



# ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



**DRAFT MINUTES – February 10, 2010**

**Regular Meeting**

**City Council Committee Room**

**9<sup>th</sup> Floor, Room 9081**

**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. Jack Sullivan (City)  
Dr. Dona Upson (City)

## **AQCB MEMBERS ABSENT**

Mr. Louis Pacias, BCPC Liaison (non-voting)  
Mr. Art Sharpe (City)

## **STAFF PRESENT**

Mr. Neal Butt, Env. Health Scientist, AQD  
Mr. Glen Dennis, Mgr. Vehicle Pollution  
Mgt. Div. (VPMD)  
Mr. Bill Grantham, Board Attorney  
Ms. Donna Griffin, Assistant City Attorney  
Ms. Adelia Kearny, Deputy City Attorney  
Ms. Margaret Nieto, Env. Health Supervisor,  
AQD

Ms. Anita Steed, Env. Health Scientist, AQD  
Mr. Isreal Tavarez, Env. Eng. Mgr., AQD  
Ms. Janice Wright, AQCB Liaison, AQD

## **VISITORS PRESENT**

Mr. Dave Benavidez, Monkbridge NA  
Mr. Jonathon Block, NM Environmental Law  
Center  
Ms. Kelsey Curran, Sandia National Labs  
Ms. Carol Hanson, NMSU Student  
Ms. Marcia Finical, Greater Gardner NA  
Ms. Patty Grice, Mountain View NA  
Mr. Jose Madera, GCC  
Ms. Marla Painter, Mountain View NA  
Ms. Kitty Richards, Bern. Co. Env. Health  
Office  
Mr. Kyle Silber, Greater Gardner NA  
Mr. Tim Van Valen, Brownstein Hyatt Farber  
Schreck, LLP

## **Draft Minutes**

### **CALL TO ORDER**

The meeting was called to order at 5:43 p.m. on February 10, 2010 with six Board members present. Board Chairman Jens Deichmann presided.

#### **Item # 1** Approval of the Agenda.

Member Brinkman moved that the agenda be amended by placing Item #5 before Item #3, seconded by Vice Chair Menache. Motion was carried by a vote of 5-0.

A motion was made by Vice Chair Menache to approve the agenda as amended, seconded by Member Sullivan. Motion was carried by a vote of 5-0.

**Item #2** Approval of the January 13, 2010 Meeting Minutes.

A motion was made to approve the minutes by Chairman Deichmann, seconded by Member Sullivan and the motion was carried by a vote of 5-0.

### **PUBLIC COMMENT**

There was no public comment.

### **ACTION ITEMS**

**Item #5** Decision on *Motion to Disqualify Member Brinkman* regarding AQCB Petition No. 2009-7 (Resolution No. 2010-3)

(Member Grace arrived at 5:55 p.m.)

Chairman Deichmann asked the Air Board if they would agree to discuss this item prior to having a motion on the floor. Board Members agreed, and discussed their positions regarding the *Motion to Disqualify Member Brinkman*. A portion of the recording of the March 18, 2008 American Cement Corp. Public Information Hearing regarding proposed Air Quality Permit No. 0902-M2 was broadcast for the Air Board Members at the request of Member Upson.

Public comment was made by Ms. Marla Painter.

Ms. Adelia Kearny, Deputy City Attorney, pointed out a typographical error, which Chairman Deichmann stated would be corrected without an amendment to the Resolution.

Resolution 2010-3, *Decision on the Motion to Disqualify Member Brinkman Regarding AQCB Petition No. 2009-7* (Greater Gardner NA et al vs. City of Albuquerque, American Cement Corp., Intervenor) , which sustained the Motion was moved by Member Grace, seconded by Member Sullivan. The motion to sustain the *Motion to Disqualify* was carried by a vote of 5-0. Member Brinkman did not vote on this item.

**Item #3** Decision on appointing a new Hearing Officer for AQCB Petition No. 2009-7 (Resolution No. 2010-1)

Resolution 2010-1, *Decision on Appointing an Alternative Hearing Officer for AQCB Petition No. 2010-7* (Greater Gardner NA et al vs. City of Albuquerque, American Cement Corp., Intervenor) was moved by Chairman Deichmann, seconded by Vice Chair Menache. The motion was carried by a vote of 5-0. Member Brinkman did not vote on this item.

Chairman Deichmann read a statement from Hearing Officer Felicia Orth polling Board Members regarding the potential revised deadline for Statements of Intent which the parties agreed to as March 1, 2010 rather than February 22, 2010. Hearing Officer Orth wanted to know if the March 1 deadline would allow Board members enough time to review prior to the hearing on March 9 and 10, 2010. The Board members expressed that the new date would not be a problem.

**Item #4** Decision on whether to direct the Hearing Officer to issue a recommended decision within a period established by the board regarding AQCB Petition No. 2009-7 (Resolution No. 2010-2)

Resolution 2010-2, *Decision on Whether to Direct the Hearing Officer to Issue a Recommended Decision within a Period Established by the Board Regarding AQCB Petition No. 2009-7* (Greater Gardner NA et al vs. City of Albuquerque, American Cement Corp., Intervenor) was moved by Vice Chair Menache, seconded by Member Upson. The motion was carried by a vote of 5-0. Member Brinkman did not vote on this item.

**Item #6** Acceptance of *2008 Regional SO2 Emissions and Milestone Draft Report* (Dec.18, 2009) -- Neal Butt AQD, EH Scientist

Mr. Butt presented the *2008 Regional SO2 Emissions and Milestone Draft Report* (Dec. 18, 2009), and he addressed questions from the Air Board.

Member Grace moved acceptance of the *2008 Regional SO2 Emissions and Milestone Draft Report* (Dec. 18, 2009), seconded by Member Sullivan. The motion was carried by a vote of 6-0.

**REPORTS** Division Report and monthly Air Quality website update. Staff available for questions.

The Air Board had no questions.

**ADJOURNMENT** Chairman Deichmann adjourned the meeting at 6:58 p.m.

**NEXT SCHEDULED BOARD HEARING:** March 9-10, 2010, Hearing to Address the Appeal of Modified Authority-to-Construct Permit #0902-M3 Issued to American Cement Corporation, Brought by Greater Gardner Neighborhood Association, North Valley Coalition of Neighborhood Associations, and Individuals Kyle Silfer, David Wood, and Marcia Finical, Docket No. AQCB 2009-7. Hearing to be held in the Albuquerque Convention Center, Cochiti/Taos Rooms, Westside building, basement level, at 401 2<sup>nd</sup> Street, NW, Albuquerque, NM.

**NEXT SCHEDULED BOARD MEETING:** March 10, 2010 5:30 p.m. Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

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Ms. Margaret Nieto  
Board Secretary/Env. Health Supervisor, Control Strategies Section,  
Air Quality Division, Environmental Health Department

Date

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

Date