



NEW MEXICO ENVIRONMENT DEPARTMENT



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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 FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration (OSWI) Units in New Mexico

Dear Mr. Feldman,

Under Section 111(d) of the Clean Air Act (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: Other Solid Waste Incineration (OSWI) Units on December 16, 2005, codified at 40 CFR Part 60, Subparts EEEE and FFFF, respectively (70 FR 74870). 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 OSWI EG apply to existing OSWI units as defined under 40 CFR 60.3078 and air curtain incinerators (ACIs) as described under 40 CFR 60.2994(b).

The New Mexico Environment Department (NMED) submitted a negative declaration on October 11, 2007 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 the OSWI EG at Subpart FFFF. The three clean burning ACIs in New Mexico do not meet the definition of an OSWI unit under the subpart (40 CFR 60.2994(b)) and did not commence construction on or before December 9, 2004, nor commenced reconstruction or modification before June 16, 2006.

The three clean-burning ACIs within 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.

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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 FFFF. In the area where NMED has jurisdiction over air quality, there are no existing incinerators subject to the OSWI EG at 40 CFR Part 60, Subpart FFFF.

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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