

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, JUNE 13, 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
Joseph “Joey” DeConinck, City of Blythe – *via Teleconference*
Kari Leon, Town of Apple Valley, **Vice Chair**
Dan Mintz, Sr., City of Twentynine Palms
Barbara Riordan, Public Member
Tim Silva, City of Barstow

Board Members Absent:

Stevevonna Evans, City of Adelanto
Dawn Rowe, San Bernardino County, 3rd District Supervisor
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 10:00 am and asked Board Member **DANIEL MINTZ, Sr.** to lead the Pledge of Allegiance.

Chair **MERL ABEL** 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 **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**. Public comment made regarding the quality of air around Hinkley, CA. Brad Poiriez, Executive Director/APCO addressed the public comment in his Executive Director Report.

CLOSED SESSION

Chair **MERL ABEL** reported to the Board that the Personnel Committee met in Closed Session to discuss the Executive Director/APCO performance evaluation. Mr. Poiriez, Executive Director/APCO received a satisfactory evaluation. The Committee recommends that (1) the Governing Board be advised that the evaluation of Mr. Poiriez by the Personnel Committee has been completed; and, (2) if so desired by any member of the Governing Board, the evaluation could be further discussed in the closed session as agendized. No Board Member wished to further this discussion in closed session, so hearing none, Chair **MERL ABEL** directed staff to receive and file Mr. Poiriez evaluation. The Board moved onto the **CONSENT CALENDAR**.

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

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

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of April 25, 2022.
Approved Minutes from Regular Governing Board Meeting of April 25, 2022.

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 – Reappoint Desirea Haggard as the engineering member, David Hernandez Esq. as the attorney member and Jerry Kinkade as the public member to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) for a 3-year term to expire June 10, 2025.

Presenter: Brad Poiriez, Executive Director/APCO.
Reappointed Desirea Haggard as the engineering member, David Hernandez Esq. as the attorney member and Jerry Kinkade as the public member to the Hearing Board of the Mojave Desert Air Quality Management District (MDAQMD) for a 3-year term to expire June 10, 2025.

Agenda Item 5 – DEFERRED ITEMS.

None.

Agenda Item 6 – PUBLIC COMMENT.

See public comment above.

Agenda Item 7 – Conduct a Public Hearing to receive comments and staff presentation for the proposed MDAQMD Budget for FY 2022-23: a. Open public hearing; b. Receive presentation; c. Receive public testimony; d. Close public hearing and continue the item to the Governing Board meeting of June 27, 2022 for adoption.

Presenter: Laquita Cole, Finance Manager.

Chair **MERL ABEL** opened the public hearing. Laquita Cole, Finance Manager, 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 or electronically, being none, Chair **MERL ABEL** closed the public hearing and continued this item to the meeting of June 27, 2022 for adoption.

Agenda Item 8 – Conduct a public hearing to consider the amendment of Regulation III – Fees specifically the amendment of Rule 301 – Permit Fees, Rule 302 – Other Fees, and Rule 303 – Hearing Board Fees: a. Open continued 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 Rules 301, 302, and 303.

Presenter: Alan De Salvio, Deputy APCO.

Chair **MERL ABEL** opened the public hearing. Brad Poiriez, Executive Director/APCO and Alan De Salvio, Deputy 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 or electronically, 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 **ELIZABETH BECERRA**, seconded by Board Member **TIM SILVA**, and carried by the following roll call vote, with nine **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, KARI LEON, DANIEL MINTZ, Sr., BARBARA RIORDAN, and TIM SILVA** with Board Members, **STEEVONNA EVANS, V. MANUEL PEREZ, DAWN ROWE and JEFF WILLIAMS absent**, the board, **adopted Resolution 22-13, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDMENT OF REGULATION III – FEES AND DIRECTING STAFF ACTIONS.”**

Agenda Item 9 – Reports:

Miscellaneous:

- ❖ Call with Victorville City Manager, Keith Metzler, to discuss rash of vandalism on District property (tagging, cars broken into, etc.) and discussed options. Will revisit the effort to enclose and secure north parking lot. We are not alone in the area – others experiencing increased vandalism.
- ❖ Hesperia Fire – June 6th Fire in South Hesperia – District media posts on Facebook reached almost 12k users in less than 24 hours.
- ❖ Sheep Fire – Wrightwood – reminder that it's fire and high ozone season, air quality alerts will be more frequent.
- ❖ Hawes Composting Facility Fire – continue to work with several agencies on compliance issues at the composting facility: many complaints received; many staff visits to site; and the District has issued citations. We continue to work through the compliance process for resolution of citations.

Mr. Poiriez updated the Board of past events:

- May 9th: Submitted MDAQMD formal comment letter to Federal Register on Good Neighbor Ozone FIP official. MD has forwarded our comment letter (attached with this report) to the sources that will be potentially impacted so that they could coordinate their reviews/comments as well.
- May 13th: the CCMEC (California Cement Manufactures Environmental Consortium) submitted official comments on the Good Neighbor Ozone FIP. We continue to work closely with our sources that will be impacted by this proposal.
- May 23rd – 26th: CAPCOA Spring Conference: Participated in the CAPCOA Board of Directors Board meeting: Items included: USEPA Ozone transport (Good Neighbor) FIP; AB 617 program updates, Moyer program updates; recommendations from Enforcement Managers on CARB/District coordination; Met with CARB/EPA Executive staff on: CARB/CAPCOA Leadership Transition, SIP Contingency Measures, Ozone FIP, and more. Both Liane Randolph, CARB Chairwoman, and Martha Guzman, Administrator, EPA Region IX were at the meeting in person. I had a one-on-one meeting with Martha Guzman – to give an overview of MDAQMD, and to discuss several of the challenges we are currently facing due to actions EPA has taken or failed to take and this list is quite lengthy. Bottom line – California and the air districts have adopted and implemented SIPs and regulations on our stationary sources that are under our jurisdiction. The problem is that EPA has failed to do their part under the CAA on sources they have jurisdiction over – planes, ships, locomotives, other mobile and this is where the crux of the problem is: SCAQMD/SJVAQMD will never be able to attain without EPA controlling those mobile sources – we in MDAQMD get transport from both of these upwind areas that negatively impact our air quality – all said roughly 70% of our emissions inventory is comprised of mobile source which we have no jurisdictional authority over. New lawsuit against EPA by CBD, MDAQMD and AVAQMD (among others) for EPA not acting on our 2008 Ozone SIP elements.
- June 8th: participated in an AAPCA call regarding the Interstate Ozone Good Neighbor FIP. Bottom line – we are not alone in our concerns regarding this proposed federal action.
- June 9th: District picnic: presented a co-employee of the year awards to Sam Oktay, Engineer III and Michelle Powell, Fiscal Technician II.

