ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

DRAFT MINUTES – July 9, 2014
Regular Meeting

DMD Conference Room #304, 3rd Floor
Albuquerque-Bernalillo County Government Center
One Civic Plaza NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT
Ms. Jane Cudney-Black (CITY) Vice Chair
Jens Deichmann, Ph.D. (COUNTY)
Augustine Grace III, P.E. (CITY)
Ms. Deborah L. Stover (COUNTY)
Dona Upson, M.D. (CITY)
Lenton Malry, Ph.D. (BCPC LIAISON)

AQCB MEMBERS ABSENT
Kelsey Curran, CIH (CITY), Chair
Robert Goldstein, M.D. (COUNTY)

EHD STAFF PRESENT
Mr. Andrew Daffern, AQCB Liaison
Ms. Lauren Dickerson, EH Scientist
Ms. Mary Lou Leonard, Director, EHD
Mr. Fabian Macias, Air Quality Official
Mr. Danny Nevarez, Deputy Director, EHD
Ms. Margaret Nieto, EH Manager and AQCB Secretary
Ms. Carol Parker, Assistant City Attorney
Mr. Damon Reyes, EH Manager
Mr. Cale Swanson, EH Supervisor

VISITORS PRESENT
Ruth A. McGonagil, Petitioner
Americo Chavez, Petitioner
Bernice H. Ledden, Petitioner
Arthur A. Gradi, Petitioner
Tim Atler, Sutin, Thayer & Browne
Pat Toledo, Petitioner
Frank Salazar, Sutin, Thayer & Browne

DRAFT MEETING MINUTES

CALL TO ORDER

The meeting was called to order by Vice Chair Jane Cudney-Black at 5:33 P.M. on July 11, 2014 with five voting Board members present: Deborah Stover, Jane Cudney-Black, Dona Upson, Augustine Grace III, and Jens Deichmann; and two non-voting members present: Lenton Malry and Margaret Nieto. Not present were Members Kelsey Curran and Robert Goldstein.

Item #1 Approval of Agenda (Vice Chair)

A motion to approve the agenda was made by Member Deichmann and seconded by Member Grace. The motion was approved unanimously by a vote of 5-0.

Item #2 **Approval of June 11, 2014 Meeting Minutes (Vice Chair)**

A motion to approve the June 11, 2014 meeting minutes was made by Member Grace and seconded by Member Upson. The motion was approved unanimously by a vote of 5-0.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

Item #3 **AQCB Petition No. 2014-3, Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3136 – Petitioners: Arthur Gradi, Ruth A. McGonagil, Jerri Paul-Seaborn, Bernice Ledden, Susan Kelly, Americo Chavez, Pat Toledo; Respondents: for City of Albuquerque, Carol Parker, Assistant City Attorney and Danny Nevarez, Air Quality Program, Deputy Director, Environmental Health Department; Permittees: Frank Salazar, Timothy Atler, Sutin Law Firm on behalf of Smith's Food and Drug Centers, Inc.**

Ms. Ruth A. McGonagil, spokesperson for petitioners present at this meeting—Arthur Gradi, Ruth A. McGonagil, Bernice Ledden, Americo Chavez, and Pat Toledo—requested a hearing on the merits regarding Air Quality Permit No. 3136. Board Attorney Felicia Orth asked Ms. McGonagil if the petitioners would be willing to waive the deadlines in the appeal process as required by the applicable rule. Ms. McGonagil stated that all petitioners present, as well as Susan Kelly and Jerri Paul-Seaborn, are in agreement to waive the deadlines.

A motion to appoint Ms. Felicia Orth as the hearing officer and to instruct the Air Board staff to secure a court reporter and to make all necessary arrangements for holding the hearing was made by Member Upson and seconded by Member Grace. The motion was approved unanimously by a vote of 5-0.

The hearing officer established, with the agreement of all parties, that the hearing will take place on October 22nd and 23rd, 2014, and will continue into October 24th if needed. The hearing officer instructed Air Board staff to make arrangements for a pre-hearing conference call to take place sometime during the week of July 21, 2014, and stated that all of the deadlines in the appeal process will be addressed during that pre-hearing conference call.

Ms. Carol Parker, Deputy City Attorney for Air Quality, requested an extension to file the Administrative Record for Air Quality Permit No. 3136 from July 16, 2014, to July 23, 2014. Hearing no objections, the hearing officer granted the extension.

REPORTS

Air Program Report. Staff available for questions.

OTHER BUSINESS

ADJOURNMENT

Vice Chair Jane Cudney-Black adjourned the meeting at 6:01 P.M.

NEXT SCHEDULED BOARD MEETING: August 13, 2014 5:30 p.m.

SUBMITTED:

Ms. Margaret Nieto date
Board Secretary/Env. Health Manager, Control Strategies Section,
Air Quality Program, Environmental Health Department.

READ AND APPROVED:

Kelsey Curran, CIH date
Chair
Albuquerque – Bernalillo County Air Quality Control Board