

**PETITION TO AMEND
20.11.42 NMAC
OPERATING PERMITS, &
UPDATE TITLE V PROGRAM**

AQCB Petition No. 2009-2

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Proposed Amendments

I. Change definition of "Major Source"

- Limit number of sources required to count fugitive emissions as part of their 'total emissions'
- Only source categories subject to NSPS and NESHAPs promulgated on or before August 7, 1980
- Excluded sources covered under 'synthetic minor' permit system/program, 20.11.40 NMAC, *Source Registration*.

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Proposed Amendments

II. Delete: "Existing major sources, which are not required to have a permit under 20.11.41 NMAC" [Paragraphs 20.11.42.2.D. (1) & (2) NMAC]

- Designed to capture "grandfathered" major sources
- All major sources have been permitted
- Language is not codified within 40 CFR Part 70.

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Proposed Amendments

III. Align language in 20.11.42 NMAC with federal language in 40 CFR Part 70, *State Operating Permit Programs*

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Proposed Amendments

IV. Correct style and formatting.

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Request

- Hearing before Albuquerque-Bernalillo County Air Quality Control Board (Board) to amend 20.11.42 NMAC, *Operating Permits*
- Submit proposed amendments to EPA as an update to the AQD Title V program
- Provide a court reporter & hearing officer

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Authority

- 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 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).

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