

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

*AGENDA ITEM # 10*

**DATE:** November 21, 2023

**RECOMMENDATION:** Conduct a continued public hearing to consider the amendment of Rule 315 - *Federal Clean Air Act Section 185 Penalty (1979 Standard)* and approve California Environmental Quality Act (CEQA) documentation.: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

**SUMMARY:** Rule 315 is proposed for amendment in response to a USEPA disapproval of the current version adopted in 2011 (87 FR 59021, 9/29/2022).

**BACKGROUND:** The Antelope Valley Air Quality Management District (AVAQMD) originally adopted Rule 315 – *Federal Clean Air Act Section 185 Penalty* on February 15, 2011. The AVQMD submitted Rule 315 to the California Air Resources Board (CARB) on March 3, 2011 requesting inclusion in the State Implementation Plan (SIP), and CARB submitted Rule 315 to the United States Environmental Protection Agency (USEPA) in April 2011 as a revision to the State Implementation Plan (SIP). The AVAQMD amended Rule 315 on October 18, 2011 to include additional provisions at the request of USEPA to make the rule approvable and eliminate the possibility of sanctions. On October 31, 2022 published the official disapproval of the 2011 version (87 FR 59021) of Rule 315. The AVAQMD is now amending rule 315 *Federal Clean Air Act Section 185 Penalty (1979 Standard)* in response to USEPA comments.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the amendment of Rule 315 pursuant to the requirements of CEQA.

This item was noticed for the October 17, 2023 Governing Board meeting. The item was continued to the November 21, 2023 Governing Board meeting due to the failure of the District's server; staff was unable to retrieve rule documents.

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

**REVIEW BY OTHERS:** This item was reviewed by Allison Burns, Special Counsel to the Governing Board, as to legal form on or about November 7, 2023.

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

**PRESENTER:** Barbara Lods, Executive Director/APCO

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

*AGENDA ITEM # 10*

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**ACTION OF THE GOVERNING BOARD  
APPROVED**

Upon motion by **KEN MANN**, seconded by **HOWARD HARRIS**, as

Approved by the following vote:

**Ayes: 4 CRIST, ALARCÓN, HARRIS, MANN**

**Noes:**

**Absent: 3 BISHOP, CHELETTE, HAWKINS**

**Abstain:**

**ADRIANNA CASTANEDA, EXECUTIVE ASSISTANT**

**BY *Adrianna Castañeda***

**Dated: November 21, 2023**