



**MINUTES –January 12, 2022**  
**Regular Virtual Meeting**

**AQCB MEMBERS PRESENT**

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

**AQCB MEMBERS ABSENT**

Mr. Morris “Mo” Chavez (CITY)

**AQCB NON –VOTING MEMBER**

Ms. Connie Chavez (Bernalillo County  
Planning Commission Liaison)  
Mr. Joseph Cruz Jr. (Environmental  
Planning Commission, City of Albuquerque  
Liaison)

**STAFF PRESENT**

Ms. Mara Elana Burstein, EHD Deputy  
Director, Secretary to the Board  
Ms. Stephanie Apodaca, AQCB Liaison  
Mr. Albert Chang, Asst. City Attorney  
Ms. Lisa Serna- Cordova, Prog Data Analyst  
Ms. Angela Lopez, Sr. EHD Scientist  
Ms. Carina Munoz-Dryer, EH Supervisor  
Mr. Kenneth Miller, AQ Reg Dev. Coord  
Mr. Travis Miller, EH Manager  
Ms. Elizabeth Pomo, EH Scientist  
Ms. Kelsea Sona, Asst. City Attorney  
Mr. Dario Rocha, EH Manager  
Mr. Dwayne Salisbury, EH Manager  
Mr. Damon Reyes, EH Manager  
Mr. Isreal Tavarez, EH Manager

**MEMBERS of the PUBLIC PRESENT**

Ms. Claudia Borchert  
Ms. Rachel Reese  
Mr. Brian Jones  
Mr. Dan Regan  
Mr. Eric Griego  
Ms. Virginia Necochea  
Mr. Forest Replogle  
Ms. Marla Painter  
Ms. Maslyn Locke  
Mr. Steven Abeyta  
Mr. Eric Jantz

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.

Member Reitzel was absent but would join the meeting later.  
Member Chavez was absent

**Item #1      Approval of January, 12 2022 Agenda (Chair)**

Member Meiklejohn moved to approve the agenda and Member Calman seconded. The motion passed by a vote of 5-0.

**Item #2      Approval of Corrected November 10, 2021 meeting minutes (Chair)**

Vice-Chair Langner moved to approve the minutes, Member Meiklejohn seconded. The motion passed by a vote of 5-0

**Item #3      Approval of December 8, 2021 meeting minutes (Chair)**

Chair Richards had some proposed changes to the meeting minutes. Member Paul pointed out that the term “modeling” should be used instead of “molding”. Also part of the letter talked about Intergovernmental and not inner City. Stephanie Apodaca would check audio and correct it. The acronyms NEI (National Emissions Inventory), AQP (Air Quality Program) were to be spelled out.

**PROGRAM REPORT**

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

1. EHD’s involvement with national air toxics monitoring efforts.
  - Member Paul mentioned that at the Western Regional Air Partnership meeting there was discussion on monitoring and modeling and was curious if the City was connected to that national network.
  - Deputy Director Burstein stated yes, the City’s Air Quality program follows what the federal government is doing but not involved in the decision making process.
2. Criteria used by EHD (including those required by EPA) in determining present location of mobile air quality monitoring unit.
  - Deputy Director Burstein pointed out that one of the documents provided to the Board for tonight’s meeting was EPA’s criteria on how to cite monitoring equipment in accordance with federal requirements.
  - Dwayne Salisbury talked about following EPA’s code of federal regulations part 58 appendix E, which gives the basics to place monitors at certain facilities. To use data that can be used for regulatory purposes.
  - Chair Richards asked if EHD is looking at zoning for construction or other types of permits that EHD receives.
  - Deputy Director Burstein responded EHD will be starting with construction permits and the hope is to apply this to other permits as well.
3. Modification of Public Information Hearing request requirements effective November 2021.
  - Deputy Director Burstein presented at the October 2020 board meeting about this new policy put in place it defines terms in the regulation what significant air quality issue is and what significant public interest is. Research was done on how other agencies define those terms and came up with the policy and presented it to the board. In November 2020 changes were made to the policy. Stakeholders can request a public information hearing, but would need five requests from stakeholder for public information hearing or one request with five signatures, or one request from an elected official.
4. Response to questions posed by Board members at December 8, 2021 meeting pertaining to “EHD to Air Board cumulative impacts efforts letter dated 12.3.21”
  - Kelsea Sona assistant city attorney pointed out that the Board had a question about who in the City has been working on cumulative impacts.
  - Deputy Director Burstein responded that there is a task force that includes City departments only so far. Included are Directors and staff from the Air Quality Program, Planning, Economic

Development, Legal Department, Office Equity and Inclusion, Constituent Services, Outreach and Advocacy, and Office of Civil Rights.

- Chair Richards would like updates from the City which would be helpful moving forward, just to make sure efforts are not being duplicated.
- Chair Richards would like a standing item with updates from Deputy Director Burstein on the efforts from the city.

Deputy Director Burstein, updated the Board by stating that as of February 1, 2022, the Air Quality Program construction permit applicants will need to secure their zoning approval before going through the permitting process. Working closely with Bernalillo County Planning, City of Albuquerque Planning, and its efforts to increase coordination with planning agencies to address the historic disconnect between land use and air pollution.

- Deputy Director Burstein wanted to remind the Board that EHD will be petitioning the Air Board on January 25, and if the Board would consider holding a joint hearing with the New Mexico Environmental Improvement Board to adopt California's Clean Car Rules. In order for the rules to be effective identical rules must be adopted by the Air Board and the Environmental Improvement Board.
- Chair Richards asked if the meeting is scheduled in May.
- Deputy Director Burstein stated the hearing is not scheduled yet because the Air Board also gets to decide whether or not to hold a hearing and consider the rule.
- Chair Richards stated that the Board doesn't have legal counsel right now and would like more information.
- Deputy Director Burstein expressed it will be a formal process and is hoping the Board will consider it at the next meeting in February.
- Assistant City Attorney Kelsea Sona, indicated that the presentation Ken Miller gave at the December meeting could answer some of the Board Questions on what to expect.

Member Reitzel joined the meeting at 5:59pm

Ms. Rachel Reese asked if the board could talk more about requiring zoning approval prior to submitting a permit. Stated she would follow up later under public comment.

### **PUBLIC COMMENT**

(Suggested five-minute time limit)

Ms. Marla Painter with Mountain View Community Action asked if the cumulative impact regulation work the City's task force and Air Quality Board committee are two different committees and if that could be clarified.

- Chair Richards stated she will speak for the Board and cumulative impacts committee member Calman and Chair Richards are working on. They are working on setting up parameters through the information committee, cumulative impact committee. These are efforts by the Air Quality Control Board and it is separate from the efforts Deputy Director Burstein pointed out regarding the inter agency task force comprised of city departments.
- Marla Painter asked if the task force does not include members of the public, but only government agencies?
- Deputy Director Burstein no that's not accurate. This effort will be stakeholder driven, but because so many city department need to be involved. The next step will be intergovernmental.
- Marla Painter asked what is the thinking behind having two parallel efforts going?
- Deputy Director Burstein responded there are two different agencies. EHD was directed to look into cumulative impacts and to start internally and figure out what departments and which staff should be involved.

Mr. Dan Regan, chair of the district for coalition Zoning and Development committee, in District 4. Received notice of a hot mix asphalt plant going to get built and going to dump 192 tons of pollutants into the air on an annual basis. He just saw that there is an asphalt plant on Broadway. He is concerned on if you take 192 tons of pollutants coming out of two different hot asphalt plants how many respiratory cases go bad and how many people struggling with breathing get impacted.

- Member Reitzel asked if EHD if they received any application for the new proposed location of the hot asphalt plant.
- Isreal Tavarez stated that the plant is located near interstate I-25 and Griegos. They have submitted their application and have done a public notice on the application and did receive some questions from one of the neighborhood leaders and Mr. David Wood.

Member Meiklejohn talked about the letter submitted by Deputy Director Burstein and the letter vaguely detailing what the plans are at the City in terms of forming a task force. But would like to put together a plan to between the meeting today and February's meeting that there is some more in depth attempt at communication.

- Member Meiklejohn also asked if the sustainability team is going to be involved in their cumulative impact task force.
- Deputy Director Burstein stated no not at this time. The Sustainability team is part of EHD so by having our acting director involved sustainability is represented. EHD is happy to take recommendations on who should be part of the group and take recommendations back to the group.
- Member Meiklejohn would like to talk off line and set up a meeting to look at how the task force and cumulative impacts committee can work in tandem.

## **REPORTS/DISCUSSION/ACTION ITEMS**

### **Item #4** Invitation to stakeholders to participate in Cumulative Impacts Committee (Chair)

Chair Richards updated the Board on how many stakeholders who are interested in sitting on the cumulative impact committee and so far have received the interest of seven, would like at least twelve stakeholders.

No question were asked

### **Item #5** Update from the Interview Committee regarding retention of Board Legal Counsel (Members Meiklejohn, Calman and Paul)

Member Paul shared that they have received three applications and two of which they would like to interview. They are working on getting those scheduled.

No questions were asked

### **Item #6** Discussion of possible future agenda items. (Board)

Chair Richards asked for Deputy Director Mara Burstein to give an update on the efforts of the City to form a task force and more about the processes involved.

Update from the EHD liaison committee and their efforts in terms of communicating with the City regarding cumulative impacts, and work they are doing in terms of the task force.

Member Meiklejohn asked for an update on how the cumulative impacts committee formation is going and what the cutoff date is for accepting submissions?

Chair Richards also would like Clean Cars to be on the agenda for February.

**PUBLIC COMMENT**

(Suggested five-minute time limit)

Dario Rocha read a public comment letter submitted by Esther Abeyta.

Vice-Chair responded to the letter stating that her comments are valuable, but couldn't discuss due to pending Tittle VI litigation.

**OTHER BUSINESS**

No other business

**ADJOURNMENT**

Chair Richards adjourned the meeting at 7:07 PM.

**NEXT SCHEDULED BOARD MEETING:** February 9, 2022

SUBMITTED:

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

READ AND APPROVE:

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

