



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



**MINUTES – October 8, 2008**

**Regular Meeting**

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

**AQCB MEMBERS PRESENT**

Dr. Matthew Campen (City)  
Mr. Augustine Grace III, (City)  
Mr. Mike Minturn, Chair (City)  
Mr. Louis Pacias, BCPC Liaison (non-voting)  
Dr. Debby Potter, (County)  
Mr. Art Sharpe (City)  
Dr. Gwen Sun (County)

Ms. Adelia Kearny, Deputy City Attorney  
Mr. Fabian Macias, Env. Health Mgr. AQD  
Ms. Margaret Nieto, Control Strategies Supervisor, AQD  
Mr. John Soladay, Director, EHD  
Mr. Isreal Tavarez, Env. Engineering Mgr., AQD

**AQCB MEMBERS ABSENT**

Mr. Jens Deichmann, Vice Chair, (County)

**STAFF PRESENT**

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

**VISITORS PRESENT**

Ms. Patty Grice, Mountain View NA  
Dr. Margaret Menache, UNM Research  
Ms. Marla Painter, Mountain View NA  
Mr. Lauro Silva, SYPEJ  
Mr. Paul Wade, CTJ  
Ms. Marcelle van Reeven

**Minutes**

**CALL TO ORDER**

Board Chairman Mike Minturn called the meeting to order at 5:36 p.m. on October 8, 2008 with six Board members and Louis Pacias, the BCPC Liaison, present.

Chairman Minturn acknowledged the passing of Vincent E. Griego, retired Bernalillo County employee and former City Council member for whom the Vincent E. Griego Chambers was named. Councilor Griego's passing was observed with a moment of silence.

**Item # 1** Approval of the Agenda.

Member Grace made the motion to approve the agenda, which was seconded by Member Sharpe. The Motion carried by a vote of 6-0.

**Item #2** Approval of the September 10, 2008 Meeting Minutes.

A Motion was made to approve the minutes by Member Grace, seconded by Member Potter; the Motion carried by a vote of 6-0.

## **ACTION ITEMS**

**Item #3** Petition to Repeal Current 20.11.41 NMAC, *Authority to Construct*; Adopt Proposed Replacement 20.11.41 NMAC, *Stationary Source Permits*; and Incorporate Replacement 20.11.41 NMAC, *Stationary Source Permits* into the New Mexico State Implementation Plan (SIP) for Air Quality and for a Combined Hearing.

Margaret Nieto, AQD Control Strategies Supervisor, presented the Division's Petition regarding 20.11.41 NMAC, *Stationary Source Permits*. The petition included a request for a hearing officer and a court reporter.

A Motion was made by Member Grace to approve the Petition. The Motion was seconded by Member Sun and carried by a vote of 6-0.

**REPORTS** Division reports provided in writing.

## **OTHER BUSINESS**

**Item #4** Reminder of next hearing – Nov. 12, 2008, Proposal to amend 20.11.3 NMAC, *Transportation Conformity*, and incorporate an amended 20.11.3 NMAC into the New Mexico State Implementation Plan (SIP) for air quality.

Mr. Neal Butt, AQD Environmental Health Scientist, reminded the Board that the hearing for 20.11.3 NMAC, *Transportation Conformity* will occur on November 12, 2008.

Mr. Bill Grantham, Air Board Attorney, explained the Ex Parte provision according to GENERAL PROVISIONS-EX PARTE COMMUNICATION, 20.11.82.15 NMAC, *Rulemaking Procedures-Air Quality Control Board*.

## **PUBLIC COMMENT**

Ms. Patty Grice, Dr. Margaret Menache, Ms. Marla Painter, and Mr. Lauro Silva all spoke in favor of incorporating Environmental Justice (EJ) principles into 20.11.41 NMAC, *Stationary Source Permits*. Ms. Grice, Dr. Menache, and Ms. Painter proposed that the Board reconsider granting the petition and delay the hearing until the January 14, 2009 Air Board meeting.

A Motion was made by Member Potter to rescind the prior decision to approve the petition for a hearing on 20.11.41 NMAC. The Motion was seconded by Member Sun and failed by a vote of 2-4-0. (For: Potter, Sun; Against: Campen, Grace, Minturn, Sharpe)

**ADJOURNMENT** Chairman Minturn adjourned the meeting at 6:34 p.m.

**NEXT SCHEDULED BOARD MEETING AND HEARING:** The next board meeting and hearing are November 12, 2008, 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.

