

## **Request for Hearing:**

**In The Matter Of The Petition To Amend 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; And 20.11.1 NMAC, *General Provisions*. The Amendments To 20.11.42 NMAC Are Proposed As A Revision To The Title V Operating Permit Program, And The Amendments To 20.11.61 NMAC And 20.11.1 NMAC Are Proposed As A Revision To The New Mexico State Implementation Plan For Air Quality (SIP).**

**AQCB Petition No. 2010-4**

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# Reasons for Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.

- **PSD & Title V GHG Tailoring Rule:**
  - “Tailors” permitting requirements to ensure only the largest sources of GHG-facilities must obtain air permits for GHGs
  - power plants, refineries, cement manufacturing, etc.
- **Timely Application**, has been deleted to conform to 40 CFR 70.5, *Permit Applications*, and 20.2.70 NMAC, *Operating Permits*
- **CAA, PSD and Title V permitting thresholds for criteria pollutants are 100 or 250 TPY**
  - Triggers for criteria pollutant permits too low
- **States and local agencies must adopt amendments by January 2, 2011**
  - Inaction automatically triggers complex new Title V permits or PSD permits

**Reasons for Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.**

**Step 1**

■ **PSD permits:**

- **No new Tailoring Rule permitting actions triggered solely on GHG emissions**
- **Only “anyway” sources must also address GHGs under the Tailoring Rule**
- **Will be subject to PSD requirements only if the sources increase GHG emissions by 75,000 tpy CO<sub>2</sub>e or more**

■ **Title V permits:**

- **Only permitted Title V sources or those that must obtain a new Title V permit for non-GHG pollutants must address GHGs in Step 1**

# **Reasons for Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.**

## **Step 2**

- **PSD permits:**
  - **GHG sources that emit or have potential to emit at least 100,000 TPY CO<sub>2</sub>e will be subject to PSD requirements**
  - **Physical change or a change in the method of operation at a 100,000 TPY CO<sub>2</sub>e source resulting in a net GHG increase of at least 75,000 TPY CO<sub>2</sub>e, the source also will be subject to PSD permitting**
- **Title V permits:**
  - **Sources subject to GHG permitting under Step 1 will continue to be subject to GHG permitting requirements under Step 2**
  - **GHG sources that emit or have potential to emit at least 100,000 tpy CO<sub>2</sub>e will be subject to Title V requirements**

**Reasons for Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions*.**

**Step 3:**

- **PSD and Title V:**
  - **EPA commits to rulemaking by 7/1/12, after soliciting comment on streamlining and exclusion of certain sources**
  - **Step 3 will not require permitting of sources with GHG emissions less than 50,000 tpy CO<sub>2</sub>e before 4/30/16.**

# **Proposed Amendments to 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions***

## **Request for hearing**

- **Proposed amendments 20.11.61 NMAC, *Prevention Of Significant Deterioration*; 20.11.42 NMAC, *Operating Permits*; and 20.11.1 NMAC, *General Provisions***
  - **Amendments to 20.11.42 NMAC will be submitted to EPA as a revision to the Title V Operating Permit Program**
  - **Amendments to 20.11.61 NMAC and 20.11.1 NMAC will be submitted to EPA as a revision to the SIP**

## **Court Reporter & Hearing Officer**

# Proposed Amendments to 20.11.60 & 61 NMAC and Infrastructure SIP

## Authority

- **New Mexico Air Quality Control 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)**

**QUESTIONS?**

