ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND 20.11.82 NMAC,
RULEMAKING PROCEDURES –AIR QUALITY CONTROL BOARD.

AQCB Petition No. 2012-3

City of Albuquerque,
Petitioner.

Petition to Amend 20.11.82 NMAC, *Rulemaking Procedures – Air Quality Control Board*

The City of Albuquerque ("City"), by and through the Air Quality Division ("Division") of the City Environmental Health Department ("Department"), asks the Albuquerque-Bernalillo County Air Quality Control Board ("Air Board") to amend regulation 20.11.82 NMAC, *Rulemaking Procedures – Air Quality Control Board.* This Petition includes a request for a hearing on these matters, and for permission to provide a court reporter and hearing officer for the hearing. The Air Board has the authority to adopt, amend or replace air quality regulations pursuant to NMSA 1978, Sections 74-2-5.B(1) and 74-2-12.

Amendment of proposed 20.11.82 NMAC is requested because through use of the regulation since it was first adopted in 2008, issues have been identified that either need to be corrected, clarified or otherwise improved. 20.11.82 NMAC was initially adopted by the Air Quality Control Board in 2008 in order to 1) standardize the procedures used in rulemaking procedures before the board, 2) encourage participation in the hearings conducted by the board for the promulgation of regulations, 3) allow for the effective presentation of evidence and points of view of parties and members of the general public, and 4) assure that the board hearings are conducted fairly and equitably. In the absence

of 20.11.82 NMAC, the board had to apply the New Mexico Air Quality Control Act provisions, as well as closely related EIB and NMED regulations, the Open Meetings Act, and City and County ordinances regarding Public Boards and Commissions and the Air Quality Control Board specifically. The draft amended regulation attached is proposed for the purposes of clarifying procedures, making corrections and improvements to the current regulation.

The proposed Public Review Draft of 20.11.82 NMAC, *Rulemaking Procedures – Air Quality Control Board* is attached as AQD Exhibit #1a.

It is anticipated that the hearing will take approximately 1 hour or less.

Respectfully submitted,

Mary Lou Leonard, Director
Environmental Health Department
City of Albuquerque

CERTIFICATION

I hereby certify that on May 24, 2012 an original and nine photocopies of this Petition to Adopt 20.11.82 NMAC, *RulemakingProcedures – Air Quality Control Board,* were delivered to the following person:

Margaret Nieto
Secretary to the Air Quality Control Board
Environmental Health Department
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103

and that a copy was provided to:

Bill Grantham, Attorney to the Air Quality Control Board
at bill.grantham@state.nm.us.

Mary Lou Leonard, Director,
Environmental Health Department
City of Albuquerque