

# **Petition to Amend 20.11.4 NMAC, *General Conformity* *AQCB Petition No. 2010-5***



# General Conformity Rule

- Clean Air Act Requirement
  - 1) Does not cause or contribute to a new violation of any health-based air quality standard in any area;
  - 2) Does not 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.
- Encourage interagency coordination in review of projects
  - Airport construction or expansion
  - Dredging shipping channels.

# General Conformity Rule Amendments

- On March 24, 2010, the EPA revised their General Conformity Rule, effective July 6, 2010
- Clean Air Act provisions prohibit federal agencies from taking actions that may cause or contribute to violations of the NAAQS
- Update required to comply with federal law

# Changes To General Conformity

- Improves the process to demonstrate that their actions will not contribute to a NAAQS violation
- Provides tools to encourage better communication and air quality planning
- Encourages both to take early actions to ensure projects will conform to the SIP
- 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.

# Changes To General Conformity

- Allows federal facilities expecting future expansion or modifications to negotiate a facility-wide emission budget
- Actions taken that do not exceed these budgets conform to the SIP and do not need a conformity determination

# Changes To General Conformity

- Incorporates an early emission reduction credit program
  - Airport Early Emission Reduction Guidance
  - Provides emission reduction credits that can be used to demonstrate conformity for subsequent actions on the facility

# Changes To General Conformity

- Allows emissions offsets
  - Ozone precursors in an area that does not meet EPA's ground-level ozone standard
    - Oxides of nitrogen and volatile organic compounds

# Changes To General Conformity

- 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



# Changes To General Conformity

- Removes requirements for federal agencies to conduct conformity determinations for “regionally significant” actions
  - Emissions greater than 10 percent of the emissions inventory for a nonattainment area
  - Never shown an action to interfere with attainment or maintenance of a NAAQS

# Changes To General Conformity

- Lists categories of actions that federal agencies can presume to conform
- Allows states to establish “presumed to conform” lists for actions in their state

# Petition To Amend General Conformity

- Amend 20.11.4 NMAC, *General Conformity*, and incorporate an amended 20.11.4 NMAC into the SIP
  - Request for a hearing
  - Court reporter
  - Hearing officer
  - Hearing will take approximately 1 hour or less.

# Petition To Amend General Conformity

## Authority

- New Mexico Air Quality Control Act
  - authorizes and requires the Air Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs)

# Questions?

