



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – December 8, 2010
Regular Meeting and Hearings
Vincent E. Griego Chambers
Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

Mr. Steve Baca (County)
Mr. George Castillo (BCPC Liaison)
Mr. Jens Deichmann, Chair (County)
Mr. Augustine Grace III (City)
Dr. Margaret Menache, Vice Chair (County)
Mr. Art Sharpe (City)
Mr. Jack Sullivan (City)
Dr. Dona Upson (City)

Mr. John Liberatore, Env. Health Supervisor, AQD
Ms. Margaret Nieto, AQCB Secretary, Env. Health Supervisor, AQD
Mr. Damon Reyes, Env. Health Supervisor, AQD
Mr. Dario Rocha, Env. Health Supervisor, AQD
Mr. Isreal Tavarez, Env. Eng. Mgr., AQD
Ms. Janice Wright, AQCB Liaison, AQD

STAFF PRESENT

Ms. Christella Armijo, Management Analyst II, AQD
Mr. Neal Butt, Env. Health Scientist, AQD
Mr. Mr. Glen Dennis, Mgr. Vehicle Pollution Mgt. Div. (VPMD)
Bill Grantham, Board Attorney
Ms. Adelia Kearny, Deputy City Attorney
Ms. Mary Lou Leonard, Director, Env. Health Dept.

VISITORS PRESENT

Mr. James Chavez, ABCWA
Ms. Melissa Clark, Kirtland AFB
Mr. Matt Cross-Guillen, Bernalillo County Env. Health
Ms. Kelsey Curran, Sandia National Labs
Mr. Mark Williams, PNM

Hearing

In the Matter of Petition to Amend 20.11.2 NMAC, Fees, and Incorporate an Amended 20.11.2 NMAC into the New Mexico State Implementation Plan (SIP) for Air Quality (AQCB Petition No. 2010-3)

Hearing Officer Bill Grantham opened the hearing at 5:35 p.m. AQD Environmental Health Supervisor Margaret Nieto provided testimony, and Ms. Nieto, AQD Environmental Engineering Manager Isreal Tavarez, AQD Management Analyst II Christella Armijo, AQD Environmental Health Supervisor John Liberatore, AQD Environmental Health Supervisor Damon Reyes, Environmental Health Department Director Mary Lou Leonard, and Deputy City Attorney Adelia Kearny answered questions regarding the proposed amendments. Hearing Officer closed the hearing at 7:00 p.m.

Member Baca left the meeting at 6:17 p.m.

Hearing

In the Matter of Petition to Amend 20.11.61 NMAC, *Prevention of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*. The Amendments to 20.11.42 NMAC are Proposed as a Revision to the Title V Operating Permit Program, and the Amendments to 20.11.61 NMAC and 20.11.1 NMAC are Proposed as a Revision to the New Mexico State Implementation Plan for Air Quality (SIP) (AQCB Petition No. 2010-4)

Hearing Officer Bill Grantham opened the hearing at 7:10 p.m. AQD Environmental Health Scientist Neal Butt provided testimony, and Mr. Butt, AQD Environmental Engineering Manager Isreal Tavarez, AQD Environmental Health Supervisor Dario Rocha, and Deputy City Attorney Adelia Kearny answered questions regarding the proposed amendments. Hearing Officer closed the hearing at 7:50 p.m.

Minutes

CALL TO ORDER

The meeting was called to order at 7:50 p.m. on December 8, 2010 with 7 Board members present. Board Chairman Deichmann presided.

Item #1 Approval of Agenda (Chair)

A motion was made by Member Upson to approve the agenda, seconded by Member Sharpe. Motion was carried by a vote of 6-0.

Item #2 Approval of November 10, 2010 Meeting Minutes (Chair)

A motion was made to approve the minutes by Member Sullivan, seconded by Vice Chair Menache and the motion was carried by a vote of 6-0.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

Item #3 Decision in the Matter of Petition to Amend 20.11.2 NMAC, Fees, and Incorporate an Amended 20.11.2 NMAC into the New Mexico State Implementation Plan (SIP) for Air Quality (AQCB Petition No. 2010-3) Resolution No. 2010-9

Member Grace moved to amend the AQCB Amended Resolution No. 2010-9 on page 2, line 6 by changing the effective date from January 10, 2011 to June 30, 2011. The motion was not seconded, and failed to be adopted.

Vice Chair Menache moved to adopt AQCB Amended Resolution No. 2010-9 "Adopting An Amended 20.11.2 NMAC, *Fees*, and Incorporating an Amended 20.11.2 NMAC into The New Mexico State Implementation Plan for Air Quality (SIP)". The motion was seconded by Member Upson and carried by a vote of 6-0.

Item #4 Decision in the Matter of Petition to Amend 20.11.61 NMAC, *Prevention of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.

The Amendments to 20.11.42 NMAC are Proposed as a Revision to the Title V Operating Permit Program, and the Amendments to 20.11.61 NMAC and 20.11.1 NMAC are Proposed as a Revision to the New Mexico State Implementation Plan for Air Quality (SIP) (AQCB Petition No. 2010-4) Resolution 2010-10

Vice Chair Menache moved to adopt AQCB Amended Resolution No. 2010-10 "Adopting An Amended 20.11.61 NMAC, *Prevention of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*; and submitting an Amended 20.11.42 NMAC To EPA As A Revision To The Title V Operating Permit Program, and Submitting an Amended 20.11.61 NMAC and 20.11.1 NMAC to EPA as Revisions To The New Mexico State Implementation Plan for Air Quality (SIP)". The motion was seconded by Member Sharpe and carried by a vote of 6-0.

Item #5 Request for Hearing on Petition to Amend 20.11.4 NMAC, *General Conformity*, and Incorporate an Amended 20.11.4 NMAC into the New Mexico State Implementation Plan for Air Quality (SIP) (AQCB Petition No. 2010-5)— Neal Butt, EH Scientist, AQD

Mr. Butt presented the Division's request for hearing, which included a request for a hearing officer and a court reporter, and answered questions from the Board.

A motion was made by Vice Chair Menache to grant the request for a hearing on the petition; the motion was seconded by Member Upson and carried by a vote of 6-0.

REPORTS Division Report and monthly Air Quality website update. Staff available for questions.

Vice Chair Menache asked about the new AQCB website.

Environmental Health Department Director Mary Lou Leonard stated that the new AQD website has not changed since Vice Chair Menache reviewed it in the spring; however, it has been integrated into the City of Albuquerque's website as a whole. Ms. Leonard expressed that she has been pursuing a speedy implementation of the new website.

OTHER BUSINESS

Member Upson stated that she is a member of the Southeast Heights Neighborhood Association Board, and there have been some concerns regarding noise from Kirtland Air Force Base (Kirtland). She asked if AQD monitors for noise in that area.

Director Leonard explained that there is an overlap between the City of Albuquerque (City) noise ordinance, and the Federal noise ordinance that directs the Federal Aviation Administration. She stated that there is little the City can do to address noise from Kirtland, when it is a Federal issue. The City does provide technical assistance, and conveys the information to Kirtland. She stated that the AQD monitoring section will respond with information regarding noise monitoring in that area.

Vice Chair Menache asked if AQD played any role in the jet fuel spill on I-25.

Mr. Tavarez explained that AQD does not address diesel fuel spills; however, if the fuel seeps into the soil there may be soil remediation that would take place, and we would be involved in that phase.

