



**AB 617 Community Air Protection Program
Steering Committee Meeting Agenda
Zoom Online Meeting**



**Comite Civico
Del Valle, Inc.**

**MEETING AGENDA
Wednesday July 14, 2021
5:30 p.m. – 7:30 p.m.**

Facilitator: Harder+Co.

Chair of Meeting: Luis Olmedo (Alternate: Christian Torres)

Members of the public may connect to this meeting on Zoom from a PC, Mac, iPad, iPhone, or Android device by clicking the following link to join:

bit.ly/617CSC

WEBINAR ID: 991-9909-3212

Passcode: 490172

To join by telephone, please dial: 1-669-900-6833 and enter the Webinar ID: 991-9909-3212 and Passcode: 490172. For more information, please visit www.icab617community.org.

WELCOME

1. Roll Call/Opening Remarks by CSC Members

Co-Chairs

2. PUBLIC COMMENT PERIOD

Harder+Co.

Members of the public may submit comments via Facebook livestream, email, or using the raise hand Zoom feature (for those calling from the Zoom app you can select the raise hand feature, and for those calling by telephone can dial *9). Comments are to be limited to no more than 2 minutes per person.

3. APPROVAL OF MINUTES

Co-Chairs

Review and approval of Minutes of June 16, 2021 CSC Meeting.
(Attachments: [June 16 2021 Minutes](#))

4. PRESENTATIONS:

A. AB 617 CAMP – Community Air Monitoring Network Update

CCV

CCV will provide an update on the existing monitors and planned installations of the fifteen AB 617 community air monitors.

(Attachment: [July 2021 CAMN Update PowerPoint](#))

B. California Climate Investments – CARB Presentations

CARB

California Air Resources Board will present about different programs from the California Climate Investments.

(Attachment: [Scoping Plan/EJAC - Carey Bylin/ Trish Johnson](#); [SB 375 – Violet Martin](#); [SB 350 – Caitlin Greenway](#); [AB 535/AB 1550 – Alex Stockton](#))

5. DISCUSSION/INFORMATION ITEMS:



**AB 617 Community Air Protection Program
Steering Committee Meeting Agenda
Zoom Online Meeting**



**Comite Civico
Del Valle, Inc.**

A. Discussion on formation of AB 617 Technical Subcommittee

ICAPCD

Air District Staff will lead a discussion on volunteered CSC members who are interested in being part of a new AB 617 CSC Technical Subcommittee. The following members volunteered Bob Fischer, Kristian Salgado, John Hernandez, Michael Moore, and Mary Salazar.

B. Joint Letter Filed to DTSC Re: AB 617 Participation

Co-Chairs

Co-Chairs will discuss with DTSC the mailing of a joint letter between ICAPCD and CCV, which invites the Department of Toxic Substances Control (DTSC) to participate in our local AB 617 Program and attend AB 617 CSC meetings.

(Attachment: [Joint Letter to DTSC Re: AB 617 Participation](#))

C. ICAPCD Rule 207

ICAPCD

Air District will lead a discussion on certification of adequacy of Rule 207: New and Modified Stationary Source Review.

(Attachment: [Rule 207 Certification Board Packet Revised Signed](#))

6. AGENCY UPDATES

ICAPCD & CCV

7. AGENDA TOPICS & SET DATE FOR NEXT MEETING

Co-Chairs

Discuss and schedule the next CSC meeting for September 8, 2021.

8. CLOSING REMARKS/ADJOURNMENT

Co-Chairs

**3. Minutes:
June 16, 2021
CSC Meeting**

**AB 617 Community Air Protection Program
Minutes of the Steering Committee Meeting
Zoom Online Meeting
June 16th, 2021**

Chair of Meeting: Matt Dessert (Alternate: Belen Leon)

Facilitator: Milly Ferrer from Harder & Company

I. Attendance:

Primaries: **Matt Dessert**, Air Pollution Control District; **Luis Olmedo**, Comité Cívico del Valle; **Dr. Saima Khan**, Community Corridor; **Mercedes Martinez**, Community Corridor; **Diana Garcia-Ruiz**, Community Corridor; **Rene Felix**, Community Corridor; **Kristian Salgado**, Community Corridor; **Blake Plourd**, Community Corridor; **Sergio Cabañas**, Community Corridor; **Mark Baza**, Community Corridor; **Mary Salazar**, Community Corridor; **John Hernandez**, Community Corridor,

Alternates: **Belen Leon**, Air Pollution Control District; **Christian Torres**, Comité Cívico del Valle; **Rosa Guerrero**, Community Corridor; **Bob Fischer**, Community Corridor; **Sandra Mendivil**, Community Corridor; **Michael Moore**, Community Corridor; **Marlene Flores**, Community Corridor; **Sarah Vandiver**, Community Corridor; **Tomas Oliva**, Community Corridor.

Other Agency Staff: **Marco Perrone**, Air Pollution Control District; **Miguel Hernandez**, Comité Cívico del Valle; **Thomas Brinkerhoff**, Air Pollution Control District; **Deldi Reyes**, California Air Resources Board; **Andrea Juarez**, California Air Resources Board.

I. Welcome and Opening Remarks by CSC Members

Milly Ferrer welcomed everyone to the virtual meeting. She mentioned **Daniela Flores** and **Jessica** who will be supporting anyone that has technical difficulties throughout the meeting. She commented they have interpretation services and how to access this service through the platform. She reminded everyone that the meeting is being recorded and how the CSC members can access the agenda packet. She also mentioned how everyone can submit their comments and how the public comment procedure works.

Daniela Flores mentioned they have reached a quorum.

Matt Dessert welcomed everyone and was hopeful everyone could get together soon. He mentioned **Luis Olmedo** would be the chair of the upcoming meeting. He commented they will talk later in the meeting about going dark in July or August.

Luis Olmedo mentioned he was excited to have another meeting.

Daniela Flores asked the CSC Members for opening comments.

Belen Leon welcomed everyone.

II. Public Comment Period

There were no public comments.

III. Approval of Minutes

Mark Baza made a motion to approve the minutes from May 19th, 2021.

Bob Fischer seconded the motion.

The motion was passed.

IV. Action Items

New River Pollutant Monitoring Project - Updated Budget.

Matt Dessert mentioned they have added a pesticide component to this project that adds \$6,300 to the cost.

Sergio Cabañas asked if this addition was going to be for the entire duration of the project.

Belen Leon said it would be for the duration of the project and then some. She mentioned initially the shelter stamp drawings cost was not included in the quote and when they went for the approval of the permit, they noticed they would have to pay that amount to make it valid.

Matt Dessert asked for a motion to approve the item.

John Hernandez made a motion to approve the item.

Sergio Cabañas seconded the motion.

The motion was passed.

School Air Filtration Systems - El Centro

Belen Leon mentioned the CSC already approved a priority list for the corridor and they are in the process of implementing those systems in El Centro. She said these are the first seven schools to get these systems with AB 617 funding.

Matt Dessert asked about the value and the status of the projects.

Belen Leon mentioned the contracts were already completed and have been submitted to the county council. She said the school district has received them as well and has agreed on the first seven schools. She commented the budget for all seven schools will be around \$450,000. She mentioned there was a difference between the AB617 contract and the SEP projects. She said maintenance through AB 617 is a non-allowable cost which means IQ Air would only train the school personnel to do the maintenance.

Bob Fischer asked if the budget was covering all the schools in El Centro.

Belen Leon commented it was only for the seven schools.

Sergio Cabañas congratulated the team and hopes the schools in Calexico will also have these systems.

Matt Dessert said they want to utilize as much of the SEP budget as they can, but they are getting caught up in the administration of this money. He commented he does not want them to get trapped and not being able to make progress as fast as possible because of them trying to use the SEP budget.

Mark Baza made a motion to approve the item.

Sergio Cabanas seconded the motion.

The motion was passed.

V. Presentations / Questions and Answers

AB 617 Community Air Monitoring Network Update, Christian Torres; CCV.

Ray Askins asked if the California Market expressed an interest.

Christian Torres mentioned **Mary** put them in touch with the property manager of the plaza where California Market is and said another air monitor was going up and he did not want another one on the property.

Luis Olmedo thanked **Ray Askins** for his participation and noticing when some monitors are not functioning properly.

Christian Torres, answering another question by **Ray Akins**, confirmed they were looking at the area next to the Calexico airport. He said if **Ray Askins** has more information about someone else, they should talk to from the California Market let him know and he will reach out.

VI. Discussion / Information Items

Discussion on formation of AB 617 Technical Subcommittee.

Matt Dessert said they have been talking about this for a while and have listened to concerns from CARB about proper protocols regarding the Brown Act. He asked the CARB staff to participate in this discussion.

Belen Leon commented that next Monday they will be having a meeting between APCD and Comite Civico to move forward. She said they keep leaving it in the agenda because they want to be able to track it.

Luis Olmedo mentioned this has been an ongoing debate regarding the Brown Act. He said it would be helpful if this would be added as an agenda item.

Matt Dessert asked for advice from the CARB representatives in the meeting.

Andrea Juarez asked they were saying that CARB was the one stating they need to follow the Brown Act for the subcommittee.

Belen Leon mentioned they have heard since they are a Brown Act committee, they need to follow it for any other committees that they do. She said at that time they were getting information from other districts that are Brown Act and have subcommittees.

Deldi Reyes mentioned she is happy to try and help them through these issues however they are not the ones putting this as a barrier. She mentioned she believes the advice **Belen Leon** got from other districts was any subcommittee for a Brown Act committee also had to comply with the Brown Act.

Matt Dessert asked if any committee structure would have to follow the Brown Act.

Deldi Reyes mentioned that was correct but since that act does not apply to CARB it is not something they can interpret for the committee.

Luis Olmedo said that in the committees he has served they have to be made available to the public and that this is CARB's concern.

Bob Fischer commented they should get advice from the county council on how to proceed.

Matt Dessert mentioned that was an excellent idea and asked **Belen Leon** to contact the county council.

John Hernandez said he does not see a problem in following the Brown Act.

Kristian Salgado mentioned it was a good idea to contact the county council and was sure they could provide them with the necessary structure.

Luis Olmedo reminded everyone there is a financial cost for every subcommittee's structure and said they must keep this in mind.

Matt Dessert said they have learned so much about the Zoom meetings. He mentioned it was a no-brainer and that it could be very cost-effective for the committee.

Luis Olmedo said they need to think about continuing with the Zoom meetings or going back to in-person meetings.

Sergio Cabañas mentioned he would like to continue with Zoom meetings at least for the summer just to make sure everything is behind them.

Matt Dessert said they will have more discussion on this later. He mentioned not only are they getting better at it, but there are emissions savings by utilizing the Zoom meetings. He commented they should meet in person periodically.

Miguel Hernandez commented he is a CSC member for the East Coachella Valley 617 Community Steering Committee. He pointed out that those subgroups have helped them move the needle for Coachella. He said it has been greatly beneficial regarding engaging the CSC as the actual leads in the conversations.

Matt Dessert mentioned he appreciates those comments and looks forward to continuing to discuss the item. He asked if there was another way to meet what they want to accomplish and is less cumbersome as a Brown Act requirement that will be great information coming forward.

Joint Letter Filed to DTSC Re: AB 617 Participation.

Luis Olmedo said this was a great opportunity. He mentioned it is a valuable platform for DTSC to engage with.

Matt Dessert mentioned the letter has been already drafted and noted he and **Luis Olmedo** will get together and sign it before the next week.

Luis Olmedo pointed out that DTSC is not in good standing with environmental justice now. He mentioned CARB has a truly diverse board like their AB 617 committee. He said the DTSC is appointed by the governor's office and does not resemble a board like CARB's. He mentioned DTSC has not served environmental justice and hopes they can accept the invitation and that it will take the effort of a lot of agencies to be able to tackle the issues in the corridor.

Matt Dessert requested to add to the agenda the monthly environmental justice call so the audience is aware of the calls that are taking place.

Bob Fischer said the Envirostor and Geotracker databases are good sources of information on environmental sites state-wide.

Luis Olmedo commented they looked at Envirostor a few meetings back and identified there was another former Pure grow facility that was abandoned.

ICAPCD Policy 17 - (Complaints)

Kristian Salgado asked where anyone can find the public access policies in the APCD website.

Thomas Brinkerhoff mentioned they are in the process of uploading their policies to their website. He said as they revise their policies, they will be uploading them to the site and will probably be on their rules and regulations page. He commented that if a committee or public member would like a copy of a policy, it can be sent electronically.

Kristian Salgado asked if it was possible for APCD to condense this information in a pamphlet that has important information like how to submit a public comment or what to expect in the meetings. She also asked if they could add the ability to upload a picture when writing a complaint.

Thomas Brinkerhoff asked if **Kristian Salgado** can email him these suggestions so he can track them and see how they can incorporate them. Regarding the pamphlets, he said he will see how they can do that in the future. He mentioned they will investigate adding the picture option but added that he does not think they have that capability right now. He said if anyone has a complaint and wants to attach a picture, they can always email it to him.

John Hernandez asked if the document has not been updated in 27 years.

Thomas Brinkerhoff said that was correct.

John Hernandez commented these air quality events can disappear very quickly. He asked if there was someone assigned to immediately address the complaints. He also asked the co-chairs if this could be mentioned in their CERP or CAMP regarding their complaint process.

Thomas Brinkerhoff mentioned the commitment is already highlighted in the CERP.

Luis Olmedo said the CERP includes emissions reductions, enforcement, and regulations. He mentioned this fits in the enforcement part of the document. He commented when there was an active event happening it might not be there the next day. He asked what the guidance was to capture those types of events. He also asked if there was room in this document where tools like the IVAN network can get additional reports in the district.

Thomas Brinkerhoff said the 24-hour response window is the default timeframe, but they try to get to the event as soon as possible. He mentioned they have 4 full-time inspectors and one more in training. He added that they do area patrols every day to try and catch these events as they occur, even before there is a complaint. He said if the investigators do not get there in time they can check and see if there's evidence of an event that took place.

Luis Olmedo told **John Hernandez** although he is not a part of the Air District, he was just informing him on the suite of strategies Imperial is utilizing. He mentioned that a lot more business occurs at night in the last few years. He asked how there could be more awareness for events if it is dark outside.

Thomas Brinkerhoff asked if **Luis Olmedo** could give an example.

Luis Olmedo mentioned there is a lot of truck movement, aerial spray, and tilling. He said IID operates 24/7.

Thomas Brinkerhoff said public education will be especially important for these types of projects. He mentioned they can bring this up in the meetings and workshops, so the public knows where to turn to. He asked the public to please submit their comments by Friday, July 2nd.

AB 617 Projects Report Card (ICAPCD)

Matt Dessert said there was some discussion about which schools to prioritize getting the filtration systems. He asked **Belen Leon** if they could do all schools in the corridor now with the amount of money, they have brought in.

Belen Leon mentioned it could be highly likely.

Luis Olmedo said as they gain momentum there is going to be a need for more money. He mentioned the program is highly dependent on those budgets. He said he hopes 617 funding can be pushed to a more permanent funding stream, but it will depend on the state's political will. He commented there are over 3 billion dollars in the electrical infrastructure budget. He mentioned they should investigate getting at least one electrical vehicle so they can maintain the monitors in the district.

Ray Askins said they should add a tree planting program to the report card.

Belen Leon mentioned they are finalizing the due date for the urban greening project and will be coming to the report card very soon.

VII. Agency Updates

Christian Torres said they are working on the two charging stations in Brawley. He mentioned their service program for health workers affected by COVID is still in effect.

Miguel Hernandez mentioned CCV is hiring for a community outreach position which will be a part-time position. He reminded everyone to stay safe and hydrated.

Thomas Brinkerhoff said they have opened their offices to the public in a limited capacity but their dropbox is still available if members do not want to come in. He mentioned their office hours are 8 am to 5 pm.

Belen Leon mentioned the inspection due date of June 17th is coming up for both the AB 617 painting project application and the urban greening project. She commented to please submit by the next day before 5 pm. She mentioned Harder Co. will contact the AB 617 committee to obtain more information and feedback on upcoming meetings and topics. She mentioned the Air County Board of Supervisors approved the Air Pollution Control District to help assist CARB with the blueprint meeting and Harder Co. will be assisting CARB with the meeting.

Deldi Reyes thanked **Belen Leon** for supporting them with the administrative side of that contract. She mentioned **Andrea** posted in the chat the link to the CARB board item on June 24th. She said the meeting starts at 9 o'clock and is about the Technology Clearinghouse. She commented the item also includes an enforcement update. She said CARB fully supports the committee's work to establish a subcommittee, but they do not have any authority for a workaround for the Brown Act.

Johnny On Wheels said they could utilize drones in strategic areas for nighttime monitoring. He asked when will the Urban Greening Project come up on the agenda.

Belen Leon mentioned the application closes the next day. She said the applicants are the ones that do the bidding.

Johnny On Wheels said he would need more time to gather his information.

Belen Leon commented there will be plenty of opportunities in the coming months.

Johnny On Wheels asked if they will be able to discuss who is going to maintain the trees, how much water do they take, and what time of trees are going to be planted.

Belen Leon mentioned those questions are part of the application itself.

Johnny On Wheels said he is interested in being a part of those conversations before the decision on who they are going to hire is made. He mentioned he sees a lot of hard work being done by El Centro. He also said he would like to see the photo of the footprint in the areas so they can concentrate on areas of concern.

VIII. Agenda Topics for Next Meeting

Matt Dessert proposed the date of either July 14th or August 11th. He mentioned there has been a discussion regarding going dark for July.

Sergio Cabañas said he would rather go dark in August rather than July and have the meeting on July 14th.

Mark Baza said he supports **Sergio Cabañas'** proposal.

Matt Dessert asked CARB if their presentations could be ready for a July meeting.

Deldi Reyes mentioned they will do their best to have them ready.

Mark Baza made a motion to have the meeting in July and **Bob Fischer** seconded.

The motion was passed.

Matt Dessert mentioned the next meeting would be on July 14th.

IX. Closing Remarks / Adjournment

Matt Dessert asked everyone to be careful with the heatwave.

Sergio Cabañas made a motion to adjourn the meeting. **Mark Baza** seconded.

Meeting adjourned.

Programa Comunitario de Protección Atmosférica Bajo el Auspicio del Proyecto de Ley AB 617
Minuta de la Reunión del Comité Directivo
Junta por la plataforma Zoom
16 de junio del 2021

Preside la reunión: Matt Dessert (Suplente: Belen Leon)

Facilitadora: Milly Ferrer de Harder & Company

I. Asistencia:

Primarias: **Matt Dessert**, Distrito de Control de la Contaminación del Atmosférica; **Luis Olmedo**, Comité Cívico del Valle; **Dr. Saima Khan**, Corredor Comunitario; **Mersedes Martínez**, Corredor Comunitario; **Diana García-Ruiz**, Corredor Comunitario; **Rene Félix**, Corredor Comunitario; **Kristian Salgado**, Corredor Comunitario; **Blake Plourd**, Corredor Comunitario; **Sergio Cabañas**, Corredor Comunitario; **Mark Baza**, Corredor Comunitario; **Mary Salazar**, Corredor Comunitario; **John Hernández**, Corredor Comunitario.

Suplentes: **Belén León**, Distrito de Control de la Contaminación Atmosférica; **Christian Torres**, Comité Cívico del Valle; **Rosa Guerrero**, Corredor Comunitario; **Bob Fischer**, Corredor Comunitario; **Sandra Mendivil**, Corredor Comunitario; **Michael Moore**, Corredor Comunitario; **Marlene Flores**, Corredor Comunitario; **Sarah Vandiver**, Corredor Comunitario; **Tomas Oliva**, Corredor Comunitario.

Personal de Otras Dependencias: **Marco Perrone**, Distrito de Control de la Contaminación Atmosférica; **Miguel Hernández**, Comité Cívico del Valle; **Thomas Brinkerhoff**, Distrito de Control de la Contaminación Atmosférica; **Deldi Reyes**, Junta de Recursos Atmosféricos de California; **Andrea Juarez**, Junta de Recursos Atmosféricos de California.

I. Bienvenida y Comentarios Iniciales de los Integrantes del CSC

Milly Ferrer dio la bienvenida a todos a la reunión virtual. Mencionó a **Daniela Flores** y **Jessica** quienes estarán apoyando a cualquier persona que tenga dificultades técnicas durante la reunión. Comentó que tienen servicios de interpretación y cómo acceder a este servicio a través de la plataforma. Les recordó a todos que la reunión se está grabando y cómo los miembros del CSC pueden acceder al paquete de la agenda. También mencionó cómo todos pueden enviar sus comentarios y cómo funciona el procedimiento de comentarios públicos.

Daniela Flores mencionó que han alcanzado quórum.

Matt Dessert les dio la bienvenida a todos y tenía la esperanza de que todos pudieran reunirse pronto. Mencionó que **Luis Olmedo** sería el presidente de la próxima reunión. Comentó que hablarán más tarde en la reunión sobre omitir la reunión de julio o agosto.

Luis Olmedo mencionó que estaba emocionado de tener otra reunión.

Daniela Flores les pidió a los miembros de CSC sus comentarios de apertura.

Belén León les dio la bienvenida a todos.

II. Comentario Públicos

No hubo comentarios públicos.

III. Aprobación de la Minuta de la Reunión Anterior

Mark Baza hizo una moción para aprobar las minutas del 19 de mayo de 2021.

Bob Fischer secundó la moción.

La moción fue aprobada.

IV. Medidas / Propuestas

Nuevo Proyecto de Monitoreo de Contaminantes de Río - Actualización de presupuesto.

Matt Dessert mencionó que agregaron un componente de pesticida a este proyecto que agrega \$ 6,300 al costo.

Sergio Cabañas preguntó si esta incorporación sería por toda la duración del proyecto.

Belén León dijo que sería por la duración del proyecto y más. Inicialmente, mencionó que el costo de los dibujos del sello del refugio no estaba incluido en la cotización y cuando solicitaron la aprobación del permiso se dieron cuenta de que tendrían que pagar esa cantidad para que fuera válido.

Matt Dessert pidió una moción para aprobar el artículo.

John Hernández hizo una moción para aprobar el artículo.

Sergio Cabañas secundó la moción.

La moción fue aprobada.

Sistemas de Filtración de Aire en las Escuelas - El Centro

Belén León mencionó que el CSC ya aprobó una lista de prioridades para el corredor y están en proceso de implementar esos sistemas en El Centro. Dijo que estas son las primeras siete escuelas en obtener estos sistemas con fondos AB 617.

Matt Dessert preguntó sobre el valor y el estado de los proyectos.

Belén León mencionó que los contratos ya se completaron y se presentaron al consejo provincial. Dijo que el distrito escolar también los ha recibido y ha acordado las primeras siete escuelas. Comentó que el presupuesto para las siete escuelas será de alrededor de \$ 450,000. Mencionó que había una diferencia entre el contrato AB617 y los proyectos SEP. Ella dijo que el mantenimiento a través de AB 617 es un costo no permitido, lo que significa que IQ Air solo capacitaría al personal de la escuela para hacer el mantenimiento.

Bob Fischer preguntó si el presupuesto cubría todas las escuelas de El Centro.

Belén León comentó que era solo para las siete escuelas.

Sergio Cabañas felicitó al equipo y espera que las escuelas de Calexico también tengan estos sistemas.

Matt Dessert dijo que quieren utilizar la mayor cantidad posible del presupuesto del SEP, pero que están atrapados en la administración de este dinero. Comentó que no quiere que queden atrapados y que no puedan progresar lo más rápido posible porque intentan usar el presupuesto del SEP.

Mark Baza hizo una moción para aprobar el artículo.

Sergio Cabañas secundó la moción. La moción fue aprobada.

V. Presentaciones / Preguntas y Respuestas

Actualización de la Red Comunitaria de Monitoreo del Atmosférico AB 617, Christian Torres; CCV.

Ray Askins preguntó si el mercado de California expresó interés.

Christian Torres mencionó que **Mary** los puso en contacto con el administrador de la propiedad de la plaza donde está California Market y dijo que se estaba activando otro monitor de aire y que no quería otro en la propiedad.

Luis Olmedo agradeció a **Ray Askins** por su participación y por notar cuando algunos monitores no funcionan correctamente.

Christian Torres, respondiendo a otra pregunta de **Ray Askins**, confirmó que estaban mirando el área contigua al aeropuerto de Calexico. Dijo que si **Ray Askins** tiene más información sobre otra persona con la que deberían hablar del mercado de California, avísele y se comunicará con él.

VI. Temas de Diálogo / Información

Diálogo sobre la formación del Subcomité Técnico AB 617.

Matt Dessert dijo que han estado hablando de esto durante un tiempo y han escuchado las preocupaciones de CARB sobre los protocolos adecuados con respecto a la Ley Brown. Pidió al personal de CARB que participara en esta discusión.

Belén León comentó que el próximo lunes tendrán una reunión entre APCD y el Comité Cívico para seguir adelante. Dijo que sigan dejándolo en la agenda porque quieren poder rastrearlo.

Luis Olmedo mencionó que este ha sido un debate en curso sobre la Ley Brown. Dijo que sería útil si esto se agregara como un tema de la agenda.

Matt Dessert pidió consejo a los representantes de CARB en la reunión.

Andrea Juárez preguntó que estaban diciendo que CARB era quien decía que debían seguir la Ley Brown para crear el subcomité.

Belen Leon mencionó que han escuchado que, dado que son un comité de la Ley Brown, deben seguirlo para cualquier otro comité que hagan. Dijo que en ese momento estaban obteniendo información de otros distritos que utilizan la Ley Brown y tienen subcomités.

Deldi Reyes mencionó que está feliz de tratar de ayudarlos a superar estos problemas, sin embargo, no son ellos los que ponen esto como una barrera. Mencionó que cree que el consejo que **Belen Leon** recibió de otros distritos fue que cualquier subcomité para un comité de la Ley Brown también tenía que cumplir con esta ley.

Matt Dessert preguntó si alguna estructura de comité tendría que seguir la Ley Brown.

Deldi Reyes mencionó que era correcto, pero dado que esa ley no se aplica a CARB, no es algo que puedan interpretar para el comité.

Luis Olmedo dijo que en los comités a los que ha servido hay que ponerlos a disposición del público y que eso es preocupación de CARB.

Bob Fischer comentó que deberían recibir asesoramiento del consejo del condado sobre cómo proceder.

Matt Dessert mencionó que era una excelente idea y le pidió a **Belen Leon** que se pusiera en contacto con el consejo del condado.

John Hernández dijo que no ve ningún problema en seguir la Ley Brown.

Kristian Salgado mencionó que era una buena idea ponerse en contacto con la Diputación y estaba seguro de que podrían proporcionarles la estructura necesaria.

Luis Olmedo les recordó a todos que hay un costo financiero para la estructura de cada subcomité y dijo que deben tener esto en cuenta.

Matt Dessert dijo que han aprendido mucho sobre las reuniones de Zoom. Mencionó que era muy útil y que podría ser muy rentable para el comité.

Luis Olmedo dijo que deben pensar en continuar con las reuniones de Zoom o volver a las reuniones en persona.

Sergio Cabañas mencionó que le gustaría continuar con las reuniones de Zoom al menos durante el verano solo para asegurarse de que todo quede atrás.

Matt Dessert dijo que discutirán más sobre esto más adelante. Mencionó que no solo están mejorando en eso, sino que hay ahorros de emisiones al utilizar las reuniones de Zoom. Comentó que deberían reunirse en persona periódicamente.

Miguel Hernández comentó que es miembro de CSC para el Comité Directivo Comunitario 617 del Este de Coachella Valley. Señaló que esos subgrupos les han ayudado a mover la aguja para Coachella. Dijo que ha sido muy beneficioso en lo que respecta a involucrar al CSC como los líderes reales en las conversaciones.

Matt Dessert mencionó que aprecia esos comentarios y espera continuar discutiendo el tema. Preguntó si había otra manera de cumplir con lo que quieren lograr y si es menos engorroso como requisito de la Ley Brown, que será una gran información en el futuro.

Carta Conjunta presentada al DTSC Re: Participación AB 617

Luis Olmedo dijo que esta era una gran oportunidad. Mencionó que es una plataforma valiosa para que DTSC se relacione.

Matt Dessert mencionó que la carta ya fue redactada y señaló que él y **Luis Olmedo** se reunirán y la firmarán antes de la próxima semana.

Luis Olmedo señaló que DTSC no está al día con la justicia ambiental en este momento. Mencionó que CARB tiene una junta directiva muy diversa similar a su comité AB 617. Dijo que el DTSC es designado por la oficina del gobernador y no se parece a una junta como la de CARB. Mencionó que DTSC no ha cumplido con la justicia ambiental y espera que puedan aceptar la invitación y que se necesitará el esfuerzo de muchas agencias para poder abordar los problemas en el corredor.

Matt Dessert solicitó agregar a la agenda la convocatoria mensual de justicia ambiental para que la audiencia esté al tanto de las llamadas que se están realizando.

Bob Fischer dijo que las bases de datos Envirostor y Geotracker son buenas fuentes de información sobre sitios ambientales en todo el estado.

Luis Olmedo comentó que observaron Envirostor hace unas cuantas reuniones e identificaron que había otra antigua instalación de Pure Grow que estaba abandonada.

Política 17 de ICAPCD - (Quejas)

Kristian Salgado preguntó dónde puede alguien encontrar las políticas de acceso público en el sitio web de APCD.

Thomas Brinkerhoff mencionó que están en proceso de cargar sus políticas en su sitio web. Dijo que mientras revisan sus políticas, las subirán al sitio y probablemente estarán en su página de reglas y regulaciones. Comentó que, si un miembro o alguien del público quisiera una copia de una política, se puede enviar electrónicamente.

Kristian Salgado preguntó si era posible que APCD condensara esta información en un folleto que tiene información importante como cómo enviar un comentario público o qué esperar en las reuniones. También preguntó si pueden agregar la posibilidad de cargar una imagen al escribir una queja.

Thomas Brinkerhoff preguntó si **Kristian Salgado** puede enviarle estas sugerencias por correo electrónico para que pueda rastrearlas y ver cómo pueden incorporarlas. En cuanto a los folletos, dijo que verá cómo pueden hacer eso en el futuro. Mencionó que buscarán agregar la opción de imagen, pero agregó que no cree que tengan esa capacidad en este momento. Dijo que, si alguien tiene una queja y quiere adjuntar una foto, se la pueden enviar por correo electrónico.

John Hernández preguntó si el documento no se ha actualizado en 27 años.

Thomas Brinkerhoff dijo que era correcto.

John Hernández comentó que estos eventos de calidad del aire pueden desaparecer muy rápidamente. Preguntó si había alguien asignado para atender de inmediato las quejas. También preguntó a los copresidentes si esto podría mencionarse en su CERP o CAMP con respecto a su proceso de queja.

Thomas Brinkerhoff mencionó que el compromiso ya se destaca en el CERP.

Luis Olmedo dijo que el CERP incluye reducciones de emisiones, cumplimiento y regulaciones. Mencionó que esto encaja en la parte de cumplimiento del documento. Comentó que cuando ocurría un evento activo, podría no estar allí al día siguiente. Preguntó cuál era la guía para capturar ese tipo de eventos. También preguntó si había espacio en este documento donde herramientas como la red IVAN puedan obtener informes adicionales en el distrito.

Thomas Brinkerhoff dijo que la ventana de respuesta de 24 horas es el plazo predeterminado, pero intentarían llegar al evento lo antes posible. Mencionó que tienen 4 inspectores de tiempo completo y uno más en entrenamiento. Agregó que todos los días realizan patrullas de área para tratar de detectar estos eventos a medida que ocurren, incluso antes de que haya una denuncia. Dijo que, si los investigadores no llegan a tiempo, pueden verificar y ver si hay evidencia de un evento que tuvo lugar.

Luis Olmedo le dijo a **John Hernández** que, aunque él no es parte del Distrito del Aire, solo le estaba informando sobre el conjunto de estrategias que Imperial está utilizando. Mencionó que en los últimos años ocurren muchos más negocios de noche. Preguntó cómo podría haber más conciencia de los eventos si afuera está oscuro.

Thomas Brinkerhoff preguntó si **Luis Olmedo** podría dar un ejemplo.

Luis Olmedo mencionó que hay mucho movimiento de camiones, fumigación aérea y labranza. Dijo que IID funciona 24 horas al día, 7 días a la semana.

Thomas Brinkerhoff dijo que la educación pública será muy importante para este tipo de proyectos. Mencionó que pueden plantear esto en las reuniones y talleres para que el público sepa a dónde acudir. Pidió al público que envíe sus comentarios antes del viernes 2 de julio.

Boleta de Calificaciones de Proyectos AB 617 (ICAPCD)

Matt Dessert dijo que hubo una discusión sobre qué escuelas dar prioridad a la obtención de los sistemas de filtración. Le preguntó a **Belén León** si podían hacer todas las escuelas del corredor ahora con la cantidad de dinero que habían traído.

Belén León mencionó que podría ser muy probable.

Luis Olmedo dijo que a medida que ganen impulso, habrá necesidad de más dinero. Mencionó que el programa depende en gran medida de esos presupuestos. Dijo que espera que la financiación 617 pueda llevarse a un flujo de financiación más permanente, pero dependerá de la voluntad política del estado. Comentó que hay más de 3

mil millones de dólares en el presupuesto de infraestructura eléctrica. Mencionó que deberían buscar al menos un vehículo eléctrico para poder mantener los monitores en el distrito.

Ray Askins dijo que deberían agregar un programa de plantación de árboles a la boleta de calificaciones.

Belén León mencionó que están finalizando la fecha límite para el proyecto de ecologización urbana y que llegarán a la boleta de calificaciones muy pronto.

VII. Actualizaciones por parte de las Dependencias

Christian Torres dijo que están trabajando en las dos estaciones de carga en Brawley. Mencionó que su programa de servicios para los trabajadores de la salud afectados por COVID aún está vigente.

Miguel Hernández mencionó que CCV está contratando para un puesto de alcance comunitario que será un puesto de medio tiempo. Les recordó a todos que se mantengan a salvo e hidratados.

Thomas Brinkerhoff dijo que han abierto sus oficinas al público en una capacidad limitada, pero su buzón todavía está disponible si los miembros no quieren entrar. Mencionó que su horario de oficina es de 8 am a 5 pm.

Belén León mencionó que la fecha límite de inspección del 17 de junio se acerca tanto para la solicitud del proyecto de pintura AB 617 como para el proyecto de ecologización urbana. Comentó que debe enviarlo el día siguiente antes de las 5 pm. Mencionó que Harder Co. se pondrá en contacto con el comité AB 617 para obtener más información y comentarios sobre las próximas reuniones y temas. Mencionó que la Junta de Supervisores del Condado de Air aprobó el Distrito de Control de la Contaminación del Aire para ayudar a CARB con la reunión de planos y Harder Co. asistirá a CARB con la reunión.

Deldi Reyes agradeció a **Belén León** por apoyarlos con la parte administrativa de ese contrato. Mencionó que **Andrea** publicó en el chat el enlace al elemento del tablero CARB el 24 de junio. Dijo que la reunión comienza a las 9 en punto y se trata de Technology Clearinghouse. Comentó que el artículo también incluye una actualización de cumplimiento. Dijo que CARB apoya plenamente el trabajo del comité para establecer un subcomité, pero que no tienen ninguna autoridad para una solución alternativa a la Ley Brown.

Johnny On Wheels dijo que podrían utilizar drones en áreas estratégicas para el monitoreo nocturno. Preguntó cuándo se incluirá el Proyecto en la agenda.

Belén León mencionó que la aplicación se cierra al día siguiente. Dijo que los solicitantes son los que hacen la licitación.

Johnny On Wheels dijo que necesitaría más tiempo para recopilar su información.

Belén León comentó que habrá muchas oportunidades en los próximos meses.

Johnny On Wheels preguntó si podrán discutir quién va a mantener los árboles, cuánta agua tomarían y cuando se plantarán los árboles.

Belén León mencionó que esas preguntas son parte de la aplicación en sí.

Johnny On Wheels dijo que está interesado en ser parte de esas conversaciones antes de que se tome la decisión sobre a quién van a contratar. Mencionó que ve mucho trabajo arduo por parte de El Centro. También dijo que le gustaría ver la foto de la huella en las áreas para que puedan concentrarse en las áreas de preocupación.

VIII. Temas de la Agenda para la Próxima Reunión

Matt Dessert propuso la fecha del 14 de julio o el 11 de agosto. Mencionó que ha habido una discusión sobre omitir la reunión de julio.

Sergio Cabañas dijo que preferiría omitir la de agosto y tener la reunión el 14 de julio.

Mark Baza dijo que apoya la propuesta de **Sergio Cabañas**.

Matt Dessert le preguntó a CARB si sus presentaciones podrían estar listas para una reunión de julio.

Deldi Reyes mencionó que harán todo lo posible para tenerlos listos.

Mark Baza hizo una moción para tener la junta en julio y **Bob Fischer** la secundó.

La moción fue aprobada.

Matt Dessert mencionó que la próxima reunión sería el 14 de julio.

IX. Observaciones Finales / Clausura

Matt Dessert pidió a todos que tuvieran cuidado con la ola de calor.

Sergio Cabañas hizo una moción para levantar la sesión. **Mark Baza** secundó.

Se levanta la sesión.

4. Presentations:

A. AB 617 CAMP – Community Air Monitoring Network Update (CCV)

Community Air Monitoring Update



July 2021

Overview

CAMN Update

- Next Installation

Preliminary Analysis

- Data collected for June 2021
-

Next Installation

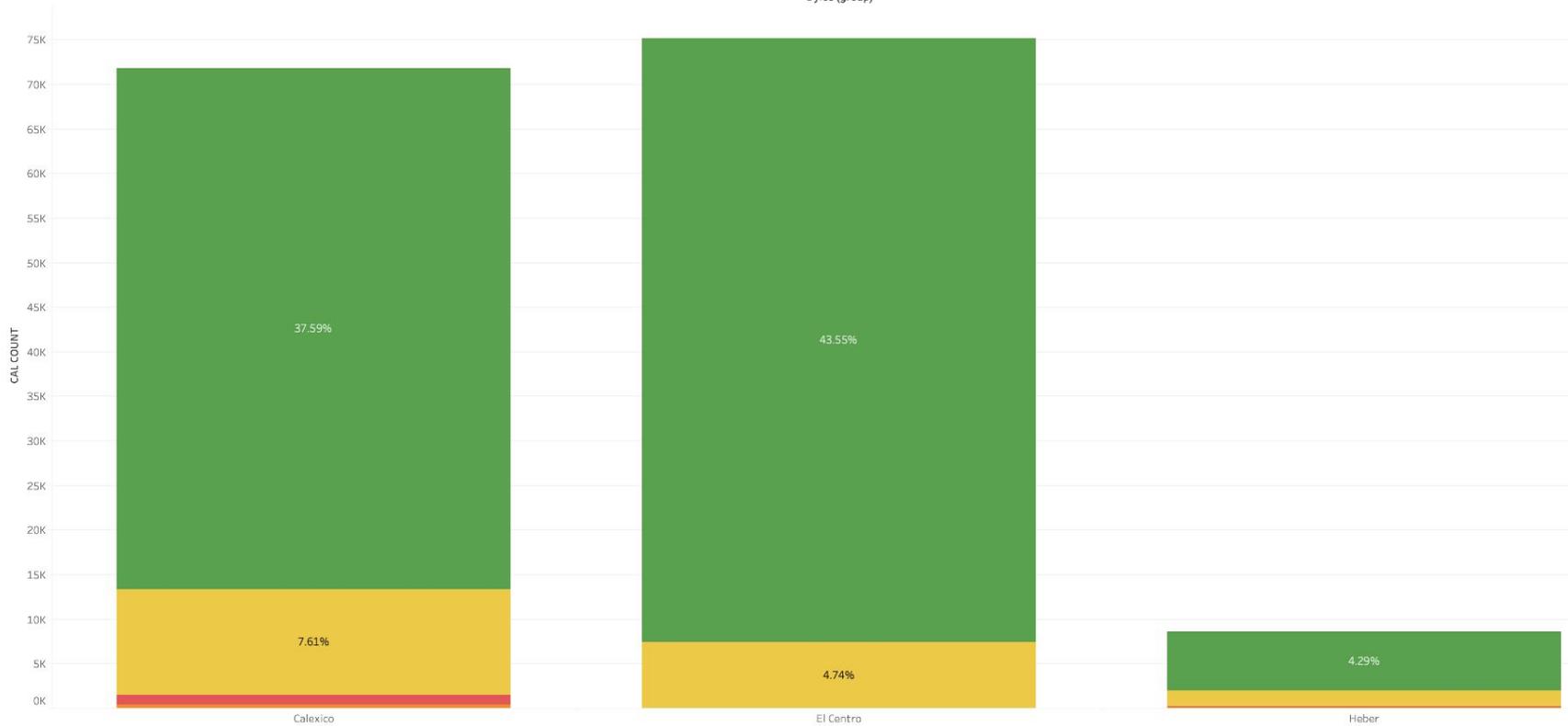
Heber - Dogwood Elementary

- Received Board approval and working with school staff to determine best location for access and security for the installation of the monitor.

Preliminary Analysis - Corridor

IMPERIAL CORRIDOR

Dylos (group)



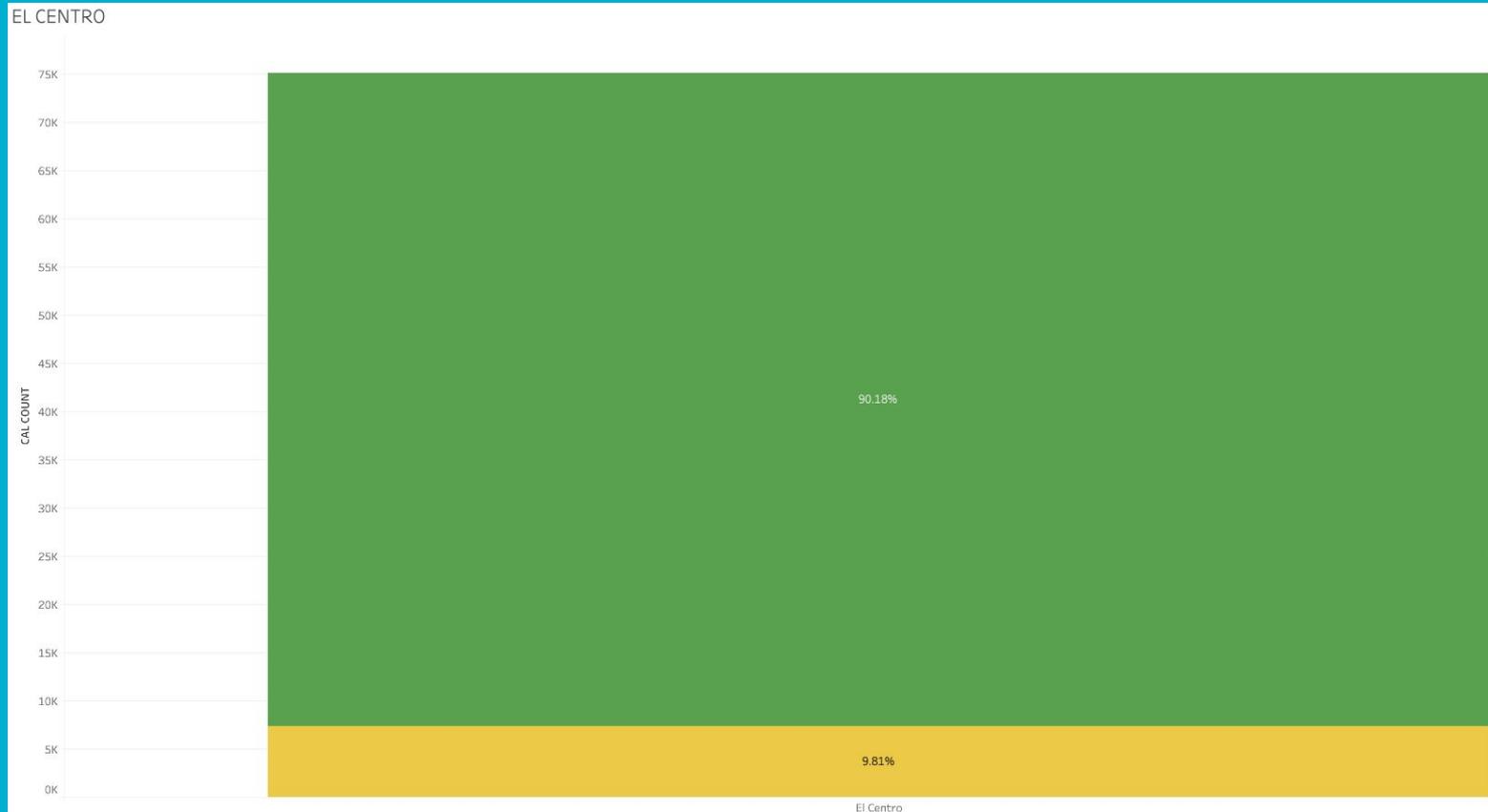
Preliminary Analysis - Calexico



Preliminary Analysis - Heber



Preliminary Analysis - El Centro



4. Presentations:

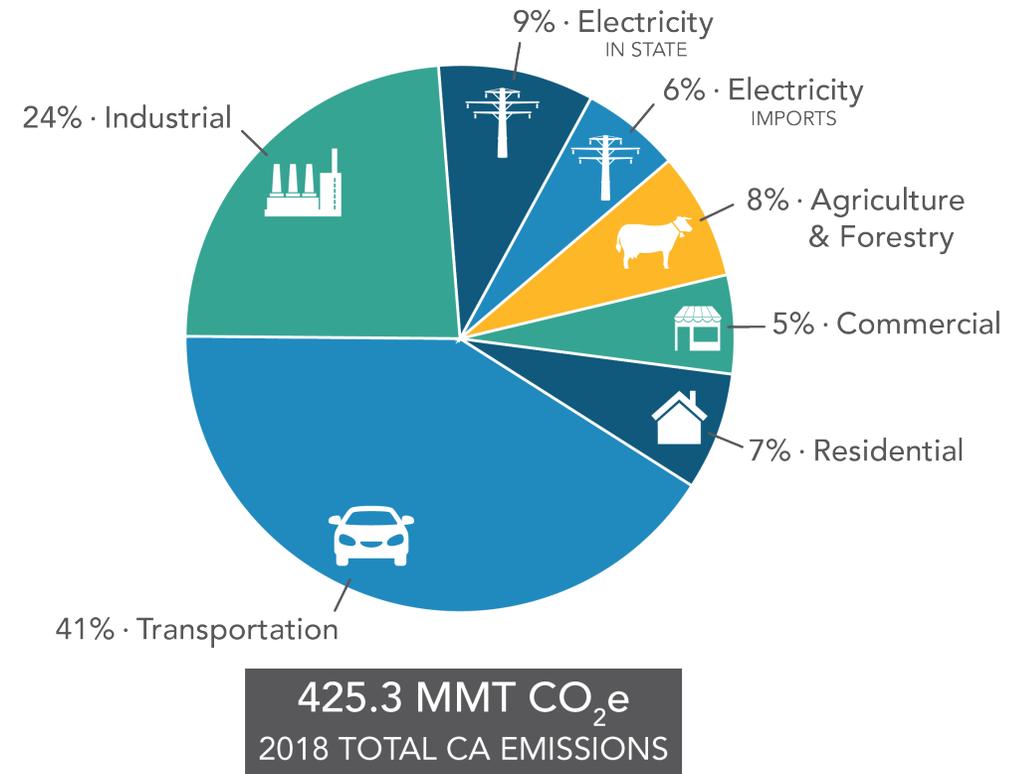
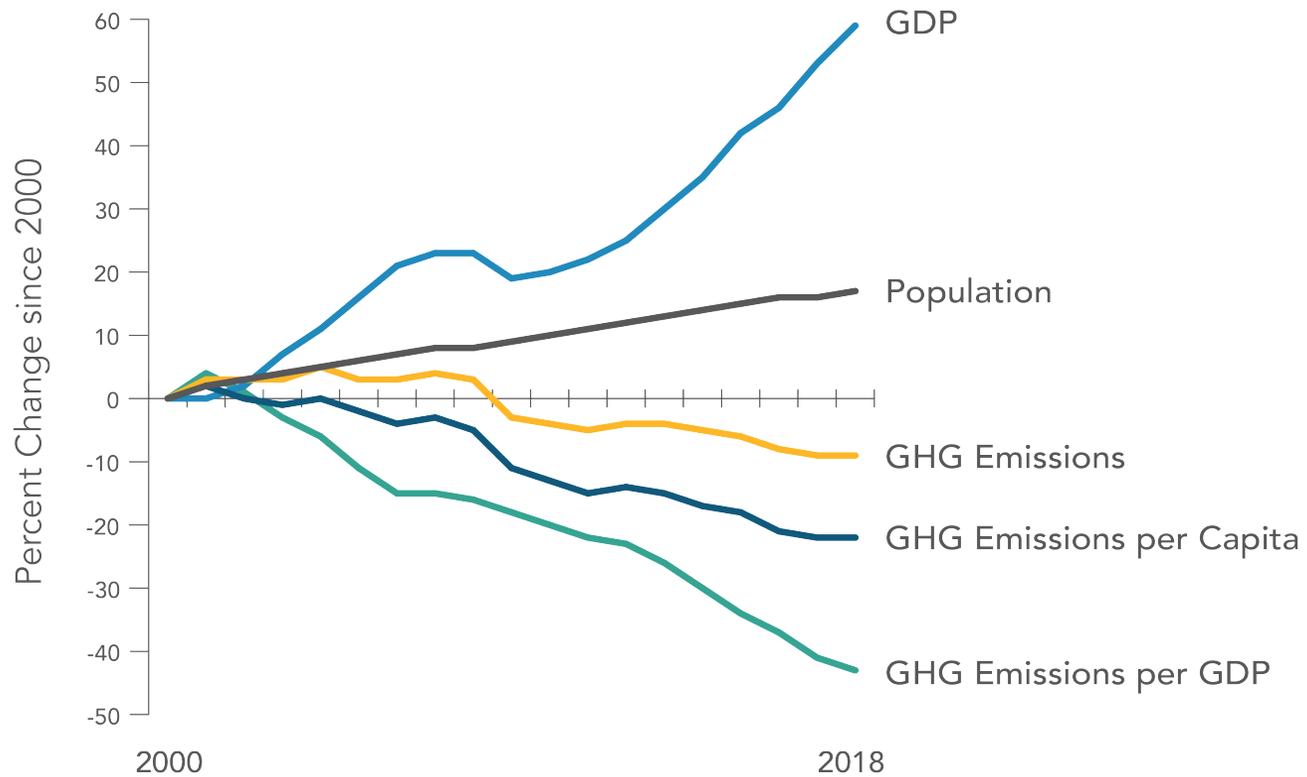
B. CARB Presentations

Update on AB 32 Scoping Plan and Environmental Justice Advisory Committee



JULY 2021

California's Trends

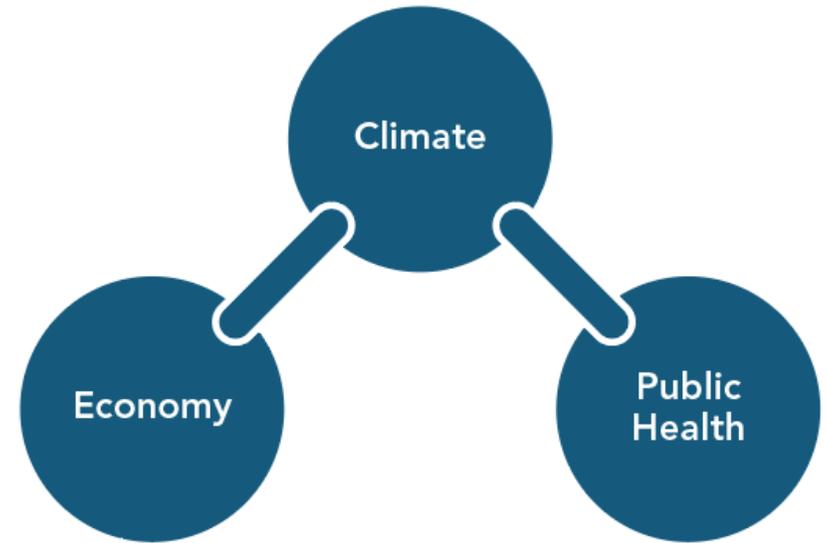


Source: 2020 Edition, California Greenhouse Gas Emission Inventory: 2000-2018

Imperative to Act Now

Climate change is happening and impacting public health and the economy:

- Disproportionate burdens experienced by frontline communities, often communities of color
- Increased susceptibility to respiratory illnesses such as COVID-19 due to poor air quality
- Record-setting wildfires that directly endanger human health and property
- Extended droughts that damage California's billion \$ agricultural industry



AB 32 Climate Change Scoping Plan

- Scoping Plan(s) are action plans to ensure CA meets statewide GHG reduction targets (mandated in AB 32)
 - Scoping Plan(s) rely on a suite of climate policies to address emissions across all sectors
 - Required to be updated at least every 5 years
 - 2017 SP (most recent) – cost-effective and technologically feasible path to achieve the 2030 target
- Provide direct GHG emissions reductions and air quality benefits
- Minimize emissions “leakage” – increase to non-CA GHG emissions
 - Ensure high-road jobs remain
- Facilitate sub-national and national collaboration
- Support cost-effective and flexible compliance

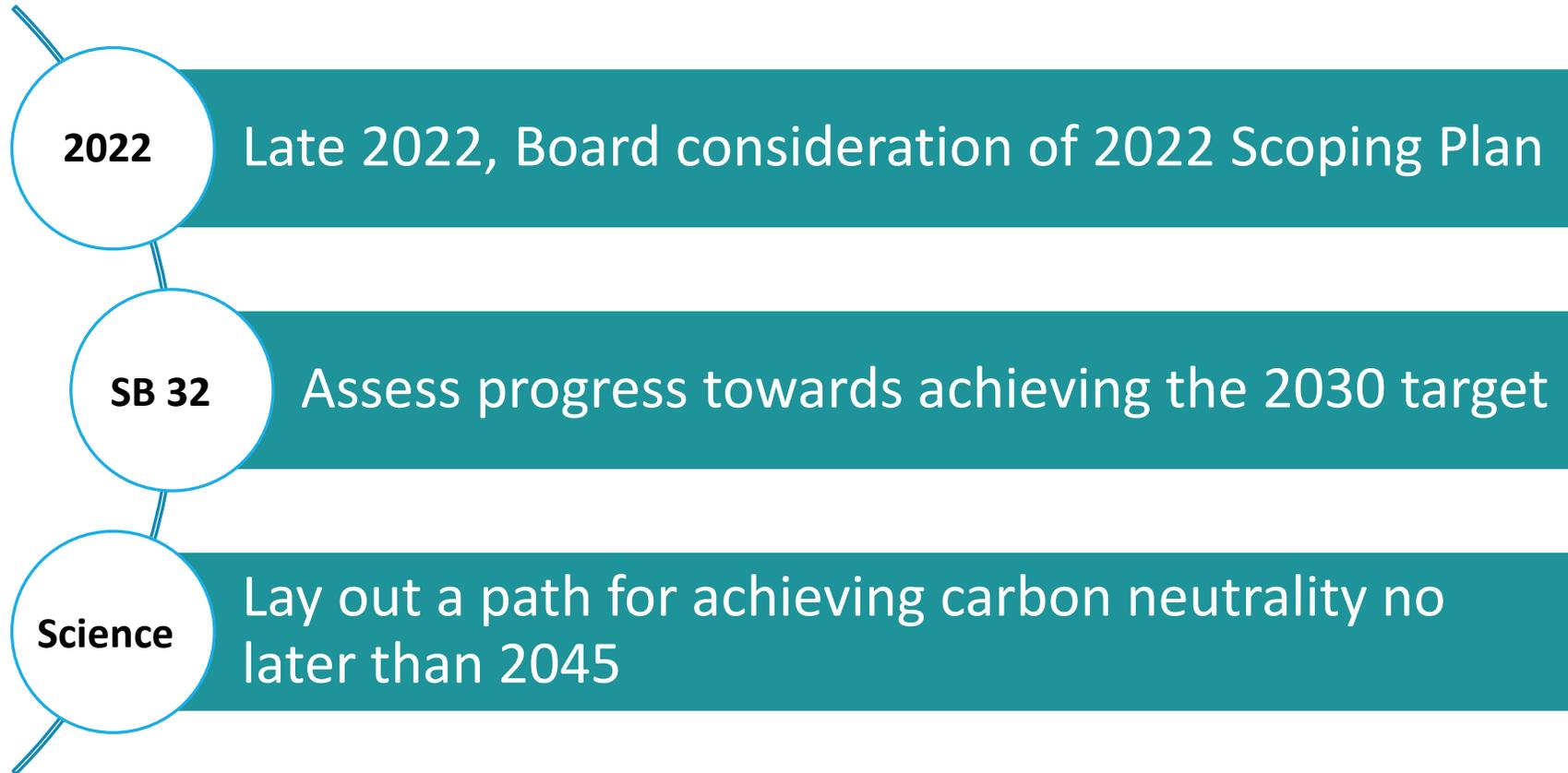
AB 32 Environmental Justice Advisory Committee

- Assembly Bill (AB) 32 directed CARB to convene an Environmental Justice Advisory Committee (EJAC or Committee) to advise the Board in the development of the Scoping Plan and any other pertinent matter in implementing AB 32.
- It requires that the Committee be comprised of “representatives from communities in the State with the most significant exposure to air pollution, including, but not limited to, communities with minority populations or low-income populations, or both.”
- Luis Olmedo, Comité Civico del Valle

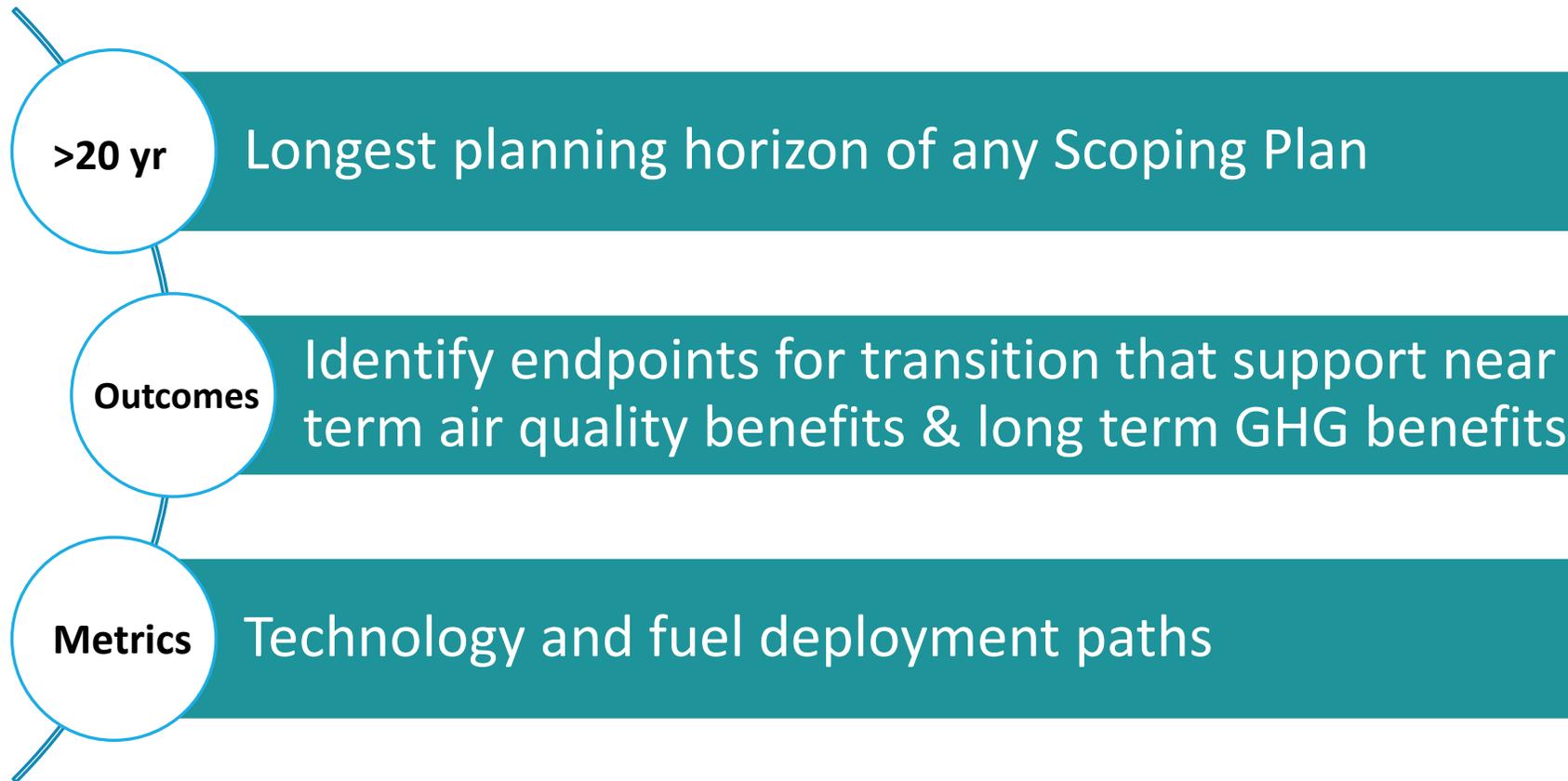
AB 32 Environmental Justice Advisory Committee for 2022 Scoping Plan Update

- Advise CARB as it evaluates progress towards the 2030 target and charts a path to carbon neutrality no later than 2045
- Actively building relationships and trusting community expertise
- Advancing community driven solutions, and
- Partnering and co-creating with the EJAC and residents in the most impacted communities to create a more just and sustainable future

2022 Scoping Plan Update: Key Objectives



2022 Scoping Plan Update: Key Objectives, cont.



Analyses for 2022 Scoping Plan Update

- Cost per ton of policy (AB 197)
- Social cost of carbon (AB 197)
 - New values expected in coming months
- Estimated air quality benefits (AB 197)
- Environmental (CEQA)
- Economic (health, macro, household, jobs)



Public Health

- Climate change exacerbates existing and creates new public health issues
- Community Health and Resiliency
 - Status quo versus action
- Health Analysis of Combined Air Pollution and Health Strategies
 - Building off of CARB input for SB 100 report
 - New health endpoints (premature mortality, emergency room for asthma, etc.)
 - Use health economic valuation to better demonstrate benefits

Final Scoping Plan

- Actionable statewide blueprint to align efforts to achieve the state's climate goals
- 2017 Scoping Plan is underpinned by statutes and dozens of individual regulations and actions across state agencies
- Considered and adopted by the CARB Board
- Annual implementation updates to the CARB Board
- Does not go into details in individual program or regulation design
- Does not supplant or create new statutes or regulations

Post Scoping Plan Update Adoption

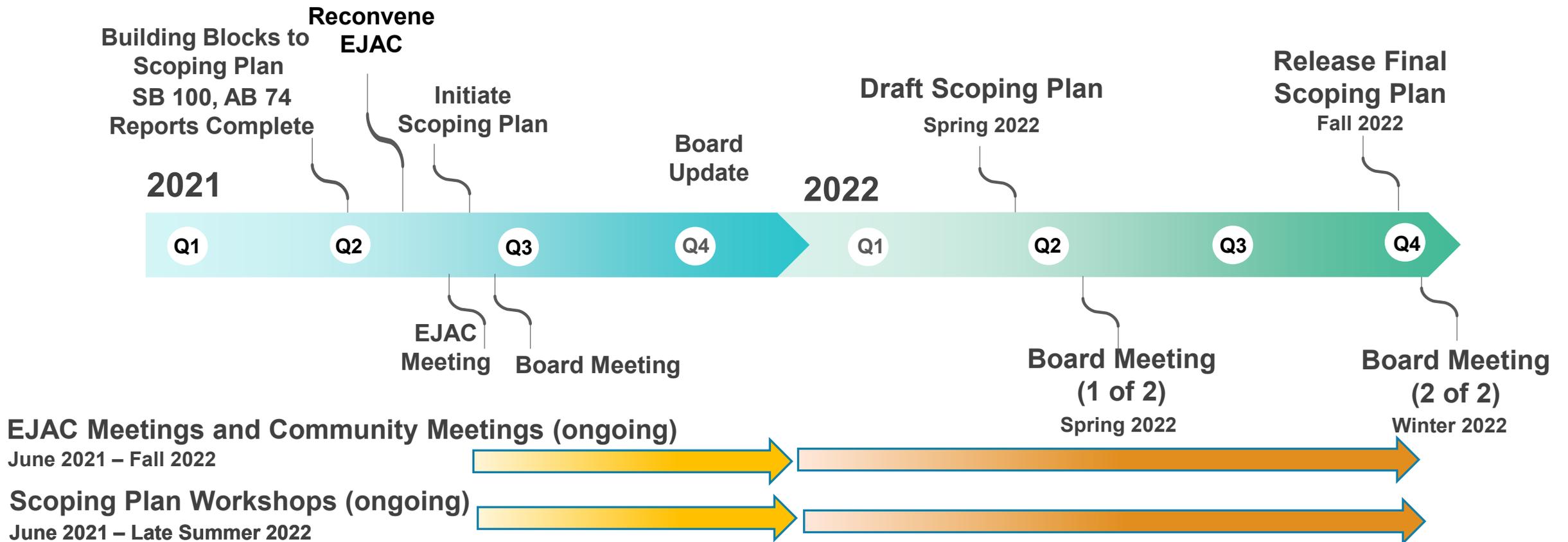
- Agencies and CARB start to look at their regulations, programs, and policies within their jurisdiction to align with outcomes identified in the scoping plan
- CARB actions
 - Scoping Plan implementation takes the form dozens of regulations, plans, and policies brought to the Board for consideration and adoption
 - Each has their own detailed public process and more detailed health, economic, and environmental analyses

Multi-State Agency Effort



List is not exhaustive

2022 Scoping Plan Update Schedule





**SB 375:
Sustainable Communities &
Climate Protection Program**

SB 375

18 MPO Regions
Identify Land Use
& Transportation
Strategies to ↓ GHGs



- Regions develop a Sustainable Communities Strategy (SCS) as part of their Regional Transportation Plan (RTP)
- CARB sets regional GHG reduction targets to guide development of the regional SCSs
- Local governments and developers get CEQA regulatory incentives to implement the SCS

SCAG's SCS Strategies

Strategies	GHG Reductions
Land Use & Housing: Infill Development & Increased Density Near Transit Infrastructure, Jobs/Housing Balance, and Mixed Land Uses	-14.2%
Transportation: TDM, New Transit Capital Projects, Improved Bike Infrastructure	
Local & Regional Pricing: Congestion Pricing/ Job Center Parking Strategy, Mileage-Based User Fee/ TNC User Fee, Express Lane Pricing	
Transportation: Average Vehicle Ridership for Job Centers, Parking Deregulation in Transit Priority Areas, Co-Working, Improved Pedestrian Infrastructure, Safe Routes to School, Multimodal Dedicated Lanes	-1.91%
New Mobility: Electric Vehicle Charging Infrastructure, Electric Vehicle Incentives, Transit/TNC Partnership, Bike Share and Micromobility, Car Share	-2.54%
Telemedicine & On-line Shopping/E-Commerce	-0.35%
Total Reduction	-19%

Improving Bike and Pedestrian Options in Imperial Communities

- Pedestrian and Bicycle Transportation Access Study for the California/Baja California Land Ports of Entry (2015)
- Imperial County Active Transportation Plan (2019)



Improving Access to Transit and Shared Mobility Options in Imperial Communities



- Regional Mobility Hubs
Places of connectivity where different modes of travel such as walking, biking, transit, and shared mobility options come together



Questions?

Transportation Systems Planning Branch
Sustainable Transportation and Communities Division
Contact: sustainablecommunities@arb.ca.gov



Senate Bill 350 Low-Income Barriers Report

*Identifying Barriers and Opportunities to Clean
Transportation Access*

Imperial Community of El Centro-Heber-Calexico Corridor
Community Steering Committee Meeting

July 14, 2021

The Clean Energy and Pollution Reduction Act of 2015 (SB 350)

- Established new clean energy, clean air and greenhouse gas reduction goals for 2030 and beyond
- Directed CARB and CEC to examine barriers to clean transportation and energy access for underserved communities and develop recommendations
 - Better understand and assess barriers
 - Develop community-driven actions for increasing access
 - Build lasting partnerships and accountability measures

SB 350 Barriers Report: Community Barriers & Six Priority Recommendations



SB 350 Implementation

- Expanded needs assessments and funding in underserved communities
 - Clean Mobility Options Voucher Pilot Program (CMO)
 - Sustainable Transportation Equity Project (STEP) Clean Mobility in Schools Pilot
 - Clean Mobility in Schools Pilot Project
- Outreach & One-Stop-Shop
 - Strategic Outreach Roadmap
 - Access Clean California

Equity Investments and Benefits to Imperial Valley

- Imperial County Transportation Commission/Calexico On-Demand Project (CMO – Mobility Project)
- LEAP's Mecca Project (CMO – Community Transportation Needs Assessment)
- Surrounding community investments
 - Twenty-Nine Palms Band of Indians (Coachella)
 - Cahuilla Band of Mission Indians (Anza/Riverside County)
- Access Clean California outreach campaign to streamline access to CARB programs and funding

Low Carbon Transportation Investments in Imperial Valley

- Ongoing investments and outreach through Low Carbon Transportation & California Climate Investments
 - Clean Vehicle Ownership rebates and financing assistance
 - Heavy-duty equipment upgrades and demonstration projects

Questions?

Contact Us

Violet Martin – Staff, SB 350 Implementation

Violet.Martin@arb.ca.gov

Sam Gregor – Manager, Clean Transportation Equity Incentives

Sam.Gregor@arb.ca.gov

Tabetha Willmon – Manager, Outreach & SB 350 Implementation

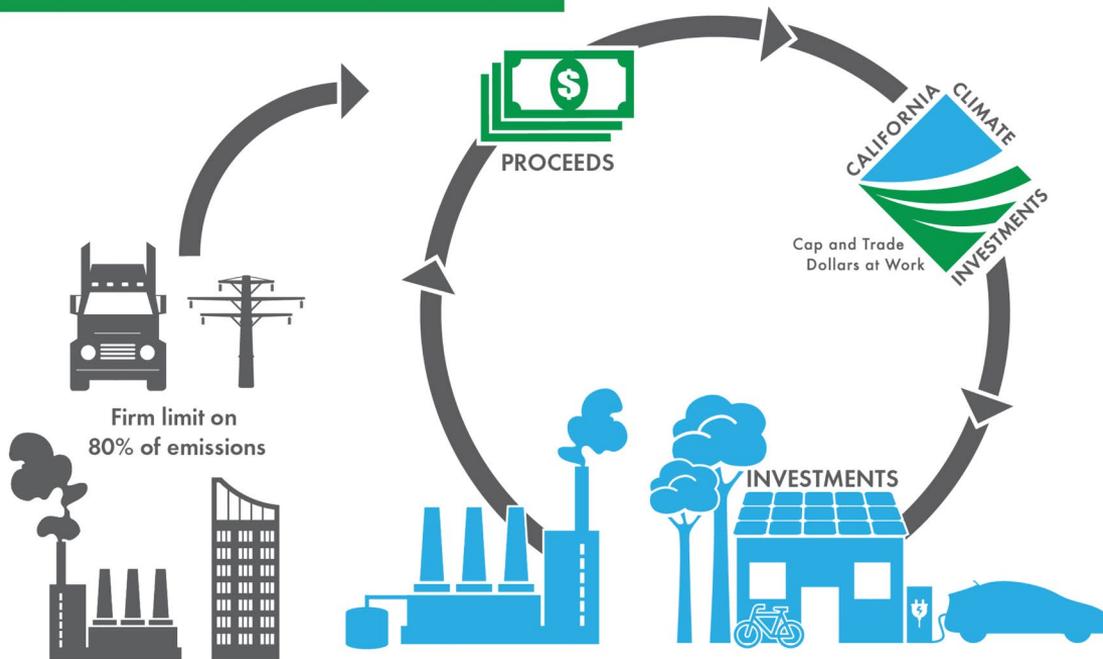
Tabetha.Willmon@arb.ca.gov

More Information: ww2.arb.ca.gov/our-work/programs/accessible-clean-transportation-options-sb-350



SB 535 & AB 1550: California Climate Investments

Overview of California Climate Investments using Cap-and-Trade Auction Proceeds



California Climate Investments



Cumulative Project Outcomes



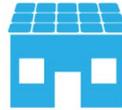
50% of funding benefiting priority populations (\$4 billion+)



700+ transit agency projects funded, adding or expanding transit service



488,000+ individual projects implemented



123,000+ projects installing energy efficiency measures in homes



7,200+ affordable housing units under contract



330,000+ rebates issued for zero-emission and plug-in hybrid vehicles

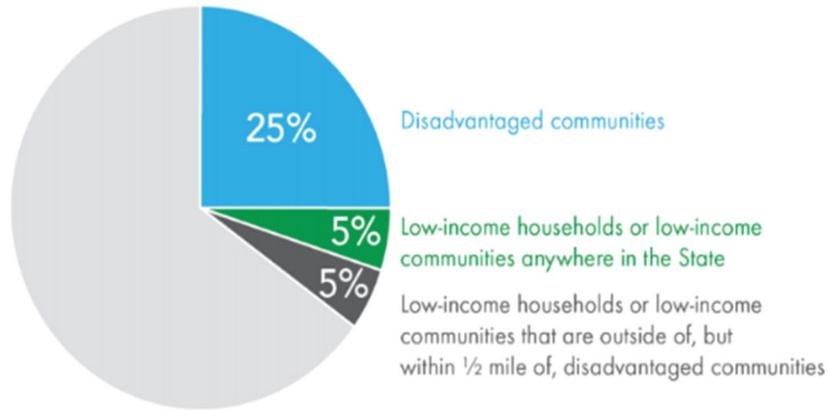


133,000 urban tree plantings

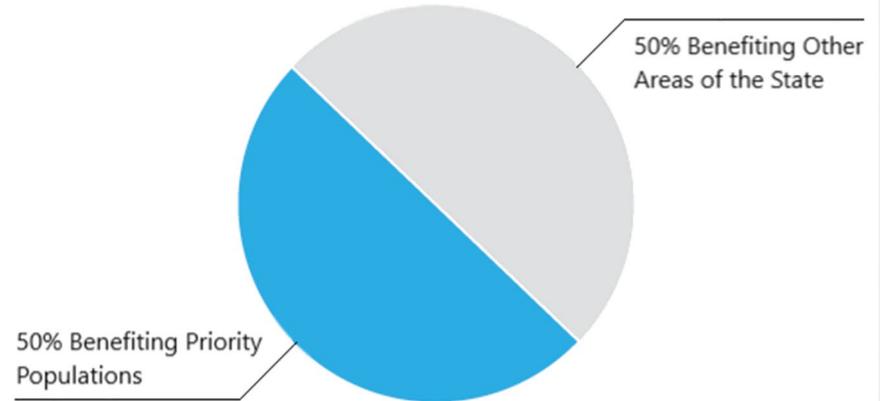
Outcomes as of
November 30, 2020

Statutory Requirements: SB 535 & AB 1550

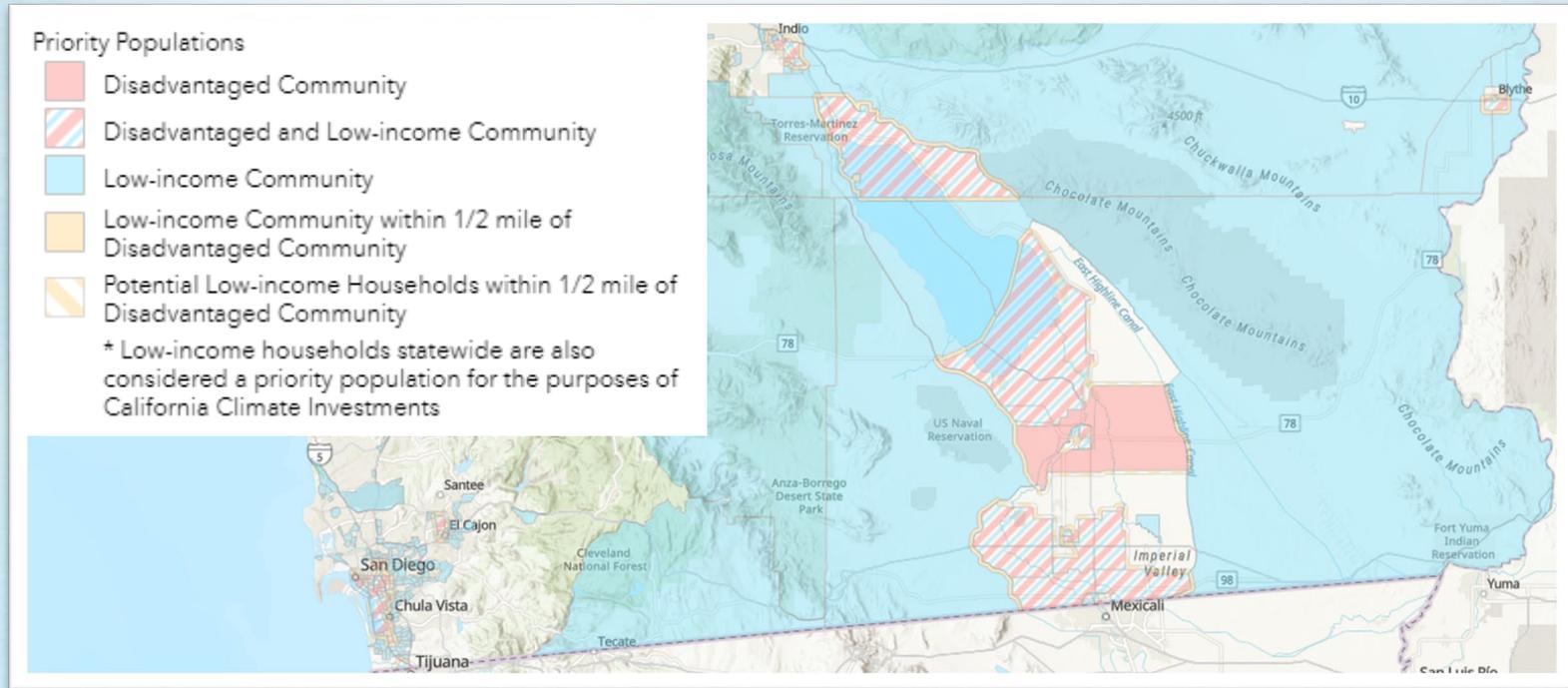
AB 1550 Statutory Requirements



Cumulative Percentage of Investments Benefiting Priority Populations as of November 2020



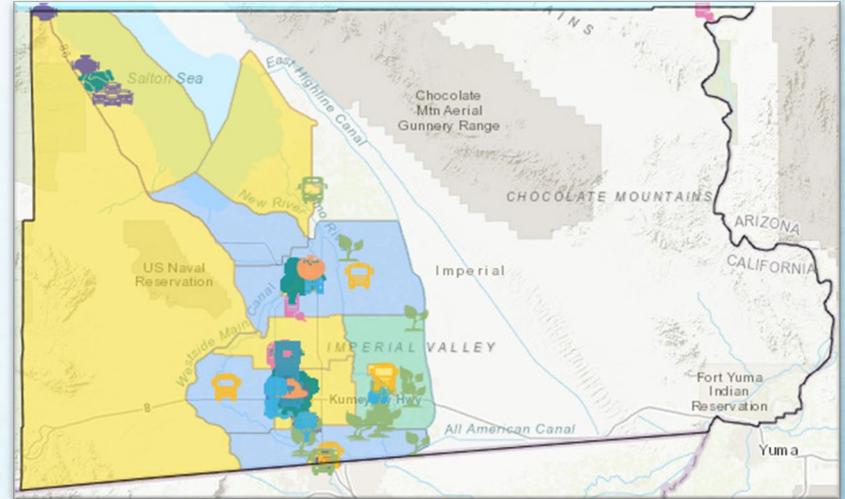
Priority Populations in Imperial County



webmaps.arb.ca.gov/PriorityPopulations

California Climate Investments Projects in Imperial County

- \$38.7 million invested 628 projects in Imperial County
- \$32.7 million (85%) benefiting priority populations
- 136,806 metric tons of CO₂e reductions from projects in Imperial County



webmaps.arb.ca.gov/ccimap

Imperial Valley Urban Forest Project by City of El Centro's Parks and Recreation Department



California Climate Investments Resources

caclimateinvestments.ca.gov

  @CAClimateInvest

info@caclimateinvestments.ca.gov

1-800-757-2907 • Hablamos Español



5. Discussion/Information

Items:

**B. Joint Letter to DTSC Re: AB
617 Participation
(Co-Chairs)**



Comite Civico
Del Valle, Inc.

June 23, 2021

Meredith Williams, Director
DTSC Headquarters
P.O. Box 806
Sacramento, CA 95812-0806

Re: Request for DTSC Presentation on Heber PureGro Facility to AB 617 Community Steering Committee (CSC) for the El Centro-Heber-Calexico Community Corridor

Dear Ms. Williams:

The Imperial County Air Pollution Control District (ICAPCD) and environmental justice group Comite Civico del Valle, Inc. (CCV) was successful in 2018 with our request to the California Air Resources Board (CARB) in having our nominated Community Corridor of El Centro-Heber-Calexico selected as a community in the State's Assembly Bill (AB) 617 Program. This Program directs local air districts to implement measures to reduce air pollution in communities that are disproportionately burdened by air pollution.

ICAPCD and CCV has been working with our Community Steering Committee (CSC) to establish air monitoring and emissions reduction strategies for our AB 617 Corridor. Recently at our March 2021 AB 617 meeting, several CSC members brought up concerns on the historical PureGro Heber Facility. This site, per DTSC's EnviroStor, has a Site ID of 13070096 and is located at 89 Main Street, Heber, CA. Given the questions and concerns from our CSC, the ICAPCD and CCV is respectfully requesting for DTSC to provide a general presentation on this PureGro Site in Heber at one of our upcoming AB 617 Meetings. Having these discussions with our AB 617 CSC, and sharing your knowledge and expertise, would greatly assist us as we continue to formulate air quality strategies for our Community Corridor.

We look forward to working with DTSC Staff in planning a presentation on this subject with our AB 617 CSC. If you have any questions, please contact the ICAPCD at (442) 265-1800 or CCV at (760) 351-8761.

Sincerely,

Luis Olmedo
Executive Director,
Comity Civico del Valle, Inc.

Matt Dessert
Air Pollution Control Officer,
Imperial County

Cc: Francesca Negri, Chief Deputy Director, DTSC Headquarters, P.O. Box 806, Sacramento, CA 95812
Ana Mascareñas, Environmental Equity Deputy Director & Tribal Liaison, DTSC Headquarters, P.O. Box 806, Sacramento, CA 95812

5. Discussion/Information

Items:

**C. Rule 207 Certification Board
Packet Revised Signed
(ICAPCD)**



BOARD AGENDA FACT SHEET

CLERK USE ONLY
BOS ACTION

IC Air Pollution Control District
 Department / Agency

June 22, 2021
 Requested Board Date

1. Request:

Board Approval	<input checked="" type="checkbox"/>	Information Only/Presentation	<input type="checkbox"/>
Other (specify) _____	<input type="checkbox"/>	Schedule Hearing Time: _____	<input type="checkbox"/>

REVISED
 06-10-21

2. Requested Action: *Type requested action below*

Board of Supervisors sitting at the District Board for the Imperial County Air Pollution Control District - Conduct a public hearing to consider the following actions regarding the certification and adequacy of the existing nonattainment New Source Review permit program as specified within Rule 207: a) Adopt Resolution certifying that Rule 207 is adequate to meet the requirements of the Clean Air Act for nonattainment new source review as applicable under the 2015 ozone National Ambient Air Quality Standard, b) Adopt Staff Report for the certification of Rule 207, and the associated findings contained therein.

- 3. Cost \$ zero Source: N/A
- 4. If approval of Contract, reviewed/approved by County Counsel on: N/A
 By: Adam Crook Action Request # 21-0454
Assigned by County Counsel's Office
- 5. If approval of position allocation change, approved by Human Resources on: N/A
 By: N/A
- 6. Electronic copy submittal date: June 8, 2021 By: Cassi Justice

Matt Dumont
 Department Head/Agency Representative

INSTRUCTIONS: Back-up must be submitted 11 BUSINESS days prior to requested date. Back-up submitted must contain an Original and 6 copies. Copies must be submitted double sided and three (3) hole punched. Back-up must be submitted in a PDF format to cobstaff@co.imperial.ca.us.

CEO/CLERK USE ONLY:

DATE STAMP

RECEIVED
 JUN 10 2021
 County Executive Office

BOARD DATE: 06/22/21

Action _____ Filing _____

Consent X Presentation _____

Hearing _____ CEO Approval _____

Other (specify) _____

[Signature] 06/17/21
 CEO Date



June 8, 2021

Honorable Board of Directors
940 W. Main Street, Suite 209
El Centro, CA 92243
Attn: Chairman of the Board, Michael W. Kelley

Regarding: The Public Hearing scheduled for June 22, 2021 at 11:00 a.m.

Mr. Chairman, Michael W. Kelley:

ACTION REQUESTED

The Imperial County Air Pollution Control District (Air District) respectfully requests approval of the following:

1. Resolution No.____ resolving that Rule 207, as approved into the California State Implementation Plan (SIP) on August 26, 2019, is adequate to meet the requirements of the Clean Air act (CAA) for the Nonattainment New Source Review (NNSR) as applicable under the 2015 Ozone National Ambient Air Quality Standards (NAAQS), and;
2. Approval of the Letter of Certification addressed to the California Air Resources Board (CARB) containing the certification of the existing NNSR program for Imperial County.

REASON AND DESCRIPTION OF CERTIFICATION

Rule 207 is the core NNSR rule that establishes the Imperial County permit program. The approval of the resolution and certification letter will meet the August 3, 2021 deadline for CARB to submit a SIP revision or certification addressing the NNSR permit program for Imperial County and to meet the requirements of 40 Code of Federal Regulations (CFR) section 51.165 (Permit Requirements).

FISCAL IMPACT

None

RECOMMENDATIONS

Air District staff recommends the adoption of the Resolution and Certification of Rule 207 as meeting the requirements of 40 CFR 51.165 as amended by the adopted 2015 Ozone NAAQS.

Respectfully,



Matt Dessert
Air Pollution Control Officer



STAFF REPORT

FOR

THE CERTIFICATION OF THE

NONATTAINMENT NEW SOURCE REVIEW PERMIT PROGRAM

FOR IMPERIAL COUNTY

APPLICABLE TO THE 2015 OZONE NATIONAL AMBIENT AIR QUALITY STANDARD

I. BACKGROUND

When a new National Ambient Air Quality Standard (NAAQS) is set, the United States Environmental Protection Agency (U.S. EPA) is required to not only designate areas as either attaining (meeting) or not attaining (not meeting) but to “classify” the level of severity. For Ozone, nonattainment area classifications range from extreme to marginal. Needless to say, the higher the classification the greater the stringency of control measures. On June 4, 2018 the U.S. EPA designated Imperial County as a “marginal” nonattainment area for the 2015 Ozone NAAQS. The effective date of the nonattainment designation, August 3, 2018, is the date used to measure the submittal deadline for certain marginal nonattainment area State Implementation Plan (SIP) requirements.

II. 2015 OZONE MARGINAL NONATTAINMENT AREA REQUIREMENTS

On December 6, 2018 the U.S. EPA finalized its implementation rule, titled *“Implementation of the 2015 National Ambient Air Quality Standards for Ozone; Nonattainment Area State Implementation Plan Requirements”* setting submission deadlines for nonattainment areas. The Clean Air Act (CCA) section 182 requires states with ozone nonattainment areas to submit various SIP requirements within specified time periods measured from August 3, 2018. Accordingly, last year this Board adopted a revised Emissions Statement Rule (Rule 116) that was submitted to U.S. EPA to meet the 2015 Ozone NAAQS requirement for a marginal nonattainment area.

By August 3, 2021, the California Air Resources Board (CARB) must submit a SIP revision or a certification addressing the nonattainment new source review (NNSR) permit program for Imperial County. The CCA requires nonattainment new source review permit programs to meet the requirements of 40 Code of Federal Regulations (CFR) section 51.165 (Permit Requirements).

For Imperial County Rule 207 *New and Modified Stationary Source Review*, adopted prior to March 17, 1980 has been identified as the SIP approved NNSR permitting rule for Imperial County. The most recent revision of Rule 207, adopted by this Board on September 11, 2018, which corrected deficiencies of 40 CFR 51.165(a)(13), was approved by the U.S. EPA as a SIP revision on August 26, 2019 [84 FR 44545]. The requirements necessary to implement the Imperial County NNSR permit program includes but is not limited to the following:

Table: 2015 Ozone NAAQS NNSR SIP Requirements	
40 CFR 51.165	Rule 207 New and Modified Stationary Source
(a)(1)(iv)(A)(7)(i)-(iv) and (2): Major source thresholds for ozone – VOC and NOx	Section B: Definitions: Major Stationary Source
(a)(1)(iv)(A)(3): Change constitutes a major source by itself	Section B: Definitions: Major Stationary Source
(a)(1)(v)(E): Significant net emissions increase of NOx is significant for ozone	Section B: Definitions: Significant Net Emissions Increase
(a)(1)(v)(F): Any emissions change of VOC in Extreme area triggers NNSR	N/A - Imperial County is not classified as an Extreme Ozone Nonattainment Area
(a)(1)(x)(A)-(C) and (E): Significant emissions rates for VOC and NOx as ozone precursors	Section B: Definitions: Significant
(a)(3)(ii)(C)(1)-(2): Provisions for emissions reduction credits	Section C: subsection C.2 & Section E
(a)(8): Requirements for VOC apply to NOx as ozone precursors	Section B: Definitions: Precursor
(a)(9)(i)-(iii): Offset ratios for VOC and NOx for ozone nonattainment areas [<i>subparagraphs (a)(9)(i)-(iii) were changed to (a)(9)(ii)-(iv)</i>]	Section C: subsection C.3 & Sections D & E
(i) Public participation requirements	Section C: subsection C.5.b.3

Table: 2015 Ozone NAAQS NNSR SIP Optional Provisions	
40 CFR 51.165	Regulation Citation
(a)(2)(ii)(G) – Allows use of PEA	Not applicable to Imperial County

Upon review, the Imperial County Air Pollution Control District (Air District) finds that no additional changes are necessary to comply with the 2015 ozone NAAQS NNSR requirement and that Rule 207 is consistent and is at least as stringent as the requirements of 40 CFR 51.165 for ozone and its precursors, for the 2015 ozone NAAQS.

III. REQUIRED ELEMENTS AND FINDINGS

Before adopting, amending or repealing a rule or regulation the Governing Board of the Air District is required to make specific findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined in California Health and Safety Code §40727 (H&S Code). In addition, the Governing Board of the Air District is required to hold a public hearing after the rule or regulation has been properly noticed (H&S Code §40725). Relevant information supporting each of these findings and the propriety of the notice for the public hearing is presented below.

Table IV.1 State (CA) Findings Required for Adoption of Rules & Regulations

FINDING	DEFINITION	REFERENCE
Authority	A district shall adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by this division and other statutory provisions.	The ICAPCD has authority pursuant to California H&S Code §40702 to adopt, amend or repeal rules and regulations. This is certification of a permitting program and no changes to Rule 207 are proposed.
Necessity	The Air District has determined that there isn't a need for rule adoption and/or rule amendments and/or repeal but a certification of an existing rule.	The certification of Rule 207 satisfies the implementing regulation of the 2015 Ozone Standard (H&S Code §40918(a)).
Clarity	The rule is written or displayed so that it's meaning can easily be understood by the persons directly affected by it	Rule 207 has been identified as the Imperial County NNSR permitting program. The sources subject to the rule are already familiar with the terminology and requirements, so they should have no difficulty understanding the rule.
Consistency	The rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or State or federal regulations.	The certification of Rule 207 is required under 42 USC §7511a and is consistent with EPA policy and guidelines.
Non-Duplication	The rule does not impose the same requirements as existing State or federal regulation, unless the Air District finds that the requirements are necessary and proper to execute the powers and duties granted to, and imposed upon, the Air District	The certification of Rule 207 does not impose requirements that duplicate existing laws or regulations.
Reference	Any statute, court decision, or other provision of law that the Air District implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	The certification of Rule 207 is required under 42 U.S.C. §7511a – specifically the requirements of 42 U.S.C. §7511a(2)(C)

Cost and Cost Effectiveness

H&S Code, § 40703 requires a cost effectiveness analysis, made available to the public, when a District adopts any regulation that specifies control measures. The certification of Rule 207 *New and Modified Stationary Source Review* does not require any control measures. The certification is an administrative action.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Because the certification of Rule 207, *New and Modified Stationary Source Review* is an administrative action by the Air District the action is not considered a "project" as defined under section 15378(b)(5) of the CEQA guidelines.¹

V. RULE DEVELOPMENT PROCESS

As early as February 2019 the District, the U.S. EPA and the CARB discussed the implementing requirements for the new 2015 Ozone NAAQS. As a marginal nonattainment area, the Air District remitted a revised Rule 116, *Emissions Statement and Certification* rule and prepared for the review of Rule 207.

Subsequently, thereafter, the District determined that Rule 207 *New and Modified Stationary Source Review* met the requirements of 40 CFR 51.165 Permit Requirements. As such, the Air District prepared a certification letter and resolution attesting to the rules applicability to the minimum requirements of 40 CFR 51.165 as amended by the 2015 ozone NAAQS.

A Public notice inviting the community to review and comment on the draft certification and resolution was published in the Imperial County local newspaper of greatest circulation, the Imperial Valley Press, on May 15, 2021 and was subsequently posted the Air District website.

Adoption by our Governing Board is scheduled for June 22, 2021, after which the Resolution with Certification will be forwarded to the CARB. CARB will then forward the Resolution and Certification attesting to Rule 207 as meeting 40 CFR 51.165 as amended by the 2015 Ozone NAAQS.

VI. RECOMMENDATIONS

STAFF RECOMMENDATION

Air District staff recommends the adoption of the Resolution and Certification of Rule 207 as meeting the requirements of 40 CFR 51.165 as amended by the adopted 2015 Ozone NAAQS.

¹ 14 C.C.R. § 15378(b)(5), as amended December 28, 2018, https://www.califaep.org/statute_and_guidelines.php

VII. DECLARATION OF FINDING

The Imperial County Air Pollution Control District Board hereby finds as follows:

The adoption of the Resolution and Certification of Rule 207 is not considered a project within the meaning of section 21065 of the CEQA under CEQA Guidelines Section 15378(b)(5).

The adoption of the staff report and its findings are exempt from the requirements of Public Resources Code Section 21000 et seq. under the CEQA Guidelines, in the California Code of Regulations Section 15061(b)(3).

The ICAPCD is a regulatory agency and the public agency with the principle responsibility for carrying out projects related to air pollution and the control thereof.

Clean air is a valuable and essential natural resource.

Rule 207 has been identified as the core NNSR rule that establishes the Imperial County permit program. In certifying the Imperial County permit program as meeting the requirements of 40 CFR 51.165 as amended by the adoption by the U.S. EPA of the 2015 Ozone NAAQS, the Air District will continue to review, evaluate and reduce emissions from stationary sources with Imperial County.

The adoption of the Resolutions and Certification of Rule 207 will serve to enhance and protect the environment by controlling air pollutant sources of VOC, NO_x, and PM emissions.

There has been no evidence presented to suggest that the Resolution or Certification of Rule 207 or the staff report, and its findings will have an adverse effect on the environment.

There has been no evidence presented to suggest that the Resolution or Certification of Rule 207 or the staff report, and its findings will lead to or result in cumulative adverse impacts.

Health and Safety Code §40702 provides the authority to the Air District do such acts as may be necessary or proper to execute the powers and duties granted to and imposed upon the Air District..

The Resolution and Certification, the staff report, and its findings are clear and capable of being understood by those persons directly affected by it.

The Resolution and Certification, the staff report, and its findings do not conflict with or contradict any existing statute, court decision, or state or federal regulation.

The Resolution and Certification, the staff report, and its findings are not duplicative of any existing state or federal regulation.

The Resolution and Certification, the staff report, and its findings described herein will not significantly affect air quality or emissions limitations and therefore is exempt from California Health and Safety Code section §40728.5 (d), which requires a socioeconomic impact analysis of the proposed action to be performed.

The Imperial County has a population of less than 500,000 people.

BOS APPROVED: __/__/__

M.O.#: XX

IMPERIAL COUNTY
AIR POLLUTION CONTROL
DISTRICT BOARD OF DIRECTORS

NONATTAINMENT NEW SOURCE REVIEW CERTIFICATION

RESOLUTION NO. _____

WHEREAS, the United States Environmental Protection Agency (U.S. EPA) finalized its nonattainment area requirements for the 2015 ozone National Ambient Air Quality Standard (NAAQS) on December 6, 2018 setting submission deadlines and form for Nonattainment Area and Ozone Transport Region State Implementation Plan (SIP) elements;

WHEREAS, SIP submissions addressing nonattainment new source review (NNSR) permit program requirements applicable to the 2015 ozone NAAQS are due three years from the effective date of nonattainment designations, August 3, 2021;

WHEREAS, Rule 207, *New and Modified Stationary Source Review* has been identified as the Imperial County Air Pollution Control District's (District) approved permitting rule as revised on September 11, 2018;

WHEREAS, the District is authorized by California Health and Safety Code (H&SC) section 40001 to amend and enforce Rule 207;

WHEREAS, the District has determined that Rule 207 is necessary to meet the requirements of the federal Clean Air Act (CCA);

WHEREAS, the California Air Resources Board (CARB) under the authority of H&SC sections 39601, 39602, and 41650 through 41652 adopted revised Rule 207 as a revision to the California State Implementation Plan (SIP) on October 5, 2018.

WHEREAS, the United State Environmental Protection Agency (U.S. EPA) took final action (84 FR 44545) to approve revised Rule 207 into the District's portion of the California SIP on August 26, 2019 as satisfying all relevant statutory and regulatory requirements of a nonattainment new source review permit program;

WHEREAS, the Imperial County Air Pollution Control District Board of Directors notes that Rule 207, section C.4.b allows for interpollutant trading for ozone precursors which will be removed the next time Rule 207 is opened for a rule revision in accordance with the D.C. Circuit Court of Appeals decision issued January 29, 2021;

WHEREAS, the Imperial County Air Pollution Control District Board of Directors certifies that the District will not use the interpollutant provision to issue a new source review, major source permit for an ozone precursor; and

NOW THEREFORE BE IT RESOLVED, that the Imperial County Air Pollution Control Board of Directors finds that Rule 207, as approved by U. S. EPA on August 26, 2019 qualifies as a SIP revision in accordance with CCA section 110 and 40 CFR 51.102, 103, and part 51 Appendix V

BE IT FURTHER RESOLVED, that the Imperial County Air Pollution Control Board of Directors finds and certifies that Rule 207, as approved into the California SIP on August 26, 2019, is adequate to meet the requirements of the CAA for NNSR as applicable under the 2015 ozone NAAQS as described in Attachment A;

BE IT FURTHER RESOLVED, that the Imperial County Air Pollution Control Board of Directors directs the APCO to submit the certification to CARB for its approval and subsequent submittal to the U.S. EPA for inclusion in the California SIP;

PASSED AND ADOPTED, by the Imperial County Air Pollution Control Board of Directors, State of California this ___ day of _____, 2021 by an affirmative roll call vote.

MICHAEL W. KELLEY, Chairman
District Board
Imperial County Air Pollution Control District

ATTEST:

BLANCA ACOSTA,
Clerk of the District Board

Pending Air Pollution Control District Letter Head

[Date signed; after Board approval]

California Air Resource Board
Air Quality Planning and Science Division
PO Box 2815
1001 I Street
Sacramento, CA 95812

Attn: Ariel Fideldy, Manager South Coast Air Quality Planning Section

RE: Requesting EPA approval for the Imperial County Air Pollution Control District portion of the California state implementation plan (SIP) revision certifying that the current SIP approved nonattainment new source review (NNSR) program meets the requirements for the implementation of the 2015 ozone national ambient air quality standards (NAAQS)

Ariel,

I am pleased to submit this letter certifying that our existing federally-approved NNSR program, covering the Imperial County nonattainment area for the 2015 ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165 for ozone and its precursors, as amended by the final rule titled *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (83 FR 62998, December 6, 2018). Via this letter, we are requesting that you forward this certification request to EPA for approval.

Upon review of our current SIP approved NNSR program, 84 FR 44545, August 26, 2019, we find and certify that no changes are necessary to comply with the 2015 ozone NAAQS NNSR requirements. We note however that Rule 207, Section C.4.b, allows the use of interpollutant trading (IPT) for ozone precursors. In light of the D.C. Circuit Court of Appeals January 29, 2021 decision vacating the corresponding provision in 40 CFR 51.165(a)(11), we certify that we will not use this provision to issue a NSR permit for a source that is a major source for an ozone precursor. We intend to remove this IPT provision the next time Rule 207 is opened for rule revisions. **Enclosed** is a table listing the 40 CFR Part 51.165 requirements necessary for us to implement our NNSR program and the corresponding rule provisions that satisfy these requirements.

The requirements of the Clean Air Act (CAA) Section 110(a)(2)(A) have been met through our normal public hearing process, including proper notification (30 days) prior to the convening of the public hearing. Enclosed are copies of affidavits as proof of proper notification. It is the position of the Imperial County Air Pollution Control District that all minimum requirements set forth in the 1990 CAA have been met.

Please do not hesitate to contact our office should you have any questions concerning this certification letter or the enclosed supporting documentation.

Sincerely,

[Pending signature]

Matt Dessert
Air Pollution Control Officer

Enclosure(s)

cc: Laura Yannayon, EPA Region 9

**Certification that Imperial County’s
Existing NNSR Program Addresses the 2015 Ozone NAAQS SIP Requirements Rule**

The Imperial County Air Pollution Control District is certifying that our existing NNSR program, covering the Imperial County nonattainment area for the 2015 ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165 for ozone and its precursors, as amended by the final rule titled *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (83 FR 62998, December 6, 2018).

The requirements necessary to appropriately implement the Imperial County NNSR program includes, but not limited to the following:

Table: 2015 Ozone NAAQS NNSR SIP Requirements	
40 CFR 51.165	Rule 207 New and Modified Stationary Source
(a)(1)(iv)(A)(7)(i)-(iv) and (2): Major source thresholds for ozone – VOC and NOx	Section B: Definitions: Major Stationary Source
(a)(1)(iv)(A)(3): Change constitutes a major source by itself	Section B: Definitions: Major Stationary Source
(a)(1)(v)(E): Significant net emissions increase of NOx is significant for ozone	Section B: Definitions: Significant Net Emissions Increase
(a)(1)(v)(F): Any emissions change of VOC in Extreme area triggers NNSR	N/A - Imperial County is not classified as an Extreme Ozone Nonattainment Area
(a)(1)(x)(A)-(C) and (E): Significant emissions rates for VOC and NOx as ozone precursors	Section B: Definitions: Significant
(a)(3)(ii)(C)(1)-(2): Provisions for emissions reduction credits	Section C: subsection C.2 & Section E
(a)(8): Requirements for VOC apply to NOx as ozone precursors	Section B: Definitions: Precursor
(a)(9)(i)-(iii): Offset ratios for VOC and NOx for ozone nonattainment areas <i>[subparagraphs (a)(9)(i)-(iii) were changed to (a)(9)(ii)-(iv)]</i>	Section C: subsection C.3 & Sections D & E
(i) Public participation requirements	Section C: subsection C.5.b.3

Table: 2015 Ozone NAAQS NNSR SIP Optional Provisions	
40 CFR 51.165	Regulation Citation
(a)(2)(ii)(G) – Allows use of PEA	Not applicable to Imperial County

RULE 207 NEW AND MODIFIED STATIONARY SOURCE REVIEW
(Adopted prior to 3/17/80; Revised 9/7/93; 9/14/99; 10/22/2013; 09/11/18)

A. General

A.1 Purpose:

A.1.a This Rule establishes preconstruction review requirements for new and modified Stationary Sources to ensure that the operation of such Sources do not interfere with the attainment or maintenance of Ambient Air Quality Standards (AAQS).

A.1.b This Rule shall provide for no net increase in emissions, pursuant to Health and Safety Code (H&SC) Section 40918, from new or modified Stationary Sources, which emit or have the Potential to Emit 137 pounds per day or more of any Nonattainment Pollutant or their Precursors.

A.2 Applicability:

A.2.a This Rule shall apply to all new Stationary Sources and all Modifications to existing Stationary Sources, which are subject to District permit requirements, and after Construction, emit or have the Potential to Emit one or more Affected Pollutants.

A.2.b Applications received by the District shall be subject to the requirements of this Rule in effect at the time such application is deemed complete, except when a more stringent new federal requirement not yet incorporated into this Rule shall apply to the new or modified Stationary Source.

A.2.c PUBLIC NOTIFICATION AND PUBLIC INSPECTION REQUIREMENTS: All applications for any new or modified Stationary Source or Emissions Unit shall be processed following the provisions of Rule 206, Processing of Applications, and shall be finalized by the Air Pollution Control Officer (APCO) only after being subject to the public notice and comment requirement of Rule 206.

A.2.d If any Source or Modification becomes a Major Stationary Source or Major Modification, as defined in this Rule, solely by virtue of a relaxation in any federally enforceable limitation which was established after August 7, 1980, on a capacity of the Source or Modification to emit a federal Nonattainment Pollutant or its Precursor such as a restriction on hours of operation, then the requirements of this Rule shall apply to such a Source or Modification as though construction had not yet commenced on the Source or Modification.

B. Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined in this Rule, then the definitions provided in 40 Code of Federal Regulations (CFR) 51.165, as of July 1, 2012, shall apply.

ACTUAL EMISSIONS: measured or calculated emissions, which most accurately represent the emissions from an Emissions Unit. Determination of Actual Emissions must be based on average actual production rates, fuel consumption and/or throughput rates from the last consecutive 24 months. Emission factors shall be established by Source testing or obtained from AP-42 or other approved sources.

ACTUAL EMISSIONS REDUCTIONS (AER): reductions of Actual Emissions from an Emissions Unit, calculated pursuant to Section E.2, which are Real, Quantifiable, Surplus, Permanent and Enforceable.

ACTUAL INTERRUPTIONS OF POWER: the interruption of electrical service by an unforeseeable event.

AFFECTED POLLUTANTS: pollutants for which an Ambient Air Quality Standard (AAQS) have been established by the United States Environmental Protection Agency (US EPA) or the California Air Resources Board (CARB) and the Precursors to such pollutants, and those pollutants regulated by the US EPA under the Clean Air Act (CAA) or by the CARB under the H&SC, except for greenhouse gases and hazardous air pollutants, including but not limited to: Volatile Organic Compounds (VOC), nitrogen oxides (NO_x), sulfur oxides (SO_x), Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers (PM₁₀), Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers (PM_{2.5}), carbon monoxide (CO), lead, fluorides, sulfuric acid mist, hydrogen sulfide, and total reduced sulfur compounds. The term *Affected Pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the CAA or added to the list pursuant to Section 112(b)(2) of the CAA, and which have not been delisted pursuant to Section 112(b)(3) of the CAA, unless the listed hazardous air pollutant is also regulated as a constituent or Precursor of a general pollutant listed under Section 108 of the CAA.

AGRICULTURAL SOURCE: means a Source of air pollution or a group of Sources used in the production of crops, or the raising of fowl or animals located on Contiguous Property under common ownership or control that meets any of the following criteria;

1. is a Confined Animal Facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and

feeding is by means other than grazing.

2. is an Internal Combustion Engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 of Division 26 of the H&SC, except an engine that is used to propel implements of husbandry.
3. is a Title V Source or is a Source that is otherwise subject to regulation by the District or the CAA.

AIR POLLUTION CONTROL OFFICER (APCO): the person appointed by the Air Pollution Control Board and assigned to manage and direct the business and operations of the District, or their designee.

AMBIENT AIR QUALITY STANDARDS (AAQS): for the purposes of this Rule, Ambient Air Quality Standards (AAQS) shall be interpreted to include State and National AAQS. For the purposes of submittal of this Rule to the US EPA for inclusion in the California State Implementation Plan (SIP) all references in this Rule to AAQS shall be interpreted as National AAQS.

AUTHORITY TO CONSTRUCT: a written permit issued by the District for the Construction, installation, assembly, Modification, or replacement of any facility, article, machine, Equipment, or other contrivance.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT): for any Emissions Unit the more stringent of:

1. the most effective emission Control Device, emission limit, or technique which has been achieved in practice for such class or category of Source.
2. any other alternative emission Control Device, emission control technique, basic Equipment, fuel, or process determined to be technologically feasible and cost-effective by the APCO. Cost-effectiveness analyses shall be performed in accordance with methodology and criteria specified in the Best Available Control Technology Guideline for the South Coast Air Quality Management District, or an alternative methodology and criteria acceptable to the APCO.
3. under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of law or regulation of the District, State and federal government, or the most stringent emissions limitation which is contained in the implementation plan of any State, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not technologically achievable. In no event shall the application of BACT result in the emissions of any pollutant which exceeds the emissions allowed by any applicable

New Source Performance Standard (40 CFR, part 60) or National Emission Standard for Hazardous Air Pollutants (40 CFR, part 61 or part 63).

CARGO CARRIERS: Cargo Carriers are trains dedicated to a specific Stationary Source. For purposes of this Rule, the term "trains dedicated to a specific Stationary Source" shall not include any train for which the prime mover is owned and operated by a common carrier, and by which cargo is delivered to or from the Stationary Source under a contract of common carriage. The emissions from all trains dedicated to a specific Stationary Source, while operating in the District, including directly emitted and Fugitive Emissions, shall be considered as emissions from the Stationary Source.

CLASS I AREA: any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore.

CLEAN AIR ACT (CAA): the Federal Clean Air Act (42 United States Code Section 7401 et seq.) and implementing regulations.

CODE OF FEDERAL REGULATIONS (CFR): the United States document codifying federal regulations.

COMPLETE APPLICATION: completeness of an application for an Authority to Construct a new or modified Emissions Unit shall be evaluated on the basis of a list of required information which has been adopted by the District.

CONSTRUCTION: any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or Modification of an Emissions Unit) which would result in a change in emissions.

CONTIGUOUS PROPERTY: two or more Parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

CONTROL DEVICE: any device for reducing emissions into the Atmosphere.

CONTROL EQUIPMENT: air pollution Control Equipment that eliminates, reduces or controls the issuance of air emissions.

DAILY EMISSIONS LIMIT: one or a combination of permit conditions, specific to an Emissions Unit, which restricts its maximum daily emissions, in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limit must be:

1. contained in and Enforceable by the latest Authority to Construct or the latest

Permit to Operate for the Emissions Unit, and

2. Enforceable on a daily basis, and
3. established pursuant to a permitting action occurring after September 7, 1993.

DISTRICT: the Imperial County Air Pollution Control District (ICAPCD).

EMISSION REDUCTION CREDITS (ERC's): reductions of Actual Emissions from an Emissions Unit that are registered with the District in accordance with the requirements of Rule 214.

EMISSION INCREASE: means any increase in a Stationary Source or an Emissions Unit's Potential to Emit. For determining if a Project will result in a new Major Stationary Source or a Major Modification and the amount of offsets required for such projects, an emission increase means the difference between a Stationary Source or an Emissions Unit's Potential to Emit and its Historic Actual Emissions.

EMISSIONS UNIT: an identifiable operation or piece of process Equipment, such as an article, machine, or other contrivance, which emits, has the Potential to Emit, or results in the emissions of any air pollutant directly or as Fugitive Emissions.

ENFORCEABLE: means certain actions, which are assured by verifiable and legally binding conditions in an Authority to Construct and/or Permit to Operate.

EQUIPMENT: includes any article, machine, or contrivance that emits, has the Potential to Emit, or reduces emissions of any air pollutant emitted directly or as Fugitive Emissions.

ERC: see Emission Reduction Credits.

FEDERAL LAND MANAGER: the Secretary of the Department with authority over the specified federal lands.

FLUORIDES: elemental fluorine and all fluoride compounds.

FUGITIVE EMISSIONS: those emissions, which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HALOGENATED HYDROCARBONS: all Halogenated Hydrocarbons listed as exempt under the definition of Volatile Organic Compounds.

HEALTH AND SAFETY CODE (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.

HISTORIC ACTUAL EMISSIONS: Actual Emissions from an existing Emissions Unit averaged over a 24 month period immediately preceding the date of application. The APCO may approve another 24 month period within the last 60 months, if the APCO determines that the other period is more representative of normal operations. Where an Emissions Unit has been in operation for less than 24 months a shorter averaging period of at least 12 months may be used providing it represents the full operational history of the Emission Unit. The Historic Actual Emissions from Emission Units which have been in operation for less than 12 months shall be equal to zero. Historic Actual Emissions are to be calculated in pounds per quarter for each calendar quarter. Historic Actual Emissions in quarters 2 or 3 may be lowered by transferring these emissions to quarters 1 or 4, provided that the resulting emissions in quarters 1 or 4 are no higher than the higher of quarters 2 or 3.

IDENTICAL REPLACEMENT UNIT: a replacement Emissions Unit which is the same as the original unit in all respects except for the serial number.

MAJOR MODIFICATION: a Modification to a Major Stationary Source which results in a Significant Emission Increase and a Significant Net Emission Increase of the pollutant for which the Stationary Source is classified as a Major Stationary Source.

MAJOR STATIONARY SOURCE: means a Stationary Source which emits, or has the Potential to Emit 100 tons per year (tpy) or more of Volatile Organic Compounds or Oxides of Nitrogen, or 70 tpy or more of PM₁₀, or a PM₁₀ Precursor or 100 tpy or more of PM_{2.5} or a PM_{2.5} Precursor. In addition, any physical change occurring at a Stationary Source which is not already a Major Stationary Source, and which Modification would constitute a Major Stationary Source by itself, makes the Source a Major Stationary Source. For PM_{2.5} and PM_{2.5} precursors, this definition applies only to Stationary Sources located in the PM_{2.5} Nonattainment Area of Imperial County.

MODIFICATION: any physical change, change in method of operation of, or addition to, an existing Emissions Unit, or any change in hours of operation or production rate which would necessitate a change in permit conditions.

Unless previously limited by a permit condition, the following shall not be considered a Modification:

1. change in ownership of an existing Stationary Source with valid Permit(s) to Operate.
2. routine maintenance or repair.
3. an Identical Replacement Unit, if the Modification does not result in a Major Modification.

A Modification of an Emissions Unit also occurs when there is an increase in emissions from such a unit caused by a Modification of the Stationary Source and the Emissions Unit is not subject to a Daily Emissions Limit.

A Modification to a Stationary Source shall include any Modification of its permitted Emissions Unit(s) or the addition of any new Emissions Unit(s).

A Reconstructed Stationary Source shall be treated as a new Stationary Source and not as a Modification.

NONATTAINMENT AREA: an area designated by a State or federal agency as exceeding a State or National Ambient Air Quality Standard.

NONATTAINMENT POLLUTANT: any pollutant or Precursor which has been designated "nonattainment" by the US EPA as codified in 40 CFR Section 81.305 or that has been designated "nonattainment" by the CARB pursuant to H&SC Section 39607.

OFFSET: the use of an emission decrease to compensate for an Emission Increase from a new or modified Stationary Source subject to the requirements of Rule 207.

PARTICULATE MATTER: any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions. Dust shall also be considered as Particulate Matter.

PARTICULATE MATTER (PM₁₀): Particulate Matter with an aerodynamic diameter equal to or less than 10 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PARTICULATE MATTER (PM_{2.5}): Particulate Matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Gaseous emissions which condense to form Particulate Matter at ambient temperatures shall be included.

PERMANENT: the actual emission reductions that continue or endure for the duration of any Project utilizing the resulting ERC's as Offsets.

PERMIT TO OPERATE: the written permit issued by the District for the operation of any facility, article, machine, Equipment, Emission Unit or other contrivance.

PERSON: any person, firm, association, organization, partnership, business trust, corporation, company, limited liability company, contractor, supplier, installer, user or owner, or any federal, State or local government agency, public district, or any officer or employee thereof.

PM_{2.5} NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.

POTENTIAL EMISSIONS: the sum of the maximum emissions from all Emissions Units at a Stationary Source, based on the maximum design capacity, unless otherwise limited by practically and legally Enforceable conditions contained in the Authority to Construct and/or Permit to Operate, expressed in terms of pounds per quarter. (Pounds per quarter for PM₁₀, PM_{2.5} and sulfur oxides shall be determined by multiplying the Daily Emission Limit, in pounds per day, by the permitted operating days per quarter.)

POTENTIAL TO EMIT: the maximum capacity of an Emissions Unit to emit an Affected Pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the Emissions Unit to emit a pollutant, including air pollution Control Equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as a practically and legally Enforceable permit condition.

PRECURSOR: a directly emitted Affected Pollutant that, when released into the Atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which a State or National AAQS has been adopted, or whose presence in the Atmosphere will contribute to the violation of one or more State or National AAQS. The following Precursor secondary pollutant relationships shall be used for the purposes of this Rule:

PRECURSORS	SECONDARY POLLUTANTS
Hydrocarbons and substituted hydrocarbons (Volatile Organic Compounds).	<ul style="list-style-type: none"> a) Photochemical Oxidant (Ozone) b) The organic fraction of PM₁₀ c) Organic fraction of PM_{2.5}
Nitrogen Oxides (NOx)	<ul style="list-style-type: none"> a) Nitrogen Dioxide (NO₂) b) The nitrate fraction of PM₁₀ c) Photochemical Oxidant (Ozone) d) The nitrate fraction of PM_{2.5}
Sulfur Oxides (SOx)	<ul style="list-style-type: none"> a) Sulfur Dioxide (SO₂) b) Sulfates (SO₄) c) The sulfate fraction of PM₁₀ d) The sulfate fraction of PM_{2.5}

Ammonia

a) The ammonium fraction of $PM_{2.5}$

PROJECT: activity, for which a permit is required, or that has the Potential to Emit Air Contaminants. A Project includes all of the Emission Units associated with the scope of the preconstruction application for a new or modified Stationary Source and any Emissions Unit(s) indirectly affected.

PROPOSED EMISSIONS: the Potential to Emit for a new or post Modification Emissions Unit.

QUANTIFIABLE: means a reliable, replicable and accurate basis for calculating the amount, rate, nature and characteristic of an emission reduction by adhering to a quantification protocol that can be established considering US EPA, CARB and District policies and procedures.

QUARTERLY: the calendar quarter beginning on January 1, April 1, July 1, and October 1.

REAL: a "real" emission reduction means that actual air emissions are reduced and that they are actually occurring and not artificially devised.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT): is the most stringent of the following control options:

1. the most effective emission limits in existing regulations that are currently in effect in any District whose nonattainment status is designated as moderate, with such limits resulting from the application of retrofit technologies judged by the APCO to be demonstrated and reliable.
2. emission limits identified in existing Suggested Control Measures (SCM's), model rules, the US EPA's Control Techniques Guidelines (CTG's) or other such documents.
3. emission limits in new (post 1988) SCM's and the technical review group of the California Air Pollution Control Officers Association approved Reasonably Availability Control Technology/Best Available Retrofit Control Technology (RACT/BARCT) determinations, which are not identified as BACT and are less stringent than BACT.
4. the lowest emission limit that can be achieved by the specific Source by the application of control technology taking into account environmental impacts, technological feasibility, cost-effectiveness, and the specific design features or extent of necessary Modifications to the Source. Emission limits for existing specific Sources may be found in the field studies and evaluations of District regulations conducted by the US EPA and the CARB.

5. the lowest emission limit achieved for the Source category that is technically feasible, economically reasonable and achieved in practice anywhere (including outside the United States), with such limits resulting from the application of retrofit control technologies judged by the APCO to be demonstrated and reliable.
6. any combination of control technologies that will achieve emission reductions equivalent to that resulting from the most stringent option listed above.

RECONSTRUCTED STATIONARY SOURCE: any Stationary Source undergoing physical Modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new Stationary Source. Fixed capital cost means that capital needed to provide all the depreciable components.

RULE: a Rule of the Air Pollution Control District of Imperial County.

SHUTDOWN: means an action necessary to cease operation of an Emissions Unit and includes the amount of time needed to safely do so. For the purposes of calculating ERC's, means the Permanent cessation of emissions from an emitting unit and the surrender of the operating permit.

SIGNIFICANT: in reference to an Emission Increase or the potential of a Source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

1. PM_{2.5}: 10 tpy of direct PM_{2.5} or 40 tpy of sulfur dioxide, nitrogen oxide, VOCs or Ammonia.
2. Nitrogen oxides: 40 tpy;
3. Sulfur dioxide: 40 tpy;
4. VOC's: 40 tpy; and
5. PM₁₀: 15 tpy.

SIGNIFICANT EMISSION INCREASE: an increase in emissions that is Significant for that pollutant.

SIGNIFICANT NET EMISSION INCREASE: an increase in net emissions that is Significant for that pollutant. The "net emission increase" shall be determined as defined in 40 CFR 51.165.

SOURCE: a specific device, article, or piece of Equipment from which Air Contaminants are emitted, or the distinct place (such as with fires or other chemical activity) from which Air Contaminants are emitted. A Project or facility may have more than one Source and the term may be used to describe a group of "Sources."

STATIONARY SOURCE: any building, structure, facility, Equipment, or Emissions Unit which emits or may emit any Affected Pollutant directly or as a Fugitive Emission. Building, structure, or facility includes all pollutant emitting activities, including Emission Units, which:

1. are located on one or more contiguous or adjacent properties, and
2. are under the same or common ownership or operation, or which are owned or operated by entities which are under common control, and
3. belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common production process, industrial process, manufacturing process, or connected process involving a common raw material.

SURPLUS: the amount of emission reductions that are, at the time of generation of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. For the purposes of Sections C.2.c and C.2.d, "Surplus" means the amount of emission reductions that are, at the time of use of an ERC, not otherwise required by federal, State, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California SIP. However, emission reductions required by a State statute that provides that the subject emission reductions shall be considered Surplus may be considered Surplus for purposes of this Rule if those reductions meet all other requirements of this section. Examples of federal, State, and local laws and of SIP-related requirements include, but are not limited to, the following:

1. the federally-approved California SIP;
2. other adopted State air quality laws, and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally-required and publicly-available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;
3. any other Source or Source-category specific regulatory or permitting requirement, including, but not limited to, RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available

Control Measures (BACM), BACT, and the Lowest Achievable Emission Rates (LAER); and

4. any regulation or supporting documentation that is required by the CAA but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an Enforceable near-term emissions reduction commitment; assumptions used in conformity demonstrations, and assumptions used in emissions inventories.
5. emission reductions produced by monies from any public air quality related funding program including but not limited to the Carl Moyer Memorial Air Quality Standards Attainment Program and the vehicle registration surcharge fee.

TOTAL REDUCED SULFUR COMPOUNDS: the sulfur compounds methyl mercaptan, dimethyl sulfide, dimethyl disulfide, carbon disulfide, and carbonyl sulfide.

TRANSFER: in reference to ERC's, means the conveyance of an ERC from one entity to another.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA): the Administrator or appropriate delegate of the "United States Environmental Protection Agency."

VOLATILE ORGANIC COMPOUND (VOC): any volatile compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

1. Methane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
chlorodifluoromethane (HCFC-22);
2,2-dichloro-1,1,1-trifluoroethane (HCFC-123);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
trifluoromethane (HFC-23);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);

1,1,1,2-tetrafluoroethane (HFC-134a);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes;
the following classes of perfluorocarbons:

- (A) cyclic, branched, or linear, completely fluorinated alkanes;
- (B) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (C) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (D) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds only to carbon and fluorine; and

- 2. the following low-Reactive Organic Compounds which have been exempted by the US EPA:
acetone;
ethane;
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
perchloroethylene;
methyl acetate;
propylene carbonate and
dimethyl carbonate
- 3. Perfluorocarbon and Methylated Siloxane compounds shall be assumed to be absent from any product or process unless the manufacturer or operator indicates which specific, individual compounds from these broad classes are present, indicated the amount(s) present, and demonstrates the availability of a test method approved by the US EPA, the CARB, and the District for verifying the amount(s) present quantitatively.
- 4. Tertiary-Butyl Acetate (also known as t-butyl acetate, TBAC or TBAC) shall be considered exempt as a VOC only for purposes of VOC emissions limitations or VOC content requirements, but will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements with apply to VOCs.

C. Standards

C.1 Best Available Control Technology (BACT)

- C.1.a An applicant shall apply (BACT) on a pollutant by pollutant basis to any new Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For PM_{2.5} this provision

applies only to Emissions Units located in the PM_{2.5} Nonattainment Area of Imperial County.

- C.1.b An applicant shall apply (BACT) on a pollutant by pollutant basis to any modified Emissions Unit with a Potential to Emit of 25 pounds per day or more of any Nonattainment Pollutant or its Precursors. For PM_{2.5} this provision applies only to Emissions Units located in the PM_{2.5} Nonattainment Area of Imperial County.
- C.1.c Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP
- C.1.d For projects to be constructed in phases, the BACT determination for Equipment to be added or modified in each phase shall be reevaluated no more than 18 months prior to the commencement of construction of that phase of the project. If it is determined that current BACT will result in lower emissions than previously determined, then current BACT shall be applied. Equipment which was installed during prior phases and which will not be modified during the current phase shall not be subject to the redetermination of the BACT.
- C.1.e Cargo Carriers shall not be required to implement BACT.
- C.1.f BACT shall not be required for any new Emissions Unit or Modification of an existing Emissions Unit used solely for the purpose of compliance with District, State, or federal air pollution control laws, regulations, or orders, as approved by the APCO, provided there is no increase in the permitted production rate, operating schedule, or maximum Equipment rating; and the new or modified Emissions Unit does not result in a new Major Stationary Source or Major Modification. This exemption applies only to the primary pollutant for which compliance with District, State, or federal air pollution control laws, regulations, or orders is required. The APCO shall require the use of RACT for control of consequent pollutants that are the direct result of the use of an abatement device or emission reduction techniques implemented to comply with the BACT requirements for control of another pollutant.
- C.1.g BACT shall not be required for any Modification of an existing Emissions Unit used for voluntary emission reductions for the sole purpose of generating ERC's. This exemption applies only to the pollutant for which ERC's are obtained.

- C.1.h For emergency standby Equipment which meets the requirements of Section C.2.g, only those emissions which occur during routine operation of the Equipment for maintenance purposes shall be considered for the purpose of determining if the application of BACT is required for the emergency standby Equipment.
- C.1.i BACT for ammonia emissions shall not be required for any new Emissions Unit or Modification of an existing Emissions Unit, provided the increase in ammonia emissions does not result in a new Major Stationary Source or Major Modification for ammonia.
- C.1.j BACT for ammonia emissions shall only apply to Emissions Units located in the PM_{2.5} Nonattainment Area of Imperial County.
- C.2 Offset Requirements General: Offsets are Actual Emission Reductions (AER's), calculated pursuant to Section E of this Rule, sufficient to Offset Emission Increases from a new or modified Emissions Unit. A new or modified Emissions Unit subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter as specified in Subsection C.3. The quantity of emissions to be offset shall be based on an initial estimate of proposed Emission Increases for the Project. The APCO shall require the use of acceptable methods to accurately estimate the emissions from the proposed Project, and shall require acceptable methods to measure those emissions once the Source is operating.
 - C.2.a Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP
 - C.2.b Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP
 - C.2.c Major Stationary Source Requirement to Provide Offsets: A Stationary Source whose Project emissions will result in a new Major Stationary Source determination shall Offset all Emission Increases from the Project for each Nonattainment Pollutant that constitutes a Major Stationary Source. For PM_{2.5}, this provision applies only to Stationary Sources located in the PM_{2.5} Nonattainment Area of Imperial County.
 - C.2.d Major Modification to a Major Stationary Source Requirement to Provide Offsets: A Modification of an existing Major Stationary Source whose Project emissions will result in a Major Modification shall Offset all Emission Increases that constitutes a Major Modification. For PM_{2.5}, this provision applies only to Stationary Sources located in the PM_{2.5} Nonattainment Area

of Imperial County.

- C.2.e The PM₁₀ emissions from an existing Stationary Source shall be calculated using applicable PM₁₀ emission factors.
- C.2.f In no case shall Halogenated Hydrocarbons be used as Offsets for Volatile Organic Compounds.
- C.2.g The APCO may exempt an applicant from the requirements of Sections C.2 and C.3 of this Rule for Equipment to be used exclusively as emergency standby Equipment for non-utility electrical power generation and not used in conjunction with any utility voluntary demand reduction program, provided:
 - C.2.g.1 Operation for maintenance purposes is limited to 100 hours per year, and such maintenance shall be scheduled in cooperation with the District so as to have no adverse air quality impact, and to maintain Reasonable Further Progress, and operation of diesel engines may be further limited by the CARB's Airborne Toxic Control Measure for Stationary Compression Engines pursuant to H&SC Section 93115.6(a), and
 - C.2.g.2 Operation for other than maintenance purposes shall be limited to Actual Interruptions of Power by the serving utility. Appropriate record keeping shall be required to verify and maintain this exemption.
- C.2.h Offsets for carbon monoxide emissions from Sources located in carbon monoxide attainment areas shall not be required if the applicant demonstrates to the satisfaction of the APCO, pursuant to Section F of this Rule, that the carbon monoxide Emission Increases will not cause or contribute to a violation of AAQS.
- C.2.i Upon approval by the APCO, an exemption from Sections C.2.a and C.2.b, shall be allowed, provided BACT is utilized, for the following subject permit units:
 - C.2.i.1 Abrasive Blasting Equipment, which has been registered under the Statewide Portable Equipment Registration Program (PERP).
 - C.2.i.2 Air Pollution Control Devices: Emission Increases, which do not result in a new Major Stationary Source or Major Modification, from an Emissions Unit that results from the installation, operation or other implementation of any emission Control Device or

technique used to comply with a District, State, or federal emission control requirement, including, but not limited to, requirements for the use of RACT or Best Available Retrofit Control Technology (BARCT), unless there is a Modification that results in an increase in the capacity of the unit being controlled.

C.2.i.3 Emergencies: Emergencies which comply with the provisions of the Hearing Board Procedures for which Offsets are not required under those procedures.

C.2.j Except for Major Stationary Sources or Major Modifications, Agricultural Sources required to obtain a District permit shall be exempted from obtaining emission Offsets for any pollutant emitted from a particular Source, if the emissions from that Source would not meet the criteria necessary for creating Real, Permanent, Quantifiable, and Enforceable emission reductions.

C.3 Location of Offsets and Offset Ratios:

C.3.a A new or modified Stationary Source subject to the Offset requirements of this Rule shall provide Offsets for each calendar quarter equal to the Emission Increase for each calendar quarter, calculated in accordance with Section E of this Rule, and multiplied by using the appropriate Offset ratio listed in the following table:

LOCATION	Offset RATIO
Within the same Source	1 to 1
Within 50 miles of the Source	1.2 to 1
More than 50 miles from the Source, and within air basin	No greater than 3 to 1 or less than 1.2 to 1, as necessary to assure the Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS

C.3.b The APCO may impose, based on the air quality analysis, a higher Offset ratio such that the new or modified Stationary Source will not prevent or interfere with the attainment or maintenance of any AAQS.

C.3.c Offsets shall be obtained from emission Sources located within the same Nonattainment Area within the District as the proposed Source or an emission Source that is located in the same air basin and in a Nonattainment Area with equal or worse nonattainment status.

C.4 Offset Requirements:

- C.4.a Offsets which are obtained to meet the requirements of Sections C.2 and C.3 from an air district other than that in which the proposed Source is located, but within the same air basin, may be used only if the APCO has reviewed the permit conditions issued by the air pollution control district in which the proposed Offsets are obtained and certifies that such Offsets meet the requirements of H&SC Section 40709.6 and this Rule and will not be used as mitigation for any other new or modified Emissions Unit(s). Intra-District Offsets used to meet Major Stationary Source Offset requirements shall be approved by the US EPA.
- C.4.b Interpollutant Offsets, including interpollutant trades between PM₁₀ and PM₁₀ Precursors, may be approved by the APCO on a case-by-case basis, provided that the trade is technically justified and that the applicant demonstrates to the satisfaction of the APCO that the emissions from the new or modified Source will not cause or contribute to a violation of an AAQS. The APCO shall, based on an air quality impact analysis, impose Offset ratios equal to or greater than those required in Section C.3 of this Rule. PM₁₀ emission reductions shall not be allowed to Offset nitrogen oxide or Volatile Organic Compound Emission Increases in ozone Nonattainment Areas. PM₁₀ emission reductions shall not be allowed to Offset sulfur oxide Emission Increases in sulfate Nonattainment Areas. Interpollutant Offsets between PM_{2.5} and PM_{2.5} Precursors are only allowed at specific ratios as approved into the SIP by the US EPA. Interpollutant Offsets used to meet federal Nonattainment Area Offset requirements shall be approved by the US EPA.
- C.4.c Offsets for new or modified Stationary Sources shall occur during the same annual time period as the Stationary Source will operate.
- C.4.d Source Shutdowns or permanent curtailments in production or operating hours occurring before an application for an ERC is filed per Rule 214 may not be used as Offsets.

C.5 Additional Source Requirements:

- C.5.a Alternative Siting: The applicant shall prepare an analysis functionally equivalent to the requirements of Division 13, Section 21000 et. seq. of the Public Resources Code for Sources for which an analysis of alternative sites, sizes, and production processes is required under Section 173 of the CAA.

C.5.b Ambient Air Quality Standards:

C.5.b.1 Emissions from a new or modified Emissions Unit shall not cause or make worse a violation of an AAQS.

C.5.b.2 Section F of this Rule shall be used to estimate the effects of a new or modified Emissions Unit. In making this determination the APCO shall take into account the increases in minor and secondary emissions as well as the mitigation of emissions through Offsets obtained pursuant to this Rule.

C.5.b.3 A new or modified Emissions Unit may be exempt from the provisions of Subsection C.5.b.2 provided that the new or modified Stationary Source is not subject to the public noticing requirements of Rule 206, Processing of Applications.

C.5.c Compliance By Other Owned, Operated, Or Controlled Sources: The Owner or Operator of a proposed new or modified Emissions Unit shall demonstrate to the satisfaction of the APCO that all Stationary Sources owned or operated by such Person (or by any entity controlling, controlled by, or under common control of such Person) in California which are subject to emission limitations, are in compliance or on a schedule for compliance with all applicable emission limitations and standards.

C.5.d Except for Major Stationary Sources or Major Modifications, Projects which burn municipal waste, landfill gas or digester gas shall also be reviewed consistent with H&SC Section 42314.1 and 42315.

C.5.e Issuance of an Authority to Construct shall not relieve any Owner or Operator of the responsibility to comply fully with any applicable provision of the District portion of the California SIP and any other requirements under District, State or federal law.

D. Administrative Requirements

The following administrative requirements, in addition to other requirements specified in all applicable District Rules and regulations, shall apply to all applications for a new or modified Emissions Unit, except for the review of power plants 50 megawatts and greater. Power plants 50 megawatts and greater shall be subject to the administrative requirements of Section D.4.

D.1 Authority To Construct - General Conditions:

D.1.a An Authority to Construct shall not be issued unless the new or modified

Emissions Unit complies with the provisions of this Rule and all applicable District Rules and regulations.

- D.1.b An Authority to Construct shall require a new or modified Emissions Unit be built in accordance with specifications and plans contained in the application and approved by the APCO.
- D.1.c An Authority to Construct shall contain all conditions deemed necessary by the APCO to assure Construction and operation of an Emissions Unit in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules and regulations.
- D.1.d An Authority to Construct shall include all conditions deemed necessary by the APCO to assure compliance with the Offset requirements of this Rule.
- D.1.e An Authority to Construct permit shall include Daily Emission Limits which reflect applicable emission standards.
- D.1.f The APCO shall consult with the Federal Land Manager on a proposed Major Stationary Source or Major Modification that may impact visibility in any Class I Area.

An Authority to Construct permit shall address the potential to impact air quality (including visibility) of any Class 1 federal area.

- D.1.g Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP

D.2 Permit to Operate - General Conditions:

- D.2.a A Permit to Operate shall require that a new or modified Emissions Unit be operated in the manner assumed in making the analysis to determine compliance with this Rule and all applicable District Rules and regulations and as conditioned in the Authority to Construct.
- D.2.b A Permit to Operate shall include Daily Emission Limits which reflect applicable emission standards.
- D.2.c Prior to the issuance of a Permit to Operate the APCO shall make a determination that the Source complies with the conditions established in the Authority to Construct.

D.3 Offset Conditions:

D.3.a For any Stationary Source which provides emission Offsets, the Source's Permit to Operate shall be subject to Enforceable permit conditions containing specific operational and Daily Emissions Limits, which ensure that the emission reductions are provided in accordance with the provisions of this Rule and shall continue for the reasonably expected life of the proposed Source which required Offsets.

D.3.b Pursuant to adoption of Rule 207 by the Imperial Air Pollution Control District Board on October 22, 2013, this Subsection is not submitted to the US EPA for inclusion in the California SIP

D.3.c Offsets required as a condition of an Authority to Construct or a Permit to Operate shall be Enforceable requirements at the time of Authority to Construct issuance and shall be in effect no later than the date of initial operation of the new or modified Emissions Unit. Where a new or modified Emissions Unit requires a shake-down period, and is a replacement for an existing Emissions Unit, the APCO may allow a maximum of 90 days as a start-up period for simultaneous operation of the existing Emissions Unit and the replacement Emissions Unit.

D.3.d For Major Stationary Sources and Major Modifications which are constructed in phases, the Authority to Construct shall clearly identify each phase of the p Project, the Emissions Unit(s) to be added at each phase, and the permitted emissions associated with those Emissions Units. The initial Authority to Construct for the Project shall identify sufficient Offsets for all Project phases in order to confirm Project feasibility. The Offsets for each phase shall (1) be implemented prior to the initiation of construction of that phase, (2) shall remain in effect for the life of the Equipment installed in that phase, (3) shall meet the Rules and regulations in effect at the time of initiation of construction for that phase, and (4) shall be reevaluated for consistency with local, State and federal requirements by the District not more than 18 months prior to the initiation of construction for that phase. The Permit to Operate for each phase of the p Project shall be issued separately, after the District finds that the above requirements, in addition to any other applicable requirements of these Rules and regulations, have been met.

D.4 Power Plants: This section shall apply to all power plants proposed to be constructed within Imperial County and for which a Notice of Intent (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission.

- D.4.a Within 14 days of receipt of a NOI, the APCO shall notify the CARB and the California Energy Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the APCO shall prepare and submit a report to the CARB and the California Energy Commission prior to the conclusion of the nonadjudicatory hearing specified in Section 25509.5 of the California Public Resources Code. That report shall include, at a minimum:
- D.4.a.1 A specific preliminary determination of BACT for the proposed facility;
 - D.4.a.2 A preliminary discussion of whether there is substantial likelihood that the requirements of this Rule and all other District Rules and regulations can be satisfied by the proposed facility; and
 - D.4.a.3 A preliminary list of conditions which the proposed facility must meet in order to comply with this Rule or any other applicable District Rules or regulations.

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.

- D.4.b Upon receipt of an application for certification for a power plant, the APCO shall conduct a determination of compliance review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant. If the information contained in the application for the certification does not meet the requirements of this Rule, the APCO shall, within 20 calendar days of receipt of the application for certification, so inform the California Energy Commission, and the application for certification shall be considered incomplete and returned to the applicant for re-submittal.
- D.4.c The APCO shall consider the application for certification to be equivalent to an application for an Authority to Construct during the determination of compliance review, and shall apply all provisions of this Rule which apply to applications for an Authority to Construct.
- D.4.d The APCO may request from the applicant any information necessary for the completion of the determination of compliance review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner of the California Energy Commission for an order directing the applicant to supply such information.

- D.4.e Within 180 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall make a preliminary decision on:
- D.4.e.1 whether the proposed power plant meets the requirements of this Rule and all other applicable District regulations; and
 - D.4.e.2 in the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.
 - D.4.e.3 The preliminary written decision under Subsection D.4.e shall be treated as a preliminary decision under Rule 206, Processing of Applications, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Rule 206. The APCO shall not issue a preliminary determination of compliance unless all requirements of this Rule are met.
- D.4.f Within 240 days of accepting an application for certification as complete, as specified in Section D.4.b, the APCO shall issue and submit to the California Energy Commission a preliminary determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as an Authority to Construct only when and if the California Energy Commission approves the application for certification, and the California Energy Commission certificate includes all conditions of the final determination of compliance.
- D.4.g Any applicant receiving a certificate from the California Energy Commission pursuant to this section and demonstrates compliance with all conditions related to air pollution of the certificate shall be issued a Permit to Operate by the APCO.

E. Calculations

- E.1 Calculation Of Offsets Required: Calendar quarter calculations used for determining Offsets required shall be determined as follows:
- E.1.a the daily Emission Increase multiplied by the number of permitted days in each calendar quarter; or
 - E.1.b the Potential to Emit on a Quarterly basis, provided that in addition to Daily Emissions Limits, the Authority to Construct and Permit to Operate contain enforceable conditions which limit emissions from the Emissions Unit for

each calendar quarter

E.2 Calculation Of Actual Emissions Reductions (AER's) To Be Used As Offsets: AER's resulting from Modifications to existing Emissions Units shall be calculated based on emission reductions from the Historic Actual Emissions for that Emissions Unit. Only positive values so calculated may qualify as AER's. Prior to use as Offsets, all AER's must qualify for deposit into the District's Emissions Reduction Credit Bank, except for AERs used to Offset Emission Increases within the same source. AER calculations shall be adjusted based on the provisions of E.2.d.

E.2.a AER's from the Shutdown of an Emissions Unit shall be calculated as follows:

AER's = Historic Actual Emissions

E.2.b When the Modification consists solely of an application for new Control Equipment or implementation of a more efficient process, the AER's shall be calculated as follows:

AER's = Historic Actual Emissions minus post-Modification Potential to Emit

E.2.c AER's from other Modifications shall be calculated as follows:

AER's = Historic Actual Emissions minus the post Modification Potential to Emit.

E.2.d AER's shall meet the following criteria:

E.2.d.1 Shall be Real, Enforceable, Quantifiable, Surplus, and Permanent.

E.2.d.2 Shall be in excess of any emissions reduction which is (1) required or encumbered by any applicable laws, Rules, regulations, agreements, orders, or (2) attributed to a control measure noticed in the District for workshop, or (3) contained in an adopted District Plan, SIP or California Clean Air Act Attainment Plan applicable to the District.

E.2.d.3 Emission reductions attributed to a proposed control measure, may be re-eligible as an AER if for control measures not identified in a District Air Quality Plan or SIP, no Rule has been adopted within two years from the date of the latest public workshop notice.

