

SIP COMPLETENESS CHECKLIST

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All rules submitted to the U.S. Environmental Protection Agency (U.S. EPA) as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the U.S. EPA. Rules will not be evaluated for approvability by the U.S. EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to CARB for submittal to the U.S. EPA, please fill out the following form and include it with the rule package you send CARB. See [40 CFR 51, Appendix V](#). Adopted rules and rule amendments should be checked against U.S. EPA's [Guidance Document for Correcting Common VOC & Other Rule Deficiencies \(AKA, The Little Bluebook\) \(epa.gov\)](#) (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by U.S. EPA.

District: Mojave Desert AQMD
Rule No.: 1160
Rule Title: Internal Combustion Engines
Date Adopted or Amended: January 23, 2023

CHECKLIST

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

Attached	Not Attached	N/A	ADMINISTRATIVE MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	COMPLETE COPY OF THE RULE: Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UNDERLINE AND STRIKEOUT COPY OF THE RULE: If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	COMPLETE COPY OF THE REFERENCED RULE(S): For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to U.S. EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PUBLIC NOTICE EVIDENCE: Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended. The public notice must adhere to the California Health and Safety Code , Sections 40725 through 40727, including 40727.2(f).

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Attached	Not Attached	N/A	ADMINISTRATIVE MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RESOLUTION/MINUTE ORDER: Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PUBLIC COMMENTS AND RESPONSES: Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

Attached	Not Attached	N/A	TECHNICAL MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RULE EVALUATION FORM: See instructions for completing the Rule Evaluation Form and the accompanying sample form.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NON-EPA TEST METHODS: Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to U.S. EPA. U.S. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MODELING SUPPORT: Provide if appropriate. In general, modeling support is not required for VOC and NO _x rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where U.S. EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current U.S. EPA modeling guidelines. If current U.S. EPA modeling guidelines were not used, then new modeling may be required.

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Attached	Not Attached	N/A	TECHNICAL MATERIALS
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM U.S. EPA POLICIES: The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant U.S. EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet U.S. EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are the minimum according to U.S. EPA's RACM/BACM policy.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ADDITIONAL MATERIALS: Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule.

RULE EVALUATION FORM

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PART I: GENERAL INFORMATION

Air District: Mojave Desert AQMD		
Rule Number(s): 1160	Adopted/Amended/Rescinded: Amended	
Date Adopted/Amended/Rescinded: 01/23/2023	Date Submitted to CARB: 01/25/2023	
Rule Title(s): Internal Combustion Engines		
If an Amended Rule, Date Last Amended (or Adopted): 01/22/2018		
Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If no, do not complete the remainder of this form.		
District Contact Person: Michelle Zumwalt	Phone Number: 7660-245-1661 x5756	
Email Address: mzumwalt@mdaqmd.ca.gov		
Narrative Summary of: <input type="checkbox"/> New Rule <input checked="" type="checkbox"/> Amended Rule		
<p>Rule 1160 was last amended on January 22, 2018.</p> <p>On September 10, 2021, the USEPA published a Limited Approval and Limited Disapproval of MDAQMD Rule 1160 – Internal Combustion Engines (86 FR 50613, 9/10/2021). While USEPA approved the majority of the rule, it found that the NOx Emission Reduction Alternative provisions, as found in subsection (C)(2) of the current rule, are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the FCAA. In addition, USEPA also alleged that certain other provisions are not sufficiently enforceable</p> <p>In response, the MDAQMD has amended Rule 1160 to remove the Alternative Compliance Strategies section from the rule in favor of a source-specific emission limit. The District has clarified testing requirements for internal combustion engines in compliance with the rule including testing requirements and frequency. In addition, the District has updated the rule definitions and reorganized language and formatting for clarity.</p>		
Pollutant(s) Regulated by the Rule (check all that apply): <input checked="" type="checkbox"/> ROG <input checked="" type="checkbox"/> CO <input checked="" type="checkbox"/> NOx <input type="checkbox"/> PM <input type="checkbox"/> SO ₂ <input type="checkbox"/> TAC (Name):		

PART II: EFFECT ON EMISSIONS

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.

Net Effect on Emissions: <input type="checkbox"/> Increase <input type="checkbox"/> Decrease <input checked="" type="checkbox"/> N/A
Emission Reduction Commitment in SIP for this Source Category:
Inventory Year Used to Calculate Changes in Emissions:

RULE EVALUATION FORM

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Area Affected: The Federal Ozone Nonattainment Area of MDAQMD
Future Year Control Profile Estimate (provide information on as many years as possible): Facilities are already complying with the rule as written. Amendments in Rule 1160 will help “lock in” a greater amount of emissions reductions than would be achieved by retrofitting those engines.
Baseline Inventory in the SIP for the Control Measure: N/A
Emissions Reduction Commitment in the SIP for the Control Measure: N/A
Revised Baseline Inventory (if any): N/A
Revised Emission Reduction Estimate (if developed): N/A

NOTE: The district’s input to the Rule Evaluation Form will not be used as input to CARB’s emission forecasting and planning.

PART III: SOURCES/ATTAINMENT STATUS

District is: <input type="checkbox"/> Attainment <input type="checkbox"/> Nonattainment <input checked="" type="checkbox"/> Split
Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: Sixty (60)
Percent in Nonattainment Area: 93%
Number of Large (\geq 100 TPY) Sources Controlled: Seven (7)
Percent in Nonattainment Area: 43%
Name(s) and Location(s) (City and County) of Large (\geq 100 TPY) Sources Controlled by Rule (attach additional sheets as necessary): SCG- Newberry Springs. SCG- Adelanto. PG&E Hinkley.

RULE EVALUATION FORM

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PART IV: EMISSION REDUCTION TECHNOLOGY

Does the Rule Include Emission Limits that are Continuous?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, those limits are in which section(s) of the rule? Tables 1, 2 & 3 in section (C)(1) Emissions Limits.		
Other Methods in the Rule for Achieving Emission Reductions: Using a Specific Use Limitation of annual (calendar year) hour limitations, instead of Alternative Compliance Strategies used in previous rule revisions.		

PART V: OTHER REQUIREMENTS

The Rule Contains
Emission Limits in Section(s): (C)(1) Emissions Limits
Work Practice Standards in Section(s): (C)(2) Engine Operations
Recordkeeping Requirements in Section(s): (E) Monitoring and Recordkeeping Requirements
Reporting Requirements in Section(s): (E) Monitoring and Recordkeeping Requirements

PART VI: IMPACT ON AIR QUALITY PLAN

Impact on Air Quality Plan:	<input checked="" type="checkbox"/> No Impact	<input type="checkbox"/> Impacts RFP	<input type="checkbox"/> Impacts Attainment
Discussion: In an effort to address the USEPA concerns with the 2018 rule, the MDAQMD has amended Rule 1160 to remove the Alternative Compliance Strategy section, in favor of a source-specific emission limit. In addition, the District has clarified testing requirements for internal combustion engines in compliance with the rule including testing requirements and frequency. Lastly, the District updated the rule definitions and reorganized language and formatting for clarity. The new hourly limits, were a part of the Alternative Compliance Strategy referenced in the 2018 rule, for which PG&E is already in compliance; therefore, there are no changes in emission limits expected from the 01/23/2023 amendment.			

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

AGENDA ITEM #19

DATE: January 23, 2023

RECOMMENDATION: Conduct continued public hearing to consider the amendment of Rule 1160 – *Internal Combustion Engines*: a. Reopen 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 Rule 1160 and directing staff actions.

SUMMARY: Rule 1160 is proposed for amendment to correct deficiencies as identified by USEPA in its final Limited Approval/Limited Disapproval of the rule into the State Implementation Plan (SIP) at 86 FR 50613, 9/10/2021.

BACKGROUND: 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to USEPA’s Control Technique Guidelines (CTGs) and are “major sources” of the ozone precursors, VOCs and NO_x. Rule 1160 – *Internal Combustion Engines* was last amended on January 22, 2018, to satisfy RACT requirements for the 2008 Ozone NAAQS.

On September 10, 2021, the USEPA published a Limited Approval and Limited Disapproval of MDAQMD Rule 1160 – *Internal Combustion Engines* (86 FR 50613, 9/10/2021). While USEPA approved the majority of the rule, it found that the NO_x Emission Reduction Alternative provisions, as found in subsection (C)(2) of the current rule, are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the FCAA. In addition, USEPA also alleged that certain other provisions are not sufficiently enforceable. As a result of the limited disapproval, The MDAQMD is required to adopt and provide to USEPA a SIP approvable revision of Rule 1160 within 18 months to avoid the imposition of sanctions (namely the suspension of highway funds). In addition, to prevent a FIP from being promulgated by USEPA a SIP approvable revision must be provided within 2 years of the effective date of the limited approval/limited disapproval action.

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In response, the MDAQMD is proposing to amend Rule 1160 to remove the Alternative Compliance Strategies section from the rule in favor of a source-specific emission limit. The District is also clarifying testing requirements for internal combustion engines in compliance with the rule including testing requirements and frequency. In addition, the District is proposing to update the rule definitions and reorganize language and formatting for clarity.

Staff recommends the amendment of Rule 1160 – *Internal Combustion Engines* to obtain USEPA’s full approval into the SIP. The amendments to Rule 1160 address only the disapproved sections of the rule and increase rule clarity to address USEPA’s identified deficiencies. The public hearing to consider the amendment of Rule 1160 was originally noticed for 10/24/2022 and was continued to the 1/23/2023 MDAQMD Governing Board meeting to address additional USEPA concerns.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1160 pursuant to the requirements of CEQA.

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

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel, as to legal form, and by Chris Anderson, Planning and Air Monitoring Supervisor on or before January 9, 2023.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy APCO.

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

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ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **GABRIEL REYES**, seconded by **BARBARA RIORDAN**, as approved by the following **roll call vote**:

Ayes: *12* **ABEL, BECERRA, BENNINGTON, COOK, HERNANDEZ, LEON, MCCORKLE, MINTZ, PEREZ, REYES, RIORDAN, ROWE**

Noes:

Absent: *1* **DECONINCK**

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: January 23, 2023

Ref. Resolution 23-03, "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1160 – *INTERNAL COMBUSTION ENGINES* AND DIRECTING STAFF ACTIONS."

RESOLUTION NO. 23-03

**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT
AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING
THE NOTICE OF EXEMPTION, AMENDING RULE 1160 – *INTERNAL
COMBUSTION ENGINES* AND DIRECTING STAFF ACTIONS.**

On January 23, 2023, on motion by Member **GABRIEL REYES**, seconded by
Member **BARBARA RIORDAN**, and carried, the following resolution is adopted:

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

WHEREAS, the MDAQMD is proposing to amend Rule 1160 – *Internal Combustion
Engines* to update the rule to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182)
which requires that ozone non-attainment areas implement Reasonably Available Control
Technology (RACT) for sources that are subject to Control Technique Guidelines (CTGs)
issued by United States Environmental Protection Agency (USEPA) and for “major sources”
of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) which are ozone
precursors; and

WHEREAS, while there are no CTGs that apply to the Internal Combustion Engine
source category, there are major sources of VOCs and NO_x subject to this rule within the
MDAQMD; and

WHEREAS, Rule 1160 was last amended January 22, 2018 to satisfy these
requirements; and

WHEREAS, On September 10, 2021, the USEPA published a Limited Approval and
Limited Disapproval of MDAQMD Rule 1160; and

WHEREAS, USEPA approved the majority of the rule, it also determined that the
NO_x Emission Reduction Alternative provisions, as found in subsection (C)(2) of the current
rule, are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the
FCAA; and

WHEREAS, USEPA also determined that certain other provisions in the rule were not
sufficiently enforceable; and

RESOLUTION NO. 23-03

1 **WHEREAS**, After the limited disapproval USEPA must impose sanctions within 18
2 months and promulgate a Federal Implementation Plan (FIP) within 24 months of publication
3 of the finalized limited approval and limited disapproval under section 110(c) (42 U.S.C.
4 §7410(c)) unless a subsequent SIP revision of the rule is submitted that corrects the identified
5 deficiencies; and

6 **WHEREAS**, the MDAQMD has developed amendments to Rule 1160 to remove the
7 Alternative Compliance Strategies section from the rule in favor of a source-specific emission
8 limit; and

9 **WHEREAS**, the proposed amendments also address other identified deficiencies by
10 clarifying testing requirements and frequency; and

11 **WHEREAS**, the MDAQMD is also updating certain rule definitions and reorganizing
12 language and formatting for clarity; and

13 **WHEREAS**, the proposed amendments to the Rule are necessary as indicated herein
14 and in the supporting documentation; and

15 **WHEREAS**, the MDAQMD has the authority pursuant to H&S Code §40702 to
16 amend rules and regulations; and

17 **WHEREAS**, the proposed amendments to Rule 1160 are clear in that the meaning can
18 be easily understood by the persons impacted by the Rule; and

19 **WHEREAS**, the amendments to Rule 1160 are in harmony with, and not in conflict
20 with, or contradictory to existing statutes, court decisions, or state or federal regulations
21 because the proposed amendments to Rule 1160 addresses the RACT requirements of 42
22 U.S.C. §§7511a (FCAA §182) for sources for the “major sources” of VOCs and NO_x which
23 have been analyzed to impose reasonable, feasible, and cost-effective measures; and

24 **WHEREAS**, the amendments to Rule 1160 also address alleged deficiencies as
25 identified by USEPA in its rulemaking of September 10, 2021 (86 FR 50643); and

26 **WHEREAS**, the proposed amendments do not impose the same requirements as any
27 existing state or federal regulation because the District is amending this rule to satisfy the
28 RACT provisions of 42 U.S.C. §§7511a (FCAA §182) for sources for the “major sources” of

RESOLUTION NO. 23-03

VOCs and NO_x and to address alleged deficiencies as identified by USEPA in its rulemaking of September 10, 2021 (86 FR 50643); and

WHEREAS, the proposed amendments do not impose the same requirements as federal or state law in that the RACT requirements and the Limited Approval/Limited Disapproval rulemaking are guidance and are not effective without the adoption of changes to the local rule; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H&S Code §40725, concerning the amendments to Rule 1160; and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed amendments to Rule 1160, completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed amendments to Rule 1160, and the MDAQMD Board having determined that the proposed amendments will not have any potential for resulting in any adverse impact upon the environment; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the amendments to Rule 1160 – *Internal Combustion Engines* are necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed amendments to Rule 1160; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule 1160, as set forth in the attachments to this resolution and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately

RESOLUTION NO. 23-03

upon adoption, and that the Executive Office Manager is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

PASSED, APPROVED and ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District by the following vote:

AYES: 12 MEMBER: ABEL, BECERRA, BENNINGTON, COOK, HERNANDEZ, LEON, MCCORKLE, MINTZ, PEREZ, REYES, RIORDAN, ROWE

NOES: MEMBER:

ABSENT: 1 MEMBER: DECONINCK

ABSTAIN: MEMBER:

)
STATE OF CALIFORNIA)
) SS:
COUNTY OF SAN BERNARDINO)
)

I, Deanna Hernandez, Senior Executive Analyst – Confidential, of the Governing Board of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of January 23, 2023.

Deanna Hernandez,

Senior Executive Analyst – Confidential
Mojave Desert Air Quality Management District

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

AGENDA ITEM #6

DATE: September 26, 2022

RECOMMENDATION: Set a date of October 24, 2022, to conduct a public hearing to consider the amendment of District *Rule 1160 — Internal Combustion Engines*.

SUMMARY: The MDAQMD is proposing to amend Rule 1160 – *Internal Combustion Engines* in response to USEPA’s (United States Environmental Protection Agency) Limited Approval and Limited Disapproval (86 FR 50643, 09/10/2021) of the MDAQMD’s most recent 2018 amendment.

BACKGROUND: 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to USEPA’s Control Technique Guidelines (CTGs) and are “major sources” of the ozone precursors, VOCs and NOX. Rule 1160 – *Internal Combustion Engines* was last amended on January 22, 2018, to satisfy RACT requirements for the 2008 Ozone NAAQS.

On September 10, 2021, the USEPA published a Limited Approval and Limited Disapproval of MDAQMD Rule 1160 – *Internal Combustion Engines*. While USEPA approved the majority of the rule, it found that the NOx Emission Reduction Alternative provisions are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the FCAA. In addition, EPA also noted other provisions that are not sufficiently enforceable. As a result of the limited disapproval, the EPA must promulgate a Federal Implementation Plan (FIP) under section 110(c) (42 U.S.C. §7410(c)) unless a subsequent SIP revision of the rule is submitted that corrects deficiencies within 24 months of publication of the finalized limited approval and limited disapproval.

In response, the MDAQMD is proposing to amend Rule 1160 to remove the Alternative Emission Reductions section from the rule in favor of source-specific emission limits. The District is also clarifying testing requirements for internal combustion engines in compliance with the rule, without emissions control equipment, including testing requirements and frequency. In addition, the District is proposing to update the rule definitions and reorganize language and formatting for clarity. Staff recommends the amendment of Rule 1160 – *Internal Combustion Engines* to obtain USEPA’s full approval into the SIP.

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A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of MDAQMD Rule *1160 -Internal Combustion Engines*.

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

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy APCO on or about September 12, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy APCO

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **BARBARA RIORDAN**, seconded by **KARI LEON**, as approved by the following roll call vote:

Ayes: **10** **ABEL, BECERRA, BENNINGTON, COOK, DECONINCK, EVANS,
LEON, MINTZ, RIORDAN, SILVA**

Noes:

Absent: **3** **PEREZ, ROWE, WILLIAMS**

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY Deanna Hernandez

Dated: September 26, 2022

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

AGENDA ITEM #9

DATE: October 24, 2022

RECOMMENDATION: Conduct a public hearing to consider the amendment of Rule 1160 – *Internal Combustion Engines* and approval of California Environmental Quality Act (CEQA) documentation: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Continue public hearing to January 23, 2023.

SUMMARY: Rule 1160 is proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Technique Guidelines (CTGs) and for major sources of ozone precursors. Continuation of this proposed action is necessary to accommodate comments from USEPA in regard to approvability of proposed rule.

BACKGROUND: 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to USEPA’s Control Technique Guidelines (CTGs) and are “major sources” of the ozone precursors, VOCs and NOX. Rule 1160 – *Internal Combustion Engines* was last amended on January 22, 2018, to satisfy RACT requirements for the 2008 Ozone NAAQS.

On September 10, 2021, the USEPA published a Final Limited Approval and Limited Disapproval of MDAQMD Rule 1160 – *Internal Combustion Engines*. While USEPA approved the majority of the rule, it found that the NOx Emission Reduction Alternative provisions are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the FCAA. In addition, EPA also noted other provisions that are not sufficiently enforceable. As a result of the limited disapproval, the EPA must promulgate a Federal Implementation Plan (FIP) under section 110(c) (42 U.S.C. §7410(c)) unless a subsequent SIP revision of the rule is submitted that corrects deficiencies within 24 months of publication of the finalized limited approval and limited disapproval.

In response, the MDAQMD is proposing to amend Rule 1160 to remove the Alternative Emission Reductions section from the rule in favor of source-specific emission limits. The District is also clarifying testing requirements for internal combustion engines in compliance by including testing requirements and frequency.

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OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
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In addition, the District is proposing to update the rule definitions and reorganize language and formatting for clarity. Staff recommends the amendment of Rule 1160 – *Internal Combustion Engines* to obtain USEPA’s full approval into the SIP

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1160 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. 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 Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy APCO on or before October 5, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy APCO

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **TIM SILVA**, seconded by **BRIGIT BENNINGTON**, as approved by the following roll call vote:

Ayes: **10** **ABEL, BECERRA, BENNINGTON, COOK, LEON, MINTZ,
PEREZ, RIORDAN, ROWE, SILVA**

Noes:

Absent: **3** **DECONINCK, EVANS, WILLIAMS**

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY Deanna Hernandez

Dated: October 24, 2022

Appendix “A”

Rule 1160 – *Internal Combustion Engines* Iterated Version

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

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

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RULE 1160

Internal Combustion Engines

(A) General

(1) Purpose

- (a) The purpose of this rule is to limit the emissions of Oxides of Nitrogen (NO_x), Carbon Monoxide (CO), and Volatile Organic Compounds (VOC) from Internal Combustion Engines that are not subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.

(2) Applicability

- (a) This rule applies to any stationary Internal Combustion Engine rated at 50 or more brake horsepower (bhp), when located within the Federal Ozone Nonattainment Area. ~~that does not meet the following:~~
 - ~~(i) Any Internal Combustion Engine rated at less than 50 brake horsepower.~~
 - ~~(ii) Any Internal Combustion Engine operated less than 100 hours in any rolling twelve (12) month period.~~
 - ~~(iii) Any Internal Combustion Engine subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116, or otherwise classified as a Portable Internal Combustion Engine.~~
 - ~~(iv) Any Internal Combustion Engine that is an Emergency Internal Combustion Engine provided that the Internal Combustion Engine does not operate more than 100 hours for non-emergency use in any rolling twelve (12) month period.~~
 - ~~(v) Any Internal Combustion Engine operated on an engine test stand.~~
 - ~~(vi) Any Internal Combustion Engine subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.~~
 - ~~(vii) Any Internal Combustion Engine located outside the Federal Ozone Non-attainment Area.~~
 - ~~(viii) Any Internal Combustion Engine registered with a Statewide Portable Equipment Registration (PERP), provided that the Internal Combustion Engine is operating in compliance with the *Regulation to Establish a Statewide Portable Equipment Registration Program*, Title 13 CCR 2450, and for which the Internal Combustion Engine does not require a local District Permit. [Provisions removed as duplicative of exemptions in subsection (D)(1)]~~

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless the term is otherwise defined herein:

- ~~(1) “Baseline Emission Rate” – Emissions under normal operating conditions, prior to Emission Control Equipment being installed, determined by an emissions compliance test conducted in accordance with the requirements specified in Section (F). The Baseline Emission Rate shall be adjusted to reflect any operational limit or Emission Control Equipment installed prior to January 1, 1991. *[Term removed, no longer referenced in rule.]*~~
- ~~(12)~~ (12) “Emergency Internal Combustion Engines” – Any Internal Combustion Engines which meets any of the following criteria:
- (a) An Internal Combustion Engine driving a generator used at facilities normally serviced with commercial power, where the generators are used exclusively as emergency units during loss of commercial power.
 - (b) An Internal Combustion Engine driving a generator used at facilities normally serviced with an alternative energy supply including, but not limited to, photovoltaic power, where the generators are used exclusively as emergency units during loss of such alternative energy source but no more than 200 hours total per year.
 - (c) An Internal Combustion Engine driving a fire pump or deluge pump that is used exclusively during fire emergency or testing.
 - (d) An Internal Combustion Engine driving an air compressor that is used exclusively during emergency shutdowns and/or to start-up black start engines.
- ~~(23)~~ (23) “Emissions Compliance Test” – An emissions compliance test conducted in accordance with a District approved test protocol pursuant to the District's MDAQMD Compliance Test Procedural Manual.
- ~~(34)~~ (34) “Emission Control Equipment” – Equipment technologies which control Internal Combustion Engine emissions, including, but not limited to, Selective Catalytic Reduction (SCR); Non-Selective Catalytic Reduction (NSCR); Oxidation Catalyst; and fuel, air, and exhaust modifications. This definition excludes diesel particulate filters or traps.
- ~~(54)~~ (54) “Emission Control Plan” – ~~A document which outlines how a Facility will comply with the requirements of this rule. *[Term removed, no longer referenced in rule.]*~~
- ~~(6)~~ (6) “Enhanced Emissions Monitoring Device” – ~~Any automated data recording device or system having both data gathering and retrieval capabilities. Such~~

equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS). *[Provision removed. Term in MDAQMD Rule 102 verbatim]*

- (47) “Internal Combustion Engine” – A spark- or compression-ignited reciprocating engine featuring intermittent combustion within one or more internal chambers to produce useful work by applying a varying force against a reciprocating piston.
- (58) “Lean-burn Engine” – Any Spark-Ignited Internal Combustion Engine that is operated with an exhaust stream oxygen concentration of four (4) percent by volume, or greater prior to any exhaust stream Emission Control Equipment.
- (69) “Portable Internal Combustion Engine” – Internal Combustion Engines which are not operated, nor intended to be operated, at one specific site for more than twelve (12) consecutive months, is not permanently affixed to only one location. Indications of Portable Internal Combustion Engines include, but are not limited to, those that are transportable and may be mounted on mobile sources, trailers, skids, or other platforms.
- (10) “Regulated Air Pollutant” — Any of the following Air Pollutants:
- (a) — Any Air Pollutant, and its Precursors, for which an Ambient Air Quality Standard has been promulgated.
 - (b) — Any Air Pollutant that is subject to a standard under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or the regulations promulgated thereunder.
 - (c) — Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or the regulations promulgated thereunder.
 - (d) — Any Air Pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder. *[Term removed, not referenced in rule.]*
- (47) “Rich-Burn Engine” – Any Spark-Ignited Internal Combustion Engine that is operated with an exhaust stream oxygen concentration of less than four (4) percent by volume prior to any exhaust Emission Control Equipment.
- (128) “Spark-Ignited Internal Combustion Engine” – A liquid or Gaseous Fueled engine designed to ignite its air/fuel mixture by a spark across a spark plug.

(C) Requirements

(1) Emissions Limits

(a) NO_x Emissions

- (i) Internal Combustion Engines subject to this rule shall not exceed the following emission limits in Table 1, unless ~~compliance is demonstrated using an Alternative Compliance Strategy pursuant to subsection (C)(2)~~ the Internal Combustion Engine is subject to (C)(1)(a)(ii). *[Modified to reflect the removal of the Alternative Compliance Strategy Section]*
- (ii) Internal Combustion Engines K-2, K-5, K-6, K-8 and K-9 located at the Pacific Gas & Electric Facility Hinkley Compressor Station in Hinkley, California (or its successor) shall not be in operation for more than a total of 2600 engine-hours per calendar year in aggregate, verified by engine hour meters and use records. Operation in excess of this limit will subject all these engines to (C)(1)(a)(i) and require a demonstration of compliance with that section within 180 days. [Modified to provide emissions unit specific use limitation as opposed to Alternative Compliance Strategy. Testing for NO_x (excluded in prior draft versions) is added in response to USEPA suggestion of 12/7/2022 solely to determine emissions]

Table 1 NO_x Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent volume stack gas oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	NO_x Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	50 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	125 ppmv
Compression-Ignited Internal Combustion Engine	80 ppmv

(b) VOC Emissions

- (i) Internal Combustion Engine(s) subject to this rule shall not exceed the following emission limits for VOC, as listed in Table 2, ~~unless unless compliance is demonstrated using an Alternative Compliance Strategy pursuant to subsection (C)(2), or the Internal Combustion Engine is subject to (C)(1)(b)(ii)~~ *[Modified to reflect the removal of the Alternative Compliance Strategy Section]*.
- (ii) Internal Combustion Engines located at the Facility of Southern California Gas, Newberry Springs ~~(or its successor)~~ shall not exceed the VOC limit of 255 ppmv, referenced at 15 percent,

volume stack gas, oxygen measured on a dry basis and averaged over 15 consecutive minutes.

Table 2 VOC Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent, volume stack gas, oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	VOC Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	106 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	106 ppmv
Compression-Ignited Internal Combustion Engine	106 ppmv

(c) CO Emissions

- (i) Internal Combustion Engines subject to this rule shall not exceed the following emission limits in Table 3, ~~unless compliance is demonstrated using an Alternative Compliance Strategy pursuant to subsection (C)(2).~~ *[Modified to reflect the removal of the Alternative Compliance Strategy Section]*

Table 3 CO Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent volume stack gas oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	CO Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	4500 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	4500 ppmv
Compression-Ignited Internal Combustion Engine	4500 ppmv

- ~~(b) — NO_x Emission Reduction Alternative~~
- ~~(i) — In lieu of complying with the NO_x emission limits specified in Table 1 of subsection (C)(1), a Facility may request for an alternative compliance strategy of NO_x emission reductions.~~
- ~~a. — A request for demonstrating the NO_x emission reductions alternative shall be made in writing and is subject to District and USEPA approval.~~
- ~~(ii) — For NO_x emissions only, the NO_x emission reduction alternative compliance strategy is a specified minimum percent reduction in NO_x emissions from the Baseline Emissions Rate. Baseline Emission Rate shall be measured in accordance with the applicable test method in section (F)(1).~~
- ~~(iii) — The VOC and CO emission standards listed in subsection (C)(1) continue to apply when the NO_x emission reduction alternative~~

compliance strategy is used to demonstrate compliance with this rule.

- (iv) Internal Combustion Engines opting for the NO_x emission reduction alternative compliance strategy, shall achieve at least the following minimum reductions, listed in Table 4:

Table 4 NO _x Emission Reduction Alternative (percent reductions of NO _x from the Baseline Emission Rate)	
Engine Type	NO _x Reduction
Spark Ignited Internal Combustion Engine, Rich Burn	90 percent
Spark Ignited Internal Combustion Engine, Lean Burn	80 percent
Compression Ignited Internal Combustion Engine	90 percent

- (v) The percent reduction as measured across the Emission Control Equipment or relative to the Baseline Emission Rate of each Emissions Unit shall be determined on an emission rate basis, and is not required by any other federally enforceable provision.
- a. A Facility may use Aggregate Emissions to comply with the NO_x Emission Reduction Alternative, upon District approval.
- b. A Facility using Aggregate Emissions to comply with the NO_x Emission Reduction Alternative must demonstrate an environmental benefit by increasing the amount of emissions reductions generated by at least ten (10) percent.
1. The environmental benefit must be in addition to the emission reductions required to comply directly with this rule.
2. Violations of any aggregate provision shall be considered a violation for every emissions unit included in the aggregate.
- (c) All alternative compliance strategies shall be made on a case-by-case basis by the District in consultation with the Facility.
- (d) A Baseline Emission Rate shall be determined for each Internal Combustion Engine opting for an alternative compliance strategy.
- (e) Internal Combustion Engines that are utilizing an alternative compliance strategy shall contain specific enforceable operating conditions which will ensure compliance with the selected alternative compliance strategy and subsequent emission limit(s) on the corresponding Internal Combustion Engine's Authority to Construct/Permit to Operate (ATC/PTO) permit.
- (f) An Emission Control Plan, pursuant to subsection (C)(3), is required for Facilities utilizing an alternative control strategy.

~~(3) — Emission Control Plan~~

- ~~(a) — An Emission Control Plan shall be required for those Facilities that:~~
 - ~~(i) — Have an Internal Combustion Engine that utilizes an alternative compliance strategy, as listed under subsection (C)(2), to demonstrate compliance with this rule;~~
- ~~(b) — All affected Internal Combustion Engines within the Facility shall be addressed within the Emission Control Plan. Each Internal Combustion Engine shall be identified as to which option for emissions compliance applies, i.e. the per Internal Combustion Engine ppmv limit, the per Internal Combustion Engine adjusted ppmv limit, or the per Internal Combustion Engine percent NO_x reduction limit. The specific emission designation shall be recorded onto the corresponding Authority to Construct/Permit to Operate (ATC/PTO) permit along with any specific operating limits or emissions limits pertaining to the specific Internal Combustion Engine, as enforceable permit conditions.~~
- ~~(c) — The Emission Control Plan shall be approved by the Air Pollution Control Officer (APCO) in writing.~~
- ~~(d) — For new Internal Combustion Engines and modifications to existing Internal Combustion Engines, the Emission Control Plan shall be submitted to and approved by the District prior to issuance of the Authority to Construct/Permit to Operate (ATC/PTO) permit.~~
- ~~(e) — The owner/operator may petition in writing for a change to the Emission Control Plan at any time.~~
- ~~(f) — The Emission Control Plan shall include the following (if applicable):~~
 - ~~(i) — An explanation of why installation of Emission Control Equipment cannot be achieved by the compliance date; and a schedule that demonstrates compliance with subsections (C)(1) or (C)(2) by the earliest practicable date.~~
 - ~~(ii) — The manufacturer, model number, unit identification (e.g. serial) number, rated horsepower, fuel type, and combustion method (i.e., Rich Burn or Lean Burn or Compression Ignited) of each Internal Combustion Engine;~~
 - ~~(iii) — A description of the Emission Control Equipment installed on the Internal Combustion Engine (if any), including unit identification (e.g. serial) number, type (e.g., nonselective catalyst, "clean burn" combustion, etc.) and manufacturer, as well as a description of any ancillary equipment related to the control of emissions (e.g., automatic air/fuel ratio controller, fuel valves, etc.).~~

- ~~a. The operator shall notify the District of any replacement of such Emission Control Equipment and the new serial or identification numbers.~~
- ~~(iv) The Facility, company, Authority to Construct/Permit to Operate numbers and the location of the engine by a schematic of the affected Facilities.~~
- ~~(v) A specific emission inspection procedure for each Internal Combustion Engine to ensure that the engine is operated in strict accordance with the manufacturer's specifications and in continual compliance with the provisions of this rule.~~
 - ~~a. The procedure shall include an operator's inspection schedule. [Removed to address issues identified in 86 FR 29227, 6/1/2021 and the Technical Support Document produced in conjunction with the rulemaking.]~~

(2) Engine Operations

- (a) All engines subject to this rule shall be operated in a manner such that emissions are minimized, in conformance with good combustion practices and in compliance with manufacturer's recommendations. *[Added in response to USEPA suggestion of 12/7/2022]*

(D) Exemptions

- (1) The provisions of this rule shall not apply to:
 - (a) Any Internal Combustion Engine rated at less than 50 brake horsepower.
 - (b) Any Internal Combustion Engine operated less than 100 hours in any rolling twelve (12) month period.
 - (c) Any Internal Combustion Engine subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116, or otherwise classified as a Portable Internal Combustion Engine.
 - (d) Any Internal Combustion Engine that is an Emergency Internal Combustion Engine provided that the Internal Combustion Engine does not operate more than 100 hours for non-emergency use in any rolling twelve (12) month period.
 - (e) Any Internal Combustion Engine operated on an engine test stand.
 - (f) Any Internal Combustion Engine subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.
 - (g) Any Internal Combustion Engine located outside the Federal Ozone Non-attainment Area.

- (h) Any Internal Combustion Engine registered with a Statewide Portable Equipment Registration (PERP), provided that the Internal Combustion Engine is operating in compliance with the *Regulation to Establish a Statewide Portable Equipment Registration Program*, Title 13 CCR 2450, and for which the Internal Combustion Engine does not require a local District Permit.
- (2) Any Facility claiming any of the above exemptions shall maintain the following records and documentation for compliance determination. These records and documentation must be readily available, and be made available to the District upon request:
 - (a) Documentation from the manufacturer that documents the rated brake horsepower of the Internal Combustion Engine, such as:
 - (i) Manufacturer specification documents; and/or,
 - (ii) Manufacturer nameplate that is affixed to the engine.
 - (b) Records of the monthly operation in terms of hours.
 - (i) The hours of operation must be documented from a non-resettable, four-digit (9,999), hour timer that is installed and maintained on the Internal Combustion Engine to indicate elapsed engine operating time.
 - (ii) The monthly operation records must be retained for a period of at least five (5) years.
 - (c) Documentation that demonstrates that the Internal Combustion Engine is subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116.; or, that the Internal Combustion Engine is otherwise classified as a Portable Internal Combustion Engine, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of the above regulation; and/or, designates the Internal Combustion Engine as a Portable Internal Combustion Engine.
 - (d) Documentation that demonstrates that the Internal Combustion Engine is an Emergency Internal Combustion Engine, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of emergency use; and, designates the Internal Combustion Engine is an Emergency Internal Combustion Engine.

- (e) Documentation that demonstrates that the Internal Combustion Engine operates on an engine test stand as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of an engine test stand, and designates the Internal Combustion Engine is an Internal Combustion Engine operating on a test stand.
- (f) Documentation that demonstrates that the Internal Combustion Engine is subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of District Rule 1160.1 – Internal Combustion Engines in Agricultural Operations; or,
 - (ii) A District agricultural engine registration for the Internal Combustion Engine that designates the requirements of District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.
- (g) Documentation that demonstrates the Internal Combustion Engine is located outside the Federal Ozone Non-attainment Area; as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the address of operation.
- (h) Documentation that the Internal Combustion Engine has a Statewide Portable Equipment Registration (PERP), as follows:
 - (i) A copy of the valid PERP registration; and,
 - (ii) A valid PERP registration sticker affixed to the Internal Combustion Engine.

(E) Monitoring and Recordkeeping Requirements

(1) Monitoring

- (a) The owner or operator of any Internal Combustion Engine subject to this rule must:
 - (i) Conduct inspections, whichever is the more frequent of, at least once every calendar quarter; or, after every 2,000 hours of engine operation.
 - a. An inspection includes any testing, maintenance, and/or other procedures that ensure the Internal Combustion Engine is operated in strict accordance with the manufacturer's specifications and in continual compliance

with the provisions of this rule. Each inspection must include the following:

1. Date.
2. Records of testing, as applicable.
3. Records of maintenance.

(ii) Install and maintain a non-resettable, four-digit (9,999), hour timer to indicate elapsed engine operating timer. [Added in response to USEPA suggestion of 12/7/2022]

(b) The owner or operator of any Internal Combustion Engine equipped with existing Emission Control Equipment or required to install Emissions Control Equipment to achieve compliance with this rule shall:

- (i) Install, operate, and maintain in calibration, the following monitoring equipment, as approved by the APCO:
 - a. Continuous measurement and recording of Emissions Control System Operating Parameters;
 - b. Continuous measurement and recording of elapsed time of operation; and,
 - c. An Enhanced Emissions Monitoring Device.

(ii) Compliance shall be verified at least once in every twelve (12) month period by an emissions compliance test.

- a. Testing frequency may be reduced per the following provisions:
 1. If a compliance test demonstrates compliance with the provisions of this rule, the frequency of the compliance test may be extended to once every twenty-~~four~~ (24) months. [Typographical error correction]
 2. Failure of a compliance test or failure to complete the compliance test within the required frequency resets the compliance test frequency to at least once in every twelve (12) month period.
- b. At a minimum, emissions compliance testing shall be conducted for NO_x, VOC, CO and oxygen (O₂) levels in compliance with the provisions of the District's MDAQMD Compliance Test Procedural Manual.

(c) The owner or operator of any Internal Combustion Engine, without Emission Control Equipment, that is in compliance ~~without Emission Control Equipment~~ complies with this rule, ~~without Emission Control Equipment~~ shall demonstrate compliance with either section (E)(1)(c)(i), or (c)(ii) and (iii):

- (i) Demonstrate compliance, as verified via USEPA Certification, CARB Executive Order, and/or District-approved test results, certifying the engine was tested in accordance with 40 CFR Part 1065 and that the engine:

- a. Conforms to CARB and/or USEPA emission requirements; and,
 - b. The engine emission rates meet the applicable requirements in Section (C)(1)(a), (C)(1)(b), and (C)(1)(c) above; and,
 - c. Is verified by the operation of an Enhanced Emissions Monitoring Device.
- through CARB and/or EPA certification that the EPA/CARB Engine Family:
- a. Conforms to both CARB and/or EPA requirements.
 - b. The EPA/CARB Engine Family emission rates meet the applicable requirements in Section (C)(1)(a), (C)(1)(b), and (C)(1)(c) above.
 - c. Verified by the operation of an Enhanced Emissions Monitoring Device.
- ~~emission rates meeting emission limits established in the *****;~~
[Modified for clarity]
- (ii) Demonstrate initial compliance; by completing a compliance test for NO_x, VOC, CO and oxygen (O₂) levels within 180 days of permit issuance in accordance with the MDAQMD Compliance Test Procedural Manual; and *[Derived from SCAQMD 1110.2 RACT/SIP Rule]*
 - (iii) Demonstrate continued compliance by conducting a compliance test for NO_x, VOC, CO and oxygen (O₂) levels every 60 months, or 8760 hours of operation, whichever comes first, in accordance with the MDAQMD Compliance Test Procedural Manual.
[Derived from SacMetro 412, RACT/SIP Rule]
~~an emission compliance test. At a minimum, emissions compliance testing shall be conducted for NO_x, VOC, CO and oxygen (O₂) levels in compliance with the provisions of the District's Compliance Test Procedural Manual; or,~~
 - (ii) ~~Demonstrate compliance through certified manufacturer emission rates.~~ *[Modified to address issues identified in 86 FR 29227, 6/1/2021 and the Technical Support Document produced in conjunction with the rulemaking.]*
- (d) Compliance verification, as specified in subsections (E)(1)(b) and/or (E)(1)(c) shall be satisfied:
- (i) Within 180 days of the date of rule adoption;⁵ or
 - (ii) Within 180 days of the installation of an Emission Control Equipment; or⁵
 - (iii) Within 180 days of an Internal Combustion Engine becoming subject to this rule, whichever is later.

(2) Recordkeeping Requirements

- (a) The owner/operator of any engine subject to the provisions of Section (C) of this rule shall maintain a log for each Internal Combustion Engine containing, at a minimum, the following data:
 - (i) District ~~Authority to Construct/Permit to Operate (ATC/PTO)~~ Permit number, unit identification number, and Emissions Control Equipment identification number, when applicable. *[Modified for Clarity]*
 - (ii) Quarterly fuel use and quarterly hours of operation, on a calendar quarter basis.
 - (iii) The date and a summary of any emissions corrective maintenance taken.
 - ~~(iv) The Facility's District approved Emission Control Plan, if applicable.~~ *[Removed as unnecessary due to the removal of the Alternative Compliance Strategy Section]*
- (b) The owner/operator shall maintain the records, on site, for a period of five (5) years, and shall be readily available, to the District upon request.

(F) Test Methods

Compliance with the requirements of section (C) shall be determined, as required, in accordance with the following test procedures or any other method approved by USEPA and the APCO:

- (1) Oxides of nitrogen - USEPA Method 7E, or ARB Method 100.
- (2) Carbon monoxide - USEPA Method 10, or ARB Method 100.
- (3) Stack gas oxygen - USEPA Method 3 or 3A, or ARB Method 100.
- (4) Volatile organic compounds - USEPA Method 18, 25A or 25B, or ARB Method 100.
- (5) Determination of the exempt compounds, shall be performed in accordance with ASTM Test Method D 4457-85 (Solvents and Coatings) and be consistent with the provisions set forth in the Federal Register (FR, Vol. 56, No. 52, March 18, 1991). Perfluorocarbon compounds shall be assumed to be absent from a product or process unless a manufacturer or facility operator identifies a specific compound or compounds from the broad classes of perfluorocarbons listed in 40 CFR 51.100(s)(1) as being present in the product or process. When such compounds are identified, the facility shall provide the test method to determine the amount(s) of the specific compound(s).

(G) Compliance Schedule

- (1) Any Facility and/or owner/operator with Internal Combustion Engines subject to this rule must comply with this rule as of the date of the latest amendment~~no later than twelve (12) months from the most recent amendment date of this rule.~~

See SIP Table at <http://www.mdaqmd.ca.gov>

RULE 1160

Internal Combustion Engines

(A) General

(1) Purpose

- (a) The purpose of this rule is to limit the emissions of Oxides of Nitrogen (NO_x), Carbon Monoxide (CO), and Volatile Organic Compounds (VOC) from Internal Combustion Engines that are not subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.

(2) Applicability

- (a) This rule applies to any stationary Internal Combustion Engine rated at 50 or more brake horsepower (bhp), when located within the Federal Ozone Nonattainment Area.

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless the term is otherwise defined herein:

- (1) “Emergency Internal Combustion Engines”– Any Internal Combustion Engines which meets any of the following criteria:
 - (a) An Internal Combustion Engine driving a generator used at facilities normally serviced with commercial power, where the generators are used exclusively as emergency units during loss of commercial power.
 - (b) An Internal Combustion Engine driving a generator used at facilities normally serviced with an alternative energy supply including, but not limited to, photovoltaic power, where the generators are used exclusively as emergency units during loss of such alternative energy source but no more than 200 hours total per year.
 - (c) An Internal Combustion Engine driving a fire pump or deluge pump that is used exclusively during fire emergency or testing.
 - (d) An Internal Combustion Engine driving an air compressor that is used exclusively during emergency shutdowns and/or to start-up black start engines.

- (2) “Emissions Compliance Test” – An emissions compliance test conducted in accordance with a District approved test protocol pursuant to the MDAQMD Compliance Test Procedural Manual.
- (3) “Emission Control Equipment” – Equipment technologies which control Internal Combustion Engine emissions, including, but not limited to, Selective Catalytic Reduction (SCR); Non-Selective Catalytic Reduction (NSCR); Oxidation Catalyst; and fuel, air, and exhaust modifications. This definition excludes diesel particulate filters or traps.
- (4) “Internal Combustion Engine” – A spark- or compression-ignited reciprocating engine featuring intermittent combustion within one or more internal chambers to produce useful work by applying a varying force against a reciprocating piston.
- (5) “Lean-burn Engine” – Any Spark-Ignited Internal Combustion Engine that is operated with an exhaust stream oxygen concentration of four (4) percent by volume, or greater prior to any exhaust stream Emission Control Equipment.
- (6) “Portable Internal Combustion Engine” – Internal Combustion Engines which are not operated, nor intended to be operated, at one specific site for more than twelve (12) consecutive months, is not permanently affixed to only one location. Indications of Portable Internal Combustion Engines include, but are not limited to, those that are transportable and may be mounted on mobile sources, trailers, skids, or other platforms.
- (7) “Rich-Burn Engine” – Any Spark-Ignited Internal Combustion Engine that is operated with an exhaust stream oxygen concentration of less than four (4) percent by volume prior to any exhaust Emission Control Equipment.
- (8) “Spark-Ignited Internal Combustion Engine” – A liquid or Gaseous Fueled engine designed to ignite its air/fuel mixture by a spark across a spark plug.

(C) Requirements

(1) Emissions Limits

(a) NOX Emissions

- (i) Internal Combustion Engines subject to this rule shall not exceed the following emission limits in Table 1, unless the Internal Combustion Engine is subject to (C)(1)(a)(ii).
- (ii) Internal Combustion Engines K-2, K-5, K-6, K-8 and K-9 located at the Pacific Gas & Electric Facility Hinkley Compressor Station in Hinkley, California (or its successor) shall not be in operation for more than a total of 2600 engine-hours per calendar year in aggregate, verified by engine hour meters and use records. Operation in excess of this limit will subject all these engines to (C)(1)(a)(i) and require a demonstration of compliance with that section within 180 days.

Table 1 NO_x Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent volume stack gas oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	NO_x Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	50 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	125 ppmv
Compression-Ignited Internal Combustion Engine	80 ppmv

(b) VOC Emissions

- (i) Internal Combustion Engine(s) subject to this rule shall not exceed the following emission limits for VOC, as listed in Table 2, unless the Internal Combustion Engine is subject to (C)(1)(b)(ii).
- (ii) Internal Combustion Engines located at the Facility of Southern California Gas, Newberry Springs (or its successor) shall not exceed the VOC limit of 255 ppmv, referenced at 15 percent, volume stack gas, oxygen measured on a dry basis and averaged over 15 consecutive minutes.

Table 2 VOC Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent, volume stack gas, oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	VOC Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	106 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	106 ppmv
Compression-Ignited Internal Combustion Engine	106 ppmv

(c) CO Emissions

- (i) Internal Combustion Engines subject to this rule shall not exceed the following emission limits in Table 3.

Table 3 CO Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent volume stack gas oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	CO Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	4500 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	4500 ppmv
Compression-Ignited Internal Combustion Engine	4500 ppmv

(2) Engine Operations

- (a) All engines subject to this rule shall be operated in a manner such that emissions are minimized, in conformance with good combustion practices and in compliance with manufacturer's recommendations.

(D) Exemptions

(1) The provisions of this rule shall not apply to:

- (a) Any Internal Combustion Engine rated at less than 50 brake horsepower.
- (b) Any Internal Combustion Engine operated less than 100 hours in any rolling twelve (12) month period.
- (c) Any Internal Combustion Engine subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116, or otherwise classified as a Portable Internal Combustion Engine.
- (d) Any Internal Combustion Engine that is an Emergency Internal Combustion Engine provided that the Internal Combustion Engine does not operate more than 100 hours for non-emergency use in any rolling twelve (12) month period.
- (e) Any Internal Combustion Engine operated on an engine test stand.
- (f) Any Internal Combustion Engine subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.
- (g) Any Internal Combustion Engine located outside the Federal Ozone Nonattainment Area.
- (h) Any Internal Combustion Engine registered with a Statewide Portable Equipment Registration (PERP), provided that the Internal Combustion Engine is operating in compliance with the *Regulation to Establish a Statewide Portable Equipment Registration Program*, Title 13 CCR 2450, and for which the Internal Combustion Engine does not require a local District Permit.

(2) Any Facility claiming any of the above exemptions shall maintain the following records and documentation for compliance determination. These records and documentation must be readily available, and be made available to the District upon request:

- (a) Documentation from the manufacturer that documents the rated brake horsepower of the Internal Combustion Engine, such as:
 - (i) Manufacturer specification documents; and/or,
 - (ii) Manufacturer nameplate that is affixed to the engine.

- (b) Records of the monthly operation in terms of hours.
 - (i) The hours of operation must be documented from a non-resettable, four-digit (9,999), hour timer that is installed and maintained on the Internal Combustion Engine to indicate elapsed engine operating time.
 - (ii) The monthly operation records must be retained for a period of at least five (5) years.
- (c) Documentation that demonstrates that the Internal Combustion Engine is subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116.; or, that the Internal Combustion Engine is otherwise classified as a Portable Internal Combustion Engine, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of the above regulation; and/or, designates the Internal Combustion Engine as a Portable Internal Combustion Engine.
- (d) Documentation that demonstrates that the Internal Combustion Engine is an Emergency Internal Combustion Engine, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of emergency use; and, designates the Internal Combustion Engine is an Emergency Internal Combustion Engine.
- (e) Documentation that demonstrates that the Internal Combustion Engine operates on an engine test stand as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of an engine test stand, and designates the Internal Combustion Engine is an Internal Combustion Engine operating on a test stand.
- (f) Documentation that demonstrates that the Internal Combustion Engine is subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of District Rule 1160.1 – Internal Combustion Engines in Agricultural Operations; or,
 - (ii) A District agricultural engine registration for the Internal Combustion Engine that designates the requirements of District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.

- (g) Documentation that demonstrates the Internal Combustion Engine is located outside the Federal Ozone Nonattainment Area; as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the address of operation.
- (h) Documentation that the Internal Combustion Engine has a Statewide Portable Equipment Registration (PERP), as follows:
 - (i) A copy of the valid PERP registration; and,
 - (ii) A valid PERP registration sticker affixed to the Internal Combustion Engine.

(E) Monitoring and Recordkeeping Requirements

(1) Monitoring

- (a) The owner or operator of any Internal Combustion Engine subject to this rule must:
 - (i) Conduct inspections, whichever is the more frequent of, at least once every calendar quarter; or, after every 2,000 hours of engine operation.
 - a. An inspection includes any testing, maintenance, and/or other procedures that ensure the Internal Combustion Engine is operated in strict accordance with the manufacturer's specifications and in continual compliance with the provisions of this rule. Each inspection must include the following:
 - 1. Date.
 - 2. Records of testing, as applicable.
 - 3. Records of maintenance.
 - (ii) Install and maintain a non-resettable, four-digit (9,999), hour timer to indicate elapsed engine operating timer.
- (b) The owner or operator of any Internal Combustion Engine equipped with existing Emission Control Equipment or required to install Emissions Control Equipment to achieve compliance with this rule shall:
 - (i) Install, operate, and maintain in calibration, the following monitoring equipment, as approved by the APCO:
 - a. Continuous measurement and recording of Emissions Control System Operating Parameters;
 - b. Continuous measurement and recording of elapsed time of operation; and,
 - c. An Enhanced Emissions Monitoring Device.
 - (ii) Compliance shall be verified at least once in every twelve (12) month period by an emissions compliance test.

- a. Testing frequency may be reduced per the following provisions:
 - 1. If a compliance test demonstrates compliance with the provisions of this rule, the frequency of the compliance test may be extended to once every twenty-four (24) months.
 - 2. Failure of a compliance test or failure to complete the compliance test within the required frequency resets the compliance test frequency to at least once in every twelve (12) month period.
 - b. At a minimum, emissions compliance testing shall be conducted for NO_x, VOC, CO and oxygen (O₂) levels in compliance with the provisions of the MDAQMD Compliance Test Procedural Manual.
- (c) The owner or operator of any Internal Combustion Engine, without Emission Control Equipment, that complies with this rule shall demonstrate compliance with either section (E)(1)(c)(i), or (c)(ii) and (iii):
 - (i) Demonstrate compliance, as verified via USEPA Certification, CARB Executive Order, and/or District-approved test results, certifying the engine was tested in accordance with 40 CFR Part 1065 and that the engine:
 - a. Conforms to CARB and/or USEPA emission requirements; and,
 - b. The engine emission rates meet the applicable requirements in Section (C)(1)(a), (C)(1)(b), and (C)(1)(c) above; and,
 - c. Is verified by the operation of an Enhanced Emissions Monitoring Device.
 - (ii) Demonstrate initial compliance; by completing a compliance test for NO_x, VOC, CO and oxygen (O₂) levels within 180 days of permit issuance in accordance with the MDAQMD Compliance Test Procedural Manual; and
 - (iii) Demonstrate continued compliance by conducting a compliance test for NO_x, VOC, CO and oxygen (O₂) levels every 60 months, or 8760 hours of operation, whichever comes first, in accordance with the MDAQMD Compliance Test Procedural Manual.
- (d) Compliance verification, as specified in subsections (E)(1)(b) and/or (E)(1)(c) shall be satisfied:
 - (i) Within 180 days of the date of rule adoption; or
 - (ii) Within 180 days of the installation of an Emission Control Equipment; or
 - (iii) Within 180 days of an Internal Combustion Engine becoming subject to this rule, whichever is later.

For San Bernardino County

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Sbc Mojave Desert Air Quality
Sbc Mojave Desert Air Quality
14306 Park AVE
Victorville CA 92392-2310

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I, being duly sworn, says:

That I am the Legal Clerk of the Daily Press, a daily newspaper of general circulation, printed and published in Victorville, San Bernardino Count, California; that the publication, a copy of which is attached hereto, was published in the said newspaper in the issues dated:

09/29/2022

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 09/29/2022

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 24, 2022 at 10:00 A.M. to consider the rescission of SCAQMD Rule 443 - *Labeling of Solvents* which is in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County, and replace it with MDAQMD Rule 443 - *Labeling of Solvents*. The amendment of MDAQMD Rule 1160 - *Internal Combustion Engines* will also be heard at this hearing.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission of SCAQMD Rule 443 - *Labeling of Solvents* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 443 - *Labeling of Solvents*; and proposed amendment of MDAQMD Rule 1160 - *Internal Combustion Engines* are on file and may be obtained from the Senior Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Poiriez, APCO at the above office address. Written comments should be received no later than October 20, 2022 to be considered. If you have any questions you may contact Michelle Zumwalt at (760) 245-1661 x5756 for further information. Traducción esta disponible por solicitud.

This action on SCAQMD and MDAQMD rules is proposed to allow USEPA to clean up and consolidate the SIP rules for the MDAQMD such that Blythe and the rest of the Palo Verde Valley are subject to the same SIP approved Rule 443 currently published in the MDAQMD Rulebook.

This rule action is in response to USEPA's limited approval and limited disapproval on Rule 1160 - *Internal Combustion Engines*, last amended on January 22, 2018. The proposed amendment addresses the disapproved elements to produce an approvable rule for the SIP (State Implementation Plan).

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD 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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For Riverside County

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Mojave Desert Air Quality Management District
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Publication: The Press-Enterprise

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Ad Desc: 0011562302

FILE NO. 0011562302

PROOF OF PUBLICATION

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/29/2022

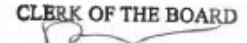
I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Date: September 29, 2022.
At: Riverside, California


Signature

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SEP 29 2022

CLERK OF THE BOARD
BY 

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The Press-Enterprise
Published: 9/29/22

Notice of Hearing 443/1160 (5209382) - Page 1 of 1



Staff Report

Rule 1160 — *Internal Combustion Engines*

January, 2023

**Mojave Desert
Air Quality
Management District**

14306 Park Avenue
Victorville, CA 92392-2310
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List of Acronyms

APCO	Air Pollution Control Officer
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEMS	Continuous Emissions Monitoring
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CTG	Control Technique Guidelines
EPA	Environmental Protection Agency (See USEPA)
FCAA	Federal Clean Air Act
FIP	Federal Implementation Plan
FONA	Federal Ozone Nonattainment Area
H&S Code	California Health & Safety Code
IC	Internal Combustion
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
NAAQS	National Ambient Air Quality Standards
NO _x	Oxides of Nitrogen
PEMS	Parametric or Predictive Emissions Unit
PM	Particulate Matter
RACT	Reasonably Available Control Technology
SCAQMD	South Coast Air Quality Management District
SIP	State Implementation Plan
SO _x	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

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STAFF REPORT

Rule 1160 – *Internal Combustion Engines*

I. PURPOSE OF STAFF REPORT

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

II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H&S Code) §40702, to adopt, amend or repeal rules and regulations.

42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to USEPA's Control Technique Guidelines (CTGs) and are "major sources" of the ozone precursors, VOCs and NO_x. Rule 1160 – *Internal Combustion Engines* was last amended on January 22, 2018, to satisfy RACT requirements for the 2008 Ozone NAAQS.

On September 10, 2021, the USEPA published a Limited Approval and Limited Disapproval of MDAQMD Rule 1160 – *Internal Combustion Engines* (86 FR 50613, 9/10/2021). While USEPA approved the majority of the rule, it found that the NO_x Emission Reduction Alternative provisions, as found in subsection (C)(2) of the current rule, are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the FCAA. In addition, USEPA also alleged that certain other provisions are not sufficiently enforceable. As a result of the limited disapproval, The MDAQMD is required to adopt and provide to USEPA a SIP approvable revision of Rule 1160 within 18 months to avoid the imposition of sanctions (namely the suspension of highway funds). In addition, to prevent a FIP from being promulgated by USEPA a SIP approvable revision must be provided within 2 years of the effective date of the limited approval/limited disapproval action.

In response, the MDAQMD has amended Rule 1160 to remove the Alternative Compliance Strategies section from the rule in favor of a source-specific emission limit. The District has clarified testing requirements for internal combustion engines in compliance with the rule including testing requirements and frequency. In addition, the District has updated the rule definitions and reorganized language and formatting for clarity.

Staff recommended the amendment of Rule 1160 – *Internal Combustion Engines* to obtain USEPA’s full approval into the SIP. The amendments to Rule 1160 address only the disapproved sections of the rule and increase rule clarity to address USEPA’s identified deficiencies. The public hearing for Rule 1160 was originally noticed for 10/24/2022 and was continued and presented to the MDAQMD Governing Board on 1/23/2023 to address additional USEPA concerns.

III. STAFF RECOMMENDATION

Staff recommended that the Governing Board of the MDAQMD adopt the amendment of Rule 1160 – *Internal Combustion Engines* and approve the appropriate CEQA documentation.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally amendment of Rule 1160 – *Internal Combustion Engines*. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

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

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

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

ELEMENTS OF A FEDERAL SUBMISSION:

- X 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 amendment of Rule 1160. These are actions that need to be performed and/or information that must be provided in order to amend the rule in a procedurally correct manner.

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

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

a. Necessity:

Rule 1160 was originally adopted to satisfy 42 U.S.C. §§7511a (FCAA §182) implementation of RACT for sources that are subject to CTGs and for “major sources” of VOCs and NO_x. This particular amendment is necessary to correct alleged deficiencies that USEPA identified in its final limited approval, limited disapproval (86 FR 50613, 9/10/2021). Failure to timely correct such deficiencies will result in the imposition of sanctions after 18 months from the effective date of the rulemaking and the preparation and imposition of a Federal Implementation Plan 24 months from the effective date of the rulemaking.

b. Authority:

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

c. Clarity:

The amendment of Rule 1160 is clear in that it is written so that the persons subject to the rule can easily understand the meaning.

d. Consistency:

The amendment of Rule 1160 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 the amendment of Rule 1160 addresses the alleged deficiencies regarding RACT and

other issues as set forth in USEPA’s final rulemaking (56 FR 50613, 9/10/2021).

e. Nonduplication:

The amendment of Rule 1160 does not impose the same requirements as any existing state or federal law or regulation because the District is amending this rule to correct alleged deficiencies identified in 56 FR 50613, 9/10/2021.

f. Reference:

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

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the amendment of Rule 1160 was published on September 29, 2022. The public hearing to consider the amendment of Rule 1160 was originally noticed for and was held on 10/24/2022. It was continued and presented to the MDAQMD Governing Board on 01/23/2023 to address additional USEPA concerns. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

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

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law that requires the submittal. The information below indicates which elements are required for the amendment of Rule 1160 and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The amendments to Rule 1160 are subject to all the requirements for a State Implementation Plan (SIP) submittal because Rule 1160 is currently included in the MDAQMD SIP. In addition, rules imposing RACT requirements enacted to satisfy the requirements of 42 U.S.C. 7502(c)(1) are also required to be included in the SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the amendment of Rule 1160 was published on September 29, 2022. See Appendix “B” for a copy of

the public notice. See Appendix “C” for copies of comments, if any, and District responses.

c. Availability of Document:

Copies of the amendment of Rule 1160 and the accompanying draft Staff Report was made available to the public on or before 9/29/ 2022 with updates dated 10/31/2022, 11/8/2022, 11/29/2022, 12/8/2022 and 12/19/2022.

d. Notice to Specified Entities:

Copies of the amendment of Rule 1160 were sent to all affected agencies. The notice of amendments was sent to CARB and USEPA on 9/6/2022. Additional versions of the documents dated 10/31/2022, 11/8/2022, 11/29/2022, 12/8/2022 and 12/19/2022 were sent to CARB and USEPA on or about the date of update.

e. Public Hearing:

A public hearing to consider the amendment of Rule 1160 was originally noticed for 10/24/2022 and was continued to the 1/23/2023 MDAQMD Governing Board meeting to address additional USEPA concerns.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the CEQA.

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district.

The FCAA requires areas designated non-attainment for ozone and classified moderate and above to adopt and maintain RACT rules to control the emissions of VOCs and NO_x for categories which the USEPA has adopted a CTG or Alternative Control Techniques (ACT) and for all categories where there are major stationary sources of air pollution (42 U.S.C. §7511a(b)(2), FCAA 182(b)(2)). For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as severe-17.

The USEPA promulgated “Alternative Control Techniques Document – NO_x Emissions from Stationary Reciprocating Internal Combustion Engines” (EPA-453/R-93-032) in 1993, which applies to the source category of stationary internal combustion engines. In addition, the USEPA has provided updated information on the above listed Alternative Control Technique Document in September of 2000 (EPA-68-D98-026) which also applies to this source category.

On September 10, 2021, the USEPA published a Limited Approval and Limited Disapproval of MDAQMD Rule 1160 – *Internal Combustion Engines* (86 FR 50613, 9/10/2021). While USEPA approved the majority of the rule, it found that the NO_x Emission Reduction Alternative provisions, as found in subsection (C)(2) of the current rule, are in conflict with Section 110 and part D (42 U.S.C. §§7410, & 7501 et seq.) of the FCAA. In addition, USEPA also alleged that certain other provisions are not sufficiently enforceable. The amendments have been developed to address the alleged deficiencies as set forth in the rulemaking.

C. ECONOMIC ANALYSIS

1. General

The amendments to Rule 1160 will not have an adverse economic impact on the facilities subject to the rule. All emissions units currently subject to the rule are in compliance with the rule control structure. Only five of the affected emissions units will require the addition of a permit condition containing a specific limitation on hours of operation for those units to ensure compliance with the rule requirements. The cost and cost effectiveness of the unchanged control requirements in Rule 1160 were discussed in detail in the staff report for the January 22, 2018 amendment of Rule 1160 (in Appendix F of that staff report). The cost effectiveness analysis for those requirements to be amended are found in section V. C. 2. below.

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 organic compounds (VOC), oxides of nitrogen (NO_x) or oxides of sulfur (SO_x). This cost effectiveness analysis can also be used as part of the RACT analysis, specifically the economic feasibility of particular technologies.¹

The cost-effectiveness analysis contained in the *Technical Discussion and Feasibility Analysis for Internal Combustion Engines* in Appendix “F” of the staff report for the January 22, 2018 amendment to Rule 1160 determined that the limits in that version of Rule 1160 were cost effective. Specifically, the 125 ppmv for lean burn engines and 80 ppmv for compression ignited engines were determined to be reasonably available taking into account the social, environmental and economic impact of the technology required to achieve these limits. This analysis is still applicable in 2022 and these underlying limits were not proposed for amendment.

The rule amendments remove the Alternative Compliance Strategies section of the rule. Only one facility (the PG&E Hinkley Compressor Station) utilized such a strategy to comply with the 2018 version of Rule 1160. This particular facility has 16 engines subject to Rule 1160; 4 are rich burn and 12 are lean burn engines. All of the rich burn engines comply with the 80 ppmv limit in the 2018 version of Rule 1160. To demonstrate compliance with the 2018 version of the rule the Facility entered into an alternative compliance strategy for the lean burn engines. This strategy resulted in a retrofit of 7 of the lean burn engines with the remaining 5 lean burn engines collectively limited in use to a specific number of hours. The net result of the engine retrofits and the use restrictions under the alternate compliance strategy resulted in the overall reduction of compressor emissions by 88 percent relative to 1991 emissions levels as reported prior to the first adoption of Rule 1160 by the MDAQMD. In practice, 7 engines comprising 28,000 horsepower were retrofitted to comply at Hinkley, while 12,500 horsepower across the 5 additional engines were severely restricted in use (to 2600 total hours across five 2500 horsepower compressors) to generate these emission reductions. This strategy which was approved under the current rule provisions resulted in greater emissions reductions than would have been achieved by retrofitting those same 5 engines without imposing a use limitation.

The rule amendments will apply the current 125 ppmv limit for lean burn engines and 80 ppmv for rich burn engines to all engines, with the sole exception of the five 2500 horsepower compressors located at the PG&E Hinkley facility. For those five engines the amendments would provide a collective use cap of 2600 hours annually. The District has determined, based upon the emissions performance of the 7 previously retrofit engines, that a retrofit of the additional 5 engines would only generate an estimated 2034 tons of NO_x reductions² as shown

¹ 40 CFR 51.100(o).

² Calculated assuming that there would be no hourly use restriction on such retrofitted engines.

in Table 1 below.³ In the alternative, maintaining the 2600 hour use restriction collectively across the 5 engines generates an estimated 2125 ton NO_x reduction at no cost. Thus, the retrofit option does not appear to be cost effective.

The District also analyzed the cost effectiveness of imposing both a 125 ppmv emissions limit and an hourly use restriction.⁴ This situation would result in a projected cost ranging between \$15,424 and \$25,358 per ton of emissions reduced which is also not cost effective. The MDAQMD has additionally analyzed the cost of retrofitting just one of the five engines to meet the 125 ppmv limit, using the assumption that one engine operates for 40% of the allowed 2600 aggregate hours (or 1040 hours).⁵ Using this assumption improves the cost effectiveness numbers to between \$7,712 and \$12,679 per ton however, given the greater emissions reductions obtained by the hourly use restriction at zero cost this option still is not cost effective.

The MDAQMD also analyzed the incremental cost analysis as first performed in 2018 with the retrofit costs simply updated to current year (2022) dollars for the five engines in question. As the retrofit costs contained in the 2018 analysis were much higher than those contained in the July 2014 INGA NO_x Emissions Control report it is clear that using the updated 2018 cost estimates would also not be cost effective.⁶ Please note the rightmost column uses the ratio of allowed engine hours (2600) for all five engines over the potential maximum use of those five engines (five engines at 8760 hours per year or 43,800 hours) as an effective control efficiency. This analysis indicates that the restriction on use of the 5 engines is not only cost effective as opposed to the other available alternatives but also achieves greater emissions reductions and thus can be considered RACT for these engines

³ Please note, the cost effectiveness calculations as first performed in 2018 were based upon estimated costs as provided by the facility. The current cost estimates were based upon the INGAA report of July 2014, *Availability and Limitations of NO_x Emission Control Resources for Natural Gas-Fired Reciprocating Engine Prime Movers Used in the Interstate Natural Gas Transmission Industry* (Hereafter: July 2014 INGA NO_x Emissions Control report).

⁴ This option would clearly require the engines to be retrofit.

⁵ This assumption was based upon use data over prior years as reported by the facility.

⁶ Merely using updated 2018 costs results in a cost effectiveness between \$17,695 and 27,916 per ton of emissions reduced.

Table 1 - 2022 Amendment Cost Effectiveness Analysis

	SCR	SCR	LEC	LEC 2600	LEC single	Hours	
	Hinkley NG 4SLB (K1 - 10)	Hinkley NG 4SLB (K11, 12)	Hinkley NG 4SLB	Hinkley NG 4SLB	Hinkley NG 4SLB	Hinkley NG 4SLB	
District Permit(s)	B004699+	B005028, 9	B005022+	B005022+	B005022+	B005022+	
Operational Days	365	365	365	365	365	365	
Project Term (years)	15	15	15	15	15	15	
Affected Horsepower	13500	14500	12500	12500	2500	12500	
Control Capital Cost	\$ 1,998,000	\$ 2,146,000	\$ 11,947,500	\$ 11,947,500	\$ 2,389,500	\$0	
Control O&M	\$ 947,700	\$ 1,017,900	\$ 1,194,750	\$ 1,194,750	\$ 238,950	\$0	
Costs							
Equivalent Project Capital Cost (2022 \$)	\$ 3,716,869	\$ 3,992,192	\$ 14,693,918	\$ 14,693,918	\$ 2,938,784	\$0	
Equivalent Project O&M (2022 \$)	\$ 1,763,001	\$ 1,893,594	\$ 1,469,392	\$ 1,469,392	\$ 293,878	\$0	
Capital Recovery Factor (15@10%)	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	
Discounted Cash Flow Factor (15@4%)	11.118	11.118	11.118	11.118	11.118	11.118	
DCF O&M Costs (2017 \$)	\$ 19,601,047	\$ 21,052,976	\$ 16,336,698	\$ 16,336,698	\$ 3,267,340	\$0	
NOx Emissions							
availability factor	0.9	0.9	0.9			0.9	
activity (hours/year)	7884	7884	7884	520	1040	7884	
Current Limit (ppmv)	125	120	1250	1250	1250	43800	Total Allowed Hours
Controlled concentration (ppmv)	65	65	125	125	125	2600	Aggregate Hours Limit
Uncontrolled Emissions (lbs/hr)	46.4	47.9	573.2	573.2	114.6	573.2	
Controlled Emissions (lbs/hr)	24.1	26.0	57.3	57.3	11.5	34.0	
Reduction (percent)	48.0%	45.8%	90.0%	90.0%	90.0%	94.1%	
Reduction (lbs/hr)	22.3	22.0	515.9	515.9	103.2	539.2	
Reduction (lbs/yr)	175701	173266	4067143	268254	107302	4250794	
Reduction (tons/yr)	87.9	86.6	2033.6	134.1	53.7	2125.4	
Cost Effectiveness							
Average (DCF Method)							
NOx Cost Effectiveness (\$/ton)	\$ 17,695	\$ 19,273	\$ 1,017	\$ 15,424	\$ 7,712	\$0	
Average (CRF Method)							
NOx Cost Effectiveness (\$/ton)	\$ 25,631	\$ 27,916	\$ 1,673	\$ 25,358	\$ 12,679	\$0	
Average (Combined CRF and DCF)							
NOx Cost Effectiveness (\$/ton)	\$ 20,437	\$ 22,259	\$ 1,486	\$ 22,523	\$ 11,262	\$0	
Notes:							
SCR capital costs are estimated at \$148 per hp (2001 CARB RACT/BARCT Guidance)							
SCR (Urea) O&M costs are estimated at \$70.2 per hp per year (2001 CARB)							
LEC (Low Emission Combustion) capital costs are estimated at \$427,000 per engine plus \$785/hp (July 2014 INGA NOx Emission Control report)							
LEC O&M costs estimated at 10% of capital costs (September 2000 USEPA Stationary Reciprocating ICE report)							
LEC single estimates cost effectiveness of retrofitting single highest use pool engine (40% or 1040 of 2600 hours)							
Annual inflation rate of 3% used to adjust to current year (2022 dollars)							
Real interest rate of 4% at 15 years used for Discounted Cash Flow Factor (SCAQMD method)							
Uncontrolled emissions estimated using rule limits (125 ppmv ~1.56 g/bhp-hr), permit limits (1.5 g/bhp-hr ~120 ppmv), or actual emissions (20.8 g/bhp-hr) as applicable							
Capital cost annualized by multiplying by CRF based on 15 years at 10%							
Availability factor of 0.9 estimates maximum annual availability of 90%, or 10% downtime for maintenance							

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the amendment of Rule 1160 was determined.

1. The amendment of Rule 1160 meets the CEQA definition of “project”. They are not “ministerial” actions.

2. The amendment of Rule 1160 is exempt from CEQA review because it will not create any adverse impacts on the environment. The requirements in the amendments to Rule 1160 are more stringent than the currently existing requirements (see more detailed discussion in Rule Summary §(D)).

The amendment of Rule 1160 updates only those sections disapproved by USEPA and areas where clarity could be improved. The bulk of those changes include,

the removal of the Alternative Compliance Strategy and inclusion of emissions unit specific use limits for certain units, as well as revamped testing and compliance requirements for engines which do not require control equipment. All other sections updated, were for clarity.

Therefore, no adverse environmental effects are foreseen from the amendments. Copies of the documents relating to CEQA can be found in Appendix “D”. For an additional analysis of the potential impacts on disadvantaged communities please see Section VI. F. below.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

There are no potential adverse environmental impacts of compliance with the amendment of Rule 1160. These amendments are more stringent than the current Rule 1160. The Internal Combustion Engines subject to this rule are currently in compliance with the limitations contained in the amendment. Therefore, there will be no changes in environmental impacts.

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 current adopted version of Rule 1160 applies to non-emergency, stationary internal combustion engines rated at 50 brake horsepower or more that are located within the Federal Ozone Non-Attainment Area.

Many internal combustion engines are covered by this analysis – 63,737 total brake horsepower, covered by 23 permits. Of these, only 12 internal combustion engines comply with the current rule via an alternative compliance plan which consisted of the retrofit of 7 lean burn engines and a use limitation on 5 additional lean burn engines. In general, the amendments will codify this alternative compliance plan by requiring the 7 lean burn engines to comply with the current 125 ppmv rule limits and providing a specific use limitation for the remaining 5 engines (covering 12,500 brake horsepower). All other applicable internal combustion engines already comply with the emission limits.

Specifically, the engines affected by this rule are as follows:

- The Pacific Gas & Electric – Hinkley facility is subject to current Rule 1160 with twelve lean burn gas-fired engines and four rich burn gas-fired engines. The rich burn engines will comply with the rule limitations. The lean burn engines are currently in compliance through facility emissions limits. Seven of the twelve engines have been retrofit under current Rule 1160 to 125 ppmv or less as required by current Rule 1160; five of the twelve engines have not been retrofit and are operating under use limitations. The addition of Selective Catalytic Reduction on these twelve engines is not cost effective as demonstrated in the cost effectiveness section above. Source testing has demonstrated the seven currently retrofit engines can comply with 125 ppmv NO_x without further modification. Reduction of operating hours or retrofit to 125 ppmv, consistent with previously performed retrofits to identical model engines at this facility under current Rule 1160 is deemed feasible.
- The Southern California Gas Company – Newberry Springs facility is subject to current Rule 1160 with seven lean burn gas-fired engines. These engines are currently in compliance with Rule 1160 and source testing has demonstrated all seven engines can comply with 125 ppmv NO_x without further modification.
- Five other engines (four rich burn, one diesel) are subject to and are in compliance with current Rule 1160, and will comply with Rule 1160 without further modification.

B. EMISSIONS

The amendments to Rule 1160 – *Internal Combustion Engines* do not cause the release of additional air contaminants or create any adverse environmental impacts because the rule is more stringent than the current rule. It is expected that the amendments removal of the alternative compliance plan and replacement with a source specific limitation for 5 engines at the PG&E Hinkley site will in effect “lock in” a greater amount of emissions reductions than would be achieved by retrofitting those engines.⁷ For a more detailed analysis of the potential emissions reductions please see Table 1 in Section V. C. 2. above.

C. CONTROL REQUIREMENTS

Please see section (C) of the rule (Appendix A) for control requirements. Control requirements are in the form of NO_x, CO, and VOC emission limits.

⁷ Please note that if an engine was retrofitted under either the 1/22/18 or the 1/23/2023 version of the rule a use limitation would no longer apply to such retrofitted engine.

D. RULE SUMMARY

This section gives a brief overview of the amendment of Rule 1160. Only those sections requiring clarity or that received a limited disapproval have been updated to streamline the amendment process.

(A)(2)(a) – The applicability section has been revised to remove duplicate language. All exemptions are provided in subsection (D)(1).

(B) - Definition Changes:

The definition, “Baseline Emission Rate” has been removed as it is no longer necessary with the removal of Alternative Compliance Strategies section.

The definition, “Emission Control Plan” has been removed as it is no longer necessary with the removal of Alternative Compliance Strategies section.

The definition, “Enhanced Emissions Monitoring Device” has been removed as it already resides in the District’s definition Rule 102.

The definition, “Regulated Air Pollutant” has been removed as it already resides in the District’s definition Rule 102.

(C)(1)(a)(i) - Removal of the reference to the removed section, “Alternative Compliance Strategy”.

(C)(1)(a)(ii) - New language specifically calling out use limits for five Internal Combustion Engines located at PG&E Hinkley. A clarification of the results of violation of the hourly use limitation has been added to indicate that the facility in violation of the hourly use limit would have 180 days to come into compliance with the NO_x limitations of (C)(1)(a)(i).⁸

(C)(1)(b)(i) - Removal of the reference to the removed section, “Alternative Compliance Strategy”.

(C)(1)(b)(ii) – Added, “or its successor” in reference to Southern California Gas in Newberry Springs.

(C)(1)(c)(i) - Removal of the reference to the removed section, “Alternative Compliance Strategy”.

(C)(2) – Removed section, “Alternative Compliance Strategies”. Added a provision requiring all engines to be operated in a manner to minimize emissions and in accordance with manufacturer’s recommendations.

⁸ Please note that a provision in a former draft excluding NO_x compliance testing has been removed as NO_x testing for the sole purpose of determining actual emissions was requested by USEPA.

(E)(1)(a)(ii) – Provision added to require installation and maintenance of non-resettable hour meters on engines.

(E)(1)(c) – Clarifying which sections of the rule, that Internal Combustion Engines without Emission's Control Equipment must follow to demonstrate compliance.

(E)(1)(c)(i) – updated section to include demonstrate emission's rate compliance either via USEPA certification, CARB Executive Order, and/or District approved test results in accordance with 40 CFR Part 1065.

(E)(1)(c)(ii) – removed section allowing compliance to be verifying through manufacturer emission rates.

(E)(1)(c)(ii) - Demonstrate initial compliance by testing within 180 days of permit issuance, in accordance with MDAQMD Compliance Test Procedural Manual.

(E)(1)(c)(iii) – Demonstrate continued compliance by testing every 60 months or 8760 hours of operation in accordance with the MDAQMD Compliance Test Procedural Manual.

(E)(2)(a)(i) – For clarity and simplification, updated Authority to Construct/Permit to Operate (ATC/PTO) to Permit.

(F)(1)-(4) – For consistency, updated all references to EPA to USEPA.

(E)(2)(a)(iv) – Removal of the reference to the removed section, “Alternative Compliance Strategy”.

(G)(1) – Removed the reference that this rule applies no later than 12 months from amendment, in favor of the rule applying at the time that the rule is amended.

E. FCAA 110(L) (42 U.S.C. §7410(L)) ANALYSIS

Rule 1160 was originally adopted 12/20/93, and subsequently amended 10/26/94. The prior SIP approved version of Rule 1160 is the 10/26/94 amendment, approved at 61 FR 56470, 11/1/96. Rule 1160 was most recently amended on 01/22/2018. USEPA granting a limited approval and limited disapproval on 06/01/2021 (86 FR 29227) which was finalized on 09/10/2021 (86 FR 50643). Thus, the majority of the 1/22/2018 version is now in the SIP with the exception of those portions receiving a limited disapproval. This 110(l) analysis will therefore be between the 01/22/2018 version and the current amendments.

The MDAQMD Rule 1160 is more stringent than the 01/22/2018 version since it removes the provision to allow an alternative compliance strategy. Those engines in the District who are unable to comply with the remaining compliance provisions as written are instead given specific monthly emission limits that result in emissions reductions which exceed the amount generated by imposing RACT. Please see Table 1 and Section V. C. 2. above for a more detailed description of the reductions and RACT cost

effectiveness. The rule also strengthens compliance requirements for internal combustion engines that do not require a permit – by requiring initial compliance testing, as well as ongoing compliance testing that is in accordance with Federal Code of Regulations⁹ and conforms to CARB and USEPA requirements.

G. ENVIRONMENTAL JUSTICE ANALYSIS

USEPA has recently indicated that submissions should analyze compliance with various Federal non-discrimination laws¹⁰ as well as EPA’s own non-discrimination regulations¹¹ and general principles to ensure that actions do not unduly burden already overburdened populations.¹²

The rule and its amendments applies throughout the affected area (the Federal Ozone Nonattainment Area) without regional discrimination, or discrimination on any other basis. The rule is as stringent or more stringent than the previous rule, and will therefore not result in discriminatory emission increases. The rule is an element of the MDAQMD ozone attainment regulatory structure, and as such is required to reduce the maximum ozone concentrations throughout the affected without regional discrimination or discrimination on any other basis.

No group of people will bear a disproportionate share of negative environmental consequences due to the rule amendments – the rule as is as stringent or more stringent than the previous version. Therefore, there will be no negative environmental consequences for any group of people due to the rule amendments.¹³

In regards to access to all potentially affected persons, since July 1, 2019 the MDAQMD has complied with California AB 434. This law requires compliance with the latest Web Content Accessibility Guidelines (WCAG) to ensure that posted content maintains full accessibility compliance for all persons. WCAG ensures websites and posted contact are certified for compliance and that a contact phone number and contact person are provided for any inquiries on access. This document, the rule, and all related materials will be provided to the public and all interested persons in WCAG compliant format.

The rule amendments have been made available to all interested persons through public notice, direct notice, and website postings (including social media). The rule will be discussed and acted upon in a properly noticed public hearing, at which people will have an opportunity to participate in the amendment decision, contribute to the decision, and express concerns with the decision (in person, in writing, and in digital form).

⁹ 40 CFR PART 1065

¹⁰ Specifically, USEPA has identified Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 13 of the Federal Water Pollution Control Act of 1972 and Title IX of the Education Amendments of 1972 as potential laws of concern.

¹¹ 40 CFR Parts 5 and 7.

¹² Commonly referred to as Environmental Justice provisions.

¹³ Please note that the use limitation for the 5 engines located at PG&E Hinkley will result in a greater emissions decrease than would be provided by retrofitting those engines (See Discussion in section V.C.2. above).

Accommodation for non or limited English speakers in both materials and meeting participation is available upon request.

Furthermore, the amendments will increase transparency in regards to emissions limitations on specific permitted sources. The written permits for all permit units are available on the District's websites. The addition of a 125 ppmv NO_x limitation to 7 engines and addition of a source specific use limitation to 5 additional engines will result in provisions being added to the permits for these 12 emissions units enabling the general public to clearly identify the applicable limits for these units.

H. SIP HISTORY AND ANALYSIS

1. SIP HISTORY.

a. SIP in the San Bernardino County Portion of MDAQMD

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Rule 1160 – *Internal Combustion engines* was adopted on 12/20/93 and amended on 10/26/94. Since SIP revisions in California are adopted by USEPA as effective in areas which happen to be defined by both air basin designations and the jurisdictional boundaries of local air districts within those air basins, the MDAQMD “inherited” the SBCAPCD SIP which was in effect for what is now called the San Bernardino County Portion of MDAB. Since there was no equivalent document to Rule 1160 in the SBCAPCD, the 10/26/94 version of the rule is the fully approved rule version in the SIP (40 CFR 52.220(c)(207)(i)(D)(3) – 11/01/96 61 FR 56470). Rule 1160 was most recently amended by the MDAQMD on 01/22/2018 and the USEPA proposed granting a limited approval and limited disapproval on 06/01/2021 (86 FR 29227) which was finalized on 09/10/2021 (86 FR 50643). Thus, the majority of the 1/22/2018 is the SIP rule for the San Bernardino County Portion of the District.

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislation which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside

County, including the City of Blythe, left SCAQMD and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

SCAQMD Rule 1110 – *Emissions from Stationary Internal Combustion Engines*, SCAQMD Rule 1110.1 – *Emissions from Stationary Internal Combustion Engines*, and SCAQMD Rule 1110.2 – *Emissions from Gaseous and Liquid Fueled Engines* cover the same source category as the current and MDAQMD 1160. The SCAQMD rules were in effect upon annexation of the Blythe/Palo Verde Valley portion in 1994. While the current MDAQMD Rule 1160 superseded the SCAQMD versions, the approved SCAQMD versions of Rule 1110 remained in the SIP.

The 11/06/81 version of SCAQMD Rule 1110 was approved into the SIP on 03/23/83 (79 FR 40675). SCAQMD Rule 1110 was a demonstration rule only applicable by its terms between the time period of 1981 and 1991; therefore, no longer affects the Blythe/Palo Verde Valley. Since SCAQMD Rule 1110 was no longer applicable after 1991, and the MDAQMD annexed the Blythe/Palo Verde Valley in 1994, there are no engines applicable to SCAQMD Rule 1110.

On 10/04/85, SCAQMD Rule 1110.1 was submitted as a SIP revision. On 05/15/87, EPA took no action. The MDAQMD considers this submission to no longer be applicable to the Blythe/Palo Verde Valley portion, and has requested that EPA make an effective note of this in the TSD for any future actions on MDAQMD Rule 1160.

The SCAQMD Rule 1110.2 versions prior to 12/09/94 were not submitted to EPA by SCAQMD; therefore, SCAQMD Rule 1110.2 is not in the SIP. The MDAQMD requests that EPA make an effective note of this in the TSD for any future actions on MDAQMD Rule 1160.

MDAQMD Rule 1160, amended 10/26/94, was the previously approved version in the SIP for Riverside County; however, the 11/1/96 approval did not remove SCAQMD Rule 1110 from the

SIP, so any action on this current submittal should specify that SCAQMD Rule 1110 is not applicable in Riverside County. The MDAQMD requests that EPA make an effective note of this in the TSD for any future actions on MDAQMD Rule 1160.

Rule 1160 was most recently amended by the MDAQMD on 01/22/2018 and the USEPA granting a limited approval and limited disapproval on 06/01/2021 (86 FR 29227) which was finalized on 09/10/2021 (86 FR 50643). Thus, the majority of the 1/22/2018 is the SIP rule for the Riverside County Portion of the District.

2. SIP Analysis

The District is requesting CARB to submit the Rule 1160 to replace the SIP version in effect for the San Bernardino County portion of the MDAB and the for the Blythe/Palo Verde Valley portion of Riverside County. While the rulemaking of 9/10/2021 (86 FR 50643) placed the 1/22/2018 in the SIP for the entire district it still did not textually remove SCAQMD Rule 1110 from its effectiveness in the Palo Verde Valley portion of the district as requested.

In order to replace existing SIP rules the District is required to show that the amendments are not less stringent than the provisions currently in the SIP. The amendment are more stringent than the 1/22/2018 version in that they address USEPA's limited disapproval by eliminating the Alternative Compliance Strategy section, and establishing use limits that meet or exceed RACT requirements for 5 engines located at the Pacific Gas & Electric Facility Hinkley Compressor Station. The amendments also updating compliance verification and testing for engines that do not require control equipment. Furthermore, definitions in the rule amendment have been updated, and language modified for clarity purposes.

Appendix “A”

Rule 1160 – *Internal Combustion Engines* Iterated Version

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

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

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RULE 1160

Internal Combustion Engines

(A) General

(1) Purpose

- (a) The purpose of this rule is to limit the emissions of Oxides of Nitrogen (NO_x), Carbon Monoxide (CO), and Volatile Organic Compounds (VOC) from Internal Combustion Engines that are not subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.

(2) Applicability

- (a) This rule applies to any stationary Internal Combustion Engine rated at 50 or more brake horsepower (bhp), when located within the Federal Ozone Nonattainment Area. ~~that does not meet the following:~~
 - ~~(i) Any Internal Combustion Engine rated at less than 50 brake horsepower.~~
 - ~~(ii) Any Internal Combustion Engine operated less than 100 hours in any rolling twelve (12) month period.~~
 - ~~(iii) Any Internal Combustion Engine subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116, or otherwise classified as a Portable Internal Combustion Engine.~~
 - ~~(iv) Any Internal Combustion Engine that is an Emergency Internal Combustion Engine provided that the Internal Combustion Engine does not operate more than 100 hours for non-emergency use in any rolling twelve (12) month period.~~
 - ~~(v) Any Internal Combustion Engine operated on an engine test stand.~~
 - ~~(vi) Any Internal Combustion Engine subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.~~
 - ~~(vii) Any Internal Combustion Engine located outside the Federal Ozone Non-attainment Area.~~
 - ~~(viii) Any Internal Combustion Engine registered with a Statewide Portable Equipment Registration (PERP), provided that the Internal Combustion Engine is operating in compliance with the *Regulation to Establish a Statewide Portable Equipment Registration Program*, Title 13 CCR 2450, and for which the Internal Combustion Engine does not require a local District Permit. [Provisions removed as duplicative of exemptions in subsection (D)(1)]~~

(B) Definitions

The definitions contained in District Rule 102 – *Definition of Terms* shall apply unless the term is otherwise defined herein:

- ~~(1)~~ “~~Baseline Emission Rate~~” – ~~Emissions under normal operating conditions, prior to Emission Control Equipment being installed, determined by an emissions compliance test conducted in accordance with the requirements specified in Section (F). The Baseline Emission Rate shall be adjusted to reflect any operational limit or Emission Control Equipment installed prior to January 1, 1991. [Term removed, no longer referenced in rule.]~~
- ~~(12)~~ “Emergency Internal Combustion Engines” – Any Internal Combustion Engines which meets any of the following criteria:
 - (a) An Internal Combustion Engine driving a generator used at facilities normally serviced with commercial power, where the generators are used exclusively as emergency units during loss of commercial power.
 - (b) An Internal Combustion Engine driving a generator used at facilities normally serviced with an alternative energy supply including, but not limited to, photovoltaic power, where the generators are used exclusively as emergency units during loss of such alternative energy source but no more than 200 hours total per year.
 - (c) An Internal Combustion Engine driving a fire pump or deluge pump that is used exclusively during fire emergency or testing.
 - (d) An Internal Combustion Engine driving an air compressor that is used exclusively during emergency shutdowns and/or to start-up black start engines.
- ~~(23)~~ “Emissions Compliance Test” – An emissions compliance test conducted in accordance with a District approved test protocol pursuant to the District's MDAQMD Compliance Test Procedural Manual.
- ~~(34)~~ “Emission Control Equipment” – Equipment technologies which control Internal Combustion Engine emissions, including, but not limited to, Selective Catalytic Reduction (SCR); Non-Selective Catalytic Reduction (NSCR); Oxidation Catalyst; and fuel, air, and exhaust modifications. This definition excludes diesel particulate filters or traps.
- ~~(54)~~ “~~Emission Control Plan~~” – ~~A document which outlines how a Facility will comply with the requirements of this rule. [Term removed, no longer referenced in rule.]~~
- ~~(6)~~ “~~Enhanced Emissions Monitoring Device~~” – ~~Any automated data recording device or system having both data gathering and retrieval capabilities. Such~~

equipment includes, but is not limited to, Continuous Emissions Monitoring Systems (CEMS) and Parametric or Predictive Emissions Monitoring Systems (PEMS). *[Provision removed. Term in MDAQMD Rule 102 verbatim]*

- (47) “Internal Combustion Engine” – A spark- or compression-ignited reciprocating engine featuring intermittent combustion within one or more internal chambers to produce useful work by applying a varying force against a reciprocating piston.
- (58) “Lean-burn Engine” – Any Spark-Ignited Internal Combustion Engine that is operated with an exhaust stream oxygen concentration of four (4) percent by volume, or greater prior to any exhaust stream Emission Control Equipment.
- (69) “Portable Internal Combustion Engine” – Internal Combustion Engines which are not operated, nor intended to be operated, at one specific site for more than twelve (12) consecutive months, is not permanently affixed to only one location. Indications of Portable Internal Combustion Engines include, but are not limited to, those that are transportable and may be mounted on mobile sources, trailers, skids, or other platforms.
- (10) “Regulated Air Pollutant” — Any of the following Air Pollutants:
- (a) — Any Air Pollutant, and its Precursors, for which an Ambient Air Quality Standard has been promulgated.
 - (b) — Any Air Pollutant that is subject to a standard under 42 U.S.C. §7411, Standards of Performance for New Stationary Sources (Federal Clean Air Act §111) or the regulations promulgated thereunder.
 - (c) — Any substance which has been designated a Class I or Class II substance under 42 U.S.C. §7671a (Federal Clean Air Act §602) or the regulations promulgated thereunder.
 - (d) — Any Air Pollutant subject to a standard or other requirement established pursuant to 42 U.S.C. §7412, Hazardous Air Pollutants (Federal Clean Air Act §112) or the regulations promulgated thereunder. *[Term removed, not referenced in rule.]*
- (47) “Rich-Burn Engine” – Any Spark-Ignited Internal Combustion Engine that is operated with an exhaust stream oxygen concentration of less than four (4) percent by volume prior to any exhaust Emission Control Equipment.
- (128) “Spark-Ignited Internal Combustion Engine” – A liquid or Gaseous Fueled engine designed to ignite its air/fuel mixture by a spark across a spark plug.

(C) Requirements

(1) Emissions Limits

(a) NO_x Emissions

- (i) Internal Combustion Engines subject to this rule shall not exceed the following emission limits in Table 1, unless ~~compliance is demonstrated using an Alternative Compliance Strategy pursuant to subsection (C)(2)~~ the Internal Combustion Engine is subject to (C)(1)(a)(ii). *[Modified to reflect the removal of the Alternative Compliance Strategy Section]*
- (ii) Internal Combustion Engines K-2, K-5, K-6, K-8 and K-9 located at the Pacific Gas & Electric Facility Hinkley Compressor Station in Hinkley, California (or its successor) shall not be in operation for more than a total of 2600 engine-hours per calendar year in aggregate, verified by engine hour meters and use records. Operation in excess of this limit will subject all these engines to (C)(1)(a)(i) and require a demonstration of compliance with that section within 180 days. [Modified to provide emissions unit specific use limitation as opposed to Alternative Compliance Strategy. Testing for NO_x (excluded in prior draft versions) is added in response to USEPA suggestion of 12/7/2022 solely to determine emissions]

Table 1 NO_x Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent volume stack gas oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	NO_x Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	50 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	125 ppmv
Compression-Ignited Internal Combustion Engine	80 ppmv

(b) VOC Emissions

- (i) Internal Combustion Engine(s) subject to this rule shall not exceed the following emission limits for VOC, as listed in Table 2, ~~unless unless compliance is demonstrated using an Alternative Compliance Strategy pursuant to subsection (C)(2), or the Internal Combustion Engine is subject to (C)(1)(b)(ii)~~ *[Modified to reflect the removal of the Alternative Compliance Strategy Section]*.
- (ii) Internal Combustion Engines located at the Facility of Southern California Gas, Newberry Springs ~~(or its successor)~~ shall not exceed the VOC limit of 255 ppmv, referenced at 15 percent,

volume stack gas, oxygen measured on a dry basis and averaged over 15 consecutive minutes.

Table 2 VOC Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent, volume stack gas, oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	VOC Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	106 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	106 ppmv
Compression-Ignited Internal Combustion Engine	106 ppmv

(c) CO Emissions

- (i) Internal Combustion Engines subject to this rule shall not exceed the following emission limits in Table 3, ~~unless compliance is demonstrated using an Alternative Compliance Strategy pursuant to subsection (C)(2).~~ *[Modified to reflect the removal of the Alternative Compliance Strategy Section]*

Table 3 CO Emission Limits for Internal Combustion Engines (ppmv limitations shall be referenced at 15 percent volume stack gas oxygen measured on a dry basis and averaged over 15 consecutive minutes)	
Engine Type	CO Limit
Spark-Ignited Internal Combustion Engine, Rich Burn	4500 ppmv
Spark-Ignited Internal Combustion Engine, Lean Burn	4500 ppmv
Compression-Ignited Internal Combustion Engine	4500 ppmv

- ~~(b) — NO_x Emission Reduction Alternative~~
- ~~(i) — In lieu of complying with the NO_x emission limits specified in Table 1 of subsection (C)(1), a Facility may request for an alternative compliance strategy of NO_x emission reductions.~~
- ~~a. — A request for demonstrating the NO_x emission reductions alternative shall be made in writing and is subject to District and USEPA approval.~~
- ~~(ii) — For NO_x emissions only, the NO_x emission reduction alternative compliance strategy is a specified minimum percent reduction in NO_x emissions from the Baseline Emissions Rate. Baseline Emission Rate shall be measured in accordance with the applicable test method in section (F)(1).~~
- ~~(iii) — The VOC and CO emission standards listed in subsection (C)(1) continue to apply when the NO_x emission reduction alternative~~

compliance strategy is used to demonstrate compliance with this rule.

- (iv) Internal Combustion Engines opting for the NO_x emission reduction alternative compliance strategy, shall achieve at least the following minimum reductions, listed in Table 4:

Table 4 NO _x Emission Reduction Alternative (percent reductions of NO _x from the Baseline Emission Rate)	
Engine Type	NO _x Reduction
Spark Ignited Internal Combustion Engine, Rich Burn	90 percent
Spark Ignited Internal Combustion Engine, Lean Burn	80 percent
Compression Ignited Internal Combustion Engine	90 percent

- (v) The percent reduction as measured across the Emission Control Equipment or relative to the Baseline Emission Rate of each Emissions Unit shall be determined on an emission rate basis, and is not required by any other federally enforceable provision.
- a. A Facility may use Aggregate Emissions to comply with the NO_x Emission Reduction Alternative, upon District approval.
- b. A Facility using Aggregate Emissions to comply with the NO_x Emission Reduction Alternative must demonstrate an environmental benefit by increasing the amount of emissions reductions generated by at least ten (10) percent.
1. The environmental benefit must be in addition to the emission reductions required to comply directly with this rule.
2. Violations of any aggregate provision shall be considered a violation for every emissions unit included in the aggregate.
- (c) All alternative compliance strategies shall be made on a case-by-case basis by the District in consultation with the Facility.
- (d) A Baseline Emission Rate shall be determined for each Internal Combustion Engine opting for an alternative compliance strategy.
- (e) Internal Combustion Engines that are utilizing an alternative compliance strategy shall contain specific enforceable operating conditions which will ensure compliance with the selected alternative compliance strategy and subsequent emission limit(s) on the corresponding Internal Combustion Engine's Authority to Construct/Permit to Operate (ATC/PTO) permit.
- (f) An Emission Control Plan, pursuant to subsection (C)(3), is required for Facilities utilizing an alternative control strategy.

~~(3) — Emission Control Plan~~

- ~~(a) — An Emission Control Plan shall be required for those Facilities that:~~
 - ~~(i) — Have an Internal Combustion Engine that utilizes an alternative compliance strategy, as listed under subsection (C)(2), to demonstrate compliance with this rule;~~
- ~~(b) — All affected Internal Combustion Engines within the Facility shall be addressed within the Emission Control Plan. Each Internal Combustion Engine shall be identified as to which option for emissions compliance applies, i.e. the per Internal Combustion Engine ppmv limit, the per Internal Combustion Engine adjusted ppmv limit, or the per Internal Combustion Engine percent NO_x reduction limit. The specific emission designation shall be recorded onto the corresponding Authority to Construct/Permit to Operate (ATC/PTO) permit along with any specific operating limits or emissions limits pertaining to the specific Internal Combustion Engine, as enforceable permit conditions.~~
- ~~(c) — The Emission Control Plan shall be approved by the Air Pollution Control Officer (APCO) in writing.~~
- ~~(d) — For new Internal Combustion Engines and modifications to existing Internal Combustion Engines, the Emission Control Plan shall be submitted to and approved by the District prior to issuance of the Authority to Construct/Permit to Operate (ATC/PTO) permit.~~
- ~~(e) — The owner/operator may petition in writing for a change to the Emission Control Plan at any time.~~
- ~~(f) — The Emission Control Plan shall include the following (if applicable):~~
 - ~~(i) — An explanation of why installation of Emission Control Equipment cannot be achieved by the compliance date; and a schedule that demonstrates compliance with subsections (C)(1) or (C)(2) by the earliest practicable date.~~
 - ~~(ii) — The manufacturer, model number, unit identification (e.g. serial) number, rated horsepower, fuel type, and combustion method (i.e., Rich Burn or Lean Burn or Compression Ignited) of each Internal Combustion Engine;~~
 - ~~(iii) — A description of the Emission Control Equipment installed on the Internal Combustion Engine (if any), including unit identification (e.g. serial) number, type (e.g., nonselective catalyst, "clean burn" combustion, etc.) and manufacturer, as well as a description of any ancillary equipment related to the control of emissions (e.g., automatic air/fuel ratio controller, fuel valves, etc.).~~

- ~~a. The operator shall notify the District of any replacement of such Emission Control Equipment and the new serial or identification numbers.~~
- ~~(iv) The Facility, company, Authority to Construct/Permit to Operate numbers and the location of the engine by a schematic of the affected Facilities.~~
- ~~(v) A specific emission inspection procedure for each Internal Combustion Engine to ensure that the engine is operated in strict accordance with the manufacturer's specifications and in continual compliance with the provisions of this rule.~~
 - ~~a. The procedure shall include an operator's inspection schedule. [Removed to address issues identified in 86 FR 29227, 6/1/2021 and the Technical Support Document produced in conjunction with the rulemaking.]~~

(2) Engine Operations

- (a) All engines subject to this rule shall be operated in a manner such that emissions are minimized, in conformance with good combustion practices and in compliance with manufacturer's recommendations. *[Added in response to USEPA suggestion of 12/7/2022]*

(D) Exemptions

- (1) The provisions of this rule shall not apply to:
 - (a) Any Internal Combustion Engine rated at less than 50 brake horsepower.
 - (b) Any Internal Combustion Engine operated less than 100 hours in any rolling twelve (12) month period.
 - (c) Any Internal Combustion Engine subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116, or otherwise classified as a Portable Internal Combustion Engine.
 - (d) Any Internal Combustion Engine that is an Emergency Internal Combustion Engine provided that the Internal Combustion Engine does not operate more than 100 hours for non-emergency use in any rolling twelve (12) month period.
 - (e) Any Internal Combustion Engine operated on an engine test stand.
 - (f) Any Internal Combustion Engine subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.
 - (g) Any Internal Combustion Engine located outside the Federal Ozone Non-attainment Area.

- (h) Any Internal Combustion Engine registered with a Statewide Portable Equipment Registration (PERP), provided that the Internal Combustion Engine is operating in compliance with the *Regulation to Establish a Statewide Portable Equipment Registration Program*, Title 13 CCR 2450, and for which the Internal Combustion Engine does not require a local District Permit.
- (2) Any Facility claiming any of the above exemptions shall maintain the following records and documentation for compliance determination. These records and documentation must be readily available, and be made available to the District upon request:
 - (a) Documentation from the manufacturer that documents the rated brake horsepower of the Internal Combustion Engine, such as:
 - (i) Manufacturer specification documents; and/or,
 - (ii) Manufacturer nameplate that is affixed to the engine.
 - (b) Records of the monthly operation in terms of hours.
 - (i) The hours of operation must be documented from a non-resettable, four-digit (9,999), hour timer that is installed and maintained on the Internal Combustion Engine to indicate elapsed engine operating time.
 - (ii) The monthly operation records must be retained for a period of at least five (5) years.
 - (c) Documentation that demonstrates that the Internal Combustion Engine is subject to the *Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines rated at 50 Horsepower and Greater*, Title 17 CCR 93116.; or, that the Internal Combustion Engine is otherwise classified as a Portable Internal Combustion Engine, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of the above regulation; and/or, designates the Internal Combustion Engine as a Portable Internal Combustion Engine.
 - (d) Documentation that demonstrates that the Internal Combustion Engine is an Emergency Internal Combustion Engine, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of emergency use; and, designates the Internal Combustion Engine is an Emergency Internal Combustion Engine.

- (e) Documentation that demonstrates that the Internal Combustion Engine operates on an engine test stand as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of an engine test stand, and designates the Internal Combustion Engine is an Internal Combustion Engine operating on a test stand.
- (f) Documentation that demonstrates that the Internal Combustion Engine is subject to District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*, as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the requirements of District Rule 1160.1 – Internal Combustion Engines in Agricultural Operations; or,
 - (ii) A District agricultural engine registration for the Internal Combustion Engine that designates the requirements of District Rule 1160.1 – *Internal Combustion Engines in Agricultural Operations*.
- (g) Documentation that demonstrates the Internal Combustion Engine is located outside the Federal Ozone Non-attainment Area; as follows:
 - (i) A District permit for the Internal Combustion Engine that designates the address of operation.
- (h) Documentation that the Internal Combustion Engine has a Statewide Portable Equipment Registration (PERP), as follows:
 - (i) A copy of the valid PERP registration; and,
 - (ii) A valid PERP registration sticker affixed to the Internal Combustion Engine.

(E) Monitoring and Recordkeeping Requirements

(1) Monitoring

- (a) The owner or operator of any Internal Combustion Engine subject to this rule must:
 - (i) Conduct inspections, whichever is the more frequent of, at least once every calendar quarter; or, after every 2,000 hours of engine operation.
 - a. An inspection includes any testing, maintenance, and/or other procedures that ensure the Internal Combustion Engine is operated in strict accordance with the manufacturer's specifications and in continual compliance

with the provisions of this rule. Each inspection must include the following:

1. Date.
2. Records of testing, as applicable.
3. Records of maintenance.

(ii) Install and maintain a non-resettable, four-digit (9,999), hour timer to indicate elapsed engine operating timer. [Added in response to USEPA suggestion of 12/7/2022]

(b) The owner or operator of any Internal Combustion Engine equipped with existing Emission Control Equipment or required to install Emissions Control Equipment to achieve compliance with this rule shall:

- (i) Install, operate, and maintain in calibration, the following monitoring equipment, as approved by the APCO:
 - a. Continuous measurement and recording of Emissions Control System Operating Parameters;
 - b. Continuous measurement and recording of elapsed time of operation; and,
 - c. An Enhanced Emissions Monitoring Device.

(ii) Compliance shall be verified at least once in every twelve (12) month period by an emissions compliance test.

- a. Testing frequency may be reduced per the following provisions:
 1. If a compliance test demonstrates compliance with the provisions of this rule, the frequency of the compliance test may be extended to once every twenty-~~four~~ (24) months. [Typographical error correction]
 2. Failure of a compliance test or failure to complete the compliance test within the required frequency resets the compliance test frequency to at least once in every twelve (12) month period.
- b. At a minimum, emissions compliance testing shall be conducted for NO_x, VOC, CO and oxygen (O₂) levels in compliance with the provisions of the District's MDAQMD Compliance Test Procedural Manual.

(c) The owner or operator of any Internal Combustion Engine, without Emission Control Equipment, that is in compliance ~~without Emission Control Equipment~~ complies with this rule, ~~without Emission Control Equipment~~ shall demonstrate compliance with either section (E)(1)(c)(i), or (c)(ii) and (iii):

- (i) Demonstrate compliance, as verified via USEPA Certification, CARB Executive Order, and/or District-approved test results, certifying the engine was tested in accordance with 40 CFR Part 1065 and that the engine:

- a. Conforms to CARB and/or USEPA emission requirements; and,
 - b. The engine emission rates meet the applicable requirements in Section (C)(1)(a), (C)(1)(b), and (C)(1)(c) above; and,
 - c. Is verified by the operation of an Enhanced Emissions Monitoring Device.
 - ~~through CARB and/or EPA certification that the EPA/CARB Engine Family:~~
 - a. ~~Conforms to both CARB and/or EPA requirements.~~
 - b. ~~The EPA/CARB Engine Family emission rates meet the applicable requirements in Section (C)(1)(a), (C)(1)(b), and (C)(1)(c) above.~~
 - c. ~~Verified by the operation of an Enhanced Emissions Monitoring Device.~~
 - ~~emission rates meeting emission limits established in the *****;~~
 - [Modified for clarity]*
 - (ii) Demonstrate initial compliance; by completing a compliance test for NO_x, VOC, CO and oxygen (O₂) levels within 180 days of permit issuance in accordance with the MDAQMD Compliance Test Procedural Manual; and *[Derived from SCAQMD 1110.2 RACT/SIP Rule]*
 - (iii) Demonstrate continued compliance by conducting a compliance test for NO_x, VOC, CO and oxygen (O₂) levels every 60 months, or 8760 hours of operation, whichever comes first, in accordance with the MDAQMD Compliance Test Procedural Manual.
[Derived from SacMetro 412, RACT/SIP Rule]
~~an emission compliance test. At a minimum, emissions compliance testing shall be conducted for NO_x, VOC, CO and oxygen (O₂) levels in compliance with the provisions of the District's Compliance Test Procedural Manual; or,~~
 - (ii) ~~Demonstrate compliance through certified manufacturer emission rates.~~ *[Modified to address issues identified in 86 FR 29227, 6/1/2021 and the Technical Support Document produced in conjunction with the rulemaking.]*
- (d) Compliance verification, as specified in subsections (E)(1)(b) and/or (E)(1)(c) shall be satisfied:
- (i) Within 180 days of the date of rule adoption;⁵ or
 - (ii) Within 180 days of the installation of an Emission Control Equipment; or⁵
 - (iii) Within 180 days of an Internal Combustion Engine becoming subject to this rule, whichever is later.

(2) Recordkeeping Requirements

- (a) The owner/operator of any engine subject to the provisions of Section (C) of this rule shall maintain a log for each Internal Combustion Engine containing, at a minimum, the following data:
 - (i) District ~~Authority to Construct/Permit to Operate (ATC/PTO)~~ Permit number, unit identification number, and Emissions Control Equipment identification number, when applicable. *[Modified for Clarity]*
 - (ii) Quarterly fuel use and quarterly hours of operation, on a calendar quarter basis.
 - (iii) The date and a summary of any emissions corrective maintenance taken.
 - ~~(iv) The Facility's District approved Emission Control Plan, if applicable.~~ *[Removed as unnecessary due to the removal of the Alternative Compliance Strategy Section]*
- (b) The owner/operator shall maintain the records, on site, for a period of five (5) years, and shall be readily available, to the District upon request.

(F) Test Methods

Compliance with the requirements of section (C) shall be determined, as required, in accordance with the following test procedures or any other method approved by USEPA and the APCO:

- (1) Oxides of nitrogen - USEPA Method 7E, or ARB Method 100.
- (2) Carbon monoxide - USEPA Method 10, or ARB Method 100.
- (3) Stack gas oxygen - USEPA Method 3 or 3A, or ARB Method 100.
- (4) Volatile organic compounds - USEPA Method 18, 25A or 25B, or ARB Method 100.
- (5) Determination of the exempt compounds, shall be performed in accordance with ASTM Test Method D 4457-85 (Solvents and Coatings) and be consistent with the provisions set forth in the Federal Register (FR, Vol. 56, No. 52, March 18, 1991). Perfluorocarbon compounds shall be assumed to be absent from a product or process unless a manufacturer or facility operator identifies a specific compound or compounds from the broad classes of perfluorocarbons listed in 40 CFR 51.100(s)(1) as being present in the product or process. When such compounds are identified, the facility shall provide the test method to determine the amount(s) of the specific compound(s).

(G) Compliance Schedule

- (1) Any Facility and/or owner/operator with Internal Combustion Engines subject to this rule must comply with this rule as of the date of the latest amendment~~no later than twelve (12) months from the most recent amendment date of this rule.~~

See SIP Table at <http://www.mdaqmd.ca.gov>

Appendix “B”

Public Notice Documents

1. Proof of Publication – Daily Press, Published September 29, 2022
2. Proof of Publication – Riverside Press Enterprise, Published September 29, 2022

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For San Bernardino County

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Daily Press | The Record

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PROOF OF PUBLICATION

Sbc Mojave Desert Air Quality
Sbc Mojave Desert Air Quality
14306 Park AVE
Victorville CA 92392-2310

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

I, being duly sworn, says:

That I am the Legal Clerk of the Daily Press, a daily newspaper of general circulation, printed and published in Victorville, San Bernardino County, California; that the publication, a copy of which is attached hereto, was published in the said newspaper in the issues dated:

09/29/2022

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 09/29/2022

Legal Clerk

Notary, State of WI, County of Brown

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 24, 2022 at 10:00 A.M. to consider the rescission of SCAQMD Rule 443 - *Labeling of Solvents* which is in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County, and replace it with MDAQMD Rule 443 - *Labeling of Solvents*. The amendment of MDAQMD Rule 1160 - *Internal Combustion Engines* will also be heard at this hearing.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission of SCAQMD Rule 443 - *Labeling of Solvents* from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 443 - *Labeling of Solvents*; and proposed amendment of MDAQMD Rule 1160 - *Internal Combustion Engines* are on file and may be obtained from the Senior Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Poirier, APCO at the above office address. Written comments should be received no later than October 20, 2022 to be considered. If you have any questions you may contact Michelle Zumwalt at (760) 245-1661 x5756 for further information. Traducción esta disponible por solicitud.

This action on SCAQMD and MDAQMD rules is proposed to allow USEPA to clean up and consolidate the SIP rules for the MDAQMD such that Blythe and the rest of the Palo Verde Valley are subject to the same SIP approved Rule 443 currently published in the MDAQMD Rulebook.

This rule action is in response to USEPA's limited approval and limited disapproval on Rule 1160 - *Internal Combustion Engines*, last amended on January 22, 2018. The proposed amendment addresses the disapproved elements to produce an approvable rule for the SIP (State Implementation Plan).

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD 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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OCT 11 2022

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For Riverside County

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Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, California 92392

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011562302

FILE NO. 0011562302

PROOF OF PUBLICATION

I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/29/2022

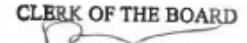
I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Date: September 29, 2022.
At: Riverside, California


Signature

RECEIVED
MOJAVE DESERT AQMD

SEP 29 2022

CLERK OF THE BOARD
BY 

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on October 24, 2022 at 10:00 A.M. to consider the rescission of SCAQMD Rule 443 - Labeling of Solvents which is in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County, and replace it with MDAQMD Rule 443 - Labeling of Solvents. The amendment of MDAQMD Rule 1160 - Internal Combustion Engines will also be heard at this hearing.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the staff report for the proposed rescission of SCAQMD Rule 443 - Labeling of Solvents from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with the current MDAQMD Rule 443 - Labeling of Solvents, and proposed amendment of MDAQMD Rule 1160 - Internal Combustion Engines are on file and may be obtained from the Senior Executive Analyst at the MDAQMD Offices. Written comments may be submitted to Brad Poltriez, APCO at the above office address. Written comments should be received no later than October 20, 2022 to be considered. If you have any questions you may contact Michelle Zumwalt at (760) 245-1661 x5756 for further information. Traducción esta disponible por solicitud.

This action on SCAQMD and MDAQMD rules is proposed to allow USEPA to clean up and consolidate the SIP rules for the MDAQMD such that Blythe and the rest of the Palo Verde Valley are subject to the same SIP approved Rule 443 currently published in the MDAQMD Rulebook.

This rule action is in response to USEPA's limited approval and limited disapproval on Rule 1160 - Internal Combustion Engines, last amended on January 22, 2018. The proposed amendment addresses the disapproved elements to produce an approvable rule for the SIP (State Implementation Plan).

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.
The Press-Enterprise
Published: 9/29/22

Notice of Hearing 443/1160 (5209382) - Page 1 of 1

Appendix “C”

Public Comments and Responses

1. USEPA E-Mail 9/14/2022
2. Ryan Cawdrey, PG&E, 11/3/2022

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Commenter 1 - USEPA

From: Gong, Kevin <Gong.Kevin@epa.gov>
Sent: Wednesday, September 14, 2022 10:37 AM
To: Chris Anderson <canderson@mdaqmd.ca.gov>
Cc: Michelle Zumwalt <mzumwalt@mdaqmd.ca.gov>; Alan De Salvio <Adesalvio@mdaqmd.ca.gov>; Lo, Doris <Lo.Doris@epa.gov>; Bushey, Douglas <bushey.douglas@epa.gov>
Subject: RE: Rule 1160 Draft 1.1

Hi Chris, Michelle, and Alan,

Comment 1-1

I spoke with our national RACT workgroup today about the uncontrolled engines at Hinkley, and we at the very least will require a robust RACT analysis that at minimum demonstrates technical or cost infeasibility for installing at least the same types of controls that the other engines from the same make and model (K-1, 3, 4, or 7). Just want to make that explicitly clear.

Comment 1-2

I was also advised that we need to be careful about how the annual mass limit is expressed in the rule, and that an annual mass cap on its own may conflict with EPA's policy on averaging times. If the District is still hoping to submit a mass limit, is a shorter-term operational mass limit something that could be calculated and included as a requirement for consistency with that policy? Attached is the policy document that I was sent in support of that view (although it discusses VOCs, the principle applies to NOx as well).

I am going to be consulting with others on this specific issue and more generally for Rule 1160 on Thursday, so is it alright if I provide further follow-up by Friday? I am very aware that you'd like to lock down the language by September 23rd in order for you to bring this to your board next month, so we will keep this project in mind over the next week or so.

Thanks,

-Kevin

Kevin Gong (*he/him*)
Rules Office, Air and Radiation Division (AIR-3-2)
Region 9 (Pacific Southwest), U.S. Environmental Protection Agency
75 Hawthorne St. San Francisco, CA 94105
(415) 972-3073 | gong.kevin@epa.gov

Responses to Commenter 1:

Response 1-1: The District previously provided a RACT analysis in the Staff Report for the 2018 amendments to Rule 1160 (See *Technical Discussion and Feasibility Analysis for Internal Combustion Engines*, Appendix F, Staff Report for Rule 1160 as amended 1/22/2018). In that document it was determined that the proposed overall limits of 50 ppmv for rich burn spark ignited engines, 125 ppmv for lean burn spark ignited engines and 80 ppmv for compression ignited engines was RACT. As the underlying limits are not changing this analysis is still applicable.

For the 12 lean burn spark ignited engines previously under an alternate compliance plan, the District has determined that the 7 engines previously retrofit under that plan will meet the 125 ppmv limit currently in the Rule and are thus complying with RACT. For the other 5 engines, currently under a collective hourly use limitation in the alternative compliance plan, the District has provided a cost effectiveness analysis in section V. C. 2. and discussion in VI. C of the staff report. This analysis shows that a retrofit of those 5 engines would generate an estimated 2034 tons of NO_x reductions emissions reduced. In the alternative, a 2600 hour use restriction generates an estimated 2125 ton of NO_x reduction at no cost and thus can be considered RACT for these engines.

Response 1-2: The District has determined that a mass limit for the 5 non-retrofit engines is, at best, difficult to express and enforce. An alternative formulation, a collective hour use limitation on these engines is clear, concise and easily verifiable with a non-resettable hour meter. In addition, such meters are already existent on these engines making enforcement a simple matter of verifying the records with the hour meter readings. Therefore, the District has included an hourly limitation on these specific engines in subsection (C)(1)(a)(ii) of the rule.

Commenter 2 – PG&E

From: Cawdrey, Ryan <RYCO@pge.com>
Sent: Thursday, November 3, 2022 12:44 PM
To: Alan De Salvio <Adesalvio@mdaqmd.ca.gov>
Cc: Cawdrey, Ryan <RYCO@pge.com>
Subject: RE: 1160 Documents

Classification: Internal

Alan,

Thank you for providing this additional context and the proposed rule revision D4. Based on the revisions, I do have one additional question regarding NOx compliance testing for the K-units without Emission Control Equipment.

In order to comply with (E)(1)(c) via sections (ii) and (iii), the draft rule currently states that these units without Emissions Control Equipment must:

- (ii) Demonstrate initial compliance; by completing a compliance test for **NOX**, VOC, CO and oxygen (O2) levels within 180 days of permit issuance in accordance with the MDAQMD Compliance Test Procedural Manual; and
[derived from SCAQMD 1110.2 RACT/SIP Rule]
- (iii) Demonstrate continued compliance by conducting a compliance test for **NOX**, VOC, CO and oxygen (O2) levels every 60 months, or 8760 hours of operation, whichever comes first, in accordance with the MDAQMD Compliance Test Procedural Manual.
[derived from SacMetro 412, RACT/SIP Rule]

Since the K-units without Emissions Control Equipment are subject to the hour limit from (C)(1)(ii) rather than the Table 1 NOx limits, what purpose does compliance testing for NOx serve given they are not subject to a NOx limit? Given these units will be subject to the VOC and CO limits from Tables 2 and 3 respectively but not Table 1, it follows that the compliance testing for these units be limited to VOC, CO, and O2 levels.

Comment 2-1

Thank you,

Ryan Cawdrey | Senior Environmental Scientist | Air Quality
Cell: (510) 414-0015 | RYCO@pge.com

Environmental Management | Gas Transmission Facilities – South
Pacific Gas and Electric Company

Responses to Commenter 2:

Response 2-1: Commenter is correct that NO_x testing for compliance purposes is not necessary given that the 5 engines in compliance with subsection (C)(1)(a)(ii) would be subject to a combined hourly use limitation as opposed to a numerical emissions limitation. However, USEPA has insisted that NO_x testing for the purposes of accurately determining emissions amounts is both appropriate and necessary to ensure complete approvability of the rule. Thus, the District has indicated that such NO_x testing is required for emissions determination purposes only in the rule commentary and the staff report. Please note that compliance with the use limit will be determined from use logs and readings of the non-resettable hour meters on each engine.

Appendix “D”
California Environmental Quality Act
Documentation

1. **DRAFT** Notice of Exemption – San Bernardino County
2. **DRAFT** Notice of Exemption – Riverside County

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DRAFT NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 1160 – *Internal Combustion Engines*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The MDAQMD is proposing to amend Rule 1160 – *Internal Combustion Engines*, to address USEPA’s limited approval and limited disapproval on Rule 1160 – *Internal Combustion Engines*, last amended on January 22, 2018. This proposed amendment addresses those sections that were disapproved and will seek full USEPA approval on the SIP rule.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert 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 amendment of Rule 1160 is exempt from CEQA review because the amendment will not create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption 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: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** January 23, 2023

DATE RECEIVED FOR FILING:

DRAFT NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 1160 – *Internal Combustion Engines*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

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NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

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LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** January 23, 2023

DATE RECEIVED FOR FILING:

Appendix “E”

Bibliography

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

1. 61 FR 56470 1996 01 Nov DF 1160 – Direct Final Rule Action for MDAQMD for internal combustion engines. (11/01/1996)
2. 61 FR 56491 1996 01 Nov PR 1160 – Proposed Rule Action for MDAQMD Rule 1160. (11/01/1996)
3. 86 FR 29227 2021 01 Jun Prop LA LD 1160 – Proposed Rule Action, Limited Approval/Limited Disapproval. (06/01/2021)
4. 86 FR 50643 2021 10 Sep Fnl LA-LD 1160 - Final Rule Action, Limited Approval/Limited Disapproval. (06/01/2021)
5. Comment Tracking Info – EPA Comment Submission Confirmation, /document/EPA-R09-OAR-2021-0333-0001 (06/08/2021)
6. Eastern Kern Rule 427 2001 01 Nov – Eastern Kern Air Pollution Control District Rule 427- Stationary Piston Engines (Oxides of Nitrogen) amended 11/01/2001.
7. EPA-452 R-01-001 Improving EIPs 2001 Nov – Improving Air Quality with Economic Incentive Program (EPA-452/R-01-001, January 2001)
8. EPA-453 R-93-032 ACT for ICE 1993 Jul – Alternative Control Techniques Document – NO_x emissions from Stationary Reciprocating Internal Combustion Engines (EPA-453/R-93-032, July 1993)
9. Final Staff Report Amendments to Rule 1160 – Internal Combustion Engines – 2018 22 Jan
10. INGAA, *Availability and Limitations of NO_x Emission Control Resources for Natural Gas-Fired Reciprocating Engine Prime Movers Used in the Interstate Natural Gas Transmission Industry*, July 2014.
11. Ltr EPA LA LD 1160 2021 08 Jun – MDAQMD response letter regarding Docket No. EPA-R09-OAR-2021-0333(86 FR 29227, 06/01/2021 Proposed Limited Approval/Limited Disapproval of MDAQMD’s rule 1160 – Internal Combustion Engines.
12. NAAQS Change Timeline – Timeline of Ozone National Ambient Air Quality Standards (NAAQS)
13. SCAQMD rule-1110-2 2019 2 Nov – SCAQMD Rule 1110.2 Emission From Gaseous – and Liquid-Fueled Engines (amended November 1, 2019)
14. TSD MD1160 2021 Apr – Technical Support Document for EPA’s Rulemaking for the California State Implementation Plan (April, 2021)

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Appendix “C”

Public Comments and Responses

1. USEPA E-Mail 9/14/2022
2. Ryan Cawdrey, PG&E, 11/3/2022

This page intentionally left blank.

Commenter 1 - USEPA

From: Gong, Kevin <Gong.Kevin@epa.gov>
Sent: Wednesday, September 14, 2022 10:37 AM
To: Chris Anderson <canderson@mdaqmd.ca.gov>
Cc: Michelle Zumwalt <mzumwalt@mdaqmd.ca.gov>; Alan De Salvio <Adesalvio@mdaqmd.ca.gov>; Lo, Doris <Lo.Doris@epa.gov>; Bushey, Douglas <bushey.douglas@epa.gov>
Subject: RE: Rule 1160 Draft 1.1

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Comment 1-1

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Thanks,

-Kevin

Kevin Gong (*he/him*)
Rules Office, Air and Radiation Division (AIR-3-2)
Region 9 (Pacific Southwest), U.S. Environmental Protection Agency
75 Hawthorne St. San Francisco, CA 94105
(415) 972-3073 | gong.kevin@epa.gov

Responses to Commenter 1:

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Commenter 2 – PG&E

From: Cawdrey, Ryan <RYCO@pge.com>
Sent: Thursday, November 3, 2022 12:44 PM
To: Alan De Salvio <Adesalvio@mdaqmd.ca.gov>
Cc: Cawdrey, Ryan <RYCO@pge.com>
Subject: RE: 1160 Documents

Classification: Internal

Alan,

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[derived from SCAQMD 1110.2 RACT/SIP Rule]
- (iii) Demonstrate continued compliance by conducting a compliance test for **NOX**, VOC, CO and oxygen (O2) levels every 60 months, or 8760 hours of operation, whichever comes first, in accordance with the MDAQMD Compliance Test Procedural Manual.
[derived from SacMetro 412, RACT/SIP Rule]

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Comment 2-1

Thank you,

Ryan Cawdrey | Senior Environmental Scientist | Air Quality
Cell: (510) 414-0015 | RYCO@pge.com

Environmental Management | Gas Transmission Facilities – South
Pacific Gas and Electric Company

Mailed on 1/24/2023



January 23, 2023

County of San Bernardino
Clerk of the Board of Supervisors
385 N. Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130

Dear Clerk:

RE: Notice of Exemption Filings – Rule 1160 – *Internal Combustion Engines & Adoption of the MDAQMD Federal 70 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*.

Enclosed, please find "Notice of Exemption" filing along with a check for the filing fee of \$100.00. I've also enclosed 2 self-addressed, stamped envelopes for each filing for your use to send back copies the day it was posted and the other one for after the 30 days that our project has been posted with the signed off originals.

Thank you for your assistance, it's greatly appreciated. Please feel free to contact me with questions concerning this matter at 760.245.1661 ext. 6244 or via email at dhernandez@mdaqmd.ca.gov.

Respectfully,

Deanna Hernandez

Deanna Hernandez
Senior Executive Analyst

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

14306 Park Avenue, Victorville, CA 92392-2310 • 760.245.1661 • Fax 760.245.2022 • www.MDAQMD.ca.gov • @MDAQMD

City of
ADELANTO

Town of
APPLE VALLEY

City of
BARSTOW

City of
BLTYHE

City of
HESPERIA

City of
NEEDLES

County of
RIVERSIDE

County of
SAN BERNARDINO

City of
TWENTYNINE PALMS

City of
VICTORVILLE

Town of
YUCCA VALLEY

DRAFT NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

ENTD ACCUFUND

JAN 09 2023

REQ 5482



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 1160 – *Internal Combustion Engines*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The MDAQMD is proposing to amend Rule 1160 – *Internal Combustion Engines*, to address USEPA's limited approval and limited disapproval on Rule 1160 – *Internal Combustion Engines*, last amended on January 22, 2018. This proposed amendment addresses those sections that were disapproved and will seek full USEPA approval on the SIP rule.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert 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 amendment of Rule 1160 is exempt from CEQA review because the amendment will not create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption 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:

Brad Poiriez

PHONE: (760) 245-1661

SIGNATURE:

TITLE:

Executive Director

DATE:

January 23, 2023

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

ENTD ACCUFUND
JAN 09 2023
REQ 5483



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Adoption of the *MDAQMD Federal 70 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The Mojave Desert Air Quality Management District (MDAQMD) is proposing to adopt the *MDAQMD Federal 70 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* to satisfy Federal Clean Air Act (FCAA) requirements that the MDAQMD develop a plan to attain the 70 ppb ozone National Ambient Air Quality Standard (NAAQS) on or before 2032. This plan will update the *2017 MDAQMD Federal 8-hour Ozone Attainment Plan (Western Mojave Desert Non-Attainment Area)*.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert 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 adoption of the *MDAQMD Federal 70 ppb Ozone Attainment Plan (Western Mojave Desert Nonattainment Area)* is exempt from CEQA review because the action will not create any adverse impacts on the environment. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Brad Poiriez **PHONE:** (760) 245-1661

SIGNATURE:  **TITLE:** Executive Director **DATE:** 01/23/2023

DATE RECEIVED FOR FILING:

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

BRAD POIRIEZ, EXECUTIVE DIRECTOR

14306 Park Avenue, Victorville, CA 92392-2310 • 760.245.1661 • Fax 760.245.2022 • www.MDAQMD.ca.gov • @MDAQMD

**Mojave Desert AQMD**14306 Park Avenue
Victorville CA 92392Wells Fargo Bank N.A.
390 N. Brea Blvd Suite A
Brea CA 92821

16-24/1220

0010963DATE
1/12/2023AMOUNT
*****100.00

PAY ***One Hundred and 00/100 Dollars***

TO THE ORDER OF
SAN BERNARDINO COUNTY CLERKVOID AFTER 60 DAYS


⑈0010963⑈ ⑆121042882⑆ 9814831328⑈

Mojave Desert AQMD
SAN BERNARDINO COUNTY CLERK

1/12/2023

0010963

Invoice	PO Number	Invoice Date	Description	Amount
5482		1/09/2023	Notice of Exemption (NOE) filing - Rule 1160	50.00
5483		1/09/2023	Notice of Exemption (NOE) filing - Adoption o	50.00
Total:				100.00

Mojave Desert AQMD
14306 Park Avenue
Victorville, CA 92392-2310

County of San Bernardino
Clerk of the Board of Supervisors
385 N. Arrowhead Avenue,
2nd Floor
San Bernardino, CA 92415-0130

NEOPOST

FIRST-CLASS MAIL

01/24/2023

US POSTAGE \$001.50⁰



ZIP 92392
041M11293506



Peter Aldana
Riverside County
Assessor-County Clerk-Recorder
2724 Gateway Drive
Riverside, CA 92507
(951) 486-7000
www.rivcoacr.org

Receipt: 23-19800

Product	Name	Extended
FISH	CLERK FISH AND GAME FILINGS	\$50.00
	# Pages	1
	Document #	E-202300088
	Filing Type	7
	State Fee Prev Charged	false
	No Charge Clerk Fee	false
F&G Notice of Exemption Fee		\$50.00
Total		\$50.00
Tender (On Account)		\$50.00
Account#	CEQAMDAQMD	
Account Name	CEQAMDAQMD - Mojave Desert AQMD	
Balance	\$50.00	



State of California - Department of Fish and Wildlife
**2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT**
DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:
23-19800

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY MOJAVE DESERT AIR QUALITY MANAGEMENT	LEAD AGENCY EMAIL DHERNANDEZ@MDAQMD.CA.GOV	DATE 01/24/2023
COUNTY/STATE AGENCY OF FILING RIVERSIDE	DOCUMENT NUMBER E-202300088	

PROJECT TITLE

RULE 1160 - INTERNAL COMBUSTION ENGINES

PROJECT APPLICANT NAME MOJAVE DESERT AIR QUALITY MANAGEMENT	PROJECT APPLICANT EMAIL DHERNANDEZ@MDAQMD.CA.GOV	PHONE NUMBER (760) 245-1661
PROJECT APPLICANT ADDRESS 14306 PARK AVENUE,	CITY VICTORVILLE	STATE CA
		ZIP CODE 92392

PROJECT APPLICANT (Check appropriate box)

☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	

☒ Exempt from fee
☒ Notice of Exemption (attach)
☐ CDFW No Effect Determination (attach)
☐ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	
<input checked="" type="checkbox"/> County documentary handling fee		\$	\$50.00
<input type="checkbox"/> Other		\$	

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☒ Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X <i>C. Sandoval</i>	AGENCY OF FILING PRINTED NAME AND TITLE Deputy Cassandra Sandoval
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SS T 3005 S 2154

DRAFT NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310



X MDAQMD Senior Executive Analyst

PROJECT TITLE: Amendment of Rule 1160 – *Internal Combustion Engines*

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The MDAQMD is proposing to amend Rule 1160 – *Internal Combustion Engines*, to address USEPA's limited approval and limited disapproval on Rule 1160 – *Internal Combustion Engines*, last amended on January 22, 2018. This proposed amendment addresses those sections that were disapproved and will seek full USEPA approval on the SIP rule.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert 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 amendment of Rule 1160 is exempt from CEQA review because the amendment will not create any new emissions or adverse impacts on the environment. Because there is no potential that the adoption 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:

Brad Poiriez

PHONE: (760) 245-1661

SIGNATURE:

TITLE:

Executive Director

DATE:

January 23, 2023

DATE RECEIVED FOR FILING:

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202300088
01/24/2023 11:26 AM Fee: \$ 50.00
Page 1 of 1

MDAQMD Rule 1160
Staff Report – D6 12/19/2022

Removed:

By:

Deputy

