



Repeal of the Total Suspended Particulate Standard by the New Mexico Environmental Improvement Board

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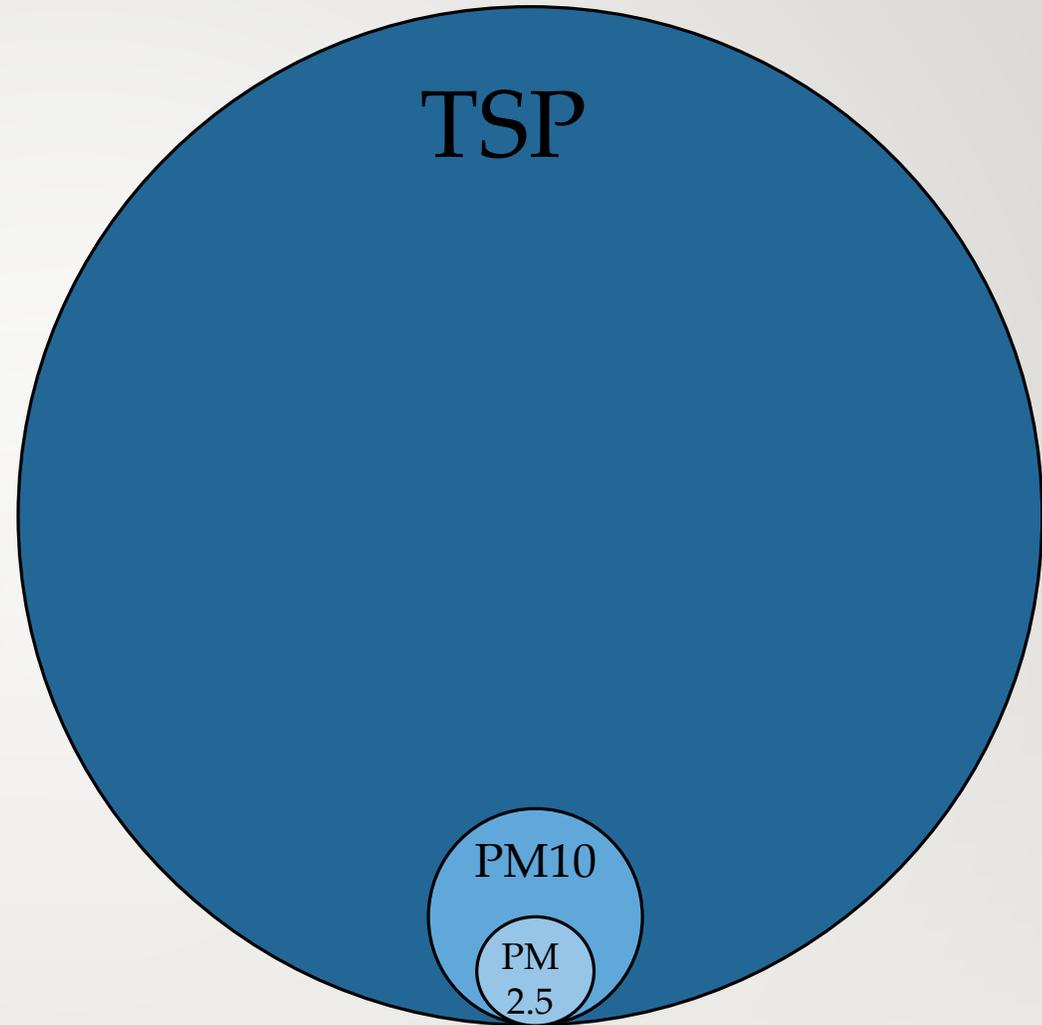
ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

What Is Particulate Matter?

- Particulate matter (“PM”) is a term for a mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, dirt, soot, or smoke, are large or dark enough to be seen with the naked eye. Others are so small they can only be detected using an electron microscope.
 - Particulate is chemically diverse
 - Particulate has the potential to injure the respiratory tract and harm health
 - Large particulate comes from wind-blown dust, unpaved roads, rock crushing & screening. Some large particulates fall to earth quickly, within 1000 feet or less
 - Fine particulates primarily come from combustion sources. Some fine particulates are so light that they may travel for thousands of miles

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Air Quality Particulates (not to scale)



Particulate Matter Size Comparison

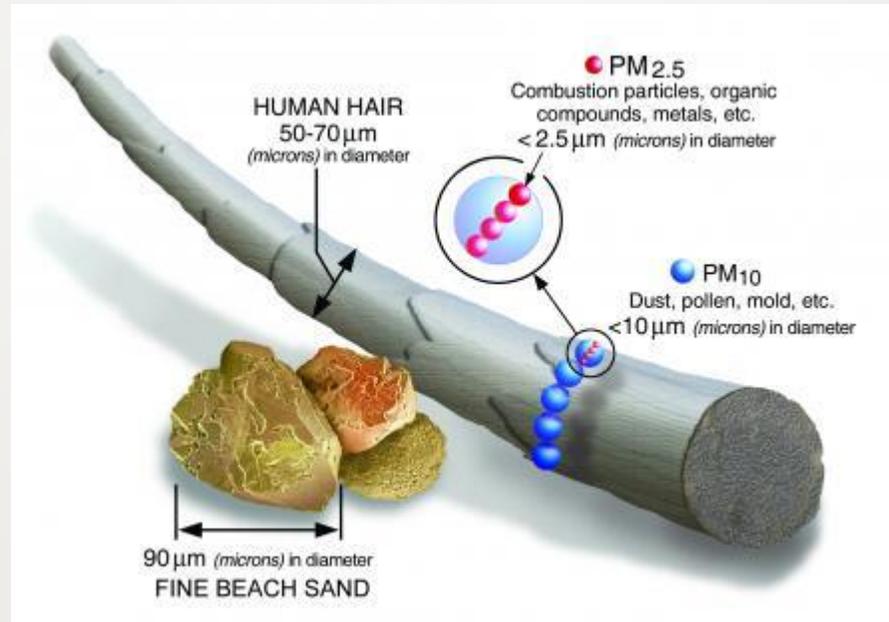
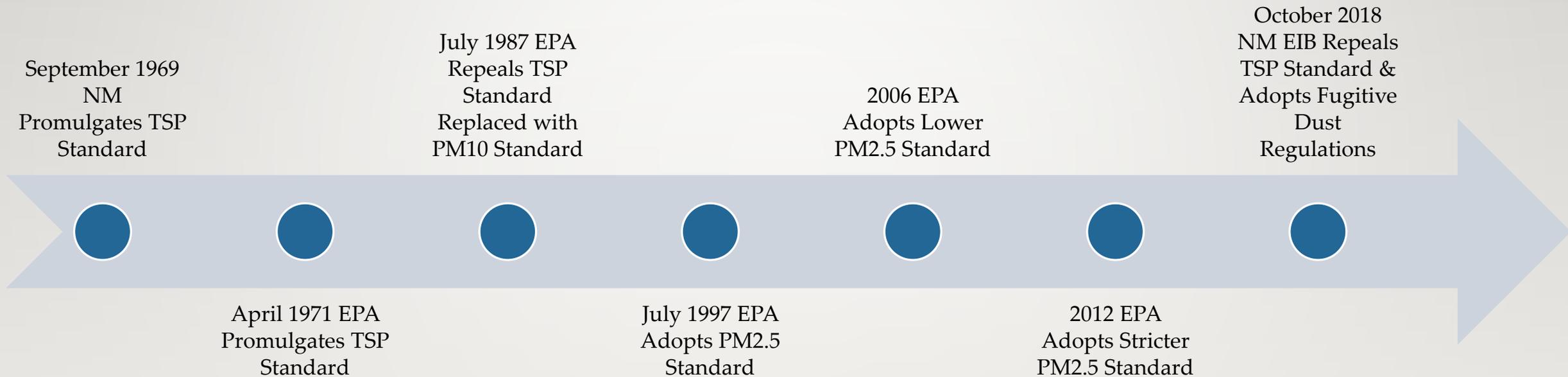


Image courtesy of the U.S. EPA

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Particulate Matter Standard Timeline



TSP = Total Suspended Particulate; PM10 = Particulate \leq 10 microns; PM2.5 = Particulate \leq 2.5 microns

6 | Environmental Improvement Board (“EIB”) Total Suspended Particulate Standard

- In 1988, NMED evaluated the TSP standard and concluded that it should be retained for “soiling and nuisance effects of particulate matter,” not for health concerns
- Albuquerque-Bernalillo County required to be no less stringent than EIB
- Neither NMED nor EHD have monitored for TSP for at least twenty years

2018 EIB Repeals the State TSP Standard

- During EIB's meeting when it repealed the TSP standard, EIB also:
 - Promulgated a fugitive dust rule for areas of the state that required a dust mitigation plan [Dona Ana and Luna Counties]
 - Concluded that the state TSP standard was “an artifact that is no longer consistent with modern air quality regulation”
 - Concluded that sufficient rules and procedures were in place to assure compliance with particulate matter national ambient air quality standards and to address nuisance particulate matter

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The Air Board Incorporated the EIB's TSP Standard by Reference into Its Regulations

20.11.8.12 INCORPORATION OF STATE AMBIENT AIR QUALITY STANDARDS: Except as otherwise provided, the state *Ambient Air Quality Standards* of the environmental improvement board codified at 20.2.3 NMAC are hereby incorporated into 20.11.8 NMAC. Section 20.11.8.13 NMAC is a summary of the federal and state standards incorporated in 20.11.8 NMAC.

20.11.8.13 NMAC
(excerpt)

| Pollutant | Standards | | | |
|---------------------------------|-----------------|-----------------|-------------------|-----------------------|
| | Reference | Federal Primary | Federal Secondary | New Mexico State |
| Particulate Matter (TSP) | | | | |
| 24-hour average | 20.2.3.109 NMAC | none | none | 150 µg/m ³ |
| 7-day average | 20.2.3.109 NMAC | none | none | 110 µg/m ³ |
| 30-day average | 20.2.3.109 NMAC | none | none | 90 µg/m ³ |
| Annual geometric mean | 20.2.3.109 NMAC | none | none | 60 µg/m ³ |

9 | Uniform Statute for Incorporation by Reference
NMSA 1978, § 12-2A-12

C. A rule that incorporates by reference another rule of New Mexico incorporates a later adoption or amendment of the other rule.

➤ *Subsection C applies because the Air Board's TSP Standard is a rule that incorporates another rule—it is a rule that incorporates the EIB's ambient air quality standard for total suspended particulate ("TSP") (the other rule).*

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What Does EIB's Repeal Mean for the Air Board's TSP Standard?

(1) Pursuant to Section 12(C), the Air Board's incorporation of the New Mexico state ambient air quality standard for TSP incorporates the EIB's 2018 amendment of the New Mexico state ambient air quality standards.

(2) When the EIB repealed the state TSP standard, the Air Board's TSP Standard was automatically repealed by operation of law.

(3) The Air Board's Part 8 now incorporates the latest amendment by EIB to the New Mexico Air Quality Standards, i.e., no TSP standard.

How Does This Impact EHD's Air Program?

- No action is needed by the Air Board for TSP repeal
- The Air Board has had a fugitive dust rule in place for Albuquerque-Bernalillo County for decades and it has been updated, most recently in 2008
- Air Board regulations adopted since the state TSP standard was adopted effectively control particulate matter

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Air Board Regulations Which Control Particulate Matter

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| 20.11.1 NMAC - GENERAL PROVISIONS |
| 20.11.2 - NMAC FEES |
| 20.11.5 NMAC - VISIBLE AIR CONTAMINANTS |
| 20.11.8 NMAC - AMBIENT AIR QUALITY STANDARDS |
| 20.11.20 NMAC - FUGITIVE DUST CONTROL |
| 20.11.21 NMAC -OPEN BURNING |
| 20.11.22 NMAC WOODBURNING |
| 20.11.39 NMAC - PERMIT WAIVERS AND AIR QUALITY NOTIFICATIONS FOR CERTAIN SOURCE CATEGORIES |
| 20.11.41 NMAC - CONSTRUCTION PERMITS |
| 20.11.42 - OPERATING PERMITS |
| 20.11.43 NMAC - STACK HEIGHT REQUIREMENTS |
| 20.11.46 NMAC - SULFUR DIOXIDE EMISSIONS INVENTORY REQUIREMENTS; WESTERN BACKSTOP SULFUR DIOXIDE TRADING PROGRAM |

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| 20.11.47 NMAC - EMISSIONS INVENTORY REQUIREMENTS |
| 20.11.49 NMAC - EXCESS EMISSIONS |
| 20.11.60 NMAC - PERMITTING IN NONATTAINMENT AREAS |
| 20.11.61 NMAC - PREVENTION OF SIGNIFICANT DETERIORATION |
| 20.11.63 NMAC - NEW SOURCE PERFORMANCE STANDARDS FOR STATIONARY SOURCES |
| 20.11.64 NMAC - EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY SOURCES |
| 20.11.66 NMAC - PROCESS EQUIPMENT |
| 20.11.67 NMAC - EQUIPMENT, EMISSIONS, LIMITATIONS |
| 20.11.68 NMAC - INCINERATORS AND CREMATORIES |
| 20.11.69 NMAC - PATHOLOGICAL WASTE DESTRUCTORS |
| 20.11.100 NMAC - MOTOR VEHICLE INSPECTION DECENTRALIZED |
| 20.11.103 NMAC - MOTOR VEHICLE VISIBLE EMISSIONS |

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Questions?