AQD EXHIBIT
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ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND 20.11.4 NMAC, *GENERAL CONFORMITY*, AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR QUALITY(SIP)

AQCB Petition No. 2010-5

Air Quality Division,
Environmental Health Department,
City of Albuquerque, Petitioner

Petition to Amend 20.11.4 NMAC, *General Conformity,* and Incorporate an Amended 20.11.4 NMAC into the New Mexico State Implementation Plan for Air Quality (SIP)

The Environmental Health Department of the City of Albuquerque, by and through the Air Quality Division (AQD), asks the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) for a hearing at which the Air Board will hear the Air Quality Divisions' request to adopt amendments to 20.11.4 NMAC, *General Conformity,* and submit said amendments to U.S. Environmental Protection Agency (EPA) as a revision to the SIP. This Petition includes a request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing. As grounds, Petitioner states the following:

1. The New Mexico Air Quality Control Act (Air Act), NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Air Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

2. On March 24, 2010, the EPA revised their General Conformity Rule, which became effective on July 6, 2010 [FR Vol. 75, No. 64, 17254-79, 4/5/10]. In response, the Air Quality Division (AQD) of the City of Albuquerque's Environmental Health Department, is proposing amendments to the current Air Quality Control Board regulation, 20.11.4 NMAC, *General Conformity* in order to conform to these recent federal rule changes.

General conformity is an important provision of the Clean Air Act Amendments of 1990 (Act). Section 176(c) of the Act clearly illustrates the intent of Congress with respect to this program by explicitly requiring federal actions to conform to the applicable State Implementation Plan (SIP), and defines a conforming state action as one that does not: 1) cause or contribute to a new violation of any health-based air quality standard in any area; 2) increase the severity or frequency of an existing violation of any standard in any area; or 3) delay timely attainment of any standard, required interim emission reduction or other milestone in any area.

The intent of the Act's General Conformity provision is to encourage a process where federal agencies would work with their counterparts at the state and local levels to coordinate review of projects whose air quality impacts are real, but which do not fit neatly into the stationary source "box," where applicable processes and requirements are more well-defined. Examples of covered actions include airport construction or expansion.

3. It is anticipated that the hearing will take approximately 1 hour or less.

4. The proposed Public Review Draft of 20.11.4 NMAC, *General Conformity* is attached as Exhibit #1a.

Respectfully submitted,

Mary Lou Leonard
Director, Environmental Health Department
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CERTIFICATION

I hereby certify that a copy of this Petition to Amend 20.11.4 NMAC, *General Conformity*, and Incorporate said amendments into the New Mexico State Implementation Plan for Air Quality (SIP), was delivered to the following person on November 19, 2010.

Janice Wright
Air Quality Control Board Liaison
Environmental Health Department
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103

Mary Lou Leonard
Director, Environmental Health Department