

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, FEBRUARY 27, 2023 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA**

MINUTES

Board Members Present:

Merl Abel, Town of Yucca Valley,
Elizabeth Becerra, City of Victorville
Brigit Bennington, City of Hesperia, *Vice Chair*
Paul Cook, San Bernardino County, 1st District Supervisor
Joseph “Joey” DeConinck, City of Blythe – *via teleconference*
Carmen Hernandez, City of Barstow
Kari Leon, Town of Apple Valley, *Chair*
Henry Longbrake, City of Needles (Alternate) – *via teleconference*
Dan Mintz, Sr., City of Twentynine Palms
V. Manuel Perez, Riverside County, 4th District Supervisor – *via teleconference*
Gabriel Reyes, City of Adelanto
Dawn Rowe, San Bernardino County, 3rd District Supervisor – *via teleconference*

Board Members Absent:

CALL TO ORDER

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

MOVE TO SWEARING-IN OF NEW BOARD MEMBER(S) – HENRY LONGBRAKE.
Deanna Hernandez, Senior Executive Analyst, swore-in Board Member **HENRY LONGBRAKE.**

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

PUBLIC COMMENT – The public may comment on any item not listed on the agenda. For comments relating to a specific item, please use the public comment card and specify the number of the item on which you wish to speak and submit it to the Clerk.

In compliance with the Brown Act, the Governing Board may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The Governing Board may ask brief questions for clarification, provide a reference to staff or other reference for factual information and or direct staff to add an item to a subsequent meeting.

Chair **KARI LEON** called for **PUBLIC COMMENT**. No public comment made in person or electronically, so being none, Chair **KARI LEON** moved onto **CONSENT CALENDAR**.

CONSENT CALENDAR – 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. Deanna Hernandez, Sr. Executive Analyst – Confidential, requested an amendment to agenda item #1 Draft Minutes Governing Board Meeting January 23, 2023 prior to approval. Request amendments are, under Board Member Present, Board Member Jamie McCorkle attended via teleconferencing and Board Member Dawn Rowe attended in-person. Being no objections on the requested amendment, Chair **KARI LEON** moved onto **CONSENT CALENDAR**. 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 **ELIZABETH BECERRA**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, HENRY LONGBRAKE, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE** on the Consent Calendar, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of January 23, 2023.
Approved as amended, Minutes from Regular Governing Board Meeting of January 23, 2023.

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 December 2022, which reflects the District’s financial and budgetary performance to date.
Presenter: Laquita Cole, Finance Manager.
Received and filed Financial Reports for December 2022, which reflects the District’s financial and budgetary performance to date.

Agenda Item 4 – Receive and file the Other Post-Employment Benefits (OPEB) actuarial valuation of the District’s retiree health insurance program.

Presenter: Laquita Cole, Finance Manager

Received and filed the Other Post-Employment Benefits (OPEB) actuarial valuation of the District's retiree health insurance program.

Agenda Item 5 – Receive and file amendments to the MDAQMD Adopted Budget for Fiscal Year 2022-23.

Presenter: Laquita Cole, Finance Manager.

Received and filed amendments to the MDAQMD Adopted Budget for Fiscal Year 2022-23.

Agenda Item 6 – Adopt a budget schedule for FY 23-2024.

Presenter: Laquita Cole, finance Manager.

Adopted a budget schedule for FY 23-2024.

Agenda Item 7 – Receive and file the Executive Director's report of surplus and disposal of capital/non-capital items as applicable.

Presenter: Jorge Camacho, Support Services Supervisor I

Received and filed the Executive Director's report of surplus and disposal of capital/non-capital items as applicable.

Agenda Item 8 – Set date of March 27, 2023 to conduct a public hearing to consider the adoption of Rules 315.3 – Federal Clean Air Act Section 185 Penalty (2015 Standard) and approval of California Environmental Quality Act (CEQA) documentation.

Presenter: Alan De Salvio, Deputy APCO.

Date set of March 27, 2023 to conduct a public hearing to consider the adoption of Rules 315.3 – Federal Clean Air Act Section 185 Penalty (2015 Standard) and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 9 – DEFERRED ITEMS.

None.

Agenda Item 10 – The Annual Audited Financial Report and Management Report for Fiscal Year 2021-22 is being presented for receive and file. The audit process is complete and the information is provided to the Governing Board.

Presenter: Laquita Cole, Finance Manager.

After discussion and upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **GABRIEL REYES**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH "JOEY" DECONINCK, CARMEN HERNANDEZ, KARI LEON, HENRY LONGBRAKE, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE**, the board **Received and filed** the Annual Audited Financial Report and Management Report for Fiscal Year 2021-22.

Agenda Item 11 – Conduct a public hearing to consider the amendment of Rule 315 - Federal Clean Air Act Section 185 Penalty (1979 Standard) 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.

Chair **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, being none, Chair **KARI LEON** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution. Upon motion by Board Member **ELIZABETH BECERRA**, seconded by Board Member **DANIEL MINTZ, Sr.**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, HENRY LONGBRAKE, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE**, the board, adopted **Resolution 23-05, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 315 – FEDERAL CLEAN AIR ACT SECTION 185 (1979 OZONE STANDARD) PENALTY AND DIRECTING STAFF ACTIONS.”**

Agenda Item 12 – Conduct public hearing to consider the amendment of District Rule 1600 — Prevention of Significant Deterioration (PSD): 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 Rule 1600 and directing staff actions.

Presenter: Alan De Salvio, Deputy APCO.

Chair **KARI LEON** opened the public hearing. Alan De Salvio, Deputy APCO, provided the staff report and answered questions from the Board. After discussion Chair **KARI LEON** called for public comment, no public comment was made in person or electronically, being none, Chair **KARI LEON** closed the public hearing, made the determination that the CEQA Categorical Exemption applies, and waved reading of the resolution Upon motion by Board Member **CARMEN HERNANDEZ**, seconded by Board Member **ELIZABETH BECERRA**, and carried by the following roll call vote, with twelve **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, HENRY LONGBRAKE, DANIEL MINTZ, Sr., V. MANUEL PEREZ, GABRIEL REYES, and DAWN ROWE**, the board, adopted **Resolution 23-06, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1600 — PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND DIRECTING STAFF ACTIONS.”**

Agenda Item 13 – Executive Director Reports:

Miscellaneous:

❖ Welcome new Needles Alternate Board member – Henry Longbrake.

- ❖ Congratulations to Supervisor Manuel Perez for being named to the California Air Resources Board of Directors. Had his first CARB meeting on Feb. 23rd where CARB approved the MDAQMD recently adopted 70 ppb Ozone SIP.
- ❖ Deadline to introduce new legislation was Feb. 17th; over 2,000 new bills were introduced for this session. A few to note:
 - Sent out information on AB627 (Jackson) that was introduced that has prohibitory language to not allow diesel trucks on city or county roadways in Riverside and San Bernardino Counties by Jan. 1. 2030.
 - AB 1609 (Garcia) Spot bill related to air district DMV fees.
 - SB 563 (Archuletta) South Coast sponsored bill designating air districts as independent special districts for purposes of receiving state funds or funds disbursed by the state, including federal funds.
- ❖ CARB Board hearing February 23rd - CARB Board approved the MDAQMD 2015 70 ppb Ozone SIP, next they ship it up to EPA.
- ❖ We issued two air quality advisories for windblown dust on Feb. 14 and 21. We had exceptionally high social media engagement from posts sharing the advisories including numerous shares from board members, our jurisdictional cities and partner agencies.
- ❖ Advisories were sent out through our digital mailing list, which now has just shy of 12,000 subscribers.
- ❖ We boosted a post for three days beginning Feb. 13 for our parking lot fencing project request for bids. The post was seen by nearly 4,000 different users on Facebook and helped draw participation in the site walk-through on Feb. 16.



Mr. Poiriez updated the Board of past events:

- Jan. 26th – attended CARB Board meeting in Riverside, where the CARB Board and myself recognized Ms. Barbara Riordan for her many years of service towards advancing clean air.
- Jan. 31st – call with AAPCA Executive Director to strategize on topics of interest for 2023.
- Feb. 1st & 2nd - CAPCOA virtual monthly meeting – discussed/planning for DC Advocacy trip, Environmental Justice (EJ) efforts, CAPCOA resources, PM NAAQS calls planned, Spring Meeting Agenda.
- Feb. 6th -9th – CAPCOA DC Advocacy Trip. Here are some of the agencies and representatives I met with: Federal Rail Administration – specifically talking impacts of rail emissions and trying to secure funding from the Bipartisan Infrastructure Legislation (BIL) and Inflation Reduction Act (IRA) for incentive and implementation programs in California. The Barstow current and planned facilities were discussed. Congressman Aguilar office – thank him for support of appropriations for programs like Targeted Air Grants (TAG), DERA, and section 103/105 which the MDAQMD has benefited from greatly over the past several years. Impactions of nonattainment (sanctions), Need Federal Action – them to do their jobs on mobile sector within their jurisdiction – rail, planes, ships, heavy duty vehicles (common theme in all meetings). Explained there needs to be a Whole of the Government approach – involve us local air districts along the entire processes in a meaningful manner (cooperative federalism) – again common theme in all meetings. Meeting and lunch with NACAA Executive and staff, met with Senator Feinstein office, met with White House Office of Environmental Quality and Environmental Justice, met with Senator Ruiz staff – thanked them for their efforts to secure money for the Salton Sea (which dry lake PM emissions impact the entire southwest), challenges with EPA and their current processes,

need for additional funds locally for air programs, brought up the recently announced closure of the Chuckwalla prison in Blythe that Board Member DeConinck is dealing with, and current status of MDAQMD NSR rule with EPA, proposed Good Neighbor Ozone FIP and those impacts in MD and the potential of sanctions and what that means.

Met with U.S. EPA Office of Air and Radiation and their Senior Leadership including Joe Goffman, Tomas Carbonell, Scott Mathias and others – many of the same themes as above but putting them on notice that we do not feel like a partner with EPA, and more needs to be done in this arena, need them to step up their efforts in their jurisdiction instead of just hammering the stationary sectors when most of the emissions inventories are from the mobile sector which is their responsibility. Met with Speaker Kevin McCarthy office and Deputy Chief of Staff – Kyle Lombardi; met with our Congressman Jay Obernolte on all the issues previously stated and this was one of the best meetings – the Congressman is willing to assist wherever and whenever he can to address EPA concerns we shared – rather it be writing letters or requesting congressional hearing. We will stay in constant contact with his office as the issues flush out. Also, met with Representative Zoe Lofgren’s Senior Policy staff.

And many more ancillary meetings. Overall, a positive trip.

- Feb. 13th – met with EPA Region 9 Senior Management for first quarterly meeting to go over NSR rule deadlines, Transport FIP timelines, 2015 Ozone SIP, several other EPA rule actions pending they are working on in some stage about 9 different rules covered.
- Feb. 14th – Initial introductory call with CARB staff and Districts with Cement Facilities relating to strategies on SB596 – Net Zero Cement emission reductions. CCMEC and their consultants supported the legislation and according to CARB continue to support it and are working with CARB.
- Feb. 16th – A preconference Bid meeting was held for the North Parking lot security project that is out to bid and the bids are due on Feb. 24th.
- Feb. 23rd - 24th - Attended the Medium Section APCO meeting in Bakersfield.

Mr. Poiriez updated the Board of coming events:

- March 1st – April 30th: Submission period for the 2023 Clean Air Month Poster Contest sponsored by MDAQMD/MEEC.
- March 7th – 9th - CAPCOA Board Meeting.
- March 8th - will attend the Coalition for Clean Air 2023 Toast to Clearing the Air while I am in Sacramento for CAPCOA Board meeting. Confirmed speakers will include: Yana Garcia – CalEPA Secretary, Toks Omishaken, California Transportation Secretary, and several state legislators.
- March 15th – AAPCA Local Government Committee Call.
- March 15th – MEEC Board meeting.
- Next Board meeting and an Executive Committee meeting March 27, 2023.

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

- Board Member **BENNINGTON** voiced concern for natural disasters preparation and agrees with Board Member **COOK**'s concerns regarding the evaluation of the rail road grade in the Cajon Pass.
- Board Member **COOK** voiced concern for the evaluation of the Cajon Pass regarding rail road grade evaluation.
- Board Member **DECONINCK** thanked Mr. Poiriez for his assistance to the Blythe community.

- Board Member **REYES** thanked Mr. Poiriez for his extensive efforts regarding the High Desert concerns.

Being no further business, Chair **KARI LEON** adjourned the meeting at **10:51 a.m.** to the next Regular Meeting of *March 27, 2023*.

ACTION OF THE GOVERNING BOARD

APPROVED

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

Ayes: **11** **ABEL, BECERRA, BENNINGTON, COOK, DECONINCK, HERNANDEZ, LEON, LONGBRAKE, MINTZ, PEREZ, ROWE**

Noes:

Absent: **1** **REYES**

Abstain:

DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST

BY *Deanna Hernandez*

Dated: March 27, 2023