

MINUTES – July 10, 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 5:31 p.m.

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

2. CONSENT AGENDA

A. Approval of the July 10, 2024 Meeting Agenda

Chair Galewsky asked if there were any objections to the consent agenda. Member Richards requested that the minutes be removed. Chair Galewsky agreed and asked for a motion to approve the agenda. Member Paul 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

B. Approval of the Minutes from June 12, 2024.

Member Richards asked about providing a short summary of public comments on the meeting minutes. Air Quality Program Administrator Catalina Lehner stated that, according to Robert’s Rules, the minutes should contain a record of what was done at the meeting and not what was said. After a brief discussion, a compromise of a one sentence summary and time stamp of the location of the public comments was reached.

After the discussion, Chair Galewsky asked for a motion to approve the June 12, 2024 meeting minutes. Member Armijo moved and Member Richards 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. PM Advance Program-EPA

Air Quality Program Administrator Catalina Lehner gave a brief explanation of the PM Advance program and that EHD has applied to be a part of it. She then answered questions from the Board.

B. Good Neighbor Ozone Transport Rule-update

Assistant City Attorney Nathan Mulvihill gave a brief legal overview of The Good Neighbor Rule and Chevron Deference and how the recent supreme court decisions could affect the Albuquerque Bernalillo county jurisdiction.

4. FIRST PUBLIC COMMENT OPPORTUNITY

No comments

5. DISCUSSION & ACTION ITEMS

A. AQCB 2024-03: Petition regarding the [Regional Haze](#) State Implementation Plan (SIP) Element for the Second Planning Period (Board and EHD)

Regulation Development Coordinator Allen Smith gave a presentation about the petition and then stood for questions from the Board. After discussion, Member Paul moved to hold a hearing on petition 2024-03 regarding the Regional Haze SIP on September 3rd, potentially into September 4th, fully remote and with a board member as the hearing officer. Vice Chair Calman seconded and the motion passed by the following vote:

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

B. Appointment of a board member as hearing officer, scheduling order and any other procedural matters-AQCB 2024-01 Petition to Amend Existing Rule [20.11.8 NMAC](#)- Ambient Air Quality Standards (Board and EHD).

C. Appointment of a board member as hearing officer, scheduling order and any other procedural matters-AQCB 2024-02 Petition to Amend Existing Rule [20.11.42 NMAC](#)- Operating Permits, limited to removal of affirmative defense provisions (Board and EHD).

Ms. Lehner gave a brief recap on both 2024-01 and 2024-02. The Board had decided most of the hearing logistics, except for the hearing officer. She also let the Board know that due to flood damage at Plaza del Sol from a recent thunderstorm, the hearing would need to be re-noticed, likely with a different venue.

After a discussion, the Board decided defer choosing a hearing officer until the next board meeting and Member Paul moved to rescind the date and location from the pre-hearing orders for 2024-1 and 2024-02. Member Armijo seconded and the motion passed by the following vote:

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

D. 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).

After a short discussion, Member Armijo moved to go into closed session. Member Paul seconded. The motion passed by the following vote:

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

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.

The board was in closed session from 6:50 -7:53 p.m.

Chair Galewsky stated that the matters the Board discussed in the closed meeting were limited only to those specified in the motion for closure 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)

- Update on Petition 2024-01 and 2024-02 hearing logistics- Member Armijo
- Appointment of Hearing Officer and any other procedural matters-Member Armijo
- Litigation updates- Counsel Sedillo Lopez

8. ADJOURNMENT

Chair Galewsky adjourned the meeting at 7:56 p.m.

NEXT SCHEDULED BOARD MEETING: August 14, 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