursors from the South Coast Air Basin. Accordingly, Coachella Valley's attainment of the standard depends on emission reductions in the South Coast Air Basin. Most emissions reductions needed for attainment in the South Coast Air Basin are expected to occur close to 2037, the attainment year for the 2015 standard. Coachella Valley's attainment by the original severe-15 deadline would be impracticable. Therefore, the 2022 AQMP includes a request to U.S. EPA to reclassify the Coachella Valley to "extreme" nonattainment with a new attainment deadline of August 3, 2038, which is the same attainment deadline for the South Coast Air Basin.

²¹ 85 FR 57714.

²² *Association of Irrigated Residents v. U.S. Environmental Protection Agency*, 10 F 4th 937 (9th Cir. 2021).

Requirements Upon Reclassification to an Extreme Nonattainment Area

Upon U.S. EPA's granting the voluntary bump-up request, a revision to the State Implementation Plan (SIP) is required to address extreme nonattainment area requirements and to demonstrate attainment by the new attainment deadline. While detailed plan requirements and the submittal deadline will be established by U.S. EPA's rulemaking, the SIP revision would need to address the following ozone extreme nonattainment area requirements in addition to severe nonattainment area requirements:

- (1) An attainment demonstration with a pathway to attain the 2008 8-hour ozone NAAQS as expeditiously as practicable, but no later than July 20, 2032, 20 years from the original designation date;
- (2) Base and future milestone year emissions inventories;
- (3) A control strategy for attainment;
- (4) Additional reasonably available control technology (RACT) rules to address sources subject to the lower extreme area major source threshold;
- (5) A reasonably available control measures (RACM) demonstration pursuant to CAA 172(c)(1);
- (6) A VMT offset demonstration for the 2031 attainment year;
- (7) A revised major stationary source definition;
- (8) A modified offset ratio unless federal best available control technology (BACT) is required for all new or modified existing major sources;
- (9) Modifications at major station sources pursuant to CAA 182(e)(2);
- (10) Revised NO_x requirements pursuant to CAA 182(f) and 182(e)(1);
- (11) Use of clean fuels or advanced control technology for boilers as described at CAA 182(e)(3); and
- (12) Contingency measures.

Impacts on Major Stationary Sources

As discussed earlier in this chapter, the Coachella Valley is already in extreme nonattainment for the 1997 8-hour ozone NAAQS, and South Coast AQMD's Coachella Valley Extreme Area Plan for the 1997 8-Hour Ozone Standard already addressed applicable federal CAA 182 requirements for extreme nonattainment areas. For example, the major stationary source threshold for Coachella Valley has already been lowered to 10 tons per year of VOC and NO_x as required under CAA 182(e). As extreme area requirements have already been addressed, South Coast AQMD would not need to amend the Title V Program or NSR Program and anticipates no impacts to any major stationary sources. Therefore, no adverse impact is expected from this reclassification.

Chapter 5 – Emissions Inventory for Base and Future Milestone Years

Introduction

Inventory Base Year

Forecasted Inventories

On-Road Mobile Source Emissions

Other Emission Sources

Introduction

Emissions inventories are required by the CAA and the Ozone SIP Requirements Rule for the 2008 ozone NAAQS²³ for those areas that exceed the health-based NAAQS. These nonattainment areas must develop an emissions inventory as the basis of a State Implementation Plan (SIP) that demonstrates how they will attain the NAAQS by specified dates.

Emissions inventories are estimates of the amount and type of pollutants emitted into the atmosphere by facilities, mobile sources, and areawide sources. They are fundamental components of an air quality plan and serve critical functions such as:

1. The primary input to air quality modeling used in attainment demonstrations;
2. The emissions data used for developing control strategies; and
3. A means to track progress in meeting the emission reduction commitments.

South Coast AQMD and CARB have developed a comprehensive current emissions inventory consistent with the requirements set forth in Section 182(a)–(f) of the federal Clean Air Act.²⁴ South Coast AQMD and CARB staff conducted a thorough review of the inventory to ensure that the emission estimates reflect accurate emissions reports for point sources and that estimates for mobile and areawide sources are based on the most recent approved models and methodologies. Detailed methodology and emissions by major source category are provided in Attachment A.

Inventory Base Year

40 CFR Part 51, Section 51.1115(a) requires that the inventory year be selected consistent with the baseline year for the reasonable further progress (RFP) plan as required by 40 CFR Part 51, Section 51.1110(b), which states that the baseline year emissions inventory shall be the emissions inventory for the most recent calendar year of which a complete triennial inventory is required to be submitted to U.S. EPA under the provisions of Subpart A of 40 CFR Part 51, Air Emissions Reporting Requirements, 40 CFR Part 51, Section 51.1–51.50. For the Coachella Valley Extreme RFP Plan, an RFP baseline year of 2011 was selected since that was the most recent calendar year of which a complete triennial inventory was required at the time of the final designations of Coachella Valley as nonattainment for the 75 ppb 8-hour ozone NAAQS.²⁵ California Emission Projection Analysis Model (CEPAM) 2022 v1.01, the most updated emissions inventory developed for the inclusion of the 2015 8-hour ozone SIP, uses a 2018 base year; the inventory was calibrated to 2018 emissions and activity levels, and inventories for other years were

²³ Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements (40 CFR Part 51 Subpart AA; see also <https://www.epa.gov/ground-level-ozone-pollution/implementation-2008-national-ambient-air-quality-standards-naaqs-ozone>).

²⁴ Section 182(a)–(f) of the Act. <https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partD-subpart2-sec7511a.htm>

²⁵ <https://www.epa.gov/green-book/green-book-8-hour-ozone-2008-area-information>.

backcasted or forecasted from that base inventory. This extreme area RFP plan uses the emissions inventory developed based on the CEPAM 2022 v1.01.

Forecasted Inventories

Forecasted inventories are a projection of the base year inventory that reflect expected growth trends for each source category and emissions reductions due to adopted control measures. Forecasted inventories were developed for 2020, 2023, 2026, 2029, and 2031. Detailed emissions by major source category are provided in Attachment A.

On-Road Mobile Source Emissions

Emissions from on-road mobile sources, which include passenger vehicles, buses, and trucks, were estimated using outputs from CARB's EMFAC2017 model. The on-road emissions were calculated by applying EMFAC2017 emission factors to the transportation activity data from SCAG's 2020 RTP/SCS.

EMFAC2017 includes data on California's car and truck fleets and travel activity. Light-duty motor vehicle fleet age, vehicle type, and vehicle population were updated based on 2016 DMV data. The model also reflects the emissions benefits of CARB's recent rulemakings such as the Pavley Standards and Advanced Clean Cars Program and includes the emissions benefits of CARB's Truck and Bus Rule and previously adopted rules for other on-road diesel fleets.

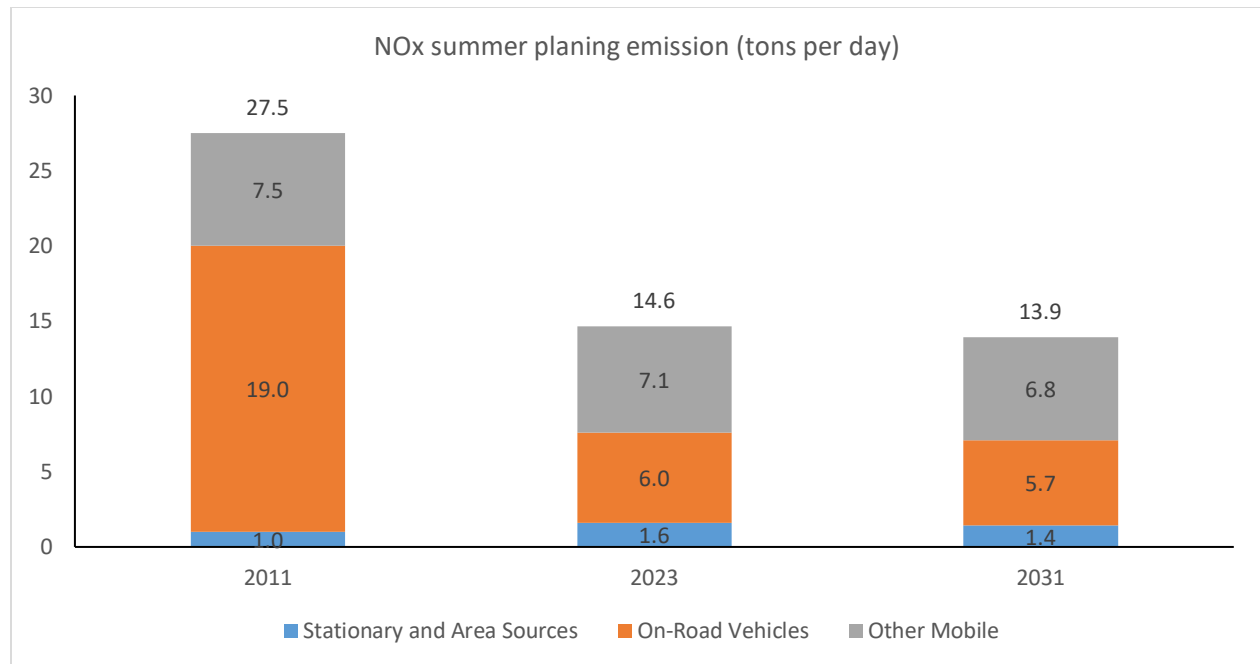
The emissions reflected in this on-road inventory for Coachella Valley are the EMFAC2017 "baseline" emissions without the impact of Advanced Clean Trucks (ACT), Omnibus, and Heavy-Duty I/M. Additional information and documentation on the EMFAC2017 model is available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/msei-road-documentation>

Other Emission Sources

The methodology to develop the emissions inventories for stationary and off-road sources is consistent with the Revised Draft 2022 AQMP, except the benefit of additional emission reductions from CARB's Small Off-road Engines regulation is not reflected in the baseline emissions.

Figure 5-1 displays the NO_x summer planning emission by major source category for Coachella Valley in 2011, 2023 and 2031. Mobile sources are the major contributor to total NO_x emissions in the base year and future year inventories. NO_x emissions are projected to decrease almost 50 percent between 2018 (27.5 tons per day) and 2031 (13.9 tons per day). On-road emissions drive the overall downward trend with most of the anticipated reductions occurring in near future years. CARB's Truck and Bus regulation, which will be fully implemented by the end of 2022, contributes to the near-term reductions significantly (from 19.0 tons per day in 2018 to 6.0 tons per day in 2023). The NO_x emissions from heavy-duty diesel trucks in 2011 is estimated as 12.7 tons per day (46 percent of total NO_x emission in 2011) and is expected to drop to 4.0 tons per day in 2023 (27 percent of total NO_x emission in 2023). NO_x emissions from off-road mobile categories are dominated by locomotive and off-road equipment in Coachella Valley. The reductions for mobile sources largely reflect the vehicle fleet's turnover to newer vehicles meeting more stringent emissions standards. Stationary and area sources increase slightly in future years in Coachella Valley.

**FIGURE 5-1**

COACHELLA VALLEY NOX EMISSION BY SOURCE CATEGORY IN 2011, 2023 AND 2031

The summer planning VOC emissions by major source category for Coachella Valley in 2011, 2023 and 2031 are shown in Figure 5-2. VOC emissions from stationary and area sources increase over time from 5.9 to 7.6 tons per day between 2018 and 2031. The main portion of stationary and area source category VOC emissions comes from consumer products which increase over time due to projected population growth in the region. Coatings and related processes are the second largest contributor to VOC emissions among area sources. Emissions from on-road mobile sources are expected to decrease by 61 percent over time, from 5.6 tons per day in 2018 to 2.2 tons per day in 2031 due to on-going implementation of adopted regulations and programs. Off-road mobile sources VOC emissions also decrease in future, although less significantly compared to on-road mobile emissions (35 percent versus 61 percent). The downward trend of the VOC emissions from off-road mobile is mainly driven by CARB's regulation on off-road equipment.

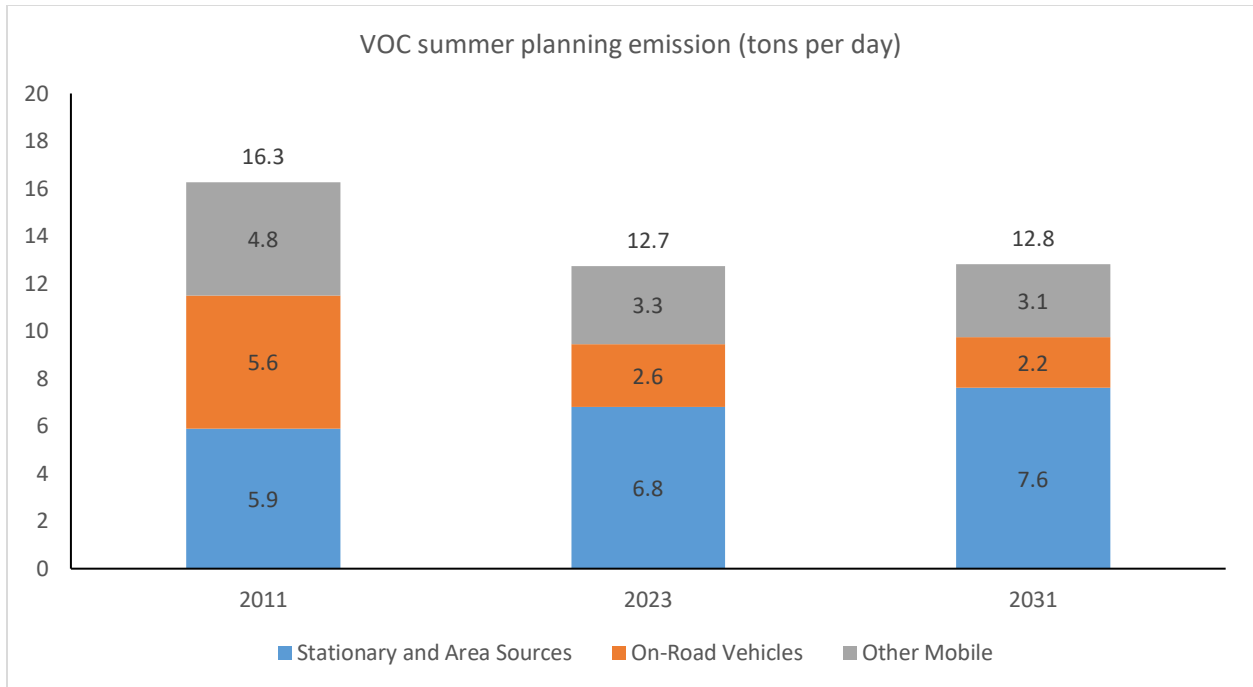


FIGURE 5-2
COACHELLA VALLEY VOC EMISSION BY SOURCE CATEGORY IN 2011, 2023 AND 2031

Chapter 6 – Reasonable Further Progress Demonstration for the Extreme Area Plan

Introduction

Reasonable Further Progress Demonstration

Introduction

Sections 172(c)(2) and 182(b)(1) of the Clean Air Act (Act) require ozone attainment plans to provide for Reasonable Further Progress (RFP). RFP is defined in section 171(1) of the Act as “...such annual incremental reductions in emissions of the relevant air pollutant as are required...for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.” This requirement to demonstrate steady progress in emission reductions between the base year and attainment date ensures that areas will begin lowering air pollution in a timely manner and not delay implementation of control programs until immediately before the attainment deadline.

There are two separate RFP requirements for ozone nonattainment areas depending upon their classification. For ozone nonattainment areas classified as Moderate or above, there is a one-time requirement for a 15 percent reduction in Volatile Organic Compound (VOC) emissions over the first six years of the planning period (section 182(b)(1)). For ozone nonattainment areas classified as Serious or higher, section 182(c)(2)(B) of the Act has an additional requirement to demonstrate 3 percent per year cumulative reduction of ozone precursors, VOC and oxides of nitrogen (NOx), averaged over each consecutive three-year period until attainment.

In 2017, U.S. EPA approved a 15 percent VOC-only rate of progress demonstration for the Coachella Valley for the 80 ppb 8-hour ozone standard covering the entire nonattainment area for the 75 ppb 8-hour ozone standard.²⁶ As such, the requirement to demonstrate a reduction in VOC in the first 6 years of the attainment planning period has been met for the Coachella Valley 8-hour ozone nonattainment area.

For the 182(c)(2)(B) RFP requirement for Serious and higher areas, U.S. EPA guidance allows for NOx substitution to demonstrate the annual 3 percent reductions of ozone precursors if it can be demonstrated that substitution of NOx emission reductions (for VOC reductions) yields equivalent ozone reductions.²⁷ Additional U.S. EPA guidance states that certain conditions are needed to use NOx substitution in an RFP demonstration.²⁸ First, an equivalency demonstration must show that cumulative RFP emission reductions are consistent with the NOx and VOC emission reductions determined in the ozone attainment demonstration. Second, the reductions in NOx and VOC emissions should be consistent with the continuous RFP emission reduction requirement. The guidance states that “Any combination of VOC and NOx emission reductions which totals 3 percent per year and meet other SIP consistency requirements described in this document are allowed.” Photochemical modeling included in the 2016 AQMP and the Revised Draft 2022 AQMP shows that NOx reductions are critical for the Coachella Valley to reach attainment of the 2008 8-hour ozone standard.²⁹

²⁶ 62 FR 1150 <https://www.gpo.gov/fdsys/pkg/FR-1997-01-08/pdf/97-144.pdf>.

²⁷ [P1001E8Z.PDF \(epa.gov\)](#).

²⁸ https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/19931201_oaqps_nox_substitution_guidance.pdf.

²⁹ <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>.

<http://www.aqmd.gov/2022aqmp>.

On December 5, 2018, CARB submitted to U.S. EPA the 2018 Updates to the California State Implementation Plan (referred as “2018 SIP Update”), which included, among other things, an RFP demonstration for the Coachella Valley through the attainment year of 2026 as required for a severe nonattainment area. On October 16, 2020, the U.S. EPA approved the severe RFP demonstration and other elements as applicable for the 75 ppb ozone standard in the Coachella Valley.

The RFP demonstration in the 2018 SIP Update was developed using an inventory that relied upon the CARB motor vehicle emissions model EMFAC2014. On August 15, 2019, U.S. EPA approved California’s latest motor vehicle emissions model, EMFAC2017, which includes updated activity levels and emission rates for on-road heavy-duty vehicles and other mobile sources now available at the time of development. Due to the update with this new information, estimated future year, on-road, mobile source emissions in many areas of the State, including the Coachella Valley, are higher than in the previous version of the model, EMFAC2014.

Reasonable Further Progress Demonstration

The RFP demonstration for the Extreme Area Plan is provided in Table 6-1, which shows that the cumulative VOC and NO_x emission reductions in the Coachella Valley meet the RFP targets in the milestone years of 2023, 2026, 2029, and the attainment year, 2031. In accordance with U.S. EPA guidance, SIP Requirements Rule for the 2008 ozone NAAQS³⁰ and the court decision in *South Coast Air Quality Management District v. U.S. EPA*, 882 F.3d 1138 (D.C. Cir. 2018),³¹ the emissions reductions in the RFP demonstration occur inside the nonattainment area, are achieved through existing control regulations, and start from a baseline year of 2011.

The Coachella Valley 75 ppb 8-hour ozone RFP demonstration was developed using CARB’s California Emissions Projection Analysis Model (CEPAM), 2022, Version 1.01 baseline unadjusted inventory (see Chapter 5 and Attachment A for more information on the planning emissions inventory). In order to demonstrate consistency between the RFP demonstration and MVEB, a line-item adjustment is made in the RFP demonstration to account for the differences in the on-road mobile source emissions projections in the CEPAM inventory and the total of the MVEBs which are individually rounded up to the nearest tenth of a ton per day (see Chapter 7 for more information on the MVEBs). Figure 6-1 illustrates how the cumulative reductions in VOC and NO_x combined surpass the required reductions in VOC, thus showing compliance with RFP requirements.

³⁰ 80 FR 12264 <https://www.govinfo.gov/content/pkg/FR-2015-03-06/pdf/2015-04012.pdf#page=1>

³¹ No. 15-1115, [SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT v. ENVIRONMENTAL PROTECTION AGENCY, ET AL.](#)

TABLE 6-1:

RFP DEMONSTRATION FOR THE COACHELLA VALLEY 75 PPB OZONE SIP

Year	2011	2017	2020	2023	2026	2029	2031
VOC emissions	16.27	13.48	13.16	12.75	12.72	12.75	12.81
MVEB Rounding Margin*		0.00	0.00	0.05	0.09	0.04	0.05
Baseline VOC + Rounding Margin		13.48	13.16	12.80	12.81	12.79	12.86
Required % change since 2011		18%	27%	36%	45%	54%	60%
Target VOC Level		13.34	11.88	10.42	8.95	7.49	6.51
Shortfall (-)/ Surplus (+) in VOC		-0.14	-1.28	-2.38	-3.86	-5.31	-6.35
Shortfall (-)/ Surplus (+) in VOC, %		-1%	-8%	-15%	-24%	-33%	-39%
Year	2011	2017	2020	2023	2026	2029	2031
NOx emissions	27.49	19.45	17.42	14.64	14.19	14.00	13.95
MVEB Rounding Margin*		0.00	0.00	0.01	0.01	0.09	0.00
Baseline NOx + Rounding Margin		19.45	17.42	14.66	14.20	14.08	13.95
Change in NOx since 2011		8.04	10.07	12.84	13.30	13.41	13.54
Change in NOx since 2011, %		29%	37%	47%	48%	49%	49%
NOx reductions since 2011 used for VOC substitution in this milestone year, %		1%	8%	15%	24%	33%	39%
Shortfall (-)/ Surplus (+), %		28%	29%	32%	25%	16%	10%
RFP shortfall (-), if any		0%	0%	0%	0%	0%	0%
RFP Met?		YES	YES	YES	YES	YES	YES

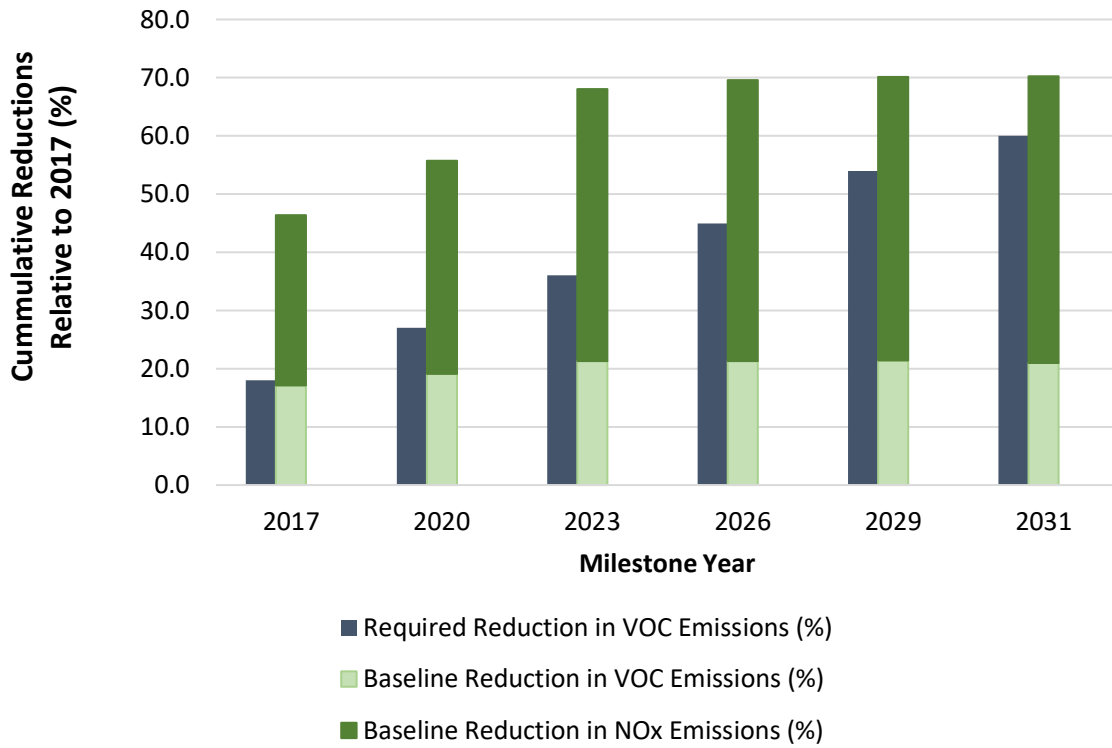


FIGURE 6-1

RFP DEMONSTRATION SHOWING THAT CUMULATIVE VOC AND NOX REDUCTIONS SURPASS THE VOC EMISSION REDUCTION TARGETS

Chapter 7 – Motor Vehicle Emissions Budgets

Introduction

Methodology

Motor Vehicle Emissions Budget

Introduction

The California Air Resources Board (CARB) has prepared the motor vehicle emissions budget (MVEB)³² for the 75 parts per billion (ppb) 8-hr ozone National Ambient Air Quality Standard (NAAQS). The MVEB is the maximum allowable emissions from motor vehicles within an air basin and is used for determining whether transportation plans and projects conform to the applicable State Implementation Plan (SIP).

Transportation conformity is the federal regulatory procedure for linking and coordinating the transportation and air quality planning processes through the MVEB established in the SIP. Under section 176(c) of the Clean Air Act (Act), federal agencies may not approve or fund transportation plans and projects unless they are consistent with the regional SIP. In addition, conformity with the SIP requires that transportation activities do not (1) cause or contribute to new air quality violations, (2) increase the frequency or severity of any existing violation, or (3) delay timely attainment of NAAQS. Therefore, quantifying on-road motor vehicle emissions and comparing those emissions with a budget established in the SIP determine transportation conformity between air quality and transportation planning.

The MVEBs are set for each criteria pollutant or its precursors for each milestone year and the attainment year of the SIP. Subsequent transportation plans and programs produced by transportation planning agencies must demonstrate that the emissions from the proposed plan, program, or project do not exceed the MVEBs established in the applicable SIP. The MVEBs established in this SIP apply as a “ceiling” or limit on transportation emissions for the Southern California Association of Governments (SCAG) for the years in which they are defined and for all subsequent years until another year for which a different budget is specified or until a SIP revision modifies the budget. For the Coachella Valley 75 ppb 8-hr ozone SIP, the milestone years and the attainment year of the SIP (also referred to as the plan analysis years) are 2023, 2026, 2029, and 2031.

Methodology

The MVEB for the 75 ppb ozone SIP is established based on guidance from the U.S. EPA on the motor vehicle emission categories and precursors that must be considered in transportation conformity determinations as found in the transportation conformity regulation and final rules as described below.

The MVEB must be clearly identified and precisely quantified, and consistent with applicable Act requirements for reasonable further progress and attainment toward meeting NAAQS. Further, it should be consistent with the emission inventory and control measures in the SIP.

The 75 ppb 8-hr ozone SIP establishes budgets for reactive organic gases (ROG) and nitrogen oxide (NOx) emissions, which are ozone precursors, using emission rates from California’s motor vehicle emission

³² Federal transportation conformity regulations are found in 40 CFR Part 51, Subpart T – Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. of the Federal Transit Laws. 40 CFR Part 93, Subpart A of this chapter was revised by the U.S. EPA in the August 15, 1997 Federal Register.

model, EMFAC2017 (V.1.0.3)³³, using activity data (vehicle miles traveled [VMT] and speed distributions) from SCAG's 2020 regional transportation plan (RTP)/sustainable communities strategy (SCS).³⁴

On August 15, 2019, U.S. EPA approved EMFAC2017 for use in SIPs and to demonstrate transportation conformity.³⁵ The EMFAC model estimates emissions from two combustion processes (start and running) and four evaporative processes (hot soak, running loss, diurnal, and resting loss). EMFAC calculates current and future motor vehicle emissions at the state, air district, air basin, county, and project levels.

The MVEB for this SIP was developed to be consistent with the on-road emissions inventory³⁶ and reasonable further progress, using the following method:

- 1) Used the EMFAC2017 model to produce the on-road motor vehicle emissions totals (average summer day) for the appropriate pollutants (ROG and NOx) using 2020 RTP/SCS activity data.
- 2) Rounded the totals for both ROG and NOx to the nearest tenth ton.

Motor Vehicle Emissions Budget

The MVEB in Table 1 was established according to the methodology outlined above and in consultation³⁷ with SCAG, the South Coast AQMD, U.S. EPA, Federal Highway Administration, and Federal Transit Administration. The MVEB is consistent with the emission inventories and control measures in the 75 ppb 8-hr ozone SIP. These budgets will be effective once U.S. EPA determines it is adequate. Table 7-1 provides the updated Coachella Valley MVEB. The MVEB is based on SCAG's 2020 Connect SoCal activity data,³⁸ including vehicle miles traveled and speed, and EMFAC2017.

³³ More information on data sources can be found in the EMFAC technical support documentation at: <https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/msei-road-documentation>.

³⁴ SCAG Connect SoCal 2020 RTP/SCS.

https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176.

³⁵ U.S. EPA approval of EMFAC2017 can be found at 84 FR 41717 <https://www.federalregister.gov/d/2019-17476>.

³⁶ More information about the on-road motor vehicle emission budgets can be found in Chapter 5 of the plan.

³⁷ To satisfy the requirements established in 40 CFR Part 93, Section 118(e)(4)(ii).

³⁸ https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf.

TABLE 7-1
MOTOR VEHICLE EMISSIONS BUDGETS FOR THE 2008 8-HOUR OZONE STANDARD (SUMMER)

Year	2023		2026		2029		2031	
Coachella Valley Pollutant (Tons/Day)	VOC	NO _x	VOC	NO _x	VOC	NO _x	VOC	NO _x
Vehicular Exhaust	2.65	5.98	2.41	5.79	2.26	5.71	2.15	5.69
Total ^a	2.65	5.98	2.41	5.79	2.26	5.71	2.15	5.69
Motor Vehicle Emissions Budget ^b	2.7	6.0	2.5	5.8	2.3	5.8	2.2	5.7

^a Values from EMFAC2017 v1.03 may not add up due to rounding.

^b Motor Vehicle Emissions Budgets are rounded up to the nearest tenth of a tpd.

Source: EMFAC2017 v1.03

Chapter 8 – California Environmental Quality Act Analysis

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15002(k) and 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308. Further, there is no substantial evidence indicating that any of the exceptions in CEQA Guidelines Section 15300.2 apply to the proposed project. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 and is included as Attachment C. If the proposed project is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino Counties, and with the State Clearinghouse of the Governor's Office of Planning and Research.

Chapter 9 – Public Process

Public outreach was conducted to notify interested parties regarding the request for reclassification of Coachella Valley and MVEB update for the 2008 8-hour ozone standard. Notifications, including newspaper postings and email notifications were sent to all interested parties. The item was heard before South Coast AQMD's Mobile Source Committee on August 19, 2022. Additionally, staff conducted a public consultation meeting on Friday, September 23, 2022 at 1:00 p.m. During the meeting, a member of public expressed support to the reclassification and updated MVEB to resolve the transportation conformity lockdown and alleviate economic penalty associated with the lockdown. A draft staff report was released on September 16, 2022 to solicit public review and comments. The public comment period was closed on October 18, 2022 and no written comment was received.

Chapter 10 – Staff Recommendation

Staff recommends a voluntary reclassification of the 2008 8-hour ozone standard nonattainment status for Coachella Valley from severe to extreme to resolve the current transportation conformity lockdown and allow new transportation projects to proceed. According to SCAG, \$26 billion worth of transportation projects are currently impacted. This reclassification will also provide up to 5 years of additional time for the Coachella Valley to attain the standard. Since the Coachella Valley is already in extreme nonattainment for the 1997 8-hour ozone NAAQS, extreme area planning requirements under CAA 182(e) such as Title V and NSR have been satisfied. Consequently, no planning or regulatory impact is expected from this reclassification.

Typically, a SIP revision is not required until the U.S. EPA grants the reclassification request and sets a timeline to submit extreme area SIP requirements. However, considering the economic burden on Coachella Valley residents, including those who already suffer from economic and environmental inequities, staff recommends pursuing the reclassification request and concurrently submitting the SIP elements required to establish a new MVEB, which include a baseline emissions inventory, a Reasonable Further Progress (RFP) demonstration and an updated MVEB for “extreme” nonattainment for the 2008 8-hour ozone standard for Coachella Valley. This will expedite the process to update the MVEB and allow SCAG to move forward with their subsequent FTIP and RTP amendments without further delay. The remaining extreme area SIP elements will be developed and brought before the Board for consideration in late 2023 or early 2024.

Appendix I – Summer Planning Emissions Inventory by Major Source Category

2011

2017

2020

2023

2026

2029

2031

Appendix II – Emissions Inventory Methodology for the 2008 8-Hour Ozone Extreme Area Plan Using Write-Up for the Coachella Valley 75 ppb 8-Hour Ozone Reasonable Further Progress SIP

Emissions Inventory Background

Emissions Inventory Overview

Emission Inventory Components

2011 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Fuel Combustion			
10	Electric Utilities	0	0.023
50	Manufacturing and Industrial	0.016	0.121
52	Food and Agricultural Processing	0	0
60	Service and Commercial	0.063	0.318
99	Other (Fuel Combustion)	0.014	0.135
	Total Fuel Combustion	0.093	0.597
Waste Disposal			
110	Sewage Treatment	0	0
130	Incineration	0.001	0.014
199	Other (Waste Disposal)	0	0
	Total Waste Disposal	0.001	0.014
Cleaning and Surface Coatings			
210	Laundering	0.004	0
220	Degreasing	0.227	0
230	Coatings and Related Processes	1.042	0
240	Printing	0.022	0
250	Adhesives and Sealants	0.121	0
299	Other (Cleaning and Surface Coatings)	0.021	0.003
	Total Cleaning and Surface Coatings	1.437	0.003
Petroleum Production and Marketing			
330	Petroleum Marketing	0.551	0
	Total Petroleum Production and Marketing	0.551	0
Industrial Processes			
410	Chemical	0.097	0
420	Food and Agriculture	0.025	0
430	Mineral Processes	0.017	0
440	Metal Processes	0	0
450	Wood and Paper	0	0
470	Electronics	0.001	0
499	Other (Industrial Processes)	0.087	0
	Total Industrial Processes	0.226	0
Solvent Evaporation			
510	Consumer Products	2.783	0
520	Architectural Coatings and Related Solvent	0.372	0
530	Pesticides/Fertilizers	0.159	0
540	Asphalt Paving/Roofing	0.051	0
	Total Solvent Evaporation	3.365	0

(Continued)
2011 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Miscellaneous Processes			
610	Residential Fuel Combustion	0.098	0.376
620	Farming Operations	0.069	0
630	Construction and Demolition	0	0
640	Paved Road Dust	0	0
645	Unpaved Road Dust	0	0
650	Fugitive Windblown Dust	0	0
660	Fires	0.007	0.002
670	Waste Burning and Disposal	0.016	0.015
690	Cooking	0.021	0
699	Other (Miscellaneous Processes)	0	0
	Total Miscellaneous Processes	0.211	0.393
On-Road Motor Vehicles			
710	Light Duty Passenger Auto (LDA)	2.069	1.3
722	Light Duty Trucks 1 (T1)	0.597	0.432
723	Light Duty Trucks 2 (T2)	0.765	0.887
724	Medium Duty Trucks (T3)	0.745	0.95
732	Light Heavy Duty Gas Trucks 1 (T4)	0.105	0.098
733	Light Heavy Duty Gas Trucks 2 (T5)	0.017	0.019
734	Medium Heavy Duty Gas Trucks (T6)	0.043	0.079
736	Heavy Heavy Duty Gas Trucks ((HHD)	0.01	0.027
742	Light Heavy Duty Diesel Trucks 1 (T4)	0.014	0.59
743	Light Heavy Duty Diesel Trucks 2 (T5)	0.005	0.211
744	Medium Heavy Duty Diesel Truck (T6)	0.081	1.357
746	Heavy Heavy Duty Diesel Trucks (HHD)	0.805	12.761
750	Motorcycles (MCY)	0.331	0.073
760	Diesel Urban Buses (UB)	0.004	0.027
762	Gas Urban Buses (UB)	0	0
771	Gas School Buses (SB)	0.008	0.005
772	Diesel School Buses (SB)	0.006	0.086
777	Gas Other Buses (OB)	0.003	0.012
778	Motor Coaches	0.002	0.029
779	Diesel Other Buses (OB)	0.002	0.03
780	Motor Homes (MH)	0.007	0.05
	Total On-Road Motor Vehicles	5.621	19.023
Other Mobile Sources			
810	Aircraft	0.094	0.359
820	Trains	0.210	3.188
840	Recreational Boats	1.069	0.123
850	Off-Road Recreational Vehicles	0.181	0.003
860	Off-Road Equipment	2.695	2.592
861	Off-Road Equipment (PERP)	0.056	0.723
870	Farm Equipment	0.128	0.477
890	Fuel Storage and Handling	0.337	0.000
	Total Other Mobile Sources	4.770	7.465
	Total Stationary and Area Sources	5.884	1.007
	Total On-Road Vehicles	5.621	19.023
	Total Other Mobile	4.770	7.465
	Total	16.275	27.495

2017 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Fuel Combustion			
10	Electric Utilities	0.026	0.632
50	Manufacturing and Industrial	0.015	0.105
52	Food and Agricultural Processing	0.001	0.006
60	Service and Commercial	0.047	0.222
99	Other (Fuel Combustion)	0.021	0.112
	Total Fuel Combustion	0.109	1.076
Waste Disposal			
110	Sewage Treatment	0.013	0
130	Incineration	0	0.006
199	Other (Waste Disposal)	0	0
	Total Waste Disposal	0.014	0.006
Cleaning and Surface Coatings			
210	Laundrying	0.005	0
220	Degreasing	0.251	0
230	Coatings and Related Processes	1.189	0
240	Printing	0.023	0
250	Adhesives and Sealants	0.133	0
299	Other (Cleaning and Surface Coatings)	0.022	0
	Total Cleaning and Surface Coatings	1.622	0
Petroleum Production and Marketing			
330	Petroleum Marketing	0.366	0
	Total Petroleum Production and Marketing	0.366	0
Industrial Processes			
410	Chemical	0.108	0
420	Food and Agriculture	0.026	0
430	Mineral Processes	0.027	0
440	Metal Processes	0	0
450	Wood and Paper	0	0
470	Electronics	0	0
499	Other (Industrial Processes)	0.07	0
	Total Industrial Processes	0.231	0
Solvent Evaporation			
510	Consumer Products	2.962	0
520	Architectural Coatings and Related Solvent	0.294	0
530	Pesticides/Fertilizers	0.252	0
540	Asphalt Paving/Roofing	0.06	0
	Total Solvent Evaporation	3.567	0

(Continued)

2017 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Miscellaneous Processes			
610	Residential Fuel Combustion	0.094	0.285
620	Farming Operations	0.069	0
630	Construction and Demolition	0	0
640	Paved Road Dust	0	0
645	Unpaved Road Dust	0	0
650	Fugitive Windblown Dust	0	0
660	Fires	0.007	0.002
670	Waste Burning and Disposal	0.015	0.006
690	Cooking	0.025	0
699	Other (Miscellaneous Processes)	0	0
Total Miscellaneous Processes		0.21	0.293
On-Road Motor Vehicles			
710	Light Duty Passenger Auto (LDA)	1.201	0.651
722	Light Duty Trucks 1 (T1)	0.386	0.24
723	Light Duty Trucks 2 (T2)	0.622	0.562
724	Medium Duty Trucks (T3)	0.603	0.562
732	Light Heavy Duty Gas Trucks 1 (T4)	0.095	0.075
733	Light Heavy Duty Gas Trucks 2 (T5)	0.019	0.017
734	Medium Heavy Duty Gas Trucks (T6)	0.025	0.055
736	Heavy Heavy Duty Gas Trucks ((HHD)	0.001	0.003
742	Light Heavy Duty Diesel Trucks 1 (T4)	0.011	0.381
743	Light Heavy Duty Diesel Trucks 2 (T5)	0.005	0.149
744	Medium Heavy Duty Diesel Truck (T6)	0.049	0.999
746	Heavy Heavy Duty Diesel Trucks (HHD)	0.256	6.467
750	Motorcycles (MCY)	0.351	0.078
760	Diesel Urban Buses (UB)	0.006	0.035
762	Gas Urban Buses (UB)	0	0
771	Gas School Buses (SB)	0.001	0.001
772	Diesel School Buses (SB)	0.001	0.083
777	Gas Other Buses (OB)	0.002	0.006
778	Motor Coaches	0.001	0.018
779	Diesel Other Buses (OB)	0.001	0.02
780	Motor Homes (MH)	0.003	0.031
Total On-Road Motor Vehicles		3.638	10.434
Other Mobile Sources			
810	Aircraft	0.101	0.392
820	Trains	0.164	3.471
840	Recreational Boats	0.812	0.107
850	Off-Road Recreational Vehicles	0.143	0.003
860	Off-Road Equipment	2.109	2.746
861	Off-Road Equipment (PERP)	0.045	0.541
870	Farm Equipment	0.091	0.380
890	Fuel Storage and Handling	0.262	0.000
Total Other Mobile Sources		3.727	7.640
Total Stationary and Area Sources		6.119	1.375
Total On-Road Vehicles		3.638	10.434
Total Other Mobile		3.727	7.640
Total		13.484	19.449

2020 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Fuel Combustion			
10	Electric Utilities	0.02	0.925
50	Manufacturing and Industrial	0.016	0.107
52	Food and Agricultural Processing	0	0.003
60	Service and Commercial	0.049	0.229
99	Other (Fuel Combustion)	0.012	0.095
	Total Fuel Combustion	0.098	1.36
Waste Disposal			
110	Sewage Treatment	0.014	0
130	Incineration	0.001	0.009
199	Other (Waste Disposal)	0	0
	Total Waste Disposal	0.015	0.009
Cleaning and Surface Coatings			
210	Laundering	0.005	0
220	Degreasing	0.279	0
230	Coatings and Related Processes	1.355	0
240	Printing	0.027	0
250	Adhesives and Sealants	0.145	0
299	Other (Cleaning and Surface Coatings)	0.026	0
	Total Cleaning and Surface Coatings	1.836	0
Petroleum Production and Marketing			
330	Petroleum Marketing	0.331	0
	Total Petroleum Production and Marketing	0.331	0
Industrial Processes			
410	Chemical	0.128	0
420	Food and Agriculture	0.029	0
430	Mineral Processes	0.025	0
440	Metal Processes	0	0
450	Wood and Paper	0	0
470	Electronics	0	0
499	Other (Industrial Processes)	0.071	0
	Total Industrial Processes	0.253	0
Solvent Evaporation			
510	Consumer Products	3.272	0
520	Architectural Coatings and Related Solvent	0.319	0
530	Pesticides/Fertilizers	0.221	0
540	Asphalt Paving/Roofing	0.068	0
	Total Solvent Evaporation	3.88	0

(Continued)

2020 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Miscellaneous Processes			
610	Residential Fuel Combustion	0.097	0.32
620	Farming Operations	0.069	0
630	Construction and Demolition	0	0
640	Paved Road Dust	0	0
645	Unpaved Road Dust	0	0
650	Fugitive Windblown Dust	0	0
660	Fires	0.007	0.002
670	Waste Burning and Disposal	0.011	0.006
690	Cooking	0.026	0
699	Other (Miscellaneous Processes)	0	0
Total Miscellaneous Processes		0.211	0.328
On-Road Motor Vehicles			
710	Light Duty Passenger Auto (LDA)	0.942	0.466
722	Light Duty Trucks 1 (T1)	0.306	0.171
723	Light Duty Trucks 2 (T2)	0.536	0.397
724	Medium Duty Trucks (T3)	0.522	0.4
732	Light Heavy Duty Gas Trucks 1 (T4)	0.071	0.056
733	Light Heavy Duty Gas Trucks 2 (T5)	0.015	0.013
734	Medium Heavy Duty Gas Trucks (T6)	0.021	0.043
736	Heavy Heavy Duty Gas Trucks ((HHD)	0	0.001
742	Light Heavy Duty Diesel Trucks 1 (T4)	0.009	0.262
743	Light Heavy Duty Diesel Trucks 2 (T5)	0.004	0.103
744	Medium Heavy Duty Diesel Truck (T6)	0.031	0.786
746	Heavy Heavy Duty Diesel Trucks (HHD)	0.186	5.398
750	Motorcycles (MCY)	0.378	0.085
760	Diesel Urban Buses (UB)	0.001	0.006
762	Gas Urban Buses (UB)	0	0
771	Gas School Buses (SB)	0.001	0.001
772	Diesel School Buses (SB)	0.001	0.082
777	Gas Other Buses (OB)	0.002	0.005
778	Motor Coaches	0.001	0.014
779	Diesel Other Buses (OB)	0.001	0.019
780	Motor Homes (MH)	0.002	0.025
Total On-Road Motor Vehicles		3.027	8.334
Other Mobile Sources			
810	Aircraft	0.092	0.360
820	Trains	0.176	3.880
840	Recreational Boats	0.708	0.103
850	Off-Road Recreational Vehicles	0.134	0.003
860	Off-Road Equipment	2.017	2.244
861	Off-Road Equipment (PERP)	0.036	0.394
870	Farm Equipment	0.100	0.406
890	Fuel Storage and Handling	0.244	0.000
Total Other Mobile Sources		3.507	7.390
Total Stationary and Area Sources		6.624	1.697
Total On-Road Vehicles		3.027	8.334
Total Other Mobile		3.507	7.390
Total		13.158	17.421

2023 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Fuel Combustion			
10	Electric Utilities	0.02	0.837
50	Manufacturing and Industrial	0.017	0.112
52	Food and Agricultural Processing	0	0.003
60	Service and Commercial	0.052	0.237
99	Other (Fuel Combustion)	0.013	0.095
	Total Fuel Combustion	0.101	1.285
Waste Disposal			
110	Sewage Treatment	0.015	0
130	Incineration	0.001	0.009
199	Other (Waste Disposal)	0	0
	Total Waste Disposal	0.015	0.009
Cleaning and Surface Coatings			
210	Laundering	0.005	0
220	Degreasing	0.299	0
230	Coatings and Related Processes	1.47	0
240	Printing	0.031	0
250	Adhesives and Sealants	0.141	0
299	Other (Cleaning and Surface Coatings)	0.027	0
	Total Cleaning and Surface Coatings	1.973	0
Petroleum Production and Marketing			
330	Petroleum Marketing	0.325	0
	Total Petroleum Production and Marketing	0.325	0
Industrial Processes			
410	Chemical	0.138	0
420	Food and Agriculture	0.03	0
430	Mineral Processes	0.027	0
440	Metal Processes	0	0
450	Wood and Paper	0	0
470	Electronics	0	0
499	Other (Industrial Processes)	0.074	0
	Total Industrial Processes	0.269	0
Solvent Evaporation			
510	Consumer Products	3.261	0
520	Architectural Coatings and Related Solvent	0.344	0
530	Pesticides/Fertilizers	0.222	0
540	Asphalt Paving/Roofing	0.073	0
	Total Solvent Evaporation	3.901	0

(Continued)

2023 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Miscellaneous Processes			
610	Residential Fuel Combustion	0.097	0.305
620	Farming Operations	0.069	0
630	Construction and Demolition	0	0
640	Paved Road Dust	0	0
645	Unpaved Road Dust	0	0
650	Fugitive Windblown Dust	0	0
660	Fires	0.007	0.002
670	Waste Burning and Disposal	0.011	0.006
690	Cooking	0.028	0
699	Other (Miscellaneous Processes)	0	0
Total Miscellaneous Processes		0.211	0.313
On-Road Motor Vehicles			
710	Light Duty Passenger Auto (LDA)	0.805	0.368
722	Light Duty Trucks 1 (T1)	0.255	0.127
723	Light Duty Trucks 2 (T2)	0.496	0.298
724	Medium Duty Trucks (T3)	0.455	0.277
732	Light Heavy Duty Gas Trucks 1 (T4)	0.054	0.041
733	Light Heavy Duty Gas Trucks 2 (T5)	0.012	0.01
734	Medium Heavy Duty Gas Trucks (T6)	0.02	0.035
736	Heavy Heavy Duty Gas Trucks ((HHD)	0	0.001
742	Light Heavy Duty Diesel Trucks 1 (T4)	0.007	0.174
743	Light Heavy Duty Diesel Trucks 2 (T5)	0.003	0.069
744	Medium Heavy Duty Diesel Truck (T6)	0.003	0.371
746	Heavy Heavy Duty Diesel Trucks (HHD)	0.123	3.996
750	Motorcycles (MCY)	0.409	0.092
760	Diesel Urban Buses (UB)	0.001	0.006
762	Gas Urban Buses (UB)	0	0
771	Gas School Buses (SB)	0.001	0.001
772	Diesel School Buses (SB)	0.001	0.08
777	Gas Other Buses (OB)	0.002	0.004
778	Motor Coaches	0	0.006
779	Diesel Other Buses (OB)	0	0.009
780	Motor Homes (MH)	0.001	0.021
Total On-Road Motor Vehicles		2.647	5.985
Other Mobile Sources			
810	Aircraft	0.082	0.401
820	Trains	0.178	4.070
840	Recreational Boats	0.621	0.099
850	Off-Road Recreational Vehicles	0.119	0.003
860	Off-Road Equipment	1.957	1.845
861	Off-Road Equipment (PERP)	0.030	0.291
870	Farm Equipment	0.086	0.343
890	Fuel Storage and Handling	0.230	0.000
Total Other Mobile Sources		3.303	7.052
Total Stationary and Area Sources		6.795	1.607
Total On-Road Vehicles		2.647	5.985
Total Other Mobile		3.303	7.052
Total		12.745	14.644

2026 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Fuel Combustion			
10	Electric Utilities	0.019	0.801
50	Manufacturing and Industrial	0.018	0.116
52	Food and Agricultural Processing	0	0.003
60	Service and Commercial	0.053	0.239
99	Other (Fuel Combustion)	0.013	0.095
	Total Fuel Combustion	0.103	1.255
Waste Disposal			
110	Sewage Treatment	0.015	0
130	Incineration	0.001	0.009
199	Other (Waste Disposal)	0	0
	Total Waste Disposal	0.016	0.009
Cleaning and Surface Coatings			
210	Laundering	0.005	0
220	Degreasing	0.313	0
230	Coatings and Related Processes	1.556	0
240	Printing	0.034	0
250	Adhesives and Sealants	0.147	0
299	Other (Cleaning and Surface Coatings)	0.029	0
	Total Cleaning and Surface Coatings	2.084	0
Petroleum Production and Marketing			
330	Petroleum Marketing	0.318	0
	Total Petroleum Production and Marketing	0.318	0
Industrial Processes			
410	Chemical	0.145	0
420	Food and Agriculture	0.032	0
430	Mineral Processes	0.028	0
440	Metal Processes	0	0
450	Wood and Paper	0	0
470	Electronics	0	0
499	Other (Industrial Processes)	0.077	0
	Total Industrial Processes	0.283	0
Solvent Evaporation			
510	Consumer Products	3.456	0
520	Architectural Coatings and Related Solvent	0.363	0
530	Pesticides/Fertilizers	0.222	0
540	Asphalt Paving/Roofing	0.076	0
	Total Solvent Evaporation	4.118	0

(Continued)
2026 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Miscellaneous Processes			
610	Residential Fuel Combustion	0.097	0.291
620	Farming Operations	0.069	0
630	Construction and Demolition	0	0
640	Paved Road Dust	0	0
645	Unpaved Road Dust	0	0
650	Fugitive Windblown Dust	0	0
660	Fires	0.007	0.002
670	Waste Burning and Disposal	0.011	0.006
690	Cooking	0.029	0
699	Other (Miscellaneous Processes)	0	0
	Total Miscellaneous Processes	0.212	0.299
On-Road Motor Vehicles			
710	Light Duty Passenger Auto (LDA)	0.7	0.3
722	Light Duty Trucks 1 (T1)	0.209	0.094
723	Light Duty Trucks 2 (T2)	0.456	0.229
724	Medium Duty Trucks (T3)	0.398	0.194
732	Light Heavy Duty Gas Trucks 1 (T4)	0.045	0.032
733	Light Heavy Duty Gas Trucks 2 (T5)	0.009	0.008
734	Medium Heavy Duty Gas Trucks (T6)	0.02	0.028
736	Heavy Heavy Duty Gas Trucks ((HHD)	0	0.001
742	Light Heavy Duty Diesel Trucks 1 (T4)	0.005	0.119
743	Light Heavy Duty Diesel Trucks 2 (T5)	0.002	0.048
744	Medium Heavy Duty Diesel Truck (T6)	0.003	0.4
746	Heavy Heavy Duty Diesel Trucks (HHD)	0.133	4.125
750	Motorcycles (MCY)	0.421	0.096
760	Diesel Urban Buses (UB)	0.001	0.006
762	Gas Urban Buses (UB)	0	0
771	Gas School Buses (SB)	0.001	0.001
772	Diesel School Buses (SB)	0.001	0.073
777	Gas Other Buses (OB)	0.002	0.003
778	Motor Coaches	0	0.007
779	Diesel Other Buses (OB)	0	0.011
780	Motor Homes (MH)	0.001	0.018
	Total On-Road Motor Vehicles	2.408	5.792
Other Mobile Sources			
810	Aircraft	0.084	0.454
820	Trains	0.175	4.194
840	Recreational Boats	0.546	0.096
850	Off-Road Recreational Vehicles	0.106	0.003
860	Off-Road Equipment	1.943	1.562
861	Off-Road Equipment (PERP)	0.028	0.235
870	Farm Equipment	0.073	0.289
890	Fuel Storage and Handling	0.221	0.000
	Total Other Mobile Sources	3.176	6.833
	Total Stationary and Area Sources	7.134	1.563
	Total On-Road Vehicles	2.408	5.792
	Total Other Mobile	3.176	6.833
	Total	12.718	14.188

2029 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Fuel Combustion			
10	Electric Utilities	0.016	0.709
50	Manufacturing and Industrial	0.018	0.114
52	Food and Agricultural Processing	0	0.003
60	Service and Commercial	0.054	0.238
99	Other (Fuel Combustion)	0.014	0.095
	Total Fuel Combustion	0.102	1.159
Waste Disposal			
110	Sewage Treatment	0.016	0
130	Incineration	0.001	0.009
199	Other (Waste Disposal)	0	0
	Total Waste Disposal	0.016	0.009
Cleaning and Surface Coatings			
210	Laundering	0.005	0
220	Degreasing	0.319	0
230	Coatings and Related Processes	1.605	0
240	Printing	0.036	0
250	Adhesives and Sealants	0.151	0
299	Other (Cleaning and Surface Coatings)	0.029	0
	Total Cleaning and Surface Coatings	2.146	0
Petroleum Production and Marketing			
330	Petroleum Marketing	0.314	0
	Total Petroleum Production and Marketing	0.314	0
Industrial Processes			
410	Chemical	0.148	0
420	Food and Agriculture	0.034	0
430	Mineral Processes	0.029	0
440	Metal Processes	0	0
450	Wood and Paper	0	0
470	Electronics	0	0
499	Other (Industrial Processes)	0.08	0
	Total Industrial Processes	0.291	0
Solvent Evaporation			
510	Consumer Products	3.635	0
520	Architectural Coatings and Related Solvent	0.383	0
530	Pesticides/Fertilizers	0.223	0
540	Asphalt Paving/Roofing	0.078	0
	Total Solvent Evaporation	4.319	0

(Continued)

2029 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Miscellaneous Processes			
610	Residential Fuel Combustion	0.096	0.277
620	Farming Operations	0.069	0
630	Construction and Demolition	0	0
640	Paved Road Dust	0	0
645	Unpaved Road Dust	0	0
650	Fugitive Windblown Dust	0	0
660	Fires	0.007	0.002
670	Waste Burning and Disposal	0.011	0.006
690	Cooking	0.029	0
699	Other (Miscellaneous Processes)	0	0
	Total Miscellaneous Processes	0.213	0.285
On-Road Motor Vehicles			
710	Light Duty Passenger Auto (LDA)	0.632	0.268
722	Light Duty Trucks 1 (T1)	0.176	0.073
723	Light Duty Trucks 2 (T2)	0.427	0.189
724	Medium Duty Trucks (T3)	0.361	0.147
732	Light Heavy Duty Gas Trucks 1 (T4)	0.042	0.026
733	Light Heavy Duty Gas Trucks 2 (T5)	0.008	0.006
734	Medium Heavy Duty Gas Trucks (T6)	0.02	0.023
736	Heavy Heavy Duty Gas Trucks ((HHD)	0	0.001
742	Light Heavy Duty Diesel Trucks 1 (T4)	0.005	0.081
743	Light Heavy Duty Diesel Trucks 2 (T5)	0.002	0.035
744	Medium Heavy Duty Diesel Truck (T6)	0.003	0.423
746	Heavy Heavy Duty Diesel Trucks (HHD)	0.14	4.232
750	Motorcycles (MCY)	0.439	0.099
760	Diesel Urban Buses (UB)	0.001	0.006
762	Gas Urban Buses (UB)	0	0
771	Gas School Buses (SB)	0.001	0.001
772	Diesel School Buses (SB)	0.001	0.063
777	Gas Other Buses (OB)	0.002	0.002
778	Motor Coaches	0	0.007
779	Diesel Other Buses (OB)	0	0.013
780	Motor Homes (MH)	0.001	0.015
	Total On-Road Motor Vehicles	2.26	5.713
Other Mobile Sources			
810	Aircraft	0.084	0.508
820	Trains	0.181	4.412
840	Recreational Boats	0.484	0.094
850	Off-Road Recreational Vehicles	0.089	0.003
860	Off-Road Equipment	1.950	1.366
861	Off-Road Equipment (PERP)	0.027	0.202
870	Farm Equipment	0.062	0.243
890	Fuel Storage and Handling	0.216	0.000
	Total Other Mobile Sources	3.093	6.828
	Total Stationary and Area Sources	7.401	1.453
	Total On-Road Vehicles	2.260	5.713
	Total Other Mobile	3.093	6.828
	Total	12.754	13.994

2031 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Fuel Combustion			
10	Electric Utilities	0.016	0.673
50	Manufacturing and Industrial	0.018	0.114
52	Food and Agricultural Processing	0	0.003
60	Service and Commercial	0.054	0.237
99	Other (Fuel Combustion)	0.014	0.095
	Total Fuel Combustion	0.102	1.123
Waste Disposal			
110	Sewage Treatment	0.016	0
130	Incineration	0.001	0.009
199	Other (Waste Disposal)	0	0
	Total Waste Disposal	0.017	0.009
Cleaning and Surface Coatings			
210	Laundering	0.006	0
220	Degreasing	0.321	0
230	Coatings and Related Processes	1.627	0
240	Printing	0.037	0
250	Adhesives and Sealants	0.151	0
299	Other (Cleaning and Surface Coatings)	0.029	0
	Total Cleaning and Surface Coatings	2.17	0
Petroleum Production and Marketing			
330	Petroleum Marketing	0.316	0
	Total Petroleum Production and Marketing	0.316	0
Industrial Processes			
410	Chemical	0.148	0
420	Food and Agriculture	0.034	0
430	Mineral Processes	0.03	0
440	Metal Processes	0	0
450	Wood and Paper	0	0
470	Electronics	0	0
499	Other (Industrial Processes)	0.083	0
	Total Industrial Processes	0.295	0
Solvent Evaporation			
510	Consumer Products	3.792	0
520	Architectural Coatings and Related Solvent	0.396	0
530	Pesticides/Fertilizers	0.224	0
540	Asphalt Paving/Roofing	0.08	0
	Total Solvent Evaporation	4.491	0

(Continued)
2031 Summer Planning Emissions by Source Category in Coachella Valley (Tons/Day)

MSC	DESC	VOC	NOX
Miscellaneous Processes			
610	Residential Fuel Combustion	0.096	0.271
620	Farming Operations	0.069	0
630	Construction and Demolition	0	0
640	Paved Road Dust	0	0
645	Unpaved Road Dust	0	0
650	Fugitive Windblown Dust	0	0
660	Fires	0.007	0.002
670	Waste Burning and Disposal	0.011	0.006
690	Cooking	0.03	0
699	Other (Miscellaneous Processes)	0	0
	Total Miscellaneous Processes	0.213	0.279
On-Road Motor Vehicles			
710	Light Duty Passenger Auto (LDA)	0.586	0.253
722	Light Duty Trucks 1 (T1)	0.152	0.061
723	Light Duty Trucks 2 (T2)	0.401	0.169
724	Medium Duty Trucks (T3)	0.337	0.126
732	Light Heavy Duty Gas Trucks 1 (T4)	0.039	0.023
733	Light Heavy Duty Gas Trucks 2 (T5)	0.007	0.005
734	Medium Heavy Duty Gas Trucks (T6)	0.02	0.022
736	Heavy Heavy Duty Gas Trucks ((HHD)	0	0.002
742	Light Heavy Duty Diesel Trucks 1 (T4)	0.004	0.062
743	Light Heavy Duty Diesel Trucks 2 (T5)	0.002	0.028
744	Medium Heavy Duty Diesel Truck (T6)	0.003	0.438
746	Heavy Heavy Duty Diesel Trucks (HHD)	0.144	4.303
750	Motorcycles (MCY)	0.447	0.1
760	Diesel Urban Buses (UB)	0.001	0.006
762	Gas Urban Buses (UB)	0	0
771	Gas School Buses (SB)	0.002	0.001
772	Diesel School Buses (SB)	0.001	0.056
777	Gas Other Buses (OB)	0.002	0.002
778	Motor Coaches	0	0.007
779	Diesel Other Buses (OB)	0	0.015
780	Motor Homes (MH)	0.001	0.014
	Total On-Road Motor Vehicles	2.15	5.695
Other Mobile Sources			
810	Aircraft	0.085	0.543
820	Trains	0.181	4.507
840	Recreational Boats	0.447	0.093
850	Off-Road Recreational Vehicles	0.081	0.004
860	Off-Road Equipment	1.962	1.276
861	Off-Road Equipment (PERP)	0.028	0.199
870	Farm Equipment	0.056	0.218
890	Fuel Storage and Handling	0.215	0.000
	Total Other Mobile Sources	3.055	6.840
	Total Stationary and Area Sources	7.604	1.411
	Total On-Road Vehicles	2.150	5.695
	Total Other Mobile	3.055	6.840
	Total	12.809	13.946

Appendix II - Emissions Inventory Methodology for the 2008 8-Hour Ozone Extreme Area Plan Using CEPAM 2022 v1.01

(August 2022)

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Emissions Inventory Background

Emissions inventories are required by the Clean Air Act (CAA) and the Ozone SIP Requirements Rule for the 2008 ozone National Ambient Air Quality Standards (NAAQS), also called the Ozone Implementation Rule.¹ Specifically, they are required for those areas that exceed the health-based NAAQS. These areas are designated as nonattainment based on monitored exceedances of these NAAQS. These nonattainment areas must develop an emissions inventory as the basis of a State Implementation Plan (SIP) that demonstrates how they will attain the NAAQS by specified dates. This document describes the emissions inventory included in the Coachella Valley 75 ppb 8-Hour Ozone Extreme Reasonable Further Progress SIP (Coachella Valley Extreme RFP Plan), which encompasses all sources within the Coachella Valley ozone nonattainment area.

Emissions Inventory Overview

Emissions inventories are estimates of the amount and type of pollutants emitted into the atmosphere by facilities, mobile sources, and areawide sources. They are fundamental components of an air quality plan and serve critical functions such as:

1. the primary input to air quality modeling used in attainment demonstrations;
2. the emissions data used for developing control strategies; and
3. a means to track progress in meeting the emission reduction commitments.

The California Air Resources Board (CARB) and the South Coast Air Quality Management District (South Coast AQMD) have developed a comprehensive current emissions inventory consistent with the requirements set forth in Section 182(a)-(f) of the federal Clean Air Act². CARB and South Coast AQMD staff conducted a thorough review of the inventory to ensure that the emission estimates reflect accurate emissions reports for point sources and that estimates for mobile and areawide sources are based on the most recent approved models and methodologies.

CARB also reviewed the growth profiles for point and areawide source categories and worked with South Coast AQMD staff to update them as necessary to ensure that the emission projections are based on data that reflect historical trends, current conditions, and recent economic and demographic forecasts.

The United States Environmental Protection Agency (U.S. EPA) regulations require that the emissions inventory for an ozone SIP contain emissions data for the two precursors to ozone formation: oxides of

¹ Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements; (40 CFR part 51 Subpart AA; see also <https://www.epa.gov/ground-level-ozone-pollution/implementation-2008-national-ambient-air-quality-standards-naaqs-ozone>).

² Section 182(a)-(f) of the Act. <https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partD-subpart2-sec7511a.htm>

nitrogen (NO_x) and volatile organic compounds (VOC)³. The inventory included in this plan substitutes VOC with reactive organic gases (ROG), which, in general, represent a slightly broader group of compounds than those in U.S. EPA's list of VOCs.

Inventory Base Year

40 CFR 51.1115(a) requires that the inventory year be selected consistent with the baseline year for the reasonable further progress (RFP) plan as required by 40 CFR 51.1110(b), which states that the baseline year emissions inventory shall be the emissions inventory for the most recent calendar year of which a complete triennial inventory is required to be submitted to EPA under the provisions of subpart A of 40 CFR part 51, Air Emissions Reporting Requirements, 40 CFR 51.1–50. For the this Plan, an RFP baseline year of 2011 was selected since that was the most recent calendar year of which a complete triennial inventory was required at the time of the final designations of Coachella Valley as nonattainment for the 75 ppb 8-Hour Ozone NAAQS⁴. CEPAM 2022 v1.01 uses a 2018 base year; the inventory was calibrated to 2018 emissions and activity levels, and inventories for other years were backcasted or forecasted from that base inventory.

The 2011 baseline year inventory and the 2018 base year inventory are consistent with each other as required by the Ozone Rule. For both, stationary source emissions reflect actual emissions reported from industrial point sources. Stationary emissions also include stationary aggregate sources, such as gasoline dispensing facilities, that are estimated as a group and reported as an aggregated total. The 2011 baseline year emissions for areawide and stationary aggregate sources are backcasted from the 2018 base year, relying on the same growth and control methodology as used for future years. 2011 mobile source emissions were modeled using the EMFAC2017 and off-road models. In addition, both inventories are comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in each area as required by the Act.

Forecasted Inventories

In addition to base year emissions, emissions projections are needed for a variety of reasons, including redesignation maintenance plans, the attainment projected inventory for a nonattainment area (NAA), and air quality modeling for attainment plans⁵.

For stationary and area sources, forecasted inventories are a projection of the base year inventory that reflects expected growth trends for each source category and emissions reductions due to adopted control measures. CARB develops emission forecasts by applying growth and control profiles to the base year inventory. The stationary and area source emissions inventory for this Plan is modeled by the California Emission Projection Analysis Model (CEPAM), 2022 Emission Projections, Version 1.01, of

³ Section 182(a)(1) of the Act. <https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partD-subpart2-sec7511a.htm>

⁴ <https://www.epa.gov/green-book/green-book-8-hour-ozone-2008-area-information>.

⁵ 40 CFR 51.114. <https://www.govinfo.gov/content/pkg/CFR-2000-title40-vol2/pdf/CFR-2000-title40-vol2-sec51-114.pdf>.

which emissions were incorporated as baseline inventory for the Revised Draft 2022 Air Quality Management Plan

Growth profiles for point and areawide sources are derived from surrogates, such as economic activity, fuel usage, population, and housing units, that best reflect the expected growth trends for each specific source category. Growth projections were obtained primarily from government entities with expertise in developing forecasts for specific sectors, or, in some cases, from econometric models. Control profiles, which account for emission reductions resulting from adopted rules and regulations, are derived from data provided by the regulatory agencies responsible for the affected emission categories.

Projections for on-road mobile source emissions are generated by CARB's EMFAC2017 model, which predicts activity rates and vehicle fleet turnover by vehicle model year, along with activity inputs from the metropolitan planning organization (MPO). Off-road mobile sources are forecasted with category-specific model or, where not available, CARB's OFFROAD2007. CEPAM integrates the emission projections derived from these mobile source models to develop a comprehensive forecasted emission inventory. As with stationary sources, the mobile source models include control algorithms that account for adopted regulatory actions.

Temporal Resolution

40 CFR 51.1115(c) requires emissions values included in the base year inventory to be actual ozone season day emissions as defined by 40 CFR 51.1100(q). Since ozone concentrations tend to be highest during the summer months, the emissions inventory used in the this Plan is based on the summer season (May through October), i.e. summer planning emissions inventory.

Quality Assurance and Quality Control

CARB has established a quality assurance and quality control (QA/QC) process to ensure the integrity and accuracy of the emission inventories used in the development of air quality plans. QA/QC occurs at the various stages of SIP emission inventory development. Base year emissions are assembled and maintained in the California Emission Inventory Development and Reporting System (CEIDARS). CARB inventory staff works with air districts, which are responsible for developing and reporting point source emission estimates, to verify these data are accurate. The locations of point sources, including stacks, are checked to ensure they are valid. Area-wide source emissions estimates are developed by both CARB and South Coast AQMD staff, and the methodologies are reviewed by both agencies before their inclusion in the emissions inventory. Mobile categories are verified with CARB mobile source staff for consistency with the on-road and off-road emission models. Additionally, CEIDARS is designed with automatic system checks to prevent errors, such as double counting of emission sources. At the final stage, CEPAM is thoroughly reviewed to validate the accuracy of growth and control application, and the output emissions are compared against prior approved versions of CEPAM to identify data anomalies.

Emission Inventory Components

A summary of the components that make up this Plan emissions inventory is presented in the following sections. These include mobile (on- and off-road) sources, stationary point sources, and areawide sources. Natural sources are not included.

Mobile Source Emissions

CARB develops the emission inventory for the mobile sources using various modeling methods. These models account for the effects of various adopted regulations, technology types, fleet turnover, and seasonal conditions on emissions. Mobile sources in the emission inventory are composed of both on-road and off-road sources, described in the sections below.

On-Road Mobile Source Emissions

Emissions from on-road mobile sources, which include passenger vehicles, buses, and trucks, were estimated using outputs from CARB's EMFAC2017 model. The on-road emissions were calculated by applying EMFAC2017 emission factors to the transportation activity data from Southern California Association of Governments' 2020 Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS).

EMFAC2017 includes data on California's car and truck fleets and travel activity. Light-duty motor vehicle fleet age, vehicle type, and vehicle population were updated based on 2016 DMV data. The model also reflects the emissions benefits of CARB's recent rulemakings such as the Pavley Standards and Advanced Clean Cars Program and includes the emissions benefits of CARB's Truck and Bus Rule and previously adopted rules for other on-road diesel fleets.

EMFAC2017 utilizes a socio-econometric regression modeling approach to forecast new vehicle sales and to estimate future fleet mix. Light-duty passenger vehicle population includes 2016 DMV registration data along with updates to mileage accrual using Smog Check data. Updates to heavy-duty trucks include model year specific emission factors based on new test data, and population estimates using DMV data for in-state trucks and International Registration Plan (IRP) data for out-of-state trucks.

The emissions reflected in this on-road inventory for Coachella Valley are the EMFAC2017 "baseline" emissions without the impact of Advanced Clean Trucks (ACT), Omnibus, and Heavy-Duty I/M.

Additional information and documentation on the EMFAC2017 model is available at:
<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/msei-road-documentation>

EMFAC2017 SAFE Vehicles Rules Off-Model Adjustment Removal

On September 27, 2019, U.S. EPA and National Highway Traffic Safety Administration (NHTSA) published the "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program"

(SAFE-1).⁶ SAFE-1 revoked California’s authority to set its own greenhouse gas emissions standards and set zero-emission vehicle mandates in California. On April 28, 2021, U.S. EPA reconsidered the 2019 SAFE-1 by finding that the actions taken as a part of SAFE-1 were decided in error and are now entirely rescinded⁷. Therefore, any previously applied off-model adjustments as a result of SAFE-1 were removed in this inventory, resulting in a minor reduction in emissions.

Off-Road Mobile Source Emissions

Emissions from off-road sources are estimated using a suite of category-specific models or, where a new model was not available, the OFFROAD2007 model. Many of the newer models are developed to support recent regulations, including in-use off-road equipment, ocean-going vessels, and others. The sections below summarize the updates made by CARB to specific off-road categories.

Recreational Marine Vessels

Pleasure craft or recreational marine vessel (RMV) is a broad category of marine vessel that includes gasoline-powered spark-ignition marine watercraft (SIMW) and diesel-powered marine watercraft. It includes outboards, sterndrives, personal watercraft, jet boats, and sailboats with auxiliary engines. This emissions inventory was last updated in 2014 to support the evaporative control measures. The population, activity, and emission factors were revised using new surveys, DMV registration information, and emissions testing.

Staff used economic data from a 2014 UCLA Economic Forecast to estimate the near-term annual sales of RMV(2014 to 2019). To forecast long-term annual sales (2020 and later), staff used an estimate of California’s annual population growth as a surrogate.

Additional information is available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-offroad>

Recreational Vehicles

Off-highway recreational vehicles include off-highway motorcycles (OHMC), all-terrain vehicles (ATV), off-road sport vehicles, off-road utility vehicles, sand cars, golf carts, and snowmobiles. A new model was developed in 2018 to update emissions from recreational vehicles. Input factors such as population, activity, and emission factors were re-assessed using new surveys, DMV registration information, and emissions testing. OHMC population growth is determined from two factors: incoming population as estimated by future annual sales and the scrapped vehicle population as estimated by the survival rate.

⁶ 84 FR 51310. <https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf>.

⁷ 87 FR 14332. <https://www.govinfo.gov/content/pkg/FR-2022-03-14/pdf/2022-05227.pdf>.

Additional information is available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-offroad>

Fuel Storage and Handling

Emissions from portable fuel containers (gas cans) were estimated based on past surveys and CARB in-house testing. This inventory uses a composite growth rate that depends on occupied household (or business units), percent of households (or businesses) with gas cans, and average number of gas cans per household (or business) units.

Additional information is available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-offroad>

Small Off-Road Engines (SORE)

Small off-road engines (SORE) are spark-ignition engines rated at or below 19 kilowatts (i.e., 25 horsepower). Typical engines in this category are used in lawn and garden equipment as well as other outdoor power equipment and cover a broad range of equipment. The majority of this equipment belongs to the Lawn & Garden (e.g., lawnmower, leaf blower, trimmer) and Light Commercial (e.g., compressor, pressure washer, generator) categories of CARB's SORE emissions inventory model.

The newly developed, stand-alone SORE2020 Model reflects the recovering California economy from the 2008 economic recession and incorporates emission results from CARB's recent in-house testing as well as CARB's most recent Certification Database. CARB also has conducted an extensive survey of SORE operating within California through the Social Science Research Center (SSRC) at the California State University, Fullerton (CSUF). Data collected through this survey provides the most up-to-date information regarding the population and activity of SORE equipment in California. The emissions reflected in this SORE inventory for Coachella Valley are "baseline" emissions and do not include reductions from the SORE rule amendments of 2021. The SORE annual sales were forecasted using historic growth of the number of California households (DOF household forecasts, 2000 – 2008 and 2009 - 2018).

Additional information on SORE baseline emissions is available at:

https://ww2.arb.ca.gov/sites/default/files/2020-09/SORE2020_Technical_Documentation_2020_09_09_Final_Cleaned_ADA.pdf

Ocean Going Vessels

Ocean going vessels (OGVs) were updated in 2021 based on AIS (transponder) data. This data, along with vessel information supplied by South Coast AQMD and IHS Fairplay provides vessel visit counts, speed, engine size, and other vessel characteristics. The inventory adopts US EPA's methodology for emissions based on vessel speed, engine model year and horsepower. The inventory includes transit, maneuvering, anchorage and at-berth emissions, updating the 2019 at-berth-only inventory. The

comprehensive national model Freight Analysis Framework (FAF) was used to develop growth rates for forecasting.

Additional information on CARB's general OGV update is available at:

https://ww2.arb.ca.gov/sites/default/files/2022-03/CARB_2021_OGV_Documentation_ADA.pdf

Commercial Harbor Craft

Commercial Harbor Crafts (CHC) are grouped into 18 vessel types: articulated tug barge (ATB), bunker barge, towed petrochemical barge, other barge, dredge, commercial passenger fishing, commercial fishing, crew and supply, catamaran ferry, monohull ferry, short run ferry, excursion, ATB tug, push and tow tug, escort/ship assist tug, pilot boat, research boat, and work boat.

The CHC inventory was updated in 2021 and includes vessels used around harbors such as tug and tow boats, fishing vessels, research vessels, barges, and similar. The inventory was updated based on CARB's reporting data for these vessels, as well as inventories from the Ports of Los Angeles and Long Beach and Oakland and Richmond. This supplied vessel characteristics, and the population was scaled up to match U.S. Coast Guard data on the annual number of vessels in California waters. Activity and load factors were based on a mix of reporting data and port-specific inventories. Emission factors were based on certification data for harbor craft engines. Population and activity growth factors were estimated based on historical trends in the past decade.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/chc2021/apph.pdf>

Locomotives

All locomotive inventories were updated in 2020 and include linehaul (large national companies), switchers (used in railyards), passenger, and Class 3 locomotives (smaller regional companies). Data for each sector was supplied by rail operations, including Union Pacific and Burlington Northern, and Santa Fe Railway (BNSF) for linehaul and switcher operations. Data for other categories was supplied by the locomotive owners. Emission factors for all categories were based on U.S. EPA emission factors for locomotives. The inventory reflects the 2005 memorandum of understanding (MOU) with Union Pacific and BNSF. Growth rates were primarily developed from the FAF.

More information is available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-road>

Military and Industry Locomotives

This new category includes military and Industrial (M&I) locomotive emission inventory and relies on the annual fuel consumption and engine information collected from 2011 to 2018. The M&I locomotive data was supplied by 39 private companies, 4 military rail groups, with a total of 85 locomotives. The subject locomotives typically consist of smaller, older switchers and medium horsepower (MHP, 2,301 to 3,999 hp) locomotives operating within the boundaries of a granary, plant, or industrial facility.

The updated methodology is currently in the process of being posted online. When it is completed, the methodology will be available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-road>

Diesel Agricultural Equipment

The agricultural equipment inventory covers all off-road vehicles used on farms or first processing facilities (of all fuel types). It was updated in 2021 using a 2019 survey of California farmers and rental facilities, and the 2017 U.S. Department of Agriculture (USDA) agricultural census. Emission factors are based on the 2017 off-road diesel emission factor update. The inventory reflects incentive programs for agricultural equipment that were implemented earlier than August 2019. Agricultural growth rates were developed using historical data from the County Agricultural Commissioners' reports.

Additional information is available at:

https://ww2.arb.ca.gov/sites/default/files/2021-08/AG2021_Technical_Documentation_0.pdf

In-Use Off-Road Equipment

This category covers off-road diesel vehicles over 25 horsepower in construction, mining, industrial, and oiling drilling categories. The inventory was updated in 2022 based on the DOORS registration program. Activity was updated based on a 2021 survey of registered equipment owners, and emission factors were based on the 2017 off-road diesel emission factor update. The inventory reflects the In-Use Off-Road Equipment Regulations, as amended in 2011.

The updated methodology is currently in the process of being posted online. When it is completed, the methodology will be available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-road>

Cargo Handling Equipment

The Cargo Handling Equipment (CHE) inventory covers equipment (of all fuels) used at California ports and intermodal railyards, such as cranes, forklifts, container handling equipment, and more. The inventory population and activity were updated in 2021 based on the port inventories for the Ports of Los Angeles and Long Beach and Richmond, and the CARB reporting data for other ports and railyards, which had a more comprehensive inventory than available through reporting. Load factors were based on the previous inventory in 2007, and emission factors were based on the 2017 off-road diesel emission factor update. The inventory reflects the CHE Airborne Toxic Control Measures (ATCM), adopted in 2005 and completed in 2017.

The updated methodology is currently in the process of being posted online. When it is completed, the methodology will be available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-road>

Transportation Refrigeration Units

The Transportation Refrigeration Units (TRU) inventory was updated in 2020 based on the TRU reporting program at CARB. The activity was developed based on 2010 surveys of facilities served by TRUs and 2017 to 2019 telematics data purchased from TRU manufacturers. Emission factors were developed specifically for TRUs based on TRU engine certification data reported to U.S. EPA as of 2018. The inventory reflects the TRU ATCM and 2021 amendments. Forecasting was based on IBISWorld reports forecast for related industries, and turnover forecasting was based on the past 20 years equipment population trends.

Additional information is available at:

<https://ww2.arb.ca.gov/sites/default/files/barcu/board/rulemaking/tru2021/apph.pdf>

Portable Equipment

Portable equipment inventory includes non-mobile diesel, such as generators, pumps, air compressors, chippers, and other miscellaneous equipment over 50 horsepower. This inventory was developed in 2017 based on CARB's registration program, 2017 survey of registered owners for activity and fuel, and the 2017 off-road diesel emission factor update. The inventory also reflects the Portable ATCM and 2017 amendments.

Because registration in PERP is voluntary, the PERP registration data was used as the basis for equipment population, with an adjustment factor used to represent the remaining portable equipment in the state. Estimates of future emissions beyond the base year were made by adjusting base year estimates for population growth, activity growth, and the purchases of new equipment (i.e. natural and accelerated turnover).

Additional information is available at:

<https://ww3.arb.ca.gov/msei/ordiesel/perp2017report.pdf>

Large Spark Ignition/Forklifts

The large spark ignition (LSI) inventory includes gasoline and propane forklifts, sweeper/scrubbers, and tow tractors. The inventory was updated in 2020 based on the LSI/forklift registration in the DOORS reporting system at CARB, and the sales data was provided by the Industrial Truck Association (ITA). Activity was based on a survey of equipment owners in the DOORS system, and emission factors were based on U.S. EPA's latest guidance for gasoline and propane engines. The inventory reflects the LSI regulation requirements and 2016 amendments.

The updated methodology is currently in the process of being posted online. When it is completed, the methodology will be available at:

<https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-documentation-road>

Stationary Point Sources

The stationary source inventory is composed of point sources and area-wide sources. The data elements in the inventory are consistent with the data elements required by the AERR. The inventory reflects actual emissions from industrial point sources reported to the South Coast AQMD by the facility operators through calendar year 2018.

More information regarding the South Coast AQMD's facility point source inventory is available at: <https://www.aqmd.gov/home/rules-compliance/compliance/annual-emission-reporting>

Stationary point sources also include smaller point sources, such as gasoline dispensing facilities and laundering, that are not inventoried individually, but are estimated as a group and reported as a single source category. Emissions from these sources are estimated using various models and methodologies. Estimation methods include source testing, direct measurement by continuous emissions monitoring systems, or engineering calculations. Emissions for these categories are estimated by both CARB and South Coast AQMD.

Estimates for the categories below were developed by CARB and has been reviewed by CARB staff to reflect the most up-to-date information.

Stationary Nonagricultural Diesel Engines

This category includes emissions from backup and prime generators and pumps, air compressors, and other miscellaneous stationary diesel engines that are widely used throughout the industrial, service, institutional, and commercial sectors. The emission estimates, including emission forecasts, are based on a 2003 CARB methodology derived from the OFFROAD2007 model.

Additional information on this methodology is available at: <https://ww3.arb.ca.gov/ei/areasrc/arbfuelcombothr.htm>

Agricultural Diesel Irrigation Pumps

This category includes emissions from the operation of diesel-fueled stationary and mobile agricultural irrigation pumps. The emission estimates are based on a 2003 CARB methodology using statewide population and include replacements due to the Carl Moyer Program.

Additional information on this category is available at: <https://ww3.arb.ca.gov/ei/areasrc/fullpdf/full1-1.pdf>

Wine Fermentation and Aging

This category includes emissions from the fermentation and aging of wine. Wine fermentation volumes in California are reported by the U.S. Alcohol and Tobacco Tax and Trade Bureau. CARB staff derived the emission factors from a computer model developed by Williams and Boulton. Emissions were initially estimated for 2002 and grown to later years using beverage manufacturing (Alcoholic & Non-Alcoholic) economic output.

An emission factor for brandy was derived by Hugh Cook of the Wine Institute. Emissions were initially estimated for 1992 then grown to 2012 using economic output for food manufacturing.

Additional information on this methodology is available at:

<http://www.arb.ca.gov/ei/areasrc/arbndprofandag.htm>

Laundering

This category includes emissions from perchloroethylene (perc) dry cleaning establishments. The emission estimates are based on a 2002 CARB methodology that used nationwide perc consumption rates allocated to the county level based on population and an emission factor of 10.125 pounds per gallon used.

Additional information on this methodology is available at:

<https://ww3.arb.ca.gov/ei/areasrc/arbcleanlaund.htm>

Gasoline Dispensing Facilities

This category uses a 2015 CARB methodology to estimate emissions from fuel transfer and storage operations at gasoline dispensing facilities (GDFs). The methodology addresses emissions from underground storage tanks, vapor displacement during vehicle refueling, customer spillage, and hose permeation. The updated methodology uses emission factors developed by CARB staff that reflect more current in-use test data and also accounts for the emission reduction benefits of onboard refueling vapor recovery (ORVR) systems. The emission estimates are based on 2012 statewide gasoline sales data from the California Board of Equalization that were apportioned to the county level using fuel consumption estimates from EMFAC 2014. Emissions were grown based on EMFAC2017.

Additional information on this category is available at:

<https://ww2.arb.ca.gov/arb-petroleum-production-and-marketing-methodologies-petroleum-marketing>

Gasoline Cargo Tank

This category uses a 2002 CARB methodology to estimate emissions from gasoline cargo tanks. These emissions do not include the emissions from loading and unloading of gasoline cargo tank product; they are included in the gasoline terminal inventory and gasoline service station inventory. Pressure-related fugitive emissions are volatile organic vapors leaking from three points: fittings, valves, and other connecting points in the vapor collection system on a cargo tank. 1997 total gasoline sales were obtained from the California Department of Transportation. The emission factors are derived from the data in the report, "Emissions from Gasoline Cargo Tanks, First Edition," published by the Air and Waste Management Association in 2002.

The initial emission estimates for 1997 were grown to 2012 using a growth parameter developed by Pechan based on gasoline and oil expenditures data. Emissions were grown according to fuel consumption from CARB's EMFAC 2017 mobile sources emission factors model.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/arb-petroleum-production-and-marketing-methodologies-petroleum-marketing>

Marine Petroleum Loading

These categories are used to inventory 1987 hydrocarbon emissions associated with loading crude oil, residual oil, gasoline, and jet fuel into marine tankers and gasoline into barges. Emissions result from the displacement of vapors existing in the tank before loading and those generated as new product is loaded.

The amounts of crude oil, gasoline, jet fuel, and residual oil shipped off from California ports were obtained from a United States Army Corps of Engineers report "Waterborne Commerce of the United States, Calendar Year 1986" Part 4.

The emission factor for crude oil loading into tankers was obtained from the report "Hydrocarbon Emissions During Marine Loading of Crude Oils" from Western Oil and Gas Association (1977). The gasoline emission factors for loading into tankers and barges and jet fuel into tankers were obtained from CARB's "Report to the Legislature on Air Pollutant Emissions from Marine Vessels" (1984). The emission factor for residual oil loading into tankers was obtained from the "Inventory of Emissions from Marine Operations within California Coastal Waters, Preliminary Draft" report by Scott Environmental Technology, Inc. (1980). No growth was assumed for these emissions.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/arb-petroleum-production-and-marketing-methodologies-petroleum-marketing>

Marine Petroleum Unloading

These categories are used to estimate hydrocarbon emissions associated with lightering crude oil and ballasting marine vessels after unloading crude oil or gasoline.

The amounts of crude oil and gasoline unloaded at California ports were obtained from the United States Army Corps of Engineers report "Waterborne Commerce of the United States, Calendar Year 1986" Part 4.

Crude oil lightering data was obtained from the Bay Area AQMD for 1987. Crude oil and gasoline ballasting data for San Luis Obispo for 1987 was obtained from the Army Corps of Engineers. The volume of water used for ballasting following a cargo discharge was obtained from CARB's "Report to the Legislature on Air Pollutant Emissions from Marine Vessels" (1984).

The crude oil lightering emission factor was obtained from "Hydrocarbon Emissions During Marine Loading of Crude Oils," Western Oil and Gas Association (1977).

Ballasting crude oil and gasoline vessels emission factors were obtained from "Inventory of Emissions from Marine Operations within the California Coastal waters," by Scott Environmental Technology, Inc. (1981). No growth is assumed for this category.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/arb-petroleum-production-and-marketing-methodologies-petroleum-marketing>

Oil and Gas Production

The oil and natural gas production inventory is estimated by a 2015 CARB methodology. This category is related to fugitive emissions from production-related fuel consumption, fugitive losses (sumps, pits, pumps, compressors, well heads, separators, valves and fittings), vapor recovery and flares, tank and truck working and breathing losses, wastewater treatment, tertiary production, and wet and dry gas stripping. Emissions were calculated using U.S. EPA's Oil and Natural Gas Tool v1.4 with default emissions factors from ENVIRON Int'l Corp's 2012 report, "2011 Oil and Gas Emission Inventory Enhancement Project for CenSARA States," and activity data taken from California's Division of Oil, Gas, and Geothermal Resources (DOGGR) (which was renamed to Geologic Energy Management Division (CalGEM) in 2020). CARB also incorporated data from the 2007 Oil and Gas Industry Survey (e.g., typical component counts) and feedback from individual air districts (e.g., minimum controls required to operate in a certain district, with associated control factors) to improve these parameters and further adjust the tool's output.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/resources/documents/oil-and-gas-industry-survey>
<https://ww3.arb.ca.gov/ei/areasrc/oilandgaseifinalreport.pdf>

Area-Wide Sources

Area-wide sources include categories where emissions take place over a wide geographic area, such as consumer products. Emissions from these sources are estimated using various models and methodologies. Estimation methods include source testing, direct measurement by continuous emissions monitoring systems, or engineering calculations. Emissions for these categories are estimated by both CARB and the South Coast AQMD.

Estimates for the categories below were developed by CARB and has been reviewed by CARB staff to reflect the most up-to-date information:

Consumer Products and Aerosol Coatings

The Consumer Product emission estimates utilized sales and formulation data from the CARB's mandatory survey of all consumer products sold in California for calendar years 2013 through 2015 (2015 Consumer Product Survey). The aerosol coatings estimates utilized sales and formulation data from a survey conducted by CARB in 2010. Based on the survey data, CARB staff determined the total product sales and total VOC emissions for the various product categories. Growth for personal care products are based on real disposable personal income projections per REMI version 2.4.3. No growth is assumed for aerosol coatings. Growth for all other consumer products are based on SCAG population projections.

Additional information on CARB's consumer products surveys is available at:

<https://ww2.arb.ca.gov/our-work/programs/consumer-products-program/consumer-commercial-product-surveys>

Pesticides

The California Department of Pesticide Regulation (DPR) develops month-specific emission estimates for agricultural and structural pesticides. Each calendar year, DPR updates the inventory based on the Pesticides Use Report, which provides updated information from 1990 through the 2018 calendar year. Agricultural pesticide emission forecasts for years 2019 and beyond are based on the average of the most recent five years. Growth for agricultural pesticides is based on CARB projections of farmland acres per FMMP, 2016. Growth for structural pesticides is based on SCAG housing units.

Additional information about CARB's pesticides program is available at:

<https://ww2.arb.ca.gov/carb-solvent-evaporation-methodologies-agricultural-and-non-agricultural-pesticides>

Residential Wood Combustion

Residential Wood Combustion estimates are based off a 2011 CARB methodology. It reflects recent survey data on types of wood burning devices and wood consumption rates, updates to the 2002 U.S. EPA National Emission Inventory (NEI) emission factors, and improved calculation approaches. The update reflects wood combustion surveys conducted by several districts including South Coast AQMD in 2003 and 2006.

CARB assumes no growth for this category based on the relatively stagnant residential wood fuel use over the past decade (according to the American Community Survey and US Energy Information Administration).

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/carb-miscellaneous-process-methodologies-residential-fuel-combustion>

Fires

Emissions from structural and automobile fires were estimated based on a 1999 CARB methodology using the number of fires and the associated emission factors. Estimates for structural fires are calculated using the amount of the structure that is burned, the amount and content of the material burned, and emission factors derived from test data. Estimates for automobile fires are calculated using the weight of the car and components and composite emission factors derived from AP-42 emission factors. No growth is assumed for this category.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/carb-miscellaneous-process-methodologies-fires>

Managed Burning & Disposal – Range Improvement and Forest Management

The Range Improvement Managed Burning and Disposal category provides emission estimates from prescribed burning performed on rangelands. Rangeland is land used to support grazing by livestock. The Forest Management Managed Burning and Disposal category provides emission estimates from prescribed burning performed in natural vegetation types such as forests and woodlands.

Burn project perimeters and ignition dates are provided by the 2019 California Department of Forestry and Fire Protection (FRAP) geodatabase. Range Improvement and forest management prescribed burning emissions are estimated using the First Order Fire Effects Model (FOFEM 6.0) and a custom geoprocessing tool (Emission Estimation System, EES) developed for CARB by researchers at UC Berkeley. Future year estimates are based on a 10-year average, held flat in the forecast.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/district-miscellaneous-process-methodologies-managed-burning-and-disposal>

Managed Burning & Disposal – Agricultural Burning

The Agricultural Burning Managed Burning and Disposal category includes the open burning of agricultural residues (such as crop stubble and orchard pruning), weed abatement (such as ditch and canal bank burning), and other materials. CARB updated the emissions inventory to reflect burn data reported by air district staff for 2017. Emissions are calculated using crop specific emission factors and fuel loadings. Temporal profiles reflect monthly burn activity. Growth for agricultural burning is based on CARB projections of FMMP farmland acres, 2016. No growth is assumed for burning associated with weed abatement.

Additional information on this methodology is available at:

<https://ww2.arb.ca.gov/district-miscellaneous-process-methodologies-managed-burning-and-disposal>

Point and Areawide Source Emissions Forecasting and Control Rules

Emission forecasts (2019 and subsequent years) are based on growth profiles that in many cases incorporate historical trends up to the base year or beyond. The growth surrogates used to forecast the emissions from these categories were largely based on Southern California Association of Governments (SCAG) data. The emissions inventory also reflects emission reductions from point and areawide sources subject to South Coast AQMD's rules and CARB regulations. The rules and regulations reflected in the inventory are listed below in Table 1.

Table 1: South Coast AQMD and CARB Control Rules and Regulations Included in the Inventory

Agency	Rule/Reg No.	Rule Title	Source Categories Impacted
SC_AQMD	1106.0	Marine Coating Operations	Coatings and related process solvents
SC_AQMD	1106.1	Pleasure Craft Coating Operations	Coatings and related process solvents
SC_AQMD	1107	Coating of Metal Parts and Products	Coatings and related process solvents
SC_AQMD	1110.1	Emissions from Stationary Internal Combustion Engines	Fuel combustion
SC_AQMD	1110.2	Emissions from Gaseous- and Liquid-Fueled Engines	Fuel combustion
SC_AQMD	1111	Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces	Fuel combustion
SC_AQMD	1113	Architectural Coatings	Architectural coatings
SC_AQMD	1114	Petroleum Refinery Coking Operations	Petroleum refining
SC_AQMD	R1118.1	Non-Refinery Flares	Various processes - flares

Agency	Rule/Reg No.	Rule Title	Source Categories Impacted
SC_AQMD	1121	Control of Nitrogen Oxides from Residential - Type, Natural-Gas-Fired Water Heaters	Fuel combustion
SC_AQMD	1122	Solvent Degreasers	Solvent degreasing
SC_AQMD	1124	Aerospace Assembly and Component Manufacturing Operations	Coatings and related process solvents
SC_AQMD	1127	Emission Reductions from Livestock Waste	Livestock waste
SC_AQMD	1128	Paper, Fabric, and Film Coating Operations	Coatings and related process solvents
SC_AQMD	1130	Graphic Arts	Printing operations
SC_AQMD	1130.1	Screen Printing Operations	Printing operations
SC_AQMD	R1134	Stationary Gas Turbines	Internal combustion engines / turbines
SC_AQMD	R1135	Electricity Generating Facilities	Electric generation / boilers
SC_AQMD	1136	Wood Products Coatings	Coatings and related process solvents
SC_AQMD	1137	PM10 Emission Reductions from Woodworking Operations	Woodworking operations
SC_AQMD	1138	Control of Emissions from Restaurant Operations	Cooking
SC_AQMD	1143	Consumer Paint Thinners & Multi-Purpose Solvents	Architectural coatings and related process solvents

Agency	Rule/Reg No.	Rule Title	Source Categories Impacted
SC_AQMD	1144	Metalworking Fluids and Direct-Contact Lubricants	Other processes / multi-purpose lubricants
SC_AQMD	1145	Plastic, Rubber, Leather, and Glass Coatings	Coatings and related process solvents
SC_AQMD	1146.1	Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters	Fuel combustion / boilers, process heaters, and steam generators
SC_AQMD	1146.2	Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters	Fuel combustion / boilers, process heaters, and steam generators
SC_AQMD	1146	Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters	Fuel combustion / boilers, process heaters, and steam generators
SC_AQMD	1147	NOx Reductions from Miscellaneous Sources	Fuel combustion
SC_AQMD	1148.1	Oil and Gas Production Wells	Oil and gas production
SC_AQMD	1149	Storage Tank and Pipeline Cleaning and Degassing	Petroleum marketing
SC_AQMD	1151	Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations	Coatings and related process solvents
SC_AQMD	1153	Commercial Bakery Ovens	Commercial bakery
SC_AQMD	1162	Polyester Resin Operations	Chemical / fiberglass manufacturing

Agency	Rule/Reg No.	Rule Title	Source Categories Impacted
SC_AQMD	1168	Adhesive and Sealant Applications	Adhesive and sealant applications
SC_AQMD	1171	Solvent Cleaning Operations	Degreasing / solvent cleaning operations
SC_AQMD	1173	Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants	Oil and gas production
SC_AQMD	1176	VOC Emissions from Wastewater Systems	Oil and gas production
SC_AQMD	1177	Liquefied Petroleum Gas Transfer and Dispensing	Petroleum marketing
SC_AQMD	461	Gasoline Transfer and Dispensing	Petroleum marketing
SC_AQMD	462	Organic Liquid Loading	Petroleum marketing
EX_RECLAIM	R1109.1	Ex-RECLAIM Refinery Equipment	Fuel Combustion
EX_RECLAIM	EXRECL_ADJ	Ex-Reclaim Adjustment	Adjustment to normalize to 2024 RECLAIM NOx allocation for post-sunset projection
CARB	ARB_R003 & ARB_R003_B	Consumer Product Regulations & Amendments	Consumer products
CARB	ARB_R007	Aerosol Coating Regulations	Aerosol coatings
CARB	GDF_HOSREG	Gasoline Dispensing Facility (GDF) Hose Emission Regulation	Petroleum marketing

Agency	Rule/Reg No.	Rule Title	Source Categories Impacted
CARB	ORVR	Fueling Emissions from ORVR Vehicles	Petroleum marketing
CARB	AG_IC_ENG	AG IC Engine Emission Scalars	Agricultural IC Engines
CARB	NONAGICENG	Non-Ag IC Engine Emission Scalars	Non-agricultural IC Engines

ATTACHMENT C



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: RECLASSIFICATION OF THE COACHELLA VALLEY FOR THE 2008 8-HOUR OZONE STANDARD AND THE RELATED SIP ELEMENTS REQUIRED TO UPDATE THE MOTOR VEHICLE EMISSIONS BUDGETS

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD), as Lead Agency, has prepared a Notice of Exemption pursuant to CEQA Guidelines Section 15062 – Notice of Exemption for the project identified above.

If the proposed project is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino Counties. The Notice of Exemption will also be electronically filed with the State Clearinghouse of the Governor's Office of Planning and Research for posting on their CEQAnet Web Portal which may be accessed via the following weblink: <https://ceqanet.opr.ca.gov/search/recent>. In addition, the Notice of Exemption will be electronically posted on the South Coast AQMD's webpage which can be accessed via the following weblink: <http://www.aqmd.gov/nav/about/public-notices/ceqa-notices/notices-of-exemption/noe---year-2022>.

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

To: County Clerks for the Counties of Los Angeles, Orange, Riverside and San Bernardino; and Governor's Office of Planning and Research – State Clearinghouse
From: South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Project Title: Reclassification of the Coachella Valley for the 2008 8-Hour Ozone Standard and the Related SIP Elements Required to Update the Motor Vehicle Emissions Budgets

Project Location: The location of the proposed project is the portion of the South Coast Air Quality Management District (South Coast AQMD) jurisdiction covering the federal nonattainment area known as the Coachella Valley, which consists of the Riverside County portion of the Salton Sea Air Basin, excluding tribal lands.

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project has been developed to address statutory requirements related to transportation conformity to ensure that regional transportation plans, programs, and projects are consistent with or conform to a State Implementation Plan (SIP) for meeting the 2008 8-hour ozone national ambient air quality standard (NAAQS) of 0.075 parts per million (ppm) in the Coachella Valley. The South Coast AQMD is voluntarily requesting that the United States Environmental Protection Agency (U.S. EPA) reclassify the nonattainment status of the Coachella Valley from “severe-15” to “extreme” nonattainment for the 2008 8-hour ozone NAAQS which, upon approval of the reclassification by U.S. EPA, will trigger a SIP revision to address “extreme” nonattainment area planning requirements. “Extreme” nonattainment will extend the attainment date for Coachella Valley from July 20, 2027 to as expeditiously as practicable, but no later than July 20, 2032. Supporting the request to change the Coachella Valley’s nonattainment status for the 2008 8-hour ozone NAAQS from “severe-15” to “extreme,” the proposed project also includes: 1) ozone air quality trends in the Coachella Valley; 2) baseline emissions inventory for: a) base year 2011, b) Reasonable Further Progress (RFP) demonstration for interim milestone years 2023, 2026, and 2029, and attainment year 2031; and 3) updated Motor Vehicle Emissions Budgets.

Public Agency Approving Project: South Coast Air Quality Management District
Agency Carrying Out Project: South Coast Air Quality Management District

Exempt Status:

CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption

CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment

Reasons why project is exempt: South Coast AQMD, as Lead Agency, has reviewed the proposed project (Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets) pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Since the Coachella Valley is already in “extreme” nonattainment for the 1997 8-hour ozone standard, and the South Coast AQMD is also planning to request reclassification to “extreme” for the 2015 8-hour ozone standard, no adverse impacts are expected from the change in classification from “severe-15” to “extreme” nonattainment for the 2008 8-hour ozone standard. Thus, it can be seen with certainty that there is no possibility that the proposed project may cause a significant adverse effect on the environment. Therefore, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. The proposed project is also categorically exempt because it is intended to further protect or enhance the environment pursuant to CEQA Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. Further, there is no substantial evidence indicating that any of the exceptions set forth in CEQA Guidelines Section 15300.2 – Exceptions apply to the proposed project.

Date When Proposed Project Will Be Considered for Approval (subject to change):

South Coast AQMD Governing Board Public Hearing: November 4, 2022

CEQA Contact Person: Farzaneh Khalaj, Ph.D.	Phone Number: (909) 396-3022	Email: fkhalaj@aqmd.gov	Fax: (909) 396-3982
Proposed Project Contact Person: Eric Praske, Ph.D.	Phone Number: (909) 396-2948	Email: epraske@aqmd.gov	Fax: (909) 396-3982

Date Received for Filing: _____

Signature: _____

(Signed and Dated Upon Board Approval)

Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Implementation



Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets

**Board Meeting
November 4, 2022**



Summary of the Proposed Actions

SCAG approached South Coast AQMD early this year about a new Transportation Conformity Lockdown, which impacts approximately \$26 billion of new transportation projects

Coachella Valley must “bump-up” its ozone non-attainment status to “Extreme” for the 2008 8-Hour Ozone standard to resolve the issue

No new requirements are expected from this reclassification

Associated SIP elements are also included in the proposed action

Background

- Under the Clean Air Act, transportation conformity requires that transportation activities do not interfere with attainment or maintenance of air quality standards
 - Vehicle related emissions cannot exceed Motor Vehicles Emissions Budgets established in a SIP/AQMP
- SCAG's Regional Transportation Plan and Federal Transportation Improvement Program are required to demonstrate that the emissions from the proposed plan/program do not exceed the approved budgets
 - In early 2022, SCAG approached staff with concerns about making necessary conformity determinations in Coachella Valley for FTIP due in 2023





Transportation Conformity Lockdown

CARB's new EMFAC model leads to higher emissions than approved Motor Vehicles Emissions Budget

This leads to "conformity lockdown"

No new transportation plans or projects can move forward except currently conforming and exempt projects

Updating budget is necessary to resolve lockdown

For example, EMFAC2017 estimates higher heavy-duty truck emissions than EMFAC2014



Public Process





Proposal to Request Reclassification

Requesting U.S. EPA to reclassify Coachella Valley nonattainment status for the 2008 8-Hour Ozone Standard

From “severe-15” to “extreme”

Associated “Extreme” area SIP elements:

Baseline Emissions Inventory
Reasonable Further Progress Demonstration
Motor Vehicle Emissions Budget



Impacts of Reclassification for the 2008 8-Hour Ozone Standard

Impact of Reclassification

Set new MVEB and removal of conformity lockdown

More time to attain (up to 5 years)

SIP revision to address extreme area requirements

No Adverse Impact is Expected

Additional planning requirements for extreme areas have already been met as the Coachella Valley is classified as extreme for an earlier ozone standard

Reclassification is Consistent with:

Existing classification for 1997 8-Hour Ozone Standard

Proposal for 2015 8-Hour Ozone Standard



Staff Recommendation

Determine that the Reclassification of Coachella Valley for the 2008 8-Hour Ozone Standard and the associated SIP elements including the updated Motor Vehicle Emissions Budgets are exempt from the requirements of CEQA

Approve the Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard

Approve the updated MVEB and “Extreme” area SIP elements

Direct staff to forward the package to CARB for approval and submission to U.S. EPA for inclusion in the SIP

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 27

PROPOSAL: Certify Final Subsequent Environmental Assessment for Proposed Amended Rule 1168 – Adhesive and Sealant Applications; and Amend Rule 1168

SYNOPSIS: Proposed Amended Rule 1168 will delay VOC limit effective dates or increase VOC limits for certain categories where the technology assessment demonstrated the proposed effective dates or limits are not feasible; create further subcategories to better characterize and refine VOC limits; prohibit the use of paraChlorobenzotrifluoride (pCBtF) and tertiary-Butyl Acetate (t-BAc); include a conditional VOC exemption for Opteon 1100 based on an assessment by OEHHA; and clarify rule language.

COMMITTEE: Stationary Source, September 16, 2022, Reviewed

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Certifying the Final Subsequent Environmental Assessment for Proposed Amended Rule 1168 – Adhesive and Sealant Applications; and
2. Amending Rule 1168 – Adhesive and Sealant Applications.

Wayne Natri
Executive Officer

SR:MK:HF:YZ:MM

Background

Rule 1168 was adopted in April 1989 to reduce VOC emissions from adhesive applications. The rule applies to products that are used during manufacturing at stationary sources and to products used by consumers that are not regulated by the CARB Consumer Product Regulation. The rule has been amended 14 times; the last amendment was in October 2017. Rule 1168 establishes VOC limits for 59 categories of adhesives, adhesive primers, sealants, and sealant primers. The primary goals of Proposed Amended Rule 1168 (PAR 1168) are to: 1) delay VOC limit effective dates or increase VOC limits for certain categories where the technology assessment demonstrated the proposed effective dates or limits are not feasible; and 2) prohibit the use of t-BAc and pCBtF.

The 2017 amendments to Rule 1168 required that a technology assessment be performed in 2020 and 2022 for nine categories subject to Rule 1168, including Foam Sealants, Plastic Welding Cements, Roofing Products, and Top and Trim categories. The technology assessment was included for most categories because there were not a significant number of products meeting the future effective limits. Manufacturers expressed concerns that not all products within the Rule 1168 category would be able to meet the further limits and that some subcategories may have to be carved out if reformulation efforts were not successful. The technical assessment identified some categories, or subcategories, that either needed more time for reformulation or were not technically feasible to meet the VOC limits that would be effective January 1, 2023.

In addition, in 2017 staff presented to the Stationary Source Committee an assessment on t-BAC, which has limited VOC exemptions in a several rules but not Rule 1168, and highlighted potential toxicity concerns for pCBtF, which is considered an exempt for all VOC rules. The Stationary Source Committee recommended staff remove existing t-BAC exemptions when the rules are amended and request OEHHA review the potential toxicity of pCBtF and remove the exemption, as resources allow, if pCBtF is deemed a potential carcinogen. In 2020, the pCBtF Hot Spots cancer inhalation unit risk factor document was adopted by OEHHA, which indicated pCBtF is a potential carcinogen. During this rule amendment, staff considered either removing the VOC exemption for pCBtF or including a prohibition of pCBtF and/or t-BAC. Most South Coast AQMD VOC rules, including Rule 1168, include a prohibition for Group II exempt compounds because they are either toxic, potentially toxic, upper atmosphere ozone depleters, or cause other environmental impacts. Staff compared the Cancer Potency Factor for pCBtF and t-BAC, and Reference Exposure Levels (REL) of t-BAC, to other prohibited Group II exempt compounds and found the toxicity to be higher. Based on staff assessment and the Stationary Source Committee direction, staff recommends prohibiting both compounds. Based on the pCBtF prohibition, staff is proposing to adjust some VOC limits and allow time for reformulation where needed, which is mostly in roofing products. t-BAC is currently not defined as exempt as a VOC in Rule 1168; therefore, no VOC limits are being impacted by the prohibition. The proposed amendment will allow manufacturers a year to reformulate any products that contain t-BAC.

Public Process

PAR 1168 was developed through a public process. Staff held four Working Group Meetings on February 11, 2022, April 12, 2022, July 21, 2022, and August 11, 2022. The meetings included a variety of stakeholders such as affected manufacturers, multiple industry associations, public agencies, and environmental and community groups. A Public Workshop was held on September 1, 2022, and a Public Consultation meeting was held on September 27, 2022. In addition, staff also met with industry stakeholders and their representatives throughout the rule development process from November 12, 2021, to September 20, 2022, in conducting more than 30 individual or industry stakeholder meetings.

Proposed Amendments

Under PAR 1168, the use of t-BAC and pCBtF will be prohibited, sell-through and use-through periods will be allowed for products manufactured prior to the prohibition effective date. Based on stakeholder feedback and staff's evaluation, the proposal includes a tiered prohibition schedule to allow more time for manufacturers to reformulate products that rely on pCBtF to meet existing rule VOC limits. Categories with longer phaseout schedules include shorter sell-through and use-through periods to help offset the longer timeframe.

Based on the pCBtF prohibition, PAR 1168 will delete future effective VOC limits for three roofing categories and delay the future effective date for one specialty category. Based on the technology assessment, PAR 1168 will delete the future effective VOC limits for one newly created solvent welding subcategory, delay the compliance dates for another newly created solvent welding subcategory, and two specialty adhesives, increase the VOC limit for a newly created foam sealant subcategory, and reduce the VOC limits for two newly created roofing subcategories. Overall, PAR 1168 will establish ten new categories and subcategories based on the technology assessment. In addition, PAR 1168 includes a new requirement for manufacturers to identify any products containing more than 0.01 weight percent of t-BAC and/or pCBtF and provide the weight percent in the Quantity and Emission Reports.

PAR 1168 also includes definitions for new subcategories and updates several other definitions for clarity. On August 22, 2022, the U.S. EPA issued a partial SIP disapproval for two rules that referenced ASTM Test Method D7767-11 – *Standard Test Method to Measure Volatiles from Radiation Curable Acrylate Monomers, Oligomers and Blends and Thin Coatings Made from Them* (ASTM D7767) because the test method is not approved by U.S. EPA and cannot be used to enforce a SIP rule. Rule 1168 references ASTM 7767 in the definition for Energy Curable Adhesives and Sealants; therefore, PAR 1168 deletes the definition to avoid a SIP disapproval.

PAR 1168 also includes a conditional, limited VOC exemption for Opteon 1100 based on an assessment by OEHHA. Staff is proposing that the exemption become effective only if: (1) OEHHA has sufficient information to establish a Cancer Inhalation Unit Risk Factor and does not adopt a Cancer Inhalation Unit Risk Factor for Opteon 1100 and (2) OEHHA has sufficient information to establish an acute reference exposure level (REL) and a chronic REL of Opteon 1100 and develops an acute REL (or interim acute REL) and a chronic REL (or interim chronic REL) for Opteon 1100 which are higher than the RELs for the Hydrofluoro-Olefin (HFO) it would replace. If the exemption is triggered following the OEHHA assessment, it would be limited to two-component foam sealants applied in an industrial or professional setting.

Several amendments are being proposed for streamlining and clarification. PAR 1168 includes definitions for the newly proposed subcategories and updates several other definitions. In addition, the reporting and recordkeeping requirements will be combined

under one subdivision. PAR 1168 also includes labeling requirements to address two new Chlorinated Polyvinyl Chloride subcategories and Regulated Products subject to weight percent VOC limits, and revises the lowest limit for recordkeeping exemption, and revises Table 1 to provide weight-based VOC limits for foam product categories.

Emissions Inventory and Emission Reductions

The emission inventory for the proposed amended rule was determined from the Quantity and Emission Reports manufacturers are required to submit, which includes adhesives and sealants subject to Rule 1168 that were sold into or within South Coast AQMD. According to the 2017/2018 Quantity and Emission Reports, the baseline emissions are 6.2 tons per day (tpd) of VOC.

Due to the proposed delayed and amended VOC limits, the amendment will result in delayed and foregone emission reductions of 0.42 tpd and 0.28 tpd, respectively, of which, 0.15 tpd of the forgone emission reductions are due to the pCBtF prohibition with the remaining 0.13 tpd due to the results of the technology assessment. While this is a significant loss in VOC emission reductions, the 2017 amendment was adopted in part to implement Control Measure CTS-01 - Further Emission Reductions from Coatings, Solvents, Adhesives, and Sealants from the 2016 AQMP, which targeted one tpd of VOC emission reductions by 2023. The 2017 Rule 1168 amendment estimated VOC reductions of 1.38 tpd, so even with the 0.28 tpd foregone emission reductions, the rule amendment exceeded the commitment in the 2016 AQMP.

Key Issues

Through the rule development process, staff has worked with the stakeholders to address comments and resolve key issues. Staff is aware of one remaining key issue regarding testing method for thin film Energy Curable Adhesives and Sealants. PAR 1168 proposes to delete the definition for Energy Curable Adhesives and Sealants, which was added during the 2017 rule amendment as a mechanism to include ASTM Test Method D7767-11 which is a test method for thin film Ultra Violet/Electron Beam/Light Emitting Diode (UV/EB/LED) materials, also referred to as Energy Curable materials. To avoid a SIP disapproval, staff is proposing to delete the definition. RadTech, the trade association that represents the UV/EB/LED industry, objects to the removal of this definition.

On August 22, 2022, U.S. EPA proposed a limited disapproval of Rule 1106 - Marine and Pleasure Craft Coatings and Rule 1107 - Coating of Metal Parts and Products due to the inclusion of ASTM Test Method D7767-11, which is not approved by the U.S. EPA and therefore cannot be used to enforce a SIP-approved rule. The U.S. EPA deemed the provisions that reference ASTM Test Method D7767-11 did not satisfy the requirements of section 110 and part D of the Clean Air Act and thus prevented full approval of the rules. South Coast AQMD has a long history with this test method and shares U.S. EPA's concerns about the enforceability of this test method. The removal of this test method will not create any barriers or deter the use of UV/EB/LED products. Manufacturers can, and often do, rely on the formulation data to calculate the VOC of

their products. Regulatory agencies must rely on test methods to determine the VOC content of regulated products. Using formulation data to calculate the VOC of products is an easier and cheaper approach for manufacturers to determine if their products will comply with rule limits. South Coast AQMD developed a Test Method Guidance Document for Rule 1168 that states that formulation data is the appropriate tool for manufacturers to verify compliance for thin film UV/EB/LED curable products.

California Environmental Quality Act

PAR 1168 is considered a “project” as defined by the California Environmental Quality Act (CEQA), and the South Coast AQMD is the designated lead agency. Pursuant to South Coast AQMD’s Certified Regulatory Program (Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l); codified in South Coast AQMD Rule 110) and CEQA Guidelines Section 15187, the South Coast AQMD has prepared a Subsequent Environmental Assessment (SEA) for PAR 1168, which is a substitute CEQA document pursuant to CEQA Guidelines Section 15252, prepared in lieu of a Subsequent Environmental Impact Report. The environmental analysis in the SEA tiers off of the previously certified Final Environmental Assessment (EA) prepared for the amendments to Rule 1168 that were adopted on October 6, 2017 (referred to herein as the October 2017 Final EA for Rule 1168) as allowed by CEQA Guidelines Sections 15152, 15162, and 15385. Because the SEA is a subsequent document to the October 2017 Final EA for Rule 1168, the baseline is the project analyzed in the October 2017 Final EA for Rule 1168. Implementation of the proposed project is expected to result in delayed and permanent foregone VOC emission reductions of 0.42 tpd and 0.28 tpd, respectively, and the Final SEA concluded that PAR 1168 would generate significant adverse environmental impacts for the topic of air quality during operation. No feasible mitigation measures were identified that would reduce these impacts to the less than significant levels. Thus, PAR 1168 contains new information of substantial importance relative to these new, potentially significant operational air quality impacts which were not known and could not have been known at the time the October 2017 Final EA for Rule 1168 was certified. [CEQA Guidelines Section 15162(a)(3)(A)]. The Final SEA is included as an attachment to this Board package (see Attachment I). In addition, Findings pursuant to CEQA Guidelines Section 15091, and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 were also prepared (see Attachment F of this Board package – which is referred to as Attachment 1 to the Resolution).

Socioeconomic Impact Assessment

Health and Safety Code Sections 40440.8 and 40728.5 require a socioeconomic impact assessment for proposed and amended rules resulting in significant impacts to air quality or emissions limitations. This proposed rule amendment will result in the elimination of two toxic solvents, t-BAc and pCBtF, and some of the VOC emission reductions projected in the October 2017 amendments to Rule 1168 will be delayed or foregone; therefore, a cost effectiveness assessment is not required. This socioeconomic impact assessment included affected industries and a range of probable costs due to the prohibition of t-BAc and pCBtF related to manufacturer’s reformulation work and the

difference in production cost of the alternative solvents due to the prohibited t-Bac and pCBtF solvents. Considering potential cost savings using alternative solvents and additional costs on reformulation and reporting, staff estimates the average annual cost of the rule amendment is \$397,000 across all affected solvent manufacturers. The compliance cost may potentially be passed through to consumers or to end-users in the construction and other manufacturing industry sectors, some of which may be small businesses. However, minimal job impacts are expected as a result of the estimated compliance cost.

AQMP and Legal Mandates

Health and Safety Code Section 40460 requires South Coast AQMD to adopt an AQMP to meet state and federal ambient air quality standards in the South Coast Air Basin. In addition, Health and Safety Code Section 40440 requires the South Coast AQMD to adopt rules and regulations that carry out the objectives of the AQMP. The proposed amendments will implement, in part, Control Measure CTS-01 – Further Emission Reductions from Coatings, Solvents, Adhesives, and Sealants.

Implementation Plan and Resource Impact

Existing South Coast AQMD resources will be sufficient to implement the proposed changes to this rule with minimal impacts.

Attachments

- A. Summary of Proposed Amendments
- B. Key Issues and Responses
- C. Rule Development Process
- D. Key Contacts List
- E. Resolution
- F. Attachment 1 to the Resolution – Findings and Statement of Overriding Considerations
- G. Proposed Amended Rule 1168
- H. Final Staff Report with Socioeconomic Impact Assessment
- I. Final Subsequent Environmental Assessment
- J. Board Meeting Presentation

ATTACHMENT A
SUMMARY OF PROPOSAL

Proposed Amended Rule 1168 – Adhesive and Sealant Applications

Purpose and Applicability

- Separate Purpose and Applicability subdivisions to be consistent with other rules
- Clarify the rule applicability by adding stationary sources who use adhesives and sealants in the manufacturing process and specifying the applicability is for adhesives and sealants used within the South Coast AQMD

Definitions

- Revise, delete, and add certain definitions
 - Add new definitions for newly established product categories
 - Include a conditional exemption for Opteon 1100 in the definition for VOC Exempt Compound
 - Remove the definition for Energy Curable Adhesives and Sealants, which references ASTM Test Method 7767 Standard Test Method to Measure Volatiles from Radiation Curable Acrylate Monomers, Oligomers, and Blends and Thin Coatings Made from Them.

Requirements

- Amend VOC limits and effective dates for several existing and newly established product categories based on a technology assessment
- Prohibit the use of t-BAC and pCBtF using a tiered implementation schedule and use-through and sell-through periods
- Include weight-based VOC limit in Table 1 for Foam Sealants and Foam Insulation

Reporting and Recordkeeping Requirements

- Amend labeling requirements to address:
 - Regulated Products subject to weight percent VOC limits
 - New CPVC subcategories, CPVC For Life Safety Systems and Higher Viscosity CPVC Welding Cement
- Include reporting requirements for any product containing more than 0.01 weight percent of t-BAC and/or pCBtF

Exemptions

- Lower the recordkeeping exemption threshold for stationary source low emission product use
- Streamline and revise the provisions in the exemption section

ATTACHMENT B
KEY ISSUES AND RESPONSES

Proposed Amended Rule 1168 – Adhesive and Sealant Applications

Staff worked with stakeholders to resolve a majority of their concerns through revisions to the rule language and clarification in the staff report; however, the following issue remains.

Issue

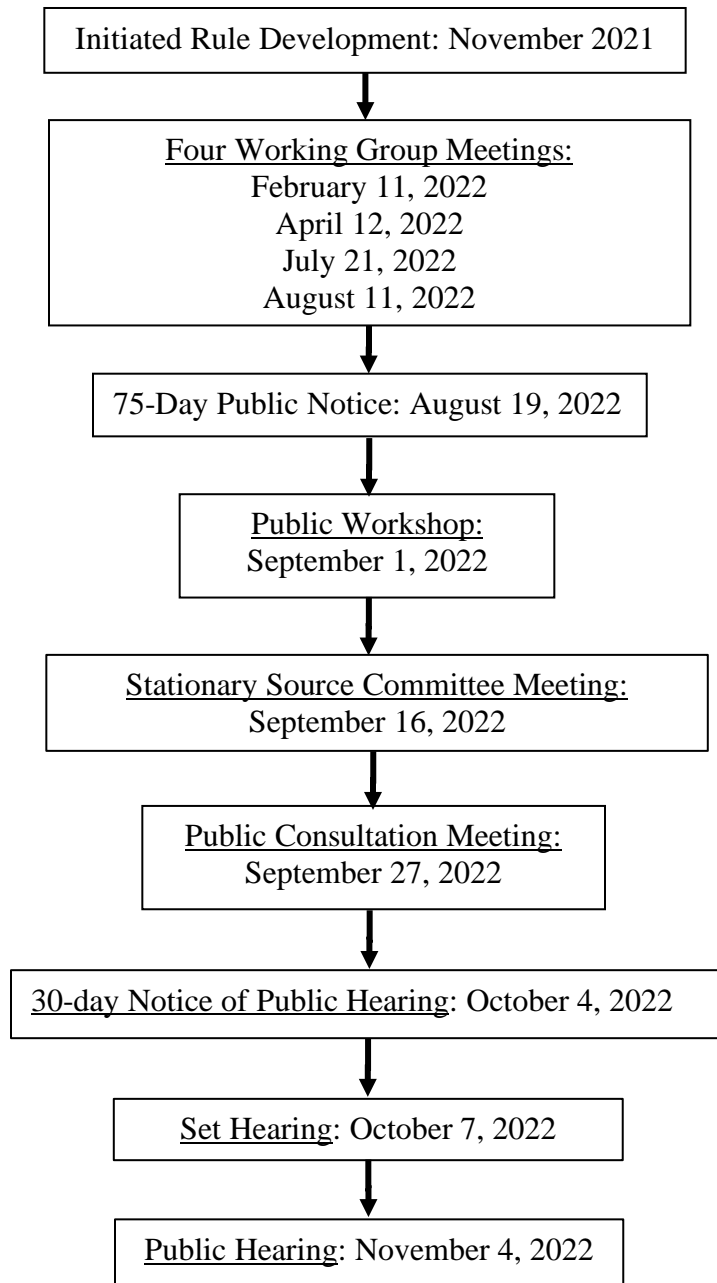
Staff is proposing to delete the definition for Energy Curable Adhesives and Sealants, which was added during the 2017 rule amendment as a mechanism to include ASTM Test Method D7767-11, the test method for thin film UV/EB/LED materials, also referred to as Energy Curable materials. However, to avoid a SIP disapproval, staff is proposing to delete the definition. RadTech, the trade association that represents the UV/EB/LED industry, objects to the removal of this definition.

Staff Response

On August 22, 2022, the U.S. EPA proposed a limited disapproval of Rule 1106 - Marine and Pleasure Craft Coatings and Rule 1107 - Coating of Metal Parts and Products due to the inclusion of ASTM Test Method D7767-11, which is not approved by the U.S. EPA and therefore cannot be used to enforce a SIP approved rule. The U.S. EPA deemed the provisions that reference ASTM Test Method D7767-11 did not satisfy the requirements of section 110 and part D of the Clean Air Act and thus prevented full approval of the rules. The South Coast AQMD has a long history with this test method and shares the U.S. EPA's concerns about the enforceability of this test method. Manufacturers can, and often do, rely on the formulation data to calculate the VOC of their products. Using formulation data to calculate the VOC of products is an easier and cheaper approach for manufacturers to verify compliance. The South Coast AQMD developed a Test Method Guidance Document for Rule 1168 that states that formulation data is the appropriate tool for manufacturers to verify compliance for thin film UV/EB/LED curable products. Staff does not anticipate any adverse impact to the UV/EB/LED industry based on this proposed change to Rule 1168.

ATTACHMENT C
RULE DEVELOPMENT PROCESS

Proposed Amended Rule 1168 – Adhesive and Sealant Applications



Twelve (12) months spent in rule development

Four (4) Working Group Meetings

One (1) Public Workshop

One (1) Public Consultation Meeting

One (1) Stationary Source Committee Meeting

ATTACHMENT D
KEY CONTACTS LIST

3M Chemical	International Fireproof Technology Inc
Adhesive and Sealant Council (ASC)	Illinois Tool Works (ITW)
Adhesive Solutions	Johns Manville
American Chemistry Council	LORD Corporation
American Coatings Association (ACA)	Lubrizol Corporation
Asphalt Roofing Manufacturers Association (ARMA)	Oatey Co.
BASF	Owens Corning
Bostik, Inc.	Parker Lord
Bridgestone Bandag LLC	Plastic Pipe and Fittings Association (PPFA)
California Air Resources Board	RadTech International
California Building Material Dealers Association, Inc.	RD Abbott
Carlisle Construction Materials	Roof Coatings Manufacturers Association (RCMA)
C R Laurence	Sashco Inc.
Custom Building Products	Sika Corporation
DAP Products Inc.	Single Ply Roofing Industry (SPRI)
Dow Chemical Company	Soprema Inc
Dow Corning	Soudal Accumetric
Dupont	Stabond Corporation
E4 Strategic Solutions	Tenax USA
EPDM Roofing Association (ERA)	Tremco Incorporated
Firestone Building Products	Trinity Consultants
Franklin International	Weld-On Adhesives Inc.
GAF	
HB Fuller	
Henkel Corporation	
IB Roof Systems	
ICP Adhesives and Sealants, Inc	
IFS Industries Inc	

ATTACHMENT E

RESOLUTION NO. 22-_____

A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) certifying the Final Subsequent Environmental Assessment (SEA) for Proposed Amended Rule 1168 – Adhesive and Sealant Applications.

A Resolution of the South Coast AQMD Governing Board amending Rule 1168 – Adhesive and Sealant Applications.

WHEREAS, the South Coast AQMD Governing Board finds and determines that Proposed Amended Rule 1168 is considered a “project” as defined by California Environmental Quality Act (CEQA); and

WHEREAS, the South Coast AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(1), and has conducted a CEQA review and analysis of the proposed project pursuant to such program (South Coast AQMD Rule 110); and

WHEREAS, the South Coast AQMD Governing Board has determined that the requirements for a Subsequent Environmental Impact Report have been triggered pursuant to its certified regulatory program and CEQA Guidelines Section 15162(a), and that a Subsequent Environmental Assessment (SEA), a substitute document allowed pursuant CEQA Guidelines Section 15252 and South Coast AQMD’s certified regulatory program, is appropriate; and

WHEREAS, the South Coast AQMD has prepared a SEA pursuant to its certified regulatory program and CEQA Guidelines Section 15187, which tiers off of the Final Environmental Assessment (EA) for Proposed Amended Rule 1168 – Adhesive and Sealant Applications which was certified on October 6, 2017 (referred to as October 2017 Final EA for Rule 1168) as allowed by CEQA Guidelines Sections 15152, 15162, and 15385. Because the SEA is a subsequent document to the October 2017 Final EA for Rule 1168, the baseline is the project analyzed in the October 2017 Final EA for Rule 1168. The SEA concluded that the proposed project would have the potential to generate significant and unavoidable adverse environmental impacts for the topic of air quality during operation; and

WHEREAS, the Draft SEA was circulated for a 45-day public review and comment period, from September 6, 2022 to October 21, 2022, and no comment letters were received; and

WHEREAS, the Draft SEA has been revised to include updates to reflect changes made to Proposed Amended Rule 1168 after the public notice of availability of the Draft SEA, so that it is now a Final SEA; and

WHEREAS, it is necessary that the South Coast AQMD Governing Board review the Final SEA prior to its certification, to determine that it provides adequate information on the potential adverse environmental impacts that may occur as a result of amending Rule 1168; and

WHEREAS, no feasible mitigation measures were identified that would reduce or eliminate the significant adverse operational air quality impacts to less than significant levels and, as such, a Mitigation Monitoring Plan pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097 is not required and was not prepared; and

WHEREAS, it is necessary that the South Coast AQMD prepare Findings pursuant to CEQA Guidelines Section 15091, and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093, regarding potentially significant adverse operational air quality impacts that cannot be mitigated to less than significant levels; and

WHEREAS, Findings and a Statement of Overriding Considerations have been prepared and are included in Attachment F in the Board letter, which is attached and incorporated herein by reference; and

WHEREAS, the South Coast AQMD Governing Board voting to amend Rule 1168 has reviewed and considered the information contained in the Final SEA, the Findings, the Statement of Overriding Considerations, and all other supporting documentation, prior to its certification, and has determined that the Final SEA has been completed in compliance with CEQA; and

WHEREAS, Proposed Amended Rule 1168 and supporting documentation, including but not limited to, the Final SEA, the Socioeconomic Impact Assessment that is contained in the Final Staff Report, and the Final Staff Report were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, the Final SEA reflects the independent judgment of the South Coast AQMD; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that all changes made in the Final SEA after the public notice of availability of the Draft SEA, were not substantial revisions and do not constitute significant new information within the meaning of CEQA Guidelines Sections 15073.5 and 15088.5, because no new or substantially increased significant effects were identified, and no new project conditions or mitigation measures were added, and all changes merely clarify, amplify, or make insignificant modifications to the Draft SEA, and recirculation is therefore not required; and

WHEREAS, the South Coast AQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures (Section 30.5(4)(D)(i) of the Administrative Code), that no modifications have been made to the proposed project since the Notice of Public Hearing was published that are so substantial as to significantly affect the meaning of Proposed Amended Rule 1168 within the meaning of Health and Safety Code Section 40726 because changes to the applicability subdivision and the definition for Exempt Compound provide clarification and: (a) the changes do not impact emissions, (b) the changes do not affect the number or type of sources regulated by the rule, (c) the changes are consistent with the information contained in the Notice of Public Hearing, and (d) the effects of Proposed Amended Rule 1168 do not exceed the effects of the range of alternatives analyzed in the Final SEA; and

WHEREAS, Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the Final Staff Report; and

WHEREAS, the South Coast AQMD Governing Board has determined that a need exists to amend Rule 1168 to provide regulatory relief by amending some VOC limits and compliance dates for several product categories based on technology feasibility, prohibit the use of tertiary-Butyl Acetate (t-BAC) and para-Chlorobenzotrifluoride (pCBtF) due to their air toxicity, and clarify rule language; and

WHEREAS, the South Coast AQMD Governing Board obtains its authority to adopt, amend or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40441, 40702, 40725 through 40728, and 41508 of the Health and Safety Code; and

WHEREAS, the South Coast AQMD Governing Board has determined that Rule 1168, as proposed to be amended, is written and displayed so that its meaning can be easily understood by persons directly affected by it; and

WHEREAS, the South Coast AQMD Governing Board has determined that Rule 1168, as proposed to be amended, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the South Coast AQMD Governing Board has determined that Rule 1168, as proposed to be amended, does not impose the same requirements as any existing state or federal regulations, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD; and

WHEREAS, the South Coast AQMD Governing Board, in amending Rule 1168, references the following statutes which the South Coast AQMD hereby implements, interprets or makes specific: Health and Safety Code Sections 39002, 39616, 40001, 40406, 40702, 40440(a), 40725 through 40728.5, and Clean Air Act Sections 110, 172, and 182(e); and

WHEREAS, Health and Safety Code Section 40727.2 requires the South Coast AQMD to prepare a written analysis of existing federal air pollution control requirements applicable to the same source type being regulated whenever it adopts, or amends a rule, and that the South Coast AQMD's comparative analysis of Proposed Amended Rule 1168 is included in the Final Staff Report; and

WHEREAS, the South Coast AQMD Governing Board has determined that the Socioeconomic Impact Assessment, as contained in the Final Staff Report, of Proposed Amended Rule 1168 is consistent with the March 17, 1989 Governing Board Socioeconomic Resolution for rule adoption; and

WHEREAS, the South Coast AQMD Governing Board has determined that the Socioeconomic Impact Assessment, as contained in the Final Staff Report, is consistent with the provisions of Health and Safety Code Sections 40440.8 and 40728.5; and

WHEREAS, the South Coast AQMD Governing Board has determined that Proposed Amended Rule 1168 will result in increased costs to the affected industries, yet are considered to be reasonable, with a total annualized cost as specified in the Socioeconomic Impact Assessment, as contained in the Final Staff Report; and

WHEREAS, the South Coast AQMD Governing Board has actively considered the Socioeconomic Impact Assessment, as contained in the Final Staff Report, and has made a good faith effort to minimize such impacts; and

WHEREAS, the South Coast AQMD staff conducted a Public Workshop regarding Proposed Amended Rule 1168 on September 1, 2022; and

WHEREAS, a Public Hearing has been properly noticed in accordance with all provisions of Health and Safety Code Sections 40725 and 40440.5; and

WHEREAS, the South Coast AQMD Governing Board has held a Public Hearing in accordance with all provisions of state and federal law; and

WHEREAS, the South Coast AQMD Governing Board specifies the Planning, Rule Development and Implementation Manager of Proposed Amended Rule 1168 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the proposed amendments are based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, Proposed Amended Rule 1168 will be submitted for inclusion into the State Implementation Plan; and

NOW, THEREFORE BE IT RESOLVED, that the South Coast AQMD Governing Board has considered the Final SEA for Proposed Amended Rule 1168 and, on the basis of the whole record before it, the South Coast AQMD Governing Board: 1) finds that the Final SEA was completed in compliance with CEQA and the South Coast AQMD's certified regulatory program, 2) finds that the Final SEA and all supporting documents were presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered, and approved the information therein prior to acting on Proposed Amended Rule 1168, and 3) certifies the Final SEA; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby adopt Findings pursuant to CEQA Guidelines Section 15091 and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093, as required by CEQA and which are included as Attachment F and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board directs staff to report back to the Stationary Source Committee in January 2026 to provide an update on the progress of the pCBtF and t-BAC phase-out, including data reported in the Rule 1168 Quantity and Emission Reports and feedback from manufacturers of roofing adhesives and sealants; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board directs staff to report back to the Stationary Source Committee within two months of the Office of Environmental Health Hazard Assessment (OEHHA) finalizing its assessment of Opteon 1100 and if OEHHA identifies potential toxicity concerns, seek guidance on a broader directive regarding how South Coast AQMD should consider Hydrofluro-Olefins (HFOs); and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 1168, as set forth in the attached, and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board requests that Proposed Amended Rule 1168 be submitted into the State Implementation Plan; and

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and Proposed Amended Rule 1168 to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan.

DATE: _____

CLERK OF THE BOARDS

ATTACHMENT F

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Attachment 1 to the Governing Board Resolution for:

Final Subsequent Environmental Assessment for Proposed Amended Rule 1168 - Adhesive and Sealant Applications

Findings and Statement of Overriding Considerations

October 2022

**State Clearinghouse No. 2017081031
South Coast AQMD No. 20220902ST/ 08162017DT**

Executive Officer
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Deputy Executive Officer
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**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD**

CHAIR: BEN J. BENOIT
Mayor, Wildomar
Cities of Riverside County

VICE CHAIR: VANESSA DELGADO
Senator (Ret.)
Senate Rules Committee Appointee

MEMBERS:

MICHAEL A. CACCIOTTI
Mayor, South Pasadena
Cities of Los Angeles County/Eastern Region

ANDREW DO
Supervisor, First District
County of Orange

GIDEON KRACOV
Governor's Appointee

SHIELA KUEHL
Supervisor, Third District
County of Los Angeles

LARRY MCCALLON
Mayor, Highland
Cities of San Bernardino County

VERONICA PADILA-CAMPOS
Speaker of the Assembly Appointee

V. MANUEL PEREZ
Supervisor, Fourth District
County of Riverside

NITHYA RAMAN
Council Member, Fourth District
Cities of Los Angeles Representative

REX RICHARDSON
Vice Mayor, City of Long Beach
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**Attachment 1 to the Governing Board Resolution for:
Final Subsequent Environmental Assessment for Proposed Amended Rule 1168 -
Adhesives and Sealant Applications**

Findings and Statement of Overriding Considerations

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1.0 Introduction

Proposed Amended Rule (PAR) 1168 – Adhesive and Sealant Applications is considered a “project” as defined by the California Environmental Quality Act (CEQA). [Public Resources Code Section 21000 et seq.]. Specifically, CEQA requires: 1) the potential adverse environmental impacts of proposed project to be evaluated; and 2) feasible methods to reduce or avoid any identified significant adverse environmental impacts of this project to also be evaluated. CEQA Guidelines Section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

Since the proposed project is comprised of a South Coast AQMD-proposed amended rule, the South Coast AQMD has the greatest responsibility for carrying out or approving the project as a whole, which may have a significant effect upon the environment, and is the most appropriate public agency to act as lead agency. [Public Resources Code Section 21067 and CEQA Guidelines Section 15051(b)].¹

The proposed project amends the October 2017 version of Rule 1168 and proposes to: 1) prohibit the use of parachlorobenzotrifluoride (pCBtF) and tertiary-Butyl Acetate (t-BAc) in Rule 1168 products due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; 3) create additional subcategories of regulated products to better characterize and refine VOC emission limits; 4) allow Opteon 1100 (cis-1,1,1,4,4,4-hexafluoro-2-butene/HFO-1336mzz-Z) as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and 5) remove definitions, and update, clarify, and streamline rule language.

The South Coast AQMD, as Lead Agency for the proposed project, prepared a Subsequent Environmental Assessment (SEA) with significant impacts to conduct an environmental review of PAR 1168 pursuant to CEQA Guidelines Section 15187. The SEA is a substitute CEQA document prepared in lieu of a Subsequent Environmental Impact Report (EIR) with significant impacts [CEQA Guidelines Section 15162], pursuant to the South Coast AQMD’s Certified Regulatory Program [Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(1); codified in South Coast AQMD Rule 110]. Pursuant to CEQA Guidelines Sections 15152, 15162, and 15385, the SEA tiers off of and is a subsequent document to the Final EA for Rule 1168 which was certified on October 6, 2017 (referred to herein as the October 2017 Final EA for Rule 1168).

Because this is a subsequent document, the baseline is the project analyzed in the October 2017 Final EA for Rule 1168. The SEA was prepared because PAR 1168 contains new information of substantial importance which was not known and could not have been known at the time the October 2017 Final EA for Rule 1168 was certified and the project will have significant effects that were not previously discussed. [CEQA Guidelines Section 15162(a)(3)(A)].

The purpose of the October 2017 amendments to Rule 1168 was to reduce emissions of VOCs by 1.38 ton per day (tpd), as well as reduce toxic air contaminants, and stratospheric ozone-depleting compounds from adhesives, adhesive primers, sealants, and sealant primers. The October 2017

¹ CEQA Guidelines refers to California Code of Regulations, Title 14, Section 15000 and following.

Final EA for the October 2017 amendments to Rule 1168 analyzed the environmental impacts associated with the activities manufacturers were anticipated to undertake to reformulate products and that these reformulation activities could create secondary adverse environmental impacts. However, none of the environmental topic areas previously analyzed in the October 2017 Final EA for Rule 1168 were concluded to have significant and unavoidable impacts, including the topic of air quality and greenhouse gases (GHGs). Because the October 2017 Final EA for Rule 1168 concluded that the project will not have a significant adverse impact on the environment, mitigation measures were not made a condition of the approval of the October 2017 version of Rule 1168. Thus, a Mitigation Monitoring and Reporting Plan, pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, was not required or adopted at that time. Findings pursuant to CEQA Guidelines Section 15091 and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 were also not required or adopted for the October 2017 version of Rule 1168.

The SEA, which includes a project description and analysis of potential adverse environmental impacts that could be generated from PAR 1168, concluded to have generally the same or similar environmental effects that were previously examined in the October 2017 Final EA for Rule 1168 but that the operational air quality impacts from the PAR 1168 will cause some delayed and permanent forgone VOC emission reductions, which will be more severe than what was discussed in October 2017 Final EA. Specifically, the Final SEA for PAR 1168 concluded that significant and unavoidable adverse environmental impacts may occur for air quality during operation because the delayed and permanent forgone VOC emission reductions would exceed the South Coast AQMD's daily VOC operational significance threshold of 55 pounds per day. Therefore, pursuant to CEQA Guidelines Section 15252(a)(2)(A), an alternatives analysis was required and has been included in the Final SEA. However, no feasible mitigation measures were identified that would reduce or eliminate the significant adverse impacts for the air quality during operation. Thus, mitigation measures were not made a condition of approval of PAR 1168. Further, since no feasible mitigation measures were identified, a Mitigation, Monitoring, and Reporting Plan, pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines 15097 is not required.

The Draft SEA was released and circulated for a 45-day public review and comment period from September 6, 2022 to October 21, 2022 and no comment letters were received.

However, some modifications have been made to the Draft SEA to make it a Final SEA which include updates to reflect changes made to PAR 1168 after the public notice of availability of the Draft SEA. South Coast AQMD staff evaluated the modifications made to PAR 1168 after the release of the Draft SEA for public review and comment and concluded that none of the revisions constitute significant new information, because: 1) no new significant environmental impacts would result from the proposed project; 2) there is no substantial increase in the severity of an environmental impact; 3) no other feasible project alternative or mitigation measure was identified that would clearly lessen the environmental impacts of the project and was considerably different from others previously analyzed; and 4) the Draft SEA did not deprive the public from meaningful review and comment. In addition, revisions to PAR 1168 and the analysis in response to verbal or written comments during the rule development process would not create new, avoidable significant effects. As a result, these revisions do not require recirculation of the Draft SEA pursuant to CEQA Guidelines Sections 15073.5 and 15088.5. Therefore, the Draft SEA has been revised to include

the aforementioned modifications such that it is now the Final SEA. The Final SEA will be presented to the Governing Board prior to its November 4, 2022 public hearing (see Attachment I of the Governing Board package).

South Coast AQMD’s certified regulatory program does not impose any greater requirements for making written findings for significant environmental effects than is required for an EIR under CEQA. When considering for approval a proposed project that has one or more significant adverse environmental effects, a public agency must make one or more written findings for each significant adverse effect, accompanied by a brief rationale for each finding. [Public Resources Code Section 21081 and CEQA Guidelines Sections 15065 and 15091]. The analysis in the Final SEA concluded that PAR 1168 has the potential to generate, significant adverse air quality impacts during operation which are more severe than what was previously analyzed in the October 2017 Final EA for Rule 1168 for air quality during operation.

For a proposed project with significant adverse environmental impacts, CEQA requires the lead agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its significant unavoidable environmental impacts when determining whether to approve the proposed project. Under CEQA Guidelines Section 15093(a), “If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable significant adverse environmental effects, the adverse environmental effects may be considered “acceptable.” Thus, after adopting findings, the lead agency must also adopt a “Statement of Overriding Considerations” to approve a proposed project with significant adverse environmental effects.

2.0 CEQA Provisions Regarding Findings

CEQA generally requires agencies to make certain written findings before approving a proposed project with significant environmental impacts. South Coast AQMD is exempt from some of CEQA’s requirements pursuant to its Certified Regulatory Program, but complies with its provisions where required or otherwise appropriate.

Relative to making Findings, CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or project alternatives identified in the final EIR.

- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in CEQA Guidelines Section 15091(a)(1) may include a wide variety of measures or actions as set forth in CEQA Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

3.0 Summary of the Proposed Project

Rule 1168 was adopted in April 1989 to reduce VOC emissions from adhesive and sealant applications. Rule 1168 contains VOC limits for 59 categories of adhesives, adhesive primers, sealants, and sealant primers and applies to products used during manufacturing at stationary sources as well as products used by consumers that are not regulated by the California Air Resources Board (CARB) in the Consumer Products Regulation (CPR). Rule 1168 has been amended 14 times with the last amendment in October 2017. The purpose of the October 2017 amendments to Rule 1168 was to primarily reduce VOC emissions by 1.38 tpd but also reduce emissions from toxic air contaminants and stratospheric ozone-depleting compounds in formulations of adhesives, adhesive primers, sealants, and sealant primers.

The October 2017 amendments to Rule 1168 also included a commitment to conduct a technology assessment for top and trim adhesives, roofing products, plastic welding cements, and foam sealants to determine if products for nine adhesive and sealant categories were available that could achieve the VOC limits by January 1, 2023. The technology assessment concluded that some of these product categories either needed more time beyond January 1, 2023 to meet the VOC limits or that achieving the lower VOC limits would not be technically feasible. In addition, due to potential toxicity concerns associated with t-BAC and pCBtF and the uncertainty of on-site exposure modeling methodologies, the Stationary Source Committee of the South Coast AQMD Governing Board recommended a precautionary approach such that compounds with a known or suspected toxic endpoint will not be exempted from the definition of VOC in Rule 102 or other South Coast AQMD Rules. In 2017, t-BAC was identified as a carcinogen after it had been previously granted a partial exemption from the definition of a VOC in certain uses in several source specific rules, e.g., Rule 1113 – Architectural Coatings and Rule 1151 – Automotive Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations, but not Rule 1168. Further, in 2020, pCBtF was identified as a stronger carcinogen than t-BAC, after it had been previously exempted from the definition of a VOC in Rule 102 for all uses within the South Coast AQMD, including adhesives and sealants that would otherwise be subject to Rule 1168 requirements.

In consideration of the technology assessment and additional toxicity information, the Governing Board directed staff to conduct another rule development process to amend Rule 1168. Thus, the proposed project is designed to: 1) prohibit the use of pCBtF and t-BAC in adhesives and sealants due to toxicity concerns; 2) delay the effective dates of VOC limits or maintain the existing VOC limits for certain categories of adhesives and sealants where the technology assessment demonstrated the effective dates or VOC limits in the October 2017 version of Rule 1168 are not feasible; 3) create additional subcategories of regulated products to better characterize and refine VOC limits; 4) allow Opteon 1100 (cis-1,1,1,4,4,4-hexafluoro-2-butene/HFO-1336mzz-Z) as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and 5) remove definitions, update, clarify, and streamline rule language.

When comparing the types of activities and associated environmental impacts with implementing the VOC limits and compliance dates subject to the October 2017 version of Rule 1168 that was previously analyzed in the October 2017 Final EA to the currently proposed changes which comprise PAR 1168, the type and extent of the physical changes are expected to be similar and

will cause similar secondary adverse environmental impacts for the same environmental topic areas that were identified and analyzed in the October 2017 Final EA for Rule 1168. Thus, PAR 1168 is expected to have generally the same or similar effects that were previously examined in the October 2017 Final EA for Rule 1168 but that the air quality impacts from the proposed project will cause some delayed and permanent VOC emission reductions foregone, which will be more severe than what was discussed in the October 2017 Final EA. However, the proposed project will result in reducing the potential for toxic chemicals to be used in adhesives and sealants.

4.0 Potentially Significant Adverse Impacts That Cannot be Reduced Below a Significant Level

The analysis in the Final SEA independently considered whether PAR 1168 would result in new significant impacts for any environmental topic areas previously concluded in the October 2017 Final EA for Rule 1168 to have either no significant impacts or less than significant impacts. The Final SEA for PAR 1168 identified the topic of air quality during operation as the only area in which the proposed project may cause significant and unavoidable adverse environmental impacts. No other significant adverse impacts were identified. The following discussion independently considers the currently proposed project (PAR 1168) and analyzes the incremental changes for operational air quality impacts, relative to the baseline which is the project analyzed in the October 2017 Final EA for Rule 1168.

Air Quality Impacts During Operation

Implementation of PAR 1168 is expected to cause delayed VOC emission reductions for the categories of Top and Trim Adhesive, Higher Viscosity CPVC Welding Cement, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive due to extending the effective date to comply with VOC limits that were adopted in the October 2017 version of Rule 1168. In addition, the proposed project is likely to cause delayed VOC emission reductions from a proposed new subcategory of foam sealants, One-Component Foam Sealant, due to a combination of increasing the VOC limit from 50 grams per liter (g/L) to with 18 percent VOC by weight and delaying the effective date by six months from January 1, 2023 to July 1, 2023. Permanent foregone VOC emission reductions are also expected if the proposed higher VOC limits for certain categories of regulated products, including One-Component Foam Sealant, CPVC Welding Cement for Life Safety Systems, All Other Roof Adhesives, Single Ply Roof Membrane Adhesive (including both subcategories of with and without EPDM/TPO), and All Other Roof Sealants, are adopted.

The analysis in the Final SEA estimated the delayed and permanent foregone VOC emission reductions to be 0.42 tpd (equivalent to 840 pounds per day), and 0.28 tpd (equivalent to 560 pounds per day), respectively, which would exceed the South Coast AQMD's daily VOC operational significance threshold of 55 pounds per day. As a result, the peak daily VOC operational impacts associated with both the delayed and permanent foregone VOC emission reductions from implementing PAR 1168 are significant.

If significant adverse environmental impacts are identified, the CEQA document shall describe feasible mitigation measures that could minimize the significant adverse impacts of the proposed project. [CEQA Guidelines Section 15126.4]. Therefore, feasible mitigation measures are required

to reduce operational VOC impacts. CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Section 21061.1].

However, the reason PAR 1168 is proposing to revise the VOC limits and/or effective dates for certain categories of adhesives and sealants is because there are currently no other products available that can feasibly attain the current VOC limits by the effective dates adopted in the October 2017 version of Rule 1168. Based upon these technological limitations, there are no feasible mitigation measures that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels. Therefore, PAR 1168 is considered to have significant adverse unavoidable project-specific and cumulative air quality impacts during operation.

It is important to note that because the focus of PAR 1168 is on the VOC content of adhesives and sealants, emissions of other criteria pollutants that are typically associated with combustion activities (e.g., NO_x, CO, SO_x, PM₁₀, and PM_{2.5}) are not affected by PAR 1168. Thus, PAR 1168 will have no significant air quality impacts associated with NO_x, CO, SO_x, PM₁₀, and PM_{2.5} emissions.

5.0 Findings Regarding Potentially Significant Environmental Impacts

Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a) provide that a public agency shall not approve or carry out a project with significant environmental effects unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. Additionally, the findings must be supported by substantial evidence in the record. [CEQA Guidelines Section 15091(b)]. Three potential findings can be made for potentially significant impacts:

Finding 1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final SEA. [Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1)].

Finding 2: Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. [Public Resources Code Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2)].

Finding 3: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final SEA. [Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3)].

As identified in the Final SEA and summarized in Section 4.0 of this attachment, PAR 1168 has the potential to create significant adverse operational air quality impacts. The South Coast AQMD Governing Board, therefore, makes the following findings regarding the proposed project. The Findings are supported by substantial evidence in the record as explained in each finding. These Findings will be included in the record of project approval and will also be noted in the Notice of

Decision. The Findings made by the South Coast AQMD Governing Board are based on the following significant adverse impact identified in the Final SEA for PAR 1168:

Potential delayed and permanent forgone VOC emission reductions during operation exceed the South Coast AQMD's applicable significance air quality thresholds and cannot be mitigated to less than significant levels.

Finding and Explanation:

When comparing the types of activities and associated environmental impacts with implementing the VOC limits and compliance dates subject to the October 2017 version of Rule 1168 that was previously analyzed in the October 2017 Final EA to the currently proposed changes, PAR 1168 is anticipated to cause delayed and permanent forgone VOC emissions reductions due to extending the effective dates and maintaining the existing VOC limits for certain categories of regulated products, respectively. The Final SEA estimated these delayed and permanent forgone VOC emission reductions to be 0.42 tpd (equivalent to 840 pounds per day), and 0.28 tpd (equivalent to 560 pounds per day), respectively, which would exceed the South Coast AQMD's daily VOC operational significance threshold of 55 pounds per day.

Due to significant adverse air quality impacts during operation, feasible mitigation measures were required in the Final SEA to minimize the significant adverse impacts of the proposed project. However, the analysis in the Final SEA identified no feasible mitigation measures that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels. Therefore, operational air quality impacts for VOC emissions are found to be significant and unavoidable.

The Governing Board finds that: 1) due to technological limitations, there are currently no other products available that can feasibly attain the original VOC limits by the effective dates adopted in the October 2017 version of Rule 1168; and 2) there are no feasible mitigation measures that would eliminate or reduce the project-level or cumulative significant adverse operational air quality impacts for VOC emissions to less than significant levels. [Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3)].

5.1 Findings For Alternatives to the Proposed Project

A. Alternative A: No Project

Finding and Explanation:

The Final SEA analyzes a No Project Alternative, referred to as Alternative A, which consists of what would occur if the proposed project is not approved; in this case, not proposing amendments to Rule 1168. Under Alternative A, adhesives, sealants, sealant primers and adhesive primers would have to comply with the VOC emission limits in the October 2017 version of Rule 1168. Compliance with these VOC limits was projected to result in approximately 1.38 tpd of VOC emission reductions. However, manufacturers of certain adhesives and sealants have indicated that they need more time to develop

compliant products or cannot meet the applicable VOC limits by the January 1, 2023 effective date due to technological limitations, creating potential compliance issues, and likely resulting in the originally projected VOC emission reductions not being fully achieved.

Moreover, under Alternative A, t-BAC and pCBtF would continue to be classified as VOC-exempt solvents and as such, could continue to be used in formulating adhesives and sealants that would be subject to the October 2017 version of Rule 1168 and manufacturers would have the opportunity in the future to develop additional products formulated with these toxic compounds. Therefore, under Alternative A, the potential for new formulations of adhesives and sealants containing t-BAC and pCBtF could increase the existing toxicity impacts and associated health risks when compared to PAR 1168, which would eliminate the existing and future toxicity impacts through the prohibition of products formulation with t-BAC and pCBtF.

Based on proceeding discussion, Alternative A is the most harmful alternative relative to toxic air contaminants and toxicity impacts. Furthermore, the No Project Alternative is infeasible because it neither meets the objectives of PAR 1168 nor takes into consideration the conclusions of the technology assessment and the Stationary Source Committee's direction to take a precautionary approach evaluating existing or proposed exemptions for any compound with a toxic endpoint.

Because Alternative A is not environmentally superior to PAR 1168 and does not achieve the basic project objective, the Governing Board finds that the No Project Alternative is infeasible. [Public Resources Code 21081(a)(3); California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1000- 1001 (upholding finding of infeasibility where agency determined alternative failed to achieve project objective)].

B. Alternative B: More Stringent Proposed Project

Finding and Explanation:

The Final SEA analyzes Alternative B, which is more stringent than PAR 1168. Under Alternative B, the required effective date to meet the proposed VOC limits would be six months earlier than the proposed project for the categories of One-Component Foam Sealant and Higher Viscosity CPVC Welding Cement while the effective date to meet the proposed VOC limit for Top and Trim Adhesive, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive would need to occur twelve months earlier than the proposed project. All other elements would be the same under Alternative B as for PAR 1168. When compared to the proposed project, Alternative B may be infeasible at worst or difficult to achieve at best due to technological limitations and time constraints associated with developing and testing new formulations prior to making them commercially available for use.

With regard to toxicity impacts, PAR 1168 and Alternative B are equally beneficial in terms of reducing the public exposure to acute and carcinogenic toxic impacts of t-BAC and pCBtF due to prohibiting their usage in adhesives and sealants. Moreover, Alternative

B would result in 0.42 tpd of delayed VOC emission reductions foregone, the same as PAR 1168, but the delay would be for a shorter period of time (i.e., six to twelve months less) when compared to the proposed project. Under this alternative, the amount of permanent VOC emission reductions foregone (0.28 tpd) would be the same as PAR 1168.

The Governing Board finds that there are no feasible mitigation measures that would eliminate or reduce the project-level or cumulative significant adverse operational air quality impacts for VOC emissions to less than significant levels if Alternative B is implemented. As such, the Governing Board finds that Alternative B will not avoid or substantially lessen the significant operational air quality impacts as identified in the Final SEA. [Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3)].

C. Alternative C: Less Stringent Proposed Project

I. Finding and Explanation:

The Final SEA analyzes Alternative C, which is less stringent than the proposed project. Under Alternative C, the categories of Top and Trim Adhesive, One-Component Foam Sealant, Higher Viscosity CPVC Welding Cement, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive would have an additional 12 months to meet the proposed VOC limits in PAR 1168. All other elements would be the same under Alternative C as for PAR 1168.

With regard to toxicity impacts, PAR 1168 and Alternative C are equally beneficial in terms of reducing the public exposure to acute and carcinogenic toxic impacts of t-BAC and pCBtF due to prohibiting their usage in adhesives and sealants. Alternative C would result in 0.42 tpd of delayed VOC emission reductions foregone, the same as proposed project, but the delay would occur over a longer period of time (e.g., twelve months longer) when compared to PAR 1168. Alternative C, however, would result in the same amount of permanent foregone VOC emission reductions (0.28 tpd) as PAR 1168.

The Governing Board finds that there are no feasible mitigation measures that would eliminate or reduce the project-level or cumulative significant adverse operational air quality impacts for VOC emissions to less than significant levels if Alternative C is implemented. Therefore, the Governing Board finds that Alternative C will not avoid or substantially lessen the significant environmental effect as identified in the Final SEA. [Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3)].

D. Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168

I. Finding and Explanation:

The Final SEA analyzes Alternative D, which proposes that the following categories of adhesives and solvents would meet the VOC limits in the October 2017 version of Rule 1168, but with an effective date of January 1, 2030 instead of January 1, 2023: One-

Component Foam Sealant, Single Ply Roof Membrane Adhesive (including both subcategories of with and without EPDM/TPO), All Other Roof Sealants, All Other Roof Adhesives, and CPVC Welding Cement for Life Safety Systems. All other elements would be the same under Alternative D as for PAR 1168.

Of the alternatives analyzed, Alternative D is the lowest toxic alternative because under this alternative, in addition to prohibiting t-BAC and pCBtF, certain categories of adhesives and sealants will need to be reformulated to have lower VOC contents with potentially fewer toxic compounds by January 1, 2030. Unlike the proposed project, Alternative D would only result in delayed VOC emission reductions foregone of 0.70 tpd, without resulting in any permanent VOC emission reductions foregone because manufacturers will have an additional seven years to develop and formulate adhesives and sealants for the aforementioned categories to meet the VOC limits from the October 2017 version of Rule 1168.

Over the long-term, Alternative D would result in no permanent VOC emission reductions foregone with the least amount of potential for adhesives and sealants to be formulated with toxic compounds. Thus, relative to PAR 1168 and the other feasible alternatives, Alternative D would be considered the environmentally superior alternative. However, due to uncertainties associated with the ability of manufacturers to formulate certain categories of adhesives and sealants to meet the low VOC limits established in the October 2017 version of Rule 1168 by January 1, 2030, Alternative D depends on future technological improvements in order to achieve the desired VOC emission reductions and the outcome of these future efforts are unknown.

The Governing Board finds that there are no feasible mitigation measures that would eliminate or reduce the project-level or cumulative significant adverse operational air quality impacts for VOC emissions to less than significant levels if Alternative D is implemented. As such, the Governing Board finds that Alternative D will not avoid or substantially lessen the significant environmental effect as identified in the Final SEA. [Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3)].

5.2 Conclusion of Findings

The Governing Board makes the following findings:

- 1) No feasible mitigation measures have been identified in the Final SEA that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels.
- 2) Alternative A, the No Project alternative, is infeasible because it is the most harmful alternative relative to toxic air contaminants, does not achieve the proposed project objectives, and it does not take into consideration the conclusions of the technology assessment and the Stationary Source Committee's direction to take a precautionary approach evaluating existing or proposed exemptions for any compound with a toxic endpoint. Because Alternative A is not environmentally superior to PAR 1168 and does not achieve the basic project objective, the Governing Board finds that the No Project Alternative is infeasible. [Public Resources Code 21081(a)(3); California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1000- 1001 (upholding finding of infeasibility where agency determined alternative failed to achieve project objective)].
- 3) For Alternatives B and C, the Governing Board finds that there are no feasible mitigation measures that would eliminate or reduce the project-level or cumulative significant adverse operational air quality impacts for VOC emissions to less than significant levels. As such, the Governing Board finds that neither Alternative B nor Alternative C will avoid or substantially lessen the significant operational air quality impacts as identified in the Final SEA. [Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3)].
- 4) Alternative D was identified in the Final SEA as the environmentally superior alternative. However, the Governing Board finds that there are no feasible mitigation measures that would eliminate or reduce the project-level or cumulative significant adverse operational air quality impacts for VOC emissions to less than significant levels if Alternative D is implemented. Therefore, Alternative D will not avoid or substantially lessen the significant operational air quality impacts identified in the Final SEA. [Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3)].

The Governing Board further finds that the Final SEA considered alternatives pursuant to CEQA Guidelines Section 15126.6, but there is no alternative to PAR 1168 that would reduce to insignificant levels the significant operational air quality impacts identified for the proposed project and still achieve the objectives of the proposed project.

The Governing Board further finds that the findings required by CEQA Guidelines Section 15091(a) are supported by substantial evidence in the record. The record of approval for this project may be found in the South Coast AQMD's Clerk of the Board's Office located at South Coast AQMD headquarters in Diamond Bar, California.

6.0 Statement of Overriding Considerations

If significant adverse impacts of a proposed project remain after incorporating mitigation measures, or no measures or alternatives to mitigate the adverse impacts are identified, the lead agency must make a determination that the benefits of the project outweigh the unavoidable adverse environmental effects if it is to approve the project. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. [CEQA Guidelines Section 15093(a)]. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” [CEQA Guidelines Section 15093(a)]. Accordingly, a Statement of Overriding Considerations regarding potentially significant adverse operational VOC air quality impacts resulting from PAR 1168 has been prepared. This Statement of Overriding Considerations is included as part of the record of the project approval for PAR 1168. Pursuant to CEQA Guidelines Section 15093(c), the Statement of Overriding Considerations will also be noted in the Notice of Decision for PAR 1168.

Despite the inability to incorporate changes into PAR 1168 that will mitigate potentially significant adverse operational air quality impacts to a level of insignificance, the South Coast AQMD Governing Board finds that the following benefits and considerations outweigh the significant unavoidable adverse environmental impacts:

1. The analysis of potential adverse environmental impacts incorporates a “worst-case” approach. This entails the premise that whenever the analysis requires that assumptions be made, those assumptions that result in the greatest adverse impacts are typically chosen. This method likely overestimates the actual adverse environmental impacts from PAR 1168.
2. The potential adverse impacts from implementing PAR 1168 consist of delayed VOC emission reductions and permanent VOC emission reduction foregone, not emission increases.
3. In consideration of the total net accumulated emission reductions projected overall, the delayed and permanent VOC emission reductions forgone from PAR 1168 would not interfere with the air quality progress and attainment demonstration in the 2016 Air Quality Management Plan (AQMP). The 2016 AQMP identified ambient air pollutant levels relative to federal and state ambient air quality standards (AAQS), established baseline and future emissions, and developed control measures to ensure attainment of the AAQS. Specifically, the October 2017 amendments to Rule 1168 were adopted to partially implement Control Measure CTS-01 - Further Emission Reductions from Coatings, Solvents, Adhesives, and Sealants from the 2016 AQMP, which targeted one tpd of VOC emission reductions by 2023. Since the October 2017 version of Rule 1168 estimated VOC emission reductions of 1.38 tpd, even with the 0.28 tpd foregone emission reductions from the proposed project, PAR 1168 would still exceed the commitment to achieve one tpd of VOC emission reductions in the 2016 AQMP.

Moreover, the 2016 AQMP established a set-aside account for NO_x and VOC emissions,

in the event that not all of the control measures proposed at that time would achieve the entire amount of desired emission reductions. At the time, the state implementation plan (SIP) set-aside account had an initial balance of 2.0 tpd of NO_x and 0.5 tpd of VOC for each year from 2017 to 2030, and 0.5 tpd of NO_x and 0.2 tpd of VOC in 2031, to accommodate projects with a positive conformity determination (i.e., emissions that exceed the de minimis threshold). In addition, the Revised Draft 2022 AQMP has a revised SIP set-aside reserve of 4.0 tpd VOC emissions specifically designated for the potential technology assessment and phaseout of toxics for VOC-based rules as targeted by Control Measure CTS-01. Thus, any delayed or permanent VOC emission reductions foregone from amending the various VOC-based rules, including but not limited to PAR 1168, will be offset by the VOC emissions in the SIP set-aside account. In addition, other opportunities for reducing VOC emissions from product formulations are expected to continue to occur over the long-term due to future VOC limits that are currently in Rules 1113, 1151 and 1168 that have not yet gone into effect. Therefore, cumulative air quality impacts from PAR 1168 and all other AQMP control measures when considered together, are not expected to be significant because implementation of all AQMP control measures, and in particular, this project, is expected to result in net emission reductions and overall air quality improvement.

4. The prohibition of t-BAC and pCBtF in PAR 1168 is consistent with the Stationary Source Committee recommendation in April 2017 to take a precautionary approach when considering an exemption for any compound with a toxic endpoint and removing the exempt status for any compound that has an established toxic endpoint. The cancer potency factors for t-BAC and pCBtF are 0.0047 and 0.03 (mg/kg-day)⁻¹, respectively which are higher or within the same order of the cancer potency factor for some Group II compounds such as dimethyl carbonate (0.0035) and perchloroethylene (0.021). It should be noted that Group II compounds are those that are already restricted or will be restricted in the future because they are either toxic, potentially toxic, upper atmospheric ozone depleters, or cause other environmental impacts.
5. Although PAR 1168 would allow higher VOC limits for certain categories of adhesives and sealants due to prohibiting t-BAC and pCBtF, the long-term health benefit and reduced exposures from prohibiting these toxic compounds with substantial adverse carcinogenic health effects, would outweigh the permanent forgone VOC emission reductions.
6. PAR 1168 will provide relief for manufacturers of certain categories of adhesives and sealants which are technologically unable to meet the VOC limits in the October 2017 version of Rule 1168 by the effective date of January 1, 2023.
7. Although PAR 1168 would still cause significant operational air quality impacts for VOC emissions, it is considered to provide the best balance in achieving the project objectives while minimizing the significant adverse environmental impacts to operational air quality.

The South Coast AQMD Governing Board finds that the above-described considerations outweigh the unavoidable significant effects to the environment as a result of PAR 1168.

7.0 Mitigation

CEQA requires an agency to prepare a plan for reporting and monitoring compliance with the implementation of measures to mitigate significant adverse environmental impacts. When making findings as required by Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the lead agency must adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment [Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097(a)]. The provisions of CEQA Guidelines Section 15097 and Public Resources Code Section 21081.6 are triggered when the lead agency certifies a CEQA document in which mitigation measures changes, or alterations have been required or incorporated into the project to avoid or lessen the significance of adverse impacts identified in the CEQA document.

However, no feasible mitigation measures were identified for PAR 1168 that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels. Since no feasible mitigation measures were identified, mitigation measures and a corresponding mitigation, monitoring and reporting plan are not required and have not been prepared.

8.0 Record of Proceedings

For purposes of CEQA, including the Findings and Statement of Overriding Considerations, the Record of Proceedings for PAR 1168 consists of the following documents and other evidence, at a minimum:

- The Final SEA for PAR 1168, including appendices and technical studies included or referenced in the Final SEA, and all other public notices issued by South Coast AQMD for the Final SEA.
- The Draft SEA for the proposed project including appendices and technical studies included or referenced in the Draft SEA, and all other public notices issued by South Coast AQMD for the Draft SEA.
- All written and verbal public testimony presented during a noticed public hearing for PAR 1168.
- All documents, studies, EAs, or other materials incorporated by reference and tiered-off in the Draft SEA and Final SEA.
- The Resolution adopted by South Coast AQMD in connection with PAR 1168, and all documents incorporated by reference therein.
- Matters of common knowledge to South Coast AQMD, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in the Findings and Statement of Overriding Considerations.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

- The Notice of Decision, prepared in compliance with Public Resources Code Section 21080.5(d)(2)(E), CEQA Guidelines Section 15252(b), and South Coast AQMD Rule 110(f), if the Governing Board certifies the Final SEA and approves PAR 1168.

To comply with CEQA Guidelines Section 15091(e), the South Coast AQMD specifies the Deputy Executive Officer of the Planning, Rule Development, and Implementation Division as the custodian of the administrative record for PAR 1168, which includes the documents or other materials which constitute the record of proceedings upon which the South Coast AQMD's actions related to the proposed project is based, and which are located at the South Coast AQMD headquarters, 21865 Copley Drive, Diamond Bar, California 91765. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request. This information is provided in accordance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

ATTACHMENT G

(Adopted April 7, 1989)(Amended March 2, 1990)(Amended Feb. 1, 1991)
(Amended July 19, 1991)(Amended August 2, 1991)
(Amended December 4, 1992)(Amended December 10, 1993)
(Amended April 11, 1997)(Amended February 13, 1998)(Amended September 15, 2000)
(Amended June 7, 2002)(Amended July 12, 2002)(Amended October 3, 2003)
(Amended January 7, 2005)(Amended October 6, 2017)
(Amended [Date of Adoption])

[RULE INDEX TO BE ADDED AFTER RULE ADOPTION]

PROPOSED AMENDED RULE 1168. ADHESIVE AND SEALANT APPLICATIONS

(a) ~~Purpose and Applicability~~

The purpose of this rule is to reduce emissions of volatile organic compounds (VOCs), toxic air contaminants, and stratospheric ozone-depleting compounds from the application of adhesives, adhesive primers, sealants, and sealant primers. ~~This rule applies to any person who uses, sells, stores, supplies, distributes, offers for sale, or manufactures for sale any adhesives, adhesive primers, sealants, or sealant primers, unless otherwise specifically exempted by this rule.~~

(b) Applicability

This rule applies to any person who uses or stores any adhesives, adhesive primers, sealants, or sealant primers in the South Coast AQMD; any person who sells, stores, supplies, distributes, offers for sale, or manufactures for sale any adhesives, adhesive primers, sealants, or sealant primers for use within the South Coast AQMD; and any owner or operator of a Facility within the South Coast AQMD conducting operations which include the use of adhesives, adhesive primers, sealants, or sealant primers; unless otherwise specifically exempted by this rule.

(~~b~~c) Definitions

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

- (1) ACRYLIC is a thermoplastic polymer or a copolymer of acrylic acid, methacrylic acid, esters of these acids, or acrylonitrile.
- (2) ACRYLONITRILE-BUTADIENE-STYRENE (ABS) plastic is made by reacting monomers of acrylonitrile, butadiene, and styrene and is normally identified with an ABS marking.
- (3) ABS TO POLYVINYL CHLORIDE (PVC) TRANSITION CEMENT is Plastic Welding Cement used to join ABS and PVC building drains or building sewers.
- (4) ABS WELDING CEMENT is a Plastic Welding Cement that is used to join ABS pipe, fittings, and other system components, including, but not limited

to, components for shower pan liner, drain, closet flange, and backwater valve systems.

- (5) ADHESIVE is any substance that is used to bond one surface to another surface by attachment.
- (6) ADHESIVE PRIMER is a film-forming material applied to a substrate, prior to the application of an adhesive or adhesive tape, to increase adhesion or film bond strength, promote wetting, or form a chemical bond with a subsequently applied adhesive.
- (7) ADHESIVE TAPE is a backing material coated with an adhesive, and includes, but is not limited to, drywall tape, heat sensitive tape, pressure-sensitive adhesive tape, and water-activated tape.
- (8) AEROSOL ADHESIVE is any adhesive packaged as an Aaerosol Pproduct in which the spray mechanism is permanently housed in a can designed for hand-held application where no ancillary hoses or spray equipment is used.
- (9) AEROSOL PRODUCT is a pressurized spray system that dispenses product ingredients by means of a propellant contained in a product or a product's container, or by means of a mechanically induced force. Aerosol Products do not include Pump Spray.
- (10) ARCHITECTURAL APPLICATION is the use of a Regulated PProduct on stationary structures, including mobile homes, and their appurtenances.
- (11) ARCHITECTURAL APPURTENANCE is any accessory to a stationary structure, including, but not limited to, hand railings; cabinets; bathroom and kitchen fixtures; fences; rain-gutters and down-spouts; window screens; lamp-posts; heating and air conditioning equipment; other mechanical equipment; large fixed stationary tools; signs; motion picture and television production sets; and concrete forms.
- (12) BIG BOX RETAILER is a physically large-chain retail outlet that is classified by the U.S. Department of Labor under North American Industry Classification System code 444110: Home Centers or identified in a list maintained by the Executive Officer.
- (13) BUILDING ENVELOPE is the exterior and demising partitions of a building that enclose conditioned space.
- (14) BUILDING ENVELOPE MEMBRANE ADHESIVES are used to adhere membranes applied to the building envelope to provide a barrier to air or vapor leakage through the building envelope that separates conditioned from unconditioned spaces. Building Envelope Membranes are applied to

diverse materials, including, but not limited to, concrete masonry units (CMU), oriented stranded board—(OSB), gypsum board, and wood substrates.

- (15) CARPET PAD ADHESIVE is an adhesive used for the installation of a carpet pad (or cushion) beneath a carpet.
- (16) CERAMIC, GLASS, PORCELAIN, AND STONE TILE ADHESIVE is an adhesive used for the installation of tile products.
- (17) CHLORINATED POLYVINYL CHLORIDE (CPVC) plastic is a polymer of the chlorinated polyvinyl monomer that contains 67% chlorine and is normally identified with a CPVC marking.
- (18) CPVC WELDING CEMENT is a Plastic Welding Cement that is used to join CPVC pipe, fittings, and other system components, including, but not limited to, components for shower pan liner, drain, closet flange, and backwater valve systems.
- (19) CPVC WELDING CEMENT FOR LIFE SAFETY SYSTEM is a CPVC welding cement with an increased resistance to high temperatures which is used for life safety systems, including standalone and multipurpose fire sprinkler systems.
- (19~~20~~) CLEAR, PAINTABLE, AND IMMEDIATELY WATER-RESISTANT SEALANT is a compound with adhesive properties that contains no appreciable level of opaque fillers or pigments; transmits most or all visible light through itself when cured; is capable of being painted; is immediately resistant to precipitation upon application; and must meet the following criteria:
 - (A) Clarity of 15 turbidity units or less per ASTM D7315 - Determination of Turbidity Above 1 Turbidity Unit (TU) in Static Mode as manufactured and packaged;
 - (B) Color of Gardner 0 as tested by ASTM D1544 - Standard Test Method for Color of Transparent Liquids (Gardner Color Scale) or Platinum-Cobalt Color of 50 or less using ASTM D1209 - Standard Test Method for Color of Clear Liquids (Platinum-Cobalt Scale) as manufactured and packaged; and
 - (C) Compatible with paint per ASTM C1520 Standard Guide for Paintability of Latex Sealants.
- (20~~21~~) COMPUTER DISKETTE MANUFACTURING is the process where the fold-over flaps are glued to the body of a vinyl jacket.

- (2122) CONTACT ADHESIVE is an adhesive applied to two separate surfaces, allowed to dry before the two surfaces are placed in contact with each other, and forms an immediate bond after both adhesive-coated surfaces are placed in full contact with each other.
- (2223) CONSUMER PRODUCTS REGULATION is the regulation implemented by the California Air Resources Board (CARB) under Title 17 of the California Code of Regulations, Section 94507, et. seq.
- (2324) COVE BASE is a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge, that is used in forming a junction between the bottom wall course and the floor, to form an inside corner.
- (25) CUT EDGE SINGLE PLY ROOF MEMBRANE SEALANT is a Low-Solids sealant used on single ply roof membrane installations, which is designed to seal the non-factory edges (cut edges) with exposed scrim to inhibit water penetration.
- (2426) CYANOACRYLATE ADHESIVE is an acrylic adhesive that contains ethyl, methyl, methoxymethyl or other functional groupings of cyanoacrylate.
- (2527) DIP COAT is a method of application to a substrate by submersion into, and removal from, a bath.
- (2628) DISTRIBUTION CENTER is a warehouse or other specialized building, which is stocked with products (goods), to be redistributed to retailers, wholesalers, or directly to end-users.
- (2729) DRY WALL ADHESIVE is an adhesive used during the installation of gypsum dry wall to studs or solid surfaces.
- (2830) EDGE GLUE is an adhesive applied to the edge of multi-sheet carbonless forms prior to being fanned apart after drying.
- (2931) ELECTROSTATIC APPLICATION is a spray method where the atomized droplets are charged and subsequently deposited on the substrate by electrostatic attraction.
- ~~(30) ENERGY CURABLE ADHESIVES AND SEALANTS are single-component reactive products that cure upon exposure to visible light, ultra-violet light, or to an electron beam. The VOC content of thin film Energy Curable Adhesives and Sealants may be determined by manufacturers using ASTM Test Method 7767 Standard Test Method to Measure Volatiles from~~

~~Radiation Curable Acrylate Monomers, Oligomers, and Blends and Thin Coatings Made from Them.~~

- (32) EPDM/TPO SINGLE PLY ROOF MEMBRANE ADHESIVE is any adhesive to be used for the installation or repair of Ethylene Propylene Diene Terpolymer (EPDM) and Thermoplastic Polyolefin (TPO) single ply roof membrane. Installation includes, but is not limited to, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes, or ducts that protrude through the membrane.
- (3433) EXEMPT COMPOUNDS are as defined in Rule 102 – Definition of Terms (Rule 102). For the purpose of this rule, Opteon 1100 (cis-1,1,1,4,4,4-hexafluoro-2-butene/HFO-1336mzz-Z) shall only be considered exempt as a VOC for High-Pressure Two-Component Foam Sealants and Low-Pressure Two-Component Foam Sealants when used in an industrial or professional setting by workers trained with procedures and guidelines to reduce potential risk of exposure, if the Office of Environmental Health Hazard Assessment has sufficient information to ~~establish a Cancer Inhalation Unit Risk Factor, an acute reference exposure level (REL) and a chronic REL of Opteon 1100~~conduct a toxicity assessment and, upon completion of its assessment:
- (A) Does not adopt a Cancer Inhalation Unit Risk Factor for Opteon 1100;
- (B) Develops an acute reference exposure level (REL) or interim acute REL for Opteon 1100, which is higher than or equal to the acute REL or interim acute REL for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd); and
- (C) Develops a chronic REL or interim chronic REL for Opteon 1100, which is higher than or equal to the chronic REL or interim chronic REL for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd).
- (3234) FACILITY means any permit unit or grouping of permit units or other air contaminant-emitting activities which are located on one or more contiguous properties within the South Coast District AQMD, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or by persons under common control). —Such above-described groupings, if not contiguous, but connected only by land carrying a pipeline, shall not be considered one facility.

(3335) FIBERGLASS is fine filaments of glass.

(3436) FLOW COAT is an application method that coats an object by flowing a stream of Regulated Product over the object and draining off any excess product.

(3537) FOAM INSULATION is an expanding foam that is sprayed into ceiling or wall cavities to provide thermal resistance or to minimize air infiltration.

(3638) FOAM SEALANT is a foam used to fill and form a durable, airtight, water-resistant seal to common building substrates, such as wood, brick, concrete, foam board, and plastic.

(3739) GRAMS OF VOC PER LITER OF REGULATED PRODUCT, LESS WATER AND LESS EXEMPT COMPOUNDS is the weight of VOC per combined volume of VOC and product solids, and can be calculated by the following equation:

Grams of VOC per Liter of Regulated Product, Less Water and Less

$$\text{Exempt Compounds} = \frac{W_s - W_w - W_{es}}{V_m - V_w - V_{es}}$$

Where: W_s = weight of volatile compounds, in grams
 W_w = weight of water, in grams
 W_{es} = weight of exempt compounds, in grams
 V_m = volume of material, in liters
 V_w = volume of water, in liters
 V_{es} = volume of exempt compounds, in liters

For reactive products, the VOC content is determined after curing. The grams of VOC per liter of any Regulated Product, except a Low-Solids product, shall be calculated by the following equation:

Grams of VOC per Liter of Regulated Product, Less Water and Less

$$\text{Exempt Compounds} = \frac{W_{rs} - W_{rw} - W_{res}}{V_{rm} - V_{rw} - V_{res}}$$

Where: W_{rs} = weight of volatile compounds not consumed during curing, in grams
 W_{rw} = weight of water not consumed during curing, in grams

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W_{res} = weight of exempt compounds not consumed during curing, in grams

V_{rm} = volume of material prior to reaction, in liters

V_{rw} = volume of water not consumed during curing, in liters

V_{res} = volume of exempt compounds not consumed during curing, in liters

(3840) GRAMS OF VOC PER LITER OF MATERIAL is the weight of VOC per volume of material, to be used for a Low-Solids product, and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{W_s - W_w - W_{es}}{V_m}$$

Where: W_s = weight of volatile compounds, in grams

W_w = weight of water, in grams

W_{es} = weight of exempt compounds, in grams

V_m = volume of material, in liters

For reactive products, the VOC content is determined after curing.

(3941) GROUT is a cement-based sealant formulated to fill or seal gaps, including those associated with, but not limited to, tile installations.

(4042) HAND APPLICATION METHODS is the application of a Regulated Product using hand-held equipment. Such equipment includes paint brush, hand roller, trowel, spatula, dauber, rag, sponge, and mechanically- and/or pneumatic-driven syringe provided there is no atomization of the materials.

(43) HIGH-PRESSURE TWO-COMPONENT FOAM SEALANT is a foam sealant packaged as two containers and applied using a propellant system that is pressurized to greater than or equal to 250 psi.

(4144) HIGH-VOLUME, LOW-PRESSURE (HVLP) SPRAY is equipment used to apply a Regulated Product by means of a spray gun that is designed to be operated and that is operated between 0.1 and 10 pounds per square inch gauge (~~psig~~) air pressure measured dynamically at the center of the air cap and at the air horns.

(45) HIGHER VISCOSITY CPVC WELDING CEMENT is a CPVC welding cement with a viscosity greater than or equal to 500 centipoise.

(46) HOT APPLIED MODIFIED BITUMEN/BUILT UP ROOF ADHESIVE is a thermoplastic hot melt adhesive which requires high temperature

conversion to a fluid at the point of application and complies with ASTM D312 or ASTM D6152. Installation or repair includes the application of roofing insulation, roofing ply sheets, roofing membranes, and aggregate surfacing.

- (4247) INDOOR FLOOR COVERING ADHESIVE is an adhesive used during the installation of a carpet or indoor flooring that is in an enclosure and is not exposed to ambient weather conditions during normal use.
- (48) LOW-PRESSURE TWO-COMPONENT FOAM SEALANT is a foam sealant packaged as two containers pressurized to less than 250 psi.
- (4349) LOW-SOLIDS is any Regulated Product that contains less than one pound of solids per gallon of material (or 120 grams of solids per liter of material).
- (4450) MAINTENANCE is a routine process to keep equipment and machinery in working order or to prevent breakdowns.
- (4551) MANUFACTURING is the use of tools and labor to make things for sale.
- (4652) MARINE APPURTENANCES include, but are not limited to, a wood boardwalk, deck, dock, fender, lock gate, or other wooden structure specified for the marine environment.
- (4753) MARINE DECK SEALANT is any sealant that is applied to wooden marine decks and their appurtenances and is specified and used exclusively for the marine environment.
- (4854) MARINE DECK SEALANT PRIMER is any sealant primer that is applied to wooden marine decks and their appurtenances and is specified and used exclusively for the marine environment.
- (4955) MODIFIED BITUMINOUS PRIMER consist of bituminous materials, and a high flash solvent used to prepare a surface by (1) improving the adhesion and (2) absorbing dust from the surface for adhesive, or flashing cement bitumen membrane.
- (5056) MODIFIED BITUMINOUS MATERIALS are materials obtained from natural deposits of asphalt or residues from the distillation of crude oil petroleum or coal which consist mainly of hydrocarbons, and include, but are not limited to, asphalt, tar, pitch, and asphalt tile that are soluble in carbon disulfide.
- (5157) MULTI-PURPOSE CONSTRUCTION ADHESIVE is any adhesive to be used for the installation or repair of various construction materials,

including, but not limited to, drywall, subfloor, panel, fiberglass reinforced plastic (~~FRP~~), ceiling tile, and acoustical tile.

(~~5258~~) NON-STAINING PLUMBING PUTTY is a non-staining sealant formulated for use on natural surface materials that remains flexible and creates a waterproof seal when setting plumbing fixtures.

(59) ONE-COMPONENT FOAM SEALANT is a foam sealant packaged in aerosol containers and dispensed using propellant under pressure.

(~~5360~~) OUTDOOR FLOOR COVERING ADHESIVE is an adhesive used during the installation of carpet or floor covering that is not in an enclosure and is exposed to ambient weather conditions during normal use.

(~~5461~~) OZONE-DEPLETING COMPOUND is as defined in Rule 102.

(~~5562~~) PANEL ADHESIVE is an adhesive used for the installation of plywood, pre-decorated hardboard (or tileboard), fiberglass reinforced plasticFRP, and similar pre-decorated or non-decorated panels to studs or solid surfaces.

(~~5663~~) PERCENT VOC BY WEIGHT is the ratio of the weight of the VOC to the weight of the material, expressed as a percentage of VOC by weight. The percent VOC by weight can be calculated as follows:

$$\% \text{ VOC weight} = \frac{W_v}{W} \times 100$$

Where: W_v = weight of the VOCs, in grams

W = weight of material, in grams

(~~5764~~) PERSON is as defined in Rule 102.

(~~5865~~) PLASTIC ADHESIVE PRIMER is a material applied to CPVC and PVC plastic to prepare joining surfaces for the application of CPVC or PVC welding cements.

(~~5966~~) PLASTIC WELDING CEMENT is the use of adhesives made of resins and solvents which are used to dissolve the surfaces of plastic, except ABS, CPVC, and PVC plastic, to form a bond between mating surfaces.

(~~6067~~) PLASTIC FOAM is a foam constructed of plastics.

(~~6168~~) PLASTICS are synthetic materials chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcers. They are capable of being molded, extruded, cast into various shapes and films, or drawn into filaments and are used to produce pipe, solid sheet, film, or bulk products.

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- (6269) POLYCARBONATE is a thermoplastic resin derived from bisphenol A and phosgene, a linear polyester of carbonic acid, dihydroxy compound and any carbonate diester, or by ester interchange.
- (6370) POLYETHYLENE TEREPHTHALATE (~~PET, PETE~~) is a thermoplastic polyester formed from ethylene glycol by direct esterification or by catalyzed ester exchange between ethylene glycol and dimethyl terephthalate.
- (6471) POLYETHYLENE TEREPHTHALATE GLYCOL (~~PETG~~) is a glycol modified polyethylene terephthalate.
- (6572) POLYVINYL CHLORIDE (PVC) plastic is a polymer of the vinyl chloride monomer that contains 57 percent chlorine.
- (6673) POROUS MATERIAL is a substance which has tiny openings, often microscopic, in which fluids may be absorbed or discharged. Such materials include, but are not limited to, wood, fabric, paper, corrugated paperboard, and plastic foam.
- (6774) POTABLE WATER ARCHITECTURAL SEALANT is a sealant used in water treatment or water distribution applications required to comply with NSF/ANSI Standard 61: Drinking Water System Components – Health Effects.
- (6875) PRESSURE SENSITIVE ADHESIVE is an adhesive, typically coated on backings or release liners that forms a bond when pressure is applied, without the need for solvent, water, or heat.
- (6976) PRIVATE LABELER is the person, company, firm, or establishment (other than the toll manufacturer) identified on the label of a Regulated Product.
- (7077) PUMP SPRAY is a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger, or other actuator.
- (7178) PVC WELDING CEMENT is a Plastic Welding Cement that is used to join PVC pipe, fittings, and other system components, including, but not limited to, components for shower pan liner, drain, closet flange, and backwater valve systems.
- (7279) QUANTITY AND EMISSIONS REPORTS (QER) is are the reports specified in ~~subparagraph (f)(2)~~ subdivision (e).
- (7380) REACTIVE PRODUCTS are Regulated Products composed, in part, of monomers that become integral parts of the cured product through chemical

reaction. Reactive Products include, but are not limited to, polyurethane and two-component Regulated Products.

- (~~7481~~) REGULATED PRODUCT is an adhesive, adhesive primer, sealant, or sealant primer subject to this rule.
- (~~7582~~) REINFORCED PLASTIC COMPOSITE is a composite material consisting of plastic reinforced with fibers.
- (~~7683~~) REPAIR is an operation or activity to return a damaged object or an object not operating properly, to good condition.
- (~~7784~~) ROADWAY SEALANT is any sealant to be applied to streets, highways, and other surfaces, including, but not limited to, curbs, berms, driveways, and parking lots.
- (~~7885~~) ROLL COATER is a series of mechanical rollers that form a thin film on the surface roller, which is applied to a substrate by moving the substrate underneath the roller.
- (86) ROOF ADHESIVE PRIMER is a film-forming material applied to a substrate, prior to the application of an adhesive or adhesive tape to increase adhesion or bond strength, promote wetting, or form a chemical bond with a subsequently applied adhesive and is marketed and sold exclusively for the installation or repair of roofing materials.
- (87) ROOF SEALANT PRIMER is a film-forming material applied to a substrate prior to the application of a sealant to increase bond strength and is marketed and sold exclusively for the installation or repair of roofing materials.
- (~~7988~~) RUBBER is any natural or manmade rubber-like substrate, and includes, but is not limited to, styrene-butadiene, polychloroprene (neoprene), butyl, nitrile, chlorosulfonated polyethylene, and ethylene propylene diene terpolymer.
- (~~8089~~) RUBBER FLOORING ADHESIVE is an adhesive that is used for the installation of flooring material in which both the back and top surfaces are made of synthetic rubber, and which may be in sheet or tile form.
- (~~8190~~) RUBBER VULCANIZATION ADHESIVE is a reactive adhesive used for rubber-to-substrate bonding achieved during vulcanization of the rubber elastomer at temperatures greater than 250°F. -Vulcanized rubber adhesive does not include bonding previously vulcanized rubber.

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- (8291) SEALANT is any material with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealants include caulks.
- (8392) SEALANT PRIMER is any film-forming product applied to a substrate, prior to the application of a sealant, to enhance the bonding surface.
- (93) SHINGLE LAMINATING ADHESIVE is an asphalt based thermoplastic hot melt adhesive used to adhere individual layers during the manufacture of multi-layer asphalt shingles.
- (8494) SHOE REPAIR, LUGGAGE AND HANDBAG ADHESIVE is an adhesive used to repair worn, torn, or otherwise damaged uppers, soles, and heels of shoes, or for making repairs to luggage and handbags.
- (8595) SINGLE PLY ROOF MEMBRANE ADHESIVE (EXCEPT EPDM/TPO) is any adhesive to be used for the installation or repair of any non EPDM or TPO single ply roof membrane. -Installation includes, but is not limited to, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes, or ducts that protrude through the membrane.
- (8696) SINGLE PLY ROOF MEMBRANE SEALANT (EXCEPT CUT EDGE) is any sealant used for the installation or repair, except for sealing the cut edges, of single ply roof membrane.
- (8797) SOLVENT WELDING is the softening of the surfaces of two substrates by wetting them with solvents and/or adhesives, and joining them together through a chemical and/or physical reaction(s) to form a fused union.
- (8898) SPECIAL PURPOSE CONTACT ADHESIVE is a contact adhesive that is used to bond all of the following substrates to any surface: melamine covered board, metal, unsupported vinyl, Teflon, ultra-high molecular weight polyethylene, rubber, and wood veneer 1/16 inch or less in thickness.
- (8999) STRUCTURAL GLAZING ADHESIVE is any adhesive to be used to adhere glass, ceramic, metal, stone, or composite panels to exterior building frames.
- (90100) STRUCTURAL WOOD MEMBER ADHESIVE is an adhesive used for the construction of any load bearing joints in wooden joists, trusses, or beams.
- (91101) SUBFLOOR ADHESIVE is an adhesive used for the installation of subflooring material over floor joists.
- (92102) THIN METAL LAMINATING ADHESIVE is an adhesive for bonding multiple layers of metal to metal or metal to plastic in the

production of electronic or magnetic components in which the thickness of the bond line(s) is less than 0.25 mil.

- (~~93~~103) TIRE REPAIR is the expanding of a hole, tear, fissure, or blemish in a tire casing by grinding or gouging, applying adhesive, and filling the hole or crevice with rubber.
- (~~94~~104) TIRE TREAD ADHESIVE is any adhesive to be applied to the back of precured tread rubber and to the casing and cushion rubber, or to be used to seal buffed tire casings to prevent oxidation while the tire is being prepared for a new tread.
- (~~95~~105) TOLL MANUFACTURER is a Regulated Product manufacturer who produces Regulated Product for a private labeler.
- (~~96~~106) TOP AND TRIM ADHESIVE is an adhesive used during the installation of automotive and marine trim, including, but not limited to, headliners, vinyl tops, vinyl trim, sunroofs, dash covering, door covering, floor covering, panel covering, and upholstery.
- (~~97~~107) TOXIC AIR CONTAMINANT (TAC) is an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health as listed by the Office of Environmental Health Hazard Assessment.
- (~~98~~108) TRAFFIC MARKING TAPE is preformed reflective tape that is applied to public streets, highways, and other surfaces, including, but not limited to, curbs, berms, driveways, and parking lots.
- (~~99~~109) TRAFFIC MARKING TAPE ADHESIVE PRIMER is any adhesive primers that is applied to surfaces prior to installation of traffic marking tape.
- (~~100~~110) TRANSFER EFFICIENCY is the ratio of the weight or volume of the Regulated Product solids adhering to an object to the total weight or volume, respectively, of the Regulated Product solids dispensed in the application process, expressed as a percentage.
- (~~101~~111) VINYL COMPOSITIONS TILE (VCT) is a material made from thermoplastic resins, fillers, and pigments.
- (~~102~~112) VEHICLE GLASS ADHESIVE PRIMER is a primer applied to vehicle glass or to the frame of a vehicle prior to installation or repair of the vehicle glass using an adhesive or sealant to improve adhesion to the pinch weld. For the purposes of this definition, a vehicle is a mobile machine that

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transports passengers or cargo, and includes, but is not limited to, automobiles, trucks, buses, motorcycles, trains, ships, and boats.

(~~103~~113) VOLATILE ORGANIC COMPOUND (VOC) is as defined in Rule 102.

(~~104~~114) WATERPROOF RESORCINOL GLUE is a two-part, resorcinol-resin-based adhesive used in applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

(~~105~~115) WOOD FLOORING ADHESIVE is an adhesive used to install a wood floor surface, which may be in the form of parquet tiles, wood planks, or strip-wood.

(e) Requirements

(1) A person shall not use, sell, store, supply, distribute, offer for sale, or manufacture Regulated Products subject to the provisions of this rule, which contain VOC in excess of the applicable limits specified in Table 1 below:

Table 1 – Regulated Product Categories and VOC Limits

Category	VOC Limits (g/L <u>unless otherwise indicated</u>) ¹			Future Effective Date <u>1/1/2019</u>	1/1/2023
	Current Limit	Limit Effective 1/1/2023	Limit at Future Effective Date Upon Adoption		
Adhesives					
Architectural Applications					
Building Envelope Membrane Adhesive	250				
Carpet Pad Adhesive	50				
Ceramic Glass, Porcelain, & Stone Tile Adhesive	65				
Cove Base Adhesive	50				
Dry Wall and Panel Adhesive	50				
Multi-Purpose Construction Adhesives	70				
Roofing					
<u>Hot Applied Modified Bitumen/Built Up Roof Adhesive</u>	<u>250</u>	<u>30</u>			
<u>EPDM/TPO Single Ply Roof Membrane Adhesive</u>	<u>250</u>				

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Category	VOC Limits (g/L unless otherwise indicated) ¹			Future Effective Date ^{1/1/2019}	1/1/2023
	Current Limit	Limit Effective 1/1/2023	Limit at Future Effective Date Upon Adoption		
Single Ply Roof Membrane Adhesive (Except EPDM/TPO)	250				200 ²
Shingle Laminating Adhesive	<u>250</u>	<u>30</u>			
All Other Roof Adhesives	250				200 ²
Rubber Floor Adhesive	60				
Structural Glazing Adhesive	100				
Structural Wood Member Adhesive	140				
Subfloor Adhesive	50				
VCT and Asphalt Tile Adhesive	50				
Wood Flooring Adhesive	100	<u>20</u>			20
All Other Indoor Floor Covering Adhesives	50				
All Other Outdoor Floor Covering Adhesives	150 <u>50</u>			50	
Computer Diskette Manufacturing Adhesive	350				
Contact Adhesive	80				
Edge Glue Adhesive	250				
Plastic Welding Cement					
ABS Welding Cement	325				
ABS to PVC Transition Cement	510	<u>425</u>			425 ²
CPVC Welding Cement	490	<u>400</u>			400 ²
CPVC For Life-Safety Systems	<u>490</u>				
Higher Viscosity CPVC	<u>490</u>		<u>400</u>	7/1/2024	
PVC Welding Cement	510	<u>425</u>			425 ²
All Other Plastic Welding Cements	250 <u>100</u>			100	
Rubber Vulcanization Adhesive	250 <u>850</u>		850 <u>250</u>	<u>1/1/2028</u>	<u>250</u>
Special Purpose Contact Adhesive	250				
Thin Metal Laminating Adhesive	780				
Tire Tread Adhesive	100				
Top and Trim Adhesive	250 <u>540</u>		540 <u>250</u>	<u>1/1/2028</u>	<u>250</u> ²
Waterproof Resorcinol Glue	250 <u>170</u>			170	
All Other Adhesives	250				
Substrate Specific Adhesives					

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Category	VOC Limits (g/L unless otherwise indicated) ¹			Future Effective Date ^{1/1/2019}	1/1/2023
	Current Limit	Limit Effective 1/1/2023	Limit at Future Effective Date Upon Adoption		
Metal	30				
Plastic Foams	50				
Porous Material (except wood)	50				
Wood	30				
Fiberglass	80				
Reinforced Plastic Composite	250 200			200	
Sealants					
Architectural Applications					
Clear, Paintable, and Immediately Water-Resistant Sealant	250 380		380 250	1/1/2026	250
Foam Insulation	250	5% ²			50 ³
Foam Sealant	250				50 ³
One-Component Foam Sealant	250		18% ²	7/1/2023	
High-Pressure Two-Component Foam Sealant	250	5% ²			
Low-Pressure Two-Component Foam Sealant	250	5% ²			
Grout	250 65		65		
Roadway Sealant	250				
Non-Staining Plumbing Putty	250 150	50	150		50
Potable Water Sealant	250 100		100		
Roofing					
Single Ply Roof Membrane Sealant (Except Cut Edge)	450	250			250 ²
Cut Edge Single Ply Roof Membrane Sealant	450	250			
All Other Roof Sealants	300				250 ²
All Other Architectural Sealants	250 50			50	
Marine Deck Sealant	760				
All Other Sealants	420	250			250
Adhesive Primers					
Plastic	550				
Pressure Sensitive	250 785		785		
Traffic Marking Tape	150				

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Category	VOC Limits (g/L unless otherwise indicated) ¹			Future Effective Date 1/1/2019	1/1/2023
	Current Limit	Limit Effective 1/1/2023	Limit at Future Effective Date Upon Adoption		
Vehicle Glass	250	700	700		
<u>Roof Adhesive Primers</u>	250				
All Other Adhesive Primers	250				
Sealant Primers					
Architectural Applications					
Non Porous	250				
Porous	775				
Marine Deck	760				
Modified Bituminous	500				
<u>Roof Sealant Primers</u>	750				
All Other Sealant Primers	750				

1. VOC limits are expressed as grams of VOC per liter of Rregulated Pproduct, less water and less exempt compounds, as defined in paragraph ~~(b)(37)(c)(39)~~ except for Llow-Ssolid Rregulated Pproducts where the VOC limit is expressed in grams per liter of material as defined in paragraph ~~(b)(38)(c)(40)~~.

~~1.2. VOC limits are expressed as percent VOC by weight as defined in paragraph (c)(63). Technology assessment will be conducted in 2022 and the Executive Officer shall report on the results of the technology assessment to the Stationary Source Committee prior to the implementation date.~~

~~2. Technology assessment will be conducted in 2020 and the Executive Officer shall report on the results of the technology assessment to the Stationary Source Committee prior to the implementation date.~~

(2) Regulated Product Categorization

(A) Adhesives not regulated by a specific adhesive category, shall be limited to the VOC limits listed under the Substrate Specific Adhesive category in Table 1, if anywhere on the Rregulated Pproduct container, on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that the Rregulated Pproduct may be used, or is suitable for use, on that substrate. -If the adhesive is used to bond dissimilar substrates together, the higher Substrate Specific Adhesive VOC limit shall apply.

- (B) If anywhere on the Regulated Product container, on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that the Regulated Product may be used, or is suitable for use, as a Regulated Product for which a VOC standard in a specific category is specified in Table 1, then the lowest VOC standard shall apply. -This provision does not apply to Substrate Specific Adhesives or the default categories which include: All Other Roof Adhesives, All Other Indoor Floor Covering Adhesives, All Other Outdoor Floor Covering Adhesives, All Other Plastic Welding Cements, All Other Adhesives, All Other Roof Sealants, All Other Architectural Sealants, All Other Sealants, All Other Adhesive Primers, and All Other Sealant Primers.
- (3) Sell-Through and Use-Through Provision
Any Regulated Product that is manufactured prior to the effective date of the applicable limit specified in Table 1 and that has a VOC content above that limit (but not above the limit in effect on the date of manufacture), may be sold, supplied, or offered for sale for up to three years after the specified effective date and used up to four years after the specified effective date.
- (4) All Regulated Product containers shall be closed when not in use. -Any VOC-laden application tools, such as a brush, pad, rag, cloth, or paper, used in the Regulated Product application, shall be stored and disposed of in closed containers when not in use.
- (5) Solvent cleaning of application equipment, parts, products, tools, machinery, equipment, general work areas, and the storage and disposal of VOC-containing materials, used in cleaning operations shall be conducted pursuant to Rule 1171 - Solvent Cleaning Operations.
- (6) Transfer Efficiency
A person shall not apply VOC-containing Regulated Product unless the Regulated Product is applied with properly operating equipment in accordance with operating procedures specified by either the equipment manufacturer or by use of one of the following methods:
- (A) Electrostatic application; ~~or~~
 - (B) Flow coat; ~~or~~
 - (C) Dip coat; ~~or~~
 - (D) Roll coat; ~~or~~
 - (E) High-Volume, Low-Pressure (HVLP) spray; ~~or~~

- (F) Hand application methods; or
 - (G) Such other application methods as are demonstrated to the Executive Officer to be capable of achieving a transfer efficiency equivalent to or better than the method listed in subparagraph ~~(e)(6)(E)(d)(6)(E)~~ and for which prior written approval of the Executive Officer has been obtained.
- (7) Control Devices
- A person may comply with the provisions of paragraphs ~~(e)(1)(d)(1)~~, or ~~(e)(6)(d)(6)~~, or both, by using approved air pollution control equipment to apply a Regulated Product, provided:
- (A) The control device reduces VOC emissions from an emission collection system by at least 95 percent by weight or the output of the air pollution control device is no more than 50 parts per million ppm VOC by volume calculated as carbon with no dilution; and
 - (B) The owner/ or operator demonstrates that the emission collection system collects at least 90 percent by weight of the VOC emissions generated by the sources of VOC emissions.
- (8) A person may comply with the provisions of paragraph ~~(e)(1)(d)(1)~~ by means of an Alternative Emission Control Plan to apply a Regulated Product pursuant to Rule 108 – Alternative Emission Control Plans.
- (9) The VOC content of Regulated Products that are applied with the use of refillable pressurized spray system are subject to the VOC limits of this rule.
- (10) Except as provided in subdivision ~~(i)(j)~~ and paragraphs ~~(e)(3)(d)(3)~~, ~~(e)(7)(d)(7)~~, and ~~(e)(8)(d)(8)~~, a person shall not store Regulated Products which contain VOC in excess of the limits specified in paragraph ~~(e)(1)(d)(1)~~.
- (11) Containers used for mixing VOC-containing Regulated Products shall be kept closed at all times except when in use or when product is being added or removed.

~~(de)~~ Reporting and Recordkeeping Requirements

~~Records of regulated product usage shall be maintained pursuant to Rule 109.~~

(1) General Quantity and Emission Report (QER)

The manufacturer or private labeler of Regulated Products shall submit to the South Coast AQMD a QER for Regulated Product sales into or within the South Coast AQMD according to the schedule in Table 2. The QER for

a manufacturer or private labeler of Regulated Products shall include the following information:

- (A) Product manufacturer (as listed on the label);
- (B) Product name and code;
- (C) Applicable Rule 1168 category;
- (D) VOC content of Regulated Products as follows:
 - (i) Regulated Products subject to percent VOC by weight limits shall be reported as percent VOC by weight; and
 - (ii) All other Regulated Products shall be reported as:
 - (A) Grams of VOC per liter of Regulated Product (less water and exempt solvents); and
 - (B) Grams of VOC per liter of material
- (E) Whether the product is waterborne or solvent-based;
- (F) Weight percent of tertiary-Butyl Acetate and para-Chlorobenzotrifluoride for any product containing more than 0.01 weight percent of either;
- (G) Total annual volume sold into or within the South Coast AQMD, including products sold through distribution centers located within or outside the South Coast AQMD, reported in gallons for all container sizes; and
- (H) For any Regulated Product with VOC content higher than the applicable limit in Rule 1168, an indication whether the product has been sold under any of the following provision of this rule:
 - (i) Sell-through provision;
 - (ii) Low-Solids product;
 - (iii) Exempted under subdivision (j);
 - (iv) Complying with subparagraph (d)(7) – Control Device ; or
 - (v) Complying with subparagraph (d)(8) – Alternative Emission Control Plans.

(2) Aerosol QER

The manufacturer or private labeler of aerosol adhesives and aerosol adhesive primers shall submit to the South Coast AQMD a QER of aerosol adhesive and aerosol adhesive primer sales into or within the South Coast AQMD according to the schedule in Table 2. The report shall include the following information:

- (A) Product manufacturer (as listed on the label);

- (B) Product name and code;
 - (C) Percent VOC by weight;
 - (D) Weight percent of tertiary-Butyl Acetate and para-Chlorobenzotrifluoride for any product containing more than 0.01 weight percent of either;
 - (E) Total weight sold, including products sold through distribution centers located within or outside the South Coast AQMD; and
 - (F) Container size of product.
- (3) A corporate officer of the manufacturer or private labeler of Regulated Products, who previously reported under (e)(1) and (e)(2), that had no distribution or sales into or within the South Coast AQMD for the specified reporting years in Table 2, must certify that fact in a letter and on company letterhead by the reporting deadline specified in Table 2.
- (A) A manufacturer or private labeler of Regulated Products that has no intention to sell Regulated Products into or within the South Coast AQMD in future years, must indicate that fact to be removed from future outreach efforts.
 - (B) A manufacturer or private labeler of Regulated Products who resumes sales of Regulated Product into or within the South Coast AQMD, must adhere to the reporting requirements specified in (e)(1) and (e)(2).
- (4) Big Box Retailer or Distribution Center QER
- A big box retailer or distribution center shall submit a QER to the Regulated Product manufacturer or private labeler, according to the schedule in Table 2 and maintain records to verify all required data being reported for three years and make them available upon request by the Executive Officer. The QER must be electronically submitted, in a spreadsheet format and certified that all information reported is true and correct. The QER must contain the following information:
- (A) The manufacturer or private labeler's product name and code; and
 - (B) The quantity of each Regulated Product, aerosol adhesive, and aerosol adhesive primer distributed into the South Coast AQMD.
- (5) QER Reporting Timeline
- A manufacturer and private labeler of Rregulated Pproducts; and big box retailers and distribution centers; shall submit to the South Coast AQMD a

QER of Rregulated Pproducts sold into or within the South Coast AQMD according to the reporting timeline identified in Table 2 below:

Table 2: Reporting Timeline

<u>Reporting Deadlines</u>		<u>Reported Years</u>
<u>Manufacturers & Private Labelers</u>	<u>Big Box Retailers & Distribution Centers</u>	
<u>September 1, 2019</u>	<u>May 1, 2019</u>	<u>2017, 2018</u>
<u>September 1, 2022</u>	<u>May 1, 2022</u>	<u>2020, 2021</u>
<u>September 1, 2025</u>	<u>May 1, 2025</u>	<u>2023, 2024</u>
<u>September 1, 2030</u>	<u>May 1, 2030</u>	<u>2028, 2029</u>
<u>September 1, 2035</u>	<u>May 1, 2035</u>	<u>2033, 2034</u>
<u>September 1, 2040</u>	<u>May 1, 2040</u>	<u>2038, 2039</u>

(6) Facilities Using the 55--Gallon Exemption

For each calendar year (January 1 through December 31), an owner or operator of a Facility using or purchasing Regulated Products under the provisions of paragraph (j)(5)(C) shall submit to the South Coast AQMD by September 1 of the following calendar year, an annual report of Regulated Product used under the provisions of paragraph (j)(5)(C) within the South Coast AQMD and maintain records to verify all required data being reported for three years and make them available upon request by the Executive Officer. The report shall include the following information:

- (A) Product manufacturer (as listed on the label);
- (B) Product name and code;
- (C) Grams of VOC per liter of Regulated Product (less water and exempt solvents);
- (D) Grams of VOC per liter of material;
- (E) Unit size of product;
- (F) Total volume purchased, in gallons; and
- (G) The name and address of the company or retailer where the products were purchased.

(7) Manufacturers, private labelers, or suppliers of Regulated Products shall maintain records to verify all required data being reported to the South Coast AQMD pursuant to subparagraphs (e)(1), (e)(2), and (e)(3). The

records shall be maintained for three years and made available upon request by the Executive Officer. Such records shall include, but not be limited to:

(A) Laboratory reports or formulation data used for VOC content calculations; and

(B) Records used to determine annual sales volumes.

(8) An owner or operator of a Facility within the South Coast AQMD conducting operations, which include the use of Regulated Products, shall maintain records pursuant to Rule 109 – Recordkeeping For Volatile Organic Compound Emissions.

(9) Confidentiality of Information

Subject to the provisions of the California Public Records Act (Gov Code §§ 6250-6276.48) information submitted to the Executive Officer may be designated as confidential. The designation must be clearly indicated on the reporting form, identifying exactly which information is deemed confidential. South Coast AQMD guidelines require a detailed and complete basis for such claim in the event of a public records request.

(ef) Test Methods

(1) The VOC content of ~~R~~regulated ~~P~~products shall be determined by the ~~South Coast Air Quality Management District (South Coast AQMD)~~ using the applicable test methods below. –When a test method specifies it is inapplicable to a product category, it shall not be used for that inapplicable category. –The ~~Executive Officer will develop a~~ “South Coast AQMD Test Method Guidance Document” ~~to determine~~ which test method ~~will~~ should be used when two or more applicable test methods can be used to demonstrate compliance with the rule. –The selected test method will be based on product type, chemistry, and VOC content.

(A) VOC content may be determined by ~~USEPA~~ United States Environmental Protection Agency (U.S. EPA) Reference Method 24 (Determination of Volatile Matter Content, Water Content, Density Volume Solids, and Weight Solids of Surface Coating, Code of Federal Regulations Title 40, Appendix A, utilizing Procedure B of ASTM Method D2369).

(B) VOC content may be determined by Method 304 (Determination of Volatile Organic Compounds (VOC) in Various Materials) in the

- South Coast AQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (C) Exempt compound content shall be determined by Method 303 in the South Coast AQMD's "Laboratory Methods of Analysis for Enforcement Samples" or ASTM Method D4457.
 - (D) VOC content may be determined by Method 313 (Determination of Volatile Organic Compounds VOC by Gas Chromatography-Mass Spectrometry) in the South Coast AQMD's "Laboratory Methods of Analysis for Enforcement Samples" manual.
 - (E) VOC content may be determined by ASTM Test Method 6886 (Standard Test Method for Determination of the Weight Percent Individual Volatile Organic Compounds in Waterborne Air-Dry Coatings by Gas Chromatography).
 - (F) The VOC content of PVC, CPVC, ABS, ABS to PVC Transition Welding Cements, and plastic adhesive primers shall be determined by Method 316A in the South Coast AQMD's "Laboratory Methods of Analysis for Enforcement Samples."
 - (G) The VOC content of cyanoacrylate adhesives shall be determined by Method 316B in the South Coast AQMD's "Laboratory Methods of Analysis for Enforcement Samples."
 - (H) The VOC content of reactive adhesives may be determined by Appendix A to Subpart PPPP of 40 CFR Part 63—Determination of Weight Volatile Matter Content and Weight Solids Content of Reactive Adhesives.
- (2) The efficiency of the control device and the VOC content measured and calculated as carbon in the control device exhaust gases shall be determined by ~~USEPA'S~~ U.S. EPA Test Method 18, or CARB Method 422 for the determination of emissions of Exempt Compounds and ~~USEPA's~~ U.S. EPA Test Methods 25, 25A, South Coast AQMD's Method 25.1, or South Coast AQMD Test Method 25.3. (Determination of Total Gaseous Non-Methane Organic Emissions as Carbon) for the determination of total organic compound emissions. ~~—Emissions determined to exceed any limits established by this rule through the use of any of the above referenced test methods shall constitute a violation of the rule.~~
 - (3) Viscosity shall be determined by ASTM D 1084— Standard Test Methods for Viscosity of Adhesives.

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- (4) The following classes of compounds: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine, will be analyzed as exempt compounds for compliance with subdivision ~~(e)~~(d), only at such time as manufacturers specify which individual compounds are used in the Regulated Product formulations and identify the test methods, which, prior to such analysis, have been approved by the U.S. EPA and the South Coast AQMD, that can be used to quantify the amounts of each exempt compound.
- (5) **Equivalent Test Methods**
Other test methods determined to be equivalent after review by the Executive Officer, CARB, and the USEPAU.S. EPA, and approved in writing by the ~~District~~South Coast AQMD Executive Officer, may also be used.
- (6) All test methods referenced in this subdivision shall be the version most recently approved by the appropriate governmental entities.
- (7) Emissions determined to exceed any limits established by this rule through the use of any of the above-referenced test methods shall constitute a violation of the rule.
- (fg) **Administrative Requirements**
- (1) ~~Regulated products manufactured after January 1, 2019, shall display the following:~~
- (A1) Each container shall display the VOC content of the Regulated Product, as recommended for application and as determined by calculation based on product formulation or laboratory analysis using the applicable test method in subdivision (f). The VOC content shall be displayed as grams of VOC per liter of Regulated Product, excluding water and exempt compounds, ~~or~~ for all but the following Regulated Products:
- (A) Low-Solids materials shall display the VOC as grams of VOC per liter of material for low solids products;
- (B) Effective January 1, 2026, Foam Insulation, One-Component Foam Sealants, High-Pressure Two-Component Foam Sealants, and Low-Pressure Two-Component Foam Sealant shall display the VOC as

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~~percent VOC by weight; and The VOC content shall be determined by calculation based on product formulation or laboratory analysis using the applicable test method in subdivision (e).~~

- (iC) Regulated Pproducts subject to both the provisions of this rule and the Consumer Products Regulation may display the VOC content as percent VOC by weight provided the Rregulated Pproduct has supplemental product documentation published from the manufacturer that displays the VOC content in grams of VOC per liter of Rregulated Pproduct.
- (B2) Each container or an associated product data sheet shall display a statement of the manufacturer's recommendations regarding thinning, reducing, or mixing with any other VOC containing material, if applicable. ~~Mixing~~ recommendations shall specify a ratio which results in a compliant, as applied, product.
- (C3) Each container shall display the date of manufacture of the contents or a date code indicating the date of manufacture. ~~A~~ manufacturer utilizing a date code shall file an explanation of each date code with the ~~District~~ South Coast AQMD Executive Officer.
- (D4) Each container of all Top and Trim Adhesives shall include the statement "For Top and Trim Uses Only" prominently displayed.
- (E5) Each container of all Rubber Vulcanization Adhesives shall include the statement "For Rubber Vulcanization Adhesive Uses Only" prominently displayed.
- (F6) Each container of all Pressure Sensitive Adhesive Primers shall include the statement "For Pressure Sensitive Adhesive Primer Uses Only" prominently displayed.
- (G7) Each container of all ABS to PVC Transition Cements shall include the statement "For ABS to PVC Transition Uses Only" prominently displayed.
- (8) Effective July 1, 2023, each container of CPVC For Life Safety Systems shall include the statement "For CPVC Life Safety System Uses Only" prominently displayed.
- (9) Effective July 1, 2023, each container of Higher Viscosity CPVC Welding Cement shall include a statement prominently displayed on the label to indicate if the product is formulated for "Medium" or "Heavy" or "Extra Heavy" applications.
- (2) ~~Reporting Requirements~~

(A) ~~Reporting Timeline~~

~~A Quantity and Emission Report (QER) shall be submitted according to the reporting timeline identified in Table 2 below:~~

- ~~(i) Every three years, from the years 2019 to 2025.~~
- ~~(ii) Every five years, thereafter, until and including 2040.~~

Table 2: Reporting Timeline

Reporting Deadlines		Reported Years
Manufacturers & Private Labelers	Big Box Retailers & Distribution Centers	
September 1, 2019	May 1, 2019	2017, 2018
September 1, 2022	May 1, 2022	2020, 2021
September 1, 2025	May 1, 2025	2023, 2024
September 1, 2030	May 1, 2030	2028, 2029
September 1, 2035	May 1, 2035	2033, 2034
September 1, 2040	May 1, 2040	2038, 2039

(B) ~~General QER~~

~~A manufacturer or private labeler of regulated products shall submit to the District a QER of regulated product sales into or within the District according to the schedule in Table 2. The report shall include the following information:~~

- ~~(i) Product manufacturer (as listed on the label);~~
- ~~(ii) Product name and code;~~
- ~~(iii) Applicable Rule 1168 category;~~
- ~~(iv) The grams of VOC per liter of regulated product (less water and exempt solvents);~~
- ~~(v) The grams of VOC per liter of material;~~
- ~~(vi) Whether the product is waterborne or solvent based;~~
- ~~(vii) Total annual volume sold into or within the District, including products sold through distribution centers located within or outside the District, reported in gallons for all container sizes;~~
- ~~(viii) For any regulated product with VOC content higher than the applicable limit in Rule 1168, an indication whether the product has been sold under any of the following provision of this rule:

 - ~~(A) Sell through provision;~~
 - ~~(B) Low Solids product;~~~~

- ~~(C) — Exempted under subdivision (i);~~
- ~~(D) — Complying with subparagraph (c)(7) — Control Device ; or~~
- ~~(E) — Complying with subparagraph (c)(8) — Alternative Emission Control.~~

~~(C) — Aerosol QER~~

~~The manufacturer or private labeler of aerosol adhesives and aerosol adhesive primers shall submit to the District a QER of aerosol adhesive and aerosol adhesive primer sales into or within the District according to the schedule in Table 2. The report shall include the following information:~~

- ~~(i) — Product manufacturer (as listed on the label);~~
- ~~(ii) — Product name and code;~~
- ~~(iii) — Percent VOC by weight;~~
- ~~(iv) — Total weight sold, including products sold through distribution centers located within or outside the District; and~~
- ~~(v) — Container size of product.~~

~~(D) — A corporate officer of the manufacturer or private labeler of regulated products, who previously reported under (f)(2)(B) and (f)(2)(C), that had no distribution or sales into or within the District for the specified reporting years in Table 2, must certify that fact in a letter and on company letterhead by the reporting deadline specified in Table 2.~~

- ~~(i) — A manufacturer or private labeler of regulated products that has no intention to sell regulated products into or within the District in future years, must indicate that fact to be removed from future outreach efforts.~~
- ~~(ii) — A manufacturer or private labeler of regulated products who resumes sales of regulated product into or within the District, must adhere to the reporting requirements specified in (f)(2)(B) and (f)(2)(C).~~

~~(E) — Big Box Retailer or Distribution Center QER~~

~~A big box retailer or distribution center shall submit a QER to the regulated product manufacturer or private labeler, according to the schedule in Table 2. The QER must be electronically submitted, in a spreadsheet format and certified that all information reported is true and correct. The QER must contain the following information:~~

- ~~(i) — The manufacturer or private labeler's product name and code; and~~

Proposed Amended Rule 1168 (Cont.) (Amended October 6, 2017[Date of Adoption])

~~(ii) — The quantity of each regulated product, aerosol adhesive, and aerosol adhesive primer distributed into the District.~~

~~(F) — Facilities Using the 55 Gallon Exemption~~

~~For each calendar year (January 1 through December 31) beginning in 2017, the facility using or purchasing regulated products under the provisions of paragraph (i)(5)(C) shall submit to the District by September 1 of the following calendar year, an annual report of regulated product used under the provisions of paragraph (i)(5)(C) within the District. The report shall include the following information:~~

~~(i) — Product manufacturer (as listed on the label);~~

~~(ii) — Product name and code;~~

~~(iii) — The grams of VOC per liter of regulated product (less water and exempt solvents);~~

~~(iv) — The grams of VOC per liter of material;~~

~~(v) — Unit size of product;~~

~~(vi) — Total volume purchased, in gallons;~~

~~(vii) — The name and address of the company or retailer where the products were purchased.~~

~~(3) — Manufacturers, private labelers, or suppliers of regulated products shall maintain records to verify data used to determine VOC content in preparing their QER required to be reported to the South Coast AQMD pursuant to subdivision (e). The records shall be maintained for three (3) years and made available upon request by the Executive Officer. Such records shall include, but not be limited to:~~

~~(A) — Laboratory reports; or~~

~~(B) — Formulation data used for VOC content calculations.~~

~~(4) — Confidentiality of Information~~

~~Subject to the provisions of the California Public Records Act (Gov Code §§ 6250-6276.48) information submitted to the Executive Officer may be designated as confidential. The designation must be clearly indicated on the reporting form, identifying exactly which information is deemed confidential. District guidelines require a detailed and complete basis for such claim in the event of a public records request.~~

~~(gh) Prohibition of Sales and Use~~

~~(1) Except as provided in subdivision (i)(j), no person shall use, supply, sell, or offer for sale a Regulated Product in the District South Coast AQMD that~~

Proposed Amended Rule 1168 (Cont.) (Amended October 6, 2017[Date of Adoption])

contains more than 0.01 percent by weight of the following chemicals: chloroform, ethylene dichloride, methylene chloride, perchloroethylene, and trichloroethylene, or Group II exempt compounds. This provision does not apply to cyclic, branched, or linear, completely methylated siloxanes.

~~(2) On and after January 1, 2019, except as provided in subdivision (i), no person shall use, supply, sell, or offer for sale a regulated product in the District that contains Group II exempt compounds listed in Rule 102 in quantities greater than 0.1 percent by weight. This provision does not apply to cyclic, branched, or linear, completely methylated siloxanes.~~

(2) Prohibition of tertiary-Butyl Acetate (t-BAc) and para-Chlorobenzotrifluoride (pCBtF)

On and after the prohibition effective dates specified in Table 3, no person shall manufacture a Regulated Product for sale into or within the South Coast AQMD or supply, sell, offer for sale or use a Regulated Product in the South Coast AQMD that contains more than 0.01 percent by weight of either pCBtF or t-BAc.

Table 3: pCBtF and t-BAc Prohibition Timeline

<u>Category</u>	<u>Prohibition Effective Date</u>	<u>Sell-through End Date</u>	<u>Use-through End Date</u>
<u>pCBtF Prohibition Effective Dates</u>			
<u>Cut Edge Single Ply Roof Membrane Sealant</u>	<u>January 1, 2027</u>	<u>January 1, 2028</u>	<u>January 1, 2028</u>
<u>EPDM/TPO Single Ply Roof Membrane Adhesive</u>			
<u>Roof Adhesive Primer</u>			
<u>Single Ply Roof Membrane Adhesive (Except EPDM/TPO)</u>	<u>January 1, 2025</u>	<u>January 1, 2028</u>	<u>January 1, 2028</u>
<u>Single Ply Roof Membrane Sealant (Except Cut Edge)</u>			
<u>All Other Roof Sealant</u>			
<u>Roof Sealant Primer</u>			
<u>Clear, Paintable, and Immediately Water-Resistant Sealant</u>	<u>January 1, 2026</u>	<u>January 1, 2028</u>	<u>January 1, 2028</u>
<u>All Regulated Products not listed above</u>	<u>January 1, 2024</u>	<u>January 1, 2027</u>	<u>January 1, 2028</u>
<u>t-BAc Prohibition Effective Dates</u>			
<u>All Regulated Products</u>	<u>January 1, 2024</u>	<u>January 1, 2027</u>	<u>January 1, 2028</u>

(hi) Rule 442 Applicability

Any Regulated Product which is exempt from all or a portion of this rule shall comply with the provisions of Rule 442 – Usage of Solvents.

(ij) Exemptions

(1) The provisions of this rule shall not apply to:

- (A) Adhesives, adhesive primers, sealants, or sealant primers, and associated application processes that are subject to Rule 1124 – Aerospace Assembly and Component Manufacturing Operations;
- (B) Adhesive tape;

Proposed Amended Rule 1168 (Cont.) (Amended ~~October 6, 2017~~ [Date of Adoption])

- (C) Regulated ~~P~~products shipped, supplied, or sold to persons for use outside the ~~District~~ South Coast AQMD; or
 - (D) Distribution centers that do not ship ~~R~~regulated ~~P~~products into or within the ~~District~~ South Coast AQMD.
- (2) The provisions of this rule, except paragraphs ~~(f)(2)(C)(e)(2)~~, shall not apply to aerosol adhesives and primers dispensed from non-refillable aerosol spray systems.
- (3) The provisions of this rule, except paragraphs ~~(g)(1)(h)(1)~~ and ~~(g)(2)(h)(2)~~, shall not apply to:
- (A) Regulated ~~P~~products sold in quantities of one fluid ounce or less;
 - (B) Adhesives used to glue flowers to parade floats;
 - (C) Adhesives used to fabricate orthotics and prosthetics under a medical doctor's prescription; or
 - (D) Shoe repair, luggage, and handbag adhesives.
- (4) -The provisions of subdivision ~~(e)(d)~~ shall not apply to:
- (A) Research and development programs and quality assurance labs. Records shall be maintained in accordance with the provisions of subdivision ~~(d)(e)~~ of this rule; or
 - (B) Solvent welding operations used in the manufacturing of medical devices.
- (5) The provisions of paragraph ~~(e)(1)(d)(1)~~ shall not apply to the following:
- (A) Adhesives used in tire repair;
 - (B) Adhesives and/or adhesive application processes in compliance with Rules 1104 – Wood Flat Stock Coating Operations, 1106 – Marine and Pleasure Craft Coating, 1128 – Paper, Fabric, and Film Coating Operations, 1130 – Graphic Arts, and 1130.1 – Screen Printing Operations;
 - (C) A ~~F~~facility that demonstrates that the total volume of noncompliant products is less than 55 gallons per facility per calendar year. -A ~~F~~facility may not use this paragraph to exclude noncompliant adhesives used in architectural applications; contact adhesives; special purpose contact adhesives; ~~and~~ adhesives used on porous substrates; ~~Effective January 1, 2019, a facility may not use this paragraph to exclude noncompliant~~ rubber vulcanization adhesives and top and trim adhesives; or

Proposed Amended Rule 1168 (Cont.) (Amended October 6, 2017[Date of Adoption])

- (D) Regulated Products used in the field installation and repair of potable water linings and covers at water treatment, storage, or water distribution facilities.
- (6) The provisions of paragraph ~~(e)(6)~~(d)(6) shall not apply to Regulated Products with a viscosity of 200 centipoise or greater.
- (7) The provisions of subdivision ~~(f)~~(g) shall not apply to thermoplastic hot melt adhesives or to Regulated Products offered for sale as a dry mix, containing no polymer, which are ready for use or only mixed with water prior to use, and include, but are not limited to, grouts, cements, and mortars.
- (8) The recordkeeping provisions ~~of subdivisions (e) and (d) in paragraph (e)(8)~~, shall not apply to an owner or operator of a Facility within the South Coast AQMD provided regulated products with a the VOC content of the Regulated Products are lower than the following no more than:
- (A) Regulated Products subject to percent VOC by weight limits, 2 percent VOC by weight or half the applicable VOC limit, whichever is lower;
- (B) Low-Solids Regulated Products, 20 grams per liter material or half the applicable VOC limit, whichever is lower; and
- (C) All other Regulated Products, 20 grams per liter, or half the applicable VOC limit, less water and less exempt compounds, whichever is lower, or no more than 20 grams per liter material for low-solids Regulated Products.
- ~~(9) — Until January 1, 2021, the provision of paragraph (g)(1) and (g)(2) shall not apply to solvent welding formulations containing methylene chloride used to bond hard acrylic, polycarbonate, and polyethylene terephthalate glycol plastic fabrications, provided:~~
- ~~(A) — The concentration of methylene chloride in any solvent welding formulation does not exceed 60 percent by weight; and~~
- ~~(B) — The purchase of all solvent welding products does not exceed 20 gallons per calendar year at a single facility, as demonstrated by purchase records and invoices of methylene chloride containing solvent welding formulations. Such records shall be made available to the Executive Officer upon request.~~
- (109) The provisions of this rule shall not apply to Regulated Products, which weigh one pound or less, or consist of 16 fluid ounces or less and have VOC

Proposed Amended Rule 1168 (Cont.) (Amended ~~October 6, 2017~~ [Date of Adoption])

content limits in Section 94509(a) of the Consumer Products Regulation, unless they are:

- (A) Incorporated into or used exclusively in the manufacture or construction of the goods or commodities, and not exempted in paragraph ~~(i)(2)(j)(2)~~; or
- (B) Used in pollution-generating activities that take place at stationary sources, excluding maintenance and repair, and not exempted in paragraph ~~(i)(2)(j)(2)~~.

~~(1110)~~ As of January 1, 2018, ~~the provisions of subdivision paragraph (e)(1)(d)(1) and subdivision (g)(h) shall not apply to any manufacturer or supplier of Rregulated Pproducts provided the product was sold to an independent distributor that was informed in writing, including electronic formats, by the manufacturer or supplier, that the Rregulated Pproduct is not to be used in the South Coast Air Quality Management District AQMD. Manufacturers utilizing this provision shall maintain notification letters for three (3)-years, which shall be made available to the Executive Officer or designee upon request.~~

ATTACHMENT H

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Staff Report for

PROPOSED AMENDED RULE 1168 – ADHESIVE AND SEALANT APPLICATIONS

Dated: October 2022

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EXECUTIVE SUMMARY

Rule 1168 was adopted in April 1989 to control volatile organic compound (VOC) emissions from adhesive and sealant applications. The rule has been amended 14 times; the last rule amendment was in October 2017. Rule 1168 includes 59 categories of adhesives, adhesive primers, sealants, and sealant primers with VOC limits and applies to products used during manufacturing at stationary sources as well as products used by consumers that are not regulated by the California Air Resources Board (CARB) in the Consumer Products Regulation (CPR)¹.

The proposed amendments to Rule 1168 began as a result of the technology assessment that was included in the 2017 amendment for nine adhesive and sealant categories with lower VOC limits that will go into effect on January 1, 2023. The technology assessment serves as a check-in to determine if the technology progressed and the future effective limits will be achieved.

An additional driver for this rule amendment is the proposed change in status of two exempt compounds: tertiary-Butyl Acetate (t-BAc), which is exempt from the definition of a VOC for certain categories of products in a few source specific rules not including Rule 1168, and paraChlorobenzotrifluoride (pCBtF), which is considered exempt from the definition of a VOC for all uses within the South Coast Air Quality Management District (South Coast AQMD), including Rule 1168 products. The proposed change to the exempt status was based on the Stationary Source Committee directive to prioritize lowering toxicity over lowering VOC emissions when considering exempting compounds from the definition of a VOC when staff presented the “t-BAc Assessment White Paper” in April 2017.

The technical assessment identified some categories that either needed more time or were not technically feasible to meet the proposed VOC limits by the 2023 effective date. Staff initiated the rule amendment. Due to the t-BAc and pCBtF toxicity concerns and the Stationary Source Committee’s direction, staff performed an analysis to reassess the toxicity of t-BAc and pCBtF, including a risk assessment for off-site receptors in roofing applications and a comparison of the toxic endpoints of t-BAc and pCBtF with other compounds that are currently prohibited from use in Rule 1168 products. After careful consideration, staff is proposing to prohibit the use of t-BAc and pCBtF in Rule 1168 products and to adjust VOC limits and allow time for reformulation where needed. Staff also proposes to include a conditional, limited VOC exemption for Opteon 1100 based on an assessment by the Office of Environmental Health Hazard Assessment (OEHHA). The exemption is limited to two-component foam sealants applied in an industrial or professional setting and would not be effective unless the specified conditions are met for the assessment. This rule amendment will result in foregone emission reductions; however, it will result in lowering the potential for toxic chemicals to be used in the regulated products.

The estimated rule inventory is approximately 6.2 tons per day (tpd) of VOC. The projected foregone emission reductions from the proposed amendments are 0.28 tpd of VOC emissions. While this is a significant loss in VOC emission reductions, the 2017 amendment was adopted in part to implement Control Measure CTS-01 - Further Emission Reductions from Coatings, Solvents, Adhesives, and Sealants from the 2016 Air Quality Management Plan (AQMP), which targeted 1 (one) tpd of VOC emission reductions by 2023. The 2017 Rule 1168 amendment

¹ The California Consumer Products Regulations; https://ww2.arb.ca.gov/sites/default/files/2020-08/v3_ADA_Regs-all_8-31-2020.pdf

estimated VOC reductions of 1.38 tpd, so even with the 0.28 tpd foregone emission reductions, the rule amendment exceeded the commitment in the 2016 AQMP.

CHAPTER 1 BACKGROUND

INTRODUCTION

REGULATORY HISTORY

AFFECTED INDUSTRIES

PUBLIC PROCESS

KEY CONCERNS

INTRODUCTION

Rule 1168 was adopted in April 1989 to control VOC emissions from adhesive applications. The rule has been amended 14 times; the last amendment was in October 2017. The rule applies to products that were used during manufacturing at stationary sources and to products used by consumers that were not regulated by the CARB CPR. Currently there are VOC limits established for 59 categories of adhesives, adhesive primers, sealants, and sealant primers.

Rule 1168 requires a technology assessment to be performed in 2020 and 2022 for nine categories subject to Rule 1168 including Foam Sealants, Plastic Welding Cements, Roofing Products, and Top and Trim categories. In April 2017, the Stationary Source Committee recommended a precautionary approach when considering an exemption for any compound with a toxic endpoint and removing the exempt status for any compound that has an established toxic endpoint. Therefore, the current rule development has two primary goals: 1) assessing the feasibility of proposed emission reductions through technology assessments and stakeholder engagement; and 2) evaluating the toxicity of exempt solvents with a focus on t-BAC and pCBtF.

REGULATORY HISTORY

The current rule amendment process began in 2022. Since then, staff has conducted four working group meetings, surveyed the use of exempt solvents in the regulated products and conducted individual meetings with stakeholders and their representatives. As part of the 2017 rule amendment, the South Coast AQMD required manufacturers and private labelers of regulated products to submit Quantity and Emission Reports (QERs) to the South Coast AQMD according to a reporting schedule: every three years until 2025, then every five years, with a sunset date in 2040. The manufacturer and private labelers submitted the first QERs for the 2017 and 2018 period on September 1, 2019. Since all manufacturers that sell products in the South Coast AQMD are required to report their products in QERs, they provide comprehensive data, and during this rule amendment, staff relied on the information provided in QERs to perform technology assessments. Prior to the QER requirements and during the 2017 rule amendment, staff were relying on a voluntary survey of product sales in the South Coast AQMD which was sent out during the 2013/2014 rule amendment. During the 2017 amendment staff applied a growth factor to estimate increased usage (population growth was used as a surrogate for increased usage) from 2013/2014 to 2017, and based on that, staff estimated that the inventory for adhesives and sealants is 10.5 tpd. However, based on QER information that was provided by manufacturers and private labelers in September 2019, staff estimates that the current baseline emissions for Rule 1168 is 6.2 tpd.

During the previous amendment, which was initiated in 2013, staff considered exempting both t-BAC and dimethyl carbonate (DMC) from the definition of a VOC. This proposal would have achieved substantial VOC emission reductions. However, the rule amendment was put on hold in 2014 due to toxicity concerns of t-BAC and DMC, and uncertainty of the on-site exposure modeling methodologies. Staff held a Toxics Symposium in October 2014 and developed the draft “t-BAC Assessment White Paper,” which was released in April 2017. As a result of that work, the Stationary Source Committee recommended a precautionary approach such that compounds with a known or suspected toxic endpoint will not be exempted from the definition of the VOC. In addition, the Stationary Source Committee further directed staff to request the Office of Environmental Health Hazard Assessment (OEHHA) to perform an assessment of pCBtF, a compound that is exempted for all uses in Rule 102 – Definition of Terms as a Group I Exempt

Solvent. In May 2017, staff resumed the proposed amendment to Rule 1168, without the proposed exemptions for t-BAc and DMC. In 2020, OEHHA finalized the assessment of pCBtF, and determined it to be a stronger carcinogen than t-BAc.

CARB Consumer Products Regulation and South Coast AQMD Rule 1168

There is sometimes confusion regarding which products and uses are regulated by the CARB CPR and which products and uses are regulated by South Coast AQMD Rule 1168. During the 2017 amendment, staff developed the infographic below to provide clarification.

Rule 1168 exclusively applies to:

- Any adhesive or sealant incorporated into or used to manufacture or construct goods or commodities, regardless of size; and
- All applicable products sold in containers greater than 16 fluid ounces.

The CARB CPR exclusively applies to:

- Aerosol adhesives.

Products sold in container sizes less than or equal to 16 fluid ounces:

- If there is a category and VOC limit for the product in the CARB CPR that existed before a Rule 1168 VOC limit, they are regulated by the CARB CPR;
- If no category or VOC existed before a Rule 1168 VOC limit went into effect, they are regulated by Rule 1168. Figure 1-1 below demonstrates the applicability of the CARB CPR and South Coast AQMD Rule 1168:

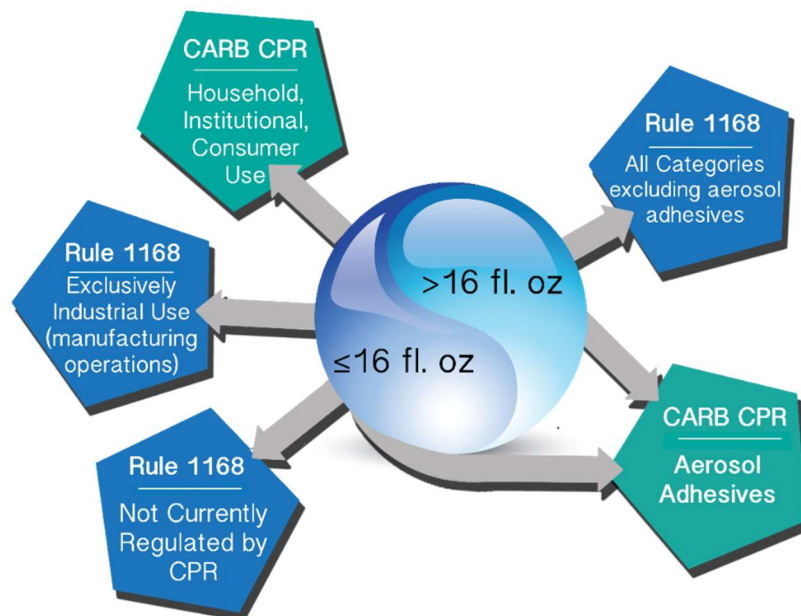


Figure 1-1: Comparison of South Coast AQMD Rule 1168 Applicability to CARB CPR

AFFECTED INDUSTRIES

Adhesive and sealant use subject to the rule spans a wide range of industries that have miscellaneous uses during manufacturing. The industry sectors that make extensive use of products subject to this rule include²:

- Adhesive Manufacturing (NAICS 325520)
- Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing (NAICS 333415)
- All Other Rubber Product Manufacturing (NAICS 326299)
- Asphalt Shingle and Coating Materials Manufacturing (NAICS 324122 and 325520)
- Commercial and Institutional Building Construction (NAICS 236220)
- Custom Architectural Woodwork and Millwork Manufacturing (NAICS 337212)
- Drywall and Insulation Contractors (NAICS 238310)
- Flooring Contractors (NAICS 238330)
- Footwear Manufacturing (NAICS 316210)
- Glass and Glazing Contractors (NAICS 238150)
- Hardwood Veneer and Plywood Manufacturing (NAICS 321211)
- Household Furniture (except Wood and Metal) Manufacturing (NAICS 337125)
- Industrial Building Construction (NAICS 236210)
- Manufactured Home (Mobile Home) Manufacturing (NAICS 321991)
- Motor Vehicle Seating and Interior Trim Manufacturing (NAICS 336360)
- New Multifamily Housing Construction (except For-Sale Builders) (NAICS 236116)
- New Single-Family Housing Construction (except For-Sale Builders) (NAICS 236115)
- Office Furniture (except Wood) Manufacturing (NAICS 337214)
- Oil and Gas Pipeline and Related Structures Construction (NAICS 237120)
- Other Millwork (including Flooring) (NAICS 321918)
- Plumbing, Heating, and Air-Conditioning Contractors (NAICS 238220)
- Polystyrene Foam Product Manufacturing (NAICS 326140)
- Residential Remodelers (NAICS 236118)
- Roofing Contractors (NAICS 238160)
- Rubber Product Manufacturing for Mechanical Use (NAICS 326291)

² NAICS Association from <http://www.naics.com/index.html>

- Showcase, Partition, Shelving, and Locker Manufacturing (NAICS 337215)
- Siding Contractors (NAICS 238170)
- Surgical Appliance and Supplies Manufacturing (NAICS 339113)
- Tile and Terrazzo Contractors (NAICS 238340)
- Tire Retreading (NAICS 326212)
- Urethane and Other Foam Product (except Polystyrene) Manufacturing (NAICS 326150)
- Water and Sewer Line and Related Structures Construction (NAICS 237110)
- Wood Container and Pallet Manufacturing (NAICS 321920)
- Wood Kitchen Cabinet and Countertop Manufacturing (NAICS 337110)
- Wood Window and Door Manufacturing (NAICS 321911)
- Paint and Wallpaper Stores (NAICS 444120)

PUBLIC PROCESS

PAR 1168 was developed through a public process that included a series of Working Group Meetings as shown in Table 1-1 below, which also summarizes the key topics discussed at each of the Working Group Meetings. Working Group Meetings ranged from one to three hours and included detailed presentations, which are posted on the South Coast AQMD's website³.

Table 1-1: Summary of Working Group Meetings and Public Workshop

Meeting title	Date	Highlights
Working Group Meeting #1	February 11, 2022	<ul style="list-style-type: none"> • Rule Background • Preliminary Technology Assessment • Concluded a rule amendment is required
Working Group Meeting #2	April 12, 2022	<ul style="list-style-type: none"> • Continued technology assessments • Presented survey results for exempt solvent • Risk assessment for use of t-BAC and pCBtF in roofing projects
Working Group Meeting #3	July 21, 2022	<ul style="list-style-type: none"> • Presented the preliminary conclusions on technology assessment • Proposed to prohibit use of t-BAC and pCBtF due to toxicity concerns

³ <http://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-1168>

Meeting title	Date	Highlights
		<ul style="list-style-type: none"> Proposed not to exempt Opteon 1100 as a VOC due to unknown toxicity
Working Group Meeting #4	August 11, 2022	<ul style="list-style-type: none"> Revised the proposed VOC limits for roofing categories after pCBtF prohibition Weight percent metric for Foam Sealants Proposed amended rule language
Public Workshop	September 1, 2022	<ul style="list-style-type: none"> Proposed amended rule including updated VOC limits and effective dates Discussed Rubber Vulcanization Adhesive industry request Proposed considering limited exemption for Opteon 1100 contingent on OEHHA assessment
Public Consultation	September 27, 2022	<ul style="list-style-type: none"> Revisions to certain VOC limits and effective dates Delayed pCBtF prohibition for certain categories Conditional exemption for Opteon 1100 Weight-based VOC limits to all categories for products sold packaged and applied using a propellant (based on industry feedback, reverted back to previously proposed weight percent metric only for Foam Sealants and Insulation) Reporting requirements for t-BAc and pCBtF used in Regulated Products

Staff also met with industry stakeholders and their representatives throughout the rule development process. Table 1-2 below summarizes stakeholder meeting during the rulemaking:

Table 1-22: Meetings with Stakeholders

Date	Stakeholder
November 12, 2021	Plastic Pipe and Fittings Association (PPFA)
November 18, 2021	Oatey
December 2, 2021	The Adhesive and Sealant Council (ASC)
December 7, 2021	Lubrizol
January 28, 2022	Weldon
February 4, 2022	Weldon
February 22, 2022	Soprema
February 25, 2022	Roof Coatings Manufacturers Association (RCMA)
March 3, 2022	Owens Corning
March 8, 2022	Asphalt Roofing Manufacturers Association (ARMA)
March 23, 2022	Sashco
March 24, 2022	DAP
April 6, 2022	Adhesive and Sealant Council (ASC)
May 6, 2022	ICP
May 11, 2022	Asphalt Roofing Manufacturers Association (ARMA)
May 19, 2022	Representatives of pipe cement manufacturers
May 20, 2022	Weldon
June 28, 2022	Oatey
July 7, 2022	Weldon
July 19, 2022	Single Ply Roofing Industry (SPRI)
July 27, 2022	Roof Coatings Manufacturers Association (RCMA)
July 29, 2022	Foam Industry Stakeholders
August 17, 2022	ITW
August 18, 2022	Foam Industry Manufacturers
August 19, 2022	ICP
August 23, 2022	SPRI
August 25, 2022	R.D. Abbot

Date	Stakeholder
September 8, 2022	Sashco
September 15, 2022	GAF
September 20, 2022	SPRI

CHAPTER 2 : TECHNOLOGY ASSESSMENT

DISCUSSION ON EXEMPT COMPOUNDS

BACKGROUND ON TECHNOLOGY ASSESSMENT

TECHNOLOGY ASSESSMENTS FOR NINE CATEGORIES OF ADHESIVES
AND SEALANTS

DISCUSSION ON EXEMPT COMPOUNDS

Background on t-BAc and pCBtF

In 1994, the U.S. EPA exempted pCBtF from the definition of a VOC, and in 2004, South Coast AQMD added pCBtF as an exempt VOC compound in Rule 102. A Rule 102 VOC exemption means pCBtF is not considered a VOC for any application in the South Coast AQMD.

In 2004, the U.S. EPA exempted t-BAc from the definition of a VOC, but due to toxicity concerns, the South Coast AQMD did not allow for an unlimited Rule 102 exemption but did allow for several limited exemptions in source specific rules, e.g., Rules 1113 and 1151. In 2013, the Rule 1113 amendment included a resolution that directed staff to review the exemption for t-BAc due to renewed toxicity concerns. OEHHA finalized their t-BAc assessment in 2017, concluding that it had a higher cancer potency than previously estimated. In 2018, staff presented the preliminary t-BAc assessment and expressed concerns regarding pCBtF because OEHHA had not assessed its toxicity. Based on staff recommendations, the Stationary Source Committee directed staff to: remove existing t-BAc exemption in Rules 1113 and 1151 when rules are amended and request OEHHA to review the potential toxicity of pCBtF and remove the exemption, as resources allow, if pCBtF is deemed a potential carcinogen. In 2020, the pCBtF Hot Spots cancer inhalation unit risk factor document was adopted by OEHHA, which indicated pCBtF is a potential carcinogen.

pCBtF Survey

Staff conducted a survey in February 2022 for adhesive and sealant manufacturers who reported sales into or within the South Coast AQMD. The intent of the survey was to assist the understanding of the extent to which exempt solvents are used to formulate compliant products. The two exempt compounds of interest for this survey were pCBtF, also known as Oxsol 100, and t-BAc. The main focus of this survey was pCBtF, which is considered a VOC exempt solvent for adhesives and sealants. The table below shows the survey questions.

Table 2-1: pCBtF February 2022 Survey Questions

Requested Information	
1.	Company name, contact person, and an email address
2.	Do you sell adhesives or sealants into or within the South Coast AQMD?
3.	Do any of the adhesives or sealants sold into or within the South Coast AQMD contain para-chlorobenzotrifluoride (pCBtF), also known as Oxsol 100?
4.	Information regarding general adhesives or sealants categories include pCBtF
5.	Describing the product if the category is any other adhesive or sealant in above question, or if the product category was not listed in the survey

Requested Information	
6.	The approximate weight percent of pCBtF in formulations
7.	Alternative products that do not contain pCBtF that could replace the pCBtF adhesives or sealants
8.	If the alternate products comply with the Rule 1168 VOC limits
9.	Do any of the adhesives or sealants sold into or within the South Coast AQMD contain tertiary-Butyl Acetate (t-BAc)?

In total, 25 manufacturers responded to the survey. Most reported that the pCBtF range for these categories was between 4% to 25%. Eleven manufacturers reported use of pCBtF and five manufacturers reported that they have alternatives for pCBtF. Categories reported using pCBtF in the survey were: Architectural Adhesive and Sealants, Roofing Adhesive and Sealants, Adhesive and Sealant Primers, Any Other Adhesive, Any Other Sealant, Flooring Adhesive. On April 28, 2022, staff followed up with manufacturers that submitted the pCBtF survey to gather more information on the percent usage of pCBtF in their products. Some manufacturers responded to staff's request. Only a small subset of Rule 1168 products indicated that they use pCBtF, and the range of pCBtF reported for all reported categories was between 4.5 percent to 90 percent. The product categories that were reported in the follow up survey were: All Other Roof Sealants, All Other Sealants, Single Ply Roof Membrane Sealants, and All Other Adhesive Primers. The majority of the feedback staff received was from roofing products manufacturers. The range of pCBtF reported for roofing products was between 40% to 90%.

t-BAc and pCBtF in Roofing Products

During staff meetings with roofing industry stakeholders, roofing manufacturers indicated that they rely on pCBtF to meet the proposed VOC limits that will go into effect on January 1, 2023, and requested staff to consider allowing the continued use for pCBtF for roofing applications since roofing applications occur outside, which reduces potential exposure. Staff relied on the previous t-BAc assessments to evaluate risks: 1) 2017 t-BAc White Paper focused on existing limited exemption for automotive and industrial maintenance coatings and 2) Risk assessment of potential t-BAc use in roofing adhesives that was conducted during the prior rule development when stakeholders were seeking an exemption for t-BAc.

Due to toxicity concerns, staff reviewed the limited VOC exemption for t-BAc when used in certain automotive coatings and industrial maintenance (IM) coatings in the 2017 t-BAc white paper.

Table 2-2: Risks associated with Using t-BAc in Automotive and Industrial Maintenance (IM) coatings

	Automotive Coatings	IM Coatings
Cancer Potency Factor (mg/kg-day) ⁻¹	$6.7 * 10^{-3}$	$6.7 * 10^{-3}$
Risk Factor (in one million)	17 ⁽¹⁾	3.8 ⁽¹⁾
Acute Hazard Index (HI) (non-cancer)	$5.11 * 10^{-3}$	0.4

Staff presented the results to the Stationary Source Committee in April 2017, which recommended removing the VOC exemption for t-BAc and requesting OEHHA to assess the potential toxicity of pCBtF.

During the 2017 rule amendment, staff assessed the health risks associated with potential t-BAc usage in roofing products using the following assumptions:

- Offsite receptors only exposed to acute effects; adhesives are not continually applied to the same roof, so chronic exposure not evaluated
- Concentrations estimated by air dispersion modeling
- Usage estimated at 500 gal/day for 10,000 ft² area elevated at 35 feet
- Receptor located at a 25-meter distance

Based on the assessment in 2017, staff decided not to exempt t-BAc in Rule 1168.

Table 2-3: 2014 t-BAc assessment for roofing projects

	Toxic Air Contaminant	Acute Hazard Index
Baseline	0.5% Ethylbenzene, 10% Toluene and Hexane, 5% Methyl Ethyl Ketone (MEK)	0.9
Future	50% t-BAc	17

OEHHA implements Proposition 65 and compiles the list of substances that cause cancer or reproductive harm, and OEHHA also provides risk assessments reports. The OEHHA 2015 and 2018 t-BAc and 2020 pCBtF reports include Inhalation Slope Factor (ISF) which is the same factor previously called Cancer Potency Factor (CPF).

Table 2-4: OEHHA t-BAC and pCBtF Cancer Potency Factors

Report	ISF (CPF) (mg/kg-day) ⁻¹
Draft OEHHA t-BAC (2015)	6.7 * 10 ⁻³
Final OEHHA t-BAC (2018)	5.0 * 10 ⁻³
Final OEHHA pCBtF (2020)	3.0 * 10 ⁻²

During the current amendment, the Roof Coatings Manufacturers Association (RCMA) asked staff to consider limited exemption for roofing adhesives. During the 2017 rule amendment, t-BAC toxicity was assessed for a roofing project and Acute HI was calculated to be 17. Rule 1401 – New Source Review of Toxic Air Contaminants limits Acute HI of new projects to less than 1.0. Cancer Potency Factor for pCBtF is considerably higher than for t-BAC; however, there was not sufficient data available for OEHHA to evaluate the acute risks of pCBtF. Due to the lack of data on the acute risk of pCBtF, staff relied on the 2013 assessment of using t-BAC in a roofing project.

In 2013, South Coast AQMD performed a modeling study to assess the Acute Hazard Index (HI) of t-BAC used in a roofing project. Modeling assumptions were provided by industry stakeholders:

- Daily usage of 500 gallons per day
- Total area covered each day 10,000 sq ft
- 50% t-BAC content
- Receptor was located at a 25 m distance
- Acute Reference Exposure Level (REL) for t-BAC was assumed to be 10,000 ug/m³
- Release height was assumed to be 35 ft
- Acute HI was calculated to be 17, which is > 1.0

Based on the modeling results, staff concluded to move forward without including a t-BAC or pCBtF exemption for a roofing application. However, during Working Group Meeting #2, stakeholders raised concerns about the usage assumptions made for the previous t-BAC toxicity modeling assessment and provided updated daily usage estimates for a typical roofing project. Staff updated the source release height from 35 ft to 20 ft to reflect a two-story building. Staff considered three levels of solvent content to represent the wide variety of available products in the market. Staff evaluated the acute risks associated with roofing projects; since roofing projects are conducted infrequently, risks to nearby receptors are an acute risk, not a chronic risk.

Staff performed updated modeling for five meteorological stations at different locations in the South Coast AQMD (highlighted in light blue) as shown in Figure 2-1 below:

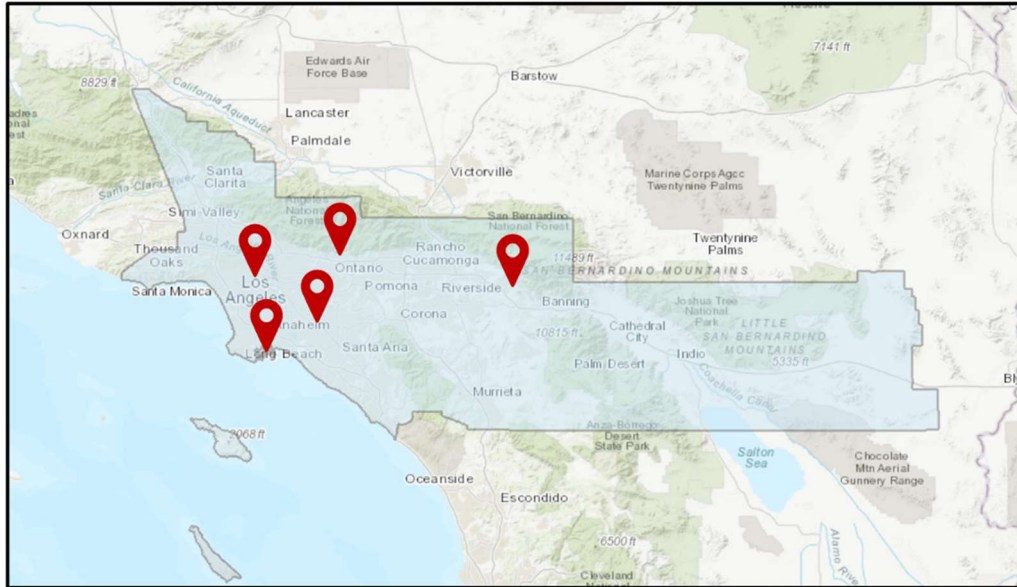


Figure 2-1: Meteorological Stations used in AERMOD in the South Coast AQMD

Based on solvent daily usage and project coverage area provided by stakeholders, staff will provide two scenarios to assess the associated risks: Scenario #1: Provided by Firestone Building Products and Scenario #2: Provided by SPRI in a comment letter received on July 5, 2022.

Risk assessments generally focus on the worse-case scenario, but staff considered a range of scenarios. Staff's assessment includes two different scenarios for five locations and three t-BAC weight percent, and in total 30 different cases were assessed. Table 2-5 below shows a summary of the modeling assessment.

Table 2-5: AERMOD Model Inputs and Results for Roofing Projects Using Different Scenarios

		SCENARIO #1	SCENARIO #2
MODEL INPUTS	Daily Usage (gal)	140	85
	Coverage Rate (sq ft / gal)	50	60
	Total Covered Area (sq ft)	7,000	5,100
	Source Release Height (ft)	20	20
	Receptor Distance (m)	25	25
	t-BAc content	25%, 50%, and 75%	25%, 50%, and 75%
	# of Roofing Project Locations	5	5
MODEL RESULTS	Acute HI for range for all locations	3.0 – 14.6	1.4 – 7.6

Rule 1401 – New Source Review of Toxic Air Contaminants limits Acute HI of new projects to less than 1.0. In all scenarios, the Acute HI exceeds 1.0 with a maximum of 14.6. Updated assumptions (e.g., 5100 sq ft total coverage area) provided by stakeholders likely underestimates a commercial or industrial roofing project. Even with updated assumptions, risk assessment demonstrates an unacceptably high risk to offsite receptors (e.g., a nearby residence). OEHHA has not established an acute end point for pCBtF at this time; however, the Governing Board directed staff to rely on the precautionary principle, which is to prioritize reducing toxic risk over VOC reductions. When the risk is unknown, staff uses a precautionary approach, and with no acute end points, the precautionary approach is to not allow the exemption. Staff could reconsider assessment when more data on the acute risks of pCBtF becomes available.

Comparing t-BAc and pCBtF toxicity to Group II Compounds

South Coast AQMD Rule 102 – Definitions lists the exempt compounds. Group II compounds are those that are already restricted or will be restricted in the future because they are either toxic, potentially toxic, upper atmosphere ozone depleters, or cause other environmental impacts. Four Group II compounds have a defined Cancer Potency Factor or Reference Exposure Level (REL).

Table 2-6: Cancer Potency Factor for Group II Compounds

Compound	Cancer Potency Factor (Slope Factor)
perchloroethylene (perc)	0.021
DMC	0.0035
t-BAc	0.0047
pCBtF	0.03

For the four compounds shown in Table 2-6, pCBtF has the highest Cancer Potency Factor of all Group II exempt compounds (almost 50 percent higher than perc).

Table 2-7 shows the Acute Reference Exposure Level (REL) for Group II compounds. Acute HI has an inverse correlation with REL. t-BAc has the lowest REL, meaning the highest risk among Group II compounds. Cancer Potency Factor for pCBtF is much higher than t-BAc, perc, and DMC, but there is no established Acute REL.

Table 2-7: Acute REL for Group II Compounds

Compound	Acute REL
perc	20,000
DMC	14,000
t-BAc	10,000
pCBtF	N/A

Staff Recommendations on t-BAc and pCBtF

This comparison of other toxic compounds that are prohibited from use in Rule 1168 supports going beyond the Stationary Source Committee's recommendation to remove the VOC exempt status of t-BAc and pCBtF. OEHHA's assessment of t-BAc and pCBtF shows compounds to be as toxic as many chemicals currently prohibited; therefore, staff recommends prohibiting the use of t-BAc and pCBtF.

Discussion on Opteon 1100

In 2017, Chemours reached out the South Coast AQMD regarding a possible VOC exemption for Opteon 1100 (HFO-1336mzz-Z, CAS number 692-49-9). South Coast AQMD does not exempt a compound unless it is exempted by the U.S. EPA. In November 2018, the U.S. EPA revised the regulatory definition of VOC to exempt Opteon 1100 due to negligible contribution to the formation of tropospheric ozone. Opteon 1100 is listed as an acceptable substitute by the U.S. EPA under the Significant New Alternatives Policy (SNAP) program for Foam Blowing Agents, Refrigeration and Air Conditioning, Cleaning Solvents, and Aerosol Solvent. In 2020, South Coast AQMD reviewed available toxicology data for Opteon 1100 and based on staff's review of the

data provided, did not find anything of concern; however, the South Coast AQMD does not have the toxicological expertise of the staff at OEHHA to conduct such an assessment.

As a result of the “t-BAC Assessment White Paper” published in 2017, the South Coast AQMD Governing Board adopted a precautionary approach to VOC exempt compounds. The Stationary Source Committee recommended OEHHA evaluate any chemical prior to the South Coast AQMD exempting it to ensure regulatory VOC reductions do not encourage the use of chemicals that have a known or suspected toxic profile. A toxic profile is an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. A compound has a known toxic profile if, for example, it has an established Cancer Potency Factor (CPF) or Reference Exposure Level (REL). Opteon 1100 is an HFO and South Coast AQMD has exempted several HFOs in the past. There is a concern that HFOs can break down into Per- and Polyfluoroalkyl substances (PFAS) through atmospheric degradation. PFAS are organic substances that are persistent in the environment and can have serious health impacts on humans. OEHHA has not evaluated Opteon 1100, but the Stationary Source Committee directed staff to adopt a precautionary approach to exempt VOC compounds.

At this time, staff does not recommend including Opteon 1100 as a VOC exempt compound upon rule adoption; but staff proposes the exemption become effective if OEHHA has sufficient information to establish a Cancer Inhalation Unit Risk Factor, an acute reference exposure level (REL) and a chronic REL of Opteon 1100 and does not adopt a cancer risk factor for Opteon 1100, and develops an acute REL (or interim acute REL) and a chronic REL (or interim chronic REL) for Opteon 1100 which are higher than those for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd), which is the HFO it would replace. In March 2014, OEHHA completed its evaluation on the toxicity of HFO-1233zd and issued an Interim Evaluation of the Toxicity of trans-1-Chloro-3,3,3-Trifluoropropene. As a result of the evaluation, OEHHA developed an interim acute REL and a chronic REL as in the Table below. Those values will be referenced for determining Opteon 1100 exemption.

Table 2-8: REL Values by OEHHA 2014 Interim Evaluation

Compound	Interim Acute REL ($\mu\text{g}/\text{m}^3$)	Interim Chronic REL ($\mu\text{g}/\text{m}^3$)
HFO-1233zd	270,000 (51 ppm)	2100 (0.4 ppm)

The exemption will also be limited to two-component foam sealants used in a professional setting by workers trained with procedures and guidelines to reduce potential risk of exposure. Staff is concerned with including any VOC exemption without a toxic assessment by OEHHA; hence, staff recommends a limited and conditional exemption as a balanced approach.

Staff will seek an assessment from OEHHA on Opteon 1100. If the assessment determines Opteon 1100 meets the conditions in Rule 1168, which triggers the exemption from the definition of a VOC under Rule 1168, staff will conduct outreach and include guidance on the South Coast AQMD website. If, however, OEHHA identifies potential toxicity concerns, staff will work to better understand the toxicity concerns from Opteon 1100, which is an HFO, and if the toxicity concerns could more broadly apply to other HFOs. Staff will report back to the Stationary Source

~~Committee Governing Board~~ once OEHHA completes their assessment to seek guidance if a broader policy regarding HFOs should be considered.

DISCUSSION ON THE TECHNOLOGY ASSESSMENTS

South Coast AQMD proposes lower VOC limits to reduce emissions to work toward achieving air quality goals. While most VOC limits reflect new technology in the marketplace and are based on currently available products, in some instances, the VOC limit is based on manufacturer feedback especially when the products may not be widely available. Based on Rule 1168 amended in 2017, staff proposed to perform a technology assessment for nine different categories: Foam Sealants; ABS to PVC Transition; PVC Welding Cement; CPVC Welding Cement; All Other Roof Adhesives; Single Ply Roof Membrane Adhesives; All Other Roof Sealants; Single Ply Roof Membrane Sealants; and Top and Trim Adhesives. This technology assessment is required to assess the feasibility of the proposed VOC limits that will go into effect on January 1, 2023.

A South Coast AQMD technology assessment can take many forms including third-party evaluation, laboratory testing and evaluations, or an in-house evaluation. Rule 1168 technology assessment was conducted in-house including evaluation of previous survey data, the QERs, consultation with the manufacturers, and working group meetings. The primary sources of data staff relied on were the: 1) 2013 Survey, and 2) QERs. In 2014, staff conducted a survey of adhesives and sealants sold into and within the South Coast AQMD in 2013, and the survey included the sales and emissions of those products. In addition, staff relied on the QERs to perform the technology assessment. Rule 1168 requires manufacturers and private labelers to submit QERs every three to five years based on the timeline shown in Table 2-9 below.

Table 2-9: Reporting Deadlines for QERs

Reporting Deadlines		Reported Years
Manufacturers or Private Labelers	Big Box Retailers & Distribution Centers	
September 1, 2019	May 1, 2019	2017, 2018
September 1, 2022	May 1, 2022	2020, 2021
September 1, 2025	May 1, 2025	2023, 2024
September 1, 2030	May 1, 2030	2028, 2029
September 1, 2035	May 1, 2035	2033, 2034
September 1, 2040	May 1, 2040	2038, 2039

At this time, staff only has the complete set of QERs for 2017 and 2018. That data likely doesn't include recent product reformulations to meet the future compliance deadlines. The next QER deadline is September 2022.

There are different metrics that staff uses to assess the data for products under Rule 1168. The market penetration of low-VOC products is a useful indicator of technical feasibility and Sales

Weighted Average (SWA), which shows VOC levels of products in the category, but rather than averaging it for all products, it weighs the VOC levels toward products with higher sales volumes. In the next section, staff will provide the technology assessment for nine categories of adhesives and sealants.

TECHNOLOGY ASSESSMENTS

In the sections below, the data, discussions with stakeholders, and staff proposal for each category included in the technology assessment will be provided.

Top and Trim Adhesives

The June 2002 amendment of Rule 1168 included a category for Top and Trim Adhesives. Top and Trim Adhesives are used to adhere automobile and marine trim, including headliners, vinyl tops, vinyl trim, sunroofs, dash covering, door covering, floor covering, panel covering, and upholstery. The VOC limit was set at 540 g/L, less water and exempt compounds, until January 1, 2004, when a 250 g/L VOC limit went into effect. In October 2003, the rule was amended, and the proposed VOC limit reduction was delayed for one year to allow manufacturers additional time to reformulate. The rule was amended again in December 2004 to further delay the effective date of the 250 g/L VOC limit to January 1, 2007.

While the initial results were promising, the technical challenge of high heat resistance was never overcome and Top and Trim Adhesive users switched to higher VOC products (620 g/L), using the 55-gallon per year exemption. All reported sales for the Top and Trim category in 2012 was for the high-VOC products. Rather than decrease emissions from this category by 0.2 tpd, the 250 g/L limit in conjunction with the volume usage exemption increased emissions by 0.04 tpd.

To address the increased emissions due to the 55-gallon per year exemption, in 2017 staff reinstated the 540 g/L limit and excluded Top and Trim Adhesives from the 55-gallon per year exemption effective January 1, 2019. The removal of the 55-gallon exemption resulted in manufacturers reformulating products to meet the 540 g/L limit, prohibiting the products with VOC limits above 620 g/L.

The technology assessment for the Top and Trim Adhesives category included a thorough analysis of the 2013 survey data, 2017 and 2018 QERs (Table 2-10 and Figure 2-2), and extensive discussion with stakeholders and manufacturers. Table 2-10 data show that the baseline emissions have decreased since 2013 and the sales weighted average (SWA) VOC for the average VOC content of products based on the sales volume has also decreased. In 2018, the SWA VOC was 337 g/L, which is below the 540 g/L VOC limit. Figure 2-2 shows that in 2017 and 2018, most of the products were in the 10-20 g/L and 610-620 g/L ranges. Since the 55-gallon exemption became effective in 2019, the use of high VOC products (> 600 g/L) has been eliminated and currently all the products in this category meet the 540 g/L limit. Staff has been in discussions with stakeholders with regards to meeting the upcoming 250 g/L VOC limit. Manufacturers have not yet been successful in reformulating all their products to the proposed 250 g/L, due to the supply chain issues and price spikes in recent years and other challenges. Based on stakeholders' comments, it is challenging for lower VOC products to meet the necessary performance standards. For example, adhesives work on flat areas, but the challenge is with the contoured areas (e.g., seats). Manufacturers still see a potential to reformulate to 250 g/L but need more time.

Staff's proposal is to retain the 250 g/L limit with a future effective date of January 1, 2028, to allow an additional five years for reformulations. The delayed emission reductions would be

0.1 tpd according to the 2017/2018 QER, but this number will likely be an overestimate since the 2017/2018 QER included the high VOC (> 600 g/L) products that have been phased out since 2019.

Table 2-10: Top and Trim Adhesives Data

Top and Trim Adhesives			
Existing Rule Limit: 540 g/L Effective Now			
Existing Rule Limit: 250 g/L Effective 1/1/2023			
Proposed Rule Limit: 250 g/L Effective 1/1/2028			
	2013	2017	2018
Sale Volume (gal)	PD*	75,000	60,000
Baseline (tpd)	0.35	0.28	0.23
# of Products	PD	19	19
SWA* VOC (g/L)	526	424	337

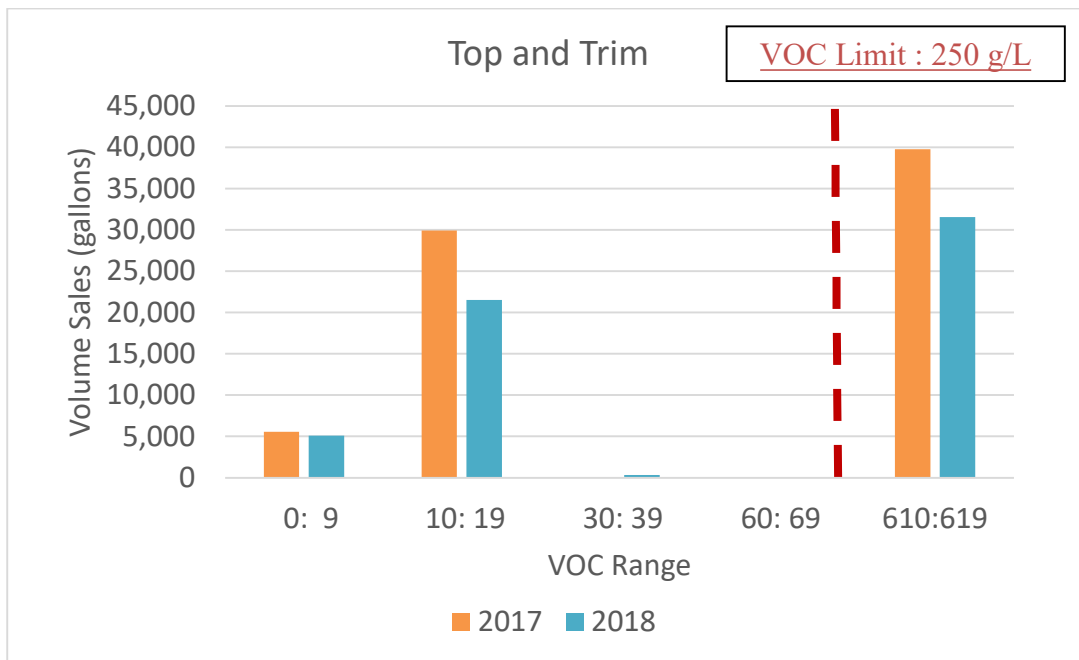


Figure 2-2: Top and Trim Adhesives 2017/2018 QER Sales Data

Foam Sealants

Foam Sealants are products used to fill and form durable, airtight seals to common building substrates. They are typically sprayed into building cavities to provide water resistance, thermal resistance, or acoustic dampening. The foam itself is typically a one-component or two-component polyurethane that contains little or no VOC. However, the propellants used in some of the aerosol products do contribute to the VOC content. The majority of the products offered for sale and the majority of the volume reported used are aerosol products. In the 2017 amendment, staff proposed

to reduce the VOC limit of the foam sealant to 50 g/L, effective January 1, 2023, provided the technology assessment demonstrates the VOC limits are feasible. As the VOC in these products is predominantly from the propellants, it was expected that to comply with the proposed limits, manufacturers would use alternative non-VOC propellants or utilize application techniques that do not depend on propellants to disburse the product.

In 2022, staff performed a technology assessment for the Foam Sealant category including a thorough analysis of the 2013 survey data, 2017 and 2018 QERs (Table 2-12 and Figure 2-3) and extensive discussion with stakeholders and manufacturers. The data shows that the baseline emissions have decreased since 2013 despite the increase in the number of products sold in the South Coast AQMD. In 2018, the SWA VOC was 148 g/L, which is substantially below the current 250 g/L VOC limit. Figure 2-3 shows that in 2017 and 2018, most of the products were in the range of 150-160 g/L. Stakeholders requested further subcategorization of the foam sealant category and staff took a closer look into the 2017/2018 QER data and separated the one-component and two-component foam sealants. One-component foam sealants as shown in Table 2-13 and Figure 2-4, exceed the proposed 50 g/L VOC limit. The majority of Foam Sealants fall into the one-component foam sealant category. However, the Two-Component Foam Sealants meet the proposed 50 g/L VOC limit as shown in Table 2-14 and Figure 2-5. Staff considered several options for subcategorizations and, based on stakeholders' recommendation to consider using the ASTM D717 – Standard Terminology of Building Seal and Sealants and the U.S. EPA segmentation of foam sealants in their Significant New Alternatives Policy (SNAP) rule definitions, staff proposes to subcategorize the Foam Sealant category into the following three subcategories: One-Component Foam Sealant, Low-Pressure Two-Component Foam Sealant, and High-Pressure Two-Component Foam Sealant.

For One-Component Foam Sealant, staff initially proposed 150 g/L. The proposed limit was adjusted to 180 g/L during further discussion with stakeholders. It was suggested there are some products with VOC emissions around 180 g/L that were not reported. The three proposed subcategories and VOC limits for Foam Sealants are: 1) One-Component Foam Sealant with a 180 g/L VOC limit, 2) Low-Pressure Two-Component Foam Sealant, retaining the 50 g/L VOC limit, and 3) High-Pressure Two-Component Foam Sealant, retaining the 50 g/L VOC limit. Removing the 50 g/L VOC limit for the One-Component Foam Sealants and reducing the limit from 250 g/L to 180 g/L would achieve 0.01 tpd emission reductions and the foregone emissions would be 0.12 tpd.

Weight Percent Metric

Staff is proposing to change the metric for regulating foam sealants. A gram per liter metric relies on calculating volume solids, which is a complicated calculation for liquid products and becomes further complicated for pressurized product and propellant in a container. A complicated regulatory standard can lead to confusion and the inadvertent sale of non-compliant products. To simplify compliance, staff is proposing a weight percent limit for foam sealants and foam insulation. The approximate conversion is 10 g/L ~ 1 percent by weight. Staff confirmed this conversion factor based on Safety Data Sheets (SDS) of foam products that list VOC content in both g/L and weight percent. The change in the regulatory limit metric will also simplify the VOC test method development for Foam Sealants, which was impacted by social distancing requirements due to the pandemic. Method development requires laboratory staff to work in-person as a collaborative process. The proposed conversion to weight-based VOC limits for foam sealants is also aligned with CARB protocols for pressurized products. The weight-based VOC

analysis process involves separation of propellant, identification and discounting of exempts in propellant; compliance can often be determined solely from propellant VOC.

Considering weight-based VOC for Foam Sealant subcategories, staff proposes the VOC limits as in Table 2-11 below:

Table 2-11: Foam Sealant Proposed Limits and Effective Dates

	Proposed Limit	Effective Date
One-Component Foam Sealant	18% (in place of 180 g/L)	July 1, 2023
High-Pressure Two-Component Foam Sealant	5% (in place of 50 g/L)	January 1, 2023
Low-Pressure Two-Component Foam Sealant	5% (in place of 50 g/L)	January 1, 2023

Foam Sealant Data as Reported – without Subcategories

Rule 1168 currently has only one category for foam sealants. The following data includes all of the data as reported. In the table and figures that follow, staff manually separated out the One-Component Foam Sealants from the Two-Component Foam Sealants.

Table 2-12: Foam Sealant Data as Reported – without Subcategories

Foam Sealant			
Existing Rule Limit: 250 g/L Effective Now			
Existing Rule Limit: 50 g/L Effective 1/1/2023			
Proposed Rule Limit: See Tables 14 and 15 for Subcategories			
	2013	2017	2018
Sale Volume (gal)	155,000	107,000	105,000
Baseline (tpd)	0.27	0.18	0.18
# of Products	16	37	45
SWA VOC (g/L)	153	154	148

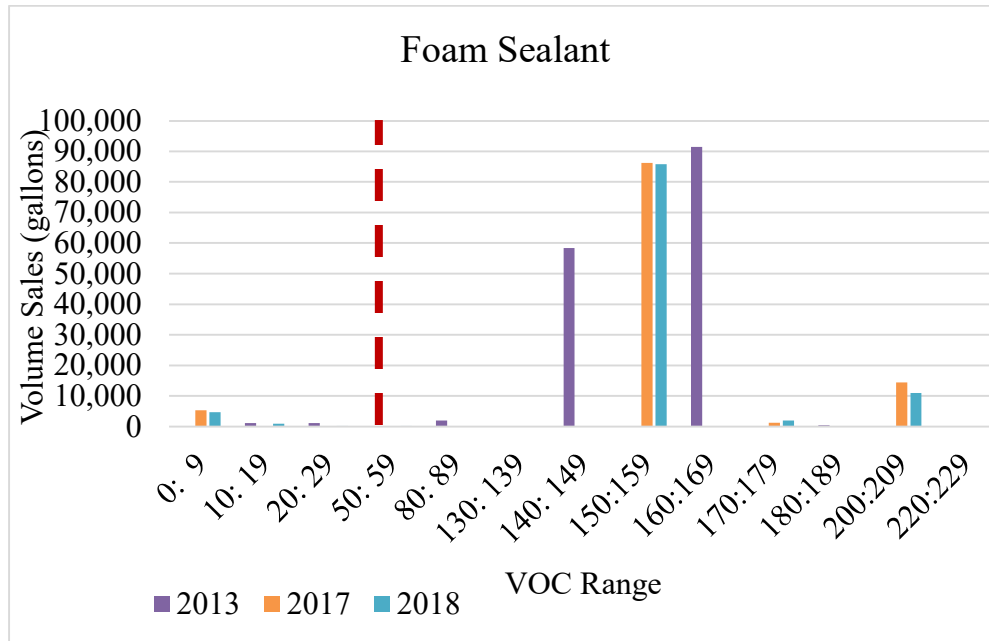


Figure 2-3: Foam Sealant 2017/2018 QER Sales Data as Reported – without Subcategories

One-Component Foam Sealants

For Table 2-13 and Figure 2-4, staff manually separated out the One-Component Foam Sealant data.

Table 2-13: One-Component Foam Sealants Data

Foam Sealant – 1K Foam Sealant			
Existing Rule Limit: 250 g/L Effective Now			
Existing Rule Limit: 50 g/L Effective 1/1/2023			
Proposed Rule Limit: 18%			
	2013	2017	2018
Sale Volume (gal)	152,000	102,000	99,000
Baseline (tpd)	0.27	0.18	0.18
# of Products	14	28	31
SWA VOC (g/L)	155	154	148

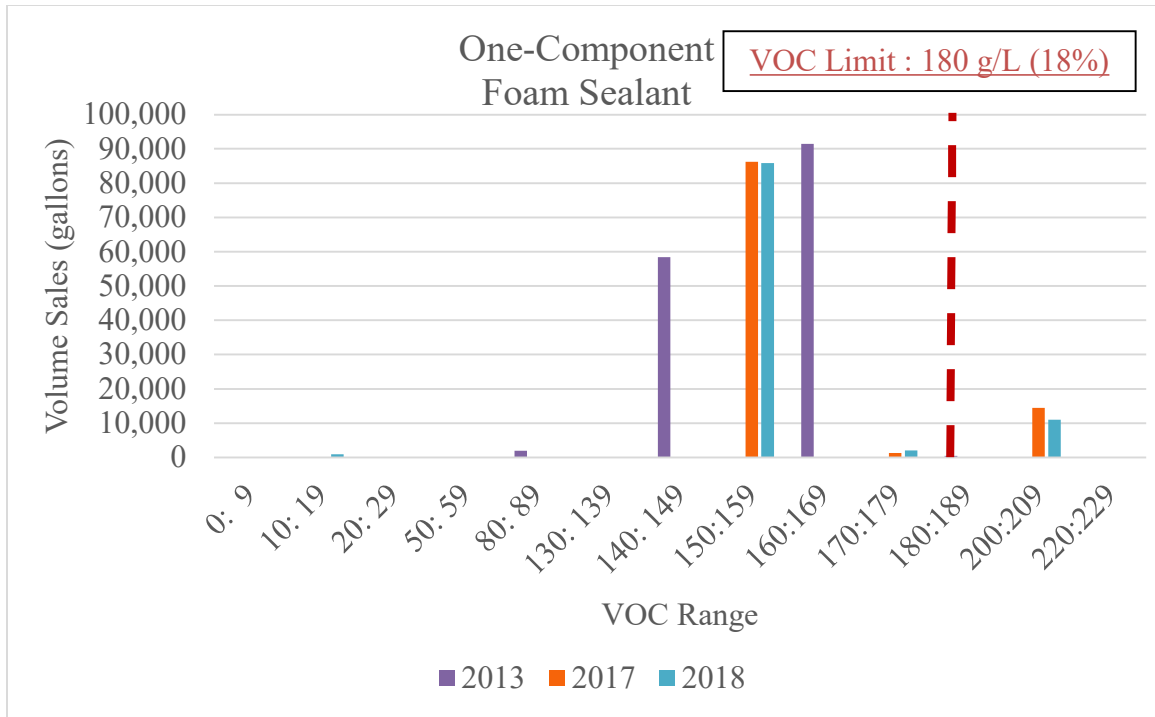


Figure 2-4: One-Component Foam Sealants 2017/2018 QER Sales Data

Two-Component Foam Sealants

For Table 2-14 and Figure 2-5, staff manually separated out the Two-Component Foam Sealant data.

Table 2-14: Two-Component Foam Sealants Data

Foam Sealant – 2K Foam Sealants			
Existing Rule Limit: 250 g/L Effective Now			
Existing Rule Limit: 50 g/L Effective 1/1/2023			
Proposed Rule Limit: 5% Effective 1/1/2023			
	2013	2017	2018
Sale Volume (gal)	PD	5,400	5,000
Baseline (tpd)	0.001	0.001	0.001
# of Products	PD	9	14
SWA VOC (g/L)	22	3	0.1

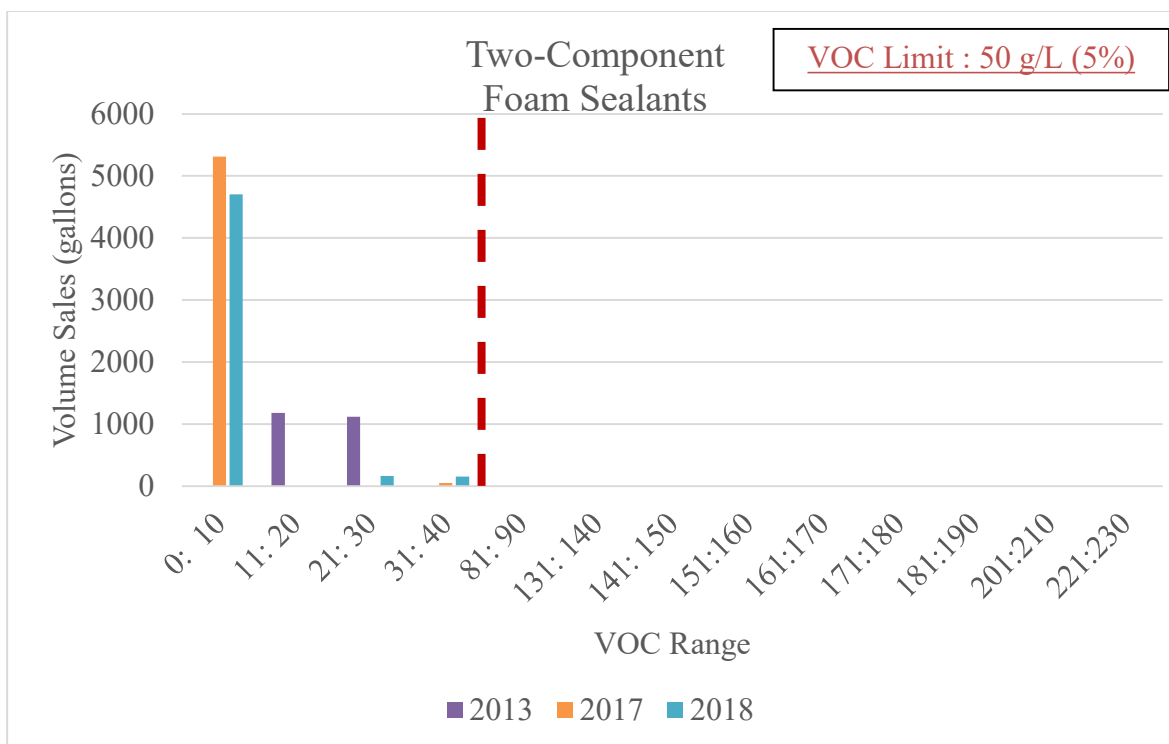


Figure 2-5: Two-Component Foam Sealants 2017/2018 QER Sales Data

Plastic Welding Cement

During the last rule amendment in 2017, the 2013/2014 survey indicated that CPVC and PVC Welding Cement products have a VOC content close to the 490 g/L and 510 g/L existing rule limits at that time. During the 2017 rule amendment staff proposed a 425 g/L limit for the PVC welding cement and a 400 g/L limit for the CPVC welding cement categories based on manufacturer feedback on what would be technically feasible, products released after the survey, including a product being marketed as a multi-purpose welding cement for a combination of ABS, PVC, and CPVC with a VOC content below 325 g/L, and a product marketed to the irrigation market for PVC and CPVC below the proposed limits for those categories.

The current rule amendment started with a thorough technology assessment for the PVC, CPVC, and ABS TO PVC Welding Cement products including an analysis of the 2013 survey, 2017 and 2018 QER data (Table 2-15 and Figure 2-6), and extensive discussions with stakeholders and manufacturers as shown in Table 2-15. Each of the three categories will be discussed in the next sections.

PVC Plastic Cement

As shown in Table 2-15 and Figure 2-6, based on QER data the PVC category has shown some decrease in VOC levels but not enough to meet the future limit of 425 g/L limit. However, after having several discussions with stakeholders, staff concluded that the PVC category can meet the future VOC limit effective January 1, 2023 and will retain the 425 g/L limit for this category. The products reformulated to meet the January 1, 2023 deadline are starting to be shipped to retail locations; therefore, the product sales will not appear in the QERs until the manufacturers are required to report their 2022 and 2023 sales.

Table 2-15: PVC Plastic Cement Data

PVC Plastic Cement			
Existing Rule Limit: 510 g/L Effective Now			
Existing Rule Limit: 425 g/L Effective 1/1/2023			
Proposed Rule Limit: 425 g/L Effective 1/1/2023			
	2013	2017	2018
Sale Volume (gal)	159,000	155,000	155,000
Baseline (tpd)	0.92	0.85	0.85
# of Products	164	336	335
SWA* VOC (g/L)	522	480	480

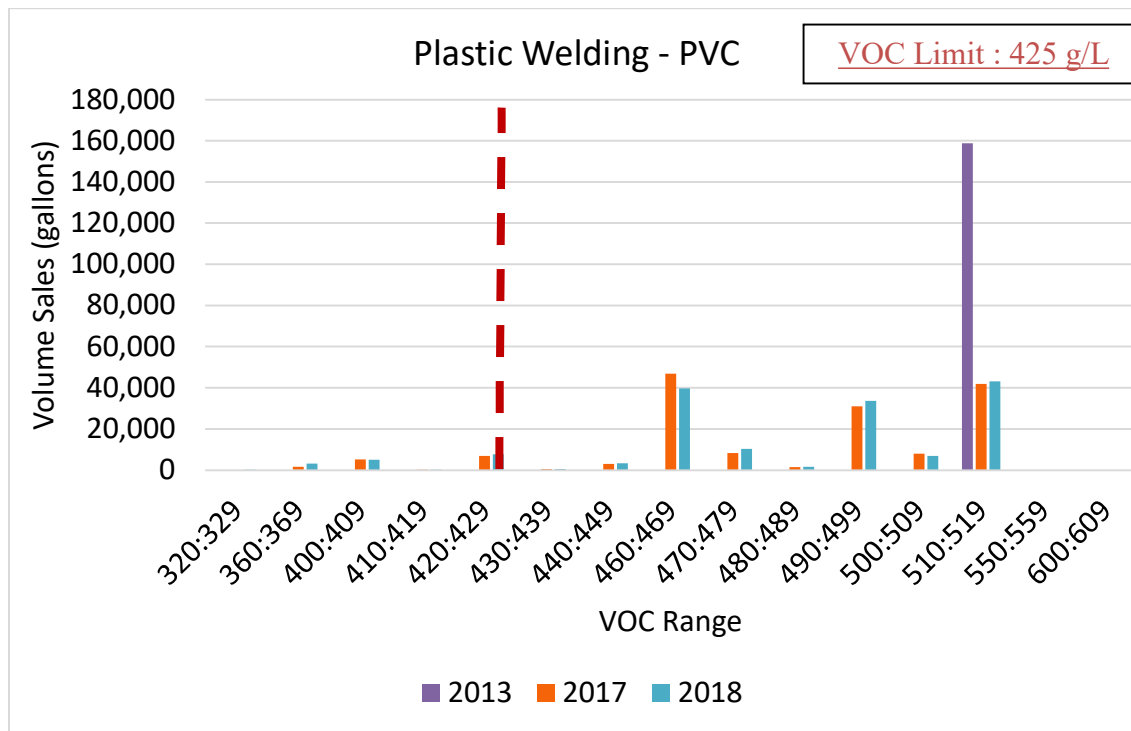


Figure 2-6: PVC Plastic Cement 2017/2018 QER Sales Data

CPVC Plastic Cement

Since the latest data available was for 2017 and 2018, as shown in Table 2-16 and Figure 2-7 below, the data didn't show a significant number of products meeting the future limits, but trends show VOC levels decreasing and the data didn't show any recent reformulations. Staff had several discussions with the Plastic Welding Cement manufacturers and their representatives. The initial feedback was that some manufactures have reformulated their products to meet the future limits while others are still working on future compliant products. Manufacturers were most concerned

with those CPVC products that are used in life safety systems (e.g., fire sprinkler system) and CPVC used for industrial applications. Stakeholders requested additional time to reformulate and perform extensive required testing. Staff concluded that there are technical challenges and high costs associated with reformulating the CPVC – Life Safety Systems products and CPVC for industrial applications. Therefore, staff proposes to create two subcategories under the CPVC category. The first subcategory is “CPVC Welding Cement for Life Safety Systems” and the other is “Higher Viscosity CPVC Welding Cement.” Staff will maintain the current 490 g/L limit for CPVC for Life Safety Systems and will delay the effective date for Higher Viscosity CPVC to July 1, 2024, with the previously proposed 400 g/L VOC limit. The forgone emissions for the CPVC for Life Safety System subcategory will be 0.01 tpd and the delayed emissions for higher viscosity CPVC will be 0.01 tpd. In addition, PAR 1168 will require specific labeling requirements to distinguish these products from the lower-VOC CPVC cements.

Table 2-16: CPVC Plastic Cement Data

CPVC Plastic Cement			
Existing Rule Limit: 490 g/L Effective Now			
Existing Rule Limit: 400 g/L Effective 1/1/2023			
Proposed Rule Limit: See Table 25 for Subcategories			
	2013	2017	2018
Sale Volume (gal)	10,700	6,700	8,200
Baseline (tpd)	0.06	0.035	0.04
# of Products	37	58	58
SWA VOC (g/L)	651	383	469

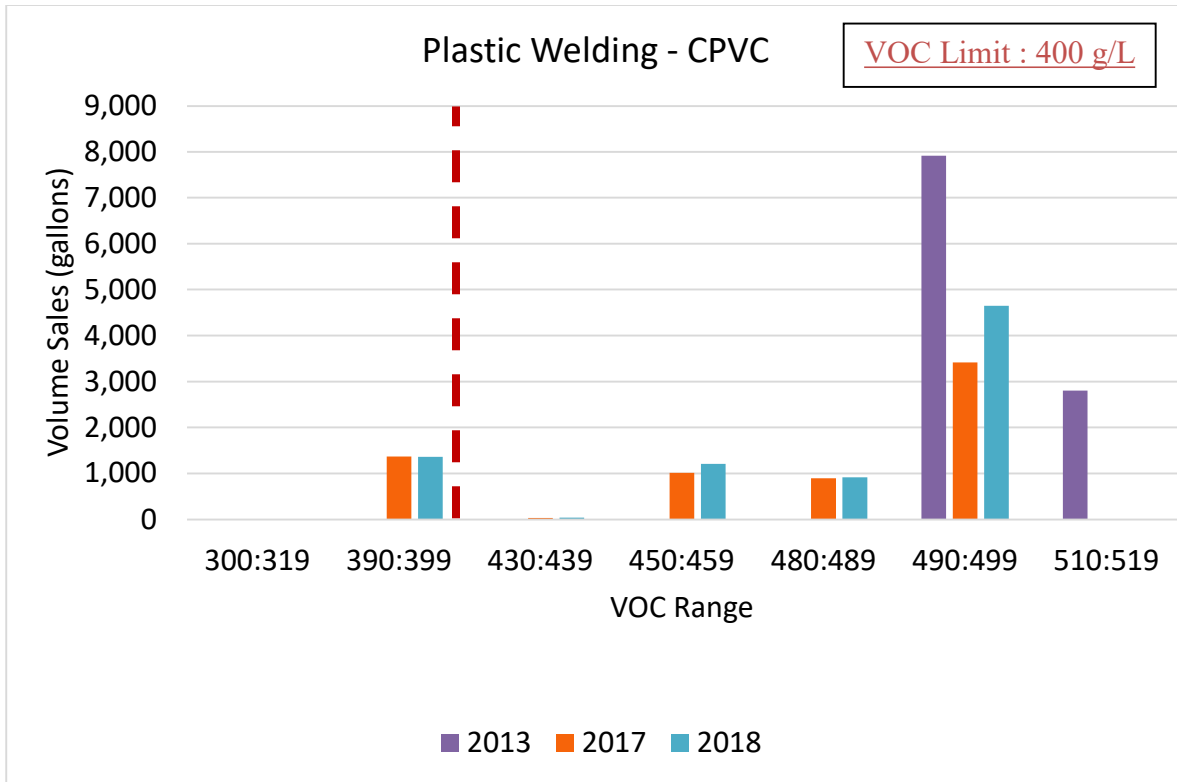


Figure 2-7: CPVC Plastic Cement 2017/2018 QER Sales Data

ABS to PVC Plastic Cement

This category was added based on stakeholder input during the 2017 rule amendment since stakeholders indicated they need higher VOC limit to adhere the PVC to the ABS. Staff proposed an initial limit of 510 g/L with a VOC reduction in 2023 to 425 g/L. As shown in Table 2-17 and Figure 2-8, based on QER data the ABS to PVC category has shown decrease in VOC levels and the majority of the products are in the 320 g/L to 329 g/L range and the SWA for this category has decreased from 510 g/L in 2013 to 377 g/L and 390 g/L in 2017 and 2018 respectively, which is well below the 425 g/L VOC limit that will go into effect on January 1, 2023. Staff proposes to retain the 425 g/L future limit for this category.

Table 2-17: ABS to PVC Plastic Cement Data

ABS to PVC Plastic Cement			
Existing Rule Limit: 510 g/L Effective Now			
Existing Rule Limit: 425 g/L Effective 1/1/2023			
Proposed Rule Limit: 425 g/l Effective 1/1/2023			
	2013	2017	2018
Sale Volume (gal)	254	1,800	2,000
Baseline (tpd)	0.001	0.007	0.008
# of Products	PD	PD	PD
SWA* VOC (g/L)	510	377	390

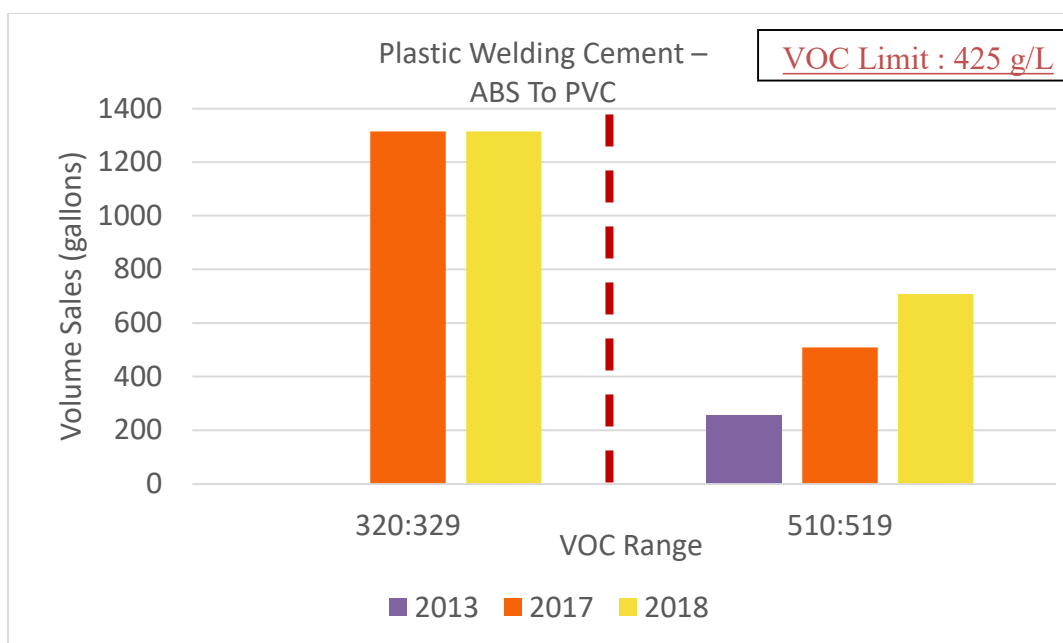


Figure 2-8: ABS to PVC Plastic Cement 2017/2018 QER Sales Data

Roofing Products

Background

During the initial phase of the last amendment to Rule 1168, staff proposed significant reductions that were expected to be achieved by exempting DMC and t-BAC from the definition of a VOC. Due to the toxicity concerns of DMC and t-BAC and the uncertainty of the on-site exposure modeling methodologies, the rule amendment process was put on hold. While it was on hold, South Coast AQMD staff conducted a toxics symposium in October 2014 and drafted an assessment on t-BAC, the “t-BAC Assessment White Paper,” which was released in October 2016 and findings were presented to the Stationary Source Committee in November 2016 and April 2017. The assessment resulted in the Stationary Source Committee recommending a precautionary approach

when considering the exempt status for any compound with a toxic endpoint. With the Governing Board's direction not to allow further VOC exemptions for DMC or t-BAC, staff re-initiated the amendment to Rule 1168 with a more modest proposal on VOC reductions for roofing adhesives and sealants. During the rule amendment, stakeholders requested technology assessments for roofing adhesives and sealants to assess if further subcategorizations should be included.

During the current rule amendment, staff performed a thorough analysis on the QERs data for all four roofing categories to assess the available (2017 and 2018) VOC data and the feasibility of the proposed limits. After presenting the preliminary results and staff's proposal during Working Group Meeting #1, staff followed up with stakeholders to discuss the preliminary proposals and the potential subcategorizations as shown in Table 2-18.

Table 2-18: Meetings with Roofing Industry Stakeholders and Representatives

Date	Stakeholder
February 22, 2022	Soprema
February 25, 2022	Roof Coatings Manufacturers Association (RCMA)
March 8, 2022	Asphalt Roofing Manufacturers Association (ARMA)
May 11, 2022	Asphalt Roofing Manufacturers Association (ARMA)
July 27, 2022	Roof Coatings Manufacturers Association (RCMA)
August 23, 2022	Single Ply Roof Industry (SPRI)
September 20, 2022	Single Ply Roof Industry (SPRI)

Staff's initial assessment was to separate the category for asphalt-based roofing adhesives in the All Other Roofing Adhesive category and the new category could have a low VOC limit (~30 g/L). For other roofing categories, staff did not find a need for further subcategorizations. In the next subsection for All Other Roof Adhesives, more information for this subcategorization will be provided.

As detailed in the beginning of this chapter, staff is proposing to prohibit the use of t-BAC and pCBtF in PAR 1168. Manufacturers currently using these compounds to achieve lower VOC limits and manufacturers that planned to use these compounds to meet future effective limits will be impacted by the prohibition. Staff confirmed that the proposed limits, for example for roofing adhesives, may need to be reassessed, and after discussions with stakeholders, staff proposed the updated VOC limits for the categories impacted by the t-BAC and pCBtF prohibition, which will be discussed in the next subsections for each affected category.

All Other Roof Adhesives

As shown in Figure 2-9 the majority of the products in this category are in the range of 20 g/L – 30 g/L VOC. Since these products are all asphaltic adhesives, during Working Group Meeting #1 staff proposed to make a subcategorization in the All Other Adhesive category for asphaltic

adhesives. After discussions with stakeholders, staff recommended to have two subcategories: 1) Shingle Laminating Adhesive: an asphalt-based adhesive used to adhere laminate sheets or shingles when manufacturing Shingle Laminating Adhesive and 2) Hot Applied Modified Bitumen/Built Up Roof Adhesive: a solid asphalt adhesive that must be heated in order to be applied. Table 2-19 and Figure 2-9 show the updated All Other Roof Adhesives category after excluding asphaltic products. After proposing the subcategorizations, stakeholders asked about the need for QER requirements for asphaltic roofing products; since not all asphaltic products are roofing adhesive and VOCs are so low there is no value in reporting VOC levels. However, staff sees value in QER for all categories and manufacturers can estimate the volume of product used as an adhesive for products that have multiple uses and knowing the volumes of low-VOC categories is useful for planning and emission estimates.

Table 2-19: All Other Roof Adhesives Data (Before Subcategorization)

All Other Roof Adhesives	
Existing Rule Limit: 250 g/L Effective Now	
Existing Rule Limit: 200 g/L Effective 1/1/2023	
Proposed Rule Limit: 250 g/l Effective Upon Adoption	
	2017 (same as 2018)
Sale Volume (gal)	>> 100,000
Baseline (tpd)	1.6
# of Products	54
SWA VOC (g/L)	22

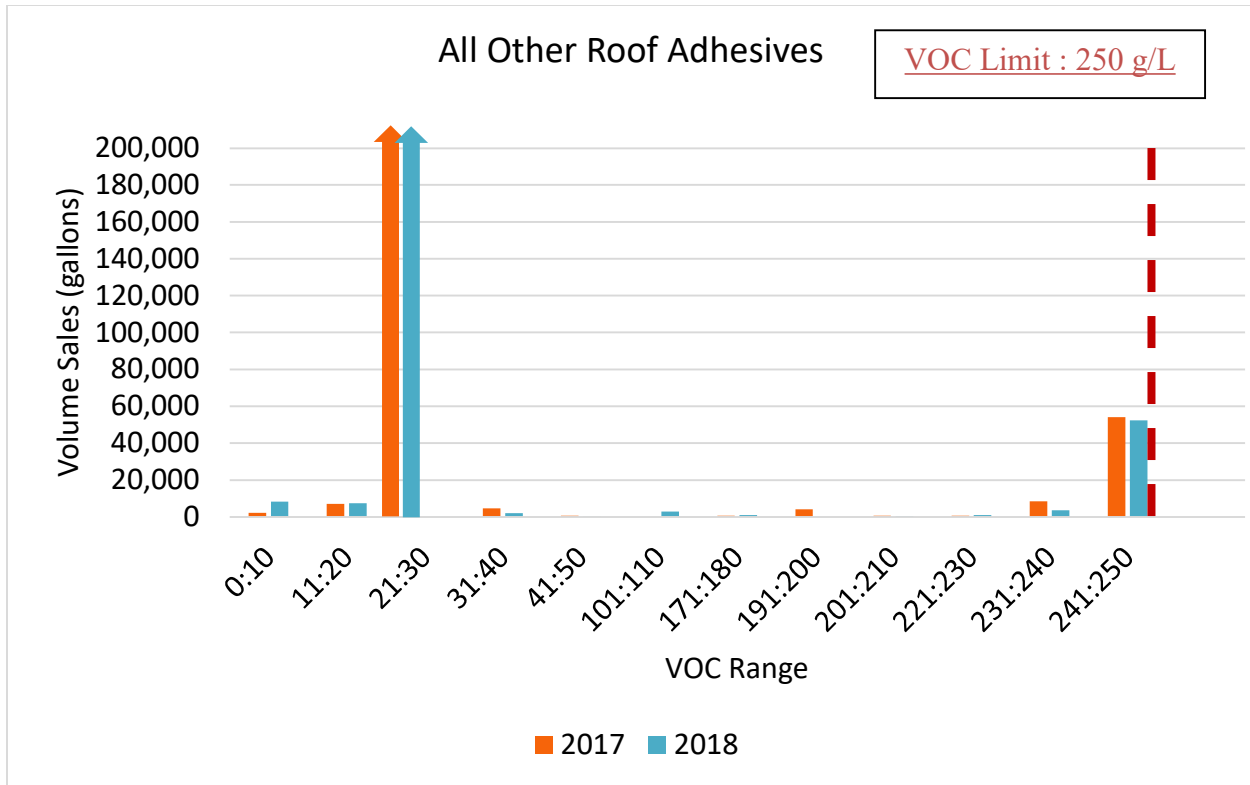


Figure 2-9: All Other Roof Adhesives 2017/2018 QER Sales Data (Before Subcategorization)

All Other Roof Adhesives with Asphaltic Products Removed

Stakeholders indicated pCBtF prohibition will impact their ability to comply with the future limit for roofing products. For the All Other Roof Adhesive category and based on 2017/2018 QERs, the majority of the products are in the 241-250 g/L range. Staff reviewed the products Technical Data Sheets (TDS) and SDS for all reported products and no product listed pCBtF on the documents. Staff proposes to revert back to the 250 g/L limit for this category. The 250 g/L limit was established in 1993 as the default VOC limit, well before the exemption of pCBtF. Staff concludes that the 250 g/L limit is technically feasible since All Other Roof Adhesives had to meet that limit in 1993 without the use of pCBtF.

Table 2-20: All Other Roof Adhesives (After Subcategorization)

All Other Roof Adhesives (Updated)	
Existing Rule Limit: 250 g/L Effective Now	
Existing Rule Limit: 200 g/L Effective 1/1/2023	
Proposed Rule Limit: 250 g/l Effective Upon Adoption	
2017 (same as 2018)	
Sale Volume (gal)	80,000
Baseline (tpd)	0.17
# of Products	46
SWA VOC (g/L)	188

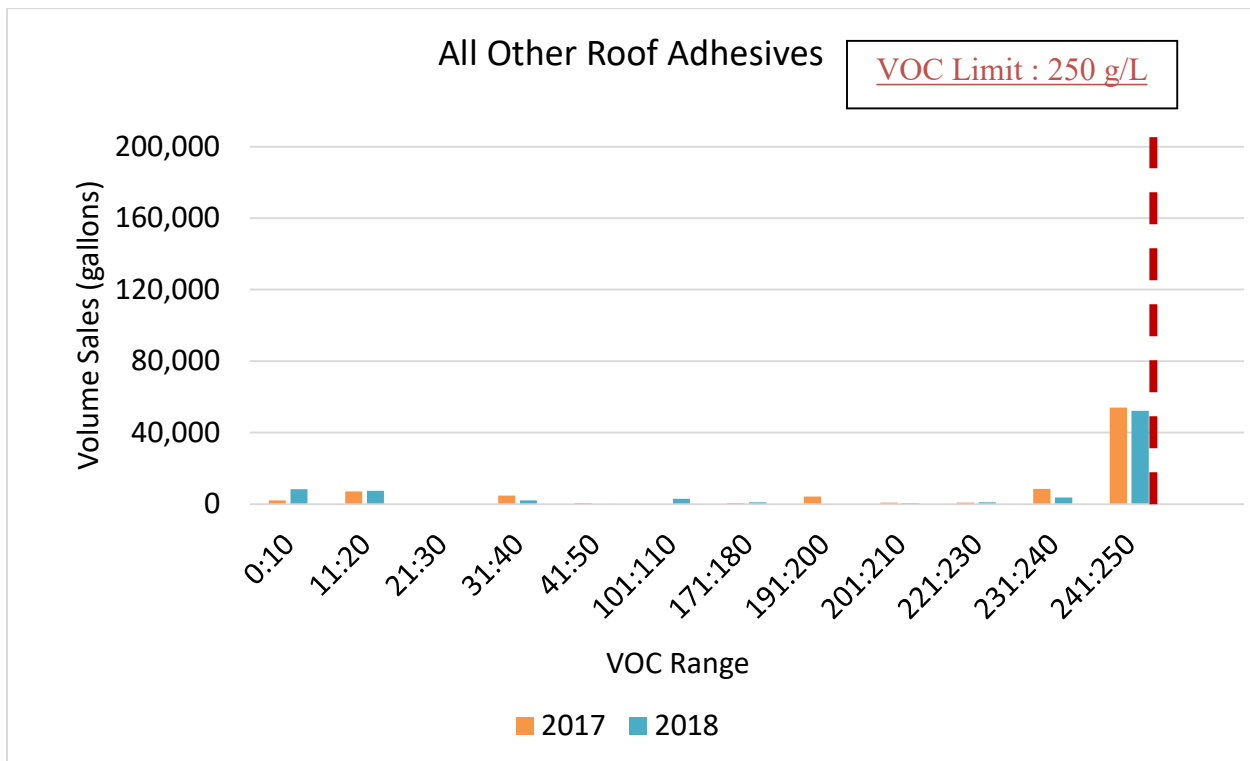


Figure 2-10: All Other Roof Adhesives 2017/2018 QER Sales Data (After Subcategorization)

Single Ply Roof Membrane Adhesives

There are several pathways to reformulating lower-VOC products: 1) exempt solvents as has been discussed thoroughly in the staff report, and 2) water-based products. Reformulations away from organic solvents to water has proven to be very successful in many products; however, the transition to water-based adhesives has not been as widespread.

During the 2017 rule development, concerns were raised regarding the use of water-based adhesives in cool weather. The 2017 staff report stated 50 percent of the market share was waterborne. Based on the 2018 QER, only ~ 10 percent of the market share was waterborne, showing solvent-based products are being reformulated to meet 200 g/L limits. However, based on the 2017/2018 QERs as shown in Table 2-21 and Figure 2-11, sizable market share already meets the 200 g/L VOC limits and the data show decreasing SWA VOC from 2013 to 2017/2018 QERs; there are a cluster of products formulated at 250 g/L. Technology assessment for this category was also to determine if subcategorization for this category is warranted. After discussions with roofing industry stakeholders, staff proposes that no further subcategorization for this category is needed. Although data shows a reduction in VOC content of Single Ply Roof Membrane Adhesives, stakeholders indicated a pCBtF prohibition will impact ability to comply with future 250 g/L limit. Staff reviewed the TDS and SDS for all reported products and 11 products listed pCBtF on the SDS. Staff is proposing to revert back to the 250 g/L limit for this category and this limit was in effect since 1998 as the default VOC limit, well before the exemption of pCBtF.

Staff purchased and tested seven roofing adhesives and sealants sold in the South Coast AQMD for pCBtF and only found one sample, a single ply roof membrane adhesive, that contained 1.3 percent pCBtF.

After the Public Workshop, manufacturers recommended staff include a separate subcategory for EPDM/TPO Single Ply Roof Membrane Adhesives as those products rely on a higher percent of pCBtF to comply with the VOC limits. Staff's research verified these products contain higher levels of pCBtF than other Single Ply Roof Membrane Adhesives. Therefore, staff proposes to include a new category for EPDM/TPO Single Ply Roof Membrane Adhesives and provide four years for product reformulation before the pCBtF prohibition takes effect. In addition, staff is proposing to allow two years for product reformulation for the Single Ply Roof Membrane Adhesives, instead of the original proposal of one year.

Table 2-21: Single Ply Roof Membrane Adhesives Data

Single ply Roof Membrane Adhesive			
Existing Rule Limit: 250 g/L Effective Now			
Existing Rule Limit: 200 g/L Effective 1/1/2023			
Proposed Rule Limit: 250 g/l Effective Upon Adoption			
	2013	2017	2018
Sale Volume (gal)	260,000	230,000	270,000
Baseline (tpd)	0.45	0.36	0.38
# of Products	52	61	60
SWA VOC (g/L)	147	120	125

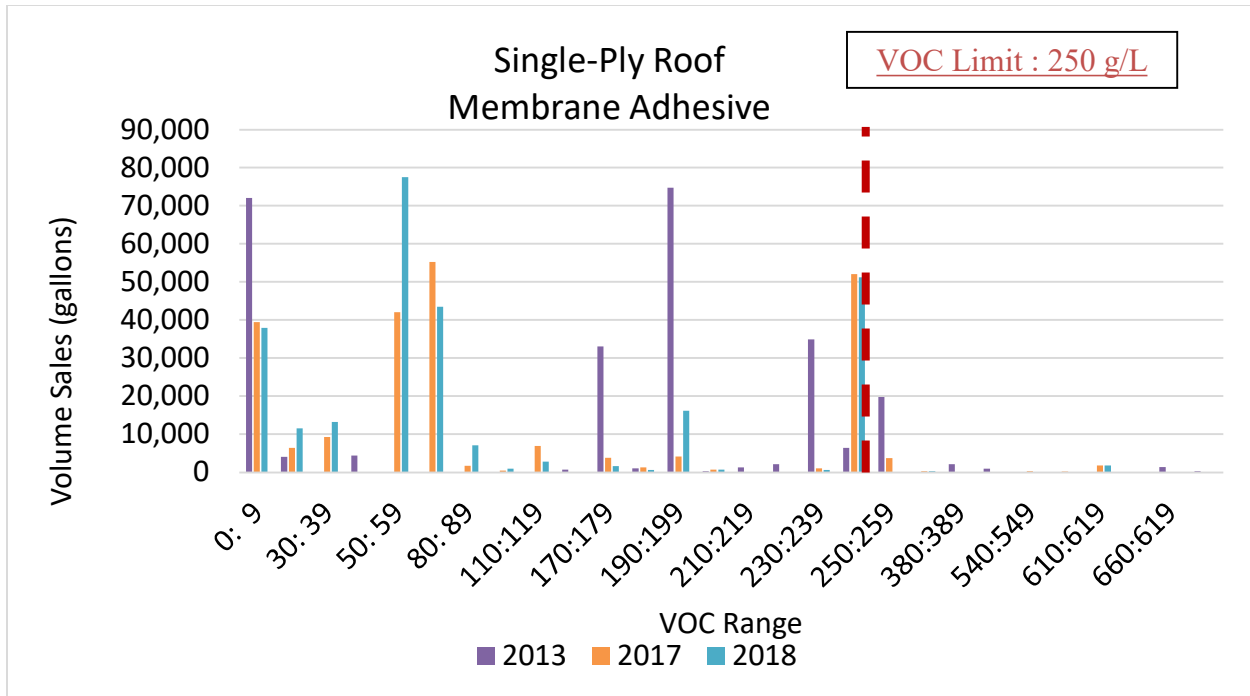


Figure 2-11: Single Ply Roof Membrane Sealants 2017/2018 QER Sales Data

All Other Roof Sealants

This category includes all roof sealants except Single Ply Roof Membrane Sealants. Most products are either asphalt or polyurethane-based. The low-VOC products are reactive or elastomeric products that require the surface to be moisture-free. High-VOC solvent-based products are formulated for application in wet environments, e.g., leak repair during rainfall. Based on the 2017/2018 QER data (Table 2-22 and Figure 2-12) All Other Roof Sealants category, there is a considerable market share reformulated to meet the future effective limits and SWA VOC is below the future compliant limit, but survey data does not reflect most recent reformulations since the data is from 2017 and 2018 and the next set of reports are not due until September 2022.

Stakeholders indicated pCBtF prohibition will impact ability to comply with the future 250 g/L limit. Staff reviewed the TDS and SDS for all reported products and two products listed pCBtF on the SDS. Based on the products reported in the QERs, staff is proposing to revert back to the 300 g/L limit for this category and this limit was in effect since 1998 (previously non-membrane roof sealant category in previous versions of the Rule 1168), well before the exemption of pCBtF. Staff is proposing to allow two years for product reformulation before the pCBtF prohibition takes effect for All Other Roof Sealants, instead of the original proposal of one year.

Table 2-22: All Other Roof Sealants Data

All Other Roof Sealants	
Existing Rule Limit: 300 g/L Effective Now	
Existing Rule Limit: 250 g/L Effective 1/1/2023	
Proposed Rule Limit: 300 g/l Effective Upon Adoption	
	2017 (same as 2018)
Sale Volume (gal)	45,000
Baseline (tpd)	0.12
# of Products	60
SWA VOC (g/L)	198

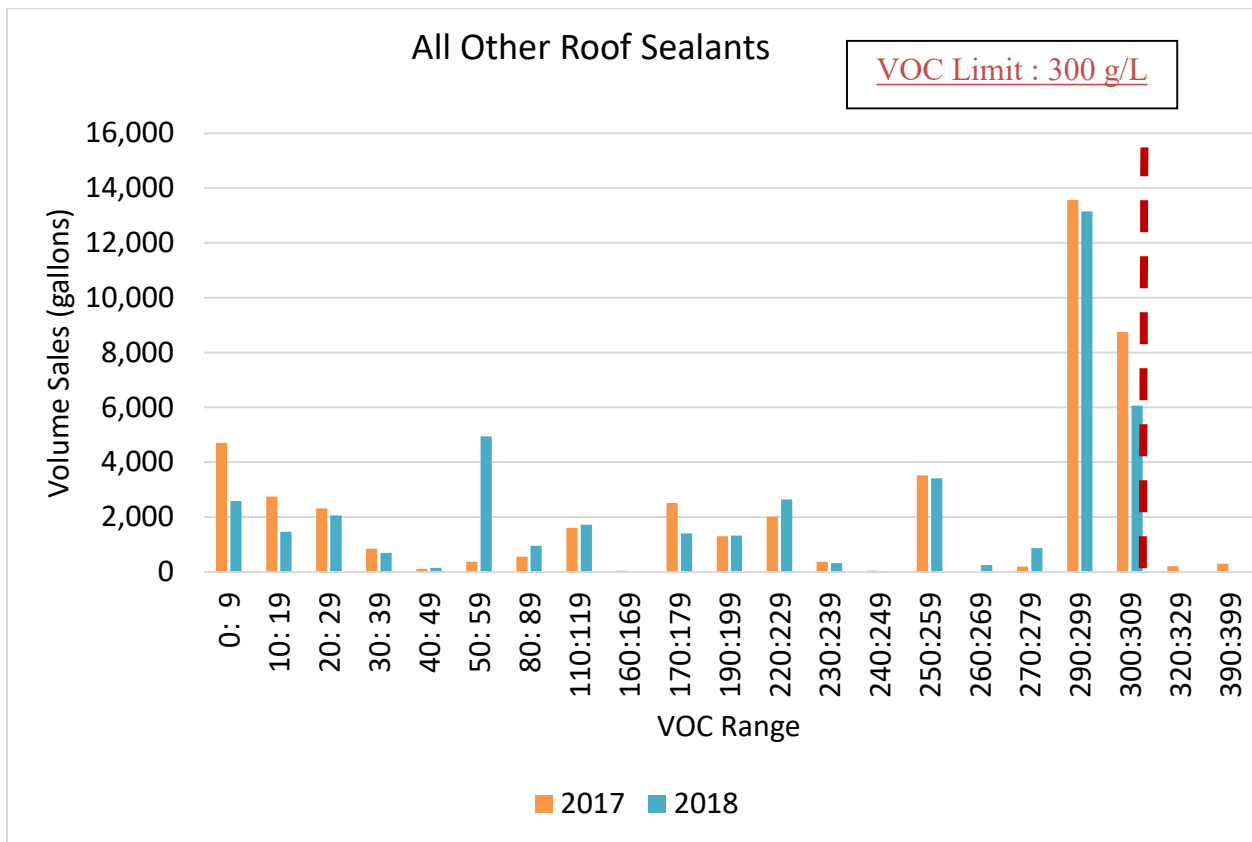


Figure 2-12: All Other Roof Sealants 2017/2018 QER Sales Data

Single Ply Roof Membrane Sealants

Single Ply Roof Membrane Sealants technologies include Low-VOC water-based sealants, 100 percent solids sealants, and solvent-based sealants, which includes sealants formulated with exempt solvents. As shown in Table 2-23 and Figure 2-13, the overall volume and baseline emissions is much lower than for All Other Roofing Sealants. The 2017/2018 QER data shows a decrease from 2013, and SWA for this category has been decreased from 96 g/L in 2013 to around 81 g/L in 2017/2018. The vast majority of the products in this category are meeting the proposed 250 g/L limit.

Stakeholders indicated a pCBtF prohibition will impact their ability to comply with the future 250 g/L limit. However, during the pCBtF survey only one product reported to have pCBtF in this category. Staff also reviewed the TDS and SDS for all reported products and one product listed pCBtF on the SDS as well. Since the supermajority of existing products are meeting 250 g/L, staff is proposing to retain the 250 g/L limit.

The roofing industry suggested that Cut Edge Single Ply Roof Membrane Sealants should be carved out from this category to allow for a longer timeframe for reformulation. These specialty sealants are sold in squeeze tubes and are only used for small sections of roofing installations or repair. Staff is proposing to allow four years for product reformulation before the pCBtF prohibition takes effect for Cut Edge Single Ply Roof Membrane Sealants. In addition, staff is proposing to allow two years for product reformulation before the pCBtF prohibition takes effect for the Single Ply Roof Membrane Sealants (Except Cut Edge), instead of the original proposal of one year.

Table 2-23: Single Ply Roof Membrane Sealants Data

Single Ply Roof Membrane Sealants			
Existing Rule Limit: 450 g/L Effective Now			
Existing Rule Limit: 250 g/L Effective 1/1/2023			
Proposed Rule Limit: 250 g/l Effective 1/1/2023			
	2013	2017	2018
Sale Volume (gal)	8,300	13,000	13,000
Baseline (tpd)	0.027	0.012	0.012
# of Products	33	36	33
SWA VOC (g/L)	96	81	82

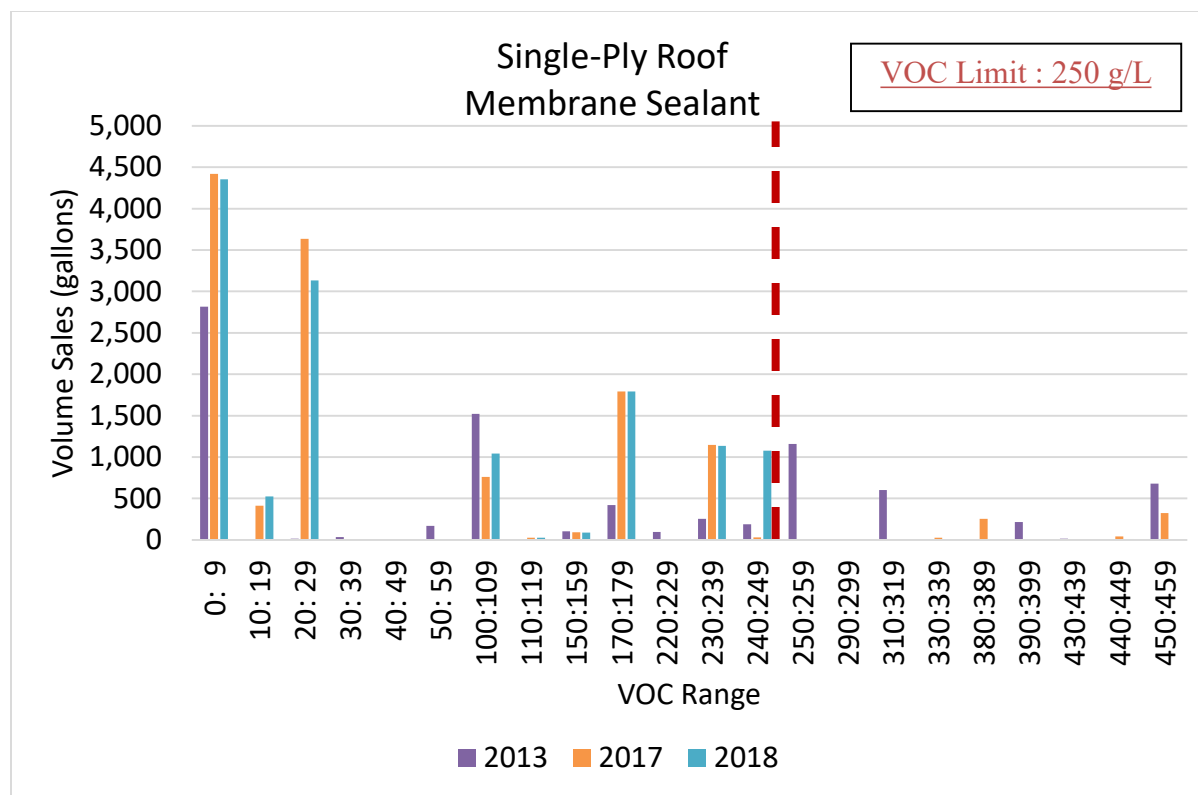


Figure 2-13: Single Ply Roof Membrane Sealants 2017/2018 QER Sales Data

OTHER PROPOSED CHANGES TO RULE

In the sections below, staff discusses other changes that are not related to the technology assessment.

Clear, Paintable, And Immediately Water-Resistant Sealant

While Rule 1168 did not require a technology assessment for Clear, Paintable, and Immediately Water-Resistant Sealants, a manufacturer asked staff to consider a higher VOC limit due to the loss of the pCBtF exemption. Clear, Paintable, and Immediately Water-Resistant Sealants was a new category included during the 2017 amendment. The products serve a similar purpose as Architectural Sealants, which are already achieving lower VOC limits (250 g/L). During the 2017 rule amendment, although South Coast AQMD staff did not recognize the necessity to have a product that is clear and paintable and immediately waterproof, staff acknowledged that the enforcement of these types of products would drive business out of the Basin. Staff confirms the regulated products that fall within this category as All Other Architectural Sealants, which has a VOC limit of 250 g/L. Staff allowed an additional five years since 2017 for the products in this category to provide enough time for reformulations to reduce the VOC content from 380 g/L to 250 g/L.

Stakeholders raised concerns about the new 250 g/L limit which will go into effect on January 1, 2023. Manufacturers indicated they can only meet the proposed VOC limits using pCBtF – no other exempt solvents are available and only aromatic solvents are compatible with these products. Aromatics have toxicity concerns as pCBtF, e.g., benzene, toluene, etc., but the rule currently does

not preclude their usage. Since these products are being used by consumers, toxicity is a significant concern. Even though the baseline emissions for this category are low, about 0.025 tpd, staff wants to prioritize lowering toxicity based on the Stationary Source Committee's direction. Considering this is a new category created in 2017, staff is confident that other Architectural Sealants currently meeting the 250 g/L VOC limit could replace this product based on the immediately waterproof aspect of sealant. Having a sealant that is both clear and paintable are not priorities especially considering toxic risk of the product. Staff also understands the manufacturers that have been using pCBtF for this product category would want to retain their products and need additional time to reformulate products without pCBtF. Therefore, staff proposes to delay the implementation of the proposed 250 g/L limit and pCBtF prohibition for this category to allow time for the required reformulations.

Rubber Vulcanization Adhesive

While Rule 1168 does not require a technology assessment for Rubber Vulcanization Adhesives, a stakeholder asked staff to consider a higher VOC limit due to some technical challenges to meet the proposed 250 g/L. Prior to 2017 amendment, VOC limit was 250 g/L but most facilities complied using the 55-gallon exemption. The 55-gallon exemption was removed in 2017 amendment and the VOC limit was increased to 850 g/L limit to reflect the VOC level of existing products. The 250 g/L limit was set for a future date allowing time for reformulation. There are some water-based products available in market with less than 5 g/L but do not work for all applications. Currently, solvent based products are formulated at 850 g/L. Staff proposes to retain the current 850 g/L limit and allow five years for reformulations. The 250 g/L VOC limit will go into effect on January 1, 2028.

Roof Adhesive Primer and Roof Sealant Primer

Rule 1168 does not require a technology assessment for any primers, and the rule does not include a specialty category for primers for roof application. Adhesive primers used for roof application is currently part of All Other Adhesive Primers subject to the 250 g/L VOC limit. Sealant primers used for roof application are currently part of All Other Sealant Primers subject to the 750 g/L VOC limit. Staff's evaluation of QER reports indicates that three out of four adhesive primers for roof application at or below 250 g/L are relying on pCBtF to achieve compliance. Staff proposes to create a new product category for Roof Adhesive Primer, retaining the 250 g/L VOC limit, but delaying the pCBtF prohibition for this product category. Staff also proposes to create a new product category for Roof Sealant Primer, retaining the 750 g/L VOC limit, but delaying the pCBtF prohibition for this product category. The prohibition delay would allow more time for reformulating the products without pCBtF. Staff is proposing to allow four years before the prohibition takes effect for the Roof Adhesive Primers, effective January 1, 2027, as staff identified a high percentage of the products in that category containing pCBtF. Staff is proposing to allow two years before the prohibition takes effect for the Roof Sealant Primers, January 1, 2025, as the roofing industry expressed concern regarding the timeframe it will take for product reformulation. If there is a product that can be used as both a Roof Adhesive Primer and a Roof Sealant, the most restrictive clause would apply, meaning the most stringent VOC limit is applicable. In this case, the 250 g/L VOC limit for Roof Adhesive Primers would apply. In addition, in that situation, the corresponding pCBtF prohibition effective dates for Roof Adhesive Primers would also apply.

Weight Percent VOC Metric

Based on meetings with various stakeholders, staff has been made aware that many products in different regulated product categories can be sold and applied as pressurized products using a propellant. For the same reason staff changed the VOC metric to a weight percent VOC for foam sealants and foam insulation, and staff considered to propose to include a weight percent VOC limit for all categories which required a manufacturer to comply with the weight percent VOC limit for all products packaged and applied using a propellant and to comply with the gram per liter (g/L) limit for all other products. However, since some stakeholders raised concerns on the conversion factor of VOC limits to weight percent, at this time, staff will only keep the weight percent limit for foam sealants and foam insulations.

CHAPTER 3 : PROPOSED AMENDED RULE LANGUAGE

PROPOSED AMENDED RULE 1168

Staff is proposing the following amendments to Rule 1168. The proposed amendments are primarily on the revised VOC limits for several product categories or new subcategories and the prohibition of t-Bac and pCBtF use in the regulated products. Some other amendments are for rule clarification or streamlining.

Purpose (a) and Applicability (b)

The purpose and applicability are currently both under subdivision (a). Staff proposes to separate the applicability to a new subdivision for a more streamlined rule structure.

In addition, staff proposes to clarify the applicability by adding the stationary sources who use Regulated Products in the manufacturing process, which has been intended by have always been subject to the rule, and specifying the applicability is for Regulated Products used within the South Coast AQMD. The proposed changes would provide clarity.

Rule 1168 is applicable to:

- Regulated Products used or stored within the South Coast AQMD
- Regulated Products sold, supplied, distributed, or offered for sale for use within the South Coast AQMD
- Regulated Products manufactured within the South Coast AQMD for use within the South Coast AQMD
 - The rule is not applicable to Regulated Products that are manufactured within the South Coast AQMD but shipped outside of the South Coast AQMD for use. For example, a South Coast AQMD Facility can manufacture adhesives that exceed the Rule 1168 VOC limits provided the adhesives are not sold for use within the South Coast AQMD.
- Regulated Products used at Facility within the South Coast AQMD
 - Rule 1168 is not applicable to adhesives or sealants applied to finished goods or products outside the South Coast AQMD's jurisdiction that are shipped to the South Coast AQMD. For example, the adhesive used to manufacture a roofing shingle in Arizona does not have to meet the VOC limits in Rule 1168, but the finished roofing shingle is allowed to be sold into the South Coast AQMD.

Definitions (c)

The primary proposed revision to this subdivision will be the addition of several new definitions. Staff proposes to establish new categories and subcategories and VOC content limits to reflect the results of the technology assessment. Accordingly, the following definitions for those new categories and subcategories will be added:

- CPVC Welding Cement for Life Safety Systems
- Higher Viscosity CPVC Welding Cement
- One-Component Foam Sealants
- High-Pressure Two-Component Foam Sealants
- Low-Pressure Two-Component Foam Sealants

- Shingle Laminating Adhesive
- Hot Applied Modified Bitumen/Built Up Roof Adhesive
- Cut Edge Single Ply Roof Membrane Sealant
- EPDM/TPO Single Ply Roof Membrane Adhesive
- Roof Adhesive Primers
- Roof Sealant Primers

The proposed revision includes removing the definition for Energy Curable Adhesives and Sealants. This definition references ASTM Test Method 7767 Standard Test Method to Measure Volatiles from Radiation Curable Acrylate Monomers, Oligomers, and Blends and Thine Coatings Made from Them. On August 22, 2022, U.S. EPA issued a partial State Implementation Plan (SIP) disapproval for Rules 1106 and 1107 for ASTM Test Method D7767-11 which is not a U.S. EPA approved test method and cannot be used to enforce a SIP approved rule. Staff is proposing to remove this definition, which was only included as a mechanism to include the test method, to avoid a SIP disapproval.

Staff is proposing a revision to the definition for Exempt Compound. The definition references Rule 102 for exempt compound. For the purpose of this rule, the definition would include a conditional and limited exemption for Opteon 1100. The exemption would not be effective unless the conditions are met as previously discussed. In addition, the exemption is limited to two-component foam sealants applied in an industrial or professional setting.

Requirements (d)

This provision sets the requirements for VOC limits and effective dates for adhesives and sealants by categories and subcategories, as summarized in Rule 1168 Table 1 – Regulated Product Categories and VOC Limits. Staff is proposing a revision to Rule 1168 Table 1 to reflect the proposed new VOC limits and effective dates for some categories and new subcategories. Please see Table 3-1 below for a summary of the proposal as compared with the current requirements. Another proposed revision to Table 1 is to provide weight-based VOC limits for foam product categories, with a conversion of 0.1 weight percent for one gram per liter. Those foam product categories include Foam Insulation, One-Component Foam Sealants, High-Pressure Two-Component Foam Sealants, and Low-Pressure Two-Component Foam Sealants.

Additionally, staff is proposing a clarification to paragraph (d)(2) for the most restrictive clause. By way of clarification, a product subject to a specialty category with a higher-VOC limit is not subject to lower-VOC limit of the default “All Other” category. For example, All Clear, Paintable, and Immediately Water-Resistant Sealant is subject to the 380 g/L limit for this category, and it is not subject to the 300 g/L limit for All Other Roof Sealant or the 250 g/L for All Other Architectural Sealant. However, the most restrictive clause would apply to a sealant that can be used as a roofing sealant, a window sealant and a door sealant. In that instance, the lower limit of 50 g/L would apply instead of the 250 g/L roofing sealant.

Table 3-1: Summary of Table 1 Revisions

Category	Current limit effect 1/1/23	Proposed Subcategory	Staff Proposal	Effective Date
Top and Trim	250 g/L	N/A	250 g/L	1/1/2028
Foam Sealant	50 g/L	One-Component	18 %	7/1/2023
		High-Pressure Two-Component	5 %	1/1/2023
		Low-Pressure Two-Component	5 %	1/1/2023
PVC Welding Cement	425 g/L	N/A	425 g/L;	1/1/2023
CPVC Welding Cement	400 g/L	CPVC	400 g/L	1/1/2023
		CPVC – Life Saving Systems	490 g/L	Upon Adoption
		CPVC – High Viscosity CPVC Welding Cement	400 g/L	7/1/2024
All Other Roofing Adhesive	200 g/L	All Other Roofing Adhesives	250 g/L	Upon Adoption
		Shingle Laminating Adhesive	30 g/L	1/1/2023
		Hot Applied Modified Bitumen/Built Up Roof Adhesive	30 g/L	1/1/2023
Single Ply Roof Membrane Adhesive	200 g/L	EPDM/TPO Single Ply Roof Membrane Adhesive	250 g/L	Upon Adoption
		Single Ply Roof Membrane Adhesive (Except EPDM/TPO)	250 g/L	Upon Adoption
All Other Roofing Sealant	250 g/L	N/A	300 g/L	Upon Adoption
Single Ply Roof Membrane Sealant	250 g/L	Cut Edge Single Ply Roof Membrane Sealant	250 g/L	1/1/2023
		Single Ply Roof Membrane Sealant (Except Cut Edge)	250 g/L	1/1/2023
Clear, Paintable, Immediately Water-Resistant Sealant	250 g/L	N/A	250 g/L	1/1/2026
Rubber Vulcanization Adhesive	250 g/L	N/A	250 g/L	1/1/2028
All Other Adhesive Primers	250 g/L	Roof Adhesive Primers	250 g/L	Upon Adoption
		All Other Adhesive Primers	250 g/L	Upon Adoption

All Other Sealant Primers	750 g/L	Roof Sealant Primers	750 g/L	Upon Adoption
		All Other Sealant Primers	750 g/L	Upon Adoption

Reporting and Recordkeeping Requirements (e)

Rule 1168 includes two specific recordkeeping provisions. Manufacturers, big box retailers, and distributors must retain records to support the data reported in the QERs; owners or operators of stationary sources that use adhesives or sealants to manufacture products must maintain records pursuant to Rule 109 – Recordkeeping for Volatile Organic Compound Emissions. The current rule specifies reporting and recordkeeping under separate subdivisions (f) and (d) and it is not specific that the Rule 109 only applies to stationary sources.

In addition, in paragraphs (e)(4) and (e)(6) staff proposes to clarify that big box retailers, distribution centers, and facilities using the 55-gallon exemption must maintain records to verify all required data being reported for three years and make them available upon request by the Executive Officer.

For rule streamlining and clarification, staff is proposing to combine the reporting and recordkeeping requirements under subdivision (e). As result, subdivision (e) will be amended to include the following provisions:

- General Quantity and Emission Report (QER)
- Aerosol QER
- Private labeler requirements (as related to QER)
- Big box retailer or distribution center QER
- QER reporting timeline
- Facilities Using the 55-Gallon Exemption
- Recordkeeping for QER
- Rule 109 recordkeeping
- Confidentiality of Information

Staff is also proposing to add a reporting requirement in QER for any product containing more than 0.01 weight percent of t-BAC and/or pCBtF. This reporting requirement would apply to manufactures and private labelers under subparagraphs (e)(1)(G) and (e)(2)(J). This reporting requirement would begin with the next reporting cycle in 2025. The Table below shows the QER reporting schedule adopted during the 2017 amendment:

Table 3-2: QER Reporting Schedule

Reporting Deadlines		Reported Years
Manufacturers & Private Labelers	Big Box Retailers & Distribution Centers	
September 1, 2019	May 1, 2019	2017, 2018
September 1, 2022	May 1, 2022	2020, 2021
September 1, 2025	May 1, 2025	2023, 2024
September 1, 2030	May 1, 2030	2028, 2029
September 1, 2035	May 1, 2035	2033, 2034
September 1, 2040	May 1, 2040	2038, 2039

Administrative Requirements (g)

This subdivision includes labeling and QER requirements. As mentioned above, staff proposes to move the QER requirements to subdivision (e). With the reporting requirements moved, this subdivision now only includes labeling requirements; therefore, subparagraphs (g)(1)(A) through (g)(1)(G) have been promoted to paragraphs (g)(1) through (g)(7). Staff also proposes to add labeling requirements for two new CPVC subcategories, CPVC For Life Safety Systems and Higher Viscosity CPVC Welding Cement. The following statement will be required to be displayed on the container, effective July 1, 2023:

- Each container of CPVC For Life Safety Systems shall include the statement “For CPVC Life Safety System Uses Only” prominently displayed.
- Each container of Higher Viscosity CPVC Welding Cement shall include a statement prominently displayed on the label to indicate if the product is formulated for “Medium” or “Heavy” or “Extra Heavy” applications.

Staff also proposes to amend the labeling requirement to address Regulated Products subject to weight percent VOC limits; the following statement has been added:

- Effective January 1, 2026, Foam Insulation, One-Component Foam Sealants, High-Pressure Two-Component Foam Sealants, and Low-Pressure Two-Component Foam Sealants shall display the VOC as percent VOC by weight.

Prohibition of Sales and Use (h)

Currently the rule prohibits the sale and use of regulated products that contain chloroform, ethylene dichloride, methylene chloride, perchloroethylene, and trichloroethylene and all Group II exempt solvents except volatile methyl siloxanes (VMS). Small, but non-negligible, quantities of VMS

are widely used in silicone-based sealants. The Group II exempt solvent prohibition was included during the 2017 amendments, and it included an effective date of January 1, 2019, that has passed. PAR 1168 combines the prohibition into one paragraph removing the archaic effective date.

Staff also proposes to prohibit the use of t-BAC and pCBtF under subdivision (h). This proposal is based on staff's assessment of t-BAC and pCBtF health risk and the Stationary Source Committee's direction to take a precautionary approach when considering expanding or including an exemption for any compound with a toxic endpoint. The proposal also includes a sell-through and use-through provision for products manufactured prior to the effective date of the t-BAC and pCBtF prohibition. Sell-through and use-through provision are already included in Rule 1168 when there is a VOC limit change for a Regulated Product, the amendment includes the same consideration for the new prohibitions. Based on stakeholder feedback and evaluation of reported data, staff proposed some delays of pCBtF prohibition for specialty products that rely on pCBtF and shorter sell-through and use-through periods to help offset the delays. The prohibition effective dates based on the product categories are illustrated in a new table included in the rule as below.

Table 3-3: Prohibition Effective Dates

Category	Prohibition Effective Date	Sell-through End Date	Use-through End date
pCBtF Prohibition Effective Dates			
Cut Edge Single Ply Roof Membrane Sealant	January 1, 2027	January 1, 2028	January 1, 2028
EPDM/TPO Single Ply Roof Membrane Adhesive			
Roof Adhesive Primer			
Single Ply Roof Membrane Adhesive (Except EPDM/TPO)	January 1, 2025	January 1, 2028	January 1, 2028
Single Ply Roof membrane Sealants (Except Cut Edge)			
All Other Roof Sealants			
Roof Sealant Primer	January 1, 2026	January 1, 2028	January 1, 2028
Clear, Paintable, and Immediately Water-Resistant Sealant			
All Regulated Products not listed above	January 1, 2024	January 1, 2027	January 1, 2028
t-BAC Prohibition Effective Dates			
All Regulated Products	January 1, 2024	January 1, 2027	January 1, 2028

Exemptions (j)

For regulated products with a VOC content no more than 20 g/L, Rule 1168 provided an exemption from subdivision (c) - the VOC emission limits and subdivision (d) - the Rule 109 recordkeeping requirements. However, Rule 1168 includes some limits as low as 20 g/L making the reason behind the 20 g/L exemption unclear and it is also unclear why 20 g/L products would be exempt from the VOC emission limits as they meet the lowest VOC limit in Rule 1168. Staff proposes to change the exemption to only apply to the Rule 109 recordkeeping provisions for the following:as follows:

- Regulated Products packaged and applied using a propellant, 2 percent VOC by weight or half the applicable VOC limit, whichever is lower;
- Low-Solids Regulated Products, 20 grams per liter material or half the applicable VOC limit, whichever is lower; and
- All other Regulated Products, 20 grams per liter, or half the applicable VOC limit, less water and less exempt compounds, whichever is lower.

In addition, staff is proposing to remove paragraph (j)(9) which allowed for the continued use of methylene chloride, a prohibited compound, in solvent welding formulation until January 1, 2021. The paragraph is being removed since that date has passed and those formulations can no longer use methylene chloride.

CHAPTER 4 : IMPACT ASSESSMENT

EMISSION INVENTORY

The emission inventory for the proposed amended rule was determined by the most recent QER available reported in September 2019 reporting the 2017 and 2018 adhesive and sealant sales into the South Coast AQMD. According to the 2017/2018 QERs, the baseline emission for the Rule 1168 is 6.2 tpd of VOC for 2017 and 2018 reporting years.

Table 4-1: 2018 Emissions

Category	2018 Emissions (tpd)
Top and Trim	0.2
Foam Sealants	0.2
All Other Roof Adhesives	1.6
Single Ply Roof Membrane Adhesive	0.3
All Other Roof Sealants	0.1
Single Ply Roof Membrane Sealants	0.01
PVC Welding Cement	0.9
CPVC Welding Cement	0.04
ABS to PVC Welding Cement	0.3
Clear, Paintable, Immediately Water-Resistant Sealant	0.03
Rubber Vulcanization Adhesives	0.4
All Other Adhesive Primer	0.01
Other Rule 1168 Categories	2.1
Total	6.2

The categories for which a technology assessment has been performed include 3.3 tpd of the total baseline emissions with the All Other Roof Adhesives accounting for 1.6 tpd of total reported VOC emissions. Approximately 1.4 tpd of All Other Roof Adhesives category were asphaltic adhesives that staff separated and created two new subcategories. In the table below there is a list of products for which a technology assessment was either required by the rule or manufacturers reached out to staff to indicate there were issues with the upcoming VOC limits, with the total sales and SWA.

Table 4-2: Products in Technology Assessment and Products with Proposed VOC Limit Revisions

Emission Source	2017		2018		
	Total Sales (gallons)	SWA (g/L)	Total Sales (gallons)	SWA (g/L)	
Top and Trim	75,000		424	60,000	337
Foam Sealant	107,000		154	105,000	148
All Other Roof Adhesives^{1,2}	80,000		188	80,000	188
Single Ply Roof Membrane Adhesive	230,000		120	270,000	125
All Other Roof Sealants²	45,000		198	45,000	198
Single Ply Roof Membrane Sealants	13,000		81	13,000	82
PVC Welding Cement	155,000		480	155,000	480
CPVC Welding Cement	6,700		383	8,200	469
ABS To PVC Welding Cement	1,800		377	2,000	390
Clear, Paintable, Immediately Water-Resistant Sealant	8,700		420	6,800	322
Rubber Vulcanization Adhesives	Protected Data		653	Protected Data	710
Total Sales in Table	733,500			747,400	
Total Sales of Regulated Products	14,000,000			16,000,000	

¹ Non-asphaltic All Other Roof Adhesives

² Same data reported for 2017 and 2018

CONTROL TECHNOLOGY

Compliance with PAR 1168 is expected to be met with manufacturers reformulating regulated products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The manufacturers will have flexibility to use any compliant alternative reformulation in order for their product to meet the VOC limits in PAR 1168. Physical modifications to or new installations of manufacturing equipment, including the installation of control equipment, would not be expected to be needed in order to reformulate products. For certain categories, there are existing products that meet the proposed lower VOC content limits, so reformulation is practicable. Finally, some end-users can comply with the rule using alternative options such as the 55-gallon per year exemption; control devices, such as emission collection systems; or an Alternative Emission Control Plan.

EMISSION REDUCTIONS

Staff is not projecting any overall emission reductions resulting from this rule amendment. Based on the technology assessment, which includes staff discussions with stakeholders and analyzing the QER data, staff is proposing to revise some of the proposed 2017 VOC limits or delay effective dates for VOC limits. However, the change was not the same for all impacted categories; the 2017 proposed limits will remain unchanged for some categories, while for other categories, staff proposed a delayed effective date. For some categories the 2017 proposed limits were reverted back to the pre-2017 limits. Due to the proposed pCBtF and t-BAc prohibition, VOC limits for roofing products have been reverted to the pre-2017 limits, with the exception of Single Ply Roof Membrane Sealants. The prohibition affected the ability of manufacturers to meet the 2017 proposed VOC limits.

For solvent cement categories including PVC, CPVC, CPVC for Life Safety Systems, Higher Viscosity CPVC, staff proposed to maintain the 2017 proposed limits for PVC, CPVC, and Higher Viscosity CPVC, but the limit for the CPVC for Life Safety Systems will be at the pre-2017 proposed limits. For Foam Sealants and Top and Trim Adhesives there would be some emission reductions. In the case of Top and Trim Adhesives, since 2003, the VOC limit reduction to 250 g/L was delayed twice to allow manufacturers to reformulate. Staff proposed to allow five years for reformulations and the 250 g/L will go into effect on January 1, 2028. The delayed and foregone emissions and emission reductions are presented in the table below.

Table 4-3: Proposed VOC Limits, Delayed and Foregone Emissions, and Emission Reductions

	VOC limit prior to 2017 amendment	2017 Proposed VOC limit Effective Jan 2023	2022 Proposed VOC limits	Proposed Effective Date	Delayed Emission Reductions (tpd)	Foregone Emission Reductions (tpd)
Top and Trim Adhesives	540	250	250	1/1/2028	0.1	0
One-Component Foam Sealants	250	50	18 %	7/1/2023	0.01	0.12
High-Pressure Two-Component Sealant	250	50	5%	1/1/2023	0	0
Low-Pressure Two-Component Sealant	250	50	5%	1/1/2023	0	0
All Other Roof Adhesives	250	200	250	Upon Adoption	0	0.03
SHINGLE LAMINATING Adhesive	250	250	30	1/1/2023	0	0
Hot Applied Modified Bitumen/Built Up Roof Adhesive	250	250	30	1/1/2023	0	0

	VOC limit prior to 2017 amendment	2017 Proposed VOC limit Effective Jan 2023	2022 Proposed VOC limits	Proposed Effective Date	Delayed Emission Reductions (tpd)	Foregone Emission Reductions (tpd)
Single Ply Roof Membrane Adhesives	250	200	250	Upon Adoption	0	0.07
All Other Roof Sealants	300	250	300	Upon Adoption	0	0.05
Single Ply Roof Membrane Sealants	450	250	250	1/1/2023	0	0
PVC Welding Cement	510	425	425	1/1/2023	0	0
CPVC Welding Cement	490	400	400	1/1/2023	0	0
CPVC – Life Safety Systems	490	400	490	N/A	0	0.01
Higher Viscosity CPVC	490	400	400	7/1/2024	0.01	0
Clear, Paintable, Immediately Water-Resistant Sealant	380	250	250	1/1/2026	0.007	<u>0</u>
Rubber Vulcanization Adhesive	850	250	250	1/1/2028	0.29	<u>0</u>
Total					0.42	0.28

The delayed emission reductions and foregone emissions reductions from the proposed amendments will be 0.42 tpd and 0.28 tpd, respectively.

COST ASSESSMENT

Cost effectiveness analysis is not required for PAR 1168 as the proposed VOC limits either retains, delays, or increases the VOC limits, except for two roofing subcategories with a lower proposed limit. Staff analysis has determined that all reported products of those two new roofing subcategories are meeting the proposed limit.

Stakeholders contend that prohibiting pCBtF may trigger product reformulation for certain categories and entail additional cost. The primary impact would be on four roofing categories as discussed previously, some adhesive primers primarily used for roofing, and some Clear, Paintable, And Immediately Water-Resistant Sealants. Staff is proposing to retain the current emission limit for Single Ply Roof Membrane Sealants and revert the emission limits for other three roofing categories back to the pre-2017 limits. For Single Ply Roof Membrane Sealants, two out of 37 products were found to contain pCBtF. Staff conducted an internet search for the market price of Single Ply Roof Membrane Sealants and found that the cost of this product with pCBtF is not higher than some other products at similar VOC emission level but containing no pCBtF. As

discussed in Chapter 3, staff identified three specialty products that are relying on pCBtF to meet the limits and is proposing to carve out subcategories to allow for longer time to reformulate. Staff also estimated costs reformation costs for Clear, Paintable, And Immediately Water Resistant Sealants.

The number of products that contain pCBtF are shown in the table below.

Table 4-4: Categories and number of products that contain pCBtF

Category	# of products contain pCBtF
Single Ply Roof Membrane Adhesive including EPDM/TPO Single Ply Roof Membrane Adhesive	11
Single Ply Roof Membrane Sealant including Cut Edge Single Ply Roof Membrane Sealant	2
All Other Roof Adhesives	0
All Other Roof Sealants	2
All Other Adhesive Primer	3
Clear, Paintable, Immediately Water-Resistant Sealant	3
Total Roofing Products	18
Total Products	21

SOCIOECONOMIC ASSESSMENT

Health and Safety Code Section 40440.8 requires a socioeconomic impact assessment for proposed and amended rules resulting in significant impacts to air quality or emission limitations. This rule amendment will result in the elimination of two toxic solvents, t-BAc and pCBtF, and there are no VOC emission reductions; therefore, it does not include a cost effectiveness assessment This assessment shall include affected industries and a range of probable costs.

AFFECTED INDUSTRIES

The proposed amendments to Rule 1168 would affect approximately 76 adhesive and sealant manufacturers, of which 15 are manufacturing the products within the South Coast Air Basin. The majority of the affected facilities belong to the industries of Asphalt Shingle and Coating Materials (NAICS 324122) Adhesive Manufacturing (NAICS 325520), and Industrial Building Construction (NAICS 236210). Out of the 15 affected facilities, ten are in Los Angeles County, two are in Orange County, and one is located in San Bernardino County.

PAR 1168 would also affect the intermediate users of adhesive and sealant products. The sectors that make extensive use of products subject to the proposed amendments mainly belong to Construction (NAICS 23), Durable and Nondurable Manufacturing (NAICS 33 and 31-32, respectively) as presented in Table 4-5. More than 99 percent of these affected sources are area sources for which staff has no detailed information.

Table 4-5: Potentially Affected Intermediate Users by Industry

<p>Construction (NAICS 23)</p> <ul style="list-style-type: none"> Industrial Building Construction (NAICS 236210) New Multifamily Housing Construction (NAICS 236116) Commercial and Institutional Building Construction (NAICS 236220) New Single-Family Housing Construction (NAICS 236115) Residential Remodelers (NAICS 236118) Oil and Gas Pipeline and Related Structures Construction (NAICS 237120) Water and Sewer Line and Related Structures Construction (NAICS 237110) Roofing Contractors (NAICS 238160) Siding Contractors (NAICS 238170) Tile and Terrazzo Contractors (NAICS 238340) Drywall and Insulation Contractors (NAICS 238310) Flooring Contractors (NAICS 238330) Glass and Glazing Contractors (NAICS 238150) Plumbing, Heating, and Air-Conditioning Contractors (NAICS 238220)
<p>Nondurable Manufacturing (NAICS 31-32)</p> <ul style="list-style-type: none"> Footwear Manufacturing (NAICS 316210) Hardwood Veneer and Plywood Manufacturing (NAICS 321211) Manufactured Home (Mobile Home) Manufacturing (NAICS 321991) Other Millwork (including Flooring) (NAICS 321918) Wood Container and Pallet Manufacturing (NAICS 321920) Wood Window and Door Manufacturing (NAICS 321911) Asphalt Shingle and Coating Materials Manufacturing (NAICS 324122 and 325520) Adhesive Manufacturing (NAICS 325520). All Other Rubber Product Manufacturing (NAICS 326299) Polystyrene Foam Product Manufacturing (NAICS 326140) Rubber Product Manufacturing for Mechanical Use (NAICS 326291) Tire Retreading (NAICS 326212) Urethane and Other Foam Product Manufacturing (NAICS 326150)
<p>Durable Manufacturing (NAICS 33)</p> <ul style="list-style-type: none"> Refrigeration Equipment Manufacturing (NAICS 333415) Custom Architectural Woodwork and Millwork Manufacturing (NAICS 337212) Household Furniture (except Wood and Metal) Manufacturing (NAICS 337125) Motor Vehicle Seating and Interior Trim Manufacturing (NAICS 336360) Office Furniture (except Wood) Manufacturing (NAICS 337214) Showcase, Partition, Shelving, and Locker Manufacturing (NAICS 337215) Surgical Appliance and Supplies Manufacturing (NAICS 339113) Wood Kitchen Cabinet and Countertop Manufacturing (NAICS 337110)

Lastly, if the additional costs associated with the proposed amendments are eventually passed on to end-users of PAR 1168 applicable products would potentially affect the general public (consumers).

Compliance Cost

The purpose of PAR 1168 is to adjust some VOC limits and compliance dates based on the technology assessments and the proposed prohibition of t-BAC and pCBtF. For the purpose of this analysis, staff quantified the impacts of the additional compliance costs and potential savings associated with the pCBtF prohibition. The costs of VOC reductions that were included in the 2017 amendment are not included as they were assessed as part of the last amendment. Staff also did not assess any costs associated with delayed compliance dates.

Potential Cost Savings

The estimated cost savings are due to the high cost of pCBtF; replacement solvents will be less expensive. Staff conducted a cost assessment of regulated products with and without pCBtF and found the non-pCBtF formulations to be between \$20 to \$40 cheaper than products formulated with pCBtF for each gallon. In this case, formulating away from pCBtF will result potential cost savings. The only exceptions are clear, paintable, immediately water-resistant sealants where the newer, low-VOC products are more expensive. For those products, the cost of reformulation is reflected in the price and cost savings are not included in the potential cost saving assessment. This comports with staff's cost assessments from previous VOC rule amendments where manufacturers stated the high cost of pCBtF was a barrier to reformulation.

Staff estimated the cost saving based on a conservative estimate of \$15 saved per gallon reformulated. Based on manufacturer feedback on products sold into the South Coast AQMD that are formulated with pCBtF, the total estimated gallons that will have to be reformulated are approximately 400,000 gallons, not including the clear, paintable, immediately water-resistant sealants. That would result in a cost saving of approximately \$738,000 over ten years.

Reformulation Costs Incurred

Cost effectiveness calculations for VOC rule amendments typically estimates costs incurred based on the incremental increase of the reformulated products, but as mentioned above, all products staff identified as formulated with pCBtF were more expensive than the non-pCBtF products. Therefore, that analysis only shows cost savings. However, manufacturers will incur cost for product reformulations. Staff will estimate the reformulation costs based on an estimated 20 percent cost increase from the cost of existing products and multiple that times the volume of products that must be reformulated. A 20 percent cost increase has been used for past VOC rule amendments to estimate reformulation costs. Staff estimates the reformulation costs at \$515,000 over ten years.

In addition to the reformulation costs, there are also third-party testing costs associated with roofing adhesives and sealants. The majority of products staff identified as containing pCBtF are roofing products; therefore, staff is including third-party testing costs in the assessment. Based on manufacturer feedback, this testing can cost up to \$150,000 per product. Staff identified approximately 20 roofing products that are formulated with pCBtF sold into or within the South Coast AQMD resulting in approximately \$400,000 cost incurred annualized over 10 years.

The last cost staff evaluated was for clear paintable and immediately water-resistant sealants. For these products, staff did identify higher costs for the reformulated products. The product volumes

are protected data was less than three manufacturers reported selling product containing pCBtF so staff will only report the estimated cost incurred, which is \$220,000 annualized over 10 years.

Reporting Costs

In addition to reformulation and testing costs, minor additional costs will be incurred for the new requirement that manufacturers must include the weight percent pCBtF and t-BAc in the reported regulated products. Costs associated with the QERs were evaluated during the 2017 amendment. The additional reporting requirement will not add a significant cost to the facilities. Staff has not identified a significant number of products formulated with either pCBtF or t-BAc so the impacts should be minimal.

Overall Cost of Rule Amendment

Based on the estimated cost savings of approximately \$738,000 and the costs incurred of \$735,000 for roofing reformulation, \$220,000 for clear, paintable, and immediately water-resistant sealants and \$400,000 for third party testing for roofing products, the overall cost of the rule amendment is \$397,000.

Socioeconomic Impacts of CEQA Alternatives

Four alternatives to PAR 1168 were developed for the CEQA analysis in the Subsequent Environmental Assessment (SEA) prepared for PAR 1168: Alternative A - No Project; Alternative B - More Stringent Proposed Project; Alternative C - Less Stringent Proposed Project; and Alternative D - Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168. This section provides a summary of each alternative as well as an assessment of the possible socioeconomic impacts resulting from these alternatives.

Alternative A – No Project

CEQA requires the specific alternative of “No Project” to be evaluated. A “No Project” Alternative consists of what would occur if the proposed project was not approved; in this case, not adopting PAR 1168. Under Alternative A, manufacturers would be allowed to continue to formulate adhesives and sealants for sale and use within South Coast AQMD’s jurisdiction that meet the VOC limits established in the October 2017 version of Rule 1168. However, manufacturers of certain adhesives and sealants have indicated that they need more time to develop compliant products or cannot meet the applicable VOC limits by the January 1, 2023 effective date due to technological limitations, creating potential compliance issues, and likely resulting in the originally projected VOC emission reductions not being fully achieved. Moreover, under Alternative A, t-BAc and pCBtF would continue to be classified as VOC-exempt solvents and as such, could continue to be used in formulating adhesives and sealants subject to PAR 1168. Since there would be no additional reformulations or t-BAc and pCBtF prohibition in this alternative, there would be no cost associated with this proposal.

Alternative B – More stringent Proposed Project

PAR 1168 proposes revisions to the VOC limits and corresponding effective dates for certain categories of adhesives and sealants based on the technology assessment that was conducted. Alternative B proposes the same VOC limits but those limits would go into effect ~~need to occur~~ six months earlier than the proposed project for the categories of One-Component Foam Sealant and Higher Viscosity CPVC Welding Cement while ~~the effective date to meet~~ the proposed VOC limits for Top and Trim Adhesive, Clear, Paintable, Immediately Water-Resistant Sealant, and

Rubber Vulcanization Adhesive would go into effect ~~need to occur~~ twelve months earlier than the proposed project.

A 20 percent cost increase is used for estimating Alternative B reformulation costs as compared with the proposed project. Staff estimates the reformulation costs at \$850,000 over 10 years. With no change to other cost assumptions, the overall cost of Alternative B is \$510,000. However, the feasibility may be compromised due to the shorter timeline for the manufacturers to reformulate in Alternative B.

Alternative C – Less Stringent Proposed Project

Alternative C proposes less stringent requirements. Under Alternative C, the categories of Top and Trim Adhesive, One-Component Foam Sealant, Higher Viscosity CPVC Welding Cement, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive would have an additional 12 months to meet the proposed VOC limits in PAR 1168.

A 10 percent cost decrease is used for estimating Alternative C reformulation costs as compared with the proposed project. Staff estimates the reformulation costs at \$640,000 over ten years. With no change to other cost assumptions, the overall cost of Alternative C is \$300,000.

Alternative D – Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168

Alternative D would not change the January 1, 2023 effective VOC limits in the current rule for the following categories: One-Component Foam Sealant, Single Ply Roof Membrane Adhesive (including both subcategories with and without EPDM/TPO), All Other Roof Sealants, All Other Roof Adhesives, and CPVC Welding Cement for Life Safety Systems. However, under Alternative D, instead of January 1, 2023, the effective date would be postponed by seven years to January 1, 2030, providing industries with sufficient additional time to meet the VOC limits.

Compared with the proposed project, Alternative D would have more stringent VOC limits and less stringent effective dates for One-Component Foam Sealant, Single Ply Roof Membrane Adhesive (including both subcategories with and without EPDM/TPO), All Other Roof Sealants, All Other Roof Adhesives, and CPVC Welding Cement for Life Safety Systems. There would be more cost for the more stringent requirements and less cost for the less stringent requirements. For the roofing products, staff assumes there is no cost change from the proposed project. However, the feasibility of the achieving the more stringent VOC limits without the use of pCBtF as proposed by Alternative D for some products could be compromised as compared with the proposed project.

Regarding the CPVC Welding Cement for Life Safety Systems, keeping the January 1, 2023 effective date for the VOC limit established in the 2017 amendment, ~~VOC limit~~ would result in additional costs as those products require reformulation and third-party testing. Staff estimates approximately 20 percent of the sales volume reported in the QERs could be sold for use on life safety systems. Using the same assumption as a 20 percent increase in the cost of products sold as a surrogate for reformulation costs, staff estimates reformulation would cost approximately \$7,000 and third-party testing would cost approximately \$70,000 annualized over 10 years. Alternative D could cost an additional \$77,000 annualized over 10 years.

Table 4-6: Summary of Socioeconomic Impacts of CEQA Alternatives

	Reformulation Cost	Raw Material Savings	Third Party Testing	Total
Staff Proposal	\$710,000	\$(740,000)	\$400,000	\$370,000
Alternative A	\$710,000	\$(740,000)	\$400,000	\$370,000
Alternative B	\$850,000	\$(740,000)	\$400,000	\$510,000
Alternative C	\$640,000	\$(740,000)	\$400,000	\$300,000
Alternative D	\$717,000	(740,000)	\$470,000	\$447,000

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and South Coast AQMD's Certified Regulatory Program (Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l); codified in South Coast AQMD Rule 110), the South Coast AQMD, as lead agency for PAR 1168, prepared a Subsequent Environmental Assessment (SEA) for the proposed project. The SEA is a substitute CEQA document prepared pursuant to CEQA Guidelines Section 15252 and in lieu of a Subsequent Environmental Impact Report. The SEA tiers off of the October 2017 Final Environmental Assessment (EA) for the October 2017 amendments to Rule 1168,⁴ as allowed by CEQA Guidelines Sections 15152, 15162, 15168 and 15385. The Draft SEA was released for a 45-day public review and comment period to provide public agencies and the public an opportunity to obtain, review, and comment on the environmental analysis. No comment letters were received during the comment period. ~~Comments made relative to the analysis in the Draft SEA and responses to the comments will be included in the Final SEA.~~

DRAFT FINDINGS UNDER THE HEALTH AND SAFETY CODE

Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the hearing. The draft findings are as follows:

Necessity – Based on the technology assessment and the Governing Board direction to address the toxic risk of exempt compounds t-BAC and pCBtF, PAR 1168 is necessary to delay or amend the effective dates of certain VOC limits.

Authority - The South Coast AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Health and Safety Code Sections 39002, 40000, 40001, 40440, 40702 and 41508.

⁴ South Coast AQMD, 2017. Final Environmental Assessment (EA) for Proposed Amended Rule (PAR) 1168 – Adhesive and Sealant Applications, SCH No. 2017081031. <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1168/draft-subsequent-environmental-assessment---sea.pdf?sfvrsn=8>

Clarity –PAR 1168 is written and displayed so that the meaning can be easily understood by persons directly affected by them.

Consistency – PAR 1168 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, federal or state regulations.

Non-Duplication - PAR 1168 does not impose the same requirement as any existing state or federal regulation, and the proposed amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD.

Reference - In amending this rule, the South Coast AQMD Governing Board references the following statutes which the South Coast AQMD hereby implements, interprets or makes specific: Health and Safety Code Sections 40001, 40440, and 40702.

COMPARATIVE ANALYSIS

Health and Safety Code Section 40727.2 requires a written analysis comparing the proposed amended rule with existing federal and South Coast AQMD regulations. There are no other existing or proposed South Coast AQMD rules that directly apply to the same source type (adhesive and sealant applications). The federal government has suggested standards in the form of a Control Techniques Guideline for Miscellaneous Industrial adhesives but has no regulatory requirements. The CARB CPR regulates certain consumer product adhesives and sealants throughout the state of California and the OTC has a Model Rule that applies to adhesives and sealants.

Table 4-7:Comparative analysis

	PAR 1168	CARB Consumer Products Regulation	U.S. EPA Control Techniques Guideline for Miscellaneous Industrial Adhesives	Ozone Transport Commission Model Rule for Consumer Products
Applicability	All use of adhesives, adhesive primers, sealants, or sealant primers excluding consumer and institutional use where the units of product, less packaging, weigh one pound or less and consist of less than 16 fluid ounces, and where there is an applicable VOC limit in the California Air Resources Board (CARB) Consumer Products Regulation.	Adhesives and sealants where the units of product, less packaging, weigh one pound or less and consist of 16 fluid ounces or less, that are sold for consumer and institutional use.	Voluntary guidelines to states to develop regulation to address adhesives used for industrial operations.	Sale and manufacture of consumer adhesives, adhesive primers, sealants, and sealant primers; and use restrictions that apply primarily to commercial/industrial applications.
Requirements	<ul style="list-style-type: none"> • VOC limits for adhesives used in architectural applications, industrial operations, and substrate specific applications. VOC limits for sealants used in architectural applications, roadway, and other applications. VOC limits for adhesive and sealant primers 	<ul style="list-style-type: none"> • VOC limits for adhesives and sealants sold as consumer products for personal or institutional use • Three year sell through for products on shelf prior to effective date of rule • Most restrictive clause for products subject to multiple VOC limits 	<ul style="list-style-type: none"> • VOC limits for adhesives, and adhesive primers used in industrial operations • Minimum transfer efficiency requirements • Minimum air pollution capture and control efficiency of 85% • Trash and debris containing VOC must be in closed containers 	<ul style="list-style-type: none"> • VOC limits for adhesives used in architectural applications, industrial operations, and substrate specific applications. VOC limits for sealants used in architectural applications, roadway, and other applications. VOC limits for adhesive and sealant primers • Limit on VOC content of solvents used for cleaning,

	PAR 1168	CARB Consumer Products Regulation	U.S. EPA Control Techniques Guideline for Miscellaneous Industrial Adhesives	Ozone Transport Commission Model Rule for Consumer Products
	<ul style="list-style-type: none"> • Most restrictive clause for products subject to multiple VOC limits • Sell through for products on shelf prior to effective date of rule • Trash and debris containing VOC must be in closed containers • Minimum transfer efficiency requirements • Minimum air pollution capture efficiency of 90%; minimum air pollution reduction efficiency of 95% • Alternative Emission Control Plan • Storage restrictions for noncompliant products • Containers used for mixing shall be closed except when in use 		<ul style="list-style-type: none"> • Containers used for mixing shall be closed except when in use • Closed containers for cleaning solvent storage 	<p>surface preparation or stripping</p> <ul style="list-style-type: none"> • VOC content limit for solvents used to clean application equipment and requirements to clean in enclosed cleaning system • Minimum air pollution capture and control efficiency of 85% • Trash and debris containing VOC must be in closed containers
Recordkeeping	Daily recordkeeping	None	None	Monthly recordkeeping
Administrative	<ul style="list-style-type: none"> • Container labeling of VOC content and date of manufacture • Sales reporting from manufacturers, private labelers, big box retailers, and distribution centers • Annual reporting of sales utilizing 55-gallon per year exemption 	<ul style="list-style-type: none"> • Container labeling of VOC content and date of manufacture • Sales reporting from manufacturers 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Container labeling of VOC content

	PAR 1168	CARB Consumer Products Regulation	U.S. EPA Control Techniques Guideline for Miscellaneous Industrial Adhesives	Ozone Transport Commission Model Rule for Consumer Products
Prohibitions	<ul style="list-style-type: none"> • Prohibition of sale of products that do not meet VOC content limit • Prohibition of sale of products containing certain chlorinated compounds • Prohibition of sale of products containing certain exempt compounds • Prohibition of sale of products containing pCBtF and t-BAC 	<ul style="list-style-type: none"> • Prohibition of sale of products that do not meet VOC content limit • Prohibition of sale of products containing certain chlorinated compounds • Prohibition of sales of adhesives with any chemical compound that has a Global Warming Potential of 150 or greater 	<ul style="list-style-type: none"> • No atomization of cleaning solvent 	<ul style="list-style-type: none"> • Prohibition of sale of products that do not meet VOC content limit
Exemptions	<ul style="list-style-type: none"> • Exemption for adhesives and sealants subject to other source specific rules • Regulated Products packaged and applied using a propellant, 2 percent VOC by weight or half the applicable VOC limit, whichever is lower, • Low-solids Regulated Products, 20 grams per liter material or half the applicable VOC limit, whichever is lower • Record keeping exemption (end-user) for products that contain less than 20 g/L VOC content or half the applicable VOC limit, less water and less exempt compounds, whichever is lower • Exemption for containers less than one ounce • Rule does not apply to use in research and development 	<ul style="list-style-type: none"> • Exemption for solvents defined as low vapor pressure • Exemption for containers less than one ounce 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Rule does not apply to use in research and development • Rule does not apply to consumer products used for personal or institutional use if regulated by another agency • Exemption for products that contain less than 20 g/L VOC content • Exemption for contact adhesives sold in volumes of one gallon or less • Exemption for certain miscellaneous uses • Rule does not apply to uses where annual emissions are less than 200 pounds per year • Exemption for products when used in quantities of 55 gallons per year or less

PAR 1168	CARB Consumer Products Regulation	U.S. EPA Control Techniques Guideline for Miscellaneous Industrial Adhesives	Ozone Transport Commission Model Rule for Consumer Products
	<ul style="list-style-type: none"> • Exemption for products in certain categories when used in quantities of 55 gallons per year or less • Exemption for parade floats • Rule does not apply to consumer products used for personal or institutional use if regulated by CARB Consumer Product Regulation • Exemption for certain miscellaneous uses 		

APPENDIX A: RESPONSE TO COMMENTS

PUBLIC WORKSHOP COMMENTS

Staff held a Public Workshop on September 1, 2022, to provide a summary of PAR 1168. The following is a summary of the comments received on PAR 1168 and staff's responses.

Commenter #1: Jordan Blank – GreenChem Industries LLC

The commenter expressed concerns on the prohibition of pCBtF and that it could potentially increase the use of water-based products that can cause challenges such as run-off and water contamination.

Staff Response to Commenter #1:

Staff understands some products will be impacted by the prohibition; however, the health benefit of removing toxic compounds would outweigh the impact. The toxicity of pCBtF has been assessed by OEHHA and the cancer potency factor for this compound is higher than Rule 102 Group II compounds such as t-BAC, DMC, and Perc. Based on the Governing Board's direction to prioritize toxicity over VOC reductions, staff proposed to prohibit the use of pCBtF.

Staff is proposing to maintain several of the existing VOC limits that will assist with the transition away from pCBtF and t-BAC and manufacturers have not indicated product will be reformulated to waterborne chemistries. South Coast AQMD is technology neutral and is not prescriptive for how manufacturers achieve VOC limits. There have been many successful reformulations using waterborne chemistries, non-toxic exempt solvent-based chemistries, high solids formulations, and reactive chemistries,

Commenter #2: Rita Loof – RadTech

The commenter asked staff to revert the initially proposed exemption 5 g/L level back to the existing 20 g/L level since current test methods are not able to detect VOC levels of less than 20 g/L. In addition, the rule has many limits that remain relatively high so the exemption should not be dictated by the lowest VOC limits in the rule.

Staff Response to Commenter #2:

While staff does not agree with the characterization of the test method uncertainty, staff does appreciate the suggestion to consider retaining the 20 g/L VOC exemption level for those higher-VOC categories and not base the exemption solely on a 5 g/L level. Based on this suggestion Staff revised the proposal to change the threshold to 20 g/L (or 2%), or half the applicable limit, whichever is lower; therefore, a product with a 20 g/L limit would be exempt for this recordkeeping requirement, only if its VOC emission is at or lower than 10 g/L and products up to 40 g/L could use this exemption if the emission can be at or lower than half the applicable limit

Commenter #3: Doug Raymond – on behalf of Chemours

The commenter thanked staff for including the weight percent metric for two-component foams and asked staff to consider including that for all products. Mr. Raymond thanked staff for considering a limited exemption for Opteon 1100.

Staff Response to Commenter #3:

Staff agrees with the suggestion for including a weight percent metric for all Rule 1168 categories for products packaged and applied using a propellant, however some stakeholders raised concerns

on the conversion factor on VOC limits to weight percent, so staffs not considering to include weight percent for all products at this time.

Regarding Opteon 1100, since the exemption of Opteon 1100 for Rule 1168 would help expand the product options and relieve supply issues, staff proposed to include a conditional, limited exemption for Opteon 1100 based on OEHHA assessment. The condition is based on a review by OEHHA that does not find Opteon 1100 is a carcinogen and finds it is less toxic than the HFO it will replace. The exemption will also be limited to two-component foam sealants used in an industrial or professional setting by workers trained with procedures and guidelines to reduce potential risk of exposure. Staff is concerned with including any VOC exemption without a toxic assessment by OEHHA; hence, recommends a limited and conditional exemption as a balanced approach.

Commenter #4: Neema Toolaabee – DAP

Commenter asked staff to allow reporting foam products in the QERs under aerosol QER section since they will be reported by weight percent in future.

Staff Response to Commenter #4:

Staff agreed with this comment and amended rule language to make it clear that foam products packaged and applied using a propellant shall be reported as percent VOC by weight. Staff will also reflect that change in the form manufacturers use to submit their QERs.

Commenter #5: Dr. Joseph Lyou – President & CEO at Coalition for Clean Air

Commenter supported staff's efforts on prohibiting toxic compounds which was also a concern during 2017 amendment. The commenter asked staff to consider including cost avoided due to health benefits from prohibiting toxic compounds in the socioeconomic report.

Staff Response to Commenter #5:

Staff appreciates the commenters support and agrees evaluating the health care costs avoided would be a valuable study. Due to limited resources and the limited timeline due to the upcoming VOC limits that cannot be achieved at this time, staff has not conducted a health benefits analysis.

Commenter #6: Mark Abramowitz – Community Environmental Services

Commenter expressed concerns on the limited exemption for Opteon 1100 and asked staff not to allow exemption for Opteon 1100 due to potential toxicity concerns of HFOs.

Staff Response to Commenter #6:

Staff understands the commenters concerns for the proposed Opteon 1100 exemption. Staff is proposing to condition the exemption on an evaluation by OEHHA's. Staff is also proposing to limit the exemption to only two-component foam sealants used in a professional setting. Staff feels this limited and conditional approach is health protective and follows the Governing Board's directive to take the precautionary approach in regard to potential exempt compounds.

Commenter #7: Heather Estes – GAF

The commenter thanked staff for considering the stakeholders concerns and reverting back the proposed exemption margin limit from reporting requirements to 20 g/L since current test methods are not able to detect VOC levels of less than 20 g/L.

Staff Response to Commenter #7:

Please read the staff response to commenter #2.

Commenter #8: Katy Wolf – Consultant

The commenter supported staff on pCBtF and t-BAc prohibition and suggested to include health benefits in the socioeconomic report.

Staff Response to Commenter #8:

Please read staff response to commenter #5.

Commenter #9: Bill Almond – The Adhesive and Sealant Council

The commenter asked staff to clarify test method 24 is not the proper VOC test method for foam sealants and thanked staff for updating the proposed limit for one-component foams based on stakeholder's input.

Staff Response to Commenter #9:

Staff agrees that U.S. EPA Reference Method 24 is not the appropriate test method to measure the VOC content of foam sealants. Staff developed a VOC Guidance Document, with the assistance of the manufacturers, to clarify what test method is appropriate for each type of Regulated Product subject to Rule 1168. The Guidance Document includes a discussion of the test methods for foams and a flow chart for the most appropriate test method. At this time, the South Coast AQMD laboratory is developing a test method for compliance determinations, but that work is not complete. When there is no appropriate test method, South Coast AQMD relies on the manufacturer's formulation data to confirm the VOC content of Regulated Products. The change in metric from g/L to weight percent will simplify the VOC calculation from the product formulation and will simplify the test method development for foam products.

COMMENT LETTERS

Comment Letter #1

Sashco, Inc.
10300 East 107th Place
Brighton, CO 80601 7176
Phone: 303-286-7271
Fax: 303-286-0400

August 19, 2022

Mr. Ben Benoit
South Coast Air Quality Management District
21865 Copley Dr.
Diamond Bar, CA 91765

Dear Mr. Benoit,

It has been publicly stated many times in many forums that the goal of SCAQMD is not to regulate products out of the market. With the ban of PCBTF and adoption of a 250g/L VOC limit, clear, paintable, and immediately water-resistant sealants are being regulated out the market. Given the clearly stated goal of SCAQMD staff in this situation, it is clear that action needs to be taken to ensure the mutual goal can be achieved.

Established precedent from SCAQMD has always been to gather information (public and otherwise), prior to making a major change of such significant impact to the industry. Again, historically, SCAQMD has responded to industry input by providing adequate time for industry to adjust to new regulations and/or new restrictions. This did not occur in this instance – the recently announced PCBTF ban. The process was not followed. Industry has neither been provided adequate time to review the ban prior to adoption, nor necessary time to modify products.

The rule 1168 update adopted in Oct 2017 created the new category – “Clear, Paintable, And Immediately Water-Resistant Sealants” – giving industry 5 years to develop a formula that reduces VOC content from 380 to 250 g/L.

As Sashco has communicated to the SCAQMD staff previously and again most recently during the conference call on 3/23/2022, Sashco products in the clear, paintable, and immediately water-resistant category are formulated in a mixture of aliphatic and aromatic solvents. This solvent mixture is required to dissolve the SEBS (styrene- ethylene/butylene-styrene triblock rubber), a key component of this technology. To meet the lower 250 g/L VOC limit, Sashco’s formulation efforts over the last 5 years has focused on removing the current aromatic solvent, toluene, and replacing it with PCBTF. Replacing all the toluene with PCBTF reduces the VOC content to 300 g/L. Efforts to further reduce the VOC content to 250 g/L, required much more reformulation effort to maintain the current properties of Sashco’s clear, paintable, and immediately water-resistant sealants.

Similar to the voices SCAQMD staff have heard on 8/11/2022 from industry colleagues, Sashco must also voice extreme discontent, for an identical mishandling by SCAQMD staff, in which

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staff has shared that the time, effort, and expense spent to meet the requirements, at almost the end of the 5-year reformulation window, was all wasted because the exempt solvent upon which Sashco has based all reformulation work on is being prohibited!

It was only in the 3rd working group on 7/21/22 that SCAQMD staff published the recommendation to prohibit the use of PCBTF. Compounding the matter is the fact that there has been NO DELAY ACCEPTED in reasonably adjusting the 1/1/2023 VOC reduction scheduled for this category! This prohibition will force Sashco to stop selling clear, paintable, and immediately water-resistant sealants in SCAQMD.

As discussed in the 3/23/22 conference call, Sashco is also currently using PCBTF to meet the current 300 g/L limit for all other roof sealants.

Sashco manufactures and sells a cartridge and brush grade version of the clear, paintable, and immediately water-resistant roofing sealant. Both sealants are formulated with PCBTF to meet the existing 300 g/L limit. If Sashco must replace the PCBTF in these formulations with a non-exempt aromatic solvent, the VOC level will increase to 380 g/L for the cartridge grade and to 550 g/L for the brush grade.

Sashco's squeeze tube grade of clear, paintable, and immediately water-resistant sealant also contains some PCBTF. The PCBTF formula is at 380 g/L. The non-PCBTF formula is at 410 g/L.

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The table below summarizes the PCBTF and non-PCBTF formulas that Sashco currently manufactures for the California market and the non-PCBTF alternate formula if PCBTF is prohibited.

Product	SCAQMD Rule 1168 VOC category & VOC limit (2017)	PCBTF formula VOC Compliant	Non-PCBTF formula	Formulated for California after 2017 rule update?	Container size
Lexel cartridge	Clear, paintable & immediately water-resistant 380 g/L	No PCBTF in current formula	<380 g/L	Yes	10.5 fl oz cartridge
Lexel squeeze tube		<380 g/L	410 g/L #	Yes	5 fl oz squeeze tube
Through the Roof! Cartridge grade	All other roof sealants 300 g/L	<300 g/L	<380 g/L #	Yes	10.5 fl oz cartridge
Through the Roof! Brush grade		<300 g/L	<550 g/L #	No*	1 quart & 1 gallon can

* This was formulated for the “non-membrane roof sealant” category that was combined into the “all other roof sealants” category in the 2017 rule update
not sold in California

Attached is a document Sashco provided to SCAQMD in 2014 that explains the market needs for a clear, paintable & immediately water-resistant sealant.

At this time Sashco is formally requesting both a review of the SCAQMD process which led to this situation in which a product, made by a company working in good faith and high transparency with SCAQMD staff, is at extremely high risk of being regulated out of the marketplace in spite of stated goals to the contrary and adoption of one of the following remedies given the situation:

1. PCBTf prohibition: DELAY implementation of the 250g/L VOC limit for Clear, Paintable, and Immediately water-resistant architectural and roofing sealants and INCREASE the VOC limit to ≤ 410 g/L for “Clear, Paintable, and Immediately Water-Resistant Sealants” and “All Other Roof Sealants” categories for a period of 3 years. Create a new category for “Clear, Paintable, and Immediately Water-Resistant Non-Membrane Roof Sealant” with a VOC limit of 550 g/L for a period of 3 years.
or
2. DELAY the ban of PCBTf for “Clear, Paintable, and Immediately Water-Resistant Sealants” and “All Other Roof Sealants” categories while retaining the existing VOC g/L limits established in the October 2017 “Upon Adoption” for a period of 3 years.

1-1

Sashco anticipates working with SCAQMD to arrive at mutually beneficial 1168 update that meets both Sashco capabilities and SCAQMD targets.

SCAQMD has made it clear that the 2022 Rule 1168 update is being finalized soon. Sashco is looking forward to a response from SCAQMD in 14 days from receipt.

Regards,



Paul Beymore

R&D Director
Sashco, Inc. | 10300 E. 107th Place, Brighton CO 80601
Mobile: 720-670-3598
sashco.com | pbeymore@sashco.com

Staff Response to Comment Letter #1

Response to Comment 1-1:

Thank you for submitting a comment letter detailing Sashco’s concerns and for meeting with South Coast AQMD staff to further discuss your concerns. Staff appreciates your comment acknowledging the South Coast AQMD’s air quality goals and recognizes the concerns of Sashco regarding the proposal to prohibit use of pCBtF due to toxicity concerns. Staff understands some products will be impacted by the prohibition of pCBtF, including Clear, Paintable, and Immediately Water-Resistant Sealants.

Based on the September 8, 2022, meeting staff held with Sascho, the request to allow for more time for reformation of All Other Roof Sealants is based on a misinterpretation of the applicability of the most restrictive clause in Rule 1168. Staff understands how that provision could be

misinterpreted and amended the language to clarify the intent of this clause in the proposed amended rule language.

Staff does not support the first request which would raise VOC limits in order to allow for the sale of products that are currently not legal to sell into California and the current VOC limits in Rule 1168 for All Other Roof Sealants which is 300 g/L.

With regard to the request to allow more time before the prohibition of pCBtF goes into effect for Clear, Paintable, and Immediately Water-Resistant Sealants, staff appreciates the good faith effort Sashco has made and the time it took to reformulate their product(s) to meet the lower VOC limits using a solvent the South Coast AQMD has previously exempted from the definition of a VOC. As such, staff proposes to allow three years for Sashco to reformulate Clear, Paintable, and Immediately Water-Resistant Sealants without pCBtF. However, at the end of that period, Clear, Paintable, and Immediately Water-Resistant Sealants will be expected to achieve a VOC content to 250 g/L. To compensate for delayed prohibition, staff is proposing to reduce the sell-through and use-through to two years.

Staff believes a VOC content limit at 250 g/L or lower is technically feasible based on recently submitted Quantity and Emission Reports (QERs) from adhesive and sealant manufacturers required under Rule 1168. The QERs show progress has been made reformulating lower-VOC sealants that are clear, paintable, and immediately water-resistant without pCBtF. Many major, international manufacturers of adhesives and sealants reported Clear, Paintable, and Immediately Water-Resistant Sealants achieving VOC levels as low as 50 g/L or less. The sales volume reported from these new lower-VOC products also indicate consumer acceptance. The QERs have only recently been received, so a more in-depth evaluation of the data is necessary before a VOC content limit lower than 250 g/L can be recommended.

Comment Letter #2



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September 12, 2022

Mojtaba Moghani, Ph.D.
Planning, Rule Development and Implementation
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765

Re: Proposed Amended Rule 1168
Adhesives and Sealant Applications

To Whom It May Concern:

By this letter, GAF is submitting comments on the Proposed Amended Rule 1168 for adhesive and sealant applications for roofing products in the South Coast Air Quality Management District.

Founded in 1886, GAF is the leading roofing manufacturer in North America. As a member of the Standard Industries family of companies, GAF is part of the largest roofing and waterproofing business in the world. The company's products include a portfolio of roofing and waterproofing solutions for residential and commercial properties.

The proposed amendment creates a new category for shingle laminating adhesive that applies to *asphalt based adhesives used to adhere individual layers during the manufacture of multi-layer asphalt shingles*. While we agree that this type of product has a relatively low VOC value, it is not typically a stand-alone adhesive that is sold to consumers. Rather, the laminating adhesive is a component of a finished product, and is in a solid state between layers of asphalt shingle materials when it comes to the consumer market. It is key to the over-all performance of laminated shingles.

GAF is concerned that this current proposal is based off a small sample size of a product that is not significantly contributing to the air quality concerns of SCAQMD. Furthermore, setting a limit of 30 g/L when the upper values of the QER data was 29 g/L does not allow for testing variability when using designated VOC test methods. If a limit must be placed on this material, GAF would suggest 50 g/L. But requiring testing on a low-VOC material has the potential of raising the cost of the product which would affect homeowners and building owners, as these products are the most popular and cost-effective roofing choice for single-family residential buildings in California.

In summary, GAF recognizes and appreciates the efforts of the SCAQMD staff to review and amend Rule 1168 that improves air quality in California; however, we oppose this proposal creating a new category for shingle laminating adhesives. GAF supports appropriate VOC limits for relevant products.

GAF appreciates the opportunity to submit a public comment. Please feel free to reach out to me for further assistance or clarification. I can be reached at 352/549-0170 or heather.estes@gaf.com.

2-1



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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heather Estes", written in a cursive style.

Heather Estes
Senior Codes and Regulatory Compliance Specialist
GAF

Staff Response to Comment Letter #2

Staff presented “All Other Roof Adhesives” category data during working group meeting #1. Staff’s preliminary assessment was to break-up the “All Other Roof Adhesives” category into further subcategories to address the large volume of low-VOC products in this category. Staff found two types of low-VOC products in this category; Shingle Laminating Adhesives and Hot Applied Modified Bitumen/Built Up Roof Adhesive. The assessment is not based on a small sample of products, these new subcategories have very high sales volume.

Regarding Shingle Laminating Adhesives mentioned in this comment letter, the proposed 30 g/L VOC limit provides a considerable compliance margin. During the technology assessment, those products were grouped in the 20 – 29 g/L range. However, their VOC contents are all less or equal to 20 g/L as reported by the manufacturers. Further, based on staff’s discussion with manufacturers who submitted QERs, these products are all much less than 20 g/L, and manufacturers report them as less than or equal to 20 g/L to include a compliance margin.

Through a follow-up meeting with GAF regarding this comment letter, staff verified that the concern is on the test method. GAF is concerned that the 30 g/L limit would require them to use the gas chromatography method specified by Rule 1168 Test Method Guidance document for non-reactive adhesives at or less than 150 g/L for VOC. This method is not the most appropriate method for testing asphaltic roofing adhesives and would be more costly than U.S. EPA Reference Method 24. These products are very low-VOC, they are solid at room temperature and require heat for application. There is little to no water and no solvents. U.S. EPA Reference Method 24 measures the volatiles as what is driven off in a forced air oven at 110°C. Staff agrees that method is better suited for these products and commits to amending the Rule 1168 VOC Test Method Guidance Document to specify that these asphaltic adhesives should be tested using U.S. EPA Reference Test Method 24 analysis.

Comment Letter #3



September 13, 2022

Heather Farr, Planning and Rules Manager
 Mojtaba Moghani, Ph.D., AQ Specialist
 South Coast Air Quality Management District (SCAQMD)
 21865 Copley Dr.
 Diamond Bar, CA 91765

TRANSMITTED via email

Dear Ms. Farr and Dr. Moghani:

On behalf of the Asphalt Roofing Manufacturers Association (ARMA)—the trade association representing North America’s asphalt roofing manufacturing companies and their raw material suppliers—I want to thank SCAQMD staff for considering and including in the draft rule the modifications to the subcategory definitions for Hot Applied Modified Bitumen/Built Up Roof Adhesive and Shingle Laminating Adhesive that ARMA submitted on August 17th. Also, I want to express our appreciation for the opportunity to offer the three additional comments that follow on Proposed Amended Rule 1168.

(1) Definition of Hot Applied Modified Bitumen/Built Up Roof Adhesive

Based on review of the definition proposed in the “preliminary draft rule” that was released August 19th, further consideration within ARMA, and discussions with the Single Ply Roofing Industry (SPRI), we recommend the following modifications to the proposed definition for Hot Applied Modified Bitumen/Built Up Roof Adhesive:

HOT APPLIED MODIFIED BITUMEN/BUILT UP ROOF ADHESIVE. A thermoplastic hot melt adhesive ~~substant~~ which requires high temperature conversion to a fluid at the point of application and complies with ASTM D312 or ASTM D6152. Installation or repair includes the application of roofing ~~installation~~, roofing ply sheets, roofing membranes, and aggregate surfacing.

These modifications are offered for the following reasons:

- Clarify that this material is a thermoplastic hot melt adhesive and falls within the (j)(7) exemption to the section (g) labeling provisions
- Change “substant” to “adhesive”
- Add ASTM D6152 as a second reference standard; failure to include it in the original submission leaves the definition incomplete and excludes materials that should be in the subcategory
- Correct “installation” to “insulation”

3-1

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(2) Definition of Shingle Laminating Adhesive

We recommend the following modification to the definition of Shingle Laminating Adhesive:

SHINGLE LAMINATING ADHESIVE is an asphalt-based thermoplastic hot melt adhesive used to adhere individual layers during the manufacture of multi-layer asphalt shingles.

3-2

This proposed change expresses the nature of the materials used for lamination during production of asphalt shingles and clarifies that these materials fall within the (j)(7) exemption to section (g) labeling provisions.

(3) Regulatory Limit for Hot Applied Modified Bitumen/Built Up Roof Adhesive AND Shingle Laminating Adhesive

We ask that you reconsider the regulatory limit proposed for these two new subcategories. ARMA proposes a regulatory limit of 50 g/L rather than the 30 g/L included in the draft rule. This is consistent with the recommendation in our August 17th letter.

According to information shared in Working Group Meeting #1 on February 11, 2022, the technology assessment for All Other Roof Adhesives included forty-six products, showed a large sales volume in the 20-29 g/L VOC range, and indicated about 80% of those materials were built up roofing asphalt. That means thirty-six or thirty-seven of the surveyed products were built up roofing asphalt and about nine or ten products were something else (presumably shingle laminating adhesive). These are both very small data sets upon which to propose a regulatory limit within 1 g/L of the upper end of the range of assessed materials. This point alone is a reasonable basis for a more cautionary approach.

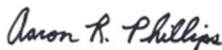
3-3

Another concern is the unknown variability when existing test methods are applied to these materials. As was pointed out by an attendee during the September 1st Public Workshop, the known variability of EPA Method 24 is relatively large. *Test Method Guidance Document: Rule 1168-Adhesive and Sealant Applications* identifies SCAQMD Method 313 as the appropriate test method for non-reactive adhesives with VOC less than or equal to 150 g/L. Method 313 includes no estimate of variability. It is plausible that compliant materials may obtain non-compliant results due solely to method variation. This is a legitimate issue and data shared to date does not address test method precision specific to these new proposed subcategories. Setting a regulatory limit higher than the proposed 30 g/L is appropriate based on the current state of knowledge.

ARMA recommends that the regulatory limits for both proposed new subcategories be set at 50 g/L rather than the 30 g/L limits indicated in the proposed amended rule released August 19th.

We appreciate your consideration of this input. If you have any questions about the recommendations contained herein, please contact me at your convenience.

Sincerely,



Aaron R. Phillips
Vice President of Technical Services

Staff Response to Comment Letter #3

Response to Comments #3-1 and #3-2:

Staff agreed with the stakeholders suggestion and modified the proposed definitions for Shingle Laminating Adhesives and Hot Applied Modified Bitumen/Built Up Roof Adhesive categories.

Response to Comment #3-3:

Please refer to response to comment letter #2 regarding the VOC limits for two new subcategories. Regarding the potential uncertainty of the test method, U.S. EPA Reference Method 24 has inherent errors when there is high water content, high exempt compounds concentrations, or both. For high solids products with little or no water or exempt compounds, the method relies on a percent solids bake and weigh oven test which is simple and accurate. Staff does not anticipate any

test method issues for these products but will amend the Rule 1168 Test Method Guidance document with specific guidance on how these products should be analyzed.

Comment Letter #4

September 13, 2022

Heather Farr
 Mojtaba Moghani, Ph.D.
 South Coast AQMD
 21865 Copley Drive
 Diamond Bar, CA 91765

Re: Response to South Coast AQMD Proposed Amended Rule (PAR) 1168 – Prohibition of Parachlorobenzotrifluoride

Dear Ms. Farr and Dr. Moghani,

The Single Ply Roofing Industry (SPRI) appreciates the opportunity to comment on the District's Proposed Amendment to Rule (PAR) 1168 – Adhesive and Sealant Applications.

SPRI recognizes the effort that went into the development of this proposed rule amendment and the Staff Report. However, there are several areas that we believe are not reasonable and cannot be supported by current or anticipated technology advances.

Prohibition of Parachlorobenzotrifluoride (PCBTF)

The PAR states "On or after January 1, 2025, no person shall manufacture for sale Single Ply Roof Membrane Adhesive in the South Coast AQMD that contains more than 0.01 percent of Parachlorobenzotrifluoride". There is also a January 1, 2024 date for any "Regulated Product" which would include all the other roofing adhesives, sealants, etc.

SPRI recommends that the manufacture prohibition date be moved to January 1, 2028 for adhesives, sealants, and primers that are used in roofing applications (Single Ply Roof or All Other Roof) and January 1, 2027 for other Regulated Products. More time is required to reformulate the products and certifying them by the third-party code testing approval companies to ensure code compliance. The aforementioned extension of timeline is based on SPRI Members' experience and historical developmental and approval cycles. Please see below for additional information.

Items impacting the Extension Request for Reformulation of the Products

- The Single Ply Roof Membrane Adhesive and All Other Roof Adhesives VOC limit of 250 g/L was in effect since 1993. Unfortunately, current adhesive formulas cannot simply be reverted to those 1993 formulations because methylene chloride, ethylene dichloride, perchloroethylene, and trichlorethylene were banned as of January 1, 2003
- Each adhesive, sealant, and primer formulation has different resins, plasticizers, additives, and solvent blends that are specific to the membrane type and manufacturer

4-1

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e. info@sPRI.org

- Adhesives, sealants, and primers have different performance requirements and, as a result, the VOC content will depend on the type of product, its intended use, and the conditions in which it is applied. There is no single answer across product types.
- There are several important properties imparted by solvents in general and exempt solvents in particular. Key properties are dissolving polymers and resins, viscosity reduction, compatibility of the various formulation components, rheological properties, flash point, and evaporation rate (which affects drying time and “green strength”). These properties depend on the solvent(s) used as well as the other components in the product
- The development cycle for new or reformulated products can take up to 24 months before products are ready for extended internal testing and third-party certification testing.

4-1

Testing and Approvals

- A single ply roof is a highly engineered system. Roof components built into a specific assembly require internal and third-party testing to be compliant with local, state, and federal building codes, as well as the building owner’s insurance requirements
- Since manufacturers warrant roof systems for upwards of 30 years, they must conduct the proper studies to ensure that any new adhesive will perform over that period. This work includes laboratory studies, field studies and code testing with such entities as Factory Mutual, Miami-Dade County, and Underwriters Laboratories.
- After the developmental cycle, extended internal testing must be performed by the manufacturers before adhesives, sealant, and primer assemblies are sent for third-party testing and approvals. This testing can take up to 12 months to complete. These tests include:
 - Membrane compatibility
 - Adhesive strength (peel strength of the adhered membrane)
 - Room temperature and accelerated aging (Multiple replicants per test)
 - Heat resistance
 - Weatherability (UV resistance, moisture resistance, plasticizer migration, etc.)
 - Application
 - Wind uplift (before being sent to a third party)
 - Flame spread (before being sent to a third party)
 - Beta field testing with contractors to verify application and performance in the field - including coverage rates, ease of handling, working times, and green strength development.
- Third-Party testing and approvals can take 18 months to 24 months to complete. Third-party testing and approvals include wind uplift, fire resistance, flame spread, and additional tests as specified in the Building Code.

4-2

Sell Through Period

- The typical shelf life for roofing adhesives and sealants are 6 – 12 months. Any amount of sell through time over 12 months does not provide any relief for manufacturers or contractors
- Manufacturers and contractors do not have storage space for 6 – 12 months’ worth of roofing adhesives and sealants making it difficult to plan reserve stock for the transition period. .

4-3

South Coast AQMD
Page 3

Conclusion

SPRI is requesting that the manufacturing prohibition date be moved from January 1, 2025 to January, 1 2028 for adhesives, sealants, and primers that are used in roofing applications (Single Ply Roof or All Other Roof) and from January 1, 2024 to January 1, 2027 for other Regulated Products. This is based on the details noted above and timelines summarized below:

- Reformulation: up to 2 years
- Lab and field evaluation: up to 1 year
- Third Party Certification: up to 2 years

4-3

Since adhesives, sealants, and primers will be past their shelf life after 12 months, SPRI believes that a 12 month sell through, and 24 months use through is acceptable.

Thank you for your time and consideration of our thoughts in this matter. Please let us know if you have any questions or need additional information.

Regards,



Randy Ober, Technical Director
SPRI, Inc.

Staff Response to Comment Letter #4

Response to Comments #4-1 and #4-2:

Staff appreciates the comments and understands reformulation efforts and subsequent testing take time to complete. Staff is proposing to allow 4 years before pCBtF is prohibited for the categories staff has identified a significant sales volume of products using pCBtF to comply with the VOC limits. That will allow additional time for manufacturers to reformulate. Staff also included the cost for third-party testing in the socioeconomic analysis.

Response to Comment #4-3:

Staff thinks a compromise of allowing longer time to reformulate and lessening the sell-through period is reasonable but only for those categories using pCBtF to comply with the VOC limits. As staff has presented, there are not many products using pCBtF. Staff is proposing to carve out three specialty categories where staff has identified a considerable number of products using pCBtF and will propose a longer timeline for reformulation and a shorter sell-through/use-through period.

Comment Letter #5

3M EHS | Product Stewardship

3M Center, Building 220-6E-03
St. Paul, MN 55144-1000

September 15, 2022

Dr. Mojtaba Moghani
Planning, Rule Development, Implementation
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
via email to mmoghani@aqmd.gov

Dear Dr. Moghani:

3M Company ("3M") appreciates the opportunity to provide comments on the South Coast Air Quality Management District's draft proposed amendments to *Rule 1168 – Adhesive and Sealant Applications*.

3M supports the amendments to Rule 1168 to combine the prohibitions for certain toxic solvents ((g)(1)) and Group II exempt solvents ((g)(2)) into one prohibition under (h)(1), and to set an allowance for trace levels of prohibited compounds up to 0.01 percent, aligning with the California Air Resources Board Consumer Products Regulation. This especially helps to provide clarification for trace amounts of methylene chloride, as methylene chloride is both a toxic solvent prohibited under (g)(1), as well as a Group II exempt solvent prohibited under (g)(2).

Section (g)(1) of Rule 1168 contains the following prohibition on the sale and use of substances containing methylene chloride:

"[N]o person shall use, supply, sell, or offer for sale a regulated product in the District that contains . . . methylene chloride . . ."

However, section (g)(2) states, in relevant part:

"On and after January 1, 2019 . . . no person shall use, supply, sell, or offer for sale a regulated product in the District that contains Group II exempt compounds listed in Rule 102 in quantities greater than 0.1 percent by weight."

Rule 102, in turn, includes methylene chloride in the definition of Group II exempt compounds. Rule 1168, however, is silent as to how sections (g)(1) and (g)(2) operate in conjunction, if at all. 3M supports the amendments and appreciates the clarification and the alignment with the California Air Resources Board.

5-1

3M respectfully requests clarification on the following: Is the section pertaining to trace amounts (up to 0.01%) of prohibited compounds a clarification of the already existing rule, in which case companies can apply this clarification now, or is this an amendment to the rule, in which case the allowance for trace amounts of prohibited compounds, previously addressed under (g)(1), will not go into effect until the finalization of the rule?

5-1

Thank you for your consideration of 3M's comments. Please contact me via phone (651-650-1529) or email (LWurm@mmm.com) if you have any questions.

Thank you,
Lauren Wurm
Regulatory Supervisor

Staff Response to Comment Letter #5

Response to Comment #5-1:

During the last rule amendment, the prohibition for certain toxic solvents (paragraph (g)(1)) was expanded to include Group II exempt solvents (paragraph (g)(2)). The 2017-amended prohibition included a 0.1% limit which was not included in original prohibition. Methylene chloride was included in original prohibition and is also Group II exempt compound. Stakeholder questioned if the 2017-amended prohibition serves as an exception to the original prohibition to allow for 0.1% use of methylene chloride. Legal interpretation stated that the plain language of the rule, legislative history, and statutory construction all verify that the 2017-amended exemption is not an exception to the original prohibition of methylene chloride. Inclusion of the 0.1% limit was intended to only allow for trace amounts of Group II exempt compounds and not to allow for prohibited compounds to be used as additives at levels of 0.1% or below.

Under the 2017 amended rule, (g)(2) is not an exception to (g)(1) and per the current version of (g)(1), methylene chloride is prohibited. However, the paragraphs being questioned are combined in the current proposed amended rule to prevent any further confusion. The proposed (h)(1) would only allow for the trace amounts (up to 0.01%) of prohibited compounds.

Staff is proposing to change the trace levels allowance for prohibited compounds from 0.1 to 0.01 percent to be consistent with the California Air Resources Board Consumer Product Regulation and provides more realistic indication of a trace level contaminant and will be more health protective.

Comment Letter #6**Raymond Regulatory Resources (3R), LLC**

Doug Raymond 13808 Duncan Run Rd. Galena, Ohio 43021
drraymond@reg-resources.com 440-339-4539

September 15, 2022

Mojtaba Maghani
mmoghani@aqmd.gov

Subject: Rule 1168 Opteon™ 1100

Dear Mojtaba,

On Behalf of The Chemours Company the following comments are being submitted on Proposed Rule 1168 on Adhesives & Sealants.

Chemours is a global leader in the production and sales of safe and energy efficient refrigeration, air conditioning, foam insulation, fire suppression, propellants and waste heat recovery fluids.

Comments

SCAQMD has been petitioned to exempt the compound HFO-1336mzz(Z), CAS number 692-49-9, trade name Opteon™ 1100, under Rule 1168. This compound has been exempt from the definition of Volatile Organic Compound (VOC) under the Clean Air Act (CAA) by the US Environmental Protection Agency (EPA) since November 2018.

Since 2019, Chemours has had ongoing discussions with SCAQMD on Opteon™ 1100 and submitted substantial amounts of documents pertaining to toxicology, reactivity, use cases, internal and external data to support an exemption. In that time period, when SCAQMD has had questions on these documents, Chemours has quickly responded to address any concerns to the satisfaction of SCAQMD.

Chemours customers intend to manufacture finished products using Opteon™ 1100 within the jurisdiction of SCAQMD as a way to meet and exceed The State of California decarbonization efforts. Using low Global Warming Potential (GWP) compounds like Opteon™ 1100 would positively contribute to these efforts. This VOC exemption would give the market additional options to comply with HFC phase out rules under the California Air Resources Board (CARB). Without this exemption, Chemours customers would not be able to meet the VOC limits being proposed by SCAQMD in their formulations.

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6-1

In June of 2021, the petition was resent to SCAQMD. Based upon ongoing communications regarding this petition, Chemours believed that Opteon™ 1100 would be exempt in Rule 1168, and at no time was there any indication from the district that any additional work or documents would be needed for this exemption.

In February of 2022 SCAQMD had their first work group meeting on Rule 1168. On slide 47 of the staff presentation there was an indication that SCAQMD would proceed with the exemption of Opteon™ 1100. This further supported Chemours understanding that they had fulfilled the necessary requirements for the exemption petition.

On April 12, 2022, SCAQMD had their second work group meeting on Rule 1168. Again, on slides 44 & 45 SCAQMD states that Opteon™ 1100 was reviewed for toxicity and “did not find anything of concern”. Thus, Chemours continued to believe Opteon™ 1100 would be exempt in Rule 1168 for use in manufacturing foams.

On July 21, 2022, in the 3rd workgroup meeting on Rule 1168, SCAQMD staff state that Opteon™ 1100 needs further review. SCAQMD reasoning is that board directed a precautionary approach to exempting compounds. However, this decision for the precautionary approach was made in 2017 and SCAQMD had been stating since 2020 that there are no concerns with this compound. To ask for additional assessment in July 2022 with a voting deadline for the rule in November 2022 gave Chemours no opportunity to complete any assessment in this timeframe and created an unrealistic expectation.

Opteon™ 1100 will only be used in two-component foam products. Due to the regulation of this compound by a US EPA Toxic Substances Control Act (TSCA) Significant New Use Rule (SNUR), commercial use of this substance is limited to Industrial and Professional uses only. This means that finished products containing Opteon™ 1100 cannot be sold into Do It Yourself (DIY) applications such as in home spray foam kits. Thus, according to federal mandate this compound can only be used in an Industrial or manufacturing setting where workers will utilize applicable Personal Protection Equipment (PPE) and follow risk mitigation procedures and guidelines to reduce potential risk of exposure.

SCAQMD has requested a potential definition of Industrial Use. The following wording is being proposed as a potential definition.

“Industrial or Professional setting includes settings where workers will be trained in safe handling and utilize applicable Personal Protection Equipment (PPE) and follow risk mitigation procedures and guidelines, such as OSHA, to reduce potential risk of exposure.”

Over the last several decades, SCAQMD has considered nearly every Blowing Agent as VOC exempt, including HCFCs, HFCs, and HCFOs. If not granted, this would be a completely new stance that a Blowing Agent would not be granted VOC exemption, even when considered to be a better alternative to an incumbent.

13808 Duncan Run Rd. Galena, Ohio 43021 diraymond@me.com 440-339-4539

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6-1

As recently as 2014, SCAQMD granted a VOC exemption under Rule 102 to another very similar Blowing Agent without going through a full OEEHA assessment. This Rule 102 is a much broader exemption than is being requested for Opteon™ 1100 under Rule 1168. Not granting this exemption would make an unequal playing field in the market for two Blowing Agent products with similar characteristics.

Given the very limited exemption and the SCAQMD toxicity review the compound Opteon™ 1100 should be exempted under Rule 1168 without further testing requirements.

6-1

Summary

Opteon™ 1100 is a well studied, fully commercialized product that has gone through evaluation by US EPA under several regulations including TSCA and the Clean Air Act, including the Significant New Alternatives Policy (SNAP) process and VOC exemption. Chemours has conducted through toxicology assessments of this substance in support of the marketed uses through their Product Stewardship and Sustainability organization. Beyond United States regulations, Opteon™ 1100 has also gone through evaluation from global regulatory authorities and similarly approved for these end use applications.

SCAQMD followed up with a toxicity review and “did not find anything of concern”. In addition, the exemption being sought would be extremely limited and only used in a manufacturing setting with all OSHA requirements. Based upon successful use of this substance at facilities outside of California, manufacturers have expressed intent to implement use of this substance in California based on performance and environmental criteria.

Conclusion

Opteon™ 1100 should be exempted in November of 2022 for use by district facilities without further evaluation. Therefore, we respectfully request this limit exemption now without delay.

Thank you for your time. Any questions or comments please feel free to contact me at 440-339-4539 or at diraymond@me.com.

On Behalf of The Chemours Company,
Sincerely,



Douglas Raymond

Cc: Heather Farr: hfarr@aqmd.gov

13808 Duncan Run Rd. Galena, Ohio 43021 diraymond@me.com 440-339-4539

3

Staff Response to Comment Letter #6

Staff Response to Comment #6-1:

Opteon 1100 was included to U.S. EPA’s list of compounds excluded from the regulatory definition of volatile organic compound (VOC) in November 2018 based on its negligible contribution to ground-level ozone formation. The VOC exemption petition was submitted on February 4, 2014 by E.I. DuPont de Nemours (DuPont), predecessor of Chemours for Performance

Chemicals. Supporting materials for this exemption were documents focused on atmospheric reactivity and global warming potentials.

Staff recognizes the low ozone formation and global warming potential of Opteon 1100, but will no longer propose a new VOC exemption for a chemical unless OEHHA has conducted an assessment of the chemical as the Stationary Source Committee recommended regulatory VOC reductions do not encourage the use of chemicals that have a known or suspected toxic profile. Opteon 1100 is an HFO and South Coast AQMD has exempted several HFOs in the past; however, OEHHA has not evaluated Opteon 1100.

Staff is proposing a conditional exemption for Opteon 1100. That is the exemption will only become effective if OEHHA has sufficient information to establish a Cancer Inhalation Unit Risk Factor, an acute reference exposure level (REL) and a chronic REL of Opteon 1100 and does not adopt a cancer risk factor for Opteon 1100 and develops an acute REL (or interim acute REL) and a chronic REL (or interim chronic REL) for Opteon 1100 which are higher than those for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd), which is the HFO it would replace. As suggested by the commenter, the exemption will be limited to two-component foam sealants used in a professional setting by workers trained with procedures and guidelines to reduce potential risk of exposure. Staff is concerned with including any VOC exemption without a toxic assessment by OEHHA; hence, recommends a limited and conditional exemption as a balanced approach.

Comment Letter #7



South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765

Dear South Coast Air Quality Management District:

The National Association of Chemical Distributors (NACD) is an international association of chemical distributors and their supply-chain partners. Member companies process, formulate, blend, re-package, warehouse, market, and transport chemical products across California. The industry that NACD represents is a major economic engine that generates \$2.42 billion of tax revenue in California with over 300 facilities in the state.

NACD members are concerned with the actions being taken by the South Coast Air Quality Management District (SCAQMD) that would in amendments to Rule 1168 prohibit the use of both para-Chlorobenzotrifluoride (pCBtF) and tertiary-Butyl Acetate (t-BAc). While we appreciate your concerns about both materials and their safety, we must strongly object to this course of action. Both pCBtF and t-BAc are core products for achieving volatile organic compound (VOC) compliance for several end-users in various industries and applications.

NACD is concerned that a broad ban of the pCBtF and t-BAc will significantly restrict the amount of products that can meet VOC limits, as there are few acceptable alternatives to these substances. Without an adequate timeline allowing for industry to evaluate other substances to be used in place of pCBtF and t-BAc, this ban has the potential to disrupt the manufacturing of roofing products in California significantly.

Moreover, NACD believes there is a need for additional research to be conducted by SCAQMD. Moving forward with this rule is likely to increase the use of water-based chemistry to manufacture roofing products due to the limited alternatives to pCBtF and t-BAc. These substances do not have a significant level of research evaluating their long-term impacts to human health. NACD urges SCAQMD to allow more time before moving forward with a ban on pCBtF and t-BAc so the agency can conduct the needed research to confirm that banning these substances will not inadvertently promote chemistries that are more hazardous.

NACD asks that SCAQMD put a pause on this process until all parties can gather more data and more deeply evaluate the outcomes of moving forward with this revision to rule 1168. NACD acknowledges the importance of prioritizing the health of the communities that SCAQMD represents and hopes the agency carefully considers any proposed revisions to rule 1168.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer C. Gibson".

Jennifer C. Gibson

Advancing Stewardship, Creating Connections™

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nacd.com



Vice President, Regulatory Affairs

*Staff Response to Comment Letter #7*Response to Comment #7-1:

Well before the 2017 Rule 1168 amendment, there were toxicity concerns regarding the use of t-BAc and pCBtF. During the 2017 rule amendment, staff assessed the health risks associated with potential t-BAc usage in roofing products and based on the assessment staff decided not to exempt t-BAc in Rule 1168. In 2020 OEHHA published the pCBtF assessment and it was found out that the Cancer Potency Factor for pCBtF is considerably higher than for t-BAc.

During the current rule amendment, staff performed an updated modeling assessment for t-BAc at five meteorological stations at different locations in the South Coast AQMD. Staff provided two scenarios based on solvent daily usage and project coverage area provided by stakeholders to assess the associated risks: Scenario #1: provided Firestone BP and Scenario #2: provide by SPRI. Risk assessments generally focus on the worse-case scenario, but staff considered a range of scenarios and in all the scenarios the Acute Hazard Index (HI) was higher than the threshold. The data was presented in Working Group Meeting #3. OEHHA has not established an acute end point for pCBtF but the Governing Board directed staff to rely on the precautionary principle, which is to prioritize reducing both known and unknown toxic risk over VOC reductions.

Staff has also assessed the extent of pCBtF usage in adhesives and sealants. In February 2022, staff conducted a survey of manufacturers regarding pCBtF usage; 25 manufacturers responded and 11 indicated they formulate some of their products with pCBtF. The pCBtF survey and manufacturer feedback indicated pCBtF is predominately used in roofing products. Staff also conducted an online search of all non-asphalt roofing sealant and adhesives and presented the survey and online research results during Working Group Meeting #4. Approximately 20% of Single-Ply Roof Membrane Adhesive category products contained pCBtF based on volume sales and the other roofing categories had very low number and sales of products containing pCBtF (less than 3%). Staff also collected samples from local retail stores for laboratory screening to further assess the extent of pCBtF usage in adhesives and sealants. Out of seven roof product samples, only one product was found to contain low levels of pCBtF, 1.3 wt %.

Staff has held more than seven meetings with roofing industry stakeholders; staff acknowledges the proposed pCBtF prohibition will impact some categories and based on several discussions with stakeholders, staff is proposing to delay the prohibition to allow time for reformulations for certain subcategories of products.

Comment Letter #8



October 4, 2022

Heather Farr
 Mojtaba Moghani, Ph.D.
 Michael Krause
 Yanrong Zhu
 Emily Yen
 South Coast AQMD
 21865 Copley Drive
 Diamond Bar, CA 91765

Re: Response to South Coast AQMD (SCAQMD) Proposed Amended Rule (PAR) 1168 – Prohibition of Parachlorobenzotrifluoride (pCBtF)

Dear Ms. Farr, Dr. Moghani, Mr. Krause, Ms. Zhu, and Ms. Yen,

The Single Ply Roofing Industry (SPRI) would like to thank SCAQMD again for their continued engagement with the Roofing industry to amend the Proposed Amendment to Rule (PAR) 1168 – Adhesive and Sealant Applications.

We appreciate SCAQMD’s revisions, sent by Ms. Farr on September 21, 2022, to SPRI’s original pCBtF Prohibition extension proposal. SPRI’s Technical Committee has reviewed SCAQMD’s comments and proposes the pCBtF prohibition extension and definitions below to be included in PAR 1168. SPRI is recommending a minimum 2-year extension on all Single Ply Roofing or All Other Roofing adhesives, sealants, and primers to allow for internal and 3rd party certification testing as described in our original proposal sent to SCAQMD on September 13, 2022.

SPRI is also recommending that a Technical Assessment be completed by SCAQMD in 2025 to verify the Roofing Industry has been able to formulate products to meet SCAQMD’s VOC limits and the requirements of roofing applications without the use of pCBtF. A Technical Assessment in 2025 will allow SCAQMD and the Roofing Industry adequate time to collect data and work through any potential technical issues prior to the January 1, 2027 termination date of the extension.

8-1

Category	pCBtF Prohibition Effective date	End of Sell-through	End of Use-through
Roof Adhesive Primer	January 1, 2027	January 1, 2028	January 1, 2028
Cut Edge Single Ply Roof Membrane Sealant			
EPDM/TPO Single Ply Roof Membrane Adhesive			
All Other Single Ply Roof or All Other Roof Adhesives, Sealants, or Primers	January 1, 2025	January 1, 2028	January 1, 2028
Regulated Products not listed above	January 1, 2024	January 1, 2027	January 1, 2028

Definitions

ROOF ADHESIVE PRIMER is a film-forming material applied to a substrate, prior to the application of an adhesive or adhesive tape to increase adhesion or bond strength, promote wetting, or to form a chemical bond with a subsequently applied adhesive and are marketed and sold exclusively for the installation or repair of roofing materials.

CUT EDGE SINGLE PLY ROOF MEMBRANE SEALANT is a low-solids sealant designed to seal the edges of single ply membrane with exposed scrim to inhibit water penetration.

EPDM/TPO SINGLE PLY ROOF MEMBRANE ADHESIVE is any adhesive to be used for the installation or repair of EPDM and TPO single ply roof membrane. Installation includes, but is not limited to, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes, or ducts that protrude through the membrane.

8-2

Thank you for your time and consideration of our thoughts in this matter. Please let us know if you have any questions or need additional information.

Regards,



Mike Ennis, Technical Director

SPRI, Inc.

*Staff Response to Comment Letter #8*Response to Comment #8-1:

Staff appreciates the comments and changed the proposed amended rule to allow the pCBtF prohibition to be extended for categories where staff has identified pCBtF being used to meet existing rule limits.

Regarding the suggestion to include a technology assessment, staff included a paragraph in the resolution to direct staff to report back to the Stationary Source Committee by January 1, 2026. That timeline follows the next reporting period for the Quantity and Emission Reports. Staff will update the Stationary Source Committee on the data received and the roofing industry feedback on reformulation efforts.

Response to Comment #8-2:

Staff concurs and updated the proposed definitions for Roof Adhesive Primer, Cut Edge Single-Ply Roof Membrane Sealant, and EPDM/TPO Single Ply Roof Membrane Adhesive in the draft rule language based on the recommendations.

ATTACHMENT I

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Subsequent Environmental Assessment for:

Proposed Amended Rule 1168 – Adhesive and Sealant Applications

October 2022

State Clearinghouse No. 2017081031
South Coast AQMD No. 20220902ST/ 08162017DT

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JANICE RUTHERFORD
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EXECUTIVE OFFICER:

WAYNE NASTRI

PREFACE

This document constitutes the Final Subsequent Environmental Assessment (SEA) for Proposed Amended Rule (PAR) 1168 – Adhesive and Sealant Applications.

The Draft SEA was circulated for a 45-day public review and comment period from September 6, 2022 to October 21, 2022. No comment letters were received during the comment period.

Subsequent to the release of the Draft SEA for public review and comment, minor modifications were made to the proposed project. PAR 1168 was revised to also include delayed VOC limit effective dates for two categories of adhesives and sealants; add some definitions for new categories and remove the definition of Energy Curable Adhesives; add a weight based VOC limit for foam product categories; include a conditional Opteon 1100 exemption; update labeling and reporting requirements; allow delays for pCBtF prohibition for specialty products; remove an archaic exemption, and provide further clarification in the rule language. Therefore, some modifications have been made to the Draft SEA to make it a Final SEA which include updates to reflect the above changes made to PAR 1168 after the public notice of availability of the Draft SEA. The updates to the CEQA analysis include: 1) revising the total delayed VOC emission reductions due to delaying the VOC limit effective date for two categories of adhesives and sealants; and 2) adding further GHG emission and toxicity analysis for the conditional and limited exemption of Opteon 1100 in Two-Component Foam Sealants. To facilitate identification of the changes between the Draft SEA and the Final SEA, modifications to the document are included as underlined text and text removed from the document is indicated by ~~strikethrough text~~. To avoid confusion, minor formatting changes are not shown in underline or strikethrough mode.

South Coast AQMD staff has evaluated the modifications made to PAR 1168 after the release of the Draft SEA for public review and comment and concluded that none of the revisions constitute significant new information, because: 1) no new significant environmental impacts would result from the proposed project; 2) there is no substantial increase in the severity of an environmental impact; 3) no other feasible project alternative or mitigation measure was identified that would clearly lessen the environmental impacts of the project and was considerably different from others previously analyzed, and 4) the Draft SEA did not deprive the public from meaningful review and comment. In addition, revisions to PAR 1168 and the analysis in response to verbal or written comments during the rule development process would not create new, avoidable significant effects. As a result, these revisions do not require recirculation of the Draft SEA pursuant to CEQA Guidelines Sections 15073.5 and 15088.5. Therefore, the Draft SEA has been revised to include the aforementioned modifications such that it is now the Final SEA.

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CHAPTER 1

EXECUTIVE SUMMARY

Introduction

California Environmental Quality Act

Previous CEQA Documentation

Intended Uses of this Document

Areas of Controversy

Executive Summary

1.0 INTRODUCTION

The California Legislature created the South Coast Air Quality Management District (South Coast AQMD) in 1977¹ as the agency responsible for developing and enforcing air pollution control rules and regulations in the South Coast Air Basin and portions of the Salton Sea Air Basin and Mojave Desert Air Basin. In 1977, amendments to the federal Clean Air Act (CAA) included requirements for submitting State Implementation Plans (SIPs) for nonattainment areas that fail to meet all federal ambient air quality standards [CAA Section 172], and similar requirements exist in state law [Health and Safety Code Section 40462]. The federal CAA was amended in 1990 to specify attainment dates and SIP requirements for ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), and particulate matter with an aerodynamic diameter of less than 10 microns (PM₁₀). In 1997, the United States Environmental Protection Agency (U.S. EPA) promulgated ambient air quality standards for particulate matter with an aerodynamic diameter less than 2.5 microns (PM_{2.5}). The U.S. EPA is required to periodically update the national ambient air quality standards (NAAQS).

In addition, the California Clean Air Act (CCAA), adopted in 1988, requires the South Coast AQMD to achieve and maintain state ambient air quality standards for ozone, CO, sulfur dioxide, and NO₂ by the earliest practicable date [Health and Safety Code Section 40910]. The CCAA also requires a three-year plan review, and, if necessary, an update to the SIP. The CCAA requires air districts to achieve and maintain state standards by the earliest practicable date and for extreme non-attainment areas, to include all feasible measures pursuant to Health and Safety Code Sections 40913, 40914, and 40920.5. The term “feasible” is defined in the California Environmental Quality Act (CEQA) Guidelines² Section 15364, as a measure “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

By statute, the South Coast AQMD is required to adopt an air quality management plan (AQMP) demonstrating compliance with all federal and state ambient air quality standards for the areas under the jurisdiction of the South Coast AQMD.³ Furthermore, the South Coast AQMD must adopt rules and regulations that carry out the AQMP.⁴ The AQMP is a regional blueprint for how the South Coast AQMD will achieve air quality standards and healthful air, and the 2016 AQMP⁵ contains multiple goals promoting reductions of criteria air pollutants, greenhouse gases (GHGs), and toxic air contaminants (TACs). The 2016 AQMP states that both oxides of nitrogen (NO_x) and volatile organic compounds (VOC) emissions need to be addressed to reduce the formation of ozone and PM_{2.5}. VOC is a precursor to the formation of ozone and PM_{2.5}, and VOC emission reductions are necessary to achieve the ozone standard attainment. In particular, the 2016 AQMP includes control measure CTS-01 – Further Emission Reductions from Coatings, Solvents, Adhesives, and Sealants, which identifies Rule 1168 – Adhesive and Sealant Applications, a rule that regulates VOCs, as having the potential to achieve additional VOC emission reductions. In addition, the 2016 AQMP also includes control measure MCS-01 – Application of All Feasible Measures Assessment, which seeks to achieve emission reductions from all pollutants, including VOCs.

¹ The Lewis-Presley Air Quality Management Act, 1976 Cal. Stats., Ch. 324 (codified at Health and Safety Code Sections 40400-40540).

² The CEQA Guidelines are codified at Title 14 California Code of Regulations Section 15000 *et seq.*

³ Health and Safety Code Section 40460(a).

⁴ Health and Safety Code Section 40440(a).

⁵ South Coast AQMD, Final 2016 Air Quality Management Plan, March 2017. <https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>.

Rule 1168 includes 59 categories of adhesives, adhesive primers, sealants, and sealant primers with VOC limits and applies to products used during manufacturing at stationary sources as well as products used by consumers that are not regulated by the California Air Resources Board (CARB) in the Consumer Products Regulation (CPR). Amendments to Rule 1168 were adopted on October 6, 2017 to partially implement CTS-01 and MCS-01. The October 2017 amendments to Rule 1168 were designed to reduce emissions of VOCs, toxic air contaminants, and stratospheric ozone-depleting compounds from adhesives, adhesive primers, sealants, and sealant primers. Some of the key amendments focused on lowering the VOC limits for certain categories and allowing a three-year sell-through and four-year use-through; added new product categories with corresponding VOC content limits; required products marketed for use under varying categories to be subject to the lowest VOC limit; prohibited the use of Rule 102 Group II exempt solvents, except volatile methyl siloxanes; and removed, modified, or added various exemptions.

The October 2017 amendments to Rule 1168 also included a commitment to conduct a technology assessment for top and trim adhesives, roofing products, plastic welding cements, and foam sealants to determine if products for nine adhesive and sealant categories were available that could achieve the VOC limits by January 1, 2023. The technology assessment concluded that some of these product categories either needed more time beyond January 1, 2023 to meet the VOC limits or that achieving the lower VOC limits would not be technically feasible. Thus, staff has developed Proposed Amended Rule 1168 (PAR 1168) to adjust VOC limits and allow additional time for certain products to be reformulated.

In addition, due to potential toxicity concerns associated with tertiary-Butyl Acetate (t-BAC) and parachlorobenzotrifluoride (pCBtF) and the uncertainty of on-site exposure modeling methodologies, the Stationary Source Committee of the South Coast AQMD Governing Board recommended a precautionary approach such that compounds with a known or suspected toxic endpoint will not be exempted from the definition of VOC in Rule 102 or other South Coast AQMD Rules. In 2017, t-BAC was identified as a carcinogen after it had been previously granted a partial exemption from the definition of a VOC in certain uses in several source specific rules, e.g., Rule 1113 – Architectural Coatings and Rule 1151 – Automotive Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations, but not Rule 1168. Further, in 2020, pCBtF was identified as a stronger carcinogen than t-BAC, after it had been previously exempted from the definition of a VOC in Rule 102 for all uses within the South Coast AQMD, including adhesives and sealants that would otherwise be subject to Rule 1168 requirements. Because of toxicity concerns with both t-BAC and pCBtF, PAR 1168 also proposes to prohibit the use of these chemicals in adhesive and sealant products.

PAR 1168 will result in foregone emission reductions; however, it will result in reducing the potential for toxic chemicals to be used in the products.

Therefore, PAR 1168 proposes to: 1) prohibit the use of pCBtF and t-BAC due to toxicity concerns; 2) delay the effective dates of volatile organic compound (VOC) emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; 4) allow Opteon 1100 (cis-1,1,1,4,4,4-hexafluoro-2-butene/HFO-1336mzz-Z) as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an evaluation by the Office of Environmental Health Hazard Assessment (OEHHA); and 45) remove definitions, and update and clarify, and streamline rule language.

PAR 1168 is expected to ~~cause~~ result in delayed and permanent foregone VOC emission reductions of ~~0.42~~ 0.12-ton per day (tpd) and 0.28 tpd, respectively, due to extending the effective dates and maintaining the existing VOC limits for certain categories of Regulated Products, while lowering the potential for toxic chemicals to be used in adhesive and sealant products. The October 2017 amendments to Rule 1168 estimated VOC emission reductions of 1.38 tpd, so even with the 0.28 tpd of permanent foregone emission reductions, the rule amendment exceeded the commitment in the 2016 AQMP.

1.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) requires that all potential adverse environmental impacts of proposed projects be evaluated and that methods to reduce or avoid identified significant adverse environmental impacts of these projects be implemented, if feasible. The purpose of the CEQA process is to inform the South Coast AQMD Governing Board, public agencies, and interested parties of potential adverse environmental impacts that could result from implementing the proposed project and to identify feasible mitigation measures or alternatives, when an impact is significant.

Public Resources Code Section 21080.5 allows public agencies with regulatory programs to prepare a plan or other written documents in lieu of a Negative Declaration or EIR once the Secretary of the Resources agency has certified the regulatory program. The South Coast AQMD's regulatory program was certified on March 1, 1989 [CEQA Guidelines Section 15251(l)]. In addition, the South Coast AQMD adopted Rule 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment, which implements the South Coast AQMD's certified regulatory program. Under the certified regulatory program, the South Coast AQMD typically prepares an Environmental Assessment (EA) to evaluate the environmental impacts for rule projects proposed for adoption or amendment.

PAR 1168 is considered a “project” as defined by CEQA. PAR 1168 proposes to: 1) prohibit the use of parachlorobenzotrifluoride (pCBtF) and tertiary-Butyl Acetate (t-BAc) due to toxicity concerns; 2) delay the effective dates of volatile organic compound (VOC) emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and 45) remove definitions, and update, and clarify, and streamline rule language. Implementation of the proposed project is estimated to ~~cause~~ result in delayed and permanent foregone VOC emission reductions of up to ~~0.42~~ 0.12- and 0.28 tpd, respectively, due to extending the effective dates and maintaining the existing VOC limits for certain categories of Regulated Products.

The purpose of the October 2017 amendments to Rule 1168 was to reduce emissions of VOCs by 1.38 tpd, as well as reduce toxic air contaminants, and stratospheric ozone-depleting compounds from adhesives, adhesive primers, sealants, and sealant primers. The October 2017 Final Environmental Assessment (EA)⁶ for the October 2017 amendments to Rule 1168 was certified by the South Coast AQMD Governing Board on October 6, 2017 (referred to herein as the October 2017 Final EA for Rule 1168) and analyzed the environmental impacts associated with the activities manufacturers were anticipated to undertake to reformulate products and that these

⁶ South Coast AQMD, 2017. Final Environmental Assessment (EA) for Proposed Amended Rule (PAR) 1168 – Adhesive and Sealant Applications, SCH No. 2017081031. <http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/par1168FEA.pdf>

reformulation activities could create secondary adverse environmental impacts. None of the environmental topic areas previously analyzed in the October 2017 Final EA were concluded to have significant and unavoidable impacts, including the topic of air quality and greenhouse gases (GHGs).

When comparing the types of activities and associated environmental impacts with implementing the VOC limits and compliance dates subject to the Rule 1168 amendments that were previously analyzed in the October 2017 Final EA to the currently proposed changes which comprise PAR 1168, the type and extent of the physical changes are expected to be similar and will cause similar secondary adverse environmental impacts for the same environmental topic areas that were identified and analyzed in the October 2017 Final EA for Rule 1168. Thus, the proposed project is expected to have generally the same or similar effects that were previously examined in the October 2017 Final EA for Rule 1168 but that the air quality impacts from PAR 1168 will cause some delayed and permanent VOC emission reductions foregone, which will be more severe than what was discussed in October 2017 Final EA.

Therefore, the proposed project contains new information of substantial importance which was not known and could not have been known at the time the October 2017 Final EA for Rule 1168 was certified [CEQA Guidelines Section 15162(a)(3)]. Moreover, the analysis indicates that the type of CEQA document appropriate for the proposed project is a Subsequent Environmental Assessment (SEA), which contains the environmental analysis required by CEQA Guidelines Section 15187 and tiers off of the October 2017 Final EA for Rule 1168. Thus, this SEA is a subsequent document to the October 2017 Final EA for Rule 1168.

Because this is a subsequent document, the baseline is the project analyzed in the October 2017 Final EA for Rule 1168. The SEA is a substitute CEQA document prepared in lieu of a Subsequent EIR with significant impacts [CEQA Guidelines Section 15162], pursuant to the South Coast AQMD's Certified Regulatory Program [CEQA Guidelines Section 15251(1)]; codified in South Coast AQMD Rule 110. The SEA is also a public disclosure document intended to: 1) provide the lead agency, responsible agencies, decision makers, and the general public with information on the environmental impacts of the proposed project; and 2) be used as a tool by decision makers to facilitate decision making on the proposed project.

Thus, the South Coast AQMD, as lead agency for the proposed project has prepared this SEA with significant impacts. In addition, since significant adverse impacts have been identified, an alternatives analysis is required and has been included in this SEA.

The Draft SEA ~~is being~~ has been released and circulated for a 45-day public review and comment period from September 6, 2022 to October 21, 2021. No comment letters were received during the comment period. Any comments on the analysis presented in this Draft SEA received during the public comment period will be responded to and included in an appendix of the Final SEA.

The October 2017 Final EA for Rule 1168 (State Clearinghouse No. 2017081031) upon which this SEA relies, is incorporated by reference pursuant to CEQA Guidelines Section 15150 and is available from the South Coast AQMD's website at:

October 2017 Final EA for Rule 1168:

<http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/par1168FEA.pdf>

The above document may also be obtained from the South Coast AQMD's Public Information Center by calling (909) 396-2039 or by email PICrequests@aqmd.gov, or by contacting Derrick Alatorre - Deputy Executive Officer/Public Advisor, South Coast AQMD, 21865 Copley Drive, Diamond Bar, CA 91765, (909) 396-2432, PublicAdvisor@aqmd.gov.

South Coast AQMD staff has reviewed the modifications made to PAR 1168 after the release of the Draft SEA for public review and comment and concluded that none of the revisions constitute significant new information, because: 1) no new significant environmental impacts would result from the proposed project; 2) there is no substantial increase in the severity of an environmental impact; 3) no other feasible project alternative or mitigation measure was identified that would clearly lessen the environmental impacts of the project and was considerably different from others previously analyzed, and 4) the Draft SEA did not deprive the public from meaningful review and comment. In addition, revisions to the proposed project and analysis in response to verbal or written comments during the rule development process would not create new, avoidable significant effects. As a result, these revisions do not require recirculation of the Draft SEA pursuant to CEQA Guidelines Sections 15073.5 and 15088.5. Therefore, the Draft SEA has been revised to include the aforementioned modifications such that it is now the Final SEA.

Prior to making a decision on the adoption of the proposed project, the South Coast AQMD Governing Board must review and certify the Final SEA, ~~including responses to comments~~, as providing adequate information on the potential adverse environmental impacts that may occur as a result of adopting PAR 1168.

1.2 PREVIOUS CEQA DOCUMENTATION

South Coast AQMD rules, as ongoing regulatory programs, have the potential to be revised over time due to a variety of factors (e.g., regulatory decisions by other agencies, new data, lack of progress in advancing the effectiveness of control technologies to comply with requirements in technology forcing rules, new more stringent national ambient air quality standards, etc.).

Rule 1168 was adopted in April 1989 to reduce VOC emissions from adhesive applications. The rule has been amended 14 times with the last amendment in October 2017. PAR 1168 has been developed to delay the effective dates of or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 6, 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; prohibit the use of t-BAC and pCBtF due to toxicity concerns; allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; remove definitions; and update, clarify, and streamline some definitions and other rule language. As allowed by CEQA Guidelines Sections 15152, 15162, and 15385, this SEA tiers off of the October 2017 Final EA for Rule 1168, which is summarized below:

Final Environmental Assessment for Proposed Amended Rule 1168 – Adhesive and Sealant Applications; October 2017: Amendments to Rule 1168 were adopted in October 2017 to reduce emissions of VOCs, toxic air contaminants, and stratospheric ozone-depleting compounds from adhesives, adhesive primers, sealants, and sealant primers. The amendments to Rule 1168 clarified the applicability; revised, deleted, and added various definitions; lowered the VOC limits for certain categories and allowed a three-year sell-through and use-through; added new product

categories with corresponding VOC content limits; required products marketed for use under varying categories to be subject to the lowest VOC limit; prohibited the storage of non-compliant products, unless for shipment outside of the South Coast AQMD; added test methods for analyzing VOC content; added labeling requirements; included reporting requirements for manufacturers, private labelers, big box retailers, distribution centers, and facilities that use a 55 gallon per year exemption; prohibited the use of Rule 102 Group II exempt solvents, except volatile methyl siloxanes; included a technology assessment for certain product categories; and removed, modified, or added various exemptions. Approximately 1.38 tpd of VOC emission reductions were expected to be achieved as a result of implementing the October 2017 version of Rule 1168. While the reduction of VOC emissions was expected to create an environmental benefit, the activities that manufacturers were expected to undertake to reformulate compliant products were anticipated to also create secondary adverse environmental impacts. The October 2017 Final EA for Rule 1168 analyzed the potential secondary adverse environmental impacts but none of the environmental topic areas analyzed were identified as having potentially significant adverse impacts. The South Coast AQMD Governing Board certified the Final EA and approved the amendments to Rule 1168 on October 6, 2017. The October 2017 Final EA can be obtained by visiting the South Coast AQMD website at: <http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/par1168FEA.pdf>.

1.3 INTENDED USES OF THIS DOCUMENT

In general, a CEQA document is an informational document that informs a public agency's decision-makers and the public generally of potentially significant adverse environmental effects of a project, identifies possible ways to avoid or minimize the significant effects, and describes reasonable alternatives to the project [CEQA Guidelines Section 15121]. A public agency's decision-makers must consider the information in a CEQA document prior to making a decision on the project. Accordingly, this SEA is intended to: a) provide the South Coast AQMD Governing Board and the public with information on the environmental effects of the proposed project; and b) be used as a tool by the South Coast AQMD Governing Board to facilitate decision-making on the proposed project.

Additionally, CEQA Guidelines Section 15124(d)(1) requires a public agency to identify the following specific types of intended uses of a CEQA document:

1. A list of the agencies that are expected to use the SEA in their decision-making;
2. A list of permits and other approvals required to implement the project; and
3. A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies.

There are no permits or other approvals required to implement PAR 1168. Moreover, PAR 1168 is not subject to any other related environmental review or consultation requirements.

To the extent that local public agencies, such as cities, county planning commissions, etc., are responsible for making land use and planning decisions related to projects that must comply with the requirements in the proposed project, they could possibly rely on this SEA during their decision-making process. Similarly, other single purpose public agencies approving projects at facilities complying with the proposed project may rely on this SEA.

1.4 AREAS OF CONTROVERSY

CEQA Guidelines Section 15123(b)(2) requires a public agency to identify the areas of controversy in the CEQA document, including issues raised by agencies and the public. Over the course of developing PAR 1168, the predominant concerns expressed by representatives of industry and environmental groups, either in public meetings or in written comments, regarding the proposed project are highlighted in Table 1-1.

Table 1-1
Areas of Controversy

	Area of Controversy	Topics Raised by the Public	South Coast AQMD Evaluation
1.	The effect of the pCBtF prohibition on roofing products	Achieving the proposed VOC limits would not be possible without using pCBtF for formulations of some adhesives and sealants used in roofing applications	<p>While some roofing products that were previously formulated with pCBtF will no longer allowed to be used if PAR 1168 is adopted, the following factors were considered:</p> <ol style="list-style-type: none"> 1) Currently, there are other roofing products commercially available on the market that are not formulated with pCBtF but have been demonstrated to comply with the previous VOC limits in effect prior to the October 6, 2017 amendments to Rule 1168 and these are the same VOC limits which are proposed in PAR 1168. Thus, no substantial interruption in the market supply of compliant roofing adhesives is expected. 2) The long-term health benefit of prohibiting pCBtF, a toxic compound with substantial adverse carcinogenic health effects, would outweigh the short-term inconvenience associated with market shift of certain manufacturers pivoting from formulating roofing adhesives with pCBtF to those without pCBtF; 3) The proposed <u>January 1, 2027 effective date of the prohibition for Cut Edge Single Ply Roof Membrane Sealants, EPDM/TPO Single Ply Roof Membrane Adhesive, and Roof Adhesive primers, the proposed January 1, 2025 effective date of the prohibition for Single Ply Roof Membrane Adhesive Sealants (Except Cut Edge), Single Ply Roof Membrane Adhesive (Except EPDM/TPO), Roof Sealant Primers, and All other Roof Sealants, and the proposed January 1, 2024 effective date for all other Regulated Products not listed above, and as well as the inclusion of a three-year sell-through and four-year use-through provisions which will provide the manufacturer(s) sufficient time to phase out pCBtF.</u>

Table 1-1 (continued)
Areas of Controversy

	Area of Controversy	Topics Raised by the Public	South Coast AQMD Evaluation
2.	The effect of the pCBtF prohibition on Clear, Paintable, and Immediately Water-Resistant Sealants	pCBtF was utilized to reformulate Clear, Paintable, and Immediately Water-resistant Sealants to work toward meeting the 250 grams per liter (g/L) limit effective January 1, 2023	<ol style="list-style-type: none"> 1) PAR 1168 includes a provision which delays implementation of the pCBtF prohibition by one <u>three years</u> for <u>this product category</u>sealants. 2) The proposed effective date of the prohibition also includes a two<u>three</u>-year sell through and a two<u>four</u>-year use-through provision, which will provide the manufacturer(s) sufficient time to phase out pCBtF. 3) Other architectural sealants and all other roof sealants with water resistant and/or water proof capabilities<u>Clear Paintable, and Immediately Water-Resistant Sealants</u> are currently commercially available on the market that meet the 250 g/L and 50 g/L VOC limit, <u>some formulated below 50 g/L, respectively and that</u> could replace formulations of this type of sealants containing pCBtF. 4) The long-term health benefit of prohibiting pCBtF, a toxic compound with substantial adverse carcinogenic health effects, would outweigh the need to have a sealant that is both clear and paintable since these products are being used by consumers.

Table 1-1 (continued)
Areas of Controversy

	Area of Controversy	Topics Raised by the Public	South Coast AQMD Evaluation
3.	Request to exempt Opteon 1100 from the definition of VOC	The exemption of Opteon 1100 Two-Component Foam Sealant, would help expand the product options and provide relief for supply issues	<p>1) The Office of Environmental Health Hazard Assessment (OEHHA), a specialized department within the California Environmental Protection Agency (CalEPA) with responsibility for evaluating health risks from environmental chemical contaminants, has not evaluated Opteon 1100. However, Opteon 1100 is a hydrofluoro-olefin (HFO) which may have the potential to break down into perfluoroalkyl and polyfluoroalkyl substances (PFAS), commonly referred to as forever chemicals, through atmospheric degradation, and thus could have serious health impacts.</p> <p>2) PAR 1168 Staff is considering the request to include a conditional and limited exemption for Opteon 1100 in PAR 1168 in the definition for Exempt Compound. The exemption would be allow the use of Opteon 1100 limited to use in formulations of High-Pressure Two-Component Foam Sealants and Low-Pressure Two-Component Foam Sealants applied used in an industrial or professional setting. The exemption would also be contingent on the results of an assessment conducted by OEHHA. The exemption would not go into effect unless: 1) OEHHA has sufficient information to establish a Cancer Inhalation Unit Risk Factor and does not adopt a cancer risk factor for Opteon 1100; and 2) OEHHA has sufficient information to establish an acute reference exposure level (REL) and a chronic REL of Opteon 1100 and the acute REL (or interim acute REL) and a chronic REL (or interim chronic REL) for Opteon 1100 are higher than those for the RELs for the Hydrofluoro-Olefin (HFO) it would replace.</p>

Table 1-1 (concluded)
Areas of Controversy

	Area of Controversy	Topics Raised by the Public	South Coast AQMD Evaluation
4.	<u>Remove the reference of ASTM Test Method D7767-11</u>		<ol style="list-style-type: none"> 1) <u>Staff is proposing to delete the definition for Energy Curable Adhesives and Sealants, which was added during the 2017 rule amendment as a mechanism to include ASTM Test Method D7767-11 which is a test method for thin film Ultra Violet/Electron Beam/Light Emitting Diode (UV/EB/LED) materials, also referred to as Energy Curable materials. RadTech, the trade association that represents the UV/EB/LED industry, objects to the removal of this definition.</u> 2) <u>On August 22, 2022, the U.S. EPA proposed a limited disapproval of Rule 1106 - Marine and Pleasure Craft Coatings and Rule 1107 – Coating of Metal Parts and Products due to the inclusion of ASTM Test Method D7767-11, which is not approved by the U.S. EPA and therefore cannot be used to enforce a SIP-approved rule. The U.S. EPA deemed the provisions that reference ASTM Test Method D7767-11 did not satisfy the requirements of section 110 and part D of the Clean Air Act and thus prevented full approval of the rules.</u> 3) <u>The removal of the definition of Energy Curable Adhesives and Sealants will remove the reference to this test method to avoid a SIP disapproval.</u> 4) <u>Manufacturers can rely on formulation data to calculate the VOC content of their products to determine if they comply with rule limits. The South Coast AQMD developed a Test Method Guidance Document for Rule 1168 that states that formulation data is the appropriate tool for manufacturers to verify compliance for thin film UV/EB/LED curable products.</u>

Pursuant to CEQA Guidelines Section 15131(a), “[e]conomic or social effects of a project shall not be treated as significant effects on the environment.” CEQA Guidelines Section 15131(b) states further, “[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project.” Physical changes that may be caused by the proposed project have been evaluated in Chapter 4 of this Draft SEA. No direct or indirect physical changes resulting from economic or social effects have been identified as a result of implementing PAR 1168.

1.5 EXECUTIVE SUMMARY

CEQA Guidelines Section 15123 requires a CEQA document to include a brief summary of the proposed actions and their consequences. In addition, areas of controversy must also be included in the executive summary (see preceding discussion). This SEA consists of the following chapters: Chapter 1 – Executive Summary; Chapter 2 – Project Description; Chapter 3 – Existing Setting; Chapter 4 – Environmental Impacts; Chapter 5 – Alternatives; Chapter 6 – References; Chapter 7 – Acronyms; and various appendices. The following subsections briefly summarize the contents of Chapters 1 through 5.

Summary of Chapter 1 – Executive Summary

Chapter 1 includes an introduction of the proposed project and a discussion of the legislative authority that allows the South Coast AQMD to amend and adopt air pollution control rules, identifies general CEQA requirements and the intended uses of this CEQA document, and summarizes the remaining four chapters that comprise this SEA.

Summary of Chapter 2 – Project Description

Efforts to develop PAR 1168 began after the technology assessment required by the October 2017 amendments to Rule 1168 was conducted and completed for nine adhesive and sealant categories. The purpose of the technology assessment was to determine if the technology progressed to the extent that commercially available adhesive and sealant products were formulated to achieve the future VOC limits by the effective date of January 1, 2023. In addition, amendments to Rule 1168 were necessary to address the Stationary Source Committee's recommendation to take a precautionary approach when considering a new exemption for any compound with a toxic endpoint and to remove the exemption for any compound that has an established toxic endpoint.

PAR 1168 proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and ~~4) remove definitions, and update, and clarify, and streamline~~ rule language. PAR 1168 is expected to cause delayed and permanent foregone VOC emission reductions of ~~0.42~~ ~~0.12~~ tpd and 0.28 tpd, respectively, due to extending the effective dates and maintaining the existing VOC limits for certain categories of Regulated Products. A copy of PAR 1168 can be found in Appendix A of this SEA.

Summary of Chapter 3 – Existing Setting

Pursuant to CEQA Guidelines Section 15125, Chapter 3 – Existing Setting includes a description of the existing environmental setting of the environmental topic areas that are expected to have potentially significant adverse impacts if the proposed project is implemented.

PAR 1168 has been developed to delay the effective dates of or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 6, 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; prohibit the use of t-BAc and pCBtF due to toxicity concerns; allow limited exemption of Opteon 1100 for manufacturing Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and clarify some

definitions and other rule language. As allowed by CEQA Guidelines Sections 15152, 15162, and 15385, this SEA tiers off of the October 2017 Final EA for Rule 1168.

The existing environmental setting is the physical environmental conditions as they existed at the time the Notice of Preparation (NOP) and Initial Study (IS) was published, or if no NOP/IS is published, at the time the environmental analysis is commenced [CEQA Guidelines Section 15125]. For the October 2017 amendments to Rule 1168, no NOP/IS was prepared but the environmental analysis ~~was~~ commenced on August 16, 2017 when the Notice of Completion (NOC) announcing the availability of the Draft EA was released for public review and comment. The Draft EA for PAR 1168 contained an environmental checklist, the same environmental checklist used when preparing a NOP/IS, plus a detailed analysis of the environmental setting and corresponding environmental effects specifically tailored to implementing the proposed amendments at that time. When comparing the types of activities and associated environmental impacts with implementing the VOC limits and compliance dates subject to the October 2017 version of Rule 1168, which was previously analyzed in the October 2017 Final EA, to the currently proposed changes which comprise PAR 1168, the type and extent of the physical changes are expected to be similar and will cause similar secondary adverse environmental impacts for the same environmental topic areas that were identified and analyzed in the October 2017 Final EA. The analysis of the effects of PAR 1168 indicates that the topic of air quality will be affected due to delayed and permanent VOC emission reductions foregone, which will be more severe than what was previously contemplated in October 2017 Final EA. Based on the preceding discussion, the baseline that was established at the time the NOC was published for the August 2017 Draft EA directly corresponds to the currently proposed project since the affected categories of coatings and adhesives, and the nature of the physical impacts that may occur as a result of implementing PAR 1168 are the same or similar to the previous analysis in the October 2017 Final EA. Thus, the baseline for the analysis in this SEA is the project analyzed in the October 2017 Final EA.

This SEA analyzes the incremental changes that may occur subsequent to the October 2017 Final EA if PAR 1168 is implemented. In addition, the analysis in this SEA independently considered whether the proposed project would result in new significant impacts for any of the other environmental topic areas previously concluded in the October 2017 Final EA to have either no significant impacts or less than significant impacts and only the topic of air quality was identified as having potentially significant adverse impacts. A description and the basis for this conclusion is included in Chapter 4 of this SEA.

As such, Chapter 3 of this ~~Draft-Final~~ SEA contains subchapters devoted to describing the existing setting for the air quality which was the only environmental topic area identified as having potentially significant adverse environmental impacts if PAR 1168 is implemented.

Summary of Chapter 4 – Environmental Impacts

CEQA Guidelines Section 15126(a) requires a CEQA document to identify and focus on the “significant environmental effects of the proposed project.” Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. In addition, CEQA Guidelines Section 15126(b) requires a CEQA document to identify the significant environmental effects that cannot be avoided if the proposed project is implemented. CEQA Guidelines Section 15126(c) also requires a CEQA document to consider and discuss the significant irreversible environmental changes that would be involved if the proposed project is implemented. Further, CEQA Guidelines Section 15126(e) requires a CEQA document to consider and discuss mitigation measures

proposed to minimize the significant effects. Finally, CEQA Guidelines Section 15130 requires a CEQA document to discuss whether the proposed project has cumulative impacts. Chapter 4 considers and discusses each of these requirements.

PAR 1168 has been developed to delay the effective dates of or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 6, 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; prohibit the use of t-BAC and pCBtF due to toxicity concerns; allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and clarify some definitions and other rule language. As allowed by CEQA Guidelines Sections 15152, 15162, and 15385, this SEA tiers off of the October 2017 Final EA for Rule 1168. As explained in the Summary of Chapter 3, the baseline for the analysis in this SEA is the project analyzed in the October 2017 Final EA.

This SEA is a comprehensive environmental document that programmatically analyzes potential incremental environmental impacts from implementing the proposed project relative to the existing setting established in the October 2017 Final EA for Rule 1168. The analysis examines the activities that manufacturers of adhesives and sealants would be expected to undertake to comply with PAR 1168.

Potential Environmental Impacts Found To Be Significant

This SEA tiers off of the October 2017 Final EA for Rule 1168 which concluded that no environmental topic areas, including the topic of air quality and GHGs, would be significantly adversely affected associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds.

The analysis in this SEA independently considers whether PAR 1168 would result in new significant impacts for any environmental topic areas previously concluded in the October 2017 Final EA for Rule 1168 to have either no significant impacts or less than significant impacts. Among the environmental areas examined for PAR 1168, only the topic of air quality will have new significant impacts due to the potential for delayed and permanent VOC emission reductions foregone, which will be more severe than what was discussed in October 2017 Final EA. A description and the basis for this conclusion is also included in this section.

PAR 1168 has been developed to delay the effective dates of or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 6, 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; prohibit the use of t-BAC and pCBtF due to toxicity concerns; allow limited exemption of Opteon 1100 for manufacturing Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and clarify some definitions and other rule language. Compliance with PAR 1168 is expected to ~~cause result in~~ delayed VOC emission reductions for the categories of Top and Trim Adhesive, ~~and~~ Higher Viscosity CPVC Welding Cement, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive due to extending the effective date to comply with VOC limits that were adopted in the October 6, 2017 version of Rule 1168. In addition, PAR 1168 is likely to

~~cause–result in~~ delayed VOC emission reductions from a proposed new subcategory of foam sealants, One-Component Foam Sealant, due to a combination of increasing the VOC limit from 50 g/L to 18 percent by weight and delaying the effective date from January 1, 2023 to July 1, 2023. Permanent foregone VOC emission reductions are also expected if the proposed higher VOC contents for certain categories of Regulated Products, including One-Component Foam Sealant, CPVC Welding Cement for Life Safety Systems, All Other Roof Adhesives, Single Ply Roof Membrane Adhesive (including both subcategories of with and without Ethylene Propylene Diene Terpolymer (EPDM) and Thermoplastic Polyolefin (TPO)), and All Other Roof Sealants, are adopted.

As such, if PAR 1168 is implemented, significant and unavoidable adverse environmental impacts to the air quality during operation are expected to occur.

Potential Environmental Impacts Found Not To Be Significant

CEQA requires the SEA to identify the environmental topic areas that were analyzed and concluded to have no impacts or less than significant impacts if the proposed project is implemented. For the environmental topic areas identified as having no impacts, CEQA Guidelines Section 15128 requires the analysis to contain a statement briefly indicating the reasons that various effects of a project were determined not to have significant impacts and were therefore not discussed in detail.

As explained earlier, the October 2017 Final EA for Rule 1168 concluded that all of the environmental topic areas, including the topic of air quality and GHGs, would have either less than significant impacts or no impacts. This subchapter of the SEA identifies and summarizes these previously analyzed environmental topic areas and assesses whether the conclusions for these environmental topic areas would need to be revised if PAR 1168 is implemented. Also, since the new environmental topic area of wildfires was added to the CEQA Guidelines after the October 2017 Final EA was certified, this section analyzes whether the PAR 1168 would cause any wildfire-associated impacts.

As such, if PAR 1168 is implemented, the conclusions of no impact or less than significant impact for all of the environmental topic areas, except for air quality during operation as analyzed in the previous section of this chapter, will remain unchanged.

Other CEQA Topics

CEQA documents are also required to consider and discuss the potential for growth-inducing impacts [CEQA Guidelines Section 15126(d)] and to explain and make findings about the project's relationship between short-term and long-term environmental goals [CEQA Guidelines Section 15065(a)(2)]. Additional analysis in Chapter 4 confirms that PAR 1168 would not result in irreversible environmental changes or the irretrievable commitment of resources, foster economic or population growth, or the construction of additional housing. Further, implementation of the PAR 1168 is not expected to achieve short-term goals to the disadvantage of long-term environmental goals.

Summary Chapter 5 - Alternatives

Since significant air quality impacts during operation are associated with PAR 1168, CEQA Guidelines Section 15126(e) requires a CEQA document to consider and discuss alternatives to the proposed project. The following alternatives to the proposed project were identified and are summarized in Table 1-2: 1) Alternative A – No Project; 2) Alternative B – More Stringent

Proposed Project; 3) Alternative C – Less Stringent Proposed Project; and 4) Alternative D – Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168.

Pursuant to the requirements in CEQA Guidelines Section 15126.6(b) to mitigate or avoid the significant effects that a project may have on the environment, a comparison of the potentially significant adverse operational air quality impacts from each of the project alternatives for the individual rule components that comprise PAR 1168 is provided in Table 1-3. Aside from operational air quality impacts, no other potentially significant adverse impacts were identified for the proposed project or any of the project alternatives. The proposed project provides the best balance in achieving the project objectives while minimizing the significant adverse environmental impacts to operational air quality. Therefore, the proposed project is preferred over the project alternatives.

Table 1-2
Summary of the Proposed Project (PAR 1168) and Alternatives

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
Top and Trim Adhesive	No change to existing 250 g/L limit but extend effective date to 1/1/2028	250 g/L by 1/1/2023	250 g/L by 1/1/2027	250 g/L by 1/1/2029	Same as Proposed Project
One-Component Foam Sealant (new subcategory)	18% VOC by weight, and extend effective date to 7/1/2023	50 g/L by 1/1/2023 (for general category of Foam Sealant in the October 2017 version of Rule 1168)	18% VOC by weight by 1/1/2023	18% VOC by weight by 7/1/2024	50 g/L by 1/1/2030
High-Pressure Two-Component Foam Sealant (new subcategory)	5% VOC by weight by 1/1/2023	50 g/L by 1/1/2023 (for general category of Foam Sealant in the October 2017 version of Rule 1168)	Same as Proposed Project	5% VOC by weight by 1/1/2024	50 g/L by 1/1/2030
Low-Pressure Two-Component Foam Sealant (new subcategory)	5% VOC by weight by 1/1/2023		Same as Proposed Project	5% VOC by weight by 1/1/2024	
Single Ply Roof Membrane Adhesive (including new subcategories of with and without EPDM/TPO)	250 g/L, effective upon adoption	200 g/L by 1/1/2023	Same as Proposed Project	Same as Proposed Project	200 g/L by 1/1/2030
All Other Roof Sealants	300 g/L, effective upon adoption	250 g/L by 1/1/2023	Same as Proposed Project	Same as Proposed Project	250 g/L by 1/1/2030
All Other Roof Adhesives	250 g/L limit, effective upon adoption	200 g/L by 1/1/2023	Same as Proposed Project	Same as Proposed Project	200 g/L by 1/1/2030

Table 1-2 (continued)
Summary of the Proposed Project (PAR 1168) and Alternatives

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
CPVC Welding Cement for Life Safety Systems (new subcategory)	490 g/L, effective upon adoption	400 g/L by 1/1/2023 (for general category of CPVC Welding Cement in the October 2017 version of Rule 1168)	Same as Proposed Project	Same as Proposed Project	400 g/L by 1/1/2030
Higher Viscosity CPVC Welding Cement (new subcategory)	No change to existing 400 g/L limit but extend effective date to 7/1/2024	400 g/L by 1/1/2023 (for general category of CPVC Welding Cement in the October 2017 version of Rule 1168)	400 g/L limit by 1/1/2024	400 g/L limit by 7/1/2025	Same as Proposed Project
<u>Clear, Paintable, Immediately Water-Resistant Sealant</u>	<u>No change to existing 250 g/L limit but extend effective date to 1/1/2026</u>	<u>250 g/L by 1/1/2023</u>	<u>250 g/L by 1/1/2025</u>	<u>250 g/L by 1/1/2027</u>	<u>Same as Proposed Project</u>
<u>Rubber Vulcanization Adhesive</u>	<u>No change to existing 250 g/L limit but extend effective date to 1/1/2028</u>	<u>250 g/L by 1/1/2023</u>	<u>250 g/L by 1/1/2027</u>	<u>250 g/L by 1/1/2029</u>	<u>Same as Proposed Project</u>

**Table 1-2 (continued)
Summary of the Proposed Project (PAR 1168) and Alternatives**

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Prohibition of Sales and Use</p>	<p>No use, supply, sell, or offer for sale of <u>Regulated Products that contain more than 0.01% by weight of the following: chloroform, ethylene dichloride, methylene chloride, perchloroethylene, and trichloroethylene, or and all Group II exempt compounds-solvents except volatile methyl siloxanes (VMS)</u></p> <p>Prohibit the use of t-BAC and pCBtF in manufacturing <u>Regulated Products</u> on and after 1/1/2024 (except for:</p> <ul style="list-style-type: none"> - <u>Single Ply Roof Membrane Adhesive (except EPDM/TPO), Single Ply Roof Membrane Sealants (Except Cut Edge), All Other Roof Sealants, and Roof Sealant Primer with a manufacturing prohibition effective date on and after of 1/1/2025</u> - <u>Clear, Paintable, and Immediately Water Resistant Sealant with a prohibition date of 1/1/2026</u> - <u>Roof Adhesive Primer, Cut Edge Single Ply Roof Membrane Sealant, and EPDM/TPO Single Ply Roof Membrane Adhesive with a prohibition effective date of 1/1/2027</u> 	<p>No use, supply, sell, or offer for sale of Group II exempt compounds</p> <p>No prohibition on manufacture, supply, use, sell, or offer for sale of t-BAC and pCBtF</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>

**Table 1-2 (concluded)
Summary of the Proposed Project (PAR 1168) and Alternatives**

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Prohibition of Sales and Use (concluded)</p>	<p><u>Prohibit the use of t-BAC in manufacturing Regulated Products on and after 1/1/2024</u></p> <p><u>Prohibit supply, sell, or offer for sale of Regulated Products containing pCBtF on and after:</u></p> <ul style="list-style-type: none"> - <u>1/1/2028 for Clear, Paintable, and Immediately Water-Resistant Sealant, Single Ply Roof Membrane Adhesive (Except EPDM/TPO), Single Ply Roof Membrane Sealant (Except Cut Edge), EPDM/TPO Single Ply Roof Membrane Adhesive, Cut Edge Single Ply Roof Membrane Sealant, Roof Adhesive Primer, Roof Sealant Primer, and All other Roof Sealant</u> - <u>1/1/2027 for all Regulated Products not listed above.</u> <p><u>Prohibit supply, sell, or offer for sale of Regulated Products containing t-BAC and pCBtF three years after manufacturing prohibition effective date on and after 1/1/2027 for all Regulated Products.</u></p> <p><u>Prohibit use of Regulated Products containing t-BAC and pCBtF on and after 1/1/2028 for all Regulated Products four years after manufacturing prohibition effective date</u></p>	<p>No use, supply, sell, or offer for sale of Group II exempt compounds</p> <p>No prohibition on manufacture, supply, use, sell, or offer for sale of t-BAC and pCBtF</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>

*The No Project alternative means retaining the VOC limits and effective dates as established in the October 2017 version of Rule 1168.

**Table 1-3
Comparison of Adverse Environmental Impacts of the Proposed Project (PAR 1168) and Alternatives**

Air Quality & GHGs Impact Areas	Proposed Project (PAR 1168)	Alternative A: No Project	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
Construction	No Significant Impacts because no physical modifications involving construction required	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project
GHGs	No Significant Impacts because chemicals used for reformulating compliant products do not contain any GHG compounds, <u>except for Two-Component Foam Sealants which use foam blowing agents that contain HFOs, which are GHGs with a low GWP. Under PAR 1168, Opteon 1100 may be used as a replacement (contingent upon OEEHA’s assessment for toxicity concerns) but it also uses a foam blowing agent with a low GWP.</u>	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project

Table 1-3 (continued)
Comparison of Adverse Environmental Impacts of the Proposed Project (PAR 1168) and Alternatives

Air Quality & GHGs Impact Areas	Proposed Project (PAR 1168)	Alternative A: No Project	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Operation – VOC Emissions</p>	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Delayed VOC emission reductions of <u>0.42</u> 0.12 tpd from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2028 b) One-Component Foam Sealant - 0.01 tpd until 7/1/2023 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 7/1/2024 d) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 tpd until 1/1/2026</u> e) <u>Rubber Vulcanization Adhesive - 0.29 tpd until 1/1/2028</u> 2) Permanent VOC emission reductions foregone of 0.28 tpd from: <ol style="list-style-type: none"> a) One-Component Foam Sealant - 0.12 tpd b) CPVC Welding Cement for Life Safety Systems - 0.01 tpd c) All Other Roof Adhesives - 0.03 tpd d) Single Ply Roof Membrane Adhesive (<u>including both subcategories of with and without EPDM/TPO</u>) – 0.07 tpd e) All Other Roof Sealants - 0.05 tpd 	<p>No Significant VOC Impacts due to 1.38 tpd VOC permanent emission reductions</p>	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Same delayed VOC emission reductions of <u>0.42</u> 0.12 tpd but over a shorter period from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2027 b) One-Component Foam Sealant - 0.01 tpd until 1/1/2023 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 1/1/2024 d) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 tpd until 1/1/2025</u> e) <u>Rubber Vulcanization Adhesive - 0.29 tpd until 1/1/2027</u> 2) Permanent VOC emission reductions foregone of 0.28 tpd - Same as Proposed Project. 	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Same delayed VOC emission reductions of <u>0.42</u> 0.12 tpd but over a longer period from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2029 b) One-Component Foam Sealant - 0.01 tpd until 7/1/2024 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 7/1/2025 d) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 tpd until 1/1/2027</u> e) <u>Rubber Vulcanization Adhesive - 0.29 tpd until 1/1/2029</u> 2) Permanent VOC emission reductions foregone of 0.28 tpd - Same as Proposed Project 	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Greater delayed VOC emission reductions of <u>0.70</u> 0.40 tpd over a longer period from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2028 b) <u>One-Component Foam Sealant (One-Component and Two-Component)</u> - 0.13 tpd until 1/1/2030 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 7/1/2024 d) CPVC Welding Cement for Life Safety Systems - 0.01 tpd until 1/1/2030 e) All Other Roof Adhesives – 0.03 tpd until 1/1/2030 f) Single Ply Roof Membrane Adhesive (<u>including both subcategories of with and without EPDM/TPO</u>) – 0.07 tpd until 1/1/2030 g) All Other Roof Sealants: 0.05 tpd until 1/1/2030 h) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 tpd until 1/1/2026</u> i) <u>Rubber Vulcanization Adhesive – 0.29 tpd until 1/1/2028</u> 2) No permanent VOC emission reductions foregone

Table 1-3 (concluded)
Comparison of Adverse Environmental Impacts of the Proposed Project (PAR 1168) and Alternatives

Air Quality & GHGs Impact Areas	Proposed Project (PAR 1168)	Alternative A: No Project	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Operation – Toxicity and Odor Nuisance</p>	<p>Less than Significant Toxicity and Odor Nuisance Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF.</p>	<p>Potentially Significant Toxicity Impacts from ongoing existing toxicity impacts due to no prohibition on t-BAC and pCBtF despite their carcinogenic and acute health effects.</p> <p>Less than significant odor nuisance impacts.</p>	<p>Less than Significant Toxicity Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF - Same as Proposed Project.</p> <p>Less than significant odor nuisance impacts - Same as Proposed Project.</p>	<p>Less than Significant Toxicity Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF - Same as Proposed Project.</p> <p>Less than significant odor nuisance impacts - Same as Proposed Project.</p>	<p>Less than Significant Toxicity and Odor Nuisance Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF - Same as Proposed Project.</p>

Summary Chapter 6 - References

This chapter contains a list of the references, and the organizations and persons consulted for the preparation of this SEA.

Summary Chapter 7 - Acronyms

This chapter contains a list of the acronyms that were used throughout the SEA and the corresponding definitions.

Appendix A

This appendix contains the latest version of PAR 1168.

CHAPTER 2

PROJECT DESCRIPTION

Project Location

Project Background

Project Objectives

Project Description

Summary of Affected Adhesive and Sealant Categories

Technology Overview

2.1 PROJECT LOCATION

The South Coast AQMD has jurisdiction over an area of approximately 10,743 square miles, consisting of the four-county South Coast Air Basin (Basin), the Riverside County portion of the Salton Sea Air Basin (SSAB) and the non-Palo Verde, Riverside County portion of the Mojave Desert Air Basin (MDAB). The Basin, a subarea of South Coast AQMD’s jurisdiction, is bounded by the Pacific Ocean to the west, the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east and includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB is bounded by the San Jacinto Mountains in the west and spans eastward up to the Palo Verde Valley. A federal non-attainment area (known as the Coachella Valley Planning Area) is a subregion of Riverside County and the SSAB that is bounded by the San Jacinto Mountains to the west and the eastern boundary of the Coachella Valley to the east (see Figure 2-1).

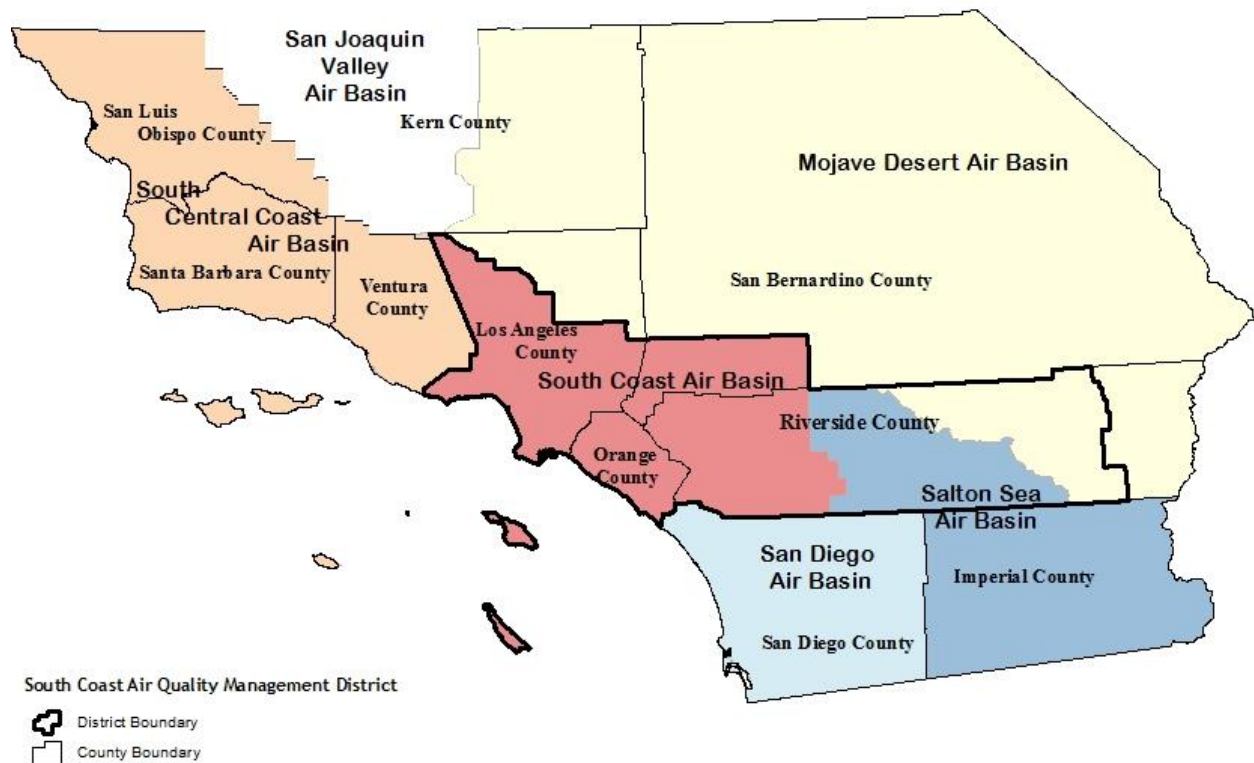


Figure 2-1
Southern California Air Basins and South Coast AQMD’s Jurisdiction

2.2 PROJECT BACKGROUND

Rule 1168 was adopted in April 1989 to control VOC emissions from adhesive applications. The rule has been amended 14 times; the last amendment was in October 2017. The rule applies to products that were used during manufacturing at stationary sources and to products used by consumers that were not regulated by the CARB CPR. Currently there are VOC limits established for 59 categories of adhesives, adhesive primers, sealants, and sealant primers.

Rule 1168 requires a technology assessment to be performed in 2020 and 2022 for nine categories subject to Rule 1168 including Foam Sealants, Plastic Welding Cements, Roofing Products, and Top and Trim categories. In April 2017, the Stationary Source Committee recommended a precautionary approach when considering an exemption for any compound with a toxic endpoint and removing the exempt status for any compound that has an established toxic endpoint. Therefore, the current development of PAR 1168 has two primary goals: 1) assessing the feasibility of potential emission reductions through technology assessments and stakeholder engagement; and 2) evaluating the toxicity of exempt solvents with a focus on t-BAc and pCBtF.

2.3 PROJECT OBJECTIVES

The main objectives of the proposed project are to: 1) adjust the VOC limits and effective dates so that they are technologically feasible according to the technology assessment conducted for nine categories of adhesives and sealants; and 2) reduce the potential toxicity of product formulations and their associated health impacts by prohibiting the use of t-BAc and pCBtF.

2.4 PROJECT DESCRIPTION

PAR 1168 has been developed to delay the effective dates of or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 6, 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; prohibit the use of t-BAc and pCBtF due to toxicity concerns; allow a limited exemption for Opteon 1100 contingent upon OEHHA's evaluation for toxicity impacts; and clarify some definitions and other rule language.

As such, staff is proposing the following amendments to Rule 1168. Appendix A of this Draft SEA contains a copy of PAR 1168.

Purpose – subdivision (a) and Applicability – subdivision (b)

The purpose and applicability are currently both under subdivision (a). Staff proposes to separate the applicability to a new subdivision for a more streamlined rule structure. In addition, staff proposes to extend the applicability by adding the stationary sources, which has been intended by the rule. The proposed change would provide clarity.

Definitions – subdivision (c)

The primary proposed revision to this subdivision will be the addition of several new definitions. Staff proposes to establish new categories and subcategories and VOC content limits to reflect the results of the technology assessment. Accordingly, the following definitions for those new categories and subcategories will be added:

- CPVC Welding Cement for Life Safety Systems
- Cut Edge Single Ply Roof Membrane Sealant

- EPDM/TPO Single Ply Roof Membrane Adhesive
- High-Pressure Two-Component Foam Sealant
- Higher Viscosity CPVC Welding Cement
- Hot Applied Modified Bitumen/Built Up Roof Adhesive
- Low-Pressure Two-Component Foam Sealant
- One-Component Foam Sealant
- Shingle Laminating Adhesive
- Roof Adhesive Primers
- Roof Sealant Primers

Other revisions are proposed to this subdivision which include removing the definition for Energy Curable Adhesives and Sealants. This definition references ASTM Test Method 7767 to measure volatiles from the category of radiation curable acrylate monomers, oligomers, and blends and thin coatings made from them. On August 22, 2022, U.S. EPA issued a partial SIP disapproval of other South Coast AQMD Rules 1106 and 1107 for ASTM Test Method D7767-11, which is not an U.S. EPA approved test method and cannot be used to enforce a SIP-approved rule. Staff is proposing to remove this definition to avoid a SIP disapproval.

Another revision is proposed to the definition of Exempt Compound which references Rule 102 for VOC exempt compounds. For the purpose of PAR 1168, Opteon 1100 shall only be considered exempt as a VOC for High-Pressure Two-Component Foam Sealants and Low-Pressure Two-Component Foam Sealants when used in an industrial or professional setting by workers trained with procedures and guidelines to reduce potential risk of exposure, if OEHHA has sufficient information to establish a Cancer Inhalation Unit Risk Factor, an acute reference exposure level (REL) and a chronic REL of Opteon 1100 and, upon completion of its assessment: 1) does not adopt a Cancer Inhalation Unit Risk Factor for Opteon 1100; 2) develops an acute reference exposure level (REL) or interim acute REL for Opteon 1100, which is higher than or equal to the acute REL or interim acute REL for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd); and 3) develops a chronic REL or interim chronic REL for Opteon 1100, which is higher than or equal to the chronic REL or interim chronic REL for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd).

Requirements – subdivision (d)

This subdivision contains the requirements for VOC limits and effective dates for adhesives and sealants by categories and subcategories, presented in PAR 1168 Table 1 – Regulated Product Categories and VOC Limits. Revisions to this table are proposed so as to reflect the revised VOC limits and effective dates for some existing categories and proposed new subcategories. Another proposed revision to Table 1 is to provide weight-based VOC limits for foam product categories, with a conversion of 0.1 weight percent for one gram per liter (g/L). Those foam product categories include Foam Insulation, One-Component Foam Sealants, High-Pressure Two-Component Foam Sealants, and Low-Pressure Two-Component Foam Sealants.

Additionally, -staff is proposing a clarification to paragraph (d)(2) for the most restrictive clause. By the clarification, a product of specialty category with VOC limit is not subject to VOC limit of the default “All Other” category. For example, the category of All Clear, Paintable, and Immediately Water-Resistant Sealant is subject to the 380 g/L limit for this category, and it is not subject to the 300 g/L limit for the All Other Roof Sealants category.

Table 2-1 contains a summary of proposed changes as compared with the current requirements. There will be no revision to other requirements included in this provision, such as sell-through, transfer efficiency, and control devices.

**Table 2-1
Comparison of Proposed VOC Limits and Effective Dates to VOC Limits
in October 2017 Version of Rule 1168**

Category	Current VOC Limit with 1/1/2023 Effective Date	Proposed Subcategory	Proposed VOC Limit	Proposed Effective Date
Top and Trim Adhesive	250 g/L	N/A	250 g/L	1/1/2028
Foam Sealant	50 g/L	One Component	18 % -by weight	7/1/2023
		High-Pressure Two-Component	5 % by weight	1/1/2023
		Low-Pressure Two-Component	5 % -by weight	1/1/2023
PVC Welding Cement	425 g/L	N/A	425 g/L	1/1/2023
CPVC Welding Cement	400 g/L	CPVC Welding Cement	400 g/L	1/1/2023
		CPVC Welding Cement for Life Safety Systems	490 g/L	Upon Adoption
		Higher Viscosity CPVC Welding Cement	400 g/L	7/1/2024
All Other Roof Adhesives	200 g/L	All Other Roof Adhesives	250 g/L	Upon Adoption
		Shingle Laminating Adhesive	30 g/L	1/1/2023
		Hot Applied Modified Bitumen/Built Up Roof Adhesive	30 g/L	1/1/2023
Single Ply Roof Membrane Adhesive	200 g/L	N/A <u>EPDM/TPO Single Ply Roof Membrane Adhesive</u>	250 g/L	Upon Adoption
		<u>Single Ply Roof Membrane Adhesive (Except EPDM/TPO)</u>	<u>250 g/L</u>	<u>Upon Adoption</u>
All Other Roof Sealants	250 g/L	N/A	300 g/L	Upon Adoption
Single Ply Roof Membrane Sealant	250 g/L	N/A <u>Cut Edge Single Ply Roof Membrane Sealant</u>	250 g/L	1/1/2023
		<u>Single Ply Roof Membrane Sealant (Except Cut Edge)</u>	<u>250 g/L</u>	<u>1/1/2023</u>
<u>Clear, Paintable, Immediately Water-Resistant Sealant</u>	<u>250 g/L</u>	<u>N/A</u>	<u>250 g/L</u>	<u>1/1/2026</u>
<u>Rubber Vulcanization Adhesive</u>	<u>250 g/L</u>	<u>N/A</u>	<u>250 g/L</u>	<u>1/1/2028</u>
<u>All Other Adhesive Primers</u>	<u>250 g/L</u>	<u>Roof Adhesive Primers</u>	<u>250 g/L;</u>	<u>Upon Adoption</u>
		<u>All Other Adhesive Primers</u>	<u>250 g/L;</u>	<u>Upon Adoption</u>
<u>All Other Sealant Primers</u>	<u>750 g/L</u>	<u>Roof Sealant Primers</u>	<u>750 g/L</u>	<u>Upon Adoption</u>
		<u>All Other Sealant Primers</u>	<u>750 g/L</u>	<u>Upon Adoption</u>

Reporting and Recordkeeping Requirements – subdivision (e)

The October 2017 version of Rule 1168 includes two specific recordkeeping provisions which are addressed in subdivisions (f) and (d), respectively: 1) manufacturers, big box retailers, and distributors must retain records to support the data reported in the QERs; and 2) owners or operators of stationary sources that use adhesives or sealants to manufacture products must maintain records pursuant to Rule 109 – Recordkeeping for Volatile Organic Compound Emissions. Neither subdivision (f) nor subdivision (d) explains that Rule 109 only applies to stationary sources. For streamlining and clarification, PAR 1168 merges the reporting and recordkeeping requirements under subdivision (e) which ~~will~~ specifies the following required information:

- General Quantity and Emission Reporting (QER)
- Aerosol QER
- Private labeler requirements (as related to QER)
- Big box retailer or distribution center QER
- QER reporting timeline
- Facilities Using the 55 Gallon Exemption
- Recordkeeping for QER
- Rule 109 recordkeeping; and
- Confidentiality of Information

Staff is also proposing to add QER reporting requirements in QER for any products containing more than 0.01 weight percent of t-BAC or/and pCBtF. This reporting requirement would apply to manufacturers and private labelers under subparagraphs (e)(1)(G) and (e)(2)(J). This reporting requirement would begin with the next reporting cycle in 2025. Table 2-2 shows the QER reporting schedule adopted in the October 2017 version of Rule 1168:

Table 2-21
QER Reporting Schedule

<u>Reporting Deadlines</u>		<u>Reported Years</u>
<u>Manufacturers & Private Labelers</u>	<u>Big Box Retailers & Distribution Centers</u>	
<u>September 1, 2019</u>	<u>May 1, 2019</u>	<u>2017, 2018</u>
<u>September 1, 2022</u>	<u>May 1, 2022</u>	<u>2020, 2021</u>
<u>September 1, 2025</u>	<u>May 1, 2025</u>	<u>2023, 2024</u>
<u>September 1, 2030</u>	<u>May 1, 2030</u>	<u>2028, 2029</u>
<u>September 1, 2035</u>	<u>May 1, 2035</u>	<u>2033, 2034</u>
<u>September 1, 2040</u>	<u>May 1, 2040</u>	<u>2038, 2039</u>

Administrative Requirements – subdivision (g)

~~The October 2017 version of Rule 1168 of this subdivision includes labeling and QER requirements but PAR 1168 proposes to move the QER requirements to subdivision (e). PAR 1168 also proposes to add labeling requirements for Foam Insulation, One Component Foam Sealant, High Pressure Two Component Foam Sealant, and Low Pressure Two Component Foam Sealant that will be required to comply with a weight percent limit which will be required to display the VOC as percent VOC by weight. PAR 1168 also proposes to add labeling requirements for two new CPVC subcategories, CPVC Welding Cement for Life Safety Systems and Higher Viscosity CPVC Welding Cement to subdivision (g) along with the following statement which will be required to be displayed on the container, effective July 1, 2023:~~

This subdivision included labeling and QER requirements; however, PAR 1168 moved the QER requirements to subdivision (e) for consistency with other South Coast AQMD rules. With the reporting requirements moved, this subdivision now only includes labeling requirements; therefore, subparagraphs (g)(1)(A) through (g)(1)(G) have been promoted to paragraphs (g)(1) through (g)(7). Staff also proposes to add labeling requirements for two new CPVC subcategories, CPVC For Life Safety Systems and Higher Viscosity CPVC Welding Cement. The following statement will be required to be displayed on the container, effective July 1, 2023:

- Each container of CPVC For Life Safety Systems shall include the statement “For CPVC Life Safety System Uses Only” prominently displayed.
- Each container of Higher Viscosity CPVC Welding Cement shall include a statement prominently displayed on the label to indicate if the product is formulated for “Medium” or “Heavy” or “Extra Heavy” applications.

Staff also proposes to amend the labeling requirement to address Regulated Products subject to weight percent VOC limits; the following statement has been added:

- Effective January 1, 2026, Foam Insulation, One-Component Foam Sealants, High-Pressure Two-Component Foam Sealants, and Low-Pressure Two-Component Foam Sealants shall display the VOC as percent VOC by weight.

Prohibition of Sales and Use – subdivision (h)

The October 2017 version of Rule 1168 prohibits the sale and use of Regulated Products that contain chloroform, ethylene dichloride, methylene chloride, perchloroethylene, and trichloroethylene and all Group II exempt solvents except volatile methyl siloxanes (VMS). Small, but non-negligible, quantities of VMS are widely used in silicone-based sealants. The Group II exempt solvent prohibition was included in the October 2017 version of Rule 1168 along with an effective date of January 1, 2019 which has since lapsed. PAR 1168 combines the prohibition into one paragraph and removes the lapsed effective date.

~~This subdivision proposes to prohibit the use of t-BAC and pCBtF, effective January 1, 2025 for Single Ply Roof Membrane Adhesive and prohibit t-BAc and pCBtF January 1, 2024 for all other regulated products, which~~ This proposal is based on staff’s assessment of t-BAC and pCBtF health risk and the Stationary Source Committee’s direction to take a precautionary approach when considering expanding or including an exemption for any compound with a toxic endpoint. -The proposal also includes a sell-through and use-through provision for products manufactured prior to the effective date of the t-BAC and pCBtF prohibition. Sell-through and use-through provisions are already included in Rule 1168 when there is a VOC limit change for a Regulated Product, and the amendment includes the same consideration for the new prohibitions. Based on stakeholder feedback and evaluation of reported data, staff proposed some delays of pCBtF prohibition for

specialty products that rely on pCBtF as well as shorter sell-through and use-through periods to help offset the delays. The prohibition effective dates based on the categories of products are illustrated in Table 2-3, and are included in PAR 1168.

Table 2-32
Prohibition Effective Dates

<u>Category</u>	<u>Prohibition Effective Date</u>	<u>Sell-through End Date</u>	<u>Use-through End date</u>
<u>pCBtF Prohibition Effective Dates</u>			
<u>Cut Edge Single Ply Roof Membrane Sealant</u>	January 1, 2027	January 1, 2028	January 1, 2028
<u>EPDM/TPO Single Ply Roof Membrane Adhesive</u>			
<u>Roof Adhesive Primer</u>			
<u>Single Ply Roof Membrane Adhesive (Except EPDM/TPO)</u>	January 1, 2025	January 1, 2028	January 1, 2028
<u>Single Ply Roof membrane Sealants (Except Cut Edge)</u>			
<u>All Other Roof Sealants</u>			
<u>Roof Sealant Primer</u>			
<u>Clear, Paintable, and Immediately Water-Resistant Sealant</u>	January 1, 2026	January 1, 2028	January 1, 2028
<u>All Regulated Products not listed above</u>	January 1, 2024	January 1, 2027	January 1, 2028
<u>t-BAc Prohibition Effective Dates</u>			
<u>All Regulated Products</u>	January 1, 2024	January 1, 2027	January 1, 2028

Exemptions – subdivision (j)

For Regulated Products with a VOC content no more than 20 g/L, the October 2017 version of Rule 1168 provides an exemption from subdivision (c) which includes the VOC emission limits and subdivision (d) which includes the Rule 109 recordkeeping requirements. However, the October 2017 version of Rule 1168 includes some limits as low as 20 g/L, making the reason behind the 20 g/L exemption unclear. This subdivision contains a proposal to revise the exemption to only apply to products with a VOC content no more than 5 g/L and clarify that the recordkeeping exemption is only for stationary sources. In addition, staff is proposing to remove paragraph (j)(9) which allowed for the continued use of methylene chloride, a prohibited compound, in solvent welding formulation until January 1, 2021. The paragraph is being removed since that date has passed and those formulations can no longer use methylene chloride.

2.5 SUMMARY OF AFFECTED ADHESIVE AND SEALANT CATEGORIES

The following categories will be impacted by the required technology assessment defined in the October 2017 version of Rule 1168 or by the proposed prohibition of pCBtF: 1) Top and Trim Adhesive; 2) Foam Sealants; 3) All Other Roof Adhesives; 4) Single Ply Roof Membrane Adhesive; 5) All Other Roof Sealants 6) Single Ply Roof Membrane Sealants; 7) PVC Welding Cement; 8) CPVC Welding Cement; and 9) ABS TO PVC Welding Cement; 10) Clear, Paintable, Immediately Water-Resistant Sealant; and 11) Rubber Vulcanization Adhesives. Table 2-42 provides a summary of the affected categories and the total sales of products with the Sales Weighted Average (SWA) VOC content.

Table 2-42
Adhesive and Sealant Categories Affected by PAR 1168

Sales Year	2017		2018	
	Total Sales	SWA (g/L)	Total Sales	SWA (g/L)
Top and Trim	75,000	424	60,000	337
Foam Sealant	107,000	154	105,000	148
All Other Roof Adhesives^{1,2}	80,000	188	80,000	188
Single Ply Roof Membrane Adhesive	230,000	120	270,000	125
All Other Roof Sealants²	45,000	198	45,000	198
Single Ply Roof Membrane Sealants	13,000	81	13,000	82
PVC Welding Cement	155,000	480	155,000	480
CPVC Welding Cement	6,700	383	8,200	469
ABS To PVC Welding Cement	1,800	377	2,000	390
<u>Clear, Paintable, Immediately Water-Resistant Sealant</u>	<u>8,700</u>	<u>420</u>	<u>6,800</u>	<u>322</u>
<u>Rubber Vulcanization Adhesives</u>	<u>Protected Data</u>	<u>653</u>	<u>Protected Data</u>	<u>710</u>
<u>Total Sales in Table</u>	<u>733,500</u>		<u>747,400</u>	
Total PAR 1168	<u>14,000,000</u> 14,090,169		<u>16,000,000</u> 16,122,432	

¹ Non-asphaltic All Other Roof Adhesives

² Same data reported for 2017 and 2018

2.6 TECHNOLOGY OVERVIEW

Compliance with PAR 1168 is expected to be met with manufacturers reformulating Regulated Products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The manufacturers will have flexibility to use any compliant alternative reformulation in order for their product to meet the VOC limits in PAR 1168. Physical modifications to or new installations of manufacturing equipment, including the installation of control equipment, would not be expected to be needed in order to reformulate products. For certain categories, there are existing products that meet the proposed lower VOC content limits, so reformulation is practicable. Finally, end-users can comply with the rule using alternative options such as the 55 gallon per year exemption; control devices, such as emission collection systems; or an Alternative Emission Control Plan.

CHAPTER 3

EXISTING SETTING

Introduction

Existing Setting

Air Quality and Greenhouse Gas Emissions

Criteria Air Pollutants

Greenhouse Gas Emissions

3.0 INTRODUCTION

To determine the significance of the impacts associated with a proposed project, it is necessary to evaluate the proposed project's impacts against the backdrop of the environment as it exists at the time the environmental analysis is commenced. CEQA Guidelines Section 15360 defines environment as “the physical conditions that exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance.” [See also Public Resources Code Section 21060.5]. Furthermore, a CEQA document must include a description of the physical environment in the vicinity of the proposed project, as it exists at the time the environmental analysis is commenced, from both a local and regional perspective. [CEQA Guidelines Section 15125]. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives.

The existing setting is the physical environmental conditions as they existed at the time the NOP was published, or if no NOP is published, at the time the environmental analysis is commenced. [CEQA Guidelines Section 15125].

3.1 EXISTING SETTING

The proposed project is comprised of PAR 1168, which has been developed to delay VOC limit effective dates or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the proposed effective dates or limits in the October 2017 version of Rule 1168 are not feasible; create further subcategories of Regulated Products to better characterize and refine VOC limits; prohibit the use of pCBtF and t-BAc due to toxicity concerns; allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and clarify some definitions and rule language.

As allowed by CEQA Guidelines Sections 15152, 15162, and 15385, the proposed project is designed to amend and tier off of the previous CEQA assessment conducted in the October 2017 Final EA which was certified by the South Coast AQMD Governing Board on October 6, 2017.

The October 2017 amendments to Rule 1168 were adopted with the goal of reducing emissions of VOCs, toxic air contaminants, and stratospheric ozone-depleting compounds from adhesives, adhesive primers, sealants, and sealant primers. The October 2017 version of Rule 1168 clarified the applicability; revised, deleted, and added various definitions; lowered the VOC limits for certain categories and allowed a three-year sell-through and use-through; added new product categories with corresponding VOC content limits; required products marketed for use under varying categories to be subject to the lowest VOC limit; prohibited the storage of non-compliant products, unless for shipment outside of the South Coast AQMD; added test methods for analyzing VOC content; added labeling requirements; included reporting requirements for manufacturers, private labelers, big box retailers, distribution centers, and facilities that use a 55 gallon per year exemption; prohibited the use of Rule 102 Group II exempt solvents, except volatile methyl siloxanes; included a technology assessment for certain product categories; and removed, modified, or added various exemptions. The October 2017 version of Rule 1168 estimated VOC emission reductions of approximately 1.38 tpd.

While the estimated reduction of VOC emissions from the October 2017 amendments to Rule 1168 were expected to create an environmental benefit, the October 2017 Final EA, which is the certified regulatory program equivalent to a Negative Declaration under CEQA, analyzed the environmental impacts associated with the activities manufacturers were anticipated to undertake to reformulate products and that these reformulation activities could create secondary adverse environmental impacts. However, none of the environmental topic areas previously analyzed in the October 2017 Final EA were concluded to have significant and unavoidable impacts, including the topic of air quality and greenhouse gases (GHGs).

CEQA Guidelines Section 15125 defines the existing setting as the physical environmental conditions as they existed at the time the Notice of Preparation (NOP) was published, or if no NOP is published, at the time the environmental analysis is commenced. For the October 2017 amendments to Rule 1168, no NOP was prepared but the environmental analysis was commenced on August 16, 2017 when the Notice of Completion (NOC) announcing the availability of the Draft EA was released for public review and comment. The Draft EA for PAR 1168 contained a detailed analysis of the environmental setting and corresponding environmental effects specifically tailored to implementing the proposed amendments at that time.

When comparing the types of activities and associated environmental impacts with implementing the VOC limits and compliance dates subject to the October 2017 version of Rule 1168 as previously analyzed in the October 2017 Final EA to the currently proposed changes which comprise PAR 1168, the type and extent of the physical changes are expected to be similar and will cause similar secondary adverse environmental impacts for the same environmental topic areas that were identified and analyzed in the October 2017 Final EA.

Thus, the proposed project is expected to have generally the same or similar effects that were previously examined in the October 2017 Final EA but ~~that~~ the air quality impacts from PAR 1168 will ~~cause~~ result in some delayed VOC emission reductions and permanent VOC emission reductions foregone, which will be more severe than what was discussed in October 2017 Final EA. The analysis of these impacts is presented in Chapter 4.

Based on the preceding discussion, the baseline that was established at the time the NOC was published for the August 2017 Draft EA directly corresponds to the currently proposed project since the affected categories of coatings and adhesives, and the nature of the physical impacts that may occur as a result of implementing PAR 1168 are the same as or similar to the previous analysis in October 2017 Final EA.

For this reason, the baseline is the project analyzed in the October 2017 Final EA. As such, this SEA analyzes the incremental changes that may occur subsequent to the project analyzed in the October 2017 Final EA if PAR 1168 is implemented.

In addition, the analysis in this SEA independently considered whether the proposed project would result in new significant impacts for any of the environmental topic areas previously concluded in the October 2017 Final EA to have either no significant impacts or less than significant impacts and only the topic of air quality was identified as having potentially significant adverse impacts. A description and the basis for this conclusion is included in Chapter 4 of this SEA.

The baseline for the analysis in this SEA is the project analyzed in the October 2017 Final EA, which concluded that no environmental topic area would have potentially significant adverse

environmental impacts. As analyzed in Chapter 4, PAR 1168 is anticipated to have significant adverse air quality impacts. As such, the following subchapter is devoted to describing the regional existing setting for the air quality which was the only environmental topic area identified as having potentially significant adverse environmental impacts if PAR 1168 is implemented.

3.2 AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Ambient air quality standards have been adopted at the state and federal levels for criteria air pollutants. In addition, both the state and federal government regulate the release of toxic air contaminants and GHG emissions. Projects within South Coast AQMD's jurisdiction are subject to the rules and regulations imposed by the South Coast AQMD as well as regulations adopted by CARB and U.S. EPA. Federal, state, regional, and local laws, regulations, plans, or guidelines that are potentially applicable to the proposed project are summarized in this section.

3.2.1 CRITERIA AIR POLLUTANTS

South Coast AQMD has the responsibility to ensure that state and federal ambient air quality standards (AAQS or standards) are achieved and maintained in its geographical jurisdiction. Health-based air quality standards have been established by California and the federal government for the following criteria air pollutants: ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter (PM, which includes PM₁₀ and PM_{2.5}), sulfur dioxide (SO₂), and lead (Pb). These standards were established to protect sensitive receptors with a margin of safety from adverse health impacts due to exposure to air pollution. The California standards are sometimes more stringent than the federal standards, and in the case of PM₁₀ and SO₂, far more stringent. However, for ozone, the current 8-hour California Ambient Air Quality Standard (CAAQS) and the 2015 8-hour National Ambient Air Quality Standard (NAAQS) are at an equivalent level and for PM_{2.5}, the current annual CAAQS and the 2012 annual NAAQS are also at an equivalent level. As a result, the South Coast AQMD relies on the same measures to meet both federal and state ozone and PM_{2.5} standards. California has also established standards for sulfates, visibility reducing particles, hydrogen sulfide, and vinyl chloride. The state and federal standards for each of these pollutants and their effects on health are summarized in Table 3-1.

South Coast AQMD monitors levels of various criteria pollutants at 38 monitoring stations. The 2020 air quality data (the latest data available) from South Coast AQMDs monitoring stations are presented in Tables 3-2 through 3-8 for the individual criteria air pollutants monitored by South Coast AQMD.

**Table 3-1
State and Federal Ambient Air Quality Standards**

Pollutant	Averaging Time	State Standard^a	Federal Primary Standard^b	Most Relevant Effects
Ozone (O₃)	1-hour	0.09 ppm (180 µg/m ³)	0.12 ppm	(a) Short-term exposures: 1) Pulmonary function decrements and localized lung edema in humans and animals; and 2) Risk to public health implied by alterations in pulmonary morphology and host defense in animals; (b) Long-term exposures: Risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (c) Vegetation damage; and (d) Property damage.
	8-hour	0.070 ppm (137 µg/m ³)	0.070 ppm (137 µg/m ³)	
Suspended Particulate Matter (PM₁₀)	24-hour	50 µg/m ³	150 µg/m ³	(a) Excess deaths from short-term exposures and exacerbation of symptoms in sensitive patients with respiratory disease; and (b) Excess seasonal declines in pulmonary function, especially in children.
	Annual Arithmetic Mean	20 µg/m ³	No Federal Standard	
Suspended Particulate Matter (PM_{2.5})	24-hour	No State Standard	35 µg/m ³	(a) Increased hospital admissions and emergency room visits for heart and lung disease; (b) Increased respiratory symptoms and disease; and (c) Decreased lung functions and premature death.
	Annual Arithmetic Mean	12 µg/m ³	12 µg/m ³	
Carbon Monoxide (CO)	1-Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	(a) Aggravation of angina pectoris and other aspects of coronary heart disease; (b) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease; (c) Impairment of central nervous system functions; and (d) Possible increased risk to fetuses.
	8-Hour	9 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	

**Table 3-1 (concluded)
State and Federal Ambient Air Quality Standards**

Pollutant	Averaging Time	State Standard ^a	Federal Primary Standard ^b	Most Relevant Effects
Nitrogen Dioxide (NO₂)	1-Hour	0.18 ppm (339 µg/m ³)	0.100 ppm (188 µg/m ³)	(a) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; (b) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; and (c) Contribution to atmospheric discoloration.
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	
Sulfur Dioxide (SO₂)	1-Hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)	Broncho-constriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma.
	24-Hour	0.04 ppm (105 µg/m ³)	No Federal Standard	
Sulfates	24-Hour	25 µg/m ³	No Federal Standard	(a) Decrease in ventilatory function; (b) Aggravation of asthmatic symptoms; (c) Aggravation of cardio-pulmonary disease; (d) Vegetation damage; (e) Degradation of visibility; and (f) Property damage.
Hydrogen Sulfide (H₂S)	1-Hour	0.03 ppm (42 µg/m ³)	No Federal Standard	Odor annoyance.
Lead (Pb)	30-Day Average	1.5 µg/m ³	No Federal Standard	(a) Increased body burden; and (b) Impairment of blood formation and nerve conduction.
	Calendar Quarter	No State Standard	1.5 µg/m ³	
	Rolling 3-Month Average	No State Standard	0.15 µg/m ³	
Visibility Reducing Particles	8-Hour	Extinction coefficient of 0.23 per kilometer - visibility of ten miles or more due to particles when relative humidity is less than 70 percent.	No Federal Standard	The statewide standard is intended to limit the frequency and severity of visibility impairment due to regional haze. This is a visibility-based standard not a health-based standard. Nephelometry and AISI Tape Sampler; instrumental measurement on days when relative humidity is less than 70 percent.
Vinyl Chloride	24-Hour	0.01 ppm (26 µg/m ³)	No Federal Standard	Highly toxic and a known carcinogen that causes a rare cancer of the liver.
ppb = parts per billion parts of air, by volume ppm = parts per million parts of air, by volume			µg/m ³ = micrograms per cubic meter mg/m ³ = milligrams per cubic meter	

^a The California ambient air quality standards for O₃, CO, SO₂ (1-hour and 24-hour), NO₂, PM₁₀, and PM_{2.5} are values not to be exceeded. All other California standards shown are values not to be equaled or exceeded.

^b The national ambient air quality standards, other than O₃ and those based on annual averages are not to be exceeded more than once a year. The O₃ standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standards is equal to or less than one.

Carbon Monoxide

CO is a primary pollutant, meaning that it is directly emitted into the air, not formed in the atmosphere by chemical reaction of precursors, as is the case with ozone and other secondary pollutants. Ambient concentrations of CO in the Basin exhibit large spatial and temporal variations due to variations in the rate at which CO is emitted and in the meteorological conditions that govern transport and dilution. Unlike ozone, CO tends to reach high concentrations in the fall and winter months. The highest concentrations frequently occur on weekdays at times consistent with rush hour traffic and late night during the coolest, most stable portion of the day.

Individuals with a deficient blood supply to the heart are the most susceptible to the adverse effects of CO exposure. The effects observed include earlier onset of chest pain with exercise and electrocardiograph changes indicative of worsening oxygen supply to the heart. Inhaled CO has no direct toxic effect on the lungs but exerts its effect on tissues by interfering with oxygen transport by competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Hence, conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. Individuals most at risk include patients with diseases involving heart and blood vessels, fetuses, and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes. Reductions in birth weight and impaired neurobehavioral development have been observed in animals chronically exposed to CO resulting in COHb levels similar to those observed in smokers. Recent studies have found increased risks for adverse birth outcomes with exposure to elevated CO levels. These include preterm births and heart abnormalities.^{7,8,9}

On August 12, 2011, U.S. EPA issued a decision to retain the existing NAAQS for CO, determining that those standards provided the required level of public health protection. However, U.S. EPA added a monitoring requirement for near-road CO monitors in urban areas with population of one million or more, utilizing stations that would be implemented to meet the 2010 NO₂ near-road monitoring requirements. The two new CO monitors are at the I-5 near-road site, located in Orange County near Anaheim, and the I-10 near-road site, located near Etiwanda Avenue in San Bernardino County near Ontario, Rancho Cucamonga, and Fontana.

As summarized in Table 3.2-2, CO concentrations were measured at 23 locations in the South Coast Air Basin and neighboring Salton Sea Air Basin in 2020 but did not exceed the state or federal standards in 2020. The highest 1-hour average CO concentration recorded was 4.5 parts per million (ppm) at the South Central Los Angeles County station, less than the federal and state 1-hour CO standards of 35 ppm and 20 ppm, respectively. The highest 8-hour average CO concentration recorded was 3.1 ppm at the South Central Los Angeles County station, less than the federal and state 8-hour CO standards of 9.0 ppm. All areas within the South Coast AQMD's jurisdiction are in attainment for both the federal and state 1-hour and 8-hour CO standards.

⁷ U.S. Environmental Protection Agency. 2020. Criteria Air Pollutants. <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.

⁸ South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.

⁹ South Coast AQMD. 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.

Table 3-2
South Coast AQMD – 2020 Air Quality Data – CO¹⁰

CARBON MONOXIDE (CO)^a				
Source Receptor Area No.	Location of Air Monitoring Station	No. Days of Data	Max. Conc. in ppm 1-hour	Max. Conc. in ppm, 8-hour
LOS ANGELES COUNTY				
1	Central Los Angeles	359	1.9	1.5
2	Northwest Coastal Los Angeles County	365	2.0	1.2
3	Southwest Coastal Los Angeles County	364	1.6	1.3
6	West San Fernando Valley	363	2.0	1.7
8	West San Gabriel Valley	361	2.6	2.2
9	East San Gabriel Valley 1	349	2.4	2.0
9	East San Gabriel Valley 2	310	2.3	1.9
10	Pomona/Walnut Valley	363	1.5	1.1
11	South San Gabriel Valley	362	3.1	1.7
12	South Central Los Angeles County	364	4.5	3.1
13	Santa Clarita Valley	363	1.2	0.8
ORANGE COUNTY				
16	North Orange County	347	2.1	1.2
17	Central Orange County	361	2.3	1.7
17	I-5 Near Road ^{##}	359	2.4	2.0
19	Saddleback Valley	366	1.7	0.8
RIVERSIDE COUNTY				
23	Metropolitan Riverside County 1	361	1.9	1.4
23	Metropolitan Riverside County 3	359	1.8	1.5
25	Elsinore Valley	358	0.9	0.7
30	Coachella Valley 1 ^{**}	365	0.8	0.5
SAN BERNARDINO COUNTY				
32	Northwest San Bernardino Valley	364	1.5	1.1
33	I-10 Near Road ^{##}	363	1.5	1.2
34	Central San Bernardino Valley 1	358	1.7	1.2
34	Central San Bernardino Valley 2	360	1.9	1.4
DISTRICT MAXIMUM^(b)			4.5	3.1
SOUTH COAST AIR BASIN^(c)			4.5	3.1
ppm = parts per million of air, by volume **Salton Sea Air Basin ^{##} Four near-road sites measuring one or more of the pollutants PM2.5, CO, and/or NO ₂ are operating near the following freeways: I-5, I-10, CA-60, and I-710. ^a The federal 8-hour standard (8-hour average CO > 9 ppm) and state 8-hour standard (8-hour average CO > 9.0 ppm) were not exceeded. The federal and state 1-hour standards (35 ppm and 20 ppm) were not exceeded either. ^b District Maximum is the maximum value calculated at any station in the South Coast AQMD jurisdiction. ^c Concentrations are the maximum value observed at any station in the South Coast Air Basin. Number of daily exceedances are the total number of days that the indicated concentration is exceeded at any station in the South Coast Air Basin.				

¹⁰ South Coast AQMD, 2021. "2020 Air Quality - South Coast Air Quality Management District – CO," Historical Air Quality Data for Year 2020 at locations where CO was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.

Ozone

Ozone (O₃), a colorless gas with a sharp odor, is a highly reactive form of oxygen. High ozone concentrations exist naturally in the stratosphere. Some mixing of stratospheric ozone downward through the troposphere to the earth's surface does occur; however, the extent of ozone transport is limited. At the earth's surface in sites remote from urban areas ozone concentrations are normally very low (e.g., from 0.03 ppm to 0.05 ppm).

Ozone is highly reactive with organic materials, causing damage to living cells and ambient ozone concentrations in the Basin are frequently sufficient to cause health effects. Ozone enters the human body primarily through the respiratory tract and causes respiratory irritation and discomfort, makes breathing more difficult during exercise, and reduces the respiratory system's ability to remove inhaled particles and fight infection. Individuals exercising outdoors, children, and people with preexisting lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible subgroups for ozone effects. Short-term exposures (lasting for a few hours) to ozone at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. In recent years, a correlation between elevated ambient ozone levels and increases in daily hospital admission rates, as well as mortality, has also been reported. An increased risk for asthma has been found in children who participate in multiple sports and live in high ozone communities. Elevated ozone levels are also associated with increased school absences. Ozone exposure under exercising conditions is known to increase the severity of the previously mentioned observed responses. Animal studies suggest that exposures to a combination of pollutants which include ozone may be more toxic than exposure to ozone alone. Although lung volume and resistance changes observed after a single exposure diminish with repeated exposures, biochemical and cellular changes appear to persist, which can lead to subsequent lung structural changes.^{11,12,13}

As summarized in Table 3.2-3, O₃ concentrations were measured at 29 locations in the South Coast Air Basin and the Coachella Valley portion of the Salton Sea Air Basin in 2020. Maximum ozone concentrations for all areas monitored were below the stage 1 episode level (0.20 ppm) and below the health advisory level (0.15 ppm). All counties in the Basin, as well as the Coachella Valley, exceeded the level of the 2015 federal 8-hour O₃ standard (0.070 ppm), the state 1-hour O₃ standard (0.09 ppm), and the state 8-hour O₃ standard (0.070 ppm) in 2020. All but one monitoring station (Southwest Coast LA County) exceeded the former 2008 federal 8-hour O₃ standard (0.075 ppm).

Maximum 1-hour average and 4th highest 8-hour average ozone concentrations were 0.185 ppm and 0.125 ppm, respectively (at the Central LA station and East San Bernardino Valley station, respectively), which are greater than the federal 1-hour and 8-hour ozone NAAQS of 0.12 ppm and 0.070 ppm, respectively. The federal 8-hour standard is met at an air quality monitor when the 3-year average of the annual fourth-highest daily maximum 8-hour average is less than 0.070 ppm. The maximum 1-hour concentration also exceeded the state 1-hour ozone standard of 0.09 ppm. All areas within South Coast AQMD's jurisdiction are in nonattainment for both the federal and state 1-hour and 8-hour ozone standards.

¹¹ U.S. Environmental Protection Agency. 2020. Criteria Air Pollutants <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.

¹² South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.

¹³ South Coast AQMD. 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.

Table 3-3
South Coast AQMD – 2020 Air Quality Data – O₃¹⁴

OZONE (O ₃) ^(a)										
Source Receptor Area No.	Location of Air Monitoring Station	No. Days of Data	Max. Conc. in ppm 1-hr	Max. Conc. in ppm 8-hr	4th High Conc. ppm 8-hr	No. Days Standard Exceeded				
						Federal (ppm)			State (ppm)	
						Old > 0.124 1-hr	Current > 0.070 8-hr*	2008 > 0.075 8-hr	Current > 0.09 1-hr	Current > 0.070 8-hr
LOS ANGELES COUNTY										
1	Central LA	332	0.185	0.118	0.093	1	22	16	14	22
2	Northwest Coastal LA County	357	0.134	0.092	0.078	1	8	5	6	8
3	Southwest Coastal LA County	350	0.117	0.074	0.066	0	2	0	1	2
4	South Coastal LA County 4	332	0.105	0.083	0.071	0	4	2	4	4
6	West San Fernando Valley	345	0.142	0.115	0.097	0	49	23	14	49
7	East San Fernando Valley	359	0.133	0.108	0.102	5	49	33	31	49
8	West San Gabriel Valley	354	0.163	0.115	0.108	9	60	44	41	60
9	East San Gabriel Valley 1	347	0.168	0.125	0.105	11	61	43	53	61
9	East San Gabriel Valley 2	348	0.173	0.138	0.124	17	97	71	76	97
10	Pomona/Walnut Valley	353	0.180	0.124	0.106	10	84	53	51	84
11	South San Gabriel Valley	356	0.169	0.114	0.089	3	23	15	20	23
12	South Central LA County	354	0.152	0.115	0.072	1	4	3	3	4
13	Santa Clarita Valley	348	0.148	0.122	0.106	10	73	56	44	73
ORANGE COUNTY										
16	North Orange County	340	0.171	0.133	0.088	3	23	19	15	23
17	Central Orange County	356	0.142	0.097	0.079	2	15	4	6	15
19	Saddleback Valley	364	0.171	0.122	0.090	1	32	25	20	32
RIVERSIDE COUNTY										
23	Metropolitan Riverside County 1	348	0.143	0.115	0.102	6	81	59	46	81
23	Metropolitan Riverside County 3	350	0.140	0.117	0.103	7	89	62	51	89
24	Perris Valley	358	0.125	0.106	0.097	1	74	48	34	74
25	Elsinore Valley	355	0.130	0.100	0.093	1	52	30	18	52
26	Temecula Valley	364	0.108	0.091	0.084	0	37	20	5	37
29	San Geronio Pass	358	0.150	0.115	0.104	3	68	48	29	68
30	Coachella Valley 1**	360	0.119	0.094	0.089	0	49	28	9	49
30	Coachella Valley 2**	358	0.097	0.084	0.081	0	42	17	2	42
SAN BERNARDINO COUNTY										
32	Northwest San Bernardino Valley	360	0.158/	0.123	0.116	15	114	87	82	114
34	Central San Bernardino Valley 1	348	0.151	0.111	0.105	8	89	65	56	89
34	Central San Bernardino Valley 2	359	0.162	0.128	0.122	15	128	110	89	128
35	East San Bernardino Valley	361	0.173	0.136	0.125	16	141	127	104	141
37	Central San Bernardino Mountains	364	0.159	0.139	0.117	7	118	97	69	118
DISTRICT MAXIMUM^(b)			0.185	0.139	0.125	17	141	127	104	141
SOUTH COAST AIR BASIN^(c)			0.185	0.139	0.125	27	157	142	132	157

ppm = parts per million of air, by volume **Salton Sea Air Basin

^a The current (2015) O₃ federal standard was revised effective December 28, 2015.

^b District Maximum is the maximum value calculated at any station in the South Coast AQMD jurisdiction.

^c Concentrations are the maximum value observed at any station in the South Coast Air Basin. Number of daily exceedances are the total number of days that the indicated concentration is exceeded at any station in the South Coast Air Basin.

¹⁴ South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where O₃ was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.

Nitrogen Dioxide

NO₂ is a reddish-brown gas with a bleach-like odor. Nitric oxide (NO) is a colorless gas, formed from the nitrogen (N₂) and oxygen (O₂) in air under conditions of high temperature and pressure which are generally present during combustion of fuels; NO reacts rapidly with the oxygen in air to form NO₂. NO₂ is responsible for the brownish tinge of polluted air. The two gases, NO and NO₂, are referred to collectively as NO_x. In the presence of sunlight, NO₂ reacts to form nitric oxide and an oxygen atom. The oxygen atom can react further to form O₃, via a complex series of chemical reactions involving hydrocarbons. Nitrogen dioxide may also react to form nitric acid (HNO₃) which reacts further to form nitrates, components of PM_{2.5} and PM₁₀.

Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposures to NO₂ at levels found in homes with gas stoves, which are higher than ambient levels found in Southern California. Increase in resistance to air flow and airway contraction is observed after short-term exposure to NO₂ in healthy subjects. Larger decreases in lung functions are observed in individuals with asthma and/or chronic obstructive pulmonary disease (e.g., chronic bronchitis, emphysema) than in healthy individuals, indicating a greater susceptibility of these subgroups. More recent studies have found associations between NO₂ exposures and cardiopulmonary mortality, decreased lung function, respiratory symptoms, and emergency room asthma visits. In animals, exposure to levels of NO₂ considerably higher than ambient concentrations result in increased susceptibility to infections, possibly due to the observed changes in cells involved in maintaining immune functions. The severity of lung tissue damage associated with high levels of ozone exposure increases when animals are exposed to a combination of ozone and NO₂.^{15,16,17}

With the revised NO₂ federal standard in 2010, near-road NO₂ measurements were required to be phased in for larger cities. The four near-road monitoring stations are: 1) I-5 near-road, located in Orange County near Anaheim; 2) I-710 near-road, located at Long Beach Blvd. in Los Angeles County near Compton and Long Beach; 3) State Route 60 (SR-60 or CA-60) near-road, located west of Vineyard Avenue near the San Bernardino/Riverside County border near Ontario, Mira Loma, and Upland; and 4) I-10 near-road, located near Etiwanda Avenue in San Bernardino County near Ontario, Rancho Cucamonga, and Fontana.

As summarized in Table 3.2-4, NO₂ concentrations were measured at 27 locations in the South Coast Air Basin and neighboring Salton Sea Air Basin in 2020 with one station (CA-60 Near Road) exceeding the federal 1-hour standard in 2020. There have been exceedances of the peak 1-hour standard at the I-710 near-road station in 2017, and the CA-60 near-road in 2020; however, the 98th percentile value has not exceeded the standard.¹⁸ The highest annual average NO₂ concentration recorded was 29.1 ppb (at the CA-60 Near Road station), which is less than the federal and state annual NO₂ standards of 53 ppb and 30 ppb, respectively. All areas within South Coast AQMD's jurisdiction are in attainment for both the federal and state 1-hour and annual NO₂ standards.

¹⁵ U.S. Environmental Protection Agency. 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.

¹⁶ South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.

¹⁷ South Coast AQMD. 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>

¹⁸ South Coast AQMD, 2022. 2022 Draft Air Quality Management Plan, p. 2-49. <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/05-ch2.pdf>.

**Table 3-4
South Coast AQMD – 2020 Air Quality Data – NO₂¹⁹**

NITROGEN DIOXIDE (NO₂)^a					
Source Receptor Area No.	Location of Air Monitoring Station	No. Days of Data	Max. Conc. in ppb 1-hour	98th Percentile Conc. in ppb 1-hour	Annual Average AAM Conc. ppb
LOS ANGELES COUNTY					
1	Central LA	364	61.8	54.7	16.9
2	Northwest Coastal LA County	360	76.6	43.9	10.6
3	Southwest Coastal LA County	364	59.7	50.9	9.5
4	South Coastal LA County 4	357	75.3	56.3	12.8
4	I-710 Near Road ^{##}	355	90.3	79.1	22.3
6	West San Fernando Valley	365	57.2	50.1	12.1
7	East San Fernando Valley	357	60.4	52.4	14.5
8	West San Gabriel Valley	354	61.2	49.7	13.6
9	East San Gabriel Valley 1	347	64.8	54.1	13.6
9	East San Gabriel Valley 2	366	50.4	41.9	8.5
10	Pomona/Walnut Valley	355	67.9	59.8	18.3
11	South San Gabriel Valley	365	69.2	573.8	17.8
12	South Central LA County	362	72.3	60.5	14.5
13	Santa Clarita Valley	361	46.3	35.9	9.4
ORANGE COUNTY					
16	North Orange County	347	57.2	50.1	12.7
17	Central Orange County	364	70.9	52.1	13.3
17	I-5 Near Road ^{##}	365	69.9	52.6	18.8
RIVERSIDE COUNTY					
23	Metropolitan Riverside County 1	359	66.4	54.1	13.6
23	Metropolitan Riverside County 3	352	58.1	49.9	12.3
25	Elsinore Valley	345	43.6	37.9	7.4
29	San Geronio Pass	363	51.1	47.1	8.5
30	Coachella Valley 1 ^{**}	365	47.4	34.3	6.6
SAN BERNARDINO COUNTY					
32	Northwest San Bernardino Valley	364	55.4	44.8	13.9
33	I-10 Near Road ^{##}	345	94.2	75.1	28.7
33	CA-60 Near Road ^{##}	346	101.6	78.0	29.1
34	Central San Bernardino Valley 1	360	66.4	57.9	18.7
34	Central San Bernardino Valley 2	35	54.0	45.6	14.9
DISTRICT MAXIMUM^(b)			101.6	86.3	29.1
SOUTH COAST AIR BASIN^(c)			101.6	86.3	29.1
ppb = parts per billion AAM = Annual Arithmetic Mean -- Pollutant not monitored ## Four near-road sites measuring one or more of the pollutants PM2.5, CO, and/or NO ₂ are operating near the following freeways: I-5, I-10, CA-60, and I-710. a The NO ₂ federal 1-hour standard is 100 ppb and the annual standard is annual arithmetic mean NO ₂ > 0.0534 ppm (53.4 ppb). The state 1-hour and annual standards are 0.18 ppm (180 ppb) and 0.030 ppm (30 ppb). b District Maximum is the maximum value calculated at any station in the South Coast AQMD jurisdiction. c Concentrations are the maximum value observed at any station in the South Coast Air Basin. Number of daily exceedances are the total number of days that the indicated concentration is exceeded at any station in the South Coast Air Basin.					

¹⁹ South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where NO₂ was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/2020card_final.pdf, accessed on June 10, 2022.

Sulfur Dioxide

SO₂ is a colorless gas with a sharp odor. It reacts in the air to form sulfuric acid (H₂SO₄), which contributes to acid precipitation, and sulfates, which are components of PM₁₀ and PM_{2.5}. Most of the SO₂ emitted into the atmosphere is produced by burning sulfur-containing fuels.

Exposure of a few minutes to low levels of SO₂ can result in airway constriction in some asthmatics. All asthmatics are sensitive to the effects of SO₂. In asthmatics, increase in resistance to air flow, as well as reduction in breathing capacity leading to severe breathing difficulties, is observed after acute higher exposure to SO₂. In contrast, healthy individuals do not exhibit similar acute responses even after exposure to higher concentrations of SO₂. Animal studies suggest that despite SO₂ being a respiratory irritant, it does not cause substantial lung injury at ambient concentrations. However, very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient SO₂ levels. In these studies, efforts to separate the effects of SO₂ from those of fine particles have not been successful. It is not clear whether the two pollutants act synergistically or one pollutant alone is the predominant factor.^{20,21,22}

As summarized in Table 3.2-5, SO₂ concentrations were measured at five locations in 2020. No exceedances of 1-hour federal or state standards of 75 ppb and 250 ppb respectively, for SO₂ occurred in 2020 at any of the five locations monitored the Basin. The maximum 1-hour SO₂ concentration was 6.0 ppb (recorded at the Southwest Coast LA County station). The 99th percentile of 1-hour SO₂ concentration was 9.4 ppb (recorded at the South Coastal Los Angeles County 3 station). Though SO₂ concentrations remain well below the standards, SO₂ is a precursor to sulfate, which is a component of fine particulate matter, PM₁₀, and PM_{2.5}. Historical measurements showed concentrations to be well below standards and monitoring has been discontinued at other stations. All areas within South Coast AQMD's jurisdiction are in attainment for both the federal and state 1-hour SO₂ standards.

²⁰ U.S. Environmental Protection Agency. 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.

²¹ South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.

²² South Coast AQMD. 2005. May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.

**Table 3-5
South Coast AQMD – 2020 Air Quality Data – SO₂²³**

SULFUR DIOXIDE (SO ₂) ^a				
Source Receptor Area No.	Location of Air Monitoring Station	No. Days of Data	Maximum Conc. ppb, 1-hour	99 th Percentile Conc. ppb, 1-hour
LOS ANGELES COUNTY				
1	Central LA	333	3.8	3.3
3	Southwest Coastal LA County	361	6.0	3.3
4	South Coastal LA County 3	--	--	9.4
RIVERSIDE COUNTY				
23	Metropolitan Riverside County 1	356	2.2	1.7
34	Central San Bernardino Valley 1	363	2.5	1.7
DISTRICT MAXIMUM^(b)			6.0	3.3
SOUTH COAST AIR BASIN^(c)			6.0	3.3
ppb = parts per billion		--	= Pollutant not monitored	
^a The SO ₂ federal 1-hour standard is 75 ppb. The state 1-hour and 24-hour standards are 0.25 ppm (250 ppb) and 0.04 ppm (40 ppb), respectively. ^b District Maximum is the maximum value calculated at any station in the South Coast AQMD jurisdiction. ^c Concentrations are the maximum value observed at any station in the South Coast Air Basin. Number of daily exceedances are the total number of days that the indicated concentration is exceeded at any station in the South Coast Air Basin.				

Particulate Matter (PM₁₀ and PM_{2.5})

Of great concern to public health are the particles small enough to be inhaled into the deepest parts of the lung. Respirable particles (particulate matter less than about 10 micrometers in diameter (PM₁₀)) can accumulate in the respiratory system and aggravate health problems such as asthma, bronchitis, and other lung diseases. Children, the elderly, exercising adults, and those suffering from asthma are especially vulnerable to adverse health effects of particulate matter.

A consistent correlation between elevated ambient fine particulate matter (PM_{2.5}) levels and an increase in mortality rates, respiratory infections, number and severity of asthma attacks, and the number of hospital admissions has been observed in different parts of the United States and various areas around the world. Studies have reported an association between long-term exposure to air pollution dominated by PM_{2.5} and increased mortality, reduction in lifespan, and an increased mortality from lung cancer. Daily fluctuations in PM_{2.5} concentrations have also been related to hospital admissions for acute respiratory conditions, to school and kindergarten absences, to a decrease in respiratory function in normal children, and to increased medication use in children and adults with asthma. Studies have also shown lung function growth in children is reduced with long-term exposure to particulate matter. In addition to children, the elderly and people with preexisting respiratory and/or cardiovascular disease appear to be more susceptible to the effects of PM₁₀ and PM_{2.5}.^{24,25,26}

As summarized in Table 3.2-6, PM₁₀ concentrations were measured at 23 locations in 2020. While the Coachella Valley Portion of the Salton Sea Air Basin is in nonattainment, the South Coast Air

²³ South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where SO₂ was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.

²⁴ U.S. Environmental Protection Agency. 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.

²⁵ South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.

²⁶ South Coast AQMD. 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.

Basin has remained in attainment for the federal 24-hour PM10 standard ($150 \mu\text{g}/\text{m}^3$) since 2006, and it was not exceeded in 2020. The maximum 24-hour PM10 concentration of $259 \mu\text{g}/\text{m}^3$ was recorded at the Coachella Valley 3 station, but this high reading was attributed to high winds and is excluded in accordance with the U.S. EPA Exceptional Event Rule. Also, due to rounding considerations, the federal standard is technically $155 \mu\text{g}/\text{m}^3$. The state 24-hour PM10 ($50 \mu\text{g}/\text{m}^3$) standard was exceeded at several of the monitoring stations. All areas within South Coast AQMD's jurisdiction are in nonattainment for the state 24-hour PM10 standard, which was exceeded at 19 of the monitoring stations in 2020.

The maximum annual average PM10 concentration of $52.2 \mu\text{g}/\text{m}^3$ was recorded at the Metropolitan Riverside County 3 station. The federal annual PM10 standard has been revoked. The state annual PM10 standard ($20 \mu\text{g}/\text{m}^3$) was exceeded in most stations in each county in the Basin and in the Coachella Valley. All areas within South Coast AQMD's jurisdiction are in nonattainment for the state annual PM10 standard, which was exceeded at most stations in each county in the South Coast Air Basin and in the Coachella Valley in 2020.

On December 14, 2012, U.S. EPA strengthened the annual NAAQS for PM2.5 to $12 \mu\text{g}/\text{m}^3$ and, as part of the revisions, a requirement was added to monitor near the most heavily trafficked roadways in large urban areas. Particle pollution is expected to be higher along these roadways because of direct emissions from cars and heavy-duty diesel trucks and buses. South Coast AQMD installed the two required PM2.5 monitors at locations selected based upon the heavy-duty diesel traffic, which are: 1) I-710, located at Long Beach Blvd. in Los Angeles County near Compton and Long Beach; and 2) SR-60 near-road, located west of Vineyard Avenue near the San Bernardino/Riverside County border near Ontario, Mira Loma, and Upland.

As summarized in Table 3.2-7, PM2.5 concentrations were measured at 19 locations in 2020. While the Coachella Valley Portion of the Salton Sea Air Basin is in attainment, the South Coast Air Basin is in nonattainment for federal and state PM2.5 standards. The maximum 98th percentile 24-hour PM2.5 concentration of $34.7 \mu\text{g}/\text{m}^3$ was recorded at the Metropolitan Riverside County station, less than the federal 24-hour PM2.5 standard of $35 \mu\text{g}/\text{m}^3$. There is no state 24-hour standard for PM2.5. The maximum annual average PM2.5 concentration of $14.36 \mu\text{g}/\text{m}^3$ was recorded at the CA-60 Near Road station, greater than the federal and state annual PM2.5 standard of $12 \mu\text{g}/\text{m}^3$.

Table 3-6
South Coast AQMD – 2020 Air Quality Data – PM10²⁷

SUSPENDED PARTICULATE MATTER PM10 ^{a+}						
Source Receptor Area No.	Location of Air Monitoring Station	No. Days of Data	Max. Conc. $\mu\text{g}/\text{m}^3$, 24-hour	No. (%) Samples Exceeding Standard		Annual Average AAM Conc. ^b $\mu\text{g}/\text{m}^3$
				Federal $> 150 \mu\text{g}/\text{m}^3$, 24-hour	State $> 50 \mu\text{g}/\text{m}^3$, 24-hour	
LOS ANGELES COUNTY						
1	Central LA	337	77	0	24 (7%)	23.0
3	Southwest Coastal LA County	37	43	0	0	22.3
4	South Coastal LA County 2	42	59	0	2 (5%)	24.9
4	South Coastal LA County 3	12	54	0	2 (17%)	27.8
9	East San Gabriel Valley 1	43	95	0	8 (19%)	37.7
9	East San Gabriel Valley 2	333	105	0	9 (3%)	25.2
13	Santa Clarita Valley	36	48	0	0	22.5
ORANGE COUNTY						
17	Central Orange County	329	120	0	13 (4%)	23.9
19	Saddleback Valley	42	53	0	1 (2%)	16.8
RIVERSIDE COUNTY						
22	Corona/Norco Area	44	100	0	10 (23%)	39.1
23	Metropolitan Riverside County 1	320	104	0	110 (34%)	30.0
23	Metropolitan Riverside County 3	304	124	0	154 (51%)	52.2
24	Perris Valley	37	77	0	6 (16%)	35.9
25	Elsinore Valley	334	84	0	7 (2%)	22.0
29	San Geronio Pass	42	46	0	0	19.2
30	Coachella Valley 1**	251	48	0	0	20.4
30	Coachella Valley 2**	317	77	0	8 (3%)	29.1
30	Coachella Valley 3**	320	259	1 (0%)	69 (22%)	38.0
SAN BERNARDINO COUNTY						
32	Northwest San Bernardino Valley	305	63	0	12 (4%)	30.5
34	Central San Bernardino Valley 1	40	61	0	6 (15%)	35.8
34	Central San Bernardino Valley 2	320	80	0	81 (25%)	38.7
35	East San Bernardino Valley	40	57	0	1 (3%)	23.4
37	Central San Bernardino Mountains	40	51	0	1 (3%)	18.1
DISTRICT MAXIMUM^(c)			259	1	154	52.2
SOUTH COAST AIR BASIN^(d)			124	0	173	52.2
$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter of air AAM = Annual Arithmetic Mean **Salton Sea Air Basin		+ High PM10 ($\geq 155 \mu\text{g}/\text{m}^3$) data recorded in Coachella Valley (due to high winds) and the Basin (due to Independence Day fireworks) are excluded in accordance with the U.S. EPA Exceptional Event Rule.				
<p>^a PM10 statistics listed above are based on combined Federal Reference Method (FRM) and Federal Equivalent Method (FEM) data. Filter-based measurements for PM10 from March 28, 2020 to June 2, 2020 are not available due to COVID-19 Pandemic.</p> <p>^b State annual average (AAM) PM10 standard is $> 20 \mu\text{g}/\text{m}^3$. Federal annual PM10 standard (AAM $> 50 \mu\text{g}/\text{m}^3$) was revoked in 2006.</p> <p>^c District Maximum is the maximum value calculated at any station in the South Coast AQMD jurisdiction.</p> <p>^d Concentrations are the maximum value observed at any station in the South Coast Air Basin. Number of daily exceedances are the total number of days that the indicated concentration is exceeded at any station in the South Coast Air Basin.</p>						

²⁷ South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where PM10 was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.

Table 3-7
South Coast AQMD – 2020 Air Quality Data – PM_{2.5}²⁸

SUSPENDED PARTICULATE MATTER PM_{2.5}^a						
Source Receptor Area No.	Location of Air Monitoring Station	No. Days of Data	Max. Conc. µg/m³, 24-hour	98th Percentile Conc. in µg/m³ 24-hr	No. (%) Samples Exceeding Federal Std > 35 µg/m³, 24-hour	Annual Average AAM Conc.^b µg/m³
LOS ANGELES COUNTY						
1	Central LA	353	47.30	28.00	2 (1%)	12.31
4	South Coastal LA County 1	117	28.10	26.10	0	11.26
4	South Coastal LA County 2	357	39.00	28.00	1 (0%)	11.38
4	I-710 Near Road ^{##}	356	44.00	31.50	2 (1%)	12.93
6	West San Fernando Valley	116	27.60	26.40	0	10.13
8	West San Gabriel Valley	117	34.90	31.20	0	11.06
9	East San Gabriel Valley 1	116	33.00	25.80	0	11.13
11	South San Gabriel Valley	116	35.40	30.50	0	13.22
12	South Central LA County	352	43.20	34.10	7 (2%)	13.57
ORANGE COUNTY						
17	Central Orange County	355	41.40	27.10	1 (0%)	11.27
19	Saddleback Valley	120	35.00	32.70	0	8.81
RIVERSIDE COUNTY						
23	Metropolitan Riverside County 1	357	41.00	29.60	4 (1%)	12.63
23	Metropolitan Riverside County 3	358	38.70	34.70	5 (1%)	14.03
30	Coachella Valley 1 ^{**}	122	23.90	16.90	0	6.42
30	Coachella Valley 2 ^{**}	121	25.60	20.20	0	8.41
SAN BERNARDINO COUNTY						
33	CA-60 Near Road ^{##}	356	53.10	3.70	4 (1%)	14.36
34	Central San Bernardino Valley 1	117	46.10	27.40	1 (1%)	11.95
34	Central San Bernardino Valley 2	115	25.70	24.70	0	11.66
38	East San Bernardino Mountains	58	24.30	20.40	0	7.62
DISTRICT MAXIMUM^(c)			53.1	34.1	7	14.36
SOUTH COAST AIR BASIN^(d)			53.1	34.1	13	14.36
µg/m ³ = micrograms per cubic meter of air AAM = Annual Arithmetic Mean ^{**} Salton Sea Air Basin						
^a PM _{2.5} statistics listed above are for the FRM data only with the exception of Central Orange County, I-710 Near Road, Metropolitan Riverside County 1 and 3, CA-60 Near Road, and South Coastal LA County 2 where FEM PM _{2.5} measurements are used to supplement missing FRM measurements because they pass the screening criteria for the South Coast AQMD Continuous Monitor Comparability Assessment and Request for Waiver dated July 1, 2021. ^b Federal and State standards are annual average (AAM) > 12.0 µg/m ³ . ^c District Maximum is the maximum value calculated at any station in the South Coast AQMD jurisdiction. ^d Concentrations are the maximum value observed at any station in the South Coast Air Basin. Number of daily exceedances are the total number of days that the indicated concentration is exceeded at any station in the South Coast Air Basin.						

Lead

Under the federal Clean Air Act, lead is classified as a “criteria pollutant.” Lead causes observed adverse health effects at ambient concentrations. Lead is also deemed a carcinogenic toxic air contaminant (TAC) by the Office of Environmental Health Hazard Assessment (OEHHA). Lead in the atmosphere is a mixture of several lead compounds. Leaded gasoline and lead smelters have been the main sources of lead emitted into the air. Due to the phasing out of leaded gasoline, there was a dramatic reduction in atmospheric lead in the Basin over the past three decades. In fact, there were no violations of the lead standards at South Coast AQMD’s regular air monitoring stations from 1982 to 2020, primarily due to the removal of lead from gasoline.

²⁸ South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where PM_{2.5} was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.

Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death. It appears that there are no direct effects of lead on the respiratory system. Lead can be stored in the bone from early-age environmental exposure, and elevated blood lead levels can occur due to breakdown of bone tissue during pregnancy, hyperthyroidism (increased secretion of hormones from the thyroid gland), and osteoporosis (breakdown of bone tissue). Fetuses and breast-fed babies can be exposed to higher levels of lead because of previous environmental lead exposure of their mothers.^{29, 30 31}

As summarized in Table 3.2-8, South Coast AQMD monitored lead concentrations at eight monitoring stations in 2020. The South Coast Air Basin (Los Angeles County area) is currently in nonattainment for lead. This nonattainment designation was due to the operations of specific stationary sources of lead emissions. The Mojave Desert Air Basin and Salton Sea Air Basin are both in attainment for lead. The South Coast AQMD has petitioned U.S. EPA for a redesignation to attainment for the federal lead standard for the Los Angeles County nonattainment area. Stringent South Coast AQMD rules governing lead-producing sources will help to ensure that there are no future violations of the federal standard. At the time of this report, South Coast AQMD has not yet received a response from U.S. EPA regarding the petition. The current lead concentrations in Los Angeles County are below the federal 3-month rolling average standard of $0.15 \mu\text{g}/\text{m}^3$. Further, the state 30-day standard of $1.5 \mu\text{g}/\text{m}^3$ was not exceeded in any areas under the jurisdiction of the South Coast AQMD in 2020.

²⁹ U.S. Environmental Protection Agency. 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.

³⁰ South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.

³¹ South Coast AQMD. 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.

Table 3-8
South Coast AQMD – 2020 Air Quality Data – Lead and Sulfates³²

Source Receptor Area No.	Location of Air Monitoring Station	LEAD ^{a++}		SULFATES ^b	
		Max. Monthly Average Conc. ^m µg/m ³	Max. 3-Month Rolling Average ^m µg/m ³	No. Days of Data	Max. Conc. µg/m ³ , 24-hour
LOS ANGELES COUNTY					
1	Central LA	0.013	0.011	45	3.3
3	Southwest Coastal LA County	0.008	0.005	--	--
4	South Coastal LA County 2	0.008	0.006	--	--
4	South Coastal LA County 3	--	--	14	2.3
9	East San Gabriel Valley 1	0.010	0.007	45	3.1
11	South San Gabriel Valley	0.012	0.011	--	--
12	South Central LA County	0.010	0.009	--	--
ORANGE COUNTY					
17	Central Orange County	--	--	44	3.3
RIVERSIDE COUNTY					
23	Metropolitan Riverside County 1	0.016	0.010	84	5.2
30	Coachella Valley 2**	--	--	89	2.7
SAN BERNARDINO COUNTY					
34	Central San Bernardino Valley 1	--	--	44	3.0
34	Central San Bernardino Valley 2	0.010	0.09	--	--
DISTRICT MAXIMUM^(c)		0.016	0.011		5.2
SOUTH COAST AIR BASIN^(d)		0.016	0.011		5.2
µg/m ³ = micrograms per cubic meter of air		++ Higher lead concentrations were recorded at near-source monitoring sites immediately downwind of stationary lead sources. Maximum monthly and 3-month rolling averages recorded were 0.96 µg/m ³ and 0.059 µg/m ³ .			
-- Pollutant not monitored					
** Salton Sea Air Basin					
<p>^a Federal lead standard is 3-months rolling average > 0.15 µg/m³; state standard is monthly average ≥ 1.5 µg/m³. Lead standards were not exceeded.</p> <p>^b State sulfate standard is 24-hour ≥ 25 µg/m³. There is no federal standard for sulfate.</p> <p>^c District Maximum is the maximum value calculated at any station in the South Coast AQMD jurisdiction.</p> <p>^d Concentrations are the maximum value observed at any station in the South Coast Air Basin. Number of daily exceedances are the total number of days that the indicated concentration is exceeded at any station in the South Coast Air Basin.</p>					

Sulfates

Sulfates are chemical compounds which contain the sulfate ion and are part of the mixture of solid materials which make up PM10. Most of the sulfates in the atmosphere are produced by oxidation of SO₂. Oxidation of sulfur dioxide yields sulfur trioxide (SO₃), which reacts with water to form sulfuric acid, which then contributes to acid deposition. The reaction of sulfuric acid with basic substances such as ammonia yields sulfates, a component of PM10 and PM2.5.

Most of the health effects associated with fine particles and SO₂ at ambient levels are also associated with sulfates. Thus, both mortality and morbidity effects have been observed with an increase in ambient sulfate concentrations. However, efforts to separate the effects of sulfates from the effects of other pollutants have generally not been successful.^{33,34,35}

³² South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where lead and sulfates were monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf.

³³ U.S. Environmental Protection Agency. 2020. Criteria Air Pollutants, . <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.

³⁴ South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.

³⁵ South Coast AQMD. 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.

As summarized in Table 3.2-8, South Coast AQMD monitored sulfate at seven monitoring stations in 2020. The state 24-hour sulfate standard of 25 $\mu\text{g}/\text{m}^3$ was not exceeded in the South Coast Air Basin, which is in attainment for sulfate. The Mojave Desert Air Basin and Salton Sea Air Basin are also in attainment for sulfate. There are no federal sulfate standards.

Vinyl Chloride

Vinyl chloride is a colorless, flammable gas at ambient temperature and pressure. It is also highly toxic and is classified by the American Conference of Governmental Industrial Hygienists (ACGIH) as A1 (confirmed carcinogen in humans) and by the International Agency for Research on Cancer (IARC) as 1 (known to be a human carcinogen).³⁶ At room temperature, vinyl chloride is a gas with a sickly-sweet odor that is easily condensed. However, it is stored as a liquid. Due to the hazardous nature of vinyl chloride to human health there are no end products that use vinyl chloride in its monomer form. Vinyl chloride is a chemical intermediate, not a final product. It is an important industrial chemical chiefly used to produce polymer polyvinyl chloride (PVC). The process involves vinyl chloride liquid fed to polymerization reactors where it is converted from a monomer to a polymer PVC. The final product of the polymerization process is PVC in either a flake or pellet form. Billions of pounds of PVC are sold on the global market each year. From its flake or pellet form, PVC is sold to companies that heat and mold the PVC into end products such as PVC pipe and bottles.

In the past, vinyl chloride emissions have been associated primarily with sources such as landfills. Risks from exposure to vinyl chloride are considered to be localized impacts rather than regional impacts. Because landfills in the South Coast AQMD are subject to Rule 1150.1 – Control of Gaseous Emissions from Municipal Solid Waste Landfills, which contain stringent requirements for landfill gas collection and control, potential vinyl chloride emissions are expected to be below the level of detection. Therefore, South Coast AQMD does not monitor for vinyl chloride at its monitoring stations.

Volatile Organic Compounds

There are no state or NAAQS for VOCs because they are not classified as criteria pollutants. VOCs are regulated, however, because VOCs are a precursor to the formation of ozone in the atmosphere. VOCs are also transformed into organic aerosols in the atmosphere, contributing to higher PM10 and lower visibility levels.

Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations of VOCs because of interference with oxygen uptake. In general, ambient VOC concentrations in the atmosphere are suspected to cause coughing, sneezing, headaches, weakness, laryngitis, and bronchitis, even at low concentrations. Some hydrocarbon components classified as VOC emissions are thought or known to be hazardous. Benzene, for example, one hydrocarbon component of VOC emissions, is known to be a human carcinogen.

Non-Criteria Pollutants

Although South Coast AQMD's primary mandate is attaining the state and NAAQS for criteria pollutants within the Basin, South Coast AQMD also has a general responsibility pursuant to Health and Safety Code Section 41700 to control emissions of air contaminants and prevent

³⁶ International Agency for Research on Cancer. Vinyl Chloride Exposure Data, <https://monographs.iarc.who.int/wp-content/uploads/2018/06/mono100F-31.pdf>, accessed on June 10, 2022.

endangerment to public health. Additionally, state law requires South Coast AQMD to implement ATCMs adopted by CARB and to implement the Air Toxics “Hot Spots” Act. As a result, South Coast AQMD has regulated pollutants other than criteria pollutants such as TACs, GHGs, and stratospheric ozone depleting compounds. South Coast AQMD has developed several rules which are designed to control non-criteria pollutants from both new and existing sources. These rules originated through state directives, CAA requirements, or the South Coast AQMD rulemaking process.

In addition to promulgating non-criteria pollutant rules, South Coast AQMD has been evaluating control measures in the 2016 AQMP as well as existing rules to determine whether they would affect, either positively or negatively, emissions of non-criteria pollutants. For example, rules which target the VOC components of coating materials and that allow for the replacement of the VOC components with a non-photochemically reactive chlorinated substance would reduce the impacts resulting from ozone formation but could increase emissions of toxic compounds or other substances that may have adverse impacts on human health.

Carcinogenic Health Risks from TACs: One of the primary health risks of concern due to exposure to TACs is the risk of contracting cancer. The carcinogenic potential of TACs is a public health concern because it is currently believed by many scientists that there is no ‘safe’ level of exposure to carcinogens. Any exposure to a carcinogen poses some risk of causing cancer. It is currently estimated that about one in four deaths in the United States is attributable to cancer. The proportion of cancer deaths attributable to air pollution has not been estimated using epidemiological methods.

Non-cancer Health Risks from TACs: Unlike carcinogens, for most non-carcinogens it is believed that there is a threshold level of exposure to the compound below which it will not pose a health risk. CalEPA’s OEHHA develops Reference Exposure Levels (RELs) for TACs as health-conservative estimates of the levels of exposure at or below which health effects are not expected. The non-cancer health risk due to exposure to a TAC is assessed by comparing the estimated level of exposure to the REL. The comparison is expressed as the ratio of the estimated exposure level to the REL, called the hazard index (HI).

Multiple Air Toxics Exposure Study (MATES): In 1986, South Coast AQMD conducted the first MATES report to determine the risks associated with major airborne carcinogens in the South Coast Air Basin. The most current version (MATES V³⁷) consists of a monitoring program, an updated emissions inventory of TACs, and a modeling effort to characterize risk across the South Coast Air Basin. The study focuses on the carcinogenic risk from exposure to air toxics but does not estimate mortality or other health effects from criteria pollutant exposures which are conducted as part of the 2016 AQMP. Two key updates were implemented in MATES V. First, cancer risk estimations now take into account multiple exposure pathways. Previous MATES studies quantified the cancer risks based on the inhalation pathway only; a cumulative cancer risk accounting for inhalation and non-inhalation pathways is approximately eight percent higher than the inhalation-only calculation for the MATES V data. Second, along with cancer risk estimates, MATES V includes information on the chronic non-cancer health impacts from inhalation and non-inhalation pathways for the first time. The cumulative chronic hazard index accounting for the inhalation and non-inhalation pathways is approximately twice the inhalation-only calculation for the MATES V data.

³⁷ South Coast AQMD, MATES V, Multiple Air Toxics Exposure Study in the South Coast AQMD, Final Report, August 2021. <http://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report.pdf>, accessed on June 10, 2022.

3.2.2 GREENHOUSE GAS EMISSIONS

Greenhouse gases (GHGs) trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. The latter, anthropogenic sources of GHGs, is the focus of impacts under CEQA. Traditionally, GHGs and other global warming pollutants are perceived as solely global in their impacts, and that increasing emissions anywhere in the world contributes to climate change anywhere in the world. A study conducted on the health impacts of CO₂ ‘domes’ that form over urban areas showed that they cause increases in local temperatures and local criteria pollutants, which have adverse health effects.³⁸

3.2.2.1 Climate Change

Global climate change is a change in the average weather of the Earth, which can be measured by wind patterns, storms, precipitation, and temperature. Historical records have shown that temperature changes have occurred in the past, such as during previous ice ages. Data indicates that the current temperature record differs from previous climate changes in rate and magnitude.

Gases that trap heat in the atmosphere are often called greenhouse gases (GHGs), comparable to a greenhouse, which captures and traps radiant energy. GHGs are emitted by natural processes and human activities. The accumulation of greenhouse gases in the atmosphere regulates the earth’s temperature. Global warming is the observed increase in average temperature of the earth’s surface and atmosphere. The primary cause of global warming is an increase of GHGs in the atmosphere. The six major GHGs are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), and perfluorocarbon (PFCs). The GHGs absorb longwave radiant energy emitted by the Earth, which warms the atmosphere. The GHGs also emit longwave radiation both upward to space and back down toward the surface of the Earth. The downward part of this longwave radiation emitted by the atmosphere is known as the "greenhouse effect." Emissions from human activities such as fossil fuel combustion for electricity production and vehicles have elevated the concentration of these gases in the atmosphere.

- **Carbon dioxide (CO₂)** is an odorless, colorless greenhouse gas. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic (human caused) sources of CO₂ include burning coal, oil, gasoline, natural gas, and wood.
- **Methane (CH₄)** is a flammable gas and is the main component of natural gas.
- **Nitrous Oxide (N₂O)**, also known as laughing gas, is a colorless greenhouse gas. Some industrial processes such as fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions also contribute to the atmospheric load of N₂O.
- **Sulfur hexafluoride (SF₆)** is an inorganic, odorless, colorless, nontoxic, nonflammable gas. SF₆ is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.
- **Hydrofluorocarbons (HFCs)** are synthetic man-made chemicals composed of hydrogen, fluorine, and carbon that are used as a substitute for chlorofluorocarbons (whose production

³⁸ Jacobsen, Mark Z. “Enhancement of Local Air Pollution by Urban CO₂ Domes,” Environmental Science and Technology, as described in Stanford University press release on March 16, 2010 available at: <http://news.stanford.edu/news/2010/march/urban-carbon-domes-031610.html>, accessed on June 10, 2022.

was stopped as required by the Montreal Protocol) for use in automobile air conditioners and refrigerants.

- **Perfluorocarbons (PFCs)** are synthetic man-made chemicals composed of fluorine and carbon that are used as a substitute for chlorofluorocarbons in producing aluminum and manufacturing semiconductors

Scientific consensus, as reflected in recent reports issued by the United Nations Intergovernmental Panel on Climate Change, is that the majority of the observed warming over the last 50 years can be attributable to increased concentration of GHGs in the atmosphere due to human activities. Human activities are directly altering the chemical composition of the atmosphere through the buildup of climate change pollutants. In the past, gradual changes in temperature changed the distribution of species, availability of water, etc. However, human activities are accelerating this process so that environmental impacts associated with climate change no longer occur in a geologic time frame but in a human's lifetime. Industrial activities, particularly increased consumption of fossil fuels (gasoline, diesel, coal, etc.), have heavily contributed to the increase in atmospheric levels of GHGs. The United Nations Intergovernmental Panel on Climate Change constructed several emission trajectories of greenhouse gases needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of greenhouse gases at 400 to 450 ppm carbon dioxide-equivalent (CO₂eq) concentration is required to keep global mean warming below two degrees Celsius, which has been identified as necessary to avoid dangerous impacts from climate change.³⁹

The potential health effects from global climate change may arise from temperature increases, climate-sensitive diseases, extreme events, air quality impacts, and sea level rise. There may be direct temperature effects through increases in average temperature leading to more extreme heat waves and less extreme cold spells. Those living in warmer climates are likely to experience more stress and heat-related problems (e.g., heat rash and heat stroke). In addition, climate sensitive diseases may increase, such as those spread by mosquitoes and other insects. Those diseases include malaria, dengue fever, yellow fever, and encephalitis. Extreme events such as flooding, hurricanes, and wildfires can displace people and agriculture, which would have negative consequences. Drought in some areas may increase, which would decrease water and food availability. Global warming may also contribute to air quality problems from increased frequency of smog and particulate air pollution.⁴⁰

The impacts of climate change will also affect projects in various ways. Effects of climate change are rising sea levels and changes in snowpack.⁴¹ The extent of climate change impacts at specific locations remains unclear.

Federal, state, and local agencies are working towards more precisely quantifying impacts in various regions. As an example, the California Department of Water Resources is expected to formalize a list of foreseeable water quality issues associated with various degrees of climate change. Once state government agencies make these lists available, they could be used to more precisely determine to what extent a project creates global climate change impacts.

³⁹ Intergovernmental Panel on Climate Change (IPCC). 2014. *Fifth Assessment Report: Climate Change 2014*. New York: Cambridge University Press, https://issuu.com/unipcc/docs/syr_ar5_final_full_wcover, accessed on June 10, 2022.

⁴⁰ Center for Disease Control. 2016. Climate Change Decreases the Quality of the Air We Breathe. https://www.cdc.gov/climateandhealth/pubs/AIR-QUALITY-Final_508.pdf, accessed on June 10, 2022.

⁴¹ Office of Environmental Health Hazards Assessment, 2018. Indicators of Climate Change in California. <https://oehha.ca.gov/media/downloads/climate-change/report/2018caindicatorsreportmay2018.pdf>, accessed on June 10, 2022.

3.2.2.1.1 Statewide Inventory

GHG emissions in the state have been inventoried by CARB. As shown in Figure 3-1, CO₂ accounts for 83 percent of the total 418.2 million metric tons (MT) of CO₂eq emissions in the state in 2019. Figure 3-2 illustrates that transportation (primarily on-road travel) is the single largest source of CO₂ emissions in the state. Upstream transportation emissions from the refinery and oil and gas sectors are categorized as CO₂ emissions from industrial sources and constitute about 50 percent of the industrial source emissions. When these emissions sources are attributed to the transportation sector, the emissions from the transportation sector amount to approximately half of statewide GHG emissions. In addition to transportation, electricity production, and industrial and residential sources also are important contributors to CO₂ emissions. Figures 3-1 and 3-2 show state GHG emission contributions by GHG and sector based on the 2019 Greenhouse Gas Emission Inventory. The emissions presented in Figure 3-2 are depicted by Scoping Plan sector, which includes separate categories for high-global warming potential (GWP) and recycling/waste emissions that are otherwise typically included within other economic sectors.

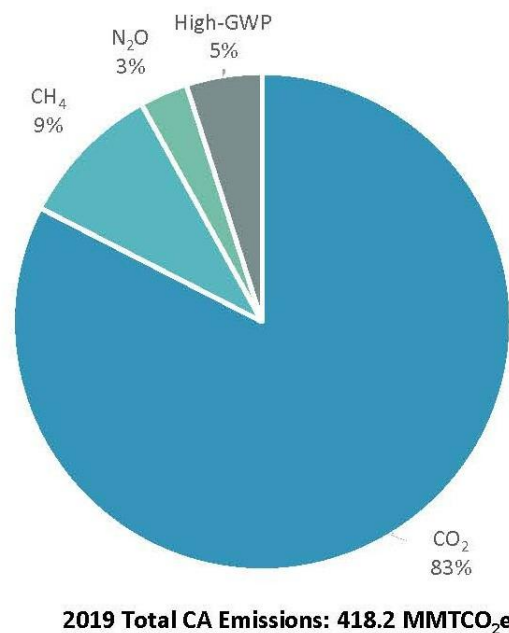


Figure 3-1
2019 Statewide GHG Emission Contributions by GHG⁴²

⁴² CARB, 2022. Draft 2022 Scoping Plan Update, Figure 1-7, page 33, <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>, accessed on June 10, 2022.

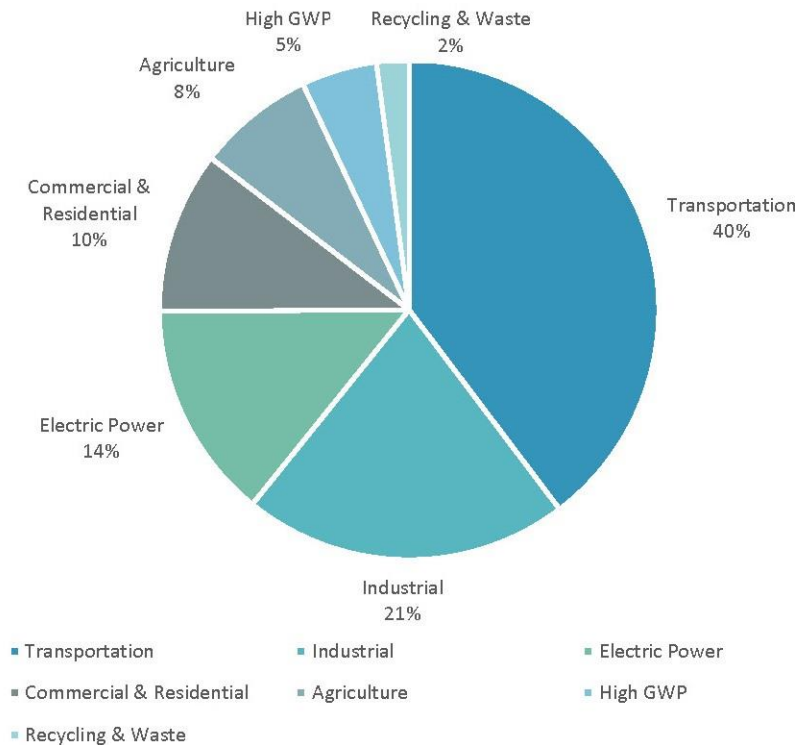


Figure 3-2
2019 Statewide GHG Emission Contributions by Scoping Plan Sector⁴³

The GHG emission inventory encompasses emission sources within the state’s border, as well as imported electricity consumed in the state. Statewide GHG emissions calculations use many data sources, including data from other state and federal agencies. However, the primary source of data comes from reports submitted to CARB through the CARB Regulation for the Mandatory Reporting of GHG Emissions, which requires facilities and entities with more than 10,000 metric tons of CO₂eq to report emissions directly to CARB. Reported emissions greater than 25,000 metric tons are required to be verified by a CARB-accredited third-part verification body.

3.2.2.2 Regulatory Setting

3.2.2.2.1 Federal

Greenhouse Gas Endangerment Findings: On December 7, 2009, the U.S. EPA Administrator signed two distinct findings regarding greenhouse gases pursuant to the federal Clean Air Act (CAA) Section 202(a). The Endangerment Finding stated that CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ taken in combination endanger both the public health and the public welfare of current and future generations. The *Cause or Contribute Finding* stated that the combined emissions from motor vehicles and motor vehicle engines contribute to the greenhouse gas air pollution that endangers public health and welfare. These findings were a prerequisite for implementing GHG standards for vehicles. The U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) finalized emission standards for light-duty vehicles in May 2010 and for heavy-duty vehicles in August of 2011. Subsequently, the U.S. EPA rolled back the light duty GHG standards, a decision which is currently under litigation. In August 2021, the U.S. EPA proposed replacement GHG standards for light-duty vehicles and announced plans to reduce GHG emissions from heavy-

⁴³ CARB, 2022. Draft 2022 Scoping Plan Update, Figure 1-8, page 34, <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>, accessed on June 10, 2022.

duty trucks through a series of major rulemakings over the next three years with the first to be finalized in 2022.⁴⁴ On March 7, 2022, the U.S. EPA proposed the first step in the U.S. EPA’s “Clean Trucks Plan” that would revise existing GHG standards for model year 2027 and beyond trucks in subsectors where electrification is advancing at a more rapid pace. The sectors include school buses, transit buses, commercial delivery trucks, and short-haul tractors.

Renewable Fuel Standard: The Renewable Fuel Standard (RFS) program was established under the Energy Policy Act (EPA) of 2005 and required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. Under the Energy Independence and Security Act (EISA) of 2007, the RFS program was expanded to include diesel, required that the volume of renewable fuel blended into transportation fuel be increased from nine billion gallons in 2008 to 36 billion gallons by 2022, established new categories of renewable fuel, and required U.S. EPA to apply lifecycle GHG performance threshold standards so that each category of renewable fuel emits fewer greenhouse gases than the petroleum fuel it replaces. In a separate measure, the U.S. EPA will be setting new GHG emission standards for heavy-duty vehicles as soon as model year 2030, which will more comprehensively address the long-term trend towards zero emission vehicles across the heavy-duty sector.⁴⁵

GHG Tailoring Rule: On May 13, 2010, U.S. EPA finalized the GHG Tailoring Rule to phase in the applicability of the Prevention of Significant Deterioration (PSD) and Title V operating permit programs for GHGs. The GHG Tailoring Rule was tailored to include the largest GHG emitters, while excluding smaller sources (restaurants, commercial facilities and small farms). The first phase (from January 2, 2011 to June 30, 2011) addressed the largest sources that contributed 65 percent of the stationary GHG sources. Title V GHG requirements were triggered only when affected facility owners/operators were applying, renewing or revising their permits for non-GHG pollutants. PSD GHG requirements were applicable only if sources were undergoing permitting actions for other non-GHG pollutants and the permitted action would increase GHG emission by 75,000 metric tons of CO₂ equivalent emissions (CO₂eq) per year or more. The Tailoring Rule originally included a second phase for sources that were not otherwise major sources but had the potential to emit 100,000 metric tons of CO₂eq per year. In 2014, the U.S. Supreme Court held that U.S. EPA was limited to phase 1.

GHG Reporting Program: U.S. EPA issued the Mandatory Reporting of Greenhouse Gases Rule (40 CFR Part 98) under the 2008 Consolidated Appropriations Act. The Mandatory Reporting of Greenhouse Gases Rule requires reporting of GHG data from large sources and suppliers under the Greenhouse Gas Reporting Program. Suppliers of certain products that would result in GHG emissions if released, combusted or oxidized; direct emitting source categories; and facilities that inject CO₂ underground for geologic sequestration or any purpose other than geologic sequestration are included. Facilities that emit 25,000 metric tons or more per year of GHGs as CO₂eq are required to submit annual reports to U.S. EPA.

Ozone-Depleting Substances: Under the CAA Title VI, the U.S. EPA is assigned responsibility for implementing programs that protect the stratospheric ozone layer. 40 CFR Part 82 contains U.S. EPA’s regulations specific to protecting the ozone layer. These U.S. EPA regulations phase

⁴⁴ U.S. EPA, 2021. EPA to Overhaul Pollution Standards for Passenger Vehicles and Heavy-Duty Trucks, Paving Way for Zero-Emission Future, News Release, August 5, 2021. <https://www.epa.gov/newsreleases/epa-overhaul-pollution-standards-passenger-vehicles-and-heavy-duty-trucks-paving-way>, accessed on June 10, 2022.

⁴⁵ U.S. EPA, 2022. EPA Proposes Stronger Standards for Heavy-Duty Vehicles to Promote Clean Air, Protect Communities, and Support Transition to Zero-Emissions Future, News Release, March 7, 2022. <https://www.epa.gov/newsreleases/epa-proposes-stronger-standards-heavy-duty-vehicles-promote-clean-air-protect>, accessed on June 10, 2022.

out the production and import of ozone-depleting substances (ODSs) consistent with the Montreal Protocol.⁴⁶ ODSs are typically used as refrigerants or as foam-blowing agents. ODS are regulated as Class I or Class II controlled substances. Class I substances have a higher ozone-depleting potential and have been completely phased out in the United States, except for exemptions allowed under the Montreal Protocol. Class II substances are HCFCs, which are transitional substitutes for many Class I substances and are being phased out.

3.2.2.2.2 State

Statewide GHG Reduction Targets

Executive Order S-3-05: In June 2005, Governor Schwarzenegger signed Executive Order S-3-05, which established emission reduction targets. The goals would reduce GHG emissions to 2000 levels by 2010, then to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

Assembly Bill (AB) 32 – Global Warming Solutions Act: On September 27, 2006, AB 32, the California Global Warming Solutions Act of 2006, was signed by Governor Schwarzenegger. AB 32 expanded on Executive Order S-3-05. The California legislature stated that “global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California.” AB 32 represented the first enforceable statewide program in the U.S. to cap all GHG emissions from major industries that includes penalties for non-compliance. While acknowledging that national and international actions will be necessary to fully address the issue of global warming, AB 32 laid out a program to inventory and reduce GHG emissions in California and from power generation facilities located outside the state that serve California residents and businesses.

Consistent with the requirement to develop an emission reduction plan, CARB prepared a Scoping Plan indicating how GHG emission reductions will be achieved through regulations, market mechanisms, and other actions. The 2008 Scoping Plan called for reducing GHG emissions to 1990 levels by 2020. This means cutting approximately 30 percent from business-as-usual (BAU) emission levels projected for 2020, or about 15 percent from 2005 to 2008 levels.⁴⁷ However, as of January 1, 2020, SB 32 became the guiding GHG regulation.

Senate Bill (SB) 32 and AB 197: In September 2016, Governor Brown signed Senate Bill 32 and Assembly Bill 197, making the Executive Order goal of reducing GHG emissions to 40 percent below 1990 levels by 2030 into a statewide, mandated legislative target. AB 197 established a joint legislative committee on climate change policies and requires the CARB to prioritize direct emissions reductions rather than the market-based cap-and-trade program for large stationary, mobile, and other sources. CARB prepared a 2017 Climate Change Scoping Plan Update, which outlines potential regulations and programs, including strategies consistent with AB 197 requirements, to achieve the 2030 target. The 2017 Scoping Plan establishes a new emissions limit of 260 million MTCO₂eq for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.⁴⁸ On May 10, 2022, CARB released the Draft 2022 Scoping Plan Update for public

⁴⁶ The Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol) is an international treaty designed to phase out halogenated hydrocarbons such as chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), which are considered ODSs. The Montreal Protocol was first signed on September 16, 1987 and has been revised seven times. The U.S. ratified the original Montreal Protocol and each of its revisions.

⁴⁷ California Air Resources Board. 2008, December. Climate Change Scoping Plan, A Framework for Change.

⁴⁸ CARB, 2017, California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on June 10, 2022.

review and assessed progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than 2045.

The major elements of the Draft 2022 Scoping Plan Update include: 1) “the aggressive reduction of fossil fuels wherever they are currently used in California, building on and accelerating carbon reduction programs that have been in place here for a decade and a half; and 2) re-envisioning of our forests, shrublands/chaparral, croplands, wetlands, and other lands (referred to as Natural and Working Lands) to ensure that they play as robust a role as possible in incorporating and storing more carbon in the trees, plants, soil, and wetlands that cover 90 percent of the state’s 105 million acres. Specifically, the Draft 2022 Scoping Plan:

- Identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030.
- Identifies a technologically feasible, cost-effective path to achieve carbon neutrality by 2045 or earlier.
- Focuses on strategies for reducing California’s dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs.
- Integrates equity and protecting California’s most impacted communities as a driving principle throughout the document.
- Incorporates the contribution of natural and working lands to the state’s GHG emissions, as well as its role in achieving carbon neutrality.
- Relies on the most up to date science, including the need to deploy all viable tools to address the existential threat that climate change presents, including carbon capture and sequestration as well a direct air capture.
- Evaluates multiple options for achieving our GHG and carbon neutrality targets, as well as the public health benefits and economic impacts associated with each.⁴⁹

California’s climate strategy will require contributions from all sectors of the economy, including enhanced focus on zero emission and near-zero emission (ZE/NZE) vehicle technologies; continued investment in renewables such as solar roofs, wind, and other types of distributed generation; greater use of low carbon fuels; integrated land conservation and development strategies; coordinated efforts to reduce emissions of short-lived climate pollutants (methane, black carbon, and fluorinated gases); and an increased focus on integrated land use planning to support livable, transit-connected communities and conserve agricultural and other lands. Requirements for GHG reductions at stationary sources complement local air pollution control efforts by the local air districts to tighten criteria air pollutants and TACs emissions limits on a broad spectrum of industrial sources. Major elements of the 2017 Scoping Plan framework include:

- Implementing and/or increasing the stringency of the standards for the various strategies covered under the Mobile Source Strategy, which include increasing ZE buses and trucks.
- Low Carbon Fuel Standard (LCFS), with an increased stringency (18 percent by 2030).

⁴⁹ CARB 2022, Draft 2022 Scoping Plan Update, May 10, 2022, Executive Summary, <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>, accessed on August 5, 2022.

- Implementation of SB 350, which expands the Renewables Portfolio Standard (RPS) to 50 percent RPS and doubles energy efficiency savings by 2030.
- California Sustainable Freight Action Plan, which improves freight system efficiency and utilizes near-zero emission technology and deployment of ZE trucks.
- Implementing the proposed Short-Lived Climate Pollutant Strategy, which focuses on reducing methane and hydrofluorocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030.
- Post-2020 Cap-and-Trade Program that includes declining caps.
- Continued implementation of SB 375.
- Development of a Natural and Working Lands Action Plan to secure California’s land base as a net carbon sink.⁵⁰

In addition to the statewide strategies listed above, the 2017 Climate Change Scoping Plan also identified local governments as essential partners in achieving the state’s long-term GHG reduction goals and recommended local actions to reduce GHG emissions—for example, statewide targets of no more than six MTCO₂eq or less per capita by 2030 and two MTCO₂eq or less per capita by 2050. CARB recommends that local governments evaluate and adopt robust and quantitative locally appropriate goals that align with the statewide per capita targets and sustainable development objectives and develop plans to achieve the local goals. The statewide per capita goals were developed by applying the percent reductions necessary to reach the 2030 and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to the state’s 1990 emissions limit established under AB 32. For CEQA projects, CARB states that lead agencies have discretion to develop evidenced-based numeric thresholds (mass emissions, per capita, or per service population) consistent with the Scoping Plan and the state’s long-term GHG goals. To the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project’s region that contribute potential air quality, health, and economic co-benefits. Where further project design or regional investments are infeasible or not proven to be effective, CARB recommends mitigating potential GHG impacts through purchasing and retiring carbon credits.⁵¹

The Scoping Plan scenario is set against what is called the business-as-usual (BAU) yardstick—that is, what would the GHG emissions look like if the state did nothing at all beyond the existing policies that are required and already in place to achieve the 2020 limit. It includes the existing renewables requirements, advanced clean cars, the LCFS, and the SB 375 program for more vibrant communities, among others. However, it does not include a range of new policies or measures that have been developed or put into statute over the past two years. The known commitments are expected to result in emissions that are 60 million MTCO₂eq above the target in 2030. If the estimated GHG reductions from the known commitments are not realized due to delays in implementation or technology deployment, the post-2020 Cap-and-Trade Program would deliver the additional GHG reductions in the sectors it covers to ensure the 2030 target is achieved.

⁵⁰ CARB, 2017. California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on June 10, 2022.

⁵¹ CARB, 2017. California’s 2017 Climate Change Scoping Plan: The Strategy for Achieving California’s 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on June 10, 2022.

Mobile Sources

AB 1493 Vehicular Emissions: Prior to the U.S. EPA and NHTSA joint rulemaking, Governor Schwarzenegger signed Assembly Bill AB 1493 (2002). AB 1493 requires that CARB develop and adopt, by January 1, 2005, regulations that achieve “the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the state.” CARB originally approved regulations to reduce GHGs from passenger vehicles in September 2004, with the regulations to take effect in 2009 (see amendments to CCR Title 13 Sections 1900 and 1961 (13 CCR 1900, 1961), and the adoption of CCR Title 13 Section 1961.1 (13 CCR 1961.1)). California’s first request to the U.S. EPA to implement GHG standards for passenger vehicles was made in December 2005 and subsequently denied by the U.S. EPA in March 2008. The U.S. EPA then granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles on June 30, 2009. On April 1, 2010, CARB filed amended regulations for passenger vehicles as part of California’s commitment toward the national program to reduce new passenger vehicle GHGs from 2012 through 2016. In 2012, CARB approved the Low-Emission Vehicle (LEV) III regulations which include increasingly stringent emission standards for both criteria pollutants and greenhouse gases for new passenger vehicles of manufacture years 2017 through 2025.⁵²

Low Carbon Fuel Standard (LCFS): In the 2008 Scoping Plan, CARB identified the LCFS as one of the nine discrete early action GHG reduction measures. The LCFS is designed to decrease the carbon intensity of California’s transportation fuel pool and provide an increasing range of low-carbon and renewable alternatives, which reduce petroleum dependency and achieve air quality benefits. CARB approved the LCFS regulation in 2009 and began implementation on January 1, 2011 and has been amended several times since adoption. In 2018, CARB approved amendments to the regulation, which included strengthening and smoothing the carbon intensity benchmarks through 2030 in-line with California’s 2030 GHG emission reduction target enacted through SB 32, adding new crediting opportunities to promote zero emission vehicle adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector. The LCFS is designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The LCFS standards are expressed in terms of the ‘carbon intensity’ of gasoline and diesel fuel and their respective substitutes. The program is based on the principle that each fuel has ‘lifecycle’ greenhouse gas emissions that include CO₂, CH₄, N₂O, and other GHG contributors. This lifecycle assessment examines the GHG emissions associated with the production, transportation, and use of a given fuel. The lifecycle assessment includes direct emissions associated with producing, transporting, and using the fuels, as well as significant indirect effects on GHG emissions, such as changes in land use for some biofuels. The carbon intensity scores assessed for each fuel are compared to a declining carbon intensity benchmark for each year. Low carbon fuels below the benchmark generate credits, while fuels above the carbon intensity benchmark generate deficits. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets the LCFS carbon intensity standards, or benchmarks, for each annual compliance period. A deficit generator meets its compliance obligation by ensuring that the quantity of credits it earns or otherwise acquires from another party is equal to, or greater than, the deficits it has incurred.

⁵² CARB, Low-Emission Vehicle Greenhouse Gas Program, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/lev-program/low-emission-vehicle-greenhouse-gas>, accessed on June 10, 2022.

EO S-1-07: Governor Schwarzenegger signed Executive Order S-1-07 in 2007 which established the transportation sector as the main source of GHG emissions in California. Executive Order S-1-07 proclaims that the transportation sector accounts for over 40 percent of statewide GHG emissions. Executive Order S-1-07 also establishes a goal to reduce the carbon intensity of transportation fuels sold in California by a minimum of 10 percent by 2020. Executive Order S-1-07 established the LCFS and directed the Secretary for Environmental Protection to coordinate the actions of the CEC, CARB, the University of California, and other agencies to develop and propose protocols for measuring the 'life-cycle carbon intensity' of transportation fuels. The analysis supporting development of the protocols was included in the State Alternative Fuels Plan adopted by CEC on December 24, 2007 and was submitted to CARB for consideration as an 'early action' item under AB 32. CARB adopted the LCFS on April 23, 2009.

EO B-16-2012: Executive Order B-16-2012 establishes long-term targets of reaching 1.5 million zero emission vehicles on California's roadways by 2025 and sets zero emission vehicle purchasing requirements for state government fleets. Executive Order B-16-2012 also sets a target for 2050 to achieve a reduction of GHG emissions from the transportation sector equaling 80 percent less than 1990 levels. In February 2013, an interagency working group developed the "Zero-Emission Vehicle Action Plan," which identified specific strategies and actions that state agencies needed to take to meet the milestones of this Executive Order. The Zero-Emission Vehicle Action Plan states: "*Zero-Emission Vehicles are crucial to achieving the state's 2050 greenhouse gas goal of 80 percent emission reductions below 1990 levels, as well as meeting federal air quality standards. Achieving 1.5 million Zero-Emission Vehicles by 2025 is essential to advance the market and put the state on a path to meet these requirements.*"

EO N-79-20: On September 23, 2020, Governor Newsom signed Executive Order N-79-20 which included the following goals to have: 1) 100 percent of in-state sales of new passenger cars and trucks transition to zero emission vehicles by 2035; 2) 100 percent of drayage trucks transition to zero emission vehicles by 2035; 3) 100 percent of medium- and heavy-duty vehicles transition to zero emission vehicles by 2045 for all operations in California, where feasible; and 4) 100 percent of off-road vehicles and equipment to transition to zero emission vehicles and equipment by 2035, where feasible.

SB 44: The California Legislature passed SB 44, acknowledging the ongoing need to evaluate opportunities for mobile source emissions reductions and requires CARB to update the 2016 Mobile Source Strategy by January 1, 2021, and every five years thereafter. Specifically, SB 44 requires CARB to update the 2016 Mobile Source Strategy to include a comprehensive strategy for the deployment of medium- and heavy-duty vehicles for meeting air quality standards and reducing GHG emissions. It also directs CARB to set reasonable and achievable goals for reducing emissions by 2030 and 2050 from medium- and heavy-duty vehicles that are consistent with the California's overall goals and maximizes the reduction of criteria air pollutants.

SB 375: SB 375, signed into law in September 2008, aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. As part of the alignment, SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) which prescribes land use allocation in that MPO's Regional Transportation Plan (RTP). CARB, in consultation with MPOs, is required to provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in the region for the years 2020 and 2035. These reduction targets will be updated every eight years but can be updated every four years if advancements in emissions

technologies affect the reduction strategies to achieve the targets. CARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned GHG emission reduction targets. If MPOs do not meet the GHG reduction targets, transportation projects located in the MPO boundaries would not be eligible for funding programmed after January 1, 2012.

CARB appointed the Regional Targets Advisory Committee (RTAC), as required under SB 375, on January 23, 2009. The RTAC's charge was to advise CARB on the factors to be considered and methodologies to be used for establishing regional targets. The RTAC provided its recommendation to CARB on September 29, 2009. CARB was required to adopt final targets by September 30, 2010.⁵³

CARB is required to update the targets for the MPOs every eight years. CARB adopted revised SB 375 targets for the MPOs in March 2018.^{54,55} The updated targets became effective on October 1, 2018. The targets consider the need to further reduce VMT, as identified in the 2017 Scoping Plan Update (for SB 32), while balancing the need for additional and more flexible revenue sources to incentivize positive planning and action toward sustainable communities. Like the 2010 targets, the updated SB 375 targets are in units of percent per capita reduction in GHG emissions from automobiles and light trucks relative to 2005; this excludes reductions anticipated from implementation of state technology and fuels strategies, and any potential future state strategies, such as statewide road user pricing. The targets also call for greater per-capita GHG emission reductions from SB 375 than what were previously in place, which for 2035 translate into targets that either match or exceed the emission reduction levels in the MPOs' currently adopted SCS to achieve the SB 375 targets. For the next round of SCS updates, CARB's updated targets for the SCAG region are an eight percent per capita GHG reduction in 2020 from 2005 levels (unchanged from the 2010 target) and a 19 percent per capita GHG reduction in 2035 from 2005 levels (compared to the 2010 target of 13 percent).⁵⁶ CARB adopted the updated targets and methodology on March 22, 2018. All SCSs adopted after October 1, 2018, are subject to these revised targets.

SCAG's Regional Transportation Plan / Sustainable Communities Strategy: SB 375 requires each MPO to prepare a sustainable communities strategy in its regional transportation plan. SCAG released the draft 2020-2045 RTP/SCS (Connect SoCal) on November 7, 2019. On September 3, 2020, SCAG's Regional Council unanimously voted to approve and fully adopt the Connect SoCal Plan.⁵⁷ In general, the SCS outlines a development pattern for the region that, when integrated with the transportation network and other transportation measures and policies, would reduce vehicle miles traveled from automobiles and light duty trucks and thereby reduce GHG emissions from these sources.

Connect SoCal focuses on the continued efforts of the previous RTP/SCSs to integrate transportation and land uses strategies in development of the SCAG region through horizon year 2045. Connect SoCal forecasts that the SCAG region will meet its GHG per capita reduction

⁵³ California Air Resources Board 2010, August. Staff Report Proposed Regional Greenhouse Gas Emission Reduction Targets for Automobiles and Light Trucks Pursuant to Senate Bill 375.

⁵⁴ California Air Resources Board, 2018, SB 375 Regional Greenhouse Gas Emissions Reduction Targets https://ww2.arb.ca.gov/sites/default/files/2020-06/SB375_Final_Targets_2018.pdf, accessed on June 10, 2022.

⁵⁵ California Air Resources Board, 2018, Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emissions Reduction Targets, https://ww2.arb.ca.gov/sites/default/files/2020-06/SB375_Updated_Final_Target_Staff_Report_2018.pdf, accessed on June 10, 2022.

⁵⁶ California Air Resources Board. 2018, February. Proposed Update to the SB 375 Greenhouse Gas Emission Reduction Targets. https://www.arb.ca.gov/cc/sb375/sb375_target_update_final_staff_report_feb2018.pdf, accessed on June 10, 2022.

⁵⁷ Southern California Association of Governments (SCAG). 2020, September. Adopted Final Connect SoCal. <https://scag.ca.gov/read-plan-adopted-final-plan>, accessed on June 10, 2022.

targets of eight percent by 2020 and 19 percent by 2035. Additionally, Connect SoCal also forecasts that implementation of the plan will reduce VMT per capita in year 2045 by 4.1 percent compared to baseline conditions for that year. Connect SoCal includes a 'Core Vision' that centers on maintaining and better managing the transportation network for moving people and goods while expanding mobility choices by locating housing, jobs, and transit closer together, and increasing investments in transit and complete streets.

Adaptation

EO S-13-08: Governor Schwarzenegger signed Executive Order S-13-08 on November 14, 2008 which directed California to develop methods for adapting to climate change through preparation of a statewide plan. Executive Order S-13-08 directed OPR, in cooperation with the Resources Agency, to provide land use planning guidance related to sea level rise and other climate change impacts by May 30, 2009. Executive Order S-13-08 also directed the Resources Agency to develop a state Climate Adaptation Strategy by June 30, 2009 and to convene an independent panel to complete the first California Sea Level Rise Assessment Report. The assessment report was required to be completed by December 1, 2010 and required to meet the following four criteria:

1. Project the relative sea level rise specific to California by considering issues such as coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge, and land subsidence rates;
2. Identify the range of uncertainty in selected sea level rise projections;
3. Synthesize existing information on projected sea level rise impacts to state infrastructure (e.g., roads, public facilities, beaches), natural areas, and coastal and marine ecosystems; and
4. Discuss future research needs relating to sea level rise in California.

Energy

SB 1078, SB 107 and EO S-14-08: SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date from 2017 to 2010. In November 2008, Governor Schwarzenegger signed Executive Order S-14-08, which expands the state's Renewable Portfolio Standard from 20 percent by 2010 to 33 percent renewable power by 2020.

SB X-1-2: SB X1-2 was signed by Governor Brown in April 2011. SB X1-2 created a new Renewables Portfolio Standard (RPS), which pre-empted CARB's 33 percent Renewable Electricity Standard. The new RPS applies to all electricity retailers in the state including publicly owned utilities (POUs), investor-owned utilities, electricity service providers, and community choice aggregators. These entities must adopt the new RPS goals of 20 percent of retail sales from renewables by the end of 2013, 25 percent by the end of 2016, and the 33 percent requirement by the end of 2020.

SB 1368: SB 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a GHG emission performance standard for baseload generation from investor-owned utilities (IOUs) by February 1, 2007. The California Energy Commission (CEC) was also required to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards cannot exceed the greenhouse gas

emission rate from a baseload combined-cycle natural gas fired power plant. The legislation further required that all electricity provided to California, including imported electricity, must be generated from power plants that meet the standards set by the Public Utilities Commission (PUC) and CEC.

SB 350: Senate Bill 350 (de Leon) was signed into law September 2015 and establishes tiered increases to the RPS with 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures.

SB 100: On September 10, 2018, Governor Brown signed SB 100. Under SB 100, the RPS for public-owned facilities and retail sellers consist of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. Additionally, SB 100 also established a new RPS requirement of 50 percent by 2026. Furthermore, the bill establishes an overall state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under the bill, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

EO B-55-18: Executive Order B-55-18, signed September 10, 2018, sets a goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” Executive Order B-55-18 directed CARB to work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal. The goal of carbon neutrality by 2045 is in addition to other statewide goals, meaning not only should emissions be reduced to 80 percent below 1990 levels by 2050, but that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂eq from the atmosphere, including through sequestration in forests, soils, and other natural landscapes.

AB 2127: This bill requires the California Energy Commission (CEC), working with CARB and the California Public Utilities Commission (CPUC), to prepare and biennially update a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least five million zero emission vehicles on California roads by 2030 and of reducing emissions of greenhouse gases to 40 percent below 1990 levels by 2030. The bill requires the CEC to regularly seek data and input from stakeholders relating to electric vehicle charging infrastructure.⁵⁸

California Building Code – Building Energy Efficiency Standards: Energy conservation standards for new residential and non-residential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 (Title 24, Part 6, of the California Code of Regulations [CCR]). Title 24 requires the design of building shells and building components to conserve energy. The CEC updates building energy efficiency standards in Title 24 (Parts 6 and 11) every three years to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and went into effect on January 1, 2020. The 2019 standards move toward cutting energy use in new homes by more than 50 percent and will require installation of solar photovoltaic systems for single-family homes and multifamily

⁵⁸ California Legislative Information, September 14, 2018, AB-2127 Electric Vehicle Charging Infrastructure: Assessment, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2127, accessed on June 10, 2022.

buildings of three stories and less. The 2019 standards focus on four key areas: 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements.⁵⁹

In addition, the CEC adopted the 2022 Building Energy Efficiency Standards adopted on August 11, 2021 but they do not go into effect until January 1, 2023. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

California Building Code – CALGreen: On July 17, 2008, the California Building Standards Commission adopted the nation’s first green building standards. The California Green Building Standards Code (24 CCR Part 11, known as 'CALGreen') was adopted as part of the California Building Standards Code. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.⁶⁰ The mandatory provisions of the California Green Building Code Standards became effective January 1, 2011 and were last updated in 2019. The 2019 CALGreen standards became effective January 1, 2020. Section 5.408 of CALGreen also requires that at least 65 percent of the nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse.

Short-Lived Climate Pollutants

SB 1383: On September 19, 2016, the Governor signed SB 1383 to supplement the GHG reduction strategies in the Scoping Plan to consider short-lived climate pollutants, including black carbon and methane. Black carbon is the light-absorbing component of fine particulate matter produced during incomplete combustion of fuels. SB 1383 required CARB, no later than January 1, 2018, to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030, as specified. On March 14, 2017, CARB adopted the “Final Proposed Short-Lived Climate Pollutant Reduction Strategy,” which identifies the state’s approach to reducing anthropogenic and biogenic sources of short-lived climate pollutants. Anthropogenic sources of black carbon include on- and off-road transportation, residential wood burning, fuel combustion (charbroiling), and industrial processes. According to CARB, ambient levels of black carbon in California are 90 percent lower than in the early 1960s despite the tripling of diesel fuel use. In-use on-road rules are expected to reduce black carbon emissions from on-road sources by 80 percent between 2000 and 2020.

Ozone Depleting Substances (ODSs)

Refrigerant Management Program: As part of implementing AB 32, CARB also adopted a Refrigerant Management Program in 2009. The Refrigerant Management Program is designed to

⁵⁹ California Energy Commission (CEC). 2018. News Release: Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation. <https://www.energy.ca.gov/news/2018-05/energy-commission-adopts-standards-requiring-solar-systems-new-homes-first>, accessed on June 10, 2022.

⁶⁰ The green building standards became mandatory in the 2010 edition of the code.

reduce GHG emissions from stationary sources through refrigerant leak detection and monitoring, leak repair, system retirement and retrofitting, reporting and recordkeeping, and proper refrigerant cylinder use, sale, and disposal.

HFC Emission Reduction Measures for Mobile Air Conditioning – Regulation for Small Containers of Automotive Refrigerant: The Regulation for Small Containers of Automotive Refrigerant applies to the sale, use, and disposal of small containers of automotive refrigerant with a GWP greater than 150. Emission reductions are achieved through implementation of four requirements: 1) use of a self-sealing valve on the container; 2) improved labeling instructions; 3) a deposit and recycling program for small containers; and 4) an education program that emphasizes best practices for vehicle recharging. This regulation went into effect on January 1, 2010 with a one-year sell-through period for containers manufactured before January 1, 2010. The target recycle rate is initially set at 90 percent and rose to 95 percent beginning January 1, 2012.

3.2.2.2.3 South Coast AQMD

The South Coast AQMD adopted a "Policy on Global Warming and Stratospheric Ozone Depletion" on April 6, 1990. The policy commits the South Coast AQMD to consider global impacts in rulemaking and in drafting revisions to the AQMP. In March 1992, the South Coast AQMD Governing Board reaffirmed this policy and adopted amendments to the policy to include support of the adoption of a California GHG emission reduction goal.

Basin GHG Policy and Inventory: The South Coast AQMD has established a policy, adopted by the South Coast AQMD Governing Board at its September 5, 2008 meeting, to actively seek opportunities to reduce emissions of criteria, toxic, and climate change pollutants. The policy includes the intent to assist businesses and local governments implementing climate change measures, decrease the agency's carbon footprint, and provide climate change information to the public.

3.2.2.2.3.1 Ozone Depleting Substances (ODSs)

Policy on Global Warming and Stratospheric Ozone Depletion: The South Coast AQMD adopted a "Policy on Global Warming and Stratospheric Ozone Depletion" on April 6, 1990. The policy targeted a transition away from CFCs as an industrial refrigerant and propellant in aerosol cans. In March 1992, the South Coast AQMD Governing Board reaffirmed this policy and adopted amendments to the policy to include the following directives for ODSs:

- Phase out the use and corresponding emissions of CFCs, methyl chloroform (1,1,1-trichloroethane or TCA), carbon tetrachloride, and halons by December 1995.
- Phase out the large quantity use and corresponding emissions of HCFCs by the year 2000.
- Develop recycling regulations for HCFCs.
- Develop an emissions inventory and control strategy for methyl bromide.

CHAPTER 4

ENVIRONMENTAL IMPACTS

Introduction and Background

Potential Significant Air Quality and Greenhouse Gas Impacts and Mitigation Measures

Significant Environmental Effects Which Cannot be Avoided

Potential Environmental Impacts Found Not to be Significant

Potential Growth-Inducing Impacts

Relationship Between Short-Term and Long-Term Environmental Goals

4.0 INTRODUCTION AND BACKGROUND

The CEQA Guidelines require environmental documents to identify significant environmental effects that may result from a proposed project. [CEQA Guidelines Section 15126.2(a)]. Direct and indirect significant effects of a project on the environment should be identified and described, with consideration given to both short- and long-term impacts. The discussion of environmental impacts may include, but is not limited to, the following: resources involved; physical changes; alterations of ecological systems; health and safety problems caused by physical changes; and other aspects of the resource base, including water, scenic quality, and public services. If significant adverse environmental impacts are identified, the CEQA Guidelines require a discussion of measures that could either avoid or substantially reduce any adverse environmental impacts to the greatest extent feasible. [CEQA Guidelines Section 15126.4].

The categories of environmental impacts to be studied in a CEQA document are established by CEQA (Public Resources Code Section 21000 et seq.), and the CEQA Guidelines, as codified in Title 14 California Code of Regulations Section 15000 et seq. Under the CEQA Guidelines, there are approximately 18 environmental categories in which potential adverse impacts from a project are evaluated. The South Coast AQMD, as lead agency, has taken into consideration the Appendix G environmental checklist form, but has tailored the 21 environmental topic areas to emphasize air quality assessment primarily by combining the “air quality” and “greenhouse gas emissions” areas into one section, combining the “cultural resources” and “tribal cultural resources” areas into one section, separating the “hazards and hazardous materials” factor into two sections: “hazards and hazardous materials” and “solid and hazardous waste,” and folding the “utilities/service systems” area into other environmental areas such as “energy,” “hydrology and water quality” and “solid and hazardous waste.” For each environmental topic area, per CEQA Guidelines Section 15064.7(a), “a threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” The South Coast AQMD has developed unique thresholds of significance for the determination of significance in accordance with CEQA Guidelines Section 15064.7(b).

Proposed Project and Focus of Environmental Effects and Analysis

As explained in Chapter 2, PAR 1168 has been developed to delay the effective dates of or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 6, 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; ~~and prohibit the use of t-BAC and pCBtF due to toxicity concerns; and allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation.~~ All of these key components of PAR 1168 may involve physical modifications which could cause adverse air quality impacts. However, other changes are proposed for PAR 1168 which are administrative in nature, such as the proposal to remove definitions, and update, and clarify, and streamline rule language associated with recordkeeping and reporting requirements. As such, these administrative components of PAR 1168 are not expected to require physical modifications that would create any secondary adverse environmental impacts for air quality or any other environmental topic area. Thus, the analysis in this SEA focuses on only the portion of PAR 1168

that would be expected to require physical modifications and the corresponding environmental effects.

The October 2017 Final EA previously analyzed the environmental impacts associated with establishing more stringent VOC limits for several product categories with an effective date of January 1, 2023. Therefore, affected categories of Regulated Products, and the nature of the physical impacts that may occur as a result of implementing PAR 1168 are expected to be the same or similar and will cause similar secondary adverse environmental impacts for the same environmental topic areas that were identified and analyzed in the October 2017 Final EA for Rule 1168. The key difference between the October 2017 version of Rule 1168 and PAR 1168 is that PAR 1168 will be relaxing some of the VOC limits and extending the corresponding effective date due to the lack of available technology on the market.

The purpose of the October 2017 amendments to Rule 1168, the project upon which the currently proposed project, PAR 1168, is based, was to reduce emissions of VOCs by 1.38 tpd, as well as reduce toxic air contaminants, and stratospheric ozone-depleting compounds from adhesives, adhesive primers, sealants, and sealant primers. The October 2017 Final EA for Rule 1168 analyzed the environmental impacts associated with the activities manufacturers were anticipated to undertake to reformulate products and that these reformulation activities could create secondary adverse environmental impacts. None of the environmental topic areas previously analyzed in the October 2017 Final EA for Rule 1168 were concluded to have significant and unavoidable impacts, including the topic of air quality and greenhouse gases (GHGs).

However, while PAR 1168 is expected to have generally the same or similar effects that were previously examined in the October 2017 Final EA for Rule 1168, PAR 1168 will cause-result in some delayed and permanent VOC emission reductions foregone, which were not previously contemplated that will make the previously analyzed air quality impacts more severe than what was discussed in October 2017 Final EA for Rule 1168. Thus, PAR 1168 contains new information of substantial importance relative to the topic of air quality which was not known and could not have been known at the time the October 2017 Final EA for Rule 1168 was certified. [CEQA Guidelines Section 15162(a)(3)].

The purpose of this SEA, and this chapter in particular, is to compare the types of activities and associated environmental impacts with implementing the VOC limits and effective dates subject to the Rule 1168 amendments that were previously analyzed in the October 2017 Final EA for Rule 1168 to the currently proposed changes which comprise PAR 1168. The CEQA Guidelines indicate that the degree of specificity required in a CEQA document depends on the type of project being proposed. [CEQA Guidelines Section 15146]. However, the detail of the environmental analysis for certain types of projects cannot be as great as for others. For this SEA, the baseline is the project analyzed in the October 2017 Final EA for Rule 1168 and the SEA tiers off of that previously conducted analysis. Lastly, because PAR 1168 proposes to amend an existing rule, this SEA is required to contain the environmental analysis required by CEQA Guidelines Section 15187 which specifically pertains to the environmental review of rules and regulations.

Because PAR 1168 contains changes that would only adversely impact the topic of air quality, this SEA analyzes the potentially significant impacts specific to air quality. The analysis of the

potentially significant air quality impacts in this chapter incorporates a “worst-case” approach. This approach entails the premise that whenever the analysis requires that assumptions be made, those assumptions that result in the greatest adverse impacts are typically chosen. This method ensures that all potential effects of PAR 1168 are documented for the decision-makers and the public.

In addition, this chapter independently considers whether the proposed project would result in new significant impacts for any of the other environmental topic areas previously concluded in the October 2017 Final EA for Rule 1168 to have either no significant impacts or less than significant impacts; however, none were identified. See Section 4.3 of this chapter for a description and the basis for this conclusion.

4.1 POTENTIAL SIGNIFICANT AIR QUALITY AND GREENHOUSE GAS IMPACTS AND MITIGATION MEASURES

This chapter independently considers the currently proposed project (PAR 1168) and analyzes the incremental changes, if any, relative to the baseline established in the October 2017 Final EA for Rule 1168. The October 2017 Final EA for Rule 1168 previously analyzed environmental impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA analyzed the environmental topic of air quality and GHGs and concluded that less than significant adverse impacts to air quality and GHG emissions would occur.

Thus, this section evaluates the potential air quality and GHG emission impacts for PAR 1168 and compares the previous air quality and GHG emission impacts analysis conducted in the October 2017 Final EA for Rule 1168.

4.1.1 Significance Criteria

To determine whether air quality and GHG impacts from adopting and implementing the proposed project are significant, impacts will be evaluated and compared to the significance criteria on the following page. The significance thresholds for criteria pollutant emissions: the mass daily thresholds, were developed in 1993, and a full discussion can be found in the South Coast AQMD CEQA Handbook. Significance thresholds for toxic air contaminants and odor are based on requirements under Rules 1401 and 212, and 402 respectively. In December 2008, the Governing Board approved an interim GHG significance threshold for projects where the South Coast AQMD is the lead agency. There has been ongoing development of the significance thresholds, and detailed discussion is available on the South Coast AQMD website.⁸⁹ A discussion regarding feasible mitigation measures is also included in this section. Significance determinations for construction impacts are based on the maximum or peak daily emissions during the construction period, which provides a “worst-case” analysis of the construction emissions. Similarly, significance determinations for operational emissions are based on the maximum or peak daily emissions during the operational phase.

The proposed project will have significant adverse air quality impacts if any one of the thresholds in Table 4-1 are equaled or exceeded.

⁸⁹ South Coast AQMD, 1993. <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

**Table 4-1
South Coast AQMD Air Quality Significance Thresholds**

Mass Daily Thresholds^a		
Pollutant	Construction^b	Operation^c
NO_x	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM₁₀	150 lbs/day	150 lbs/day
PM_{2.5}	55 lbs/day	55 lbs/day
SO_x	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaminants (TACs), Odor, and GHG Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk \geq 10 in 1 million Cancer Burden $>$ 0.5 excess cancer cases (in areas \geq 1 in 1 million) Chronic & Acute Hazard Index \geq 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to South Coast AQMD Rule 402	
GHG	10,000 MT/yr CO ₂ eq for industrial facilities	
Ambient Air Quality Standards for Criteria Pollutants^d		
NO₂ 1-hour average annual arithmetic mean	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)	
PM₁₀ 24-hour average annual average	10.4 $\mu\text{g}/\text{m}^3$ (construction) ^e & 2.5 $\mu\text{g}/\text{m}^3$ (operation) 1.0 $\mu\text{g}/\text{m}^3$	
PM_{2.5} 24-hour average	10.4 $\mu\text{g}/\text{m}^3$ (construction) ^e & 2.5 $\mu\text{g}/\text{m}^3$ (operation)	
SO₂ 1-hour average 24-hour average	0.25 ppm (state) & 0.075 ppm (federal – 99 th percentile) 0.04 ppm (state)	
Sulfate 24-hour average	25 $\mu\text{g}/\text{m}^3$ (state)	
CO 1-hour average 8-hour average	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) and 35 ppm (federal) 9.0 ppm (state/federal)	
Lead 30-day Average Rolling 3-month average	1.5 $\mu\text{g}/\text{m}^3$ (state) 0.15 $\mu\text{g}/\text{m}^3$ (federal)	

^a Source: South Coast AQMD CEQA Handbook (South Coast AQMD, 1993)

^b Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).

^c For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.

^d Ambient air quality thresholds for criteria pollutants based on South Coast AQMD Rule 1303, Table A-2 unless otherwise stated.

^e Ambient air quality threshold based on South Coast AQMD Rule 403.

KEY: lbs/day = pounds per day ppm = parts per million $\mu\text{g}/\text{m}^3$ = microgram per cubic meter \geq = greater than or equal to
MT/yr CO₂eq = metric tons per year of CO₂ equivalents $>$ = greater than

Revision: April 2019

Project-Specific Air Quality Impacts During Construction

PAR 1168 proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and 45) remove definitions, and update and, clarify, and streamline rule language. However, PAR 1168 does not require construction of new buildings, or relocation of existing manufacturing facilities or equipment. Instead, for certain categories of adhesives and sealants that currently contain pCBtF and/or t-BAc, PAR 1168 will prohibit products containing these compounds from being manufactured, supplied, sold and used within South Coast AQMD's jurisdiction. Thus, replacement products will need to be formulated with other compounds in order to comply with the applicable VOC limit by the prescribed effective date. The manufacture of products reformulated to comply with the VOC limits in PAR 1168 is expected to use the same or similar equipment currently utilized to manufacture products formulated to comply with the VOC limits contained in the October 2017 version of Rule 1168. Therefore, compliance with PAR 1168 is not expected to require physical changes or modifications that would involve construction activities. As a result, no construction air quality impacts are expected from PAR 1168. **Based upon these considerations, no significant adverse air quality impacts relating to construction are expected from implementing the proposed project.**

Project-Specific Air Quality Impacts During Operation

Criteria Air Pollutants

The purpose of Rule 1168 is to minimize VOC emissions, a precursor to the criteria air pollutant ozone, from area sources, specifically adhesives and sealants, by establishing VOC limits and effective dates for the various product categories. PAR 1168 has been developed to delay the effective dates of and/or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 6, 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; ~~and~~ prohibit the use of t-BAc and pCBtF due to toxicity concerns; allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation; and update, clarify, and streamline rule language.

Table 4-2 presents a summary of all the proposed changes in PAR 1168 to the various categories and subcategories of adhesives and sealants which include revised VOC content limits, and revised effective dates. Table 4-2 also presents the corresponding delayed and permanent foregone VOC emission reductions due to the implementation of these proposed changes relative to the October 2017 version of Rule 1168. It should be noted that the delayed VOC emission reductions and permanent VOC emission reductions foregone are estimated using the scaled sales volume data collected from the Quantity and Emission Report (QER) 2017 and 2018, the proposed VOC limits, and the current VOC limits from the October 2017 version of Rule 1168 for different categories of Regulated Products. The manufacturer and private labelers submitted the first QERs for the 2017 and 2018 period on September 1, 2019.

Table 4-2

Proposed Changes to PAR 1168 and Estimated Delayed and Foregone VOC Emission Reductions

Adhesive and Sealant Category	VOC Limit (g/L) Prior to 2017	VOC Limit (g/L) Amended in 2017	VOC emission reductions (tpd) after 2017	Proposed Subcategory in PAR 1168	PAR 1168 VOC Limit	Proposed Effective Date	Delayed VOC Emission Reductions Foregone (tpd)	Permanent VOC Emission Reductions Foregone (tpd)
Top and Trim Adhesive	540	250	0.2	N/A	250 g/L	1/1/2028	0.1 for 60 months	--
Foam Sealant	250	50	0.23	One-Component	18% VOC by weight	7/1/2023	0.01 for 6 months	0.12
				High-Pressure Two-Component	5% VOC by weight	1/1/2023	--	--
				Low-Pressure Two-Component	5% VOC by weight	1/1/2023	--	--
PVC Welding Cement	510	425	0.18	N/A	425 g/L	1/1/2023	--	--
CPVC Welding Cement	490	400	0.01	CPVC Welding Cement	400 g/L	1/1/2023	--	--
				CPVC Welding Cement for Life Safety Systems	490 g/L	N/A	--	0.01
				Higher Viscosity CPVC Welding Cement	400 g/L	7/1/2024	0.01 for 18 months	--
All Other Roof Adhesives	250	200	0.04	All Other Roof Adhesives	250 g/L	Upon Adoption	--	0.03
				Shingle Laminating Adhesive	30 g/L	1/1/2023	--	--
				Hot Applied Modified Bitumen/Built Up Roof Adhesive	30 g/L	1/1/2023	--	--
Single Ply Roof Membrane Adhesive	250	200	0.05	EPDM/TPO Single Ply Roof Membrane Adhesive	250 g/L	Upon Adoption	--	0.07
				N/A				
All Other Roof Sealants	300	250	0.14	N/A	300 g/L	Upon Adoption	--	0.05
<u>Clear, Paintable, Immediately Water-Resistant Sealant</u>	<u>380</u>	<u>250</u>	<u>0.02</u>	<u>N/A</u>	<u>250 g/L</u>	<u>1/1/2026</u>	<u>0.007</u>	<u>--</u>

**Table 4-2 (concluded)
Proposed Changes to PAR 1168 and Estimated Delayed and Foregone VOC Emission Reductions**

Adhesive and Sealant Category	VOC Limit (g/L) Prior to 2017	VOC Limit (g/L) Amended in 2017	VOC emission reductions (tpd) after 2017	Proposed Subcategory in PAR 1168	PAR 1168 VOC Limit	Proposed Effective Date	Delayed VOC Emission Reductions Foregone (tpd)	Permanent VOC Emission Reductions Foregone (tpd)
<u>Rubber Vulcanization Adhesive</u>	<u>850</u>	<u>250</u>	<u>0.06</u>	N/A	<u>250 g/L</u>	<u>1/1/2028</u>	<u>0.29</u>	--
Single Ply Roof Membrane Sealant	align="center">450	align="center">250	align="center">0.003	<u>Cut Edge Single Ply Roof Membrane Sealant</u> N/A	align="center">250 g/L	align="center">1/1/2023	align="center">--	align="center">--
				<u>Single Ply Roof Membrane Sealant (Except Cut Edge)</u>				
TOTAL							<u>0.42</u> 0.12	0.28

Conclusion —Criteria-Air Pollutants: As shown in Table 4-2, both the delayed ~~0.42~~ ~~0.12~~-tpd (equivalent to ~~240-840~~ pounds per day) of VOC emission reductions from extending the final effective dates of the VOC limits and the permanent VOC emission reductions foregone of 0.28 tpd (equivalent to 560 pounds per day) from reverting to the higher VOC limit in place prior to the October 2017 amendments to Rule 1168 for certain categories of Regulated Products would exceed the South Coast AQMD's daily VOC operational significance threshold of 55 pounds per day. **Thus, the peak daily VOC operational impacts associated with both the delayed and permanent foregone VOC emission reductions from implementing PAR 1168 are significant. PAR 1168 is expected to generate significant adverse air quality impacts during operation.**

It is important to note that because the focus of PAR 1168 is the VOC content of adhesive and sealants, emissions of other criteria pollutants that are typically associated with combustion activities (e.g., NO_x, CO, SO_x, PM₁₀, and PM_{2.5}) are not affected by PAR 1168. **Thus, PAR 1168 will have no significant air quality impacts associated with NO_x, CO, SO_x, PM₁₀, and PM_{2.5} emissions.**

Project-Specific Mitigation: If significant adverse environmental impacts are identified, the CEQA document shall describe feasible measures that could minimize the significant adverse impacts of the proposed project. [CEQA Guidelines Section 15126.4]. Therefore, feasible mitigation measures for reducing VOC impacts are required. However, the reason PAR 1168 is proposing to revise the VOC content limits and/or effective dates for certain categories of adhesives and sealants is because there are currently no other products available that can feasibly attain the current VOC limits by the effective dates adopted in the October 2017 version of Rule 1168. **Based upon these technological limitations, there are no feasible mitigation measures that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels.**

Since no significant operational air quality impacts relating to NO_x, CO, SO_x, PM₁₀, and PM_{2.5} emissions were identified, no mitigation measures are necessary or required for these pollutants.

Remaining Criteria-Air Pollutant Impacts: While operational air quality impacts for VOC emissions are expected significant, no feasible mitigation measures have been identified that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels. **Therefore, operational air quality impacts for VOC emissions are significant and unavoidable.**

Toxic Air Contaminants

The purpose of Rule 1168 is to minimize VOC emissions, a precursor to the criteria air pollutant ozone, from area sources, specifically adhesives and sealants, by establishing VOC limits and effective dates for the various product categories. PAR 1168 has been developed to delay the effective dates of and/or increase VOC limits for certain categories of adhesives, sealants, adhesive primers and sealant primers where the technology assessment demonstrated the effective dates or VOC limits in the October 2017 version of Rule 1168 are not feasible; create new subcategories of Regulated Products to better characterize and refine VOC emission limits; ~~and~~ prohibit the use of t-BAC and pCBtF due to toxicity concerns; and allow Opteon 1100 as a VOC exempt compound

for Two-Component Foam Sealants used in an industrial or professional setting contingent upon an OEHHA evaluation.

Relative to toxic air contaminants, some manufacturers of adhesives and sealants currently use compounds in their product formulations that are VOCs but that also may be considered a toxic air contaminant (e.g., benzene, toluene, ethylbenzene and xylene). For any formulations that contain any toxic compounds that are also classified as a VOC, the VOC limits in Rule 1168 serve to limit the overall toxicity of product formulations. However, other toxics, such as t-BAC and pCBtF, which are currently exempt from the definition of what qualifies as a VOC as set forth in Rule 102, if relied upon to reformulate products capable of meeting particular VOC limits could result in a formulation with a low VOC content but a high toxicity. This is especially true if t-BAC or pCBtF are relied upon as a non-VOC substitute because these compounds are both carcinogenic with very high cancer potency factors. The cancer potency factors for t-BAC and pCBtF are 0.0047 and 0.03 (mg/kg-day)⁻¹, respectively which are higher or within the same order of the cancer potency factor for some Group II compounds such as dimethyl carbonate (0.0035) and perchloroethylene (0.021). It should be noted that Group II compounds are those that are already restricted or will be restricted in the future because they are either toxic, potentially toxic, upper atmospheric ozone depleters, or cause other environmental impacts. Therefore, these results confirm the carcinogenic effects of t-BAC and pCBtF.

While the purpose of Rule 1168 is to minimize VOC emissions from adhesive and sealant products, because of toxicity concerns associated with t-BAC and pCBtF, PAR 1168 proposes to prohibit the use of t-BAC and pCBtF so as to also minimize consumer exposure to air toxics during the application of adhesives and sealants.

In February 2022, staff surveyed adhesive and sealant manufacturers and suppliers regarding product formulations made with pCBtF and t-BAC so as to assess the extent of pCBtF and t-BAC currently used in these products. The results of the survey indicated that pCBtF was primarily used in roofing products but that pCBtF-formulated products did not dominate the market. In addition, staff conducted an online search of Safety Data Sheets (SDSs) for all non-asphalt roofing sealant and adhesives to get another perspective as to whether pCBtF and t-BAC is commonly used in roofing products. Table 4-3 presents a comparison of the total number of roofing products commercially available and the portion of which have been formulated with pCBtF according to the survey and online search of SDSs. It should be noted that both survey and online search of SDSs indicated negligible use of t-BAC in adhesives and sealants and therefore, data relative to t-BAC is not included in Table 4-3.

**Table 4-3
Summary of Survey and online SDSs Search Results for Roofing Products Formulated with pCBtF**

Category of Roofing Products	Number of Products Reported in Survey	Number of Products Formulated With pCBtF from Survey (Percentage)	Number of Products Formulated With pCBtF from Online Search of SDSs (percentage)
Single Ply Roof Membrane Adhesive	64	6 (9.4)	11 (17)
Single Ply Roof Membrane Sealants	37	1 (2.7)	1 (2.7)
All Other Roof Sealants	58	2 (3.4)	2 (3.4)
All Other Roof Adhesives	54	0 (0)	0 (0)
TOTAL	213	9 (4.2 %)	14 (6.6 %)

Overall, the analysis and the data in Table 4-3 confirms that widespread reformulation of roofing products will not be necessary if PAR 1168 is implemented because there is a wide variety of other products commercially available and currently in-use that do not contain pCBtF and t-BAc. Based on these considerations, implementation of PAR 1168 is expected to reduce overall toxic profile of roofing products when compared to the October 2017 version of Rule 1168. Moreover, the prohibition of pCBtF and t-BAc due to their toxicity concerns will result in an air quality benefit.

Lastly, PAR 1168 only allows Opteon 1100 as a VOC-exempt compound for High-Pressure Two-Component Foam Sealants and Low-Pressure Two-Component Foam Sealants when used in an industrial or professional setting by workers trained with procedures and guidelines to reduce potential risk of exposure, if OEHHA has sufficient information to establish a Cancer Inhalation Unit Risk Factor, an acute reference exposure level (REL) and a chronic REL of Opteon 1100 and, upon completion of its assessment: 1) does not adopt a Cancer Inhalation Unit Risk Factor for Opteon 1100; 2) develops an acute reference exposure level (REL) or interim acute REL for Opteon 1100, which is higher than or equal to the acute REL or interim acute REL for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd) as a currently used HFO in Two-Component Foam Sealants; and 3) develops a chronic REL or interim chronic REL for Opteon 1100, which is higher than or equal to the chronic REL or interim chronic REL for trans-1-Chloro-3,3,3-Trifluoropropene (HFO-1233zd). Therefore, potential future replacement of currently used HFOs in Two-Component Foam Sealants (e.g., HFO-1233zd) with Opteon 1100 is not expected to increase overall toxic profile of these products.

Conclusion – Toxic Air Contaminants: Due to prohibiting t-BAc and pCBtF, two toxic air contaminants with high cancer potency factors, the overall amount of toxic air contaminants used in adhesives and sealants (mainly roofing products) will be reduced. **Therefore, less than significant impacts from toxic air contaminants during operation are expected.**

Project-Specific Mitigation: Since no significant operational air quality impacts relating to emissions of toxic air contaminants were identified, **no mitigation measures are necessary or required.**

Remaining Toxic Air Contaminant Impacts: Operational air quality impacts for toxic air contaminants are expected to be less than significant such that no mitigation measures are necessary or required. **Therefore, operational air quality impacts for toxic air contaminants remain less than significant.**

Odor Impacts

The CEQA significance threshold for odor is whether the project creates an odor nuisance pursuant to South Coast AQMD Rule 402. Odor problems depend on individual circumstances. For example, individuals can differ quite markedly from the populated average in their sensitivity to odor due to any variety of innate, chronic or acute physiological conditions. This includes olfactory adaptation or smell fatigue (i.e., continuing exposure to an odor usually results in a gradual diminution or even disappearance of the smell sensation).

As explained in the previous section which analyzed potential air quality impacts from toxic air contaminants, PAR 1168 is not expected to cause a widespread reformulation of adhesives and sealants due to prohibiting pCBtF and t-BAc because a substantial number of other products are commercially available and in-use that are not formulated with pCBtF and t-BAc. In addition, even if manufacturers elect to reformulate certain adhesive and sealant products, it is unknown what chemicals would be used in lieu of the current formulations available. As such it would be speculative to say whether there would be any new odor impacts from reformulated products, if any, relative to the existing odor profile of the current products on the market. Furthermore, reverting to the pre-2017 VOC limits for some categories of adhesives and sealants essentially means that manufacturers, suppliers and distributors would revert back to having products that were commercially available on the market at that time and continue to be available and in use elsewhere outside of South Coast AQMD's jurisdiction. Therefore, no change or less than significant changes in odor profiles of adhesives and sealants in response to PAR 1168 are expected such that PAR 1168 will not be expected to create objectionable odors affecting a substantial number of people. Local governments also typically have ordinances that are intended to protect the public from adverse odors. South Coast AQMD Rule 402 – Nuisance, also protects the public from adverse odor impacts. In manufacturing, ventilation systems connected to air pollution control equipment as well as employees being required to wear personal protective equipment are two common ways to protect on-site and off-site receptors from odors. However, compliance with PAR 1168 is not expected to require physical changes or modifications that would involve construction activities.

Conclusion – Odors: Since PAR 1168 is not expected to involve construction activities, no impacts to odors during construction will occur. **During operation, less than significant odor impacts are expected from PAR 1168.**

Project-Specific Mitigation: Since no significant odor impacts were identified for construction and less than significant odor impacts were identified for operation, **no mitigation measures are necessary or required.**

Remaining Odor Impacts: With no odor impacts identified during construction and less than significant odor impacts identified during operation such that no mitigation measures are necessary or required, **air quality impacts relative to odors remain less than significant.**

4.1.2 Cumulative Air Quality Impacts

Pursuant to CEQA Guidelines Section 15130(a), the SEA shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. In general, the preceding analysis concluded that air quality impacts from operation activities would be significant from implementing the proposed project because the South Coast AQMD's significance thresholds for operation will be exceeded for VOC emissions. In addition, there are no feasible mitigation measures that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels. Thus, the air quality impacts due to operations are cumulatively considerable pursuant to CEQA Guidelines Section 15064(h)(1) and therefore, generate significant adverse cumulative air quality impacts.

The analysis also indicates that the proposed project will not involve any construction activities and emissions. Moreover, there will be less than significant increases to health risk and odor impacts. Pursuant to CEQA Guidelines Section 15130(a)(2), when the combined cumulative impact associated with the project's incremental effect is not significant, the SEA must indicate why the cumulative impact is not significant. Because construction emissions, odor impacts, and health risks do not exceed the air quality significance thresholds, which also serve as the cumulative significance thresholds, they are not considered to be cumulatively considerable [CEQA Guidelines Section 15064 (h)(1)].

This identical standard is appropriate because the South Coast AQMD air quality significance thresholds for criteria pollutants were set by evaluating the effect an individual project may have on the ability of the South Coast Air Basin to attain the NAAQS established by the U.S. EPA, and are therefore, cumulative in nature. Specifically, the South Coast AQMD Governing Board adopted 1993 CEQA Air Quality Handbook, which identified that the thresholds for criteria pollutants are based on the emissions levels in the Clean Air Act for a major source in an area designated as extreme non-attainment for ozone. [1993 CEQA Handbook, Chapter 6]. So, for example, a major source of VOCs, a precursor for ozone, is defined as a source that has a potential to emit at least 10 tons per year of VOCs [Clean Air Act section 182(e)]. The South Coast AQMD converted the 10 tons per year in terms of pounds per day, which resulted in a significance threshold of 55 pounds per day for operational emissions. The 1993 CEQA Handbook also explains that this approach is appropriate because the regulatory framework to establish the state and federal ambient air quality standards, and the method to achieve attainment of those standards, are intended to be protective of public health.

Conclusion – Cumulative Air Quality Impacts: The operational air quality impacts relative to VOCs are cumulatively considerable because: 1) the peak daily VOC operational impacts associated with both the delayed and permanent foregone VOC emission reductions exceed the South Coast AQMD's significance threshold for VOC during operation; and 2) there are no feasible mitigation measures that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels.

Cumulative Mitigation: No feasible mitigation measures are available that would eliminate or reduce the cumulatively considerable operational air quality impacts for VOC emissions to less than significant levels.

Remaining Cumulative Air Quality Impacts: While operational air quality impacts for VOC emissions are cumulatively significant, no feasible mitigation measures have been identified that would eliminate or reduce the significant adverse operational air quality impacts for VOC emissions to less than significant levels. **Therefore, the cumulative operational air quality impacts for VOC emissions remain significant and unavoidable.**

4.1.3 Greenhouse Gas Impacts and Mitigation Measures

Significant changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of GHG emissions in the atmosphere. GHGs trap heat in the atmosphere, which in turn heats the surface of the Earth. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. The emission of GHGs through the combustion of fossil fuels (i.e., fuels containing carbon) in conjunction with other human activities, appears to be closely associated with global warming. State law defines GHG to include the following: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆) (Health and Safety Code Section 38505(g)). The most common GHG that results from human activity is CO₂, followed by CH₄ and N₂O.

Traditionally, GHGs and other global warming pollutants are perceived as solely global in their impacts and that increasing emissions anywhere in the world contributes to climate change anywhere in the world. A study conducted on the health impacts of CO₂ “domes” that form over urban areas cause increases in local temperatures and local criteria pollutants, which have adverse health effects.⁶²

The analysis of GHGs is a different analysis than the analysis of criteria pollutants for the following reasons. For criteria pollutants, the significance thresholds are based on daily emissions because attainment or non-attainment is primarily based on daily exceedances of applicable ambient air quality standards. Further, several ambient air quality standards are based on relatively short-term exposure effects on human health (e.g., one-hour and eight-hour standards). Since the half-life of CO₂ is approximately 100 years, for example, the effects of GHGs occur over a longer term which means they affect the global climate over a relatively long time-frame. As a result, the South Coast AQMD's current position is to evaluate the effects of GHGs over a longer timeframe than a single day (i.e., annual emissions). GHG emissions are typically considered to be cumulative impacts because they contribute to global climate effects.

The South Coast AQMD convened a “Greenhouse Gas CEQA Significance Threshold Working Group” to consider a variety of benchmarks and potential significance thresholds to evaluate GHG impacts. On December 5, 2008, the South Coast AQMD adopted an interim CEQA GHG Significance Threshold for projects where South Coast AQMD is the lead agency (South Coast AQMD, 2008). This interim threshold is set at 10,000 metric tons of CO₂ equivalent emissions (MT/yr of CO₂eq). The South Coast AQMD prepared a “Draft Guidance Document – Interim CEQA GHG Significance Thresholds” that outlined the approved tiered approach to determine GHG significance of projects (South Coast AQMD, 2008, pg. 3-10). The first two tiers involve: 1) exempting the project because of potential reductions of GHG emissions allowed under CEQA;

⁶² Jacobsen, Mark Z. “Enhancement of Local Air Pollution by Urban CO₂ Domes,” Environmental Science and Technology, as describe in Stanford University press release on March 16, 2010 available at: <http://news.stanford.edu/news/2010/march/urban-carbon-domes-031610.html>.

and 2) demonstrating that the project's GHG emissions are consistent with a local general plan. Tier 3 proposes a limit of 10,000 MT/yr CO₂eq as the incremental increase representing a significance threshold for projects where South Coast AQMD is the lead agency (South Coast AQMD, 2008, pp. 3-11). Tier 4 (performance standards) is yet to be developed. Tier 5 allows offsets that would reduce the GHG impacts to below the Tier 3 brightline threshold. Projects with incremental increases below this threshold will not be cumulatively considerable.

The purpose of Rule 1168 is to reduce emissions of VOCs, toxic air contaminants, and stratospheric ozone-depleting compounds from the application of adhesives, adhesive primers, sealants, and sealant primers because formulations of these products contain compounds that are primarily comprised of VOCs but can also contain toxics and stratospheric ozone-depleting compounds. However, adhesives and sealants are not known to contain GHG compounds such as HFCs, PFCs, and SF₆ because these chemicals are typically used in refrigeration and fire suppression application and PAR 1168 does not contain any proposed limitations on the use of GHG compounds.

The only known GHG compound in adhesives and sealants subject to Rule 1168 is hydrofluoroolefin (HFO) which is a category of foam blowing agents that are currently being used in formulations of pressurized two-part urethane foams or adhesives. Because PAR 1168 considers a limited exemption for Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns, Opteon 1100, which also contains a foam blowing agent which is GHG compound, could potentially replace currently used HFOs (e.g., HFO-1234ze and HFO-1233zd) in these products. Since Opteon 1100, HFO-1234ze, and HFO-1233zd are products which all have similar, low global warming potentials (GWP), the potential reformulation of Two-Component Foam Sealants with a different foam blowing agent, such as what is used in Opteon 1100, would not be expected to substantially change the overall GHG emissions associated with the use of these products. Therefore, no significant GHG impacts are expected.

The main focus of PAR 1168 is to revise VOC limits and/or their corresponding effective dates for certain adhesive and sealant categories, which as explained earlier in this chapter, will result in potentially significant operational air quality impacts for VOC emissions. PAR 1168 also proposes to prohibit the manufacture, supply, sale and use of adhesives and sealants containing t-BAC and pCBtF but neither of these compounds are considered a GHG pollutant. Further, PAR 1168 does not contain any proposed revisions that would require any additional reductions of stratospheric ozone-depleting compounds.

As previously explained in the ~~criteria~~ air pollutants impacts discussion earlier in this chapter, adhesives and sealants are products which are typically applied onto various surfaces and are not utilized in combustion activities whatsoever. Thus, for the same reasons no construction or operation emissions of combustion-generated criteria air pollutants (e.g., NO_x, CO, SO_x, PM₁₀, and PM_{2.5}) are expected to be created if PAR 1168 is implemented, combustion-generated GHG pollutants (e.g., CO₂, CH₄, N₂O) would also not be created if PAR 1168 is implemented.

Conclusion – GHG Impacts: The proposed revisions to VOC limits and/or their corresponding effective dates for certain adhesive and sealant categories along with the proposed prohibition of t-BAC and pCBtF to reduce toxics contained in certain adhesives and sealants, and the conditional limited exemption of Opteon 1100 in Two-Component Foam Sealants will have no significant impact on GHG emissions. Therefore, PAR 1168 is not expected to generate GHG emissions either

directly or indirectly, that may have a significant impact on the environment. Further, implementation of PAR 1168 would not be expected to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions since GHG emissions would not be impacted in any way by PAR 1168. **Thus, PAR 1168 will have no significant GHG impacts.**

Project-Specific Mitigation: Since no significant GHG emissions impacts were identified, no mitigation measures are necessary or required.

Conclusion – Cumulative GHG Impacts: Since PAR 1168 will have no significant GHG impacts, GHG impacts are not also cumulatively considerable.

Remaining Cumulative GHG Impacts: Since GHG impacts are not expected from PAR 1168 and thus, are not considered to be cumulative considerable, there are no remaining cumulative GHG impacts.

4.2 SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

CEQA Guidelines Section 15126(c) requires an environmental analysis to consider "any significant irreversible environmental changes which would be involved if the proposed action should be implemented." This Final SEA identified the topic of air quality during operation due to delayed and permanent foregone VOC emission reductions of ~~0.42~~ ~~0.12~~ tpd and 0.28 tpd, respectively, as the only environmental area with significant environmental effects. The air quality effects from the operation could not be feasibly mitigated and would result in a significant and unavoidable air quality impact if PAR 1168 is implemented.

4.3 POTENTIAL ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT

CEQA requires this section of the SEA to identify the environmental topic areas that were analyzed and concluded to have no impacts or less than significant impacts if the proposed project is implemented. For the effects of a project that were determined not to be significant, CEQA Guidelines Section 15128 requires the analysis to contain a statement briefly indicating the reasons that various effects of a project were determined not to have significant impacts and were therefore not discussed in detail.

This subchapter of the SEA identifies the environmental topic areas that were previously analyzed in the October 2017 Final EA for Rule 1168 and concluded to have either less than significant impacts or no impacts (e.g., aesthetics, agriculture and forestry resources; air quality and GHG emissions, biological resources; cultural resources; energy, geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; solid and hazardous waste; and transportation and traffic). For all environmental topics except air quality and GHG emissions which is discussed and further analyzed in Sections 4.1 and 4.2 of this chapter, this section assesses whether these previously evaluated environmental topic areas in the October 2017 Final EA for Rule 1168 would be affected by PAR 1168. Also, since two new environmental topic areas of tribal cultural resources and wildfires were added to the CEQA Guidelines after the October 2017 Final EA for Rule 1168 was certified, this section examines whether the PAR 1168 would contribute to any impacts on tribal cultural resources and wildfires.

Environmental Topic Areas Previously Concluded In the October 2017 Final EA To Have No Impacts

The following environmental topic areas were previously analyzed and concluded in the October 2017 Final EA for Rule 1168 to have no impacts: aesthetics; agriculture and forestry resources; biological resources; cultural resources; energy; geology and soils; land use and planning; mineral resources; noise; population and housing; and recreation.

This SEA independently considers the PAR 1168 and analyzes the incremental changes, if any, relative to the baseline which is the project analyzed in the October 2017 Final EA for Rule 1168. When comparing the types of activities and associated environmental impacts with implementing the VOC limits and the corresponding effective dates in the October 2017 version of Rule 1168 as previously analyzed in the October 2017 Final EA for Rule 1168 to the currently proposed project (PAR 1168), similar impacts to the same environmental topic areas that were previously analyzed are expected to occur for all of the environmental topics analyzed except air quality and GHG emissions which are discussed in Sections 4.1 and 4.2 of this chapter. For this reason, the incremental changes associated with implementing the proposed project will not be expected to alter the previous conclusions reached in the October 2017 Final EA for Rule 1168 for the environmental topic areas which were identified as having no impacts (aesthetics; agriculture and forestry resources; biological resources; cultural resources; energy; geology and soils; land use and planning; mineral resources; noise; population and housing; recreation; solid and hazardous waste; and transportation and traffic). Therefore, since no impacts to these environmental topic areas would occur if the PAR 1168 implemented, they are not further evaluated in this SEA. A brief summary of the previous conclusions reached as well as the reasoning why the no impact conclusions would remain the same for PAR 1168 is provided for each of the aforementioned environmental topic areas.

Aesthetics

The October 2017 Final EA for Rule 1168 previously analyzed aesthetics impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no aesthetics impacts would occur because: 1) no construction would be required to install new or modify existing structures that would obstruct or degrade scenic resources; 2) no light generating equipment would be required that would adversely affect day or nighttime views; and 3) any changes to the manufacturing process would occur inside the facility's buildings and do not affect the exterior of the structure. The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF) and t-BAC due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. As with the October 2017 version of Rule 1168 and as explained in Section 4.1 of this chapter, PAR 1168 will also not require construction activities to install new or modify existing structures which means that PAR 1168 will also not require new light generating equipment or cause any changes in the visual profile of the facility structures. Therefore, the previous conclusion of no impact to aesthetics reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Agriculture and Forestry Resources

The October 2017 Final EA for Rule 1168 previously analyzed agriculture and forestry resources impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no agriculture and forestry resources impacts would occur since compliance with the October 2017 version of Rule 1168 would not result in the loss of forest land, conversion of farmland to non-agricultural use or conflict with zoning for agriculture use. The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF) and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; ~~and~~ 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. Under PAR 1168, manufacturing of the adhesive and sealant products formulated to achieve the applicable VOC limits by their effective dates will occur within the confines of the same existing facilities as previously analyzed in October 2017 Final EA for Rule 1168 and these ongoing manufacturing activities will not require the use of forest land, conversion of farmland to non-agricultural use or conflict with zoning for agriculture use. Therefore, the previous conclusion of no impact to agriculture and forestry resources reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Biological Resources

The October 2017 Final EA for Rule 1168 previously analyzed biological resources impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no biological resources impacts would occur because these activities would occur inside the boundaries of established industrial manufacturing facilities which have been previously cleared of vegetation and have already been paved for safety and fire prevention reasons and as such, would not result in or have the potential to result in the removal of vegetation with potential to support wildlife. The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF) and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; ~~and~~ 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. As with the October 2017 version of Rule 1168, the manufacture of adhesive and sealant products will continue to occur within the boundaries of existing industrial facilities which have been previously cleared of vegetation and have already been paved for safety and fire prevention reasons. Thus, PAR 1168 would not be expected to result in or have the potential to result in the removal of vegetation with potential to support wildlife. Therefore, the previous conclusion of no impact to biological resources reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Cultural Resources

The October 2017 Final EA for Rule 1168 previously analyzed cultural and tribal cultural resource impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no cultural resources impacts would occur because there would be no construction-related activities to existing manufacturing facilities, and therefore no impacts to historical, cultural, paleontological, and archaeological resources. The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF) and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. Under PAR 1168, formulation of the adhesive and sealant products will not require any construction-related activities to existing manufacturing facilities, and there will be no expected impacts to historical or cultural resources, and no paleontological, archaeological, or historical resources disturbance. Therefore, the previous conclusion of no impact to cultural resources reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Energy

The October 2017 Final EA for Rule 1168 previously analyzed energy impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA concluded that no energy impacts would occur because manufacturing and reformulation of adhesive and sealant products would comply with any relevant existing energy conservation plans, create no need for new or substantially altered power or natural gas utility systems, create no significant adverse effects on peak and base period demands for electricity or other forms of energy, and cause no adverse effect on energy production or distribution infrastructures. The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF) and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168. Thus, the same reasoning for why the October 2017 Final EA for Rule 1168 concluded that no energy impacts would occur in also applies to PAR 1168. Therefore, the previous conclusion of no impact to energy reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Geology and Soils

The October 2017 Final EA for Rule 1168 previously analyzed geology and soil impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-

depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no geology and soil impacts would occur because reformulation of products would take place at existing manufacturing facilities without involving construction activities and therefore the October 2017 version of Rule 1168 would not:

- 1) Alter the exposure of people or property to geological and natural hazards;
- 2) Disrupt soil, change topography, erode beach sand or change existing siltation rates;
- 3) Require groundwork, earth moving activities, or cause new landslide effects or changes to unique geologic features; and
- 4) Require the installation of a new or modified septic tank, or alternative wastewater disposal system.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168. Thus, the same reasoning for why the October 2017 Final EA for Rule 1168 concluded that no geological and soils impacts would occur in also applies to PAR 1168. Further, since no construction activities would be needed to implement PAR 1168, the same reasoning for why no geological and soils impacts would occur as listed in items 1) through 4) also apply to the proposed project. Therefore, the previous conclusion of no impact to geology and soil reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Land Use and Planning

The October 2017 Final EA for Rule 1168 previously analyzed land use and planning impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no impacts to present or planned land uses in the region would occur because reformulation of adhesives and sealant to meet the VOC limits would occur within the boundary of existing manufacturing facilities and:

- 1) Physical division of an established community would not be expected, no construction activities would be needed and no new developments in undeveloped areas would occur.
- 2) There would be no conflict with any applicable land use plan, policy, or regulation due to the absence of an agency with jurisdiction over the Rule 1168.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the

effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~–3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA’s assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168. Thus, the same reasoning for why the October 2017 Final EA for Rule 1168 concluded that no land use and planning impacts would occur as listed in items 1) and 2) also applies to PAR 1168. Therefore, the previous conclusion of no impact to land use and planning reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Mineral Resources

The October 2017 Final EA for Rule 1168 previously analyzed mineral resources impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no impacts to mineral resources would occur because compliance with the October 2017 version of Rule 1168 would not result in the loss of availability of a known mineral resource of value to the region and the residents of the state such as gravel, asphalt, bauxite, gypsum, et cetera, or of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAC due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~–3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA’s assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168. Thus, the same reasoning for why the October 2017 Final EA for Rule 1168 concluded no impacts on the demand or use of important minerals, such as those described above, also applies to PAR 1168. Therefore, the previous conclusion of no impact to mineral resources reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Noise

The October 2017 Final EA for Rule 1168 previously analyzed noise impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no noise impacts would occur because the October 2017 version of Rule 1168 would:

- 1) Not alter the manufacturing, distribution, or application of adhesives and sealants in any substantial way that would alter existing noise profile at the manufacturing facilities;

- 2) Comply with noise standards that have been established by Occupational Safety and Health Administration (OSHA) and California-OSHA to protect worker health at distribution and retail locations;
- 3) Not expose persons to or generate excessive ground borne vibration or ground borne noise level since no construction activities are expected; and
- 4) Not cause an increase periodic or temporary ambient noise levels in the vicinity of affected manufacturing facilities since compliance would neither require construction-related activities nor change the existing activities currently performed by persons who utilize adhesives and sealants subject to Rule 1168.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~–3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA’s assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168 with no expected changes in manufacturing, distribution, application, and noise profile characteristics. Since PAR 1168 would not require physical modifications involving construction, no new periodic or temporary ambient noise levels increases in the vicinity of affected facilities, excessive ground borne vibration, and ground borne noise level would be expected. Thus, the same reasoning for why the October 2017 Final EA for Rule 1168 concluded no noise impacts would occur, such as those described above, also applies to PAR 1168. Therefore, the previous conclusion of no impact to noise reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Population and Housing

The October 2017 Final EA previously analyzed population and housing impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA concluded that no population and housing impacts would occur because:

- 1) No additional work was required since adhesive and sealant products would be reformulated using the same equipment that was previously used to manufacture those products.
- 2) No additional workers were expected to be needed to apply the reformulated products since the usage amount of the reformulated products would not be expected to substantially change.
- 3) The October 2017 version of Rule 1168 would not create any industry that would affect population growth, directly or indirectly induce the construction of housing units, or require the displacement of persons or housing elsewhere in the South Coast AQMD.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the

effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~–3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA’s assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168 with no expected changes in manufacturing, distribution, and application. Since PAR 1168 would not require physical modifications involving construction or new housing, the same reasoning for why no population and housing impacts would occur as listed in items 1) through 3) also applies to PAR 1168. Therefore, the previous conclusion of no impact to population and housing reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Recreation

The October 2017 Final EA for Rule 1168 previously analyzed recreation impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA concluded that no recreation impacts would occur because the reformulation of adhesive and sealant products would not:

- 1) directly or indirectly increase or redistribute population;
- 2) affect or increase the demand for or use of existing neighborhood and regional parks or other recreational facilities; and
- 3) require the construction of new or the expansion of existing recreational facilities that might have an adverse physical effect on the environment.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~–3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA’s assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168 with no expected changes in manufacturing, distribution, and application. Since PAR 1168 would not require physical modifications involving construction or new housing associated with population growth, additional recreation resources would also not be needed. Consistent with the previous conclusion in the October 2017 Final EA for Rule 1168, PAR 1168 would not result in any recreation impacts as summarized in items 1) through 3). Therefore, the previous conclusion of no impact to recreation reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Solid and Hazardous Waste

The October 2017 Final EA for Rule 1168 previously analyzed solid and hazardous waste impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric

ozone-depleting compounds. The October 2017 Final EA concluded that no solid and hazardous waste impacts would occur because:

- 1) Compliance with the October 2017 version of Rule 1168 would not change the disposal practices and would not increase the volume of solid or hazardous wastes that cannot be handled by existing municipal or hazardous waste disposal facilities or require additional waste disposal capacity.
- 2) Implementation of the October 2017 version of Rule 1168 was not expected to interfere with any affected distributors' or retailers' ability to comply with applicable local, state, or federal waste disposal regulations.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. Under PAR 1168, adhesives and sealants products are expected to be manufactured, formulated, used, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168 with no expected changes in manufacturing, distribution, and application. ~~PAR 1168 would include a three-year sell-through and a four-year use-through provision for products manufactured prior to the effective date of the t-BAc and pCBtF prohibition (effective January 1, 2024, except for Single Ply Roof Membrane Adhesives with an effective prohibition date of January 1, 2025).~~ The sell-through and use-through provisions in PAR 1168 will allow manufacturers and suppliers to deplete Regulated Products in the warehouse or on the shelf and allows users to use up any remaining product rather than disposing of them. The sell-through and use-through effective dates also accommodate the typical three-year shelf life of these Regulated Products. Of course, when there is unused material under the current version of Rule 1168, contractors and businesses using Regulated Products either dispose of waste material according to the specifications in the manufacturer's product data sheets or recycle the waste material. Under PAR 1168, the disposal practices and the total amount of materials (hazardous and non-hazardous) disposed of would not be expected to change. Therefore, implementation of PAR 1168 would not be expected to create a new need to dispose of unused materials that do not comply with PAR 1168 upon adoption. Consistent with the previous conclusion, the proposed project would not result in the impacts summarized in items 1) and 2) and the previous conclusion of no impact to solid and hazardous waste reached in the October 2017 Final EA will continue to apply to the proposed project.

Transportation and Traffic

The October 2017 Final EA for Rule 1168 previously analyzed transportation and traffic impacts associated with reformulating adhesive and sealant products by substituting certain chemicals with other chemicals that contain less VOCs, less or no toxics, and no stratospheric ozone-depleting compounds. The October 2017 Final EA for Rule 1168 concluded that no transportation and traffic impacts would occur because:

- 1) Reformulation of adhesive and sealant products would not change the delivery and circulation pattern of Regulated Products. Thus, transportation demands related to

- transporting substitute chemicals or new formulations of materials was not expected to increase.
- 2) No additional worker trips to distribution or retail facilities were expected.
 - 3) No changes in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, would be expected since product reformulation would occur within the existing manufacturing facilities and regulated/reformulated products were typically shipped via ground transportation.
 - 4) No new roadway hazards or incompatible roadway uses or alteration of the existing long-term circulation patterns due to no expected increases in transportation-related demands would be expected.
 - 5) No requirements specific to emergency access points to adversely affect existing emergency access plans were imposed.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. Under PAR 1168, adhesives and sealants are expected to be manufactured, formulated, and applied in a similar fashion as occurred with the October 2017 version of Rule 1168 with no expected changes in modes of transportation, delivery, recirculation, and distribution of adhesive and sealants. Consistent with the previous conclusion in the October 2017 Final EA for Rule 1168, PAR 1168 would not be expected to result in the impacts summarized in items 1) through 5). Therefore, the previous conclusion of no impact to transportation and traffic reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Wildfires and Tribal Cultural Resources

At the time the October 2017 Final EA for Rule 1168 was certified, the environmental checklist did not include tribal cultural resources and wildfires as environmental topic areas to be evaluated. However, in 2019, two new environmental topic areas, tribal cultural resources and wildfires, were added to the environmental checklist in the CEQA Guidelines. To make the analysis of environmental impacts consistent with these changes to the environmental checklist, Tables 4-4 and 4-5 provide the new environmental checklist questions for both of these additional topic areas and an analysis of whether the proposed project would be expected to contribute to impacts on tribal cultural resources and wildfires, respectively.

**Table 4-4
Evaluation of Wildfire Impacts**

<p>WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</p>	<p>ANALYSIS AND CONCLUSION</p>
<p>a) Substantially impair an adopted emergency response plan or emergency evacuation plan?</p>	<p>No Impact. Under PAR 1168, adhesives and sealants will continue to be formulated at the existing manufacturing facilities located in industrial zoned areas within and outside of South Coast AQMD’s jurisdiction and California. Manufacturing facilities are typically not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. In the October 2017 Final EA for Rule 1168, the response to question f) in Section VIII – Hazards and Hazardous Materials, poses the same question and the analysis concluded that the project analyzed in October 2017 Final EA for Rule 1168 would have no impact on any adopted emergency response plan or emergency evacuation plan. Because the previous conclusion of no impact to hazard and hazardous materials reached in the October 2017 Final EA for Rule 1168 will continue to apply to the proposed project, implementation of the proposed project would also not be expected to substantially impair an adopted emergency response plan or emergency evacuation plan.</p>
<p>b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</p>	<p>No Impact. Under PAR 1168, adhesives and sealants will continue to be formulated at the existing manufacturing facilities located in industrial zoned areas within and outside of South Coast AQMD’s jurisdiction and California. Manufacturing facilities are not typically located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The manufacturing facilities are typically located in existing industrial, commercial or mixed land use areas and are not located near wildlands. In the event of a wildfire, no exacerbation of wildfire risks, and no consequential exposure of the project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, or other factors would be expected to occur.</p>

**Table 4-4 (continued)
Evaluation of Wildfire Impacts**

WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	ANALYSIS AND CONCLUSION
<p>c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</p>	<p>No Impact. Under PAR 1168, adhesives and sealants will continue to be formulated at the existing manufacturing facilities located in industrial zoned areas within and outside of South Coast AQMD’s jurisdiction and California. Manufacturing facilities are not typically located in or near state responsibility areas or lands classified as very high fire hazard severity zones. As noted previously, PAR 1168 is not expected to require physical changes or modifications that would involve construction activities. Thus, PAR 1168 would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.</p>
<p>d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</p>	<p>No Impact. Under PAR 1168, adhesives and sealants will continue to be formulated at the existing manufacturing facilities located in industrial zoned areas within and outside of South Coast AQMD’s jurisdiction and California. Manufacturing facilities are not typically located in or near state responsibility areas or lands classified as very high fire hazard severity zones. In the October 2017 Final EA for Rule 1168, the response to question c) in Section VII – Geology and Soils, poses a similar question relative to landslides and the analysis concluded that the project analyzed in the October 2017 Final EA for Rule 1168 would have no impact. Also, the response to question f) in Section IX – Hydrology and Water Quality of the same document, poses a similar question relative to flooding and the analysis concluded that the project analyzed in October 2017 Final EA for Rule 1168 would have no impact. Because the previous conclusion of no impact to geology and soils and hydrology and water quality reached in the October 2017 Final EA for Rule 1168 will continue to apply to the proposed project, PAR 1168 would also not be expected to expose people or structures to new significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</p>

**Table 4-4 (concluded)
Evaluation of Wildfire Impacts**

<p>WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</p>	<p>ANALYSIS AND CONCLUSION</p>
<p>e) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires?</p>	<p>No Impact. Under PAR 1168, adhesives and sealants will continue to be formulated at the existing manufacturing facilities located in industrial zoned areas within and outside of South Coast AQMD’s jurisdiction and California. Manufacturing facilities are not typically located in or near state responsibility areas or lands classified as very high fire hazard severity zones. In the October 2017 Final EA for Rule 1168, the response to question g) in Section VIII – Hazards and Hazardous Materials, poses essentially the same question and the analysis concluded that the project analyzed in the October 2017 Final EA for Rule 1168 would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Thus, implementation of PAR 1168 would also not be expected to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildfires.</p>

Based on the analysis presented in Table 4-4, PAR 1168 would not be expected to have any impacts on wildfires.

**Table 4-5
Evaluation of Tribal Cultural Resources Impacts**

<p>Tribal Cultural Resources: Would the project:</p>	<p>ANALYSIS AND CONCLUSION</p>
<p>Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074, as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is either:</p> <ul style="list-style-type: none"> • Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)? • A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code §5024.1(c)? (In applying the criteria set forth in Public Resources Code §5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.) 	<p>No Impact. Under PAR 1168, adhesives and sealants will continue to be formulated at the existing manufacturing facilities located in industrial zoned areas within and outside of South Coast AQMD’s jurisdiction and California. The proposed project is not expected to require physical changes to a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe. However, as part of releasing the October 2017 Final EA for Rule 1168 for public review and comment, South Coast AQMD provided a formal notice to all California Native American Tribes (Tribes) that requested to be on the Native American Heritage Commission’s (NAHC) notification list per Public Resources Code Section 21080.3.1(b)(1). Furthermore, the proposed project is not expected to result in a physical change to a resource determined to be eligible for inclusion or listed in the California Register of Historical Resources or included in a local register of historical resources. Similarly, the proposed project is not expected to result in a physical change to a resource determined by the South Coast AQMD to be significant to any tribe. For these reasons, the proposed project is not expected to cause any substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.</p>

Based on the analysis presented in Table 4-5, PAR 1168 would not be expected to have any impacts on tribal cultural resources.

Environmental Topic Areas Previously Concluded In the October 2017 Final EA To Have Less Than Significant Impacts

The following environmental topic areas were previously analyzed in the October 2017 Final EA for Rule 1168 to have less than significant impacts: air quality and greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; and public services.

The following discussion independently considers the currently proposed project and analyzes the incremental changes, if any, relative to the baseline which is the project analyzed in the October 2017 Final EA for Rule 1168, in order to determine if the previous conclusions of less than significant impacts for the environmental topic areas of air quality and greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; and public services need to be changed.

Air Quality and Greenhouse Gas Emissions

The October 2017 Final EA for Rule 1168 previously concluded that air quality and greenhouse gas emissions impacts would be less than significant due to operational VOC emission reductions associated with reformulating adhesives and sealants with less VOC containing chemicals, less or no toxics, and no stratospheric ozone-depleting compounds. However, the analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAC due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns.

Sections 4.1 and 4.2 of this SEA analyzes the proposed project's air quality and GHG impacts and concludes significant operational air quality impacts since the daily delayed and permanent VOC emission reductions foregone would exceed the South Coast AQMD's daily VOC operational significance threshold with no feasible mitigation measures.

Hazards and Hazardous Materials

The October 2017 Final EA for Rule 1168 previously concluded less than significant hazards and hazardous materials impacts associated with reformulating adhesives and sealants with less VOC containing chemicals, less or no toxics, and no stratospheric ozone-depleting compounds. The analysis in the October 2017 Final EA for Rule 1168 concluded that there would be:

- 1) No significant hazard to the public or environment through the routine transport, use, and disposal of hazardous materials; no new significant hazard to the public or the environment through reasonably foreseeable upset conditions involving the release of hazardous materials into the environment; no new hazardous emissions, or new or increased handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school; or no significant increase in fire hazard in areas with flammable materials.
- 2) No change in how these facilities comply with their current hazardous waste handling practices for any adhesive and sealant manufacturing facilities are identified on lists of California Department of Toxic Substances Control hazardous waste facilities per

Government Code Section 65962.5. In fact, any facility that is subject to the requirements in Government Code Section 65962.5 would still be required need to comply with any regulations relating to that code section.

- 3) No new safety hazards would be expected to people working or residing in the vicinity of public/private airports.
- 4) No impairment of the implementation of or physically interference with an adopted emergency response plan or emergency evacuation plan.
- 5) No significant exposure to people or structures to risk of loss, injury or death involving wildland fires.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~–3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA’s assessment for toxicity concerns.

As previously discussed in Section 4.1, results of the survey and online SDSs search for adhesives and sealants indicated that pCBtF was primarily used in roofing products but that pCBtF-formulated products did not dominate the market (Table 4-3). Indeed, there is a wide variety of other products commercially available and currently in-use that do not contain pCBtF and t-BAc. Thus, based upon these considerations, PAR 1168 is not expected to drive reformulation of many categories of adhesives and sealants in order to meet the VOC limits. Further, the extensive and comprehensive regulatory requirements regarding flammable and otherwise hazardous materials will not be affected by PAR 1168 because manufacturers will mostly continue to handle and work with the same solvents, which include some hazardous or toxic materials that will continue to have potential hazard impacts. As with the October 2017 version of Rule 1168, PAR 1168 is not expected to increase or create any new hazardous emissions which would adversely affect existing or proposed schools. Instead, PAR 1168 could benefit the schools by decreasing people’s exposure to t-BAc and pCBtF as a result of their proposed prohibition. In addition, PAR 1168 would not change the regulatory requirements for manufacturing facilities that are identified on lists of California Department of Toxics Substances Control hazardous waste facilities per Government Code Section 65962.5. PAR 1168 also contains no requirements that would pertain to or alter any adopted emergency response plans or emergency evacuation plans that may be in place at facilities that manufacture or use the Regulated Products. Under PAR 1168, adhesives and sealants will continue to be formulated at the existing manufacturing facilities located in existing industrial, commercial or mixed land use areas within and outside of South Coast AQMD’s jurisdiction and California. These manufacturing facilities are not typically located in or near wildlands to expose people or structures to risk of loss, injury or death involving wildland fires. Finally, PAR 1168 would not change the existing requirements and permit conditions for the proper handling of flammable materials. Further, PAR 1168 does not contain any requirements that would prompt facility owners/operators to begin using new flammable materials. Thus, consistent with the previous conclusion in the October 2017 Final EA for Rule 1168 relative to hazards and hazardous materials, the proposed project would not result in the impacts

summarized in items 1) through 5). Therefore, the previous conclusion of less than significant hazards and hazardous materials impacts reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

Hydrology and Water Quality

The October 2017 Final EA for Rule 1168 previously analyzed the hydrology and water quality impacts associated with reformulating adhesives and sealants with less VOC containing chemicals, less or no toxics, and no stratospheric ozone-depleting compounds. The analysis in the October 2017 Final EA for Rule 1168 concluded that the October 2017 version of Rule 1168 would not violate any water quality standards, waste discharge requirements, exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or otherwise substantially degrade water quality. Further, implementation of the October 2017 version of Rule 1168 would also not be expected to result in a determination by the wastewater treatment provider which serves or may serve the manufacturers and users of the reformulated Regulated Products that there is not adequate existing capacity to serve any additional wastewater that may be generated from using water for cleaning up.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAc due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. PAR 1168 would not change the current product practices or alter the product formulations to be more detrimental to water quality. Further, the sell-through and use-through provision in the proposed project would not create a new need to dispose of unused materials. If not being used, contractors and businesses using products would either dispose of waste material according to the specifications in the manufacturer's product data sheets or recycle the waste material, such that unused materials are not disposed of via wastewater. While PAR 1168 would not specify or dictate the type of solvent for formulation, wastewater from cleaning up water-borne formulations could be disposed of into the public sewer system, in lieu of disposal as hazardous waste. However, PAR 1168 is not expected to cause significant adverse effects to water quality, wastewater treatment, or wastewater treatment capacity since such effects were not previously observed as a result of reformulating coatings with water-borne technology in response to other rules targeting reductions in VOC emissions from area sources such as Rule 1113 – Architectural Coatings, Rule 1107 – Coating of Metal Parts and Products, and Rule 1151– Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations. Therefore, the previous conclusion of less than significant impacts relating to water quality standards, waste discharge requirements, wastewater treatment and capacity reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

The analysis in the October 2017 Final EA also concluded less than significant impacts to ground water and water supplies because:

- 1) Unless being treated properly, the quality of groundwater is not suitable for usage in the manufacturing of Regulated Products and manufacturers typically use potable water for water-borne formulations of Regulated Products.

- 2) The CEQA evaluations for previous amendments to other VOC-based rules (e.g., Rules 1107, 1113, and 1151) concluded no significant impacts to water and groundwater supplies as a result of reformulation with waterborne technologies.

The same reasoning for why no significant impacts relating to water and groundwater supplies would occur as listed in items 1) and 2) also apply to PAR 1168. Therefore, similar to the October 2017 version of Rule 1168, PAR 1168 is not expected to substantially deplete groundwater or water supplies and substantially interfere with groundwater recharge.

Finally, the October 2017 Final EA for Rule 1168 concluded that the October 2017 version of Rule 1168 would not:

- 1) Substantially alter the existing drainage pattern of the site or area where reformulated Regulated Products manufactured or used, including through alteration of the course of a stream or river;
- 2) Substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion or siltation on- or off-site or flooding on- or off-site;
- 3) Create new or contribute to existing runoff water which would exceed the capacity of existing or planned storm water drainage systems;
- 4) Place housing or other structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- 5) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow; and
- 6) Result in the construction of new water or wastewater treatment facilities or new storm water drainage facilities, or the expansion of existing facilities.

Under PAR 1168, adhesives and sealants will continue to be manufactured at existing facilities whose process lines operate within enclosed buildings. Similarly, new or revised formulations of adhesives and sealants are expected to be applied and used in the same manner as the adhesives and sealants currently subject to the requirements in the October 2017 version of Rule 1168. Further, unused Regulated Products will be recycled or properly disposed according to the specifications in the manufacturer's product safety data sheets and according to local and state requirements for proper handling and disposal. Therefore, the same reasoning for why no impacts relating to drainage patterns of the area, run off water, exposing people and structures to flooding hazards, and constructing new water or wastewater treatments would occur as listed in items 1) through 6) also apply to PAR 1168.

Public Services

The October 2017 Final EA for Rule 1168 previously analyzed public services impacts associated with reformulating adhesives and sealants with less VOC containing chemicals, less or no toxics, and no stratospheric ozone-depleting compounds and concluded that less than significant impacts would occur because:

- 1) Implementation of the October 2017 version of Rule 1168 might result in an accidental or emergency release of hazardous or flammable materials that are being used during

- the reformulation process. While unpredictable and with a low probability of occurring, it would require the assistance of public services personnel.
- 2) Police and fire department personnel may be needed since they are typically first responders to emergency situations and may assist local hazmat teams with containing hazardous materials, putting out fires, and controlling crowds to reduce public exposure to releases of hazardous materials in the event of a spill. However, no substantial increases in police attendance are anticipated due to the low probability of such incidences.

The analysis in this SEA focuses on the following key components of PAR 1168 which proposes to: 1) prohibit the use of pCBtF and t-BAC due to toxicity concerns; 2) delay the effective dates of VOC emission limits or maintain the existing VOC emission limits for certain categories of adhesives and sealants; ~~and~~ 3) create additional subcategories of Regulated Products to better characterize and refine VOC emission limits; and 4) allow Opteon 1100 as a VOC exempt compound for Two-Component Foam Sealants used in an industrial or professional setting contingent upon OEHHA's assessment for toxicity concerns. Under PAR 1168, adhesive and sealant products are expected to be manufactured within the boundary of existing manufacturing facilities with the same equipment. The same reasoning for why less than significant public service impacts relating to fire and police protection services would occur as listed in items 1) and 2) also apply to the proposed project.

The analysis in the October 2017 Final EA for Rule 1168 also concluded no impacts to public services from schools and other facilities because reformulation of adhesive and sealant products would not cause an increase in the local population such that:

- 1) additional personnel at local schools would not be needed; and
- 2) no new or physically altered government facilities would be needed in order to maintain acceptable service ratios, response times, or other performance objectives.

Since no increase in local population would be anticipated as a result of implementing PAR 1168, the same reasoning for why no public service impacts relating to schools and other facilities would occur as listed in items 1) and 2) also apply to the proposed project. Therefore, the previous conclusion of less than significant public services impacts relating to fire and police protection services and the no impacts conclusion relating to schools and other facilities reached in the October 2017 Final EA for Rule 1168 will continue to apply to PAR 1168.

4.4 POTENTIAL GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126(d) requires an environmental analysis to consider the "growth-inducing impact of the proposed action." CEQA defines growth-inducing impacts as those impacts of a proposed project that "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects, which would remove obstacles to population growth." [CEQA Guidelines Section 15126.2(d)].

To address this issue, potential growth-inducing effects are examined through the following considerations:

- Facilitation of economic effects that could result in other activities that could significantly affect the environment;
- Expansion requirements for one or more public services to maintain desired levels of service as a result of the proposed project;
- Removal of obstacles to growth through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development;
- Adding development or encroachment into open space; and/or
- Setting a precedent that could encourage and facilitate other activities that could significantly affect the environment.

4.4.1 Economic and Population Growth, and Related Public Services

A project would be considered to directly induce growth if it would directly foster economic or population growth or the construction of new housing in the surrounding environment (e.g., if it would remove an obstacle to growth by expanding existing infrastructure such as new roads or wastewater treatment plants).

The project evaluated in the October 2017 Final EA was concluded to not remove barriers to population growth, since implementation of the October 2017 version of Rule 1168 involved no changes to a General Plan, zoning ordinance, or a related land use policy.

The proposed project evaluated in this SEA contains incremental changes to the project previously evaluated in the October 2017 Final EA. The proposed project would also not be expected to remove barriers to population growth, since implementation of the proposed project does not involve any changes to a General Plan, zoning ordinance, or a related land use policy.

Further, the proposed project, as with the project evaluated in the October 2017 Final EA, does not include policies that would encourage the development of new housing or population-generating uses or infrastructure that would directly encourage such uses. The proposed project, as with the project evaluated in the October 2017 Final EA, does not change jurisdictional authority or responsibility concerning land use or property issues. Land use authority falls solely under the purview of the local governments. The South Coast AQMD is specifically excluded from infringing on existing city or county land use authority (Health and Safety Code Section 40414). Therefore, PAR 1168 would not directly trigger new residential development in the area.

PAR 1168 would not directly or indirectly stimulate substantial population growth, remove obstacles to population growth, or necessitate the construction of new community facilities that would lead to additional growth within South Coast AQMD's jurisdiction. Due to no expected construction activities, PAR 1168 would not require relocation of any workers. Further, PAR 1168 would not be expected to result in an increase in local population, housing, or associated public services (e.g., fire, police, schools, recreation, and library facilities) since no increase in population or the number of workers is expected. Likewise, PAR 1168 would not create new demand for secondary services, including regional or specialty retail, restaurant or food delivery, recreation, or entertainment uses. As such, the proposed project would not foster economic or population growth in the surrounding area in a manner that would be growth-inducing.

Thus, implementing PAR 1168 will not, by itself, have any direct or indirect growth-inducing impacts on businesses in the South Coast AQMD's jurisdiction because it is not expected to foster economic or population growth or the construction of additional housing and primarily affects existing facilities.

4.4.2 Removal of Obstacles to Growth

The facilities which manufacture adhesives and sealants that will be regulated by PAR 1168 are already established entities located within and outside of South Coast AQMD's jurisdiction and outside of California. Under PAR 1168, adhesives and sealants are expected to be manufactured, reformulated (as applicable), used, and applied in a similar fashion as adhesives and sealants subject to the October 2017 version of Rule 1168. Further, PAR 1168 will not cause any substantial changes in transportation type, delivery, recirculation, and distribution of adhesive and sealants. Therefore, PAR 1168 would not employ activities or uses that would result in growth inducement, such as the development of new infrastructure (e.g., new roadway access or utilities) that would directly or indirectly cause the growth of new populations, communities, or currently undeveloped areas. Likewise, PAR 1168 would not require or result in an expansion of existing public service facilities (e.g., police, fire, libraries, and schools) or the development of public service facilities that do not already exist.

4.4.3 Development or Encroachments into Open Space

Development can be considered growth-inducing when it is not contiguous to existing urban development and introduces development into open space areas. PAR 1168 applies to all adhesive and sealants manufactured, supplied, distributed, sold and used within South Coast AQMD's jurisdiction but does not contain any requirements that would trigger new land use developments. Moreover, as discussed in Section 4.1.1, PAR 1168 is not expected to require physical changes or modifications that would involve construction activities. Therefore, PAR 1168 would not require or result in development within or encroachment into an open space area.

4.4.4 Precedent Setting Action

Rule 1168 was adopted in April 1989 to reduce VOC emissions from adhesive applications. The rule has been amended 14 times with the last amendment in October 2017. The purpose of the October 2017 amendments to Rule 1168 was to reduce emissions of VOCs by 1.38 tpd, as well as reduce toxic air contaminants, and stratospheric ozone-depleting compounds from adhesives, adhesive primers, sealants, and sealant primers. The October 2017 amendments to Rule 1168 also included a commitment to conduct a technology assessment for top and trim adhesives, roofing products, plastic welding cements, and foam sealants to determine if products for nine adhesive and sealant categories were available that could achieve the VOC limits by January 1, 2023. The technology assessment concluded that some of these product categories either needed more time beyond January 1, 2023 to meet the VOC limits or that achieving the lower VOC limits would not be technically feasible. Thus, PAR 1168 proposes to adjust VOC limits and allow additional time for certain products to be reformulated. In addition, PAR 1168 proposes to prohibit t-BAC and pCBtF due to their toxicity concerns. By prohibiting t-BAC and pCBtF as strong carcinogens, PAR 1168 will set a precedent for future rule making activities aiming to reduce VOCs and toxic compounds. However, it is unlikely that the precedent set by prohibiting these carcinogenic compounds would cause other significant environmental effects, because the prohibition on t-BAC and pCBtF is intended to promote public health – a benefit with no significant impacts.

4.4.5 Conclusion

PAR 1168 is not expected to foster economic or population growth or result in the need to construct additional housing or other infrastructure, either directly or indirectly, that would further encourage growth. PAR 1168 would also not result in an increase in production of resources or cause a progression of growth that could significantly affect the environment either individually or cumulatively.

4.5 RELATIONSHIP BETWEEN SHORT-TERM AND LONG-TERM ENVIRONMENTAL GOALS

CEQA documents are required to explain and make findings about the relationship between short-term uses and long-term productivity. [CEQA Guidelines Section 15065(a)(2)]. An important consideration when analyzing the effects of a proposed project is whether it will result in short-term environmental benefits to the detriment of achieving long-term goals or maximizing productivity of these resources. Implementing the proposed project is not expected to achieve short-term goals at the expense of long-term environmental productivity or goal achievement. The purpose and long-term environmental goals of Rule 1168 is to reduce emissions of VOCs, toxic air contaminants, and stratospheric ozone-depleting compounds from the application of adhesives, adhesive primers, sealants, and sealant primers because formulations of these products contain compounds that are primarily comprised of VOCs but can also contain toxics and stratospheric ozone-depleting compounds.

PAR 1168 contains a proposal to permanently prohibit the use of pCBtF and t-BAc due to toxicity concerns, and this portion of PAR 1168 directly supports the long-term goal of reducing toxic air contaminants which will result in a long-term environmental benefit. However, due to technological issues with the inability to achieve the VOC limits and effective dates in the October 2017 version of Rule 1168 for of certain adhesives and sealants, the short-term goal of PAR 1168 is to revert to the higher VOC limits that were in place prior to the October 2017 amendments to Rule 1168 and to extend the effective dates for certain categories of adhesives and sealants to allow manufacturers additional time to develop products with fewer VOCs, which will eventually lead to achieving VOC emission reductions for these categories of adhesives and sealants over the long-term. PAR 1168 will result in delayed VOC emission reductions foregone of 0.42 ~~0.12~~ tpd over the short-term and permanent VOC emission reductions foregone of 0.28 tpd over the long-term and these delayed and permanent emission reductions foregone were concluded to have significant and unavoidable operational air quality impacts. It is important to note that the majority of the VOC limits in PAR 1168 will remain unchanged such that the long-term goal of reducing VOCs from adhesives and sealants will prevail.

Of the potential environmental impacts discussed in Chapter 4, only those related to operational air quality are considered significant.

CHAPTER 5

ALTERNATIVES

Introduction

Methodology for Developing Project Alternatives

Description of Alternatives to the Proposed Project

Alternatives Analysis

Comparison of Alternatives to the Proposed Project

Alternatives Rejected as Infeasible

Lowest Toxic and Environmentally Superior Alternative

Conclusion

5.0 INTRODUCTION

This SEA provides a discussion of alternatives to the proposed project as required by CEQA. The alternatives discussion includes measures for attaining the objectives of the proposed project and provide a means for evaluating the comparative merits of each alternative. A ‘no project’ alternative must also be evaluated. The range of alternatives must be sufficient to permit a reasoned choice but need not include every conceivable project alternative. CEQA Guidelines Section 15126.6(c) specifically notes that the range of alternatives required in a CEQA document is governed by a ‘rule of reason’ and only necessitates that the CEQA document set forth those alternatives necessary to permit a reasoned choice. The key issue is whether the selection and discussion of alternatives fosters informed decision making and public participation. A CEQA document need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. In addition, South Coast AQMD’s certified regulatory program pursuant to Public Resources Code Section 21080.5, CEQA Guidelines Section 15125(l), and South Coast AQMD Rule 110 does not impose any greater requirements for a discussion of project alternatives in a SEA than is required for an EIR under CEQA.

5.1 METHODOLOGY FOR DEVELOPING PROJECT ALTERNATIVES

The alternatives typically included in CEQA documents for proposed South Coast AQMD rules, regulations, or plans are developed by breaking down the project into distinct components (e.g., emission limits, compliance dates, applicability, exemptions, pollutant control strategies, etc.) and varying the specifics of one or more of the components. Different compliance approaches that generally achieve the objectives of the project may also be considered as project alternatives. CEQA Guidelines Section 15126.6(b) states that the purpose of alternatives is to identify ways to mitigate or avoid significant effects that a project may have on the environment.

The initial analysis of the proposed project determined that, of the amendments proposed, only the components in PAR 1168 that pertain to the proposed revisions to the VOC limits for certain categories of adhesives and sealants, and the delayed effective dates could have potentially significant adverse air quality impacts during operation. As such, alternatives to the proposed project were crafted by varying the VOC limits and/or varying the corresponding effective dates for certain categories of adhesives and sealants.

5.2 DESCRIPTION OF ALTERNATIVES TO THE PROPOSED PROJECT

Four alternatives to the proposed project are summarized in Table 5-1: Alternative A – No Project, Alternative B – More Stringent Proposed Project, Alternative C – Less Stringent Proposed Project, and Alternative D – Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168. The primary components of the proposed alternatives which have been modified are effective dates and the manner in which compliance with the VOC emission limits in PAR 1168 or in current version of Rule 1168 may be achieved. Unless otherwise specifically noted, all other components of the project alternatives are identical to the components of the proposed project.

The following subsections provide a brief description of the alternatives.

5.2.1 Alternative A – No Project

CEQA requires the specific alternative of “No Project” to be evaluated. A No Project Alternative consists of what would occur if the proposed project (PAR 1168) was not approved; in this case, not proposing amendments to Rule 1168. Alternative A, the no project alternative, means that the October 2017 version of Rule 1168 would remain in effect. Under Alternative A, adhesives, sealants, sealant primers and adhesive primers would have to comply with the VOC emission limits in the October 2017 version of Rule 1168. Moreover, under Alternative A, t-BAC and pCBtF would continue to be classified as VOC-exempt solvents and as such, could continue to be used in formulating adhesives and sealants that would be subject to the October 2017 version of Rule 1168.

5.2.2 Alternative B – More Stringent Proposed Project

There are some elements in PAR 1168 that could be adjusted to create a more stringent proposed project. To be more stringent would be to impose more requirements, reduce the emission standards to be achieved, or provide less flexibility or relief to those subject to PAR 1168. Under Alternative B, more stringent means the required effective date to meet the proposed VOC limits would need to occur six months earlier than the proposed project for the categories of One-Component Foam Sealant and Higher Viscosity CPVC Welding Cement while the effective date to meet the proposed VOC limit for Top and Trim Adhesive, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive would need to occur 12 months earlier than PAR 1168 ~~by January 1, 2027~~.

5.2.3 Alternative C – Less Stringent Proposed Project

By contrast to Alternative B, there are a number of elements in PAR 1168 that could be adjusted to create a less stringent proposed project. To be less stringent would be to impose fewer requirements, increase the VOC emission limits to be achieved, or provide more flexibility or relief to the adhesives and sealants subject to PAR 1168. Under Alternative C, the categories of Top and Trim Adhesive, One-Component Foam Sealant, ~~High Pressure Two-Component Foam Sealant, Low Pressure Two-Component Foam Sealant,~~ and Higher Viscosity CPVC Welding Cement, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive would have an additional 12 months to meet the proposed VOC limits in PAR 1168.

5.2.4 Alternative D – Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168

PAR 1168 would allow higher VOC limits for certain categories of adhesives and sealants which have been identified as unable to meet the VOC limits in the October 2017 version of Rule 1168 by the effective date of January 1, 2023. Unlike the proposed project, Alternative D would require the following categories of adhesives and sealants to meet the VOC limits in the October 2017 version of Rule 1168: One-Component Foam Sealant, ~~High Pressure Two-Component Foam Sealant, Low Pressure Two-Component Foam Sealant,~~ Single Ply Roof Membrane Adhesive (including both subcategories with and without EPDM/TPO), All Other Roof Sealants, All Other Roof Adhesives, and CPVC Welding Cement for Life Safety

Systems. In addition, under Alternative D, the effective date would be postponed by seven years from January 1, 2023 to January 1, 2030, providing industries with sufficient additional time to meet the VOC limits.

5.3 ALTERNATIVES ANALYSIS

Each key component of PAR 1168 has been identified to only affect operational air quality. As such, for this alternatives analysis, the key components with the potential to create operational air quality impacts are evaluated for each alternative and compared to the effects of PAR 1168. Therefore, the following section describes the potential operational air quality impacts that may occur for each alternative and identifies which of the key components may have significant or less than significant impacts, as applicable. Potentially significant adverse operational air quality impacts are quantified where sufficient data are available. A comparison of the environmental impacts for each project alternative is provided in Table 5-2. The following subsections also re-summarize impacts and significance conclusions from the proposed project before discussing each alternative.

5.3.1 Air Quality and Greenhouse Gas Emissions

5.3.1.1 Proposed Project

Potential direct and indirect air quality and GHG emissions impacts from the proposed project are summarized in the following subsection. For the complete analysis, refer to Section 4.1 - Air Quality and Greenhouse Gas Emissions.

As explained previously, PAR 1168 is not expected to require physical changes or modifications that would involve construction activities. Furthermore, the types of chemicals that are used for manufacturing adhesives and sealants subject to Rule 1168 are not known to contain any GHG compounds and any future reformulations with GHG compounds as a result of implementing PAR 1168 would not be expected. Therefore, PAR 1168 would neither generate significant adverse construction air quality impact nor generate GHG impacts during construction or operation.

PAR 1168 proposes to delay the effective dates or revise the VOC limits for certain categories of Regulated Products and these proposed changes are considered operational activities which are expected to generate significant air quality impacts. Implementation of PAR 1168 is expected to result in 0.41 ~~0.11~~ tpd of delayed VOC emission reductions from the categories of Top and Trim Adhesive, ~~and~~ Higher Viscosity CPVC Welding Cement, Clear, Paintable, Immediately Water-Resistant Sealant, and Rubber Vulcanization Adhesive from extending the effective date to meet the applicable VOC limits from the October 2017 version of Rule 1168. An additional 0.01 tpd of delayed VOC emission reductions are expected from delaying the effective date to comply with the proposed VOC limit (18 percent VOC by weight) for One-Component Foam Sealant -for six months. In total, PAR 1168 is expected to result in 0.42 ~~0.12~~ tpd of delayed VOC emission reductions foregone.

PAR 1168 is also expected to result in 0.28 tpd of permanent VOC emission reductions foregone from allowing higher VOC limits for the following categories of adhesives and

sealants: One-Component Foam Sealant, CPVC Welding Cement for Life Safety Systems, All Other Roof Adhesives, Single Ply Roof Membrane Adhesive (including both subcategories with and without EPDM/TPO), and All Other Roof Sealants.

5.3.1.2 Alternative A – No Project

Under Alternative A, manufacturers would be allowed to continue to formulate adhesives and sealants for sale and use within South Coast AQMD's jurisdiction that meet the VOC limits established in the October 2017 version of Rule 1168. Compliance with these VOC limits was projected to result in approximately 1.38 tpd of VOC emission reductions. However, manufacturers of certain adhesives and sealants have indicated that they need more time to develop compliant products or cannot meet the applicable VOC limits by the January 1, 2023 effective date due to technological limitations, creating potential compliance issues, and likely resulting in the originally projected VOC emission reductions not being fully achieved.

Moreover, under Alternative A, t-BAC and pCBtF would continue to be classified as VOC-exempt solvents and as such, could continue to be used in formulating adhesives and sealants that would be subject to the October 2017 version of Rule 1168 and manufacturers would have the opportunity in the future to develop additional products formulated with these toxic compounds. Thus, under Alternative A, the potential for new formulations of adhesives and sealants containing t-BAC and pCBtF could increase the existing toxicity impacts and associated health risks compared to PAR 1168, which would eliminate the existing and future toxicity impacts through the prohibition of products formulation with t-BAC and pCBtF.

5.3.1.3 Alternative B – More Stringent Proposed Project

PAR 1168 proposes revisions to the VOC limits and corresponding effective dates for certain categories of adhesives and sealants which are based on the recommendations from the technology assessment that was conducted and Alternative B proposes the same VOC limits but with earlier effective dates for the following categories of adhesives and sealants: Top and Trim Adhesive (by January 1, 2027 instead of January 1, 2028), One-Component Foam Sealant (by January 1, 2023 instead of July 1, 2023), ~~and~~ Higher Viscosity CPVC Welding Cement (January 1, 2024 instead of July 1, 2024), Clear, Paintable, Immediately Water-Resistant Sealant (January 1, 2025 instead of January 1, 2026), and Rubber Vulcanization Adhesive (by January 1, 2027 instead of January 1, 2028). –When compared to PAR 1168, Alternative B may be infeasible at worst or difficult to achieve at best due to technological limitations and time constraints associated with developing and testing new formulations prior to making them commercially available for use.

Alternative B would result in 0.42 ~~0.42~~ tpd VOC of delayed emission reductions foregone, but the delay would be for a shorter period of time (i.e., six to 12 months less) when compared to PAR 1168. Alternative B, however, would result in the same amount of permanent VOC emission reductions foregone (0.28 tpd) as PAR 1168. Thus, Alternative B would result in significant operational air quality impacts.

Since the analysis concluded that there would be no significant impacts on construction air quality and construction/operation GHG emissions for PAR 1168, and since Alternative B is

only focused on imposing more stringent compliance dates than what would occur under PAR 1168, Alternative B would also be expected to have no significant impacts on construction air quality and construction/operation GHG emissions.

5.3.1.4 Alternative C – Less Stringent Proposed Project

Alternative C adjusts some elements in PAR 1168 to create a less stringent proposed project by further delaying the potential to achieve VOC emission reductions to the fullest extent possible. Specifically, Alternative C proposes delayed effective dates by one year for the following categories of adhesives and sealants: Top and Trim Adhesive (by January 1, 2029 instead of January 1, 2028), One-Component Foam Sealant (by July 1, 2024 instead of July 1, 2023), ~~High Pressure Two-Component Foam Sealant (by January 1, 2024 instead of January 1, 2023), Low Pressure Two-Component Foam Sealant (by January 1, 2024 instead of January 1, 2023) and~~ Higher Viscosity CPVC Welding Cement (by July 1, 2025 instead of July 1, 2024), Clear, Paintable, Immediately Water-Resistant Sealant (by January 1, 2027 instead of January 1, 2026), and Rubber Vulcanization Adhesive (by January 1, 2029 instead of January 1, 2028) to comply with the same proposed VOC limits as in PAR 1168. Alternative C would result in 0.42 ~~0.42~~-tpd of delayed VOC emission reductions foregone, the same as PAR 1168, but the delay would occur over a longer period of time (e.g., twelve months longer) when compared to the proposed project. Alternative C, however, would result in the same amount of permanent foregone VOC emission reductions (0.28 tpd) as PAR 1168. Thus, Alternative C would result in significant operational air quality impacts.

Since the analysis concluded that there would be no significant impacts on construction air quality and construction/operation GHG emissions for PAR 1168, and since Alternative C is only focused on imposing less stringent compliance dates than what would occur under PAR 1168, Alternative C would also be expected to have no significant impacts on construction air quality and construction/operation GHG emissions.

5.3.1.5 Alternative D – Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168

Alternative D proposes that the following categories of adhesives and solvents would meet the VOC limits in the October 2017 version of Rule 1168, but with an effective date of January 1, 2030 instead of January 1, 2023: One-Component Foam Sealant, ~~High Pressure Two-Component Foam Sealant, Low Pressure Two-Component Foam Sealant,~~ Single Ply Roof Membrane Adhesive (including both subcategories with and without EPDM/TPO), All Other Roof Sealants, All Other Roof Adhesives, and CPVC Welding Cement for Life Safety Systems. Unlike PAR 1168, Alternative D would only result in delayed VOC emission reductions foregone of 0.70 ~~0.40~~-tpd, without resulting in any permanent VOC emission reductions foregone because manufacturers will have an additional seven years to develop and formulate adhesives and sealants for the aforementioned categories that will be capable of meeting the VOC limits from the October 2017 version of Rule 1168. Thus, Alternative D would result in significant operational air quality impacts.

Since the analysis concluded that there would be no significant impacts on construction air quality and construction/operation GHG emissions for PAR 1168, and since Alternative D is

only focused on imposing less stringent compliance dates than what would occur under PAR 1168, Alternative D would also be expected to have no significant impacts on construction air quality and construction/operation GHG emissions.

5.4 COMPARISON OF ALTERNATIVES TO THE PROPOSED PROJECT

Pursuant to CEQA Guidelines Section 15126.6(d), a CEQA document “shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.” Accordingly, Table 5-1 provides a matrix displaying the major differences in characteristics between the proposed project and each alternative, and Table 5-2 compares the environmental impacts between the proposed project and each alternative.

**Table 5-1
Summary of the Proposed Project (PAR 1168) and Alternatives**

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
Top and Trim Adhesive	No change to existing 250 g/L limit but extend effective date to 1/1/2028	250 g/L by 1/1/2023	250 g/L by 1/1/2027	250 g/L by 1/1/2029	Same as Proposed Project
One-Component Foam Sealant (new subcategory)	18% VOC by weight, and extend effective date to 7/1/2023	50 g/L by 1/1/2023 (for general category of Foam Sealant in the October 2017 version of Rule 1168)	18% VOC by weight by 1/1/2023	18% VOC by weight by 7/1/2024	50 g/L by 1/1/2030
High-Pressure Two-Component Foam Sealant (new subcategory)	5% VOC by weight by 1/1/2023	50 g/L by 1/1/2023 (for general category of Foam Sealant in the October 2017 version of Rule 1168)	Same as Proposed Project	5% VOC by weight by 1/1/2024	50 g/L by 1/1/2030
Low-Pressure Two-Component Foam Sealant (new subcategory)	5% VOC by weight by 1/1/2023		Same as Proposed Project	5% VOC by weight by 1/1/2024	
Single Ply Roof Membrane Adhesive (including new subcategories of with and without EPDM/TPO)	250 g/L, effective upon adoption	200 g/L by 1/1/2023	Same as Proposed Project	Same as Proposed Project	200 g/L by 1/1/2030
All Other Roof Sealants	300 g/L, effective upon adoption	250 g/L by 1/1/2023	Same as Proposed Project	Same as Proposed Project	250 g/L by 1/1/2030
All Other Roof Adhesives	250 g/L limit, effective upon adoption	200 g/L by 1/1/2023	Same as Proposed Project	Same as Proposed Project	200 g/L by 1/1/2030

Table 5-1 (continued)
Summary of the Proposed Project (PAR 1168) and Alternatives

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
CPVC Welding Cement for Life Safety Systems (new subcategory)	490 g/L, effective upon adoption	400 g/L by 1/1/2023 (for general category of CPVC Welding Cement in the October 2017 version of Rule 1168)	Same as Proposed Project	Same as Proposed Project	400 g/L by 1/1/2030
Higher Viscosity CPVC Welding Cement (new subcategory)	No change to existing 400 g/L limit but extend effective date to 7/1/2024	400 g/L by 1/1/2023 (for general category of CPVC Welding Cement in the October 2017 version of Rule 1168)	400 g/L limit by 1/1/2024	400 g/L limit by 7/1/2025	Same as Proposed Project
<u>Clear, Paintable, Immediately Water-Resistant Sealant</u>	<u>No change to existing 250 g/L limit but extend effective date to 1/1/2026</u>	<u>250 g/L by 1/1/2023</u>	<u>250 g/L by 1/1/2025</u>	<u>250 g/L by 1/1/2027</u>	<u>Same as Proposed Project</u>
<u>Rubber Vulcanization Adhesive</u>	<u>No change to existing 250 g/L limit but extend effective date to 1/1/2028</u>	<u>250 g/L by 1/1/2023</u>	<u>250 g/L by 1/1/2027</u>	<u>250 g/L by 1/1/2029</u>	<u>Same as Proposed Project</u>

Table 5-1 (continued)
Summary of the Proposed Project (PAR 1168) and Alternatives

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Prohibition of Sales and Use</p>	<p>No use, supply, sell, or offer for sale of <u>Regulated Products that contain more than 0.01% by weight of the following:</u> chloroform, ethylene dichloride, methylene chloride, perchloroethylene, and trichloroethylene, or and all Group II exempt compounds solvents except volatile methyl siloxanes (VMS)</p> <p>Prohibit the use of t-BAC and pCBtF in manufacturing <u>Regulated Products</u> on and after 1/1/2024 (except for:</p> <ul style="list-style-type: none"> - <u>Single Ply Roof Membrane Adhesive (except EPDM/TPO), Single Ply Roof Membrane Sealants (Except Cut Edge), All Other Roof Sealants, and Roof Sealant Primer with a manufacturing prohibition effective date on and after of 1/1/2025</u> - <u>Clear, Paintable, and Immediately Water Resistant Sealant with a prohibition date of 1/1/2026</u> - <u>Roof Adhesive Primer, Cut Edge Single Ply Roof Membrane Sealant, and EPDM/TPO Single Ply Roof Membrane Adhesive with a prohibition effective date of 1/1/2027</u> 	<p>No use, supply, sell, or offer for sale of Group II exempt compounds</p> <p>No prohibition on manufacture, supply, use, sell, or offer for sale of t-BAC and pCBtF</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>

**Table 5-1 (concluded)
Summary of the Proposed Project (PAR 1168) and Alternatives**

Categories with Proposed Changes	Proposed Project (PAR 1168)	Alternative A: No Project*	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Prohibition of Sales and Use (concluded)</p>	<p><u>Prohibit the use of t-BAC in manufacturing Regulated Products on and after 1/1/2024</u></p> <p><u>Prohibit supply, sell, or offer for sale of Regulated Products containing pCBtF on and after:</u></p> <ul style="list-style-type: none"> - <u>1/1/2028 for Clear, Paintable, and Immediately Water-Resistant Sealant, Single Ply Roof Membrane Adhesive (Except EPDM/TPO), Single Ply Roof Membrane Sealant (Except Cut Edge), EPDM/TPO Single Ply Roof Membrane Adhesive, Cut Edge Single Ply Roof Membrane Sealant, Roof Adhesive Primer, Roof Sealant Primer, and All other Roof Sealant</u> - <u>1/1/2027 for all Regulated Products not listed above.</u> <p><u>Prohibit supply, sell, or offer for sale of Regulated Products containing t-BAC and pCBtF three years after manufacturing prohibition effective date on and after 1/1/2027 for all Regulated Products.</u></p> <p><u>Prohibit use of Regulated Products containing t-BAC and pCBtF on and after 1/1/2028 for all Regulated Products four years after manufacturing prohibition effective date</u></p>	<p>No use, supply, sell, or offer for sale of Group II exempt compounds</p> <p>No prohibition on manufacture, supply, use, sell, or offer for sale of t-BAC and pCBtF</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>	<p>Same as Proposed Project</p>

*The No Project alternative means retaining the VOC limits and effective dates as established in the October 2017 version of Rule 1168.

**Table 5-2
Comparison of Adverse Environmental Impacts of the Proposed Project (PAR 1168) and Alternatives**

Air Quality & GHGs Impact Areas	Proposed Project (PAR 1168)	Alternative A: No Project	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
Construction	No Significant Impacts because no physical modifications involving construction required	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project
GHGs	No Significant Impacts because chemicals used for reformulating compliant products do not contain any GHG compounds, <u>except for Two-Component Foam Sealants which use foam blowing agents that contain HFOs, which are GHGs with a low GWP. Under PAR 1168, Opteon 1100 may be used as a replacement (contingent upon OEHHA’s assessment for toxicity concerns) but it also uses a foam blowing agent with a low GWP.</u>	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project	No Significant Impacts Same as Proposed Project

Table 5-2 (continued)
Comparison of Adverse Environmental Impacts of the Proposed Project (PAR 1168) and Alternatives

Air Quality & GHGs Impact Areas	Proposed Project (PAR 1168)	Alternative A: No Project	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Operation – VOC Emissions</p>	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Delayed VOC emission reductions of <u>0.42 0.12</u> tpd from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2028 b) One-Component Foam Sealant - 0.01 tpd until 7/1/2023 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 7/1/2024 d) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 tpd until 1/1/2026</u> e) <u>Rubber Vulcanization Adhesive - 0.29 tpd until 1/1/2028</u> 2) Permanent VOC emission reductions foregone of 0.28 tpd from: <ol style="list-style-type: none"> a) One-Component Foam Sealant - 0.12 tpd b) CPVC Welding Cement for Life Safety Systems - 0.01 tpd c) All Other Roof Adhesives - 0.03 tpd d) Single Ply Roof Membrane Adhesive (<u>including both subcategories of with and without EPDM/TPO</u>) – 0.07 tpd e) All Other Roof Sealants - 0.05 tpd 	<p>No Significant VOC Impacts due to 1.38 tpd VOC permanent emission reductions</p>	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Same delayed VOC emission reductions of <u>0.42 0.12</u> tpd but over a shorter period from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2027 b) One-Component Foam Sealant - 0.01 tpd until 1/1/2023 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 1/1/2024 d) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 tpd until 1/1/2025</u> e) <u>Rubber Vulcanization Adhesive - 0.29 tpd until 1/1/2027</u> 2) Permanent VOC emission reductions foregone of 0.28 tpd - Same as Proposed Project. 	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Same delayed VOC emission reductions of <u>0.42 0.12</u> tpd but over a longer period from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2029 b) One-Component Foam Sealant - 0.01 tpd until 7/1/2024 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 7/1/2025 d) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 tpd until 1/1/2027</u> e) <u>Rubber Vulcanization Adhesive - 0.29 tpd until 1/1/2029</u> 2) Permanent VOC emission reductions foregone of 0.28 tpd - Same as Proposed Project 	<p>Potentially Significant VOC Impacts due to:</p> <ol style="list-style-type: none"> 1) Greater delayed VOC emission reductions of <u>0.70 0.40</u> tpd over a longer period from: <ol style="list-style-type: none"> a) Top and Trim Adhesive - 0.1 tpd until 1/1/2028 b) One-Component and Two-Component <u>One-Component</u> Foam Sealant - 0.13 tpd until 1/1/2030 c) Higher Viscosity CPVC Welding Cement - 0.01 tpd until 7/1/2024 d) CPVC Welding Cement for Life Safety Systems - 0.01 tpd until 1/1/2030 e) All Other Roof Adhesives – 0.03 tpd until 1/1/2030 f) Single Ply Roof Membrane Adhesive (<u>including both subcategories of with and without EPDM/TPO</u>) – 0.07 tpd until 1/1/2030 g) All Other Roof Sealants: 0.05 tpd until 1/1/2030 h) <u>Clear, Paintable, Immediately Water-Resistant Sealant - 0.007 until 1/1/2026</u> i) <u>Rubber Vulcanization Adhesive – 0.29 tpd until 1/1/2028</u> 3) No permanent VOC emission reductions foregone

Table 5-2 (concluded)
Comparison of Adverse Environmental Impacts of the Proposed Project (PAR 1168) and Alternatives

Air Quality & GHGs Impact Areas	Proposed Project (PAR 1168)	Alternative A: No Project	Alternative B: More Stringent Proposed Project	Alternative C: Less Stringent Proposed Project	Alternative D: Extended Effective Dates for VOC Limits in October 2017 Version of Rule 1168
<p>Operation – Toxicity and Odor Nuisance</p>	<p>Less than Significant Toxicity and Odor Nuisance Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF.</p>	<p>Potentially Significant Toxicity Impacts from ongoing existing toxicity impacts due to no prohibition on t-BAC and pCBtF despite their carcinogenic and acute health effects.</p> <p>Less than significant odor nuisance impacts.</p>	<p>Less than Significant Toxicity Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF - Same as Proposed Project.</p> <p>Less than significant odor nuisance impacts - Same as Proposed Project.</p>	<p>Less than Significant Toxicity Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF - Same as Proposed Project.</p> <p>Less than significant odor nuisance impacts - Same as Proposed Project.</p>	<p>Less than Significant Toxicity and Odor Nuisance Impacts due to reduced toxicity and odor profile from prohibition of t-BAC and pCBtF - Same as Proposed Project.</p>

5.5 ALTERNATIVES REJECTED AS INFEASIBLE

In accordance with CEQA Guidelines Section 15126.6(c), a CEQA document should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Section 15126.6(c) also states that among the factors that may be used to eliminate alternatives from detailed consideration in a CEQA document are: 1) failure to meet most of the basic project objectives; 2) infeasibility; or 3) inability to avoid significant environmental impacts.

As noted in Section 5.1, the range of feasible alternatives to the proposed project is limited by the nature of PAR 1168 and associated legal requirements. Similarly, the range of alternatives considered, but rejected as infeasible is also relatively limited. This subsection identifies Alternative A, as being rejected due to infeasibility, for the reasons explained in the following discussion.

5.5.1 Alternative A - No Project

CEQA documents typically assume that the adoption of a No Project alternative would result in no further action on the part of the project proponent or lead agency. For example, in the case of a proposed land use project such as a housing development, adopting the No Project alternative terminates further consideration of that housing development or any housing development alternative identified in the associated CEQA document. In that case, the existing setting would typically remain unchanged.

However, by not adopting PAR 1168, Alternative A would require certain categories of adhesives and sealants to meet the VOC limits established in the October 2017 version of Rule 1168 by the effective date of January 1, 2023 even though the technology assessment concluded that it is technologically infeasible to do so. Thus, implementation of Alternative A would create potential compliance issues for some categories of adhesives and sealants because manufacturers and distributors would be prevented from supplying products containing higher quantities of VOCs to consumers for use in South Coast AQMD's jurisdiction.

The main objectives of the proposed project are to: 1) adjust the VOC limits and effective dates so that they are technologically feasible according to the technology assessment conducted for nine categories of adhesives and sealants; and 2) reduce the potential toxicity of product formulations and their associated health impacts by prohibiting the use of t-BAC and pCBtF.

Alternative A is rejected as infeasible because it neither meets the objectives of the project nor takes into consideration the conclusions of the technology assessment and the Stationary Source Committee's direction to take a precautionary approach evaluating existing or proposed exemptions for any compound with a toxic endpoint.

5.6 LOWEST TOXIC AND ENVIRONMENTALLY SUPERIOR ALTERNATIVE

5.6.1 Lowest Toxic Alternative

In accordance with South Coast AQMD’s policy document: Environmental Justice Program Enhancements for FY 2002-03, Enhancement II-1 recommends for all South Coast AQMD CEQA documents which are required to include an alternatives analysis, the alternative analysis shall also include and identify a feasible project alternative with the lowest air toxics emissions. In other words, for any major equipment or process type under the scope of the proposed project that creates a significant environmental impact, at least one alternative, where feasible, shall be considered from a “least harmful” perspective with regard to hazardous or toxic air contaminants.

Relative to toxic air contaminants, some manufacturers of adhesives and sealants currently use compounds in their product formulations that are VOCs but that also may be considered a toxic air contaminant (e.g., benzene, toluene, ethylbenzene and xylene). For any formulations that contain any toxic compounds that are also classified as a VOC, the VOC limits in the October 2017 version Rule 1168, PAR 1168 and the alternatives serve to limit the overall toxicity of product formulations. However, other toxics, such as t-BAC and pCBtF, which are currently exempt from the definition of what qualifies as a VOC as set forth in Rule 102, if relied upon to reformulate products capable of meeting particular VOC limits, could result in a formulation with a low VOC content but a high toxicity. This is especially true if t-BAC or pCBtF ~~are~~is relied upon as a non-VOC substitute because these compounds are both carcinogenic with very high cancer potency factors.

While the purpose of Rule 1168 is to minimize VOC emissions from adhesive and sealant products, because of toxicity concerns associated with t-BAC and pCBtF, PAR 1168 and Alternatives B, C and D propose to prohibit the use of t-BAC and pCBtF so as to also minimize consumer exposure to air toxics during the application of adhesives and sealants

Alternative A would allow manufacturers of adhesives and sealants to continue to develop and provide products formulated with t-BAC and pCBtF even though these compounds are toxic and their use could contribute to adverse health effects. Thus, of all of the project alternatives, Alternative A is the most harmful relative to toxic air contaminants. On the other hand, PAR 1168 and Alternatives B, C, and D are equally beneficial in terms of reducing the public exposure to acute and carcinogenic toxic impacts of t-BAC and pCBtF due to prohibiting their usage in adhesives and sealants ~~after January 1, 2024, except for Single Ply Roof Membrane Adhesives for which the prohibition of pCBtF would be effective January 1, 2025.~~

Additionally, Alternative D would specifically allow seven more years for certain categories of adhesives and sealants which currently are technologically unable to meet the VOC limits in the October 2017 version of Rule 1168 by January 1, 2023 to meet the same VOC limits by January 1, 2030 instead. Under Alternative D, manufacturers would be required to reformulate certain categories of adhesives and sealants with overall lower VOC emissions and potentially fewer toxic compounds in the long-term.

Thus, when considering all of the alternatives from toxic impacts perspective, Alternative D is the lowest toxic alternative because certain categories of adhesives and sealants will need to be reformulated to have lower VOC contents with fewer toxic compounds by January 1, 2030.

5.6.2 Environmentally Superior Alternative

Pursuant to CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the No Project alternative, the CEQA document shall also identify an alternate environmentally superior alternative from among the other alternatives.

Alternative A is equivalent to the October 2017 version of Rule 1168, which was originally expected to result in 1.38 tpd of VOC emission reductions. However, the technological infeasibility of certain categories of adhesives and solvents being able to meet the VOC limits means that the actual VOC emission reductions achieved would be fewer than originally projected. Also, as explained in Section 5.6.1, Alternative A (No Project) is the most harmful alternative because it would allow manufacturers of adhesives and sealants to continue to develop and provide products formulated with t-BAC and pCBtF even though these compounds are toxic, and their use could contribute to adverse health effects. Based upon these considerations, Alternative A is not the environmentally superior alternative.

Of the remaining alternatives, Alternatives B and C were concluded to have the same quantity of permanent VOC emission reductions foregone as PAR 1168 (0.28 tpd). Unlike Alternatives B and C, Alternative D is not expected to cause any permanent VOC emission reductions foregone because Alternative D would specifically allow seven more years for certain categories of adhesives and sealants which currently are technologically unable to meet the VOC limits in the October 2017 version of Rule 1168 by January 1, 2023 to meet the same VOC limits by January 1, 2030 instead.

Alternative D was concluded to have a larger quantity of delayed VOC emission reductions foregone (0.70 ~~0.40~~ tpd) over a longer period of time (e.g., seven years) when compared to Alternatives B and C which were concluded to have the same quantity of delayed VOC emission reductions foregone (0.42 ~~0.12~~ tpd). Under Alternative B, the delay would occur over a shorter period of time (i.e., six to twelve months) while the delay for Alternative C would occur over a longer period of time (i.e., twelve months) when compared to PAR 1168.

Over the long-term, since Alternative D would result in no permanent VOC emission reductions foregone with the least amount of potential for adhesives and sealant to be formulated with toxic compounds, relative to PAR 1168 and the other feasible alternatives, Alternative D would be considered the environmentally superior alternative.

5.7 CONCLUSION

As discussed previously, Alternative A was dismissed as infeasible because it would not fulfill the objectives of PAR 1168. Alternatives B and C would both be expected to generate equivalent delayed and permanent VOC emission reductions foregone, but with varying timelines, and similar benefits when it comes to reducing the overall toxicity of adhesive and sealant formulations. When compared to PAR 1168, Alternative B would delay 0.42 ~~0.12~~ tpd of VOC emission reductions foregone over a shorter period of time (e.g., six to twelve months earlier) while Alternative C

would delay ~~0.42~~ 0.12 tpd of VOC emission reductions foregone over a longer period of time (e.g., twelve months later). Unlike PAR 1168 and Alternatives B, and C, Alternative D would not result in any permanent VOC emission reductions foregone and with the least amount of potential for adhesives and sealant to be formulated with toxic compounds, relative to PAR 1168 and the other feasible alternatives. Due to uncertainties associated with the ability of manufacturers to formulate certain categories of adhesives and sealants to meet the low VOC limits established in the October 2017 version of Rule 1168 by January 1, 2030, Alternative D depends on future technological improvements in order to achieve the desired VOC emission reductions and the outcome of these future efforts are unknown. **Thus, when comparing the environmental effects of the project alternatives with PAR 1168 and evaluating the effectiveness of achieving the project objectives, the proposed project provides the best balance in achieving the project objectives while minimizing the significant adverse environmental impacts to operational air quality.**

CHAPTER 6

REFERENCES

6.0 References

The following list of references is presented by chapter, in order of appearance:

Chapter 1 – Executive Summary

1. The Lewis-Presley Air Quality Management Act, 1976 Cal. Stats., Ch. 324 (codified at Health and Safety Code Section 40400-40540).
2. CEQA Guidelines, Title 14 California Code of Regulations Section 15000 et seq.
3. Health and Safety Code Section 40460(a).
4. Health and Safety Code Section 40440(a).
5. South Coast AQMD, 2017. Final 2016 Air Quality Management Plan, March 2017. <https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>
6. South Coast AQMD, 2017. Final Environmental Assessment (EA) for Proposed Amended Rule (PAR) 1168 – Adhesive and Sealant Applications, SCH No. 2017081031. <http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/par1168FEA.pdf>

Chapter 3 – Existing Setting

1. U.S. EPA, 2020. Criteria Air Pollutants. <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.
2. South Coast AQMD. 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.
3. South Coast AQMD, 2005. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.
4. South Coast AQMD, 2021. 2020 Air Quality - South Coast Air Quality Management District – CO, Historical Air Quality Data for Year 2020 at locations where CO was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.
5. U.S. EPA, 2020. Criteria Air Pollutants <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.
6. South Coast AQMD, 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.
7. South Coast AQMD, 2005. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.

8. South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where O3 was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.
9. U.S. EPA, 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.
10. South Coast AQMD, 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.
11. South Coast AQMD, 2005. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>
12. South Coast AQMD, 2022. 2022 Draft Air Quality Management Plan, p. 2-49. <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/05-ch2.pdf>
13. South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where NO2 was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.
14. U.S. EPA, 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.
15. South Coast AQMD, 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.
16. South Coast AQMD, 2005. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.
17. South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where SO2 was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.
18. U.S. EPA, 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.
19. South Coast AQMD, 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.
20. South Coast AQMD, 2005. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning.

- <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.
21. South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where PM10 was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.
 22. South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where PM2.5 was monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf, accessed on June 10, 2022.
 23. U.S. EPA, 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.
 24. South Coast AQMD, 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.
 25. South Coast AQMD, 2005, May. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.
 26. South Coast AQMD, 2021. 2020 Air Quality, South Coast Air Quality Management District, Historical Air Quality Data for Year 2020 at locations where lead and sulfates were monitored; http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/aq2020card_final.pdf.
 27. U.S. EPA, 2020. Criteria Air Pollutants, <https://www.epa.gov/criteria-air-pollutants>, accessed on June 10, 2022.
 28. South Coast AQMD, 2015. Health Effects of Air Pollution. <http://www.aqmd.gov/docs/default-source/publications/brochures/the-health-effects-of-air-pollution-brochure.pdf>, accessed on June 10, 2022.
 29. South Coast AQMD, 2005. Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. <https://www.aqmd.gov/home/research/guidelines/planning-guidance/guidance-document>, accessed on June 10, 2022.
 30. International Agency for Research on Cancer. Vinyl Chloride Exposure Data, <https://monographs.iarc.who.int/wp-content/uploads/2018/06/mono100F-31.pdf>, accessed on June 10, 2022.
 31. South Coast AQMD, MATES V, Multiple Air Toxics Exposure Study in the South Coast AQMD, Final Report, August 2021. <http://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report.pdf>, accessed on June 10, 2022.
 32. Jacobsen, Mark Z. “Enhancement of Local Air Pollution by Urban CO2 Domes,” Environmental Science and Technology, as described in Stanford University press release on

- March 16, 2010 available at: <http://news.stanford.edu/news/2010/march/urban-carbon-domes-031610.html> accessed on June 10, 2022.
33. Intergovernmental Panel on Climate Change (IPCC). 2014. Fifth Assessment Report: Climate Change 2014. New York: Cambridge University Press, https://issuu.com/unipcc/docs/syr_ar5_final_full_wcover, accessed on June 10, 2022.
 34. Center for Disease Control, 2016. Climate Change Decreases the Quality of the Air We Breathe. https://www.cdc.gov/climateandhealth/pubs/AIR-QUALITY-Final_508.pdf, accessed on June 10, 2022.
 35. OEHHA, 2018. Indicators of Climate Change in California. <https://oehha.ca.gov/media/downloads/climate-change/report/2018caindicatorsreportmay2018.pdf>, accessed on June 10, 2022.
 36. CARB, 2022. Draft 2022 Scoping Plan Update, Figure 1-7, p. 33, <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>, accessed on June 10, 2022.
 37. CARB, 2022. Draft 2022 Scoping Plan Update, Figure 1-8, p. 34, <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>, accessed on June 10, 2022.
 38. U.S. EPA, 2021. EPA to Overhaul Pollution Standards for Passenger Vehicles and Heavy-Duty Trucks, Paving Way for Zero-Emission Future, News Release, August 5, 2021. <https://www.epa.gov/newsreleases/epa-overhaul-pollution-standards-passenger-vehicles-and-heavy-duty-trucks-paving-way>, accessed on June 10, 2022.
 39. U.S. EPA, 2022. EPA Proposes Stronger Standards for Heavy-Duty Vehicles to Promote Clean Air, Protect Communities, and Support Transition to Zero-Emissions Future, News Release, March 7, 2022. <https://www.epa.gov/newsreleases/epa-proposes-stronger-standards-heavy-duty-vehicles-promote-clean-air-protect>, accessed on June 10, 2022.
 40. The Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol) is an international treaty designed to phase out halogenated hydrocarbons such as chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), which are considered ODSs. The Montreal Protocol was first signed on September 16, 1987 and has been revised seven times. The U.S. ratified the original Montreal Protocol and each of its revisions.
 41. CARB, 2008. Climate Change Scoping Plan, A Framework for Change.
 42. CARB, 2017. California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on June 10, 2022.
 43. CARB, 2022. Draft 2022 Scoping Plan Update, May 10, 2022, Executive Summary, <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>, accessed on August 5, 2022.
 44. CARB, 2017. California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on June 10, 2022.

45. CARB, 2017. California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target, https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf, accessed on June 10, 2022.
46. CARB, Low-Emission Vehicle Greenhouse Gas Program, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/lev-program/low-emission-vehicle-greenhouse-gas>, accessed on June 10, 2022.
47. CARB, 2010. Staff Report Proposed Regional Greenhouse Gas Emission Reduction Targets for Automobiles and Light Trucks Pursuant to Senate Bill 375.
48. CARB, 2018. SB 375 Regional Greenhouse Gas Emissions Reduction Targets https://ww2.arb.ca.gov/sites/default/files/2020-06/SB375_Final_Targets_2018.pdf, accessed on June 10, 2022.
49. CARB, 2018. Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emissions Reduction Targets, https://ww2.arb.ca.gov/sites/default/files/2020-06/SB375_Updated_Final_Target_Staff_Report_2018.pdf, accessed on June 10, 2022.
50. CARB. 2018. Proposed Update to the SB 375 Greenhouse Gas Emission Reduction Targets. https://www.arb.ca.gov/cc/sb375/sb375_target_update_final_staff_report_feb2018.pdf, accessed on June 10, 2022.
51. SCAG, 2020. Adopted Final Connect SoCal. <https://scag.ca.gov/read-plan-adopted-final-plan>, accessed on June 10, 2022.
52. California Legislative Information, September 14, 2018, AB-2127 Electric Vehicle Charging Infrastructure: Assessment, https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2127, accessed on June 10, 2022.
53. CEC, 2018. News Release: Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation. <https://www.energy.ca.gov/news/2018-05/energy-commission-adopts-standards-requiring-solar-systems-new-homes-first>, accessed on June 10, 2022.
54. California Building Standards Commission, 2022. CalGreen as promulgated in the California Code of Regulations, Title 24, Part 11 (24 CCR Part 11). <https://www.dgs.ca.gov/BSC/CALGreen>.

Chapter 4 – Environmental Impacts

1. South Coast AQMD, 1993. CEQA Air Quality Analysis Handbook. <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.
2. Jacobsen, Mark Z. “Enhancement of Local Air Pollution by Urban CO₂ Domes,” Environmental Science and Technology, as describe in Stanford University press release on March 16, 2010 available at: <http://news.stanford.edu/news/2010/march/urban-carbon-domes-031610.html>.

CHAPTER 7

ACRONYMS

7.0 Acronyms

µg/m³ = micrograms per cubic meter

APS = Alternative Planning Strategy (APS)

AQMP = Air Quality Management Plan

ATCM = Airborne Toxic Control Measure

Basin = South Coast Air Basin

BAU = business-as-usual

CAA = Clean Air Act

CalEPA = California Environmental Protection Agency

CARB = California Air Resources Board

CCR = California Code of Regulations

CEC = California Energy Commission

CEQA = California Environmental Quality Act

CFR = Code of Federal Regulations

CH₄ = methane

CO = carbon monoxide

CO₂ = carbon dioxide

CO₂eq = carbon dioxide equivalent

COHb = carboxyhemoglobin

CPR = Consumer Products Regulation

CPUC = California Public Utilities Commission

CPVC = Chlorinated Poly (Vinyl Chloride)

EA = Environmental Assessment

EIR = Environmental Impact Report

EISA = Energy Independence and Security Act

EJ = Environmental Justice

gal = gallons

GHG = greenhouse gases

GWP = global warming potential

H₂S = hydrogen sulfide

H₂SO₄ = sulfuric acid
HCFC = hydrochlorofluorocarbon
HF = hydrofluoric acid
HFC = hydrofluorocarbons
HI = hazard index
HSC = Health and Safety Code
IOUs = investor-owned utilities (IOUs)
IS = Initial Study
LCFS = Low Carbon Fuel Standard
MATES = Multiple Air Toxics Exposure Studies
MDAB = Mojave Desert Air Basin
MPOs = Metropolitan Planning Organizations
N₂O = nitrous oxide
NAAQS = National Ambient Air Quality Standards
ND = Negative Declaration
NHTSA = National Highway Traffic and Safety Administration
NO = nitric oxide
NO₂ = nitrogen dioxide
NOC = Notice of Completion
NOP/IS = Notice of Preparation/Initial Study
NO_x = oxides of nitrogen
O₂ = oxygen
O₃ = ozone
ODS = ozone depleting substance
OEHA = Office of Environmental Health Hazard Assessment
OES = Office of Emergency Services
OPR = Office of Planning and Research
OSHA = Occupational Safety and Health Administration
PAR = Proposed Amended Rule
pCBtF = parachlorobenzotrifluoride

PFAS = perfluoroalkyl and polyfluoroalkyl substances

PFC = perfluorocarbon

PM = particulate matter

PM10 = particulate matter with an aerodynamic diameter of 10 microns or less

PM2.5 = particulate matter with an aerodynamic diameter of 2.5 microns or less

ppb = parts per billion

ppm = parts per million

PRDI = Planning, Rule Development, and Implementation

PV = photovoltaic

RELS = Reference Exposure Levels

RFS = renewable fuel standard

RPS = renewables portfolio standard

RTAC = Regional Target Advisory Committee

RTP = Regional Transportation Plan

SCAB = South Coast Air Basin

SCAG = Southern California Association of Governments

South Coast AQMD = South Coast Air Quality Management District

SCS = sustainable communities strategy

SEA = Subsequent Environmental Assessment

SF6 = sulfur hexafluoride

SIP = State Implementation Plan

SO2 = sulfur dioxide

SO3 = sulfur trioxide

SOx = oxides of sulfur

SSAB = Salton Sea Air Basin

TACs = toxic Air Contaminants

t-BAC = tertiary-Butyl Acetate

tpd = ton or tons per day

U.S. EPA = United States Environmental Protection Agency

Vehicle Mile Traveled = VMT

VOC = volatile organic compound(s)

WDR = waste discharge requirements

ZE/NZE = zero emission and near-zero emission

APPENDIX A

Proposed Amended Rule (PAR) 1168 – Adhesive and Sealant Applications

In order to save space and avoid repetition, please refer to the latest version of PAR 1168 located elsewhere in the Governing Board Agenda for the public hearing scheduled on November 4, 2022. The version of PAR 1168 that was circulated with the Draft SEA for a 45-day public review and comment period from September 6, 2022 to October 21, 2022 was identified as the “Preliminary Draft Rule PAR 1168, revision date August 19, 2022,” which is available from the South Coast AQMD’s website at: [http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1168/par-1168---preliminary-draft-rule---081922-\(004\).pdf](http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1168/par-1168---preliminary-draft-rule---081922-(004).pdf). An original hard copy of the Draft SEA, which included the draft version of PAR 1168 listed above, can be obtained through the South Coast AQMD Public Information Center by phone at (909) 396-2001 or by email at PICrequests@aqmd.gov.



Proposed Amended Rule 1168

Adhesive and Sealant Applications

November 4, 2022

Board Meeting

Background

Rule 1168

- Applies to adhesives, adhesive primers, sealants, and sealant primers
- Adopted in 1989; last amended in 2017
- 2017/2018 VOC emission inventory 6.2 tpd
- Implemented 2016 Air Quality Management Plan
 - Targeted at 1.0 tpd VOC emission reductions
 - Expected 1.38 tpd reduction by 2017 amendment
- 2017 amendment required a technology assessment for nine categories due to industry concerns regarding feasibility
- Based on technology assessment, staff concluded a rule amendment was required

Proposed Amended Rule 1168

Prohibit the use of t-BAC and pCBtF

- Establish prohibition effective date depending on product categories
- Allow sell-through for products already on the shelves and use-through for products already purchased

Amend some VOC limits and delay some future effective limits

- Technology assessment demonstrated some limits will not be achieved
- Prohibition of t-BAC and pCBtF also resulted in some higher VOC limits

Include a conditional and limited exemption for Opteon 1100

- Not effective unless the criteria are met based on OEHHA evaluation
- Limited to two-component foam sealants applied in an industrial or professional setting

Remove the reference of ASTM Test Method 7767 (UV/EB/LED Thin Film Test Method)

Revise rule language to provide clarification and streamlining

t-BAc and pCBtF Prohibition

Toxicity of Currently Exempt Compounds

- April 2017, staff presented a t-BAc assessment of, including pCBtF concerns to Stationary Source Committee (SSC)
- SSC directed staff to remove the VOC exemption for compounds with toxic endpoints
- pCBtF and t-BAc have higher toxic endpoint than other prohibited exempt compounds, PAR 1168 will prohibit their use

pCBtF Prohibition Effective:

- January 1, 2025 – 2027, for a few categories that rely on pCBtF to meet VOC limits
- January 1, 2024, for all other Regulated Products

t-BAc Prohibition Effective:

- January 1, 2024, for all Regulated Products

Sell-through and use-through

- Shorter sell-through and use-through periods to help offset the delays

Summary of Proposed VOC Limit Revisions

PAR 1168 VOC limits are based on pCBtF prohibition and technology assessment

Retain current limit and remove future limit*

- 3 Roofing Categories
- 1 Specialty Welding Cement

No change

- 1 Roofing Category
- 2 Foam Sealant Categories
- 2 Welding Cement Categories

Delay future limit 1½ to 5 years

- 2 Adhesive Categories
- 1 Specialty Sealant
- 1 Specialty Welding Cement

Increase VOC limit

- 1 Foam Sealant Category

Reduce VOC limits

- 2 Roofing Categories



* Rule includes current VOC limits with lower future effective VOC limits for categories that required a technology assessment

Proposed Resolution Language

Resolution includes two updates to Stationary Source Committee (SSC)

January 2026, provide an update on the progress of the pCBtF and t-BAc phase-out, including data reported in the Rule 1168 Quantity and Emission Reports and feedback from manufacturers of roofing adhesives and sealants

Within two months of OEHHA completing its assessment of Opteon 1100, report back to SSC and seek guidance on a broader directive regarding Hydrofluro-Olefins (HFOs) if OEHHA identifies potential toxicity concerns

PAR 1168 VOC Emissions

**Baseline
Emissions***



6.2 tpd

**Foregone
Emission
Reductions**



0.28 tpd

**Delayed Emission
Reductions**



0.42 tpd

* Based on 2017 and 2018 Quantity and Emission Reports submitted by manufacturers of all adhesives and sealants sold in the South Coast AQMD every three to five years

Key Remaining Issues

UV/EB/LED Thin Film Test Method

- U.S. EPA proposed a limited disapproval for Rule 1106 - Marine and Pleasure Craft Coatings and Rule 1107- Coating of Metal Parts and Products into the State Implementation (SIP) Plan citing:
 - ASTM Test Method D7767-11* is not a U.S. EPA approved test method and cannot be used to enforce an SIP approved rule
- Rule 1168 has a definition for Energy Curable Adhesives and Sealants which references the UV/EB/LED thin film test method
- Definition is being removed to avoid disapproval
 - Manufacturers can rely on formulation data to verify compliance for thin film UV/EB/LED curable products

* *Standard Test Method to Measure Volatiles from Radiation Curable Acrylate Monomers, Oligomers and Blends and Thin Coatings Made from Them*

PAR 1168 Socioeconomic Impacts



PAR 1168 does not include new Best Available Retrofit Control Technology requirements therefore cost-effectiveness and incremental cost-effectiveness not required



Cost impacts evaluated and includes affected industries and a range of probable costs due to the t-BAC and pCBtF prohibition



Average annual cost estimated to be \$400,000

Staff Recommendations

Adopt Resolution

Certifying the Final Subsequent
Environmental Assessment; and

Adopting Rule 1168

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 28

PROPOSAL: Determine That Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations Is Exempt from CEQA, and Adopt Proposed Rule 1460

SYNOPSIS: Proposed Rule 1460 will reduce fugitive dust emissions from metal recycling and metal shredding facilities by requiring housekeeping and best management practice provisions. Proposed Rule 1460 will also require facilities to register with South Coast AQMD. Proposed Rule 1460 also addresses an air quality priority identified by the Southeast Los Angeles and South Los Angeles Community Emission Reduction Plans that were developed under the AB 617 program.

COMMITTEE: Stationary Source, September 16 and October 21, 2022, Reviewed

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Determining that Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations, is exempt from the requirements of the California Environmental Quality Act; and
2. Adopting Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations.

Wayne Natri
Executive Officer

MK:HF:ML:TT

Background

Scrap metal recycling is the process of sorting, processing, or shredding scrap metal from end-of-life products so that it can be reused in the production of new goods. Metal recycling facilities collect and process metals to be sold to other companies for further processing or shredding. Metal shredding facilities, a subset of metal recycling facilities,

use shredding techniques and equipment to process end-of-life vehicles, appliances, and other forms of scrap metal. Activities such as cutting, shearing, sorting, handling, bailing, shredding, and storing scrap metal at metal recycling and metal shredding facilities can generate fugitive particulate matter emissions.

Pursuant to Assembly Bill 617 (AB 617), South Coast AQMD has been working with community steering committee members to identify air quality issues and develop strategies to reduce air pollution. Community Emissions Reduction Plans (CERP) for two AB 617 designated communities, Southeast Los Angeles and South Los Angeles, include a CERP action to address fugitive emissions from metal recycling and metal shredding facilities. Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations (PR 1460) was developed to address these CERP actions and will require facilities to conduct daily housekeeping using prescribed cleaning methods, implement best management practices, install signage, and register facility information with South Coast AQMD.

Proposal

PR 1460 establishes requirements to minimize fugitive dust emissions from metal recycling and metal shredding facilities. Since many metal recycling facilities do not operate equipment that requires South Coast AQMD permits, PR 1460 includes a provision for facilities to register and provide an annual update if there are changes to certain aspects of their operations, such as, change of location or throughput. There are also provisions to implement daily housekeeping using prescribed cleaning methods including but not limited to wet mop, wet vacuum, or dry vacuum with dust suppression of all areas where metal recycling and metal shredding activities occur. PR 1460 also establishes best management provisions to minimize fugitive dust emissions during metal recycling or metal shredding processes using methods such as watering, three-sided enclosures of metal storage piles, or covering of metal storage piles. Additional best management practices include implementing a vehicle speed limit, paving of all areas where metal recycling and metal shredding activities occur, and provisions to minimize and prevent track out. Facilities near a sensitive receptor will be required to install a wind speed monitor and cease specific activities during a high wind event. PR 1460 will also require facilities to install signage in English and Spanish to facilitate the ability for members of community to contact the facilities or to file an air quality complaint with the South Coast AQMD. The rule also requires facilities to keep records and establishes additional requirements for new facilities.

Public Process

Development of PR 1460 has been conducted through a public process. A PR 1460 Working Group was formed to provide the public and stakeholders an opportunity to discuss important details about the proposed rule and provide input during the rule development process. The Working Group is composed of representatives from businesses, environmental groups, public agencies, and consultants. Staff held three

Working Group Meetings remotely on the following dates: March 16, 2022, May 18, 2022, and July 13, 2022. A Public Workshop was held remotely on September 6, 2022. A Public Consultation Meeting was held remotely on September 21, 2022.

Key Issues

Throughout the rulemaking process, staff has worked with stakeholders to resolve key issues. Community stakeholders have recently suggested additional requirements such as monitoring at fence line and for opacity, particulate matter, and noise, as well as requirements to limit pile heights. PR 1460 is designed to minimize fugitive dust emissions at these metal facilities through effective established housekeeping and best management practices and by incorporating many other recommendations suggested by the community. This new proposed rule requires facility registration, which will provide a better understanding as to the number of unpermitted facilities and size of their operations. Staff recommends providing the facilities time to implement the new proposed rule requirements and if other actions are determined to reduce fugitive particulate matter emissions more effectively, amendments to the rule can be considered.

California Environmental Quality Act

Pursuant to CEQA Guidelines Sections 15002(k) and 15061, PR 1460 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 and is included as Attachment H to this Board letter. If the proposed project is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties, and with the State Clearinghouse of the Governor's Office of Planning and Research.

Socioeconomic Analysis

PR 1460 is estimated to affect about 200 facilities, five of which are South Coast AQMD permitted metal shredding facilities. The affected facilities are primarily within the North American Industrial Classification System (NAICS) Recyclable Material Merchant Wholesalers sector (NAICS 423930). Some of the facilities subject to PR 1460 requirements may be classified as small businesses. The total annual cost of the proposed rule is expected to be approximately \$800,000 across the universe of affected facilities. The majority of estimated costs are attributable to fugitive dust mitigation measures. The regional macroeconomic job impacts of PR 1460 are expected to be minimal.

AQMP and Legal Mandates

Under Health and Safety Code Section 40460(a), the South Coast AQMD is required to adopt an AQMP demonstrating compliance with all federal regulations and standards. The South Coast AQMD is required to adopt rules and regulations that carry out the objectives of the AQMP. While PR 1460 does not implement an AQMP control

measure, it is necessary to minimize fugitive dust emissions from metal recycling and metal shredding facilities and to satisfy two CERP actions.

Implementation and Resource Impact

Existing South Coast AQMD resources are adequate to implement PR 1460.

Attachments

- A. Summary of Proposal
- B. Key Issues and Responses
- C. Rule Development Process
- D. Key Contacts List
- E. Resolution
- F. Proposed Rule 1460
- G. Final Staff Report with Socioeconomic Impact Assessment
- H. Notice of Exemption from CEQA
- I. Board Meeting Presentation

ATTACHMENT A
SUMMARY OF PROPOSAL

Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations

Purpose and Applicability

- Minimize fugitive dust emissions from metal recycling and metal shredding facilities

Registration Requirements

- On or before July 1, 2023, register with South Coast AQMD and provide an update if there is a change or are changes to specific information

Housekeeping Requirements

- Use prescribed cleaning methods on traffic areas and areas where metal recycling and metal shredding activities take place
- Keep materials collected from housekeeping in covered containers

Best Management Practices Requirements

- Apply water at sufficient quantities and frequencies when unloading, loading, handling, and processing scrap metal
- Minimize fugitive dust emissions from scrap metal storage piles by either applying watering daily or storing scrap metal piles within a three-sided enclosure
- Minimize fugitive dust emissions from high value grade metal piles by either covering, watering, or storing within a three-sided enclosure
- Install signage limiting vehicle speeds to 15 miles per hour
- Facilities within 100 meters of a sensitive receptor are required to monitor wind speeds and cease specific activities following a wind speed in excess of 25 miles per hour
- Install either a wheel shaker, wheel spreading device, wheel washing system, or pave at facility egress to prevent track out from exceeding 25 feet onto a public road
- Store waste material in covered containers
- Store metal shredder residue within a three-sided enclosure with no material overflow
- Store metal shredder residue in a building enclosure following the receipt of three notices of violations regarding storage of metal shredder residue

Signage Requirements

- On or before July 1, 2023, install signage at visible locations that provides facility contact information in English and Spanish

Requirements for New Facilities

- Pave areas where metal recycling or metal shredding activities take place with concrete
- Operate metal shredders within a building enclosure
- Store metal shredder residue within a building enclosure

Fees

- Plan filing fee is pursuant to Rule 306 when submitting initial registration or updated registration with South Coast AQMD

Wind Monitoring Requirements

- Facilities near a sensitive receptor are required to install and operate a stationary anemometer with a data logger to monitor wind speed

Exemptions

- Auto dismantlers, recycling centers that primarily recycle aluminum cans, material recovery facilities, and metal melting and lead processing facilities under existing South Coast AQMD rules are exempt from Rule 1460
- During a high wind event, facilities near sensitive receptors do not need to cease metal recycling activities conducted within a building enclosure, unloading activities where water is applied, hand unloading activities, and recycling of high value grade metal

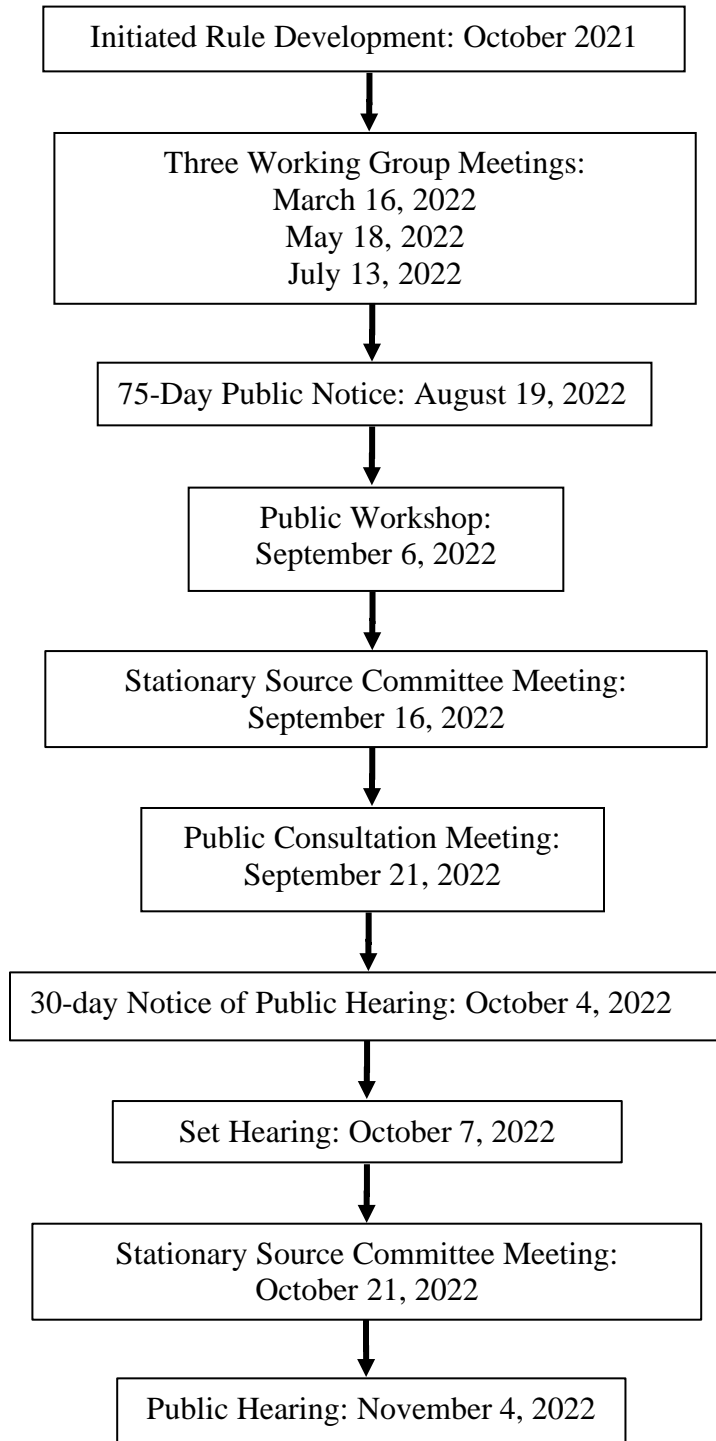
ATTACHMENT B
KEY ISSUES AND RESPONSES

Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations

Throughout the rulemaking process, staff has worked with stakeholders to resolve key issues. Community stakeholders have recently suggested additional requirements such as monitoring at fence line and for opacity, particulate matter, and noise, as well as requirements to limit pile heights. PR 1460 is designed to minimize fugitive dust emissions at these metal facilities through effective established housekeeping and best management practices and by incorporating many other recommendations suggested by the community. This new proposed rule requires facility registration, which will provide a better understanding as to the number of unpermitted facilities and size of their operations. Staff recommends providing the facilities time to implement the new proposed rule requirements and if other actions are determined to reduce fugitive particulate matter emissions more effectively, amendments to the rule can be considered.

ATTACHMENT C
RULE DEVELOPMENT PROCESS

Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations



Thirteen (13) months spent in rule development

One (1) Public Workshop

One (1) Public Consultation Meeting

Three (3) Working Group Meetings

Two (2) Stationary Source Committee Meetings

ATTACHMENT D
KEY CONTACTS LIST

Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and
Shredding Operations (*listed alphabetically*)

- AIM Recycling (formerly Ecology Recycling Services)
- Alpert & Alpert Iron & Metal, Inc.
- American Metal Recycling
- BossTek
- California Air Resources Board
- California Metals Coalition
- California State Water Resources Control Board
- Communities for a Better Environment
- Department of Toxic Substances Control
- E-Recycling of California Irvine
- E-Recycling of California Paramount
- FMC Metals
- Institute of Scrap Recycling Industries, West Coast Chapter
- Katherine McNamara
- Kramar's Iron and Metal
- Los Angeles Regional Water Quality Control Board
- Los Angeles Waterkeeper
- Lu Mar Industrial Metals Co, Ltd.
- Met One
- Moses Huerta
- Pomona Scrap Metal
- Santa Ana Regional Water Quality Control Board
- SA Recycling LLC
- Southeast Los Angeles Community Steering Committee
- U.S. Environmental Protection Agency

ATTACHMENT E

RESOLUTION NO. 22-____

A Resolution of the Governing Board of the South Coast Air Quality Management District (South Coast AQMD) determining that Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations (Proposed Rule 1460), is exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the South Coast AQMD Governing Board adopting Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations.

WHEREAS, the South Coast AQMD Governing Board finds and determines that Proposed Rule 1460 is considered a “project” as defined by CEQA; and

WHEREAS, the South Coast AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l) and has conducted a CEQA review and analysis of the proposed project pursuant to such program (South Coast AQMD Rule 110); and

WHEREAS, the South Coast AQMD Governing Board finds and determines after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that the proposed project is exempt from CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the activities associated with implementing Proposed Rule 1460 to further minimize fugitive emissions of particulate matter are supplemental to the existing requirements in South Coast AQMD Rule 403 – Fugitive Dust, including the ongoing use of water for dust suppression purposes, such that any additional use of water is expected to be limited as the facilities must maximize the efficient use of water in accordance with water conservation requirements proclaimed in Governor Newsom’s Executive Order N-7-22 issued on March 28, 2022. Further, to satisfy the building enclosure and paving requirements in Proposed Rule 1460, only minor physical modifications, if any, are expected which may be achieved without construction or via minimal construction activities, depending on the affected facility. Thus, it can be seen with certainty that implementing the proposed project would not cause a significant adverse effect on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption; and

ATTACHMENT E

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the proposed project that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, Proposed Rule 1460 and supporting documentation, including but not limited to, the Notice of Exemption, the Socioeconomic Impact Assessment that is contained in the Final Staff Report, and the Final Staff Report were presented to the South Coast AQMD Governing Board and the South Coast AQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, the South Coast AQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures (Section 30.5(4)(D)(i) of the Administrative Code), that the modifications to Proposed Rule 1460 since the Notice of Public Hearing was published are clarifications that meet the same air quality objective and are not so substantial as to significantly affect the meaning of Proposed Rule 1460 within the meaning of Health and Safety Code Section 40726 because the modification to subparagraph (f)(5)(b) is to clarify that wind speed determinations are based on a one minute average and because the revision to paragraph (j)(5) is to clarify that the wind monitoring records are to identify the wind monitor location, and: (a) the changes do not impact emission reductions, (b) the changes do not affect the number or type of sources regulated by the rule, (c) the changes are consistent with the information contained in the notice of public hearing, and (d) the consideration of the range of CEQA alternatives is not applicable because the proposed project is exempt from CEQA; and

WHEREAS, Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the Final Staff Report; and

WHEREAS, the South Coast AQMD Governing Board has determined that a need exists to adopt Proposed Rule 1460 to minimize fugitive dust emissions from metal recycling and metal shredding facilities to further protect public health; and

WHEREAS, the South Coast AQMD Governing Board obtains its authority to adopt, amend or repeal rules and regulations from Health and Safety Code Sections 39002, 40000, 40001, 40702, 40716, 41508, and 41700; and

WHEREAS, the South Coast AQMD Governing Board has determined that Proposed Rule 1460 is written and displayed so that its meaning can be easily understood by the persons directly affected by it; and

ATTACHMENT E

WHEREAS, the South Coast AQMD Governing Board has determined that Proposed Rule 1460 is in harmony with and not in conflict with or contradictory to, existing statutes, court decisions or state or federal regulations; and

WHEREAS, the South Coast AQMD Governing Board has determined that Proposed Rule 1460 does not impose the same requirements as any existing state or federal regulations, and the proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, South Coast AQMD; and

WHEREAS, the South Coast AQMD Governing Board, in adopting Proposed Rule 1460, references the following statutes which the South Coast AQMD hereby implements, interprets, or makes specific: Health and Safety Code Sections 39002, 40001, 41508, and 41700 and Federal Clean Air Act Section 116; and

WHEREAS, the South Coast AQMD Governing Board has determined that there is a problem that Proposed Rule 1460 will alleviate, fugitive dust emissions from metal recycling and metal shredding facilities, and the adoption will promote the attainment of state and federal ambient air quality standards; and

WHEREAS, Health and Safety Code Section 40727.2 requires the South Coast AQMD to prepare a written analysis of existing federal air pollution control requirements applicable to the same source type being regulated whenever it adopts, or amends a rule, and the South Coast AQMD's comparative analysis of Proposed Rule 1460 is included in the Final Staff Report; and

WHEREAS, the South Coast AQMD Governing Board has determined that the Socioeconomic Impact Assessment, contained in the Final Staff Report for Proposed Rule 1460, is consistent with the March 17, 1989 Governing Board Socioeconomic Resolution for rule adoption; and

WHEREAS, the South Coast AQMD Governing Board has determined that the Socioeconomic Impact Assessment, contained in the Final Staff Report, is consistent with the provisions of Health and Safety Code Sections 40440.8, and 40728.5; and

WHEREAS, the South Coast AQMD Governing Board has determined that Proposed Rule 1460 does not include new Best Available Retrofit Control Technology (BARCT) requirements nor a feasible measure pursuant to Health and Safety Code Section 40914, therefore analyses for cost-effectiveness and incremental cost-effectiveness consistent with the Health and Safety Code Section 40920.6, are not applicable; and

WHEREAS, the South Coast AQMD Governing Board has determined Proposed Rule 1460 will result in increased costs to the affected industries, yet such costs are considered to be reasonable, with a total annualized cost as specified the Final Staff Report; and

ATTACHMENT E

WHEREAS, the South Coast AQMD Governing Board has actively considered the Socioeconomic Impact Assessment and has made a good faith effort to minimize such impacts; and

WHEREAS, the South Coast AQMD staff conducted a public workshop meeting on September 6, 2022 regarding Proposed Rule 1460; and

WHEREAS, the public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Sections 40725 and 40440.5; and

WHEREAS, the South Coast AQMD Governing Board has held a public hearing in accordance with all applicable provisions of law; and

WHEREAS, the South Coast AQMD specifies that the Planning and Rules Manager overseeing the rule development of Proposed Rule 1460 as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of the proposed rule is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, Proposed Rule 1460 will be not be submitted for inclusion into the State Implementation Plan; and

NOW, THEREFORE BE IT RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption. This information was presented to the South Coast AQMD Governing Board, whose members exercised their independent judgment and reviewed, considered, and approved the information therein prior to acting on the proposed project; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Rule 1460 as set forth in the attached, and incorporated herein by reference.

DATE: _____

CLERK OF THE BOARDS

ATTACHMENT F

(Adopted [*Date of Adoption*])

PROPOSED RULE 1460

CONTROL OF PARTICULATE EMISSIONS FROM METAL RECYCLING AND SHREDDING OPERATIONS

[*RULE INDEX TO BE INCLUDED AFTER ADOPTION*]

(a) Purpose

The purpose of this rule is to minimize Fugitive Dust from Metal Recycling Facilities and Metal Shredding Facilities.

(b) Applicability

This rule shall apply to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility.

(c) Definitions

- (1) BUILDING ENCLOSURE means a permanent building or physical structure, or a portion of a building, with a floor, walls, and a roof to prevent exposure to the elements, (e.g., precipitation, wind, run-off), with limited enclosure openings where openings are only to allow access for people, vehicles, equipment, Scrap Metal, or Metal Shredder Residue.
- (2) DEBRIS means soil, dirt, sand, gravel, clay, and other organic or inorganic particulate matter.
- (3) EXISTING METAL RECYCLING FACILITY means a Metal Recycling Facility in operation before [*Date of Adoption*].
- (4) EXISTING METAL SHREDDING FACILITY means a Metal Shredding Facility in operation before [*Date of Adoption*].
- (5) FERROUS METAL means any iron or steel scrap that has an iron content sufficient for magnetic separation.
- (6) FUGITIVE DUST means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person.
- (7) HIGH VALUE GRADE METAL means Scrap Metal, intended for processing or resale, that contains minimal Debris, is not stored on unpaved surfaces, and is not mixed with material that contains Debris.
- (8) METAL RECYCLING FACILITY means any facility used for the receipt, storage, segregation, or separation of Scrap Metal and mixed materials for

reuse or resale, whose primary business is the purchasing; processing by shearing, baling, sorting, or torching; trading, or receiving secondhand or castoff metal material which includes, but is not limited to, Ferrous Metals, Non-Ferrous Metals, auto bodies, and major appliances.

- (9) METAL SHREDDER means a piece of equipment using machinery driven by rotors that spin hammers that cuts, tears, or crushes metallic items into smaller pieces.
- (10) METAL SHREDDER RESIDUE means the non-metallic material that remains after shredding Scrap Metal, after Ferrous Metals and Non-Ferrous Metals have been separated and removed.
- (11) METAL SHREDDING FACILITY means any Metal Recycling Facility that accepts Scrap Metal and uses a Metal Shredder to mechanically rend that Scrap Metal into smaller pieces and separates the Ferrous Metals, Non-Ferrous Metals, and other materials for the purpose of recycling.
- (12) NEW METAL RECYCLING FACILITY means any Metal Recycling Facility that begins operation on or after [Date of Adoption].
- (13) NEW METAL SHREDDING FACILITY mean any Metal Shredding Facility that begins operation on or after [Date of Adoption].
- (14) NON – FERROUS METAL means any Scrap Metal that has value and is derived from metals other than iron and its alloys in steel, such as aluminum, copper, brass, bronze, lead, zinc, and other metals, and does not adhere to a magnet.
- (15) PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (16) PRESCRIBED CLEANING METHOD means a process to remove or collect debris using a wet mop, damp cloth, wet wash, low-pressure spray nozzle, wet vacuum, dry vacuum with dust suppression, or a combination of the above methods which minimizes Fugitive Dust emissions.
- (17) SENSITIVE RECEPTOR means a residence including private homes, condominiums, apartments, and living quarters, schools as defined in paragraph (c)(18), preschools, daycare centers and health facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long term care hospitals, hospices, prisons, and dormitories or similar live-in housing.

- (18) SCHOOL means any public or private school, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the school in kindergarten through grade 12. School also means an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A school does not include any private school in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property.
 - (19) SCRAP METAL means any metal or metal containing object that is no longer used for the purpose it was produced or manufactured for and is intended for recycling.
 - (20) THROUGHPUT means the weight of material, in tons, received at a Metal Recycling Facility or Metal Shredding Facility.
 - (21) TRACK OUT means any material that adheres to and agglomerates on the exterior surface of motor vehicles, haul trucks, and equipment (including tires) that have been released onto a paved road and can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions.
 - (22) WASTE MATERIAL means material generated from Metal Recycling Facility or Metal Shredding Facility activities that is not intended for resale and includes, but is not limited to, plastics, vinyl, sponge, foam, leather, textiles, Debris, rubber, and glass.
- (d) Registration Requirements
- (1) On or before July_1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall register with the South Coast AQMD by submitting the following information in a format approved by the Executive Officer:
 - (A) Facility name;
 - (B) Facility location address and mailing address;
 - (C) Facility legal owner(s), telephone number, email address, and mailing address;
 - (D) Site manager, email address, and telephone number;
 - (E) Number of employees at the facility;
 - (F) Hours of operation;
 - (G) Facility acreage;

- (H) Whether a Sensitive Receptor is within 100 meters (328 feet) of facility boundary as identified by facilities using tools such as online mapping systems;
 - (I) Identification (ID) and/or permit numbers issued by the State Water Resources Control Boards, the California Integrated Waste Management Board, or the Local Enforcement Agency, if applicable;
 - (J) Facility ID issued by the South Coast AQMD, if applicable;
 - (K) Any equipment that requires a South Coast AQMD Permit to Operate, if applicable;
 - (L) Torch cutting equipment; and
 - (M) Facility Throughput in tons per year for the preceding calendar year based on the following ranges:
 - (i) Less than 1,000 tons;
 - (ii) Greater than or equal to 1,000 tons and less than 25,000 tons;
 - (iii) Greater than or equal to 25,000 tons and less than 50,000 tons;
 - (iv) Greater than or equal to 50,000 tons and less than 75,000 tons;
 - (v) Greater than or equal to 75,000 ton and less than 100,000 tons; or
 - (vi) Greater or equal to 100,000 tons.
- (2) After [Date of Adoption], the owner or operator of a New Metal Recycling Facility or New Metal Shredding Facility shall register with the South Coast AQMD by submitting the information in subparagraphs (d)(1)(A) through (d)(1)(M) prior to the first day of metal recycling or metal shredding operations.
- (3) No later than January 15, 2024, and no later than January 15 of every year thereafter, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall submit, the information required by paragraph (d)(1) if there are changes in the previous year to any of the following information included in a prior registration:
- (A) Facility location address and mailing address;
 - (B) Facility legal owner(s), telephone number, email address, and mailing address;
 - (C) Site manager, email address, and telephone number;

- (D) Facility Throughput range as identified in subparagraph (d)(1)(M);
 - (E) Installation of new or additional torch cutting equipment;
 - (F) Whether new or additional Sensitive Receptor(s) is located within 100 meters (328 feet) of facility boundary; or
 - (G) Whether a Sensitive Receptor(s) previously located within 100 meters (328 feet) of the facility boundary closes or relocates beyond 100 meters (328 feet) of the facility boundary.
- (e) Housekeeping Requirements
- (1) Beginning January 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall use a Prescribed Cleaning Method to clean the following areas daily:
 - (A) Traffic areas used by vehicles throughout the facility including, but not limited to, internal travel areas, the entrance, exit, and truck scales; and
 - (B) The exposed exterior ground surfaces where Scrap Metal unloading and loading, sorting, shearing, torch cutting, baling, shredding, or Scrap Metal storage activities take place.
 - (2) Beginning January 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall store all materials collected from the housekeeping requirements pursuant to paragraph (e)(1) in covered containers. The container shall remain covered except when being filled.
- (f) Best Management Practices Requirements
- (1) Beginning January 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall apply water at sufficient quantities and frequencies to minimize Fugitive Dust emissions from:
 - (A) Unloading or loading Scrap Metal from or into vehicles or containers;
 - (B) Handling Scrap Metal for transportation throughout the facility; and
 - (C) Processing Scrap Metal by activities including, but not limited to, sorting, shearing, baling, or shredding.
 - (2) Beginning January 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall utilize at least one of the following measures to minimize Fugitive Dust emissions from Scrap Metal storage piles, excluding High Value Grade Metal piles:

- (A) Apply water daily, except on days where there is 0.1 inches or more of precipitation, at sufficient quantities and frequencies;
 - (B) Store Scrap Metal storage piles within an enclosure with at least three walls that extend at least two feet above the height of the Scrap Metal storage piles; or
 - (C) Store Scrap Metal storage piles within a three-sided windscreen, with no more than a porosity of 50 percent, that is at least two feet above the height of the Scrap Metal storage piles.
- (3) Beginning January 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility with High Value Grade Metal piles shall label and maintain documentation of High Value Grade Metal piles specifying metal types and arrival date of material to the facility. For any High Value Grade Metal pile that remains at the facility for more than 15 consecutive days, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall utilize at least one of the following measures to minimize Fugitive Dust emissions from High Value Grade Metal piles:
- (A) Cover with 12 mil thick intact plastic sheeting when not actively adding or removing material to the pile during storage;
 - (B) Store High Value Grade Metal piles within an enclosure with at least three walls that extend at least two feet above the height of the High Value Grade Metal pile;
 - (C) Store High Value Grade Metal pile within a three-sided windscreen with no more than a porosity of 50 percent, that is at least two feet above the height of the High Value Grade Metal pile; or
 - (D) Apply water, except on days where there is 0.1 inches or more of precipitation, at sufficient quantities and frequencies.
- (4) Beginning July 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall post signs at all entrances of the site to designate the vehicle speed limit as 15 miles per hour to minimize Fugitive Dust emissions.
- (5) Beginning July 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility within 100 meters (328 feet) from a Sensitive Receptor shall:
- (A) Monitor wind speeds in accordance with subdivision (1); and
 - (B) Cease Scrap Metal unloading and loading, sorting, shearing, baling, torch cutting, and shredding activities for a period of at least 15

~~minutes following an instantaneous wind speed exceedance of 25 miles per hour~~ if wind speed is greater than 25 miles per hour averaged over one minute.

- (6) Beginning January 1, 2025, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall ensure vehicle traffic areas and the areas where Scrap Metal unloading and loading, sorting, shearing, torch cutting, baling, shredding, or Scrap Metal storage activities take place are paved with concrete or asphalt that is maintained in good condition to prevent the generation of Fugitive Dust.
- (7) Beginning July 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall not allow Track Out to exceed 25 feet or more in cumulative length from the facility. Notwithstanding the preceding, all Track Out from a facility shall be removed at the conclusion of each workday or evening shift.
- (8) Beginning July 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall utilize at least one of the following at each vehicle egress:
 - (A) A wheel shaker or wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and spanning the width of the facility egress;
 - (B) A wheel washing system that is installed, operated, and maintained in accordance with the manufacturer's specifications; or
 - (C) A paved surface from the facility loading and unloading area to the facility egress leading to a paved public road.
- (9) Beginning July 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall store Waste Material in a container that shall remain covered except when being filled or emptied.
- (10) Beginning July 1, 2023, the owner or operator of a Metal Shredding Facility shall ensure:
 - (A) All Metal Shredder Residue is stored within an enclosure with at least three walls that extend at least two feet above the height of the Metal Shredder Residue; and
 - (B) Metal Shredder Residue does not extend beyond the perimeter of the enclosure.
- (11) If the owner or operator of a Metal Shredding Facility receives three or more Notices of Violation within five consecutive calendar years for failing to

comply with paragraph (f)(10), the owner or operator of a Metal Shredding Facility shall store the Metal Shredder Residue within a Building Enclosure within 180 days after receiving the third Notice of Violation.

(g) Signage Requirements

(1) Beginning July 1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall install and maintain signage. Unless otherwise approved in writing by the Executive Officer pursuant to provisions of paragraph (g)(3), signage shall:

(A) Be installed:

(i) In a location visible to the public that is within 50 feet of all entrances to the facility; and

(ii) At a location on each side of the facility that is visible to the public.

(B) Be located between 6 and 8 feet above grade from the bottom of the sign;

(C) Display lettering at least 4 inches tall with text contrasting with the sign background; and

(D) Display the following information in English and Spanish:

(i) Local or toll-free phone number for the site contact that is accessible 24 hours a day;

(ii) Notification statement:

“TO REPORT AIR QUALITY ISSUES SUCH AS ODORS, DUST, OR SMOKE FROM THIS FACILITY, PLEASE CALL [FACILITY CONTACT AND PHONE NUMBER] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG®”;
and

(iii) Notification statement:

“PARA REPORTAR PROBLEMAS DE CALIDAD DEL AIRE COMO OLORES, POLVO O HUMO DE UNA INSTALACIÓN, LLAME A [CONTACTO DE LA INSTALACIÓN Y NÚMERO DEL TELÉFONO] O AL EL DISTRITO DE ADMINISTRACIÓN DE LA CALIDAD DEL AIRE DE LA COSTA SUR AL 1-800-CUT-SMOG®”.

- (2) Beginning [*Date of Adoption*], the owner or operator of a New Metal Recycling Facility or New Metal Shredding Facility shall comply with the signage provisions pursuant to paragraph (g)(1), prior to the first day of metal recycling or metal shredding operations.
 - (3) **Alternative Signage Provisions**
The owner or operator of a Metal Recycling Facility or Metal Shredding Facility may request an alternative to the signage provisions in paragraph (g)(1) or (g)(2) by:
 - (A) Submitting a written request to the Executive Officer at least 30 days prior to the effective dates specified in paragraph (g)(1) or (g)(2) that includes all relevant information to substantiate the request; and
 - (B) Submitting any additional information requested by the Executive Officer within 14 days of the request.
 - (4) The Executive Officer will notify the owner or operator of a Metal Recycling Facility or Metal Shredding Facility requesting an alternative signage provision pursuant to paragraph (g)(3) in writing if the request is approved or rejected. Approved alternative signage provisions are effective on the date of approval.
- (h) **Prohibitions**
Beginning January 1, 2023, an owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall not install or construct a Metal Shredder unless the equipment is located within a Building Enclosure when operating.
- (i) **Requirements for New Metal Recycling or New Metal Shredding Facilities**
 - (1) The owner or operator of a New Metal Recycling Facility or New Metal Shredding Facility shall ensure the areas where Scrap Metal unloading and loading, sorting, shearing, torch cutting, baling, shredding, or Scrap Metal storage activities take place are paved with concrete.
 - (2) The owner or operator of a New Metal Shredding Facility shall store Metal Shredder Residue within a Building Enclosure.
- (j) **Recordkeeping**
Beginning January 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall keep and maintain the following records on-site for three years as follows and shall make them available to the Executive Officer upon request:

- (1) Records of Throughput for each calendar month that shall be completed no later than the 15th of the subsequent calendar month;
 - (2) Daily records of housekeeping for all required activities that shall be completed by the end of each business day;
 - (3) Complaints received by the facility, including the name of complainant and contact information (if provided), date and time, and action taken to mitigate the source of the complaint (if any);
 - (4) Documentation to demonstrate the date of arrival of High Value Grade Metal; and
 - (5) ~~Results of w~~Wind monitoring records, including:
 - (A) Data log of wind direction and windspeed including corresponding dates and times;
 - (B) ~~Locations Movement~~ of monitoring instruments ~~corresponding to wind direction changes~~;
 - (C) Instrument make, model and settings;
 - (D) Proof of valid calibration in accordance with manufacturer's recommended schedule;
 - (E) Configuration, calibration, correction, and correlation factors; and
 - (F) Log of maintenance activity.
 - (6) Records of start and stop time pursuant to subparagraph (f)(5)(B).
- (k) Fees
- (1) The owner or operator of a Metal Recycling Facility or Metal Shredding Facility subject to the registration requirements pursuant to paragraphs (d)(1) and (d)(2) shall pay a plan filing fee pursuant to Rule 306 – Plan Fees (Rule 306) at the time of registration.
 - (2) The owner or operator of a Metal Recycling Facility or Metal Shredding Facility that updates registration information pursuant to paragraph (d)(3) shall pay a plan filing fee pursuant to Rule 306 at the time of updating registration information.
- (l) Wind Monitoring Requirements
- The owner or operator of a Metal Recycling Facility or Metal Shredding Facility required to conduct wind monitoring pursuant to subparagraph (f)(5)(A), shall monitor wind direction and speed using a minimum of one stationary anemometer or wind sensor that:

- (1) Is sited over open, level terrain within the facility site with minimal obstructions to the wind flow at a minimum height of eight feet above grade;
 - (2) Meets the performance criteria of:
 - (A) Wind direction accuracy of ± 7 degrees and resolution of 1 degree; and
 - (B) Wind speed accuracy of 2 miles per hour (mph) or ± 5 percent of the observed wind speed, whichever is greater, and resolution of 1 mph;
 - (3) Has a National Institute of Standards and Technology (NIST) Traceability certification;
 - (4) Is equipped with a data logger that records wind direction and speed data once every 1 minute or less and archives the recorded wind direction and speed data, including the date and time, calibrated to PST; and
 - (5) Is operated, calibrated, and maintained in accordance with manufacturer's specifications, but no less frequent than once every 6 months of cumulative operation.
- (m) Exemptions
- (1) The provisions of this rule shall not apply to:
 - (A) Auto dismantlers that are engaged in the buying, selling, or dealing in vehicles, including nonrepairable vehicles, for the purpose of dismantling the vehicles, buying, or selling the integral parts and component materials thereof, in whole or in part, or dealing in used motor vehicle parts.
 - (B) Metal melting facilities or lead processing facilities that are subject to the following South Coast AQMD rules:
 - (i) Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations;
 - (ii) Rule 1407.1 – Control of Toxic Air Contaminant Emissions from Chromium Alloy Melting Operations;
 - (iii) Rule 1420 – Emissions Standard for Lead;
 - (iv) Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities; or
 - (v) Rule 1420.2 – Emission Standards for Lead from Metal Melting Facilities.

- (C) Recycling centers where the primary business is to accept and pay for or provide the refund value for empty beverage containers intended to be recycled from consumers;
 - (D) Material recovery facilities holding a valid solid waste permit where solid waste or recyclable materials are sorted or separated, by hand or by use of machinery, into recyclable materials and residual waste, for the purposes of recycling or composting, and offsite disposal of residual waste; and
 - (E) Metal cutting, welding, and metal grinding performed for maintenance and repair activities.
- (2) The provisions of subparagraph (f)(5)(B) shall not apply to:
- (A) Scrap Metal unloading and loading activities, sorting, shearing, baling, torch cutting, or shredding activities conducted within a Building Enclosure;
 - (B) Scrap Metal unloading activities where water is applied at a sufficient quantity to minimize Fugitive Dust emissions prior to unloading;
 - (C) Hand unloading of Scrap Metal; and
 - (D) Unloading and loading, sorting, shearing, baling, torch cutting, or shredding activities of High Value Grade Metal.

ATTACHMENT G

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Staff Report

Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations

November 2022

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WAYNE NASTRI

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EXECUTIVE SUMMARY

South Coast Air Quality Management District (South Coast AQMD) worked with local community members and industry stakeholders to develop Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations (PR 1460). This rule development focuses on metal recycling facilities and metal shredding facilities that process and recycle scrap metal in response to community concerns identified through the Assembly Bill 617 (AB 617) Community Emissions Reduction Plan (CERP) process. PR 1460 will establish housekeeping requirements and best management practices such as spraying water during facility operations to minimize fugitive dust emissions from metal recycling and metal shredding facilities. PR 1460 will also require facilities to register facility information with South Coast AQMD, as well as install facility contact signage. The proposal also includes additional requirements for new facilities, such as full enclosure of new metal shredders. PR 1460 will reduce fugitive particulate matter (PM) emissions from metal recycling and metal shredding activities and lower community exposure to these pollutants.

PR 1460 is estimated to affect 200 metal recycling facilities, many of which are located within AB 617 communities. Five metal shredding facilities have also been identified and would be subject to PR 1460. These facilities are also subject to existing South Coast AQMD rules and State Water Resources Board regulations that require measures to minimize dust. Accordingly, PR 1460 water suppression activities to minimize fugitive dust emissions supplement existing regulations. The amount of water necessary to comply with PR 1460 will vary by facility.

CHAPTER 1 – BACKGROUND

INTRODUCTION

Scrap metal recycling is a process that involves taking scrap metal from end-of-life products, sorting, processing, and sometimes shredding it so that it can be reused in the production of new goods. Metal recycling facilities collect and process metals so materials can be sold to other companies for further processing. Metal shredding facilities, which use shredding techniques and equipment to process end-of-life vehicles, appliances, and other forms of scrap metal, are a subset of scrap metal recycling facilities. A review of the available data indicates there are approximately 200 metal recycling facilities, of which five have metal shredders. Activities such as cutting, shearing, sorting, handling, bailing, shredding, and storing scrap metal at metal recycling and metal shredding facilities can generate fugitive particulate matter emissions.

Pursuant to AB 617, South Coast AQMD staff worked collaboratively with community members to identify air quality issues and develop strategies to reduce air pollution. This effort resulted in the adoption of CERPs for AB 617 environmental justice communities which bear the disproportionate impacts of air pollution. During the CERP development process, several communities expressed concerns about particulate matter emissions from scrap metal recycling facilities. For example, the Southeast Los Angeles and South Los Angeles CERPs included an action to initiate rule development to require additional housekeeping and best management practices at scrap metal recycling facilities to reduce fugitive particulate emissions. PR 1460 includes requirements to reduce fugitive particulate emissions and improve air quality. Control of hexavalent chromium emissions from torch cutting and welding operations will be addressed in an upcoming separate rule making process.

ASSEMBLY BILL 617

In July 2017, AB 617 was adopted to address air quality impacts. The legislation requires a strategy to reduce toxic air contaminants and criteria pollutants in designated environmental justice communities disproportionately impacted by air pollution from mobile sources and industrial facilities. These communities also experience social and economic disadvantages that contribute to cumulative burdens. The AB 617 program accelerates actions, provides additional resources to address air quality concerns in these communities, and establishes new community-focused and community-driven actions to reduce air pollution and improve public health. As a result of AB 617, local air districts have been working with community members to develop CERPs. The CERP development process is intended to identify local air pollution sources of concern and establish control strategies within these designated communities. The AB 617 legislation also requires developing Community Air Monitoring Plans which set out air monitoring efforts to better understand air pollution in these communities and support CERP implementation.

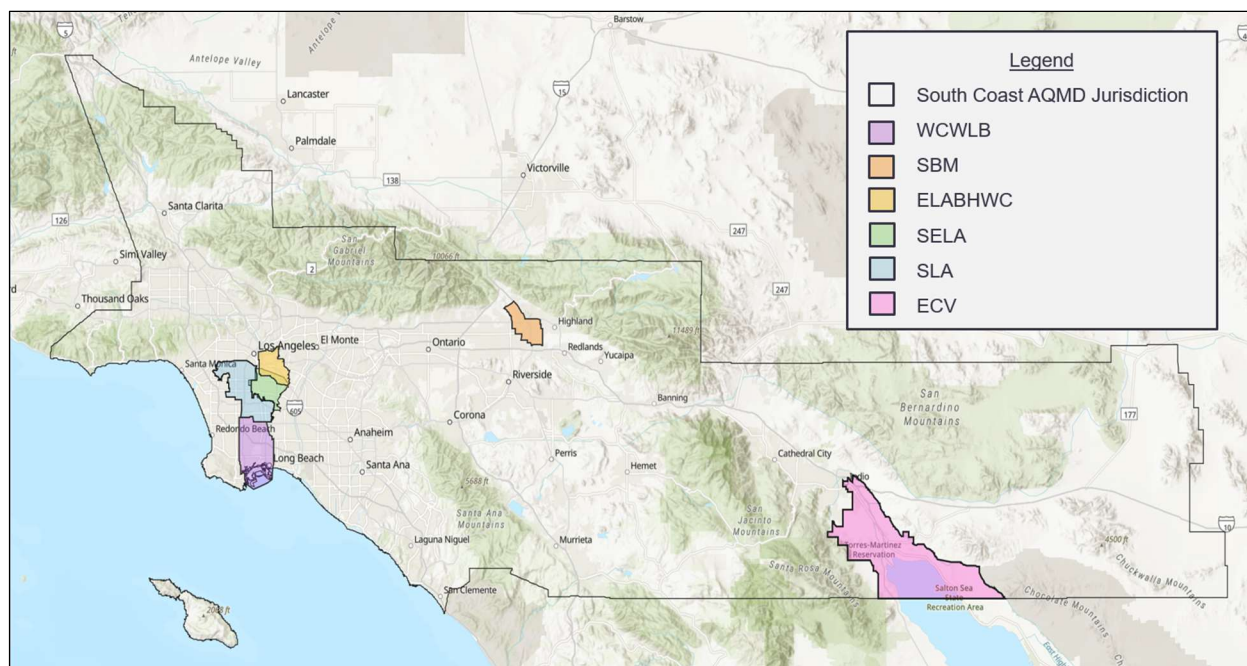
AB 617 Designated Communities

In South Coast AQMD, there are currently six designated communities under AB 617 (as shown in Figure 1-1):

- Wilmington/Carson/West Long Beach (WCWLB)
- San Bernardino/Muscoy (SBM)
- East Lost Angeles/Boyle Heights/West Commerce (ELABHWC)
- Southeast Los Angeles (SELA)
- South Los Angeles (SLA)

- Eastern Coachella Valley (ECV)

Figure 1-1



Community Emissions Reduction Plan

The CERP development process for each community is a collaboration between the Community Steering Committee (CSC), the South Coast AQMD, and the California Air Resources Board (CARB). The CSC comprises a diverse group of stakeholders that live, work, own businesses, and attend school within the community and includes representatives from local land-use agencies, public health agencies, and elected officials. Under AB 617 legislation, the CSC guides the development and implementation of the CERP. These CERPs are unique to each community to address the community's air quality priorities and include a variety of strategies, including commitments to develop new regulations, focused enforcement, outreach to businesses and the general public, air monitoring efforts, and collaborations with community stakeholders and other agencies.

In December 2020, the Southeast Los Angeles community released a CERP that included a series of actions to reduce emissions from metal processing facilities. Action B from Chapter 5e specifically includes language to initiate the rule development process to address housekeeping and best management practices at metal recycling plants to reduce fugitive emissions.¹ The Southeast Los Angeles CERP was approved by the South Coast AQMD Governing Board on December 4, 2020, and CARB on May 21, 2021.² In June 2022, the South Los Angeles CERP was

¹ *Southeast Los Angeles Community Emissions Reduction Plan: Final*. Pg. 116 (pg. 5e-1), Retrieved August 18, 2022, from: <https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-cerp/final-cerp.pdf?sfvrsn=9>

² *CARB Approves Community Emissions Reduction Program for Southeast Los Angeles*. Retrieved July 12, 2022, from: <https://ww2.arb.ca.gov/news/carb-approves-community-emissions-reduction-program-southeast-los-angeles>

approved by the South Coast AQMD Governing Board and also includes an action to address fugitive emissions at metal recycling facilities and metal shredding facilities.³ Specifically, Action G from Chapter 5e specifies for South Coast AQMD to initiate a rule development process to require additional housekeeping and best management practices at metal recycling facilities. The South Los Angeles CERP was approved by CARB in August 2022.

REGULATORY HISTORY

Permit Requirements for Metal Recycling Facilities and Metal Shredding Equipment

Under the South Coast AQMD Rule 203, any facility that operates equipment that causes or reduces air pollutants must have a permit to operate. As part of the permit application process, equipment is evaluated to ensure compliance with regulatory requirements to protect public health. A South Coast AQMD permit to operate provides details on how the equipment can be operated and emissions limits. Permitted facilities are required to maintain their equipment, air pollution control equipment, if any, and comply with all permit conditions to avoid excess emissions. A typical metal recycling facility does not have equipment that requires a permit; however, there are five metal shredding facilities with South Coast AQMD permits for metal shredding equipment and the associated air pollution control devices.

Rule 403 – Fugitive Dust

Rule 403 was adopted on May 7, 1976, and has undergone six amendments. The purpose of Rule 403 is to reduce the amount of particulate matter (PM) entrained in the ambient air due to anthropogenic (man-made) fugitive dust sources. Rule 403 broadly applies to any activity or man-made condition capable of generating fugitive dust and provides compliance options. Therefore, metal recycling facilities and metal shredding facilities have also been subject to Rule 403 and required to comply with the rule requirements.

The rule requires actions to prevent, reduce or mitigate fugitive dust emissions from active operations, which include, but are not limited, to earth-moving activities, construction/demolition activities, and heavy- and light-duty vehicular movement. Rule 403 provides a list of control measures and options for the operator to select. Rule 403 presents dust control measures in four tables. Table 1 provides a list of best available control measures (BACMs) which apply to all construction activity sources. Table 2 details dust control measures for Large Operations, defined as active operations on property containing 50 or more acres of disturbed surface area; or any earth-moving operation with a daily earth-moving or throughput volume of 5,000 cubic yards or more three times per year. Table 3 identifies contingency control measures for Large Operations to implement when Table 2 dust control measures are insufficient to meet the rule performance standards. Table 4 identifies conservation management practices for confined animal facilities. Rule 403 also includes a prohibition of visible emissions from crossing a property line from all man-made fugitive dust sources which includes metal recycling activities and wind erosion of storage piles at metal recycling operations.

For projects that meet the specifications for a Large Operation (i.e., greater than 50 acres of disturbed surfaces or more than 5,000 cubic yards of earth movement) Rule 403 requires

³ *South Coast AQMD: CERP - South Los Angeles (SLA)*. Retrieved August 17, 2022, from: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/south-la/final-cerp.pdf?sfvrsn=12>

notification to South Coast AQMD, designation of a dust control supervisor, contract signage, and recordkeeping of dust control actions implemented.

OTHER REGULATIONS FOR METAL RECYCLING AND METAL SHREDDING FACILITIES

National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements

The Clean Water Act (CWA) was passed in 1972 and specifies that no person is allowed to discharge pollutants into a “water of the United States” without a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit establishes requirements to control water pollution and regulate point sources that can discharge pollutants. The permit specifies what can be discharged, such as numeric effluent pollutant limits, numeric action levels, and technology and water quality-based effluent limitations for storm water and non-storm water discharges. There are monitoring and reporting requirements for sampling discharges, and inspectors verify that facilities comply with permit conditions.⁴ A metal recycling facility or metal shredding facility is subject to the requirements of the CWA.

Industrial Stormwater Program

Section 402(p)(3)(A) of the CWA requires storm water runoff from specified types of industrial facilities (categorized by standard industrial classification [SIC] codes) to be regulated under the NPDES permit program. In California, the State Water Resources Control Board (State Board) and the nine Regional Water Quality Control Boards (RWQCBs) implement the requirements of the CWA. Generally, storm water runoff associated with industrial activities is currently regulated under the State Board’s Industrial General Storm Water Permit. Within the Los Angeles County portion of South Coast AQMD, metal recycling facilities covered under the Industrial General Permit include those listed under SIC Code 5093 (scrap and waste materials) and engaged in the following types of activities: (1) automotive wrecking for scrap-wholesale (this category does not include facilities engaged in automobile dismantling for the primary purpose of selling second-hand parts, such as Pick-n-Pull); (2) iron and steel scrap- wholesale; (3) junk and scrap metal – wholesale; (4) metal waste and scrap- wholesale; and (5) nonferrous metals scrap wholesale. Other types of facilities listed under SIC Code 5093 and engaged in waste recycling, such as glass, paper, or plastic recyclers, are not included. Metal recycling facilities located within the Orange, Riverside, and San Bernardino County portions of South Coast AQMD are subject to a Sector-Specific Permit for storm water runoff associated with industrial activities from scrap metal recycling facilities within the Santa Ana Region (RWQCB 8).

Metal recycling facilities and metal shredding facilities covered by either an Industrial General Permit or the Sector-Specific Permit for the Santa Ana Region are required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).⁵ Each SWPPP is specific to the

⁴ *United States Environmental Protection Agency: National Pollutant Discharge Elimination System (NPDES) Permit Basics*. Retrieved June 8, 2022, from: <https://www.epa.gov/npdes/npdes-permit-basics#:~:text=It%20depends%20on%20where%20you,municipality%20about%20their%20permit%20requirements>

⁵ *United States Environmental Protection Agency: Developing Your Stormwater Pollution Prevention Plan*. Retrieved June 10, 2022, from: https://www.epa.gov/sites/default/files/2015-10/documents/sw_swppp_guide.pdf

facility and details the facility’s potential pollutant sources, and establishes various types of best management practices, such as operational source control, structural source control, treatment control, and erosion and sediment control to reduce stormwater pollution and offsite discharges. SWPPPs may also include housekeeping, inspection, maintenance, and recordkeeping requirements. These requirements also specify procedures to minimize fugitive dust emissions. The State Board developed the Storm Water Multiple Application and Report Tracking System (SMARTS) database, which contains SWPPPs for metal recycling facilities. The public can view or download information through the SMARTS website.⁶

Bay Area Air Quality Management District Regulation for Metal Recycling and Shredding Operations

In May 2013, the Bay Area Air Quality Management District (BAAQMD) adopted Regulation 6, Rule 4: Metal Recycling and Shredding Operations. The purpose of the rule is to minimize fugitive particulate matter emissions from metal recycling and metal shredding facilities. The rule establishes recordkeeping requirements for facilities with a metal throughput of 1,000 tons or more per rolling twelve-month period. Facilities with a metal throughput of 50,000 tons or more per rolling twelve-month period are required to prepare an Emissions Minimization Plan (EMP) for approval. The EMP includes descriptions of facility operations and actions to mitigate fugitive emissions, such as through air pollution controls, best management practices, and housekeeping. As of August 2022, three metal shredding facilities have been required to submit an EMP under this rule, and the documents are available on the BAAQMD website.⁷ Under BAAQMD Regulation 6, Rule 4 EMPs are required to be updated every five years.

METAL RECYCLING AND SHREDDING OPERATIONS

Metal Recycling Facilities

Metal recycling operations occur in both metal recycling and metal shredding facilities. The primary purpose of metal recycling facilities is sorting and preparing the scrap metal received for sale to other larger facilities that conduct shredding or other metal processing activities. Metal recycling facilities, also known as feeder yards, can vary in size from processing several hundred, to thousands of tons of scrap metal per year. Most of the metals recycled are steel and other ferrous metal alloys, and nonferrous metals such as aluminum, copper, brass, and bronze. The scrap metals received come from a variety of sources such as automobiles, demolition projects (buildings and construction sites), manufacturing, wiring, and miscellany (appliances and other consumer products).

The process at a metal recycling facility begins after scrap metal is purchased from either individuals, companies, or public agencies. At the facility, scrap metal is initially weighed and inspected for substances such as wood, paper, dirt, rocks, glass, and free liquid. Scrap metal can also be contaminated with other metals, insulation, plastics, paints, and oil. Section 42175 of the Public Resources Code requires that hazardous materials be removed from major appliances and vehicles before crushing for transport or transferring to a baler or shredder for recycling. This

⁶ *California State Water Resources Control Board*. Retrieved August 17, 2022, from: <https://smarts.waterboards.ca.gov/smarts/faces/SwPublicUserMenu.xhtml>

⁷ *Bay Area Air Quality Management District: Metal Facilities*. Retrieved August 17, 2022, from: <https://www.baaqmd.gov/plans-and-climate/emission-tracking-and-monitoring/metal-facilities>

process is known as depollution and involves the safe removal of “materials that require special handling,” which includes materials such as gasoline, oil, antifreeze, lead-acid batteries, vehicle airbags, compressed gas cylinders (e.g., propane tanks, compressed gas tanks, and fire extinguishers), refrigerants in air conditioning or heat transfer systems, capacitors containing polychlorinated biphenyls (PCBs), light ballasts, transformers, and items containing elemental mercury (e.g., tilt-switches or thermostats) (DTSC, 2021). Facilities that conduct depollution operations are subject to hazardous waste generator requirements (DTSC, 2021).

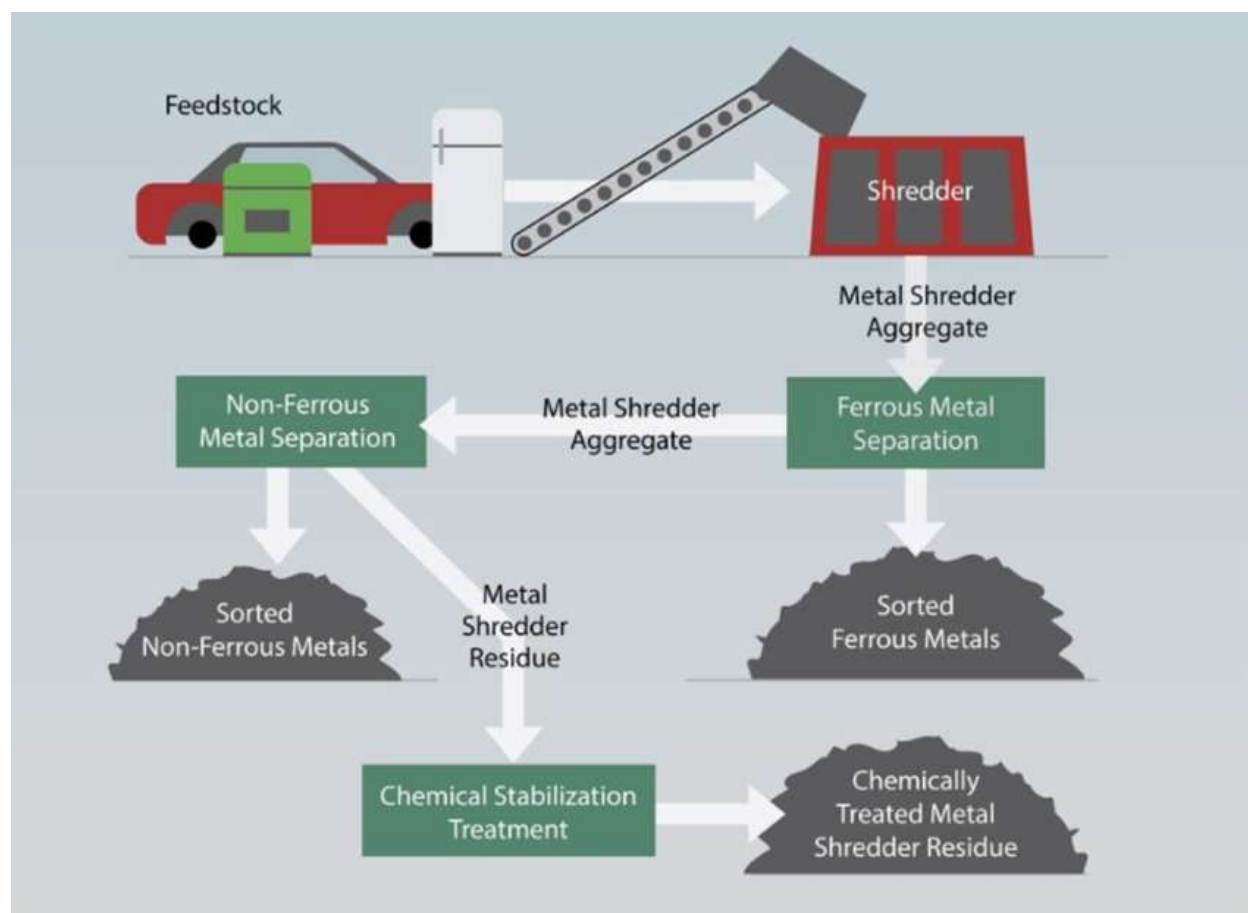
Once the scrap metal has been inspected to ensure it has been properly depolluted, it is sorted. The sorting varies between facilities, but the scrap metal is generally organized by metal type or whether it is ferrous or nonferrous. The scrap metal can be sorted through various methods, such as through the use of grapplers, cranes, and magnets. Afterward, the scrap metal can be broken down or resized so that it is easier to handle. This process varies between facilities and can include using large industrial shears, torch cutting, or baling scrap metal. After the scrap metal has been sorted and resized, it is loaded into containers to be transported to the next location for further processing.

Metal Shredding Facilities

The process at metal shredding facilities is very similar to metal recycling facilities in that the facilities receive, sort, and process scrap metal. Metal shredding facilities receive and purchase the same types of scrap metal as metal recycling facilities which can come from individuals, companies, public agencies, and other metal recycling facilities. For the most part, the receiving, sorting, and processing activities at metal shredding facilities are the same as metal recycling facilities, but the key difference is that metal shredding facilities also shred scrap metal as part of on-site processing activities.

The general process at scrap metal facilities is depicted in Figure 1-2. Metal shredding facilities receive scrap metal from various sources, and typically scrap metal provided by metal recycling facilities has already been depolluted and the hazardous materials removed. However, facilities must conduct on-site depolluting activities for scrap metal that is received from the public (DTSC, 2021). The depolluted scrap metal is processed through a shredder which cuts and crushes the scrap metal into fist-sized scraps of metal, creating a mixture of scrap metal called metal shredder aggregate. This aggregate is a mix of ferrous and nonferrous metals, plastic, rubber, glass, and other components that were part of the scrap metal. Ferrous metal is separated using magnets or eddy currents, and the remaining metal shredder aggregate is processed to separate the nonferrous metals. After separating ferrous and nonferrous metals, the remaining material is called metal shredder residue (MSR). Some facilities chemically treat MSR so it can be sent to a municipal solid waste landfill for use as an alternative daily cover. Other facilities transfer MSR offsite for further processing. The scrap metal that is shredded and sorted is then loaded into containers to be transported for further processing.

Figure 1-2



Point Source Emissions

A point source is an emission source with a specific fixed point at a facility. Metal shredders are considered a point source of emissions for metal shredding facilities. Due to the nature of the operation, even if the scrap metal has been depolluted, there still may be residual amounts of non-metal material that also go into the shredder. These materials include plastics, paints, caulks, sealants, rubber, switches, fluids, and fluid residues. The process of grinding and shredding scrap metal generates heat, resulting in residual fluids and fuels becoming gases. The nature of the shredding process creates the potential for particulate matter emissions of various sizes. Thus, the metal shredding process generates emissions of volatile organic compounds, particulate matter, and hazardous air pollutants, including lead, zinc, cadmium, mercury, and organic pollutants.⁸ Metal shredders are subject to the South Coast AQMD permitting process and must have a permit to operate. This equipment is evaluated to ensure compliance with regulatory requirements, and permit conditions are added to the permit to protect public health. Permit conditions would include venting to an air pollution control device while operating and requiring materials to be handled in a way to minimize dust and smoke emissions. Examples of air pollution control devices at shredding facilities include cyclones and venturi scrubbers or bag house systems for particulate

⁸ *Violations at Metal Recycling Facilities Cause Excess Emissions in Nearby Communities*. Retrieved June 2, 2022, from: <https://www.epa.gov/system/files/documents/2021-07/metalshredder-enfalert.pdf>

matter control. Sometimes, a carbon absorber or a regenerative thermal oxidizer is used for VOC control.

Fugitive Source Emissions

Under Title 40 of the Code of Federal Regulation Section 70.2, fugitive emissions are emissions that could not reasonably pass through a stack, chimney, vent, or another functionally-equivalent opening. These fugitive emissions generated by a facility can become airborne. For metal recycling and metal shredding facilities, the sources of fugitive emissions can be placed in three categories: material handling, material processing, and material storage.

Material Handling

Material handling activities at metal recycling and metal shredding facilities include loading and unloading trucks, sorting scrap metal, and vehicular movement through the facility. While scrap metal can be brought to the facility from personal vehicles, it can also be brought by large semi-trucks that need to be unloaded. As shown in Figure 1-3, trucks generally tilt the container holding the scrap metal to dump the materials on the ground during the unloading process. Fugitive emissions can be generated as scrap metal, dust, and other residue debris reaches the ground.

Figure 1-3



After the material has been unloaded, facilities may need to sort the scrap metal into the appropriate piles, which can be done by hand or using equipment such as grapplers, cranes, and skip loaders (see Figure 1-4). These activities can also lead to fugitive emissions as disturbed scrap metal is picked up, moved, and dropped. One method to reduce fugitive emissions during these activities is applying dust suppressants such as water to minimize dust and other potential emissions from becoming airborne.

Figure 1-4

The top image depicts a skip loader. The two bottom images depict grapplers

Once the scrap metal has been processed, the material will need to be loaded into containers, as shown in Figure 1-5. Like other material handling activities, this process of moving scrap metal can lead to fugitive emissions.

Figure 1-5

Material Processing

Material processing activities at metal recycling and metal shredding facilities include breaking down or compacting scrap metal for easier handling. Equipment commonly used includes shears, torch cutters, and balers (as shown in Figure 1-6). Industrial shears are used to break down scrap metal into smaller pieces, a process that can emit fugitive emissions due to the disturbance of any dirt or residue on the scrap metal. When pieces of scrap metal are too large for a shear, a torch

cutter may be used instead. The process of cutting metal using a very hot flame is a potential source of fugitive emissions, and torch cutting stainless steel can lead to toxic hexavalent chromium emissions. Torch cutting is similar to welding as they both involve melting metal at high temperatures, which generate fugitive emissions. Chromium is a component found in stainless steel, nonferrous alloys, and chromate coatings. When high heat is applied, such as during torch cutting or welding, chromium is converted into hexavalent chromium, a carcinogen.⁹ Some facilities will also bale scrap metal for compaction and easier handling. This process of crushing scrap metal may also release fugitive emissions.

Figure 1-6



The top image is a metal shear. The bottom left image is a baler and bottom right image is a torch cutter

Material Storage

Scrap metal material may be stored in piles before and after processing. As shown in Figure 1-7, these storage activities can be sources of fugitive emissions as piles are generally stored outside and uncovered. However, some facilities may store specific types of scrap metal within barriers or bins. Some material piles are considered active as workers are consistently adding or removing material from these piles. Others are static, but both types of material piles can be sources of fugitive emissions. Similar to material handling activities, applying dust suppressants such as water to scrap metal piles can minimize dust and other potential emissions from becoming airborne.

⁹ *Controlling Hazardous Fume and Gases during Welding*. Retrieved July 12, 2022, from: https://www.osha.gov/sites/default/files/publications/OSHA_FS-3647_Welding.pdf

Figure 1-7



NEED FOR PROPOSED RULE 1460

PR 1460 is needed to address community concerns and minimize fugitive dust emissions from metal recycling and metal shredding facilities. Although Rule 403 contains requirements to minimize fugitive dust emissions, the control actions are tailored to earth-moving activities, construction/demolition activities, and heavy- and light-duty vehicular movement. PR 1460 is specific to metal recycling and metal shredding facilities and is based on operations at these facilities. It will include housekeeping provisions and dust suppression requirements such as spraying water on scrap metal material before truck unloading and loading, material handling, and material processing and site improvements where necessary to minimize fugitive emissions. A large majority of metal recycling facilities do not have South Coast AQMD permits as the facilities do not operate equipment requiring a permit. PR 1460 will require facilities to register with South Coast AQMD, which will aid outreach and compliance activities. Additionally, AB 617 community members have expressed concerns about fugitive emissions at metal recycling and shredding facilities and have requested improved communication between regulatory agencies and the public. PR 1460 accomplishes this with signage requirements that identify the facility and South Coast AQMD contact information to facilitate the ability for members of community to contact the facilities or to file an air quality complaint with the South Coast AQMD.

AFFECTED FACILITIES

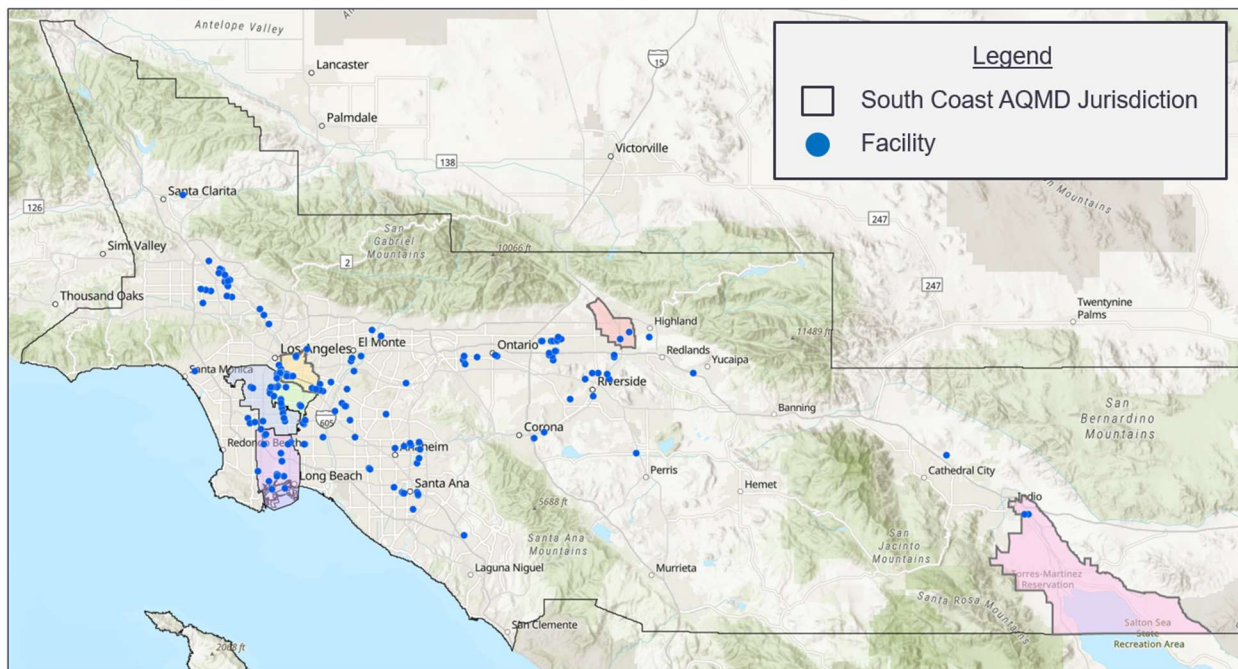
The facilities subject to PR 1460 were identified by reviewing South Coast AQMD databases and documentation from the California State Water Resources Control Board and Department of Toxic Substances Control (DTSC). Staff also identified facilities with a scrap metal permit under the local Santa Ana Regional Water Quality Control Board, searched websites for metal recycling and metal shredding facilities, and reviewed aerial images. PR 1460 will not apply to recycling centers where the primary business is to provide the refund value for empty beverage containers, material recovery facilities that primarily process non-metal material, auto dismantlers, metal melting facilities, and lead processing facilities. Further information about facility applicability will be discussed in Chapter 2.

Based on the search process described above, staff estimates 200 facilities would be subject to PR 1460 requirements. The facilities are metal recycling and metal shredding facilities that are generally classified under the following NAICS codes:

- 423930 Recyclable Material Merchant Wholesalers
- 562920 Materials Recovery Facilities

Of the estimated 200 facilities, five metal shredding facilities have been identified, and the remaining are metal recycling facilities. Figure 1-8 provides a representation of the facility locations as well as AB 617 designated community boundaries. For the AB 617 designated community boundaries please refer to the legend in Figure 1-1.

Figure 1-8



PUBLIC PROCESS

The development of PR 1460 has been conducted through a public process. A PR 1460 Working Group was formed to allow the public and stakeholders to discuss details of the proposed rule and provide South Coast AQMD staff with input during the rule development process. The Working Group includes business representatives, environmental and community groups, public agencies, and consultants. As discussed, PR 1460 applies to many facilities that do not have permits or experience with South Coast AQMD. As part of the public process, staff consulted with two trade associations, the California Metals Coalition and the Institute of Scrap Recycling Industries, to help notify their members of working group meetings. Staff also mailed a notice about the PR 1460 rule development process to a list of recycling facilities identified through an Employment Development Department (EDD) database. South Coast AQMD staff also updated community members about the PR 1460 rule development process at Community Steering Committee (CSC) meetings for the Southeast Los Angeles and South Los Angeles AB 617 communities. South Coast AQMD has held three Working Group Meetings via Zoom videoconference and teleconference due to COVID-19. The meetings held via Zoom were on March 16, 2022, May 18, 2022, and July 13, 2022. A Public Workshop was held September 6, 2022, via Zoom to present preliminary draft rule language for PR 1460 and receive public comment. The South Coast AQMD Stationary Source Committee received a PR 1460 briefing at a public meeting on September 16, 2022. A

Public Consultation meeting was subsequently held September 21, 2022 to present additional rule language clarifications.

CHAPTER 2 – SUMMARY OF PROPOSED RULE 1460

OVERALL APPROACH

PR 1460 addresses metal recycling and shredding operations and establishes requirements to minimize fugitive dust emissions through housekeeping and best management practices. PR 1460 also includes a registration process and recordkeeping requirements to aid South Coast AQMD in ensuring compliance. For this chapter, when referring to PR 1460 specific terms that are defined in the rule language, the terminology will be capitalized.

The following is a summary of PR 1460 provisions.

Purpose – Subdivision (a)

The purpose of PR 1460 is to minimize Fugitive Dust emissions from Metal Recycling and Metal Shredding Facilities and address AB 617 community concerns. Offsite Fugitive Dust emissions will be minimized by reducing particulate emissions from metal recycling and metal shredding activities.

Applicability – Subdivision (b)

PR 1460 applies to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility. PR 1460 requirements are supplemental to the requirements to control Fugitive Dust in Rule 403. The definitions for an Existing or New Metal Recycling Facility or Metal Shredding Facility are included in subdivision (c) – Definitions. A list of facilities not subject to PR 1460 is included in subdivision (m) – Exemptions.

Definitions – Subdivision (c)

PR 1460 includes definitions for specific terms. Some definitions are based on other South Coast AQMD rules, while others are unique to PR 1460. For certain definitions, additional clarification is provided in this section or where the definition is used within a specific Rule provision. Please refer to PR 1460 for actual definitions.

Building Enclosure

A Building Enclosure means a permanent building or physical structure, or a portion of a building, with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, runoff), where openings are only to allow access for people, vehicles, equipment, Scrap Metal, or Metal Shredder Residue. For the purposes of this PR 1460, overlapping floor-to-ceiling strip curtains to allow continuous access to the building enclosure interior are an acceptable form of a building wall. This definition has been adapted from other existing South Coast AQMD rules.

Debris

Debris includes soil, dirt, sand, gravel, clay, and other organic or inorganic particulate matter and includes all material at metal recycling facilities that is not intended to be recycled.

Existing Metal Recycling Facility

An Existing Metal Recycling Facility is a Metal Recycling Facility that has been in operation before the date of the rule adoption. These are facilities that have been operating and meet the definition of a Metal Recycling Facility but there may be certain scenarios that would cause facilities to no longer be considered an Existing Metal Recycling Facility. For example, if a facility is deemed an Existing Metal Recycling Facility, but there is a modification in facility operation,

such as installing a Metal Shredder, the facility will become a New Metal Shredding Facility. Additional scenarios where an Existing Metal Recycling Facility would become a New Metal Recycling or New Metal Shredding Facility include:

- If an Existing Metal Recycling Facility changes their active operations to no longer be in the metal recycling or metal shredding industry and later changes back
- If an existing facility moves its operation to a new physical location
- If an existing facility expands its operation by adding a non-adjoining property (such as across the street or down the block)

The following are scenarios where an Existing Metal Recycling Facility remains an Existing Metal Recycling Facility:

- The existing facility changes ownership but not the physical location of operation
- The existing facility adds a secondary operation on its property, but the majority of the operation is the same
- If an existing facility expands the facility by adding adjoining property to the existing location
- The existing facility halts operation for a period of time (could extend to multiple years), during which it does not operate any activities, and then resumes the original operation

Existing Metal Shredding Facility

An Existing Metal Shredding Facility is a Metal Shredding Facility that has been operating before the date of the rule adoption. These are facilities that have been operating and meet the definition of a Metal Shredding Facility but there may be certain scenarios that would cause facilities to no longer be considered an Existing Metal Shredding Facility. If an Existing Metal Shredding Facility removes and no longer operates a Metal Shredder, the facility will remain an Existing Metal Recycling Facility. Additional scenarios where an Existing Metal Shredding Facility would become a New Metal Recycling or New Metal Shredding Facility include:

- If an Existing Metal Shredding Facility changes their active operations to no longer be in the metal recycling or metal shredding industry and later changes back
- If an existing facility moves its operation to a new physical location
- If an existing facility expands its operation by adding a non-adjoining property (such as across the street or down the block)

The following scenarios where an Existing Metal Shredding Facility remains as an Existing Metal Shredding Facility include:

- The existing facility changes ownership but not the physical location of operation
- The existing facility adds a secondary operation on its property, but the majority of the operation is the same
- If an existing facility expands the facility by adding adjoining property to the existing location
- The existing facility halts operation for a period of time (such as a few years), during which it does not operate any activities, and then resumes the original operation

Fugitive Dust

Fugitive Dust means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person. If wind were to blow on a Scrap Metal pile and cause Fugitive Dust, that is an example of a result due to the activities of any person. This is an existing definition from South Coast AQMD Rules 102, 403, 403.1, and 403.2.

High Value Grade Metal

A High Value Grade Metal is Scrap Metal, intended for processing or resale, that contains minimal Debris, is not stored on unpaved surfaces, and is not mixed with material that contains Debris. An example of a High Value Grade Metal would be a pile of busheling. According to the Institute of Scrap Recycling Industries, busheling is a clean steel scrap with a maximum size of 2 feet by 5 feet and consisting of new factory busheling such as sheet clippings and stampings from metal production that is free of metallic coatings. Busheling also does not include old auto body and fender stock and is only new production scrap rather than scrap from obsolete used items. These High Value Grade Metals are not a source of fugitive dust as they arrive clean. Requirements such as daily watering could lessen the value of the metal and result in unnecessary use of water. PR 1460 defines High Value Grade Metal to include different best management practices for these materials.

Metal Recycling Facility

Metal Recycling Facility means a facility that receives, stores, segregates, or separates Scrap Metal and mixed materials for reuse or resale by purchasing or processing (sorting, shearing, baling, or torch cutting) metals. Metal materials include but are not limited to Ferrous Metals, Non-Ferrous Metals, auto bodies, and major appliances. All facilities subject to PR 1460 conduct metal recycling operations, and a small subset of facilities also conduct metal shredding operations.

Metal Shredder

A Metal Shredder is a piece of equipment using machinery driven by rotors that spin hammers that cuts, tears, or crushes metallic items into smaller pieces.

Metal Shredding Facility

A Metal Shredding Facility is any Metal Recycling Facility that accepts Scrap Metal and also uses a Metal Shredder to mechanically rend that Scrap Metal into smaller pieces and separates the Ferrous Metals, Non-Ferrous Metals, and other materials for recycling. As previously mentioned in the paragraph for Metal Recycling Facility, Metal Shredding Facilities conduct metal recycling activities and also utilize Metal Shredders in their operations.

Metal Shredder Residue

Metal Shredder Residue means the non-metallic material that remains after shredding Scrap Metal, after Ferrous Metals and Non-Ferrous Metals have been separated and removed. This is a byproduct produced only at Metal Shredding Facilities. Some facilities treat Metal Shredder Residue onsite while other facilities send it to another facility for offsite processing. Metal Shredder Residue contains light fibrous material. According to DTSC, light fibrous material can be dispersed offsite due to wind or rain if not properly managed. Collected samples of light fibrous

material have been shown to exceed regulatory thresholds for zinc, lead, and copper and meet the criteria for hazardous waste in California.¹⁰

New Metal Recycling Facility

A New Metal Recycling Facility means a Metal Recycling Facility that begins operation on or after the date of rule adoption. Additional clarification and scenarios are provided in the paragraphs above for Existing Metal Recycling Facility and Existing Metal Shredding Facility.

New Metal Shredding Facility

A New Metal Shredding Facility means a Metal Shredding Facility that begins operation on or after the date of rule adoption. Additional clarification and scenarios are provided in the paragraphs above for Existing Metal Recycling Facility and Existing Metal Shredding Facility.

Throughput

Throughput means the weight of the material, in tons, received at a Metal Recycling Facility or Metal Shredding Facility. This is the weight of materials brought to the facility during the receiving process and not the weight of Scrap Metal that is exported out of the facility.

Waste Material

Waste material includes plastics, vinyl, sponge, foam, leather, textiles, soil, rubber, glass, etc., not intended for resale or recycling. These are materials separated from the metals during the Scrap Metal sorting and processing activities and discarded in separate piles or containers. This material is different from the materials collected during the housekeeping requirements pursuant to subdivision (e).

Registration – Subdivision (d)

Initial Registration

PR 1460 will require Metal Recycling Facilities and Metal Shredding Facilities to register and provide South Coast AQMD with information about the facility and its operation. Many Metal Recycling Facilities do not have equipment permitted by South Coast AQMD. To streamline the registration process, South Coast AQMD is proposing to develop a form that facilities can use to provide the required registration information. Appendix B includes a draft registration form. Collected information will be used by the South Coast AQMD for outreach and to conduct compliance activities.

Paragraph (d)(1) requires Existing Metal Recycling Facilities and Existing Metal Shredding Facilities to submit registration information on or before July 1, 2023. Subparagraphs (d)(1)(A) through (G) specify the information required under the registration process, including facility information such as name, address, contact information, number of employees, hours of operation, and acreage.

Subparagraph (d)(1)(H) further requires facilities to denote if there is a Sensitive Receptor within 100 meters (328 feet) of the facility boundary. This is due to a requirement in paragraph (f)(5) where facilities within 100 meters of a Sensitive Receptor are required to cease specific facility activities if ~~instantaneous~~ wind speed exceeds 25 miles per hour averaged over one minute. A

¹⁰ *Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes*. Retrieved August 3, 2022, from: https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/08/2021.08.09_Metal_Shredder_Analysis.pdf

Sensitive Receptor is defined in paragraph (c)(17) as a residence, schools, preschools, daycare centers, prisons, and health facilities such as hospitals or retirement and nursing homes. School is defined in paragraph (c)(18) as any public or private school, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the school in kindergarten through grade 12. School also means an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A school does not include any private school in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school. When identifying a Sensitive Receptor, facilities can utilize an online mapping system (e.g., Google Maps, Apple Maps, etc.) to identify building uses nearby. The requirements to identify Sensitive Receptors using online mapping programs are not intended to identify temporary living arrangements such as persons residing in cars, recreation vehicles, or tents. Online mapping programs are snapshots in time and cannot be relied on to identify temporary living arrangements. The 100-meter distance shall be measured from the facility's outmost perimeter to the property line of the sensitive receptor.

Subparagraph (d)(1)(I) through (K) require facilities to provide regulatory information, including identification or permit numbers issued by the State Water Resources Control Board, California Integrated Waste Management Board, or a Local Enforcement Agency (if applicable). These subparagraphs also require facilities to provide a South Coast AQMD facility ID (if applicable), and list of South Coast AQMD permitted equipment (if applicable).

Subparagraph (d)(1)(L) requires facilities to list torch cutting equipment used for metal recycling activities.

Subparagraph (d)(1)(M) requires facilities to report facility Throughput for the preceding calendar year by denoting which range of Throughput the facility processes. Throughput is defined in paragraph (c)(20) as the weight of the material in tons received at metal recycling and metal shredding facilities. The following are the annual Throughput categories specified under subparagraph (d)(1)(M).

Annual Throughput	< 1,000	≥1,000 to	25,000 to	50,000 to	75,000 to	≥100,000
		<25,000	<50,000	<75,000	<100,000	

Registration for New Facilities

Paragraph (d)(2) requires a New Metal Recycling Facility or Metal Shredding Facility to submit registration information. As previously defined, a New Metal Recycling Facility or Metal Shredding Facility is a facility not in existence before the date of PR 1460 adoption. PR 1460 would require registration with South Coast AQMD for new facilities before the first day the facility is in operation.

Update Registration for Facilities that Change Operations

Paragraph (d)(3) of PR 1460 requires submittal of an updated registration before January 15, 2024, and by that date on each year after if the Metal Recycling Facility or a Metal Shredding Facility has a change to any one of the following facility characteristics: location or mailing address, legal owner, facility contact information, Throughput range, the addition of torch cutting equipment, or new or additional Sensitive Receptors within 100 meters (328 feet) of the facility property line.

The paragraph (d)(3) update notifications are required once per year and only if there are changes to the items specified in subparagraphs (d)(3)(A) through (d)(3)(G).

Housekeeping – Subdivision (e)

Paragraph (e)(1) requires daily cleaning using a Prescribed Cleaning Method for specific areas throughout the facility. Prescribed Screening Methods are defined in paragraph (c)(16) as a process of removing or collecting debris using a wet mop, damp cloth, wet wash, low-pressure spray nozzle, dry vacuum with dust suppression, or a combination of the described methods which minimize Fugitive Dust emissions. Specified areas for daily cleaning include traffic areas used by vehicles throughout the facility, including, but not limited to, equipment paths used within the facility, the entrances and exits of the facility, and truck scales where weighing occurs. Additional locations requiring daily cleaning include all areas where truck or container loading or unloading occurs and other areas where recycling-related activities such as sorting, shearing, torch cutting, baling, shredding, or Scrap Metal storage take place. In subparagraph (e)(1)(B), the provision specifies cleaning areas where the surface of the ground is exposed to clarify that these are areas of the ground that are not covered by heavy machinery or Scrap Metal piles and are reasonably accessible to clean. Examples of areas that facilities will not be required to clean include under a pile of Scrap Metal, under or inside a Metal Shredder, or under a shipping container.

Paragraph (e)(2) requires that materials collected during housekeeping requirements in paragraph (e)(1) are to be stored in covered containers that are to remain covered at all times, except when being filled. Materials collected from daily housekeeping can include dirt and debris and are intended to be placed into containers prior to disposal and not transferred to other containers. Requirements for limiting Fugitive Dust from Waste Material, defined as remaining material after the metal sorting/recycling process (e.g., plastics, vinyl, glass, etc.) that is not intended for resale, are included in paragraph (f)(9). Under the provisions of paragraph (f)(9), Waste Material is also required to be stored in a container that is covered but this material can be transferred to other containers.

Best Management Practices – Subdivision (f)

Paragraph (f)(1) established requirements for reducing Fugitive Dust emissions from unloading or loading Scrap Metal from vehicles or containers, handling Scrap Metal, processing Scrap metal (includes sorting, shearing, baling, or shredding activities), and Scrap Metal storage pile activities, excluding High Value Grade Metal piles. The requirements for Scrap Metal storage pile activities apply to materials placed on the ground and not to metals within containers such as barrels, three-yard bins, or roll-off containers. Paragraph (f)(1) requires the application of water at sufficient quantities and frequencies to minimize Fugitive Dust emissions. The amount and process of applying water is not specified, but staff has identified misting equipment systems that use less water than traditional high-pressure hoses. Use of recycled water (if available) and recycling of water used on site for dust control is also encouraged to minimize potable water use.

Paragraph (f)(2) provisions are intended to reduce emissions from Scrap Metal storage piles, excluding High Value Grade metal piles. Under paragraph (f)(2), facilities are required to implement at least one of the following measures: daily watering (except on rain days where there is 0.1 inches or more of precipitation), use of three-sided enclosures, or installation of three-sided windscreens. Subparagraphs (f)(2)(A) through (f)(2)(C) specify the minimum requirements for each measure intended to minimize Fugitive Dust from storage piles. Determination of rain days

when there is 0.1 inches or more of precipitation would be based on a National Weather Service weather station located within the jurisdictional boundaries of the South Coast AQMD and within the same county as the metal recycling facility.

Paragraph (f)(3) provisions are specific to High Value Grade Metal piles and the requirements included are based on industry stakeholder input about the different types of metal received at facilities. Specifically, the stakeholders commented that the materials comprising High Value Grade Metal piles are of a higher value, and dust control, including daily watering, was not needed due to the limited amount of debris included with this type of metal pile. Additionally, concerns were expressed that applying water to these metals in some cases would decrease their value. Staff concurs with these comments and under paragraph (f)(3), applicable facilities would be required to label and maintain documentation of the date the facility received the material. Paragraph (f)(3) also requires facilities that have High Value Grade Metal piles onsite for at least 15 consecutive days to implement at least one of the measures listed in subparagraphs (f)(3)(A) through (f)(3)(D): covering, use of three-sided enclosures, installation of three-sided windscreens, or watering as needed to minimize dust emissions. For compliance demonstration purposes, the start of the 15 consecutive days begins when the facility receives High Value Grade Metal and places it in a pile on the ground. The facility will label the pile (e.g., piece of paper with the date written on it) to document when the metal arrived at the facility (i.e., establishment of a receipt date). If the facility adds more High Value Grade Metal the next day to this existing High Value Grade Metal pile the receipt date for the pile does not reset. The receipt date for the pile also does not reset if half of the pile is removed. The High Value Grade Metal pile will be subject to control requirements when material remains at the facility for more than 15 days based on the original receipt date.

Vehicles traveling on site can resuspend material into the air and the amount of material resuspended is a function of the loose material on the surface (referred to as silt loading) and vehicle weight and speed.¹¹ Paragraph (f)(4) provisions are intended to reduce Fugitive Dust emissions by requiring operators to post signs at all entrances of the site to designate the vehicle speed limit of 15 miles per hour. To allow time to install speed limit signs, signage is required beginning July 1, 2023.

Paragraph (f)(5) establishes additional requirements for a Metal Recycling Facility or Metal Shredding Facility that is located within 100 meters (328 feet) of a Sensitive Receptor. As previously described, Sensitive Receptors are defined in paragraph (c)(17) and generally include schools, hospitals, and residences. Under the provisions of subparagraph (f)(5)(A), a Metal Recycling Facility or Metal Shredding Facility that is within 100 meters (328 feet) of a sensitive receptor is required to monitor wind speeds in accordance with subdivision (l) provisions. Subparagraph (f)(5)(B) requires a Metal Recycling Facility or Metal Shredding Facility that is within 100 meters (328 feet) of a sensitive receptor to cease unloading and loading activities, sorting, shearing, baling, torch cutting, and shredding activities for at least 15 minutes if wind speed is greater than 25 miles per hours averaged over one minute. ~~following an instantaneous wind speed above 25 mph.~~ By specifying an average over one minute, it helps to clarify the metric facilities shall use when implementing this provision during facility operations which is consistent with subdivision (l) wind monitoring requirements. Subparagraph (m)(2)(A), in the Exemptions subdivision, establishes an exclusion from the subparagraph (f)(5)(B) work cessation requirements

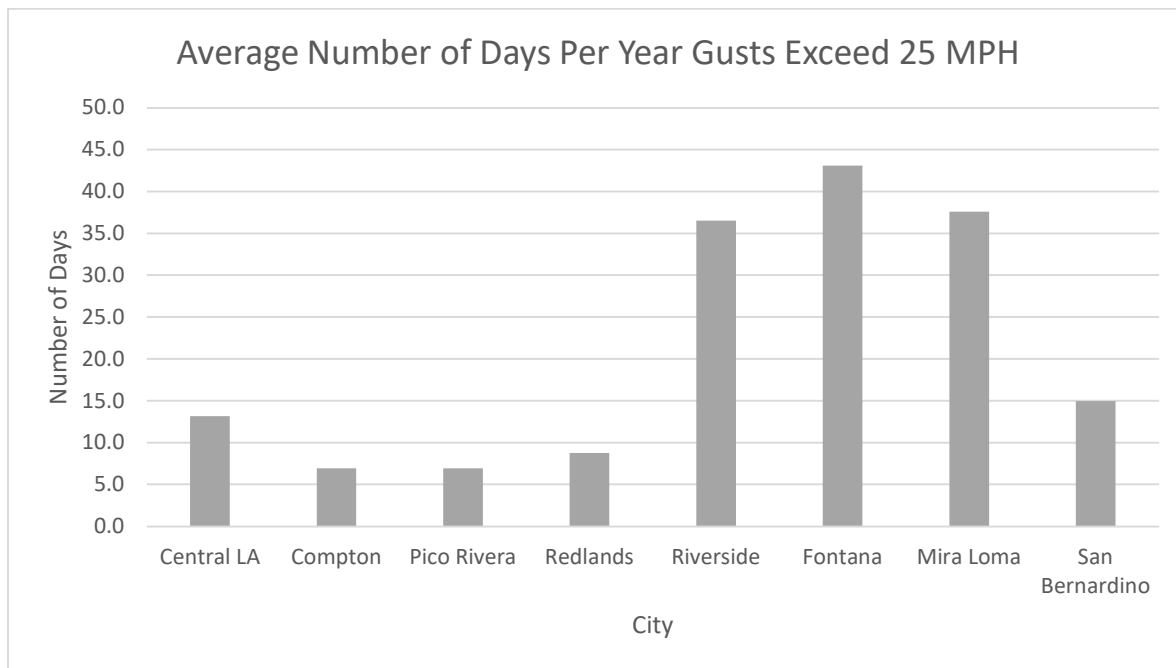
¹¹ EPA: 13.2.1 Paved Roads. Retrieved August 5, 2022, from: https://www.epa.gov/sites/default/files/2020-10/documents/13.2.1_paved_roads.pdf

for Scrap Metal unloading and loading activities, sorting, shearing, baling, torch cutting, or shredding activities conducted within a Building Enclosure. Subparagraphs (m)(2)(B), (m)(2)(C), and (m)(2)(D) include additional exemptions from the work cessation requirements.

To understand the impact on businesses located within 100 meters of a Sensitive Receptor, staff conducted a review of 2017 - 2021 wind data from South Coast AQMD air monitoring sites to determine the percentage of days when wind gusts exceeded 25 mph during a portion of working hours (7:00 AM to 6:00 PM). Based on this data, as shown in Table 2-1 and Figure 2-1, Los Angeles area monitoring stations (downtown Los Angeles, Compton, Pico Rivera) averaged nine days per year where wind gusts were above 25 mph for a portion of the day. For inland monitoring stations (Redlands, Riverside, Fontana, Mira Loma, and San Bernadino) the average was 28 days per year for a portion of the day. The number of days with wind gusts above 25 mph were greater in the fall and winter months (October through February). On a monthly basis, the Fontana monitoring station had the highest average number of windy days (seven) in January. Each day was counted once whether the instantaneous winds exceeded 25 mph multiple times that day or winds exceeded 25 mph just once. Staff acknowledges work stoppage will have an adverse impact on businesses; however, restricting certain activities during high wind events will minimizing fugitive dust impacts on sensitive receptors. The proposal is a balanced approach which will only allow activities that should not result in the generation of fugitive dust, e.g., activities within a building or hand unloading.

Table 2-1

City	Percentage of days gusts exceeded 25 mph, between 2017- 2021	Number of days/yr
Central LA	3.6	13.1
Compton	1.9	6.9
Pico Rivera	1.9	6.9
Redlands	2.4	8.8
Riverside	10	36.5
Fontana	11.8	43.1
Mira Loma	10.3	37.6
San Bernardino	4.1	15

Figure 2-1

Paragraph (f)(6) includes requirements for areas of the site to be paved with asphalt or concrete if the following activities occur: Scrap Metal unloading and loading, vehicle travel, sorting, shearing, torch cutting, baling, shredding, or Scrap Metal storage. Paving requirements are effective January 1, 2025, to allow facilities to upgrade previously unpaved areas on site. Under the provisions of paragraph (f)(6) paved areas will need to be maintained in good operating condition to prevent the generation of Fugitive Dust. Over time, pavement can develop damage, including but not limited to divots, cracks, potholes, and spalling of concrete or asphalt. Facilities will need to maintain pavement such that it is not a source of Fugitive Dust emissions.

Paragraph (f)(7) and (f)(8) provisions complement Storm Water regulations and other existing South Coast AQMD rules. They are intended to limit the amount of material tracked out from vehicles exiting a facility onto paved public roads where material could be resuspended by passing vehicles. Under paragraph (f)(7), facilities are required to ensure track-out does not extend more than 25 feet from a facility. Track Out is defined as material that adheres to motor vehicles, haul trucks, and equipment (including tires) that have been released onto a paved road and can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions. Track Out is measured from each exit, and facilities with multiple exits would be required to ensure the track out from a facility does not exceed a cumulative distance of 25 feet. Paragraph (f)(7) also requires removal of Track Out at the end of the workday or evening shift. Paragraph (f)(8) requires facilities to install and maintain at least one of the specified measures to minimize Track Out. As described in subparagraphs (f)(8)(A) through (f)(8)(C) measures include a wheel shaker, a wheel washing system or paving. The requirements under paragraphs (f)(7) and (f)(8) are effective July 1, 2023, allowing facilities time to install equipment, if necessary.

Paragraph (f)(9) establishes that Waste Material is to be stored in a container that remains covered unless being filled or emptied. As mentioned, Waste Material is defined in paragraph (c)(22) as

material generated from Metal Recycling Facility or Metal Shredding Facility activities that are not intended for resale and include but are not limited to plastics, vinyl, sponge, foam, leather, textiles, soil, rubber, and glass.

The provisions of paragraph (f)(10) are specific to a Metal Shredder Facility that generates Metal Shredder Residue. Under subparagraph (f)(10)(A), beginning July 1, 2023, a Metal Shredding Facility will be required to store all Metal Shredder Residue within a three-sided enclosure that is at least two feet higher than the height of the Metal Shredder Residue. Subparagraph (f)(10)(B) further clarifies that the Metal Shredder Residue is to not extend beyond the perimeter of the enclosure. The requirement that the residue “not extend beyond the perimeter of the enclosure” means that no Metal Shredder Residue can be located outside of the perimeter of the structure as determined if it had all four sides. Figure 2-2 below shows an example of residue spilling out over the perimeter of a three-sided enclosure; this would be a violation of subparagraph (f)(10)(B).

Figure 2-2



If the current owner or operator of a metal shredding facility receives three violations of the provisions of paragraph (f)(10) within five consecutive years, paragraph (f)(11) establishes that the facility has 180 days after receiving the third violation to store Metal Shredder Residue within a Building Enclosure. All rule provisions, including paragraph (f)(10) requirements, will be enforced, and facilities can become subject to additional enforcement actions, if necessary. Paragraph (f)(11) represents an additional requirement for facilities that receive multiple violations of paragraph (f)(10). For the purposes of implementing paragraph (f)(11) provisions, Notices of Violations (NOVs) issued to the previous owner or operator within any five year period would not apply to the current owner or operator.

Signage – Subdivision (g)

Signage at facilities is intended to provide the public with information to directly contact the facility with questions, concerns, or complaints about potential air quality issues. Under subdivision (g), the facility will be required to document the complaint and subsequent mitigation actions, if any. The signage shall include South Coast AQMD contact information [1-800-CUT-SMOG®] as an additional resource for the community.

Paragraph (g)(1) establishes signage requirements consistent with many other South Coast AQMD rules. Paragraph (g)(1) also references the alternative signage provisions under paragraph (g)(3). The signage dimensions and requirements contained in subparagraphs (g)(1)(A) through (g)(1)(D) are intended to make the signs more visible to the public. Since many PR 1460 facilities are located in AB 617 communities with many Spanish speaking and bilingual individuals, signage is required in English and Spanish. The specific text that must be included on each sign is presented below and in clauses (g)(1)(D)(ii) and (g)(1)(D)(iii). Paragraph (g)(1) provisions are effective July 1, 2023, to allow facilities the time necessary to develop and install signs.

“TO REPORT AIR QUALITY ISSUES SUCH AS ODORS, DUST, OR SMOKE FROM THIS FACILITY, PLEASE CALL [FACILITY CONTACT AND PHONE NUMBER] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG®”.

“PARA REPORTAR PROBLEMAS DE CALIDAD DEL AIRE COMO OLORES, POLVO O HUMO DE UNA INSTALACIÓN, LLAME A [CONTACTO DE LA INSTALACIÓN Y NÚMERO DEL TELÉFONO] O AL EL DISTRITO DE ADMINISTRACIÓN DE LA CALIDAD DEL AIRE DE LA COSTA SUR AL 1-800-CUT-SMOG®”.

Paragraph (g)(2) also requires that New Metal Recycling or New Metal Shredding Facilities install signage, following the dimensions and requirements in paragraph (g)(1), before the first day of conducting metal recycling or metal shredding operations.

Paragraphs (g)(3) and (g)(4) establish procedures for facilities that seek an alternative to paragraph (g)(1) and (g)(2) signage requirements.

Prohibitions – Subdivision (h)

Subdivision (h) requires any Metal Shredder installed or constructed after January 1, 2023, be within a Building Enclosure when operating. Paragraph (c)(1) defines a Building Enclosure as a permanent building or physical structure, or a portion of a building, with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, runoff), where opening are only to allow access for people, vehicles, equipment, Scrap Metal, or Metal Shredder Residue. For the purposes of this PR 1460, overlapping floor-to-ceiling strip curtains to allow continuous access to the building enclosure interior are an acceptable alternative to an enclosure wall.

Requirements for New Metal Recycling or New Metal Shredding Facilities – Subdivision (i)

Subdivision (i) establishes requirements for New Metal Recycling or New Metal Shredding Facilities that begin operation after on or after the date of PR 1460 rule adoption. Under paragraph (i)(1), all areas where the following activities are conducted are required to be paved with concrete: Scrap Metal unloading or loading, sorting, shearing, torch cutting, baling, shredding, or Scrap

Metal storage. Under paragraph (i)(2), a New Metal Shredding Facility is required to ensure all Metal Shredder Residue is stored within a Building Enclosure.

Recordkeeping – Subdivision (j)

Recordkeeping provisions are included in South Coast AQMD regulations to document facility compliance activities. Subdivision (j) includes PR 1460 recordkeeping requirements for monthly Throughput, housekeeping, complaints received (and actions taken), documentation of High Value Grade Metal, wind monitoring, and records to show compliance with subparagraph (f)(5)(B). Under paragraph (j)(1), the monthly Throughput records must be made available to South Coast AQMD compliance staff by the 15th of the following month. Paragraph (j)(2) requires housekeeping records to be completed by the end of each business day. PR 1460 housekeeping records can be maintained through a checklist. Paragraph (j)(3) requires facilities to maintain records of complaints received by the facility, including the name of complainant and contact information (if provided), date and time, and action taken to mitigate the source of the complaint (if any). Paragraph (j)(4) requires facilities to maintain documentation of the date of arrival of High Value Grade Metal as a method to ensure compliance with paragraph (f)(3) provisions. Paragraphs (j)(5) and (j)(6) are only applicable to facilities that are within 100 feet of a sensitive receptor. Paragraph (j)(5) requires facilities to maintain records of wind monitoring, including a data log of wind speeds and the corresponding dates and times. Paragraph (j)(6) requires facilities to document start and stop times to demonstrate compliance with subparagraph (f)(5)(B). Under subdivision (j), all required records must be kept and maintained on-site for a minimum of three years and made available to South Coast AQMD staff upon request.

Fees – Subdivision (k)

Fees are collected under South Coast AQMD regulations to recover program implementation costs whenever feasible. Under subdivision (k) provisions, facilities submitting a registration or an update will be subject to a Plan Filing Fee pursuant to subdivision (c) of Rule 306 – Plan Fees (Rule 306). As of August 2022, the Plan Filing Fee for a Non-Title V facility is \$179.52 and for a Title V facility the fee is \$224.97.

Wind Monitoring Requirements – Subdivision (l)

Subdivision (l) establishes the wind monitoring requirements to determine wind speed pursuant to subparagraph (f)(5)(A). Facilities will be required to install a stationary anemometer or wind sensor that follows the requirements specified in paragraphs (l)(1) through (l)(5).

Exemptions – Subdivision (m)

PR 1460 applies only to Metal Recycling and Metal Shredding Facilities that primarily process Scrap Metal. Since other types of facilities can generate or handle Scrap Metal, paragraph (m)(1) specifies facilities exempted from this rule to provide additional clarification. Exempted facilities include auto dismantlers, recycling centers that primarily recycle empty beverage containers like aluminum cans, material recovery facilities that primarily take the solid waste and other recyclables, and metal melting and lead processing facilities that are currently subject to other South Coast AQMD rules.

Auto dismantlers are exempt from PR 1460 since their primary operation involves dismantling and taking out car parts for resale. Auto dismantlers generally do not recycle Scrap Metal and instead

send what is left of the car, after all parts have been removed, to a Metal Recycling Facility or Metal Shredding Facility.

Recycling centers that primarily recycle empty beverage containers such as aluminum cans are exempted from PR 1460 as these operations have a low potential to generate Fugitive Dust emissions.

Material recovery facilities receive a variety of waste such as trash, plastic, paper, and metal. Material recovery facilities do not process metals as the primary material and are regulated through other South Coast AQMD rules such as Rule 410 – Odors from Transfer Stations and Material Recovery Facilities and are exempt from PR 1460.

Metal melting and lead processing facilities recycle metals through melting processes that include but are not limited to die casting, refining, sintering, smelting, or soldering. These operations differ from the metal recycling and metal shredding operations subject to this rule. Metal melting and lead processing facilities are subject to existing South Coast AQMD rules which require housekeeping and recordkeeping requirements. To provide clarity, facilities subject to the following South Coast AQMD rules are exempt from PR 1460:

- Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations
- Rule 1407.1 – Control of Toxic Air Contaminant Emissions from Chromium Alloy Melting Operations
- Rule 1420 – Emissions Standard for Lead
- Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities
- Rule 1420.2 – Emission Standards for Lead from Metal Melting Facilities

Subparagraph (m)(1)(E) provides an exemption for metal cutting, welding, and metal grinding performed for maintenance and repair activities.

Subparagraph (m)(2)(A) provides an exemption from the requirement for facilities located within 100 meters (328 feet) of a Sensitive Receptor to cease operations during high wind conditions provided the Scrap Metal unloading and loading, sorting, shearing, baling, torch cutting, or shredding is conducted within a Building Enclosure.

Subparagraph (m)(2)(B) provides an exemption from the cessation of unloading activities under subparagraph (f)(5)(B) when water is applied at sufficient quantities and frequencies to minimize Fugitive Dust emissions. Subparagraph (m)(2)(C) provides an exemption for hand unloading of Scrap metal. An example of hand unloading Scrap Metal would be a few people hand unloading a refrigerator out of a van. Subparagraph (m)(2)(D) provides an exemption from subparagraph (f)(5)(B) cessation provisions for metal recycling of High Value Grade Metal. High Value Grade Metal are received with little to no debris so should not be a source of fugitive dust.

CHAPTER 3 – IMPACT ASSESSMENT

AFFECTED SOURCES

It is estimated that up to 200 facilities will be impacted by PR 1460. The affected sources are limited to metal recycling and metal shredding facilities. Of the facilities, five metal shredding facilities have been identified; the remaining are metal recycling facilities. PR 1460 defines a metal recycling facility as a facility that receives and processes scrap metal through activities such as sorting, shearing, cutting, or baling ferrous metals and, non-ferrous metals for reuse or resale. A metal shredding facility is defined as a facility that receives scrap metal and mechanically renders that metal into smaller pieces for recycling through a metal shredder. The magnitude of operation per facility varies greatly, ranging from less than 1,000 tons of scrap metal to over 100,000 tons of scrap metal received annually. Based on information from a DTSC evaluation of metal shredding facilities in California, the three largest metal shredder facilities within South Coast AQMD's jurisdiction have an annual average throughput of approximately 290,000 tons.¹² Many recycling facilities are located in AB 617 communities.

As previously mentioned, facilities subject to PR 1460 are also subject to South Coast AQMD Rule 403 and State Water Resources Board regulations that require measures to minimize dust. Accordingly, the PR 1460 water suppression activities to minimize fugitive dust emissions are supplemental to existing regulations. The amount of additional water necessary to comply with PR 1460 will vary by facility. Some facilities recycle water used for dust control on-site which will limit the need for additional water use. Based on available metal recycling throughput¹³ information, staff previously estimated in the Preliminary Draft Staff Report that the daily increase of potable water could range from approximately 180,000 to 250,000 gallons under PR 1460 depending on a facility's current usage to comply with Rule 403. However, based on further review, staff now estimates that water usage will be much less than originally anticipated. California is currently in a drought and constraints on water usage and conservation efforts will further incentivize facilities to recycle water. Based on staff's conversations with local Regional Water Quality Control Boards, a majority of metal recycling facilities recycle water; therefore, staff anticipates that daily potable water usage will be approximately 55,000 gallons, which is substantially less than previous estimates as facilities will be utilizing a combination of potable and recycled water.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act (CEQA) and South Coast AQMD's certified regulatory program (Public Resources Code Section 21080.5, CEQA Guidelines Sections 15251(l) and South Coast AQMD Rule 110), 15002(k) and 15061, the proposed project (PR 1460) is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption will be has been prepared pursuant to CEQA Guidelines Section 15062, and if the proposed project is approved, the Notice of Exemption will be filed for posting with the State Clearinghouse of the Governor's Office of Planning and Research, and with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino Counties.

¹² *DTSC Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes*. Retrieved on August 4, 2022, from: https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/08/2021.08.09_Metal_Shredder_Analysis.pdf

¹³ *State of Disposal and Recycling for Calendar Year 2019*. Retrieved on August 19, 2022, from: <https://www2.calrecycle.ca.gov/Publications/Download/1742#:~:text=An%20estimated%2028.9%20million%20tons,of%2050%20percent%20in%202014.>

SOCIOECONOMIC IMPACT ASSESSMENT

Health and Safety Code Section 40440.8 requires a socioeconomic impact assessment for proposed and amended rules resulting in significant impacts to air quality or emission limitations. This assessment shall include affected industries, range of probable costs, cost effectiveness of control alternatives, and emission reduction potential.

PR 1460 is applicable to metal recycling and metal shredding facilities and requires additional best management practices, housekeeping, and administrative requirements. PR 1460 builds on existing Rule 403 requirements to specifically reduce fugitive particulate emissions from metal recycling and shredding facilities. PR 1460 also includes administrative requirements such as a one-time facility registration, installation of facility contact signage, and recordkeeping.

AFFECTED INDUSTRIES AND FACILITIES

As mentioned, metal recycling is a broad industry classification that includes facilities which receive and process Scrap Metal for reuse and resale. All facilities subject to PR 1460 conduct metal recycling operations and a small subset of facilities also conduct metal shredding operations. Based on available information, there are approximately 200 metal recycling facilities that are estimated to be subject to PR 1460 and five of the 200 facilities also operate an on-site metal shredder. Typically, metal recycling facilities do not operate equipment that requires a South Coast AQMD permit, however, metal shredding equipment and the associated air pollution control devices are permitted. The majority of the affected PR 1460 facilities are included in the North American Industry Classification System (NAICS) Recyclable Material Merchant Wholesalers (NAICS 423930). Some of the facilities subject to PR 1460 requirements may be classified as small businesses. Of the currently identified facilities potentially subject to PR 1460, 144 are in Los Angeles County, 21 are in Orange County, 11 are in Riverside County, and 31 are in San Bernardino County.

COMPLIANCE COSTS AND ASSUMPTIONS OF THE SOCIOECONOMIC IMPACT ANALYSIS

Subdivisions (d) through (l) specify requirements for metal recycling facilities under PR 1460. Incremental costs beyond those incurred for compliance with Rule 403, existing South Coast AQMD permits and other existing regulatory programs (e.g., State Water Resources Control Board) were analyzed for the following categories under PR 1460 requirements. One-time costs for paving, wind monitors, and building enclosure costs were annualized using a Capital Recovery Factor based on a 4% real interest rate, and the corresponding years of useful equipment life assumptions. One-time costs for facility registration, signage costs, and miscellaneous “soft” costs are lower and likely will not be financed by the facility; therefore, staff estimated the annual costs by averaging out the total over the corresponding useful equipment life.

Facility Registration

Appendix B includes a draft of the one-time registration form which facilities must complete and submit prior to July 1, 2023, to comply with PR 1460 subdivision (d). Facility costs to comply with this requirement include the payment of fees pursuant to South Coast AQMD Rule 306 and facility staff time to prepare the form. South Coast AQMD Rule 306 plan evaluation fees in 2022 are approximately \$180. The facility’s staff time necessary to complete the form will vary by facility type with smaller facilities anticipated to use two hours or less and larger facilities with

more complex operations possibly needing additional hours. For purposes of this assessment, four hours of facility staff's time at \$25/hour is presumed necessary to complete the form. Total facility registration costs, including \$180 for the plan fee and \$100 to complete the form, for all 200 facilities is \$56,000. This represents a one-time fee and when averaged out over 25 years, is approximately \$2,240 across all 200 facilities.

Housekeeping

Metal recycling facilities are presently required to conduct housekeeping activities. PR 1460 includes requirements for daily housekeeping, and it is presumed a portion of facilities will need to supplement existing housekeeping programs. Staff's analysis accounted for two additional hours of housekeeping at \$25/hour per week and 52 weeks per year at 50 facilities. The analysis also includes assumptions for the incremental increase in water demand for housekeeping at all facilities. Water costs vary by jurisdiction and water provider but the incremental increase in costs for wet cleaning was based on the Los Angeles Department of Water and Power (LADWP) 2022 average commercial Tier 1 rate of \$7.42 per hundred cubic feet. Annual housekeeping costs for increased staff time and increased water usage was estimated at \$224,531 for all facilities.

Best Management Practices

The use of water is likely the most practical method of mitigating fugitive dust at metal recycling facilities. As discussed, metal recycling facilities currently use water for dust control and many facilities presently recycle water used on site. The analysis includes assumptions for the incremental increase in water demand for all facilities. Costs for the incremental increase in water use that some facilities may incur was based on a rate of \$7.42 per hundred cubic feet.

In addition to the option to water, PR 1460 also includes options to reduce fugitive emissions through use of coverings or three-sided enclosures, including wind screens. Staff assumed no facility would install the three-sided building enclosures due to the high cost, a small number of facilities would elect to install wind screens, while the remaining would elect to conduct the less expensive option of watering. Cost estimates for wind screens were approximately \$400 per linear foot for a wind screen that is 22 feet in height based on updated cost assumptions from the Bay Area Air Quality Management District staff report¹⁴ for Rule 6-4. Wind screen costs were annualized over ten years and were estimated to be approximately 60 feet in length.

PR 1460 also includes an option for facilities to cover high value grade metal piles with 12 mil plastic sheeting. Staff estimated costs for plastic sheeting to be \$487 for each roll that is 12 feet by 100 ft (1,200 sq. ft) and facilities selecting this option would replace sheets twice per year.

PR 1460 also includes requirements for metal recycling and related activities to be conducted on paved surfaces by January 1, 2025, and that pavement must be maintained in good condition to prevent the generation of fugitive dust. The vast majority of metal recycling operations are currently conducted on paved surfaces and facilities in Regional Water Quality Control Board – Region 8 (generally Orange, Riverside and San Bernardino counties) are required to be paved under a sector-specific permit for storm water runoff. The PR 1460 cost analysis includes assumptions for a limited amount of paving or repaving at Los Angeles County metal recycling facilities at a cost of \$3.13 per square foot (using a 2013 paving cost of \$2.67 for a Riverside

¹⁴ Bay Area AQMD, Staff Report for Rule 6-4 Metal Recycling and Shredding Operations, May 2013., Retrieved on May 17, 2022 from https://www.baaqmd.gov/~media/files/board-of-directors/2013/brd_agenda_050113.pdf?la=en&rev=1f9acb7d26e64c0597e7b5f0dfd85699

County AB 1318 paving project, adjusted to 2021 dollars). Paving costs were annualized over 10 years, which is the assumed useful life of paved surfaces.

The total PR 1460 annual cost to implement best management practices (water, plastic sheeting, three-sided wind screens, and paving) at all facilities is estimated at \$302,686.

Signage

Compliance costs for PR 1460 facility contact signage requirements were based on four signs per site. It was presumed half of the signs would be installed on walls or fences by the facility at cost of about \$400 per sign (using signage cost from the 2017 amendments to Rule 1466, adjusted to 2021 dollars) and the other half of signs would be installed on posts by a contractor at a cost of approximately \$900 per sign, and each sign is presumed to last 25 years. PR 1460 also includes requirements for facilities to install a speed limit sign. Costs for speed limit signs were approximately \$22 per facility (using cost estimates from the 2017 amendments to Rule 1466, adjusted to 2021 dollars). Facility signage costs were averaged over 25 years. PR 1460 also includes an alternative compliance option for facilities that elect to implement separate controls for high value grade metal piles. Specifically, paragraph (d)(3) requires facilities to label these specific piles to facilitate future compliance inspections. Due to the uncertainty of the number of facilities that implement these procedures as well as the nominal costs for a paper label, costs were not included in the Socioeconomic assessment. Total costs for all facilities to implement PR 1460 signage provisions are estimated at \$540,420 and when averaged out over 25 years, is approximately \$21,649 across all facilities.

Miscellaneous Equipment

As mentioned, metal recycling facilities are presently required to control track out and fugitive dust emissions under State Water Resources Control Board and South Coast AQMD regulations. For the purposes of this cost assessment, it was presumed that some facilities would need to purchase additional equipment to supplement existing dust control strategies. These costs include \$350 for a heavy duty 150 foot hose with a mist spraying attachment at 50 facilities for a total cost of \$17,500 and these costs were averaged over ten years (\$1,750). It was further presumed that five facilities would install a passive wheel shaker device approximately \$7,200 for a total cost of \$35,590 and when averaged out over 25 years, is approximately \$2,211. Total PR 1460 facility costs for miscellaneous equipment averaged out over 25 years, is approximately \$3,961 across all facilities.

Wind Monitoring

PR 1460 establishes requirements for facilities within 100 meters of a sensitive receptor to install and maintain a wind monitor on-site. The number of facilities that would be subject to this requirement is not known at this time; however, for cost estimating purposes it was presumed 40 facilities would install a wind monitor as the majority of facilities are in industrialized areas and are not near sensitive receptors. Wind monitor costs were approximately \$4,500 per facility (using cost estimates from the 2015 amendments to Rule 1402.2, adjusted to 2021 dollars) and were annualized over ten years. The cost estimates also included bi-annual equipment calibrations at \$200 each (based on cost estimates from the 2021 amendments to Rule 1469.1) Total facility costs for PR 1460 wind monitoring are estimated at \$37,681 annually across all facilities that are subject to wind monitoring requirements.

Recordkeeping

PR 1460 includes recordkeeping requirements for facilities to document housekeeping practices and metal throughput. Facilities that elect to implement separate control requirements for high value grade metal or those that are subject to wind monitoring provisions are also required to maintain recordkeeping. Based on the type of recordkeeping, staff's analysis accounted for an average of one hour per month of additional staff time at \$25/hour for recordkeeping costs. Recordkeeping of housekeeping and metal throughput apply to all facilities. Documentation for dates when high value grade metal is received will only apply to facilities that choose to implement alternative control options for this material but for the purposes of this analysis it was presumed that all facilities will incur these costs. Recordkeeping costs for wind monitoring and documenting start and stop times only apply to facilities near sensitive receptors. Total annual costs for recordkeeping (housekeeping, monthly throughput, documentation for high value grade metal, wind monitoring, and start and stop times during high wind events) for all facilities are estimated at \$206,000.

TOTAL ANNUAL COMPLIANCE COST

The estimated total annual compliance costs for PR 1460 is approximately \$799,000 which is less than one million dollars annually. It has been a standard practice for South Coast AQMD's socioeconomic impact assessments that, when the annual compliance cost is less than or close to one million current U.S. dollars annually, the Regional Economic Models Inc. (REMI)'s Policy Insight Plus Model is not used to simulate jobs and macroeconomic impacts. This is because the resultant impacts would be very small relative to the baseline regional economy. As the estimated compliance costs for PR 1460 are less than one million dollars per year further analysis regarding jobs and macroeconomic impacts has not been performed.

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings

California Health and Safety Code Section 40727 requires that prior to adopting, amending, or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report.

Necessity

PR 1460 is needed to address the air quality impact of fugitive dust from metal recycling and metal shredding facilities, which has been identified as a priority by AB 617 communities.

Authority

The South Coast AQMD Governing Board has authority to adopt PR 1460 pursuant to the California Health and Safety Code Sections 39002, 40000, 40001, 40702, 40716, 41508, and 41700.

Clarity

PR 1460 is written or displayed so that its meaning can be easily understood by the persons directly affected by it.

Consistency

PR 1460 is in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

Non-Duplication

PR 1460 will not impose the same requirements as any existing state or federal regulations. The proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, South Coast AQMD. South Coast AQMD Rule 403 is applicable to any activity capable of generating fugitive dust emissions, but PR 1460 is specific to metal recycling and metal shredding facilities and establishes provisions that supplement Rule 403.

Reference

By adopting PR 1460, South Coast AQMD Governing Board will be implementing, interpreting, and making specific provisions of the California Health and Safety Code Section 41700 (nuisance), 39002 (air pollution from non-vehicular sources), 40001 (rules to achieve ambient air quality standards) and 41508 (additional standards).

COMPARATIVE ANALYSIS

Under California Health and Safety Code Section 40727.2, South Coast AQMD is required to perform a comparative written analysis when adopting, amending, or repealing a rule or regulation. The comparative analysis is relative to existing federal requirements, existing or proposed South Coast AQMD rules, and other air pollution control requirements and guidelines that apply to fugitive dust emissions. PR 1460 would not conflict with existing rules of South Coast AQMD regulating fugitive dust emissions but in some instances would require similar provisions to existing rules.

PR 1460 is specific to metal recycling and metal shredding facilities and requires additional best management practices, housekeeping, and administrative requirements. There are also rule-specific prohibitions for facilities in close proximity to a sensitive receptor and for new facilities.

Existing Rule 403 regulates any activity capable of generating fugitive dust and requires similar best management practices to PR 1460, such as applying dust suppressants during unloading of materials and for storage piles; and prohibiting track out extending 25 feet. While Rule 403 also includes signage and recordkeeping requirements, these provisions are specific to earth-moving activities defined as large operations (greater than 50 acres of disturbed surfaces or more than 5,000 cubic yards of daily earth-movement).

Other South Coast AQMD existing rules relating to the reduction of fugitive dust include Rule 403.1 – Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources, Rule 1157 – PM10 Emission Reductions from Aggregate and Related Operations, and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. However, these existing rules do not specifically address dust control from metal recycling or metal shredding facilities. Existing Rule 403.1 regulates fugitive dust but applies only to sources in the Coachella Valley area

and is supplemental to Rule 403. Existing Rule 1157 applies only to aggregate and related operations. Existing Rule 1466 applies to earthmoving activities for toxic soils. Existing Rules 401 and 402 prohibit excess visible emissions and public nuisance respectively. There are no Federal Regulations identified. See

Table 3-1 for a comparative analysis matrix.

Table 3-1

Rule / Statute	Source	Emission Reductions / Limits	Averaging Procedures (Units), Work Practices, Operating Provisions	Monitoring, Recordkeeping, Reporting, Test Methods	Notification Requirements
401	Any single source of emissions; including exhaust stack	Prohibits excess visible emissions. ¹⁵	20 percent opacity cannot be exceeded three minutes in any hour, cumulatively.	Test method based on opacity as determined by Ringlemann chart or U.S. EPA Method 9.	None
402	Any source	Prohibits public nuisance caused by emissions of air contaminants. ¹⁶	None	None specified.	None
403	Any active operation;	No visible emissions past property line / no greater than 20 percent opacity for vehicle emissions ¹⁷	Best Available Control Measures for construction activity sources) ¹⁸	None specified for construction activity sources ¹⁹	None specified for construction activity sources ²⁰

¹⁵ Rule 401 limits visible emissions to Number 1 Ringlemann or 20% opacity in excess of three minutes within any hour. PR 1460 would prohibit unloading, loading, sorting, shearing, baling, and shredding activities within 100 meters of sensitive receptors if instantaneous wind speeds exceed 25 mile per hour averaged over one minute.

¹⁶ Rule 402 provisions are implemented primarily in response to public complaints. PR 1460 requirements are applicable regardless of whether public complaints are filed.

¹⁷ PR 1460 does not specify a limit for visible emissions past property lines but would minimize any emissions from metal recycling and metal shredding activities. Rule 403 visible emission provisions would be in addition to other requirements in PR 1460.

¹⁸ PR 1460 would require control measures which are in some instances more stringent than the BACM requirements of Rule 403 but which are equivalent to the control measures required of construction activity sources under Rule 403.

¹⁹ PR 1460 would require daily recordkeeping for housekeeping, monthly recordkeeping of throughput, and recordkeeping for complaints and mitigation actions taken.

²⁰ PR 1460 would require facilities to submit updated registration information to South Coast AQMD for changes in information specified in subparagraph (d)(3).

Rule / Statute	Source	Emission Reductions / Limits	Averaging Procedures (Units), Work Practices, Operating Provisions	Monitoring, Recordkeeping, Reporting, Test Methods	Notification Requirements
403.1	Active operations in Coachella Valley	None	Fugitive Dust Control Plan with BACM (operations >5000 sq ft) ²¹	Windspeed recording Daily recordkeeping	None
404	Any source	Prohibits discharge of particulate matter in excess of certain rates. ²²	Based on grains per cubic foot of air stream.	None specified.	None
405	Any source	Prohibits discharge of particulate matter weight in excess of specified rates. ²³	Establishes maximum discharge rate (lbs./hr.) based on process weight per hour.	None specified.	None
1157	Aggregate and related operation ²⁴	No visible plumes extending > 100 ft / no greater than 20 percent opacity	Opacity Test Method No. 9B (12 reading avg) Work practice control measures	Recordkeeping of work practice controls implemented	None

²¹ Rule 403.1 only applies to the Coachella Valley and requires a fugitive dust control plan with control measures, signage, and a dust control supervisor consistent with and supplemental to Rule 403. PR 1460 would impose signage to enable community members to directly contact the facility or South Coast AQMD for air quality concerns.

²² This Rule is used in conjunction with the South Coast AQMD's permitting system. Metal recycling operations such as unloading, loading, sorting, shearing, and baling that are subject to PR 1460 requirements are not subject to South Coast AQMD permits. Metal Shredders used by Metal Shredding Facilities are subject to South Coast AQMD permits.

²³ This Rule is used in conjunction with South Coast AQMD's permitting system. Metal recycling operations such as unloading, loading, sorting, shearing, and baling that are subject to PR 1460 requirements are not subject to South Coast AQMD permits.

²⁴ PR 1460 minimizes fugitive dust emissions from metal recycling and metal shredding operations. Rule 1157 prohibition on emissions is focused on aggregate operations.

Rule / Statute	Source	Emission Reductions / Limits	Averaging Procedures (Units), Work Practices, Operating Provisions	Monitoring, Recordkeeping, Reporting, Test Methods	Notification Requirements
1466	Earth-moving activities of toxic soil	Reduce monitored PM ₁₀ concentrations 25 microgram/m ³ averaged over 30 minutes.	Fencing for on-site earth-moving activities, dust control measures, stockpiles, speed limits, signage. ²⁵	Monitor PM ₁₀ concentrations, recordkeeping of work practice controls implemented.	Notification to District at least 72 hours before conducting earth-moving activities
Health and Safety Code Section 41700	Any source	Prohibits public nuisance caused by emissions of air contaminants. ²⁶	None	None specified.	None
Health and Safety Code Section 41701	Any source.	Prohibits discharge of excessive visible emissions. ²⁷	40 percent opacity cannot be exceeded three minutes in any hour, cumulatively.	Test methods - Ringlemann chart or U.S. EPA Method 9.	None
Federal Regulation	No regulations identified.	No regulations identified.	No regulations identified.	No regulations identified.	No regulations identified.

REFERENCES

“Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes”, California Department of Toxic Substances Control, https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/08/2021.08.09_Metal_Shredder_Analysis.pdf, accessed August 4, 2021.

²⁵ Rule 1466 regulates earth-moving activities and includes that these activities shall be adequately wet to prevent the generation of visible dust plumes and implementing a 15 mile per hour speed limit. PR 1460 will require facilities to apply water at sufficient quantities and also include a speed limit of 15 miles per hour.

²⁶ The statute is co-extensive with Rule 402. See footnote 9.

²⁷ The statute is co-extensive with Rule 401. See footnote 8.

APPENDIX A – RESPONSE TO COMMENTS

PUBLIC COMMENTS AND RESPONSES

A Public Workshop was held for PR 1460 on September 6, 2022. A Public Consultation meeting was held on September 21, 2022. The following section is a summary of individual verbal comments, followed by South Coast AQMD staff responses. In addition to the verbal comments at the public workshop, staff received written comment letters specific to PR 1460 during a comment period that closed on September 30, 2022. Copies of comment letters received and South Coast AQMD staff responses are provided following the below responses to individual verbal comments made at the Public Workshop.

Verbal Public Workshop and Public Consultation Meeting Comments

Comment 1: How does the PR 1460 definition of sensitive receptors compare to the State Office of Environmental Health Hazard Assessment (OEHHA).

Response: The PR 1460 sensitive receptor definition [included in paragraph (c)(18)] mirrors definitions used in recently amended/adopted South Coast AQMD toxics rules and generally includes residences, schools, day care centers and, health facilities (hospitals, retirement homes, etc.). For comparison, the OEHHA sensitive receptor definition also includes hospitals, schools, day care centers and residences.

Comment 2: The registration effort includes a requirement for facilities to provide facility identification (ID) numbers as provided the California Integrated Waste Management Board or the Local Enforcement Agency. It is not clear that those entities regulate metal recycling facilities and the suggestion is to request facilities to provide the assigned State Water Resources Control Board permit number.

Response: PR 1460 is a new regulation for the metal recycling industry and is intended to gather facility information. The proposed registration rule language has been amended to include a reference to the State Water Resources Control Board permit number and clarified to specify California Integrated Waste Management Board or the Local Enforcement Agency facility ID numbers, if applicable.

Comment 3: The PR 1460 registration program is appreciated to help communities understand the types of industrial facilities in their communities. How would the public obtain the results from the facility registration program and, if it is provided on the South Coast AQMD website, would it be possible to access the data by searching by the applicable NAICS (industry classification) code.

Response: As mentioned, the majority of the metal recycling facilities do not operate equipment that requires South Coast AQMD permits so under the PR 1460 facility registration program, facilities would be assigned a Facility ID number. The intent is to provide general facility information (facility name, address, hours of operation, etc.) on the South Coast AQMD (Facility Information Detail) [F.I.N.D.](#) website and the public could search for

facilities in their community based on city name or zip code. It is not possible to search for facilities on the F.I.N.D. system using NAICS codes, but a comprehensive facility list could be obtained after July 1, 2023, through a public records request.

Comment 4: Under the proposed provisions that would allow the specified activities to continue at facilities near sensitive receptors during high wind conditions, the facility is required to apply water prior to unloading material. This can be accomplished for trucks, but many facilities receive metal from passenger vehicles where pre-watering prior to unloading is not feasible without vehicle damage.

Response: Staff acknowledges the many types of vehicles and unloading procedures and has clarified in updated rule language that pre-watering would not apply provided the metal scrap is unloaded by hand.

Comment 5: PR 1460 includes provisions that require a metal shredding facility that receives three NOVs for failing to maintain metal shredder residue within the boundaries of a three-sided enclosure [within five years] to install a building enclosure for metal shredder residue. What kind of enforcement tools can be implemented before a facility receives three NOVs.

Response: Upon adoption (in accordance with specific effective dates) metal recycling facilities would be subject to all PR 1460 provisions. Facilities would be required to comply with all rule requirements. Paragraph (f)(10) provisions are specifically to address a facility that receives multiple enforcement actions within a set period. Paragraph (f)(10) provisions do not impact the South Coast AQMD ability to implement supplemental enforcement actions, including NOVs, Notice of Compliance (NCs), and abatement orders.

Written Comments

Letters Received

1. California Metals Coalition (9/6/22)
2. Institute of Scrap Metal Recycling (9/6/22)
3. Kramar's Iron & Metal (9/7/22)
4. FMC Metals (9/8/22)
5. Communities for a Better Environment (9/20/22)
6. Department of Toxic Substances Control (9/20/22)
7. California Metals Coalition (9/21/22)

Comment Letter #1:**California Metals Coalitions Email Correspondence, submitted 09/6/22**

September 6, 2022

Heather Farr, Manager
 South Coast Air Quality Management District
 21865 East Copley Drive
 Diamond Bar, California 91765

Dear Ms. Farr:

The California Metals Coalition (“CMC”) appreciates the opportunity to comment to the South Coast Air Quality Management District (“District” or “SCAQMD”) on the September 6, 2022 public workshop proceedings for SCAQMD Proposed Rule (PR) 1460.

SUMMARY

This comment letter addresses the preliminary draft rule language and preliminary staff report released on August 19, 2022 for *Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations*. It may also reference the three working group meetings on March 22, 2022, May 18, 2022, or July 13, 2022.

ABOUT METAL RECYCLING AND ADVANCED METALS INDUSTRY IN CALIFORNIA:

California metal manufacturers are heavily dependent on metal recyclers and metal shredders and utilize recycled metal (ex: aluminum, brass, iron, steel) to manufacture new metal parts installed in clean energy technologies, electric cars, medical devices, agriculture, infrastructure, aerospace, defense, food processing, movement of water, and millions of other products demanded by Californians.

Statistics about the state’s metal and metal recycling sector:

- Metalworking jobs in California pay \$80,000/year, on average, in wages and benefits.
- Metalworking jobs benefit working class communities and continue to be the only path to the middle-class for many disadvantaged Californians.
- The metals industry in California is comprised of approximately 4,000 businesses, most of which are family-owned small businesses.
- The metals industry in California generates over 350,000 total jobs.

- The metals industry in California accounts for \$87 billion in total annual economic activity.
- The metals industry in California generates \$28 billion in total annual wages.
- The metals industry in California accounts for \$8.6 billion in total annual state and federal taxes.

ENVIRONMENTAL BENEFITS OF METAL RECYCLING AND MANUFACTURING METAL PRODUCTS IN CALIFORNIA:

Californians generate more recyclable metal than any other state in the US. In fact, Californians generate enough aluminum scrap each day to build 5 commercial aircrafts. Fortunately, recycled metal is the choice material consumed by California’s metals industry.

As metal can be recycled and reused indefinitely without losing its physical properties, metal recycling allows us to preserve the finite resources we have on earth. The Institute of Scrap Recycling Industries (ISRI) reports that recycling one ton of aluminum saves up to 8 tons of bauxite; and recycling one ton of steel conserves 1,115 kg of iron ore, 625kg of coal and 25kg of limestone. In addition, using scrap metal instead of virgin ore generates 97 percent less mining waste and reduces 40% water pollution. In total, the process of recycling discarded metal and manufacturing new metal parts can cut greenhouse gas emissions by 300 million to 500 million tons.

A healthy metals sector also has a big impact on energy conservation. Recycling metal into new metal parts requires drastically less energy than manufacturing new metal parts from virgin material. The estimated yield in energy saving by using recycled metals is: 95% for aluminum; 85% for copper and 75% for iron and steel.

Finally, the environmental footprint of the metal products we all consume starts with manufacturing. Local metal recycling and manufacturing reduces overall emissions as California’s metals industry adheres to the world’s most stringent environmental standards.

COMMENTS ON PRELIMINARY DRAFT LANGUAGE

Comment #1: Revising Definition for (c)(6) Homogenous Metal Pile:

The current draft definition reads “(c)(6) HOMOGENOUS METAL PILE means a Scrap Metal pile, intended for reprocessing or resale, that is free of visible paints, oils, greases, coatings, rubber, and plastics and is composed solely of one metal which can be either aluminum or aluminum alloys, steel, or copper.”

The stated purpose of PR 1460 is to minimize fugitive dust from metal recycling and metal shredding facilities. The stated goal is to reduce fugitive particulate matter (PM) emissions and lower community exposure to these pollutants.

On a daily—and hourly—basis, scrap recyclers purchase and receive individual loads of recyclable metal. Some of the individual loads arrive with minimal or no soil or fine debris that could impact the surrounding community. This material may have visible amounts of paint, oil, grease, coatings,

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1-2

rubber or plastics. It also may be a mixture of metals, but overall is a high value recyclable material due to its content. Please see the following pictures in “Exhibits A” as a demonstration:

EXHIBITS A:



Insulated Scrap Wire (Copper or Aluminum)



Scrap bullet cases (Copper alloys)



Scrap shavings (multiple metals)



Loose Stampings (multiple metals)



Casting w/ risers (multiple metals)



Wheels (aluminum)



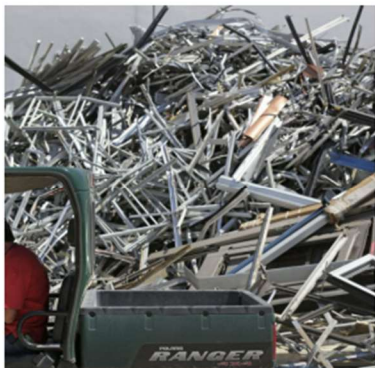
Scrap turnings (multiple metals)



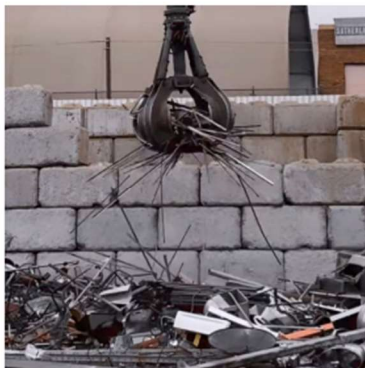
Scrap stampings (multiple metals)



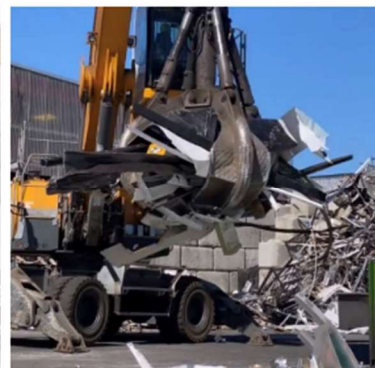
Scrap CNC Turnings (multiple metals)



Scrap window frames (aluminum)



Ferrous Scrap (multiple metals)



Non-Ferrous Scrap (multiple metals)

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CMC suggests a more accurate definition for Homogenous Metal Pile that still addresses the goal of minimizing fugitive dust. The definition would be: “(c)(6) HIGH VALUE GRADE METAL PILE means a Scrap Metal pile, intended for processing or resale, that contains minimal soil or debris, is not stored on dirt, and is not mixed with material that contains visible soil or debris.”

Comment #2: Revising Section (f)(3)(A)(B) and (C) to Replace Homogenous Metal Piles:

Sections (f)(3)(A)(B) and (C) include the definition “Homogenous Metal Piles.” CMC suggests replacing these sections with the new definition of “High Value Grade Metal Pile”—which can be found at the end of Comment #1 of this letter.

Comment #3: Revising Section (f)(3) for a pile that remains at the facility for more than a week:

Section (f)(3) currently states “For any Homogenous Metal Pile that remains at the facility for more than a week...”

CMC suggests amending the language to state, “For any High Value Grade Metal Pile that remains at the facility undisturbed for more than 30 consecutive days and is located within 100 meters (328 feet) from a Sensitive Receptor...”

As stated in Comment #1, the “High Value Grade Metal Pile” arrives free of visible soil or debris, is not stored on dirt, and is not mixed with material that contains visible soil or debris. With the stated goal of reducing fugitive particulate matter (PM) emissions and lowering community exposure to these pollutants, specifying a distance to a sensitive receptor is a critical element for this section.

Comment #4: Revising Section (f)(3) and Adding a New Option (f)(3)(D) for Water to Reduce Dust:

Section (f)(3) provides options (A)(B) and (C) for “High Value Grade Metal Piles.”

CMC suggests adding a section (f)(3)(D) that states “(D) Apply water, except on days where there is 0.1 inches or more of precipitation, at sufficient quantities and frequencies.” We don’t anticipate needing to use water on these piles since they are free of visible soil and debris, but it is good to have the option to reduce fugitive dust with water if a unique issue arises.

Comment #5: Updating Definitions for (8) Metal Shredder, (16) Prescribed Cleaning Method, (17) Scrap Metal, and (18) Soil to better align with metal recycling and metal shredding industry practices:

Current SCAQMD proposed definition is “(8) METAL SHREDDER means a piece of equipment using machinery driven by rotors that spin hammers that cuts and crushes metallic items into smaller pieces.”

CMC proposed definition is: “(8) METAL SHREDDER means a piece of equipment using machinery driven by rotors that spin hammers that cuts, tears or crushes metallic items into smaller pieces.”

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Current SCAQMD proposed definition is “(16) PRESCRIBED CLEANING METHOD means a process to remove or collect debris using a wet mop, damp cloth, wet wash, low-pressure spray nozzle, wet vacuum, dry vacuum with dust suppression, or a combination of the above methods which minimizes Fugitive Dust emissions.”

CMC proposed definition is “(16) PRESCRIBED CLEANING METHOD means a process to remove or collect debris using a wet mop, damp cloth, wet wash, low-pressure spray nozzle, wet vacuum, dry vacuum with dust suppression, broom sweeping with dust suppression, or a combination of the above methods which minimizes Fugitive Dust emissions.”

Current SCAQMD proposed definition is “(17) SCRAP METAL means any metal or items comprising of multiple materials including metal, that have been discarded or removed from the use for which it was produced or manufactured for and is intended for reprocessing or resale.”

1-3

CMC proposed definition is: “(17) SCRAP METAL means any metal or metal containing object that is no longer used for the purpose for which it was produced or manufactured and is intended for recycling.”

Current SCAQMD proposed definition is “(18) SOIL means dirt, sand, gravel, clay, and aggregate material less than two inches in length or diameter, and other organic or inorganic particulate matter remaining from the metal recycling and metal shredding process.”

CMC proposed definition is: “(18) SOIL means dirt, sand, gravel, clay, and aggregate non-metal material less than two inches in length or diameter, and other organic or inorganic particulate matter.”

Comment #6: Revising Section (f)(3)(A) in Reference to Plastic Sheeting:

Section (f)(3)(A) states “Cover with 10 mil thick intact plastic sheeting, free of tears and holes...”

Since the requirement is for plastic sheeting that is “intact”, CMC suggests striking “free of tears and holes.” SCAQMD should acknowledge that the material being covered is inherently sharp and can cause some tears and holes in the plastic when it comes in contact with the material.

1-4

Comment #7: Revising Section (f)(5)(B) in Reference to Ceasing Operations:

Section (f)(5)(B) states “Cease Scrap Metal unloading and loading, sorting, shearing, baling, torch cutting, and shredding activities for a period of at least 30 minutes following an instantaneous wind speed exceedance of 25 miles per hour.”

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The SCAQMD jurisdiction covers all, or portions, of the four counties of Los Angeles, Orange, San Bernardino and Riverside. Areas of this jurisdiction can experience instantaneous wind speed exceedance of 25 miles per hour for multiple consecutive days effectively shutting down the facility.

The focus of PR 1460 and section (f)(5)(B) is to reduce fugitive particulate matter (PM) emissions and lower community exposure to these pollutants. As such, the requirements in (f)(5)(B) should reflect the impact of higher wind speeds on materials that may have fugitive dust.

It is also important to note that scrap recycling facilities can receive material from numerous individual dealers in a single day. Forcing the dealers to line up around the street and wait for 30 minutes each time the wind speed hits 25 mph can lead to hours of idle street traffic near a sensitive receptor.

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CMC suggests revising section (f)(5)(B) to state “Cease Scrap Metal unloading and loading, sorting, guillotine shearing, baling, torch cutting, and shredding activities for a period of at least 7 minutes following a sustained wind speed exceedance of 25 miles per hour. This section excludes High Value Grade Metal Piles, unloading High Value Grade Metal Piles, activities done within a Building Enclosure, and materials where water has been applied at a sufficient quantity.”

Comment #8: Revising Definition for (c)(16) Sensitive Receptor:

The current draft definition reads: “(c)(16) SENSITIVE RECEPTOR means a residence including private homes, condominiums, apartments, and living quarters, schools, preschools, daycare centers and health facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long term care hospitals, hospices, prisons, and dormitories or similar live-in housing. School or school grounds means any public or private school, including juvenile detention facilities and schools serving as the students’ place of residence (e.g., boarding schools), used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. School or school grounds includes any building or structure, playground, athletic field, or other areas of school property, but does not include unimproved school property.”

“Living Quarters” is generally defined as “a dwelling available for people to live in.” As such, living quarters could include a tent, abandoned car, RV, trailer, or makeshift cover. CMC suggests removing “living quarters” from (c)(16).

1-6

CMC also suggests adding “legal” to this section by stating: “(c)(16) SENSITIVE RECEPTOR means a legal residence.....” Some of the individuals residing in a building around a metal recycler or metal shredder may be living there illegally. Or the building may be used as a nursing home or school without proper registration or permit. The addition of “legal” makes it clear that the building is being occupied for its proper and intended use.

Comment #9: Revising Section (d)(1)(H) regarding business registration of sensitive receptors:

Section (d)(1)(H) states: “On or before January 1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall register with the South Coast AQMD by submitting the following information in a format approved by the Executive Officer... whether a Sensitive Receptor is within 100 meters (328 feet) of facility boundary.”

To further clarify this section, the draft staff report states on Page 19 that “When identifying a Sensitive Receptor, facilities can utilize an online mapping system (e.g., Google Maps, Apple Maps, etc.) to identify building uses nearby.”

CMC suggests the following amendment to (d)(3)(H) that states “Facilities shall use a publicly available online mapping system to identify whether a Sensitive Receptor is within 100 meters (328 feet) of facility boundary.”

If it is not explicit in the rule that the facility can use a publicly available online mapping system, then the facility could be expected to designate an employee to canvass the community and physically identify all building uses within 100 meters (328 feet) of the facility boundary. Moreover, since the buildings may or may not clearly describe the activity within the building (ex: a former marijuana dispensary which was converted to an apartment), the employee would need to knock on each door, inquire about the activities within the building, and then let them know the information is being declared to a local government agency.

CMC believes that the activity of canvassing a neighborhood is not safe for an employee. Some residents are fearful of unexpected visitors, may be concerned about their status (ex: refusal of census takers), or do not want to declare the type of business they are conducting. Amending (d)(1)(H) will resolve this problem.

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Comment #10: Revising Sections (d)(3)(F) and (G) regarding business registration of sensitive receptors:

Sections (d)(3)(F) and (G) states that “No later than January 15, 2024, and no later than January 15 of every year thereafter, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall submit, the information required by paragraph (d)(1) if there are changes in the previous year to any of the following information included in a prior registration.....(F) Whether new or additional Sensitive Receptor(s) is located within 100 meters (328 feet) of facility boundary; or (G) Whether a Sensitive Receptor(s) previously located within 100 meters (328 feet) of the facility boundary closes or relocates beyond 100 meters (328 feet) of the facility boundary.”

Similar to the previous comment #7, CMC suggests the following:

1. Add language in section (d)(3)(F) that states “Facilities shall use a publicly available online mapping system to identify whether new or additional.....”
2. Add language in section (d)(3)(G) that states “Facilities shall use a publicly available online mapping system to identify whether a Sensitive Receptor(s) previously located....”

Comment #11: Clarification on Section (g)(1)(B) regarding location of the sign:

Section (g)(1)(B) states “Beginning July 1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall install and maintain signage. Unless otherwise approved in writing by the Executive Officer pursuant to provisions of paragraph (g)(3), signage shall.... Be located between 6 and 8 feet above grade from the bottom of the sign.”

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CMC is not suggesting any alternative language, but would like clarification on this topic. Does it mean that the sign has to be above the ground 6-8 feet? And what if the object (ex: fence) to which the sign is adhered, is less than 6 feet high?

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Comment #12: Striking Section (j)(4):

Section (j)(4) reads “Invoices for Homogeneous Metal Pile that demonstrate the delivery of Scrap Metal was solely aluminum or aluminum alloys, steel, or copper;”

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Since the new definition of “High Value Grade Metal Pile” has changed, this section should be removed.

Comment #13: Preliminary Staff Report declares Rule 403 Fugitive Dust Applies to Scrap Yards and Metal Shredders; Adds language to (b) Applicability:

Page 5 of the preliminary staff report declares that SCAQMD “Rule 403 was adopted on May 7, 1976....and metal recycling facilities and metal shredding facilities are subject to Rule 403 and these facilities should be complying with the rule requirements.”

Moreover, staff has included in the August 19, 2022 draft that “(b) Applicability: This rule shall apply to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility. The provisions of this rule are supplemental to the requirements of Rule 403.”

CMC suggests striking the language in (b) Applicability and clarifying the staff report. The new definition would read, “(b) Applicability: This rule shall apply to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility.”

There are considerable procedural, legal, notification, and practical problems with amending Rule 403 into the current draft rule 1460 on August 19, 2022. They include, but are not limited to:

1-9

1. Rulemaking for PR 1460 formally began on March 22, 2022, and continued with working group meetings on May 18, 2022, and July 13, 2022. There has not been mention of Rule 403 in any of the SCAQMD staff presentations.
2. On April 16, 2021, SCAQMD staff briefed the Stationary Source Committee on the SCAQMD rules impacting the metals industry. Rule 403 was not included in the presentation as a point of reference, nor discussed as an area of enforcement or inspections.
3. Also on April 16, 2021, SCAQMD staff first mentioned the concept for PR 1460. Rule 403 was not included in these discussions.
4. Rule 403 was adopted 46 years ago, on May 7, 1976. The California Metals Coalition (CMC) does not recall receiving any notification of public workshops, public discussion or public feedback. Is there a list of metal recyclers or metal shredders that received this information?
5. Over the last 46 years, there has been six amendments to Rule 403. The California Metals Coalition (CMC) does not recall receiving any notification of public workshops, public discussion or public feedback by SCAQMD during any of the six rulemaking amendment processes. Is there a list of metal recyclers or metal shredders that received this information?

<p>6. The intent and discussions around Rule 403 for the last 46 years—and six rulemaking amendments—have been industries (ex: agriculture) and processes (ex: demolition) not specifically connected to metal recyclers and metal shredders.</p> <p>7. Lastly, there are four pages of exemptions in Rule 403, and no mention of metal recycling or metal shredding operations.</p>	<p>1-9</p>
<p>CMC recognizes that there might be useful parts of Rule 403 that may be considered in PR 1460. In fact, some parts of Rule 403 (ex: definitions, wind speeds, driving speeds, tracking, cleaning, etc) are already included—directly and indirectly—in PR 1460.</p> <p>But to trigger the 75-day notice for PR 1460 with an announcement of Rule 403 is not acceptable. Again, CMC suggests striking the language in (b) Applicability and clarifying the staff report. The new definition would read, “(b) Applicability: This rule shall apply to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility.”</p>	
<p>Comment #14: Including Exemption in (m) for Repair and Maintenance that may create fugitive dust:</p>	
<p>CMC suggests adding section “(m)(3) Metal cutting, welding, and metal grinding performed for maintenance and repair activities.”</p>	<p>1-10</p>
<p>Comment #15: Amending Section (f)(11) with a Time Frame of One Calendar Year for 3+ Violations:</p>	
<p>Section (f)(11) currently reads “If the owner or operator of a Metal Shredding Facility receives three or more Notices of Violation for failing to comply with paragraph (f)(9), the owner or operator of a Metal Shredding Facility shall store the Metal Shredder Residue within a Building Enclosure within 180 days after receiving the third Notice of Violation.”</p> <p>CMC suggests adding section “If the owner or operator of a Metal Shredding Facility receives three or more Notices of Violation within a calendar year....”</p> <p>An open-ended timeframe for accumulation of violations is not realistic. Including “within a calendar year” allows the rule to have a trigger for a building enclosure, but provides a realistic timeframe for when the three or more violations would occur.</p>	<p>1-11</p>
<p>Comment #16: Clarifying Section (f)(8) Regarding Distance/Length of Vehicle Egress:</p>	
<p>Section (f)(8) currently reads “Beginning July 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall utilize at least one of the following at each vehicle egress: (A) A wheel shaker or wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide; (B) A wheel washing system that is installed, operated, and maintained in accordance with the manufacturer’s specifications; or (C) A paved surface at least 30 feet wide that extends at least 100 feet in length from the egress into the facility.”</p>	<p>1-12</p>

The entry/exit driveway length and width at a scrap recycling facility will vary. Factors impacting the driveway size includes the overall lot dimensions of the business, the size of vehicles entering the facility, the distance from a driveway to the public street, whether or not the driveway crosses a public sidewalk, and whether or not the facility has a scale at the entrance of the facility.

In short, Sections (f)(8)(A)(B) or (C) include length and width dimensions that will not fit on all scrap recycling facilities subject to this rule.

As an example, a scrap facility may have a scale less than 10 feet from the driveway entrance, which would preclude them from installing a “24 feet long” wheel shaker or wheel spreading device. It would preclude them from paving “at least 100 feet” from the vehicle egress. It would also preclude them from having an effective wheel washing system that is typically the length of a large vehicle/truck.

CMC suggests amending Section (f)(8) to better accommodate the various dimensions of impacted facilities.

CONCLUSION

Thank you for your time, and for allowing CMC to participate and comment on SCAQMD’s Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations. Please do not hesitate to contact me with questions: james@metalscoalition.com.

Sincerely,



James Simonelli
Executive Director

cc: Michael Krause, SCAQMD Assistant Deputy Executive Director
Michael Laybourn, Program Supervisor
Tiffani To, Air Quality Specialist

Members of the Stationary Source Committee:
Mayor Ben Benoit, Chair
Supervisor Sheila Kuehl, Vice Chair
Senator (Ret.) Vanessa Delgado
Board Member Veronica Padilla-Campos
Vice Mayor Rex Richardson
Supervisor Janice Rutherford

1-12

Responses to California Metals Coalition Email Correspondence, submitted 09/6/22

1-1 Response: Thank you for providing background information about metal recycling and metal shredding facilities.

1-2 Response: South Coast AQMD acknowledges that the definition Homogenous Metal Pile may not accurately portray the types of scrap metal that is considered to contain little to no debris and has low fugitive emission potential. The definition Homogenous Metal Pile is being removed and replaced with the definition High Value Grade Metal as defined below:

HIGH VALUE GRADE METAL means Scrap Metal, intended for processing or resale, that contains minimal Debris, is not stored on unpaved surfaces, and is not mixed with material that contains Debris.

For continuity, provisions that previously mentioned Homogenous Metal Piles will now be referred to as High Value Grade Metal. Based on the suggestion to allow High Value Grade Metal onsite for 30 days before controls are required, paragraph (f)(3) has been revised to require facilities with a High Value Grade Metal pile that is onsite for 15 consecutive days be required to implement controls to minimize Fugitive Dust emissions. Staff has also incorporated the suggestion to include applying water as a control option.

1-3 Response: Based on the suggestions, staff has revised the following definitions as defined below:

METAL SHREDDER means a piece of equipment using machinery driven by rotors that spin hammers that cuts, tears, or crushes metallic items into smaller pieces.

SCRAP METAL means any metal or metal containing object that is no longer used for the purpose it was produced or manufactured for and is intended for recycling.

The definition for Soil has been removed and replaced with Debris as defined below:

DEBRIS means soil, dirt, sand, gravel, clay, and other organic or inorganic particulate matter.

The definition of Prescribed Cleaning Method remains the same due to implementation concerns for broom sweeping with dust suppression.

- 1-4 Response: Staff acknowledges that metal material is sharp and can cause tears and holes in the plastic sheeting. The rule language clarifies that plastic sheeting for covering High Value Grade Metal shall be intact.
- 1-5 Response: Staff acknowledges that halting metal unloading activities can result in truck idling if a line forms due to people waiting to unload material. The rule language has been revised to clarify that facilities shall cease specific activities for 15 minutes following a high wind event. Subdivision (m) also includes the following activities that do not need to be halted during a high wind event: (1) scrap metal unloading where water is sprayed to minimize Fugitive Dust emissions, (2) scrap metal unloading by hand, and (3) metal recycling and processing activities for High Value Grade Metal.
- 1-6 Response: For consistency with recent South Coast AQMD rules, the definitions for Sensitive Receptor and School will be defined separately. In addition, staff acknowledges that “living quarters” such as a tent, car, RV, trailer, or makeshift cover may appear which is outside of the facility’s control and not able to be determined using online mapping tools as required by the rule.
- Staff acknowledges that it may be onerous or unsafe for facility employees to canvass the local community to identify building activities. The rule language for registration requirements in subdivision (d) has been revised to clarify that facilities can identify a Sensitive Receptor through online mapping systems and the Draft Staff Report further states that facilities can utilize an online mapping system (e.g., Google Maps, Apple Maps, etc.) to identify building uses nearby.
- 1-7 Response: Paragraph (g) specifies that signs are to be installed between 6 and 8 feet above grade. If a facility has a 6-foot-tall perimeter wall or fence, the sign with need to be installed above the perimeter wall or fence. For example, the sign can be installed on a post. Posting a sign between 6 and 8 feet above grade can help ensure the sign remains visible and won’t be obscured by other objects.
- 1-8 Response: Although the definition Homogenous Metal Piles has been removed, High Value Grade Metal is required to be documented to track when the material arrived at the facility. Paragraph (j)(4) clarifies that facilities requesting different controls for High Value Grade Metal will need to develop a system to document material arrival date.
- 1-9 Response: Staff acknowledges the concerns about the applicability of Rule 403 – Fugitive Dust. Rule 403 is applicable to any anthropogenic source of Fugitive Dust. Staff is removing Rule 403 from the applicability of PR 1460 but the Draft Staff Report clarifies that Rule 403 is still applicable to metal recycling and metal shredding facilities.

- 1-10 Response: Staff has incorporated this suggestion into the rule language to exempt metal cutting, welding, and metal grinding activities conducted as maintenance and repair from the requirements of this rule.
- 1-11 Response: Staff acknowledges a timeframe should be established for the metal shredding residue storage provision if a facility receives three or more NOV's. The rule language has been amended to include a timeframe of five consecutive years, so if a facility receives three or more NOV's within five consecutive years, they have 180 days to store Metal Shredder Residue within a Building Enclosure. The Draft Staff Report clarifies that NOV's from previous owner or operators do not apply to the current owner or operator.
- 1-12 Response: Staff acknowledges that facilities vary greatly in size and there may be facilities that are very small. To accommodate for facilities of various sizes, the requirements for control options are more descriptive. Facilities also have three different options to choose from if it is found that one option is not suitable due to facility layout and vehicle egress point dimensions.

Comment Letter #2:**Institute of Scrap Metal Recycling Email Correspondence, submitted 09/6/22**

September 6, 2022

Heather Farr, Manager
 South Coast Air Quality Management District
 21865 East Copley Drive
 Diamond Bar, California 91765
hfarr@aqmd.gov

Re: **Proposed Rule 1460** – Control of Particulate Emissions from Metal Recycling and Shredding Operations.

Dear Ms. Farr:

I am the President of the West Coast Chapter of the Institute of Scrap Recycling Industries (ISRI). ISRI is a trade association representing approximately 1,200 for-profit companies nationwide, 100 of which are located in California. ISRI members process, broker, and consume recycled commodities. They are experts in the handling, processing, shipping, and/or recycling of recyclable commodities.

ISRI West Coast Chapter supports the written comments submitted via email by the California Metals Coalition (CMC) on September 6, 2022. Chapter leadership will be meeting prior to the September 16, 2022 SCAQMD Stationary Source Committee meeting to review the progress of these issues. It is our goal to work within the PR 1460 timeline established by staff, which includes a Board Hearing date of November 4, 2022.

2-1

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Bonilla'.

Anthony Bonilla
 General Manager / Sales
 Universal Service Recycling Inc.
 3200 South El Dorado Street
 Stockton, Ca 95206
 ☎ Voice: 209.944.9555
 ☎ Fax: 209.944.5552
 ✉ E-mail: mabonilla@usrscrap.com

President, ISRI West Coast Chapter



Response to Institute of Scrap Metal Recycling Email Correspondence, submitted 09/6/22

2-1 Response: Thank you for providing this letter in support of the comment letter submitted by the California Metals Coalition (CMC) on September 6, 2022. The Institute of Scrap Recycling Industries participation during development of PR 1460 is appreciated and responses to CMC comments are provided in 1-1 to 1-12.

Comment Letter #3:**Kramar’s Iron & Metal Email Correspondence, submitted 9/7/2022**

From: Mitchell Kramar <mitch@kramarmetals.com>
Sent on: Wednesday, September 7, 2022 1:56:35 PM
To: Tiffani To <tto@aqmd.gov>
CC: Michael Laybourn <MLaybourn@aqmd.gov>
Subject: PR 1460 comment

Tiffani

I have a concern regarding the proposed rule section F-8. Many facilities do not have the space to meet the required dimensions for the wheel shaker and may not have the space to install a wheel washing system. A lot of facilities have their scales right next to the entrance/exit which would make it impossible to install such devices without putting them on public property such as the sidewalk or street. My facility already has several wheel shaker devices but we had to customize them to fit on our property so that they would not extend past our property line. I suggest that this section allows for any “size system” put in place that helps to minimize tracking onto the street as each facility has site specific dimensions. I think with adequate sweeping daily this section may not even be necessary.

Regards

Mitch Kramar

Kramar’s Iron and Metal

3-1

Response to Kramar’s Iron & Metal Email Correspondence, submitted 09/7/22

- 3-1 Response: Thank you for providing your comment about dimensional requirements in the control options for minimizing Track Out. Please refer to Response 1-12.

Comment Letter #4:**FMC Metals Email Correspondence, submitted 9/9/22**

From: kevin armstrong <kevin@fmcmet.com>
Sent on: Thursday, September 8, 2022 1:26:29 PM
To: Tiffani To <tto@aqmd.gov>
Subject: PR 1460 comment

Tiffani,

After learning about the proposed rule section F-8 I wanted to express my concerns. A big portion of all facilities do not have the space to put a rumble track in place and or a wheel washing system. Also a wheel washing system will result in waste water discharge issues. An other issues is the rumble tracks causes damage to expensive truck tires at facilities like mine where trucks would need to turn when going over a rumble track. I know this because we had one in place many years ago. My customers threatened to not sell to me if we didn't remove it and my trucks were burning through tires at a rapid pace. Our facilities entrance and street along the front of my business is swept daily so adding one of the proposed requirements would be an incredible waste of time and money not resulting in any improvements to the environment but actually doing the opposite creating more unusable tires and wasting water.

4-1

Take care,

Kevin Armstrong
FMC Metals
323.394.9824 Cell
323.234.7708 Office

Response to FMC Metals Email Correspondence, submitted 9/8/22

4-1 Response: Thank you for your comment about the potential challenges of implementing a wheel washing system or rumble tracks. Staff acknowledges the difficulties of installing and utilizing these systems under certain circumstances. Under paragraph (f)(8), facilities have three options and can pick the one that works best for them. For additional information, please refer to Response 1-12.

Comment Letter #5:**Communities for a Better Environment Email Correspondence submitted 9/20/2022**

September 20, 2022

Tiffani To
 Planning, Rule Development, and Implementation
 South Coast Air Quality Management District
 21865 Copley Drive
 Diamond Bar, CA 91765

**Re: Comments on Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations**

Dear Ms. To:

Communities for a Better Environment (“CBE”) submits these comments on Proposed Rule 1460 (“Proposed Rule”). We appreciate staff’s continued work on Rule 1460, but we remain concerned that the current language will not meaningfully regulate an industry that has been polluting our communities for years. We have numerous concerns that remain unresolved by the Proposed Rule and it is critical that the South Coast Air Quality Management District (“AQMD”) do everything in authority to control pollution from Metal Shredding and Recycling Operations and Facilities (“facilities”). We understand that other agencies must do their part (ie. the State Water Board and the Department of Toxic Substances Control), but we also need our local air district to do everything it can to ameliorate the air quality concerns for AB 617 communities in its jurisdiction.

CBE participates in the Southeast Los Angeles AB 617 Steering Committee. We have also participated in workshops and met with staff working on this Rule over the past several months. Our membership includes youth and adult members who live, work, learn, and play in homes and schools, at times, directly adjacent to metal recycling facilities. For decades, our community members have described the taste of metals in their mouths because of the unregulated air emissions from these facilities. They also see dust and scraps of metal flying from these facilities onto their homes and schools, and at times, have resulted in explosions and fugitive air emissions that harm nearby students, workers, and residents. Stronger requirements under Rule 1460 could help address excessive air emissions and provide critical safety measures.

Many of the requirements under Rule 1460 have been long overdue for communities near the former Central Metal Inc. facility in the Walnut Park and Florence-Firestone area. Until 2016, the Central Metal Inc. site was used for recycling industrial scrap metal and manufacturing metal tanks. The site stored metals in open piles, which were found to have hazardous levels of lead and arsenic and present on the site since the early 2000s.¹ The U.S EPA is currently investigating

5-1

¹ EPA (2022, August). *Central Metal Site Investigation*. <https://www.epa.gov/ca/central-metal-site-investigation>.

Norcal Regional Office
 340 Marina Way
 Richmond, CA 94801

South East LA Office
 6325 Pacific Blvd, Suite 300
 Huntington Park, CA 90255
 323.826.9771

Wilmington Office
 113 E. Anaheim St.
 Wilmington, CA 90744
 323.826.9771

whether nearby residential properties were contaminated from Central Metal’s operations and evaluate whether the site qualifies for Superfund listing under the National Priorities List.



Image 1: Photo inside the Central Metal Inc. facility. Provided by U.S. EPA.

5-1

Additionally, CBE’s Youth for Environmental Justice members attending Huntington Park High School play and exercise across the street from Kramer Metals, Inc. Kramer maintains enormous, uncovered piles of metal, which are, at times, higher than the surrounding building heights and can be seen from the across the street. The dust and particulate matter released from Kramer contributes to the already high rates of asthma and other respiratory illnesses among students.

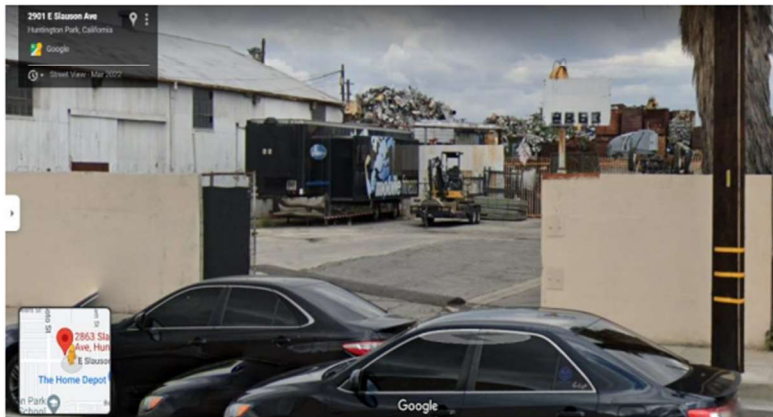


Image 2: Google Image of Kramer Metals, Inc.

It is our hope that the final rule adopted by AQMD will help reduce the health impacts of these facilities on the surrounding communities by, among other things:

1. Implementing more stringent best management practices that limit pile heights, require four wall enclosures, reducing speed limits inside facilities.

2. Using the full extent of its authority to identify additional violations that address issues environmental justice communities have identified.
3. Requiring fence-line air monitoring, in addition to wind monitoring, to provide communities critical information on a facility’s emissions.

5-1

I. Definitions

We are concerned that the Proposed Rule does not adequately define Fugitive Emissions and Sensitive Receptors.

As currently written, the definition for Sensitive Receptors does not provide the Air District the discretion to identify additional sensitive receptors as needed. The Proposed Rule should mirror the definition in the Health and Safety Code section 42705.5(a)(5) to ensure uniformity.² Furthermore, the definition in the Proposed Rule should also include public parks and green spaces as sensitive receptors to protect places where children and young people play and exercise.

5-2

AQMD should reevaluate the Fugitive Dust definition due to its limited and obscure applicability for metal recycling and shredding facilities.

As it currently stands, AQMD’s definition of Fugitive Dust overlooks natural activities such as wind erosion as well as specific sources such as, but not limited to, paved and unpaved roads, material handling, metal processing, unenclosed storage piles, site maintenance, track out from truck traffic, loading and off-loading at the facility. U.S. EPA’s definition of Fugitive Emissions includes both solid particles and liquid droplets emitted in the air.³ If AQMD allows wet suppression to minimize Fugitive Dust emissions as a Best Management Practice (“BMP”), the definition should include liquid droplets given that small liquid particles can become air-emitted contaminants as well.⁴

In other words, AQMD should expand the Fugitive Dust definition to reflect metal recycling and shredding facilities and account for all fugitive particulate matter that can reasonably be controlled.⁵ By strengthening the Fugitive Dust definition, facilities will need preventative

² Health and Safety Code section 42705.5(a)(5) reads: “Sensitive receptors” includes hospitals, schools and day care centers, *and such other locations as the district or state board may determine.*” (emphasis added).

³ EPA. (2022, April). *Controlling Air Emissions Under the FARR*. USEPA.

<https://www.epa.gov/farr/controlling-air-emissions-under-farr#fugitive-particulate-matter>

⁴ Pollock, D., Organiscak, J. (2007) *Airborne Dust Capture and Induced Airflow of Various Spray Nozzle Designs*. NIOSH, Respiratory Hazards Control Branch, Pittsburgh, Pennsylvania, USA. <https://www.cdc.gov/niosh/mining/userfiles/works/pdfs/adcai.pdf>

⁵ EPA. (2022, January). *South Carolina Air Pollution Control - REGULATION NO. 62.6 - Control of Fugitive Particulate Matter*.

USEPA. <https://www.epa.gov/farr/controlling-air-emissions-under-farr#fugitive-particulate-matter>

systems for all possible fugitive dust emissions at the site, minimizing air pollution from harming frontline communities.

II. Registration Requirements

In addition to the information under Paragraph (d)(1)(A)-(M), we recommend the inclusion of planimetric and topographic maps and aerial images of the facility in the registration. These images should be publicly available in order to provide an understanding of the layout at facilities, including but not limited to:

- Location of piles and their proximity to property boundaries, sensitive receptors, and natural features (water, streams, etc)
- Location of air/wind monitors and specifications such as height placement
- Direction of wind patterns that facilities experience
- Location and descriptions of features such as facility perimeter type, enclosure type, pavement type, storm drains, where entrances/exits are located, and the distance and type of sensitive receptors near the facility.

5-3

As currently written, Paragraph (3) requires the “...owner or operator of a Metal Recycling Facility or Metal Shredding Facility [to submit information] required under Paragraph (d)(1) if there are changes in the previous year to any of the following information included in a prior registration.” (emphasis added). We recommend that updates under Paragraph (3) be required every year, regardless of whether facilities undergo changes listed in (3)(A)-(G). Furthermore, owners and operators of facilities should be required to publish wind monitoring data under Paragraph (l) in annual updates. We request the inclusion of this information in all future annual updates required under the Rule.

Owners and operators should also be required to update information any time a facility has modifications such as facility expansion, downsizing, or reconstruction. This information should be submitted within 30 days of completion to ensure transparency and accountability.

III. Housekeeping Requirements

We urge AQMD to revisit Paragraph (e)(1)(A) and include, “*and all pavement/asphalt at facility*” when referring to prescribed cleaning methods. Dust loadings on a paved road surface build up by being tracked out from unpaved areas or inactive areas that collect debris, which can contribute to higher fugitive emissions.⁶

5-4

⁶ Watson, J. G. (2010, January). *Measurement system evaluation for fugitive dust emissions detection and quantification*. ResearchGate. Retrieved September 2022, from https://www.researchgate.net/profile/John-Watson-27/publication/235341860_Measurement_system_evaluation_for_fugitive_dust_emissions_detection_and_quantification/links/0912f51192a6011512000000/Measurement-system-evaluation-for-fugitive-dust-emissions-detection-and-quantification.pdf, at page 2-3 & 2-4

AQMD should revisit the language in Paragraph (e)(2) and ensure that the containers used to store all materials collected from the housekeeping requirements pursuant to Paragraph (e)(1) be safe, fireproof and weatherproof so that no debris or material becomes airborne, and both workers and sensitive receptors are safe.

5-4

IV. Best Management Practice

Enclosures

The enclosures used to Store Scrap Metal storage piles should be fireproof and weatherproof to prevent any combustion, smell, or metal swarf. We also recommend that enclosures have four walls—instead of three—to prevent any metal shards or debris from becoming airborne and impacting already heavily burdened communities.

5-5

Plastic Sheeting for Homogenous Piles

AQMD has suggested using 10 mil thick intact plastic sheeting to cover Homogenous Metal Piles as a measure to minimize Fugitive Dust emissions. While commercial plastic sheeting is durable against tears and does not rip easily, the thickness of the intact plastic sheeting should be 12-14 mil instead of 10 mil.⁷ Given the nature of metal piles and their physical properties, increased thickness can provide additional protective measures and lower potential health risks especially facilities near sensitive receptors.

Height Limits for Storage Piles

AQMD should use its authority as a stationary air pollution regulator to add height requirements for storage piles in order to minimize Fugitive Dust emissions. Frontline communities have strongly voiced how unsafe these high storage piles are, either from flying metal scrap, dust emissions, or smells coming from the facility.⁸ AQMD should implement a height requirement that will minimize Fugitive Dust emissions and any high risk to surrounding communities and sensitive receptors. We urge AQMD to follow rules like Chicago’s Rule for Large Recycling Facilities on “Storage Stockpiles” in which piles within the facility shall not exceed 20 feet in height.⁹

Speed Limits

Regarding speed limits as a BMP, we recommend that AQMD change the speed limit of 15 miles per hour to 10 miles per hour on paved roads and 5 miles per hour on unpaved roads to

5-6

⁷ Mil Thickness Chart | Plastic Sheeting (<https://www.globalplasticsheeting.com/mil-thickness-chart-plastic-sheeting>)

⁸ Villafana, Janette. (2022, September). ‘We Want Our Families To Live A Healthy Long Life:’ Students In Watts Protest Metal Company Contaminating Their Community. *L.A. TACO*. <https://www.lataco.com/watts-jordan-high-school-contamination/>

⁹ City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*. https://www.chicago.gov/content/dam/city/depts/cdph/InspectionsandPermitting/CDPH-Rules-for-LargeRecycling-Facility_Effective.6_5_20-Corrected-June.19.2020.pdf, at page 40

minimize Fugitive Dust emissions.¹⁰ EPA recommends limiting vehicles speeds to 5 miles per hour in unpaved roads to minimize fugitive dust due to wind erosion and mechanical forces.¹¹ Paragraph (f)(6) give existing facilities until January 1, 2025 to pave the facility with concrete or asphalt in good operating condition. Unless AQMD shortens the date for this requirement, the speed limit should be reduced, especially if facilities have unpaved roads up until 2025. Fugitive Dust emissions from high vehicle traffic speed can aggravate heart and lung conditions in already heavily burdened AB 617 communities.¹²

5-6

Concrete Requirements

AQMD should revisit Paragraph (f)(6) and shorten the timeline of January 1, 2025 to December 31, 2023. This time frame should be shortened given that unpaved roads produce fugitive dust emissions due to the force of the wheels on the road surface which can cause the pulverization of surface material and particle distribution being both lifted¹³ and exposed to air currents that can travel up to hundreds of miles.¹⁴

Violations

As it currently stands, AQMD will issue Notice of Violation (NOV) when facilities fail to comply with Paragraph (f)(10)(A)& (B) but this overlooks whether a facility is complying with other Paragraphs in Rule 1460. Focusing on only Metal Shredder Residue for compliance is weak, ineffective, and harmful to frontline communities who already face a disproportionate amount of pollution. Instead, NOV's should be issued when facilities aren't adhering to housekeeping requirements and any of the best management practices that are part of Rule 1460.

5-7

Additionally, the time frame to address violation should not exceed more than 30 days. Long time frames such as 180 days can be detrimental and unhealthy for frontline communities given that Fugitive Dust emissions can worsen especially if facilities continue to operate while they resolve violations. Facilities should resolve issues quickly and efficiently, so that Fugitive Dust emissions are not exacerbated.

Water Application Issues

Rule 1460 allows water to be used as a measure to minimize Fugitive Dust emissions from unloading/loading, handling and processing of scrap metals and storage piles. While wet

5-8

¹⁰ EPA. (2022, January). *Fugitive Dust Control Measures and Best Practices*

¹¹ EPA. (2022, January). *Fugitive Dust Control Measures and Best Practices*.

¹² SCAQMD. (2022). *Working Group Meeting #1: Proposed 1460 – Control of Particulate Emissions From Metal Recycling and Shredding Operations* [PowerPoint]. <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/proposed-rule-1460-wgm-1-03162022.pdf?sfvrsn=8>, at page 6

¹³ Williams, D. S., Shukla, M. K., & Jim Ross. (2008). *Particulate matter emission by a vehicle running on unpaved road*. *Atmospheric Environment*, 42(16), 3899–3905. Retrieved from <https://www.sciencedirect.com/science/article/pii/S1352231008001295>

¹⁴ EPA. (2022, July). *What is Particle Pollution?* USEPA. <https://www.epa.gov/pmcourse/what-particle-pollution>

suppression can be effective in minimizing dust emissions, there are several issues with this BMP measure. First, AQMD does not specify the amount of water facilities can use to minimize dust emissions except “at sufficient quantities and frequencies.” Given that California is currently suffering from a drought, it is imperative that AQMD set standards of water usage for all facilities and avoid water waste.

5-8

Secondly, we are concerned with listing water suppression as a measure to minimize Fugitive Dust emissions given that some metals and metal piles can become corrosive, hazardous and dangerous to human health when mixed with water.¹⁵ AQMD should remove or limit water use (with clear specifications) at all facilities.

Lastly, AQMD should work with the State Water Board to ensure that facilities with a stormwater permit are following water regulations whereas if they fail to comply, cease operations until issues are resolved. Additionally, all facilities should be required to have Stormwater Pollution Prevention Plans, regardless of facilities using wet suppression as a measure to minimize Fugitive Dust emissions or not.

Opacity Monitoring

In addition to air and wind monitoring, AQMD should require facilities to monitor opacity levels so no visible Fugitive Dust extends beyond the boundaries of the site location.¹⁶ Facilities should prohibit emissions of any Fugitive Dust within the facility from exceeding an opacity of 20% (as determined by the appropriate test method included in the Rule 403 Implementation Handbook).¹⁷ This additional monitoring requirement will only enhance the safety and protection of frontline communities from air pollution and potential health risks.

5-9

Wind Monitoring

While we appreciate AQMD’s addition of Paragraph (I) Wind Monitoring Requirements, we are concerned the requirements are not stringent enough and suggest adding additional guidelines for wind monitoring:

- AQMD has stated that wind monitoring requirements are for facilities within 100 meters (328 feet) from a Sensitive Receptor (f)(5)(A). Having wind monitoring at facilities near concentrated and disproportionately low-income residents and communities of color would correct years of weak emissions controls, which has caused people in the region to suffer unnecessarily from long-term air pollution. But we recommend AQMD require all facilities to conduct wind monitoring at their site given that smaller particles can travel

¹⁵ Jaishankar, M., Tseten, T., Anbalagan, N., Mathew, Blessy B., (2014, June). *Toxicity, mechanism and health effects of some heavy metals*. 7(2). *Interdisciplinary Toxicology*. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4427717/>

¹⁶ City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*.

¹⁷ Rule 403, Fugitive Dust (2005). <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4>

longer distances especially if metal piles are stacked high and uncovered.¹⁸ Requiring all facilities to install wind monitoring will protect workers, surrounding communities and environments.

- In addition to requiring all facilities to install wind monitoring sensors, AQMD should require larger facilities with a Throughput of 50,000 tons or more to install more than one stationary anemometer or wind sensor at the site considering the size of facility and seasonal variations in wind direction and speed.¹⁹
- Lastly, AQMD should revisit the language in Paragraph (I)(1) when discussing site locations for anemometer or wind sensors. The Chicago Ruling for Large Recycling Facilities offers a stronger language for wind monitoring that AQMD should adopt such as, “Such readings shall be taken at an unobstructed, unsheltered area, centrally positioned in relation to the Storage or Staging piles and dust-causing activities, and at a minimum height of 10 meters (32 ft) above ground level, unless another height is appropriate pursuant to applicable US Environmental Protection Agency protocols and guidance.”²⁰

5-9

Particulate Matter Monitoring

While we strongly support AQMD’s addition of wind monitoring, we are still very concerned about the absence of air monitoring at metal recycling and shredding facilities. AQMD should require existing and new facilities to install continuous PM₁₀ monitoring at the facility perimeter and near shredders. Air monitoring should be synonymous with the requirements of wind monitoring, with the addition that operations should cease when high levels of PM₁₀ are detected so that Fugitive Dust emissions are not traveling beyond the facility and into sensitive receptors. The Rule is about minimizing Fugitive Dust emissions and controlling particulate matter from metal recycling and shredding facilities yet does not include an instrumental tool to mitigate air pollution.

V. Prohibition

In reviewing the Prohibition section, CBE recommends that AQMD not only ensure that a Metal Shredder be located within a Building Enclosure when operational, but an air monitor be installed as well. Metal Shredders can pose a carcinogenic risk to human health²¹ and sometimes be radioactive if small amounts of radioactive materials are disposed of improperly.²² Therefore,

¹⁸ Briffa, Jennifer., Sinagra, Emmaneul., Blundell, Renald. (2020). Heavy metal pollution in the environment and their toxicological effects on humans. *CellPress (2020)*, 6(9).

<https://www.sciencedirect.com/science/article/pii/S2405844020315346>

¹⁹ City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*.

²⁰ City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*.

²¹ Han, I., Richner, D., An Han, H., Hopkins, L., James, D., & Symanski, E. (2020). Evaluation of metal aerosols in four communities adjacent to metal recyclers in Houston, Texas, USA. *Journal of the Air & Waste Management Association (1995)*, 70(5), 568–579.

<https://doi.org/10.1080/10962247.2020.1755385>

²² EPA. (2022, July). *Radioactive Material in Scrap Metal*. USEPA.

<https://www.epa.gov/radtown/radioactive-material-scrap-metal>

Metal Shredders should be prohibited from being operational until there is both an air monitor and building enclosure.

VI. Recordkeeping

In addition to daily housekeeping activities, BMP should also be recorded on a monthly basis. This means providing information on the types of measures facilities have chosen to enact from Paragraph (f)(1)-(3) and (f)(8). These records should also be publicly available to ensure transparency and accessibility for the public to access.

5-10

AQMD should publish facilities registration and housekeeping requirements, the BMP measures a facility has chosen, and recordkeeping details such as air and wind monitoring on AQMD's F.I.N.D portal. Currently, most facilities are not required to register with AQMD which has resulted in a disproportionate number of facilities in environmental justice communities. Publishing this information in an accessible way will allow communities to monitor businesses that contribute to air pollution, strong odors, and high noise levels in frontline communities.

VII. Additional Recommendations for Proposed Rule 1460

We urge AQMD to endorse a stronger Rule 1460 by adding additional requirements that provide the following:

Air/Wind Monitors

The facility should submit additional information any time wind monitors are replaced, broken, or relocated at the facility. Facilities should notify AQMD any time an air monitor fails to operate and cease operations immediately until the monitor is functional. This information should be available every 30 days from said action.

5-11

Noise Monitoring

AQMD should implement noise monitoring²³²⁴ To eliminate community exposure to noise, existing and new facilities should install, operate, and maintain noise monitors within or around the perimeter of the facility. A data logger should be attached to all noise monitors to record sound pressure levels in decibels (dB) and not to exceed noise zoning regulations. Noise monitoring data logging should be reported monthly and available to the public.

Buffers

To combat Fugitive Dust emissions, AQMD should implement a buffer requirement between a facilities' perimeters and areas such as, but not limited to, storage piles, material handling, metal processing and shredding, and truck traffic. According to the U.S. Department of Agriculture, having a vegetation buffer not only helps prevent air pollutant transfer but can act as a barrier for

²³ Villafana, Janette. (2022, September). 'We Want Our Families To Live A Healthy Long Life:' Students In Watts Protest Metal Company Contaminating Their Community. *L.A. TACO*. <https://www.lataco.com/watts-jordan-high-school-contamination/>

²⁴ CDC. (2020, January). *Too Loud! For Too Long!* CDC: Centers for Disease Control and Prevention. <https://www.cdc.gov/vitalsigns/hearingloss/index.html>

noise and a windbreak for odor control as well.²⁵ Having a buffer provides additional safety to frontline communities from fly away metal scraps, odor and noise nuisances, and dangerous air pollutants.

5-11

Effective and Productive Interagency Coordination

AQMD should begin a process for enhancing interagency coordination in regulatory oversight for the purpose of interdependent problem solving that protects public health and the environment, engaging an on-going relationship with frontline communities, and holding agencies accountable where there is a specific problem or need. For example, AQMD has specified that maximum heights for material piles is currently beyond the scope of PR 1460²⁶ since the Green Zone Ordinance²⁷ already establishes requirements for facilities. On the other hand, AQMD commented in their PR 1460 Working Group #4²⁸ that they don't write water rules under the air rule since stormwater permit requirements are regulated by the State Water Board. If a facility were to violate any regulations from one agency, a notice of violation alert should be sent to all agencies and the facility should cease operations until the issue is resolved. In addition, the agencies should host interagency community workshops that foster inclusion, engaging facilitation and outreach that is accessible to the community.

5-12

Alone, each agency protects public health under their own regulations and requirements, but with interagency coordination, they can achieve environmental justice together. Therefore, the LA County Department of Regional Planning, the State Water Board, DTSC and SCAQMD should regularly communicate on facilities compliance to zoning, water, and stationary air pollution regulations.

Cumulative Impacts Analysis

Lastly, AQMD should also add a section to the Proposed Rule to fully address the cumulative impacts of new and existing metal recycling and shredding facilities. Furthermore, the lack of violations under this Proposed Rule does little to address the cumulative impacts these facilities have on communities. As currently written, a metal shredding facility must receive *three or more*

5-13

²⁵ Bentrup, G. (2008) *Conservation Buffers: Design Guidelines for Buffers, Corridors, and Greenways* (Report SRS-109). United States Department of Agriculture.

https://www.fs.usda.gov/nac/buffers/docs/conservation_buffers.pdf

²⁶ SCAQMD. (2022, July). *Working Group Meeting #3: Proposed 1460 – Control of Particulate Emissions From Metal Recycling and Shredding Operations* [PowerPoint]. HYPERLINK "http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/proposed-rule-1460-wgm-1-03162022.pdf?sfvrsn=8,"<http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/proposed-rule-1460-wgm-1-03162022.pdf?sfvrsn=8>, at page 7

²⁷ LA County Department of Regional Planning. *Green Zones Program*. LA County.

<https://planning.lacounty.gov/greenzones>

²⁸ SCAQMD. (2022, July). *Working Group Meeting #3: Proposed 1460 – Control of Particulate Emissions From Metal Recycling and Shredding Operations* [PowerPoint].

http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/pr1460_pw_090222.pdf, Michael Krause response during public **comments**

Notices of Violation for failing to store waste material in a closed container, before it is required to store Metal Shredding Residue in a Building Enclosure.²⁹ The Rule should add specific requirements and penalties for a first and second Notice of Violation to require facilities to comply with the Rule on a faster pace (as previously mentioned 180 days is too long) and provide communities relief before a facility receives a third Notice of Violation.

5-13

The Rule should also include additional public noticing requirements for facilities that receive Notices of Violation(s). AQMD should immediately provide the public email notices when a facility receives a Notice of Violation in AB 617 or other environmental justice communities. The Rule should also include stricter enforcement and frequent inspections of facilities in AB 617 communities.

VIII. Conclusion

We appreciate the opportunity to comment on Proposed Rule 1460. Please contact us if you have any questions or comments. We welcome the opportunity to meet to discuss these matters.

Sincerely,

Ambar Rivera
Southeast Los Angeles Staff Researcher

Idalmis Vaquero
Legal Fellow

²⁹ Proposed Rule 1460, Paragraph (f)(11).

Responses to Communities for a Better Environment Email Correspondence, submitted 09/20/22

5-1 Response: Thank you for taking the time to share the concerns expressed by community members. Staff will monitor the U.S EPA’s investigation and provide time to implement the new requirements of ~~will monitor the impact~~ PR 1460 ~~has~~ to reduce fugitive dust from metal recycling and metal shredding facilities.

Staff appreciates the participation and collaborative efforts of CBE members and community members to provide comments and suggestions, many of which staff has incorporated into PR 1460 to ensure it is enforceable and provides emission reductions for the health and safety of the public. Based on a prior meeting with CBE representatives, staff included additional requirements in the preliminary draft rule language presented at the September 6, 2022 Public Workshop when compared to the initial preliminary draft rule language presented at Working Group meeting # 3 on July 13, 2022. Examples include adding a requirement to remove tracked out material at the conclusion of each workday or evening shift, clarification on the areas required to be paved on site as well a standard to maintain pavement such that fugitive dust is minimized. Establishment of additional enclosure requirements for new metal shredder facilities and concrete surfaces required at new metal recycling facilities. Removal of the option for open storage of waste material, instead requiring all waste material to be placed in a container that is covered. Requirements for a specific speed limit and installation of speed limit signage. Enhanced enclosure requirements for facilities that receive three enforcement actions within five years. Additionally, requiring facilities near sensitive receptors to install and maintain anemometers to measure wind speed.

5-2 Response: Staff appreciates the comment; however, for definitions that are included in in many different South Coast AQMD rules, staff strives for consistency. Staff is not proposing to align the definition with Health and Safety Code section 42705.5(a)(5) but is proposing to amend the rule to define Sensitive Receptor and School separately. Both definitions are consistent with other South Coast AQMD toxics rules and are defined below:

SENSITIVE RECEPTOR means a residence including private homes, condominiums, apartments, and living quarters, schools as defined in paragraph (c)(18), preschools, daycare centers and health facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long term care hospitals, hospices, prisons, and dormitories or similar live-in housing.

SCHOOL means any public or private school, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the school in kindergarten through grade 12. School also means an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A school does not include any private school in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property

South Coast AQMD’s definition of Sensitive Receptor is more stringent than the definition under the California Health and Safety Code § 42705.5(a)(5)), which states that Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine.

Staff acknowledges the definition of Fugitive Dust by the U.S. EPA. However, the definition of Fugitive Dust under PR 1460 is consistent with other existing South Coast AQMD rules. The definition of fugitive dust represents any source of man-made fugitive dust emissions and includes paved and unpaved road travel, metal recycling activities and wind erosion of sources at metal recycling facilities. Staff will evaluate ~~monitor~~ future enforcement activities and public complaints before ~~to~~ considering ~~assess~~ if the rule requirements need to be strengthened, possibly by expanding the definition of fugitive dust.

- 5-3 Response: Thank you for the suggestion regarding the registration requirements, including to add planimetric and topographic maps and aerials of the facility. Topographic maps and aerials images can be accessed through public online mapping systems such as Google Maps. In California, metal recycling and metal shredding facilities are required to have an Industrial General Permit which is a National Pollutant Discharge Elimination System (NPDES) permit that regulates stormwater discharges. Facilities under the Santa Ana Regional Water Quality Control Board have a sector specific general permit in lieu of the Industrial General Permit. Both the Industrial General Permit and sector specific general permit require facilities to develop a Stormwater Pollution Prevention Plan (SWPPP). Under the SWPPP, one of the requirements is to develop site maps. These site maps can depict planned construction activities, nearby waterbodies, storm drains, and a number of features related to the facilities activities (material storage areas, maintenance areas, etc.). The general public can access Stormwater Pollution Prevention Plans through the State Water Resources Control Board’s website by using the Stormwater Multiple Application and Report Tracking System²⁸ (SMARTS).

²⁸ State Water Resources Control Board – Stormwater Multiple Application and Report Tracking System
<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml>

Staff acknowledges the importance of having up to date facility information for transparency. Due to costs for updating registration information, the intent of the rule was to require resubmission of information only if there was a change or update.

Wind monitoring data may be difficult to publish depending on how the data is compiled from the data logger; however, South Coast AQMD has wind monitoring data available that the public can view at: <https://xapp.aqmd.gov/aqdetail/AirQuality>.

5-4 Response: Staff agrees that dust build up can lead to fugitive emissions on site as well as Track Out offsite; however, staff believes the proposed provisions address this potential source of fugitive dust. Paragraph (f)(6) requires facilities to pave surfaces used for metal recycling activities, including vehicle travel areas onsite. Paragraph (e)(1) specifies all the metal recycling areas, including traffic areas used by vehicles are subject to daily cleaning using prescribed cleaning methods. Paragraph (e)(2) specifies that material collected from housekeeping activities must be in covered containers to further prevent fugitive emissions, and material from becoming airborne. Requirements to minimize offsite Track Out are included in paragraphs (f)(7) and (f)(8).

5-5 Response: Staff's understanding of scrap metal storage piles is that these piles are being added to or removed from throughout the day. A three-sided enclosure will help minimize fugitive emissions and provide a side for facilities to access the material.

Staff acknowledges that commercial plastic sheeting can tear or rip when covering metal material due to the nature of the material. Staff has incorporated the suggestion to specify 12 mil plastic sheeting for facilities electing this control option.

Under the provisions of PR 1460, the three-sided enclosures are required to be at least two feet above the height of the scrap pile. This may incentivize facilities to minimize the height of the scrap metal storage piles to prevent building very high enclosures. The suggestion to limit the height of the scrap metal pile could be considered in a future rule amendment; however, staff ~~would like recommends time to implement monitor~~ the current proposal prior to considering assess if further requirements are needed.

5-6 Response: Based on a previous suggestion by CBE, staff has incorporated a speed limit of 15 miles per hour to minimize fugitive emissions. This speed limit is consistent with other South Coast AQMD rules, so staff is not proposing a change at this time. If upon rule implementation, staff determines the 15 mph speed limit is not effective, staff will revisit this requirement.

Regarding the timeline to pave a facility, it is staff's understanding that the majority of facilities are paved. As described in the staff report, facilities within State Water Resources Control Board – Region 8 (generally Orange, Riverside and San Bernardino Counties) are currently subject regulations which require paving. The intent of the January 1, 2025, timeframe is to allow facilities sufficient time to comply with PR 1460 provisions. As discussed, facilities will be required to ensure that pavement is maintained in good condition to prevent the generation of fugitive dust.

5-7 Response: An NOV can be issued if an inspector finds that a facility is in violation of any of the requirements in PR 1460. It is not limited to violations specified in paragraph (f)(11). When a facility is found to be in violation of a rule requirement, the inspector may issue a Notice to Comply (NC) or an NOV and the facility has a limited amount of time to resolve the issue before further enforcement action is taken. The intent of paragraph (f)(11) is to enforce stricter requirements if a facility is not complying to minimize fugitive emissions.

5-8 Response: Staff acknowledges the difficulties in not specifying the amount of water facilities need to spray. Due to the nature of facility operations, the amount of water needed for each load of scrap metal will vary making it difficult to specify a specific amount. Staff agrees with the concerns about water usage as California is currently suffering from a drought. The use of water suppression is one of the most effective known methods for minimizing fugitive dust and facilities are highly encouraged to recycle all water used if possible. Facilities are required to comply with requirements in their Industrial General Permit and as part of the permit, they are required to have a Stormwater Pollution Prevention Plan.

5-9 Response: Staff appreciates the suggestion to include opacity monitoring. Metal recycling and metal shredding facilities are subject to Rule 403 which requires that no visible fugitive dust extends beyond the boundaries of the site location. PR 1460, paragraph (l)(1) provisions include specifications for locating wind monitors. These provisions are consistent with other South Coast AQMD regulations.

Staff appreciates the suggestion to incorporate particle matter monitoring. PR 1460 is focused on minimizing fugitive dust emissions through housekeeping and best management practices. As the rule is implemented, staff will monitor the rule impacts and recommends providing time to implement the new proposed rule requirements and may consider amending the rule to include further requirements in the future, if needed.

5-10 Response: Staff acknowledges the importance of transparency when it comes to facility operation and appreciates the suggestions on what type of facility

information should be made public. However, the suggestion of requiring monthly reporting requirements that will be posted online would be both onerous and costly. Many of the facilities that will be subject to PR 1460 are small businesses with no permitted equipment. Staff does not recommend including reporting requirements that are more frequent than those required for large, permitted facilities. Further, staff is not sure what value that information would provide.

In regard to the F.I.N.D portal, that system is designed for permitted facilities. Staff agreed with the community member’s suggestion to include the PR 1460 facilities in the F.I.N.D. system; however, the suggested comment would require the program to be, redesigned and reprogramed. If a member of the community would like further information on the PR 1460 registered facilities, they can submit a public records request.

- 5-11 Response: Staff appreciates the suggestions for air monitoring, noise monitoring, and buffers. PR 1460 is focused on minimizing fugitive dust emissions through housekeeping and best management practices. As the rule is implemented, staff recommends providing time to implement the new proposed rule will ~~monitor the rule impacts~~ and may consider implementing additional requirements in the future if needed.
- 5-12 Response: Staff acknowledges that interagency coordination can lead to more effective enforcement of regulations. During the rule development process, staff has been in communication with the State and Regional Water Quality Control Boards and the Department of Toxic Substances Control.
- 5-13 Response: Any NOV’s issued from the South Coast AQMD will result in action. Each day or part of a day that a facility is in violation is considered a separate violation and may be subject to substantial civil penalties. According to the California Health and Safety Code, penalties in the most egregious cases can be assessed against individuals in an amount up to \$250,000 per day per violation, and against corporations in an amount up to \$1,000,000 per day per violation. Criminal sanctions may also be involved. Actual penalties tend to be far less, depending on the circumstances, such as how bad the violation was, whether the business owner knew the law was being violated, and whether anyone was injured. There is a rigorous process in place and therefore staff is not recommending additional requirements be included in individual source specific rules. Any NOV or NC will be searchable in the F.I.N.D. system, and staff has committed to including these facilities in that portal.

Please also refer to Response 5-7.

Comment Letter #6:

Department of Toxic Substances Control Email Correspondence, submitted 9/20/2022



Yana Garcia
Secretary for
Environmental Protection

Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
5796 Corporate Avenue
Cypress, California 90630

Gavin Newsom
Governor

September 20, 2022

Tiffani To
Planning, Rule Development, and Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765

RE: SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT PROPOSED RULE 1460, "CONTROL OF PARTICULATE EMISSIONS FROM METAL RECYCLING AND SHREDDING OPERATIONS"

Dear Ms. To,

The Department of Toxic Substances Control (DTSC) would like to submit the following comments on the South Coast Air Quality Management District's (the "Air District") Proposed Rule 1460:

1. As pertains to section (d) Registration Requirements:

- a. Please consider adding a requirement that upon registration, the facility(ies) include the CalEnviroScreen Score for the facility location, using the most current version of CalEnviroScreen (may be found at: <https://oehha.ca.gov/calenviroscreen>).
- b. Please consider a requirement that, if the facility updates their registration for any reason, they also update the CalEnviroScreen score, if applicable.

6-1

2. As pertains to section (e) Housekeeping Requirements:

- a. Please consider requiring that all metal processing activities be conducted in an enclosure or building. This would greatly reduce the release of fugitive emissions and the amount of housekeeping necessary.

6-2

3. As pertains to section (f) Best Management Practices Requirements:

- | | |
|--|-----|
| a. The rule makes a distinction between metal shredder residues and scrap metal, and how each is managed, however they leave out what we call aggregate, or the mixture of metal shredder residues and shredded scrap metal (or the mixture of the nonferrous and the metal shredder residues). We recommend that the aggregate be required to be stored in an enclosed structure similar to what this rule is requiring for storage of the metal shredder residues. | 6-3 |
| b. Please consider requiring that existing and new facilities identify sources and potential sources of fugitive emissions and use administrative or engineering controls to stop the emissions/potential emissions. | 6-4 |
| c. Please consider requiring that shredding facilities conduct monthly inspections for off-site releases of accumulated particulate matter and require that they report all releases to the Air District along with the cause of the release and the solution for preventing future releases. | 6-5 |
| d. Please consider including a requirement for annual fence-line air monitoring to monitor for off-site releases of particulates. | 6-6 |
| e. Please consider requiring that the shredder report ALL fires and explosions of any size or duration to the Air District on a quarterly basis. | 6-7 |
| f. Please consider requiring periodic sampling of air and/or associated soil onsite for California-regulated volatile metals, volatiles/semi-volatiles (VOCs/SVOCs) and poly-chlorinated biphenyls (PCBs) to be submitted to the Air District. If releases above hazardous waste toxicity criteria are identified, require the facility to submit a report on measures taken to abate and remove such contaminants. | 6-8 |
| g. As pertains to Item (6) (requirement for pavement where processing activities occur): Any engineered cover, design and operation and maintenance shall be installed and designed to create a barrier from shredder residue, aggregate or contaminant migration in the event treatment or removal is not practicable and should identify toxicity, mobility and permeability and other factors needed to operate and maintain the cover for its intended use. | 6-9 |
| i. The areas where such operational activities occur shall have a containment system that is designed, installed, operated and maintained to prevent any migration of wastes or accumulated liquids containing hazardous constituents that have the potential to be volatilized out of the system to the soil, groundwater or surface water at any time. Incorporate performance standards equivalent to regulatory specifications analogous to the containment | |

requirements in California Code of Regulations, title 22, section 66264.193.

- ii. Containment system shall be designed, installed, and **operated** to prevent any migration of wastes or accumulated liquid wastes containing hazardous constituents that have the potential to be volatilized out of the system to the soil, groundwater or surface water **at any time during facility operations**.
 - iii. Concrete pavement shall include an engineering design in accordance with performance specifications identified in containment standards in California Code of Regulations, title 22, section 66264.193(b). The system shall be capable of detecting and collecting releases and accumulated liquids containing hazardous constituents that have the potential to be volatilized until collected material is removed and to prevent run on and run off. The system shall be constructed of, or lined with, materials that are compatible with performance characteristics for the waste(s) containing hazardous constituents that have the potential to be volatilized to be placed in the system and shall have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrogeologic forces).
 - iv. Primary containment shall be sloped or otherwise designed or operated to drain and remove liquids containing hazardous constituents that have the potential to be volatilized resulting from leaks, spills or precipitation. Spilled or leaked waste containing hazardous constituents that have the potential to be volatilized, and accumulated precipitation shall be removed from the system in a timely manner as is necessary to prevent overflow.
- h. If releases of shredder wastes containing hazardous constituents that have the potential to be volatilized at hazardous levels are identified by the shredding facility, the shredding facility shall notify the Air District as soon as possible, at which time the Air District will refer the site to DTSC for hazardous waste determination, investigation, and potential cleanup, if necessary. DTSC shall be notified and referral to DTSC shall be recorded in the records maintained by the facility for continued operations and maintenance.

6-9

6-10

DTSC appreciates the leadership role the Air District has taken with regard to metal recycler and shredding facility activities and appreciates the opportunity to comment.

Please feel free to contact us if you have any questions.

Sincerely,

Antonia Becker

Antonia Becker
Environmental Program Manager I (Sup)
Office of Criminal Investigations
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Javier Hinojosa

Javier Hinojosa
Environmental Program Manager I (Sup)
Site Mitigation and Remediation Program
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311-6505

cc: Yolanda Garza
Supervising Hazardous Substance Engineer I
Site Mitigation and Remediation Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732

Responses to Department of Toxic Substances Control Email Correspondence, submitted 09/20/22

6-1 Response South Coast AQMD staff appreciates the assistance of Department of Toxics Substances Control (DTSC) staff in obtaining background information on metal recycling facilities during development of PR 1460. Interagency cooperation is seen as a mechanism whereby agencies implementing individual regulations and requirements can work cooperatively, with the assistance of local community groups, to protect public health. Some of the described suggestions could be implemented through improved interagency coordination instead of specific PR 1460 requirements. Additionally, PR 1460 is a new regulation for metal recycling facilities and staff will review collected facility registration data, including location of sensitive receptors, and will ~~monitor~~ allow time for rule implementation and evaluate before evaluating if additional requirements are necessary.

South Coast AQMD concurs that the State Office of Environmental Health Hazard Assessment (OEHHA) CalEnviroScreen model is an effective tool that can be used to help identify communities that are disproportionately burdened by multiple sources of pollution. The model also includes population characteristics (e.g., average of sensitive populations and socioeconomic factors) to further evaluate conditions experienced in individual communities. The PR 1460 registration program is an effort for the South Coast AQMD to obtain metal recycling facility operational data as the vast majority of these facilities are not subject to South Coast AQMD permits. It is believed that the suggestion to require facilities to report the current CalEnviroScreen score as part of the PR 1460 registration (or update) process could be better implemented as part of an outreach program instead of a rule provision. An outreach program could help communities better understand the development and meaning of a CalEnviroScreen score as a comprehensive evaluation of many environmental and population characteristics in a community instead of assigning the value to the metal recycling facility.

6-2 Response: Staff concurs that enclosures for metal recycling activities can be effective to reduce fugitive emissions from metal recycling facilities; however, due to the size and operation of many of these facilities, requiring all activities to be conducted in an enclosure or building would not be feasible. PR 1460 includes specific enclosure requirements for waste material and material (e.g., soil and debris) collected by sweepers during housekeeping activities. PR 1460 also includes provisions that encourage the enclosure of metal recycling activities through an exemption from work cessation requirements for metal recycling activities near sensitive receptors. PR 1460 also includes enclosure requirements for metal shredders and metal shredder residue storage areas at new metal shredder facilities.

- 6-3 Response: PR 1460 includes requirements to minimize emissions from scrap metal storage piles. Scrap metal is defined in definition (c)(17) as “...metal or items comprising of multiple materials including metal, that have been discarded or removed from the use for which it was produced or manufactured for and is intended for reprocessing or resale.” Metal aggregate (i.e., the mixture of shredded scrap metal and metal shredder residue) would be subject to paragraph (d)(2) requirements, which include enclosure options.
- 6-4 Response: The purpose of PR 1460 is to specify requirements to reduce fugitive emissions from metal recycling facilities. The suggestion to require each existing and new facility to identify fugitive sources and list administrative and/or engineering controls would require facilities to submit information for South Coast AQMD staff to review and evaluate. Staff believes fugitive sources at metal recycling facilities can be addressed by establishing a series of PR 1460 requirements that apply to all facilities.
- 6-5 Response: PR 1460 includes a signage requirement that will provide the community with facility contacts and, as a back-up, South Coast AQMD contacts to identify and resolve fugitive emission concerns. The suggestion to add a monthly inspection element under PR 1460 for metal shredder facilities to identify off-site releases would require establishment of a methodology to determine the source of off-site material and procedures to specify the types of off-site releases that would warrant a notification. Due to the complexity of identifying the source of fugitive emissions, especially in a high density, industrial complex, staff does not think that this suggestion is feasible.
- 6-6 Response: PR 1460 is a new rule for metal recycling facilities that, as described in the Draft Staff Report, include very small facilities that receive and process several hundred tons of material to very large shredding facilities that can process over 200,000 tons of scrap metal per year. As also mentioned, the metal shredding facilities are subject to South Coast AQMD permits which require facilities to monitor and ensure air pollution control equipment is operating properly. The suggestion for PR 1460 to require perimeter fence monitoring for all facilities does not appear warranted at the present time.
- 6-7 Response: Staff’s understanding is Certified Unified Program Agencies (CUPA), which in many cases includes fire departments, monitor fires at industrial facilities. Staff is not aware that there is an issue with frequent fires or explosions at metal shredder facilities and would not be the agency responsible for reporting such incidents. Staff is not recommending adding specific 1460 requirements for reporting fires or explosions.
- 6-8 Response: The suggestion is to consider a PR 1460 requirement for metal recyclers to conduct periodic sampling of air and/or associated soil on-site California-

regulated volatile metals, volatiles/semi-volatiles and poly-chlorinated biphenyls (PCB) and require facilities to report to South Coast AQMD on corrective actions taken to abate such contaminants. These suggestions will be considered as part of an interagency coordination effort but are not proposed to be included in PR 1460. See also response to comments 6-6 and 6-7.

- 6-9 Response: PR 1460 includes requirements that metal recycling activities be conducted on paved surfaces. Paved surfaces have been identified in State Water Resources Control Board and South Coast AQMD regulations as an effective means to reduce fugitive emissions. PR 1460 also includes requirements for ongoing housekeeping activities to be conducted on paved surface so that vehicular travel does not resuspend any material that accumulates on paved surfaces. A series of suggestions are made for PR 1460 to include containment system and other requirements to prevent accumulated liquid wastes containing hazardous constituents from being volatilized out of the system and into the soil, groundwater, or surface water. Staff concurs on the importance of containing hazardous wastes; however, the suggested requirements are more appropriately addressed by State Water Resources Control board and CUPA requirements. Please refer also to response to comments 6-6 and 6-7.
- 6-10 Response: Please refer to response to comments 6-1 and 6-8 for a discussion of a notification program and possible development of an interagency coordination effort.

Comment Letter #7:**California Metals Coalition Email Correspondence, submitted 9/21/22**

From: <james@metalscoalition.com>
Sent on: Wednesday, September 21, 2022 5:48:25 PM
To: Michael Laybourn <MLaybourn@aqmd.gov>; Tiffani To <TTo@aqmd.gov>
CC: Michael Krause <MKrause@aqmd.gov>; Heather Farr <HFarr@aqmd.gov>
Subject: [EXTERNAL]General Comments for Sept 21 Public Consultation

Good morning: Here are a few of my general comments for the afternoon Zoom.

1. Slide 9: Could “living quarters” be a car or tent? | 7-1
2. Slide 11: Can you give a description of how to “label” the piles in (3)? Is recordkeeping acceptable if an inspector is looking at a particular pile (Slide 16, (j)(4)? Placing signs or placards all over the site would be a major challenge. | 7-2
3. Slide 12: For the exemption on Slide 19, there is a reference to using water “prior to unloading.” This is fine for commercial trucks, bins, etc. But what about a personal vehicle that just has items (ex: patio furniture, bbq, dishwasher) that are hand unloaded. Do we need to spray down items that arrive in a personal vehicle (keep in mind that some personal vehicles are minivans and we would be watering the interior) and are unloaded by hand by workers? | 7-3

Thank you for the continued opportunity to work together. James

James Simonelli, Executive Director
 California Metals Coalition
 Main Office/Mail: 2971 Warren Lane, El Dorado Hills CA 95762
 Lobbying: 1215 K Street, Sacramento, CA 95814
 916-933-3075 | www.metalscoalition.com

Responses to California Metals Coalition Email Correspondence, submitted 9/21/22

- 7-1 Response: Please refer to Response 1-6.
- 7-2 Response: Due to industry stakeholder concerns over a proposed requirement to apply water to control fugitive dust from specific scrap metal piles, PR 1460 includes a definition of, and separate requirements for high value grade metal. It is a compliance option for facilities to implement these separate requirements for high value grade metal. PR 1460 establishes a requirement for facilities to identify the high value grade metal piles to facilitate South Coast AQMD compliance inspections. Labeling such high value grade metal piles to coincide with a facilities' recordkeeping procedures does not represent an onerous requirement for facilities that seek to implement alternative compliance options.
- 7-3 Response: PR 1460 presently includes a provision that would allow specified metal unloading activities at facilities near sensitive receptors to continue during high wind conditions provided control actions are implemented to limit fugitive dust emissions. Staff acknowledges the variety in the types of vehicles that visit metal recycling facilities and is proposing to clarify that pre-watering prior to unloading metals does not apply to hand carried items.

APPENDIX B – DRAFT REGISTRATION FORM



South Coast Air Quality
Management District
21865 Copley Drive
Diamond Bar, CA 91765
(909) 396- 2000

**REGISTRATION FOR NEW FACILITIES
FORM 1460**

On or before July 1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall register with the South Coast AQMD by submitting the following information in a format approved by the Executive Office.

FACILITY INFORMATION			
Facility Name:		Facility Owner Telephone #:	
Facility Location:		Facility Owner Email:	
Facility Mailing Address:		Facility Site Manager:	
Facility Legal Owner(s):		Facility Manager Telephone #:	
Facility Owner Mailing Address:		Facility Manager Email:	
OPERATION INFORMATION			
Number of Employees:		Facility ID given by SCAQMD, if applicable:	
Hours of Operation:		Identification ID and/or permit number¹:	
Facility Acreage:		Is a Sensitive Receptor within 100 meter (328 feet) of facility boundary²?	
Facility Throughput in tons per year for the preceding calendar year based on the following ranges:	<input type="checkbox"/> <1,000 <input type="checkbox"/> ≥1,000 to <25,000 <input type="checkbox"/> ≥25,000 to <50,000	<input type="checkbox"/> ≥50,000 to <75,000 <input type="checkbox"/> ≥100,000	

DESCRIPTION OF EQUIPMENT

Any Equipment that requires a SCAQMD Permit to Operate, including torch cutting equipment, if applicable:

¹ Identification (ID) and/or permit numbers issued by the State Water Resources Control Boards, the California Integrated Waste Management Board, or the Local Enforcement Agency, if applicable

² As identified by facilities through measures that include an online mapping system

ATTACHMENT H



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED RULE 1460 – CONTROL OF PARTICULATE EMISSIONS FROM METAL RECYCLING AND SHREDDING OPERATIONS

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD), as Lead Agency, has prepared a Notice of Exemption pursuant to CEQA Guidelines Section 15062 – Notice of Exemption for the project identified above.

If the proposed project is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino Counties. The Notice of Exemption will also be electronically filed with the State Clearinghouse of the Governor's Office of Planning and Research for posting on their CEQAnet Web Portal which may be accessed via the following weblink: <https://ceqanet.opr.ca.gov/search/recent>. In addition, the Notice of Exemption will be electronically posted on the South Coast AQMD's webpage which can be accessed via the following weblink: <http://www.aqmd.gov/nav/about/public-notices/ceqa-notices/notices-of-exemption/noe---year-2022>.

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

To: County Clerks for the Counties of Los Angeles, Orange, Riverside and San Bernardino; and Governor’s Office of Planning and Research – State Clearinghouse	From: South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765
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Project Title: Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations

Project Location: The proposed project is located within the South Coast Air Quality Management District’s (South Coast AQMD) jurisdiction, which includes the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties), and the Riverside County portion of the Salton Sea Air Basin and the non-Palo Verde, Riverside County portion of the Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project: Proposed Rule 1460 (PR 1460) has been developed to supplement existing requirements in South Coast AQMD Rule 403 – Fugitive Dust to further reduce community exposure to fugitive dust emissions from metal recycling facilities and metal shredding facilities that process and recycle scrap metal. PR 1460 contains best management practices designed to minimize dust which includes requirements to: 1) spray water during facility operations; 2) require a vehicle speed limit; and 3) pave all areas where metal recycling and metal shredding activities occur to minimize fugitive dust and track out. PR 1460 best management practices also provide options for minimizing fugitive dust from metal storage piles by: 1) spraying water; 2) installing three-sided enclosures; or 3) covering. PR 1460 also contains requirements for facilities to register with South Coast AQMD, install facility contact signage, and conduct housekeeping and recordkeeping activities. Facilities located near sensitive receptors need to monitor wind speeds and cease specified activities during high winds. Implementation of PR 1460 will reduce fugitive particulate matter (PM) emissions and lower community exposure to PM.

Public Agency Approving Project: South Coast Air Quality Management District	Agency Carrying Out Project: South Coast Air Quality Management District
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Exempt Status: CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption

Reasons why project is exempt: South Coast AQMD, as Lead Agency, has reviewed the proposed project (PR 1460) pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. The activities associated with implementing PR 1460 to further minimize fugitive emissions of particulate matter are supplemental to the existing requirements in South Coast AQMD Rule 403 – Fugitive Dust, including the ongoing use of water for dust suppression purposes, such that any additional use of water is expected to be limited as the facilities must maximize the efficient use of water in accordance with water conservation requirements proclaimed in Governor Newsom’s Executive Order N-7-22 issued on March 28, 2022. Further, to satisfy the building enclosure and paving requirements in PR 1460, only minor physical modifications, if any, are expected which may be achieved without construction or via minimal construction activities, depending on the affected facility. Thus, it can be seen with certainty that implementing the proposed project would not cause a significant adverse effect on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption.

Date When Project Will Be Considered for Approval (subject to change):
South Coast AQMD Governing Board Public Hearing: November 4, 2022

CEQA Contact Person: Farzaneh Khalaj, Ph.D.	Phone Number: (909) 396-3022	Email: fkhalaj@aqmd.gov	Fax: (909) 396-3982
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PR 1460 Contact Person: Tiffani To	Phone Number: (909) 396-2738	Email: tto@aqmd.gov	Fax: (909) 396-3982
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Date Received for Filing: _____ **Signature:** _____ *(Signed and Dated Upon Board Approval)*
Barbara Radlein
Program Supervisor, CEQA
Planning, Rule Development, and Implementation



ATTACHMENT I

PROPOSED RULE 1460 – CONTROL OF PARTICULATE EMISSIONS FROM METAL RECYCLING AND SHREDDING OPERATIONS

Board Meeting

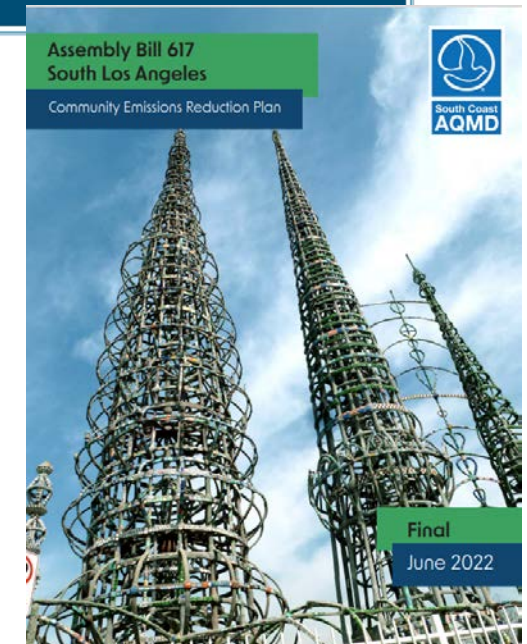
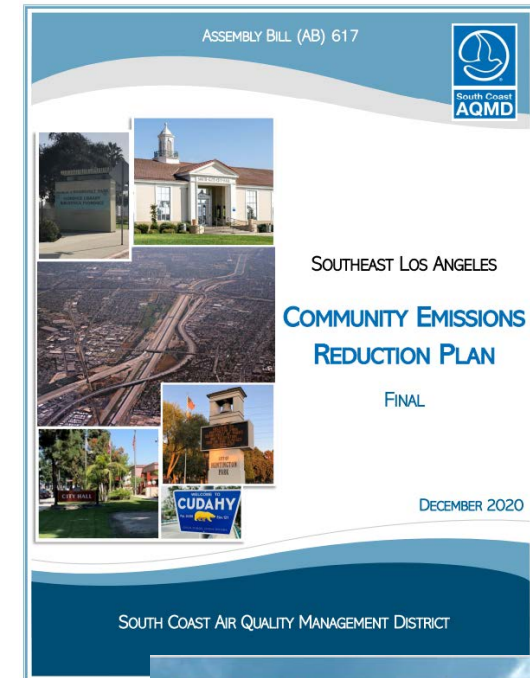
November 4, 2022

Background

- Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations (PR 1460) will address community concerns identified through the AB 617 process
- Several communities expressed concerns with fugitive emissions from metal recycling facilities
- The Southeast Los Angeles CERP (adopted December 2020) and the South Los Angeles CERP (adopted in June 2022) included the following strategy:

Chapter 5e: Metal Processing Facilities

Initiate rule development process to address housekeeping and best management practices at metal recycling facilities to reduce fugitive emissions



PR 1460 – Applicability

- Metal Recycling Facilities
 - Generally, not subject to South Coast AQMD permits
 - Approximately 200 facilities
- Metal Shredding Facilities
 - Conduct metal recycling operations and operate metal shredders that require South Coast AQMD permits to operate
 - Five facilities



Fugitive Emission Requirements



Enhanced Housekeeping

- Daily cleaning of vehicle/equipment paths and areas where metal recycling activities occur
 - Use prescribed cleaning methods to minimize fugitive emissions
- Storage requirements for waste material



Best Management Practices

- Apply water prior to loading and unloading, handling and processing scrap metal
 - Use of recycled water or recycling water on-site is encouraged
- Use of covers, enclosures, or watering for storage piles
- Maintain pavement on-site to minimize fugitive emissions and prevent track-out of material off-site

Additional Requirements

- Facilities will be required to register with South Coast AQMD since most do not have permitted equipment
 - Facilities will be searchable on South Coast AQMD's F.I.N.D website*
- Install signs that list facility contact information
- Facilities within 100 meters of a sensitive receptor must:
 - Monitor wind speed, and
 - Cease specified scrap metal recycling operations (e.g., sorting, shearing, baling) if wind speeds exceed 25 miles per hour
 - Excludes activities with low potential for fugitive emissions (e.g., activities conducted in building enclosures)
- Keep records of housekeeping, scrap metal throughput, complaints received and, if applicable, wind monitoring data

TO REPORT AIR QUALITY ISSUES SUCH AS ODORS, DUST, OR SMOKE FROM THIS FACILITY, PLEASE CALL [FACILITY CONTACT AND PHONE NUMBER] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG®

PARA REPORTAR PROBLEMAS DE CALIDAD DEL AIRE COMO OLORES, POLVO O HUMO DE UNA INSTALACIÓN, LLAME A [CONTACTO DE LA INSTALACIÓN Y NÚMERO DEL TELÉFONO] O AL EL DISTRITO DE ADMINISTRACIÓN DE LA CALIDAD DEL AIRE DE LA COSTA SUR AL 1-800-CUT-SMOG®



* <https://www.aqmd.gov/nav/FIND>



Requirements for New Facilities

- New Metal Recycling Facilities
 - Pave with concrete traffic routes and areas where metal recycling activities occur
- New Metal Shredding Facilities
 - Install and operate metal shredder equipment within a building enclosure
 - Store metal shredder residue in a building enclosure

PR 1460 Impacts to Facilities

- PR 1460 will impact approximately 200 facilities
- Total annual cost is estimated to be approximately \$800,000 across the universe of affected facilities
- Average cost for each facility is dependent on factors such as facility size, operations, proximity to Sensitive Receptors, etc.

South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765 (909) 396-2000		REGISTRATION/UPDATE FORM RULE 1460	
<input type="checkbox"/> New Registration <input type="checkbox"/> Update		Reporting Calendar Year _____	
FACILITY OPERATOR INFORMATION			
Facility Name		Status	AQMD ID
		<input type="checkbox"/> New <input type="checkbox"/> Existing <input type="checkbox"/> Inactive	
SWRCB ¹ Permit/ID/Classification		LEA ² Permit/ID/Classification	CIWQS ³ Permit/ID/Classification
Location Address		City	Zip Code
			County
Mailing Address		State	Zip Code
Contact Person	Title	Telephone	E-mail
FACILITY OWNER INFORMATION			
Facility Owner Name			
Mailing Address		City	State
			Zip Code
Telephone		E-Mail	

Recommendation

- Adopt Resolution
 - Determining that Proposed Rule 1460 is exempt from the requirements of the California Environmental Quality Act; and
 - Adopting Rule 1460

[↑ Back to Agenda](#)

BOARD MEETING DATE: November 4, 2022

AGENDA NO. 26

PROPOSAL: Determine That Proposed Amended Rule 1148.2 – Notification And Reporting Requirements For Oil And Gas Wells And Chemical Suppliers, Is Exempt from CEQA; and Amend Rule 1148.2
(Staff is recommending that the Public Hearing on this item be pulled from consideration.)

SYNOPSIS: Rule 1148.2 - Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers is a notification rule for facilities that operate oil and gas wells. Proposed Amended Rule 1148.2 (PAR 1148.2) will add notification requirements to include both acidizing work for injection wells and diesel-fueled workover rig operations. PAR 1148.2 will also increase notification time and reduce the number of extensions to delay the project start date. PAR 1148.2 addresses air quality priorities identified by the Wilmington, Carson, and West Long Beach and South Los Angeles AB 617 Community Emission Reduction Plans.

COMMITTEE: Stationary Source, September 16, 2022, Reviewed