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Butt, Neal T.

From: City of Albuquerque-Air Quality Division [jcwright@cabq.gov]
Sent: Thursday, October 14, 2010 2:20 PM
To: Butt, Neal T.
Subject: Legal Ad for Hearing Regarding 20.11.1 NMAC, General Provisions, 20.11.42 NMAC, Operating Permits, 20.11.61 NMAC, Prevention of Significant Deterioration
Follow Up Flag: Follow up
Flag Status: Orange

Legal Ad for a Hearing Regarding 20.11.1 NMAC, *General Provisions,* 20.11.42 NMAC, *Operating Permits,* and 20.11.61 NMAC, *Prevention of Significant Deterioration.* The Amendments to 20.11.42 NMAC Are Proposed as a Revision to the Title V Operating Permit Program, and the Amendments to 20.11.61 NMAC and 20.11.1 NMAC Are Proposed As a Revision to the New Mexico State Implementation Plan for Air Quality (SIP)

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING

On December 8, 2010, at 5:30 PM, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, One Civic Plaza NW, Albuquerque, NM. The hearing will address:

Proposal to adopt amendments to 20.11.61 NMAC, Prevention of Significant Deterioration; 20.11.42 NMAC, Operating Permits; and 20.11.1 NMAC,

General Provisions. The amendments to 20.11.42 NMAC are proposed as a revision to the Title V Operating Permit Program, and the amendments to 20.11.61 NMAC and 20.11.1 NMAC are proposed as a revision to the New Mexico State Implementation Plan for air quality (SIP). The proposed amendments are required pursuant to the Prevention of Significant Deterioration (PSD) & Title V Greenhouse Gas (GHG) Tailoring Rule [FR 6/3/10, Vol. 75, No. 106, 31514-31608], which "tailors" permitting requirements to ensure only the largest sources of GHG-facilities must obtain air permits for GHGs. Potential sources in Bernalillo County include power plants, refineries, cement manufacturing, etc... In addition, language found at 20.11.42.12.A.(2) NMAC, Timely Application, has been streamlined to conform to 40 CFR 70.5, Permit Applications, and 20.2.70 NMAC, Operating Permits (State of New Mexico).

The Clean Air Act (CAA) PSD and Title V permitting thresholds (triggers) for criteria pollutants (lead, sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone and particulate matter) are 100 and 250 tons per year (tpy) respectively, depending upon the type of emissions. Although these thresholds are appropriate triggers for criteria pollutant permits, they are too low for an effective permit trigger for GHG emissions because GHGs are emitted in significantly greater volumes (i.e. 75,000-100,000 tpy).

Under existing federal law, unless states and local agencies adopt the Tailoring Rule amendments by January 2, 2011, stationary sources that emit as little as 100 or 250 tpy of GHGs will automatically trigger (require) complex new Title V permits or PSD permits (that require best available control technology or "BACT"). This could potentially affect many sources within Bernalillo County, including sources that otherwise would only be required to obtain minor source permits (e.g., 20.11.41 NMAC, Authority-to-Construct) or possibly no permit at all.

Step 1 of the Tailoring Rule (1/2/11-6/30/11): PSD permits: no new Tailoring Rule permitting actions will be triggered based solely on GHG emissions. Only sources taking permitting actions "anyway" for other pollutants must also address GHGs under the Tailoring Rule; the "anyway" sources will be subject to PSD requirements only if the sources increase GHG emissions by 75,000 tpy CO_2e or more. Title V permits: Only sources that have already have Title V permits, or that must obtain a new Title V permit for non-GHG pollutants must address GHGs in Step 1.

Step 2 of the Tailoring Rule (7/1/11-6/30/13): PSD permits: GHG sources that emit or have potential to emit at least 100,000 tpy CO_2e will be subject to PSD requirements. If a physical change or a change in the method of operation at a 100,000 tpy $C0_2e$ source will result in a net GHG increase by at least 75,000 tpy CO_2e, the source also will be subject to PSD permitting. Title V permits: Sources subject to GHG permitting under Step 1 will continue to be subject to GHG permitting requirements under Step 2. GHG sources that emit or have potential to emit at least 100,000 tpy CO_2e will be subject to Title V requirements.

Step 3, PSD and Title V: In the Tailoring Rule, EPA commits to complete another rulemaking by 7/1/12, after soliciting comment on streamlining and exclusion of certain sources. Step 3 will not require permitting of sources with GHG emissions less than 50,000 tpy CO_2e before 4/30/16.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the aforementioned proposals. Meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the

hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6, and 20.11.82 NMAC, Rulemaking Procedures -- Air Quality Control Board.

Anyone intending to present technical testimony at this hearing is required by 20.11.82.20 NMAC to submit a written Notice Of Intent to testify (NOI) before 5:00pm on November 23, 2010, to: Attn: Hearing Clerk, Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or, you may deliver your NOI to the Environmental Health Department, Suite 3023, 3rd Floor, One Civic Plaza (400 Marquette Avenue NW). The NOI shall: 1. identify the person for whom the witness or witnesses will testify; 2. identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; 3. summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; 4. include the text of any recommended modifications to the proposed regulatory change; and 5. list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

In addition, written comments to be incorporated into the public record for this hearing should be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on December 1, 2010. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to jcwright@cabq.gov and shall include the required name and address information. Interested

persons may obtain a copy of the proposed regulation at the Environmental Health Department office, or by contacting Ms. Janice Wright electronically at jcwright@cabq.gov or by phone (505) 768-2601, or by downloading a copy from the City of Albuquerque Air Quality Division website http://www.cabq.gov/airquality/aqcb/public-review-drafts.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes

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