AQD Ex. #2e

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

Chair, Dr. Dona Upson, City
Ms. Jane Cudney-Black, City
Dr. Robert Goldstein, County
Mr. Jack Sullivan, City

Vice Chair, Ms. Kelsey Curran, City
Mr. Jens Deichmann, County
Dr. Naomi Kistin, County
Non-voting members: BCPC Liaison-Dr. Lenton Malry; COA/EPC Liaison-vacant; Secretary to the Board-Ms. Margaret Nieto, COA/AQD

Date: May 8, 2013 (Wednesday) **Time:** 5:30 p.m.	**Location:** Vincent E. Griego Chambers Albuquerque-Bernalillo County Government Center One Civic Plaza NW Albuquerque, NM 87102
General inquires regarding this agenda may be directed to Elizabeth Jones (505) 768-2601 (ejones@cabq.gov). For documents related to each agenda item, please go to http://www.cabq.gov/airquality/air-quality-control-board/events/air-quality-control-board-meeting-may-8-2013/	

Regular Monthly Meeting Draft Agenda

CALL TO ORDER

Item #1 Approval of Agenda (Chair)

Item #2 Approval of April 10, 2013 Meeting Minutes (Chair)

PUBLIC COMMENT

ACTION ITEMS

Item #3 Request for Hearing on the Second Amended Petition to Repeal Currently Effective 20.11.41 NMAC, *Authority to Construct*; Adopt Proposed Replacement 20.11.41 NMAC, *Construction Permits*; and Incorporate the Replacement 20.11.41 NMAC into the New Mexico State Implementation Plan (SIP) for Air Quality (AQCB Petition No. 2013-5) - Isreal Tavarez, AQD Manager

REPORTS Division Report. Staff available for questions.

OTHER BUSINESS

Item #4 Special Board Training on the Board's Quasi-Judicial and Quasi-Legislative Roles and Responsibilities, including a discussion of procedure, authority, conflict of interest, ex parte communications, public records, open meetings and the advancement of environmental justice objectives – Felicia Orth, AQCB Hearing Officer and Bill Grantham, AQCB Attorney

ADJOURNMENT

NEXT SCHEDULED BOARD MEETING and HEARINGS: June 12, 2013 5:30 p.m.

Members of the public who wish to address the Board, may do so by signing up with the Board Clerk and indicating either the agenda item they intend to address, or whether they wish to make a general public comment. Sign up must occur prior to the Board's consideration of each item. Each person will be given up to two minutes to speak.

Notice to persons with disabilities: If you have a disability and require special assistance to participate in this process, please call 311 (Voice) and special assistance will be made available to you to receive any public meeting documents, including agendas and minutes. TTY users may request special assistance by calling 1-800-659-8331.

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

MINUTES – May 8, 2013
Regular Meeting
Vincent E. Griego chambers
Albuquerque-Bernalillo County Government Center
One Civic Plaza NW, Albuquerque, NM 87102

AQCB MEMBERS PRESENT
Dona Upson, M.D. (City), Chair
Ms. Kelsey Curran (City), Vice Chair
Ms. Jane Cudney-Black (City)
Robert A. Goldstein, M.D. (County)
Naomi Kistin, M.D. (County)
Lenton Malry, Ph.D. (BCPC Liaison)
Mr. Jack Sullivan (City)

AQCB MEMBERS ABSENT
Mr. Jens Deichmann (County)

STAFF PRESENT
Mr. Neal Butt, EH Scientist, AQD
Mr. Bill Grantham, Air Board Attorney
Ms. Liz Jones, AQCB Liaison
Ms. Adelia Kearny, Deputy City Attorney
Ms. Mary Lou Leonard, Director, EHD
Mr. Fabian Macias, Air Quality Official
Mr. Danny Nevarez, Acting Deputy Director, EHD
Ms. Margaret Nieto, AQCB Secretary, EH Supervisor
Ms. Felicia Orth, Hearing Officer
Mr. Isreal Tavarez, EH Manager, Permitting

VISITORS PRESENT.
Mr. N.J. Airhart, Trinity Consultants
Ms. Melissa Clark, KAFB
Dr. Margaret Menache
Ms. Marla Painter, Mountain View NA

Meeting Minutes

CALL TO ORDER

The meeting was called to order by Chair Dr. Dona Upson at 5:45 pm on May 8, 2013 with six Board members and the BCPC liaison present: Chair Dona Upson, M.D., Ms. Jane Cudney-Black, Ms. Kelsey Curran, Robert A. Goldstein, M.D., Naomi Kistin, M.D., and Mr. Jack Sullivan; Lenton Malry, Ph.D., BCPC liaison.

Item #1 **Approval of Agenda (Chair)**

A motion to approve the agenda was made by Member Sullivan, seconded by Member Cudney-Black and approved by a vote of 5-0 with 1 abstention made by Member Kistin, who stated that she had wanted the order of agenda items # 3 and 4 to be switched.

The Environmental Health Department Director, Ms. Mary Lou Leonard, introduced Mr. Danny Nevarez as the new acting Deputy Director who will oversee Environmental Health's Air Quality Division.

Item #2 **Approval of April 10, 2013 Meeting Minutes (Chair)**

A motion to approve the April 10, 2013 minutes was made by Vice Chair Curran, seconded by member Cudney-Black and approved by a unanimous vote of 6-0.

PUBLIC COMMENT

No public comment was made at this time.

ACTION ITEMS

Item #3 **Request for Hearing on the Second Amended Petition to Repeal Currently Effective 20.11.41 NMAC, *Authority to Construct*; Adopt Proposed Replacement 20.11.41 NMAC, *Construction Permits*; and Incorporate the Replacement 20.11.41 NMAC into the New Mexico State Implementation Plan (SIP) for Air Quality (AQCB Petition No. 2013-5) - Isreal Tavarez, AQD Manager**

Vice Chair Curran moved to grant the request for a hearing and to hire a court reporter. The motion was seconded by Member Cudney-Black and passed by a unanimous vote of 6-0.

REPORTS No comments or questions were made.

OTHER BUSINESS

Item # 4 **Special Board Training on the Board's Quasi-Judicial and Quasi-Legislative Roles and Responsibilities, including a discussion of procedure, authority, conflict of interest, ex parte communications, public records, open meetings and the advancement of environmental justice objectives – Felicia Orth, AQCB Hearing Officer and Bill Grantham, AQCB Attorney**

Hearing Officer Felicia Orth and Board Attorney Bill Grantham gave a presentation outlining the Board's various roles and responsibilities. Ms. Orth and Mr. Grantham led discussion and answered questions throughout the presentation.

Public Comment was made by Ms. Marla Painter regarding the use of Air Dispersion Modeling during the permitting process. Deputy City Attorney, Ms. Adelia Kearny, explained the Air Quality Division's use of Air Dispersion Modeling. Dr. Margaret

Menache made a comment regarding the fact that enforcement actions are not within the purview of the Board.

ADJOURNMENT

Chair, Dr. Dona Upson, adjourned the meeting at 7:35 pm.

NEXT SCHEDULED BOARD MEETING AND HEARING:

- June 12, 2013 5:30 pm.

SUBMITTED:

Margaret Nieto 6/12/13
Ms. Margaret Nieto date
Board Secretary/Env. Health Supervisor, Control Strategies Section
Air Quality Div., Environmental Health Department

READ AND APPROVED:

Dona Upson MD 6/12/13
Dona Upson M.D. date
Chair
Albuquerque – Bernalillo County Air Quality Control Board