



Albuquerque-Bernalillo County Air Quality Control Board



Angel Martinez Jr., Director

MINUTES – February 8, 2023 Regular Hybrid Meeting

AQCB MEMBERS PRESENT

Ms. Lauren Meiklejohn (CITY), Chair
Ms. Maxine Paul (CITY), Vice Chair
Ms. Judy Calman (COUNTY)
Dr. Elis Eberlein (CITY)
Ms. Kitty Richards (COUNTY)

AQCB MEMBERS ABSENT

Dr. Johnnye Lewis (COUNTY)

AQCB LIAISONS ABSENT

Ms. Connie Chavez (Bernalillo County Planning
Commission Liaison)
Mr. Joseph Cruz Jr. (City of Albuquerque
Environmental Planning Commission Liaison)

STAFF PRESENT

Mr. Chris Albrecht, Associate Director
Mr. Albert Chang, Deputy Director
Ms. Maria Gallegos, Community Liaison
Mr. Ken Miller, Env Health Manager
Ms. Valerie Armijo, AQCB Liaison
Ms. Antoinette Sedillo Lopez, AQCB Attorney
Ms. Kelsea Sona, Asst. City Attorney
Mr. Tony Romero, Env Health Supervisor
Mr. Dwayne Salisbury, Env Health Manager

MEMBERS of the PUBLIC PRESENT

Ms. Nancy Simmons
Mr. Russell Brito
Ms. Nora Garcia

MEMBERS of the PUBLIC PRESENT (Continued)

Ms. Marla Painter
Ms. Maslyn Locke
Ms. Samantha Kretz
Ms. Elizabeth Pomo
Ms. Carla Kugler
Ms. Mara Yarbrough
Mr. Jason N
Mr. Paul Wade
Ms. Jane Kotovsky
Mr. Isreal Tavarez
Mr. Martin Schluep
Mr. Ralph Hoffman
Mr. Konstantin Parkhomenko
Mr. Matt Cross Guillen
Mr. Karl Lany
Ms. Olivia Roe
Mr. Lauro Silva
Mr. Louis Rose
Ms. Carina Munoz-Dyer
Ms. Jazmine Johnston
Mr. Pete Domenici Jr.
Justine V.
C. Holloway
SamB
Danielle
penny
Robert
XZ64
JT

This meeting was conducted in a hybrid format with both in-person and remote participation via Zoom video conference.

1. CALL TO ORDER

Chair Meiklejohn called the meeting to order at 5:33 p.m. Chair Meiklejohn, Vice Chair Paul and Member Eberlein attended in person. Member Calman and Member Richards attended via Zoom. Member Lewis was absent.

*Due to technical difficulties with the Zoom audio, the Board did not take up agenda item #2 until approximately 5:44 p.m. Staff worked in the interim to troubleshoot the problem but the audio issues were never fully resolved, making it difficult for those attending remotely to fully participate in the meeting.

2. CONSENT AGENDA

- a. Approval of the February 8, 2023 meeting agenda**
- b. Approval of the January 11, 2023 meeting minutes**
- c. Extension of Deadline to Join the World Health Organization Air Quality Guidelines Work Group to April 30, 2023**

Vice Chair Paul moved to approve the items on the consent agenda. Member Eberlein seconded. The motion passed by a vote of 5-0. Member Lewis was absent.

3. AIR PROGRAM REPORT

The Board agreed that the tile plot used to demonstrate the daily Air Quality Index (AQI) was very helpful and a great addition to the report.

Chair Meiklejohn stated that she wanted to know the timeline for the Environmental Health Department (EHD) to submit its plan to the Environmental Protection Agency (EPA) regarding frequent PM10 exceedances and stated the Board would like to follow the process in future meetings.

Chair Meiklejohn inquired about the mobile air quality monitoring trailer and asked for an update regarding presenting the large amounts of data to the Board and public. Environmental Health Manager, Dwayne Salisbury, stated that there weren't any updates at this time.

Member Richards left the meeting at this point due to ongoing technical difficulties with the Zoom audio that made it difficult for her to hear those attending the meeting in person.

Chair Meiklejohn stated that she was excited to hear more from Maria Gallegos, EHD's Community Liaison, regarding her community engagement work.

4. FIRST PUBLIC COMMENT OPPORTUNITY

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

5. REPORTS/DISCUSSION/ACTION ITEMS

- a. Discussion and Possible Action on the Joint Motion to Dismiss the Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3340-RMD, AQCB Docket No. 2020-1, In the Matter of the Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3340-RMD [New Mexico Terminal Services, LLC] (Board)**

The New Mexico Environmental Law Center and EHD announced their presence through their respective counsel. Mr. Pergola was not present to speak on behalf of New Mexico Terminal Services, nor did anyone identify themselves as counsel for New Mexico Terminal Services. Board Attorney Antoinette Sedillo Lopez stated that Mr. Pergola's intentions are unclear and he still does not have counsel as ordered by the hearing officer. She further stated that the Board should discuss if they wish to deal with the request he sent via email, which did not appear to be properly filed, or dismiss the petition. Vice Chair Paul asked to hear arguments to dismiss from EHD and the Environmental Law Center. Ms. Jazmine Johnston and Mr. Eric Jantz made brief arguments on behalf of EHD and the Mountain View Coalition, respectively, in support of dismissing the petition. Member Eberlein made a motion to dismiss the petition for a hearing as moved by EHD and the Environmental Law Center. Vice Chair Paul seconded the motion. The motion passed by a vote of 4-0, with Members Lewis and Richards absent.

b. Report on the Draft 2021 Regional SO2 Emissions and Milestone Report (EHD)

Environmental Health Manager Ken Miller gave a presentation on the Draft 2021 Regional SO2 Emissions and Milestone Report. He then stood for questions from the Board.

c. Update and Possible Action on Hearing Officer Selection for the Upcoming Health, Environmental and Equity Impacts Rulemaking Hearing (Board Liaison and Board)

Board Liaison, Valerie Armijo, gave an update regarding two hearing officers, Ms. Nancy Simmons and Mr. Ripley Hardwood, currently on contract with the City. She also gave an update regarding two possible alternate hearing officers, Mr. Tim Garcia and Mr. Richard Virtue. She provided information on each potential hearing officer's dates of availability, potential conflicts and general interest in serving as hearing officer for the rulemaking. Chair Meiklejohn then tabled the matter so she and Vice Chair Paul could review the information gathered by Ms. Armijo.

d. Discussion and Possible Action on Whether to Extend Board Attorney Antoinette Sedillo-Lopez's Contract by Another Year or Retain New Counsel (Board)

The Board expressed positive remarks regarding Board Attorney Antoinette Sedillo Lopez and her helpful work with the Board. Vice Chair Paul then made a motion to retain Ms. Sedillo Lopez as the Board's Attorney for another year. Member Eberlein seconded. The motion passed by a vote of 4-0 with Members Lewis and Richards absent.

e. Discussion of Possible Future Agenda Items (Board)

Vice Chair Paul suggested a discussion regarding regional haze.

6. SECOND PUBLIC COMMENT OPPORTUNITY

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

7. OTHER BUSINESS

Member Eberlein referenced the past closed sessions and wanted to hear the updates on the letter from the Board to EPA from Ms. Sedillo Lopez. Ms. Sedillo Lopez stated that the Board's letter was sent out and the City sent out a separate letter. She stated that she spoke with EPA and they

will be meeting with the City regarding their letter on February 14. EPA indicated that they will reach out to the Board after their meeting with the City. She stated that the substance of the negotiations is confidential but the facts of the process are not. Asst. City Attorney Kelsea Sona clarified that the City has only sent one letter to EPA and it was prior to the Board's letter.

Chair Meiklejohn stated that EPA is proposing to lower the primary annual PM 2.5 NAAQS from 12 micrograms per cubic meter to between 9 and 10 micrograms per cubic meter. She stated that EPA is accepting public comment until March 28, 2023 and also holding a virtual public hearing on February 21 and 22, 2023 as referenced in EHD's Air Program Report.

8. ADJOURNMENT

Chair Meiklejohn adjourned the meeting at 6:37 p.m.

NEXT SCHEDULED BOARD MEETING: March 08, 2023 at 5:30 p.m.

SUBMITTED:

READ AND APPROVED:

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Angel Martinez Jr. 3/9/2023 | 7:58 AM PST
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Mr. Angel Martinez Jr.
Director
Environmental Health Department

DocuSigned by:
Lauren Meiklejohn 3/9/2023 | 7:31 PM MST
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Ms. Lauren Meiklejohn
Chair
Albuquerque-Bernalillo County Air Quality
Control Board