AQD Ex. #1i

ABQJOURNALCOM
ONLINE EDITION
of the ALBUQUERQUE JOURNAL

Published in the Albuquerque Journal on Sunday November 18, 2012

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING AND MEETING On February 13, 2013 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 (City Council/County Commission Chambers) at the Albuquerque /Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM 87102. The hearing will address a proposal by the Air Quality Division (AQD) of the City of Albuquerque's Environmental Health Department, to repeal the currently effective rule 20.11.41 NMAC, Authority to Construct; adopt a proposed replacement 20.11.41 NMAC, Construction Permits; and incorporate it into the New Mexico State Implementation Plan (SIP) for Air Quality. As grounds, the Petitioner (City of Albuquerque) states the following: The existing 20.11.41 NMAC is an outdated regulation. There have been significant changes made to the New Mexico Air Quality Control Act (Air Act) since 1994 when 20.11.41 NMAC was last substantively amended. For example, the Air Act generally requires AQD to make a final decision regarding a construction permit application within 90 days of the application being determined to be complete. Although AQD follows the 90-day timeline, the present wording of 20.11.41 NMAC provides 120 days, which is inconsistent with the Air Act. The Air Act and the currently effective 20.11.41 NMAC include minimal wording regarding hearings or meetings that may be held before the AQD makes a decision about a pending permit application. Although public information hearings (PIHs) are not required by the Air Act, the AQD has adopted increasing outreach, notice and other activities regarding PIHs on a policy level. The expanded processes are included in the proposed 20.11.41 NMAC. The Air Act at NMSA 1978, 74-2-4.C [1967 as amended through 2007], requires air quality standards and regulations within Bernalillo County to be "not lower than those required by regulations adopted by" the state Environmental Improvement Board (EIB). Therefore, AQD compared the currently effective 20.11.41 NMAC to the EIB regulation 20.2.72 NMAC, Construction Permits, and is proposing amendments to bring the two rules into alignment. PLEASE NOTE: additional important changes are also included in proposed replacement 20.11.41 NMAC. Following the hearing, the Air Board will convene its regular monthly meeting during which they are expected to consider repealing the currently effective rule 20.11.41 NMAC, Authority to Construct; adopting a proposed replacement 20.11.41 NMAC, Construction Permits; and incorporating this replacement 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 Clean Air Act, the New Mexico Air Quality Control Act, local air quality regulations, 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 provide non-technical testimony regarding the proposal to repeal and replace 20.11.41 NMAC 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 Ordinance, Section 9-5-1-6, Adoption of Regulations, Notice and Hearing [ROA 1994]; Bernalillo County Ordinance, Section 30-35, Adoption of Regulations, Notice and Hearings [Ord. No. 94-5, Section 6, 2-2-94]; and 20.11.82 NMAC, Rulemaking Procedures-Air Quality Control Board. Anyone intending to present technical testimony at this hearing is required by 20.11.82.20 NMAC and 20.11.82.16.B.(1) NMAC to file, by 5:00 pm on January 29, 2013, a written Notice Of Intent (NOI) to testify and 15 copies, with Elizabeth Jones, Air Quality Control Board Liaison,

Environmental Health Department, One Civic Plaza, NW, Suite 3023, Albuquerque, New Mexico 87102, or email to ejones@cabq.gov or you may deliver your NOI to the Environmental Health Department, Suite 3023, 400 Marquette Avenue NW. The NOI shall identify the name, address, and affiliation of the person testifying. In addition, written non-technical comments to be incorporated into the public record for the February 13, 2013 hearing should be received at P.O. Box 1293, Albuquerque, NM 87103; or the Environmental Health Department office, by 5:00 pm on February 6, 2013. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to ejones@cabq.gov and shall include the required name and address information. A copy of the proposed replacement regulation and the October 30, 2012 Comparison Summary of Current and Proposed Albuquerque-Bernalillo County Air Quality Control Board Regulations for Minor Stationary Source Air Quality Permitting Actions may be obtained at the Environmental Health Department Office, or by contacting Ms. Elizabeth Jones electronically at ejones@cabq.gov by phone (505) 768-2601 or by downloading the documents at
http://www.cabq.gov/airquality/documents/AQCBPetitionNo_20126Filed_103012Portfolio.pdf
NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2601 [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 Journal: November 18, 2012

ALBUQUERQUE JOURNAL THE SUNDAY JOURNAL

Albuquerque Publishing Company
7777 Jefferson N.E. Albuquerque, New Mexico 87109
P.O. Drawer J-T Albuquerque, New Mexico 87103
(505) 823-7777

Account Number
1007580

Ad Proof / Order Confirmation

Ad Order Number
0001025066

CITY OF ALB-ENVIRONMENTAL HEAL
P O BOX 1293

ALBUQUERQUE NM 87103

Ordered By	neal butt	**Customer Phone**	505-768-2600		**Pickup #**
Customer EMail		**PO Number**	a1065eh		**Joint Ad #**
Ad Cost	$126.00	**Sales Rep**	pnorman		
Tax Amount	$8.82	**Order Taken by:**	pnorman		
Total Amount	$134.82	**Payment Method**			
Amount Due	$134.82	**Payment Amount**		$0.00	

Product	Albuquerque Journal	**Placement**	Legal Notices
		Classification	Government-0000
Ad Number	0001025066-01	**Sort Text**	HEARING 2-13
Ad Type	APC-Legals		
Ad Size	: 1.0 X 200 Li		
Color	<NONE>		
Run Dates	11/18/2012		

Affidavits
1

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

On February 13, 2013 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 (City Council/County Commission Chambers) at the Albuquerque /Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM 87102.

The hearing will address a proposal by the Air Quality Division (AQD) of the City of Albuquerque's Environmental Health Department, to repeal the currently effective rule 20.11.41 NMAC, Authority to Construct; adopt a proposed replacement 20.11.41 NMAC, Construction Permits; and incorporate it into the New Mexico State Implementation Plan (SIP) for Air Quality. As grounds, the Petitioner (City of Albuquerque) states the following: The existing 20.11.41 NMAC is an outdated regulation. There have been significant changes made to the New Mexico Air Quality Control Act (Air Act) since 1994 when 20.11.41 NMAC was last substantively amended. For example, the Air Act generally requires AQD to make a final decision regarding a construction permit application within 90 days of the application being determined to be complete. Although AQD fol-

ALBUQUERQUE JOURNAL THE SUNDAY JOURNAL

Albuquerque Publishing Company
7777 Jefferson N.E. Albuquerque, New Mexico 87109
P.O. Drawer J-T Albuquerque, New Mexico 87103
(505) 823-7777

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

On February 13, 2013 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 (City Council/County Commission Chambers) at the Albuquerque /Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM 87102.

The hearing will address a proposal by the Air Quality Division (AQD) of the City of Albuquerque's Environmental Health Department, to repeal the currently effective rule 20.11.41 NMAC, Authority to Construct; adopt a proposed replacement 20.11.41 NMAC, Construction Permits; and incorporate it into the New Mexico State Implementation Plan (SIP) for Air Quality. As grounds, the Petitioner (City of Albuquerque) states the following: The existing 20.11.41 NMAC is an outdated regulation. There have been significant changes made to the New Mexico Air Quality Control Act (Air Act) since 1994 when 20.11.41 NMAC was last substantively amended. For example, the Air Act generally requires AQD to make a final decision regarding a construction permit application within 90 days of the application being determined to be complete. Although AQD follows the 90-day timeline, the present wording of 20.11.41 NMAC provides 120 days, which is inconsistent with the Air Act.

The Air Act and the currently effective 20.11.41 NMAC include minimal wording regarding hearings or meetings that may be held before the AQD makes a decision about a pending permit application. Although public information hearings (PIHs) are not required by the Air Act, the AQD has adopted increasing outreach, notice and other activities regarding PIHs on a policy level. The expanded processes are included in the proposed 20.11.41 NMAC.

The Air Act at NMSA 1978, §74-2-4.C [1967 as amended through 2007], requires air quality standards and regulations within Bernalillo County to be "not lower than those required by regulations adopted by" the state Environmental Improvement Board (EIB). Therefore, AQD compared the currently effective 20.11.41 NMAC to the EIB regulation 20.2.72 NMAC, Construction Permits, and is proposing amendments to bring the two rules into alignment. PLEASE NOTE: additional important changes are also included in proposed replacement 20.11.41 NMAC.

Following the hearing, the Air Board will convene its regular monthly meeting during which they are expected to consider repealing the currently effective rule 20.11.41 NMAC, Authority to Construct; adopting a proposed replacement 20.11.41 NMAC, Construction Permits; and incorporating this replacement into the SIP.

The Air Board is the federally delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Air

Ad Proof / Order Confirmation

Account Number
1007580

Ad Order Number
0001025066

CITY OF ALB-ENVIRONMENTAL HEAL

Local delegation authorizes the Air Board to administer and enforce the Clean Air Act, the New Mexico Air Quality Control Act, local air quality regulations, 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 provide non-technical testimony regarding the proposal to repeal and replace 20.11.41 NMAC 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 Ordinance, Section 9-5-1-6, Adoption of Regulations, Notice and Hearing [ROA 1994]; Bernalillo County Ordinance, Section 30-35, Adoption of Regulations, Notice and Hearings [Ord. No. 94-5, Section 6, 2-2-94]; and 20.11.82 NMAC, Rulemaking Procedures-Air Quality Control Board.

Anyone intending to present technical testimony at this hearing is required by 20.11.82.20 NMAC and 20.11.82.16.B.(1) NMAC to file, by 5:00 pm on January 29, 2013, a written Notice Of Intent (NOI) to testify and 15 copies, with Elizabeth Jones, Air Quality Control Board Liaison, Environmental Health Department, One Civic Plaza, NW, Suite 3023, Albuquerque, New Mexico 87102, or email to ejones@cabq.gov or you may deliver your NOI to the Environmental Health Department, Suite 3023, 400 Marquette Avenue NW. The NOI shall identify the name, address, and affiliation of the person testifying.

In addition, written non-technical comments to be incorporated into the public record for the February 13, 2013 hearing should be received at P.O. Box 1293, Albuquerque, NM 87103; or the Environmental Health Department office, by 5:00 pm on February 6, 2013. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to ejones@cabq.gov and shall include the required name and address information.

A copy of the proposed replacement regulation and the October 30, 2012 Comparison Summary of Current and Proposed Albuquerque-Bernalillo County Air Quality Control Board Regulations for Minor Stationary Source Air Quality Permitting Actions may be obtained at the Environmental Health Department Office, or by contacting Ms. Elizabeth Jones electronically at ejones@cabq.gov by phone (505) 768-2601 or by downloading the documents at http://www.cabq.gov/airquality/documents/AQCBPetitionNo_20126Filed_103012Portfolio.pdf

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2601 [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
Journal: November 18, 2012