



Albuquerque-Bernalillo County Air Quality Control Board



Paul J. Rogers, Interim Director

MINUTES – March 22, 2024 Special Virtual Meeting

This Albuquerque-Bernalillo County Air Quality Control Board (AQCB) meeting was conducted with the Environmental Improvement Board (EIB) in a virtual format with participation via WebEx video conference.

1. CALL TO ORDER

Chair Suina called the regular EIB meeting to order at 9:04 am. The EIB progressed through the other agenda items before calling the joint hearing to order at 9:40 am. Chair Paul called the AQCB special meeting to order at this time and the AQCB members attended virtually.

Board Liaison Anita SdeArmijo then called roll and the Chair determined a quorum was present.

Present: 5 – Dennis Armijo, Judy Calman, Joseph Galewsky, Maxine Paul, Kitty Richards

Absent: 1-Elis Eberlein

2. APPROVAL OF AGENDA

Approval of the March 22, 2024 Meeting Agenda

Chair Paul reported that an Open Meetings Act (OMA) issue came up that she would like to add to the agenda and then called for a motion to approve the agenda with the addition of addressing the OMA issue. Member Galewsky moved and Member Calman seconded. The motion passed by the following vote.

For: 5 – Armijo, Calman, Galewsky, Paul, Richards

Against: 0 Abstain: 0 Absent: 1-Eberlein

Chair Paul stated that it was her understanding that the notice for the joint meeting went out about two hours late and asked for Counsel Sedillo-Lopez to respond. Counsel Sedillo Lopez responded that due to technical difficulties such as having sent the wrong notice to the board liaison the notice came out later than 9:00am. She advised the board to go forward with the hearing and not vote, but instead to republish the notice and have a special meeting. Counsel Sedillo Lopez also suggested asking Hearing Officer Felicia Orth to make the determination of whether notice was sufficient. Hearing Officer Orth declined to offer the AQCB legal advice.

After a brief discussion Member Armijo Moved to hear the evidence presented, then to set a special meeting and vote at the special meeting. Chair Paul seconded and the motion passed by the following vote:

For: 5 – Armijo, Calman, Galewsky, Paul, Richards
Against: 0 Abstain: 0 Absent: 1-Eberlein

3. PUBLIC COMMENT (general comments not pertaining to meeting agenda items)

None

4. REPORTS/DISCUSSION/ACTION ITEMS

EIB 23-56: PUBLIC HEARING: In the Matter of proposed Amendments to 20.2.91 NMAC – New Motor Vehicle Emission Standards – NMADA Motion for Stay, Automundo de Garcia Motions for Stay. Pete Domenici, Jr., Lorraine Hollingsworth, counsel for NMADA and Automundo, Andrew Knight and Brecken Scott, counsel for NMED, Nicholas Maxwell, David Baake, Charles De Saillan, Felicia Orth, Hearing Officer.

Hearing Officer Felicia Orth introduced herself and then briefly went over the schedule for the hearing.

Pete Domenici, representing the New Mexico Auto Dealers Association (NMADA) and Automundo de Garcia, gave the first opening argument followed by Nicholas Maxwell, a Pro Se party, and David Baake representing Climate Advocates.

This was followed by the examination of witnesses Ken Ortiz, Teri Garcia and Carlos Garcia by Mr. Domenici with cross examination by Mr. Baake along with questions from both boards.

Hearing Officer Felicia Orth then called for a lunch break, which lasted from 12:10 to 1:23 pm.

After returning from lunch there was direct examination of witnesses Jerry Valdez, Claudia Borchert, Michelle Miano by Mr. Knight representing NMED with cross examination by Mr. Domenici and questions from both boards. Mr. Baake gave direct examination of a witness panel consisting of Kathy Harris, Aaron Kressig and Deborah Kapiloff with cross examination by Mr. Domenici. David Bradley was the final witness of the day and was questioned by Mr. DeSaillan with cross examination by Mr. Domenici and questions from both boards.

Closing arguments were presented first by Mr. Maxwell followed by Mr. Domenici and Mr. Knight, and ending with Mr. Baake.

After closing arguments and a brief discussion, the EIB went into closed session to discuss the motion for stay. After the EIB returned from their closed session, they discussed and voted to reconvene the meeting on April 5, 2024 at 9:00am in the capitol building.

The AQCB lost quorum sometime around 4:00pm.

5. OTHER BUSINESS

None

6. ADJOURNMENT

Chair Suina adjourned the meeting at 6:03 pm after a roll call vote of the EIB.

NEXT SCHEDULED BOARD MEETING: April 10, 2024 at 5:30 p.m.

SUBMITTED:

DocuSigned by:
Paul J. Rogers 5/9/2024 | 11:18 AM MDT
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Paul J. Rogers
Interim Director
Environmental Health Department

READ AND APPROVED:

DocuSigned by:
Joseph galewsky 5/9/2024 | 11:26 AM MDT
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Mr. Joseph Galewsky
Chair
Albuquerque-Bernalillo County Air Quality
Control Board