



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MEETING MINUTES AS AMENDED – January 9, 2013
Regular Meeting
City Council Committee Room
Room 9081, 9th Floor
Albuquerque-Bernalillo County Government Center
One Civic Plaza NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

Dr. Dona Upson, Chair (City)
Dr. Margaret Menache, Vice Chair
(County)
Mr. Stephen Baca (County)
Ms. Kelsey Curran (City)
Dr. Naomi Kistin (County)
Mr. Art Sharpe (City)
Mr. Jack Sullivan (City)

AQCB MEMBERS ABSENT

Mr. Toby Atencio (BCPC Liaison)

STAFF PRESENT

Mr. Neal Butt, EH Scientist, AQD
Mr. Glen Dennis, EH Manager, VPMD
Mr. Bill Grantham, Air Board Attorney
Ms. Liz Jones, AQCB Liaison
Ms. Adelia Kearny, Deputy City Attorney
Mr. Fabian Macias, EH Manager, Monitoring
Ms. Margaret Nieto, AQCB Secretary, EH
Supervisor
Ms. Felicia Orth, Hearing Officer
Mr. Isreal Tavarez, EH Manager, Permitting
Mr. Bill Westmoreland, Deputy Director, Env.
Health Dept.

VISITORS PRESENT

Mr. Tim Atler, Smith's Food & Drug Centers, Inc
Mr. Andy Carrasco, Himself
Ms. Georgianna Peña-Kues, Herself
Mr. Frank Salazar, Smith's Food & Drug Centers,
Inc.
Mr. Hal Stevens, Summit Park NA
Ms. Patricia Tarry-Stevens, Summit Park NA
Mr. Pat Toledo, Summit Park NA

Meeting Minutes as Amended

CALL TO ORDER

The Meeting was called to order by Chair Dr. Dona Upson at 5:36 pm on January 9, 2013 with five Air Quality Control Board (Board) members present: Chair Dr. Dona Upson, Ms. Kelsey Curran, Dr. Naomi Kistin, Mr. Art Sharpe, and Mr. Jack Sullivan.

Item #1 Approval of Agenda (Chair)

A motion to approve the agenda was made by Member Curran, seconded by Member Sullivan and approved by a unanimous vote of 5-0.

Item # 2 Approval of November 14, 2012 Meeting Minutes and notes from Dec. 5, 2012 Work Session (Chair)

A motion to approve the November 14, 2012 minutes and the December 5, 2012 notes was made by Member Sharpe, seconded by Member Curran and approved by a unanimous vote of 5-0.

PUBLIC COMMENT

Public Comment was made by Mr. Pat Toledo. Mr. Toledo stated that he was representing Summit Park Neighborhood Association and went on to inform the board of a recent traffic engineering study that was done regarding the Smith's Gas Station. Dr. Dona Upson responded that the evidence was closed on the matter and no more public comment could be heard regarding this item. Hearing Officer Felicia Orth stated that she was sent a copy of the traffic study attached to the motion to reopen the evidentiary record and that it was not something that would form a proper basis to reopen the evidentiary hearing.

ACTION ITEMS

Item # 3 Deliberations and Possible Decision in the Matter of the Two Petitions for a Hearing on the Merits Regarding Air Quality Permit No. 2037-M1 Issued to Smith's Food and Drug Centers, Inc. (Petitions AQCB 2012-1 and 2). AQCB Resolution # 2013-1.

Note: Dr. Margaret Menache arrived at 5:44 pm and Mr. Stephen Baca arrived at 5:45 pm.

Deliberations regarding the matter of the two petitions for a hearing on the merits regarding Permit No. 2037-M1 issued to Smith's Food and Drug Centers, Inc. were led by Chair Dr. Dona Upson. Deliberations included participation from Board Attorney Mr. Bill Grantham and Hearing Officer Ms. Felicia Orth. Member Baca moved adoption of Resolution # 2013-1, Reversing the City of Albuquerque's April 17, 2012 Issuance of Minor Source Air Quality Authority-to-Construct Permit No. 2037-M1 with Conditions to Smith's Food & Drug Centers, Inc, and read it into the record with the following reasons for reversing the issuance of the permit modification:

1. The Air Quality Control Board is required to protect public health and welfare. Increases in throughput increase risks to public health.
2. The quality of life concerns raised by the community could be indirectly related to air quality.

The motion was seconded by Member Kistin and carried with a vote of 4-in favor (Mr. Stephen Baca, Dr. Naomi Kistin, Mr. Art Sharpe, Mr. Jack Sullivan), 2-against (Ms. Kelsey Curran, Dr. Dona Upson) and 1-abstained (Dr. Margaret Menache).

The board reviewed the Hearing Officers Findings of Fact and Conclusions of Law and directed Board Attorney Bill Grantham to write a Final Order, including revised conclusions of law, that is consistent with newly adopted Resolution # 2013-1, to be reviewed and voted on at the next Air Board meeting in February.

The Board’s deliberations were 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 87103.

OTHER BUSINESS

ADJOURNMENT

Chair Dr. Dona Upson adjourned the meeting at 9:14 pm.

NEXT SCHEDULED BOARD MEETING:

- February 13, 2013 5:30 pm.

SUBMITTED:

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

READ AND APPROVED:

_____ date
Dona Upson M.D.
Chair
Albuquerque – Bernalillo County Air Quality Control Board