

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, JUNE 27, 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
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
V. Manuel Perez, Riverside County, 4th District Supervisor – *via Teleconference*
Barbara Riordan, Public Member
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via Teleconference*
Tim Silva, City of Barstow

Board Members Absent:

Brigit Bennington, City of Hesperia
Stevevonna Evans, City of Adelanto
Jeff Williams, City of Needles

CALL TO ORDER

Chair **MERL ABEL** called the meeting to order at 10:02 am and 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**. No public comment made in person or electronically, so being none, Chair **ABEL** moved onto the **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 **BARBARA RIORDAN**, seconded by Board Member **ELIZABETH BECERRA**, and carried by the following roll call vote, with nine **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, PAUL COOK, JOSEPH “JOEY” DECONINCK, KARI LEON, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE and TIM SILVA** with Board Member **DECONINCK** abstaining on Agenda Item #5 and Board Members **BRIGIT BENNINGTON, STEVEVONNA EVANS, V. MANUEL PEREZ and JEFF WILLIAMS** absent, on the Consent Calendar, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of June 13, 2022.

Approved Minutes from Regular Governing Board Meeting of June 13, 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 for March and April of 2022.

Presenter: Brad Poiriez, Executive Director/APCO .

Received and filed Financial Reports for March and April of 2022.

Agenda Item 4 – Receive and file the Legislative Report for June 2022.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the Legislative Report for June 2022.

Agenda Item 5 – 1) Award an amount not to exceed \$6,376,538 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), Funding Agricultural Replacement Measures for Emission Reductions (FARMER), Community Air Protection Program (CAP) and Mobile Source Emission Reductions Program (MSERP) to the projects listed in Exhibit A; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable 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, approved as to legal form by the Office of District Counsel; 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.

1) **Awarded** an amount not to exceed \$6,376,538 in Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), Funding Agricultural Replacement Measures for Emission Reductions (FARMER), Community Air Protection Program (CAP) and Mobile Source Emission Reductions Program (MSERP) to the projects listed in Exhibit A; (2) **authorized** the Executive Director/APCO the option to change the funding source if other applicable 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, approved as to legal form by the Office of District Counsel; 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 6 – Authorize (1) participation in Community Air Protection (CAP) Incentives Year 5 (G21-MCAP-14, fiscal year 21/22), (2) authorize the Executive Director/APCO to negotiate technical program details, execute contract with the California Air Resources Board (CARB) approved as to legal form by the Office of District Counsel, (3) authorize acceptance and encumbrance of funds in an estimated amount of \$1,335,394.29, (4) authorize continued district participation for 3 years, (5) authorize the Executive Director/APCO to revise budget accordingly.

Presenter: Jorge Camacho, Support Services Supervisor.

Authorized (1) participation in Community Air Protection (CAP) Incentives Year 5 (G21-MCAP-14, fiscal year 21/22), (2) **authorized** the Executive Director/APCO to negotiate technical program details, execute contract with the California Air Resources Board (CARB) approved as to legal form by the Office of District Counsel, (3) **authorized** acceptance and encumbrance of funds in an estimated amount of \$1,335,394.29, (4) **authorized** continued district participation for 3 years, (5) **authorized** the Executive Director/APCO to revise budget accordingly.

Agenda Item 7 – Set date of August 22, 2022 to conduct a public hearing to consider the rescission of SCAQMD Rule 468 – *Sulfur Recovery Units* from the state implementation plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD, replacement with the current MDAQMD Rule 468 – *Sulfur Recovery Units* and approve California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.

Date set of August 22, 2022 to conduct a public hearing to consider the rescission of SCAQMD Rule 468 – *Sulfur Recovery Units* from the state implementation plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD, replacement with the current MDAQMD Rule 468 – *Sulfur Recovery Units* and approve California Environmental Quality Act (CEQA) documentation.

Agenda Item 8 – Set date of August 22, 2022 to conduct a public hearing to consider the rescission of SCAQMD Rule 469 – *Sulfuric Acid Units* from the state implement plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD, replace it with the current MDAQMD Rule 469 – *Sulfuric Acid Units* and approve California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.

Date set of August 22, 2022 to conduct a public hearing to consider the rescission of SCAQMD Rule 469 – *Sulfuric Acid Units* from the state implement plan (SIP) for the Blythe/Palo Verde Valley portion of the MDAQMD, replace it with the current MDAQMD Rule 469 – *Sulfuric Acid Units* and approve California Environmental Quality Act (CEQA) documentation.

Agenda Item 9 Set date of August 22, 2022 to conduct a public hearing to consider the removal of Rule 470 (as rescinded October 26, 1994) from the State Implementation Plan (SIP) for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.

Date set of August 22, 2022 to conduct a public hearing to consider the removal of Rule 470 (as rescinded October 26, 1994) from the State Implementation Plan (SIP) for both the San Bernardino County and Riverside County portions of the MDAQMD and approve California Environmental Quality Act (CEQA) documentation.

Agenda Item 10 – Set Date of August 22, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 472 — Reduction of Animal Matter, 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 replace it with the current MDAQMD Rule 472 — Reduction of Animal Matter.

Presenter: Alan De Salvio, Deputy APCO.

Date set of August 22, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 472 — Reduction of Animal Matter, 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 replace it with the current MDAQMD Rule 472 — Reduction of Animal Matter.

Agenda Item 11 – Set Date of August 22, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 473 — Disposal of Solid and Liquid Wastes, 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 replace it with the current MDAQMD Rule 473 — Disposal of Solid and Liquid Wastes.

Presenter: Alan De Salvio, Deputy APCO.

Date set of August 22, 2022 to conduct a public hearing to consider the rescission of South Coast Air Quality Management District Rule 473 — Disposal of Solid and Liquid Wastes, 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 replace it with the current MDAQMD Rule 473 — Disposal of Solid and Liquid Wastes.

Agenda Item 12 – DEFERRED ITEMS.

None.

Agenda Item 13 – PUBLIC COMMENT.

None.

Agenda Item 14 – Conduct a Public Hearing to consider the proposed MDAQMD Budget for FY 2022-23: a. Re-Open the continued public hearing; b. Receive staff update; c. Receive public testimony; d. Close public hearing; e. Adopt a resolution approving and adopting the budget for FY 2022-23.

Presenter: Laquita Cole, Finance Manager.

Chair **MERL ABEL** re-opened the continued public hearing. 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 or electronically, being none, Chair **MERL ABEL** closed the public hearing. Upon motion by Board Member **KARI LEON**, 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, PAUL COOK, JOSEPH “JOEY” DECONINCK, KARI LEON, DANIEL MINTZ, Sr., BARBARA RIORDAN, DAWN ROWE and TIM SILVA with Board Members BRIGIT BENNINGTON, STEVEVONNA EVANS, V. MANUEL PEREZ and JEFF WILLIAMS absent, the board, adopted Resolution 22-14, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2022-23.”

Agenda Item 15 – Reports:

Miscellaneous:

- ❖ Continue to work on the compliance issues facing Nursery Products (Hawes Compost facility) near Hinkley. We are working and cooperating with other local and state agencies.
- ❖ This year’s annual LGEE program is coming to a close on June 30th. As of last week, we had exchanged 327 pieces of equipment and expect to finish closer to 400. Very successful year.
- ❖ The board just approved a consent calendar item on today’s agenda authorizing projects under the Carl Moyer/FARMER/CAPP grant funds totaling almost \$6.4 million dollars for the coming cycle – believe this is the most in a single year grant funding. Kudos to Jorge/Truong of Support Services and Grants.

Mr. Poiriez updated the Board of past events:

- June 14th: AB2836 (Garcia) Moyer bill passed the Senate Transportation Committee by 14-0 vote, had bipartisan support. Submitted our third letter of support to the Senate EQ on June 16th; on June 26th it passed with a bipartisan 7-0 vote. On to Senate Appropriations (last committee) waiting for scheduled hearing but probably sometime in August. All great news!
- June 15th: Participated in the AAPCA local government call
- June 16th: Participated in the AAPCA June Air Director call
- June 16th: Participated in a CAPCOA/CEC/CPUC/Governor Office call to talk about impending PSPS and potential for not enough power in California- discussion on protocols, siting of temporary generation, potential for Executive Orders this summer and into 2023/24.
- June 16th: was notified by EPA of a proposed disapproval of our Rule 185 Fee penalty rule that was submitted in 2011. Staff is reviewing, and we will decide appropriate response – which is due by July 18,2022.
- June 16th: MD/AV Fiscal and Transition call – many items are moving along and progress is being made on many fronts but still a lot to do.
- June 20th: Submitted MDAQMD second 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.

Mr. Poiriez updated the Board of coming events:

- July’s Board meeting will be dark; next meeting August 22nd.
- Hope everyone has a safe and great 4th of July.

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

- None.

Being no further business, Chair **MERL ABEL** adjourned the meeting at **10:18 a.m.** to the next Regular Meeting of **August 22, 2022.**

ACTION OF THE GOVERNING BOARD

APPROVED

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

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

Noes:

Absent: **2** **MINTZ, WILLIAMS**

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: August 22, 2022