



**ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD**



DRAFT MINUTES – August 12, 2009

Regular Meeting and Hearing

**Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102**

AOCB MEMBERS PRESENT

Mr. James Brinkman (County)
Mr. Jens Deichmann, Chair, (County)
Dr. Margaret Menache, Vice Chair, (County)
Mr. Louis Pacias, BCPC Liaison (non-voting)
Mr. Art Sharpe (City)
Mr. Jack Sullivan, (City)

AOCB MEMBERS ABSENT

Mr. Augustine Grace III, (City)
Dr. Dona Upson, (City)

STAFF PRESENT

Ms. Janice Amend, AOCB Liaison, AQD
Mr. Neal Butt, Env. Health Scientist, AQD
Mr. Glen Dennis, Mgr. Vehicle Pollution
Mgt. Div. (VPMD)
Mr. Bill Grantham, Board Attorney
Ms. Adelia Kearny, Deputy City Attorney

Mr. John Liberatore, Env. Health Supervisor
Mr. Fabian Macias, Env. Health Mgr. AQD
Ms. Margaret Nieto, Control Strategies
Supervisor, AQD
Mr. Roger Polisar, Field Operations Officer
Mr. Dario Rocha, Env. Health Supervisor
Mr. John Soladay, Director, Env. Health Dept.
Mr. Jeff Stonesifer, Env. Health Scientist
Mr. Isreal Tavarez, Env. Engineering Manager

VISITORS PRESENT

Ms. Jane Cudney, Trinity Consultants
Ms. Jennifer Dann, Kirtland AFB
Mr. Robert Mah, Greater Gardner NA
Mr. Ray Matthew, NMDOT
Mr. Brad Musick, NMED
Ms. Georgette Reeves, Trinity Consultants
Ms. Kitty Richards, Bernalillo County Office
of Environmental Health
Mr. Martin Schluep, Alliant Environmental
Mr. Kyle Silfer, Greater Gardner NA
Mr. Rob Warder, Kirtland AFB

Hearing

In the matter of the Petition to amend 20.11.1 NMAC, *General Provisions* and 20.11.8 NMAC, *Ambient Air Quality Standards*, and submit amendments to EPA as a revision to the SIP.

Hearing Officer Bill Grantham opened the hearing at 5:31 p.m. Mr. Neal Butt, AQD Environmental Health Scientist, provided testimony and answered questions regarding the proposal to amend 20.11.1 NMAC, *General Provisions* and 20.11.8 NMAC, *Ambient Air Quality Standards*. Hearing Officer closed the hearing at 7:02 p.m.

Ms. Kitty Richards, Mr. Kyle Silfer, and Mr. Robert Mah made public comment.

Draft Minutes

CALL TO ORDER

The meeting was called to order at 7:04 p.m. on August 12, 2009 with five Board members and Louis Pacias, the BCPC Liaison present. Board Chairman Jens Deichmann presided.

Item # 1 Approval of the Agenda.

A motion was made by Vice Chair Menache to approve the agenda, seconded by Member Sharpe. Motion was carried by a vote of 5-0.

Item #2 Approval of the July 8, 2009 Meeting Minutes.

A motion was made to approve the minutes by Member Sullivan, seconded by Member Brinkman and the Motion was carried by a vote of 5-0.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

Item #3 Decision on matter of Petition to amend 20.11.1 NMAC, *General Provisions* and 20.11.8 NMAC, *Ambient Air Quality Standard-Resolution #2009-5*

Member Sullivan moved to amend 20.11.1 NMAC, *General Provisions* on page 2, line 43 as follows: delete the word "malfunction" after the word "Breakdown". The amended sentence will read: "**L. 'Breakdown, malfunction or upset'** means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, or process equipment, which causes a process to not operate in a normal manner. Failures that are caused by process imbalance, poor maintenance or careless operation are not breakdowns." The motion was seconded by Member Sharpe and was carried by a vote of 5-0.

Vice Chair Menache moved to amend 20.11.1 NMAC, *General Provisions* by inserting on page 3, line 14 the following: "**'Environmental justice' means the fair treatment of all residents (in the City of Albuquerque and Bernalillo County), including communities of color and low income communities, and their meaningful involvement in the development, implementation and enforcement of environmental laws, regulations and policies regardless of race, color, ethnicity, religion, income or education level.**" The motion was seconded by Member Brinkman. Deputy City Attorney, Adelia Kearny pointed out that this amendment would constitute an action that is outside the scope of the public notice on proposed amendments, and would not stand up to a legal challenge. Board Attorney, Bill Grantham was in agreement that it could be problematic. The motion failed by a vote of 1-2-2. (For: Brinkman, Against: Deichmann, Sullivan, Abstain: Menache, Sharpe)

Motion to approve the amended First Amended AQCB Resolution #2009-5, Adopting Amendments to Albuquerque-Bernalillo County Air Quality Control Board Regulations 20.11.1 NMAC, *General Provisions* and 20.11.8 NMAC, *Ambient Air Quality Standards*, and Submit

Amendments to EPA as a Revision to the SIP was made by Chairman Deichmann, seconded by Vice Chair Menache. Motion carried 4-0-1. (For: Brinkman, Deichmann, Sharpe, Sullivan
Abstain: Menache)

REPORTS Division Reports provided in writing. Staff available for questions.

Item #4 Monthly Air Quality website update – Isreal Tavarez

Mr. Isreal Tavarez explained that AQD is in the process of working with City of Albuquerque Information Systems Division and Environmental Health Department technical support staff to create a Public Information Hearing link similar to the AQCB web page on the Air Quality webpage. A work group has been created to review the AQD web pages.

OTHER BUSINESS

Item #5 Trinity Consultants presentation on Greenhouse Gas – Georgette Reeves

Ms. Reeves presented “*Greenhouse Gas Regulatory Overview, An Introductory Seminar*”, where she discussed Greenhouse Gas Basics, Federal Regulatory Landscape, NM Regulatory Landscape, and Other State and Regional Programs.

Item #6 Classifications of Air Pollution - Jeff Stonesifer, EH Scientist, AQD

Mr. Stonesifer presented “*Classifications of Air Pollution*”, where he covered Ambient Standards, Ozone, Particulates, Volatile Organic Compounds and Hazardous Air Pollutants, and Fugitives.

Item #7 Discussion of Regional Air Authority question – Chairman Deichmann

Chairman Deichmann announced that a draft letter to the Albuquerque Bernalillo County Government Commission (ABCGC) addressing the issue of a regional air authority will be ready for review by the Board at the September 9, 2009 meeting. He invited discussion about the letters received from the Air Quality Division and New Mexico Environment Department.

On another note, Ms. Janice Amend, Air Quality Control Board Liaison, reminded the Air Board that the September 9, 2009 meeting and hearing will occur in the City Council Committee Room, 9th floor, and the November meeting will take place on November 18, 2009 due to the Veterans Day Holiday.

ADJOURNMENT Chairman Deichmann adjourned the meeting at 8:30 p.m.

NEXT SCHEDULED BOARD MEETING AND HEARING: The next board meeting and hearing will be on September 9, 2009 at 5:30 p.m. in the City Council Committee Room, 9th floor, Room 9081 Albuquerque/Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

Mr. Isreal Tavarez, Date
Board Secretary / Environmental Engineering Manager Air Quality Division
Environmental Health Department

Mr. Jens Deichmann Date
Board Chair
Albuquerque-Bernalillo County Air Quality Control Board