1	ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD		
2	RESOLUTION #2011-6		
3 4	ADOPTING 20.11.80 NMAC, ADJUDICATORY PROCEDURES - ADMINISTRATIVE ENFORCEMENT HEARINGS BY DIRECTOR		
5 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 Air Board regulations; and		
13	Whereas, staff for the Air Board is authorized by the Air Act at NMSA 74-2-12 to initiate		
14	administrative enforcement actions to enforce Air Board regulations, permits and programs; and		
15	Whereas, written procedures are needed to clarify the process that will be followed when a		
16	timely request is made for a hearing challenging an administrative enforcement action; and		
17	Whereas, on July 13, 2011, the Air Board held a public hearing in the Vincent E. Griego		
18	Chambers, on the basement level of the Albuquerque/Bernalillo County Government Center, One		
19	Civic Plaza NW, in Albuquerque, New Mexico, and the hearing was held consistent with the notice		
20	requirements of the New Mexico Air Quality Control Act, and 20.11.82 NMAC, Rulemaking		
21	Procedures - AQCB; and		
22	Whereas, at the July 13, 2011 public hearing, testimony was presented to establish a present		
23	need, or a reasonably anticipated future need that warrants taking the following actions regarding		
24	enforcement of Air Board regulations, permits and programs which prevent or abate air pollution.		
25	NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:		

1	1. 20.11.80 NMAC, Adjudicatory Procedures – Environmental Health Department -
2	Administrative Enforcement and Hearings by Director, which is the Public Review Draft attached to
3	AQCB Petition No. 2011-4 (Administrative Record Document #1b), and the proposed staff floor
4	amendment renaming the regulation which was offered during the July 13 hearing (AQD Non-
5	Technical Exhibit #1, Document #7) are hereby adopted, resulting in the newly-adopted 20.11.80
6	NMAC being named Adjudicatory Procedures – Administrative Enforcement Hearings by Director,
7	[WITH THE FOLLOWING ADDITIONAL CHANGES:]
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14	2. The effective date of 20.11.80 NMAC, Adjudicatory Procedures – Administrative
15	Enforcement Hearings by Director, shall be August 15, 2011.
16	3. Staff is hereby directed to submit 20.11.80 NMAC, Adjudicatory Procedures –
17	Administrative Enforcement Hearings by Director, to the State Records Center in the format currently
18	required by the State Records Center, without changing the substance of the regulation as adopted by
19	the Air Board on July 13, 2011.
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24	PASSED AND ADOPTED THIS 13 <sup>th</sup> DAY OF JULY, 2011

1	BY A VOTE OFFOR, AGAINST,	ABSTAINED.
2	Absent:	
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7		Margaret Menache, Chair
8		Albuquerque-Bernalillo County
9		Air Quality Control Board
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11	Attest:	
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15	Margaret Nieto	
16	Secretary to the Air Quality Control Board	