



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



DRAFT MINUTES – February 13, 2013

Regular Meeting

Vincent E. Griego chambers

Albuquerque-Bernalillo County Government Center

One Civic Plaza NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

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

AQCB MEMBERS ABSENT

Mr. Toby Atencio (BCPC Liaison)

STAFF PRESENT

Mr. Charles Aragon, Field Operations
Officer, AQD
Mr. Neal Butt, EH Scientist, AQD
Mr. Mark Dimenna, Deputy Director,
EHD
Mr. Glen Dennis, EH Manager, VPMD
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, EH Technical
Program Manager II, EHD
Ms. Margaret Nieto, AQCB Secretary,
EH Supervisor

Ms. Felicia Orth, Hearing Officer
Mr. Damon Reyes, EH Enforcement Supervisor
Mr. Isreal Tavarez, EH Manager, Permitting
Mr. Bill Westmoreland, Deputy Director, EHD

VISITORS PRESENT

Mr. Tim Atler, Smith's Food & Drug Centers, Inc.
Mr. James Berge
Mr. Andy Carrasco
Ms. Melissa Clark, KAFB
Mr. Matt Cross-Guillen, Bernco. EH
Ms. Diane Dolan, Councilor Isaac Benton COA
Mr. Pete Domenici Jr., Attorney for Andy
Carrasco
Mr. Brad D. Hall, Representing Andy Carrasco
Ms. Elise Kapran, NM Compass
Mr. Dave McCoy
Mr. Dennis Neff
Ms. Georgianna E. Peña-Kues
Mr. Frank Salazar, Smith's Food & Drug Centers,
Inc.
Mr. Pat Toledo
Mr. Doug Vancil
Ms. Julie Vancil

Hearing

In the matter of the Hearing on the Merits Regarding the Denial of a Wood Burning Exemption, Michael S. Fulp, Petitioner (AQCB Petition No. 2013-2)

Hearing Cancelled due to absence of Mr. Michael Fulp, Petitioner.

Draft Meeting Minutes

CALL TO ORDER

The meeting was called to order by Chair Dr. Dona Upson at 5:35 pm on February 13, 2013 with six Air Quality Control Board (Board) members present: Chair Dr. Dona Upson, Vice Chair Dr. Margaret Menache, Mr. Steve Baca, Ms. Kelsey Curran, Dr. Naomi Kistin, and Mr. Jack Sullivan.

Item #1 Approval of Agenda (Chair)

Dr. Dona Upson proposed to amend the agenda by moving Item # 5, Hearing on Smith's Food and Drug Centers, Inc.'s Motion for a Stay of Air Quality Control Board's Final Order, to the next Board meeting scheduled for March 13, 2013. A discussion commenced between Board members and the parties affected by postponement of the hearing. A motion to approve the agenda as amended was made by Member Baca, seconded by Member Sullivan and approved by a unanimous vote of 6-0.

Item #2 Approval of January 9, 2013 Meeting Minutes (Chair)

A motion to approve the January 9, 2013 minutes was made by Member Curran and seconded by Dr. Menache. Member Baca requested that the minutes be amended to reflect Counsel's advice that was given during the January meeting. Hearing Officer Orth suggested, and the Board decided, that the January 9 minutes should be amended to state that the transcript of the deliberations is available for review at the office of the Hearing Clerk. A motion to approve the minutes as amended was made by Member Baca, seconded by Member Kistin and approved with a vote of 5 in favor and one abstention, which was made by Member Sullivan.

PUBLIC COMMENT

Public comment was made by Ms. Georgianna Peña-Kues regarding the air quality in China.

ACTION ITEMS

Item #3 Decision in the matter of the Hearing on the Merits Regarding the Denial of a Wood Burning Exemption, Michael S. Fulp, Petitioner (AQCB Petition No. 2013-2)

The hearing was cancelled due to the absence of Mr. Fulp, therefore a decision on the matter was not necessary.

Item #4 Proposed Final Order consistent with reasons for Reversal of COA's Issuance of Minor Source Air Quality Authority-to-Construct Permit No. 2037-M1 with Conditions to Smith's Food and Drug Centers, Inc.

