



# ALBUQUERQUE – BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

Vincent E. Griego Chambers  
Albuquerque-Bernalillo County Government Center  
One Civic Plaza NW, Albuquerque, NM 87102



## DRAFT MINUTES – December 9, 2020 Regular 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)  
Mr. Arturo Sandoval (CITY)

### AQCB MEMBERS ABSENT

Ms. Elizabeth Reitzel (CITY)

### STAFF PRESENT

Ms. Mara Elana Burstein, EHD Deputy Director  
Ms. Susan Chappell, AQCB Attorney  
Ms. Lara Christensen, Jr. City Attorney  
Ms. Stephanie Apodaca, AQCB Liaison  
Mr. Andrew Daffern, Field Ops Officer  
Ms. Lisa Serna-Cordova, Program Analyst  
Ms. Regan Eyeran, Sr. EH Scientist  
Ms. Maggie Fitzgerald, EH Comm Liaison  
Mr. Travis Miller, EH Manager  
Ms. Devon Moody, Asst. City Attorney  
Ms. Carina Munoz-Dyer, EH Supervisor  
Mr. Damon Reyes, EH Manager

Mr. Dario Rocha, EH Manager  
Mr. Jeff Stonesifer, Sr. EH Scientist  
Mr. Dwayne Salisbury, EH Manager  
Mr. Isreal Tavarez, EH Manager  
Mr. Kyle Tupane, EH Supervisor

### VISITORS PRESENT

Mr. Steven Abeyta  
Ms. Nancy Simmons  
Ms. Heidi Monday  
Mr. Eric Jantz  
Mr. Martin Schluep  
Ms. Jane Romero-Kotovsky  
Ms. Callan Pope  
Mr. Lauro Silva  
Mr. Tim Atler  
Ms. Jaimie Park  
Ms. Jaimie Jojola  
Ms. Aryn LaBrake  
Mr. Matt Mateo  
Ms. Maslyn Locke  
Mr. Ken Reese  
Ms. Nora Garcia  
Ms. Ona Porter

### CALL TO ORDER

Chair Richards called the meeting to order at 5:33 p.m.

#### **Item #1 Approval of December 9, 2020 Agenda (Chair)**

Chair Richards asked the board to move Items #3 and #4 to the end of the agenda.

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

#### **Item #2 Approval of November 12, 2020 Meeting Minutes (Chair)**

Member Sandoval moved to approve the November 12, 2020 meeting minutes and Member Paul seconded. The motion passed by a vote of 5-0, with Member Langner abstaining.

## **AIR PROGRAM REPORT**

Mara Elana Burstein, Deputy Director, City of Albuquerque Environmental Health Department (EHD), delivered the Air Program Report. Ms. Burstein asked the Board the following three questions for discussion:

- a. Do you feel like you understand what each of the 5 AQ Divisions do?
- b. What subjects would you like staff to present on next year?
- c. What would the Board would like to see from EHD in 2021?

Board Attorney, Sue Chappell, recommended that this discussion to be instead put on the agenda for the next Air Board meeting to be held on January 13. Members Richards, Paul, and Meiklejohn agreed. Member Meiklejohn said she appreciated that these questions are being asked and thought that the discussion could help improve the relationship between the Board and EHD.

Ms. Burstein answered questions from the Board and agreed to provide the Board with written Air Program Reports in advance of future Board meeting, as requested by Chair Richards.

Isreal Tavarez, Permitting Division Manager, City of Albuquerque EHD, delivered a presentation on the Air Quality Permitting Process and answered questions from the Board.

### Steps in Stationary Source Permit Application Process – Typically 4 to 7 Months

1. Pre-application Meeting
  - a. Modeling Protocol (if model required)
  - b. Public Notice and Signage from the Applicant
2. Administrative Completeness Review and Preliminary Technical Review
  - a. Public Notice from the Department – Opportunity to provide comments and request a Public Information Hearing
3. Technical Analysis and Draft Permit
  - a. Public Notice from the Department – Opportunity to provide comments and request a Public Information Hearing
  - b. Possible Public Information Hearing
4. Public Comment Evaluation and Response
5. Final Decision on the Application

Member Sandoval stated that he believes the Board should have influence over EHD's operations (e.g. EHD's new Public Information Hearing Policy). Board Attorney, Sue Chappell, advised the Board that they do not have this authority.

In response, EHD staff agreed to provide a copy of the new Public Information Hearing policy which defines what is "significant" public interest.

Board Attorney, Sue Chappell, requested the citation for assessing cumulative impacts through air dispersion modeling as part of the permitting process.

## ACTION ITEMS

**Item #5**      **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.**

There was no discussion of the approved permit nor petitioners' grievances.

Attorney Sue Chappell was asked by Chair Richards to provide an explanation of the petition according to the New Mexico Administrative Code and the Air Quality Control Act. Ms. Chappell's explanation noted that Ms. Stephanie Apodaca is the EHD employee designated by the Director as the hearing clerk.

Member Sandoval moved to allow the Petition, appoint Nancy Simmons as Hearing Officer in the Matter, and to instruct EHD staff to secure a court reporter and make all necessary arrangements for holding the hearing. Member Calman Seconded. The motion passed by a vote of 6-0.

## REPORTS/DISCUSSION

**Item #3**      **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).**

Chair Richards recused herself from Item #3 due to a conflict of interest. Vice Chair Langner presided over the meeting in Chair Richards' absence. Member Sandoval moved to close the meeting under Section 10-15-1(H)(7) of the Open Meetings Act for an attorney-client privileged discussion of pending litigation. Member Meiklejohn seconded. The motion passed by a vote of 5-0.

The Board then went into closed session.

After the end of the closed session, Vice Chair Langner stated that the matters discussed in the closed meeting were limited to those stated in the motion to close.

Chair Richards returned as Chair at the conclusion of Item #3.

## PUBLIC COMMENT

(Five minute time limit)

Mr. Steven Abeyta (no affiliation) of the San Jose community said that EHD staff does not include the ½ mile around the site during air quality modeling: he said, sometimes they include emissions from across the street, and sometimes they don't. He gave the example of C&C Services, stating that large emissions sources were not included in modeling.

Mr. Abeyta again asked the Board to adopt a cumulative impacts regulation.

**ACTION ITEMS**

Chair Richards recused herself from Item #4 due to a conflict of interest.

**Item #4 Title VI Complaint: possible board action on whether to agree to enter into informal resolution agreement process or to take other action related to the Title VI Complaint.**

Vice Chair Langner presided over the meeting in Chair Richards' absence.

Member Paul moved to engage in the informal resolution process. Member Meiklejohn seconded. The motion passed by a vote of 5-0.

Chair Richards returned as Chair to the meeting at the conclusion of Item #4.

**OTHER BUSINESS**

There was no other business.

**PUBLIC COMMENT WRAP UP**

(Three minute time limit)

There was no public comment

**ADJOURNMENT**

Chair Richards adjourned the meeting at 7:25 p.m.

**NEXT SCHEDULED BOARD MEETING:**  
Video Conference.

January 13, 2020 will be conducted using Zoom

SUBMITTED:

READ AND APPROVED:

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

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