

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

2 **RESOLUTION #2013-5**

3 **REPEALING CURRENTLY EFFECTIVE 20.11.41 NMAC, *AUTHORITY TO CONSTRUCT*;**
4 **ADOPTING A PROPOSED REPLACEMENT 20.11.41, *CONSTRUCTION PERMITS*; AND**
5 **INCORPORATING THE REPLACEMENT 20.11.41 NMAC INTO THE NEW MEXICO STATE**
6 **IMPLEMENTATION PLAN FOR AIR QUALITY (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 July 10, 2013, the Air Board held a public hearing in the Vincent E. Griego
17 Chambers, on the basement level of the Albuquerque/Bernalillo County Government Center, One
18 Civic Plaza NW, in Albuquerque, New Mexico, and the hearing was held consistent with the notice
19 requirements of the New Mexico Air Quality Control Act, and 20.11.82 NMAC, *Rulemaking*
20 *Procedures - AQCB*; and

21 **Whereas**, on July 10, 2013, the Air Board met and determined that the currently effective
22 20.11.41, *Authority to Construct*, should be repealed; the proposed replacement 20.11.41 NMAC,
23 *Construction Permits*, should replace it; and the replacement 20.11.41 NMAC should be submitted to
24 the EPA as a proposed revision to the SIP; and

25 **Whereas**, at the July 10, 2013 public hearing, testimony and other evidence was presented that

1 established that a present need, or a reasonably anticipated future need, exists to warrant taking the
2 following actions to help prevent or abate air pollution and to maintain the required consistency of
3 local regulations with Federal rules;

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

5 1. The Board hereby repeals the currently effective 20.11.41, *Authority to Construct*, identified
6 as AQD Exhibit No. 2a; and adopts the proposed replacement 20.11.41 NMAC, *Construction Permits*,
7 identified as AQD Exhibit No. 2b, as amended by Staff Proposed Floor Amendments, identified as
8 AQD Exhibit No. 2d, and AQD Exhibit No. 2r, which were admitted at the July 10, 2013 hearing;

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

10 ① Exhibit 2d, page 8, lines 47 & 48 to include "as
11 required" language to the reference of "Air dispersion
12 model" and "models executed under protocol."

13 ② Exhibit 2r, floor amendment 3, to read "... to all
14 municipalities, indian tribes, and counties that are within
15 one-half mile of the exterior boundaries of the property on
16 which the source..."

17 2. The Board hereby directs staff to take all actions necessary to submit the replacement
18 20.11.41 NMAC, *Construction Permits*, to the EPA as a proposed revision to the SIP;

19 3. The effective date of the replacement 20.11.41 NMAC, *Construction Permits*, shall be
20 January 1, 2014; and

21 4. Staff is hereby directed to submit the repealed 20.11.41, *Authority to Construct*, and the
22 replacement 20.11.41 NMAC, *Construction Permits*, to the State Records Center in the format
23 currently required by the State Records Center, without changing the substance of the amendments as

1 adopted by the Air Board on July 10, 2013.

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3 PASSED AND ADOPTED THIS 10th DAY OF JULY, 2013

4 BY A VOTE OF 5 FOR, AND 0 AGAINST.

5 ABSTAINED: 0; ABSENT: 2

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9 Dona Upson, MD, Chair

10 Albuquerque-Bernalillo County Air Quality Control Board

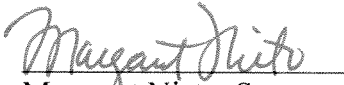
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12 Attest:

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16 Margaret Nieto, Secretary to the Air Quality Control Board

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