



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – September 9, 2009
Regular Meeting and Hearing
City Council Committee, Room, 9th Floor, Room 9081,
Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

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

Mr. Bill Grantham, Board Attorney
Ms. Adelia Kearny, Deputy City Attorney
Ms. Margaret Nieto, Control Strategies
Supervisor, AQD
Mr. Damon Reyes, Env. Health Supervisor
Mr. Dario Rocha, Env. Health Supervisor
Mr. Matt Stebleton, Env. Health Supervisor

AQCB MEMBERS ABSENT

Mr. Augustine Grace III, (City)
Mr. Louis Pacias, BCPC Liaison (non-voting)

VISITORS PRESENT

Ms. Amy Copen, Sandia National Labs
Ms. Kelsey Curran, Sandia National Labs
Ms. Patty Grice, Mountain View NA
Mr. Jose Madera, GCC Rio Grande
Mr. Alan Shar (Telephonically present), EPA-
Region 6

STAFF PRESENT

Ms. Janice Amend, AQCB Liaison, AQD
Mr. Neal Butt, Env. Health Scientist, AQD
Mr. Glen Dennis, Mgr. Vehicle Pollution
Mgt. Div. (VPMD)

Hearing

On the matter of the petition to repeal Section 20.11.90.12 NMAC, *Breakdown, Abnormal Operating Conditions, Or Scheduled Maintenance* and replace with a new rule, 20.11.49 NMAC, *Excess Emissions*; to amend 20.11.65 NMAC, *Volatile Organic Compounds*, and 20.11.69 NMAC, *Pathological Waste Destructors*, to correct cross-referencing; and submit the newly adopted 20.11.49 NMAC, and amended 20.11.90 NMAC, and 20.11.65 NMAC to EPA as a revision to the State Implementation Plan (SIP).

Hearing Officer Bill Grantham opened the hearing at 5:32 p.m. Mr. Neal Butt, AQD Environmental Health Scientist, Mr. Alan Shar, EPA-Region 6 Air Planning Section, Matt Stebleton, AQD Environmental Health Supervisor, Damon Reyes, AQD Environmental Health Enforcement Supervisor, and Adelia Kearny, COA Deputy City Attorney, provided testimony and answered questions regarding the proposal to repeal Section 20.11.90.12 NMAC, *Breakdown, Abnormal Operating Conditions, Or Scheduled Maintenance* and replace with a new rule, 20.11.49 NMAC, *Excess Emissions*; to amend 20.11.65 NMAC, *Volatile Organic Compounds*, and 20.11.69 NMAC, *Pathological Waste Destructors*. Hearing Officer closed the hearing at 6:42 p.m.

Minutes

CALL TO ORDER

The meeting was called to order at 6:44 p.m. on September 9, 2009 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 Upson. Motion was carried by a vote of 6-0.

Item #2 Approval of the August 12, 2009 Meeting Minutes.

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

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

Item #3 Decision on the matter of the petition to repeal Section 20.11.90.12 NMAC, *Breakdown, Abnormal Operating Conditions, Or Scheduled Maintenance* and replace with a new rule, 20.11.49 NMAC, *Excess Emissions*; to amend 20.11.65 NMAC, *Volatile Organic Compounds*, and 20.11.69 NMAC, *Pathological Waste Destructors*, to correct cross-referencing; and submit the newly adopted 20.11.49 NMAC, and amended 20.11.90 NMAC, and 20.11.65 NMAC to EPA as a revision to the State Implementation Plan (SIP), AQCB Resolution #2009-6.

Chairman Deichmann moved to adopt AQCB Resolution #2009-6 with the following amendments: on page 2 after "NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:" amend as follows: "1. Regarding 20.11.49 NMAC, *Excess Emissions*, and 20.11.90.12 NMAC, *Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance*, 20.11.65 NMAC, *Volatile Organic Compounds*, and 20.11.69 NMAC, *Pathological Waste Destructors* the Board hereby adopts the new rule to 20.11.49 NMAC, *Excess Emissions*, and repeals 20.11.90.12 NMAC, *Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance*, and amends 20.11.65 NMAC, *Volatile Organic Compounds*, and 20.11.69 NMAC, *Pathological Waste Destructors* as proposed in AQD Exhibits 1a, 1b, ~~and 1c~~, and 1d, respectively, which were admitted at the September 9, 2009 hearing as amended by 'Staff's Proposed Floor Amendments' shown as AQD Exhibit #14, ~~and 'Supplemental Floor Amendments' shown as AQD Exhibit #16.~~" The motion was seconded by Vice Chair Menache and was carried by a vote of 6-0.

REPORTS

Division Reports provided in writing. Staff available for questions.

The Air Board had no questions.

