



Angel Martinez, Director

City of Albuquerque
Environmental Health Department
Albuquerque-Bernalillo County Air Quality Program



MINUTES –May 11, 2022
Regular Virtual Meeting

AQCB MEMBERS PRESENT

Ms. Lauren Meiklejohn (CITY), Chair
Ms. Maxine Paul (CITY), Vice Chair
Ms. Kitty Richards (COUNTY)
Ms. Judy Calman (COUNTY)

AQCB MEMBERS ABSENT

Ms. Elizabeth Reitzel (CITY)
Ms. Susan Langner (COUNTY)

AQCB NON –VOTING MEMBERS

Ms. Connie Chavez (Bernalillo County
Planning Commission Liaison)
Mr. Joseph Cruz Jr. (Environmental
Planning Commission, City of Albuquerque
Liaison)

STAFF PRESENT

Ms. Antoinette Sedillo Lopez, AQCB
Attorney
Ms. Stephanie Apodaca, AQCB Liaison
Mr. Albert Chang, Asst. City Attorney
Ms. Maria Gallegos, EH Comm. Liaison
Mr. Travis Miller, EH Manager
Ms. Carina Munoz-Dryer, EH Supervisor
Mr. Kenneth Miller, AQ Reg Dev. Coord
Ms. Elizabeth Pomo, EH Scientist
Ms. Kelsea Sona, Asst. City Attorney
Mr. Dwayne Salisbury, EH Manager
Mr. Kyle Tupane, EH Scientist
Ms. Lisa Serna-Cordova, EH Prog. Analyst

MEMBERS of the PUBLIC PRESENT

Ms. Elaine Cimino
Ms. Dionna Arellano
Ms. Marla Painter
Mr. Richard Moore
Ms. Nora Garica
Mr. Xavier Barraza

Due to COVID-19 this meeting was held via Zoom Video Conference.

CALL TO ORDER

Chair Meiklejohn called the meeting to order at 5:31pm.

Member Reitzel and Member Langner were absent

Item #1 Approval of May 11, 2022 Agenda (Chair)

Member Richards moved to approve the agenda, Vice Chair Paul seconded. The motion passed by a vote of 4-0.

Item #2 Approval of April 13, 2022 meeting minutes (Chair)

Member Richards has a few changes to the minutes on Items #8 and #9. Asked if the AQCB representing the Bernalillo County and the City can be more Stringent than the state. Not whether the State can be more Stringent than the Federal, would like Ms. Apodaca to review the record and make the change. Under item #9 would Ms. Apodaca to check if a roll call vote was taken.

Chair Meiklejohn tabled the approval of the Minutes until next month's meeting.

AIR PROGRAM REPORT

Updates by City of Albuquerque, Environmental Health Department Managers

Chair Meiklejohn stated that there will be a change to the Air Program report this month due to the Clean Cars Hearing. The Board reviewed the report prior to the meeting and will ask questions to EHD management if needed. Link to the Air Program Report is on the EHD website.

Vice Chair Paul talked about a presentation that includes a comparison of the Air Quality index that we use here and in the United States in general to understand air quality values to take data and make it legible for the public as well as world health organization's IQ air index.

Member Richards wanted to confirm with Director Martinez if he received information from Ms. Pope on the EZ laundromat.

Chair Meiklejohn stated that the public comment period is open until May 16th for star paving.

PUBLIC COMMENT

(Suggested five-minute time limit)

Marla Painter asked a question on if the board has talked to Director Martinez about the relationship with the county planning and zoning departments on how to assure zoning is appropriate for applicants.

- Chair Meiklejohn stated no she has not had an opportunity to speak to the Director yet.
- Member Richard didn't have a chance to speak to the Director either, but stated that shortly before Deputy Director Burstein's departure they were going to test the construction permits. Essentially do a pilot to make sure the construction permits have the appropriate zoning prior to issuing an air quality permit.
- Marla Painters asked if there can be a consistent policy on how zoning is determined.
- Chair Meiklejohn will follow up

REPORTS/DISCUSSION/ACTION ITEMS

Item #3 Presentation on Final 2020 Sulfur Dioxide Milestone Report (EHD); Action on Report in accordance with the *Section 309 Regional Haze State Implementation Plan Element, Albuquerque-Bernalillo County, New Mexico*, Section A3.10 ("The Albuquerque-Bernalillo County Air Quality Control Board (AQCB) shall review and approve the final regional emissions report.")

Chair Meiklejohn asked if WRAP ever assesses their milestones and is there a process for reviewing milestones.

- Ken Miller stated the milestones were set for regional haze and is a complicated rule and has been implemented over the next 50 years. The rule was promulgated in 2003 or 2000 and designed to achieve natural visibility conditions and what are called class one areas. It's divided into multiple planning periods, so the current milestones and the backstop trading program were designed specifically for the first planning period, and that's why milestones decreased until 2018 and then basically flat line and continue after that. The idea is for it to be reevaluated and be addressed in a new SIP for the second planning period.

Member Richards moved to approve the final emissions report. Vice Chair Paul seconded. The motion passed by vote of 4-0.

Item #4 Review of zero fares resolution wording for possible action (Board)

Member Richards asked if the board would like to extend the date or encourage funding beyond 2023.

- Chair Meiklejohn stated that her understanding is it is going before City Council to take a vote to approve or deny the extension for funding.
- Vice Chair proposed that if there are no objections to the content the board pass and pass a second one to change fiscal dates later.
- Board Attorney stated that maybe the wording can state (extending for an additional year)

Chair asked the board if there is a motion to adopt zero fares resolution as presented with the amended wording changing it from ending this fiscal year to extending for an additional year.

Member Richards moved to adopt the zero fares resolution to amending it to state extending for additional year. Member Calman second. The motion passed by vote of 4-0

Item #5 Cumulative Impact Committee update (Board Attorney)

Board Attorney Sedillo Lopez updated the Board that Rosemary Romero the CI Facilitator attended the Kickoff and that her contract has been signed and completed. Rosemary was able to address the rules at the kickoff and set up a proposed timeline for the meetings and also set out dates the committee would report back to the air board to include a date for a final presentation of the proposed regulation.

Item #6 Board attorney's legal opinion on state law preemption of City ordinance concerning the Air Board's authority to adopt regulations more stringent than federal law (Board Attorney)

Board Attorney Sedillo Lopez stated that she conducted some research and Senete Bill 8 was passed during the 2021 session and the legislative intent was to empower the Air Quality Control Board to pass regulations both to prevent deterioration and to remediate Air Quality, by permitting it to pass regulations that were at least as stringent than federal law. The statue states that in order to pass regulations more stringent than federal law the Board must determine based on substantial evidence in other words, there must be a hearing and the evidence in that hearing should be substantial and should be noticed before a public hearing. The Bernalillo County/City of Albuquerque board was created by 74-2-4 a statue which gave local governments, in this case Bernalillo County/City of Albuquerque the

option of creating a local Air Quality Control Board, which would have coextensive powers to Air Quality.

- Member Richards asked if state law will carry over to the Air Quality Control Board
- Board Sedillo Lopez stated that you have to include the federal government. The EIB and the State Environmental Department both work closely with EPA, but the AQCB authority with regard to Air Quality is co extensive with the state.

Item #7 Discussion of possible future agenda items (Board)

Chair Meiklejohn would like a more in depth look at the ozone issues in the metro area.

Member Richards would like a report back from Director Martinez on the overview of fence line monitoring. Asked at last month's meeting if GCC could be actively monitored for emissions, and would like hear back on the DART program to include the applications.

Board Attorney Sedillo Lopez asked if the board would like to see more detail in the language for the Clean Cars proposed order.

PUBLIC COMMENT

(Suggested five-minute time limit)

Elaine Cimino would like to know if the emissions are self-reporting emissions that permit holders make or are they measured.

- Ken Miller replied that sources report their emissions to EHD, so they are self-reporting. How they come up with the emission numbers that they report to EHD can vary and so those can be based on actual testing or measurements that they take of their emissions. The one source that is subject to or has emissions above the 110 per year threshold for the SO₂ emissions report, don't know offhand if they do annual testing, they do periodic stack testing to test their actual emissions and so it could be based on testing and it could be based on the previous test and then more recent production data, but that is something that they do on a schedule. It may be once every five years that they're required to do that type of testing.
- Elaine Cimino asked how do you know what there self-reporting is correct
- Ken Miller stated he wasn't the correct person to answer that question, but has someone who is responsible for all of our emissions inventory and handles all the reporting and is happy to check into it and report back next month.

Xavier Barraza with Los Jardine's institute asked how many facilities or is there an estimate of how many facilities that are releasing sulfur dioxide, but are below the hundred thousand ton threshold. Second question is what is the estimated total value even though they are below hundred thousand from that reporting, what's the estimated total value of that sulfur dioxide.

- Ken Miller replied to the first question and stated that the threshold is hundred tons per year and pulled up the department's website under the air quality webpage. Stated there is a map of active air quality permits and there are 1134 active air quality permits in Bernalillo County.
- Xavier asked how many facilities are emitting sulfur dioxide and don't meet the hundred ton limit.

- Ken Miller stated that he didn't have the answer handy but is willing to get back to the board with a follow up if needed.
- Albert Chang stated that EHD can certainly look into having the permitting team look into getting some numbers for the public commenters.

Marla Painter Mountain View Community Action stated that they don't trust the reporting because there are facilities down there that could not be under the limit and so that's why we want fence line monitoring and has gone to EHD to say to keep a more careful eye on this facility because we don't believe what they're reporting in their emissions and that can be solved with fence line monitoring.

Nora Garcia stated that Mayor Keller said he was going to send a mobile monitoring facility near the Mountain View elementary school, yet never did see one. Thinks they set one up in San Jose. Wondered what happened and if they can't get a mobile monitoring station out there, then will get a grant and put a permanent station out there.

- Dwayne Salisbury stated that there is a monitoring station in San Jose and had difficulty getting it online and should be online by July and it should be in place for 12 to 18 months. After that not sure where the next site will be but Director Martinez will work with the community. Also, stated that the monitoring station is mobile in a sense, where it's on wheels but not mobile is a sense like an RV. Trying to get it running but there is some complex instruments on there.
- Chair Meiklejohn asked what the timeline is for figuring out the difficulties and getting it online
- Dwayne Salisbury replied the vendor will be out mid-June to perform another factory calibration on it and hope to have it online at that time
- Chair Meiklejohn stated that she has had a bit of conversation around monitoring and fence line monitoring and would like to touch base offline at some point and look at other options for fence line monitoring.
- Marla Painter stated that the trailer is in San Jose miles from the Mountain View school and is irrelevant to their concerns.

OTHER BUSINESS

No other business

ADJOURNMENT

Chair Meiklejohn adjourned the meeting at 6:58pm

NEXT SCHEDULED BOARD MEETING: June 8, 2022

