



# 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 – November 14, 2018 Regular Meeting

### AOCB MEMBERS PRESENT

Ms. Sandy Buffett (CITY), Vice Chair  
Mr. Jens Deichmann (COUNTY)  
Dr. Josie Lopez, Ph.D (COUNTY)  
Mr. Arturo Sandoval (CITY)  
Mr. Matthew Wylie (CITY)  
Mr. Bret A. Blanchard (BCPC LIAISON)

Mr. Danny Nevarez, Acting Director  
Carol Parker, Assistant City Attorney  
Mr. Dario Rocha, EH Manager  
Mr. Dwayne Salisbury, EH Manager  
Mr. Jeff Stonesifer, Sr. EH Scientist  
Mr. Isreal Tavarez, EH Manager

### AOCB MEMBERS ABSENT

### STAFF PRESENT

Ms. Angela Lopez, Sr. EH Scientist  
Mr. Fabian Macias, Air Quality Official  
Mr. Ed Merta, Reg. Dev. Coordinator  
Mr. Travis Miller, EH Supervisor  
Ms. Yolanda Montoya, Prgrm. Specialist II

### VISITORS PRESENT

Ms. Susan Chappell  
Mr. Eric Jantz  
Ms. Nadine Padilla  
Ms. Marla Painter

### CALL TO ORDER

Vice Chair Buffett called the meeting to order at 5:36 PM. In the absence of a Board member holding the position of Chair (following the resignation of Chair Michelle Miano earlier in the day), Vice Chair Buffett functioned as Chair for this meeting.

#### **Item #1      Approval of Agenda (Chair)**

Vice Chair Buffett noted a typographical error in the agenda. She pointed out that the title of Item #4 in the draft agenda provided for a schedule of meetings for the year “2018.” She asked Mr. Rocha whether the year should read “2019.” Mr. Rocha confirmed that the year should read “2019.”

Member Deichmann moved to approve the agenda as amended and Member Sandoval seconded. The motion passed by a vote of 5-0.

#### **Item #2      Approval of October 17, 2018 Meeting Minutes (Chair)**

Member Deichmann moved to approve the October 17, 2018 meeting minutes and Member Wylie seconded. The motion passed by a vote of 5-0.

## PUBLIC COMMENT

Ms. Marla Painter delivered public comment.

## AIR PROGRAM REPORT

Mr. Nevarez delivered the air program report. He and Ms. Parker answered questions from the Board.

## REPORTS

### **Item #3      *Presentation by Environmental Health Department Staff, Overview of Process of Submitting a State Implementation Plan for Ozone Nonattainment Areas***

Mr. Ed Merta delivered the report. Mr. Merta, Mr. Nevarez, and Ms. Parker answered questions from the Board.

During the question and answers, Member Lopez asked if the Board could receive a list of major air contaminant sources. Mr. Nevarez stated that the department could send an email to Board members of this list.

## ACTION ITEMS

### **Item #4      *Resolution 2018-1, Setting the Official List of Regular Albuquerque-Bernalillo County Air Quality Control Board Meetings for the Year 2019 – Dario Rocha, Secretary to the Board***

Mr. Rocha presented the resolution and answered questions from Board members. Mr. Nevarez also answered questions from Board members.

Member Deichmann moved to approve the resolution and Member Wylie seconded. The motion passed by a vote of 5-0.

### **Item #5      *Resolution 2018-2, Determining Reasonable Notice of Public Meetings of the Albuquerque-Bernalillo County Air Quality Control Board – Dario Rocha, Secretary to the Board***

Mr. Rocha presented the resolution. Mr. Merta responded to a question from the Board.

Member Deichmann moved to approve the resolution and Member Lopez seconded. The motion passed by a vote of 5-0.

### **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***

Member Deichmann moved that the Board not hear the petition at this meeting in view of the matter being moot, due to a pending unopposed motion to remand the permit. The motion was not seconded.

The Board discussed the petition and raised specific questions and concerns about procedures for handling the hearing on the merits for the petition. In this discussion, Board members also raised questions and concerns regarding the current lack of an attorney to advise the Board. Board members emphasized the urgency of obtaining a response from the City Legal Department regarding matters raised in their discussion, including filling the vacant position of attorney to the Board.

Vice Chair Buffett asked the department to forward, in writing, the questions and concerns expressed by Board members at this meeting to the Legal Department of the City of Albuquerque. Mr. Nevarez stated that the department would do so.

Ms. Nadine Padilla, staff attorney for the New Mexico Environmental Law Center, presented public comment regarding the petition for a hearing on the merits regarding Air Quality Permit No. 3340. She stated that petitioners would be willing to waive the sixty-day time frame for the hearing on the merits, extending this time frame another thirty days. Ms. Padilla also stated that, in the view of petitioners, the Board could make a ruling on a pending unopposed motion regarding the hearing on the merits.

Member Deichmann moved that the Board defer action on agenda item #6 until the Board's December meeting or until other information is provided that causes the Board to take a different approach.

Member Lopez suggested that the motion be amended so as to recognize for the record that the attorney for the petitioners has indicated petitioners' willingness to provide a thirty day extension of the time frame for a response from the Board to the petition for a hearing.

Thus, the motion as amended became: that the Board defer action on agenda item #6 until the Board's December meeting, or until further information is provided that causes the Board to take a different approach, with the Board recognizing for the record that the attorney for petitioners has indicated willingness to extend by thirty days the time frame for a required response to the petition by the Board.

Mr. Sandoval seconded the motion. The Board approved the motion by a vote of 5-0.

### **OTHER BUSINESS**

There was no other business.

### **ADJOURNMENT**

Vice Chair Buffett adjourned the meeting at 8:09 p.m.

**NEXT SCHEDULED BOARD MEETING:** December 12, 2018 in the Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center One Civic Plaza NW Albuquerque, NM 87102

