

MINUTES – November 8, 2023
Regular Hybrid Meeting

This Albuquerque-Bernalillo County Air Quality Control Board (“Board”) meeting was conducted in a hybrid format with both in-person and remote participation via Zoom video conference.

1. CALL TO ORDER

Chair Paul called the meeting to order at 5:32pm. Board Liaison Anita SdeArmijo then called roll and the Chair determined a quorum was present.

Present: 4 – Judy Calman, Joseph Galewsky, Johnnye Lewis, Maxine Paul

Absent: 3- Dennis Armijo, Elis Eberlein, Kitty Richards

Members Calman and Galewsky attended virtually.

2. CONSENT AGENDA

- a. Approval of the November 11, 2023 Meeting Agenda
- b. Approval of the October 08, 2023 Meeting Minutes:

Chair Paul stated that she had one change for the consent agenda and would like to move item 5.e to the December meeting agenda. Member Lewis moved to approve the agenda with the change and Member Calman seconded. The motion passed by the following vote:

For: 4 – Calman, Galewsky, Lewis, Richards, Paul
Against: 0 Abstain: 0 Absent: 3 - Armijo, Eberlein, Richards

Chair Paul had a change to make to the second page of the October 11 meeting minutes. She would like to change the wording from “Member Armijo and Vice Chair Richards requested a memo from Counsel Sedillo Lopez for clarification on the statement that the Board is attempting to investigate the city’s response to the Atkore fire, but the board is not an investigatory agency and has no authority to conduct such an investigation and whether the board has standing to assert rights under IPRA.” To “Member Armijo and Vice Chair Richards requested a memo from Counsel Sedillo Lopez for clarification on whether or not the Board may invoke IPRA, and whether or not the Board has the power to ask questions related to regulating air quality and retrieve documents from EHD.”

Member Galewsky moved to approve the October minutes with the proposed change, member Lewis seconded and the motion passed by the following vote:

For: 4 – Calman, Galewsky, Lewis, Richards, Paul

Against: 0 Abstain: 0 Absent: 3 - Armijo, Eberlein, Richards

3. AIR PROGRAM REPORT

EHD staff stood for questions from Board members regarding the November Air Quality Program report.

4. FIRST PUBLIC COMMENT OPPORTUNITY

No members of the public gave comment during the first public comment opportunity.

5. REPORTS/DISCUSSION/ACTION ITEMS

- a. Discussion and Possible Action on Resolution 2023-1, Determining Reasonable Notice of Public Meetings of the Albuquerque-Bernalillo County Air Quality Control Board (EHD)

Anita SdeArmijo, Air Board Liaison gave a brief summary of Resolution 2023-1 which included notice, location and other details for the regular monthly meetings. Member Galewsky moved to approve the resolution and Member Lewis seconded. The motion passed by the following vote.

For: 4 – Calman, Galewsky, Lewis, Richards, Paul
Against: 0 Abstain: 0 Absent: 3 - Armijo, Eberlein, Richards

- b. Discussion and Possible Action on Resolution 2023-2, Setting the Official List of Regular Albuquerque-Bernalillo County Air Quality Control Board Meetings for the Year 2024 (EHD)

Anita SdeArmijo, Air board Liaison presented Resolution 2023-2 the proposed schedule of regular air board meeting for year 2024. Member Galewsky moved to approved the resolution, Member Calman seconded. The motion passed by the following vote.

For: 4 – Calman, Galewsky, Lewis, Richards, Paul
Against: 0 Abstain: 0 Absent: 3 - Armijo, Eberlein, Richards

- c. Discussion on [12. Motion to Postpone Hearing Automundo de Garcia](#) and [13. Motion to postpone hearing NMADA](#), AQCB No. 2023-01 in the Matter of the Petition to Amend Existing Rule 20.11.104 NMAC, New Motor Vehicle Emission Standards (Board)

Chair Paul stated that since Advanced Clean Cars is a joint hearing they do not think that it would be appropriate to hear this on their own. Member Lewis asked when the motion will be heard. Counsel Sedillo Lopez responded that it would most likely be heard the first morning of the hearing when the hearing officer has set aside time to deal with motions.

- d. Discussion and possible action on [148. Joint Motion to Request Board Clarify Hybrid Rulemaking Remote Testimony and Security](#), AQCB Petition No. 2022-03 In the Matter

of the Petition to Amend Title 20, Chapter 11 of the New Mexico Administrative Code to Require Review and Consideration of Health, Environment and Equity Impacts (Board, Parties and EHD)

Annalisa Miller, clinical law student on behalf of Dr. Sofia Martinez, gave a brief summary of the two requests mentioned in the motion. The first request would be for clarification on whether both technical and non-technical witnesses would be allowed to present testimony virtually at the hybrid rulemaking and the second request to ensure that there is adequate security for the hearing.

Chair Paul stated that the board cannot vote on any motions without an in-person quorum, but does not see why witnesses wouldn't be able to provide testimony virtually.

Chris Albrecht, Deputy Director for EHD said that there was a minimum requirement for a supervisor and security detail and that EHD will look into what is available beyond that and any other possibilities. Nathan Mulvihill attorney for EHD stated that EHD has no opposition to virtual testimony as long as every party is given equal opportunity and that as far as they know the ability to have virtual testimony is available.

e. Discussion and Possible Action on policy for Air Quality Control Board Public Comments (Board)

Item was moved to the December meeting agenda.

f. Reports from Committees (Board)

Committee on Public Interest- Member Calman stated that there was no report this month.

Committee on Technology- Member Lewis stated that there was no report this month.

Committee on Mapping- Member Galewsky stated that there was no report this month.

g. Discussion of Possible Future Agenda Items (Board)

Air Quality Control Board Public Comments-Chair Paul
Memo regarding legal authority- Counsel Sedillo Lopez

6. SECOND PUBLIC COMMENT OPPORTUNITY

No members of the public gave comment during the second public comment opportunity.

7. OTHER BUSINESS

Chair Paul stated that other board members asked her to get some details for the Clean Cars hearing next week. The hearing will start at 9:00am on Monday November 13, 2023 at the State Bar which is at 5121 Masthead St NE.

8. ADJOURNMENT

Chair Paul adjourned the meeting at 6:29 p.m.

NEXT SCHEDULED BOARD MEETING: December 11, 2023 at 5:30 p.m.

SUBMITTED:

READ AND APPROVED:

Paul Rogers
Interim Director
Environmental Health Department

Ms. Maxine Paul
Chair
Albuquerque-Bernalillo County Air Quality
Control Board