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ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND 20.11.21 NMAC, *OPEN BURNING*, AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR QUALITY(SIP)

AQCB Petition No. 2010-6

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

Petition to Amend 20.11.21 NMAC, *Open Burning,* and Incorporate an Amended 20.11.21 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 20.11.21 NMAC, *Open Burning,* 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. The Air Quality Division is proposing to amend language regarding the burning of dead and dry weeds in order to bring the rule into alignment with the International Fire Code [see 20.11.21.14 NMAC (Item 3)] and to make stylistic and formatting changes to improve clarity and readability.

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

4. The proposed Public Review Draft of 20.11.21 NMAC, *Open Burning* is attached as Exhibit #1a.

Respectfully submitted,

Mary Lou Leonard
Director, Environmental Health Department
City of Albuquerque
One Civic Plaza, NW, Room 3047
Albuquerque, New Mexico 87103
(505) 768-1965

CERTIFICATION

I hereby certify that a copy of this Petition to Amend 20.11.21 NMAC, *Open Burning*, and Incorporate said amendments into the New Mexico State Implementation Plan for Air Quality (SIP), was delivered to the following person on December 22, 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