



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – May 8, 2013

Regular Meeting

Vincent E. Griego chambers

**Albuquerque-Bernalillo County Government Center
One Civic Plaza NW, Albuquerque, NM 87102**

AQCB MEMBERS PRESENT

Dona Upson, M.D. (City), Chair
Ms. Kelsey Curran (City), Vice Chair
Ms. Jane Cudney-Black (City)
Robert A. Goldstein, M.D. (County)
Naomi Kistin, M.D. (County)
Lenton Malry, Ph.D. (BCPC Liaison)
Mr. Jack Sullivan (City)

Ms. Felicia Orth, Hearing Officer
Mr. Isreal Tavarez, EH Manager, Permitting

VISITORS PRESENT.

Mr. N.J. Airhart, Trinity Consultants
Ms. Melissa Clark, KAFB
Dr. Margaret Menache
Ms. Marla Painter, Mountain View NA

AQCB MEMBERS ABSENT

Mr. Jens Deichmann (County)

STAFF PRESENT

Mr. Neal Butt, EH Scientist, AQD
Mr. Bill Grantham, Air Board Attorney
Ms. Liz Jones, AQCB Liaison
Ms. Adelia Kearny, Deputy City Attorney
Ms. Mary Lou Leonard, Director, EHD
Mr. Fabian Macias, Air Quality Official
Mr. Danny Nevarez, Acting Deputy
Director, EHD
Ms. Margaret Nieto, AQCB Secretary,
EH Supervisor

Meeting Minutes

CALL TO ORDER

The meeting was called to order by Chair Dr. Dona Upson at 5:45 pm on May 8, 2013 with six Board members and the BCPC liaison present: Chair Dona Upson, M.D., Ms. Jane Cudney-Black, Ms. Kelsey Curran, Robert A. Goldstein, M.D., Naomi Kistin, M.D., and Mr. Jack Sullivan; Lenton Malry, Ph.D., BCPC liaison.

Item #1 Approval of Agenda (Chair)

A motion to approve the agenda was made by Member Sullivan, seconded by Member Cudney-Black and approved by a vote of 5-0 with 1 abstention made by Member Kistin, who stated that she had wanted the order of agenda items # 3 and 4 to be switched.

The Environmental Health Department Director, Ms. Mary Lou Leonard, introduced Mr. Danny Nevarez as the new acting Deputy Director who will oversee Environmental Health's Air Quality Division.

Item #2 Approval of April 10, 2013 Meeting Minutes (Chair)

A motion to approve the April 10, 2013 minutes was made by Vice Chair Curran, seconded by member Cudney-Black and approved by a unanimous vote of 6-0.

PUBLIC COMMENT

No public comment was made at this time.

ACTION ITEMS

Item #3 Request for Hearing on the Second Amended Petition to Repeal Currently Effective 20.11.41 NMAC, Authority to Construct; Adopt Proposed Replacement 20.11.41 NMAC, Construction Permits; and Incorporate the Replacement 20.11.41 NMAC into the New Mexico State Implementation Plan (SIP) for Air Quality (AQCB Petition No. 2013-5) - Isreal Tavarez, AQD Manager

Vice Chair Curran moved to grant the request for a hearing and to hire a court reporter. The motion was seconded by Member Cudney-Black and passed by a unanimous vote of 6-0.

REPORTS No comments or questions were made.

OTHER BUSINESS

Item # 4 Special Board Training on the Board's Quasi-Judicial and Quasi-Legislative Roles and Responsibilities, including a discussion of procedure, authority, conflict of interest, ex parte communications, public records, open meetings and the advancement of environmental justice objectives – Felicia Orth, AQCB Hearing Officer and Bill Grantham, AQCB Attorney

Hearing Officer Felicia Orth and Board Attorney Bill Grantham gave a presentation outlining the Board's various roles and responsibilities. Ms. Orth and Mr. Grantham led discussion and answered questions throughout the presentation.

Public Comment was made by Ms. Marla Painter regarding the use of Air Dispersion Modeling during the permitting process. Deputy City Attorney, Ms. Adelia Kearny, explained the Air Quality Division's use of Air Dispersion Modeling. Dr. Margaret

Menache made a comment regarding the fact that enforcement actions are not within the purview of the Board.

ADJOURNMENT

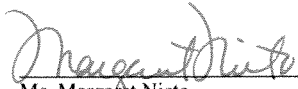
Chair, Dr. Dona Upson, adjourned the meeting at 7:35 pm.

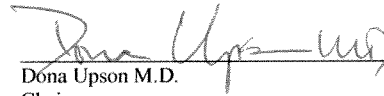
NEXT SCHEDULED BOARD MEETING AND HEARING:

- June 12, 2013 5:30 pm.

SUBMITTED:

READ AND APPROVED:

 6/12/13 date
Ms. Margaret Nieto
Board Secretary/Env. Health Supervisor, Control Strategies Section
Air Quality Div., Environmental Health Department

 6/12/13 date
Dona Upson M.D.
Chair
Albuquerque ~ Bernalillo County Air Quality Control Board