

ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

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IN THE MATTER OF THE PETITION TO ADOPT A STATE IMPLEMENTATION PLAN (SIP) FOR SULFUR DIOXIDE (SO₂) TO ADDRESS SECTIONS 110(a)(1) AND (2) OF THE FEDERAL CLEAN AIR ACT (CAA), 42 U.S.C. § 7410(a)(1) AND (2) HEREAFTER REFERRED TO AS THE “SO₂ INFRASTRUCTURE SIP”

AQCB Petition No. 2015-1

**Air Quality Program,
Environmental Health Department,
City of Albuquerque, Petitioner**

Petition to adopt a State Implementation Plan (SIP) for SO₂ to address Sections 110(a)(1) and (2) of the Federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the “SO₂ Infrastructure SIP”.

1. The City of Albuquerque, by and through the Air Quality Program (AQP) of the Environmental Health Department, asks the Albuquerque - Bernalillo County Air Quality Control Board (Air Board) to adopt a State Implementation Plan (SIP) to address Sections 110(a)(1) and (2) of the federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the “SO₂ Infrastructure SIP”. If adopted, this new SIP will be submitted to the U.S. Environmental Protection Agency (EPA) as a proposed revision to the current SIP. This Petition includes a request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing. As grounds, Petitioner states the following:

2. 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 Air 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).

3. On June 22, 2010, EPA Administrator, Lisa Jackson, promulgated a new national ambient air quality standard (NAAQS) for SO₂, effective August 23, 2010 [75 Fed. Reg. 35,520 (June 22, 2010)]. Based on its review of the air quality criteria for oxides of sulfur and the primary NAAQS for oxides of sulfur as measured by sulfur dioxide (SO₂), EPA made revisions to the primary SO₂ NAAQS in order to provide requisite protection of public health. Specifically, EPA has established a new 1-hour standard at a level of 75 parts per billion (ppb), based on the 3-year average of the 99th percentile of the yearly distribution of 1-hour daily maximum concentrations, to replace the existing 24 hour and annual primary SO₂ standards. EPA also established SO₂ ambient air monitoring and reporting requirements to support implementation of and compliance with the new NAAQS.

4. Pursuant to Sections 110(a)(1) and 110(a)(2) of the CAA, each State is required to submit a plan, known as an “infrastructure SIP,” to provide for the implementation, maintenance, and enforcement of a newly promulgated or revised NAAQS within 3 years of promulgation of a new or revised standard. Section 110(a)(1) of the CAA addresses the timing requirement for the submissions of any “Infrastructure SIP” revisions, while Section 110(a)(2) of the CAA lists the required elements that comprise the “Infrastructure SIP”. Therefore, this plan or “Infrastructure SIP” addressing the requirements of Sections 110(a)(2)(A)--(M) of the CAA was due June 3, 2013. This “Infrastructure SIP” is a compilation of elements that demonstrates how Albuquerque-Bernalillo County will implement, maintain and enforce the revised SO₂ NAAQS, including: enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to

carry out the plan, emissions reporting, emergency powers, public participation, and fee collection.

5. It is anticipated that the hearing will take approximately 1 hour or less.

6. The Public Review Draft for the proposed "SO₂ Infrastructure SIP" is attached as AQP Exhibit #1.

Respectfully submitted,



Danny Nevarez
Deputy Director
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CERTIFICATION

I hereby certify that a copy of this **Petition to adopt a State Implementation Plan (SIP) to address Sections 110(a)(1) and (2) of the Federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the "SO₂ Infrastructure SIP"** was delivered to the following person on February 20, 2015.

Andrew Daffern
Air Quality Control Board Liaison
Environmental Health Department
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103

and that a copy was provided by email to:

Felicia Orth, Attorney to the Air Quality Control Board .



Danny Nevarez
Deputy Director
Environmental Health Department
City of Albuquerque