



# ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



**DRAFT MINUTES – January 9, 2013**

**Regular Meeting**

**City Council Committee Room**

**Room 9081, 9<sup>th</sup> 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

**Draft Meeting Minutes**

**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.

