



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 – February 13, 2019 Regular Meeting

AQCB MEMBERS PRESENT

Ms. Sandy Buffett (CITY), Chair
Mr. Jens Deichmann (COUNTY)
Mr. Arturo Sandoval (CITY)
Mr. Matthew Wylie (CITY)
Mr. Zackary Quintero (COUNTY)
Ms. Kitty Richards (COUNTY)
Ms. Lauren Meiklejohn (CITY)

Mr. Travis Miller, EH Supervisor
Ms. Carina Munoz-Dyer, EH Scientist
Ms. Carol Parker, Assistant City Attorney
Ms. Elizabeth Pomo, Program Specialist
Mr. Damon Reyes, EH Manager
Mr. Dario Rocha, EH Manager
Ms. Lisa Serna-Cordova, Prgm Data Anlst II
Ms. Jolene Slowen, EHD Deputy Director
Mr. Jeff Stonesifer, Sr. EH Scientist

AQCB MEMBERS ABSENT

Mr. Bret A. Blanchard (BCPC LIAISON)

VISITORS PRESENT

Ms. Esther Abeyta
Mr. Steven Abeyta
Ms. Nora Garcia, Mtn View Ngh Assoc
Mr. Eric Jantz, NM Env Law Center
Ms. Nadine Padilla, NM Env Law Center
Ms. Marla Painter, MVCA
Mr. Juan Reynosa, Southwest Org Project

STAFF PRESENT

Ms. Sandra Begay, EHD Director
Ms. Susan Chappell, AQCB Attorney
Ms. Lara Christensen, Asst City Attorney
Ms. Erin Engelbrecht, EH Commtty Liaison
Ms. Regan Eyerman, Sr. EH Scientist
Ms. Angela Lopez, Sr. EH Scientist
Mr. Ed Merta, Reg. Dev. Coordinator

CALL TO ORDER

Vice Chair Buffett called the meeting to order at 5:35 PM.

Vice Chair Buffett recognized former Member Josie Lopez for her service.

Vice Chair Buffett introduced three new Board members: Zackary Quintero, Kitty Richards, and Lauren Meiklejohn. Each new member made brief remarks on the occasion.

Vice Chair Buffett also introduced new interim Board attorney Susan Chappell, who made brief remarks on the occasion.

Item #1 Approval of Agenda (Chair)

Member Quintero moved to approve the agenda and Member Sandoval seconded. The motion passed by a vote of 7-0.

Item #2 Approval of November 14, 2018 Meeting Minutes (Chair)

Member Sandoval moved to approve the November 14, 2018 meeting minutes and Member Wylie seconded. The motion passed by a vote of 7-0.

PUBLIC COMMENT

Ms. Esther Abeyta and Mr. Steven Abeyta delivered public comment.

AIR PROGRAM REPORT

Mr. Damon Reyes delivered the Air Program report. Mr. Reyes introduced the new Director of the Environmental Health Department, Ms. Sandra Begay. Mr. Reyes also introduced the new Deputy Director for Air Quality of the Environmental Health Department, Ms. Jolene Slowen.

Mr. Reyes responded to questions from Board members. Ms. Regan Eyerman and Mr. Travis Miller also answered questions from Board members.

Vice Chair Buffett requested that the Department contact EPA Region 6 to obtain information on how EPA regulates emissions from trains, including tank cars carrying fuels or other substances, whether such mobile sources are in transit or stopped at a specific location. Mr. Reyes agreed to contact EPA Region 6 and attempt to obtain this information.

REPORTS

Item #3 Update on Air Quality Control Board attorney position and process (Chair)

Vice Chair Buffett delivered this update.

She stated that she would email Board members a link to a City of Albuquerque web page containing a job ad for the attorney position.

Item #4 Discussion and update on Southwest Organizing Project's complaint to U.S. Environmental Protection Agency under Title VI of Civil Rights Act of 1964, EPA Case No. 13R-14-R6

Mr. Eric Jantz of the New Mexico Environmental Law Center, representing the Southwest Organizing Project, delivered public comment on this item.

Interim Board attorney Susan Chappell updated Board members on this item, including an account of her discussions with the U.S. Environmental Protection Agency (EPA). She then discussed the matter with Board members and Mr. Jantz.

Ms. Chappell recommended that an action item on the agenda for the Board's scheduled March 13, 2019 meeting be consideration of whether to enter mediation regarding the Title VI complaint to EPA.

ACTION ITEMS

Item #5 Election of vacant Air Quality Control Board officer position(s) (Chair)

Vice Chair Buffett opened the floor to nominations for the office of Chair of the Air Quality Control Board, which had been vacant since the resignation of the previous Chair on November 14, 2018.

Member Sandoval nominated Vice Chair Buffett for the office of Chair. Member Quintero seconded the nomination.

Vice Chair Buffett accepted the nomination.

The Board voted 6-0 (Member Buffett not voting) in favor of the nomination.

Member Buffett immediately assumed office as Chair of the Air Quality Control Board.

Her election as chair created a vacancy in the office of Vice Chair. Board interim attorney Susan Chappell stated that, according to Board by-law, a vacancy must be addressed at the next Board meeting.

Chair Buffett stated that election of a new Vice Chair would be an action item for the Board's next scheduled meeting on March 13, 2019.

Item #6 AQCB Petition 2018-1: In the Matter of the Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3340 [New Mexico Terminal Services LLC]: Petitioners: Mountain View Neighborhood Association, as an organization, and Nora Garcia, as an individual; Respondents: City of Albuquerque Environmental Health Department; Permittee: New Mexico Terminal Services LLC.

Subject: motion hearing and action by the Board

The Board will hear discussion and arguments from all parties regarding their positions on the following issues and will take appropriate action:

- **Environmental Health Department's unopposed motion to reverse and remand the permit;**
- **Other procedural issues related to the motion or the petition.**

Mr. Wylie left the chamber because he has recused himself in this matter.

The Board discussed issues in this matter with Ms. Chappell, Ms. Padilla (for petitioners), and Ms. Parker (for the City of Albuquerque).

Regarding the Environmental Health Department's (EHD's) unopposed motion to reverse and remand the permit, Ms. Padilla proposed an amendment to page 2 of the proposed order attached to the motion. The proposed amendment concerned a sentence that read: "The Permit is hereby reversed and remanded to EHD to provide notice for the Public Information Hearing in compliance with applicable Air Board regulations as required by 20.11.41 NMAC." Ms. Padilla's amendment proposed to strike the words "provide notice for the" and substitute the words "hold a new." The amended sentence would then read: "The Permit is hereby reversed and remanded to EHD to hold a new Public Information Hearing in compliance with applicable Air Board regulations as required by 20.11.41 NMAC."

Ms. Parker stated that the City did not oppose this motion.

Member Deichmann moved that the Board issue an order to reverse and remand the permit, in the form of the proposed order attached to EHD's motion, with the amendment proposed by Ms. Padilla. Member Quintero seconded.

The Board voted 6-0 to issue the order, as amended, to reverse and remand the permit.

Chair Buffett, in her capacity as Hearing Officer under 20.11.81 NMAC, requested that Ms. Parker circulate the amended order for signature by all parties and filing in the docket for the petition. Ms. Parker agreed.

OTHER BUSINESS

In response to public comment from Ms. Esther Abeyta, Member Richards requested that in the future EHD make all documents referenced in the agenda available on the internet for members of the public. EHD staff member Ed Merta stated that he would see to this.

ADJOURNMENT

Chair Buffett adjourned the meeting at 7:04 p.m.

NEXT SCHEDULED BOARD MEETING: March 13, 2019 in the Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center One Civic Plaza NW Albuquerque, NM 87102

SUBMITTED:

READ AND APPROVED:

Mr. Dario Rocha date
Board Secretary/Env. Health Manager, Control Strategies Division,
Air Quality Program, Environmental Health Department.

Ms. Sandy Buffett date
Acting Chair
Albuquerque – Bernalillo County Air Quality Control Board