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Butt, Neal T.

From: City of Albuquerque-Air Quality Division [jcwright@cabq.gov]
Sent: Thursday, January 13, 2011 12:00 PM
To: Butt, Neal T.
Subject: 20.11.21 NMAC, Open Burning-Legal Notice for Hearing
Follow Up Flag: Follow up
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20.11.21 NMAC, *Open Burning* Legal Notice for Hearing

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING AND REGULAR MEETING

On March 9, 2011, at 5:30 pm, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, One Civic Plaza NW, Albuquerque, NM.

The hearing will address: Proposal 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).

Proposed changes include: 1. A new definition for "Broadcast Burn" to clarify the usage of this term within the rule; 2. Clarifying language to differentiate requirements for "multiple event" permits from those requirements for "single event" open burn permits; 3. Removing the requirement that the department acknowledge receipt of an applicant's request for permit within 24 hours; 4. Decreasing the amount of time that a 'single-event permit' shall remain valid, from 1 year down to 1 month, unless stipulated otherwise in the permit; 5. Clarifying language to alert potential burners to the additional restrictions placed upon

them by the Bernalillo County Fire Department, the Albuquerque Fire Department and the International Fire Code; 6. Restricting the burning of dead and dry weeds to only that amount allowed by the Bernalillo County Fire Department, the Albuquerque Fire Department and the International Fire Code; 7. Adding "Small-Scale Fire Extinguisher Training" to the list of 'Conditionally Allowed Open Burning' in Table II; 8. Deleting redundant language found at 20.11.21.21 NMAC that is now codified in 20.11.81 NMAC, *Adjudicatory Procedures - AQCB*; and 9. Making stylistic and formatting changes to improve clarity and readability.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed amendments to 20.11.21 NMAC, and incorporating the amended regulation into the SIP.

The Air Board is the federally delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Air Board to administer and enforce the CAA and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards and regulations.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6.

Anyone intending to present technical testimony is required by 20.11.82 NMAC, *Rulemaking Procedures - AQCB*, to submit a written Notice Of Intent (NOI) before 5:00 pm on February 22, 2011 to: Attn: Open Burning Hearing Record, Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person in Room 3023, 400 Marquette Avenue NW. The NOI shall identify the person's name, address and affiliation.

In addition, written comments to be incorporated into the public record should be received at the above P.O. Box, or Environmental Health Department office, before 5:00pm on

February 2, 2011. The comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to jcwright@cabq.gov and shall include the required name and address information.

Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or by phone 768-2601, or by e-mail at jcwright@cabq.gov , or by downloading a copy from the City of Albuquerque Air Quality Division website.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes.

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