



DRAFT MINUTES – April 14, 2021
Regular Virtual 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)
Ms. Elizabeth Reitzel (CITY)

AQCB MEMBERS ABSENT

AQCB NON –VOTING MEMBER

Ms. Connie Chavez (Bernalillo County
Planning Commission Liaison)

STAFF PRESENT

Ms. Mara Elana Burstein, EHD Deputy
Director, Secretary to the Board
Ms. Susan Chappell, AQCB Attorney
Ms. Stephanie Apodaca, AQCB Liaison
Mr. Andrew Daffern, Field Ops Officer
Ms. Regan Eyerman, Sr. EH Scientist

Ms. Maggie Fitzgerald, Community Liaison
Ms. Samantha Hults, Deputy City Attorney
Mr. Jon Lutz, EH Supervisor
Mr. Travis Miller, EH Manager
Ms. Carina Munoz-Dyer, EH Supervisor
Mr. Elizabeth Pomo, EH Specialist II
Mr. Dario Rocha, EH Manager
Mr. Jeff Stonesifer, Sr. EH Scientist
Mr. Dwayne Salisbury, EH Manager
Mr. Isreal Tavarez, EH Manager

MEMBERS of the PUBLIC PRESENT

Ms. Esther Abeyta
Mr. Steven Abeyta
Mr. Eric Jantz
Mr. Jamie Phillips
Mr. Lauro Silva
Ms. Alejandria Lyons
Ms. Marla Painter
Ms. Virginia Necochea

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. Five of 6 members were present when the meeting was called to order, with Member Meiklejohn absent.

Item #1 Approval of April 14, 2021 Agenda (Chair)

Member Maxine Paul moved to approve the agenda and Vice Chair Susan Langner seconded. The motion passed by a vote of 5-0.

Item #2 Approval of March 10, 2021 Meeting Minutes (Chair)

Vice Chair Langner moved to approve the March 10, 2021 minutes and Member Calman seconded. The motion passed by a vote of 4-0, with Member Reitzel abstaining.

PROGRAM REPORT

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

Dario Rocha, Environmental Health Manager, delivered the Air Program Report, covering the following:

- Senate Bill 8 allows the Air Board to adopt regulations more stringent than federal standards.
- EHD and NMED will work together on developing a Clean Car rule.
- The largest emission sources in the county have submitted their emissions inventories for 2020 which will be sent to EPA later this year.
- City Council has approved \$400,000 to purchase and place small particulate monitors throughout the City and County. Also, the Air Program purchased four Purple Air sensors for the High School Monitoring Pilot Program.
- The Air Program issued a permit for a portable concrete batch plant at the Sunport and ruled the second application from American Gypsum “incomplete”.
- The Air Program settled with C&C Services and Nazish, LLC. for permit violations.
- The Air Program issued compliance orders to Rosa Parks Rd NW & Kimmick Dr. NW Stockpile for permit violations.
- The Air Program issued a Notice of Violation to Albuquerque Asphalt for permit violations.
- The Air Program issued a shutdown notice for blowing dust on 3/30/21.
- The Air Program finalized the 2019 Sulfur Dioxide Milestone Report.
- The Air Program conducted 106 inspections in the last month.

Mr. Rocha answered the following questions:

- Chair Richards asked if the emissions inventory information is available on a map?
 - Isreal Tavarez, Environmental Health Manager, confirmed that there is a geographic information systems map, but only for total permitted pollutants and hazardous air pollutants.
- Chair Richards asked if the link could be provided?
 - Answer: yes: <https://www.cabq.gov/gis/map-views/environmental-issues>

Presentation on Final 2019 Sulfur Dioxide Milestone Report

Dario Rocha, Environmental Health Manager presented on the final report and stood for questions.

- Member Elizabeth Reitzel asked of there was place for the public to submit written comments or was there only an electronic way of submitting comments as well as hand delivering comments at City Hall.
 - Mr. Rocha replied that the public notice provided instructions on how to submit comments, which could be sent directly or be emailed to EHD. Mr. Rocha also added that City Hall security has protocols in place for public to hand deliver documents to City Hall.
 - Deputy Director Burstein added that the place to deliver oral comments is at Air Quality Control Board meetings.

Member Meiklejohn joined the meeting at 5:55 PM

PUBLIC COMMENT

(Suggested five-minute time limit)

Esther Abeyta (resident of Mountain View) opposed changing the start time of AQCB meetings. Ms. Abeyta was also concerned about the Board receiving public comments until 5:00 pm the day after the Board meeting and asked who at EHD is authorized to view the public comments.

Steven Abeyta (resident of Mountain View) delivered public comment opposing changing the start time of AQCB meetings.

Member Reitzel asked Ms. Abeyta to clarify if she was concerned about who the email is going to, or the timing of when the comment should be submitted to the Air Board.

- Ms. Abeyta said "both," and also asked "who does the email go to after Stephanie Apodaca or Dario Rocha?" And "it does not make sense in accepting public comment after the meeting has been conducted." Ms. Abeyta requested that a procedure be put in place for receiving public comments.
- Member Reitzel agreed and asked for clarification.
- Deputy Director Burstein stated that the official way for the Board to receive public comments is to send them to Stephanie Apodaca who is the Board Liaison and she forwards them to the Board.

Member Maxine Paul asked the Abeytas if there is any time earlier than 5:30 PM that could work for them? The Abeytas replied that 5:30 PM is the earliest they could participate. Member Paul reiterated that she is interested in figuring out ways that the meetings could end earlier.

Chair Richards said she could look at better time management and fewer agenda items. She stated that public comment was extended past the day of the meeting in order to afford the public the opportunity to submit public comments after seeing a recording of the meeting but agreed that there does not seem to be a procedure for accepting belated public comments.

Deputy Director Burstein said that it seemed liked that the public would like to contact Board members directly and it is EHD's recommendation to provide Board members' email addresses on the website.

Jamie Phillips (resident of Barelás) supported the Abeytas' comments and on the permit that is currently on appeal before the Board.

Alejandria Lyons (South West Organizing Project) opposed changing the start time of the AQCB meetings and supported the Abeytas's comments.

Lauro Silva (Mountain View Neighborhood Association) supported the concerns raised by the Abeytas.

REPORTS/DISCUSSION/ACTION ITEMS

Item #3 Election of Air Quality Control Board Chair and Vice-Chair

Chair Richards and Vice Chair Langner were nominated at last month's Air Board Meeting. Chair Richards conducted a roll call vote for the election of Chair. Chair Richards was unanimously elected to another one-year term as Chair. Chair Richards conducted a roll call vote for the election of Vice Chair. Vice Chair Langner was unanimously elected to another one-year term as Vice Chair.

Item #4 Board action on Final 2019 Sulfur Dioxide Milestone Report

Member Paul moved to approve the Final 2019 Sulfur Dioxide Milestone Report and Member Reitzel seconded. The motion passed unanimously by a vote of 6-0.

Item #5 Discussion and possible action to give notice of intent to amend the Board Bylaws

- Whether to give notice of intent to amend the Bylaws to clarify the EHD Deputy Director's role as Board Secretary.
 - Board Attorney Susan Chappell stated that the current provisions state that the Director of EHD or designee shall be Secretary of the Board and serve as an ex-officio member without the voting powers. She recommended that the Board amend the bylaws to clarify the EHD Director's role as Board Secretary.
 - Member Paul asked what ex-officio meant?
 - Board Attorney Chappell explained why it was important to change the bylaws.

Vice Chair Langner moved to give Notice of Intent to amend the Board Bylaws as recommended regarding clarifying the role of the EHD Director or designee, and Member Meiklejohn seconded. The motion passed by a vote of 6-0.

- Whether to give notice of intent to amend the Bylaws to change the start time of Board meetings from 5:30 P.M. to an earlier time.
 - Board Attorney Chappell stated that the process she described earlier would be the same if they were to amend the bylaws to change the time of the meeting.
 - Throughout the discussion, Board members clarified that it was not their intent to minimize public participation in meetings by changing the meeting time.
 - Member Paul suggested that the Board could consider meeting on Sunday afternoons.
 - Vice Chair Langner stated that she would like to see meetings more streamlined and agendas shortened.
 - Member Reitzel stated that she thought that, now that public comment has been moved earlier in the meeting, this should allow for better public participation.
 - County Planning Commissioner Connie Chavez pointed out that working people don't necessarily have Sundays off and stated that she thought the meeting should be kept as is, since it seems to work for the community members.
 - Deputy City Attorney Samantha Hults mentioned that collective bargaining agreements would have to be reviewed if the meeting were moved to Sunday.
 - Chair Richards said she could do a better job of managing the agenda to keep meetings to within a two hour time period.

- Member Paul said she will go with whatever the Board decides.
- Attorney Chappell said she'd like meetings to be limited to 2 hours. She reminded the Board that there will be times that meetings will have to go past two hours (like public hearings).
- Member Reitzel supported adding a time estimate to each item.
- Commissioner Chavez asked whether it would be legal to put time limits on an agenda item?
- Board Attorney Chappell said, no, it wouldn't be legal, but we could still keep it as a goal.

Chair Richards asked if there was a motion to give Notice of Intent to amend the Board Bylaws to change the Board's regular meeting time? There was no motion, so this item ended without a vote.

Item #6 Discussion regarding the definition of cumulative impacts

- Chair Richards asked Board members what they'd like to see in a cumulative impacts definition.
- Member Lauren Meiklejohn stated that the Air Board should look at how other cities define cumulative impacts and then see what best fits the circumstances, in consultation with the community and EHD.
- Member Judy Calman asked if Member Meiklejohn if she had a process in mind for doing this.
- Member Meiklejohn replied that the Board could put together what seems like a reasonable definition and share it around to all the parties.
- Board Attorney Chappell suggested that the Cumulative Impacts Committee focus on this issue and make a recommendation to the Board. She asked if the committee would have more than two Board members and recommended important stakeholders be part of this committee and work on the definition.
- Member Meiklejohn and Chair Richards agreed with Board Attorney Chappell's recommendation to have the committee work on the definition.
- Chair Richards wants to assure that the concept of vulnerable populations and neighborhoods is included. She said the next step would be to review existing cumulative impacts definitions.
- Member Reitzel asked who are our stakeholders, or how are we identifying our stakeholders?
- Chair Richards replied with there are five different stakeholder groups, including the community, the City, Members of the Board, and others.

Item #7 Board Committee updates and discussion, and discussion on how Board Committees will send their work products to Board Liaison for posting on the Air Board webpage

Dario Rocha described the process for how Board Committees will send their work products to Board Liaison for posting on the Air Board webpage.

- Chair Richards listed some documents that are on the website and requested that EHD walk through the website at the next meeting.
- Member Reitzel requested that clicking a link on the Air Board webpage open a new tab instead of leading you away from the current website.

- Dario Rocha agreed to look into this suggestion.
- Member Reitzel also requested that paper copies be made available to the public (if requested) once meetings move back to in-person.

Committee members provided updates on their committees and the Board discussed.

- As per Chair Richards recommendation, Member Meiklejohn created an analysis template for reviewing state and local NEPA-like regulations. She explained that each Board member would be asked to review 1-2 of 17 NEPA-like regulations in other states.
 - Member Calman said she could help with this task and has a spreadsheet already made.
 - Member Meiklejohn asked Board Attorney Chappell how they could do this project without violating the Open Meetings Act.
 - Board Attorney Chappell said she would have to research the implications and she questioned this approaches' efficiency. She asked how stakeholders would be involved and what is the end goal. She explained that the research Member Meiklejohn was suggesting would take law clerks 6-12 months to complete.
 - Member Reitzel said she can review some regulations, and asked if EHD staff could support this research.
 - Chair Richards asked if EHD staff could support this project.
 - Deputy Director Burstein said it would be best to name committee members and then those members could provide research support.
 - Member Paul recommend the whole Board work on this research and thought it should perhaps be limited to air quality regulations, since the Board might not have jurisdiction over non-air items.
 - Board Attorney Chappell clarified that she recommends the committee do this work to avoid potential Open Meetings Act violations, and others should be part of the committee, including members from the city, state, community, and the Association of Commerce and Industry.
 - Chair Richards reiterated the request for EHD staff to support this project.
 - Board Attorney Chappell asked Chair Richards if she was inviting EHD to the committee.
 - Chair Richards did not invite EHD to the Information/Cumulative Impacts Committee. She said the path forward was for the committee to discuss further.
 - Deputy City Attorney Hults seconded what Board Attorney Chappell said about creating a committee, with EHD or NMED as a member.
- Member Calman updated the Board on legislation to create a centralized, map-based database that houses all state environmental information in one place.
 - Member Meiklejohn requested a future presentation the subject.
- Board Attorney Chappell said Members Paul and Meiklejohn could invite one additional Board Member to their committee to help them with the project. She said, perhaps this is the time to ask EHD to join the committee.
 - Chair Richards did not ask EHD to join the Information Committee.
- Member Paul said they should define the roles of committees better since she has been doing research on cumulative impacts but she is not in that committee.
- Member Meiklejohn said she and Member Paul would like to invite EHD to the committee and asked how to do that.
 - Board Attorney Chappell said the Chair appoints members to committees.

- Chair Richards did not ask EHD to join the Information Committee.
- Chair Richards said there are documents on the Air Board website, including the UNM Law School's presentation on cumulative impacts.
- Chair Richards requested Deputy Director Burstein appoint staff to EHD Liaison Committee.
 - Deputy Director Burstein appointed Stephanie Apodaca, Air Board Liaison to join the committee.

Item #8 Discussion of possible future agenda items (Board)

Member Reitzel asked for a follow up on procedure for contacting the Board. She would like to work with Deputy Director Burstein to figure out a procedure for public comments and communications with Board Members and then present that to the public, as well as address the deadline for receiving public comments.

Member Reitzel asked to potentially add a bylaw regarding the timing for public comments for the meeting.

Member Meiklejohn asked if the City could issue email addresses to Board members.

- Deputy Director Burstein stated no, but Board members could create specific Gmail email addresses to avoid having their personal email addresses made public.

Deputy Director Burstein said the Air Board is required to take action on the Regional Haze SIP at the May or June meeting.

Chair Richards said can present on data from vulnerable communities at the next meeting.

PUBLIC COMMENT

(Suggested three-minute time limit)

Lauro Silva asked about having a community member serve on the Cumulative Impacts committee / information committee.

- Chair Richards did not invite community members to serve on the committee.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

Chair Richards adjourned the meeting at 7:52 PM.

NEXT SCHEDULED BOARD MEETING: May 12, 2021 will be conducted using Zoom Video Conference.

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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