

# **Antelope Valley Air Quality Management District Governing Board Regular Meeting**

## **Agenda**

### **LOCATION**

**ANTELOPE VALLEY AQMD District Office  
43301 Division Street, Suite 206  
Lancaster, CA 93535  
661.723.8070**

**TUESDAY, NOVEMBER 19, 2019  
10:00 A.M.**

### **BOARD MEMBERS**

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

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

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

EXCEPT WHERE NOTED, ALL SCHEDULED ITEMS WILL BE HEARD IN THE DISTRICT OFFICE OF THE GOVERNING BOARD, 43301 DIVISION STREET, SUITE 206, LANCASTER, CA 93535 AND THE TELECONFERENCE LOCATION(S), IF APPLICABLE. PLEASE NOTE THAT THE BOARD MAY ADDRESS ITEMS IN THE AGENDA IN A DIFFERENT ORDER THAN THE ORDER IN WHICH THE ITEM HAS BEEN POSTED.

PUBLIC COMMENTS ON ANY AGENDA ITEM WILL BE HEARD AT THE TIME OF DISCUSSION OF THE AGENDA ITEM. PUBLIC COMMENTS NOT PERTAINING TO AGENDA ITEMS WILL BE HEARD DURING THE PUBLIC COMMENT PERIOD BELOW.

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

Pledge of Allegiance.

Roll Call

PUBLIC COMMENT

**CONSENT CALENDAR**

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

1. [Approve Minutes from Regular Governing Board Meeting of October 15, 2019.](#)
2. [Monthly Grant Funding Summary. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
3. [Monthly Activity Report. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
4. [Approve payment to MDAQMD in the total amount of \\$127,589.02, subject to availability of funds, for services provided during the month of September 2019. Presenter: Bret Banks, Executive Director/APCO.](#)
5. [Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at September 30, 2019, which provides financial information and budget performance concerning the current fiscal status of the District. Presenter: Bret Banks, Executive Director/APCO.](#)

**ITEMS FOR DISCUSSION**

DEFERRED ITEMS

NEW BUISNESS

6. Conduct a public hearing to consider the amendment of Rule 300 – Delinquency Penalty: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 300 and directing staff actions. Presenter: Bret Banks, Executive Director/APCO.
7. 1) Authorize the acceptance of Community Air Protection (CAP) Funds; 2) Accept the terms and conditions for the funds; and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and to negotiate and execute agreements for eligible projects. Presenter: Bret Banks, Executive Director/APCO.
8. 1) Allocate an amount not to exceed \$120,000 in Mobile Source Emission Reduction Program (AB 923) funds for assisting local business owners in replacing older, heavy-duty diesel vehicles with newer, cleaner engine technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman. Presenter: Julie McKeehan, Grants Analyst.
9. 1) Award an amount not to exceed \$13,158 in Mobile Source Emission Reductions Program (AB 923) funds to Antelope Valley Chevrolet for an electric vehicle charging station; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details, and execute an agreement approved as to legal form by the Office of District Counsel. Presenter: Julie McKeehan, Grants Analyst.
10. Presentation: Managing Public Safety Power Shutoffs. Presenter: Bret Banks, Executive Director/APCO.
11. Reports: Governing Board Counsel, Executive Director/APCO, Staff.
12. Board Member Reports and Suggestions for Future Agenda Items.
13. Adjourn to Regular Governing Board Meeting of Tuesday, December 17, 2019.

***In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the Board Meeting, please contact the Executive Director during regular business hours at 661.723.8070 x22. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.***

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

Mailed & Posted on: Tuesday, November 12, 2019.

*Deanna Hernandez*

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Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of October 15, 2019.](#)

Please scroll down to view the backup material.

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
GOVERNING BOARD MEETING  
TUESDAY, OCTOBER 15, 2019  
ANTELOPE VALLEY DISTRICT OFFICE  
LANCASTER, CA**

**Draft Minutes**

Board Members Present:

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

Board Members Absent:

**CALL TO ORDER**

Chair **CRIST** called the meeting to order at 10:05 a.m. Chair **CRIST** asked Board Member Steven Hofbauer to lead the Pledge of Allegiance. Roll call was taken.

**PUBLIC COMMENT**

- ❖ Public comment made by Morris Fuselier III, Chief Executive Office, Antelope Valley Schools Transportation Agency, on a non-agenda item. Mr. Fuselier appreciates the grant funding approved by the Governing Board and publicly thanked District staff Julie McKeehan and Bret Banks for their efforts with grant funding.

**CONSENT CALENDAR**

**Agenda Item #1 – Approve Minutes from Regular Governing Board Meeting of September 17, 2019.**

Upon Motion by **HOFBAUER**, seconded by **BISHOP**, and carried unanimously, the Board **Approved** Minutes from Regular Governing Board Meeting of September 17, 2019.

**Agenda Item #2 – Monthly Grant Funding Summary. Receive and file.**

Presenter: Bret Banks, Executive Director/APCO.

Upon Motion by **HOFBAUER**, seconded by **BISHOP**, and carried unanimously, the Board **Received and Filed** Monthly Grand Funding Summary.

**Agenda Item #3 – Monthly Activity Report. Receive and file.**

Presenter: Bret Banks, Executive Director/APCO.

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

**Agenda Item #4 – Approve payment to MDAQMD in the total amount of \$130,683.59, subject to availability of funds, for services provided during the month of August 2019.**

Presenter: Bret Banks, Executive Director/APCO.

Upon Motion by **HOFBAUER**, seconded by **BISHOP**, and carried unanimously, the Board, **approved** payment to MDAQMD in the total amount of \$130,683.59, subject to availability of funds, for services provided during the month of August 2019.

**Agenda Item #5 – Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at August 31, 2019, which provides financial information and budget performance concerning the current fiscal status of the District.**

Presenter: Bret Banks, Executive Director/APCO.

Upon Motion by **HOFBAUER**, seconded by **BISHOP**, and carried unanimously, the Board, **received and filed** the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at August 31, 2019, which provides financial information and budget performance concerning the current fiscal status of the District.

**ITEMS FOR DISCUSSION**

**DEFERRED ITEMS**

None.

**NEW BUSINESS**

**Agenda Item #6 – 1) Authorize District staff to implement a pilot project for the purchase and electrification of factory OEM vehicles into plug-in hybrid vehicles; 2) Award \$280,000 from Carl Moyer and Mobile Source Emissions Reduction Program funds for the pilot project; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreement(s), approved as to legal form by the Office of District Counsel.**

Presenter: Bret Banks, Executive Director/APCO.

Executive Director/APCO Bret Banks presented the staff report and answered questions from the Board. After discussion, the Board adjusted to add that the vehicles shall be bought locally and not exceed list price and moved to approve, upon Motion by **BISHOP**, seconded by **MALHI**, and carried with seven **AYES** votes by Board Members **MARVIN CRIST, AUSTIN BISHOP, NEWTON CHELETTE, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and RAJ MALHI**, the Board, 1) **Authorized** District staff to implement a pilot project for the purchase and electrification of factory OEM vehicles into plug-in hybrid vehicles; 2) **Awarded** \$280,000 from Carl Moyer and Mobile Source Emissions Reduction Program funds for the pilot project; and 3) **Authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreement(s), approved as to legal form by the Office of District Counsel.

**Agenda Item #7 – Presentation: Truck & Bus Regulation – Compliance through DMV.**

Presenter: Bret Banks, Executive Director/APCO.

Executive Director/APCO Bret Banks presented the Truck & Bus Regulation – Compliance through DMV presentation. No action required of the Board, this item was informational only.

**Agenda Item #8 – Presentation: Old Car Buy Back and Scrap Program Update.**

Presenter: Bret Banks, Executive Director/APCO.

Executive Director/APCO Bret Banks presented the Old Car Buy Back and Scrap Program Update. No action required of the Board, this item was informational only.

**Supplemental Agenda Item S-1 – 1) Allocate an amount not to exceed \$65,000 in grant funds to Kyle and Kyle Ranches for the replacement of an older heavy-duty diesel truck with new, clean diesel technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.**

Presenter Julie McKeehan, Grants Analyst.

Grant Analyst Julie McKeehan presented the staff report and answered questions from the Board. After discussion, the Board adjusted to \$73,000.00 and moved to approved and upon Motion by **BISHOP**, seconded by **HAWKINS**, and carried with seven **AYES** votes by Board Members **MARVIN CRIST, AUSTIN BISHOP, NEWTON CHELETTE, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and RAJ MALHI**, the Board, 1) **Allocated** an amount not to exceed \$73,000.00 in grant funds to Kyle and Kyle Ranches for the replacement of an older heavy-duty diesel truck with new, clean diesel technology; and 2) **Authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

**Agenda Item #9 – Reports.**

**Governing Board Counsel –**

- None.

**Executive Director/APCO –**

- Informed the Governing Board that Governor Newsom signed SB 210 that establishes smog check requirements for heavy-duty diesel trucks in California.
- Informed the Governing Board that with the California Electrical Power Shut-Off there may be a buying increase of portable generators.
- Informed the Governing Board that the District received recognition from SDRMA, the District's loss prevention provider, on the District's commitment to proactive loss prevention and safety in the workplace which reduces the District's annual contribution amount.
- Informed the Governing Board of staff member Barbara Lods promotion to Operations Manager and the new hire of Jonathan Svay as Air Quality Specialist.

**Staff –**

- None.

**Agenda Item #10 – Board Member Reports and Suggestions for Future Agenda Items.**

- None.

**Agenda Item #11 – Adjourn to Regular Governing Board Meeting of Tuesday, November 19, 2019.**

Being no further business, the meeting adjourned at 11:04 a.m. to the next regularly scheduled Governing Board Meeting of Tuesday, November 19, 2019.



The following page(s) contain the backup material for Agenda Item: [Monthly Grant Funding Summary. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)  
Please scroll down to view the backup material.

## Item #2 – Grant Funds Project Summary

October 2019

### AB 2766 (\$4 DMV Fee)

#### \$426,500 Annually by Monthly Distribution

These fees fund the District’s Mobile Source Emission Reductions (MSER) Grant Program. The funds must be used “to reduce air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of the California Clean Air Act of 1988”.

**Funding Limits:** No surplus emission reductions or cost-effectiveness limit requirements.

**Current Balance: \$ 54,197.00**

### PROPOSED PROJECTS

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
		0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 54,197.00</b>	

AB 2766 Approved Funding Awards			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Feb-18	Kyle & Kyle Ranches On-road Vehicle Project	\$ 68,016.00	paid
Feb-18	LBC – Bus Replacement Project #1 of 7	71,848.00	paid
Feb-18	LBC – Bus Replacement Project #2 of 7	74,733.00	paid
Feb-18	LBC – Bus Replacement Project #3 of 7	69,121.00	paid
Feb-18	LBC – Bus Replacement Project #4 of 7	69,121.00	paid
Feb-18	LBC – Bus Replacement Project #5 of 7	69,121.00	pending*
Feb-18	LBC – Bus Replacement Project #6 of 7	69,121.00	pending*
Feb-18	LBC – Bus Replacement Project #7 of 7	69,121.00	pending*
Mar-18	Kyle & Kyle Ranches On-road Vehicle Project	31,984.00	paid
Mar-18	2018 Lawn Mower Exchange Program	10,000.00	paid
May-18	AFV Program Add'l Funds	15,000.00	paid
May-18	LBC – Bus Replacement Project #1 of 7	66,516.00	paid
Aug-18	AFV Program Add'l Funds	15,000.00	paid
Aug-18	Antelope Valley College - Student Pass Program	80,000.00	paid
Aug-18	Heritage Sign Company Vehicle Replacement Project	8,720.00	paid
Oct-18	LBC - Bus Replacement Project #1 of 7	5,332.00	paid
Oct-18	American Plumbing Services Vehicle Replacement	10,810.00	paid
Nov-18	UAV Vehicle Replacement Project	27,869.00	paid
Nov-18	AFV Program Add'l Funds	15,000.00	paid
Dec-18	AFV Program Add'l Funds	15,000.00	paid
Dec-18	Paraclete High School Vehicle Replacement Project	35,000.00	partial paid
Dec-18	LA County Sheriff’s Palmdale Bio Diesel Truck Project	50,000.00	paid
Mar-19	AFV Program Add'l Funds	15,000.00	paid
Apr-19	AFV Program Add'l Funds	30,000.00	paid
Apr-19	Curb Crafters Vehicle Replacement	19,029.00	pending
July-19	AFV Program Add'l Funds	20,000.00	paid
Sept-19	AFV Program Add'l Funds	50,000.00	paid
Oct-19	Kyle & Kyle Ranches HD Truck Replacement Project	40,000.00	pending

**AB 923 (\$2 DMV Fee)****\$609,500 Annually by Monthly Distribution**

These fees fund the District's Mobile Source Emission Reductions (MSER) Grant Program. The funds must be used to remediate air pollution harms created by motor vehicles.

Funding Limits: Carl Moyer eligible projects; unregulated agriculture vehicles and equipment; school bus projects; light-duty vehicle retirement program; and alternative fuel and electric infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

**Current Balance: \$ 292,869.00**

**PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Nov-19	Truck and Bus Replacement Project	\$ 120,000.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 172,869.00</b>	

<b>AB 923 Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Jan-18	Wilsona School District EV School Bus Charging Project	\$ 49,976.00	paid
Feb-18	Vehicle Retirement Program Add'l Funds	47,000.00	paid
Mar-18	2018 Lawn Mower Exchange Program	10,000.00	paid
Mar-18	Robertsons Palmdale Honda EV Charging Project	86,000.00	paid
May-18	Home2 Suites by Hilton Palmdale EV Charging Project	15,200.00	paid
May-18	Sierra Commons EV Charging Project	30,640.00	paid
Sep-18	AV Harley-Davidson EV Charging Project	20,000.00	paid
Nov-18	Vehicle Retirement Program Add'l Funds	50,000.00	paid
Dec-18	High Desert Dairy Equipment Replacement Project	54,918.00	paid
Dec-18	AVTA EV Charging Project	50,000.00	pending
Dec-18	AVSTA (3) New Electric School Buses	31,250.00	pending
June-19	Waste Management-AV CNG Station	279,515.00	pending
June-19	City of Lancaster EV Charging City-MOAH	10,000.00	pending
July-19	Waste Management-AV CNG Station add'l funds	70,000.00	pending
July-19	Learn 4 Life EV Charging Project	47,591.00	pending
Sept-19	AVSTA CNG Fueling Station Project	104,000	pending
Oct-19	XL Hybrid Plug-In Truck Pilot Project	164,694.00	pending

**Carl Moyer Program****\$701,500 Annually**

Carl Moyer Program (CMP) funds provide incentives to gain early or extra emission reductions by retrofitting, repowering, or replacing older more polluting engines with newer, cleaner engines including zero and near zero emission technologies. CMP funding categories include on-road heavy-duty vehicles, off-road equipment, locomotives, marine vessels, light-duty passenger vehicles, lawn mower replacement and alternative fuel infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

**Current Balance: \$ 0.00**

**PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 0.00</b>	

<b>Carl Moyer Program Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Apr-18	McWhirter Steel Forklift Replacement Project	\$ 185,943.00	paid
May-18	McCarthy Steel Forklift Replacement Project	59,155.00	paid
June-18	Gall Brothers Engineering Equipment Replacement Proj	94,211.00	paid
Jul-18	Fine Grade Equipment Replacement Project	240,850.00	paid
Aug-18	Heritage Sign Company Vehicle Replacement Project	23,545.00	paid
Oct-18	American Plumbing Service Vehicle Replacement Proj	14,112.00	paid
Dec-18	Bills Landscaping Equipment Replacement Project	94,700.00	paid
Dec-18	High Desert Dairy Equipment Replacement Project	45,082.00	paid
Deposit	Carl Moyer Program Yr. 21 FY 18-19	661,741.00	received
Mar-19	Commercial Lawn and Garden Exchange Program	200,000.00	paid
Apr-19	AV Fair Assoc. ERP Aerial Lift Proj. 4	93,140.00	paid
Apr-19	Curb Crafters On-road Replacement Project	14,363.00	pending
June-19	Alameda Metals Corporation ERP	214,111.00	paid
Deposit	Carl Moyer Program Interest FY 18-19	15,179.00	received
Oct-19	XL Plug-In Hybrid Truck Pilot Project	115,306.00	pending

**AB 617 Community Air Protection (CAP) Implementation****\$79,305 FY 18/19 Allocation**

The purpose of AB 617 is to reduce emission sources in disadvantaged and low income communities by community-based air monitoring and local emission reduction programs. Funding is allocated to Air Districts to implement and administer all aspects of AB 617. These funds support community collaborative/community involved programs such as the deployment of air monitoring systems (i.e. Purple Air Sensors) and supporting local emission reductions programs. As a result, the AVAQMD is able to create new and enhance existing programs (i.e. lawn and garden equipment replacement, vehicle retirement, light-duty alternative fuel vehicle purchase incentive and residential electric vehicle charging) suggested by individual residents and group members as programs that best serve emission reductions within the community).

**Current Balance: \$ 4,945.00**

**PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 4,945.00</b>	

<b>AB 617 CAP Admin. Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
June-18	AB 617 CAP Implementation Funds FY 17-18 (Initial)	\$ 65,569.00	received
Oct-18	AB 617 CAP Implementation Funds FY 17-18 (Amend)	75,000.00	received
Feb-19	Lawn Mower Exchange Events 2019	45,000.00	paid
Mar-19	Admin Support Costs	15,489.00	paid
Mar-19	Commercial Lawn and Garden Program	75,000.00	paid
Apr-19	Air Quality Sensors	4,440.00	paid
Deposit	AB 617 CAP Implementation Funds FY 18-19	79,305.00	received
Aug-19	CAP AFV Incentive Program	75,000.00	paid

**AB 134 Community Air Protection (CAP) Projects****\$468,750 FY 18/19 Allocation**

The purpose of AB 134 funds is to implement projects under the Carl Moyer Program specifically for projects that meet the goals of AB 617. These funds are focused on replacing older polluting engines operating in disadvantaged and low-income communities with newer, cleaner engines prioritizing zero-emission projects. CMP funding categories include on-road heavy-duty vehicles, off-road equipment, locomotives, marine vessels, light-duty passenger vehicles, lawn mower replacement and alternative fuel infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

**Current Balance: \$ 0.00****PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 0.00</b>	

<b>AB 134 CAP Projects Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
June-18	AB 134 CAP through Carl Moyer	\$ 468,750.00	received
Dec-18	AVSTA (3) New Electric School Buses	468,750.00	pending

**NOx Remediation Measure (NRM)****\$53,644 FY 18/19 Allocation**

The purpose of NOx Remediation funds are to remediate any potential past emissions attributed to the Low Carbon Fuel Standard (LCFS) Regulation through a new NOx Remediation Measure (NRM) that replace diesel engines with low-NOx engines and tracks the progress of the NRM. Eligible projects are those eligible under the Carl Moyer Program with significant NOx emission reductions at a cost-effective limit of \$10,000/ton or less.

**Current Balance: \$ 0.00****PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 0.00</b>	

<b>NRM Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
May-18	NOx Remediation Measure Funds (Initial)	\$ 26,634.00	received
June-18	NOx Remediation Measure Funds (Amend)	27,010.00	received
Jul-18	Fine Grade Equipment Replacement Project	53,644.00	paid

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

Please scroll down to view the backup material.

## **Item #3 Monthly Activity Report – October 2019**

	<u>OCT 2019</u>	<u>OCT 2018</u>	<u>YTD (7/1/20)</u>
Complaints	1	3	4
Complaint Investigations	1	3	4
Asbestos Notifications	6	9	27
Asbestos Inspections	0	0	0
Permit Inspections	120	109	510
Permit Inspections in Compliance (%)	100	100	100
Notice of Violation (NOV)	0	1	0

### **\*Outstanding NOVs**

- AV00000207, Issued 06/2017
- AV00000208, Issued 07/2017
- AV00000210, Issued 03/2018
- AV00000219 Issued 06/2019

**Number of Active Companies: 285**  
**Number of Active Facilities: 515**  
**Number of Active Permits: 1100**

### **Project Comment Letters – October 2019**

**Attached**



	A	B	C	D	E	F	G
1			AVAQMD CEQA PROJECTS				
2			BOARD MEETING				
3			11/19/2019				
4							
5	Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
6							
7							
8	10/7/2019	Palmdale	Copart	Site Plan Review 19-012 Determination of Application Completeness/Condition Setting to construct a vehicle storage yard located at the northwest corner of 40 <sup>th</sup> Street East and the future alignment of Avenue L-8 (APN: 3170-015-007) on approximately 81.98 acres	Dust Control Plan CARB Equipment	10/15/2019	10/16/2019
9	10/7/2019	Palmdale	Commercial Buildig-Contractor's Yard	Site Plan Review 19-014 Determination of Application Completeness/Condition Setting for the request to construct commercial building for a contractors yard located approximately 1,200 feet south of Avenue R on the east side of Sierra Highway	No Comment	10/15/2019	10/16/2019
10	10/7/2019	Palmdale	Truck Parking and Storage	Pre-Application 19-025 Conceptual Review to develop a 1.1 acre parcel into a truck parking and storage use located west of 10 <sup>th</sup> Street West on the south side of Avenue N	No Comment	10/15/2019	10/16/2019
11	10/18/2019	Lancaster	Professional Office Building	SPR 19-06 for a new professional office building located along 20 <sup>th</sup> Street West between Avenue J and Avenue J-8 (APN:3123-005-039)	No Comment	11/11/2019	10/21/2019
12	10/21/2019	Lancaster	TTM 71210	TTM 71210/CUP 15-19 to allow for a total of 161 single-family residential lots with 8 common open space lots/parks in the R-10,000 zone. The project site is located on approximately 40.4 gross acres on the east side of 55 <sup>th</sup> Street West between Avenue K and Avenue K-8 (APNs: 3204-010-054, -055, -062, -063; 3204-011-033, -034, -059)	Dust Control Plan CARB Equipment	11/15/2019	10/25/2019

The following page(s) contain the backup material for Agenda Item: [Approve payment to MDAQMD in the total amount of \\$127,589.02, subject to availability of funds, for services provided during the month of September 2019. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

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

*AGENDA ITEM #4*

**DATE:** November 19, 2019

**RECOMMENDATION:** Approve payment to MDAQMD in the total amount of \$127,589.02.

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

**CONFLICT OF INTEREST:** None

**BACKGROUND:** Key Expenses: Staffing costs \$111,500.00.

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

**REVIEW BY OTHERS:** This item was reviewed by Allison Burns, Special Counsel as to legal form; and by Bret Banks, Executive Director/APCO, on or before October 31, 2019.

**FINANCIAL DATA:** The contract and direct expenditure amounts are part of the approved District budget for FY 20. No change in appropriations is anticipated as a result of the approval of this item.

**PRESENTER:** Bret Banks, Executive Director/APCO



**Mojave Desert AQMD**  
 14306 Park Avenue  
 Victorville, CA 92392  
 760.245.1661

Due Date **DUE UPON RECEIPT**  
 Invoice Date **9/30/2019**  
 Invoice Number **42391**

# INVOICE

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

<b>FY20</b>	<b>Amount</b>
Program Staff	111,500.00
Overhead	15,668.83
Professional Services	21.33
Vehicles Expenses	398.86
<p>TO INSURE PROPER CREDIT -            PLEASE INCLUDE A COPY OF THE INVOICE WITH YOUR PAYMENT</p> <p>FOR CREDIT CARD PAYMENTS            PLEASE VISIT <a href="http://www.mdaqmd.ca.gov">www.mdaqmd.ca.gov</a></p>	
<b>MAKE CHECKS PAYABLE TO MOJAVE DESERT AQMD</b> <b>PLEASE INCLUDE THE INVOICE NUMBER ON THE CHECK</b>	<b>Invoice Total 127,589.02</b>
	<b>Amount Paid 0.00</b>
	<b>Balance Due 127,589.02</b>

**Mojave Desert AQMD  
Expenditures AVAQMD  
For Period Ending 9/30/2019**

Financial Report

	<u>Monthly YTD</u>	<u>Actual YTD</u>	<u>Annual Budget</u>	<u>% of Budget</u>
<b><u>Services &amp; Supplies</u></b>				
Professional Services				
Payroll Contract	21.33	(455.13)	350.00	(1.30)
Financial Services	0.00	750.00	20,000.00	0.04
Research Studies	0.00	488.23	0.00	0.00
<b>Total Professional Srvc</b>	<b>21.33</b>	<b>783.10</b>	<b>20,350.00</b>	<b>0.04</b>
Office Expenses				
Software	0.00	0.00	10,700.00	0.00
Supplies	0.00	500.00	500.00	1.00
Postage	0.00	0.00	1,000.00	0.00
Meeting Expenses	0.00	0.00	150.00	0.00
<b>Total Office Expenditures</b>	<b>0.00</b>	<b>500.00</b>	<b>12,350.00</b>	<b>0.04</b>
Communications				
Dues & Subscriptions				
Travel				
Training	0.00	0.00	500.00	0.00
Recruitment	0.00	820.44	0.00	0.00
<b>Total Travel</b>	<b>0.00</b>	<b>820.44</b>	<b>500.00</b>	<b>1.64</b>
Program Costs				
Legal				
Maintenance & Repairs				
Vehicles				
Vehicle Lease	398.86	398.86	0.00	0.00
Gas & Oil	0.00	1,086.08	1,500.00	0.72
Maintenance	0.00	0.00	50.00	0.00
Repairs	0.00	440.00	0.00	0.00
<b>Total Vehicles Expenses</b>	<b>398.86</b>	<b>1,924.94</b>	<b>1,550.00</b>	<b>1.24</b>
Non-Depreciable Inventory				
Miscellaneous Expense				
Suspense				
<b>Total Services &amp; Supplies</b>	<b>420.19</b>	<b>4,028.48</b>	<b>34,750.00</b>	<b>0.12</b>
<b><u>Capital Expenditures</u></b>				
<b>Total Expenditures</b>	<b>420.19</b>	<b>4,028.48</b>	<b>34,750.00</b>	<b>0.12</b>

The following page(s) contain the backup material for Agenda Item: [Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at September 30, 2019, which provides financial information and budget performance concerning the current fiscal status of the District. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

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

*AGENDA ITEM #5*

**DATE:** November 19, 2019

**RECOMMENDATION:** Receive and file.

**SUMMARY:** The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at September 30, 2019.

**BACKGROUND:** The Financial Reports provide financial and budget performance information for the District for the period referenced.

**BALANCE SHEET.** The balance sheet summarizes the District's financial position as of September 30, 2019.

**STATEMENT OF REVENUES & EXPENDITURES.** A fund accounting report of all District revenue and related expenditures incurred in the day to day administration of District Operations.

**STATEMENT OF ACTIVITY.** The target variance for September is 25% of FY20.

*District Wide* reports details revenue and expenses for the District's operating account and grant funds. *Contracted Services* reports the expenses made by the (MDAQMD) and passed through to the District. *Report Recap* is consolidates both reports.

**BANK REGISTERS.** This report details the Districts bank activity.

**DISTRICT CARDS.** This report details purchases made using the District's credit cards.

**REASON FOR RECOMMENDATION:** Receive and file.

**REVIEW BY OTHERS:** This item was reviewed by Allison Burns, Special Counsel as to legal form and by Bret Banks, Executive Director/APCO (AVAQMD) on or about October 31, 2019.

**PRESENTER:** Bret Banks, Executive Director/APCO.

**Antelope Valley AQMD**  
**Balance Sheet - Governmental Funds**  
**As of September 30, 2019**

## Financial Report

	<u>General Fund</u>	<u>AB2766 Mobile Emissions</u>	<u>AB923 Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Total</u>
<b>Assets</b>					
Current Assets					
Cash	2,701,943.18	138,246.73	1,102,876.66	592,667.35	4,535,733.92
Cash Held For Other Fund	(67,778.90)	61,823.60	5,955.30	0.00	0.00
Receivables	245,180.07	0.00	0.00	0.00	245,180.07
Pre-Paid	11,806.58	0.00	0.00	0.00	11,806.58
<b>Total Current Assets</b>	<b>2,891,150.93</b>	<b>200,070.33</b>	<b>1,108,831.96</b>	<b>592,667.35</b>	<b>4,792,720.57</b>
<b>Total Assets</b>	<b>2,891,150.93</b>	<b>200,070.33</b>	<b>1,108,831.96</b>	<b>592,667.35</b>	<b>4,792,720.57</b>
<b>Liabilities and Net Position</b>					
Current Liabilities					
Payables	264,183.77	0.00	0.00	71,117.00	335,300.77
Accruals	1,329.40	0.00	0.00	0.00	1,329.40
Due to Others	455.00	0.00	0.00	0.00	455.00
Unearned Revenue	0.00	0.00	0.00	454,699.82	454,699.82
<b>Total Current Liabilities</b>	<b>265,968.17</b>	<b>0.00</b>	<b>0.00</b>	<b>525,816.82</b>	<b>791,784.99</b>
Restricted Fund Balance	0.00	367,812.06	1,055,552.13	66,331.49	1,489,695.68
Cash Reserves	487,785.00	0.00	0.00	0.00	487,785.00
Unassigned Fund Balance	2,475,331.99	0.00	0.00	0.00	2,475,331.99
Pre-Paid	4,367.68	0.00	0.00	0.00	4,367.68
Change in Net Position	(342,301.91)	(167,741.73)	53,279.83	519.04	(456,244.77)
<b>Total Liabilities &amp; Net Position</b>	<b>2,891,150.93</b>	<b>200,070.33</b>	<b>1,108,831.96</b>	<b>592,667.35</b>	<b>4,792,720.57</b>



**Antelope Valley AQMD**  
**Statement of Revenues & Expenditures**  
**For the Period Ending September 30, 2019**

## Financial Report

	<u>General Fund</u>	<u>AB2766 Mobile Emissions Program</u>	<u>AB923 Mobile Emissions Program</u>	<u>Carl Moyer Program</u>	<u>Total Governmental Funds</u>
<b>Revenues</b>					
Application and Permit Fees	(255,116.51)	0.00	0.00	0.00	(255,116.51)
AB 2766 and Other Program Revenues	55,313.07	55,086.54	55,086.54	0.00	165,486.15
Fines	220.01	0.00	0.00	0.00	220.01
Investment Earnings	3,045.99	53.03	1,714.69	953.35	5,767.06
Federal and State	0.00	0.00	0.00	0.00	0.00
Miscellaneous Income	0.00	0.00	0.00	0.00	0.00
<b>Total Revenues</b>	<b>(196,537.44)</b>	<b>55,139.57</b>	<b>56,801.23</b>	<b>953.35</b>	<b>(83,643.29)</b>
<b>Expenditures</b>					
Program Staff	111,500.00	0.00	0.00	0.00	111,500.00
Services and Supplies	31,652.21	147,121.00	2,000.00	400.00	181,173.21
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>143,152.21</b>	<b>147,121.00</b>	<b>2,000.00</b>	<b>400.00</b>	<b>292,673.21</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(339,689.65)</b>	<b>(91,981.43)</b>	<b>54,801.23</b>	<b>553.35</b>	<b>(376,316.50)</b>

**Antelope Valley AQMD**  
**Statement of Activity - MTD, MTM and YTD**  
**For 9/30/2019**

00 District Wide

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
<b>Revenues</b>				
Permitting	123,634.68	292,187.78	1,072,500.00	(0.27)
Programs	165,486.15	480,707.55	2,570,566.00	(0.19)
Application Fees	1,715.00	22,252.50	30,000.00	(0.74)
State Revenue	0.00	81,320.00	206,305.00	(0.39)
Fines & Penalties	220.01	1,520.01	9,000.00	(0.17)
Interest Earned	5,767.06	20,186.54	22,435.00	(0.90)
Adjustments to Revenue	(380,466.19)	(382,042.11)	0.00	0.00
<b>Total Revenues</b>	<b>(83,643.29)</b>	<b>516,132.27</b>	<b>3,910,806.00</b>	<b>(0.13)</b>
<b>Expenses</b>				
Office Expenses	6,624.13	20,045.52	102,575.00	0.20
Communications	1,431.19	4,093.57	20,500.00	0.20
Vehicles	0.00	430.81	10,000.00	0.04
Program Costs	154,031.07	546,740.47	2,060,266.00	0.27
Travel	692.27	2,738.28	10,150.00	0.27
Professional Services				
Research Studies	0.00	0.00	6,000.00	0.00
Consulting Fees	0.00	0.00	3,000.00	0.00
Stipends	700.00	1,900.00	8,400.00	0.23
Maintenance & Repairs	225.00	675.00	6,500.00	0.10
Non-Depreciable Inventory	90.00	(560.00)	10,000.00	(0.06)
Dues & Subscriptions	0.00	3,999.95	20,500.00	0.20
Legal	1,250.00	4,049.70	19,000.00	0.21
Miscellaneous Expense	40.53	223.58	915.00	0.24
Suspense	0.00	598.97	0.00	0.00
Capital Expenditures	0.00	0.00	95,000.00	0.00
<b>Total Expenses</b>	<b>165,084.19</b>	<b>584,935.85</b>	<b>2,372,806.00</b>	<b>0.25</b>
<b>Program Staff</b>				
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(248,727.48)</b>	<b>(68,803.58)</b>	<b>1,538,000.00</b>	<b>0.04</b>

**Antelope Valley AQMD**  
**Statement of Activity - MTD, MTM and YTD**  
**For 9/30/2019**

10 Contracted Services

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
<b><u>Revenues</u></b>				
<b><u>Expenses</u></b>				
Office Expenses	0.00	500.00	0.00	0.00
Vehicles	398.86	1,924.94	0.00	0.00
Professional Services				
Payroll Contract	21.33	44.87	0.00	0.00
Financial Audit & Actuarial Svcs	15,668.83	48,330.50	200,000.00	0.24
Research Studies	0.00	500.00	0.00	0.00
Consulting Fees	0.00	1,640.88	0.00	0.00
<b>Total Expenses</b>	<b>16,089.02</b>	<b>52,941.19</b>	<b>200,000.00</b>	<b>0.26</b>
<b><u>Program Staff</u></b>				
Program Staff	111,500.00	334,500.00	1,338,000.00	0.25
<b>Total Program Staff</b>	<b>111,500.00</b>	<b>334,500.00</b>	<b>1,338,000.00</b>	<b>0.25</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(127,589.02)</b>	<b>(387,441.19)</b>	<b>(1,538,000.00)</b>	<b>(0.25)</b>

**Antelope Valley AQMD**  
**Statement of Activity - MTD, MTM and YTD**  
**For 9/30/2019**

Report Recap

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
<b>Revenues</b>				
Permitting	123,634.68	292,187.78	1,072,500.00	(0.27)
Programs	165,486.15	480,707.55	2,570,566.00	(0.19)
Application Fees	1,715.00	22,252.50	30,000.00	(0.74)
State Revenue	0.00	81,320.00	206,305.00	(0.39)
Fines & Penalties	220.01	1,520.01	9,000.00	(0.17)
Interest Earned	5,767.06	20,186.54	22,435.00	(0.90)
Adjustments to Revenue	(380,466.19)	(382,042.11)	0.00	0.00
<b>Total Revenues</b>	<b>(83,643.29)</b>	<b>516,132.27</b>	<b>3,910,806.00</b>	<b>(0.13)</b>
<b>Expenses</b>				
Office Expenses	6,624.13	20,545.52	102,575.00	0.20
Communications	1,431.19	4,093.57	20,500.00	0.20
Vehicles	398.86	2,355.75	10,000.00	0.24
Program Costs	154,031.07	546,740.47	2,060,266.00	0.27
Travel	692.27	2,738.28	10,150.00	0.27
Professional Services				
Payroll Contract	21.33	44.87	0.00	0.00
Financial Audit & Actuarial Svcs	15,668.83	48,330.50	200,000.00	0.24
Research Studies	0.00	500.00	6,000.00	0.08
Consulting Fees	0.00	1,640.88	3,000.00	0.55
Stipends	700.00	1,900.00	8,400.00	0.23
Maintenance & Repairs	225.00	675.00	6,500.00	0.10
Non-Depreciable Inventory	90.00	(560.00)	10,000.00	(0.06)
Dues & Subscriptions	0.00	3,999.95	20,500.00	0.20
Legal	1,250.00	4,049.70	19,000.00	0.21
Miscellaneous Expense	40.53	223.58	915.00	0.24
Suspense	0.00	598.97	0.00	0.00
Capital Expenditures	0.00	0.00	95,000.00	0.00
<b>Total Expenses</b>	<b>181,173.21</b>	<b>637,877.04</b>	<b>2,572,806.00</b>	<b>0.25</b>
<b>Program Staff</b>				
Program Staff	111,500.00	334,500.00	1,338,000.00	0.25
<b>Total Program Staff</b>	<b>111,500.00</b>	<b>334,500.00</b>	<b>1,338,000.00</b>	<b>0.25</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(376,316.50)</b>	<b>(456,244.77)</b>	<b>0.00</b>	<b>0.00</b>

## Antelope Valley AQMD

Run: 10/31/2019 at 3:32 PM

Bank Register from 9/01/2019 to 9/30/2019

Page: 1

### Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000001	9/03/2019	Credit Card Transaction - Fix Auto	0.00	266.00	324,991.76
0000001	9/03/2019	Credit Card Transaction - Air Inc	0.00	829.00	325,820.76
	9/11/2019	Service Charge	40.53	0.00	325,780.23
0003938	9/12/2019	[10796] AMERICAN GREEN ZONE ALLIANCE-AB617 Grant	3,250.00	0.00	322,530.23
0003939	9/12/2019	[10007] BOHN'S PRINTING-Gasoline Forms	101.76	0.00	322,428.47
0003940	9/12/2019	[10071] MAIL FINANCE-Postage Meter Lease	77.75	0.00	322,350.72
0003941	9/12/2019	[10068] JASON MENTRY-Per Diems Sacramento Asbestos Training	165.00	0.00	322,185.72
0003942	9/12/2019	[10260] QCS BUILDING SERVICES-Custodial services	225.00	0.00	321,960.72
0003943	9/12/2019	[10803] VALLEY CONSTRUCTION SUPPLY-AB617 Grant	1,260.07	0.00	320,700.65
0003944	9/12/2019	[10045] VERIZON BUSINESS-VOIP Service	427.75	0.00	320,272.90
0003945	9/12/2019	[10046] VERIZON CALIFORNIA-Long Distance Charges	33.44	0.00	320,239.46
R20-06	9/13/2019	Op Fund Rep #6	0.00	5,540.77	325,780.23
0003946	9/19/2019	[10502] DIGITAL DEPLOYMENT INC-Web Hosting	200.00	0.00	325,580.23
0003947	9/19/2019	[10068] JASON MENTRY-Per diems APTI Asbestos Training	231.00	0.00	325,349.23
0003948	9/19/2019	[10026] MOJAVE DESERT AQMD-JULY FY20	129,168.58	0.00	196,180.65
0003949	9/19/2019	[00069] SOUTHERN CALIFORNIA EDISON-Electric Service	610.47	0.00	195,570.18
R20-07	9/19/2019	Op Fund Rep #7	0.00	130,210.05	325,780.23
0000001	9/20/2019	Credit Card Transaction - Modern Concrete	0.00	584.00	326,364.23
0000001	9/23/2019	Credit Card Transaction - Progressive Fueling	0.00	690.00	327,054.23
0000001	9/23/2019	Credit Card Transaction - Line X	0.00	440.02	327,494.25
0003950	9/26/2019	[10076] ANTELOPE VALLEY AQMD-Credit Card Transactions - August 2019	22,919.56	0.00	304,574.69
0003951	9/26/2019	[10460] ANTELOPE VALLEY SHERIFFS BOOSTERS-Sponsorship for the AV Sheriff's Boosters.	500.00	0.00	304,074.69
0003952	9/26/2019	[10006] BANK OF THE WEST-Credit Card Charges	2,014.21	0.00	302,060.48
0003953	9/26/2019	[10518] AUSTIN BISHOP-Attendance Governing Board Meeting Tuesday, September 17, 2019.	100.00	0.00	301,960.48
0003954	9/26/2019	[10405] CANON FINANCIAL SERVICES-Copier Lease	335.16	0.00	301,625.32
0003955	9/26/2019	[10055] NEWTON CHELETTE-Attendance Governing Board Meeting Tuesday, September 17, 2019.	100.00	0.00	301,525.32
0003956	9/26/2019	[10057] MARVIN CRIST-Attendance Governing Board Meeting Tuesday, September 17, 2019.	100.00	0.00	301,425.32
0003957	9/26/2019	[10599] HOWARD HARRIS-Attendance Governing Board Meeting Tuesday, September 17, 2019.	100.00	0.00	301,325.32
0003958	9/26/2019	[10058] RONALD HAWKINS-Attendance Governing Board Meeting Tuesday, September 17, 2019.	100.00	0.00	301,225.32
0003959	9/26/2019	[10503] STEVEN D HOFBAUER-Attendance Governing Board Meeting Tuesday, September 17, 2019.	111.60	0.00	301,113.72
0003960	9/26/2019	[01396] LACO INTERNAL SERVICE DEPT (ISD)-Refund: Refund of late fees on Invoices AV4173, AV4182	440.02	0.00	300,673.70
0003961	9/26/2019	[10054] KENNETH MANN-Attendance Governing Board Meeting Tuesday, September 17, 2019.	100.00	0.00	300,573.70
0003962	9/26/2019	[10592] SPECTRUM BUSINESS-Internet Service	770.00	0.00	299,803.70

**Antelope Valley AQMD**  
**Bank Register from 9/01/2019 to 9/30/2019**  
**Wells Fargo Operating**

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0003963	9/26/2019	[01687] TIME WARNER CABLE - VISTA VIEW-Refund: Refund Late Fee Invoice 4148	220.01	0.00	299,583.69
0003964	9/26/2019	[10050] WOELFL FAMILY TRUST-Office Lease Oct 19	4,613.71	0.00	294,969.98
0000001	9/27/2019	Credit Card Transaction - Nielsen Environmental	0.00	585.00	295,554.98
<b>Total for Report:</b>			<b>168,315.62</b>	<b>139,144.84</b>	

**Antelope Valley AQMD**  
**Bank Register from 9/01/2019 to 9/30/2019**  
LA County General Fund P6A

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000001	9/04/2019	Daily Deposit	0.00	26,842.28	2,314,955.15
0000351	9/09/2019	Daily Deposit	0.00	6,600.30	2,321,555.45
R20-06	9/13/2019	Op Fund Rep #6	5,540.77	0.00	2,316,014.68
0000001	9/16/2019	Daily Deposit	0.00	17,023.80	2,333,038.48
R20-07	9/19/2019	Op Fund Rep #7	130,210.05	0.00	2,202,828.43
0000001	9/24/2019	Daily Deposit	0.00	2,763.08	2,205,591.51
0000001	9/27/2019	Daily Deposit	0.00	187,213.12	2,392,804.63
<b>Total for Report:</b>			<b>135,750.82</b>	<b>240,442.58</b>	

**Antelope Valley AQMD**  
**Bank Register from 9/01/2019 to 9/30/2019**  
LA County AB2766 U5R

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	9/01/2019	Interest Earned	0.00	53.03	285,367.73
M20-15	9/04/2019	[10797] FLORES, DAISY-AB2766 Grant	1,000.00	0.00	284,367.73
M20-16	9/04/2019	[10798] HERNANDEZ, ANTONIO F-AB2766 Grant	1,000.00	0.00	283,367.73
M20-17	9/04/2019	[10799] DOWELL, CHRISTOPHER-AB2766 Grant	500.00	0.00	282,867.73
M20-18	9/04/2019	[10800] GUERRERO, JOEY-AB2766 Grant	1,000.00	0.00	281,867.73
M20-19	9/04/2019	[10802] RUZI, TAXPULAT-AB2766 Grant	1,000.00	0.00	280,867.73
M20-21	9/04/2019	[10801] ALEXANDER, DAVID-AB2766 Grant	500.00	0.00	280,367.73
M20-20	9/04/2019	[10240] RAUSCH, VICKIE-AB2766 Grant	1,000.00	0.00	279,367.73
M20-22	9/04/2019	[01567] LANCASTER BAPTIST CHURCH-AB2766 Grant	69,121.00	0.00	210,246.73
M20-23	9/04/2019	[10627] PARACLETE HIGH SCHOOL-AB2766 Grant	17,500.00	0.00	192,746.73
M20-24	9/26/2019	[10460] ANTELOPE VALLEY SHERIFFS BOOSTERS-AB2766 Grant	50,000.00	0.00	142,746.73
M20-25	9/26/2019	[10805] STEBLETON, JENNIFER-AB2766 Grant	1,000.00	0.00	141,746.73
M20-26	9/26/2019	[10806] KIM, SAMBO-AB2766 Grant	1,000.00	0.00	140,746.73
M20-27	9/26/2019	[10807] MANGENTE, SALVI V-AB2766 Grant	1,000.00	0.00	139,746.73
M20-28	9/26/2019	[10808] TORRES, JAIME ALEXANDER URRUTIA-AB2766 Grant	1,000.00	0.00	138,746.73
M20-29	9/26/2019	[10809] URIBE, ROSIE MICHELLE-AB2766 Grant	500.00	0.00	138,246.73
<b>Total for Report:</b>			<b>147,121.00</b>	<b>53.03</b>	



**Antelope Valley AQMD**  
**Bank Register from 9/01/2019 to 9/30/2019**  
**LA County AB923**

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	9/01/2019	Interest Earned	0.00	1,714.69	1,104,876.66
M20-30	9/26/2019	[10084] ENVIRONMENTAL ENGINEERING STUDIES VAVR-AB923 Grant	<u>2,000.00</u>	<u>0.00</u>	1,102,876.66
<b>Total for Report:</b>			<b>2,000.00</b>	<b>1,714.69</b>	

**Antelope Valley AQMD**  
**Bank Register from 9/01/2019 to 9/30/2019**  
LA County Carl Moyer U5S

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	9/01/2019	Interest Earned	0.00	953.35	593,067.35
C20-04	9/26/2019	[10084] ENVIRONMENTAL ENGINEERING STUDIES VAVR-Moyer Grant	400.00	0.00	592,667.35
<b>Total for Report:</b>			<b>400.00</b>	<b>953.35</b>	

**Antelope Valley AQMD**  
**Bank Register from 9/01/2019 to 9/30/2019**  
District Cards

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000369	9/26/2019	[10644] AIRPORT PARKING-Airport parking to attend teh CAPCOA Board meeting August 21 2019.	10.00	0.00	601.48
0000370	9/26/2019	[01030] ALBERTSONS-Board Room Kitchen Supplies	9.09	0.00	592.39
0000371	9/26/2019	[01148] ANTELOPE VALLEY PRESS-FY20 Subscription	229.95	0.00	362.44
0000372	9/26/2019	[10069] BRET BANKS-Invoices 1058, 1059	255.49	0.00	106.95
0000373	9/26/2019	[10580] CUBESMART-Monthly lease payment for storage unit for long term storage of District records and documents.	139.00	0.00	-32.05
0000374	9/26/2019	[10814] HOLIDAY INN-JM Lodging - Asbestos Training	791.38	0.00	-823.43
0000375	9/26/2019	[10581] SAM'S CLUB-Office Supplies	87.51	0.00	-910.94
0000376	9/26/2019	[10575] SOUTHWEST AIRLINES-Airline ticket to attend CAPCOA Board meeting in Sacramento on August 21, 2019.	97.96	0.00	-1,008.90
0000377	9/26/2019	[10611] SPUDNUT DONUTS-Purchase of refreshment for the August 2019 Governing Board meeting.	15.10	0.00	-1,024.00
0000378	9/26/2019	[10041] STAPLES INC-Office Supplies	237.48	0.00	-1,261.48
0000379	9/26/2019	[10816] THAI FOOD RESTAURANT-Lunch CAPCOA Rural Dist meeting	17.34	0.00	-1,278.82
0000380	9/26/2019	[10795] THE LEMON LEAF-Lunch with Brad Poirez to discuss AV staff recruitment for Ops Manager and AQS	33.75	0.00	-1,312.57
0000381	9/26/2019	[10646] THE TIRE STORE-Tire repair on District vehicle Dodge 1500 pick-up.	10.00	0.00	-1,322.57
0000382	9/26/2019	[10649] WESTSIDE CHEVRON-Auto Maintenance-Silver Caliber	80.16	0.00	-1,402.73
0000056	9/26/2019	September	0.00	2,014.21	611.48
<b>Total for Report:</b>			<b>2,014.21</b>	<b>2,014.21</b>	

The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the amendment of Rule 300 – Delinquency Penalty: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 300 and directing staff actions. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

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

*AGENDA ITEM #6*

**DATE:** November 19, 2019

**RECOMMENDATION:** Conduct a public hearing to consider the amendment of Rule 300 – *Delinquency Penalty*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 300 and directing staff actions.

**SUMMARY:** Rule 300 - *Major Facility Late Fee* is proposed for amendment to retitle the rule to *Delinquency Penalty* and apply it to all facilities.

**BACKGROUND:** Rule 300 – *Major Facility Late Fee* was last amended 06/18/2013. The 06/18/2013 version is the current version in the AVAQMD rulebook. Over time the number of delinquent fees has increased along with resultant costs to the District for recovery of such delinquent fees. The amendments propose to retitle the rule *Delinquency Penalty* and apply it to all facilities. This action will encourage the timely payment of fees and allow the AVAQMD to recover costs related to delinquent fees.

A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the amendment of Rule 300 pursuant to the requirements of CEQA.

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

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, District Counsel, Allison E. Burns, Governing Counsel and by Bret Banks, Executive Director/APCO on or about October 17, 2019.

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

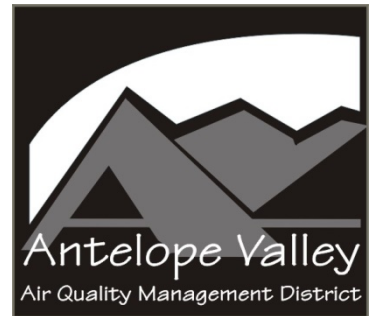
**PRESENTER:** Bret Banks, Executive Director/APCO.

---

cc: Barbara Lods

*Antelope Valley*  
Air Quality Management District

---



Draft  
Staff Report

Proposed Amendment of  
Rule 300 – Delinquency Penalty

For adoption on November 15, 2019

43301 DIVISION ST., SUITE 206,  
LANCASTER, CALIFORNIA 93535-4649  
PHONE (661) 723-8070  
FAX (661) 723-3450

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STAFF REPORT  
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## STAFF REPORT

### Rule 300 – *Delinquency Penalty*

#### I. PURPOSE OF STAFF REPORT

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

#### II. EXECUTIVE SUMMARY

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was created pursuant to statute (former Health & Safety (H&S) Code §40106, A.B. 266-Knight Ch. 542, statutes of 1996) and assumed all air pollution control responsibilities from the South Coast Air Quality Management District (SCAQMD) for the area of Los Angeles County outside the South Coast Air Basin. The SCAQMD rules in effect within the jurisdiction of the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was created pursuant to statute (H&S Code §41300 et seq.) to replace the AVAPCD. Once again the rules in effect at the time of the change remained in effect until the AVAQMD Governing Board superseded or amended them.

Rule 300 – *Major Facility Late Fee* was last amended 06/18/2013. The 06/18/2013 version is the current version in the AVAQMD rulebook. Over time the number of delinquent fees has increased along with resultant costs to the District for recovery of such delinquent fees. The amendments propose to retitle the rule *Delinquency Penalty* and apply it to all facilities. This action will encourage the timely payment of fees and allow the AVAQMD to recover costs related to delinquent fees.

#### III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the AVAQMD adopt the proposed amendments to Rule 300 -*Delinquency Penalty* and approve the appropriate California Environmental Quality Act (CEQA) documentation.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct amendments to Rule 300 – *Delinquency Penalty*. Each item is discussed, if applicable, in Section V below. Copies of documents are included in the appropriate Appendix.

**FINDINGS REQUIRED FOR RULES & REGULATIONS**

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

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

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

**ELEMENTS OF A FEDERAL SUBMISSION**

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

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

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

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

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

**OTHER:**

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

## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed amendment of Rule 300. These are actions, that need to be performed, and/or information, that must be provided in order to adopt the rule in a procedurally correct manner.

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

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

##### a. Necessity:

The proposed amendment of Rule 300 is necessary to circumvent the disruption of anticipated revenue that is created when a facility is late paying their permit fees. A penalty can be imposed if fees are not paid by the applicable due date as established by the provisions of District Regulation III, or by any invoice produced pursuant to the procedures specified in the applicable District rules. The penalty of Fifty percent (50%) may deter facilities from making late payments.

##### b. Authority:

AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations. The AVAQMD also has the authority to adopt and amend annual fees for the evaluation, issuance and renewal of permits (H&S Code §42311). In addition, Health & Safety Code §§42400 et seq. allow the imposition of penalties for various violations of law including but not limited to District Rules and Regulations regarding payment of fees.

##### c. Clarity:

Any facility holding an AVAQMD Authority to Construct (ATC) or Permit to Operate (PTO) may be affected by the proposed amendment of Rule 300. The proposed amendment is clear in that it is written so that the persons subject to the rule can easily understand the meaning.

##### d. Consistency:

The proposed amendment of Rule 300 is in harmony with, and not in conflict with or contradictory to, any state law or regulation, federal law or regulation, or court decisions because H&S Code §§41512.7 and 42311(a) provide that an air district may adopt a schedule of annual fees for the evaluation, issuance, and

renewal of permits to cover the cost of district programs related to stationary sources. Furthermore, H&S Code §§42400 et seq. allow the imposition of penalties for various violations of law including but not limited to District Rules and Regulations regarding payment of fees.

e. Non-duplication:

The proposed amendment of Rule 300 does not impose the same requirements as an existing state or federal law or regulation because H&S Code 42311 and various other sections merely authorize the imposition of such fees but do not specify the types and amounts of fees to be imposed. In addition, H&S Code §§42400 et seq. allow the imposition of penalties for various violations of law including but not limited to District Rules and Regulations regarding payment of fees.

f. Reference:

AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations, the authority pursuant to H&S Code §42311 to adopt a schedule of annual fees and H&S Code §§42400 et seq. allowing the imposition of penalties

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed amendment of Rule 300 will be published on October 18, 2019. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and AVAQMD responses.

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

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law that requires the submittal. Rule 300 does not require submission to USEPA as it is a procedural rule for imposing a delinquency penalty for nonpayment of fees.

(B) WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed amendment of Rule 300 establishes a penalty for a late payment of fees by all sources and does not in itself impose air pollution control requirements. Therefore, the preparation of a written analysis of existing pollution control requirements that apply to the same equipment or source type is not required.

C. ECONOMIC ANALYSIS

1. General.

Fees are a primary revenue source that supports the District's efforts to implement and enforce the provisions of the FCAA, the California Clean Air Act and District Rules and Regulations. Staff is recommending amendment of Rule 300 to encourage the timely payment of fees when due and to recover recurring costs associated with delinquent fees and delinquency cases. The amendment of Rule 300 would set a penalty on District Fees imposed pursuant to District Rule 301, District Rule 302, and District Rule 303 of fifty percent (50%) if the fees are not paid on time to the responsible persons or organizations.

Delinquent payments of permit fees have been slowly increasing over time. Currently the monthly number of delinquent invoices is averaging 22 invoices per month. It takes a minimum of three (3) hours of staff time to process a delinquency. Such processing includes production and mailing of a delinquent letter and duplicate invoice, inspector follow-up with the facility in question, as well as basic enforcement activities. If additional enforcement methods are necessary, the costs to the District increase exponentially, especially if legal enforcement methods are necessary. Since the penalty will only be imposed when fees are not paid in full by their invoiced due date and there is a provision allowing those with financial hardship or other issues to apply for a waiver of the penalty, it is expected that the economic impact will be minimal for most fee payers.

Fees collected from Rule 300 cannot be anticipated. Assessed penalties would be dependent on late payment of regular permit fees.

2. Incremental Cost Effectiveness.

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or "all feasible measures" to control volatile compounds, oxides of nitrogen or oxides of sulfur. The proposed amendment of Rule 300 is not subject to incremental cost effectiveness calculations because this rule does not impose BARCT or "all feasible measures".

D. ENVIRONMENTAL ANALYSIS (CEQA)

1. Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the proposed amendments to Rule 300.

a. The proposed amendment of Rule 300 meets the CEQA definition of "project." They are not "ministerial" actions.

b. The proposed amendment of Rule 300 is exempt from CEQA review because the rule merely establishes a penalty for late payment of fees for all facilities and there is not potential that the adoption might cause the release of

additional air contaminants or create any adverse environmental impacts.  
Therefore a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

The proposed amendment does not have any potential environmental impacts because it merely establishes a penalty for late payment of fees for all facilities and does not have any impact upon emissions of air contaminants.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

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

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The proposed amendments will affect all sources holding and applying for AVAQMD Permits.

B. EMISSIONS

The proposed amendment does not regulate emissions or impose control requirements. Therefore, there will be no direct impact upon emissions.

C. CONTROL REQUIREMENTS

The proposed amendment does not impose any control requirements.

D. PROPOSED RULE SUMMARY

This section gives a brief overview of the proposed actions regarding Regulation III. Only a brief summary of each section is included. Readers are encouraged to examine the *[bracketed and italicized]* notations contained in the iterated version of the rule contained in Appendix “A” for notations regarding movement and modification of specific sections and subsections.

Rule 300 – *Delinquency Penalty* defines District authority regarding the penalty applied to persons or organizations whose respective fees are not paid by the due date as established by the applicable provisions of District Regulation III.

## E. RULE HISTORY

### 1. Rule History.

Rule 300 – *Major Facility Late Fee* was originally adopted on 06/18/2013. The amendments propose to retitle the rule *Delinquency Penalty* and the penalty will apply to all facilities within the boundaries of the District. This action will encourage the timely payment of fees and allow the AVAQMD to recover costs related to delinquent fees. This is was not included in the SIP. Rule 300 is a fee rule and does not require submission to USEPA.

## F. PROPOSITION 26 ANALYSIS

On November 2, 2010 the California voters added Article XIII C §1(e) to the California Constitution (commonly referred to as Proposition 26). This provision added a new definition of “tax” which resulted in a variety of fees and charges imposed by local governmental entities to be subject to voter approval. The provisions also provided several exceptions to this voter approval requirement including but not limited to:

A charge imposed for a specific benefit conferred or privilege granted directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

A charge imposed for a specific government service or product provided directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.

A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

In general, air district permit fees would fall under this exemption so long as they are reasonably related to the costs of issuance and enforcement of the permits. A similar requirement that air district fees be reasonably related to costs of district programs is found in Health & Safety Code §42311(a). Please see Appendix F for an analysis of District delinquency rates. Rule 300 is primarily a deterrent measure and is designed to offset the costs incurred by the District due to the non-payment of fees. The District does not expect this fee to be imposed on a regular basis.



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APPENDIX "A"  
Rule 300 – *Delinquency Penalty*  
Iterated Version

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

1. Underlined text identifies new or revised language.
2. ~~—Lined out text~~ identifies language which is being deleted.
3. Normal text identifies the current language of the current rule which will remain unchanged by the adoption of the proposed amendments.
4. *Italicized text* identifies explanatory material that is not part of the proposed language

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## Rule 300

### Major Facility Late Fee Delinquency Penalty

#### (A) General

##### (1) Purpose

- (a) The purpose of this rule is to encourage the timely payment of fees when due ~~by Major Facilities.~~

##### (2) Applicability

- (a) This rule shall apply to the fees imposed pursuant to District Rule 301, District Rule 302 and District Rule 303 ~~Major Facilities as defined pursuant to District Rule 3001(S).~~

#### (B) Requirements

- (1) If the fee is not paid ~~by the~~ within ninety (90) days of the applicable due date as established by the provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule, then the person subject to such fee shall be assessed a ~~late fee~~ Delinquency Penalty in the amount of ~~1550%~~ 50% of the original fee ~~as imposed.~~

- (2) The applicant/permittee or owner/operator will be notified by mail if the fee is not paid by the due Date established by the applicable provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule.

- (23) Assessment or payment of a ~~late fee~~ Delinquency Penalty shall not limit the District's rights to pursue any other remedy provided by law.

#### (C) Waiver, Suspension or Reduction of Penalty

- (1) The APCO may waive, suspend, or reduce the Delinquency Penalty upon good cause shown after written application from the person against whom the penalty was assessed.

- (2) Such waiver, suspension or reduction in penalty will be memorialized in writing and the application and any action upon it shall be placed in the applicable District file.

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300-2

|

**AVAQMD Rule 300**  
~~Major Facility Late Fees~~Delinquency Penalty  
D1: 09/24/19

**APPENDIX "B"**  
**PUBLIC NOTICE DOCUMENTS**

1. Draft Proof of Publication for Notice of Public Hearing – Antelope Valley Press 10/18/2019

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## NOTICE OF HEARING

**NOTICE IS HEREBY GIVEN** that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on November 19, 2019 at 10:00 A.M. to consider the proposed amendment of Rule 300 – *Delinquency Penalty*.

**SAID HEARING** will be conducted in the Governing Board Chambers located at the AVAQMD offices, 43301 Division Street, Suite 206, Lancaster, CA 93535-4649 where all interested persons may be present and be heard. Copies of the proposed amendment on Rule 300 – *Delinquency Penalty* and the Staff Report are posted on the AVAQMD website at [www.avaqmd.ca.gov](http://www.avaqmd.ca.gov) and are also available at the AVAQMD Office at 43301 Division Street Avenue, Suite 206, Lancaster, CA 93535. Written comments may be submitted to Bret Banks, APCO at the above office address, and should be received no later than November 18, 2019 to be considered.

Rule 300 - *Major Facility Late Fee* as last amended June 18, 2013 is proposed for amendment to retitle the rule to *Delinquency Penalty* and implement a penalty that will cover all facilities and encourage timely payment of fees to recover recurring costs associated with delinquent fees and delinquency cases.

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



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APPENDIX "C"  
PUBLIC COMMENTS AND RESPONSES

None received to date.

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APPENDIX "D"  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
DOCUMENTATION

1. Notice of Exemption (Draft) – Los Angeles County

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**NOTICE OF EXEMPTION**

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

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

X AVAQMD Clerk of the Governing Board

**PROJECT TITLE:** Amendment of Rule 300 – *Delinquency Penalty*

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

**PROJECT LOCATION – COUNTY:** Los Angeles County

**DESCRIPTION OF PROJECT:** Rule 300 – *Major Facility Late Fee* was last amended 06/18/2013. The 06/18/2013 version is the current version in the AVAQMD rulebook. Over time the number of delinquent fees has increased along with resultant costs to the District for recovery of such delinquent fees. The amendments propose to retitle the rule *Delinquency Penalty* and apply it to all facilities. This action will encourage the timely payment of fees and allow the AVAQMD to recover costs related to delinquent fees.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Antelope Valley AQMD

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

**EXEMPT STATUS (CHECK ONE)**

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

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

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

**REASONS WHY PROJECT IS EXEMPT:** The proposed amendments to Rule 300 are exempt from CEQA review because they merely adjust fees and there is not potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

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

**SIGNATURE:** \_\_\_\_\_

**TITLE:** Executive Director **DATE:** November 19, 2019

**DATE RECEIVED FOR FILING:**

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## APPENDIX "E" BIBLIOGRAPHY

The following documents were consulted in the preparation of this staff report and the proposed amendment of Rule 300:

1. CARB District Rules Log Data Base



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**Appendix “F”**  
Cost Analysis

1. Past Due Invoice Analysis Jan 2017-August 2019

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Past Due Analysis												
2017				2018				2019				
# of del invoices	30 days	60 days	90 days	# of del invoices	30 days	60 days	90 days	# of del invoices	30 days	60 days	90 days	
Jan	11	\$ 6,325.00	\$ -	\$ -	24	\$ 10,539.83	\$ 1,188.61	\$ 575.00	27	\$ 11,968.83	\$ 400.02	\$ 144,205.30
Feb	1	\$ -	\$ 575.00	\$ -	40	\$ 18,042.03	\$ 10,167.72	\$ 1,763.61	12	\$ 4,981.69	\$ 1,038.48	\$ 144,205.30
Mar	4	\$ 1,196.52	\$ -	\$ 575.00	20	\$ 400.02	\$ 8,593.00	\$ 2,175.97	11	\$ 8,733.84	\$ 1,859.67	\$ 143,144.28
April	9	\$ 5,628.83	\$ 754.41	\$ 575.00	26	\$ 10,078.64	\$ 400.02	\$ 9,826.22	19	\$ 9,525.40	\$ 7,783.82	\$ 143,545.66
May	5	\$ 187.58	\$ 2,279.84	\$ 947.11	33	\$ 11,121.76	\$ 7,580.48	\$ 9,854.13	7	\$ -	\$ 3,536.12	\$ 143,545.66
June	7	\$ -	\$ 3,672.64	\$ 947.11	9	\$ 661.00	\$ 2,405.80	\$ 3,469.17	20	\$ 15,092.59	\$ -	\$ 146,001.62
July	13	\$ 14,247.19	\$ -	\$ 3,024.06	22	\$ 19,532.07	\$ 661.00	\$ 2,436.06	27	\$ 259,085.68	\$ 12,008.25	\$ 144,425.70
August	8	\$ 1,116.33	\$ 1,116.33	\$ 947.11	10	\$ 1,078.31	\$ 4,596.30	\$ 1,897.00	26	\$ 4,667.38	\$ 241,683.29	\$ 150,819.65
Sept	6	\$ -	\$ 744.22	\$ 1,691.33	13	\$ 39,664.81	\$ 1,078.31	\$ 4,493.20				
Oct	8	\$ 2,218.38	\$ -	\$ 2,063.44	22	\$ 7,288.23	\$ 32,864.47	\$ 5,571.51				
Nov	11	\$ 10,679.54	\$ 4,505.57	\$ 1,691.33	21	\$ 144,094.88	\$ 2,827.78	\$ 37,357.67				
Dec	14	\$ 7,314.38	\$ -	\$ 947.11	24	\$ 4,357.86	\$ 143,208.30	\$ 36,957.65				
avg	8	\$ 4,076.15	\$ 1,137.33	\$ 1,117.38	22	\$ 22,238.29	\$ 17,964.32	\$ 9,698.10	19	\$ 39,256.93	\$ 33,538.71	\$ 144,986.65

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# Rule 300

## Delinquency Penalty

### (A) General

#### (1) Purpose

- (a) The purpose of this rule is to encourage the timely payment of fees when due.

#### (2) Applicability

- (a) This rule shall apply to the fees imposed pursuant to District Rule 301, District Rule 302 and District Rule 303

### (B) Requirements

- (1) If the fee is not paid by the due date as established by the provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule, then the person subject to such fee shall be assessed a Delinquency Penalty in the amount of 50% of the original fee.
- (2) The applicant/permittee or owner/operator will be notified by mail if the fee is not paid by the due Date established by the applicable provisions of District Regulation III or by any invoice produced pursuant to the procedures specified in the applicable District Rule.
- (3) Assessment or payment of a Delinquency Penalty shall not limit the District's rights to pursue any other remedy provided by law.

### (C) Waiver, Suspension or Reduction of Penalty

- (1) The APCO may waive, suspend, or reduce the Delinquency Penalty upon good cause shown after written application from the person against whom the penalty was assessed.
- (2) Such waiver, suspension or reduction in penalty will be memorialized in writing and the application and any action upon it shall be placed in the applicable District file.

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**RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 300 – DELINQUENCY PENALTY AND DIRECTING STAFF ACTIONS.**

On November 19, 2019, on motion by Member Board Member Name, seconded by Member Board Member Name, and carried, the following resolution is adopted:

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

**WHEREAS**, on July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was created pursuant to statute (former Health & Safety (H&S) Code §40106, A.B. 266-Knight Ch. 542, statutes of 1996) and assumed all air pollution control responsibilities from the South Coast Air Quality Management District (SCAQMD) for the area of Los Angeles County outside the South Coast Air Basin; and

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

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

**WHEREAS**, once again the rules in effect at the time of the change remained in effect until the AVAQMD Governing Board superseded or amended them

**WHEREAS**, Rule 300 - *Major Facility Late Fee* was last amended 06/18/13; and

**WHEREAS**, the 06/18/2013 version is the current version in the AVAQMD rulebook; and

**WHEREAS**, over time the number of delinquent fees has increased along with resultant costs to the District for recovery of such delinquent fees; and

**WHEREAS**, the amendments propose to retitle the rule *Delinquency Penalty* and apply it to all facilities; and

**WHEREAS**, this action will encourage the timely payment of fees and allow the AVAQMD to recover costs related to delinquent fees; and

//



**RESOLUTION \_\_\_\_\_**

1           **WHEREAS**, the proposed amendments are clear in that the meaning can be easily understood by  
2 the persons impacted by the rule; and

3           **WHEREAS**, the proposed amendments are in harmony with, and not in conflict with, or  
4 contradictory to existing statutes, court decisions, or state or federal regulations because H&S Code  
5 §§41512.7 and 42311(a) provide that an air district may adopt a schedule of annual fees for the  
6 evaluation, issuance, and renewal of permits to cover the cost of district programs related to stationary  
7 sources; and

8           **WHEREAS**, the proposed amendments do not impose the same requirements as any existing  
9 State or federal regulation because H&S Code 42311 and various other sections merely authorize the  
10 imposition of such fees but do not specify the types and amounts of fees to be imposed; and

11           **WHEREAS**, the proposed amendments are needed to circumvent the disruption of anticipated  
12 revenue that is created when a major facility is late paying their permit fees; and

13           **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code  
14 §40725, concerning the proposed amendment of Rule 300 and

15           **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the  
16 proposed amendment of Rule 300, completed in compliance with the California Environmental Quality  
17 Act (CEQA), has been presented to the AVAQMD Board; each member having reviewed, considered and  
18 approved the information contained therein prior to acting on the proposed amendment of Rule 300, and  
19 the AVAQMD Board having determined that the proposed amendment will not have any potential for  
20 resulting in any adverse impact upon the environment; and

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

22           **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds  
23 that the proposed amendment of Rule 300 – *Delinquency Penalty* is necessary, authorized, clear,  
24 consistent, non-duplicative and properly referenced; and

25           **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a  
26 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of  
27 Exemption for the proposed amendment of Rule 300; and

28 //

**RESOLUTION \_\_\_\_\_**

1           **BE IT FURTHER RESOLVED**, that the Board of the AVAQMD does hereby adopt, pursuant to  
2 the authority granted by law, the proposed amendment of Rule 300, as set forth in the attachments to this  
3 resolution and incorporated herein by this reference; and

4           **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,  
5 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions  
6 of CEQA.

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

9 AYES:                   MEMBER:  
10 NOES:                   MEMBER:  
11 ABSENT:                MEMBER:  
12 ABSTAIN:               MEMBER:

13 STATE OF CALIFORNIA        )  
14                                    )  
15 COUNTY OF LOS ANGELES    )        SS:  
16                                    )

17 I, Deanna Hernandez, Senior Executive Analyst of the Governing Board of the Antelope Valley  
18 Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the  
19 record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of  
20 November 19, 2019.

21 \_\_\_\_\_  
22 Senior Executive Analyst  
23 Antelope Valley Air Quality Management District.  
24  
25  
26  
27  
28

The following page(s) contain the backup material for Agenda Item: [1\) Authorize the acceptance of Community Air Protection \(CAP\) Funds; 2\) Accept the terms and conditions for the funds; and 3\) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and to negotiate and execute agreements for eligible projects. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

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

*AGENDA ITEM #7*

**DATE:** November 19, 2019

**RECOMMENDATION:** 1) Authorize the acceptance of Community Air Protection (CAP) Funds; 2) Accept the terms and conditions for the funds; and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and to negotiate and execute agreements for eligible projects.

**SUMMARY:** This action formally accepts the Community Air Protection Funding (CAP) Year 2 (Fiscal Year 18-19) in the amount of \$1,243,750.00 allocated to the AVAQMD. The funding consists of \$1,088,281.25 for projects and \$155,468.75 for administrative. This action also accepts the terms and conditions for the funds as appropriated, and authorizes staff to negotiate and execute project agreements consistent with the terms and conditions.

**BACKGROUND:** On September 16, 2017, the Governor approved AB 134 to amend the Budget Act of 2017. The amendment added appropriations to the Budget Act of 2017, taking effect immediately as a Budget Bill. Under Schedule 3 of this Bill, \$250 million was to be distributed by CARB to air districts for implementation of projects pursuant to the Carl Moyer Program. The purpose of the funds are to support Greenhouse Gas reductions and early actions that reduce emissions and improve public health in communities with high burdens of cumulative pollutant exposure, consistent with the goals of Assembly Bill (AB) 617 (Chapter 254, Statutes of 2017). Fiscal Year 18-19 CAP incentives will be used to reduce emissions in communities most heavily burdened by air pollution, in support of AB 617. The Air District will select projects eligible under the proposed 2019 Community Air Protection Incentives Guidelines and the Carl Moyer Program 2017 Guidelines focusing in particular on vehicles and equipment that operate in any AB 617 communities.

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

**REVIEW BY OTHERS:** This item was reviewed by Allison E. Burns Special Counsel to the Governing Board as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before October 31, 2019.

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

**PRESENTER:** Bret Banks, Executive Director/APCO.

---

cc: Jean Bracy  
Laquita Cole  
Michelle Powell  
Julie McKeenan

The following page(s) contain the backup material for Agenda Item: 1) Allocate an amount not to exceed \$120,000 in Mobile Source Emission Reduction Program (AB 923) funds for assisting local business owners in replacing older, heavy-duty diesel vehicles with newer, cleaner engine technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman. Presenter: Julie McKeehan, Grants Analyst.

Please scroll down to view the backup material.

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

*AGENDA ITEM #8*

**DATE:** November 19, 2019

**RECOMMENDATION:** 1) Allocate an amount not to exceed \$120,000 in Mobile Source Emission Reduction Program (AB 923) funds for assisting local business owners in replacing older, heavy-duty diesel vehicles with newer, cleaner engine technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman.

**SUMMARY:** This item allocates \$120,000 in Mobile Source Emission Reduction Program (AB 923) for assisting local business owners in replacing older, heavy-duty diesel vehicles that are subject to Truck and Bus (T&B) compliance deadlines from January 1, 2021 through January 1, 2023. Pursuant to funding guidelines, early emissions reduction is one critical criteria of eligibility. Approval of this item authorizes staff to establish eligible projects and move them through the grant process before funding opportunities expire.

**BACKGROUND:** A number of local business owners have contacted the AVAQMD with questions and concerns of the Truck and Bus Regulation (T&B), as well as opportunities for grant assistance. The District has received a number of applications that are in the process of eligibility and expects to receive a number of additional applications prior to the end of 2019 and thereafter through December 2022. The T&B requires all subject vehicles to be replaced with 2010 or newer model year engines; each having its specific compliance date through January 1, 2023. Staff has evaluated and established a variety of previous heavy-duty diesel replacement projects to assert that eligible projects that achieve early emission reductions are cost-effective and helps move the Antelope Valley toward attainment of the national ambient air quality standards.

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cc: Jean Bracy  
Laquita Cole  
Michelle Powell  
Julie McKeegan

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

*AGENDA ITEM #8*

**PAGE 2**

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

**REVIEW BY OTHERS:** This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before October 31, 2019.

**FINANCIAL DATA:** Sufficient funding is available from the District's Mobile Source Emission Reduction Program (AB 923) funds

**PRESENTER:** Julie McKeehan, Grants Analyst.

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$13,158 in Mobile Source Emission Reductions Program (AB 923) funds to Antelope Valley Chevrolet for an electric vehicle charging station; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details, and execute an agreement approved as to legal form by the Office of District Counsel. Presenter: Julie McKeehan, Grants Analyst.  
Please scroll down to view the backup material.



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

*AGENDA ITEM #9*

**DATE:** November 19, 2019

**RECOMMENDATION:** 1) Award an amount not to exceed \$13,158 in Mobile Source Emission Reductions Program (AB 923) funds to Antelope Valley Chevrolet for an electric vehicle charging station; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details, and execute an agreement approved as to legal form by the Office of District Counsel.

**SUMMARY:** This item awards funding to Antelope Valley Chevrolet (AV Chevy) for the purchase and installation of one (1) Level II single-port electric vehicle charging station.

**BACKGROUND:** AV Chevy submitted an application to the District requesting grant funds for the purchase and installation of an electric vehicle (EV) charging station (Project). AV Chevy will own, operate, monitor and maintain the charging station. The purpose of the project serves as preparation and advancement of incoming, new electric vehicle models.

**REASON FOR RECOMMENDATION:** Governing Board approval is needed to approve the grant and allocation from the District's Mobile Source Emission Reductions (AB 923) funds. Additionally, Governing Board authorization is needed for the Executive Director/APCO to negotiate and execute an agreement with the grant recipient.

**REVIEW BY OTHERS:** This item was reviewed by Allison E. Burns Special Counsel to the Governing Board as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or about October 31, 2019.

**FINANCIAL DATA:** Funds are granted from the District's Mobile Source Emission Reductions (AB 923) funds.

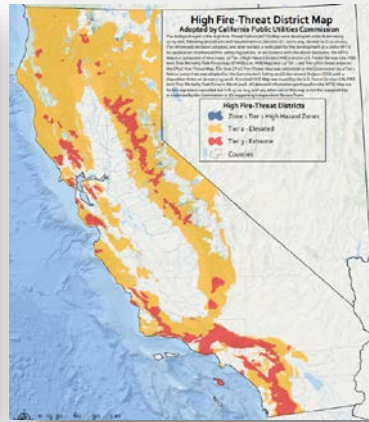
**PRESENTER:** Julie McKeehan, Grants Analyst.

---

cc: Jean Bracy  
Laquita Cole  
Michelle Powell  
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: [Presentation: Managing Public Safety Power Shutoffs. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.



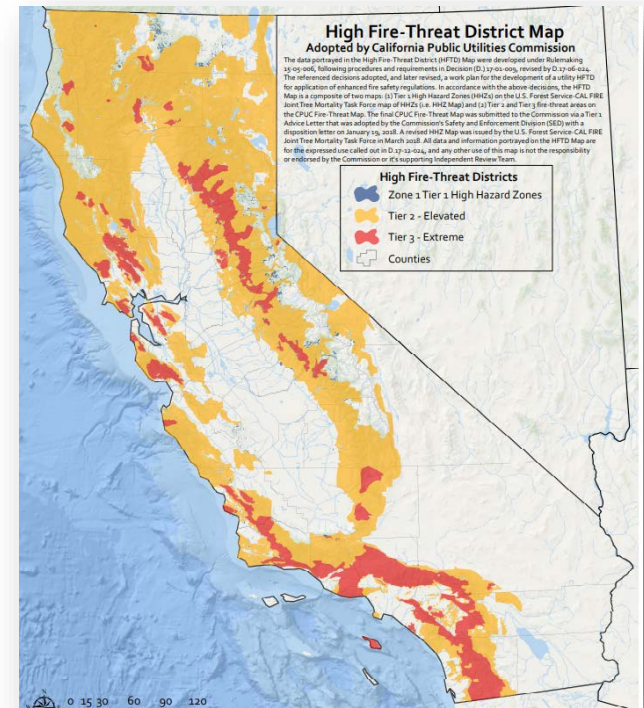
# Managing Public Safety Power Shutoffs

AVAQMD Governing Board Meeting

November 19, 2019

# Mapping High Fire Threat Areas

- Statewide fire-threat map delineate boundaries of high risk areas
  - Tier 2 – Elevated
  - Tier 3 – Extreme
- Developed by collaboration between CPUC and CalFire
- Available online:  
<https://ia.cpuc.ca.gov/firemap/>



# Comprehensive Wildfire Mitigation Plans

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- The State's investor-owned utilities have general authority to shut off electric power to protect public safety under California law.
- Investor-owned utilities to prepare comprehensive wildfire mitigation plans and submit to CPUC for approval
  - Vegetation management;
  - System hardening (e.g. electric line replacement with covered conductors designed to lower wildfire ignitions);
  - New inspection programs and “situational awareness” technologies (e.g. weather stations, high definition cameras, and computer modeling to predict where wildfires are most likely to strike)
  - **Public Safety Power Shutoffs** (e.g. turning the power off)

# Public Safety Power Shutoff Public Health and Safety Impacts

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- Vulnerable Populations- Medical Baseline Customers
- Medical Facilities
- Emergency Service Providers
- Public Service Providers
- Food Storage
- Well Pumps
- Schools
- Residences

# Emissions from Increased Back-up Generator Use

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- Industrial and Commercial
  - Expected increase in use of back-up power
  - Permanent stationary or temporary portable engines
- Residential
  - Utilities encouraging back-up generator use
  - Residential generators use small off-road engines

# Initial Guidance

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- Developed by CARB, CAPCOA, and District Staff
- Reviewed by CARB and District Management

*Fact Sheet and Guidance Document Now Posted*

<https://ww2.arb.ca.gov/our-work/programs/public-safety-power-shutoff-psps-events>

*Governor's Office has declared state of emergency*

<https://www.gov.ca.gov/2019/10/27/governor-newsom-declares-statewide-emergency-due-to-fires-extreme-weather-conditions/>



# Guidance Overview

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## Use of stationary and portable standby engines:

- CARB in-use rules do not apply to small off-road generators
  - Fact sheet provides electrical safety and indoor air quality warnings
  - Demand appears to be outpacing supply of CA certified engines; evaluating options.
- Diesel engine operators must check with their air district
- CARB rules allow diesel engine operations during PSPS
  - Public Safety Power Shutoffs are an emergency
    - These are weather driven events; currently unforeseeable, beyond reasonable control
  - For unregistered portable generators, form 40 is required to CARB
    - Will be forwarded to local air districts upon receipt
    - Engines considered registered for the duration of the event (2455c)
- **Becomes less unforeseen as PSPS continues**

# Quantifying Excess Emissions

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- CARB staff is working to quantify excess emissions, and assess air quality impacts.
- The impacts are expected to be significant
- Residential Generators
  - 1 in 8 households
  - Off the shelf generator sales have increased
- Diesel Generators (>50 bhp)
  - Stationary and PERP are being used
  - Unregistered engines entering CA - (Generally Tier 2 or better so far)

# Impacts of Excess Emissions

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- Localized increases in cancer risk due to diesel PM exposure
- Regional emissions impact ambient ozone and particulate concentrations
- Greenhouse gas emissions from engines undermine California's climate goals

# Potential Framework for Mitigation

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- Use of fossil fueled engines is a poor but necessary choice in the short-term.
  - New engine investments made now run counter to long-term goals.
- A better solution would be to work to mitigate PSPS impacts by building resiliency with low emissions and low carbon solutions
- Proposed steps
  - Quantify excess emissions and look for funding to mitigate
  - Encourage microgrids and alternative technology solutions
  - Solutions will be different in suburban and rural areas.

# Influencing the Design of Wildfire Management Plans

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- CPUC is expanding Wildfire Management Plans
  - Looking at prevention, response, and recovery
  - Broad approach to aligning state forestry management
  - Recognition that air quality and climate is a major consideration
- Discussions at State level are on-going, must expand locally

# Conclusion

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- PSPS response and potential mitigation is a team effort
- Initial guidance allows generator use provided district is consulted on diesel engines for stationary source requirements
- Increased generator use is rational in the short-term but a poor long-term solution
- We have an opportunity to push for better solutions
  - Quantify emissions and air quality impacts
  - Look for opportunities to achieve air quality and climate goals through response to PSPS
  - Resilient microgrids using low carbon, low emissions solutions