PENGAD 800-631-6989
AQD EXHIBIT
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ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
NOTICE OF HEARING

On July 8, 2009, 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, 400 Marquette Avenue NW, Albuquerque, NM. The hearing will address:

Proposal to amend 20.11.42 NMAC, *Operating Permits*; and to submit proposed amendments to the U.S. Environmental Protection Agency (EPA) as an update to the Albuquerque Air Quality Division (AQD) Title V program.

The AQD is proposing to amend 20.11.42 NMAC, *Operating Permits*, for the following reasons:
1. Currently, source categories subject to Section 111 of the Clean Air Act (Act), entitled *New Source Performance Standards* (NSPS), or subject to Section 112 of the Act, entitled *National Emission Standards for Hazardous Air Pollutants* (NESHAPs), are required to include their fugitive emissions in addition to their direct emissions when calculating their total emissions. If/when their total emissions reach a limit of 100 Tons per Year (TPY) of a pollutant, the source is then deemed a "Major Source", which would require an operating permit. The proposed amendment changes the definition of "Major Source", thereby limiting the number of sources which would be required to include fugitive emissions as part of their total emissions, to only those source categories subject to NSPS and NESHAPs promulgated on or before August 7, 1980;
2. The language under Paragraphs (1) and (2) of Subsection D of 20.11.42.2 NMAC, "*Existing major sources, which are not required to have a permit under 20.11.41 NMAC*" is proposed to be deleted. This language was originally developed when the AQD Title V program first began, and was designed to capture "grandfathered" major sources. However, currently all major sources have been permitted, and so this provision is no longer needed. In addition, this language is not codified within 40 CFR Part 70.
3. To align language in 20.11.42 NMAC with language in 40 CFR Part 70, *State Operating Permit Programs*; and
4. To correct style and formatting.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed revisions to 20.11.42 NMAC, *Operating Permits*.

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 Clean Air Act 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 testify 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 Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6, 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 to submit a written Notice Of Intent to testify (NOI) before 5:00pm on June 23, 2009, to: Attn: Hearing Clerk, Ms. Janice Amend, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or, you may deliver your NOI to the Environmental Health Department, Room 3023, 400 Marquette Avenue NW. The NOI shall: 1. identify the person for whom the witness or witnesses will testify; 2. identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; 3. summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; 4. include the text of any recommended modifications to the proposed regulatory change; and 5. list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

In addition, written comments to be incorporated into the public record for this hearing should be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on July 1, 2009. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may

also be submitted electronically to jamend@cabq.gov and shall include the required name and address information. Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Ms. Janice Amend electronically at jamend@cabq.gov or by phone (505) 768-2601.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes