

**PETITION TO AMEND
20.11.42 NMAC
OPERATING PERMITS, &
UPDATE TITLE V PROGRAM**

AQCB Petition No. 2009-2

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Proposed Amendments

I. Change definition of “Major Source”

- ❖ Limit number of sources required to count fugitive emissions as part of their ‘total emissions’
- ❖ Only source categories subject to NSPS and NESHAPs promulgated on or before August 7, 1980
- ❖ Excluded sources covered under ‘synthetic minor’ permit system/program, 20.11.40 NMAC, *Source Registration*.

Proposed Amendments

II. Delete: “*Existing major sources, which are not required to have a permit under 20.11.41 NMAC*” [Paragraphs 20.11.42.2.D. (1) & (2) NMAC]

- Designed to capture “grandfathered” major sources
- All major sources have been permitted
- Language is not codified within 40 CFR Part 70.

Proposed Amendments

III. Align language in 20.11.42 NMAC with federal language in 40 CFR Part 70, *State Operating Permit Programs*

Proposed Amendments

IV. Correct style and formatting.

Request

- Hearing before Albuquerque-Bernalillo County Air Quality Control Board (Board) to amend 20.11.42 NMAC, *Operating Permits*
- Submit proposed amendments to EPA as an update to the AQD Title V program
- Provide a court reporter & hearing officer

Authority

- The New Mexico Air Quality Control Act (Air Act), NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

A photograph of a lizard perched on a weathered log in a rocky, natural environment. A large, light blue thought bubble with a black outline is positioned above the lizard, containing the word "QUESTIONS?" in bold, black, sans-serif capital letters. Three smaller, light blue circles of decreasing size lead from the lizard's head to the main thought bubble. The background consists of various sized grey and brown rocks and some dry, thin branches.

QUESTIONS?