

**MINUTES – October 11, 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 Calman attended virtually.

Chair Paul called for a moment of silence for all those who have been killed over the past two days in Gaza and Israel.

**2. CONSENT AGENDA**

- a. Approval of the October 11, 2023 Meeting Agenda
- b. Approval of the September 13, 2023 Meeting Minutes:

Vice Chair Richards moved to approve the consent agenda and 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 Absent: 0

**3. AIR PROGRAM REPORT**

- Director’s presentation regarding air quality data during the Atkore fire and post fire report from the responding parties

Director Martinez of EHD gave a little information on how an incident command is set up and that public safety is the number one priority. He then introduced Chief Emily Jaramillo of the Albuquerque Fire Department and Roger Ebner, Director of the Emergency Operation Center to speak about the Atkore fire, along with Dr. Patrick Hudson of EHD to speak on the data gathered during and post fire.

Chief Jaramillo spoke about some of the concerns and priorities that are considered when dealing with a large fire like the one at the Atkore facility. She stated the public safety is always on the minds of those in command at an incident like this and mentioned that the fire was extinguished much quicker than was anticipated. Chief Jaramillo then stood for a few questions from the board.

Director Ebner gave a presentation about emergency management and the framework for how it works. He then stood for questions from the board.

Member Lewis suggested more promotion on where people can look for more information on incidents such as this when they are happening.

Director Martinez, Chief Jaramillo and Director Ebner then answered questions from the board regarding the multiple fire departments on scene and dispersion of information to the public.

Dr. Patrick Hudson, Senior Environmental Health Scientist gave a presentation on the data collected from the San Jose monitoring site during the day of the fire and the days after. This included information on the sensor capabilities of the San Jose site and an analysis of the data collected from it. Dr. Hudson then stood for questions from the Board.

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

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

Chair Paul called for a short break starting at 7:12pm and the Board resumed at 7:20pm.

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

- a. Presentation: Environmental Modeling, Microplastics and Disaster Response Resources (Board and UNM Students)

Member Lewis started off the presentation speaking on resources from UNM and on response and data collection to various disasters such as hurricanes and fires. She then handed it over to Theodros Woldeyohannes a PhD student at UNM who presented about data management analysis and modeling in regards to the Atkore fire. Member Lewis and Mr. Woldeyohannes then stood for questions from the Board.

- b. Discussion on September 13<sup>th</sup>, 2023 letter from the Board to the Director regarding August 6<sup>th</sup>, 2023 Atkore fire and related air quality issues and Director's written response (Board and EHD)

Member Armijo and Vice Chair Richards requested a memo from Counsel Sedillo Lopez for clarification on the statement that the board is attempting to investigate the city's response to the Atkore fire, but the board is not an investigatory agency and has no authority to conduct such an investigation and whether the Board has standing to assert rights under IPRA.

- c. Update on status of replacement Hearing Officer's contract, [AQCB Petition No. 2022-03](#) 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 (EHD)

Chris Albrecht, Deputy Director, EHD stated that they have negotiated the contract terms with Judge Sanchez but are waiting on two things as of that day. One was the check to Mr. Virtue to clear which did happen and the other was the fifteen days termination of Mr. Virtue's contract which will happen October 12, 2023 which is when EHD can move forward with Judge Sanchez's contract. Mr. Albrecht also mentioned that EHD has requested his Certificate of Insurance and W9 which are required in order to execute the contract. Once the COI and W9 are received the contract will then be routed for signatures.

- d. Update/report from Hearing Officer, [AQCB Petition No. 2022-03](#) 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 pre-hearing meeting on 10/23/2023 and scheduling order (Board and Hearing Officer)

No update as the hearing officer is not yet under contract.

- e. Update on complying with notice requirements for rulemaking hearing [AQCB Petition No. 2022-03](#) 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 (EHD)

Counsel Sedillo Lopez stated that the notice has been drafted. Anita SdeArmijo, Air Board Liaison stated that the notice has been submitted and ready for publishing in the New Mexico Register on October 24<sup>th</sup>, and that she is waiting to hear back from the Albuquerque Journal with a quote for publishing the notice on October 22<sup>nd</sup>. Ms. SdeArmijo asked the board to define exactly how many days the hearing will be in order to formalize the reservation for the convention center. The Board agreed that a five days would be fine.

- f. Reports from Committees (Board)

- Committee on Public Interest- Member Calman and Member Armijo

Member Calman reported that she and Member Armijo met a couple of times and reviewed a memo from the previous board council on a proposed public comment policy. She and Member Armijo suggested two changes, that it was not necessary to read written comment into the record at the meetings as all board members have access to the comments by email and to not try and separate general comments and comment on specific agenda items during the public comment opportunities.

- Committee on Technology-Member Eberlein and Member Lewis

Members Eberlein and Lewis were unable to meet and do not have a report this month

- Committee on Mapping- Vice Chair Richards and Member Galewsky

Vice Chair Richards and Member Galewsky were unable to meet and do not have a report this month.

**g. Discussion of Possible Future Agenda Items (Board)**

- Public Comment Policy -Members Calman and Armijo
- Explanation of memo- Counsel Sedillo Lopez

**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 8:33 p.m.

**NEXT SCHEDULED BOARD MEETING:** November 8, 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