

Request for Hearing:
**In the Matter of the Petition to Incorporate an
Amended Infrastructure SIP For PM2.5 and
Ozone; and to Amend 20.11.60 NMAC, *Permitting
In Nonattainment Areas*, and 20.11.61 NMAC,
Prevention of Significant Deterioration, and Submit
Said Amendments to EPA as Revisions to the SIP**

AQCB Petition No. 2010-1

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Air Quality Division
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Proposed Amendments to 20.11.60 & 61 NMAC and Infrastructure SIP

I. “Infrastructure SIP” Requirements

- Demonstrate ability and authority to implement, maintain, and enforce NAAQS
- SIP elements:
 - Emission limitations; air quality monitoring; enforcement and permitting; interstate transport; resources, conflict of interest, and emergency backstop; stationary source emissions monitoring and reporting; emergency powers and contingency plans; SIP revision for revised air quality standards or new nonattainment areas; consultation and public notification; air quality modeling and reporting; major stationary source permitting fees; and consultation with local entities.

Proposed Amendments to 20.11.60 & 61 NMAC and Infrastructure SIP

II. EPA guidance on compliance with CAA for both the 1997 8-hour ozone and 1997 PM_{2.5} NAAQS

- Air Quality Division utilized guidance documents in three areas:
 1. Interstate Transport SIP

Proposed Amendments to 20.11.60 & 61 NMAC and Infrastructure SIP

II. EPA guidance on compliance with CAA for both the 1997 8-hour ozone and 1997 PM_{2.5} NAAQS.

- o Air Quality Division utilized guidance documents in three areas:

2. “Certification letter”

- “Completeness Findings”

- New Mexico failed to submit a SIP addressing changes to the Part C PSD permit program that made NO_x a precursor for ozone

- Prevention of Significant Deterioration, 20.11.61 NMAC must be amended to correct this deficiency

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II. EPA guidance on compliance with CAA for both the 1997 8-hour ozone and 1997 PM_{2.5} NAAQS.

- Air Quality Division utilized guidance documents in three areas:

3. Earth Justice – Notice of Intent to sue

- EPA entered into Consent Decree
- Air Quality Division has the ability to implement the “Infrastructure SIP”
- Actions satisfy timing requirement under the Consent Decree

Proposed Amendments to 20.11.60 & 61 NMAC and Infrastructure SIP

III. “Completeness Findings” for Section 110(a) SIPs pertaining to PM_{2.5} NAAQS:

- EPA determined New Mexico’s SIP submission complete
- EPA satisfied with Air Quality Division’s basic infrastructure
- Updates to the federal rule language not yet incorporated
 - *Permitting in Nonattainment Areas, 20.11.60 NMAC*
 - *Prevention of Significant Deterioration, 20.11.61 NMAC*

Proposed Amendments to 20.11.60 & 61 NMAC and Infrastructure SIP

IV. Request for hearing

- Proposed amendments to 20.11.60 NMAC, *Permitting in Nonattainment Areas*, and 20.11.61 NMAC, *Prevention Of Significant Deterioration*
- Amended Infrastructure SIP for PM 2.5 and Ozone
- Submittal to EPA as revisions to the SIP

Court Reporter & Hearing Officer

Proposed Amendments to 20.11.60 & 61 NMAC and Infrastructure SIP

V. 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)

A young owl with brown and white mottled feathers is perched on a wooden branch of a palm tree. The owl is looking directly at the camera. The background consists of palm fronds and a clear blue sky. A light blue thought bubble is positioned above the owl, containing the word "QUESTIONS?". The thought bubble is connected to the owl by a series of four smaller circles of the same color.

QUESTIONS?