

A large flock of birds is shown in flight against a sunset sky. The birds are silhouetted against the bright orange and yellow light of the setting sun, which is visible as a small, glowing orb near the horizon. The sky transitions from a deep orange near the horizon to a darker blue at the top. The birds are scattered throughout the frame, creating a sense of movement and density.

**PETITION TO AMEND
20.11.63 NMAC, *NSPS FOR STATIONARY
SOURCES*, AND 20.11.64 NMAC, *EMISSION
STANDARDS FOR HAZARDOUS AIR
POLLUTANTS FOR STATIONARY SOURCES***

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Air Quality Program

Control Strategies Section

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Rationale for Updated Delegation

- ❑ Routine update to incorporate new & modified federal standards
- ❑ Authorizes Department to locally administer & enforce standards throughout Albuquerque and Bernalillo County

Exhibits

- ❑ **AQD Exhibit No. 1, Petition to Amend**
- ❑ **AQD Exhibit No. 1a, Public Review Draft 20.11.63 NMAC**
- ❑ **AQD Exhibit No. 1b, Public Review Draft 20.11.64 NMAC**
- ❑ **AQP Exhibit No. 1c, NSPS & NESHAPS Promulgated since August 29, 2011, and through September 13, 2013**
- ❑ **AQP Exhibits No. 2, 3a, 3b, and 3c, Notice of Proposed Rulemaking**
- ❑ **AQP Exhibit No. 4, Delegation of Authority Through July 1, 2004**
- ❑ **AQP Exhibit No. 5, Direct Testimony of Neal T. Butt**

Clean Air Act

- **Section 111, Standards of Performance of New Stationary Sources**
 - **40 CFR 60**
 - **20.11.63 NMAC, *New Source Performance Standards For Stationary Sources***
 - *Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units*
- **Section 112, National Emission Standards for Hazardous Air Pollutants**
 - **40 CFR 61 & 63**
 - **20.11.64 NMAC, *Emission Standards For Hazardous Air Pollutants For Stationary Sources***
 - *Reciprocating Internal Combustion Engines (RICE)*
- **Sections 111(c) and 112(d) of the Clean Air Act provide the Administrator of the EPA with the authority to delegate to State agencies the implementation and enforcement of both these standards**

Requirements for Delegation of Authority

- **Nine elements must be satisfied in order to support EPA's finding that State's procedures for implementing and enforcing NSPS and NESHAPS are adequate:**
 1. Emission limits consistent with Federal regulations
 2. Test methods consistent with Federal regulations
 3. Reporting and monitoring requirements
 4. Enforcement program
 5. Waiver (variance) procedures
 6. Surveillance capability
 7. Public notification and disclosure of information
 8. Resources adequate to implement and enforce all aspects of the rule, program, or requirement
 9. Reporting to EPA

Requirements for Delegation of Authority

- The Air Quality Program is required by EPA to periodically update its' delegation of authority to enforce 40 CFR Parts 60, 61, & 63, and reaffirm that it has the resources and ability to comply with these nine elements.
- The Air Board first adopted 20.11.63 NMAC and 20.11.64 NMAC in 1985
 - The most recent re-delegation hearing was November 9, 2011
- EPA reviews updated regulations and the Program's commitment to implement and enforce delegated programs
- Notice of approval of delegated authority published in the Federal Register.
 - Last delegated on December 9, 2005, effective February 7, 2006, incorporating NSPS & NESHAPs promulgated through July 1, 2004

Local Delegation of Authority

- ❑ **These standards are enforceable by EPA, irrespective of whether the Program incorporates them by reference into the Air Board's regulations or not. However, it is beneficial to the local businesses and industries to be able to work through the Program, as the local agency, when obtaining air quality permits, rather than having to go through EPA Region 6 in Dallas.**
- ❑ **The Program will request re-authorization of its delegation of authority to implement and enforce all NSPS & NESHAPs promulgated through September 13, 2013.**

Key Revisions

- ❑ Amend 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources* by incorporating by reference new and modified NSPS's published at 40 CFR 60, *NSPS* from August 30, 2011 and through September 13, 2013
- ❑ Amend 20.11.64 NMAC, *Emission Standards For Hazardous Air Pollutants For Stationary Sources* by incorporating by reference new & modified standards published at 40 CFR 61, *NESHAP*, and at 40 CFR 63, *NESHAP for Source Categories*, from August 30, 2011 and through September 13, 2013

QUESTIONS
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