PENGAD 800-631-6989
AQD EXHIBIT
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[Direct Testimony for Hearing to amend 20.11.4 NMAC, General Conformity]

Slide 1 Caption

Thank you Chairman Deichman, 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

IN THE MATTER OF THE PETITION TO AMEND 20.11.4 NMAC, GENERAL CONFORMITY, AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR QUALITY(SIP)

AQCB Petition No. 2010-5

SLIDE 2

So what is General Conformity?

General conformity is an important provision of the Clean Air Act Amendments of 1990 (Act). Section 176(c) of the Act clearly illustrates the intent of Congress with respect to this program by explicitly requiring federal actions to conform to the applicable State Implementation Plan (SIP), and defines a conforming state action as one that does not: 1) cause or contribute to a new violation of any health-based air quality standard in any area; 2) increase the severity or frequency of an existing violation of any standard in any

area; or 3) delay timely attainment of any standard, required interim emission reduction or other milestone in any area.

The intent of the Act's General Conformity provision is to encourage a process where federal agencies would work with their counterparts at the state and local levels to coordinate review of projects whose air quality impacts are real, but which do not fit neatly into the stationary source "box," where applicable processes and requirements are more well-defined. Examples of covered actions include airport construction or expansion and dredging shipping channels.

SLIDE 3 Reason for Proposed Amendments to 20.11.4 NMAC, General Conformity

On March 24, 2010, the EPA revised their General Conformity Rule, which became effective on July 6, 2010 [FR Vol. 75, No. 64, 17254-79, 4/5/10]. These rules implement Clean Air Act provisions prohibiting federal agencies from taking actions that may cause or contribute to violations of the national ambient air quality standards (NAAQS).

In response, the Air Quality Division (AQD) of the City of Albuquerque's Environmental Health Department, is proposing amendments to the current Air Quality Control Board regulation, 20.11.4 NMAC, General Conformity in order to comply with these recent federal rule changes.

SLIDE 4 Changes to General Conformity

This revised rule improves the process federal entities use to demonstrate that their actions will not contribute to a NAAQS violation, provides tools to encourage better communication and air quality planning between states and federal agencies, and encourages both the federal agencies and the states to take early actions to ensure projects will conform to the state's plans to implement the NAAQS. These plans are known as state implementation plans or SIPs.

To meet General Conformity requirements, federal entities must demonstrate that emissions from their actions will not exceed emission budgets established in a state's plan to attain or maintain the NAAQS.

SLIDE 5 Changes to General Conformity

The final rule: establishes requirements that will allow federal facilities expecting future expansion or modifications to negotiate a facility-wide emission budget with the applicable state air quality agencies. Actions taken that do not exceed these budgets conform to the SIP and do not need a conformity determination;

SLIDE 6 Changes to General Conformity

The final rule: incorporates an early emission reduction credit program for all agencies that follow the Airport Early Emission Reduction guidance developed jointly by EPA and

the Federal Aviation Administration. This program encourages emission reduction actions on federal installations by providing emission reduction credits that can be used to demonstrate conformity for subsequent actions on the facility;

SLIDE 7 Changes to General Conformity

The final rule: allows emissions of one precursor pollutant to be offset by the reduction of emissions of another precursor pollutant. For example both oxides of nitrogen and volatile organic compounds are ozone precursors – they are emitted and then react in the atmosphere to form ground-level ozone. In an area that does not meet EPA's ground-level ozone standard, reductions in nitrogen oxide emissions could be offset by reductions of volatile organic compounds;

SLIDE 8 Changes to General Conformity

The final rule: allows alternative schedules for mitigating emission increases where state air quality agencies can accommodate temporary emission increases in exchange for long-term or permanent emission reductions;

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The final rule: removes requirements for federal agencies to conduct conformity determinations for "regionally significant" actions. Such actions have emissions greater

than 10 percent of the emissions inventory for a nonattainment area. These analyses have been conducted for 16 years and have never shown an action to interfere with attainment or maintenance of a NAAQS.

SLIDE 10 Changes to General Conformity

The final rule: lists categories of actions that federal agencies can presume to conform. The final rule also allows states to establish "presumed to conform" lists for actions in their state;

SLIDE 11 Request

This hearing has been legally noticed as shown by AQD Exhibits 2a, 2b, and 2c. Comments were received from EPA and Kirtland Air Force Base, shown as AQD Exhibits 3a and 3c respectively. The Division has responded to these comments as shown as AQD Exhibit 3c.

Therefore, The Environmental Health Department of the City of Albuquerque, by and through the Air Quality Division (AQD), asks the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) to adopt amendments to 20.11.4 NMAC, General Conformity, as shown in AQD Exhibit # 1a, and submit said amendments to U.S. Environmental Protection Agency (EPA) as a revision to the SIP.

SLIDE 12 Questions

That concludes my testimony, and I stand for questions