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Butt, Neal T.

From: City of Albuquerque-Air Quality Division [ejones@cabq.gov]
Sent: Monday, April 22, 2013 10:25 AM
To: Butt, Neal T.
Subject: Notice of Hearing and Meeting - Proposal to Amend State Boards SIP

City of Albuquerque

Notice of Hearing and Meeting - Proposal to Amend The State Boards State Implementation Plan (SIP) To Satisfy The Requirements Of the Clean Air Act Section 128(a) - *State Boards* [Section 7428, U.S.C.A.]; Hereafter Referred To As The "State Boards SIP Revision"

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
NOTICE OF HEARING AND REGULAR MEETING

On June 12, 2013, 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, 87102.

The hearing will address: AQCB Petition No. 2013-4, to Amend The State Boards State Implementation Plan (SIP) To Satisfy The Requirements Of The Clean Air Act Section 128(a) - State Boards [Section 7428, U.S.C.A.]; Hereafter Referred To As The "State Boards Sip Revision".

As grounds, the Petitioner (City of Albuquerque) states the following: The Clean Air Act (Act), Section 128(a) titled-State Boards [Section 7428, U.S.C.A.], requires each SIP to contain provisions which ensure that:

"(a) Not later than the date one year after August 7, 1977, each

applicable implementation plan shall contain requirements that: (1) any board or body which approves permits or enforcement orders under this chapter 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 this chapter; 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. A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of Paragraph (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan."

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.

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 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 Air Board.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed SIP revision.

The Air Board is the federally delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Air Board to administer and enforce the CAA and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards and regulations.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to provide non-technical testimony 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 Ordinance, Section 9-5-1-6, Adoption of Regulations, Notice and Hearing [ROA 1994]; Bernalillo County Ordinance, Section 30-35, Adoption of Regulations, Notice and Hearings [Ord. No. 94-5, Section 6, 2-2-94]; 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 and 20.11.82.16.B.(1) NMAC to file, by 5:00 pm on May 28, 2013 a written Notice Of Intent (NOI) to testify and 15 copies, with Elizabeth Jones, Air Quality Control Board Liaison, Environmental Health Department, One Civic Plaza, NW, Suite 3023, Albuquerque, New Mexico 87102, or email to ejones@cabq.gov or you may deliver your NOI to the Environmental Health Department, Suite 3023, 400 Marquette Avenue NW. The NOI shall identify the name, address, and affiliation of the person testifying.

In addition, written non-technical comments to be incorporated into the public record for the June 12, 2013 hearing should be received at the above P.O. Box, or Environmental Health Department office, by 5:00pm on June 5, 2013. The comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to nbutt@cabq.gov and shall include the required name and address information.

Interested persons may obtain a copy of the proposed SIP revision at the Environmental Health Department Office, or by contacting Mr. Neal Butt, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or by phone 768-2660, or by e-mail at nbutt@cabq.gov , or by downloading a copy from the City of Albuquerque Air Quality Division website http://www.cabq.gov/airquality/air-quality-control-board/public-review-drafts

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