



# County of Bernalillo

## State of New Mexico

Commissioner Maggie Hart Stebbins, District 3

One Civic Plaza, NW, 10<sup>th</sup> Floor, Suite 1011  
Albuquerque, New Mexico, 87102

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www.bernco.gov/commission-district-3/

13 JUL -2 AM 10:45

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ENVIRONMENTAL HEALTH  
13 JUL -2 AM 10:58

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July 2, 2013

City of Albuquerque Environmental Health Department  
1 Civic Plaza NW, 3rd Floor  
Albuquerque, NM 87102

Dear Chairwoman Upson and Members of the Board:

I'd like to provide you with my non-technical testimony regarding the proposed revisions to 20.11.41 NMAC, *Authority to Construct*

Bernalillo County government is dedicated to increasing our accountability to our constituents by improving the transparency of our governmental processes and encouraging public participation to the fullest extent.

Recognizing that many air quality permits are or will be issued to applicants who are already located or proposing to locate in the unincorporated areas of Bernalillo County, I believe it is critical to enhance, rather than diminish, public notification requirements.

I am concerned that many of the proposed revisions to 20.11.41 NMAC, *Authority to Construct*, will result in decreased public participation and awareness. I am also concerned that the proposed revisions to 20.11.41 NMAC, *Authority to Construct*, are less stringent than the state's Construction Permits regulation found at 20.2.72 NMAC.

Whether required of the applicant or the City's Environmental Health Department, I urge you retain public notice requirements consistent with the state's (20.2.72 NMAC).

Specifically, I believe the following sections of the state's Construction Permits regulations should be incorporated into Proposed Regulation 20.1.41 NMAC 2<sup>nd</sup> Amended Public Review Draft 4/23/13:

20.2.72.203 B (1) (a) – notification of property owners within 100 feet of property by certified mail

20.2.72.203 B (2) – notification of counties in which the facility is or will be located within a 10-mile radius by certified mail

20.2.72.203 B (3) – notification by publication in classified or legal section of newspaper and one other place in newspaper to give most effective notice and published in Spanish and English, when appropriate

### COUNTY MANAGER

Tom Zdunek

### ELECTED OFFICIALS

Tanya Giddings  
Assessor

Maggie Toulouse Oliver  
Clerk

Willow Misty Parks  
Probate Judge

Dan Houston  
Sheriff

Manny Ortiz  
Treasurer

20.2.72.203 B (4) – notification through signage at 4 publicly accessible and conspicuous places, including the facility’s property and 3 other locations that are frequented by the general public

20.2.72.203 B (5) – notification through public service announcement to at least one radio or television station serving the county containing information outlined in 20.2.72.203 D (1-5)

Again, in an attempt to enhance public participation to the greatest extent possible, I ask that you omit language allowing an alternative public notification approach for sites with large properties or campus like boundaries. Specifically, please omit lines 54-55, on page 8 and lines 1-2 on page 9 and elsewhere in the document where campus like boundaries are referenced (Proposed Regulation 20.11.41 NMAC 2<sup>nd</sup> Amended Public Review Draft 4/23/13).

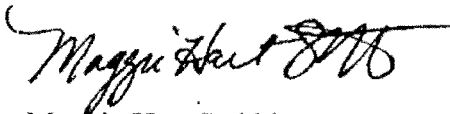
In referencing page 13, line 41 and page 14, lines 3-4, rather than leaving it to the Department’s determination, I believe public information hearings should be in English and Spanish if greater than 50% of the population over 5 years of age speaks Spanish at home for those populations surrounding the facility (Proposed Regulation 20.11.41 NMAC 2<sup>nd</sup> Amended Public Review Draft 4/23/13).

Further, to ensure as accurate of information as possible, I recommend that you require a notarized application, signed under oath, consistent with the state’s Construction Permits regulation (20.2.72.203 A (12)).

I also request that you change the language on page 15, line 52 from “may” to “shall” (Proposed Regulation 20.11.41 NMAC 2<sup>nd</sup> Amended Public Review Draft 4/23/13) consistent with the state’s Construction Permit regulation, found at 20.2.72.208.

Thank you for considering my input.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Maggie Hart Stebbins". The signature is fluid and cursive, with a large initial "M" and "S".

Maggie Hart Stebbins  
Commissioner, District 3