



**MINUTES –February 9, 2022**  
**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. Lauren Meiklejohn (CITY)  
Ms. Elizabeth Reitzel (CITY)

**AQCB MEMBERS ABSENT**

Mr. Morris “Mo” Chavez (CITY)

**AQCB NON –VOTING MEMBER**

Ms. Connie Chavez (Bernalillo County  
Planning Commission Liaison)  
Mr. Joseph Cruz Jr. (Environmental  
Planning Commission, City of Albuquerque  
Liaison)

Ms. Mara Elana Burstein, EHD Deputy  
Director, Secretary to the Board  
Ms. Stephanie Apodaca, AQCB Liaison  
Mr. Albert Chang, Asst. City Attorney  
Ms. Lisa Serna- Cordova, Prog Data Analyst  
Ms. Michelle Melendez, Director Eqy& Incl  
Ms. Carina Munoz-Dryer, EH Supervisor  
Mr. Kenneth Miller, AQ Reg Dev. Coord  
Mr. Travis Miller, EH Manager  
Ms. Elizabeth Pomo, EH Scientist  
Ms. Maia Rodriquez, EHD Marketing  
Ms. Kelsea Sona, Asst. City Attorney  
Mr. Dario Rocha, EH Manager  
Mr. Dwayne Salisbury, EH Manager  
Mr. Damon Reyes, EH Manager  
Mr. Isreal Tavarez, EH Manager

**MEMBERS of the PUBLIC PRESENT**

Ms. Claudia Borchert  
Mr. Lauro Silva  
Ms. Antoinette Sedillo-Lopez  
Mr. Travis Madsen  
Mr. Ian Colburn  
Ms. Virginia Necochea  
Mr. Aaron Kissing  
Ms. Marla Painter  
Ms. Lana Shaffer  
Mr. Richard Moore  
Mr. Eric Jantz

**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 5:32pm.

Member Langner joined the meeting at 5:35pm.

Member Chavez was absent

**Item #1 Approval of February 9, 2022 Agenda (Chair)**

Member Paul moved to approve the minutes, Member Reitzel seconded. The motion passed by a vote of 6-0.

**Item #2 Approval of Corrected December 8, 2021 meeting minutes (Chair)**

Vice Chair Langner moved to approve the minutes, Member Calman seconded. The motion passed by a vote of 6-0

**Item #3 Approval of January 12, 2021 meeting minutes (Chair)**

Member Langner moved to approve the minutes, Member Paul seconded. The motion passed by a vote of 6-0

**PROGRAM REPORT**

Update by Mara Elana Burstein, Deputy Director, City of Albuquerque, Environmental Health Dept.

1. Update on two Hot Mix Asphalt Plant permits: 1) I-25 and Griegos, and 2) Broadway  
Deputy Director Burstein gave her update on the two hot asphalt plants. Star Paving and Blackrock.
  - Deputy Director Burstein stated that Star Paving Air Quality permit application is for a new construction permit to install 300 tons per hour hot mix asphalt plant with a maximum annual production of 700,000 tons per year and to be located near Broadway and interstate I-25. Star Paving's first and second permit applications were deemed incomplete last year. The third one was deemed complete in November. A public information hearing has been requested for this permit application. Acting Director Mark DiMenna for EHD approved the request, no date has been set. EHD will make a decision by May 30, 2022.
  - Chair Richards asked how stakeholders are notified of this hearing.
  - Deputy Director Burstein answered they are emailed if they've expressed interest in the permit previously. Will update the board if she has further information at March's meeting.
  - Member Reitzel asked if EHD already has a list of people that are interested in receiving notification of the hearing, because a number of people has expressed interest during public comment period in these meetings and not sure if they were capturing these individuals on the list.
  - Deputy Director Burstein replied, no that they wouldn't capture the comments made to the Air Board. They would have had to contact the staff during the public comment period.
  - Chair Richards asked when was the public comment period ended.
  - Isreal Tavarez, EHD Manager replied that he was going to indicate that in the chat box on zoom. Which the dates were December 7, 2021 to January 6, 2022 was the public comment period for the Star Paving air quality permit application.
  - Deputy Director Burstein indicated that the Black Rock hot mix asphalt plant is located on I-25 and Comanche. And they have submitted a permit application for new construction permit to install a 400 ton per hour hot mix asphalt plant with a maximum production of 1.4 million tons per year. The first and second permit applications were deemed incomplete the third was deemed complete in November. No one has requested a Hearing for Black Rock.
  - Member Paul asked why Black Rock is running double at 400 ton maximum and 1.4 million tons per year and Star Paving only at 300 tons and 700,000 tons per year.
  - Deputy Director Burstein stated she would have to look at the permit application to see where the numbers come from.
  - Member Paul asked if she can have that information at next month's meeting.

## **PUBLIC COMMENT**

(Suggested five-minute time limit)

Mr. Lauro Silva stated it was confirmed that a public hearing for Star Paving was addressed.

Mr. Arron Kressing with Western Resource Advocates. Urges the board to vote in favor of a joint hearing with the state of New Mexico on May 4, 2022. To consider adoption of low emission vehicle standards.

Ms. Claudia Borchert with NMED offered public comment for the new motor vehicle emission standards or the clean car rules, and wanted the comments to reflect what NMED's Secretary Kenney sent to the Air Board on February 1, 2022. Ms. Borchert coordinated the clear car rulemaking closely with EHD staff. The Process includes a joint hearing and joint deliberation coordinated by an independent hearing contract hearing officer and then followed immediately by each body by making an independent decision on the rule. The process is necessary because the clean car rule that the Air Board and EIB adopt must act seamlessly.

Marla Painter with Mountain View Community would like EHD to directly notify the neighborhood associations that requested a Public Information Hearing on Star Paving and not have them check the website every day for the date of the hearing. Also, is quite amazed that no one from the greater Gardner neighborhood association has not requested a public information hearing. Made multi requests that EHD go check on Star Paving, but by the time the inspectors arrive the smoke as dissipated or been stopped.

Travis Madsen from southwest energy efficiency projects spoke on behalf of clean vehicles which include sierra club, NM conservation voters, natural resources defense council. Asked the Board to say yes to accept the petition on clean cars.

Ian Colburn is a small scale farmer in the Mountain View neighborhood. Is super proud to grow vegetables and don't spray anything on them. It is horrible that there's so much pollution in the neighborhood that ends up on the grass and vegetables.

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

**Item #4** Update on City of Albuquerque Cumulative Impacts Interagency Workgroup (Deputy Director Burstein)

Deputy Director Burstein the City and EHD are supportive on working on cumulative impacts and following the lead of the community. After input from some community members the city has changed the name of the cumulative impact task force to cumulative impacts work group. Efforts that have been taking place in between meetings is seeking additional support for our cumulative impact efforts this includes requesting almost 300,000 thousand from city council for fiscal year 2023 to work specifically on cumulative impacts. Applied to have equity diversity and inclusion follow through the urban sustainability directors network, applied to host graduate students from NYU Center for urban science and progress to support the efforts. Considering applying to the climate change challenge justice 40 building fund. Over the next few months would like to come to consensus with the community to achieve a unified goal to bring proposed rule/s to the air board for consideration that all stakeholders are supportive of.

Member Meiklejohn asked if Ms. Melendez could give a brief overview regarding the work they've completed so far.

Michelle Melendez, Director of office of Equity and Inclusion stated that in the past few months her office has begun to work close with EHD. Has a city council resolution that's called racial equity impact assessment tool. The department will go through a series of questions to make sure they are engaging the most impacted communities and the most vulnerable. Provide a series of trainings and technical assistance.

**Item #5** Information Committee report on Cumulative Impacts Committee status, to include: number of committee members, scope of work summary, and call for participants interested in serving on the Cumulative Impacts Committee (Member Calman)

Member Calman talked about the need to address cumulative impacts and come to a resolution. About 10 members of the community have expressed interest. Chair Richards and Member Calman are trying to facilitate the process, developed a scope of work for a potential facilitator for those meetings. A scope of work has been drafted so far and includes scheduling the meetings, organizing the participants, taking those participants all the way through the creation of a resolution and then present the resolution to the board. A facilitator has not been hired yet, but in the process of looking for one.

Member Paul asked if Member Calman meant resolution or regulation.

Member Calman stated she didn't mean either one, she meant petition.

Member Reitzel stated that the board has a concrete plan to bring something to the board pretty quick with the committee plan. Was wondering if it possible to combine efforts or more expeditious to move forward with the committees separately.

Member Calman thinks both efforts are great. Although, she thinks that the Board's committee is farther along than the city. Also knows that the community members have been excited about it as well.

Chair Richards stated that the board has been working on this for a year and a half and that the city might be on a different timeline. Would like to acknowledge the efforts with the city and thinks there is a way to work in tandem and to complement one another's efforts.

Member Paul stated that it is pretty critical that for a regulation to come out that works in terms of protecting air quality.

Deputy Director Burstein asked what the timeline is for the cumulative impacts committee and sounds like there has been some interest in having a discussion about how these two groups might work together or work separately. She thinks that it might benefit all parties involved and the public to understand exactly what cumulative impacts committee is thinking moving forward with the city

Chair Richards was hoping to have the cumulative impacts committee starting in March and has really good stakeholders.

Deputy Director Burstein wanted to clarify that that the city's process is limited to air quality at this time, but may change in the future.

**Item #6** AQCB Chair request of City of Albuquerque to fund a facilitator for the Cumulative Impacts Committee (Chair)

Action: Board vote to approve request for facilitator funding (Board)

Chair Richards stated that she went through the chain of events to get funding for a facilitator from meeting with past EHD Director Ryan Mast, to having conversations with Asst. City Attorney Kelsea Sona, and to Deputy Director Burstein reaching out to her letting Chair Richards know that the city would be able to fund a facilitator for the cumulative impacts committee. She opened up the floor for discussion.

Member Paul asked what kind of contract funding the facilitator will be.

Chair Richards stated it will be a professional technical contract.

Asst. City Attorney Kelsea Sona stated that the City needs a scope of work to move forward which the Board will need to approve it. Then it can be plugged into a contract.

Member Paul would like to look at the scope of work and make a decision at the next Board meeting.

Chair Richards agrees with Member Paul. Would also like to have legal counsel.

Member Meiklejohn would also like to wait for legal counsel and was concerned that if they are overly involved with determining the scope of work that they might not be able to review the results that the cumulative impacts committee comes up with.

Chair Richards asked if there is a motion to fund a facilitator for the cumulative impacts committee.

Member Meiklejohn Moves to approve to fund a facilitator and Member Calman second. The motion passed by vote of 6-0

**Item #7** Presentation: Interview Committee recommendation for retention of Legal Counsel (Member Paul)

Action: Board vote on Legal Counsel Recommendation (Board)

Member Paul stated that they interviewed applicants and decision has been made in the selection of Antoinette Sedillo-Lopez. Member Paul gave a brief background of Ms. Sedillo-Lopez's qualifications. Believes that Ms. Sedillo-Lopez will bring capacity, history and drive to be legal counsel to the Board.

Ms. Sedillo-Lopez gave a brief introduction of herself to the Board.

Chair Richards asked Ms. Sedillo-Lopez if she had background in environmental law.

Ms. Sedillo-Lopez stated that the closest was natural resources environmental law and has a lot of familiarity with interplay from federal and state environmental law and how to work with local air quality control boards.

Chairs Richards asked if there is a motion to approve Ms. Sedillo-Lopez as Board legal counsel.

Member Calman moved to approve Ms. Sedillo-Lopez as legal counsel. Member Meiklejohn seconded. The motion passed by a vote 6-0

**Item #8** In the Matter of AQCB Petition No. 2022-01, the Environmental Health Department Petition to Repeal Existing Rule 20.11.104 NMAC, *Emission Standards for New Motor Vehicles*, and To Adopt Proposed Replacement Rule 20.11.104 NMAC, *New Motor Vehicle Emission Standards* (Ken Miller)

Introduction (Hearing Clerk)

Stephanie Apodaca gave a brief introduction on receiving the petition.

Presentation (EHD Attorney)

Kelsea Sona, Asst. City Attorney gave a brief overview and presentation the clean cars petition. Also two staff members from NMED were present: Sandra Ealy and Claudia Borchert. EHD and NMED has been working closely to come up with this rule.

Ken Miller, EHD Development Coordinator his presentation on clean cars and talked about why they are proposing the rulemaking. Addressed two issues ozone and climate change.

Kelsea Sona, Asst. City Attorney want to give the Board two special considerations for tonight. California, is currently in the process of developing new standard to replace the current standards and has indicated that they plan to adopt them at the very end on 2022. Second is EPA recently revised federal greenhouse gas motor vehicle emission standards for model years 2023 to 2026. The Board was asked to authorize a joint hearing with the Environmental Improvement Board. It is estimated this will be a two day hearing with one more days to deliberate and the hearing to begin at 9:00 am on May 4<sup>th</sup> and end May 6<sup>th</sup>. Ms. Sona aksed the Board to make the decision tonight. As for the Hearing Officer a decision doesn't have to made tonight but asking the Board to consider it. If Hearing Officer is approved the person would be Felicia Orth.

Member Reitzel asked what procedure would be used in the Pre-Hearing Order and asked if they can separate the two orders, and vote on the date now and wait until they have counsel to review the Pre- Hearing Order.

Possible action (Board)

Chair Richards moved for a motion to grant Notice of Hearing Determination.

Member Paul moves to approve Notice of Hearing Determination. Member Meiklejohn second. The motion passed by a vote of 5-0. Vice Chair Langner left the meeting at 7:00pm

Member Paul moved for a motion to approve Proposed Pre-Hearing Order. Member Meiklejohn second. The motion passed by a vote of 5-0 with everything being omitted other than the hearing officer selection.

**Item #9** Discussion of possible future agenda items (Board)

Member Reitzel would like to discuss EHD creating a listserv for the public to receive notifications of upcoming public comment period and public information hearings.

Member Meiklejohn would like regular updates on the interagency work group

Ms. Sona asked for an update on the preparation for Clean Cars logistics from Ms. Apodaca



