PENGAD 800-631-6989
AQD EXHIBIT
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Direct Testimony - Nitrogen Dioxide Infrastructure SIP

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Introduction

Thank you, Mr. Hearing Officer, Madam Chair, and members of the Board. My name is Neal Butt. I am an Environmental Health Scientist with the Air Quality Division, Control Strategies Section. I am here to present testimony ***In The Matter Of The Petition To Adopt A State Implementation Plan (SIP) For Nitrogen Dioxide (NO_2) 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 "NO_2 Infrastructure Sip"***

AQCB Petition No. 2013-3

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Reasons for Proposed NO_2 Infrastructure SIP

The federal Clean Air Act (CAA) at Section 110 requires each state to submit a plan (State Implementation Plan or "SIP") for the implementation, maintenance, and enforcement of each NAAQS, within three years of the promulgation by the United States Environmental Protection Agency (EPA) of such a standard. Section 110 of the CAA sets forth the general elements which must be contained within the SIPs, generally referred to by the EPA as the "Infrastructure" elements of SIPs.

On January 22, 2010, EPA Administrator, Lisa Jackson, approved a new national ambient air quality standard (NAAQS) for NO_2, effective April 12, 2010 [FR Vol. 75, No. 26, 6474-6537, February 9, 2010]. Based on its review of the air quality criteria for oxides of nitrogen and the primary NAAQS for oxides of nitrogen as measured by nitrogen dioxide (NO_2), EPA made revisions to the primary NO_2 NAAQS in order to provide requisite protection of public health. Specifically, EPA established a new 1-hour standard at a level of 100 ppb, based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations, to supplement the existing annual standard of 0.053 ppm.

"All areas presently meet the current (1971) NO_2 NAAQS, with annual NO_2 concentrations measured at area-wide monitors well below the level of the standard (53 ppb). Annual average ambient NO_2 concentrations, as measured at area-wide monitors, have decreased by more than 40% since 1980. Currently, the annual average NO_2 concentrations range from approximately 10-20 ppb." (EPA, 2012. *Nitrogen Dioxide: Basic Information*. Accessed November 2012: http://www.epa.gov/airquality/nitrogenoxides/basic.html). On February 17, 2012, the EPA designated all areas in the United States as "unclassifiable/attainment" for the new 1-hour NO_2 NAAQS [FR Vol. 77, No. 33, 9532-88, effective 2/29/12].

"As part of the NAAQS rulemaking, the EPA promulgated revisions to requirements for minimum numbers of ambient NO_2 monitors that included new monitoring near major roads in larger urban areas {"first tier", which includes Albuquerque - Bernalillo

County}. In addition, these monitoring requirements included the characterization of NO_2 concentrations representative of wider spatial scales in larger urban areas (area-wide monitors){"second tier"}, and monitors intended to characterize NO_2 exposures of susceptible and vulnerable populations." {"third tier"}

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Reasons for Proposed NO_2 Infrastructure SIP

Section 110(a)(2) of the CAA requires states to submit to EPA an "Infrastructure SIP" that addresses the requirements of Section 110(a)(2)(A)--(M) of the CAA within 3 years after the promulgation of a NAAQS. Therefore, the NO_2 Infrastructure SIP ***was*** due on February 9, 2013. The Infrastructure SIP is a compilation of elements that demonstrates how Albuquerque and Bernalillo County will implement, maintain and enforce the revised NO_2 NAAQS. This proposed SIP revision must be adopted by the Albuquerque - Bernalillo County Air Quality Control Board (Air Board) to be included as part of New Mexico's state implementation plan. When the Infrastructure SIP is adopted by the Air Board and approved by EPA, it will provide a federally enforceable written confirmation of how Albuquerque and Bernalillo County will continue to comply with the Section 110(a)(2) requirements of the CAA for the NO_2 NAAQS.

The Public Review Draft of the proposed NO_2 Infrastructure SIP demonstrates the sufficiency of the existing SIP to enable the Division to enforce the 2010 NO_2 NAAQS, by outlining all of requirements in Sections 110(a)(2)(A) through (M) of the federal

Clean Air Act (CAA), and then addressing how Albuquerque and Bernalillo County meets each one. 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

No additional regulations or requirements are being placed on the regulated community with the proposed NO_2 Infrastructure SIP, only upon the Division, in the form of additional monitoring, record keeping and reporting. Therefore, the Air Quality Division does not foresee that the proposed SIP will have any adverse impact on the citizens or businesses of New Mexico.

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Request

Therefore, the Environmental Health Department of the City of Albuquerque, by and through the Air Quality Division (AQD), respectfully requests that the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) adopt the Division's proposed *Infrastructure SIP for NO_2*, shown as AQD Exhibit # 1a, as amended by Staff Proposed Floor Amendments shown as AQD Exhibit # 5. After the NO_2 Infrastructure SIP is adopted, it will be submitted to EPA as a proposed revision to the Albuquerque - Bernalillo County SIP.

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Conclusion

This concludes my testimony and I would like to have Exhibits 1 through 5 moved into the record {"so moved"}; and I stand for questions.