



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



DRAFT MINUTES – April 10, 2013

Regular Meeting

Vincent E. Griego chambers

Albuquerque-Bernalillo County Government Center

One Civic Plaza NW, Albuquerque, NM 87102

AOCB MEMBERS PRESENT

Dr. Dona Upson (City), Chair
Ms. Kelsey Curran (City), Vice Chair
Ms. Jane Cudney-Black (City)
Mr. Jens Deichmann (County)
Dr. Lenton Malry (BCPC Liaison)
Mr. Jack Sullivan (City)

AOCB MEMBERS ABSENT

Dr. Naomi Kistin (County)
Robert A. Goldstein, M.D. (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, EH Technical
Program Manager II, EHD
Ms. Margaret Nieto, AQCB Secretary,
EH Supervisor

Mr. Dario Rocha, EH Supervisor, AQD
Mr. Isreal Tavarez, EH Manager, Permitting
Mr. Bill Westmoreland, Deputy Director, EHD

VISITORS PRESENT.

Mr. Jonas Berge
Mr. Andy Carrasco
Dr. Margaret Menache
Mr. Pat Toledo
Mr. Doug Vancil
Ms. Julie Vancil, Julie's Hair Studio

Hearing

Proposal to Amend 20.11.60 NMAC, *Permitting In Nonattainment Areas*; 20.11.61 NMAC, *Prevention Of Significant Deterioration*; and 20.11.42 NMAC, *Operating Permits*. The Amendments to 20.11.42 NMAC Are Proposed as a Revision to the Title V Operating Permit Program, and the Amendments to 20.11.60 NMAC and 20.11.61 NMAC Are Proposed As a Revision to the New Mexico State Implementation Plan for Air Quality (SIP) - (AQCB Petition No. 2013-1).

Hearing Officer Bill Grantham opened the hearing at 5:40 pm with Air Quality Control Board (Board) members Dr. Dona Upson, Ms. Kelsey Curran, Ms. Jane Cudney-Black, Mr. Jens Deichmann, Dr. Lenton Malry and Mr. Jack Sullivan present. Neal Butt, Environmental Health Scientist, AQD provided testimony. Isreal Tavarez, Permitting Section Manager, Dario Rocha, Permitting Technical Analysis Supervisor and Neal Butt answered

questions posed by Hearing Officer Grantham. There were no public comments. After hearing testimony and discussion, Hearing Officer Grantham closed the hearing at 6:10 pm.

Draft Meeting Minutes

CALL TO ORDER

The meeting was called to order by Chair Dr. Dona Upson at 6:10 pm on April 10, 2013 with six Board members present: Chair Dr. Dona Upson, Ms. Jane Cudney-Black, Ms. Kelsey Curran, Mr. Jens Deichmann, Dr. Lenton Malry and Mr. Jack Sullivan.

The Environmental Health Department Director, Ms. Mary Lou Leonard, welcomed the new members Ms. Cudney-Black and Mr. Deichmann to the Board.

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 March 13, 2013 Meeting Minutes (Chair)

A motion to approve the March 13, 2013 minutes was made by Member Deichmann, seconded by member Curran and approved by a unanimous vote of 5-0.

PUBLIC COMMENT

Public comment was made regarding Smith's Food & Drug Centers, Inc.'s Hearing on the Merits Regarding Authority to Construct Permit #2037-M1 by Mr. Pat Toledo, Mr. Andy Carrasco and Ms. Julie Vancil.

ACTION ITEMS

Item #3 Decision on Proposal to Amend 20.11.60 NMAC, *Permitting in Nonattainment Areas*; 20.11.61 NMAC, *Prevention of Significant Deterioration*; and 20.11.42 NMAC, *Operating Permits*. The Amendments to 20.11.472 NMAC are proposed as a Revision to the Title V Operating Permit Program, and the Amendments to 20.11.60 NMAC and 20.11.61 NMAC Are Proposed As a Revision to the New Mexico State Implementation Plan for Air Quality (SIP) – (AQCB Petition No. 2013-1, Resolution # 2013-2) – Neal Butt, EH Scientists, AQD

Member Curran read Resolution 2013-2 into the record with the following amendments:

1. On page 8, line 23 of exhibit #1b PRD 20.11.61 NMAC, *Prevention of Significant Deterioration*, insert the following after "Clean Unit" and delete "{ and add: "as defined in 40 CFR 51.166 (b)(3)(iii)(c) & FR Vol 76 No. 61, 3/30/11, p. 14554."
2. On page 2 line 11 of Resolution 2013-2 add an "s" to "Exhibit" and insert "and 4a" after "4".

A motion to adopt amended Resolution 2013-2 was made by Member Sullivan, seconded by Member Curran and passed with a unanimous vote of 5-0.

The hearing and decision was recorded and transcribed by Court Reporter Peggy Jo Gonzales 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.

Item #4 Election of Chair and Vice Chair for 2013-2014 (Chair)

Member Deichmann made a motion to re-elect Dr. Upson to Chair. The motion was seconded by Member Curran and approved by a unanimous vote of 5-0.

Member Sullivan made a motion to elect Member Curran to Vice Chair. The motion was seconded by Member Deichmann and approved by a unanimous vote of 5-0.

Item #5 Selection of Board members to serve as non-voting advisory member and alternate to Mid-Region council of Governments (MRCOG) Transportation Program Task Group (TPTG) and Transportation Coordinating committee (TCC) (Chair)

Member Sullivan made a motion to elect himself as the non-voting advisory member to MRCOG TPTG and TCC. The motion was seconded by Member Deichmann and approved by a unanimous vote of 5-0. Member Curran made a motion to elect herself as alternate non-voting advisory member to MRCOG TPTG and TCC. The motion was seconded by Member Deichmann and approved by a unanimous vote of 5-0.

Item # 6 Selection of Board member to serve as Liaison to the Governor's Task Force on Environmental Justice (Chair)

Chair Dr. Upson made a motion to elect Member Kistin to serve as the Liaison to the governor's Task Force on Environmental Justice. The Motion was seconded by Member Deichmann and approved by a unanimous vote of 5-0.

Item # 7 Acceptance of Final 2011 Regional Sulfur Dioxide (SO₂) Emissions Milestone Report – Neal Butt, EH Scientist, AQD

Mr. Neal Butt presented the report to the Board. A Motion to accept the report was made by Member Deichmann, seconded by Member Sullivan and passed unanimously with a vote of 5-0.

Item # 8 Request for a hearing in the matter of the petition to Adopt a State Implementation Plan (SIP) for NO₂ to Address Sections 110(a)(1) and (2) of the Federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2), hereafter referred to as the "NO₂ Infrastructure SIP" (AQCB Petition No. 2013-3) – Neal Butt, EH Scientist, AQD

Mr. Neal Butt presented the Division's request for a hearing, which included a request for a hearing officer and a court reporter. A motion to grant the request for a hearing on the

petition was made by Member Deichmann, seconded by Member Sullivan and approved by a unanimous vote of 5-0.

Item # 9 Request for a hearing in the matter of the petition to Amend the State Boards State Implementation Plan (SIP) to Satisfy the Requirements of the Clean Air Act Section 128(a)- State Boards [§7428, U.S.C.A.]; hereafter referred to as the “State Boards SIP Revision” (AQCB Petition No. 2013-4) – Neal Butt, EH Scientist, AQD

Mr. Neal Butt presented the Division’s request for a hearing, which included a request for a hearing officer and a court reporter. A motion to grant the request for a hearing on the petition was made by Member Curran, seconded by Dr. Upson and approved by a unanimous vote of 5-0.

REPORTS Division Report

Dr. Upson stated that this will be Deputy Director Mr. Bill Westmoreland’s last Board meeting before his retirement at the end of April.

OTHER BUSINESS

Item # 10 Notification of Order Dismissing the Hearing on the Merits Regarding the Denial of a Wood Burning Exemption, Michael S. Fulp, Petitioner (AQCB Petition No. 2013-2) – Bill Grantham, Attorney for the AQCB

Mr. Grantham presented the notification of the Order Dismissing the Hearing on the Merits Regarding the Denial of a Wood burning Exemption to the Board, stating that this was a matter of housekeeping.

ADJOURNMENT

Chair, Dr. Dona Upson, adjourned the meeting at 7:02 pm.

NEXT SCHEDULED BOARD MEETING:

- May 8, 2013 5:30 pm.

SUBMITTED:

READ AND APPROVED:

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

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