

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, February 25, 2019 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Jeff Williams, Chair, City of Needles
Ed Camargo, City of Adelanto
Jim Cox, City of Victorville
Joseph "Joey" DeConinck, City of Blythe
Kari Leon – Town of Apple Valley
Robert Lovingood, San Bernardino County
James Noble (*Alternate*), City of Barstow
V. Manuel Perez, Riverside County
Barbara Riordan, Public Member
Jim Schooler (*Alternate*), Town of Yucca Valley
Rebekah Swanson, City of Hesperia

Board Members Absent:

Karmolette O'Gilvie, City of Twentynine Palms
Dawn Rowe, San Bernardino County

CALL TO ORDER

Chair **JEFF WILLIAMS** called the meeting to order at 10:00 a.m.

Chair **JEFF WILLIAMS** lead the Pledge of Allegiance.

MOVE TO SWEARING-IN OF NEW BOARD MEMBER(S). Chair **JEFF WILLIAMS** moved to swearing-in of new Board Member(s) **JAMES NOBLE** and **JIM SCHOOLER**. The Senior Executive Analyst swore-in Board Members **JAMES NOBLE** and **JIM SCHOOLER**.

Chair **JEFF WILLIAMS** asked for roll call; roll was called.

Chair **JEFF WILLIAMS** called for Special Announcements/Presentation:

- A. Plaque presentation to former Board Member John Cole. Presenter. Brad Poiriez, Executive Director/APCO.

Executive Director/APCO Brad Poiriez was honored to welcome back former Governing Board Member John Cole. Member Cole was steadfast in his pledge to serve the District, making the drive from Twentynine Palms on a monthly basis to provide thoughtful insight and years of leadership experience. Serving as a primary governing board member from 2008-2012 and 2015-2018, Member Cole's diligence and perspective helped the District reach new heights. The positive impact he's had here will not be forgotten. As an educator and principal that spent 41 years grooming the next generation of leaders in Twentynine Palms, we at the District all feel like we've learned things from Member Cole during his tenure here, and the District wouldn't be what it is today without his contribution. The District is honored to present Mr. Cole with this token of our appreciation for his contribution to the District's mission and values.

Chair **JEFF WILLIAMS** called for items with potential conflict of interest – No items of potential conflict of interest.

Chair **JEFF WILLIAMS** called for **PUBLIC COMMENT** – None.

CLOSED SESSION

District Counsel Karen K. Nowak stated that there was no update on the closed session items since the last meeting. Upon consensus of the Board, the Closed Session items were waived

Agenda Item 1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

Agenda Item 2 - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Name of Case: Victor Ramirez vs MDAQMD et. al CIVDS 1809642 San Bernardino County Superior Court (Government Code Section 54956.9).

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: Not applicable as Closed Session was waived.

CONSENT CALENDAR – Chair **JEFF WILLIAMS** polled the Board to determine if any member wished to pull an item on the consent calendar. The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **REBEKAH SWANSON**, and carried by the following roll call vote, with eight **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMES NOBLE, V. MANUEL PEREZ, BARBARA RIORDAN, JIM SCHOOLER, REBEKAH SWANSON** and **JEFF WILLIAMS**, with Board Members **ED CAMARGO, JIM SCHOOLER** and **REBEKAH SWANSON** **ABSTAINING** on agenda item #3, as follows:

Agenda Item 3 – Approve Minutes from Regular Governing Board Meeting of January 28, 2019.
Approved Minutes from Regular Governing Board Meeting of January 28, 2019.

Agenda Item 4 – Ratify the Board Chair’s appointment of members to serve on the Budget Committee and the Personnel Committee for calendar year 2019.

Ratified the Board Chair’s appointment of members to serve on the Budget Committee and the Personnel Committee for calendar year 2019.

Agenda Item 5 – Amend and update Governing Board Policy 93-2, “Provision and Retention of Public Records;” Governing Board Policy 97-2, “Appropriations for Support of District Funding Pending Approval of the Final Budget;” Governing Board Policy 04-03, “Capital Asset Accounting Policy;” and Governing Board Policy 09-01, “Obtaining Indemnification Agreements for Certain Actions and Activities.”

Amended and updated Governing Board Policy 93-2, “Provision and Retention of Public Records;” Governing Board Policy 97-2, “Appropriations for Support of District Funding Pending Approval of the Final Budget;” Governing Board Policy 04-03, “Capital Asset Accounting Policy;” and Governing Board Policy 09-01, “Obtaining Indemnification Agreements for Certain Actions and Activities.”

Agenda Item 6 – Amend the District’s Classification Plan to revise the existing Class Specification for Air Quality Engineer to add series to the classification, assign pay ranges; authorize the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters.

Amended the District’s Classification Plan to revise the existing Class Specification for Air Quality Engineer to add series to the classification, assign pay ranges; **authorized** the Executive Director/APCO to assign and/or promote eligible incumbents, if applicable; and inform the Board regarding other administrative matters

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 \$17,500 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) amend the MDAQMD FY18-19, to decrease State Revenue from an estimated budgeted amount of \$35,000 to the final amount of \$17,500, (3) authorize the Executive Director/APCO to ratify agreements approved as to legal form, (4) 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.

(1) **Authorized** the acceptance of the Emission Inventory District Grant (AB 197) from the California Air Resource Board (CARB) in an amount of \$17,500 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) **amended** the MDAQMD FY18-19, to decrease State Revenue from an estimated budgeted amount of \$35,000 to the final amount of \$17,500, (3) **authorized** the Executive Director/APCO to ratify agreements approved as to legal form, (4) **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.

Agenda Item 8 – Authorize surplus of District-owned capital equipment and disposal as indicated; receive and file the Executive Director’s report of surplus and disposal for non-capital items.

Authorized surplus of District-owned capital equipment and disposal as indicated; **received and filed** the Executive Director’s report of surplus and disposal for non-capital items

Agenda Item 9 – Receive and file minutes of the Technical Advisory Committee (TAC) meeting February 5, 2019.

Received and filed minutes of the Technical Advisory Committee (TAC) meeting February 5, 2019

Agenda Item 10 – Receive and file the District Activity Report.

Received and filed the District Activity Report.

Agenda Item 11 – Receive and file the June 30, 2018 Other Post-Employment Benefits (OPEB) actuarial valuation of the District’s retiree health insurance program.

Received and filed the June 30, 2018 Other Post-Employment Benefits (OPEB) actuarial valuation of the District’s retiree health insurance program.

Agenda Item 12 – Receive and file the status of the District’s Other Post-Employment Benefits (OPEB) and Pension Rate Stabilization Program (PRSP) irrevocable trust and investment summary.

Received and filed the status of the District’s Other Post-Employment Benefits (OPEB) and Pension Rate Stabilization Program (PRSP) irrevocable trust and investment summary.

Agenda Item 13 – Receive and file the Financial Report for FY19, through the month of December 2018, which provides financial information and budget performance concerning the fiscal status of the District.

Received and filed the Financial Report for FY19, through the month of December 2018, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 14 – Receive and file the Legislative Report for February 5, 2019.

Received and filed the Legislative Report for February 5, 2019.

Agenda Item 15 – Set date of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1320 New Source Review for Toxic Air Contaminants and approval of California Environmental Quality Act (CEQA) documentation.

Date Set of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1320 New Source Review for Toxic Air Contaminants and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 16 – Set date of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1520 – Control of Toxic Air Contaminants from Existing Sources and approval of California Environmental Quality Act (CEQA) documentation.

Date Set of March 25, 2019 to conduct a public hearing to consider the amendment of Rule 1520 – Control of Toxic Air Contaminants from Existing Sources and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 17 – DEFERRED ITEMS.

None.

Agenda Item 18 – PUBLIC COMMENT.

None.

Agenda Item 19 – Conduct a public hearing to consider the amendment of Rule 900 – Standards of Performance for New Stationary Sources (NSPS) and Rule 1000 – National Emission Standards for Hazardous Air Pollutants (NESHAP) as well as to receive and file updates to the Airborne Toxic Control Measures (ATCMs) and Maximum Achievable Control Technology (MACT) standards Notifications: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending Rule 900 and Rule 1000, and directing staff actions.

Chair **JEFF WILLIAMS** opened the public meeting. Staff Member Alan De Salvio presented the Staff Report and answered questions from the Board. Chair **JEFF WILLIAMS** solicited public comment, being none, Chair **JEFF WILLIAMS** closed the public hearing, decided that the CEQA Categorical Exemption applies and waived reading of the Resolution. Upon motion by Board Member **ROBERT LOVINGOOD**, seconded by Board Member **BARBARA RIORDAN**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members **ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMES NOBLE, V. MANUEL PEREZ, BARBARA RIORDAN, JIM SCHOOLER, REBAKAH SWANSON** and **JEFF WILLIAMS** the Board adopted **Resolution 19-03, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 900 – STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND RULE 1000 – NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP), AS WELL AS UPDATES MADE TO THE AIRBORNE TOXIC CONTROL MEASURES (ATCMs) AND MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARDS NOTIFICATIONS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 20 – Receive and file the Annual Financial Report for FY 18.

Received and filed the Annual Financial Report for FY 18.

Agenda Item 21 – Reports:

Special notes from Mr. Poiriez:

- Informed the Board of continued meetings regarding workforce development status with staff.
- District successfully passed the CARB State Monitoring Audit – good job team.
- CARB’s Agricultural Inventory Survey is out for review implemented by Cal Poly San

Luis Obispo which reached out to the Farm Bureaus through the State Farm Bureau Agency. The survey is important because some of the agricultural funding that's been distributed within the past couple of years was based upon an inventory from 2008 which was suspect so to speak so they are updating the inventory for future funding cycles. If you need any additional information please contact Jorge Camacho and we'll make sure that you receive that information.

- CARB is embarking on some changes to their Toxic Inventory Reporting Regulation. CAPCOA Board has worked with CARB's Executive Staff for about year and a half and District Staff has working with CARB's Staff for several years on this. There have been some improvements on the existing inventory requirements however it's not up to speed yet to the District's liking in terms of corrections when the District identifies erroneous information in the system. The expeditiousness of getting things documents is not very well planned out which we have shared with CARB and now there some proposals of 15 days change orders on the regulation which would reduce the threshold for some of the facilities which they would be mandated to require them to report their air toxics from a threshold of 10-tons per year down to 4-tons per year. In laymen terms, this means the District's workload would quadruple in the amount of inventory work we would have to do on behalf of some of the smaller facilities. Stay tune, all the Air Districts have provided comments to the State on this including the District, the District will be attending some of the workshops and provide testimony. Bottom line we want to have local control, we still want to be able to assist our sources that may not have the expertise or the ability to do the reporting on their own. This will be extremely time consuming and right now there is no funding to do so as we are at a critical stage so stay tuned.

Mr. Poiriez updated the Board of past events:

- February 5th – CAPCOA conference call and participated in the Technical Advisory Committee (TAC) meeting;
- February 6th – Attended the Victorville's State of the City conference and WRAP Board conference call;
- February 11th – met with Board Member Leon regarding introduction to the District;
- February 13th – Hosted cannabis requirement meeting with staff from Imperial County Air Pollution Control District, Antelope Valley AQMD and MD AQMD which included a tour of a cannabis facility (LDS) in Adelanto, CA;
- February 14th – attended the Labor Management Task Force meeting to discuss proposed job classifications and ongoing workforce development actions; Task force supportive of the AQE job classification that was before you today;
- February 19th – met with Frank Luckino, Twentynine Palms City Manager, to discuss relationship between the District Board, Purple Air Sensors placement, operations, etc.; met with McKenzie Taragno, Coordinator Alt Education Projects, to discuss potential partnership on mobile education unit they just received; CAPCOA Legislative Committee conference call focusing on AB 617 funding proposed lowering from \$245M to \$240M, discussed option; SB 210 (Leyva) to create heavy duty vehicle inspection and maintenance program supported by CAPCOA; continued discussion on Air Districts role during wildfires – several authors having information hearings and may have potential bills;
- February 20th – WRAP Board Admin Budget Subcommittee conference call; attended MEEC's monthly Board meeting;
- February 21st – met with staff to begin plans for upcoming CDAWG conference; hosted

- United Way presentation to staff; participated in AAPCA Air Director's conference call. Mr. Poiriez updated the Board of upcoming events:
- February 26th – 28th – CAPCOA Medium Section APCO meeting and CAPCOA Board Meeting;
 - March 6th – California DMV will present to staff the Real ID program; participate in WRAP Board conference call;
 - March 12th – 14th – attend CAPCOA Board meeting.

Agenda Item 22 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member DeConinck requested a copy of the agricultural survey, Mr. Poiriez will have Jorge Camacho send him an email copy of the survey.
- Board Member Leon attended a science fair as a judge and enjoyed it.
- Board Member Lovingood concerned with SB 210 – adds another layer of requirements; burdening our communities, companies and consumers. Biggest concern is that we don't control interstate commerce.
- Board Member Riordan commented on SB 210; our District is very impacted and the real source of pollution is probably on our roads right now, our cars have cleaned up substantially and what we now need to confirm is whether the trucks are meeting the requirements. There should be some interest from all of us because the reason I got into Air Quality was to take the burden off the stationary sources and put it where we really got some polluting vehicles and we really need to test that and figure it all out.
- Board Member Swanson commented on CARB's Toxic Inventory Reporting Regulation – will these changes require additional staff; Member Swanson also commented on the comparison of the LA Basin from the 70's to now; we need balance and be realistic about what we can do in regards to SB 210.

Being no further business, Chair **JEFF WILLIAMS** adjourned the meeting at **10:36 a.m.** to the next Regular Meeting of *March 25, 2019*.

ACTION OF THE GOVERNING BOARD

APPROVED

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

Ayes: 9 CAMARGO, COX, DECONINCK, HERNANDEZ, LEON, PEREZ, RIORDAN, SWANSON, WILLIAMS

Noes:

Absent: 2 LOVINGOOD, MINTZ

Abstain: 2 ABEL, ROWE

Vacant:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY  _____

Dated: MARCH 25, 2019