Wright, Janice C.

From: City of Albuquerque-Air Quality Division [jcwright@cabq.gov]
Sent: Thursday, October 14, 2010 1:45 PM
To: Wright, Janice C.
Subject: Legal Ad for Hearing Regarding 20.11.2 NMAC, Fees Legal Ad

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Legal Ad for a Hearing Regarding 20.11.2 NMAC, *Fees* and Incorporate an Amended 20.11.2 NMAC into the New Mexico State Implementation Plan for Air Quality (SIP)

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING

On December 8, 2010, at 5:30 PM, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, One Civic Plaza NW, Albuquerque, NM.

The hearing will address: Proposal to adopt amendments to 20.11.2 NMAC, *Fees* and to incorporate an amended 20.11.2 NMAC into the New Mexico State Implementation Plan (SIP) for air quality. Proposed amendments to 20.11.2 NMAC, *Fees* constitute increases to some fees, regular annual adjustments consistent with the Consumer Price Index (CPI), and some language changes for the following reasons:

1. Federal and New Mexico laws require or authorize, depending on the type of permit, collection of fees to cover specific costs. Current fees are insufficient and resulted in a projected budget deficit in FY/10 and will result in yet another budget deficit in FY/11 if unchanged.

2. Fee fund balance has covered program cost deficits in past years, but the fund balance is now depleted.
3. The scope and objectives sections of the current fee regulation require updating and revision to be consistent with the New Mexico Air Quality Control Act.
4. Some current fees are based on theoretical maximum emissions rather than the maximum requested by the applicant. The proposed fees will be charged only for what industry requests on a permit application, which could substantially reduce costs.
5. Programs have increased in both volume and complexity.
6. Personnel and operating costs have increased steadily since the current fee structures were put in place between 1997 and 2004.
7. To date, fees have not been adjusted for CPI increases, although such adjustments are authorized. CPI adjustments will be applied going forward in the proposed regulation.
8. Refund and appeal processes need clarification.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the aforementioned proposals. Meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6, and 20.11.82 NMAC, *Rulemaking Procedures -- Air Quality Control Board*.

Anyone intending to present technical testimony at this hearing is required by 20.11.82.20 NMAC to submit a written Notice Of Intent to testify (NOI) before 5:00pm on November 23, 2010, to: Attn:

Hearing Clerk, Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or you may deliver your NOI to the Environmental Health Department, Suite 3023, 3rd Floor, One Civic Plaza (400 Marquette Avenue NW). The NOI shall: 1. identify the person for whom the witness or witnesses will testify; 2. identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; 3. summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; 4. include the text of any recommended modifications to the proposed regulatory change; and 5. list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

In addition, written comments to be incorporated into the public record for this hearing should be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on December 1, 2010. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to jcwright@cabq.gov and shall include the required name and address information. Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department office, or by contacting Ms. Janice Wright electronically at jcwright@cabq.gov or by phone (505) 768-2601, or by downloading a copy from the City of Albuquerque Air Quality Division websitehttp://www.cabq.gov/airquality/aqcb/public-review-drafts.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay

at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes

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