

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

2 **RESOLUTION #2009-5**

3 **ADOPTING AMENDMENTS TO ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY**
4 **CONTROL BOARD REGULATIONS 20.11.1 NMAC, *GENERAL PROVISIONS*, AND 20.11.8**
5 **NMAC, *AMBIENT AIR QUALITY STANDARDS*, AND SUBMIT AMENDMENTS TO EPA AS**
6 **A REVISION TO THE SIP**

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 August 12, 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 August 12, 2009, the Air Board met and determined that updating the local Air
22 Quality Control Board regulation by deleting Section 20.11.1.14 NMAC, *Interpretation*, which will be
23 placed in 20.11.8.14, *Interpretation*, to align language in 20.11.1.7 NMAC with the language in 40
24 CFR Part 51.100(s), the NM Air Quality Control Act, and the proposed 20.11.49 NMAC, *Excess*
25 *Emissions*, to align language in 20.11.8.13 NMAC with federal standards, and to correct style and
26 formatting is necessary; and

1 **Whereas**, at the August 12, 2009 public hearing, testimony was presented to establish a
2 present need, or a reasonably anticipated future need, which exists to warrant taking the following
3 actions to help prevent or abate air pollution;

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

5 1. Regarding 20.11.1 NMAC, *General Provisions*, and 20.11.8 NMAC, *Ambient Air Quality*
6 *Standards* the Board hereby adopts the amendments to 20.11.1 NMAC, *General Provisions*, and to
7 20.11.8 NMAC, *Ambient Air Quality Standards* as proposed in AQD Exhibit 1a and 1b, which was
8 admitted at the August 12, 2009 hearing.

9 2. The Board hereby directs staff to take all actions necessary to submit amended regulations to
10 EPA as a revision to the SIP.

11 4. The effective date of the amendments to 20.11.1 NMAC, *General Provisions*, and 20.11.8
12 NMAC, *Ambient Air Quality Standards* shall be September 14, 2009.

13 5. Staff is directed to submit the amendments to 20.11.1 NMAC, *General Provisions*, and
14 20.11.8 NMAC, *Ambient Air Quality Standards* to the State Records Center in the format currently
15 required by the State Records Center, without changing the substance of the amendments as adopted
16 by the Air Board on August 12, 2009.

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

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PASSED AND ADOPTED THIS 12th DAY OF AUGUST, 2009
BY A VOTE OF ___ FOR AND ___ AGAINST.
Absent: _____

Jens Deichmann Chair
Albuquerque-Bernalillo County
Air Quality Control Board

Attest:

Isreal Tavarez, Secretary