

Petition to Amend 20.11.60 NMAC, *Permitting In Nonattainment Areas*; 20.11.61 NMAC, *Prevention Of Significant Deterioration*; and 20.11.42 NMAC, *Operating Permits*. The Amendments to 20.11.42 NMAC Are Proposed As a Revision to the Title V Operating Permit Program, and the Amendments to 20.11.60 NMAC and 20.11.61 NMAC Are Proposed As a Revision to the New Mexico State Implementation Plan for Air Quality (SIP)

AQCB Petition No. 2013-1

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Federal Provisions Governing State & Federal Implementation

- Nonattainment New Source Review Permit Program
 - CFR: Title 40, *Protection of Environment*; Part 51, *Requirements for Submittal of Implementation Plans*; Subpart I, *Review of New Sources and Modifications*; Section 165, *Permit Requirements*
 - 20.11.60 NMAC, *Permitting In Nonattainment Areas*
- Prevention of Signification Deterioration Permit Program
 - CFR: Title 40, *Protection of Environment*; Part 51, *Requirements for Submittal of Implementation Plans*; Subpart I, *Review of New Sources and Modifications*; Section 166, *Prevention of Significant Deterioration of Air Quality*
 - CFR Title 40, *Protection of Environment*, Part 52, *Approval and Promulgation of Implementation Plans*, Subpart A, *General Provisions*, Section 21, *Prevention of Significant Deterioration of Air Quality*
 - 20.11.61 NMAC, *Prevention of Significant Deterioration*
- Title V Permit Program
 - CFR: Title 70, *State Operating Permit Programs*
 - 20.11.42 NMAC, *Operating Permits*

Promulgated Federal Rules

- May 16, 2008 “Implementation of the NSR Program for PM_{2.5}”
 - 40 CFR 51.165 =>20.11.60 NMAC
 - 40 CFR 51.166 and 52.21 => 20.11.61 NMAC
 - Additional stationary source exemption, 20.11.61.18.D.(3) NMAC

Promulgated Federal Rules

- ❖ October 20, 2010 “PSD for PM_{2.5} - Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)”
 - ❖ 40 CFR 51.165 =>20.11.60 NMAC
 - ❖ 40 CFR 51.166 and 52.21 => 20.11.61 NMAC
 - ❖ Exception
 - ❖ 20.11.61.15.B.(2) NMAC, regarding SILs [40 CFR 51.166.(k)(2) & 52.21(k)(2)], vacated and remanded in response to Sierra Club v. EPA [US Court of Appeals No. 10-1413, Decided January 22, 2013]
 - ❖ 20.11.61.28 NMAC, SMC for PM_{2.5} vacated
- ❖ Infrastructure SIP for the 2010 Nitrogen Dioxide NAAQS

Promulgated Federal Rules

- ❖ March 30, 2011 “PSD and NNSR: Reconsideration of Inclusion of Fugitive Emissions; Interim Rule; Stay and Revisions”
 - ❖ 40 CFR 51.165 => 20.11.60 NMAC
 - ❖ 40 CFR 51.166 and 52.21 => 20.11.61 NMAC

Promulgated Federal Rules

- July 20, 2011 “Deferral for CO₂ Emissions From Bioenergy and Other Biogenic Sources Under the PSD and Title V Programs”
 - “permitting authorities may adopt the deferral at their option but the deferral is effective upon publication for the PSD and Title V permit programs that are implemented by EPA.”
 - avoid the need to determine net carbon cycle impacts for bio-energy projects until EPA has adopted a consistent and practical framework for such calculations
 - prevent the Division from spending valuable time and resources evaluating sources that may have de minimis, neutral or positive impact on net CO₂ levels in the atmosphere
 - 40 CFR 51.166 and 52.21 => 20.11.61 NMAC
 - 40 CFR 70, *State Operating Permit Programs*; 70.2, *Definitions* =>20.11.42 NMAC, *Operating Permits*, at 20.11.42.7.II.(2) NMAC

Promulgated Federal Rules

- July 12, 2012 “PSD and Title V GHG Tailoring Rule Step 3 and GHG Plantwide Applicability Limits”
 - 40 CFR 52.21 => 20.11.61 NMAC
 - Allow Division to provide greater operational flexibility to permitted sources by issuing GHG PALs to GHG-only sources without requiring the sources to become a major source
 - GHG-only sources could obtain a GHG PAL and remain a minor source as long as their GHG emissions remain below the PAL.

Promulgated Federal Rules

- ❖ October 25, 2012 “Implementation of the NSR Program for PM_{2.5}: Amendment to the Definition of ‘Regulated NSR Pollutant’ Concerning Condensable Particulate Matter”
- ❖ 40 CFR 51.166 and 52.21 => 20.11.61 NMAC

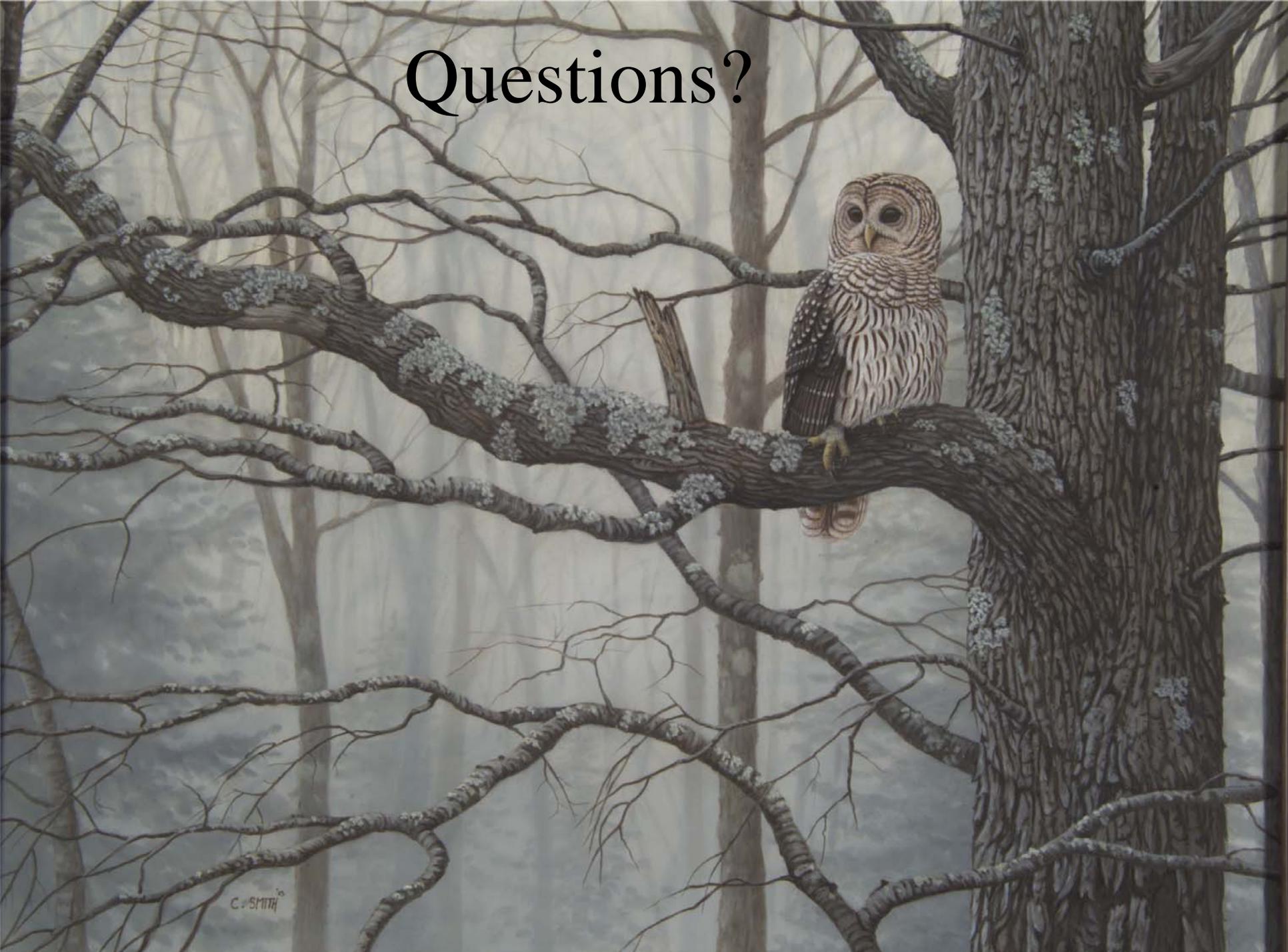
Request

- ❖ Hearing before Albuquerque-Bernalillo County Air Quality Control Board:
 - ❖ Amend 20.11.60 NMAC, *Permitting In Nonattainment Areas*; 20.11.61 NMAC, *Prevention Of Significant Deterioration*; and 20.11.42 NMAC, *Operating Permits*
 - ❖ Submit amended 20.11.42 NMAC to EPA as a revision to the Title V Operating Permit Program
 - ❖ Submit amended 20.11.60 NMAC and 20.11.61 NMAC to EPA as revisions to the New Mexico State Implementation Plan for Air Quality (SIP)
- ❖ 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).

Questions?



C. SMITH