



DRAFT MINUTES – August 11, 2021
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. Elizabeth Reitzel (CITY)
Mr. Morris “Mo” Chavez (CITY)

AQCB MEMBERS ABSENT

Ms. Lauren Meiklejohn (CITY)
Ms. Connie Chavez (Bernalillo County
Planning Commission Liaison)

AQCB NON –VOTING MEMBER

STAFF PRESENT

Due to COVID-19 this meeting was held via Zoom Video Conference.

CALL TO ORDER

Chair Kitty Richards called the meeting to order at 5:32 PM.

Member Meiklejohn is Absent, Non-Voting Member Chavez is Absent and Member Calman is running late.

Item #1 Approval of August 11, 2021 Agenda (Chair)

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

Item #2 Approval of July 14, 2021 meeting minutes (Chair)

Member Calman joined the meeting at 5:35pm
Chair Richards asked that the minutes be corrected on Item #5 the title is incorrect. Will sign corrected minutes at next Board meeting.

Ms. Mara Elana Burstein, EHD Deputy
Director, Secretary to the Board
Ms. Susan Chappell, AQCB Attorney
Ms. Stephanie Apodaca, AQCB Liaison
Ms. Carina Munoz-Dyer, EH Supervisor
Ms. Kelsea Raether, Asst. City Attorney
Mr. Dario Rocha, EH Manager
Mr. Dwayne Salisbury, EH Manager
Mr. Jeff Stonesifer, Sr. EH Scientist
Mr. Isreal Tavarez, EH Manager
Mr. Kyle Tupane, EH Supervisor

MEMBERS of the PUBLIC PRESENT

Ms. Marla Painter
Ms. Maslyn Locke
Mr. Adrian Oglesby

PROGRAM REPORT

- Update by Mara Elana Burstein, Acting Director, City of Albuquerque, Environmental Health Dept.
 - Transportation Coordinating Committee who is looking for an Air Board Liaison which is under the Metropolitan Transportation Board of the Mid Region Council of Governments.
 - Three health alerts issued in the last month but does not include the current smoke alerts over the last few days.
 - Update on Clean Cars standards for New Mexico. On July 21 EHD jointly hosted a clean cars virtual meeting. On July 23 the Environmental Improvement Board declined to take up the climate advocates petition, where they proposed an adoption of New Mexico clean cars rules. On July 26th the climate advocates withdrew their petition with this Board.
 - Announcement by President Biden on proposed federal vehicle emission standards that includes making half of all vehicles sold zero emissions vehicles by 2030.
 - The 2015 Ozone good neighbor transport SIP was submitted to EPA we now wait there review and approval.
 - Notice of violation was sent to Salls Brothers.
 - Guzman Construction who was given a previous notice of violation requested a hearing and it is currently moving forward.
 - In the last month EHD inspected 65 facilities, you can find the list on the website along with the current applications.
- Member Reitzel asked about information on the participants who attended the clean cars meeting.
 - Dario Rocha stated that there were over 103 participants in the initial stakeholder kickoff meeting . The outreach went out to tribal land, Auto dealers, concerned citizens, government agencies.
 - Member Reitzel asked how entities were identified who have fleets of vehicles and those business who are impacted.
 - Dario Rocha EHD relied on the Air Board list serve. Also, announced the stakeholder outreach meeting on our webpage.
 - Acting Director Mara Burstein, the Department reached out to business associations as well.
 - Member Reitzel has a list of some interested groups of businesses and will send them to Ms. Burstein.
- Chair Richards asked if APS was included in the kickoff meeting outreach
 - Dario Rocha stated he will research to find out.
 - Acting Director Mara Burstein stated that this effort is being led by the state and their list of invitees was much larger, and will provide that list to the board.
 - Member Chavez asked if he can find the list on the website or will it be emailed to Board members.
 - Dario Rocha will take a look at the list serve and provide to the Board on what groups are represented.

PUBLIC COMMENT

(Suggested five-minute time limit)

There where no public comments.

REPORTS/DISCUSSION/ACTION ITEMS

Item #3 Follow up discussion on draft procedure for receiving written comments for the Albuquerque Bernalillo County Air Quality Control Board.

Acting Director Mara Burstein briefly went through the draft procedure.

- Member Reitzel had a question on the policy scope, the administrative code and reference on adjudicatory and rulemaking and if it might be necessary to note that the staff does play a role in identifying written communications that might constitute as ex parte communication.
 - City Attorney Kelsea Raether has had conversations with Board Attorney Sue Chappell on this issue and agreed to include it in a policy so it will have a little more clarity on how other comments will be addressed, handled and shared.
 - Board Attorney Sue Chappell will include Member Reitzel and Deputy Director Burstein on this issue and will revisit this at the next meeting.
 - Member Chavez stated that he has some language that might be useful for the policy.
 - Chair Richards asked if the public submits written comment after the two hours before the Air Board meeting, then the Board would not get it until one hour before the next meeting. Asked if that was correct.
 - Acting Director Mara Burstein stated yes, and that it will not be guaranteed that the Air Board would receive the written comment the same day before the meeting.
 - Chair Richards suggested the language should be changed to allow comments 12 hours before the subsequent board meeting.

Item #4 IN THE MATTER OF PROPOSED NEW REGULATION, 20.11.105 NMAC: Emission Standards for New Motor Vehicles—Model Year 2025 and Subsequent. (withdrawn by Petitioners on 7-26-2021)

Stephanie Apodaca Hearing Clerk gave a brief statement on the Petitioners withdrawal of their petition on July 26, 2021.

Item #5 Procedural update on In The Matter of the Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3340-RMD [New Mexico Terminal Services, LLC], ACQB Docket No. 2020-1.

Board Attorney Sue Chappell just gave a brief update on the case and how to locate the pleadings on the webpage.

- Member Chavez asked since he is new to the Board can he still vote on any issues that come before the board in this matter.
- Board Attorney Sue Chappell indicated “yes” and that Member Chavez has the same duties as all other Board members.

- Member Reitzel asked if they can get a binder since there will be a lot of documents to review
- Board Attorney recommended that they should use the Dropbox folder and pull documents on their own.
- Member Chavez would also like to get binders for the Board.
- Chair Richards asked if this is something EHD can provide.
- Acting Director Mara Burstein stated she would have to talk with the City's Legal team and will provide an answer before the next Air Board meeting.

Item #6 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 due to a conflict of interest. Vice Chair Langner presided over the meeting in Chair Richards' absence. Member Chavez moved to close the meeting under Section 10-15-1(H)(7) of the Open Meetings Act for an attorney-client privileged discussion. Member Reitzel 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

Item #7 Discussion of possible future agenda items.

- EHD update on GIS Mapping
- Written comments change of Policy Scope for the Albuquerque Bernalillo County Air Quality Control Board
- Committee updates: Pubic concerns committee, EHD liaison committee, Information committee and discussion of adding member Chavez to a committee
- making a declaration that Albuquerque-Bernalillo County is within 95% of the ozone standard and to take action

PUBLIC COMMENT

(Suggested three-minute time limit)

No public comments.

OTHER BUSINESS

No other business

ADJOURNMENT

Chair Richards adjourned the meeting at 7:10 PM.

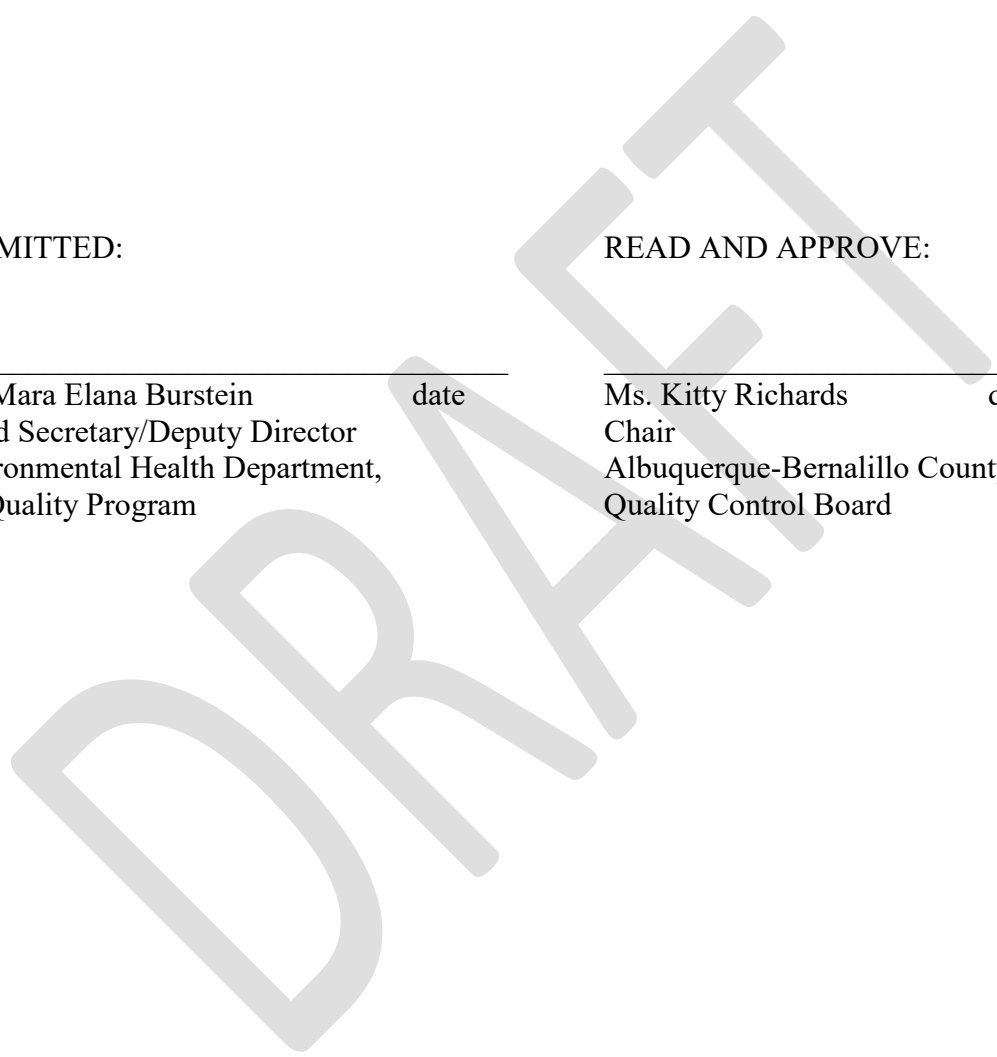
NEXT SCHEDULED BOARD MEETING: September 8, 2021

SUBMITTED:

READ AND APPROVE:

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

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



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