REVISION TO THE NEW MEXICO STATE IMPLEMENTATION PLAN
PERTAINING TO 20 NMAC 11.02 NMAC, *PERMIT FEES* (AKA 20.11.2 NMAC, *Fees*)

April 2001 / April 2011

SIP COMPLETENESS CHECKLIST
for regular processing
(per 40 CFR 51 Appendix V)

2.1 Administrative Materials

(a) A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter "the plan").

__X__YES ___NO___N/A

This SIP revision submission contains a formal transmittal letter from the Governor of the State of New Mexico.

(b) Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

__X__YES ___NO___N/A

The regulation, 20 NMAC 11.02, Permit Fees, was repealed and replaced by 20.11.2 NMAC, Permit Fees on April 18, 2001 at the regular meeting of the Albuquerque-Bernalillo County Air Quality Control Board (AQCB), following a public hearing held on February 14, 2001. The regulation was filed with the New Mexico State Records Center (NMSRC) on May 16, 2001 and became effective on July 1, 2001. Attachment A is a copy of the transmittals for the repeal and replacement of the rule, as well as the replacement rule itself as filed with the State Records Center, and signed by AQCB Chairman Randy Sanchez. The date stamp at the top of the pages indicates the date of filing.

(c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

__X__YES ___NO___N/A

The New Mexico Air Quality Control Act provides for regulation at 74-2-5.1 NMSA 1978, Duties and powers of the department and the local agency; and for plan revisions at 74-2-5.2 NMSA 1978, State air pollution control agency;

specific duties and powers of the department. See: *http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-hit-h.htm&2.0*

(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation/document signed, stamped, dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

__X__YES ___NO___N/A

A copy of the actual regulation submitted for approval and incorporation by reference into the plan is shown in Attachment A. Attachment A contains the replacement rule and transmittal forms indicating that the rule has been repealed and replaced, signed, stamped and dated by the appropriate officials, indicating that it is fully enforceable. This replacement rule was published in the New Mexico Register on May 31, 2001 (Volume XII, Issue Number 10), See Attachment D.

(e) Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.

__X__YES ___NO___N/A

The New Mexico Air Quality Control Act 74-2-6C requires 30-day notice. See Staff Exhibits 1 & #2 in Attachment B for evidence that notices were published in the local newspaper and the New Mexico Register.

(f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA; including the date of publication of such notice.

__X__YES ___NO___N/A

See Staff Exhibits #1 & #2 in Attachment B. These provide evidence that notices were published in the local newspaper and the New Mexico Register. In addition, notice was also provided by mail. The New Mexico Air Quality Control Act at 74-2-6C NMSA 1978, Adoption of regulations; notice and hearings requires a 30-day notice.

(g) Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

__X__YES ___NO___N/A

The opening statement for the February 14, 2001, public hearing includes information on the notice of public hearing and instructions on how the hearing will be conducted. See certified hearing record transcript in Attachment C.

(h) Compilation of public comments and the State's response thereto.

__X__YES ___NO___N/A

See Attachment B which contains: Staff Exhibits # 4, #6, #7, and #9 for public comment and the hearing transcript shown as Attachment C, for State's response thereto. See Staff Exhibits #5 & #8 for NOIs filed with the Department. See also Rio Grande Portland Cement Exhibits 1 & 2, which were admitted at the hearing.

2.2 Technical Support

(a) Identification of all regulated pollutants affected by the plan.

____YES ___NO__ X _N/A

The amended regulation only affects the fees paid in order to emit pollutants, but does not affect emission levels directly.

(b) Identification of the locations of affected sources including the EPA attainment/ nonattainment designation of the locations and the status of the attainment plan for the affected area(s).

__X__YES ___NO___N/A

The regulation 20.11.2 NMAC, Fees, sets forth applicable fees to be paid for certain sources of air pollution by the regulated community within Bernalillo County, New Mexico. Bernalillo County is currently designated as an attainment area for all criteria air pollutants except PM_{10}. Bernalillo County is classified as unclassifiable for PM_{10} and Bernalillo County is under a Limited Maintenance Plan for carbon monoxide.

(c) Quantification of the changes in plan-allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

____YES ___NO __X__N/A

The amended regulation only affects the fees paid in order to emit pollutants, but does not affect emission levels directly.

(d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration (PSD) increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under Section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

___YES ___NO__ X __N/A

This plan revision does not pertain to redesignating an area to attainment for a national primary ambient air quality standard. Nor does it pertain to prevention of significant deterioration (PSD) increments and demonstrations of reasonable further progress. The amended regulation only affects the fees paid in order to emit pollutants, but does not affect emission levels directly.

(e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

__ YES ___ NO _ X __ N/A

(f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

___ YES ___ NO _X_ N/A

(g) Evidence that the plan contains emission limitations, work practice standards and record keeping/reporting requirements, where necessary, to ensure emission levels.

__ YES ___ NO __ X _ N/A

(h) Compliance/enforcement strategies, including how compliance will be determined in practice.
__ YES ___ NO _ X __ N/A

(i) Special economic and technical justification required by any applicable EPA

policies, or an explanation of why such justifications are not necessary.

___ YES ___ NO _X_ N/A

No special economic and technical justifications required by other applicable EPA policies are necessary because no such policies are relevant in this case.