

**Request for Hearing:
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**

**Neal Butt, Environmental Health Scientist
Albuquerque Environmental Health Department
Air Quality Division
Control Strategies Section
Margaret Nieto, Control Strategies Supervisor**

Proposed State Boards SIP Revision

■ CAA Section 128(a) State Boards [§7428, U.S.C.A.]

- (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.

■ NM Air Quality Control Act [Section 74-2-4]

- Authorizes Albuquerque / Bernalillo County to locally administer and enforce the Air Quality Control Act by providing for a local air quality control program.
- State law views Albuquerque - Bernalillo County as a distinct air quality control entity, separate from the remainder of the State of New Mexico.
- Each entity is required to submit its own SIP revision in order to completely satisfy the requirements of Section 128(a) of the CAA for the entire State of New Mexico.

Proposed State Boards SIP Revision

- EPA approved SIP revision for Board composition and conflict of interest disclosure requirements on 6/1/1999, effective 8/2/1999.
- Since then ordinances and policies have been revised.
- 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 Air Board.

Proposed State Boards SIP Revision

Request for hearing

- State Boards SIP Revision

Court Reporter & Hearing Officer

Proposed State Boards SIP Revision

Authority

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

Questions?

