

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

2 **AMENDED RESOLUTION #2010-9**

3 **ADOPTING AN AMENDED 20.11.2 NMAC, FEES, AND INCORPORATING AN AMENDED**
4 **20.11.2 NMAC INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR**
5 **QUALITY (SIP)**

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

14 **Whereas**, on December 8, 2010, the Air Board held a public hearing in the Vincent E. Griego
15 Chambers, on the basement level of the Albuquerque/Bernalillo County Government Center, One
16 Civic Plaza NW, in Albuquerque, New Mexico, and the hearing was held consistent with the notice
17 requirements of the New Mexico Air Quality Control Act, and 20.11.82 NMAC, *Rulemaking*
18 *Procedures - AQCB*; and

19 **Whereas**, on December 8, 2010, the Air Board met and determined that 20.11.2 NMAC, *Fees*,
20 should be amended, and said amendments should be submitted to EPA, as a revision to the SIP; and

21 **Whereas**, at the December 8, 2010 public hearing, testimony was presented to establish a
22 present need, or a reasonably anticipated future need, which exists to warrant taking the following
23 actions to cover specific costs.

24 **NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:**
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1 1. Regarding 20.11.2 NMAC, *Fees*, as proposed in AQD Exhibit 1b which was admitted at the
2 December 8, 2010 hearing as amended by the “Staff’s Proposed Floor Amendments” shown as AQD
3 Exhibits #9 and #10, an amended 20.11.2 NMAC, *Fees*, is hereby adopted.

4 2. The Board hereby directs staff to take all actions necessary to submit amended regulations
5 to EPA as a revision to the SIP.

6 3. The effective date of the amended 20.11.2 NMAC, *Fees*, shall be January 10, 2011.

7 4. Staff is directed to submit the amended 20.11.2 NMAC, *Fee,s* to the State Records Center in
8 the format currently required by the State Records Center, without changing the substance of the
9 amendments as adopted by the Air Board on December 8, 2010.

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

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16 PASSED AND ADOPTED THIS 8th DAY OF DECEMBER, 2010

17 BY A VOTE OF ___FOR, AND ___ AGAINST.

18 Absent: ___

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Jens Deichmann Chair
Albuquerque-Bernalillo County
Air Quality Control Board

24 Attest:

28 _____
Margaret Nieto, Secretary to the Air Quality Control Board