



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

Vincent E. Griego Chambers
Albuquerque-Bernalillo County Government Center
One Civic Plaza NW, Albuquerque, NM 87102



DRAFT MINUTES – February 8, 2017 Regular Meeting

AQCB MEMBERS PRESENT

Ms. Jane Cudney-Black (CITY), Chair
Ms. Kelsey Curran, CIH, CHMM (CITY),
Vice Chair
Dr. Jens Deichmann, Ph.D. (COUNTY)
Mr. Ben Everson (CITY)
Ms. Michelle Miano (COUNTY)

AQCB MEMBERS ABSENT

Mr. James Peck, (COA/EPC LIAISON)

STAFF PRESENT

Mr. Andrew Daffern, AQCB Liaison
Mr. David Duran, EH Supervisor
Ms. Regan Eyeran, EH Scientist
Ms. Mary Lou Leonard, Director, EHD
Mr. Fabian Macias, Air Quality Official
Mr. Ed Merta, Air Quality Regulation
Development Coordinator
Mr. Travis Miller, EH Supervisor
Mr. Danny Nevarez, Deputy Director, EHD
Ms. Felicia Orth, Air Board Attorney
Ms. Carol Parker, Assistant City Attorney
Mr. Damon Reyes, EH Manager
Mr. Dario Rocha, EH Manager and AQCB
Secretary
Mr. Dwayne Salisbury, EH Supervisor
Mr. Isreal Tavarez, EH Manager

VISITORS PRESENT

Ms. Esther Abeyta, San Jose Resident
Mr. Steven Abeyta, San Jose Resident
Ms. Angela Alvarez
Ms. Frances Armijo, South Broadway
Ms. Carolyn Beaty, NW Abq. Political
Action Group
Ms. Francesca Blueher, San Jose
Mr. Michael Crepeau, Gordon
Environmental / PSC
Mr. Charles Griego
Mr. Gabriel E. Griego
Mr. Vern Hershberger
Mr. Raul Horal, NW Alb. Political Action
Group
Mr. Eric Jantz, NMELC
Mr. Jim Joseph
Ms. Marisa Limon, TKO
Mr. Dale Mack, LRRI
Ms. Deborah Marez-Baca, Clean Air Por La
Gente
Mr. Robert Nelson
Ms. Marla Painter, MV Community Action
Mr. Juan Reynosa, SWOP
Mr. Frank Salazar
Mr. Lauro Silva, Mountain View
Neighborhood Association
Ms. Lucero Velasquez, San Jose
Neighborhood
Ms. Marisol Velasquez de West
Mr. Matthew W. Wylie

DRAFT MEETING MINUTES

CALL TO ORDER

Vice Chair Curran called the meeting to order at 5:40 p.m. on April 12, 2017.

Item #1 Approval of Agenda (Chair)

Vice Chair Curran asked to amend the agenda to move public comment until after agenda Item #4. Member Deichmann moved to approve the agenda as amended and Member Miano seconded. The motion passed by a vote of 4-0.

Item #2 Approval of February 8, 2017 Meeting Minutes (Chair)

Member Deichmann moved to approve the February 8, 2017 meeting minutes and Member Everson seconded. The motion passed by a vote of 4-0.

ACTION ITEMS

Item #3 Deliberation in the Matter of the Hearing on the Merits regarding Air Quality Permit No. 3131 Issued to Honstein Oil & Distributing, LLC.; Southwest Organizing Project, by Juan Reynosa, Environmental Justice Organizer; and Esther and Steven Abeyta as Individuals and Representative Members of SWOP, Petitioners (AQCB Petition No. 2014-4)

Vice Chair Curran moved to sustain the Environmental Health Department's issuance of Permit No. 3131 to Honstein Oil & Distributing, LLC and Member Deichmann seconded. Before a vote was taken, Vice Chair Curran and Members Miano and Deichmann offered comment.

The motion passed by a vote of 4-0.

Vice Chair Curran moved to adopt the Hearing Officer's Report and Recommendation with the Corrected Proposed Findings of Fact and Conclusions of Law and Member Miano seconded. The motion passed by a vote of 4-0.

The deliberations were recorded and transcribed by **Court Reporter _____** with Bean & Associates. The transcript is available for review during business hours in the office of the Board's Hearing Clerk, located at One Civic Plaza NW, Suite 3023, Albuquerque, NM 87102.

Vice Chair Curran called for a break in the meeting at 5:58 PM. Chair Cudney-Black entered the meeting room during the break. Vice Chair Curran reconvened the meeting at 6:09 PM and passed control of the meeting to the Chair at that time.

AIR PROGRAM REPORT

Mr. Danny Nevarez, Environmental Health Department Deputy Director, presented the air program report. Mr. Nevarez then answered questions from the Board.

HEARING

In the Matter of the Environmental Health Department's Petition to: Adopt a State Plan for Control of Certain Emissions from Existing Municipal Solid Waste Landfills; and to Amend: 20.11.63 NMAC, New Source Performance Standards for Stationary Sources; 20.11.64 NMAC, Emission Standards for Hazardous Air

Pollutants for Stationary Sources; and 20.11.71 NMAC, Municipal Solid Waste Landfills (AQCB Petition No. 2017-1) – Carol Parker, Assistant City Attorney

Ms. Felicia Orth opened the hearing record at 6:17 PM.

Ms. Carol Parker, Assistant City Attorney, presented a legal overview of the Environmental Health Department's Petition to: Adopt a State Plan for Control of Certain Emissions from Existing Municipal Solid Waste Landfills; and to Amend: 20.11.63 NMAC, New Source Performance Standards for Stationary Sources; 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Sources; and 20.11.71 NMAC, Municipal Solid Waste Landfills (AQCB Petition No. 2017-1). Mr. Dario Rocha, Environmental Health Manager, presented a summation of his direct written testimony in the Environmental Health Department's Notice of Intent to Present Technical Testimony.

Mr. Rocha, Ms. Parker, and Mr. Damon Reyes, Environmental Health Manager, then answered questions from the Board.

There was no public comment.

Ms. Orth closed the hearing record at 6:42 PM.

ACTION ITEMS con't.

Item #4 Decision on the Matter of the Environmental Health Department's Petition to: Adopt a State Plan for Control of Certain Emissions from Existing Municipal Solid Waste Landfills; and to Amend: 20.11.63 NMAC, New Source Performance Standards for Stationary Sources; 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Sources; and 20.11.71 NMAC, Municipal Solid Waste Landfills (AQCB Petition No. 2017-1) and adoption of the Statement of Reasons

Vice Chair Curran moved to: (1) adopt a state plan for existing landfills as reflected in NOI Exhibit 4; (2) adopt the proposed amendments to Part 71 as reflected in Corrected NOI Exhibit 5 filed on April 6, 2017; (3) adopt the proposed amendments to the updated federal New Source Performance Standards in amended Part 63 as reflected in Exhibit C-1 attached to the Environmental Health Department's Corrected Petition filed February 6, 2017; (4) adopt the proposed amendment to the National Emission Standards for Hazardous Air Pollutants in amended Part 64 as reflected in Petition Exhibit D filed January 23, 2017; (5) order that the Environmental Health Department prepare and submit to the Environmental Protection Agency the Air Board's approved state plan for existing landfills and the Air Board's amended Part 71 to implement the federal emission guidelines for existing municipal solid waste landfills; and (6) order that the Environmental Health Department prepare and submit to the Environmental Protection Agency a request to update local delegated authority to implement and enforce federal standards promulgated under Clean Air Act sections 111 and 112, as proposed by Ms. Carol Parker. Member Deichmann seconded the motion. The motion passed by a vote of 5-0.

The hearing and decision was recorded and transcribed by Court Reporter with Bean & Associates. The transcript is available for review during business hours in the office of the Board's Hearing Clerk, located at One Civic Plaza NW, Suite 3023, Albuquerque, NM 87102.

PUBLIC COMMENT

Public comment was offered by Juan Reynosa; Steven Abeyta; Esther Abeyta; Frances Armijo; Lucero Velasquez; Marla Painter; Lauro Silva; Robert Nelson; Marisol Velasquez de West; Vern Hershberger; and Danny Nevarez.

Chair Cudney-Black commented on Mr. Nevarez's statements.

ACTION ITEMS con't.

Item #5 Election of Chair and Vice Chair for 2017-2018 (Chair)

Chair Cudney-Black indicated that she would be willing to serve another term as Chair. Chair Cudney-Black then asked if there were any nominations from the floor for the office of Chair. Vice Chair Curran moved for Member Cudney-Black to continue to serve as Chair and Member Miano seconded.

Jane Cudney-Black was unanimously elected to the office of Chair of the Albuquerque – Bernalillo County Air Quality Control Board by a vote of 5-0.

Chair Cudney-Black asked if there were any nominations from the floor for the office of Vice Chair. Member Deichmann nominated Member Miano to serve as Vice Chair and Vice Chair Curran seconded.

Michelle Miano was unanimously elected to the office of Vice Chair of the Albuquerque – Bernalillo County Air Quality Control Board by a vote of 5-0.

Item #6 Selection of Board members to serve as non-voting Advisory Member and Alternate to Mid-Region Council of Governments (MRCOG) Transportation Program Task Group (TPTG) and Transportation Coordinating Committee (TCC) (Chair)

- **Advisory Member:**
- **Alternate:**

Chair Cudney-Black asked if there were any nominations from the floor for the positions of Advisory Member and Alternate to the Mid-Region Council of Governments (MRCOG) Transportation Program Task Group (TPTG) and Transportation Coordinating Committee (TCC).

Member Curran nominated Member Everson to the position of Advisory Member and Chair Cudney-Black seconded.

Member Everson was unanimously elected to position of Advisory Member to the Mid-Region Council of Governments (MRCOG) Transportation Program Task Group (TPTG) and Transportation Coordinating Committee (TCC) by a vote of 5-0.

Vice Chair Miano nominated herself to the position of Alternate and Member Curran seconded.

Vice Chair Miano was unanimously elected to position of Alternate Advisory Member to the Mid-Region Council of Governments (MRCOG) Transportation Program Task Group (TPTG) and Transportation Coordinating Committee (TCC) by a vote of 5-0.

REPORTS

OTHER BUSINESS

Member Deichmann thanked Member Curran for her service over the years to the Air Board. Other Air Board Members and the Environmental Health Department also voiced their thanks for Member Curran’s service.

ADJOURNMENT

Chair Cudney-Black adjourned the meeting at 7:40 p.m.

NEXT SCHEDULED BOARD MEETING: May 10, 2017, 5:30 p.m., Vincent E. Griego Chambers

SUBMITTED:

READ AND APPROVED:

Mr. Dario Rocha date
Board Secretary/Env. Health Manager, Control Strategies Division,
Air Quality Program, Environmental Health Department.

Ms. Jane Cudney-Black date
Chair
Albuquerque – Bernalillo County Air Quality Control Board