ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

DMD Conference Room #304, 3rd Floor
Albuquerque-Bernalillo County Government Center
One Civic Plaza NW, Albuquerque, NM 87102

DRAFT MINUTES – January 21, 2015
Regular Meeting

AQCB MEMBERS PRESENT
Kelsey Curran, CIH (CITY), Chair
Ms. Jane Cudney-Black (CITY), Vice Chair
Jens Deichmann, Ph.D. (COUNTY)
Robert Goldstein, M.D. (COUNTY)
Augustine Grace III, P.E. (CITY)
Dona Upson, M.D. (CITY)
Lenton Malry, Ph.D. (BCPC LIAISON)

AQCB MEMBERS ABSENT
Ms. Deborah L. Stover (COUNTY)

EHD STAFF PRESENT
Mr. Andrew Daffern, AQCB Liaison
Mr. Fabian Macias, Air Quality Official, EHD
Mr. Ed Merta, Air Quality Regulation Development Coordinator, EHD
Mr. Danny Nevarez, Deputy Director, EHD
Ms. Margaret Nieto, EH Manager and AQCB Secretary
Ms. Felicia Orth, Air Board Attorney and Hearing Officer
Ms. Carol Parker, Assistant City Attorney
Mr. Damon Reyes, EH Manager
Mr. Cale Swanson, EH Supervisor
Mr. Isreal Tavarez, EH Manager

VISITORS PRESENT
Tim Atler, Sutin, Thayer & Browne Law Firm
Pete Domenici, Domenici Law Firm
Susan Kelly
Ruthie McGonagil
Frank Salazar, Sutin, Thayer & Browne Law Firm
Pat Toledo

DRAFT MEETING MINUTES

CALL TO ORDER

The meeting was called to order by Chair Kelsey Curran at 5:36 p.m. on January 21, 2015 with four voting Board members present: Augustine Grace, Dona Upson, Kelsey Curran, and Robert Goldstein; and one non-voting member present: Lenton Malry. Not present were Members Jens Deichmann, Cudney-Black, and Deborah Stover.

Item #1 Approval of Agenda (Chair)

A motion to approve the agenda was made by Member Upson and seconded by Member Grace. The motion was approved unanimously by a vote of 4-0.

Item #2 Approval of December 10, 2014 Meeting Minutes (Chair)

Note: Chair Curran announced that Vice Chair Cudney-Black entered the meeting at 5:37 p.m.

A motion to approve the January 21, 2015 meeting minutes was made by Member Upson and seconded by Vice Chair Cudney-Black. The motion was approved by a vote of 3-0-2, with Members Goldstein and Grace abstaining.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

Item #3 **Discussion on whether the Air Quality Control Board (Air Board) has authority to hear the Motion to Reconsider filed with the Air Board by the Domenici Law Firm on Dec. 11, 2014 in the matter of the Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3135 Issued to Smith's Food and Drug Centers, Inc., Margaret M. Freed, Mary Ann Roberts, and Pat Toledo, petitioners, and possible setting date of a hearing on the motion.**

Attorneys for each party presented arguments regarding the Board's authority to hear the Motion to Reconsider filed by the Domenici Law Firm on behalf of petitioners Margaret M. Freed, Mary Ann Roberts, and Pat Toledo.

Note: Chair Curran announced that Member Deichmann entered the meeting at 6:03 p.m.

After discussion, a motion to deny the request for reconsideration for lack of jurisdiction was made by Member Deichmann, seconded by Vice Chair Cudney-Black. The motion passed unanimously by a vote of 6-0.

REPORTS **Air Program Report. Staff available for questions.**

OTHER BUSINESS

Ms. Margaret Nieto, Air Quality Control Board Secretary, announced that Member Upson's term would expire April, 2015, and asked Board members to think about potential candidates for a replacement member. Chair Curran thanked Dr. Upson for her service to the Air Board.

ADJOURNMENT

Chair Kelsey Curran adjourned the meeting at 6:35 p.m.

NEXT SCHEDULED BOARD MEETING: February 11, 2015

SUBMITTED:

Ms. Margaret Nieto date
Board Secretary/Env. Health Manager, Control Strategies Section,
Air Quality Program, Environmental Health Department.

READ AND APPROVED:

Kelsey Curran, CIH date
Chair
Albuquerque – Bernalillo County Air Quality Control Board