

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2699
www.MDAQMD.ca.gov • @MDAQMD



REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 26, 2024 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Merl Abel, Town of Yucca Valley
Elizabeth Becerra, City of Victorville
Brigit Bennington, City of Hesperia, ***Vice Chair***
Joseph “Joey” DeConinck, City of Blythe – *via teleconference*
Kari Leon, Town of Apple Valley, ***Chair***
Robert Lovingood, Public Member
Jamie McCorkle, City of Needles – *via teleconference*
Daniel Mintz, Twentynine Palms
V. Manuel Perez, Riverside County, 4th District Supervisor – *via teleconference*

Board Members Absent:

Paul Cook, San Bernardino County, 1st District Supervisor
Carmen Hernandez, City of Barstow
Gabriel Reyes, City of Adelanto
Dawn Rowe, San Bernardino County, 3rd District Supervisor

CALL TO ORDER

Chair **KARI LEON** called the meeting to order at 10:02 am and asked Board Member **ROBERT LOVINGOOD** to lead the Pledge of Allegiance.

Chair **KARI LEON** called for Roll Call – Deanna Hernandez, Senior Executive Analyst, called roll.

Items with potential Conflict of Interests – If you believe you have a conflict of interest, please recuse yourself at the appropriate time. If you have a question regarding a potential conflict of interest, please contact District Counsel. Chair **KARI LEON** asked if any members wished to indicate a conflict of interest in regards to any agenda items. Chair **KARI LEON** recused herself on agenda item #6.

PUBLIC COMMENT – The public may comment on any item not listed on the agenda. For comments relating to a specific item, please use the public comment card and specify the number of the item on which you wish to speak and submit it to the Clerk.

In compliance with the Brown Act, the Governing Board may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The Governing Board may ask brief questions for clarification, provide a reference to staff or other reference for factual information and or direct staff to add an item to a subsequent meeting.

Chair **KARI LEON** called for **PUBLIC COMMENT**. Being no public comment at this time, Chair **LEON** moved onto the **CLOSED SESSION**.

CLOSED SESSION

Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Vice Chair **BRIGIT BENNINGTON**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., and V. MANUEL PEREZ** with Board Members **PAUL COOK, CARMEN HERNANDEZ, GABRIEL REYES and DAWN ROWE** absent, the board entered into **CLOSED SESSION** at 10:07 a.m.

Agenda Item 1 – CONFRENECE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov. Code §54956.9(a)) Case: Mojave Desert AQMD v. U.S. Environmental Protection Agency et. al; U.S. Court of Appeals 9th Cir, Case No. 23-1411.

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session:

The Governing Board reconvened to open session at 10:50 a.m., and Special Counsel Piero Dallarda stated that the Board met in Closed Session on the above agenda item and reported no reportable action.

Chair **KARI LEON** called for **PUBLIC COMMENT** prior to moving onto the Consent Calendar. Public comment was heard on a non-agenda item by Mr. Kqinoa Frasar & Mr. Bob Morgan of Kern Machinery. Mr. Frasar expressed that Kern Machinery is a local tractor dealership with experience processing grant applications and contracts such Carl Moyer & FARMER. Brad Poiriez, Executive Director/APCO referred Kern Machinery representatives to the District’s Support Services Supervisor Jorge Camacho. Being no further pubic comment, Chair **KARI LEON** moved onto the **CONSENT CALENDAR**.

CONSENT CALENDAR – Chair **KARI LEON** polled the Board to determine if any member wished pull an item on the consent calendar for discussion. No member did so. The following

consent items were acted upon by the Board at one time without discussion. Upon motion by Board Member **DANIEL MINTZ, Sr.**, seconded by Board Member **ELIZABETH BECERRA**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., and V. MANUEL PEREZ** with Board Members **PAUL COOK, CARMEN HERNANDEZ, GABRIEL REYES and DAWN ROWE** absent and Chair **KARI LEON** recusing on agenda item #6, on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of June 24, 2024.
Approved Minutes from Regular Governing Board Meeting of June 24, 2024.

Agenda Item 3 – Receive and file the District Activity Report.

Presenter: Alan De Salvio, Deputy APCO.

Received and filed the District Activity Report. Presenter: Alan De Salvio, Deputy APCO

Agenda Item 4 – Receive and file Financial Reports through June 2024, which reflects the District’s financial and budgetary performance to date.

Presenter: Laquita Cole, Finance Manager.

Received and filed Financial Reports through June 2024, which reflects the District’s financial and budgetary performance to date.

Agenda Item 5 – Receive and file Policies and Procedures Manual for the District’s Carl Moyer Program (Moyer Program). Acknowledge the addition of Appendix D to the manual.

Presenter: Jorge Camacho, Support Services Supervisor I.

Received and filed Policies and Procedures Manual for the District’s Carl Moyer Program (Moyer Program). Acknowledge the addition of Appendix D to the manual.

Agenda Item 6 – 1) Authorize staff to locate and purchase land, for use as additional District parking, storage, and future expansion in an amount not to exceed \$500,000 including all associated costs; 2) authorize staff to locate land in proximity to the District facility, negotiate price, time frames, and technical details of the purchase with the seller, or seller’s representative; 3) authorize the Executive Director to execute the required documents, approved as to legal form, and; 4) to retain a real estate agent, as necessary, to facilitate the purchase.

Presenter: Brad Poiriez, Executive Director.

1) **Authorized** staff to locate and purchase land, for use as additional District parking, storage, and future expansion in an amount not to exceed \$500,000 including all associated costs; 2) **authorized** staff to locate land in proximity to the District facility, negotiate price, time frames, and technical details of the purchase with the seller, or seller’s representative; 3) **authorized** the Executive Director to execute the required documents, approved as to legal form, and; 4) to retain a real estate agent, as necessary, to facilitate the purchase.

Agenda Item 7 – Set Date of September 23, 2024 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically the Rescission of South Coast Air Quality Management District (SCAQMD) Rule 481 – *Spray Coating Operations* as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management

District (MDAQMD) and to acknowledge that it has been replaced by various SIP approved and SIP pending rules that are effective throughout the MDAQMD's jurisdiction.

Presenter: Chris Anderson, Planning and Air Monitoring Supervisor I.

Date set of September 23, 2024 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically the Rescission of South Coast Air Quality Management District (SCAQMD) Rule 481 – *Spray Coating Operations* as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD) and to acknowledge that it has been replaced by various SIP approved and SIP pending rules that are effective throughout the MDAQMD's jurisdiction.

Agenda Item 8 – Set Date of September 23, 2024 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically, the rescission of South Coast Air Quality Management District (SCAQMD) Rule 1117 — *Emissions of Oxides of Nitrogen from Glass Melting Furnaces*, as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD) in Riverside County) and to acknowledge that it has been replaced by the currently SIP approved MDAQMD Rule 1165 – *Glass Melting Furnaces*.

Presenter: Chris Anderson, Planning and Air Monitoring Supervisor I.

Date set of September 23, 2024 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically, the rescission of South Coast Air Quality Management District (SCAQMD) Rule 1117 — *Emissions of Oxides of Nitrogen from Glass Melting Furnaces*, as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD) in Riverside County) and to acknowledge that it has been replaced by the currently SIP approved MDAQMD Rule 1165 – *Glass Melting Furnaces*.

Agenda Item 9 – DEFERRED ITEMS

None.

Agenda Item 10 – Conduct a public hearing Rule 1148.

Presenter: Chris Anderson, Planning and Air Monitoring Supervisor I.

Chair **KARI LEON** opened the public hearing. Chris Anderson, Planning and Air Monitoring Supervisor I, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made, being none, Chair **KARI LEON** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **BRIGIT BENNINGTON**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., and V. MANUEL PEREZ** with Board Members **PAUL COOK, CARMEN HERNANDEZ, GABRIEL REYES and DAWN ROWE** absent, the board, adopted resolution 24-16, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING A STATE IMPLEMENTATION PLAN CLEAN UP: RESCINDING OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1148 - THERMALLY ENHANCED OIL RECOVERY WELLS, AS IT APPEARS IN THE SIP FOR THE BLYTHE/PALO VERDE VALLEY PORTION OF THE MOJAVE**

DESERT AIR QUALITY MANAGEMENT DISTRICT. AND DIRECTING STAFF ACTIONS.”

Agenda Item 11 – Conduct a public hearing Rule 1158.

Presenter: Chris Anderson, Planning and Air Monitoring Supervisor I.

Chair **KARI LEON** opened the public hearing. Chris Anderson, Planning and Air Monitoring Supervisor I, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made, being none, Chair **KARI LEON** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **MERL ABEL**, seconded by Board Member **ELIZABETH BECERRA**, and carried by the following roll call vote, with nine **AYES** votes by Board Members **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMIE MCCORKLE, DANIEL MINTZ, Sr., and V. MANUEL PEREZ** with Board Members **PAUL COOK, CARMEN HERNANDEZ, GABRIEL REYES and DAWN ROWE** absent, the board, adopted resolution 24-17, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, SIP CLEANUP: RESCISSION OF SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1158 – STORAGE, HANDLING AND TRANSPORT OF PETROLEUM COKE AS IT APPEARS IN THE SIP FOR THE BLYTHE/PALO VERDE VALLEY PORTION OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT AND DIRECTING STAFF ACTIONS.”**

Agenda Item 12 – Executive Director Reports:

Miscellaneous:

- August 31st is the last day of session. Amendment deadline was Friday if there are to be any proposed changes to the live bills (this is in order to get it in print 72 hours prior to votes as required by law). It is anticipated the Governor will be vetoing a lot of fiscal component bills due to the State’s deficit and current fiscal outlook. Hearing anything with a fiscal tag of over \$1M governor wants a veto letter ready.
- AB2561 (McKinner) is a labor groups sponsored bill. Sets requirements for public agencies when vacancy rates for Represented positions hits 20% which triggers a series of actions – such as – union could trigger ask for a Meet and Confer to happen within 30 days; also, a once a year hearing on level of vacancies and what retention efforts was undertaken throughout the year. We already do something like this in our annual budget.
- AB2958 – CARB Board Member compensation was held in committee so it is essentially dead.
- AB2522 – District Board compensation, slight amendments but is moving forward still and likely to get signed. Would allow air district board by resolution to raise the compensation from \$100 to \$200 if they so choose after Jan. 2025. MDAQMD is called out in the bill and we have submitted letter of support.

Mr. Poiriez updated the Board of past events:

- August 5-7 – Attended the CAPCOA Medium Section APCO meeting - items of discussion: all incentive programs – changes, diminished funds, opportunities, Status of new Air

Emissions Reporting module, Permitting and Energy Supply, SIP updates, staffing/retention strategies, PM2.5 NAAQS designations, District updates, and more.

- Aug. 13 – CAPCOA Budget committee – proposed budget review.
- Aug. 14 – CAPCOA Executive Committee call.
- Aug. 16 - Mock Oral Argument and discussions in prep for NSR litigation.
- Aug. 19-20 – Attended the Oral Arguments of our NSR litigation before the U.S. 9th Circuit Court of Appeals in SF.
- Aug. 21-22 – CAPCOA Board and Legislative Committee meetings. Discussed FY24-25 budget, RX Fire updates, CARB Moyer Updates, Clean Cars 4 All (CC4A) State proposal, CARB Board Member engagement, CARB gave updates on Oil and Gas program and also Aviation Technology Forum. Legislative Committee discussed State budget, Local Board compensation discussion (AB2522), Capitol updates, and several noteworthy bills.

Mr. Poiriez updated the Board of coming events:

- Aug. 26th – meeting with Asha Jones, VP Corporate Affairs, Brightline West
- Aug. 27-29 – Will attend the AAPCA Fall Conference
- Sept. 3 – CAPCOA Budget Committee to finalize proposed budget
- Sept. 4 – VMI-State of the County
- Sept. 16th – a check in call with Martha Guzman – USEPA Region 9 Administrator
- Sept. 18th - CAPCOA Executive Committee call & MEEC Board meeting
- Sept. 20th – will speak at the Mountain Desert League of Cities
- Sept. 24-25th – CAPCOA legislative retreat and Board meeting

CDAWG 2024 will be held Nov. 13th and 14th at the NY NY in Las Vegas. Save the Date postcards to go out. Board members that would like to attend please let Martial, Deanna, or myself know. Have confirmation that the newer Executive Officer of CARB – Dr. Steve Cliff will be giving the CARB keynote, and Matt Lakin – Air Director, USEPA Region IX is our other keynote speaker. Agenda is being finalized and looks to be packed with good presentations and speakers.

The next Board meeting will be held on September 23, 2024.

Agenda Item 13 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member Lovingood commented that local representatives should look at the local large logistic parking lot centers. Due to future automation, local logistic parking lot centers will be high impacted by severe reduction in employment. These large parking lot areas should be kept in mind for re-use or other purposes.

Being no further business, Chair **KARI LEON** adjourned the meeting at **11:15 a.m.** to the next Regular Meeting of ***September 23, 2024.***

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **BRIGIT BENNINGTON & CARMEN HERNANDEZ**, seconded by **DANIEL MINTZ, Sr.**, as approved by the following roll call vote:

Ayes: *11* **BECERRA, BENNINGTON, COOK, DECONINCK, HERNANDEZ, LEON, LOVINGOOD, MINTZ, SCHOOLER, REYES, ROWE**

Noes:

Absent: *2* **MCCORKLE, PEREZ**

Abstain:

Recuse:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY Deanna Hernandez

Dated: September 23, 2024