

MINUTES – August 14, 2024

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: 5 – Dennis Armijo, Elis Eberlein, Joseph Galewsky, Kitty Richards

Absent: 0

Vice Chair Calman joined the meeting at 5:34 p.m.

Air Quality Program Administrator Catalina Lehner gave the Zoom overview.

2. CONSENT AGENDA

A. Approval of the August 14, 2024 Meeting Agenda

B. Approval of the Minutes from July 10, 2024.

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

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

3. AIR QUALITY PROGRAM

A. Health Equity Environmental Impacts (HEEI)

Public Health Manager Maria Gallegos gave a progress report on the development of the overburdened areas map of Bernalillo county. She then stood for questions from the Board.

B. Monitoring Updates

Senior Environmental Health Scientist Dr. Patrick Hudson gave a brief presentation on updates regarding monitoring and quality assurance. He then stood for questions from the Board.

4. FIRST PUBLIC COMMENT OPPORTUNITY

Marla Painter gave a comment stating her concerns about the overburdened area map at 41:46 of the Zoom Recording.

5. DISCUSSION & ACTION ITEMS

- A. Reschedule to new date, location, re-noticing, appointment of a board member as hearing officer, and any other procedural matters-AQCB 2024-01 Petition to Amend Existing Rule [20.11.8 NMAC](#)- Ambient Air Quality Standards (Board and EHD).
- B. Reschedule to a new date, location, re-noticing, appointment of a board member as hearing officer, 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 an update on the status of Plaza del Sol and the search for a new venue for these hearings. The new date proposed for petitions 2024-01 and 2024-02 is the regular meeting date October 9, 2024 and EHD was able to reserve the City Council chambers. After discussion, Member Armijo moved to set the hearing on October 9, 2024 for rule 20.11.8 and 20.11.42 for the City Council chambers, with Chair Galewsky as the hearing officer or another board member if he is unable to do so. Member Richards seconded and the motion passed by the following vote:

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

- C. Pre-hearing order, appointment of a board member as a hearing officer, scheduling order and any other procedural matters-AQCB 2024-03: Petition regarding the [Regional Haze](#) State Implementation Plan (SIP) Element for the Second Planning Period (Board and EHD)

Ms. Lehner gave a brief recap of the logistics that have been decided so far and stated that the board still needed to determine which member would be the hearing officer.

After discussion, Member Richards moved to have a meeting over AQCB petition 2024-03 regarding the Regional Haze SIP on September 3, 2024 and another date as needed, and that Member Armijo serve as the hearing officer. After input from Counsel Sedillo Lopez, Member Richards amended her motion to include that counsel will prepare a pre-hearing order that will be compliant with rulemaking procedure, but that the meeting is not a rulemaking. Member Calman seconded and the motion passed by the following vote:

For: 5 – Armijo, Calman, Eberlein, Galewsky, Richards,
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 Richards seconded. The motion passed by the following vote:

For: 5 – Armijo, Calman, Eberlein, Galewsky, Richards,
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 6:55 - 7:25 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)

- Transition process for board attorney-Chair Galewsky
- Canceling the September meeting- Member Armijo

After a brief discussion Chair Galewsky declared that the September 11, 2024 meeting to be canceled.

- Ozone exceedances - Member Richards

8. ADJOURNMENT

Chair Galewsky adjourned the meeting at 7:27 p.m.

NEXT SCHEDULED BOARD MEETING: September 3, 2024 at 9:00 a.m.

SUBMITTED:

READ AND APPROVED:

Paul J. Rogers, Director
Environmental Health Department

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