



MINUTES –March 9, 2022
Regular Virtual Meeting

AQCB MEMBERS PRESENT

Ms. Kitty Richards (COUNTY), Chair
Ms. Judy Calman (COUNTY)
Ms. Maxine Paul (CITY)
Ms. Lauren Meiklejohn (CITY)

AQCB MEMBERS ABSENT

Ms. Susan Langner (COUNTY), Vice Chair
Ms. Elizabeth Reitzel (CITY)
Mr. Morris “Mo” Chavez (CITY)

AQCB NON –VOTING MEMBERS

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

STAFF PRESENT

Ms. Antoinette Sedillo Lopez, AQCB
Attorney
Ms. Mara Elana Burstein, EHD Deputy
Director, Secretary to the Board
Mr. Angel Martinez, EH Director
Ms. Stephanie Apodaca, AQCB Liaison
Mr. Albert Chang, Asst. City Attorney
Mr. Andrew Daffern, Field Operations
Ms. Carina Munoz-Dryer, EH Supervisor
Mr. Kenneth Miller, AQ Reg Dev. Coord
Ms. Elizabeth Pomo, EH Scientist
Ms. Kelsea Sona, Asst. City Attorney
Mr. Dario Rocha, EH Manager
Mr. Dwayne Salisbury, EH Manager
Mr. Kyle Tupane, EH Supervisor
Mr. Isreal Tavarez, EH Manager

MEMBERS of the PUBLIC PRESENT

Ms. Claudia Borchert
Ms. Sandra Ely
Ms. Felicia Orth
Ms. Rachel Swanteson-Franz
Ms. Maslyn Locke
Ms. Virginia Necochea
Mr. Neal Butt
Ms. Marla Painter
Ms. Pamela Burgan
Ms. Lena Shaffer
Mr. Eric Jantz
Ms. Jazmin Iraziqui-Ruiz

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.

Vice Chair Langner was absent
Member Reitzel was absent

Member Chavez was absent. Chair Richards announced that Member Chavez has resigned and thanked him for his service to the air board.

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

Member Paul moved to approve the agenda, Member Meiklejohn seconded. The motion passed by a vote of 4-0.

Item #2 Approval of February 9, 2022 meeting minutes (Chair)

Member Paul moved to approve the minutes, Member Meiklejohn seconded. The motion passed by a vote of 4-0.

AIR PROGRAM REPORT

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

- Introduction of new EHD Director, Angel Martinez
- EHD list-serve to disseminate information regarding public information hearings, permit requests and approvals, and announcements of public comment periods to interested stakeholders
- EHD response to stakeholder question regarding jurisdiction over airplane emissions along with cited regulations referencing airplane emissions

- Deputy Director Burstein answered Chair Richard's question on aircraft regulations, and stated that they are not regulated locally. EHD does not have the authority or expertise in this area. Did some research and found out that aircraft emissions are regulated by the EPA, the FAA and the International Civil Aviation Organization. EPA regulates aircraft criteria pollutant emissions, the FAA regulates all aviation equipment and processes and the International Civil Aviation Organization, which is a UN intergovernmental body, is responsible for worldwide planning, implementation and coordination of civil aviation and sets emission standards for jet engines.
- Deputy Director Burstein reported back on signing up to receive information on permit applications through a listserv and stated that there is a listserv for folks to receive electronic notifications for all permit applications subject to public notice.
 - Chair Richards mentioned that the information was also requested by member Reitzel and was asked in the context of public information hearings (PIH) and how individuals would be able to find out when a PIH would be held. Asked if maybe EHD could not only have the listserv for public notices but also for PIH dates, and public comment period for those permit requests and approvals.
 - Deputy Director Burstein stated that it is not something EHD has at this time but will discuss with the team if this is something that can be developed.
 - Chair Richards asked if there can be a report back by May.
 - Deputy Director Burstein mentioned that there are PIH notifications and they do go out on the listserv which is found on the Permitting webpage.

- Deputy Director Burstein announced Isreal Tavarez and Dario Rocha's retirements. Thanked them for their service to EHD and the City.
- Deputy Director Burstein introduced EHD's new Director, Angel Martinez Jr.
 - Director Martinez gave a brief introduction to the Board and members of the public.

PUBLIC COMMENT

(Suggested five-minute time limit)

Ms. Lena Shaffer stated she noticed planes that intercept cover the sky with a gray haze. Understands that EHD does not have the power, but would like to take some power back locally to monitor the air. Believes these emissions can be measured as they are nano-sized. Trails are being turned off and on. Asked what is the authority to have planes fly outside our zone.

- Chair Richards replied, she didn't know. Asked if EHD would know.
- Deputy Director Burstein stated there is no local control of aircraft. Everything is regulated by the federal government, authority was never delegated to the states or local authorities.

Marla Painter with Mountain View Community had a question on zoning and requirements for air quality permit applicants to show proof that they have the proper zoning for the use stated in the permit application. Is this a federal policy and how are policies changed. What are the protections around the new policy and general policies?

- Deputy Director Burstein stated this is a new policy that was developed in response to Ms. Painter alerting EHD that some facilities were using a loophole using air quality permits to justify zoning changes, etc. This is an air quality program policy, developed by our leadership and legal team. This new order of operations for facilities applying for different permits is learning as we go and seeing how we can add more types of air quality permits to the process.
- Ms. Painter asked can a policy be an ordinance or rule proposed by the board or air board.
- Deputy Direct Burstein stated yes, anyone can petition the air board to consider a rulemaking.
- City Attorney Kelsea Sona stated that with the policy being new EHD and the Air Quality Program are working with the city planning and zoning but sometimes there can be hiccups in the process, so right now having a policy they are able to address any confusion or problems that may come up and will work together to refine the process to make sure that it's doing exactly what they hope they can be doing.
- Chair Richards asked does this apply to construction permits and is there a timeline.
- Deputy Direct Burstein stated EHD doesn't have a timeline but it is on the priority list, but that changes as different issues come up.

Pamela Burgon stated she is concerned about the crisscrossing in the sky. It is white and then turns into clouds. She further stated she has heard for years that what they're doing is trying to do some kind of climate engineering and so forth, but the problem is that there is aluminum and barium. Aluminum is really bad it is a concern commercial planes flying from airport to airport. Would like the board to spend some time going to the website geoengineeringwatch.org.

REPORTS/DISCUSSION/ACTION ITEMS

Item #3 Nominations for Air Quality Control Board Chair and Vice-Chair positions for 2022 - 2023
(Chair)

Board Attorney Antoinette Sedillo Lopez talked about nominations need to occur at today's meeting so a vote can take place at April's meeting for a new Chair and Vice Chair.

Chair Richards opened up the floor for nominations.

Member Calman nominated Member Meiklejohn for Chair. Member Meiklejohn accepted.

The nomination passed by a vote of 4-0.

Member Meiklejohn nominated Member Paul for Vice Chair. Member Paul accepted.

The nomination passed by a vote of 4-0.

Item #4 Closed meeting session under the Open Meetings Act, NMSA Sec. 10-15-1(H)(6), for Air Board members and Air Board attorney only, discussion of facilitator contract, contract administration, contract scope of work, and budget (Information Committee)

Board Attorney Sedillo Lopez briefly stated this will be an opportunity for the board to ask legal questions about this, seek legal advice, and have a discussion about the scope of work for the hearing officer and the process and budget.

Chair Richards asked for a motion to go into closed session. Member Meiklejohn moved to go into closed session. Member Paul seconded. Motion passed 4-0.

Item #5 Report on vote outcome regarding Cumulative Impact Committee facilitator contract, contract administration, contract scope of work, and budget (Information Committee)

Member Paul discussed the scope of work and what the facilitator would do. They would be organizing meetings to prepare a draft cumulative impacts regulation that could be presented to the board. They would help the committee do the presentation to the board and prepare for a hearing and see the process through. The scope of work has been reviewed by the board and the committee hopes they will approve it subject to any technical changes that need to be made per the contract.

- Chair Richards also stated that the budget was discussed as well.
- Member Meiklejohn asked if someone from the information committee could walk them through the process of the scope of work and budget.
- Chair Richards proceeded to walk the board through the scope and budget. Stated that the goal is to draft a cumulative impacts regulation.

Chair Richards called for a vote to approve to recommendation of the scope of work and budget. The recommendation passed by a vote 4-0.

Item #6 Update on the City of Albuquerque's Interagency Cumulative Impacts workgroup (Deputy Director Burstein)

Deputy Director Burstein, stated that EHD was asked by community leaders to pause on the cumulative impacts process while they get organized.

Item #7 Presentation on zero fares (Rachel Swanteson-Franz, The Wilderness Society)

Ms. Swanteson-Franz presented on zero fares and public transportation. Stated that you can get on the bus and it is free until the end of the year.

Member Paul was impressed with the presentation. Seems like it goes hand and hand with what the Air Quality Control Board is doing. Would like see a link in any study of decrease in single automotive programs.

Member Meiklejohn would like to consider how the board could support this work.

Ms. Swanreson-Franz wanted to know the next steps and will forward Stephanie documentation per Member Meiklejohn's request.

Member Meiklejohn and Member Paul would like to talk about this within their committee.

Item #8 Logistics for Clean Cars Rule Hearing preparation (Stephanie Apodaca)

Stephanie gave a brief update on the status on reserving the convention center to hold the Clean Cars hearing on May 4 – May 6, 2022.

Item #9 Introduction of Clean Cars Rule Hearing Officer and overview of rulemaking process (Felicia Orth)

Hearing Officer Orth gave a brief introduction and a brief overview of the rulemaking process for the clean cars rule. This is a joint hearing between the state and city. Hearing Officer Orth stated that the deadline to submit a Notice of Intent to present technical testimony is April 14th, and all technical testimony will be given to all board members that day, to read and prepare for questions on May 4. Public comment is not required ahead of time, but is welcomed.

Member Meiklejohn asked if the hearing will run long into the evening.

- Hearing Officer Orth responded by stating that she doesn't anticipate it going into the evening. But will have a better view by April 14th on what to expect. But the hours for this hearing should be from 9-5 with a 7 o'clock public comment period on May 4th, and from 9 until technical cases and public comments are concluded on May 5th. Hoping for deliberations to be completed by May 5th if not will go into May 6th.
- City Attorney Kelsea Sona, stated she and the Board Attorney talked and there might be a virtual option that evening for public comment if there is no decision making.

Chair Richards had a question on technical testimony versus public comment.

- Hearing Officer Orth stated that the evidence had to be reliable.

Item #10 EHD request to report on *Draft 2020 Regional SO2 Emissions and Milestone Report* during April 2022 AQCB meeting (EHD)

Andrew Daffern gave a brief presentation on the 2020 sulfur dioxide emissions and milestone report. At the April meeting will present on the report and once the public comment period is over, will finalize the report. Will bring it back before the board at a subsequent meeting to review and consider approving and later will submit to EPA.

Member Paul asked if there is a step for the public comments.

- Andrew Daffern responded it is done by March every year. EPA is fine with us submitting this in a delayed manner. Would like this to be on the agenda for the April meeting.

Item #11 EHD request to include public comments pertaining to the *2020 Regional SO2 Emissions and Milestone Report* received by the AQCB (during EHD's public comment period) in the *2020 Regional SO2 Emissions and Milestone Report* (EHD)

There was no vote taken on this. Chair Richards asked Stephanie Apodaca to forward any comments to the board.

Item #12 Discussion of possible future agenda items (Board)

Elections for Chair and Vice Chair

Chair Richards would like the SO2 Milestone report on April's agenda.

Chair Richards would like a follow up from Member Meiklejohn and Member Paul on zero fares.

Member Meiklejohn would like a report back on cumulative impacts along with the progress in regards to both the acquisition of a facilitator and any meetings that may happen between now and then.

Chair Richards will reach out to member Reitzel for status on the public concerns committee and would like update on public comment.

Board Attorney Sedillo Lopez would like to provide a training and presentation on the scope of work for the attorney for the year.

PUBLIC COMMENT

(Suggested five-minute time limit)

No public comments

OTHER BUSINESS

No other business

ADJOURNMENT

Chair Richards adjourned the meeting at 8:37pm

NEXT SCHEDULED BOARD MEETING: April 13, 2022

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

