

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED 20.2.101 NMAC –
CARBON DIOXIDE EMISSION STANDARDS FOR COAL-FIRED ELECTRIC GENERATING
FACILITIES, EIB 22-28 (R)

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing beginning at 9:00 a.m. on October 26, 2022, and continuing through October 28, 2022, to consider the matter of EIB 22-28 (R), proposed new regulations at 20.2.101 NMAC – *Carbon Dioxide Emissions Standards for Coal-Fired Electric Generating Facilities* ("Part 101"). The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days with a third day to be reserved for deliberations.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held, subject to COVID-19 health precautions and any emergency health orders that may be in effect, at the San Juan College Information Technology Building, Room 7103, 4601 College Blvd., Farmington, NM 87402. Information and instructions on how to join the hearing virtually will be available no later than August 23, 2022 on the Board's webpage at the following link: <https://www.env.nm.gov/opf/docketed-matters/>. Meeting and access details will also be available on the New Mexico Environment Department ("NMED") calendar at <https://www.env.nm.gov/events-calendar/>, on the calendar entry corresponding to the hearing start date. All interested persons may submit comments to the Board Administrator through the conclusion of the hearing via email at pamela.jones@state.nm.us.

If you have difficulties joining the meeting, please contact Pamela Jones at (505) 660-4305 or Madai Corral at (505)-490-5803.

The purpose of the public hearing is for the Board to consider and take possible action on a petition by the New Mexico Environment Department ("NMED") requesting the Board to adopt a new regulation at 20.2.101 NMAC. The requested action is mandated pursuant to the New Mexico Air Quality Control Act at Subparagraph (b) of Paragraph (1) of Subsection (B) of Section 74-2-5 NMSA 1978, which requires the Board to adopt standards of performance that limit carbon dioxide emissions to no more than one thousand one hundred pounds per megawatt-hour on and after January 1, 2023 for coal-fired electric generating facilities with an original installed capacity exceeding three hundred megawatts. The proposed regulations would reduce emissions of carbon dioxide emissions from such coal-fired electric generating facilities located in areas of the State within the Board's jurisdiction.

The proposed regulations and related information, including technical information, may be reviewed on NMED's web site at <https://www.env.nm.gov/air-quality/proposed-regs>; during regular business hours at the NMED Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505; or by contacting the Air Quality Bureau at (505) 476-4300.

Comments on the proposed regulations may be submitted to NMED no later than September 26, 2022, via NMED's electronic comment portal at <https://nmed.commentinput.com/comment/search#>; via email to robert.spillers@state.nm.us; or via traditional mail to the NMED Air Quality Bureau at the address above.

Comments may be submitted directly to the Board through the conclusion of the hearing as described below.

The hearing will be conducted in accordance with the Board's Rulemaking Procedures at 20.1.1 NMAC; the New Mexico Environmental Improvement Act at NMSA 1978, Section 74-1-9; the New Mexico Air Quality Control Act at NMSA 1978, Section 72-2-6; and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing; to introduce exhibits; and to examine witnesses. Persons wishing to present technical testimony must file a written Notice of Intent to present technical testimony with the Board. The requirements for a Notice of Intent can be found at 20.1.1.302 NMAC. Notices of Intent to present direct technical testimony must be received by the Board no later than 5:00 pm on September 14, 2022. Notices of Intent to submit rebuttal technical testimony must be received by the Board no later than 5:00 pm on October 12, 2022. All Notices of Intent should reference the name of the regulation (20.2.101 NMAC – *Carbon Dioxide Emission Standards for*

Coal-Fired Electric Generating Facilities); the date of the hearing (October 26, 2022); and the docket number (EIB 22-28 (R)). Notices of Intent to present technical testimony should be submitted to:

Pamela Jones, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Tel (505) 660-4305
Fax (505) 827-2836
email: pamela.jones@state.nm.us

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony.

A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, must file such statement with the Board prior to the close of the hearing. To file a written statement via email, send the statement to pamela.jones@state.nm.us.

The Board may continue the hearing beyond the expected conclusion date, leaving the hearing record open and continuing to receive comments. Notice of continuation will be posted on the Board's and NMED's website. Additionally, the Board may make a decision on the proposed rule immediately at the conclusion of the hearing, or the Board may convene a meeting at a later date after the hearing to consider action on the proposed rule.

Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones no later than October 16, 2022 at (505) 660-4305 or pamela.jones@state.nm.us. TDD or TDY users please access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779; TTY users: 1-800-659-8331).

STATEMENT OF NON-DISCRIMINATION: 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. Parts 5 and 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, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

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