



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – June 10, 2009

Regular Meeting

**Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102**

AQCB MEMBERS PRESENT

Mr. James Brinkman (County)
Mr. Jens Deichmann, Chair, (County)
Mr. Augustine Grace III, (City)
Dr. Margaret Menache, Vice Chair, (County)
Mr. Louis Pacias, BCPC Liaison (non-voting)
Mr. Art Sharpe (City)
Mr. Jack Sullivan, (City)

AQCB MEMBERS ABSENT

Dr. Dona Upson, (City)

STAFF PRESENT

Ms. Janice Amend, AQCB Liaison, AQD
Mr. Neal Butt, Env. Health Scientist, AQD
Mr. Glen Dennis, Mgr. Vehicle Pollution
Mgt. Div. (VPMD)
Mr. Bill Grantham, Board Attorney
Ms. Adelia Kearny, Deputy City Attorney
Mr. Fabian Macias, Env. Health Mgr. AQD
Ms. Margaret Nieto, Control Strategies
Supervisor, AQD

Mr. Damon Reyes, Env. Health Supervisor
Mr. Dario Rocha, Env. Health Supervisor
Mr. John Soladay, Director, Env. Health Dept.
Mr. Jeff Stonesifer, Env. Health Scientist
Mr. Isreal Tavarez, Env. Engineering Manager

VISITORS PRESENT

Mr. James Chavez, ABCWUA
Mr. Hugh Church, American Lung Association
Ms. Kelsey Curran, Sandia National Labs
Mr. Terry Doyle, MRCOG
Mr. Jose Garcia
Ms. Martha Garcia, Kirtland AFB
Ms. Patty Grice, Mountain View NA
Mr. Jack Lord, MRCOG
Mr. Ray Matthew, NMDOT
Mr. Claude Morelli
Ms. Marla Painter, Mountain View NA
Mr. John Pike, Kirtland AFB
Ms. Kitty Richards, Bernalillo County
Mr. Kyle Silfer, Greater Gardner NA

Minutes

CALL TO ORDER

The meeting was called to order at 5:40 p.m. on June 10, 2009 with six Board members and Louis Pacias, the BCPC Liaison, present. Board Chairman Jens Deichmann presided.

Item # 1 Approval of the Agenda.

A motion was made by Chairman Deichmann to approve the agenda, seconded by Member Brinkman. Motion was carried by a vote of 6-0.

Item #2 Approval of the May 13, 2009 Meeting Minutes.

A motion was made to approve the minutes by Chairman Deichmann, seconded by Vice Chair Menache and the Motion was carried by a vote of 6-0.

ACTION ITEMS

Item #3 Petition to amend 20.11.1 NMAC, *General Provisions*, and 20.11.8 NMAC, *Ambient Air Quality Standards* and submit amendments to EPA as a revision to the SIP -- Neal Butt

Neal Butt, AQD Environmental Health Scientist, presented the Division's request for a hearing on their Petition to amend 20.11.1 NMAC, *General Provisions*, and 20.11.8 NMAC, *Ambient Air Quality Standards*, and submit amendments to EPA. The petition included a request for a hearing officer and a court reporter.

A Motion was made by Chairman Deichmann to grant the request for a hearing on the petition. The Motion was seconded by Member Sharpe and carried by a vote of 6-0.

Item # 4 Resolution #2009-3, Encouraging Bernalillo County Commission to reexamine zoning in the Mountain View area of the South Valley, Encouraging the Bernalillo County Planning Commission to adopt a Mountain View Sector Plan, and Encouraging Bernalillo County to consider any other strategies available to address concerns of the community regarding industries located in close proximity to residential areas in the Mountain View area. -- AQCB Member, Gus Grace

Member Grace presented Resolution #2009-3. After some discussion, Chairman Deichmann volunteered to redraft the resolution, and invited other Board Members to assist in writing the new draft. Chairman Deichmann made a motion to that effect, seconded by Vice Chair Menache. The motion was carried by a vote of 6-0.

REPORTS Division Reports provided in writing. Staff available for questions.

There was extensive discussion regarding the Division Reports including comments from Patty Grice, Marla Painter, Kitty Richards and Kyle Silber.

Item #5 Monthly Air Quality website update -- Isreal Tavarez, AQD

Fabian Macias, Environmental Health Manager, reported that the Division has been working with a contractor to change the placement of historical/archived monitoring data from the local server over to a network server, so that it can be downloaded for easy access.

Item #6 Monitoring Data Update -- Dan Gates, Fabian Macias, AQD

Fabian Macias presented "*Ambient Air Quality in Bernalillo County*" where he covered network design of air monitoring stations, year 2011 network monitor additions, and ozone limits.

Item #7 American Lung Association State of the Air Report -- Hugh Church, ALA

Mr. Church presented "*State of the Air 2009*" where he addressed the air pollution that threatens lives of people in the United States, America's obligation to clean its air, ozone (smog) as the most widespread air pollutant, and the grading system and data for New Mexico.

Item #8 Overview of Transportation and Air Quality from a Regional Perspective -- Jack Lord, MRCOG

Jack Lord presented “*Mid-Region Metropolitan Planning Organization of the Albuquerque Metropolitan Planning Area*” where he discussed the MRCOG Planning Area, the infrastructure of MRCOG, the Metropolitan Planning Organizations, the Metropolitan Transportation Board (MTB), the make up of the Mid-Region Metropolitan Planning Organization (MPO), the purpose of the MPO, transportation issues and challenges, the Metropolitan Transportation Plan (MTP), and the projected growth of the Albuquerque/Bernalillo County area.

There was a brief discussion regarding issues related to ozone and regional air issues.

Item #9 Report on New Mexico Inter-Agency Environmental Justice Task Force meeting -- AQCB Vice Chair, Dr. Margaret Menache

Dr. Menache presented her report on the NM Inter-Agency EJ Task Force Meeting held in Santa Fe, NM, 20 May 2009. Dr. Menache attended the meeting in the place of Member Brinkman, who is the appointed liaison to the Task Force.

OTHER BUSINESS

Item #10 Discussion of 20.11.21 NMAC, *Open Burning*, and open burning of explosives

Bill Grantham, Board Attorney, responded to a question asked at the last meeting, that if Kirtland was under State regulatory jurisdiction, open burning could be covered under household waste or vegetative materials categories under NMED regulations. Mr. Grantham understands that if the material does not fall under those categories, a construction permit would be required. If the material being burned were hazardous waste, a hazardous waste permit would be needed. For a hazardous waste facility in Bernalillo County, the state defers to 20.11.21 NMAC, *Open Burning* regulation.

Chairman Deichmann acknowledged that AQD is probably following the Open Burning regulation, but stated that the regulation is inadequate. He would like to borrow language from other regulations to improve 20.11.21 NMAC, *Open Burning* and to consider this at a future meeting.

Marla Painter asked for clarification on whether a permit was required and how to access this information, to which Mr. Tarez responded that she can make an appointment to review the permit in the AQD office.

Item #11 Discussion of ozone and regional air issues

Chairman Deichmann asked if there was any further information on this matter beyond what Mr. Lord had already covered in his presentation. Margaret Nieto, AQD Control Strategies Supervisor reported that a meeting involving MRCOG, EPA, NMED, and the COA/AQD was held earlier in the week, the result of which was that Jack Lord, MRCOG, would make a presentation during the June 10, 2009 AQCB meeting, and that if the MTB would like to learn more about ozone, that AQD could present information to them at one of their meetings.

PUBLIC COMMENT

Ms. Kitty Richards made public comment.

ADJOURNMENT Chairman Deichmann adjourned the meeting at 8:55 p.m.

NEXT SCHEDULED BOARD MEETING AND HEARING: The next board meeting and hearing will be on July 8, 2009 at 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

Mr. Isreal Tavaréz, Date
Board Secretary / Environmental Engineering Manager Air Quality Division
Environmental Health Department

Mr. Jens Deichmann Date
Board Chair
Albuquerque-Bernalillo County Air Quality Control Board