



DRAFT MINUTES – June 9, 2021
Regular Virtual Meeting

AQCB MEMBERS PRESENT

Ms. Kitty Richards (COUNTY), Chair
Ms. Susan Langner (COUNTY), Vice Chair
Ms. Judy Calman (COUNTY)
Ms. Lauren Meiklejohn (CITY)
Ms. Maxine Paul (CITY)
Ms. Elizabeth Reitzel (CITY)

AQCB MEMBERS ABSENT

AQCB NON –VOTING MEMBER

Ms. Connie Chavez (Bernalillo County
Planning Commission Liaison)

STAFF PRESENT

Ms. Mara Elana Burstein, EHD Deputy
Director, Secretary to the Board
Ms. Susan Chappell, AQCB Attorney
Ms. Stephanie Apodaca, AQCB Liaison
Mr. Andrew Daffern, Field Ops Officer
Ms. Regan Eyerman, Sr. EH Scientist
Ms. Maggie Fitzgerald, Community Liaison

Ms. Samantha Hults, Deputy City Attorney
Mr. Jon Lutz, EH Supervisor
Mr. Travis Miller, EH Manager
Ms. Kelsea Raether, Asst. City Attorney
Mr. Dario Rocha, EH Manager
Mr. Lisa Serna-Cordova, Program Analyst
Mr. Dwayne Salisbury, EH Manager
Mr. Isreal Tavarez, EH Manager
Mr. Kyle Tumpane, EH Scientist

MEMBERS of the PUBLIC PRESENT

Ms. Penny Avery
Ms. Jane Romero Kotovsky
Mr. Eric Jantz
Ms. Maslyn Locke
Mr. Sarah Vance
Ms. Jaimy Karacaoglu
Ms. Marla Painter
Ms. Virginia Necochea
Mr. Jeff Homer

Due to COVID-19 this meeting was held via Zoom Video Conference.

CALL TO ORDER

Chair Kitty Richards called the meeting to order at 5:34 PM.

Item #1 Approval of June 9, 2021 Agenda (Chair)

Member Paul moved to approve the agenda and Member Meiklejohn seconded. The motion passed by a vote of 6-0.

Item #2 Approval of April 14, 2021 meeting minutes (Chair)

Member Meiklejohn moved to approve the April 14, 2021 minutes and Member Calman seconded. The motion passed by a vote of 6-0.

PROGRAM REPORT

Update by Mara Elana Burstein, Deputy Director, City of Albuquerque, Environmental Health Dept. or other staff.

Mara Elana Burstein, EHD Deputy Director, delivered the Air Program Report, covering the following activities over the past two months:

- Health alerts issued on Monday due to smoke and on Tuesday and Wednesday for smoke and ozone.
- EHD issued seven air quality health alerts due to blowing dust.
- EHD issued 10 notices of violations (NOV). Six previously issued NOVs were settled.
- Comment period for the Duke City portable concrete batch plant permit application ends tomorrow 6/10/2021.
- In May, EHD provided support to the City's Aviation Department in their effort to apply for up to \$3 million in funding to replace electric preconditioned air units which are connected to aircraft when they're parked at the gate. EHD reviewed their application to ensure emissions reductions.
- On May 6th, EHD held its annual fugitive dust workshop to train the regulated community on fugitive dust permit requirements and asbestos requirements.
- EHD denied a second permit application from Duke City for a portable concrete batch plant at Sunport.
- EHD annual monitoring network review (ANR) 30-day public comment period has closed. The ANR, required by EPA, provides the local framework for air quality surveillance.
- EHD completed the required annual-fiscal-year audit of the 133 air care emissions inspection stations and submitted the results to EPA.
- EHD also surveyed the air care stations about proposed updates to 20.11.100 NMAC, *Motor Vehicle Inspection - Decentralized*.
- EHD has conducted 260 inspections since the April 2021 board meeting.

EHD staff presentation on Regional Haze State Implementation Plan.

Dario Rocha, Environmental Health Manager, provided a high-level overview and status update on EHD's progress on the Regional Haze State Implementation Plan (SIP).

- In short, the City, the State, and all the western states will be late submitting this SIP to EPA.
- There was no discussion nor questions from Board Members.

PUBLIC COMMENT

(Suggested five-minute time limit)

There were no public comments.

REPORTS/DISCUSSION/ACTION ITEMS

Item #3 EHD walkthrough of the Air Board's Website

Maggie Fitzgerald provided the website walkthrough and updated GIS map.

- Chair Richards asked if there are fees to request records.
 - Mr. Rocha indicated that there are fees if copies are made, but no fees are charged for electronic records.
 - Chair Richards asked Mr. Rocha to verify if there are any charges for electronic records at the next meeting and Mr. Rocha agreed to do so.
 - Member Reitzel asked if a list of fees could be indicated on the website.
 - Attorney Hults verified that paper copies are \$0.50 per page.
 - Member Meiklejohn asked if Board Members could upload their own committee meeting documents.
 - Ms. Fitzgerald stated that all documents would be sent to the Air Board Liaison who would get them uploaded.
- Board Attorney Chappell also requested that "Member" be removed from "Non-Voting Members" on the webpage.
- Chair Richards asked if the GIS map could be filtered by census zip code. She also requested that EHD provide more information including demographic information, as well as definitions, on the different types of permits issued.
 - Ms. Fitzgerald responded that EHD is working on the zip code filter and that EHD can provide information on different permits. EHD will also work on adding demographic information, but does not have a timeline on when that will be added.
 - Chair Richards asked how frequently the map is updated.
 - Ms. Fitzgerald answered it is updated nightly.

Item #4 Presentation of data on the designation of vulnerable communities

Chair Richards presented on vulnerable communities and discussed cumulative impacts and environmental justice.

- There was no discussion nor questions from the board.

Item #5 Notice of Bylaw Amendment to clarify the EHD Deputy Director's role as Secretary

Board Attorney Chappell described this notice and discussed that the board will vote on amending their bylaws pursuant to this notice at their next meeting.

- There was no discussion nor questions from the Board.

Item #6 Committee Report: Public Concerns Committee, EHD Liaison Committee, Information Committee

- **Public Concerns committee- Member Reitzel** updated the Board on the draft procedures for accepting public comment delivered outside of a board meeting. This discussion was continued in Item #7.
- **EHD Liaison Committee- Member Meiklejohn** did not have anything to report.
- **Information Committee- Chair Richards** is looking to secure a facilitator for the cumulative impacts committee. Chair Richards gave related details and timeline for this committee:

members are to be selected by December. Would like to meet two Thursdays a month after work hours.

Item #7 Discussion of draft procedure for receiving written comments for the Albuquerque Bernalillo County Air Quality Control Board

In response to public and Air Board member comments in the April Board Meeting, Deputy Director Burstein created a draft policy on how EHD will manage written comments submitted to EHD for the Air Board.

- Chair Richards asked where Ms. Abeyta's concerns are reflected in this policy, how can the Board consider public comment on a specific item after the meeting?
 - Deputy Director Burstein clarified that this policy only reflects how EHD will share public comments with the Board.
- Board Attorney Chappell discussed what the Board can or cannot do regarding public comment and indicated that she could do a future presentation on this topic. She indicated that she would present on the Board's current procedures for accepting public comment on adjudicatory and regulatory procedures.
 - Chair Richards stated that she thinks the Board should clarify that they would like to receive pertinent public comments before or during the Board meeting, but not after. She also asked to change the language on the agenda to provide a little more clarity on public comment.
 - Member Reitzel asked if public comment could be done using zoom chat feature and thought it would need to be drafted into the policy.
 - Stephanie Apodaca stated that no one has made public comment using the chat feature. The public has only specified in the chat that they would like to make a public comment.
 - Member Reitzel asked to clarify who the "Liaison" is in the draft policy. Also, regarding comments made through the chat function during the Zoom meeting, how are these comments preserved? Member Reitzel recommended that this does not need to be addressed in the policy.
- Board Attorney Chappell proposed that Member Reitzel and Deputy Director Burstein finalize the policy and formally present it to the Board at their next meeting for discussion and approval.

Item #8 Discussion of possible future agenda items (Board)

Chair Richards asked that a presentation on rulemaking and the role of public comment be on the next agenda. Also, Chair Richards would like a follow up discussion on the procedure for receiving written comments for the Board.

Member Calman asked if the board could discuss going back to in-person meetings.

Member Paul asked about the board making a declaration that Albuquerque-Bernalillo County is within 95% of the ozone standard and to take action after the declaration.

Board Attorney Chappell stated that the board will act on the Bylaw Amendment to clarify the EHD Deputy Director's role as Board Secretary.

PUBLIC COMMENT

(Suggested three-minute time limit)

No public comments.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Chair Richards adjourned the meeting at 7:27 PM.

NEXT SCHEDULED BOARD MEETING:
Conference.

July 14, 2021 will be conducted using Zoom Video

DRAFT

SUBMITTED:

READ AND APPROVE:

Ms. Mara Elana Burstein date
Board Secretary/Deputy Director
Environmental Health Department,
Air Quality Program

Ms. Kitty Richards date
Chair
Albuquerque-Bernalillo County Air
Quality Control Board

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