



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



**MINUTES – August 8, 2007
Regular Meeting & Hearing**

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

AOCB MEMBERS PRESENT

Dr. Matthew Campen (City)
Mr. Jens Deichmann, Chair, (County)
Mr. Augustine Grace III, (City)
Dr. Debby Potter, Vice Chair (County)
Mr. Art Sharpe (City)
Dr. Gwen Sun (County)

AOCB MEMBERS ABSENT

Mr. Mike Minturn, (City)

STAFF PRESENT

Mr. Neal Butt, AQD
Mr. Glen Dennis, Vehicle Pollution Mgt. Div., Mgr.
Ms. Maria Dominguez, Board Attorney
Ms. Adelia Kearny, Deputy City Attorney

Ms. Margaret Nieto, AQD
Mr. Isreal Tavarez, Env. Engineering Mgr. AQD
Mr. Joel Young, City Legal

VISITORS PRESENT

Ms. Valerie Cole, NM Horse Council
Ms. Jennifer Dann, KAFB
Ms. Patty Grice, MVNA
Ms. Lauren Ketcham, Environment New Mexico
Ms. Margaret Menache, PhD, UNM-MPH
Ms. Amy Miller, PNM
Mr. Richard Moore, Southwest Network
Ms. Marla Painter, MVNA
Ms. Kitty Richards, Bernalillo County OEH
Mr. Juan-Carlos Rodriquez, Albuquerque Journal

Hearing

In the matter of the appeal by Alfred Mondragon dba Al's Automotive of the denial of an application for a Vehicle Pollution Management Division *Air Care* station certification by the VPMD Manager.

August 8, 2007 Air Quality Control Board (Board) Hearing Officer Maria Dominguez opened the hearing at 5:30 p.m. with all Board members present except Augustine Grace and Mike Minturn. The Report of Board Hearing Officer Stan Harada was admitted and stated that two written notices of the July 10, 2007 hearing before Hearing Officer Harada had been mailed to Mr. Mondragon, but Mr. Mondragon did not appear at the July 10 hearing. The Report recommended that the Board uphold VPMD's denial of the application.

The Board raised and discussed several issues, following which Hearing Officer Dominguez closed the hearing. The hearing was reopened briefly to address questions regarding notice to Mr. Mondragon, then again was closed.

Regular Monthly Meeting Agenda

CALL TO ORDER

The meeting was called to order at 5:51 p.m. on August 8, 2007 with six Board members present, Members Minturn and Grace absent. Board Chair Jens Deichmann presided. Member Grace arrived at the meeting during discussion of Item #3.

Item #1 Approval of the Agenda. (Chair). Motion was made to approve the agenda by Chairman Deichmann, seconded by Member Sharpe, and approved unanimously by a vote of 5-0.

Item #2 Approval of the July 11, 2007 Meeting Minutes. Motion was made to approve the minutes by Chairman Deichmann, seconded by Member Sun, approved unanimously by a vote of 5-0.

ACTION ITEMS

Item #3 Decision regarding the appeal by Alfred Mondragon dba Al's Automotive of the denial of an application for a Vehicle Pollution Management Division *Air Care* station certification by the VPMD Manager. Chairman Deichmann made a motion to accept the Hearing Officer's recommendation to deny the application, which would uphold the VPMD Manager's decision. The motion was seconded by Member Potter. Member Sharpe moved to reopen the hearing to address his questions regarding notice to Mr. Mondragon, seconded by Chairman Deichmann, and passed unanimously, 5-0. Following the close of the reopened hearing and the continuation of meeting agenda item #3, Chairman Deichmann's motion to accept Hearing Officer Stan Harada's recommendation to deny the application for an *Air Care* station certification was approved unanimously by a vote of 6-0. Member Grace had joined the hearing and meeting, so six members were present for the vote

Item #4 Request was made by Neal Butt on behalf of the Air Quality Division for permission to hold a hearing before the Air Quality Control Board to hear proposal to amend 20.11.20 NMAC, Fugitive Dust Control, and incorporate an amended 20.11.20 NMAC into the New Mexico State Implementation Plan (SIP) for air quality. The hearing is expected to occur on December 12, 2007 or the next available date thereafter. The request also included providing a court reporter and hearing officer for the hearing. Motion to grant the request was made by Chairman Deichmann, seconded by Member Potter, and passed unanimously by a vote of 6-0.

Item #5 Request was made by Neal Butt on behalf of the Air Quality Division for permission to hold a hearing before the Air Quality Control Board to hear proposals to adopt 20.11.47 NMAC, Emission Inventory Requirements, 20.11.48 NMAC, Greenhouse Gas Emissions Reporting, and 20.11.104 NMAC, Emissions Standards For New Motor Vehicles on October 10, 2007 or the next available date thereafter. Request included approval of an expedited 30 day public review period, as well as providing a court reporter and hearing officer for the hearing. Motion to grant the request was made by Chairman Deichmann, seconded by Member Grace, and passed unanimously with a vote of 6-0.

Mr. Butt reminded the Board that there will be a hearing on Sept. 12, 2007 on the Interstate Transport SIP, the public review draft of which has been posted and was made available in Board packets and to the public.

Item #6 Decision on appointment of members to the Environmental Justice Task Force (Chair). Chairman Deichmann presented his list of recommended members to be appointed to the EJ Task Force. Member Grace moved to accept the list as presented, seconded by Member Campen. Member Potter made a motion to amend the main motion to substitute the Association of Commerce and Industry of New Mexico President, Dr. Beverly McClure for either the Vulcan

