

**MINUTES – August 9  
, 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: 7– Dennis Armijo, Judy Calman, Elis Eberlein, Joseph Galewsky, Johnnye Lewis, Kitty Richards, Maxine Paul  
Absent: 0

Member Galewsky attended virtually.

**2. CONSENT AGENDA**

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

Vice Chair Richards moved to approve the consent agenda, Member Armijo seconded the motion. The motion passed by the following vote:

For: 7 – Armijo, Calman, Eberlein, Galewsky, Lewis, Richard, Paul  
Against: 0      Abstain: 0

**3. AIR PROGRAM REPORT**

Chair Paul stated that there were a few topics that the Board had asked for updates on specific topics in addition to the Air Program Report such as the Air Program’s burn/no burn days, the status of the contractor for the data for the mobile monitoring station at San Jose and the DART findings from the EPA. Chair Paul then mentioned that she also expects an update on the fire at the Akore recycling facility as there was a lot of interest from the board and members of the public in the health and environmental impacts of the exposure to burning plastic. She also stated that the board was invited to a meeting with the Pueblo of Isleta regarding the fire and that she plans to be in attendance to represent the board.

Dwayne Salisbury of EHD spoke on the DART findings and process and then stood for questions from the board on this subject. Chris Albrecht of EHD clarified that the EPA was the lead agency for this project and not EHD.

Chair Paul brought up the subject of the fire at the recycling facility that happened on Sunday afternoon. Mr. Albrecht stated that EHD's response to the fire was pretty quick. The fire started at about 2:40pm and EHD started initiating conversations with department staff just after 3:00pm. This included checking wind direction and what the effects would be on affected communities and providing data to support the AFR incident command. Mr. Albrecht also stated that EHD decided to issue a health alert during this time. Mr. Albrecht and Ms. Maria Gallegos then stood for questions from the board.

Jeff Stonesifer of EHD spoke about where the data for the burn/no burn and air quality alerts come from. He and Mr. Albrecht then stood for questions from the board.

Mr. Salisbury gave an update that there is currently no contractor for the data analysis from the mobile monitoring station but have reached out to some vendors to get cost estimates.

#### **4. FIRST PUBLIC COMMENT OPPORTUNITY**

Marla Painter of Mountain View Community Action gave a general comment on the fire at the Atkore recycling facility and the need for a better health alert system when such an event happens. Xavier Barraza of Los Jardines Institute gave several general comments including the fire on behalf of the Los Jardines Institute. Thomas DePree also gave a general comment on the Atkore facility fire. Deborah Kapiloff, Joan Brown, Efraim Lopez and David Baake all gave comment on item c. of the agenda. Ennedith Lopez gave comment in support of the HEEI rulemaking.

#### **5. REPORTS/DISCUSSION/ACTION ITEMS**

- a. Report from Hearing Officer 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 and Hearing Officer)

Hearing Officer Richard Virtue gave an update on the progress being made in the pre-hearing collaboration meetings. Mr. Virtue reported that two of the pre-hearing collaboration conferences have been held. The first was a public input session where there were approximately 50 speakers and quite a few written comments submitted. The second was a collaboration meeting among the parties, where each party presented their values statements. Mr. Virtue went on to report that Environmental Health Department presented a summary of their environmental justice concepts that had previously been filed. The petitioners presented revisions to their proposed rule, and those revisions were generally perceived as constructive by the parties.

As a result of the pre-hearing meeting Mr. Virtue rescheduled one of the dates to Friday August, 11, 2023 and had the parties file written responses the petitioners revisions that had been presented at the previous meeting. Mr. Virtue stated that in his view the goal was to try and identify areas of conceptual agreement or substantive disagreement. He also mention that the Public Input session is scheduled for August 22, 2023.

Mr. Virtue then stood for questions from the board.

- b. Discussion and Possible Action on Docket Entry [109. Joint Motion to Extend Pre-Hearing Process Deadline 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 opened the floor for discussion. Chandler Farnworth representing NTSS and Engineering Solutions of Sandia presented the reasons behind the joint motion. Mostly that all the parties who were a part of this joint motion agreed that extra time for discussions and consideration of the language of the petitioner's revised rule would be beneficial. Nathan Mulvihill representing EHD gave the board some information on how publishing in the state registrar works in order to comply with the 30 days notice for the hearing.

Chair Paul called for a 10 minute break from 7:35-7:45pm.

After discussion amongst the board, Member Armijo moved to extend the pre-hearing process deadline as requested jointly by the parties. Member Calman seconded and the motion passed by the following vote:

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

Against: 0      Abstain: 0      Absent: 1 - Lewis

Member Lewis had not returned yet from the recess and so was considered absent for the vote.

- c. Discussion and Possible action on [AQCB Petition No. 2023-01, In the Matter of the Petition to Amend Existing Rule 20.11.104 NMAC, New Motor Vehicle Emission Standards](#) (Board and EHD)

Kelsea Sona of EHD introduced Chief Claudia Borchert from the Climate Change Bureau of the New Mexico Environment Department to give a brief statement before starting her presentation on the Advanced Clean Vehicles petition and stakeholder process. Ms. Sona then stood for questions from the board along with Ms. Borchert.

After some discussion Member Armijo moved to hold the hearing, Member Lewis seconded. The motion passed by the following vote:

For: 7 – Armijo, Calman, Eberlein, Galewsky, Lewis, Richards, Paul

Against: 0                  Absent: 0      Abstain: 0

After this vote Ms. Sona stated that there were a few more slides to get through with more requests from NMED that the board needs to vote on. Chair Paul apologized for jumping ahead and stated that they would wait until she finished to vote again.

After Ms. Sona finished her presentation she and Ms. Borchert answered more questions from the board regarding the logistics of the hearing. After some discussion amongst the

board, Vice Chair Richards moved to approve the proposed order to form. Member Calman seconded and the motion passed by the following vote:

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

Against: 0                  Absent: 0          Abstain: 0

d. Reports from Committees (Board)

Committee on Technology – Members Eberlein and Lewis

Member Eberlein reported that they met and mainly discussed the alert system from the Akore fire over the weekend.

Committee on Mapping – Member Galewsky and Vice Chair Richard

Vice Chair Richards reported that she and Member Galewsky met and talked about how they might be able to be of assistance in terms of mapping as they have access to different data sets. She also stated that they are planning on meeting with the boards legal counsel Ms Sedillo Lopez to get more information and see where the boundaries are.

Committee on Public Interest – Member Calman and Member Armijo:

Member Calman and Member Armijo did not have a chance to meet and will try to provide a report at next month’s meeting.

e. Discussion of Possible Future Agenda Items (Board)

- Notice of hearing officer appointment for Advanced Clean Vehicles -Chair Paul, EHD

**6. SECOND PUBLIC COMMENT OPPORTUNITY**

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

**7. OTHER BUSINESS**

None

**8. ADJOURNMENT**

Chair Paul adjourned the meeting at 8:45 p.m.

**NEXT SCHEDULED BOARD MEETING:** September 13, 2023 at 5:30 p.m.

SUBMITTED:

READ AND APPROVED:

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Mr. Angel Martinez Jr.  
Director  
Environmental Health Department

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

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