



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – February 13, 2008

Regular Meeting & Hearing

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

AQCB MEMBERS ABSENT

Mr. Louis Pacias, BCPC Liaison

STAFF PRESENT

Ms. Janice Amend, AQCB Liaison, AQD
Mr. Neal Butt, Env. Scientist, AQD
Mr. Glen Dennis, Mgr. Vehicle Pollution Mgt. Div. (VPMD)
Ms. Maria Dominguez, Board Attorney
Mr. David Duran, Env. Health Scientist I, AQD
Mr. Billy Gallegos, Env. Enforcement Supervisor, AQD
Ms. Donna Griffin, Assistant City Attorney
Ms. Adelia Kearny, Deputy City Attorney
Mr. Butch Keiser, Env. Health Officer, AQD
Mr. John Liberatore, Env. Small Business, Supervisor, AQD
Mr. Steve Lucero, Env. Health Specialist I, AQD
Mr. Fabian Macias, Env. Health Mgr. AQD
Mr. John Soladay, Director, EHD

Mr. Matt Stebleton, Env. Compliance Supervisor, AQD

Mr. Ken Ziegler, Env. Health Specialist I, AQD

VISITORS PRESENT

Mr. Tom Boden, Vulcan
Mr. Scott Clark, Kirtland Air Force Base
Ms. Valerie Cole, NM Horse Council
Mr. Rusty Cook, NM Horse Council
Mr. Rob Cronin, QuikCheck Corp.
Ms. Kelsey Forde, Sandia National Labs
Ms. Patty Grice, Mountain View NA
Mr. Vern Hershberger
Mr. David Hicks
Mr. Edward L. Huffmann, Cibola National Forest
Mr. Tony Rusk
Mr. Walter Schnider, ARM
Mr. R. Lar Thomas, Gerald Martin General Contractor
Ms. M. Tosczon

Hearing

Proposal to repeal and replace 20.11.20 NMAC, *Fugitive Dust Control*.

Proposal to incorporate the repealed and replaced 20.11.20 NMAC into the New Mexico State Implementation Plan for air quality (SIP).

Meeting Agenda

CALL TO ORDER

The meeting was called to order at 9:33 p.m. on February 13, 2008 with seven Board members present. Board Chair Jens Deichmann presided.

Item # 1 Approval of the Agenda. Chairman Deichmann made the Motion to approve the agenda, which was seconded by Member Minturn, and the Motion was carried by a vote of 7-0.

Item #2 Approval of the December 12, 2007 Meeting Minutes. Motion was made to approve the minutes by Member Grace, seconded by Member Sun. The Motion was carried by a vote of 7-0.

ACTION ITEMS

Item #3 Decision regarding Proposal to repeal and replace 20.11.20 NMAC, *Fugitive Dust Control*. Motion was made to approve Resolution 2008-1, Repealing and Replacing the Albuquerque-Bernalillo County Air Quality Control Board Regulation 20.11.20 NMAC entitled *Fugitive Dust Control* with floor amendments by Chairman Deichmann, seconded by Member Minturn. The Motion was carried by a vote of 7-0.

A request for clarification resulted in a Motion to rescind the first Motion and vote. The Motion to rescind was made by Chairman Deichmann, was seconded by Member Grace, and carried by a vote of 7-0.

A second Motion to adopt Resolution 2008-1 and to Repeal and Replace the Albuquerque-Bernalillo County Air Quality Control Board Regulation 20.11.20 NMAC with floor amendments that differed from the first Motion's floor amendments was made by Chairman Deichmann and was seconded by Member Minturn. The Motion was carried by a vote of 7-0.

Item #4 Decision regarding Proposal to incorporate newly adopted 20.11.20 NMAC into the New Mexico State Implementation Plan for air quality (SIP). Motion was made to approve Resolution 2008-2, Incorporating the Albuquerque-Bernalillo County Air Quality Control Board Regulation 20.11.20 NMAC, *Fugitive Dust Control*, as a Revision To the State Implementation Plan For Air Quality by Chairman Deichmann, seconded by Member Campen. The Motion was carried by a vote of 7-0.

REPORTS Division reports provided in writing. No discussion.

OTHER BUSINESS

Item #5 Update on Vulcan Appeal status--Adelia Kearny, Deputy City Attorney, reported that the Appellants had received three extensions of the deadline to file their Docketing Statement and two extensions to file their Brief-in-Chief. The Brief-in-Chief has been filed with the Court of Appeals and now the City of Albuquerque and the Intervener need to file their Answer Brief which is due at the beginning of March.

Item #6 Discussion on the issue of super warranties, relative to 20.11.104 NMAC, *Emissions Standards for New Motor Vehicles* -- Donna Griffin, Assistant City Attorney, reported that the warranties will be completed by the manufacturer and the impact on independent repair shops will be minimal because there is only a very small population (10%) that are required to implement the

super warranty in California. She added that the Greenhouse portion of the regulation is not being implemented because the waiver that was requested by EPA was not granted to California, but the LEV program and the ZEV program will still go forward.

Item #7 Reminder of upcoming regulatory hearing:

- Proposal to adopt a new regulation, 20.11.47 NMAC, *Emissions Inventory Requirements*, and incorporate an 20.11.47 NMAC into the New Mexico State Implementation Plan (SIP) for air quality – March 12, 2008.

Chairman Deichmann asked staff if there was sufficient budget and staff for the numerous regulatory changes coming up. Mr. Dennis, acting manager, deferred this question to be answered at the March 12, 2008 meeting.

PUBLIC COMMENT

ADJOURNMENT Chairman Deichmann adjourned the meeting at 10:12 p.m.

NEXT SCHEDULED BOARD MEETING and HEARING: The next board meeting and hearing is March 12, 2008, 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

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

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