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ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND 20.11.63 NMAC, *NEW SOURCE PERFORMANCE STANDARDS FOR STATIONARY SOURCES,* AND 20.11.64 NMAC, *EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY SOURCES,* AND REQUEST UPDATED DELEGATION OF AUTHORITY FROM EPA

AQCB Petition No. 2011-5

Air Quality Division,
Environmental Health Department,
City of Albuquerque, Petitioner

Petition to amend 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, and 20.11.64 NMAC, *Emission Standards For Hazardous Air Pollutants For Stationary Sources*, and request for updated delegation of authority from EPA

1. 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 amend: 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources* by incorporating by reference new and modified New Source Performance Standards published through August 29, 2011, at 40 CFR 60, *New Source Performance Standards* (NSPS); and to amend 20.11.64 NMAC, *Emission Standards For Hazardous Air Pollutants For Stationary Sources* by incorporating by reference new and modified standards published through August 29, 2011, at 40 CFR 61, *National Emission Standards For Hazardous Air Pollutants* (NESHAP), and at 40 CFR 63, *National Emission Standards For Hazardous Air Pollutants By Source Category* (NESHAP by Source Category); and to request updated delegation of authority from EPA to enforce these regulations. This Petition includes a

request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing.

2. 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 Air 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).

3. The AQD is petitioning the Air Board to amend 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources* and 20.11.64 NMAC, *Emission Standards For Hazardous Air Pollutants For Stationary Sources*, for the following reasons:

The Environmental Health Department's Air Quality Division routinely updates these regulations to incorporate federal requirements so that the Division can remain up to date on new and modified standards developed at the federal level. In addition, it is proposed that the EPA update its delegation of authority to the Department, to locally administer and enforce the standards referenced above, throughout Albuquerque and Bernalillo County. Local delegation authorizes the Department to require local air pollution sources to comply with these standards.

4. It is anticipated that the hearing will take approximately 1 hour or less.

5. The proposed Public Review Drafts for 20.11.63 NMAC and 20.11.64 NMAC are attached as AQD Exhibits #1a & #1b respectively.

Respectfully submitted,

Bill Westmoreland, P.E.
Deputy Director
Environmental Health Department
City of Albuquerque
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CERTIFICATION

I hereby certify that a copy of this "Petition to Amend 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources*, and 20.11.64 NMAC, *Emission Standards For Hazardous Air Pollutants For Stationary Sources*, and requesting updated delegation of authority from EPA" was delivered to the following person on August 30, 2011.

Margaret Nieto
Secretary to the Air Quality Control Board
Environmental Health Department
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103

and that a copy was provided to

Bill Grantham, Attorney to the Air Quality Control Board
at bill.grantham@state.nm.us.

Bill Westmoreland
Deputy Director
Environmental Health Department
City of Albuquerque