

MINUTES – June 12, 2024
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 Galewsky called the meeting to order at 5:30 pm.

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

Present: 6 – Dennis Armijo, Judy Calman, Elis Eberlein, Joseph Galewsky, Maxine Paul, Kitty Richards

Absent: 0

Member Paul attended virtually.

2. CONSENT AGENDA

A. Approval of the May 8, 2024 Meeting Agenda

B. Approval of the Minutes from May 8, 2024.

Chair Galewsky asked if there were any objections to the consent agenda. Hearing none, he called for a motion to approve the consent agenda. Vice Chair Calman moved and Member Armijo seconded. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul

Against: 0 Abstain: 0 Absent: 0

3. AIR QUALITY PROGRAM

A. Regional Haze SIP Element – update

Regulation Development Coordinator Allen Smith gave a brief update. The public comment period will start mid-July. EHD is looking to present the Regional Haze SIP element at the July AQCB meeting and to hold the hearing at the end of August.

B. HEEI implementation – update

Public Health Manager Maria Gallegos gave a brief update. EHD is on track to meet the deadline in the rule.

4. FIRST PUBLIC COMMENT OPPORTUNITY

Sofia Martinez provided a general comment.

5. REPORTS/DISCUSSION/ACTION ITEMS

- A. AQCB 2024-01: Petition to Amend Existing Rule [20.11.8 NMAC](#)- Ambient Air Quality Standards (Board and EHD).

Air Quality Program Administrator Catalina Lehner provided an overview.

After some discussion, the Board decided to have separate votes for the hearing request and the logistics requests presented in the petition.

Member Paul moved to hold the hearing on August 14, 2024 at the regular AQCB meeting. Seconded by Vice Chair Calman. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

The Board then discussed whether or not to appoint a Board member as the hearing officer. After the discussion and a few more questions, Vice Chair Calman moved that a member of the board serve as the hearing officer. Member Richards seconded. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

Chair Galewsky asked if there were any objections waiving the requirement for 15 hardcopies; hearing none, he asked for a motion. Vice Chair Calman moved to waive the requirement of 15 hardcopies and have all electronic filing. Member Eberlein seconded. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

The Board reviewed the pre-hearing order proposed by EHD. After a quick discussion, Member Richards moved to amend the language so that the decision on the petition may or may not be made right after the hearing. Seconded by Member Armijo. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

After discussing public commentary, Member Richards moved to include language to clarify that non-technical testimony is public comment, by putting the words “public comment” in parenthesis after non-technical testimony. Member Calman seconded. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

B. AQCB 2024-02: Petition to Amend Existing Rule [20.11.42 NMAC](#)- Operating Permits (removal of affirmative defense provision) (Board and EHD).

Air Quality Program Administrator Catalina Lehner provided an overview.

After a brief discussion, Member Armijo moved to set the hearing for petition 2024-02 at the August 14, 2024 meeting. Member Paul seconded. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

Member Richards moved to reflect the changes of the order from the prior petition in the petition for 2024-02. Seconded by Member Armijo. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

C. CLOSED MEETING: The Board will consider whether or not to go into closed session with the Board Attorney to discuss and take possible action concerning litigation: Albuquerque-Bernalillo County Air Quality Control Board, Board of County Commissioners of Bernalillo County vs. City of Albuquerque, 202-CV-2-23-09295 and GCC Rio Grande et al vs Albuquerque Bernalillo County Air Quality Control Board, City of Albuquerque, D-202-CV-2023-09435, and appeals of Clean Cars II regulations and the HEEI regulation (Board).

The board will discuss and vote whether or not to go into closed session, following procedures outlined in Section 10-15-1 (I) of the OMA. Exceptions to open meetings are outlined in Section 10-15-1 (H).

Member Armijo moved to go into closed session. Member Richards seconded. The motion passed by the following vote:

For: 6– Armijo, Calman, Eberlein, Galewsky, Richards, Paul
Against: 0 Abstain: 0 Absent: 0

Chair Galewsky called for a 5-minute break before going into closed session. The board was in closed session from 6:47-7:34 p.m.

If there is a closed session, the Board will announce what was discussed and will take any motions and votes based on the closed session discussion.

Chair Galewsky stated that the board the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting and that no votes were taken during the closed session.

6. SECOND PUBLIC COMMENT OPPORTUNITY

No comments

7. OTHER BUSINESS

A. Reports from Committees (Board) - No Reports

B. Possible Future Agenda Items (Board)

- Appointment of Hearing Officer and any other procedural matters-Member Armijo and Counsel Sedillo Lopez
- Closed session- Member Richards
- Regional Haze SIP Element presentation- Member Richards
- Updates of AQCB regulations-Counsel Sedillo Lopez

8. ADJOURNMENT

Chair Galewsky adjourned the meeting at 7:39 p.m.

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

SUBMITTED:

READ AND APPROVED:

Paul J. Rogers
 Director
 Environmental Health Department

Mr. Joseph Galewsky, Chair
 Albuquerque-Bernalillo County Air Quality
 Control Board