

**Request for hearing in the Matter of the Petition to
a new regulation, 20.11.80 NMAC, *Adjudicatory
Procedures – Environmental Health Department –
Administrative Enforcement – Hearings by Director***

Presented to the Albuquerque – Bernalillo County
Air Quality Control Board
by Margaret Nieto, AQD Control Strategies
Supervisor
May 11, 2011

Request for hearing in the Matter of the Petition to Adopt a new regulation, 20.11.80 NMAC, *Adjudicatory Procedures – Environmental Health Department Department – Administrative Enforcement – Hearings by Director*

- The City of Albuquerque, by and through the Air Quality Division of the City Environmental Health Department, asks the Albuquerque-Bernalillo County Air Quality Control Board to adopt a new regulation, 20.11.80 NMAC, *Adjudicatory Procedures – Environmental Health Department – Administrative Enforcement – Hearings by Director*.

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Statement of Reasons:

- There currently are no procedures in place for administrative enforcement actions for the COA/EHD/AQD.
- EIB rule (20.1.5 NMAC, *Adjudicatory Procedures – [NM] Environment Department*) has served as reference, but it is often confusing because it addresses a wider range of subjects, laws and terminology, and does not apply to Albuquerque – Bernalillo County air quality issues.
- Proposed 20.11.80 NMAC provides procedures that will apply to adjudicatory enforcement proceedings conducted by or on behalf of the COA Environmental Health Department Director.

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- The Air Board has the authority to adopt, amend or replace air quality regulations on this matter pursuant to NMSA 1978, Sections 74-2-4, 74-2-5 and 74-2-12; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections, 4, 5 and 13; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-4, 9-5-1-5 and 9-5-1-98.

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- This Petition includes a request for a hearing on these matters, and for permission to provide a court reporter and hearing officer for the hearing.
- It is anticipated that the hearing will take approximately 1 hour or less.

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- Questions?

