

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

2 **RESOLUTION #2010-5**

3 **ADOPTING AN AMENDED ALBUQUERQUE – BERNALILLO COUNTY AIR QUALITY**
4 **CONTROL BOARD STATE IMPLEMENTATION PLAN FOR AIR QUALITY (SIP), TO**
5 **ADDRESS INFRASTRUCTURE REQUIREMENTS OF THE CLEAN AIR ACT TO**
6 **IMPLEMENT THE PM2.5 AND OZONE NAAQS; AND AN AMENDED 20.11.60 NMAC,**
7 **PERMITTING IN NONATTAINMENT AREAS, AND AN AMENDED 20.11.61 NMAC,**
8 **PREVENTION OF SIGNIFICANT DETERIORATION, AND SUBMITTING SAID AMENDMENTS**
9 **TO EPA AS REVISIONS TO THE SIP**

10
11 **Whereas**, the New Mexico Air Quality Control Act (“Air Act”), NMSA 74-2-5, requires the
12 Albuquerque - Bernalillo County Air Quality Control Board (“Air Board”), to “adopt, promulgate,
13 publish, amend and repeal regulations consistent with the Air Quality Control Act to attain and
14 maintain national ambient air quality standards and prevent or abate air pollution, including regulations
15 prescribing air standards” within Bernalillo County, and to meet requirements of the United States
16 Clean Air Act, the City of Albuquerque and Bernalillo County Joint Air Quality Control Board
17 Ordinances, and the Albuquerque - Bernalillo County Air Quality Control Board (“Air Board”)
18 Regulations; and

19 **Whereas**, on July 14, 2010, the Air Board held a public hearing in the Vincent E. Griego
20 Chambers, on the basement level of the Albuquerque/Bernalillo County Government Center, One
21 Civic Plaza NW, in Albuquerque, New Mexico, and the hearing was held consistent with the notice
22 requirements of the New Mexico Air Quality Control Act, and 20.11.82 NMAC, *Rulemaking*
23 *Procedures - AQCB*; and

24 **Whereas**, on July 14, 2010, the Air Board met and determined that the *Infrastructure SIP for*
25 *PM 2.5 and Ozone; 20.11.60 NMAC, Permitting in Nonattainment Areas; and 20.11.61 NMAC,*
26 *Prevention of Significant Deterioration* should be amended, and the aforementioned rules and SIP
27 should be submitted to EPA, as revisions to the SIP; and

1 **Whereas**, at the July 14, 2010 public hearing, testimony was presented to establish a present
2 need, or a reasonably anticipated future need, which exists to warrant taking the following actions to
3 help prevent or abate air pollution.

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

5 1. Regarding the *Infrastructure SIP for PM 2.5 and Ozone*; 20.11.60 NMAC, *Permitting in*
6 *Nonattainment Areas*; and 20.11.61 NMAC, *Prevention of Significant Deterioration* as proposed in
7 AQD Exhibits 1a, 1b, and 1c, respectively which were admitted at the July 14, 2010 hearing as
8 amended by “Staff’s Proposed Floor Amendments” shown as AQD Exhibit #5, and “Staff
9 Supplemental Floor Amendments”, shown as AQD Exhibit #7, are hereby adopted;

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

12 3. The effective date of the amended 20.11.60 NMAC, *Permitting in Nonattainment Areas*;
13 and 20.11.61 NMAC, *Prevention of Significant Deterioration* shall be August 30, 2010.

14 4. Staff is directed to submit the amended 20.11.60 NMAC, *Permitting in Nonattainment*
15 *Areas*; and 20.11.61 NMAC, *Prevention of Significant Deterioration* to the State Records Center in the
16 format currently required by the State Records Center, without changing the substance of the
17 amendments as adopted by the Air Board on July 14, 2010.

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[WITH THE FOLLOWING CHANGES:]

PASSED AND ADOPTED THIS 14th DAY OF JULY, 2010

BY A VOTE OF ___FOR, AND ___ AGAINST.

Absent: ___

Jens Deichmann Chair
Albuquerque-Bernalillo County
Air Quality Control Board

Attest:

Margaret Nieto, Secretary