

**Mojave Desert Air Quality Management District**  
**Brad Poiriez, Executive Director**  
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**REGULAR GOVERNING BOARD MEETING**  
**MONDAY, JUNE 24, 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  
Paul Cook, San Bernardino County, 1<sup>st</sup> District Supervisor  
Joseph “Joey” DeConinck, City of Blythe – *via teleconference*  
Carmen Hernandez, City of Barstow  
Kari Leon, Town of Apple Valley, **Chair**  
Robert Lovingood, Public Member  
Janet Jernigan (alternate), City of Needles – *via teleconference*  
Daniel Mintz, Twentynine Palms  
V. Manuel Perez, Riverside County, 4<sup>th</sup> District Supervisor – *via teleconference*  
Gabriel Reyes, City of Adelanto  
Dawn Rowe, San Bernardino County, 3<sup>rd</sup> District Supervisor – *via teleconference*

Board Members Absent:

Brigit Bennington, City of Hesperia, **Vice Chair**

**CALL TO ORDER**

Chair **KARI LEON** called the meeting to order at 10:00 am and asked Board Member **PAUL COOK** 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. No Members did so.

**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 Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, JANET JERNIGAN, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE** with Board Member **BRIGIT BENNINGTON, absent**, the board entered into **CLOSED SESSION** at 10:06 a.m.

Agenda Item 1 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957. Title: Executive Director/APCO.

**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 10:51 a.m.**, and Special Counsel Piero Dallarda stated that the Board met in Closed Session on the above agenda item and reported that the Board deemed the performance evaluation of Mr. Poiriez completed; accepted the report from the Personnel Committee regarding the performance evaluation of Mr. Poiriez; determined that Mr. Poiriez has received a performance evaluation well above satisfactory; and directed legal counsel to place the Board’s performance evaluation of Mr. Poiriez in Mr. Poiriez’s confidential employee file.

**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 **CARMEN HERNANDEZ**, seconded by Board Member **GABRIEL REYES**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, JANET JERNIGAN, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE** with Board Members

**BRIGIT BENNINGTON and ELIZABETH BECERRA absent**, on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of June 10, 2024.  
**Approved** Minutes from Regular Governing Board Meeting of June 10, 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 April 2024, which reflects the District’s financial and budgetary performance to date.

Presenter: Laquita Cole, Finance Manager.

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

Agenda Item 5 – Approve spending authority for the District consistent with the Fiscal Year 2023-24 Budget until the FY 2024-25 Budget is adopted.

Presenter: Laquita Cole, Finance Manager.

**Approved** spending authority for the District consistent with the Fiscal Year 2023-24 Budget until the FY 2024-25 Budget is adopted.

Agenda Item 6 – Receive and file Carl Moyer State Reserve Program Year 26 Agreement.

Presenter: Jorge Camacho, Support Services Supervisor I.

**Received and filed** Carl Moyer State Reserve Program Year 26 Agreement.

Agenda Item 7 - (1) Authorize the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) in an amount of \$18,583 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database, (2) authorize the Executive Director/APCO to ratify agreements approved as to legal form, (3) authorize Executive Director/APCO to assign excess or additional/subsequent funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements for a period of up to three years, (4) authorize the Executive Director/APCO to revise budget accordingly.

Presenter: Jorge Camacho, Support Services Supervisor I.

(1) **Authorized** the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) in an amount of \$18,583 to be used to review and update data currently stored or being uploaded into the California Emissions Inventory Development and Reporting System (CEIDARS) database, (2) **authorized** the Executive Director/APCO to ratify agreements approved as to legal form, (3) **authorized** Executive Director/APCO to assign excess or additional/subsequent funds under this program to eligible projects and direct staff to perform actions necessary to comply with program requirements for a period of up to three years, (4) **authorized** the Executive Director/APCO to revise budget accordingly.

Agenda Item 8 - (1) The total award amount shall not exceed \$4,944,478 allocated as follows: \$1,918,482 from the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), \$592,769 from Funding Agricultural Replacement Measures for Emission Reductions (FARMER), and \$2,433,227 from Community Air Protection Program (CAPP). These funds will be allocated to the projects listed in Exhibit A; (2) authorize the Executive Director/APCO the option to change the funding source if applicable or if other additional funding sources become available; (3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details such as funding projects in Exhibit B if required and execute an agreement; and (4) authorize staff to revise estimated revenues and expenses in budget to actuals when grant funds or subsequent grants funds are received. Presenter: Jorge Camacho, Support Services Supervisor I.

(1) The total **awarded** amount shall not exceed \$4,944,478 allocated as follows: \$1,918,482 from the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), \$592,769 from Funding Agricultural Replacement Measures for Emission Reductions (FARMER), and \$2,433,227 from Community Air Protection Program (CAPP). These funds will be allocated to the projects listed in Exhibit A; (2) **authorized** the Executive Director/APCO the option to change the funding source if applicable or if other additional funding sources become available; (3) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details such as funding projects in Exhibit B if required and execute an agreement; and (4) **authorized** staff to revise estimated revenues and expenses in budget to actuals when grant funds or subsequent grants funds are received.

Agenda Item 9 - Set Date of August 26, 2024 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically the 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.

Presenter: Alan De Salvio, Deputy APCO.

**Date set** of August 26, 2024 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically the 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.

Agenda Item 10 - Set Date of August 26, 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 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 (MDAQMD) in Riverside County.

Presenter: Alan De Salvio, Deputy APCO.

**Date set** of August 26, 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 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 (MDAQMD) in Riverside County.

Agenda Item 11 – DEFERRED ITEMS.

None.

Agenda Item 12 – Conduct a Public Hearing to consider the proposed MDAQMD Budget for FY 2024-25: a. Re-open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Adopt a resolution approving and adopting the budget for FY 2024-25.  
Presenter: Laquita Cole, Finance Manager.

Chair **KARI LEON** re-opened the public hearing. Laquita Cole, Finance Manager, 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. Upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **GABRIEL REYES**, and carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, JANET JERNIGAN, KARI LEON, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE** with Board Member **ROBERT LOVINGOOD** Abstaining and Board Members **BRIGIT BENNINGTON** and **ELIZABETH BECERRA** absent, the board, adopted resolution 24-13, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2024-25.**”

Agenda Item 13 – Conduct a public hearing to to to consider a State Implementation Plan (SIP) Cleanup: Specifically the Rescission of South Coast Air Quality Management District Rule 1153 – Commercial Bakery Ovens as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the SIP Cleanup: the Rescission of South Coast Air Quality Management District Rule 1153 – Commercial Bakery Ovens as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District.

Presenter: Alan De Salvio, Deputy APCO.

Chair **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, 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 **JOSEPH “JOEY” DECONINCK**, seconded by Board Member **MERL ABEL**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, JANET JERNIGAN, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE** with Board Members **BRIGIT BENNINGTON** and **ELIZABETH BECERRA** absent, the board, adopted resolution 24-14, “**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 1153 – COMMERCIAL BAKERY OVENS 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 14 – Conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically, the rescission of South Coast Air Quality Management District Rule 1159 — Nitric Acid Units – Oxides of Nitrogen, as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District, a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting the Rule and directing staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Chair **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, 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 **JOSEPH “JOEY” DECONINCK**, seconded by Board Member **GABRIEL REYES**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, JANET JERNIGAN, KARI LEON, ROBERT LOVINGOOD, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE** with Board Members **BRIGIT BENNINGTON and ELIZABETH BECERRA** absent, the board, adopted resolution 24-15, **“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 1159 – NITRIC ACID UNITS – OXIDES OF NITROGEN, 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 15 – Executive Director Reports:

Miscellaneous:

- Reminder it is Ozone and Fire season – as we have already had several fires around us including the one in Hesperia. Thanks to some help from our friends at the county, Town of Apple Valley, and city of Hesperia, social media activity on our fire posts has been solid:
  - 2,586 impressions on X, 222 engagements (people liking, sharing, resharing)
  - 8,200 impressions on Facebook, 525 engagements
  - 14,000 impressions on Nextdoor. This time of year, the AQI gets elevated and potential smoke impacts from wildfires increases, in turn our Advisories and social media posts increase accordingly.
- Voucher Incentive Program (VIP) Kick-Off Date is today June 24, 2024. The program will run until the end of the year (December 31<sup>st</sup>) or until funds are exhausted. Whichever comes

first.

Program Information:

- Voucher Incentive Program (VIP) is a streamlined approach to reduce emissions by replacing old, high-polluting vehicles with a gross vehicle weight rating greater (GVWR) than 14,000 with newer, zero-emission equivalent vehicles. So big on-road diesel or alternative fuel trucks to be replaced with ZE alternatives.
- The program is limited to owners/operators with fleets of 10 or fewer vehicles. So small fleets/businesses.
- The funding amounts are not based on a percentage but rather the mileage of the baseline units. The higher the usage/mileage the higher the potential amount.
- Offers up to a maximum of \$410K for ZE replacement trucks.

We will have information on the program posted on our website starting today.

- June 12<sup>th</sup> – started staging process for the new solar panel shades installation project.
- June 13<sup>th</sup> – listened in on hearing of the House Committee on Science Space and Technology – titled Environmentalism off the Rails: How CARB will cripple the National Rail Network rail Congressman Olberholte chaired the committee
- June 19<sup>th</sup>- participated in the CAPCOA Executive Committee call
- June 20<sup>th</sup> – participated in the June AAPCA Air Director call

**Mr. Poiriez updated the Board of past events:**

- June 12<sup>th</sup> – 13<sup>th</sup> – Participated in the CAPCOA Board Meeting, topics included – Landfill Emissions CTR Reporting guidance, DICE Risk Guidance document, CEC Permitting discussion, Integrated Multipollutant Emission Inventory Updates, CARB Board member engagement, CAPCOA 50<sup>th</sup> anniversary. Met with CARB Executive Staff including new Principal Deputy Executive Officer, discussed state budget, Emission Inventory, AB617 Blueprint 2.0, more. Legislative Committee also met and discussed roughly 12 bills.
- State Legislature:
  - This past Saturday the Governor office and the Legislature announced a budget deal, the bills are now in print AB108/SB108.
  - Last week forwarded out a copy of CSDA email notifying that the California Supreme Court ruled on Initiative 1935 ruling it ineligible for the November ballot.
  - July 3<sup>rd</sup> is the last day for all bills to get out of their policy committees.
  - AB2522 – (Carrillo) – Air District Board Member Per Diem Bill – This bill would increase the stipend of Board members from \$100 to \$200 plus potential annual adjusted increases. Passed the Senate EQ Committee on 6/5 with a 5-0 vote, referred to Senate Local Government Committee and will be heard June 26<sup>th</sup>. MDAQMD is one of 12 air Districts the language addresses. I will work on a support letter from MDAQMD.
  - AB 2958 (Calderon) CARB Board Members compensation. SCAQMD sponsored. CAPCOA Supported. Passed on a unanimous vote. Will most likely be on consent for the Senate EQ on July 3<sup>rd</sup>.
  - SB1158 (Archuleta) on Carl Moyer – This bill would extend the liquidation period by up to an additional 2 years if certain parameters are met. Passed unanimously in Committee on Transportation, will move on to Natural Resources – most likely on consent since all votes have been unanimous. Language on increase in District Administration percentage removed from bill and CARB plans to address this administratively at the Board level in October.

**Mr. Poiriez updated the Board of coming events:**

- July 1<sup>st</sup> – staff had initial call with CARB staff on PM2.5 Designation and Exceptional Events
- July 2<sup>nd</sup> – Will have the CAPCOA Finance Committee Call
- July 2<sup>nd</sup> – Call with EPA region XI regarding air monitoring station closure and 185 Fees
- July 3<sup>rd</sup> – will have our Planning/Rule Development meeting
- July 12<sup>th</sup> – will have our joint Engineering / Compliance meeting
- July 23<sup>rd</sup> – Quarterly Planning/Rule Development call with EPA Region IX
- Aug. 5<sup>th</sup> – 7<sup>th</sup> – CAPCOA medium District meeting in San Luis Obispo
- August 13<sup>th</sup> -15<sup>th</sup> – CAPCOA Board meeting in Fresno
- August 20<sup>th</sup> – NSR litigation Oral Arguments - SF
- CDAWG 2024 will be held Nov. 13<sup>th</sup> and 14<sup>th</sup> 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.

**The next Board meeting will be held on August 26, 2024; NO meeting in July.**

**Agenda Item 16 - Board Member Comments and Suggestions for Future Agenda Items.**

- Board Members **COOK** acknowledgement of attending the funeral services for Art Welch, former Banning Mayor.

Being no further business, Chair **KARI LEON** adjourned the meeting at **11:22 a.m.** to the next Regular Meeting of **August 26, 2024.**

**ACTION OF THE GOVERNING BOARD**

**APPROVED**

Upon Motion by **DANIEL MINTZ, Sr.**, seconded by **ELIZABETH BECERRA**, as approved by the following roll call vote:

**Ayes: 9 ABEL, BECERRA, BENNINGTON, DECONINCK, MCCORKLE, LEON, LOVINGOOD, MINTZ, PEREZ,**

**Noes:**

**Absent: 4 COOK, HERNANDEZ, REYES, ROWE**

**Abstain:**

**DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST**

**BY Deanna Hernandez**

**Dated: August 26, 2024**