



Angel Martinez, Director

City of Albuquerque
Environmental Health Department
Albuquerque-Bernalillo County Air Quality Program



MINUTES –April 13, 2022
Regular Virtual Meeting

AOCB MEMBERS PRESENT

- Ms. Lauren Meiklejohn (CITY), Chair
- Ms. Maxine Paul (CITY), Vice Chair
- Ms. Kitty Richards (COUNTY)
- Ms. Judy Calman (COUNTY)
- Ms. Susan Langner (COUNTY)

AOCB MEMBERS ABSENT

- Ms. Elizabeth Reitzel (CITY)

AOCB NON –VOTING MEMBERS

- Ms. Connie Chavez (Bernalillo County Planning Commission Liaison)
- Mr. Joseph Cruz Jr. (Environmental Planning Commission, City of Albuquerque Liaison)

- Ms. Antoinette Sedillo Lopez, AQCB Attorney
- Mr. Angel Martinez, EH Director
- Ms. Stephanie Apodaca, AQCB Liaison
- Mr. Albert Chang, Asst. City Attorney
- Mr. Travis Miller, EH Manager
- Ms. Carina Munoz-Dryer, EH Supervisor
- Mr. Kenneth Miller, AQ Reg Dev. Coord
- Ms. Elizabeth Pomo, EH Scientist
- Ms. Kelsea Sona, Asst. City Attorney
- Ms. Maria Gallegos, EH Comm. Liaison
- Mr. Dwayne Salisbury, EH Manager
- Mr. Benard Beamon, EH Supervisor
- Mr. Kyle Tupane, EH Scientist
- Ms. Valorie Aquino, EH Policy Analyst
- Ms. Lisa Serna-Cordova, EH Prog. Analyst

MEMBERS of the PUBLIC PRESENT

- Ms. Elaine Cimino
- Ms. Rachel Swanteson-Franz
- Mr. Elis Eberlein
- Ms. Dionna Arellano
- Mr. Lauro Silva
- Ms. Marla Painter
- Mr. Richard Moore
- Ms. Lauren Pope
- Mr. Eric Jantz
- Ms. Mia Montoya
- Ms. Jennifer Owen-White

STAFF PRESENT

Due to COVID-19 this meeting was held via Zoom Video Conference.

CALL TO ORDER

Chair Kitty Richards called the meeting to order at 5:33pm.

Member Reitzel was absent

Item #1 Approval of April 11, 2022 Agenda (Chair)

Member Meiklejohn moved to approve the agenda, Member Paul seconded. The motion passed by a vote of 5-0.

Item #2 Approval of March 9, 2022 meeting minutes (Chair)

Member Paul moved to approve the minutes, Member Meiklejohn seconded. The motion passed by a vote of 4-1.

Vice Chair Langner was not present at March meeting so did not approve minutes.

AIR PROGRAM REPORT

Update was given by Angel Martinez, Director, City of Albuquerque, Environmental Health Dept.

- Announced that Deputy Director Burstein is no longer with the department, and will also be reclassifying and advertising for the position.
- Introduction of new staff members Maria Gallegos, Community Liaison and Valorie Aquino, Program Data Analyst
- Director Martinez, announced that he has asked EHD management to be in attendance at the meeting and to report on their divisions.
- Chair Richards asked if there will be some kind of write up from EHD staff that will be presented to the board under the air program report.
- Director Martinez stated yes, he will sit down with staff and make sure the board will get their report prior to the meeting.

PUBLIC COMMENT

(Suggested five-minute time limit)

Elaine Cimino stated that she is with Community Grassroots organization for 27 years and is currently working with 13 groups who are requesting a presentation to the Air Quality Control Board. Would like the Air Board to adopt the world air quality index guidelines, based on the world health organization from September 2021. Would like for Professor Charles Gasparovic to give a presentation on his research on air pollution and brain health. Would also like know the process for a rulemaking.

Lauren Pope lives down the street from EZ wash laundromat, for a year and a half has strong emissions has called 311 for someone to do inspections. Would like for someone from EHD to do so.

Director Martinez would like for Ms. Pope to send the address for the laundromat and would have someone go and inspect the facility.

REPORTS/DISCUSSION/ACTION ITEMS

Item #3 Election of Air Quality Control Board Chair and Vice-Chair positions for 2022 – 2023 (Chair)

Nominations took place at last month's meeting in March. Member Meiklejohn was nominated for Chair and Member Paul was nominated for Vice Chair. Chair Richards conducted a roll call

vote for the election of Chair. Member Meiklejohn was unanimously elected to a one-year term as Chair. Chair Richards conducted a roll call vote for the election of Vice Chair. Member Paul was unanimously elected to a one-year term as Vice Chair.

Chair Richards passed the floor over to new Chair Meiklejohn, where she will preside over the rest of the meeting.

Item #4 Discussion on resuming in-person meetings (Board)

Stephanie Apodaca, AQCB liaison mentioned that City Council will be utilizing the Vincent E. Griego Chambers moving forward for their LUPZ meetings. So a new location will have to be located if in-person meetings will be decided upon.

- Chair Meiklejohn would like to table this matter until we have more information regarding logistics that EHD is able to work out.
- Member Calman important that there will be a zoom option if it goes back to in-person
- Vice Chair would like a zoom option as well.
- City Attorney Kelsea Sona stated that the board was relying on the Mayor's emergency declaration for the pandemic to sort of waive the requirement for in-person meeting and virtual meetings and has not heard anything yet. Also, it would be up to the board and its counsel to determine what format is needed for the meetings.
- Stephanie stated she will be looking for options for in-person and hybrid
- Director Martinez stated he has made a few phone calls for space.

Item #5 Public Comment period on *Draft 2020 Regional SO2 Emissions and Milestone Report*.
(Chair)

Member Richards asked Director Martinez if someone from EHD could give a brief presentation on the SO2 milestone report

- City Attorney Kelsea Sona stated that she would be happy to give the presentation
- Vice Chair Paul stated that the agenda is long and recommended that the public view the presentation if they access online
- Member Richards question on the report for Albuquerque. Looked like the only sulfur dioxide emission was for the cement plant. Curious to know if there is any effort to reduce emissions.
- Director Martinez stated that typically they get a permit condition written and essentially allows them to operate to those levels and unless there's a specific requirement or change within that permit they typically don't do it. Some facilities based on other factors maybe energy savings and production efficiency the after effect would be emission standards. Entities usually don't make an effort to downgrade to low their emissions.
- Member Richards wondering if there is any kind of effort to monitor these emissions
- Director Martinez met with Secretary Kenny and will be piloting Dart. (Data Acquisition Real Time).
- Marla Painter wanted to know if they were talking about black rock asphalt. Is concerned because it is close to a school
- City Attorney Kelsea Sona stated that they were talking about GCC Rio Grande Portland cement plant.

Item #6 Reminder status update on Clean Cars (Board Attorney).

Board Attorney Antoinette Sedillo Lopez wanted to remind everyone of the Clean Cars Hearing will take place on May 4 through May 6, 2022. Felicia Orth is the Hearing Officer and will conduct the hearing.

No questions asked after update

Item #7 Committee Report Update: Public Concerns Committee, EHD Liaison Committee, and Information Committee- status update on cumulative impact committee (Board)

Member Richards gave her update on meeting with Director Martinez, City Attorney Kelsea Sona and Board Attorney Antoinette Sedillo Lopez. The City reviewed the scope of work and recommended a few revisions. The City would like to make sure that whatever regulation is presented to the board that the draft petition is enforceable, and legally defensible. The board want to make sure we have credibility with the stakeholders. Legal counsel will kick off the committee and would like to convene the committee in the week of April 20th thru the 22nd. Stephanie will send a doodle poll to those who were participating in the committee.

- Director Martinez tried to meet with stakeholders including board members, EPA. Had conversations with EPA on making this regulation enforceable, and would like to see this through.
- Marla Painter wanted to point out that she would like the public to be directed to the outline of the powers of the board and the procedure to introduce a new ordinance.

Chair Meiklejohn raised a concern on where the work was left off at, with Mara Burstein and Member Reitzel with Public Concerns Committee.

- Kelsea Sona stated she has been cc:d on the emails back and forth on the public comment policy, and will follow up with Member Reitzel.

Item #8 Presentation regarding legal roles and responsibilities and Senate Bill 8 allowing Air Board to pass regulations more stringent then federal requirements (Board Attorney)

Member Richards asked if City of Albuquerque/Bernalillo County Air Quality Control board can be more Stringent than the state law

Board Attorney Sedillo Lopez stated that state law has to comply with federal law.

Item #9 Follow up on presentation with Rachel Swanteson-Franz and possible action (EHD Liaison Committee)

Ms. Swanteson-Franz updated the board on the resolution and stated that some boards have chosen to support the resolution in their minutes, other boards have done a sign on letter to the City Administration or the City Council and stated those were some options.

- Vice Chair Paul, stated she read through the report and recommends supporting the resolution.
- Member Richards confirmed that the vote tonight would be on developing a resolution and the details of the resolution would be left for another meeting.
- Board Attorney Sedillo Lopez suggested a subcommittee to hash out the language.

Chair Meiklejohn stated that Member Langner and she will take on developing the resolution. A roll call vote was taken. Passed by a vote of 4-0. Members Reitzel and Vice Chair Paul absent.

Item #10 Closed meeting session under the Open Meetings Act, NMSA Sec. 10-15-1(H)(6), for Air Board members and Air Board attorney only, discussion on update on pending appeals (Board Attorney)

Member Richards moved to close the meeting under Section 10-15-1(H)(6) of the Open Meetings Act for an attorney-client privileged discussion. Member Calman seconded. Before going into closed session, Member Richards indicated that she would not be present for the discussion regarding the Title VI case, which she has recused herself from.

Chair Meiklejohn stated they were back from closed session.

Item #11 Discussion of possible future agenda items (Board)

Chair Meiklejohn would like to add the wording of zero fares

Member Richards would like a presentation from Charles Gasparovic as suggested from Ms. Cimino

Member Richards would like an update on the cumulative impacts progress. Chair Meiklejohn also asked if someone from the committee could volunteer and be the liaison so the board can receive updates.

Director Martinez stated that the City will provide a WHO index at the next meeting. And will have someone provide a presentation from enforcement on inspections at the next meeting.

Member Richards would like a report back on spaces to conduct future meetings to include hybrid.

Board Attorney Sedillo Lopez will update the board on whether state law displaces an ordinance of substantive ordinances that is inconsistent.

PUBLIC COMMENT

(Suggested five-minute time limit)

Marla Painter stated she had two questions. First, she was confused on who is the convener of the cumulative impacts committee is, and will be recording it. Second, would like clarification on who has the ultimate authority over an ordinance.

Board Attorney Sedillo Lopez, answered that there is contract for a facilitator to help this committee. And as for the second question. The board will have an answer at the next board meeting.

OTHER BUSINESS

No other business

ADJOURNMENT

Chair Richards adjourned the meeting at 7:43pm

NEXT SCHEDULED BOARD MEETING: May 11, 2022

SUBMITTED:

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Angel Martinez, Jr 8/2/2022 | 10:42 AM PDT
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Mr. Angel Martínez date
Director
Environmental Health Department,
Air Quality Program

READ AND APPROVE:

DocuSigned by:
Lauren Meiklejohn 8/2/2022 | 7:11 AM MDT
AE9D48C72FEC471...
Ms. Lauren Meiklejohn date
Chair
Albuquerque-Bernalillo County Air
Quality Control Board