

NEW MEXICO ENVIRONMENT DEPARTMENT
Notice of Opportunity for Public Hearing and Comment
New Mexico's Proposed Infrastructure Certification for
the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

The New Mexico Environment Department ("NMED") announces an opportunity to comment on or request a public hearing on a proposed certification that New Mexico has an adequate, federally-approved State Implementation Plan ("SIP") that addresses elements of a Clean Air Act ("CAA") Section 110(a)(2) infrastructure plan ("iSIP"), as applicable to the 2010 NO₂ National Ambient Air Quality Standards ("NAAQS"). Specifically, NMED addresses Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The purpose of the proposed certification is to confirm to the U.S. Environmental Protection Agency ("EPA") that the State of New Mexico has the required "infrastructure" in place under the current SIP to implement, maintain, and enforce the revised 2010 NO₂ NAAQS and fulfills its "good neighbor" obligations under the CAA.

Legislative authority for New Mexico's air quality program is codified in Chapter 74, Environmental Improvement, of the New Mexico Statutes, which gives the New Mexico Environmental Improvement Board and NMED the authority to implement the CAA in New Mexico, excluding Albuquerque/Bernalillo County which is under the jurisdiction of a local board and agency, and Tribal Lands. The proposed certification was developed by NMED to comply with the requirements contained in Section 110 of the CAA and 40 CFR Part 51, *Requirements for Preparation, Adoption, and Submittal of Implementation Plans*. The proposed certification does not adopt or amend any regulations; therefore, it is not subject to the mandatory public hearing requirement of NMSA 1978 Section 74-2-6, *Adoption of Regulations; Notice and Hearings*. However, a hearing may be requested as described below.

New Mexico's proposed *Good Neighbor State Implementation Plan Certification for the 2010 NO₂ NAAQS* is available for a 30-day public comment period. Submission of comments on the proposed certification may be written or oral. All comments must be received by May 17, 2021. All public comments received during the comment period will be evaluated and responded to as appropriate by NMED prior to submission of the final certification to EPA. If a request for a public hearing is received during the 30-day public comment period, a hearing date, time and location will be announced at a later date, in accordance with 20.1.1 NMAC – *Rulemaking Procedures – Environmental Improvement Board*, including an additional public comment period. Upon completion of the 30-day public comment period and the hearing, if requested, all documents included in New Mexico's Good Neighbor State Implementation Plan Certification for the 2010 NO₂ will be submitted to EPA to be included in the New Mexico SIP.

The proposed certification may be reviewed during regular business hours at the NMED Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico, 87505-1816. A full text of NMED's proposed certification is also available on NMED's web site at <https://www.env.nm.gov/air-quality/proposed-regs/>.

Written comments, requests for copies and/or public hearing requests regarding the proposed certification should be submitted via email, mail, or fax to:

New Mexico Environment Department
ATTN: Robert Spillers, Air Quality Bureau

525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505
robert.spillers@state.nm.us
(Office): (505) 476-4324
(Fax): (505) 476-4375

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker
NMED Non-Discrimination Coordinator
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2054 nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to an NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at to <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.