

1 **ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**

2 **RESOLUTION #2009-3**

3 **Encouraging the Bernalillo County Commission to reexamine zoning in the Mountain View area**
4 **of the South Valley, Encouraging the Bernalillo County Planning Commission to adopt a**
5 **Mountain View Sector Plan, and Encouraging Bernalillo County to consider any other strategies**
6 **available to address concerns of the community regarding industries located in close proximity**
7 **to residential areas in the Mountain View area.**

8
9 **Whereas,** the New Mexico Air Quality Control Act (“Air Act”), NMSA 74-2-5, requires the
10 Albuquerque/Bernalillo County Air Quality Control Board (“Air Board”), to “adopt, promulgate,
11 publish, amend and repeal regulations consistent with the Air Quality Control Act to attain and
12 maintain national ambient air quality standards and prevent or abate air pollution, including regulations
13 prescribing air standards” within Bernalillo County, and to meet requirements of the United States
14 Clean Air Act, the City of Albuquerque and Bernalillo County Joint Air Quality Control Board
15 Ordinances, and the Albuquerque/Bernalillo County Air Quality Control Board (“Air Board”)
16 Regulations; and

17 **Whereas,** the Air Quality Control Board authority is limited to air quality and has no authority
18 or jurisdiction over land use matters; and

19 **Whereas,** an analysis of permitted stationary sources (“Location of Stationary Sources in
20 Bernalillo County” presented to the Air Quality Control Board on May 13, 2009 by Ken Ziegler, Air
21 Quality Division) conducted to identify specific problems in the Mountain View area has revealed that:
22 there is not an inordinate number of stationary source permit applications in the Mountain View area,
23 there is not an inordinate number of stationary source permits issued in the Mountain View area, and
24 that Mountain View is on the lower end of the density spectrum with regard to sources and emissions;
25 and

26 **Whereas,** the Air Quality Division has been working with the Mountain View neighborhood

1 community for more than ten years in order to address their concerns regarding air quality issues
2 resulting from the location and operation of industries in their community, and hears these concerns
3 aired regularly at Air Board meetings; and

4 **Whereas**, if a permit applicant meets requirements of Albuquerque/Bernalillo County Air
5 Quality Control Board (“Air Board”) Regulations, the State Air Quality Control Act, the U. S. Clean
6 Air Act, and the City of Albuquerque and Bernalillo County Ordinances, there is no further legal basis
7 for denial of a permit application by either the Division or the Board on an appeal; and

8 **Whereas**, the Board recognizes the challenge involved in respecting the legal rights of
9 businesses as well as those of private citizens; and

10 **Whereas**, Bernalillo County has been developing a sector plan for the Mountain View area
11 which was recently withdrawn from the Bernalillo County Planning Commission docket.

12 **NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:**

13 1. The Air Quality Control Board strongly encourages the Bernalillo County Commission to
14 reexamine zoning in the Mountain View area as the most effective way of addressing the issues related
15 to location of industry near neighborhoods, schools, community centers.

16 2. The Air Quality Control Board strongly encourages the Bernalillo County Planning
17 Commission and Planning staff to keep the process for developing an acceptable Mountain View
18 Sector Plan moving forward toward a timely adoption.

19 3. The Air Quality Control Board encourages the Bernalillo County Commission and the
20 Bernalillo County Planning Commission to consider mitigating future concerns to the Mountain View
21 area through planned zone changes, working with industries to phase out of one location and into
22 another, and any other strategies that are available.

23 **[WITH THE FOLLOWING CHANGES:]**

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PASSED AND ADOPTED THIS 10th DAY OF JUNE, 2009
BY A VOTE OF ____ FOR AND ____ AGAINST.

Absent: ____

Jens Deichmann, Chair
Albuquerque-Bernalillo County
Air Quality Control Board

Attest:

Isreal Tavarez, Secretary