

Mojave Desert Air Quality Management District
Brad Poiriez, Executive Director
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REGULAR GOVERNING BOARD MEETING
MONDAY, SEPTEMBER 23, 2019 - 10:00 A.M.
MDAQMD OFFICES, BOARD CHAMBERS
VICTORVILLE, CA

MINUTES

Board Members Present:

Jeff Williams, Chair, City of Needles
Merl Abel, Town of Yucca Valley
Ed Camargo, City of Adelanto
Jim Cox, City of Victorville
Joseph “Joey” DeConinck, City of Blythe
Kari Leon – Town of Apple Valley
Robert Lovingood, San Bernardino County
James Noble – City of Barstow
Barbara Riordan, Public Member
Dawn Rowe, San Bernardino County

Board Members Absent:

William “Bill” Holland – City of Hesperia
Daniel Mintz, Sr., City of Twentynine Palms
V. Manuel Perez, Riverside County

CALL TO ORDER

Chair **JEFF WILLIAMS** called the meeting to order at 10:03 a.m.

Chair **JEFF WILLIAMS** lead the Pledge of Allegiance.

Chair **JEFF WILLIAMS** asked for roll call; roll was called.

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.

Special Announcements/Presentations:

- A. Presentation of 2018/2019 Exemplar Award. Presenter: Brad Poiriez, Executive Director/APCO.

Executive Director/APCO Brad Poiriez provided background information on the Exemplar Award and was proud to recognize Northwest Pipe for their efforts in reducing its impact on people and the environment through all phases of their manufacturing activities by seeking methods to control pollutants in storm water runoff and air emissions and to minimize waste. Northwest Pipe is on the leading edge of environmental sustainability that aims to protect our fragile environment for future generations and they have distinguished themselves with their commitment to the environment and their employees. Based upon these accomplishments, Northwest Pipe has earned the distinction of being named the recipient of the 2018/2019 Exemplar Award.

Chair **JEFF WILLIAMS** called for **PUBLIC COMMENT** – None.

CLOSED SESSION

District Counsel Karen K. Nowak stated that there was no update on the closed session item since the last meeting. Upon consensus of the Board, the Closed Session item was waived.

Agenda Item 1 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session:

Not applicable as Closed Session was waived.

CONSENT CALENDAR – Chair **JEFF WILLIAMS** polled the Board to determine if any member wished to pull an item on the consent calendar for discussion. Board Member **JIM COX** pulled and deferred Agenda Item #3 for discussion. 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 **JAMES NOBLE**, and carried by the following roll call vote, with ten **AYES** votes by Board Members **MERL ABLE, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMES NOBLE, BARBARA RIORDAN, DAWN ROWE, and JEFF WILLIAMS**, with Board Members **DAWN ROWE and ROBERT LOVINGOOD ABSTAINING** on agenda item #4 and Board Member **MERL ABLE ABSTAINING** on agenda item #2, on the Consent Calendar, as follows:

Agenda Item 2 – Approve Minutes from Regular Governing Board Meeting of August 26, 2019.
Approved Minutes from Regular Governing Board Meeting of August 26, 2019.

Agenda Item 3 – Approve revised plan documents for the Mojave Desert Air Quality Management District Deferred Compensation program: the Internal Revenue Code Section 457(b) Plan and the 401(a) Employer Matching Contribution Plan. Presenter: Jean Bracy, Deputy Director – Administration.

Agenda item pulled for discussion by Board Member JIM COX, see Agenda Item #10 DEFERRED ITEMS.

Agenda Item 4 – 1) Award an amount not to exceed \$175,000.00 in Carl Moyer Program funds to CalPortland for the replacement of one 1999 TEREX Bore/Drill Rig with newer cleaner engine technology thus reducing emissions; (2) authorize the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Jorge Camacho, Grants Specialist.

1) **Awarded** an amount not to exceed \$175,000.00 in Carl Moyer Program funds to CalPortland for the replacement of one 1999 TEREX Bore/Drill Rig with newer cleaner engine technology thus reducing emissions; (2) **authorized** the Executive Director/APCO the option to change the funding source if other applicable sources become available; and, 3) **authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 5 – Receive and file the District Activity Report.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the District Activity Report.

Agenda Item 6 – Receive and file minutes of the Technical Advisory Committee (TAC) meeting August 22, 2019. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Received and filed the file minutes of the Technical Advisory Committee (TAC) meeting August 22, 2019.

Agenda Item 7 – Receive and file the Financial Report. Receive and file the preliminary Financial Report for FY20, through the month of July 2019, which provides financial information and budget performance concerning the fiscal status of the District.

Presenter: Jean Bracy, Deputy Director – Administration and Laquita Cole, Finance Manager.

Received and filed the Financial Report for FY20, through the month of July 2019, which provides financial information and budget performance concerning the fiscal status of the District.

Agenda Item 8 – Receive and file the Legislative Report for September 2019.

Presenter: Brad Poiriez, Executive Director/APCO.

Received and filed the Legislative Report for September 2019.

Agenda Item 9 – Set date of October 28, 2019 to conduct a public hearing to consider the adoption of the 70 ppb Ozone Standard Implementation Evaluation: RACT SIP Analysis; Federal Negative Declarations; Certification of Nonattainment New Source Review Program; and, Emission Statement Certification (70 ppb O3 Evaluation) and approval of California Environmental Quality Act (CEQA) documentation. Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Date set for October 28, 2019 to conduct a public hearing to consider the adoption of the 70 ppb Ozone Standard Implementation Evaluation: RACT SIP Analysis; Federal Negative

Declarations; Certification of Nonattainment New Source Review Program; and, Emission Statement Certification (70 ppb O3 Evaluation) and approval of California Environmental Quality Act (CEQA) documentation.

Agenda Item 10 – DEFERRED ITEMS.

Agenda Item 3 – Approve revised plan documents for the Mojave Desert Air Quality Management District Deferred Compensation program: the Internal Revenue Code Section 457(b) Plan and the 401(a) Employer Matching Contribution Plan. Presenter: Jean Bracy, Deputy Director – Administration.

Board Member **JIM COX** requested that this agenda item be pulled and presented at the next Governing Board meeting October 28, 2019. Board Member Cox would like an opportunity to discuss this subject with District staff prior to the next Governing Board meeting. Upon motion by Board Member **JIM COX**, seconded by Board Member **ROBERT LOVINGOOD**, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMES NOBLE, BARBARA RIORDAN, DAWN ROWE and JEFF WILLIAMS** the board deferred this agenda item to its regular governing board meeting of October 28, 2019.

Agenda Item 11 – PUBLIC COMMENT.

None.

Agenda Item 12 – Conduct a public hearing to consider the adoption of Rule 1157.1 – BARCT Requirements for Boilers and Process Heaters and approval of 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 CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adopting Rule 1157.1, and directing staff actions.

Presenter: Alan De Salvio, Deputy Director – Mojave Desert Operations.

Chair **JEFF WILLIAMS** opened the public hearing. Executive Director Brad Poiriez presented the background information. Chair **JEFF WILLIAMS** solicited public comment, being none, Chair **JEFF WILLIAMS** closed the public hearing; **made** the determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; **waived** reading of Resolution; and upon motion by Board Member **DAWN ROWE**, seconded by Board Member **ROBERT LOVINGOOD**, and carried by the following roll call vote, with ten **AYES** votes by Board Members **MERL ABEL, ED CAMARGO, JIM COX, JOSEPH “JOEY” DECONINCK, KARI LEON, ROBERT LOVINGOOD, JAMES NOBLE, BARBARA RIORDAN, DAWN ROWE, and JEFF WILLIAMS** the Board, **adopted Resolution 19-11, “A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING RULE 1157.1 – BARCT REQUIREMENTS FOR BOILERS AND PROCESS HEATERS OUTSIDE THE FONA AND DIRECTING STAFF ACTIONS.”**

Agenda Item 13 – Reports:

Mr. Poiriez updated the Board of past events:

- September 4th – participated in WRAP Board conference call;

- September 5th – attended VVC President’s Luncheon;
- September 10th – myself & Ryan Orr met with Corwin Porter, Assistant Director, SBC Public Health and we discussed on how to build on our communications, air quality forecasts, tools, wildfire coordination, new legislation, etc.;
- September 12th – participated on the interview panel for the Antelope Valley AQMD Operation Manager position held in Lancaster;
- September 17th – CARB Monitoring staff onsite visit to work with District Monitoring Staff on finishing up BA work etc.;
- September 18th – participated in AAPCA Local Government conference call;
- September 19th – the District hosted Active Shooter Training; participated in AAPCA Air Directors conference call.

Mr. Poiriez updated the Board of upcoming events:

- September 24th – 26th – will attend CAPCOA Board meeting and Legislative retreat;
- October 2nd – will participate in WRAP Board conference call;
- October 2nd – California Clean Air Day – the District will support via social media;
- October 21st – 24th – will attend NACAA Fall Conference in D.C.

Special notes from Mr. Poiriez:

- District notified, Lucerne Valley is expected to receive delivery of an all-electric school bus on 11/25/16.
- October 22nd – Goldstone Deep Space tour & November 6th – 7th – CDAWG in Palm Spring – if you would like to attend either or both events, contact myself, Deanna or Ryan.
- Legislative Highlight/Update:
 - Legislature adjourned September 13th;
 - Governor has until October 13th to sign, veto or let bills become law without signature;
 - AB 661 – passed – Sacramento only bill (currently) requires coordination on emergency smoke management plans for wildfires;
 - AB 836 – passed – Clean Air Centers, still no identified funding mechanism;
 - AB 352 – originally dealt with climate grants, will now become a Bond Measure seeking to raise \$4 billion for programs.
 - SB 1 – California’s attempt to prevent Trump Administration from rollback of regulations – Governor says he will veto.
 - AB 423 (Gloria) – passed – SDAPCD Board make-up bill.
 - SB 210 – passed – Heavy duty truck smog program.
 - Trump Administration revoked California’s waiver to set more stringent emission standards on light & medium duty vehicles – expect litigation.

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

- None.

Being no further business, Chair **JEFF WILLIAMS** adjourned the meeting at **10:24 a.m.** to the next Regular Meeting of **October 28, 2019**.

