



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – November 12, 2008

Regular Meeting and Hearing

Cochiti Room, Albuquerque Convention Center
401 2nd St., SW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

Mr. Augustine Grace III, (City)
Mr. Mike Minturn, Chair (City)
Dr. Debby Potter, (County)
Mr. Art Sharpe (City)
Dr. Gwen Sun (County)

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

AQCB MEMBERS ABSENT

Dr. Matthew Campen (City)
Mr. Jens Deichmann, Vice Chair, (County)
Mr. Louis Pacias, BCPC Liaison (non-voting)

VISITORS PRESENT

Ms. Patty Grice, Mountain View NA
Mr. Simon McCormack, Weekly Alibi
Dr. Margaret Menache, UNM Research
Ms. Marla Painter, Mountain View NA
Ms. Kitty Richards, Bernalillo County
Mr. Juan-Carlos Rodriguez, Albuquerque Journal
Mr. Kyle Silfer, Greater Gardner NA
Ms. Margie Stockton, North Wind Inc.

STAFF PRESENT

Mr. Chris Albrecht, Env. Health Manager, 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

Hearing

Proposal to amend 20.11.3 NMAC, *Transportation Conformity*, and incorporate an amended 20.11.3 NMAC into the New Mexico State Implementation Plan (SIP) for air quality, presented by N. Butt.

Minutes

CALL TO ORDER

The meeting was called to order at 5:57 p.m. on November 12, 2008 with five Board members present. Board Chairman Mike Minturn presided.

Item # 1 Approval of the Agenda.

A motion was made to approve agenda by Member Grace, seconded by Member Sharpe. Motion was carried by a vote of 5-0.

Item #2 Approval of the October 8, Meeting Minutes.

A motion was made to approve the minutes by Member Grace, seconded by Member Sharpe and the Motion was carried by a vote of 5-0.

Chairman Minturn announced the new public comment procedures which are that members of the public who wish to address the Board, may do so by signing up with the Board Clerk and indicating which item on the agenda they intend to address. Each person will be given up to two minutes to speak.

ACTION ITEMS

- Item #3** Decision on Proposal to amend 20.11.3 NMAC, *Transportation Conformity*, and incorporate an amended 20.11.3 NMAC into the New Mexico State Implementation Plan (SIP) for air quality. Motion to approve amendments through AQCB Resolution # 2008-8 made by Member Sharpe, seconded by Member Potter. Motion carried 5-0.
- Item #4** First Amended Petition to Amend 20.11.2 NMAC, *Fees*, Incorporate Portions of Amended 20.11.2 NMAC into the New Mexico State Implementation Plan for Air Quality and for a Combined Hearing, presented by M. Nieto. Motion to approve petition made by Member Sun, seconded by Member Sharpe. Motion carried 5-0.
- Item #5** Petition 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, presented by N. Butt. Motion made to approve Petition made by Member Grace, seconded by Member Sharpe. Motion carried, 5-0.
- Item #6** Decision on adoption of AQCB Resolution #2008-7 to resolve inconsistencies between Resolution AQCB Resolution #2003-3 and 20.11.82 NMAC, Rulemaking Procedures regarding notice requirements. Motion made to approve Resolution # 2008-7 by Member Grace, seconded by Member Sharpe. Motion carried 4-1 (Member Potter opposed).

REPORTS Division reports provided in writing.

- Item #7** Air Quality Division's recommendations regarding Environmental Justice proposals and accompanying Draft Resolution for Board consideration. Summary presented by Isreal Tavarez, followed by discussion. Motion made by Member Potter to task Councilor Grantham with the analysis of the legal issues regarding environmental justice proposals and the two draft resolutions that have been presented, seconded by Member Sun. Motion carried, 5-0.
- (Item #10)** Chairman Minturn advised the public of the Board's intention to have the Chair and Vice-Chair hold a listening session in the South Valley regarding neighborhood concerns.

OTHER BUSINESS

- Item #8** Reminder of hearing scheduled for December 10, 2008 regarding the Department's 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, presented by I. Tavarez. Motion to defer hearing until January 14, 2009 made by Member Potter, seconded by Member Sun.

Motion carried 4-1 (Member Grace opposed).

Item #9 Scheduling of Air Board meetings for 2009, presented by M. Nieto. Regularly scheduled November meeting falls on Veteran's Day, so meeting will need to be rescheduled for the following week. Member Sharpe and Sun prefer it be on a Monday.

PUBLIC COMMENT


Ms. Patty Grice, Dr. Margaret Menache, Ms. Marla Painter, Ms. Kitty Richards and Mr. Kyle Silfer all spoke regarding the Division's response to the Board's Environmental Justice synthesized proposal document.

ADJOURNMENT Chairman Minturn adjourned the meeting at 8:09 p.m.

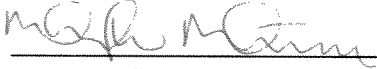
NEXT SCHEDULED BOARD MEETING: The next board meeting will be on December 10, 2008 at 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

 12/10/08

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

 12/10/08

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