

**Mojave Desert Air Quality Management District**  
**Brad Poiriez, Executive Director**  
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**REGULAR GOVERNING BOARD MEETING**  
**MONDAY, JUNE 26, 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, 1<sup>st</sup> District Supervisor  
Joseph “Joey” DeConinck, City of Blythe – *via teleconference*  
Carmen Hernandez, City of Barstow  
Kari Leon, Town of Apple Valley, *Chair*  
Jamie McCorkle, City of Needles – *via teleconference*  
Dan Mintz, Sr., City of Twentynine Palms  
V. Manuel Perez, Riverside County, 4<sup>th</sup> District Supervisor – *via teleconference*  
Dawn Rowe, San Bernardino County, 3<sup>rd</sup> District Supervisor – *via teleconference*

Board Members Absent:

Robert Lovingood, Public Member  
Gabriel Reyes, City of Adelanto

CALL TO ORDER

Chair **KARI LEON** called the meeting to order at 10:01 am and asked Board Member **ELIZABETH BECERRA** to lead the Pledge of Allegiance.

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 **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. 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 ten **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, JAMIE MCCORKLE, DANIEL MINTZ, Sr., and DAWN ROWE** with Board Members **ROBERT LOVINGOOD, GABRIEL REYES and V. MANUEL PEREZ (arrival time 10:09 am) absent, and with Board Members JOSEPH “JOEY” DECONINCK and DAWN ROWE abstaining on agenda item #7, on the Consent Calendar, as follows:**

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of June 12, 2023.  
**Approved** Minutes from Regular Governing Board Meeting of June 12, 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 April 2023, which reflects the District’s financial and budgetary performance to date.  
Presenter: Laquita Cole, Finance Manager.  
**Received and filed** Financial Reports for April 2023, which reflects the District’s financial and budgetary performance to date.

Agenda Item 4 – Receive and file Carl Moyer State Reserve Program Year 25 Agreement.  
Presenter: Jorge Camacho, Support Services Supervisor.  
**Received and filed** Carl Moyer State Reserve Program Year 25 Agreement.

Agenda Item 5 – Receive and file Policies and Procedures Manual for the District’s Carl Moyer Program (Moyer Program). Acknowledge changes to Appendix A and B of the manual.  
Presenter: Jorge Camacho, Support Services Supervisor.

**Received and filed** Policies and Procedures Manual for the District’s Carl Moyer Program (Moyer Program). Acknowledge changes to Appendix A and B of the manual.

Agenda Item 6 – (1) Authorize the adjustment of the fiscal year 2023-2024 budget in an amount not to exceed \$160,000; (2) authorize the purchase of information technology infrastructure and cabling for the Server Room; (3) authorize the Executive Director or his designee to sign contract, negotiate time frames and technical project details, and execute the contract, approved as to legal form.

Presenter: Jorge Camacho, Support Services Supervisor.

(1) **Authorized** the adjustment of the fiscal year 2023-2024 budget in an amount not to exceed \$160,000; (2) **authorized** the purchase of information technology infrastructure and cabling for the Server Room; (3) **authorized** the Executive Director or his designee to sign contract, negotiate time frames and technical project details, and execute the contract, approved as to legal form.

Agenda Item 7 – 1) Award an amount not to exceed \$5,483,300.57 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 \$5,483,300.57 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 8 – 1) Authorize staff to locate and purchase land, to be used as additional District parking, in an amount not to exceed \$150,000 including all associated costs; 2) authorize staff to locate land in proximity to the District facility, negotiate price, time frames, and technical details of the purchase with the seller, or seller’s representative; 3) authorize the Executive Director to execute the required documents, approved as to legal form, and; 4) to retain a real estate agent, as necessary, to facilitate the purchase.

Presenter: Brad Poiriez, Executive Director – APCO.

1) **Authorized** staff to locate and purchase land, to be used as additional District parking, in an amount not to exceed \$150,000 including all associated costs; 2) **authorized** staff to locate land in proximity to the District facility, negotiate price, time frames, and technical details of the

purchase with the seller, or seller's representative; 3) **authorized** the Executive Director to execute the required documents, approved as to legal form, and; 4) to retain a real estate agent, as necessary, to facilitate the purchase.

Agenda Item 9 – Set Date of August 28, 2023 to conduct a public hearing to consider a State Implementation Plan (SIP) Clean Up: Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1104 – *Wood Flat Stock Coating Operations* 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 the current SIP approved version of MDAQMD Rule 1114 - *Wood Products Coating Operations*.

Presenter: Alan De Salvio, Deputy APCO.

**Date set** of August 28, 2023 to conduct a public hearing to consider a State Implementation Plan (SIP) Clean Up: Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1104 – *Wood Flat Stock Coating Operations* 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 the current SIP approved version of MDAQMD Rule 1114 - *Wood Products Coating Operations*.

Agenda Item 10 – Set Date of August 28, 2023 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically the Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1176 – *Sumps and Wastewater Separators* and SCAQMD Rule 464 – *Wastewater Separators* as they appear in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD) and to replace it with the currently SIP approved MDAQMD Rule 464 – *Oil Water Separators*.

Presenter: Alan De Salvio, Deputy APCO.

**Date set** of August 28, 2023 to conduct a public hearing to consider a State Implementation Plan (SIP) Cleanup: Specifically the Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1176 – *Sumps and Wastewater Separators* and SCAQMD Rule 464 – *Wastewater Separators* as they appear in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD) and to replace it with the currently SIP approved MDAQMD Rule 464 – *Oil Water Separators*.

Agenda Item 11 – DEFERRED ITEMS.

None.

Agenda Item 12 – Conduct a Public Hearing to consider the proposed MDAQMD Budget for FY 2023-24: a. Re-Open the continued public hearing from June 12, 2023; b. Receive staff update; c. Receive public testimony; d. Close public hearing; e. Adopt a resolution approving and adopting the budget for FY 2023-24.

Presenter: Laquita Cole, Finance Manager.

Chair **KARI LEON** re-opened the public hearing. Brad Poiriez, Executive Director/APCO, provided a brief 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 and called for a motion. Upon motion by Board Member **BRIGIT BENNINGTON**, seconded by Board Member **CARMEN HERNANDEZ**, and carried by the following roll call vote, with eleven **AYES** votes by Board

Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, JAMIE MCCORKLE, DANIEL MINTZ, Sr., V. MANUEL PEREZ, and DAWN ROWE** with Board Members **ROBERT LOVINGOOD** and **GABRIEL REYES** absent, the board, adopted **Resolution 23-13, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2023-24.”**

Agenda Item 13 – State Implementation Plan (SIP) Clean Up: Rescission of South Coast Air Quality Management District (SCAQMD) Rule 1101 – *Secondary Lead Smelters/Sulfur Oxides* 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 adopt a Federal Negative Declaration (FND) for the secondary lead smelter source category: 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, adopting State Implementation Plan (SIP) Clean Up: Rescission of SCAQMD Rule 1101 – *Secondary Lead Smelters/Sulfur Oxides* as it appears in the SIP for the Blythe/Palo Verde Valley portion of the MDAQMD in Riverside County and a Federal Negative Declaration (FND) for the secondary lead smelter source category.

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 **CARMEN HERNANDEZ**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, JAMIE MCCORKLE, DANIEL MINTZ, Sr., V. MANUEL PEREZ, and DAWN ROWE** with Board Members **ROBERT LOVINGOOD** and **GABRIEL REYES** absent, the board, adopted **Resolution 23-14, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, THE RESCISSION OF SCAQMD RULE 1101 AND ADOPTION OF A FEDERAL NEGATIVE DECLARATION FOR THE SECONDARY LEAD SMELTER SOURCE CATEGORY AND DIRECTING STAFF ACTIONS.”**

Agenda Item 14 – Conduct a public hearing to consider the adoption of a State Implementation Plan Cleanup specifically by rescinding South Coast Air Quality Management District Rules 466 – *Pumps and Compressors*, 466.1 – *Valves and Flanges* and 467 - *Pressure Relief Devices* as they appear in the SIP for the Blythe/Palo Verde Valley portion of the Mojave Desert Air Quality Management District (MDAQMD or District) in Riverside County; requesting removal of previously rescinded Rules 466 – *Pumps and Compressors* and 467 – *Pressure Relief Devices* from the SIP for the San Bernardino County portion of the District; and requesting acknowledgement that the SIP approved MDAQMD Rule 1102 – *Fugitive Emissions of VOCs*

from Components at Pipeline Transfer Stations along with various Federal Negative Declarations replace said rescinded rules in the SIP: 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 **MERL ABEL**, seconded by Board Member **BRIGIT BENNINGTON**, and carried by the following roll call vote, with eleven **AYES** votes by Board Members, **MERL ABEL, ELIZABETH BECERRA, BRIGIT BENNINGTON, PAUL COOK, JOSEPH “JOEY” DECONINCK, CARMEN HERNANDEZ, KARI LEON, JAMIE MCCORKLE, DANIEL MINTZ, Sr., V. MANUEL PEREZ, and DAWN ROWE** with Board Members **ROBERT LOVINGOOD** and **GABRIEL REYES** absent, the board, adopted Resolution 23-15, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING A STATE IMPLEMENTATION PLAN (SIP) CLEANUP BY RESCINDING SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULES 466 – PUMPS AND COMPRESSORS, 466.1 – VALVES AND FLANGES AND 467 - PRESSURE RELIEF DEVICES AS THEY APPEAR IN THE SIP FOR THE BLYTHE/PALO VERDE VALLEY PORTION OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT (MDAQMD OR DISTRICT) IN RIVERSIDE COUNTY; REQUESTING REMOVAL OF PREVIOUSLY RESCINDED RULES 466 – PUMPS AND COMPRESSORS AND 467 – PRESSURE RELIEF DEVICES FROM THE SIP FOR THE SAN BERNARDINO COUNTY PORTION OF THE DISTRICT; AND REQUESTING ACKNOWLEDGEMENT THAT THE SIP APPROVED MDAQMD RULE 1102 – FUGITIVE EMISSIONS OF VOCS FROM COMPONENTS AT PIPELINE TRANSFER STATIONS ALONG WITH VARIOUS FEDERAL NEGATIVE DECLARATIONS REPLACE SAID RESCINDED RULES IN THE SIP AND DIRECTING STAFF ACTIONS.”**

Agenda Item 15 – Executive Director Reports:

**Miscellaneous:**

- ❖ Congratulations to Supervisor Dawn Rowe for being named President of the SBCTA for the coming year.
- ❖ July marks our 30<sup>th</sup> Anniversary here at MDAQMD and we will have cake after the meeting so stick around.
- ❖ CIP Updates – the north parking lot security project is progressing and majority should be done by the end of the month, with some of the electric entrance work maybe taking a bit longer. Solar project replacement bids came in and we are proceeding to review. Also, expect to get a new roof replacement bid, that would take place sometime in future after the existing solar is removed from the roof.

- ❖ Electric Lawn & Garden Equipment Exchange program update – as of June 19, there has been 691 pieces of equipment exchanged. The program commenced on April 19.
  - Trimmers (FSA) 266
  - Blowers (BGA) 146
  - Lawnmowers (RMA) 81
  - Chainsaws (MSA) 160
  - Hedgers (HAS, HLA) 38
  - AK 30 Battery 31
  - AL 101 Charger 0
  - Total 691\***
- ❖ The District is currently reviewing applications and preparing for interviews for three positions – (2) AQS – Compliance, (1) AQE – Permitting; and the District is accepting applications (recruitment) for (1) AQS – Grants.
- ❖ State Budget – Legislature and Administration have agreed on most of the budget (SB101) both Assembly and Senate Budget Committees will hear the budget package today, there will still be some tweaks in the Budget Bill Jr. (AB/SB102) that the Governor will have until the June 30th deadline to sign.
- ❖ A few pieces of legislation updates:
  - AB 985 (Arambula) SJV ERC program - Passed with amendments to modify scope of ARB's analysis of SJV's ERC program, still making it through the process may get hearing in Senate EQ first week of July – CAPCOA continues to oppose.
  - AB1465 (Wicks) – is a tripling of penalties that could be assessed to Title V facilities depending on the violations. Penalty structure has not been modified since 2000. Would set the ceiling, does not mean a district has to assess penalty at the top amount. CAPCOA supports.
  - SB270 (Stern) – cities/county may want to track. Requires airports (public or private) that have 50k flights per year to report on how they will meet zero GHG emissions. No criteria on what the report would require, would need to be submitted to CARB, and if CARB doesn't agree on something it could be referred to the air districts. CAPCOA opposes because we have no legal authority over GHG, nor aviation.

**Mr. Poiriez updated the Board of past events:**

- June 15 – AAPCA Air Director Call – topics discussed: NAAQS review update (CASAC suggest an Ozone standard lowered to between 50-60 ppm); CAA Section 111 – Power Plant GHG Rule updates; written testimony to Senate Appropriation Subcommittee for increased local funds in FY24 budget.
- June 21 – CAPCOA June Board Call (Zoom) – topics discussed: Grant funding language (617, woodsmoke, 197); Budget presentation, Staffing, SIP updates including Contingency Measures, Planning Industry and Enviro Stakeholder meeting.
- June 21 – AAPCA Local Government Committee Air Director Call – topics discussed: Criteria Pollutant/NAAQS reviews, 2015 Ozone Transport FIP, Contingency Measure guidance, Power Plant GHG rule.
- June 21 – attended MEEC Board meeting.

**Mr. Poiriez updated the Board of coming events:**

July 17-20 – FY23 Interim Financial Audit scheduled  
July 20 – AAPCA Air Directors Call  
July 25 – Quarterly District/EPA Region IX Coordination call

**Next Board meeting will be August 28, 2023; there will be no July Board meeting - Enjoy your short summer break.**

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

- Board Member **BECERRA** presented a “Certification of Recognition”, on behalf of the City of Victorville, in commemoration of the District’s 30-year anniversary.
- Vice Chair **BENNINGTON** request an update for clarification on electric vehicles for Riverside & San Bernardino Counties; inquired about mandated Ethics & Sexual Harassment Training; and thanked Mr. Poiriez and staff – amazing work on agenda items.
- Board Member **COOK** stated that he’s been on quite a few committees and that the air district board is his favorite committee to serve on.
- Board Member **HERNANDEZ** mentioned that she has completed the mandated Ethics & Sexual Harassment training and will provide her training certificates; stated that she’s been proud of the District’s staff amazing work over the past several years.
- Chair **LEON** commented that she received the postcard reminder for the upcoming California Desert Air Working Group (CDAWG) conference; and thank staff for their presentations.

Being no further business, Chair **KARI LEON** adjourned the meeting at **10:47 a.m.** to the next Regular Meeting of **August 28, 2023.**

**ACTION OF THE GOVERNING BOARD**

**APPROVED**

Upon Motion by **ROBERT LOVINGOOD**, seconded by **GABRIEL REYES**, as approved by the following roll call vote:

**Ayes: 11 ABEL, BECERRA, BENNINGTON, DECONINCK, HERNANDEZ, LEON, LOVINGOOD, MCCORKLE, MINTZ, REYES, ROWE**

**Noes:**

**Absent: 2 COOK, PEREZ**

**Abstain:**

**DEANNA HERNANDEZ, SENIOR EXECUTIVE ANALYST**

**BY Deanna Hernandez**

**Dated: August 28, 2023**