

**Petition To Amend The *Section 309*
Regional Haze State Implementation
Plan Element: Albuquerque - Bernalillo
County, New Mexico, And Incorporate
Said Amendments Into The New Mexico
State Implementation Plan (SIP) For Air
Quality**

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Petition To Amend *Regional Haze SIP*

- ✿ **§ 309 Regional Haze Rule (RHR) July 1, 1999**
- ✿ **40 CFR 51, Appendix V Preparation, Adoption and Submittal of SIPs**
- ✿ **Air Board hearings October 8 and November 12, 2003**
- ✿ **Air Board adopted initial Regional Haze SIP on November 12, 2003.**

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- U.S. Court of Appeals vacated RHR
- EPA's BART determination inconsistent with CAA [American Corn Growers Association vs. EPA]
- EPA finalized rule July 6, 2005
- U.S. Court of Appeals granted petition challenging Annex Rule [CEED vs. EPA]
- EPA revisions to RHR governing alternative trading programs August 2005
- EPA final rule effective December 12, 2006
- Amended Local Regional Haze SIP adopted August 13, 2008.

Reasons for Proposed Amendments to *Regional Haze SIP*

- ❖ 2010 technical issues concerning SO₂ trading program
- ❖ States - 2018 SO₂ milestone of 234,624 tons satisfies requirements and achieves greater reasonable progress than BART
- ❖ EPA - proposed 2018 milestone did not satisfy § 51.309(d)(4), and therefore, revised milestones
- ❖ Regional Haze SIP, PRD 2/22/2011
- ❖ Arizona changed from a “309” to a “308” program

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- 🚀 20 years of work to improve visibility at Class I Areas
- 🚀 Grand Canyon Visibility Transport Commission and WRAP
- 🚀 Consensus agreement to improve visibility
- 🚀 Implementing strategies for 7 years
- 🚀 Delayed due to challenges to BART


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- ❖ AZ & OR § 308 regional haze rule
- ❖ 2006 Base year for the milestones
- ❖ New source growth estimates for utilities 2,600 tons of SO₂
- ❖ Power plants subject to BART meet presumptive emission rate of 0.15 lb/MMBtu
- ❖ Headroom/uncertainty factor is no longer needed.
- ❖ Tribal set-aside of 2,500 allowances
- ❖ Renewable energy credit no longer included
- ❖ Proposed 2018 milestone 60% reduction in SO₂ emissions

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 Request

 Hearing

 Court reporter

 Hearing Officer

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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?