



Albuquerque-Bernalillo County Air Quality Control Board



Angel Martinez Jr., Director

MINUTES –September 14, 2022 Regular Virtual Meeting

AQCB MEMBERS PRESENT

Ms. Lauren Meiklejohn (CITY), Chair
Ms. Maxine Paul (CITY), Vice Chair
Ms. Judy Calman (COUNTY)
Dr. Elis Eberlein (CITY)
Ms. Kitty Richards (COUNTY)

AQCB MEMBERS ABSENT

Dr. Johnnye Lewis (COUNTY)
Ms. Elizabeth Reitzel (CITY)

AQCB LIAISONS ABSENT

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

STAFF PRESENT

Mr. Albert Chang, Deputy Director
Ms. Maria Gallegos, Community Liaison
Ms. Yvette Garcia, Executive Assistant
Mr. Ken Miller, Acting AQCB Liaison
Mr. Travis Miller, Env Health Manager
Mr. Damon Reyes, Env Health Manager
Mr. Dwayne Salisbury, Env Health Manager
Ms. Antoinette Sedillo Lopez, AQCB Atty.
Ms. Kelsea Sona, Asst. City Attorney
Mr. Kyle Tumpane, Env Health Scientist

MEMBERS of the PUBLIC PRESENT

Ms. Gabrielle Despain
Ms. Elaine Cimino
Ms. Kathleen Moseley
Mr. Forest Replogle
Ms. Jenna VanHofe

Due to COVID-19 this meeting was held via Zoom video conference.

CALL TO ORDER

Chair Meiklejohn called the meeting to order at 5:32 p.m.
Member Lewis and Member Reitzel were absent.
Member Calman joined late, at approximately 5:46 p.m.

CONSENT AGENDA

- Item #1.a Approval of the agenda**
- Item #1.b Approval of the August 1, 2022 meeting minutes**
- Item #1.c Approval of the August 10, 2022 meeting minutes**

There being no objection to any of the items on the consent agenda, Chair Meiklejohn called for a vote to approve the items on the consent agenda. The vote was 4-0 in favor of approving all items on the consent agenda.

AIR PROGRAM UPDATE

Chair Meiklejohn congratulated Associate Director Chris Albrecht and Deputy Director Albert Chang on their new positions with EHD and invited Mr. Chang to briefly introduce himself (Mr. Albrecht was absent).

Vice Chair Paul asked whether EHD is commenting on EPA's proposal to amend the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for gasoline distribution facilities and New Source Performance Standards (NSPS) for bulk gasoline terminals, and also why it took almost six years for EPA to approve EHD's 2016 State Implementation Plan (SIP) revision request concerning excess emissions during periods of startup, shutdown, and malfunction. Ken Miller, EHD's Control Strategies Division manager, responded that EHD currently has no plans to comment on EPA's NESHAP/NSPS proposal, and that EHD does not know why it took EPA so long to approve the SIP revision request, EPA just sometimes takes a long time to act on SIP submittals. Vice Chair Paul then asked why EHD is not required to develop a mitigation plan for PM_{2.5} in addition to PM₁₀ given that smoke is more harmful than dust and we have had quite a few smoky days over the past few years. Mr. Miller responded that the mitigation plan requirement is triggered by recurring exceedances of a particular air quality standard, so in Bernalillo County we must not have recurring exceedances of the PM_{2.5} standard like we do for PM₁₀. Vice Chair Paul closed by suggesting that it might be helpful to include monitoring results in micrograms per cubic meters and not just air quality index values in the monthly Air Quality Program report, and expressed appreciation for EHD's progress in its yearly audits of certified air care stations.

Member Richards asked what the status of the mobile monitoring trailer in the San Jose community is. Dwayne Salisbury, EHD's Monitoring Division manager, responded that the trailer has been collecting volatile organic compound (VOC) data since July 1 and the particulate and black carbon samplers are running, but there are a couple of criteria pollutant samplers that EHD is still working to bring online. Member Richards then asked whether the Board could see the data being collected, and Mr. Salisbury said there is quite a lot of VOC data so EHD is trying to figure out how to pare it down so it can be shared. Member Richards closed by requesting an update at a future meeting or in a future Air Quality Program report on EHD's efforts to address environmental justice and cumulative impacts.

Chair Meiklejohn commended EHD's Community Liaison, Maria Gallegos, for getting grant money to set up a community monitoring project in the International District and asked whether the process she went through could be used by other communities interested in doing fence-line monitoring in their neighborhoods. Ms. Gallegos responded that she learned a lot going through the process and it is her mission to make the expertise and technical assistance provided by EHD and the Community Health Council available to other communities.

Damon Reyes, EHD's Enforcement and Compliance Division manager, closed the discussion of the Air Quality Program report with an update on a previous Board request that EHD consider posting Notices of Violation (NOV) on its website. Mr. Reyes indicated that EHD's leadership had discussed the request and decided to continue with EHD's long-standing policy to not post NOVs. Chair Meiklejohn asked what the main reasons for deciding not to change the policy were, and Mr. Reyes responded that the concern is avoiding any unnecessary disruption when going through enforcement actions. Mr. Chang added that an NOV is not a final action and the decision not to post NOVs was driven by the desire to protect the enforcement process while investigations were still ongoing. Chair Richards asked whether the Board could have access to

the outcome of enforcement cases after they are resolved, and both Mr. Chang and Mr. Reyes said that was a discussion they would need to have with Mr. Albrecht.

PUBLIC COMMENT

Ms. Elaine Cimino gave comment indicating her desire for an expert to present on the World Health Organization's air quality guidelines at the Board's October meeting, followed by a discussion regarding how they could be implemented locally.

REPORTS/DISCUSSION/ACTION ITEMS

*Note: The Board took up agenda item #3 after public comment and then returned to agenda item #2.

Item # 2 Update on resuming in-person meetings (EHD/Board Attorney)

Board Attorney Antoinette Sedillo Lopez presented the details of a rulemaking petition she is drafting to allow Members who participate remotely after the Board resumes in-person meetings to count towards a quorum and suggested the Board may want to expand the scope of the rulemaking to allow the public to participate remotely as well when in-person meetings resume. She then stood for questions from the Board. Following the Q&A, the Board tabled the topic for revisiting before the end of the year.

Item # 3 Discussion regarding content and organization of monthly Air Quality Program report (Board)

Members discussed the purpose of the Air Quality Report and offered suggestions regarding content and how information and data are presented in the report. As a next step, Mr. Miller indicated that he would share a document with the Board via Dropbox for Members to add their ideas to so EHD staff can further evaluate them.

Item # 4 Discussion of possible future agenda items (Board)

Member Richards recommended that the Hearing Officer's recommended decision in the NMTS permit appeal be on the agenda in October and requested updates on the San Jose monitoring station and DART (real-time monitoring).

Chair Meiklejohn indicated that the Board is expecting a presentation from Dr. Gasparovic in October and suggested a brief follow-up regarding any developments on resuming in-person meetings as well as an update on the Cumulative Impacts Committee from Rosemary Romero.

Vice Chair Paul indicated there may need to be a Title VI item on an upcoming agenda, although October may be too soon. Chair Meiklejohn agreed October would be too soon and suggested it should be included before the end of the year, along with a presentation from EPA on its interim Environmental Justice FAQs.

PUBLIC COMMENT

No members of the public gave comment during the second comment opportunity.

OTHER BUSINESS

Chair Meiklejohn mentioned that the Board is in receipt of a proposed settlement agreement in the Title VI case and is currently reviewing it, and asked Mr. Miller whether EHD has received any applications for the open Board Liaison position. Mr. Miller responded that EHD has received some applications and conducted interviews, and said the process is moving along.

ADJOURNMENT

Chair Meiklejohn adjourned the meeting at 7:24 p.m.

NEXT SCHEDULED BOARD MEETING: October 12, 2022 at 5:30 p.m.

SUBMITTED:

READ AND APPROVED:

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Angel Martinez, Jr.
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10/13/2022 | 11:29 AM PDT

Mr. Angel Martinez Jr.
Director
Environmental Health Department

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Lauren Meiklejohn
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Ms. Lauren Meiklejohn
Chair
Albuquerque-Bernalillo County Air Quality
Control Board