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Mr. Michael Feldman
Chief, SO₂ and Regional Haze Section
State Planning and Implementation Branch
Air and Radiation Division (AR)
U.S. Environmental Protection Agency, Region VI
1201 Elm St, Suite 500
Dallas, TX 75270

SUBJECT: Negative Declaration for the Presence of Incinerators Subject to 40 CFR Part 60 Subpart DDDD, Emission Guidelines for Commercial & Industrial Solid Waste Incineration (CISWI) Units in New Mexico

Dear Mr. Feldman,

Under Section 111(d) of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) published regulations at 40 CFR Part 60, Subpart B which requires states to submit plans to control emissions of designated pollutants from designated facilities. If a state does not have a designated facility subject to a specified emission guideline located within its boundaries, EPA regulations require that a negative declaration be submitted in lieu of a control plan for that emission guideline.

EPA promulgated Standards of Performance for New Stationary Sources (NSPS) and Emission Guidelines (EG) for Existing Sources: Commercial and Industrial Solid Waste Incineration (CISWI) Units on December 1, 2000, codified at 40 CFR Part 60, Subparts CCCC and DDDD, respectively (65 FR 75338). Thus, states were required to submit a State plan, or a negative declaration letter in place of the State plan, for existing incinerators subject to the OSWI EG pursuant to sections 111(d) and 129 of the Clean Air Act and 40 CFR Part 60, Subpart B. The CISWI NSPS and EG apply to existing CISWI units and existing air curtain incinerators (ACIs) at commercial and industrial facilities. On March 21, 2011, EPA promulgated a revised NSPS and EG (76 FR 15704) with further amendments to these rules promulgated in 2013 (78 FR 9112), 2016 (81 FR 40956) and 2019 (84 FR 15846).

The New Mexico Environment Department (NMED) submitted a negative declaration on June 27, 2018 for the state of New Mexico (excluding Bernalillo County and Tribal Lands). EPA has requested that NMED submit an additional letter that further specifies that New Mexico does not have any ACIs subject to Subpart DDDD. The three clean burning ACIs in New Mexico located at commercial and industrial facilities do not meet the definition of a CISWI unit under the subpart (40 CFR 60.2810(b)) and did not commence construction on or before June 4, 2010, nor commence reconstruction or modification on or before August 7, 2013.

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The three clean burning ACIs under the jurisdiction of NMED were constructed in 2016 as indicated below:

1. Hidden Lake Development Wildfire Protection; Angel Fire; ID# 37566; T22 Burn Boss installed August 16, 2016; Only subject to NSPS EEEE, not subject to EG FFFF, NSPS CCCC, or EG DDDD.
2. South Central Mountain Resource Conservation; Ruidoso; ID# 38007; T22 Burn Boss installed October 2016; Only subject to NSPS EEEE, not subject to EG FFFF, NSPS CCCC, or EG DDDD.
3. Village of Taos; Taos; ID# 37293; T22 Burn Boss installed 2016; Only subject to NSPS EEEE, not subject to EG FFFF, NSPS CCCC, or EG DDDD.

Therefore, this letter reiterates and clarifies NMED's previous negative declaration for the purposes of 40 CFR Part 60, Subpart DDDD. In the area where NMED has jurisdiction over air quality, there are no incinerators subject to the CISWI EG at 40 CFR Part 60, Subpart DDDD.

Should you have any questions regarding this matter, please do not hesitate to contact Neal Butt of my staff at (505) 476-4317.

Sincerely,

Elizabeth Bisbey-Kuehn
Bureau Chief
Air Quality Bureau
New Mexico Environment Department

Cc: Guy Donaldson, Chief, State Planning and Implementation Branch, Air and Radiation Division, U.S. EPA Region VI
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