

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

2 **RESOLUTION #2009-3**

3 **ADOPTING AMENDMENTS TO ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY**
4 **CONTROL BOARD REGULATION 20.11.42 NMAC, *OPERATING PERMITS*, AND SUBMIT**
5 **AMENDED REGULATION TO EPA AS AN UPDATE TO THE AIR QUALITY DIVISION’S**
6 **TITLE V PROGRAM**

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

16 **Whereas**, on July 8, 2009, the Air Board held a public hearing in the Vincent E. Griego
17 Chambers in the basement of the Albuquerque/Bernalillo County Government Center, One Civic Plaza
18 NW, in Albuquerque, New Mexico, and the hearing was held consistent with the notice requirements
19 of the New Mexico Air Quality Control Act, and 20.11.82 NMAC, *Rulemaking Procedures - AQCB*;
20 and

21 **Whereas**, on July 8, 2009, the Air Board met and determined that updating the local Air
22 Quality Control Board regulation to change the definition of “Major Source”, to delete obsolete
23 language, to align language in 20.11.42 NMAC with language in 40 CFR Part 70, and to correct style
24 and formatting, is necessary; and

25 **Whereas**, at the July 8, 2009 public hearing, testimony was presented to establish a present
26 need, or a reasonably anticipated future need, which exists to warrant taking the following actions to

1 help prevent or abate air pollution; and

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

3 1. Regarding 20.11.42 NMAC, *Operating Permits*, the Board hereby adopts the amendments to
4 20.11.42 NMAC as proposed in AQD Exhibit 1a, as amended by “Staff Proposed Floor Amendments
5 6/23/09”, shown as AQD Exhibit 7, and “Addendum to 6/23/09 Staff Floor Amendments (AQD Ex. 7)
6 To Include Comments By The New Mexico State Records Center 7/2/09” shown as AQD Exhibit #9.

7 2. The Board hereby directs staff to take all actions necessary to submit amended regulation to
8 EPA as an update to the Air Quality Division’s Title V Program.

9 4. The effective date of the amendments to 20.11.42 NMAC shall be August 10, 2009.

10 5. Staff is directed to submit the amendments to 20.11.42 NMAC to the State Records Center in
11 the format currently required by the State Records Center, without changing the substance of the
12 amendments as adopted by the Air Board on July 8, 2009.

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

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18 PASSED AND ADOPTED THIS 8th DAY OF JULY, 2009

19 BY A VOTE OF ___ FOR AND ___ AGAINST.

20 Absent: _____

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Jens Deichmann Chair
Albuquerque-Bernalillo County
Air Quality Control Board

Attest:

Isreal Tavarez, Secretary