

1           **ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**

2   **RESOLUTION #2011-2**

3 **ADOPTING AN AMENDED 20.11.21 NMAC, OPEN BURNING; AND INCORPORATING SAID**  
4 **AMENDMENTS INTO TO THE NEW MEXICO STATE IMPLEMENTATION PLAN (SIP) FOR**  
5 **AIR QUALITY.**

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10           **Whereas**, the New Mexico Air Quality Control Act (“Air Act”), NMSA 74-2-5, requires the  
11 Albuquerque - Bernalillo County Air Quality Control Board (“Air Board”) to “adopt, promulgate,  
12 publish, amend and repeal regulations consistent with the Air Quality Control Act to attain and  
13 maintain national ambient air quality standards and prevent or abate air pollution, including regulations  
14 prescribing air standards” within Bernalillo County, and to meet requirements of the United States  
15 Clean Air Act, the City of Albuquerque and Bernalillo County Joint Air Quality Control Board  
16 Ordinances, and the Albuquerque - Bernalillo County Air Quality Control Board (“Air Board”)  
17 Regulations; and

18           **Whereas**, on March 9, 2011, the Air Board held a public hearing in the Vincent E. Griego  
19 Chambers, on the basement level of the Albuquerque/Bernalillo County Government Center, One  
20 Civic Plaza NW, in Albuquerque, New Mexico, and the hearing was held consistent with the notice  
21 requirements of the New Mexico Air Quality Control Act, and 20.11.82 NMAC, *Rulemaking*  
22 *Procedures - AQCB*; and

23           **Whereas**, on March 9, 2011, the Air Board met and determined that 20.11.21 NMAC, *Open*  
24 *Burning* should be amended, and that the amended 20.11.21 NMAC should be submitted to EPA as a  
25 revision to the New Mexico State Implementation Plan (SIP) for Air Quality; and

26           **Whereas**, at the March 9, 2011 public hearing, testimony was presented to establish a present  
27 need, or a reasonably anticipated future need, which exists to warrant taking the following actions to

1 help prevent or abate air pollution.

2 **NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:**

3 1. The Board hereby adopts the amendments to 20.11.21 NMAC, *Open Burning* as proposed in  
4 AQD Exhibit 1a, as amended by Staff Proposed Floor Amendments shown as AQD Exhibit 8, which  
5 were admitted at the March 9, 2011 hearing;

6 2. The Board hereby directs staff to take all actions necessary to submit the amended  
7 regulation to EPA as a revision to the SIP;

8 3. The effective date of the amended 20.11.21 NMAC, *Open Burning* shall be April 11, 2011;  
9 and

10 4. Staff is hereby directed to submit the amended 20.11.21 NMAC, *Open Burning* to the State  
11 Records Center in the format currently required by the State Records Center, without changing the  
12 substance of the amendments as adopted by the Air Board on March 9, 2011.

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**[WITH THE FOLLOWING CHANGES:]**

PASSED AND ADOPTED THIS 9<sup>th</sup> DAY OF MARCH, 2011

BY A VOTE OF \_\_\_FOR, AND \_\_\_ AGAINST.

Absent: \_\_\_

\_\_\_\_\_  
Jens Deichmann Chair  
Albuquerque-Bernalillo County  
Air Quality Control Board

Attest:

\_\_\_\_\_  
Margaret Nieto, Secretary to the Air Quality Control Board