



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



**Chair – Ms. Kitty Richards, County  
Ms. Maxine Paul, City  
Mr. Arturo Sandoval, City  
Ms. Lauren Meiklejohn, City**

**Vice Chair- Susan Langner, County  
Ms. Judy Calman, County  
Ms. Elizabeth Reitzel, City**

**Non-voting members: BCPC Liaison-VACANT  
COA/EPC Liaison – VACANT**

<p><b>Date:</b> January 13, 2021 (Wednesday) <b>Time:</b> 5:30 p.m.</p>	<p><b>Location:</b></p>
<p><i>General inquiries regarding this agenda may be directed to Stephanie Apodaca (505) 768-1915 (<a href="mailto:seapodaca@cabq.gov">seapodaca@cabq.gov</a>).</i> For documents related to agenda items, please go to: <a href="https://www.cabq.gov/airquality/air-quality-control-board/events/january-13-2021-air-quality-control-board-meeting">https://www.cabq.gov/airquality/air-quality-control-board/events/january-13-2021-air-quality-control-board-meeting</a></p>	<p>Via Zoom Video Conference  See Special Procedures below for viewing this meeting.</p>

**Regular Monthly Meeting Agenda**

**Due to COVID-19 this meeting is a Public Zoom Video Conference**

**Special Procedures for January 13, 2021 Air Quality Control Board Meeting**

Attendance: In response to the Governor’s declaration of a Public Health Emergency and ban on large public gatherings, the Air Quality Control Board meeting on Wednesday, January 13 will be held via Zoom video conference.

The video recording of this meeting of the Air Quality Control Board will be available at the City’s Environmental Health Department (EHD) website at <https://www.cabq.gov/airquality/air-quality-control-board/>. EHD Staff are available to help members of the public access pre-recorded Air Quality Control Board meetings at any time during normal business hours. Please call 768-2637 or 768-1915 for assistance.

Public Comment: The Air Quality Control Board will take general public comment and comment on the meeting’s specific agenda items during the meeting. When asked who would like to speak, please use the icon in zoom to raise your “hand”. You will be called in the order that your “hand” was raised. Public comment will be limited to 5 minutes or less, depending on the number of speakers signed up. Your time will start when you start speaking and the meeting’s Chairperson will let you know your time has concluded. Additionally, emailed public comment will be accepted until 5:00 PM January 14, 2021. Please submit public comments to Stephanie Apodaca, Air Quality Control Board liaison at [seapodaca@cabq.gov](mailto:seapodaca@cabq.gov). These comments will be forwarded to all AQCB members/ EHD staff for review.

Any disruptive conduct may result in removal from the Zoom meeting room

- **Board members may join by clicking on the link below or dial in by phone at the numbers below.**
- **The public may join the January 13th Albuquerque-Bernalillo County Air Quality Control Board Zoom Regular Monthly Meeting. Persons wishing to join may access Zoom by clicking on the link below or dial in by phone at the numbers below:**

**Join Zoom Meeting**

<https://cabq.zoom.us/j/94517866367?pwd=aHk0NlJma0JyZEhGSk92aFVRU0FWUT09>

Meeting ID: 945 1786 6367  
Passcode: 784098

Dial by your location  
+1 346 248 7799 US (Houston)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 312 626 6799 US (Chicago)  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Washington D.C)  
Meeting ID: 945 1786 6367  
Passcode: 784098

## **CALL TO ORDER**

- Item #1** Approval of agenda (Chair)
- Item #2** Approval of December 9, 2020 meeting minutes (Chair)

## **AIR PROGRAM REPORT**

Report by Deputy Director Mara Burstein

## **PUBLIC COMMENT**

(Suggested five minute time limit)

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

- Item #3** Procedural update, by EHD's counsel Tim Adler, on AQCB Petition No. 2020-1, Request for a Hearing in the Matter of the Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3340-RMD – New Mexico Terminal Services, LLC; Petitioners: Mountain View Neighborhood Association, as an organization, and Nora Garcia and Lauro Silva, as individuals, and Mountain View Community Action; Counsel for Petitioners: Eric Jantz, Gail Evans, Maslyn Locke of the New Mexico Environmental Law Center
- Item #4** (2014 Honstein Oil appeal) Possible Board action on Southwest Organizing Project, et al. v. Albuquerque-Bernalillo County Air Quality Control Board, et al., No. A-2-CA-36398, Mandate to Administrative Hearing Officer from the Court of Appeals of the State of New Mexico.
- Item #5** Possible Board action to ratify Chair's request for Board Attorney to present on the Board's legal authority regarding cumulative impacts and supporting legislation.
- Item #6** Presentation from the Board Attorney on the Board's legal authority regarding addressing cumulative impacts and regarding supporting legislation.

**Item #7** Possible Board action on addressing cumulative impacts, subject to the Board's legal authority.

**Item #8** Possible Board action on participation by the Board in supporting legislation regarding the "no more stringent than" provisions in § 74-2-5(C) of the Air Quality Control Act, subject to the Board's legal authority.

**Item #9** Closed meeting session under the Open Meetings Act, NMSA § 10-15-1(H)(7), for Air Board members and Air Board attorney, only - status update regarding Complaint to U.S. Environmental Protection Agency under Title VI of Civil Rights Act of 1964, EPA Case No. 13R-14-R6 (Title VI Complaint).

### **PUBLIC COMMENT**

(Suggested three minute time limit)

### **OTHER BUSINESS**

### **ADJOURNMENT**

**NEXT SCHEDULED BOARD MEETING:** February 10, 2021 will be conducted using Zoom Video Conference.

**NOTICE TO PERSONS WITH DISABILITIES OR SPECIAL NEEDS:** Air Board staff will take reasonable measures to provide access to services to individuals with limited ability to speak, write, or understand English or to those with disabilities at no cost to the requestor. If you would like this notice translated into one of seventeen different languages, please go to <https://www.cabq.gov/airquality/air-quality-control-board/events/january-13-2021-air-quality-control-board-meeting> and use the Google Translate at the top of the page.

If you have a disability or require special assistance to participate in this meeting, including interpretation, please contact the Albuquerque-Bernalillo County Air Quality Control Board Liaison as soon as possible before the meeting date at 505-768-1915 or 505-768-2637. The Air Quality Control Board Liaison may also be contacted at: City of Albuquerque, Environmental Health Department, Air Quality Program, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102. Those in need of hearing assistance may call 711.

The City of Albuquerque, the City of Albuquerque Environmental Health Department, and the Albuquerque-Bernalillo County Air Quality Control Board do not discriminate on the basis of race, color, national origin, age, disability, religion, ancestry, sexual orientation, gender identity, spousal affiliation, or sex. If you believe you have been discriminated against, you may submit at <http://www.cabq.gov/civilrights/discrimination>. You may also contact Torri Jacobus at [civilrights@cabq.gov](mailto:civilrights@cabq.gov) or (505) 768 - 4595.