

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, APRIL 25, 2022 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

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*
Stevevonna Evans, City of Adelanto
Kari Leon, Town of Apple Valley, ***Vice Chair***
Barbara Riordan, Public Member
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via Teleconference*
Tim Silva, City of Barstow

Board Members Absent:

Merl Abel, Town of Yucca Valley, ***Chair***
Dan Mintz, Sr., City of Twentynine Palms
V. Manuel Perez, Riverside County, 4th District Supervisor
Jeff Williams, City of Needles

CALL TO ORDER

Vice Chair **KARI LEON** called the meeting to order at 10:00 am and asked Board Member **ELIZABETH BECERRA** to lead the Pledge of Allegiance.

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

Special Announcements/Presentation:

Brad Poiriez, Executive Director/APCO, presented the Mojave Green Gas Station Program Award presentations to: Caltrans District 8 – Vidal Maintenance Station, Chevron USA #9-9752 Barstow and Chevron Station #37-3173 Victorville.

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. Vice Chair **KARI LEON** asked if any members wished to indicate a conflict of interest in regards to any agenda items. No Members did so.

Vice Chair **KARI LEON** called for **PUBLIC COMMENT**. No public comment was made in person or electronically. After public comment, the Board moved on to the **CONSENT CALENDAR**.

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

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of March 28, 2022.
Approved Minutes from Regular Governing Board Meeting of March 28, 2022.

Agenda Item 2 – Receive and file the District Activity Report.
Presenter: Brad Poiriez, Executive Director/APCO.
Received and filed the District Activity Report.

Agenda Item 3 – Receive and file Financial Reports through February 2022.
Presenter: Laquita Cole, Finance Manager.
Received and filed Financial Reports through January 2022.

Agenda Item 4 – Receive and file the Legislative Report for April 2022.
Presenter: Brad Poiriez, Executive Director/APCO.
Received and filed the Legislative Report for March 2022.

Agenda Item 5 – Authorize (1) participation in Year 24 of the Carl Moyer State Reserve Program, (2) authorize application submittal, (3) authorize the Executive Director/APCO to negotiate technical program details, execute contract with CARB approved as to legal form by the Office of District Counsel, (4) authorize acceptance and encumbrance of funds (5) authorize the Executive Director/APCO to revise budget accordingly.
Presenter: Jorge Camacho, Support Services Supervisor.

Authorized (1) participation in Year 24 of the Carl Moyer State Reserve Program, (2) **authorized** application submittal, (3) **authorized** the Executive Director/APCO to negotiate technical program details, execute contract with CARB approved as to legal form by the Office of District Counsel, (4) **authorized** acceptance and encumbrance of funds (5) **authorized** the Executive Director/APCO to revise budget accordingly.

Agenda Item 6 – Set date of June 13, 2022 to 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 and approval of California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.

Date set of June 13, 2022 to 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 and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 7 – DEFERRED ITEMS.

None.

Agenda Item 8 – PUBLIC COMMENT.

No public comment was made in person or electronically.

Agenda Item 9 – Conduct a public hearing to consider the rescission of SCAQMD Rule 408 — Circumvention from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 408 - Circumvention: 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 Salvio, Deputy APCO.

Vice Chair **KARI LEON** opened the public hearing. Brad Poiriez, Executive Director/APCO, provided the background information and answered questions from the Board. After discussion Vice Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, so being none, Vice Chair **KARI LEON** 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 **BRIGIT BENNINGTON**, seconded by Board Member **ELIZABETH BECERRA**, and carried by the following roll call vote, nine **AYES** votes by Board Members, **ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA, with Board Members MERL ABEL, DANIEL MINTZ, Sr., V. MANUEL PEREZ and JEFF WILLIAMS absent**, the board, adopted Resolution 22-10, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCISSION OF THE SCAQMD SIP RULE 408 – CIRCUMVENTION FOR THE BLYTHE/PALO VERDE VALLY PORTION OF THE MDAQMD IN

RIVERSIDE COUNTY AND REPLACE IT WITH THE CURRENT MDAQMD RULE 408 - CIRCUMVENTION, AND DIRECTING STAFF ACTIONS.”

Agenda Item 10 – Conduct a public hearing to consider the rescission of SCAQMD Rule 409 — Combustion Contaminants from the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and replace it with current MDAQMD Rule 409 – Combustion Contaminants: 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 Salvio, Deputy APCO.

Vice Chair **KARI LEON** opened the public hearing. Brad Poiriez, Executive Director/APCO, provided the background information and answered questions from the Board. After discussion Vice Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, so being none, Vice Chair **KARI LEON** 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 **BARBARA RIORDAN**, and carried by the following roll call vote, nine **AYES** votes by Board Members, **ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA**, with Board Members **MERL ABEL, DANIEL MINTZ, Sr., V. MANUEL PEREZ and JEFF WILLIAMS** absent, the board, adopted Resolution 22-11, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCISSION OF THE SCAQMD SIP RULE 409 – COMBUSION CONTAMINANTS FOR THE BLYTHE/PALO VERDE VALLY PORTION OF THE MDAQMD IN RIVERSIDE COUNTY AND REPLACE IT WITH THE CURRENT MDAQMD RULE 409 – COMBUSTION CONTAMINANTS, AND DIRECTING STAFF ACTIONS.”**

Agenda Item 11 – Conduct a public hearing to consider the rescission of MDAQMD Rule 432 - Gasoline Specifications, removal of this rule from the SIP for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation. 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 Salvio, Deputy APCO.

Vice Chair **KARI LEON** opened the public hearing. Brad Poiriez, Executive Director/APCO, provided the background information and answered questions from the Board. After discussion Vice Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, so being none, Vice Chair **KARI LEON** 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 **BRIGIT BENNINGTON**, and carried by the following roll call vote, nine **AYES** votes by Board Members, **ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, STEVEVONNA EVANS, KARI LEON, BARBARA RIORDAN, DAWN ROWE, and TIM SILVA**, with Board Members **MERL ABEL, DANIEL MINTZ, Sr., V. MANUEL PEREZ and JEFF WILLIAMS** absent, the board, adopted Resolution 22-12, “**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, RESCINDING RULE 432 – GASOLINE SPECIFICATIONS AND DIRECTING STAFF ACTIONS.**”

Agenda Item 12 – Conduct a public hearing to present the 2019 Air Toxics “Hot Spots” Program Annual Report and discuss its content and significance: a. Open public hearing; b. Receive the 2019 Air Toxics “Hot Spots” Program Annual Report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Vice Chair **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, provided the background information and answered questions from the Board. After discussion Vice Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, so being none, Vice Chair **KARI LEON** closed the public hearing. Vice Chair **KARI LEON** received and filed the 2019 Air Toxics “Hot Spots” Program Annual Report and directed staff actions on behalf of the Board.

Agenda Item 13 – Reports:

Miscellaneous:

- ❖ Reminder to complete the annual Executive Director evaluation survey and get that back to Robyn Simpson in HR.
- ❖ We continue to have transitional meetings with AV regarding their termination of the support contract with MD.

Mr. Poiriez, updated the Board of past events:

- April: Continued periodic Fiscal and Transition planning efforts with AV.
- April 4-7th: Attend the WESTAR/WRAP conference: Topics: regional haze, update on NAAQS reviews, training modules and opportunities, National Emissions Inventory updates, Federal SIP planning updates: including Good Neighbor Ozone FIP; I discussed my concerns on the impending FIP with Timothy Profepa, Special Counsel for Power Sector EPA, Scott Mathias, Director, Office of Air Quality Planning Standards (OAQPS); Main point: EPA is taking a broad brush approach (they call a national approach) to certain sectors that includes MD sources – cement and natural gas compressing stations. They fail to include in their FIP emissions from mobile sources which overwhelming are the largest contributor to NOx and Ozone; these mobile sources are federal jurisdiction and they are not doing much on that front; instead preferring to focus on stationary sources that are already under stringent Title V permitting requirements – trying to bleed blood from turnip without being accountable for their own responsibilities.
- April 6th- Federal Register published Good Neighbor Ozone FIP official. Starts a 60-day comment period. MD has forwarded all the backup material to the sources that will be

potentially impacted so that they could coordinate their reviews as well. I will be submitting a comment letter on behalf of MDAQMD once we fully review.

- April 12th – TAG grant call with CEMEX on updates on their project.
- April 13 -14 – attend CAPCOA Board meeting – 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 Executive staff on: CARB/CAPCOA Leadership Transition, SIP and Scoping Plan updates; CAPCOA legislative committee met to go over 15 high priority bills . Of note, and copies in your backup: AB2836 (E. Garcia): Support/Co-Sponsor letter, this bill is to extend the Moyer/923 program an additional 15 years. AB2250 (Arambula): Oppose letter, has substantial language related to air districts and attainment standards. It would increase CARB oversight and authority over districts that are not in attainment.
- April 20th – Attended MEEC Board meeting.
- April 22nd – was Earth Day and the District participated via social media.

Mr. Poiriez updated the Board of coming events:

- April 26 – 29th - AAPCA Spring Conference - I will moderate a panel on Exceptional Events.
- May 11th – MEEC Educator Workshop “Up In the Air” – District’s Communications & an Air Quality Instrument Tech will participate.
- May 18-19th – Auditors will be here.
- May 23-26 – CAPCOA Spring Conference. I have requested a separate meeting to meet with Martha Guzman, new Administrator of EPA Region 9 since she will be at the conference in person.
- No May MDAQMD Board meeting (two Board meetings in June)
- June 13 - Next MDAQMD Board meeting and Annual Budget hearing. It will be in person or at one of the video conferencing sites. Personnel Committee will meet this day before the regular Board meeting.
- June 27th – Board Meeting and adopt the FY22/23 Budget.

Agenda Item 14 - Board Member Comments and Suggestions for Future Agenda Items.

- Board Member **BENNINGTON** indicated the City of Hesperia would be willing to provide assistance with AB2836 (E. Garcia) to extend the Moyer/923 program support via a city resolution.
- Board Member **COOK** indicated his assistance with supporting the efforts for obtaining state funding due to the state’s surplus.
- Board Member **DECONINCK** commented on the recognition of the Air Aware awards presented to two facilities within the Palo Verde Valley.
- Vice Chair **KARI LEON** voiced her concern for the pending decision by California Department of Fish & Wildlife regarding the potential designation of Western Joshua Tree as a threatened species.
- Board Member **RIORDAN** voiced her support and encouraged the support from other Board Members to support AB2836 (E. Garcia) to extend the Moyer/923 program.

Being no further business, Vice Chair **KARI LEON** adjourned the meeting at **10:55 a.m.** to the next Regular Meeting of **June 13, 2022.**

ACTION OF THE GOVERNING BOARD

APPROVED

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

Ayes: **9** **ABEL, BECERRA, BENNINGTON, COOK, DECONINCK,
LEON, MINTZ, RIORDAN, SILVA**

Noes:

Absent: **4** **EVANS, PEREZ, ROWE, WILLIAMS**

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: June 13, 2022