



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – December 10, 2008

Regular Meeting

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

AQCB MEMBERS PRESENT

Dr. Matthew Campen (City)
Mr. Jens Deichmann, Vice Chair, (County)
Mr. Mike Minturn, Chair (City)
Dr. Debby Potter, (County)

AQCB MEMBERS ABSENT

Mr. Augustine Grace III, (City)
Mr. Art Sharpe (City)
Dr. Gwen Sun (County)
Mr. Louis Pacias, BCPC Liaison (non-voting)

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. Donna Griffin, City Legal

Ms. Adelia Kearny, Deputy City Attorney
Mr. Fabian Macias, Env. Health Mgr. AQD
Ms. Margaret Nieto, Control Strategies
Supervisor, AQD
Mr. John Soladay, Director, Env. Health Dept.
Mr. Isreal Tavarez, Env. Engineering Manager
Mr. Ken Ziegler, Env. Health Specialist II

VISITORS PRESENT

Ms. Kelsey Curran, Outrider
Ms. Patty Grice, Mountain View NA
Ms. Jeanna Eckstein, Outrider
Dr. Margaret Menache, UNM Research
Ms. Marla Painter, Mountain View NA
Mr. Juan-Carlos Rodriguez, Albuquerque
Journal

Minutes

CALL TO ORDER

The meeting was called to order at 5:33 p.m. on December 10, 2008 with four Board members present. Board Chairman Mike Minturn presided.

Item # 1 Approval of the Agenda.

A motion was made to approve agenda by Vice Chairman Deichmann, seconded by Member Campen. Motion was carried by a vote of 4-0.

Item #2 Approval of the November 12, 2008 Meeting Minutes.

A motion was made to approve the minutes by Member Potter, seconded by Vice Chairman Deichmann and the Motion was carried by a vote of 4-0.

ACTION ITEMS

Item #3 Resolution 2008-9, Setting Calendar for the Official List of Regular Albuquerque-Bernalillo County Air Quality Control Board Meetings for the Year 2009. – J. Amend, AQD

Motion to approve AQCB Resolution # 2008-9 was made by Vice Chairman Deichmann, seconded by Member Potter. Motion carried 4-0.

Item #4 Resolution 2008-10, Determining Reasonable Notice of Public Meetings of the Albuquerque-Bernalillo County Air Quality Control Board. – J. Amend, AQD

Motion to approve AQCB Resolution # 2008-10 was made by Vice Chairman Deichmann, seconded by Member Campen. Motion carried 4-0.

Item #5 Petition to Amend 20.11.104 NMAC, *Emission Standards for New Motor Vehicles* By Making Minor Language Modifications, and Request for a Hearing on the matter. – M. Nieto, AQD

Margaret Nieto, AQD Control Strategies Supervisor, presented the Division's Petition regarding 20.11.104 NMAC, *Emission Standards For New Motor Vehicles*. The Petition included a request for a hearing officer and a court reporter.

A Motion was made by Vice Chairman Deichmann to approve the Petition. The Motion was seconded by Member Campen and carried by a vote of 4-0.

Item #6 Resolution 2008-11, Incorporating Environmental Justice Principles, Including Meaningful Public Participation, into the Air Board's Process for Adopting Air Board Regulations and in the Air Quality Division's Policies and Procedures.

Bill Grantham, Air Board Attorney, presented his analysis of legal issues regarding environmental justice proposals and documents.

Ms. Patty Grice, Dr. Margaret Menache and Ms. Marla Painter all-addressed the Board on this matter.

A Motion was made by Member Potter to amend Resolution #2008-11 as follows:
On page 3, line 32 insert the following: "14. The Air Quality Control Board will work with the City of Albuquerque, Bernalillo County, and the public to implement key recommendations of the Environmental Justice Task Force, as appropriate."
and on page 2, line 7 insert the following: "**Whereas**, the New Mexico Attorney General rendered opinion number 08-03, 'Albuquerque-Bernalillo County Air Quality Control Board' on Wednesday, March 12, 2008, regarding the Board's authority to address environmental justice issues." The Motion was seconded by Member Campen and failed by a vote of 1-3-0. (For: Potter; Against: Campen, Deichmann, Minturn)

Subsequently, Dr. Potter moved Amendment #1 which is to amend Resolution #2008-11 as follows:

On page 3, line 32 insert the following: "14. The Air Quality Control Board will work with the City of Albuquerque, Bernalillo County, and the public to implement key recommendations of the Environmental Justice Task Force, as appropriate". The Motion was seconded by Member Campen and passed unanimously by a vote of 4-0.

Dr. Potter moved Amendment #2 which is to amend Resolution #2008-11 as follows:
On page 2, line 7 insert the following: “**Whereas**, the New Mexico Attorney General rendered opinion number 08-03, ‘Albuquerque-Bernalillo County Air Quality Control Board’ on Wednesday, March 12, 2008, regarding the Board’s authority to address environmental justice issues.” The Motion was seconded by Member Campen and passed unanimously by a vote of 4-0

Amendment #3 was moved by Vice Chairman Deichmann to amend Resolution #2008-11 as follows:

On page 3, line 14 insert the following underlined language: “The Air Board encourages AQD to give high priority to enforcement actions and to its compliance assistance program to further ensure compliance with air quality regulations and air quality permit terms.” The Motion was seconded by Member Campen and was carried by a vote of 4-0.

Amendment #4 was moved by Member Campen to amend Resolution #2008-11 as follows:
On page 3, line 23 insert the following underlined language: “12. The Air Board encourages AQD to continue to work with the Air Board, stakeholders and other governmental entities to preserve and improve Bernalillo County’s air quality resource and enhance public involvement in air quality programs.” The Motion was seconded by Vice Chairman Deichmann and was carried by a vote of 4-0.

Vice Chairman Deichmann moved to adopt Resolution #2008-11 as amended. The Motion was seconded by Member Potter and was carried by a vote of 4-0.

Vice Chairman Deichmann repeated his earlier offer to meet with the public to determine what is needed in terms of public involvement prior to development of the Public Involvement Plan (PIP).

Chairman Minturn reminded Board members that #13 of the Resolution states that a member of the Board will be appointed to attend and/or monitor the Governor’s Environmental Justice Task Force, and report back to the Air Board. He asked Board members to give that some thought and consider who should be appointed.

REPORTS Division reports provided in writing.

OTHER BUSINESS

Item #7 Reminder of upcoming regulatory hearings:

- Jan. 14, 2009, Proposal to Amend 20.11.63 NMAC, New Source Performance Standards For Stationary Sources, and 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Sources, and request for updated delegation of authority from EPA and request for hearing. - N. Butt, AQD
- Feb. 11, 2009, Proposal to Amend 20.11.2 NMAC, Fees, Incorporate Portions of Amended 20.11.2 NMAC into the State Implementation Plan for Air Quality and for a Combined Hearing; and Update to Title V Operating Permits Program. – I. Tavarez, AQD
and
Proposal to Amend 20.11.104 NMAC, *Emission Standards for New Motor Vehicles* By Making Minor Language Modifications, and Request for a Hearing on the Matter. – I. Tavarez, AQD

- April 9, 2009, Proposal to repeal and replace 20.11.41 NMAC, *Authority to Construct* with 20.11.41 NMAC, *Stationary Source Permits* and to incorporate the new 20.11.41 NMAC, *Stationary Source Permits* into the New Mexico State Implementation Plan (SIP) for Air Quality.
– I. Tavarez, AQD

PUBLIC COMMENT

Ms. Patty Grice, Dr. Margaret Menache, and Ms. Marla Painter made general public comment.

ADJOURNMENT Chairman Minturn adjourned the meeting at 7:26 p.m.

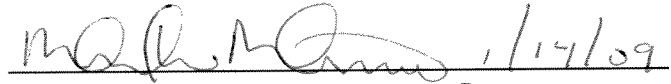
NEXT SCHEDULED BOARD MEETING AND HEARING: The next board meeting and hearing will be on January 14, 2009 at 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

 1/14/09

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

 1/14/09

Mr. Mike Minturn
Board Chair
Albuquerque-Bernalillo County Air Quality Control Board