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DRAFT

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4 This document is a draft for review and comment only. It will be finalized

5 with all necessary attachments added only after a hearing and adoption by

6 the Albuquerque – Bernalillo County Air Quality Control Board. This draft

7 review document uses "placeholders" for information to be included in the

8 final version. Placeholders are indicated by the use of text enclosed in

9 brackets, using all-capital letters, highlighted in yellow.

10 For example: [PLACEHOLDER TEXT HIGHLIGHTED IN YELLOW]

11

12

ALBUQUERQUE –

13

BERNALILLO COUNTY

14

MUNICIPAL SOLID

15

WASTE LANDFILL

16

DESIGNATED POLLUTANT PLAN

17

18

19

20 Adopted after a public hearing held on [MONTH] [DAY], 2017

21

22 by the Albuquerque – Bernalillo County Air Quality Control Board

23

24

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26

27

1 INTRODUCTION

2
3 On August 29, 2016, the U.S. Environmental Protection Agency ("EPA") promulgated emission
4 guidelines for municipal solid waste landfills under Section 111(d) of the Clean Air Act.¹ The
5 emission guidelines set forth specific mechanisms and requirements for controlling emissions of
6 methane (with emission of nonmethane organic compounds used as a proxy to aid in such
7 control). The emission guidelines are codified at Title 40 of the Code of Federal Regulations,
8 Part 60, Subpart Cf. The emission guidelines require states to submit by May 30, 2017 a plan for
9 implementation of the guidelines.² State plans submitted to EPA must include elements
10 described in EPA regulations and in a 1998 guidance document issued by EPA.³

11
12 This document, with attachments, constitutes the Albuquerque – Bernalillo County plan for
13 implementing EPA's emission guidelines for existing municipal solid waste landfills. This
14 document and its attachments describe how Albuquerque – Bernalillo County satisfies each of
15 the elements required by EPA regulations and the 1998 EPA state plan guidance document. Note
16 that for purposes of this submittal to EPA, this document will treat Albuquerque – Bernalillo
17 County as a "state" required to make a submittal to EPA in accordance with the EPA emission
18 guidelines for existing municipal solid waste landfills promulgated August 29, 2016.

19
20 Separately from those emission guidelines, EPA also promulgated a New Source Performance
21 Standard for new, modified, or reconstructed municipal solid waste landfills under Section
22 111(b) of the Clean Air Act.⁴ This document does not address the New Source Performance
23 Standard. Albuquerque – Bernalillo County will address the Section 111(b) New Source
24 Performance Standard (NSPS) in a separate request to EPA to update delegation of local
25 authority to implement such standards. That request will encompass updating of Albuquerque –
26 Bernalillo County's delegated authority from EPA to administer New Source Performance
27 Standards adopted by EPA since September 13, 2013, including the NSPS for new, modified,
28 and reconstructed municipal solid waste landfills, at 40 CFR, Part 60, Subpart XXX. This NSPS
29 and others are incorporated by reference in a local regulation, 20.11.63 NMAC, *New Source*
30 *Performance Standards for Stationary Sources*.

31
32 EPA regulations require state plans for existing solid waste landfills under Clean Air Act Section
33 111(d) to have the following elements, which are further explained in the 1998 EPA guidance
34 document.

¹ 81 Fed. Reg. 59,276 (August 29, 2016).

² 81 Fed. Reg. 59,276 (August 29, 2016).

³ 80 Fed. Reg. 59,276 (August 29, 2016). The applicable EPA regulations are 40 CFR, Part 60, Subpart B, Sections 60.20 through 60.29. The 1998 guidance document that states must follow is EPA, Office of Air Quality Planning and Standards, "Municipal Solid Waste Landfills, Volume 2: Summary of Requirements for Section 111(d) State Plans for Implementing the Municipal Solid Waste Landfill Emission Guidelines," (November 1998) (cited hereafter as "EPA 1998 State Plan Guidance"). This document and others related to EPA's air quality standards for municipal solid waste landfills is available online at <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>.

⁴ 81 Fed. Reg. 59,332 (August 29, 2016). The New Source Performance Standard for municipal solid waste landfills is codified in the Code of Federal Regulations at Title 40, Part 60, Subpart XXX.

1
2 1) Identification of enforceable state mechanisms selected by the state for implementing
3 the EPA emission guidelines.

4
5 2) A demonstration of the state's legal authority to carry out the Section 111(d) State plan
6 as submitted.

7
8 3) An inventory of existing municipal solid waste landfills in the state affected by the
9 emission guidelines. An existing landfill may be active (currently accepting waste or
10 having additional capacity available to accept waste) or closed (no longer accepting waste
11 and permanently inactive).

12
13 4) An inventory of emissions from existing municipal solid waste landfills in the State
14 that are affected by the emission guidelines.

15
16 5) Emission standards for existing municipal solid waste landfills that are no less
17 stringent than those in the emission guidelines.

18
19 6) A state process, as stipulated in 40 CFR Part 60, Subpart Cf, for state review and
20 approval of site-specific gas collection and control system design plans.

21
22 7) Compliance schedules, extending no later than 30 months after the date the annual
23 nonmethane organic compound emission rate reaches or exceeds 34 megagrams (Mg) per
24 year.

25
26 8) Testing, monitoring, recordkeeping, and reporting requirements.

27
28 9) A record of public hearing(s) on the state plan.

29
30 10) Provision for annual state progress reports to EPA on implementation of the State
31 plan.

32
33 The remainder of this document describes how Albuquerque – Bernalillo County's plan meets
34 each of the above requirements.
35
36

1 **I IDENTIFICATION OF ENFORCEABLE STATE MECHANISMS SELECTED BY THE STATE FOR**
 2 **IMPLEMENTING THE EMISSION GUIDELINES**

3
 4
 5 EPA regulations provide that state plan submittals must identify the means by which
 6 implementation of the federal standard will be made enforceable under state law.⁵ One way to
 7 fulfill this requirement is to adopt a legally enforceable state regulation.⁶

8
 9 Albuquerque and Bernalillo County have chosen this mechanism. The new federal standard for
 10 existing municipal solid waste landfills will be implemented by appropriate revisions to a legally
 11 enforceable state regulation, 20.11.71 NMAC, *Municipal Solid Waste Landfills*. The
 12 Albuquerque Bernalillo County Air Quality Control Board ("Air Board") adopted an amended
 13 version of this regulation on [**DATE OF AIR BOARD VOTE**]

14
 15 A copy of the actual regulation as filed with the State Records Center and Archives appears in
 16 Attachment 1 following this document. The regulation as published in the New Mexico Register
 17 appears in Attachment 2. [**ATTACHMENTS 1 AND 2 WILL BE ADDED FOLLOWING AIR**
 18 **BOARD ADOPTION OF STATE PLAN AND AMENDED 20.11.71 NMAC AND**
 19 **FILING/PUBLICATION OF THE FINAL ADOPTED REGULATION AND PLAN**]

20
 21
 22 **II A DEMONSTRATION OF THE STATE'S LEGAL AUTHORITY TO CARRY OUT THE SECTION**
 23 **111(D) STATE PLAN AS SUBMITTED**

24
 25
 26 EPA regulations require that state plan submittals must demonstrate that a state has adequate
 27 legal authority under current state law to adopt and implement the emission standards and
 28 compliance schedules required by the federal standard.⁷

29
 30 The following information provides such a demonstration by specifically describing the
 31 appropriate sources of state and local legal authority.

32
 33 The state statutes and local ordinances listed below provide the legal authority under which the
 34 Air Board adopts regulations and plans, including the plan for implementation of EPA's emission
 35 guidelines for existing municipal solid waste landfills. EPA has received copies of these statutes
 36 and ordinances in previous Clean Air Act submittals to EPA from EHD or the New Mexico
 37 Environment Department.

38
 39 NMSA 1978 § 74-2-4, Local authority;
 40

⁵ 40 CFR §§ 60.21(f), 60.24(b)(3); EPA 1998 State Plan Guidance, pp. 3-2 to 3-6.

⁶ EPA 1998 State Plan Guidance, p. 3-2.

⁷ 40 CFR § 60.26; EPA 1998 State Plan Guidance, pp. 3-6 to 3-8.

1 NMSA 1978 § 74-2-5, Duties and powers, environmental improvement board, local
2 board;

3
4 NMSA 1978 § 74-2-5.1, Duties and powers of the department and the local agency;

5
6 NMSA 1978 § 74-2-5.2, State air pollution control agency; specific duties and powers of
7 the department.

8
9 Revised Ordinances of the City of Albuquerque (“ROA”), Section 9-5-1-4, Duties and
10 powers of the board, and Section 9-5-1-5, Duties and powers of the department;

11
12 Bernalillo County Ordinances, Section 30-33, Duties and powers of the board, and
13 Section 30-34, Duties and powers of the department.

14
15 Attachment 3 [TO BE ADDED FOLLOWING AIR BOARD ADOPTION OF STATE
16 PLAN AND AMENDED 20.11.71], the administrative record of the Air Board’s
17 rulemaking action, provides hearing exhibits and hearing transcripts, both of which
18 contain further discussion of local legal authority to adopt and implement a plan for
19 municipal solid waste landfills. See also the Final Order and Statement of Reasons
20 adopted by the Air Board, which cites the appropriate legal authority. The Final Order
21 and Statement of Reasons also appears in Attachment 3 of this transmittal, as part of the
22 administrative record of the rulemaking action by the Air Board.

23
24
25 **III AN INVENTORY OF EXISTING MUNICIPAL SOLID WASTE LANDFILLS IN THE STATE**
26 **AFFECTED BY THE EMISSION GUIDELINES**

27
28 EPA regulations require a state plan to provide a "source inventory" listing all solid waste
29 landfills in Albuquerque and Bernalillo County that are regulated by the EPA emission
30 guidelines.⁸

31
32 EPA's emission guidelines apply to, and may potentially require emissions controls for, existing
33 solid waste landfills that commenced construction, reconstruction, or modification on or before
34 July 17, 2014⁹ and accepted "waste" at any time since November 8, 1987 or has additional
35 design capacity for available for future waste deposition.¹⁰ "Waste" for purposes of the emission
36 guidelines is defined as "household waste"¹¹ or certain types of waste regulated under the

⁸ 40 CFR § 60.25(a); EPA 1998 State Plan Guidance, pp. 3-8 to 3-9.

⁹ 40 CFR § 60.33f(a)(2).

¹⁰ 40 CFR § 60.33f(a)(1).

¹¹ 40 CFR § 60.41f.

1 Resource Conservation and Recovery Act, addressed in 40 CFR § 257.2.¹² "Household waste"
 2 does not include fully segregated yard waste or construction, renovation, or demolition waste.¹³

3
 4 A landfill that meets the above criteria is subject to the emission guidelines whether it is open or
 5 closed.¹⁴

6
 7 The following facilities in Albuquerque and Bernalillo County meet these applicability criteria.¹⁵

8
 9 ***Cerro Colorado landfill.***¹⁶ Owned and operated by City of Albuquerque, Solid Waste
 10 Department.

11
 12 Location: 1800 Cerro Colorado SW, Albuquerque, NM 87121.

13
 14 Currently open? Yes

15
 16 Dates on which waste received: May 1990 to present.

17
 18 Types of waste received: Household waste. Chemical spill residue. Industrial solid waste.
 19 Offal. PCS. Sludge. TFCH.

20
 21 Total design capacity: [PENDING]

22
 23 Capacity available for future waste deposition: [PENDING]
 24

¹² 40 CFR § 60.41f.

¹³ 40 CFR § 60.41f.

¹⁴ 40 CFR § 60.33f(a)(4).

¹⁵ Information in this document on specific landfills comes in part from documentation available online from the New Mexico Environment Department Solid Waste Bureau, <http://www.env.nm.gov/swb/>. Location of facility, current open/closed status, and types of waste received are found at <https://www.env.nm.gov/swb/documents/SolidWasteFacilityList7.10.13.pdf>. List of open, permitted landfills found at https://www.nmlbonline.com/NM_Open_Permitted_Landfills.pdf. A map of all open and closed landfills in Bernalillo County is available at the website of the City of Albuquerque, <https://www.cabq.gov/environmentalhealth/landfill-groundwater-monitoring>. [EHD IS WORKING WITH AFFECTED LANDFILLS AND OTHER STAKEHOLDERS TO OBTAIN INFORMATION MARKED ABOVE AS "PENDING"]

¹⁶ Additional information about Cerro Colorado is included in Attachment 4 [TO BE ADDED TO FINAL VERSION OF DOCUMENT].

1 ***South Broadway landfill***.¹⁷ Owned and operated by City of Albuquerque, Solid Waste
2 Department.

3
4 Location: [PENDING]

5
6 Currently open? No

7
8 Dates on which waste received: 1963-1990

9
10 Types of waste received: [PENDING]

11
12 Design capacity: [PENDING]

13
14 Capacity available for future waste deposition: [PENDING]

15
16 ***Southwest Landfill***.¹⁸ Owned by Southwest Landfill, LLC.

17
18 Location: 5816 Pajarito Rd SW, Albuquerque, NM 87121.

19
20 Currently open? Yes

21
22 Dates on which waste received: [PENDING]

23
24 Types of waste received: [PENDING]

25
26 Design capacity: [PENDING]

27
28 Capacity available for future waste deposition: [PENDING]

29
¹⁷ Additional information about South Broadway landfill is included in Attachment 5 [TO BE ADDED TO FINAL VERSION OF DOCUMENT].

¹⁸ Additional information on Southwest Landfill is included in Attachment 6 [TO BE ADDED TO FINAL VERSION OF DOCUMENT].

1 ***Kirtland Air Force Base landfill.***¹⁹ Currently closed. Owned by United States Air Force.

2
3 Location:2050 Wyoming Blvd. SE, 377 MSG/CEV, Kirtland Air Force Base, NM 87117.

4
5 Currently open? No

6
7 Dates on which waste received: [PENDING]

8
9 Types of waste received: Household waste. Construction and demolition waste.

10
11 Design capacity: [PENDING]

12
13 Capacity available for future waste deposition: [PENDING]

14
15
16 **IV AN INVENTORY OF EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS IN**
17 **THE STATE THAT ARE AFFECTED BY THE EMISSION GUIDELINES.**

18
19 EPA regulations require a state plan to provide an emissions inventory of the municipal solid
20 waste landfills listed in the source inventory described in the previous section. The emission
21 inventory must estimate emissions of non-methane organic compounds using guidance and
22 methods provided by EPA.²⁰ The emission inventory must be presented to the public prior to
23 plan approval and must be "correlated" with applicable emission standards.²¹

24
25 The following data presents the emissions inventory required by EPA. To "correlate" the
26 inventory with applicable emission standards, the inventory compares reported or estimated
27 emissions with the old emission standard codified under 40 CFR, Part 60, Subpart Cc, and with
28 the recently revised emission standard codified under 40 CFR, Part 60, Subpart Cf.

29
30 [DATA IS PENDING; EHD IS WORKING WITH AFFECTED LANDFILLS TO OBTAIN
31 INFORMATION NECESSARY TO ESTIMATE EMISSIONS]

32
33
34 **V EMISSION STANDARDS FOR EXISTING MUNICIPAL SOLID WASTE LANDFILLS THAT ARE**
35 **NO LESS STRINGENT THAN THOSE IN THE EMISSION GUIDELINES**

36
37 EPA regulations require a state plan to implement emission standards for existing municipal
38 solid waste landfills.²² The state emission standards must (with certain limited exceptions not

¹⁹ Additional information on Kirtland Air Force Base landfills is available in Attachment 7 [TO BE ADDED TO FINAL VERSION OF DOCUMENT].

²⁰ 40 CFR § 60.25(a); EPA 1998 State Plan Guidance, pp. 3-9 to 3-12.

²¹ 40 CFR § 60.25(b), (c).

²² 40 CFR § 60.24; EPA 1998 State Plan Guidance, pp. 3-13 to 3-14.

1 relevant here) be as stringent as those required in the EPA emission guidelines.²³ These
 2 guidelines set specific requirements regarding the type of standards that a state must adopt,
 3 including: allowable emission rates; emission levels at which a gas collection and control system
 4 must be installed; the characteristics and performance of the gas collection and control system;
 5 methods to be used in determining whether a gas collection and control system complies with
 6 performance requirements.²⁴

7
 8 Albuquerque – Bernalillo County's plan for implementing the EPA emission guidelines satisfies
 9 the above requirements by adopting a legally enforceable state regulation, 20.11.71 NMAC, that
 10 incorporates by reference the federal emission guidelines and their emission standard
 11 requirements. The emission standards are applicable to all regulated sources in Albuquerque and
 12 Bernalillo County.²⁵ These sources must comply with all emission control requirements specified
 13 in 40 CFR Section 60, Subpart Cf.

14
 15 The text of the amended 20.11.71 NMAC as adopted by the Air Board and filed with the State
 16 Records Center and Archives appears in Attachment 1 of this document. The rule as published in
 17 the New Mexico Register appears in Attachment 2. Discussion of the rule's substantive
 18 requirements appears in testimony by the Environmental Health Department at the Air Board
 19 public hearing of [DATE OF AIR BOARD HEARING] on adoption of the rule. This testimony
 20 is part of the administrative record of the Air Board's rulemaking, provided in Attachment 3
 21 [ATTACHMENTS 1, 2, AND 3 TO BE ADDED FOLLOWING AIR BOARD ADOPTION OF
 22 STATE PLAN AND AMENDED 20.11.71 AND FILING/PUBLICATION OF THE FINAL
 23 ADOPTED REGULATION AND PLAN].

24
 25
 26 **VI A STATE PROCESS, AS STIPULATED IN 40 CFR PART 60, SUBPART CF, FOR STATE**
 27 **REVIEW AND APPROVAL OF SITE-SPECIFIC GAS COLLECTION AND CONTROL SYSTEM**
 28 **DESIGN PLANS**

29
 30 EPA regulations require a state plan to have a process for reviewing the gas collection and
 31 control system design plans of specific existing municipal solid waste landfills when a facility
 32 crosses the regulatory emissions threshold for installation of a gas collection and control
 33 system.²⁶

34
 35 Albuquerque – Bernalillo County's plan for implementing the EPA emission guidelines satisfies
 36 the above requirement by adopting a legally enforceable state regulation, 20.11.71 NMAC, that
 37 incorporates by reference the federal emission guidelines and their requirements for a design
 38 plan review process. The rule as adopted, filed, and published under relevant state laws appears

²³ 40 CFR § 60.24(c).

²⁴ 40 CFR §§ 60.33f, 60.34f, 60.36f, 60.40f.

²⁵ 40 CFR § 60.24(b)(3).

²⁶ 40 CFR § 60.38f(d).

1 in Attachments 1 and 2 of this document. The substantive requirements of the rule are discussed
 2 in testimony of the Environmental Health Department at the Air Board public hearing appear in
 3 Attachment 3. [ATTACHMENTS 1, 2, AND 3 TO BE ADDED FOLLOWING AIR BOARD
 4 ADOPTION OF STATE PLAN AND AMENDED 20.11.71 AND FILING/PUBLICATION OF
 5 THE FINAL ADOPTED REGULATION AND PLAN]
 6
 7

8 **VII COMPLIANCE SCHEDULES, EXTENDING NO LATER THAN 30 MONTHS AFTER THE DATE**
 9 **THE ANNUAL NONMETHANE ORGANIC COMPOUND EMISSION RATE REACHES OR**
 10 **EXCEEDS 34 MEGAGRAMS (MG) PER YEAR**
 11

12 EPA regulations require a state plan to provide for schedules that regulated sources must adhere
 13 to when they are required to install emission control systems.²⁷
 14

15 Albuquerque – Bernalillo County's plan for implementing the EPA emission guidelines satisfies
 16 the above requirements in part by adopting a legally enforceable state regulation, 20.11.71
 17 NMAC, that incorporates by reference the federal emission guidelines and their requirements for
 18 compliance schedules. All affected sources in Albuquerque and Bernalillo County must comply
 19 with all compliance schedule requirements specified in 40 CFR Section 60, Subpart Cf.
 20

21 Federal regulations on submittal of a state plan under Section 111(d) of the Clean Air Act require
 22 the plan to specify "increments of progress" when compliance times for regulated sources to
 23 install a gas collection and control system extend beyond one year after EPA approval of a state
 24 plan.²⁸ 40 CFR Section 60, Subpart Cf requires that when a source's emissions of nonmethane
 25 organic compounds rise above the 34 megagrams per year threshold, the source must install a gas
 26 collection and control system within 30 months after the threshold is crossed. The installation
 27 must process must pass through five specific "increments of progress" set forth by EPA.²⁹
 28 Because the federal emissions guidelines do not provide details on the time period covered by
 29 each increment of progress, incorporating the federal guidelines by reference is insufficient in
 30 this particular instance. Thus, the Albuquerque – Bernalillo County regulation on existing
 31 municipal solid waste landfills specifies these details, at 20.11.72.[??] NMAC [DETAILS TO
 32 BE DETERMINED. INCREMENTS OF PROGRESS LIKELY TO BE DESCRIBED IN
 33 20.11.71.14.A(3) NMAC].
 34

35 The amended 20.11.71 NMAC as adopted, filed, and published under relevant state laws appears
 36 in Attachments 1 and 2 of this document. The substantive requirements of the rule are discussed
 37 in testimony of the Environmental Health Department at the Air Board public hearing appear in
 38 Attachment 3. [ATTACHMENTS 1, 2, AND 3 TO BE ADDED FOLLOWING AIR BOARD
 39 ADOPTION OF STATE PLAN AND AMENDED 20.11.71 AND FILING/PUBLICATION OF
 40 THE FINAL ADOPTED REGULATION AND PLAN]

²⁷ 40 CFR § 60.24; EPA 1998 State Plan Guidance, pp. 3-15 to 3-21.

²⁸ 40 CFR § 60.24(e); EPA 1998 State Plan Guidance, pp. 3-18 to 3-19.

²⁹ EPA 1998 State Plan Guidance, pp. 3-18 to 3-19.

1
2
3 **VIII TESTING, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS**
4

5 EPA regulations require a state plan to provide for sources to conduct testing, monitoring,
6 recordkeeping, and reporting as called for by the EPA emission guidelines.³⁰
7

8 Albuquerque – Bernalillo County's plan for implementing the EPA emission guidelines satisfies
9 the above requirements by adopting a legally enforceable state regulation, 20.11.71 NMAC, that
10 incorporates by reference the federal emission guidelines and their requirements for testing,
11 monitoring, recordkeeping, and reporting requirements. All affected sources in Albuquerque and
12 Bernalillo County must comply with all testing, monitoring, record keeping, and reporting
13 requirements specified in 40 CFR Section 60, Subpart Cf
14

15 The amended 20.11.71 NMAC as adopted, filed, and published under relevant state laws appears
16 in Attachments 1 and 2 of this document. The substantive requirements of the rule are discussed
17 in testimony of the Environmental Health Department at the Air Board public hearing appear in
18 Attachment 3. [ATTACHMENTS 1, 2, AND 3 TO BE ADDED FOLLOWING AIR BOARD
19 ADOPTION OF STATE PLAN AND AMENDED 20.11.71 AND FILING/PUBLICATION OF
20 THE FINAL ADOPTED REGULATION AND PLAN]
21

22 Note that sources affected by the new federal standard for existing municipal solid waste
23 landfills will have to comply with specific reporting requirements with a specified time period
24 after EPA approval of the amended 20.11.71 NMAC and the Albuquerque – Bernalillo plan for
25 existing municipal solid waste landfills. The reporting requirements triggered following EPA
26 approval are specified at 20.11.71.14.A NMAC. EHD will notify affected sources when EPA
27 approval occurs. EPA regulations provide that EPA will approve or disapprove a proposed state
28 plan within four months of its submittal to EPA.³¹
29

30 **IX A record of public hearing(s) on the state plan.**
31

32 EPA regulations require a state plan submittal to demonstrate compliance with federal
33 requirements for a public hearing on a proposed plan provision. These requirements are specified
34 at 40 CFR § 60.23(c), (d), and (f).
35

36 Albuquerque – Bernalillo County's plan for implementing the EPA emission guidelines satisfies
37 the above requirements by including documentation that EPA hearing requirements were met.
38 This documentation appears in Attachment 3 of this plan document, which provides the
39 administrative record of the hearing process held under local and state law. The documentation
40 of compliance with EPA hearing requirements³² appearing in Attachment 3 includes the

³⁰ 40 CFR §§ 60.24(b)(2), 60.35f, 60.37f, 60.38f, 60.39f; EPA 1998 State Plan Requirements, pp. 3-21 to 3-23.

³¹ 40 CFR § 60.27(b).

³² 40 CFR § 60.23(c), (d), and (f) and 1998 EPA State Plan Guidance, pp. 3-24 and 3-25.

1 following. [ATTACHMENT 3 TO BE ADDED FOLLOWING AIR BOARD ADOPTION OF
 2 STATE PLAN AND AMENDED 20.11.71]
 3

- 4 1) Notice of the public hearing appearing in the *Albuquerque Journal* and the *New*
 5 *Mexico Register*, as well as circulated electronically to the email list serve of the Air
 6 Board at least 30 days prior to the Air Board hearing on adoption of the plan. These
 7 notices prominently advertise within Albuquerque and Bernalillo County the date,
 8 time and place of the hearing.
 9
- 10 2) Information in the above notices statING that a draft of the plan was made available
 11 for public inspection both at the City of Albuquerque Environmental Health
 12 Department offices in Albuquerque, New Mexico and via the internet.
 13
- 14 3) Information in hearing documents certifying that notice of the hearing was
 15 specifically provided to the EPA Regional Administrator, local affected solid waste
 16 agencies, and the New Mexico Environment Department.
 17
- 18 4) Transcripts of the Air Board hearing held on [DATE OF AIR BOARD HEARING],
 19 as well as the testimony and exhibits presented at this hearing, demonstrating that a
 20 hearing was held as required by EPA regulations.
 21
- 22 5) Documents in the hearing record demonstrating that the hearing was held in
 23 accordance with all relevant local, state and federal law. These hearing documents
 24 include the Statement of Reasons adopted by the Air Board following the hearing and
 25 the testimony of the Environmental Health Department given under oath at the
 26 hearing.
 27
 28

29 **X PROVISION FOR ANNUAL STATE PROGRESS REPORTS TO EPA ON IMPLEMENTATION OF**
 30 **THE STATE PLAN.**
 31

32 EPA regulations require states to submit annual progress reports on the progress of plan
 33 enforcement.³³
 34

35 The City of Albuquerque Environmental Health Department will meet these requirements under
 36 the revised plan (as it has under the plan previously approved by EPA) through reports required
 37 by the grant process under Section 105 of the Clean Air Act, 42 U.S.C. Section 7405, and by
 38 reporting under 40 CFR, Part 51, Sections 321 to 327.

³³ 40 CFR § 60.25(e) and (f).