



**Petition to Amend 20.11.61 NMAC,
*Prevention of Significant Deterioration***

AQCB Petition No. 2015-2

Presented by Ed Merta

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What is this about (in plain English)?

- EPA requests three amendments to a local regulation
- Amendments are a precondition to other EPA actions
- Bottom line: EPA request to implement federal law

Governing Statutory & Regulatory Provisions

- Clean Air Act Title I, Part C, *Prevention of Significant Deterioration of Air Quality* (PSD)
- CFR Title 40, Part 51, Subpart I, *Review of New Sources and Modifications*; Section 166, *Prevention of Significant Deterioration of Air Quality*
- CFR Title 40, Part 52, *Approval and Promulgation of Implementation Plans*, Subpart A, Section 21, *Prevention of Significant Deterioration of Air Quality*
- 20.11.61 NMAC, *Prevention of Significant Deterioration*

Regulatory Background

- EPA changes to PSD rules, 2008 to 2012
- AQCB response, April 2013:
 - adopt amendments to 20.11.61 NMAC
- Amendments submitted to EPA, July 2013
- EPA review now underway
- EPA requests amendments

The Proposed Amendments

- 20.11.61.7(CCC) NMAC (definition)
 - Delete “biogas deferral” language
- 20.11.61.11(B) NMAC (applicability)
 - Add citation to local public notice requirement
- 20.11.61.11(C) NMAC (applicability)
 - Add citation to local public notice requirement

Further rationale for amendments

- EPA approval of 2013 PSD SIP submission:
 - Depends on these amendments
- EPA approval of SO₂ iSIP and 2013 NO₂ iSIP:
 - Depends on these amendments
- Break the logjam!

Request

- Hearing before Albuquerque-Bernalillo County Air Quality Control Board:
 - Amend 20.11.61 NMAC, *Prevention Of Significant Deterioration*
 - Submit amended 20.11.61 NMAC to EPA as proposed revision to New Mexico State Implementation Plan
- Provide a court reporter & hearing officer

Authority

- New Mexico Air Quality Control Act, NMSA 1978, Sections 74-2-4 and 74-2-5.B(1)
- Authorizes and requires the Board to:
 - adopt, amend, or replace air quality regulations
 - adopt air quality plans (SIP)
- See also:
 - City of Abq Ordinances, Section 9-5-1-4(B)
 - Bernalillo County Ordinances, Section 30-33(b)

Questions?