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ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

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

Air Quality Division,
Environmental Health Department,
City of Albuquerque, Petitioner

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".

The City of Albuquerque, by and through the Air Quality Division (AQD) of the Environmental Health Department, asks the Albuquerque - Bernalillo County Air Quality Control Board (Air Board) to revise the New Mexico State Implementation Plan (SIP) for air quality, regarding State Boards, by incorporating the most recent City of Albuquerque and Bernalillo County Ordinances and policies regarding Board composition and conflict of interest. If adopted, this SIP will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the current SIP. This Petition includes a request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing. As grounds, Petitioner states the following:

1. The New Mexico Air Quality Control Act (Air Act), NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Air

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AQD EXHIBIT
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Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

2. 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. 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 and the remainder of the State of New Mexico as distinct air quality control entities. 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.

The EPA approved the SIP revision for Board composition and conflict of interest disclosure requirements on 6/1/1999, effective 8/2/1999 [FR Vol. 64, No. 104, pp. 29235-29240]. Since that time the supporting ordinances and policies have been revised. Therefore the Air Quality Division is proposing to update the SIP to incorporate the latest City of Albuquerque and County of Bernalillo County Ordinances regarding board composition and conflict of interest as it applies to the Albuquerque Bernalillo County Air Quality Control Board (Air Board).

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

4. The Public Review Draft for the proposed "State Boards Sip Revision" is attached as AQD Exhibit #1a.

Respectfully submitted,

Bill Westmoreland, P.E.
Deputy Director
Environmental Health Department
City of Albuquerque
One Civic Plaza, NW, Suite 3023
Albuquerque, New Mexico 87103
(505) 768-2706

CERTIFICATION

I hereby certify that a copy of this **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"** was delivered to the following person on February 26, 2013.

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.

Bill Westmoreland
Deputy Director
Environmental Health Department
City of Albuquerque