
MINUTES – July 12, 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 5:30pm. Board Liaison Anita SdeArmijo then called roll and the Chair determined a quorum was present.

Present: 6 – Dennis Armijo, Elis Eberlein, Joseph Galewsky, Johnnye Lewis, Kitty Richards, Maxine Paul

Absent: 1 – Judy Calman

At 5:33pm Member Judy Calman logged in to attend virtually.

2. CONSENT AGENDA

- a. Approval of the July 12, 2023 Meeting Agenda
- b. Approval of the June 14, 2023 Meeting Minutes:

Chair Paul removed the July 12, 2023 agenda from the consent agenda stating that there is a change she would like to make. She moved that for item 5.c it should be changed to “Board” not “Board and Parties”

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

Absent: 0 Abstain: 0

Chair Paul stated that there are changes that need to be made to the June 14, 2023 Meeting Minutes before approval. Member Eberlein pointed out several typos. Chair Paul moved to approve the June 14, 2023 meeting minutes with the changes listed by Member Eberlein. Member Calman seconded the motion. The vote passed by the following:

For: 6 – Calman, Eberlein, Galewsky, Lewis, Paul

Absent: 0 Abstain: 2 - Armijo, Richards

3. AIR PROGRAM REPORT

Mr. Chris Albrecht of EHD introduced Mr. Allen Smith a regulation development coordinator and Ms. Maria Gallegos the public health division manager to give a quick statement on EHD’s plan in response to the petition. Ms. Gallegos stated that the plan will be available after Friday

and Mr. Smith said that EHD is not intending to submit it as a separate petition but instead for use in the pre-hearing process. Mr. Smith and Ms. Gallegos then stood for questions from the board. Chair Paul encouraged EHD to submit their plan on the record. Mr. Albrecht and Mr. Dwayne Salisbury then stood for questions from the board regarding the Air Program Report.

4. FIRST PUBLIC COMMENT OPPORTUNITY

Xavier Barazza gave both a general comment and ones specific to the agenda. Larry Silva gave a general comment.

5. REPORTS/DISCUSSION/ACTION ITEMS

- a. Discussion and Possible Action on Correcting the name of a Party in the [Amended Order Denying Motion for Stay](#), AQCB Petition No. 2022-3, 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)

Chair Paul stated that that her understanding was that this item still needed to be voted upon since it was a substantive change even though it was a simple error. Counsel Sedillo Lopez affirmed that was correct and stated that it is simply a correction of the name of a party on the Amended Order Denying Motion for Stay. Member Armijo moved to approve the change in name and Vice Chair Richards seconded the motion. The motion passed by the following vote:

For: 7-Armijo, Calman, Eberlein, Galewsky, Lewis, Richards, Paul
Against: 0 Abstain: 0

- b. Discussion and Possible Action on [Request of Extension of Prehearing Deadline and Report](#) by Hearing Officer Richard Virtue, AQCB Petition No. 2022-3, 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, Hearing Officer, and Parties)

Chair Paul stated that there was also a joint motion from the parties regarding the deadlines in the hearing process, she then asked Hearing Officer Virtue to give his report and extension request. The previous deadline for concluding the pre-hearing process was July 30, Hearing Officer Virtue stated that he would like to have the deadline moved to the end of August.

Vice Chair Richards asked about whether Spanish interpretation would be available at the July 19th public input session and Hearing Officer Virtue responded that it is his intent to have interpreters available for the session and is discussing it with the board Liaison Ms. SdeArmijo and EHD. Member Lewis brought up a concern she had about if there has been wide enough notice of the public input session. Hearing Officer Virtue responded that per his order notice was given in several mediums such as the Air Boards webpage, the listserv and the Albuquerque Journal. However due to technical difficulties on the side of the Journal the notice will not be published until July 13, 2023 edition. Member Lewis suggested sending out the notice to all of the community associations as well.

Hearing Officer Virtue stated that he was considering postponing the July 19th public input session. However, Chair Paul suggested holding a second public comment opportunity since

notice has already been sent out and location preparations have already been finalized for that session.

Chair Paul called for a ten minute break at 7:05 and the meeting resumed at 7:15pm.

After hearing input and concerns from the parties and a lengthy discussion, the Chair Paul clarified that the hearing officer has flexibility for dates that are not already set and that having a second public comment opportunity with more notice would be good idea.

Member Galewsky logged off zoom.

Vice Chair Richard made a motion to extend the deadline for the last pre-hearing meeting to August 31st, 2023, Member Lewis seconded the motion. The motion passed by the following vote:

For: Armijo, Eberlein, Lewis, Richards, Paul

Absent:1 - Galewsky Abstain: 1 - Calman

- c. Discussion and Possible Action on [Docket Entry 67. Notice of Continuing Objection to Board Member Kitty Richard's Participation in this Matter](#) and all responsive pleadings, AQCB Petition No. 2022-3, 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)

Chair Paul stated that this Notice was filed by Mr. Pete Domenici and that he indicated that it was not to ask the Board or Hearing Officer to take action but it was only to raise concerns. Chair Paul then asked Counsel Sedillo Lopez for her opinion. Counsel Sedillo Lopez stated that it is the county rules that governs the terms for Vice Chair Richards since she is appointed by the county. She also stated that the county rules don't have a time frame of where one year partial term counts as a full-term like the city and that the rule to allow for unlimited terms was passed more recently than the conflicting rule governing the air board.

Counsel Sedillo Lopez also stated that she reached out to Ms. Julie Anne Baca the operations manager for the county to get more information. According to Ms. Baca the county commission appointed Ms. Richards to fill the unexpired term of Dr. Josephine Lopez on 1/22/2019. Then the County Commission appointed Ms. Richards to serve her first full 3 year term from May 2020 to May 2023 and then to serve her second term from May 2023 to May 2026. This was reflected on the Action Summaries of the county commission meetings.

Chair Paul asked Vice Chair Richards for confirmation of what Counsel Sedillo Lopez said. Vice Chair Richards did confirm that what Counsel Sedillo Lopez said is what happened. Counsel Sedillo Lopez asked for Ms. SdeArmijo to display the Action Summaries for everyone to see for a moment. Chair Paul stated that there was no action to take regarding this issue and moved onto the next agenda item.

- d. Overview of Ozone in Bernalillo County (EHD)

Mr. Allen Smith gave a brief presentation about ozone and then he along with Dwanye Salisbury and Chris Albrecht then stood for questions from the board.

e. Reports from Committees (Board)

Committee on Public Interest – Member Calman and Member Armijo:

Chair Paul stated that Member Calman had let her know that there was nothing to report at this time.

Committee on Technology – Members Eberlein and Lewis

Member Lewis reported that she and Member Eberlein had a productive preliminary meeting where they discussed looking at technology used in other places and how it could possibly be applied here.

Committee on Mapping – Member Galewsky and Vice Chair Richard

Vice Chair Richards stated that she had been on vacation planned to connect with Member Galewsky soon.

f. Discussion of Possible Future Agenda Items (Board)

- Discussion and Possible Action on whether to give the parties 30 days to submit materials post hearing, Petition No. 2022-3 – Chair Paul
- Clarification on comment submission process for the 2nd Public Input opportunity - Member Lewis
- Discussion about Advanced Clean Vehicles
- Update on DART -Vice Chair Richards
- Information on contractor for data for mobile monitoring station in San Jose -Vice Chair Richards
- Possible Discussion about LNG Storage Facility in Rio Rancho – Vice Chair Richards

6. SECOND PUBLIC COMMENT OPPORTUNITY

Marla Painter of Mountain View Community Action gave comment.

7. OTHER BUSINESS

None.

8. ADJOURNMENT

Chair Paul adjourned the meeting at 9:00 p.m.

NEXT SCHEDULED BOARD MEETING: August 9, 2023 at 5:30 p.m.

SUBMITTED:

READ AND APPROVED:

Mr. Angel Martinez Jr.
Director
Environmental Health Department

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

DRAFT