



# ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – May 14, 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. Jens Deichmann, Vice Chair, (County)  
Mr. Augustine Grace III, (City)  
Mr. Mike Minturn, Chair (City)  
Mr. Louis Pacias, BCPC Liaison (non-voting)  
Dr. Debby Potter, (County)  
Mr. Art Sharpe (City)

## AQCB MEMBERS ABSENT

Dr. Gwen Sun (County)

## 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)

Ms. Adelia Kearny, Deputy City Attorney  
Mr. Fabian Macias, Env. Health Mgr. AQD  
Ms. Margaret Nieto, Control Strategies Supervisor,  
AQD  
Mr. Isreal Tavarez, Env. Engineering Mgr., AQD

## VISITORS PRESENT

Mr. Hugh Church, American Lung Asso.  
Mr. Bill Grantham, NMED  
Ms. Patty Grice, Mountain View NA  
Ms. Marla Painter, EJ Task Force

## Minutes

### CALL TO ORDER

The meeting was called to order at 5:32 p.m. on May 14, 2008 with five Board members present. Board Chair Mike Minturn presided.

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

Chairman Minturn made the Motion to approve the agenda, which was seconded by Member Potter, and the Motion was carried by a vote of 5-0.

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

Motion was made to approve the minutes by Member Potter, seconded by Member Sharpe. The Motion was carried by a vote of 4-0-1 (For: Campen, Minturn, Potter, Sharpe - Abstain: Grace). Member Grace abstained from the vote, as he was not present at the April meeting.

**Item #3** Approval of April 23, 2008 EJ Task Force Report Workshop Minutes.

Amendments were proposed by Chair Minturn to change the title to “Draft Meeting Summary” from “Draft Minutes,” and to change “Workshop Summary” from “Workshop Agenda” also on the first page, lower quarter of the page centered text. On the fourth page of the Summary, second bullet, “Senator Dede Fieldman” should be changed to “Senator Dede Feldman.”

Member Potter proposed an amendment to the minutes that includes the recommendations from people who attended the Governor’s EJ Task Force listening sessions around New Mexico, which she had read into the record at the workshop. She read the following text and stated these recommendations should be added to the “Explicitly consider EJ and cumulative impacts in permitting process” section of the minutes.

**“Recommendations for Substantive Reform:**

Consider demographics, social impacts, cumulative impacts, secondary impacts, nuisance impacts (e.g., noise, odor), impacts.

Consider impacts to vulnerable populations, such the ill, children and the elderly.

Adopt precautionary principle and consider pollution prevention and toxic reduction strategies.

Use discretion to require additional mitigation efforts for permits in impacted communities.

Require comprehensive demonstration that burden of proof is met and do not rely on permit applicant’s unsupported assertions.

Deny permits that result in or exacerbate disparate impacts.

**Recommendations for Procedural Reform**

Make all information regarding a potential permit (including pre-application information) available to the public by posting on the internet.

Avoid negotiations with permit applicants when members of the public and affected communities are not notified, involved and present.

**Enforcement**

Increase inspections; do not rely on self-reporting of regulated community.

Prepare and distribute manual for citizens on reporting violations, obtaining information on releases.

Encourage stronger enforcement at federal facilities.

Have stronger oversight over private consultants.

Penalties for violations should go to community environmental projects.

Support community based cleanups.

Post violations on the internet.”

A motion was made by Chairman Minturn to approve the minutes along with the amendments, seconded by Member Campen. The Motion was carried by a vote of 5-0.

Mr. Pacias joined the meeting at this time.

**ACTION ITEMS**

**Item #4** Request by the Air Quality Division for permission to hold a hearing before the Air Quality Control Board to hear proposal to adopt 20.11.82 NMAC, Rulemaking Procedures – Air Quality Control Board on July 9, 2008 or the next available date thereafter. Request also includes providing a court reporter and hearing officer for the hearing.

Motion was made by Chairman Minturn to approve request to hold a hearing for 20.11.82 NMAC, providing a court reporter, and hearing officer, seconded by Member Sharpe. The Motion was carried by a vote of 5-0.

**PRESENTATIONS**

**Item #5** ALA State of the Air Report ([www.stateoftheair.org](http://www.stateoftheair.org)) - Hugh Church, American Lung Association.

Mr. Church provided a brief summary of the ALA State of the Air Report regarding health effects of ozone and particle pollution in Albuquerque and Bernalillo County. He reported that Bernalillo County was ranked highly.

**REPORTS** Division reports provided in writing.

Chairman Minturn asked about two items on the *AQD Monthly Report*: 1) whether AQD was able to relate results from the NOx monitoring project in the Bronx at various heights above the ground to Albuquerque, and 2) why AQD had not received Heavy Metal data from NM Scientific Laboratory Division (SLD). Fabian Macias, AQD responded to both questions: 1) yes, they could relate the results to Albuquerque-Bernalillo County, although there are some protocol issues that may dampen the results of the study and 2) there was a backlog issue at the SLD labs, now resolved.

**Item #6** By-Laws Committee update.

Vice-Chair Deichmann stated that the original committee working on the *AQCB By-Laws* consisted of Maria Dominguez, Gus Grace, Isreal Tavarez, and Jens Deichmann. The relevant documents have now been formatted into workable compilations that need a little more work. The committee will meet in the next month, and then bring proposed By-Laws back to the Board for their consideration and final adoption. (This item was heard out of order, as Board member Deichmann arrived at the meeting during Item #7.)

## **OTHER BUSINESS**

**Item #7** Public Comments regarding EJ Task Force Report Workshop-Patty Grice and Marla Painter provided public comments on the workshop.

Member Potter made a motion to place an Action Item on the next Board agenda to address the implementation of the EJ Task Force Final Report; seconded by Member Campen. Vice-chairman Deichmann abstained from the vote because he just joined the meeting. The Motion was carried by a vote of 5-0-1 (For: Campen, Minturn, Potter, Sharpe, Grace - Abstain: Deichmann).

Chairman Minturn proposed that members of the Board should submit their individual proposals regarding EJ Task Force Report recommendations and related issues to Janice Amend, Board Clerk by May 30, 2008. In this manner, proposals can be compared, grouped, analyzed prior to the next meeting, at which proposals can be considered. Board members were in agreement.

Chairman Minturn made note that the AQCB Attorney position vacated by Maria Dominguez is now being filled by Bill Grantham, who is an attorney at NMED and will be working with the Air Board on contract. Mr. Grantham, who was present at the meeting, was introduced to the Board and briefly described his professional background.

## **PUBLIC COMMENT**

