

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](https://twitter.com/MDAQMD)



REGULAR GOVERNING BOARD MEETING
MONDAY, JANUARY 24, 2022 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Merl Abel, Town of Yucca Valley, **Chair**
Elizabeth Becerra, City of Victorville
Brigit Bennington, City of Hesperia
Paul Cook, San Bernardino County, 1st District Supervisor – *via Zoom*
Joseph “Joey” DeConinck, City of Blythe – *via Zoom*
Kari Leon, Town of Apple Valley, **Vice Chair**
Dan Mintz, Sr., City of Twentynine Palms – *via Zoom*
Barbara Riordan, Public Member – *via Zoom*
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via Zoom*
Tim Silva, City of Barstow

Board Members Absent:

Stevevonna Evans, City of Adelanto
V. Manuel Perez, Riverside County, 4th District Supervisor
Jeff Williams, City of Needles

CALL TO ORDER

Chair **MERL ABEL** called the meeting to order at 10:01 am and lead the Pledge of Allegiance.

Chair **MERL ABEL** called for Roll Call – Deanna Hernandez, Senior Executive Analyst, called roll.

Chair **MERL ABEL** pulled Consent Calendar Agenda Item #1 to adopt a resolution reaffirming the local Declaration of Emergency as adopted on April 27, 2020; ratifying the proclamation of a State of Emergency by the Governor on March 4, 2020; and authorizing remote teleconference meetings of the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) for the period of January 24, 2022 through February 24, 2022 pursuant to provisions

of the Brown Act. Karen Nowak, District Counsel, provided the background information and answered questions from the Board. Upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **KARI LEON**, and carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL**, **ELIZABETH BECERRA**, **BRIGIT BENNINGTON**, **PAUL COOK**, **JOSEPH “JOEY” DECONINCK**, **KARI LEON**, **DANIEL MINTZ, Sr.**, **BARBARA RIORDAN**, **DAWN ROWE**, and **TIM SILVA**, with Board Members **STEEVONNA EVANS**, **V. MANUEL PEREZ**, and **JEFF WILLIAMS** absent, the Board, adopted Resolution 22-01, “Reaffirming the local Declaration of Emergency as adopted on April 27, 2020; ratifying the proclamation of a State of Emergency by the Governor on March 4, 2020; and authorizing remote teleconference meetings of the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) for the period of January 24, 2022 through February 24, 2022 pursuant to provisions of the Brown Act.”

Special Announcements/Presentations:

- A. Employee Retirement: Christopher Collins.
- B. Employee Recognition Service Award: Alan De Salvio – 30 years (Nov), Daniel Concho – 10 years (Nov), May Mamari – 5 years (Dec), Chris Wills – 5 years (Jan).

Employee retirement recognition service award presented to Chris Collins for his years of service. Employee service recognition service awards presented to Alan De Salvio, Daniel Concho, May Mamari and Chris Wills for their years of service.

Chair **MERL ABEL** called for nominations for Chair of the Governing Board for 2022. Board Member **ELIZABETH BECERRA** nominated Board Member **MERL ABEL** for Chair, Seconded by Board Member **KARI LEON**, and being no other nominations, nominations for Chair was closed. Carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL**, **ELIZABETH BECERRA**, **BRIGIT BENNINGTON**, **PAUL COOK**, **JOSEPH “JOEY” DECONINCK**, **KARI LEON**, **DANIEL MINTZ, Sr.**, **BARBARA RIORDAN**, **DAWN ROWE**, and **TIM SILVA**, with Board Members **STEEVONNA EVANS**, **V. MANUEL PEREZ**, and **JEFF WILLIAMS** absent, Board Member **MERL ABEL** was elected Chair for 2022.

Chair **MERL ABEL** called for nominations for Vice Chair of the Governing Board for 2022. Board Member **ELIZABETH BECERRA** nominated Board Member **KARI LEON** for Vice Chair, Seconded by Chair **BRIGIT BENNINGTON**, and being no other nominations, nominations for Vice Chair was closed. Carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL**, **ELIZABETH BECERRA**, **BRIGIT BENNINGTON**, **PAUL COOK**, **JOSEPH “JOEY” DECONINCK**, **KARI LEON**, **DANIEL MINTZ, Sr.**, **BARBARA RIORDAN**, **DAWN ROWE**, and **TIM SILVA**, with Board Members **STEEVONNA EVANS**, **V. MANUEL PEREZ**, and **JEFF WILLIAMS** absent, Board Member **KARI LEON** was elected Vice Chair for 2022.

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 **MERL ABEL** asked if any members wished to

indicate a conflict of interest in regards to any agenda items. No Members did so.

Chair **MERL ABEL** called for **PUBLIC COMMENT**. At this time, no public comment was made in person, telephonically or electronically, moved onto **CONSENT CALENDAR**.

CONSENT CALENDAR – Chair **MERL ABEL** 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 **BRIGIT BENNINGTON**, seconded by Board Member **TIM SILVA**, and carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, KARI LEON, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, and TIM SILVA, with Board Members STEVEVONNA EVANS, V. MANUEL PEREZ, and JEFF WILLIAMS absent,** on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of October 25, 2021.
Approved Minutes from Regular Governing Board Meeting of October 25, 2021.

Agenda Item 3 – Receive and file the District Activity Report.
Presenter: Brad Poiriez, Executive Director/APCO.
Received and filed the District Activity Report.

Agenda Item 4 – Receive and file Financial Reports through November 2021.
Presenter: Laquita Cole, Finance Manager
Received and filed Financial Reports through November 2021.

Agenda Item 5 – Receive and file the Legislative Report for January 2022.
Presenter: Brad Poiriez, Executive Director/APCO
Received and filed the Legislative Report for January 2022.

Agenda Item 6 – Set Date of February 28, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 404 — Particulate Matter – Concentration as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County and replacement with current MDAQMD Rule 404 -Particulate Matter – Concentration.
Presenter: Alan De Salvio, Deputy APCO

Date set of February 28, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 404 — Particulate Matter – Concentration as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County and replacement with current MDAQMD Rule 404 -Particulate Matter – Concentration.

Agenda Item 7 – Set Date of February 28, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 405 — Solid Particulate Matter – Weight as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert

Air Quality Management District (MDAQMD or District) in Riverside County and replacement with current MDAQMD Rule 405 -Solid Particulate Matter – Weight.

Presenter: Alan De Salvio, Deputy APCO

Date set of February 28, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District *Rule 405 — Solid Particulate Matter – Weight* as it appears in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County and replacement with current MDAQMD *Rule 405 -Solid Particulate Matter – Weight*.

Agenda Item 8 – DEFERRED ITEMS.

None.

Agenda Item 9 – PUBLIC COMMENT.

No public comment was made in person, telephonically or electronically.

Agenda Item 10 – Discuss composition of the Budget Committee and the Personnel Committee.

Presenter: Brad Poiriez, Executive Director/APCO, on behalf of the Governing Board Chair. Brad Poiriez, Executive Director/APCO, presented the background information and answered questions from the Board. After discussion, Chair **MERL ABEL** directed staff actions to proceed with Board Chair appointments for Board ratification at February’s Governing Board meeting.

Agenda Item 11 – 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 100, and directing staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Brad Poiriez, Executive Director/APCO, provided the background information and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person, telephonically or electronically, so being none, Chair **MERL ABEL** closed the public hearing. The determination was made that the California Environmental Quality Act (CEQA) Categorical Exemption applies and reading of the resolution was waived. Upon motion by Board Member **BARBARA RIORDAN**, seconded by Board Member **ELIZABETH BECERRA**, and carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, KARI LEON, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, and TIM SILVA, with Board Members STEVEVONNA EVANS, V. MANUEL PEREZ, and JEFF WILLIAMS absent**, the board, **adopted** Resolution 22-02, **“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) UPDATING NOTIFICATIONS REGARDING AIRBORNE TOXIC MEASURES (ATCMs) AND MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARDS AND DIRECTING STAFF ACTIONS.”

Agenda Item 12 – Conduct a public hearing to consider the Amendment of Rule 1126 – Municipal Solid Waste Landfills: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Presenter: Alan De Salvo, Deputy APCO.

Brad Poiriez, Executive Director/APCO, provided the background information and answered questions from the Board. After discussion Chair **MERL ABEL** called for public comment, no public comment was made in person, telephonically or electronically, so being none, Chair **MERL ABEL** closed the public hearing. The determination was made that the California Environmental Quality Act (CEQA) Categorical Exemption applies and reading of the resolution was waived. Upon motion by Board Member **TIM SILVA**, seconded by Board Member **BRIGIT BENNINGTON**, and carried by the following roll call vote, with ten **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, KARI LEON, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE, and TIM SILVA**, with Board Members **STEEVONNA EVANS, V. MANUEL PEREZ, and JEFF WILLIAMS absent**, the board, adopted Resolution 22-03, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1126 – MUNICIPAL SOLID WASTE LANDFILLS AND DIRECTING STAFF ACTIONS.”**

Agenda Item 16 – Reports:

Special notes from Mr. Poiriez:

- ❖ **California Legislature outlook:** the Legislature convened the second year of the 2021-2022 Legislative Session on Monday, January 3rd. January 31st is the deadline for bills introduced last year to be out of their house of origin (two-year bills) so there are committee hearings and floor sessions to take up those bills. Bill introductions began on January 3rd for this year’s Session. February 18th is the bill introduction deadline; Another deadline of interest is the last day to submit bill requests to Legislative Counsel for drafting, which is January 21st. Most bills will be taken up in March and April. The deadline for policy committees to pass bills that may have a fiscal impact (most bills do) introduced in their house is April 29th, so this is a significant deadline. May 6th is the deadline for policy committees to pass non-fiscal bills. It’s an election year for all Assembly Members, half of the Senators and the Governor, so that will influence the dynamic at the Capitol. Making matters even more interesting are the new legislative and congressional maps.
- ❖ Jan. 10th - Governor released his 22/23 first draft budget with estimated \$31-45B in surplus.
- ❖ Also, this month the Governor extended provision of AB361, regarding remote meetings due to increase in COVID numbers – it allows remote meetings to continue through end of March

currently.

- ❖ Jan. 19th: We were notified from EPA that MDAQMD was successful in being selected for the national TAG (Targeted Airshed Grant) for the second consecutive year. We were awarded \$1.1M project to fund 3 Electric School Buses for Adelanto. This will bring their total to 6 EV buses, and their infrastructure is complete that can charge up to 10 EV buses. Congrats to Jorge that has been aggressive in working with CARB and EPA on applications to submit for this highly competitive grant stream.

Mr. Poiriez updated the Board of past events:

- Jan 3rd – 5th: Participated in the CAPCOA Board of Directors Board meeting: Items included: outlined 2022 goals, met with Smart Fueling Coalition, discussed CARB GDF Technical guidance, all things AB617, Air Shelter and Prescribed Fire grants. Full day meeting with CARB Executive staff, items included: Collaborative opportunities with Governor, new EPA Region IX Administrator; Mobile Source Strategy Implementation updates, AB617, Grant programs and Funding allocations; SIP contingencies, Regional Exceptional Events, CARB training program; and more.
- Jan 10th: Had a call with CARB on the Western Mojave Desert SIP.
- Jan. 12th: Participated in call with CARB and CAPCOA Mobile and Grants Committee on district roles in implementing the new SORE legislation and CARB regulation. Districts have concerns with how earmarked grant funds will accessed and distributed and what role Districts will have in the program.
- Jan. 18th: held AVAQMD Board meeting; gave updates on the status of the SORE program.
- Jan. 19th: Participated in a call with Assemblyman Eduardo Garcia with EO of SCAQMD and ICAPCD from a southern California perspective. Topics – AB617 – need legislative and policy changes, funding dwindling – no designated funding stream for future years, AB8 (Carl Moyer) reauthorization, SORE program, potential for CARB Board members to be more engaged. Will have follow up with the Assemblyman and Lauren Sanchez from Governor’s office in coming weeks.
- Jan. 19th: Participated in the MEEC Board meeting.
- Jan. 20th: Participated in AAPCA Air Directors monthly meeting.
- Jan. 24th: Earlier met with the Personnel Committee to give them an update on all the personnel movement and transitions that the MDAQMD and AVAQMD are experiencing.

Mr. Poiriez updated the Board of coming events:

- Continued calls with EPA Region IX regarding process and strategies for addressing recent/pending court rulings that EPA failed to act timely on submitted SIPs, Contingency Measures in SIPs, and continued discussions on 185 Fee rules and NSR SIP progress. A lot going on here.
- Feb. 2nd: WRAP Board call.
- Feb. 9th – 10th: CAPCOA Board mtg (virtual).
- Feb. 16th: MEEC Board mtg.

Agenda Item 17 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **BENNINGTON** congratulated the retirees and thanked staff for all their work with the recent movements.
- Board Member **COOK** commented on the semi-trucks and air pollution on I15, and the additional intermodal facility in Barstow.
- Board Member **LEON** commented on her attendance at VVWRA ribbon cutting

- ceremony on the diversity of utilizing natural gas.
- Board Member **SILVA** commented that the City of Barstow is currently in talks with Burlington Northern Santa Fe, and the Cemetery District looking for desert landscape funding.

Being no further business, Chair **MERL ABEL** adjourned the meeting at **10:57 a.m.** to the next Regular Meeting of ***February 28, 2022.***

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **BARARA RIORDAN**, seconded by **ELIZABETH BECERRA**, as approved by the following **roll call vote**:

Ayes: **11** **ABEL, BECERRA, BENNINGTON, COOK, DECONINCK,
LEON, MINTZ, PEREZ, RIORDAN, ROWE, SILVA**

Noes:

Absent: **2** **EVANS, WILLIAMS**

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: February 28, 2022