

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



DRAFT MINUTES – January 14, 2009 Regular Meeting and Hearing Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center 400 Marquette NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT

Dr. Matthew Campen (City) Mr. Jens Deichmann, Vice Chair, (County) Mr. Augustine Grace III, (City) Mr. Mike Minturn, Chair (City) Mr. Art Sharpe (City) Mr. Louis Pacias, BCPC Liaison (non-voting)

AQCB MEMBERS ABSENT

Vacant (County) Vacant (County)

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. John Soladay, Director, Env. Health Dept. Mr. Isreal Tavarez, Env. Engineering Manager

VISITORS PRESENT

Mr. Hugh Church, American Lung Asso. Ms. Patty Grice, Mountain View NA Ms. Lisbeth Iglesias, UNM Dr. Margaret Menache, UNM Research Mr. Dick Voccio, Vo-c-o's Automotive Mr. Rick Voccio, Vo-c-o's Automotive

Hearing

Proposal to Amend 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, and 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*, and request for updated delegation of authority from EPA.

Hearing Officer Bill Grantham opened the hearing at 5:33 p.m. Mr. Neal Butt, AQD Environmental Health Scientist, provided testimony and answered questions regarding the proposal to amend 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, and 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*, and request for updated delegation of authority from EPA. Hearing Officer closed the hearing at 5:56 p.m.

Draft Minutes

CALL TO ORDER

The meeting was called to order at 5:56 p.m. on January 14, 2009 with five Board members present. Board Chairman Mike Minturn presided.

Item #1 Approval of the Agenda.

A motion was made to approve agenda by Member Campen, seconded by Member Sharpe. Motion was carried by a vote of 5-0.

Item #2 Approval of the December 10, 2008 Meeting Minutes.

A motion was made to approve the minutes by Member Grace, seconded by Member Campen and the Motion was carried by a vote of 5-0.

ACTION ITEMS

Item #3 Decision on Proposal to Amend 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, and 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*, and request for updated delegation of authority from EPA.

Motion to approve AQCB Resolution # 2009-1 Amending 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, and 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*, and requesting updated delegation of authority from EPA was made by Vice Chairman Deichmann, seconded by Member Grace. Motion carried 5-0.

- **<u>REPORTS</u>** Division reports provided in writing.
- Item #4 Monthly Air Quality website update J. Amend

J. Amend, AQCB Liaison, presented the new formats for Air Quality Control Board and Regulation Development web pages.

Vice Chairman Deichmann asked I. Tavarez, Environmental Engineering Manager, to report back next month regarding the progress of the AQD web pages, especially with respect to availability of data.

OTHER BUSINESS

Item #5 Board vacancies.

Chairman Minturn made note of the two recent Board Members resignations and the vacancies that were created.

Chairman Minturn noted the article published in the January 8-14, 2009 Weekly Alibi, entitled *Uneasy Breathing*, and inquired as to whether the Board would like to respond.

Art Sharpe said that he does care about Environmental Justice, and that he hopes that doable approaches can be developed. It was the general consensus of the Board not to take any action regarding the article.

Item #6 Reminder of upcoming regulatory hearings:

• February 11, 2009, Proposal to Amend 20.11.104 NMAC, *Emission Standards for New Motor Vehicles* by making minor language modifications.

• <u>April 9, 2009</u>, Proposal to Repeal and Replace 20.11.41 NMAC, *Authority to Construct* with 20.11.41 NMAC, *Stationary Source Permits* and to incorporate the new 20.11.41 NMAC, *Stationary Source Permits* into the New Mexico State Implementation Plan (SIP) for Air Quality.

PUBLIC COMMENT

Dr. Margaret Menache expressed concerns regarding new public comment procedures and availability of information.

Mr. Dick Voccio expressed concerns regarding enforcement of vehicle registration for people coming from outside the County, cited the Kirtland AFB situation whereby employees are no longer required to have an emissions sticker. He informed the Board that individuals with failed vehicles can get through the system by registering on-line, which does not required a passed Air Quality emissions test. He commented on the super-warranty issue that was discussed during the Clean Cars regulation hearing last year.

G. Dennis, VPMD Manager, said in response to Mr. Voccio's first comment, that the Division will send a letter to Kirtland and that if there is not an appropriate response, then a Board letter, as offered by Vice Chairman Deichmann, would be a good idea. Regarding the on-line registration issue, he said that he could request an audit with the NMDMV and see if the on-line registration service is indeed happening and how it can be addressed. Mr. Dennis was requested to report back to the Board next month.

ADJOURNMENT Chairman Minturn adjourned the meeting at 6:48 p.m.

NEXT SCHEDULED BOARD MEETING AND HEARING: The next board meeting and hearing will be on February 11, 2009 at 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque/Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

Mr. Isreal Tavarez, Date Board Secretary / Environmental Engineering Manager Air Quality Division Environmental Health Department Mr. Mike Minturn Date Board Chair Albuquerque-Bernalillo County Air Quality Control Board