



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – March 10, 2010
Hearing and Regular Meeting
Vincent E. Griego Chambers
Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

Mr. Jens Deichmann, Chair (County)
Mr. Augustine Grace III (City)
Dr. Margaret Menache, Vice Chair (County)
Mr. Art Sharpe (City)
Mr. Jack Sullivan (City)
Dr. Dona Upson (City)

AQCB MEMBERS ABSENT

Mr. Louis Pacias, BCPC Liaison (non-voting)

STAFF PRESENT

Mr. Neal Butt, Env. Health Scientist, AQD
Mr. Glen Dennis, Mgr. Vehicle Pollution
Mgt. Div. (VPMD)
Ms. Regan Eyerma, Env. Health Scientist,
AQD
Ms. Adelia Kearny, Deputy City Attorney
Ms. Mary Lou Leonard, Acting Director, Env.
Health Dept.
Mr. Fabian Macias, Env. Health Mgr., AQD
Ms. Margaret Nieto, Env. Health Supervisor,
AQD
Ms. Felicia Orth, Hearing Officer

Mr. Dario Rocha, Env. Health Supvr., AQD
Mr. Isreal Tavarez, Env. Eng. Mgr., AQD
Ms. Janice Wright, AQCB Liaison, AQD

VISITORS PRESENT

Mr. Jonathan Block, NM Environmental Law
Center
Mr. Matt Cross-Guillen, Bernalillo County
Mr. Adam DeVoe, Brownstein Hyatt Farber
Schreck, LLP
Mr. Byron Gatwood, Greater Gardner NA
Ms. Jill Gatwood, Greater Gardner NA
Ms. Carolyn Jay, Los Griegos NA
Ms. Connie Key
Mr. Perry Key
Ms. Loretta Lopez, Seven Bar North NA
Mr. Jose Madera, GCC
Ms. Kris Ray, Los Griegos NA
Mr. Doug Roark, American Cement Corp.
Mr. Joe Sabatini, Near North Valley NA
Mr. Tom Scharmen, NM Dept. of Health
Mr. Kyle Silber, Greater Gardner NA
Dr. Kristine Suozzi, NM Health Equity
Working Group
Mr. David Wood, Greater Gardner NA

Hearing

In the Matter of the Petition for a Hearing on the Merits Regarding American Cement Corporation Air Quality Permit No. 0902-M3 (AQCB Petition No. 2009-7)

Hearing Officer Felicia Orth opened the hearing at 5:40 p.m. Mr. Jonathan Block, NM Environmental Law Center, Mr. Adam De Voe, Brownstein Hyatt Farber Schreck, LLP, and Adelia Kearny, COA Deputy City Attorney, provided testimony and answered questions regarding the *Filing Settlement and Moving for Approval of Settlement and Dismissal of Appeal with Prejudice*. Hearing Officer closed the hearing at 5:55 p.m.

Minutes

CALL TO ORDER

The meeting was called to order at 5:55 p.m. on March 10, 2010 with six Board members present. Board Chairman Jens Deichmann presided.

Item # 1 Approval of the Agenda.

A motion was made by Chairman Deichmann to approve the agenda, seconded by Member Sullivan. Motion was carried by a vote of 6-0.

Item #2 Approval of the February 10, 2010 Meeting Minutes.

A motion was made to approve the minutes by Chairman Deichmann, seconded by Member Grace and the motion was carried by a vote of 6-0.

PUBLIC COMMENT

Public comment was made by Mr. Byron Gatwood, who had a question about the settlement of AQCB Petition No. 2009-7.

ACTION ITEMS

Item #3 Decision on Approval of Settlement and Dismissal of Appeal with Prejudice in the Matter of the Petition for a Hearing on the Merits Regarding American Cement Corporation Air Quality Permit No. 0902-M3 (Resolution No. 2010-4)

Resolution 2010-4, *Decision on Approval of Settlement and Dismissal of Appeal with Prejudice in the Matter of the Petition for a Hearing on the Merits Regarding American Cement Corporation Air Quality Permit No. 0902-M3* (Greater Gardner NA et al vs. City of Albuquerque, American Cement Corp., Intervenor) was moved by Vice Chair Menache, seconded by Member Upson. The motion to approve the settlement and dismiss the appeal with prejudice was carried by a vote of 6-0.

REPORTS Division Report and monthly Air Quality website update. Staff available for questions.

Ms. Nieto, Environmental Health Supervisor, announced that if any of the Board Members would like to have input in the development of the new AQD web site, to please inform staff and a meeting will be organized. Vice Chair Menache expressed her interest.

Chairman Deichmann reminded the Air Board that elections of officers will take place at the April meeting.

ADJOURNMENT Chairman Deichmann adjourned the meeting at 6:05 p.m.

NEXT SCHEDULED BOARD MEETING: April 14, 2010 5:30 p.m. Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center.

