



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 – September 14, 2016 Regular Meeting/Hearing

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)
Dr. Lenton Malry, Ph.D. (BCPC LIAISON)
Mr. James Peck, (COA/EPC LIAISON)
Ms. Deborah L. Stover (COUNTY)

AQCB MEMBERS ABSENT

STAFF PRESENT

Mr. Eric Ames, Contract Attorney
Mr. Andrew Daffern, AQCB Liaison
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, SWOP
Mr. Steven Abeyta, SWOP
Mr. Jarrett Airhart, Trinity Consultants
Ms. Cindy Chapman, Bean & Associates,
Inc.
Mr. Eric Jantz, NMELC
Mr. Juan Reynosa, SWOP
Mr. Robert White, Western Refining

DRAFT MEETING MINUTES

CALL TO ORDER

Chair Cudney-Black called the meeting to order at 5:35 p.m. on September 14, 2016.

Item #1 Approval of Agenda (Chair)

Vice Chair Curran moved to approve the agenda and Member Everson seconded. The motion passed by a vote of 6-0.

Item #2 Approval of August 10, 2016 Meeting Minutes (Chair)

Vice Chair Curran moved to approve the August 10, 2016 meeting minutes and Member Deichmann seconded. The motion passed by a vote of 6-0.

PUBLIC COMMENT

There was no public comment.

AIR PROGRAM REPORT

Mr. Danny Nevarez, Environmental Health Department Deputy Director, presented the air program staff report.

ACTION ITEMS

Item #3 Discussion of Board Response to EPA Following Acceptance of Administrative Complaint for Investigation [EPA File No. 13R-14-R6]

Public comment was offered by Mr. Juan Reynosa, Mr. Steven Abeyta, and Ms. Esther Abeyta.

Member Deichmann moved that the Board authorize Ms. Orth to prepare a written response to the complaint to be filed by September 27, 2016, and to agree to informal resolution meetings with the Environmental Protection Agency. Member Stover seconded. The motion passed by a vote of 6-0.

HEARING

In the Matter of the Environmental Health Department's Petition to Amend 20.11.49 NMAC – *Excess Emissions* and Request its Removal from the State Implementation Plan (AQCB Petition No. 2016-3) – Carol Parker, Assistant City Attorney

Hearing Officer Orth opened the hearing record at 6:16 p.m.

Mr. Eric Ames, Contract Attorney for the Environmental Health Department, presented a legal overview of the Environmental Health Department's Petition to Amend 20.11.49 NMAC – *Excess Emissions* and Request its Removal from the State Implementation Plan (AQCB Petition No. 2016-3). Mr. Dario Rocha, Environmental Health Manager, and Mr. Damon Reyes, Environmental Health Manager, presented a summation of their direct written testimony in the Environmental Health Department's Notice of Intent to Present Technical Testimony.

There was no public comment.

Mr. Ames, Hearing Officer Orth, Mr. Reyes, Mr. Rocha, Mr. Isreal Tavarez, Environmental Health Manager, then answered questions from the Board.

Hearing Officer Orth closed the hearing record at 7:11 p.m.

ACTION ITEMS con't.

Item #4 Decision on the Matter of the Environmental Health Department's Petition to Amend 20.11.49 NMAC – *Excess Emissions* and Request its Removal from the State

Implementation Plan (AQCB Petition No. 2016-3) and adoption of the Statement of Reasons

Vice Chair Curran moved to grant the Environmental Health Department’s Petition to Amend 20.11.49 NMAC – Excess Emissions and Request its Removal from the State Implementation Plan, and to adopt the Amended Order and Statement of Reasons drafted by the Environmental Health Department. Member Miano seconded the motion. The motion passed by a vote of 6-0.

The hearing and decision was recorded and transcribed by Court Reporter Cindy Chapman 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.

REPORTS

OTHER BUSINESS

Member Malry, Bernalillo County Planning Commission Liaison, announced that the September Board meeting would be his last meeting with the Air Quality Control Board as he would soon start traveling across the United States to promote his memoir “Let’s Roll This Train: My Life in New Mexico Education, Business, and Politics.” Chair Cudney-Black thanked Member Malry for his steady presence and service.

ADJOURNMENT

Chair Cudney-Black adjourned the meeting at 7:20 p.m.

NEXT SCHEDULED BOARD MEETING: October 12, 2016, 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