Revision To The New Mexico State Implementation Plan For Air Quality (SIP) Through Incorporation of An Amended 20.11.60 NMAC, *Permitting In Nonattainment Areas*, And 20.11.61 NMAC, *Prevention Of Significant Deterioration*; Along With An Update To The Title V Permitting Program By Incorporation Of An Amended 20.11.42 NMAC, *Operating Permits*

June 2013

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 designee, requesting EPA approval of the plan or revision thereof (hereafter "the plan").

__X__YES ___NO___N/A

The package is being sent with a formal submittal letter from the designee of the Governor 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 Albuquerque - Bernalillo County Air Quality Control Board (Air Board) adopted amendments to 20.11.60 NMAC, Permitting In Nonattainment Areas*, 20.11.61 NMAC,* Prevention of Significant Deterioration *and 20.11.42 NMAC,* Operating Permits*, on April 10, 2013 during their regular meeting, which followed a public hearing held on the same night. The amended regulations were filed with the New Mexico State Records Center on April 12, 2013, and became effective May 13, 2013, as shown in Attachment A. Attachment A contains the filed amended rules 20.11.60 NMAC, 20.11.61 NMAC and 20.11.42 NMAC, and concomitant transmittal forms signed by Board Chair Dona Upson as required by State Records Center. The date of transmittal is indicated by the date stamp at the top of each page.*

(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.

(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

Attachment A contains a copy of each regulation and concomitant transmittal filed at the State Records Center with the date of transmittal indicated by the date stamp at the top of the page. The changes made to the existing approved regulation/plan were published on April 30, 2013 in the New Mexico Register, Volume XXIV, Number 8, as shown in Attachment B.

(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 AQD Exhibits # 2a and 2b in Attachment C for evidence that notices were published in the "newspaper of general circulation in the area affected" and the New Mexico Register. 20.11.82 NMAC requires that a Petition for Hearing be filed as well as an NOI. These are both shown in Attachment C.

(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 AQD Exhibits # 2a & 2b in Attachment C as evidence that notices were published in the "newspaper of general circulation in the area affected" and the New Mexico Register. In addition, notice was also provided in the form of an e-mail sent to the air quality listserve, shown as

AQD Exhibit # 2c. 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 April 10, 2013, 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 D.

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

__X__YES ___NO___N/A

No comments received.

2.2 Technical Support

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

__X__YES ___NO___N/A

These regulations apply to all regulated pollutants.

(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

Bernalillo County is currently designated as an attainment area for CO under a Limited Maintenance Plan (LMP). The designation from moderate non-attainment to attainment under a maintenance plan was approved for Bernalillo County on June 13, 1996 and became effective July 15, 1996 [FR Vol. 61, No. 115, 29970-3]. The maintenance plan was revised and was approved in the Federal Register on May 24, 2000, effective the same day [FR Vol. 65, No. 101, 33455-61]. The Albuquerque - Bernalillo County Air Quality Control Board adopted a Limited Maintenance Plan for Carbon Monoxide on July 14, 2004, which was approved in the Federal Register on 7/21/05 effective 8/22/05 [FR Vol. 70, No. 139, 41963-7].

The objective of 20.11.60 NMAC, Permitting in Nonattainment Areas *is to implement a pre-construction permit program for new or modified major stationary sources that wish to locate in an area where federal ambient air quality standards are being exceeded. Since Bernalillo County is in attainment there are no affected sources for this regulation.*

The objective of 20.11.61 NMAC, Prevention of Significant Deterioration *is to minimize air pollutant emissions from new major stationary sources or major modifications in areas classified as in attainment of the national ambient air quality standards or determined to be unclassifiable pursuant to Section 107(d) of the Act.*

The objective of 20.11.42 NMAC, Operating Permits *is To assure that major air pollution sources within Bernalillo county obtain an operating permit setting forth minimum requirements and conditions of operation pursuant to Title V of the Clean Air Act Amendments of 1990 [42 U.S.C. 7401, et seq.]. .*

Therefore the sources affected by this regulation will include any new major stationary sources or major modifications.

(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

This plan revision does not change plan-allowable emissions.

(d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration 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.

_ X __YES ___NO ____N/A

Regulation amendments mirror Federal language, and do not reduce stringency.

(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.

_ X _ YES ___ NO ___ N/A

Regulation amendments mirror Federal language applicable to aforementioned requirements.

(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