



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – August 13, 2008

Regular Meeting

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

AQCB MEMBERS PRESENT

Dr. Matthew Campen (City)
Mr. Augustine Grace III, (City)
Mr. Mike Minturn, Chair (City)
Dr. Debby Potter, (County)
Mr. Art Sharpe (City)
Dr. Gwen Sun (County)

AQCB MEMBERS ABSENT

Mr. Jens Deichmann, Vice Chair, (County)
Mr. Louis Pacias, BCPC Liaison (non-voting)

STAFF PRESENT

Mr. Chris Albrecht, Env. Health Manager, AQD
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. Ken Lienemann, Air Monitoring Supervisor AQD
Mr. Fabian Macias, Env. Health Mgr. AQD
Ms. Margaret Nieto, Control Strategies Supervisor,
AQD
Mr. Isreal Tavarez, Env. Engineering Mgr., AQD

VISITORS PRESENT

Ms. Patty Grice, Mountain View NA
Ms. Lis Iglesias
Dr. Margaret Menache, UNM Research
Ms. Marla Painter, Mountain View NA
Ms. Kitty Richards, Bernalillo County
Mr. Tom Scharmen, NM Dept. of Health

Hearing

Proposal to adopt revisions to the *Section 309 Regional Haze State Implementation Plan element: Albuquerque/Bernalillo County, NM.*

Proposal to amend 20.11.46 NMAC, *Sulfur Dioxide Emissions Inventory Requirements; Western Backstop Sulfur Dioxide Trading Program* to meet the Regional Haze requirements of the federal Clean Air Act and 40 CFR 51, Subpart P Section 309.

Proposal to incorporate an amended *Section 309 Regional Haze State Implementation Plan Element: Albuquerque/Bernalillo County, NM*, and an amended 20.11.46 NMAC, *Sulfur Dioxide Emissions Inventory Requirements; Western Backstop Sulfur Dioxide Trading Program* into the New Mexico State Implementation Plan (SIP) for Air Quality.

Hearing Officer Bill Grantham opened the hearing at 5:36 p.m. Mr. Neal Butt, AQD Environmental Health Scientist, provided testimony and answered questions regarding the proposal to adopt revisions to *Section 309 Regional Haze State Implementation Plan element: Albuquerque/Bernalillo County, NM* (“Section

309 SIP Element”), proposal to amend 20.11.46 NMAC, *Sulfur Dioxide Emissions Inventory Requirements; Western Backstop Sulfur Dioxide Trading Program* (“20.11.46 NMAC”), and incorporating Section 309 SIP Element and 20.11.46 NMAC into the SIP. Hearing Officer closed the hearing at 6:02 p.m.

Minutes

CALL TO ORDER

The meeting was called to order at 6:02 p.m. on August 13, 2008 with six Board members present. Board Chairman Mike Minturn presided.

Item # 1 Approval of the Agenda.

Member Grace made the Motion to approve the agenda, which was seconded by Member Campen, and the Motion was carried by a vote of 6-0.

Item #2 Approval of the July 9, 2008 Meeting Minutes.

Member Potter asked that the minutes be amended under Item #5, By-Laws Committee Update to include her preference that a slate of nominees would be presented 30 days prior to an election. Chairman Minturn stated he would like the minutes to stand as they are written, and when the bylaws are on the agenda at a future Board meeting, Member Potter’s proposal could be considered. He added that her proposal should be reflected in today’s minutes.

A Motion was made to approve the minutes by Member Campen, seconded by Member Sharpe and the Motion was carried by a vote of 6-0.

ACTION ITEMS

Item #3 Decision regarding Proposal to adopt revisions to the *Section 309 Regional Haze State Implementation Plan element: Albuquerque/Bernalillo County, NM.*

Item #4 Decision regarding Proposal to amend 20.11.46 NMAC, *Sulfur Dioxide Emissions Inventory Requirements; Western Backstop Sulfur Dioxide Trading Program* to meet the Regional Haze requirements of the federal Clean Air Act and 40 CFR 51, Subpart P Section 309.

Item #5 Decision regarding Proposal to incorporate an amended *Section 309 Regional Haze State Implementation Plan Element: Albuquerque/Bernalillo County, NM*, and an amended 20.11.46 NMAC, *Sulfur Dioxide Emissions Inventory Requirements; Western Backstop Sulfur Dioxide Trading Program* into the New Mexico State Implementation Plan (SIP) for Air Quality.

A quorum was not present for the November 14, 2007 hearing regarding Regional Haze. The members who were not present on November 14, 2007 were Chairman Deichmann, Member Campen, Member Grace, and Member Sun. The Hearing Officer asked if the members present at the current hearing had reviewed the record for the November hearing and all three members stated that they had and were prepared to vote.

A Motion was made by Chairman Minturn to adopt Albuquerque-Bernalillo County Air Quality Control Board Resolution 2008-6 Adopting the Section 309 Regional Haze SIP Element; amending 20.11.46 NMAC; and incorporating an amended Section 309 Regional Haze SIP

element and an amended 20.11.46 NMAC in the New Mexico State Implementation Plan (SIP) for air quality with floor amendments. The Motion was seconded by Member Campen and carried by a vote of 6-0.

REPORTS Division reports provided in writing.

Item #6 West Bluff Report – Ken Lienemann, AQD

Ken Lienemann, AQD Air Monitoring Supervisor, presented the *West Bluff Short-Term Monitoring Project Final Report*. The report was generated as a result of the West Bluff agreement between the City of Albuquerque and neighborhood associations comparing air quality before and after the construction of the Coors Boulevard and I-40 interchange. The data showed that pollution had not increased after the interchange was constructed, and in some cases pollution had minimally decreased. Mr. Lienemann responded to questions.

OTHER BUSINESS

Item #7 Reminder of ex parte requirements in newly adopted 20.11.82 NMAC, *Rulemaking Procedures – Air Quality Control Board* – Margaret Nieto, AQD

Margaret Nieto, AQD Control Strategies Supervisor, reminded the Board to be aware of **20.11.82.15 NMAC, GENERAL PROVISIONS-EX PARTE COMMUNICATION**, which states “at no time after a proceeding is initiated by filing a petition pursuant to 20.11.82.18 NMAC and before the conclusion of a proceeding initiated pursuant to 20.11.82 NMAC shall the department, or any other party, interested participant or their representatives communicate ex parte, orally or in writing, with any board member or the hearing officer, regarding the merits of the proceeding.”

Item #8 Review and Discussion of Environmental Justice (EJ) synthesized proposal document.

The Board discussed the document and briefly discussed comments from the Board Attorney, Bill Grantham, and from the Air Division. Mr. Isreal Tavarez, AQD Environmental Engineering Manager, stated that California has a very good program with open processes in which they share data with the public, and that is the direction he would like to follow. The work of the EJ Task Force could be instrumental in identifying areas in which data could be collected.

Member Campen stated that Mr. Tavarez’ comments should be reflected in the EJ synthesized proposal document, and proposed to rework the synthesized document. He will be accepting comments from Board members and the Board Attorney, and then submit a new EJ synthesized proposal document, created by the Board, to be discussed and finalized at the next meeting on September 10, 2008. AQD will then be asked to provide comments at the October 8, 2008 meeting. Dr. Campen stated that he wants the Division’s comments to address what needs to be in place in order for proposals to happen.

Also under **OTHER BUSINESS**, Chairman Minturn reported on the EJ update he was requested to provide to the Albuquerque/Bernalillo County Government Commission (**ABCGC**).

Member Sharpe reported on his impression of the first meeting he attended of the Metropolitan Transportation Board at the Mid-Region Council of Governments.

