



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – July 8, 2009

Regular Meeting

Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

Mr. James Brinkman (County)
Mr. Jens Deichmann, Chair, (County)
Mr. Augustine Grace III, (City)
Dr. Margaret Menache, Vice Chair, (County)
Mr. Jack Sullivan, (City)
Dr. Dona Upson, (City)

AQCB MEMBERS ABSENT

Mr. Louis Pacias, BCPC Liaison (non-voting)
Mr. Art Sharpe (City)

STAFF PRESENT

Ms. Janice Amend, AQCB Liaison, AQD
Mr. Neal Butt, Env. Health Scientist, AQD
Mr. Glen Dennis, Mgr. Vehicle Pollution
Mgt. Div. (VPMD)
Mr. Bill Grantham, Board Attorney
Ms. Adelia Kearny, Deputy City Attorney

Mr. Fabian Macias, Env. Health Mgr. AQD
Ms. Margaret Nieto, Control Strategies
Supervisor, AQD
Mr. Damon Reyes, Env. Health Supervisor
Mr. Dario Rocha, Env. Health Supervisor
Mr. John Soladay, Director, Env. Health Dept.
Mr. Jeff Stonesifer, Env. Health Scientist
Mr. Isreal Tavarez, Env. Engineering Manager
Mr. Ken Ziegler, Env. Health Specialist II

VISITORS PRESENT

Ms. Laurie Blackwood, GCC Rio Grande
Mr. James Chavez, ABCWUA
Ms. Kelsey Curran, Sandia National Labs
Ms. Jennifer Dann, Kirtland AFB
Ms. Patty Grice, Mountain View NA
Mr. Jose Madera, GCC Rio Grande
Mr. Mark Rudd, Mountain View NA

Hearing

In the matter of the Petition to amend 20.11.42 NMAC, *Operating Permits*, and submit amendment to EPA as an update to the Title V Program.

Hearing Officer Bill Grantham opened the hearing at 5:40 p.m. Mr. Neal Butt, AQD Environmental Health Scientist, provided testimony and answered questions regarding the proposal to amend 20.11.42 NMAC, *Operating Permits*. Hearing Officer closed the hearing at 6:22 p.m.

Minutes

CALL TO ORDER

The meeting was called to order at 6:22 p.m. on July 8, 2009 with six Board members present. Board Chairman Jens Deichmann presided.

Item # 1 Approval of the Agenda.

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

Item #2 Approval of the June 10, 2009 Meeting Minutes.

Chairman Deichmann asked that the draft minutes be amended to correct the misspelling of Mr. Claude Morelli's name. He also asked that, under Item #10, second paragraph, 2nd line that "under State regulatory jurisdiction," be inserted after the word "open" and "located on State land" be deleted, to read "Bill Grantham, Board Attorney, responded to a question asked at the last meeting, that if Kirtland was ~~located on State land~~ under State regulatory jurisdiction, open burning could be covered under household waste or vegetative materials categories under NMED regulations." Additionally, in the third paragraph, 1st line insert "probably" into this sentence, to read "Chairman Deichmann acknowledged that AQD is probably following the Open Burning regulation, but stated that the regulation is inadequate."

A motion was made to approve the minutes as amended by Chairman Deichmann, seconded by Member Sullivan and the Motion was carried by a vote of 6-0.

PUBLIC COMMENT

ACTION ITEMS

Item #3 Decision on matter of Petition to amend 20.11.42 NMAC, *Operating Permits*, and submit amendment to EPA as an update to the Title V Program –Resolution #2009-3

Motion to approve AQCB Resolution #2009-3, Adopting Amendments to Albuquerque-Bernalillo County Air Quality Control Board Regulation 20.11.42 NMAC *Operating Permits*, and Submit Amendment To EPA As An Update To The Title V Program was made by Chairman Deichmann, seconded by Vice Chair Menache. Motion carried 6-0.

Item # 4 Petition for hearing to amend 20.11.47 NMAC, *Emission Inventory Requirements* and to submit to EPA for inclusion in the SIP – N. Butt, AQD

Neal Butt presented the Division's request for a hearing on their Petition to amend 20.11.47 NMAC, *Emission Inventory Requirements* and to submit to EPA for inclusion in the SIP. The petition included a request for a hearing officer and a court reporter.

A Motion was made by Chairman Deichmann 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.

Item #5

Petition for hearing to Repeal Section 20.11.90.12 NMAC, *Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance* and Replace with a New Rule, 20.11.49 NMAC, *Excess Emissions*. Also amending 20.11.65 NMAC, *Volatile Organic Compounds*, and 20.11.69 NMAC, *Pathological Waste Destructors*, to correct cross-referencing. Submit new 20.11.49 NMAC, and amended 20.11.90 NMAC, and 20.11.65 NMAC to EPA as a revision to the State Implementation Plan (SIP) – N. Butt, AQD

Neal Butt presented the Division's request for a hearing on their Petition to Repeal Section 20.11.90.12 NMAC, *Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance* and Replace with a New Rule, 20.11.49 NMAC, *Excess Emissions*. Also amending 20.11.65 NMAC, *Volatile Organic Compounds*, and 20.11.69 NMAC, *Pathological Waste Destructors*, to correct cross-referencing, and submit new 20.11.49 NMAC, and amended 20.11.90 NMAC, and 20.11.65 NMAC to EPA as a revision to the State Implementation Plan (SIP). The petition included a request for a hearing officer and a court reporter.

A Motion was made by Chairman Deichmann to grant the request for a hearing on the petition. The Motion was seconded by Member Grace and carried by a vote of 6-0.

Item #6

Resolution #2009-4, Encouraging the Bernalillo County Commission to Re-examine Zoning in the Mountain View Area, and Encouraging the Bernalillo County Planning Commission to Continue Development of a Mountain View Sector Development Plan – AQCB Vice Chair, Dr. M. Menache

Vice Chair Menache moved to amend Resolution #2009-4 by inserting on page 1, line 17 the following: **“Whereas**, the AQCB as well as the Air Quality Division have worked with residents of the Mountain View neighborhood for a number of years about their concerns regarding air quality and public health resulting from the location and operation of industries in their community; and”. The motion was seconded by Member Sullivan and Member Upson and the Motion was carried by a vote of 6-0.

Member Grace moved to amend the resolution on page 1, line 17 as follows: delete the word “often” and insert “sometimes” in its place. The amended sentence will read: **“Whereas**, the AQCB recognizes the challenge involved in balancing the ~~often~~ sometimes conflicting rights of businesses and private citizens; and”. The motion was seconded by Member Upson and was carried by a vote of 6-0.

Member Grace moved to amend the resolution on page 1, line 23 as follows: after the word “other” delete “environmental”, after the word “land” delete “policy tools” and insert “use policies”. The amended sentence will read: “The Air Quality Control Board strongly encourages the Bernalillo County Commission to re-examine zoning and other ~~environmental land policy tools~~ use policies in the Mountain View area to protect air quality and public health while encouraging economic well-being.” The motion was seconded by Member Upson and carried by a vote of 6-0.

Vice Chair Menache moved to amend the resolution on page 1, line 19 as follows: after “Whereas,” delete “the Bernalillo County Planning Commission has recently withdrawn”, and

after "(MVSDP)" insert "was recently withdrawn from consideration." The amended sentence will read: "**Whereas**, the ~~Bernalillo County Planning Commission has recently withdrawn~~ Mountain View Sector Development Plan (MVSDP) was recently withdrawn from consideration." The Motion was seconded by Member Grace and carried by a vote of 6-0.

Member Brinkman moved to approve Resolution 2009-3 as amended, seconded by Member Upson and was carried by a vote of 6-0.

REPORTS

Item # 7 Monthly Air Quality website update – Isreal Tavarez

Mr. Isreal Tavarez explained that AQD is in the process of creating a Public Information Hearing link on the AQD web page for dissemination of information on that subject.

OTHER BUSINESS

Item #8 Discussion of Open Burning of Explosives

Chairman Deichmann stated that he spoke to Mr. James Bearzi from the Hazardous Waste Bureau of NMED regarding the program that regulates the burning of explosives, and he also spoke with Ms. Mary Uhl, from NMED and received documentation, which he forwarded to AQD. Mr. Bearzi will make a presentation during the August 12, 2009 meeting. Chairman Deichmann stated that he had toured Kirtland AFB, and was shown the location where open burning activities occur, which is in the Four Hills area, and would not have been visible from the Mountain View area.

Board Attorney, Bill Grantham expressed that he will have to recuse himself from any Kirtland AFB matters because of a conflict of interest with his NMED employment.

Item #9 Review of AQD policy and procedure for Public Information meetings

Isreal Tavarez invited the Board to read the draft AQD Policy, which they were provided to better understand the Public Information Hearing process.

ADJOURNMENT Chairman Deichmann adjourned the meeting at 7:31 p.m.

NEXT SCHEDULED BOARD MEETING AND HEARING: The next board meeting and hearing will be on August 12, 2009 at 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.

SUBMITTED:

Isreal Tavarez 8/12/09
Mr. Isreal Tavarez, Date
Board Secretary / Environmental Engineering Manager Air Quality Division
Environmental Health Department

READ AND APPROVED:

Jens Deichmann
Mr. Jens Deichmann Date
Board Chair
Albuquerque-Bernalillo County Air Quality Control Board