PENGAD 800-631-6989
AQD EXHIBIT
14

Slide 1

Caption

Thank you, Mr. Hearing Officer, Madam Chair, and members of the Board. My name is Neal Butt. I am an Environmental Health Scientist with the Air Quality Division, Control Strategies Section. I am here,

IN THE MATTER OF THE PETITION TO AMEND THE STATE BOARDS STATE IMPLEMENTATION PLAN (SIP) TO SATISFY THE REQUIREMENTS OF THE CLEAN AIR ACT Section 128(a) — State Boards [§7428, U.S.C.A.]; HEREAFTER REFERRED TO AS THE "STATE BOARDS SIP REVISION"

AQCB Petition No. 2013-4

SLIDE 2

Reasons for Proposed State Boards SIP Revision

The Clean Air Act (Act), Section 128(a) titled—State Boards [§7428, U.S.C.A.], requires each SIP to contain provisions which ensure that: (1) any board or body which approves permits or enforcement orders under the Act shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act, and (2) any potential conflicts of interest by members of such board or body, or the head of an executive agency with similar powers, be adequately disclosed.

SLIDE 3

Reasons for Proposed State Boards SIP Revision

The New Mexico Air Quality Control Act [Section 74–2–4] authorizes Albuquerque - Bernalillo County to locally administer and enforce the State Air Quality Control Act by providing for a local air quality control program. Thus, State law views Albuquerque - Bernalillo County as a distinct air quality control entity, separate from the remainder of the State of New Mexico. Therefore, each entity is required to submit its own SIP revision in order to completely satisfy the requirements of Section 128(a) of the Clean Air Act for the entire State of New Mexico.

SLIDE 4

The EPA published its approval of the SIP revision for Board composition and conflict of interest disclosure requirements in the Federal Register [FR Vol. 64, No. 104, pp. 29235-29240] on 6/1/1999, which became effective 8/2/1999, as shown in AQD Exhibit # 16. Since that time the supporting charter provisions and ordinances have been revised. Consequently the Air Quality Division is proposing to update the SIP to incorporate the currently effective City of Albuquerque and County of Bernalillo County Ordinances and policies regarding board composition and conflict of interest as it applies to the Albuquerque - Bernalillo County Air Quality Control Board (Air Board). The matrix attached to the proposed SIP, lists these SIP-approved ordinances and their corresponding ordinances and policies that are currently effective, and are proposed to be incorporated into the SIP. Each ordinance that is included in the most recently approved

SIP is cited in this matrix and is also included as an exhibit marked AQD Exhibit Number 2a through 11a, Each ordinance that is currently effective but not in the SIP, and is proposed to be included in the SIP, is shown as AQD Exhibit Number 2b through 11b,. To illustrate the changes made between then and now, I have manually created a 'redline strikeout' version of each ordinance, shown as AQD Exhibit Number 2c through 11c.

SLIDE 5

This hearing has been legally noticed as shown by AQD Exhibits 12a, 12b, and 12c. There have not been any negative comments received regarding this proposal. EPA's comments and AQD's response are shown as AQD Ex. # 13. EPA requested clarification of how the ordinances and policies have changed since 1999. In response to this, I created the 'redline strikeout' versions shown as AQD Ex. # 2c through 11c.

Therefore, the Environmental Health Department of the City of Albuquerque, by and through the Air Quality Division, respectfully asks the Albuquerque-Bernalillo County Air Quality Control Board to adopt the proposed "State Boards SIP" as shown in AQD Ex. # 1a, as amended by Staff Proposed Floor Amendments shown as AQD Exhibit # 15; and submit the SIP to EPA as a proposed revision to the New Mexico State Implementation Plan for Air Quality (SIP).

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QUESTIONS

That concludes my testimony, and I request that exhibits 1, 1a, 2a, 2b, 2c, 3a, 3b, 3c, 4a, 4b, 4c, 5a, 5b, 5c, 6a, 6b, 6c, 7a, 7b, 7c, 8a, 8b, 8c, 9a, 9b, 9c, 10a, 10b, 10c, 11a, 11b, 11c, 12a, 12b, 12c, 13, 14, 15 and 16 be moved into the record {"so moved"}, and I stand for questions