## ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

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## **RESOLUTION #2009-7**

## ADOPTING AMENDMENTS TO ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD REGULATION 20.11.47 NMAC, *EMISSIONS INVENTORY REQUIREMENTS*, AND SUBMITTING THE AMENDED REGULATION TO EPA AS A REVISION TO THE SIP

Whereas, the New Mexico Air Quality Control Act ("Air Act"), NMSA 74-2-5, requires the 8 Albuquerque-Bernalillo County Air Quality Control Board ("Air Board"), to "adopt, promulgate, 9 publish, amend and repeal regulations consistent with the Air Quality Control Act to attain and 10 maintain national ambient air quality standards and prevent or abate air pollution, including regulations 11 12 prescribing air standards" within Bernalillo County, and to meet requirements of the United States Clean Air Act, the City of Albuquerque and Bernalillo County Joint Air Quality Control Board 13 Ordinances, and the Air Board Regulations; and 14 Whereas, on October 14, 2009, the Air Board held a public hearing in the Vincent E. Griego 15 Chambers in the basement of the Albuquerque-Bernalillo County Government Center, One Civic Plaza 16 NW, in Albuquerque, New Mexico, and the hearing was held consistent with the notice requirements 17 of the New Mexico Air Quality Control Act, and 20.11.82 NMAC, Rulemaking Procedures - AQCB; 18 and 19

Whereas, on October 14, 2009, the Air Board met and determined that updating the local Air Board regulation by changing the current language is necessary because: 20.11.47.14.B.(1) NMAC is overly broad in scope, requiring an annual emissions inventory report for *all* air pollution sources, including those with an air quality 'permit' and those with *only* an air quality 'registration'. Air pollution sources issued 'registrations' emit only small amounts of pollution, and thus do not trigger air quality 'permitting' thresholds (e.g. sources such as small generators and small manufacturing operations); the proposed language for 20.11.47.14.B.(1) NMAC would provide the Environmental

1	Health Department the flexibility to require emissions reports from sources with air quality 'permits',
2	but not require a report from all the smaller sources with 'registrations', unless it becomes necessary in
3	the future; and this amendment will effectively shrink the universe of affected sources down to that
4	which was originally intended the last time this rule was amended, and at the same time will retain the
5	flexibility to include more sources in the future if necessary.
6	Whereas, at the October 14, 2009 public hearing, testimony was presented to establish a
7	present need, or a reasonably anticipated future need, which exists to warrant taking the following
8	actions to help prevent or abate air pollution;
9	NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:
10	1. The Board hereby adopts the amendments as proposed in AQD Exhibit 1a, which was
11	admitted at the October 14, 2009 hearing.
12	2. The Board hereby directs staff to take all actions necessary to submit the amended regulation
13	to EPA as a revision to the SIP.
14	3. The effective date of the amendments to 20.11.47 NMAC shall be November 16, 2009.
15	4. Staff is directed to submit the amendments to 20.11.47 NMAC to the State Records Center in
16	the format currently required by the State Records Center, without changing the substance of the
17	amendments as adopted by the Air Board on October 14, 2009.
18	[WITH THE FOLLOWING CHANGES:]
19	

PASSED AND ADOPTED THIS 14 <sup>th</sup> DAY OF OCTOBER, 2009		
BY A VOTE OF FOR AND AGAINST.		
Absent:		
	Jens Deichmann Chair	
	Albuquerque-Bernalillo County	
	Air Quality Control Board	
Attest:		
Isreal Tavarez, Secretary		