

STATE OF NEW MEXICO BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED AMENDMENTS TO 20.2.77 NMAC, 20.2.78 NMAC, and 20.2.82 NMAC

EIB No. 23-52(R)

Air Quality Bureau Environmental Protection Division New Mexico Environment Department,

Petitioner

NEW MEXICO ENVIRONMENT DEPARTMENT'S NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

Pursuant to 20.1.1.302 NMAC, the Air Quality Bureau ("Bureau") within the Environmental Protection Division ("Division") of the New Mexico Environment Department ("Department") files this Notice of Intent to Present Technical Testimony for the hearing in the above captioned matter currently scheduled for November 17, 2023, and and submits to the Environmental Improvement Board ("EIB") the following:

- 1. Entity for whom the witnesses will testify: The New Mexico Environment Department
- 2. Identity of witnesses:
 - a. Armando Paz, Environmental Analyst, NMED Air Quality Bureau, 2301 Entrada Del Sol, Las Cruces, NM 88001. A copy of Mr. Paz's direct testimony is attached as Exhibit NMED 3 and copy of Mr. Paz's resume is attached as Exhibit NMED 1. Mr. Paz's testimony is estimated to last approximately thirty minutes.
 - b. Kirby Olson, Planning Section Chief, Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505. A copy of Ms. Olson's resume is attached as Exhibit NMED 2. Ms. Olson is not presenting direct testimony, but will be

AQB-23-52(R) NMED's Notice of Intent Page 1 of 3 available to answer larger programmatic and policy questions from the hearing officer and members of the public.

3. **List of Exhibits:** A list of exhibits and Exhibits 1 – 15 that the Department intends to offer into evidence in this matter are attached to this Notice. The Department reserves the right to introduce and move for admission of any other exhibit in support of rebuttal or additional direct testimony at the hearing.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT OFFICE OF GENERAL COUNSEL

Christopher J. Digitally Christopher J. Vigil

Digitally signed by Christopher J. Vigil Date: 2023.10.27 14:51:33 -06'00'

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Statement of Intent to Present Technical Testimony was served by email on the following on October 27, 2023:

Nicholas R. Maxwell P.O. Box 1064 Hobbs, New Mexico, 88241 inspector@sunshineaudit.com

Pam Jones Board Administrator pam.jones@env.nm.gov

Emily Bowen Board Counsel ebowen@nmag.gov

/s/Chris Vigil
Chris Vigil
Assistant General Counsel
New Mexico Environment Department

NMED	Title of Exhibit	Source
Exhibit		
#		
1	Resume of Armando Paz	Personal Resume of Armando Paz
2	Resume of Kirby Olson	Personal Resume of Kirby Olson
3	Written Testimony of Armando Paz	Prepared by NMED
4	Proposed Amendments to 20.2.77 NMAC	Prepared by NMED
5	Proposed Amendments to 20.2.78 NMAC	Prepared by NMED
6	Proposed Amendments to 20.2.82 NMAC	Prepared by NMED
7	Table of Relevant Federal Register Notices with	Prepared by NMED
	Brief Explanations of Each and Hyperlinks to	
	Federal Register Notices Relevant to	
	Amendments	
8	Table of the Number of Facilities Potentially	Prepared by NMED
	Affected by the Federal Regulation Changes	
9	1985 Delegation of Authority Letter (NSPS and	Letter from the U.S. EPA Regional
	NESHAP)	Administrator to the New Mexico
		Governor, March 15, 1985
10	1995 Delegation of Authority Letter (MACT)	Letter from the U.S. EPA Acting
		Regional Administrator to the
		Secretary of NMED, July 27, 1995
11	Affidavits of Publication for New Mexico	New Mexico commission of Public
	Register and Albuquerque Journal (English and	Records and the Albuquerque Journal
	Spanish)	
12	Notice of Rulemaking Hearing Sent to Air	Prepared by NMED
	Quality Bureau Listserv and Posted on the Public	
	Notices Webpage	
13	Letter to Small Business Regulatory Advisory	Letter prepared by NMED
	Commission, dated 09/12/23.	
14	Clean Air Act, §§ 111(c) and 112(l) (42 U.S.C. §§	Excerpts from the United States
	7411 and 7412)	Code, compiled by NMED
15	Statement of Reasons	Prepared by NMED

Armando Paz

EDUCATION

New Mexico State University Las Cruces, NM Graduated August 2005

Major: Bachelor of Science in Environmental and Occupational Health

Minor: Environmental Management

WORK EXPERIENCE

Environmental Analyst – Control Strategies, Air Quality Bureau, New Mexico Environment Department, Las Cruces, NM; April 22, 2019 – Current Date

- Draft and submit exceptional events demonstrations to the Environmental Protection Agency for exceedances of the National Ambient Air Quality Standards for particulate matter less than 10 microns in aerodiameter (PM₁₀) due to high wind blowing dust events.
- Revise the State Implementation Plan for New Mexico's portion of the El Paso-Las Cruces Marginal Ozone Nonattainment Area (Emission Inventories, Emission Statement, and 179B Demonstration) to comply with the Clean Air Act.
- Work with stakeholders to implement the Dust Mitigation Plan for the Doña Ana and Luna Counties high wind blowing dust events.
- Represent New Mexico as a committee member of the Joint Advisory Committee for the Improvement of Air Quality in the Paso del Norte Air Basin.
- Perform and assist with rulemaking activities based on bureau directives and needs.

Environmental Specialist/Scientist – Environmental Health Bureau, New Mexico Environment Department, Las Cruces, NM; April 10, 2006 – April 19, 2019

- Permitted and conducted compliance inspections for food service establishments, onsite liquid waste systems, and public swimming pools.
- Designated assignments to colleagues within the field office to help maintain statutory timelines and efficiency based on workloads.
- Enforced inspection findings based on high-risk public health factors
- Worked with partner state and federal agencies (New Mexico Department of Health and Food and Drug Administration) to facilitate disease outbreak response and product recall investigations.
- Assisted other agencies, bureaus, and field offices with emergency response incidents.

Experience Highlights: Ten years of experience in air quality permitting and regulatory development including 4.5 years of experience managing the Major Sources Permitting Program. Ten years of experience as an environmental consultant analyzing environmental data and writing investigation reports for facilities regulated under RCRA Hazardous Waste Regulations. Five years' experience with Hazardous Waste Bureau of the New Mexico Environment Department reviewing corrective actions and investigation reports submitted under RCRA regulations. One year of experience in development of air quality regulations for New Mexico. Two years' experience investigating chemical spills and analyzing Toxic Release Inventory data for the State of Georgia. Ph.D. in biological oceanography from the Massachusetts Institute of Technology/Woods Hole Oceanographic Institution Joint Program.

NMED Air Quality Bureau, Planning Section Chief (A/O II)

Start Date: 12-10-2022

End date: current position

525 Camino de Los Marquez, Santa Fe, NM 87505

I manage the Planning Section of the Air Quality Bureau. The Planning Section develops updates to state air quality regulations, new state air quality regulations, and revisions to the Sate Implementation Plan (SIP). The Planning Section also contains the air dispersion modeling group and the Small Business Assistance Program. I supervise the managers for each of these three sections and ensure that projects are completed by their deadlines, are technically correct, and meet all the requirements for hearings and submittals to US EPA.

NMED Air Quality Bureau, Major Sources Permitting Program Manager (A/O I)

Start Date: 8-11-2018

End date: 12-09-2022

525 Camino de Los Marquez, Santa Fe, NM 87505

I manage the air permitting program for all major sources in New Mexico. I review and edit all the operating (Title V) and NSR (construction) permits for over 150 major source facilities. I directly supervise two ESS-Supervisors and review the work of six ESS-A positions. I am also responsible developing guidance and policy for the permitting section. I meet with representatives from industry to guide them through the application process and explain how the Clean Air Act and state regulations apply to their proposed projects.

NMED Air Quality Bureau, ESS-A

Start Date: 12-20-2014

End date: 8-10-2018

525 Camino de Los Marquez, Santa Fe, NM 87505

As an ESS-A with the Major Sources permitting section I reviewed complex calculations of air emissions, evaluated equipment and emissions for compliance with state regulations and the Clean Air Act, wrote the operating and construction permits for facilities, and worked with applicants to ensure they understood the regulations. I also trained new permit writers in procedure and how to write permits.

Senior Process Engineer, iBeam Materials, Inc:

Start Date: 2-24-2012

End date: 12-14-2014

2778A Agua Fria St. Santa Fe, NM 87507

In this position I oversaw development and laboratory production of substrates for new superconductors. I was responsible for ordering laboratory supplies, laboratory experiments to develop new materials, and disposal of hazardous waste. I also wrote reports on research results for funding agencies. I worked 16-32 hrs/wk depending on project needs.

Part Time Risk Assessor, Portage Inc:

Start Date: 5-23-2011

End date:12-12-2014

1075 S Utah Ave Suite 200 Idaho Falls, ID 83402

As Human health risk assessor and ecological risk assessor I delineated extent of contamination and soil/water cleanup levels for numerous sites, including PCBs in an aquatic site at Tyndall Air Force Base in Florida. I also wrote and reviewed human health and ecological risk assessments for numerous sites, including soil and water areas at a uranium mine (Ross Island, Alaska). In this position I worked 10-20 hrs/k as needed for projects

Senior Risk Assessor, Portage Inc.

Start Date: 5-14-2007

End date: 6-18-2010

146B Eastgate DR, Los Alamos, NM 87544

I conducted numerous human health and ecological risk assessments for RCRA/CERCLA sites throughput the US, including Los Alamos National Laboratory and DOE's uranium production facility at Paducah. KY. I headed a work group to update human health and wildlife risk assessment guidance that included EPA representatives, state regulators, and DOE. I developed screening/cleanup levels for soil and water for chemical and radionuclides. I also developed plans for sampling and cleanup of contaminated sites. I supervised a staff of 3 employees developing reports of extent of contamination and requirements for remediation of sites.

Human Health and Ecological Risk Assessor, Neptune and Company Inc.

Start Date: 3-10-2003

End date: 4-30-2007

1505 15th St. Suite B, Los Alamos, NM 87544

I analyzed and interpreted data on contamination in soil and water for ten sites and wrote RCRA investigation reports for each site. These reports included determining distribution of contaminants, calculating exposure concentrations for humans and wildlife species, and comparisons of contaminant concentrations to regulatory standards and levels of concern. I worked on sites for Los Alamos National Laboratory, a naval base in San Francisco, and Cerrillos Hills State Park in NM. I developed Excel spreadsheets to calculate risks to humans and wildlife at contaminated sites. I supervised one employee assisting me with writing site investigation reports. Part of my work was also to interpret the results of field studies of effects of soil and water contamination on plants and animals in two canyon systems (Mortandad and Pajarito Canyons in Los Alamos) and write report summarizing the results and findings. These field studies included effects on aquatic insects in ephemeral streams in Los Alamos, NM.

Human Health and Ecological Risk Assessor, NMED Hazardous Waste Bureau

Start Date: 6-27-1998

End date: 3-7-2003

2905 Rodeo Park Dr East Bldg 1, Santa Fe, NM 87505

I reviewed over 20 site investigation and risk assessment reports for contaminated sites under RCRA (technical documents are very similar to CERCLA). These sites evaluated included DOE National Labs, military bases, and private industrial facilities. I developed screening and cleanup levels based on human health and ecological risk for chemicals, Total Polycyclic Aromatic Hydrocarbons (TPH), and radionuclides. I headed a multi-agency workgroup (EPA, CDC, NMED, DOE, NM Dept of Health, Pueblos,

and citizen advocacy groups). I presented result of that workgroup risk assessment at public meetings and developed press release for media.

ESS-A Air Quality Bureau

Start Date: 5-1-1997

End date: 6-26-1998

2048 Galisteo St, Santa Fe, NM 87504

In this position I drafted new air quality regulations for New Mexico, including research of regulations, public outreach, and presented testimony before the Environmental Improvement Board on technical issues related to the regulations.

Georgia DNR Environment Protection Division

Start Date: 5-16-1994

End date: 6-28-1996

7 Martin Luther King Jr Drive, Suite 439, Atlanta, GA 30334

My job involved emergency spill response: traveling to spill site to document release, issue fines for regulations, and direct cleanup of sites. My position also involved compiling data and authoring state report for Toxic release Inventory (TRI) of routine chemical releases throughout Georgia. I developed a toxicity index to better explain risks of releases to public. I also conducted interviews with media as well as working with responsible parties to cleanup spills/releases of chemicals.

Postdoctoral Fellow, Georgia State University

Start Date: 1-2-1991

End date: 12-31-1993

Georgia State University, University Plaza, S.E. Atlanta, GA 30303

As a postdoctoral researcher, I carried out several hundred laboratory biochemical assays of the binding of radioactive amino acids to sensory tissues in the Florida lobster. I authored three scientific papers published in peer-reviewed scientific journals. I planned and lead three field expeditions to collect tissue from Florida lobsters for laboratory work (2000-10,000 samples collected per expedition).

EDUCATION:

Doctorate degree in Biological Oceanography awarded - 2/1991

Massachusetts Institute of Technology and Woods Hole Oceanographic Institution Join Program,

Cambridge and Woods Hole, MA US

Doctoral research on Maine lobsters involved fishery culturing of lobsters in lab including maintaining breeding stock, preparing feed, culturing animals through 4 larval stages to adult lobsters

Bachelor's Degree in Biology with Honors awarded- 5/1984

Eckerd College, St. Petersburg, FL US

Bachelor's thesis on sampling and analyzing concentrations of heavy metals in Florida mullet

STATE OF NEW MEXICO BEFORE THE ENVIRONMENTAL IMPRPOVEMENT BOARD

IN THE MATTER OF PROPOSED AMENDMENT TO AIR QUALLITY REGULATIONS 20.2.77, 20.2.78, and 20.2.82 NMAC EIB 23-52 (R)

WRITTEN TESTIMONY OF ARMANDO PAZ

1	Witness	Qualifications:	
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- 3 Armando Paz is an Environmental Analyst in the Control Strategies Section of the New Mexico
- 4 Environment Department ("NMED" or "Department") Air Quality Bureau ("Bureau"). He has
- 5 worked in the Bureau since May 2019 in the Las Cruces Field Office. Mr. Paz helps implement
- 6 the Dust Mitigation Plan for southern Doña Ana and Luna Counties, including submitting annual
- 7 Exceptional Events Demonstrations to the U.S. Environmental Protection Agency (EPA) for
- 8 PM₁₀ exceedances of the National Ambient Air Quality Standard due to natural sources of
- 9 windblown dust. He revises the State Implementation Plan (SIP) for the New Mexico portion of
- the El Paso-Las Cruces TX-NM Ozone Nonattainment Area to meet federal Clean Air Act
- 11 (CAA) requirements. Mr. Paz is a committee member representing the Bureau on the Joint
- 12 Advisory Committee for Improving Air Quality in the Paso del Norte Air Basin. He also
- formerly worked as an Advanced Environmental Health Scientist for thirteen years for NMED's
- 14 Environmental Health Bureau administering regulations for the food safety and sanitation, on-
- site liquid waste and public swimming pool programs. Mr. Paz holds a Bachelor of Science
- degree in Environmental and Occupational Health with a minor in Environmental Management
- from the New Mexico State University. His resume is attached as Exhibit NMED 1.

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I. Proposed Amendments

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The Bureau proposes amendments to the following air quality regulations codified in the New Mexico Administrative Code ("NMAC"):

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- 20.2.77 NMAC New Source Performance Standards ("Part 77" or "NSPS")
- 20.2.78 NMAC Emission Standards for Hazardous Air Pollutants ("Part 78" or "NESHAP")
 - 20.2.82 NMAC Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants ("Part 82" or "MACT").

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Copies of the proposed amendments are included as Exhibits NMED 4 through 6. These rules are federally enforceable but are not part of the SIP because they are developed under a different section of the CAA. Therefore, these amendments are added through the process of incorporation by reference instead of through the SIP revision process.

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CAA Section 111 requires the EPA to promulgate standards of performance for new stationary sources. [42 U.S.C. § 7411] Regulations promulgated under this authority are known as NSPS

and are found at Title 40 of the Code of Federal Regulations (40 CFR) Part 60. CAA Section 112
 requires the EPA to promulgate regulations governing hazardous air pollutants. [42 U.S.C. §
 7412] Regulations promulgated under this section are known as NESHAP found at 40 CFR Part
 61; and MACT standards, found at 40 CFR Part 63.

CAA Section 112(l)(5) provides for delegation of authority to states to implement and enforce the standards. [42 U.S.C. § 7412(l)(1)]

Adoption of performance and emissions standards is authorized by the Air Quality Control Act ("AQCA"), provided by Subsection (D) of Section 74-2-5 NMSA 1978:

"Rules adopted by the environmental improvement board or the local board may: ...(2) prescribe standards of performance for sources and emission standards for hazardous air pollutants that shall be at least as stringent as required by federal standards of performance;..."

Due to a 2021 legislative amendment, the statutory authority reference will be amended to the applicable Subsection (D) of Section 74-2-5 NMSA 1978 from the no longer applicable Subsection (C) of Section 74-2-5 NMSA 1978 in Section 3 of Parts 78 and 82. The Subsection (A) of Section 74-1-8 NMSA 1978 reference will be correctly reformatted in Section 3 of Part 78.

Periodic updates to the incorporation by reference of the federal standards is required to ensure that New Mexico's standards comply with all provisions of Subsection (A) of Section 74-1-8 NMSA 1978 and Subsection (D) of Section 74-2-5 NMSA 1978. The proposed amendments to Parts 77, 78 and 82 include NSPS, NESHAP and MACT rules published in the Federal Register from January 16, 2017 to June 28, 2023. To accomplish this periodic update to the incorporation by reference, "through" dates have been changed in several sections of each proposed rule. A table of relevant Federal Register notices, with brief explanations for each action with a breakdown as either a revision or new rule, affirmative defense exclusion provision, a correction, or a residual risk and technology review is included as Exhibit NMED 7. A table listing an estimate of the number of facilities that may be affected by these federal rule changes is included as Exhibit NMED 8.

The vacated affirmative defense exclusion provisions were the result from a petition for rulemaking by the Sierra Club filed with the EPA Administrator on June 30, 2011 that concerns how provisions in EPA-approved SIPs treat excess emissions during periods of startup, shutdown or malfunction (SSM). The June 12, 2015 SIP Call was prompted from evaluating New Mexico's existing SIP provisions for consistency with the EPA's interpretation of the CAA and found the provisions substantially inadequate (80 FR 33840-33975). On September 9, 2016, New Mexico removed the existing substantially inadequate affirmative defense-related provisions from the SIP and retained the provisions, that were approved by EPA on September 14, 2009 (74 FR 46910), as "state-only" regulations that are not federally enforceable.

The CAA requires EPA to regulate Hazardous Air Pollutants (HAPs) from categories of industrial facilities in two phases. The first phase is the "technology based" phase, where EPA

- develops standards for controlling the emissions of HAPs from sources in an industry group. 1
- These MACT standards are based on emissions levels that are already being achieved by the 2
- best-controlled and lowest emission sources in an industry. Within eight years of setting the 3
- 4 MACT standards, the CAA directs EPA to assess the remaining health risks from each source
- category to determine whether the MACT standards protect public health with an ample margin 5
- of safety and protect against adverse environmental effects. This second phase is a "risk based" 6
- approach called residual risk which allows for EPA to determine whether more health protective 7
- standards are necessary requiring a revision of the standards, if necessary, to account for 8
- improvements in air pollution controls or prevention. Since the SIP Call was issued by EPA in 9
- 2015, all the residual risk and technology review actions have the affirmative defense exclusion 10
- provisions incorporated into the final rulings. 11

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II. **Effect of Incorporation**

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- Under the CAA, the delegation of authority may be granted to the states to implement and enforce the NSPS, NESHAP, and MACT standards. The EPA, however, retains the authority to
- 17 enforce the standards directly. See CAA Sections 111(c) and 112(1)(5) (Exhibit NMED 14). New
- Mexico has sought and obtained implementation authority. The EPA initially delegated 18
- authority to New Mexico for NSPS and NESHAP programs on March 15, 1985 in a letter to the 19
- 20 governor (Exhibit NMED 9). The EPA initially delegated authority to New Mexico to implement
- and enforce the MACT program on July 27, 1995 (Exhibit NMED 10). The latest date of EPA 21
- approval of NMED requested date changes for all three rules was April 13, 2018. NMED 22
- periodically requests that the Environmental Improvement Board ("Board") updates the date of 23
- incorporation in the NMAC to include new rules and amendments made to the federal 24
- regulations. Implementation and enforcement of the standards by the Department are more 25
- 26 efficient and effective than reliance on federal implementation and enforcement. Department
- personnel develop permit conditions for new and modified sources and conduct periodic 27
- inspections to ensure compliance. Therefore, the Department is well-positioned to ensure 28
- compliance through enforcing the applicable source requirements. While the EPA retains 29
- oversight authority through the Region 6 office in Dallas, they do not have the staff and 30
 - resources for adequate implementation. Generally, both the EPA and the regulated community prefers that the Department implement and enforce the NSPS and NESHAP regulations.

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III. **Outreach**

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- Initial outreach commenced on September 12, 2023, with a notice to the Bureau's regulatory listserv announcing the proposed incorporation by reference of federal NSPS, NESHAP and
- 37 MACT amendments (Exhibit NMED 12). Notice of the proposed amendments was also 38
- published on the Department public notice website at that time. Public notice was published in 39
- the Albuquerque Journal, in English and Spanish, and the New Mexico Register on September 40
- 12, 2023 (Exhibit NMED 11). The public notice included an option to request an informational 41
- 42 Open House; however, no requests were received.

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IV. **Proposed Changes to Part 77 (Exhibit NMED 4)**

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- 1 The Board first adopted NSPS by reference in 1984 and are contained in 40 CFR Part 60. The
- 2 Department proposed that 20.2.77 NMAC be amended to incorporate by reference the federal
- 3 NSPS requirements promulgated by the EPA from January 16, 2017 to June 28, 2023. This
- 4 involves revising the "as amended through" date to June 28, 2023 in Sections 2 and 9. There are
- 5 thirty three (33) new or amended NSPSs during this period that are proposed for incorporation.

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V. Proposed Changes to Part 78 (Exhibit NMED 5)

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- 9 The Board first adopted NESHAP by reference in 1984 and are contained in 40 CFR Part 61.
- 10 The Department proposed that 20.2.78 NMAC be amended to incorporate by reference the
- federal NESHAP requirements promulgated by the EPA from January 16, 2017 to June 28, 2023.
- This involves revising the "as amended through" date to June 28, 2023 in Sections 2 and 9.
- 13 There are two (2) new or amended NESHAPs during this period that are proposed for
- incorporation.

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- The Board first adopted the statutory authority in 1984 and are contained in Sections 74-1-8 and
- 17 74-2-5 NMSA 1978. The Department proposed that the reference be amended to the applicable
- 18 2021 legislative amendment to Subsection (D) of Section 74-2-5 NMSA 1978 from the no longer
- applicable Subsection (C) of Section 74-2-5 NMSA 1978 and correctly reformat the reference to
- 20 Subsection (A) of Section 74-1-8 NMSA 1978 in Section 3.

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VI. Proposed Changes to Part 82 (NMED Exhibit 6)

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- The Board first adopted MACT by reference in 1994 and are contained in 40 CFR Part 63. The
- Department proposed that 20.2.82 NMAC be amended to incorporate by reference the federal
- 26 MACT requirements promulgated by the EPA from January 16, 2017 to June 28, 2023. This
- 27 involves revising the "as amended through" date to June 28, 2023 in Sections 2 and 8. There are
- eighty four (84) new or amended MACTs during this period that are proposed for incorporation.

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- The Board first adopted the statutory authority in 1984 and are contained in Section 74-2-5
- NMSA 1978. The Department proposed that the reference be amended to the applicable 2021
- legislative amendment to Subsection (D) of Section 74-2-5 NMSA 1978 from the no longer
- applicable Subsection (C) of Section 74-2-5 NMSA 1978 in Section 3.

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VII. Federal Register Notices for Revisions to 40 CFR Parts 60, 61, and 63

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- The Federal Register Notices are formal announcements of new or revised regulations, including
- NSPSs, NESHAPs, and MACTs. As previously noted, NMED Exhibit 7 is a table of the notices
- announcing the amendments being proposed for incorporation, including the date of publication and the effective date of the amendments, the Part(s) of 40 CFR (Parts 60, 61, or 63) amended,
- 41 the title of the notice and a brief description of the changes. If printed, these notices would total
- 42 2438 pages. For this reason, the full text Federal Register Notices are included through
- 43 hyperlinks to the documents as Exhibit NMED 7. The file name for each rule corresponds to the
- 44 file name listed in NMED Exhibit 7, Federal Register Notices for Revisions to 40 CFR Parts 60,
- 45 61, and 63.

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VIII. Effect on Small Business

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- 3 Pursuant to the Small Business Regulatory Relief Act, NMSA 1978, § 14-4A-1 et seq., the
- 4 Bureau has determined that the regulatory changes proposed in this action will not have an
- 5 adverse effect on small business. This determination is based on the fact that the proposed
- 6 amendment will not impose additional substantive requirements on facilities, but will simply
- 7 allow the Department to retain delegation of authority for implementation rather than EPA.
- 8 Nonetheless, the Department provided the Small Business Regulatory Advisory Commission
- 9 ("SBRAC") with notice of this hearing, via the letter attached as Exhibit NMED 13.
- Additionally, the Department's Small Business Environmental Assistance Program provides
- ongoing technical assistance for small businesses regarding new and existing environmental
- 12 regulatory requirements.

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IX. Conclusion

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- This concludes my testimony to the Board on the NMED proposed amendments to 20.2.77
- NMAC, 20.2.78 NMAC, and 20.2.82 NMAC. I respectfully request that the Board adopt these
- overdue (non-SIP) proposed revisions at the conclusion of this hearing.

This is an amendment to 20.2.77 NMAC Sections 2 and 9, effective XX/XX/23

- **20.2.77.2 SCOPE:** Any stationary source constructing or modifying and which is subject to the requirements of 40 CFR Part 60, as amended through [January 15, 2017] June 28, 2023. [06/16/95, 11/19/97, 09/08/99; 20.2.77.2 NMAC Rn & A, 20 NMAC 2.77.101, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, X/XX/23]
- **20.2.77.9 ADOPTION OF 40 CFR PART 60:** Except as otherwise provided, the new source performance standards as promulgated by the United States environmental protection agency, 40 CFR Part 60, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.77 NMAC). [06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.77.9 NMAC Rn & A, 20 NMAC 2.77.107, 06/02/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]

This is an amendment to 20.2.78 NMAC Sections 2, 3 and 9, effective XX/XX/23

- **20.2.78.2 SCOPE:** All sources emitting hazardous air pollutants which are subject to the requirements of 40 CFR Part 61, as amended through [January 15, 2017] June 28, 2023. [06/16/95, 11/19/97, 09/08/99; 20.2.78.2 NMAC Rn 20 NMAC 2.78.101 & A, 06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- **20.2.78.3 STATUTORY AUTHORITY:** The environmental improvement board "shall promulgate regulations and standards in...air quality management" (<u>Subsection (A) of Section 74-1-8[-A] NMSA 1978</u>) and "regulations adopted by the environmental improvement board...may...prescribe standards of performance for sources and emissions standards for hazardous air pollutants..." (<u>Subsection (D) of Section 74-2-5[-C] NMSA 1978</u>).

[06/16/95; 20.2.78.3 NMAC - Rn, 20 NMAC 2.78.102 06/23/00; A, XX/XX/23]

20.2.78.9 ADOPTION OF 40 CFR PART 61: Except as otherwise provided, the national emission standards for hazardous air pollutants as promulgated by the United States environmental protection agency, 40 CFR Part 61, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.78 NMAC).

[06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.78.9 NMAC - Rn 20 NMAC 2.78.107 & A, 06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16; A, 5/30/17; A, XX/XX/23]

This is an amendment to 20.2.82 NMAC Sections 2, 3 and 8, effective XX/XX/23

- **20.2.82.2 SCOPE:** All sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63, as amended through [January 15, 2017] June 28, 2023. [Rn, 20 NMAC 2.82.2, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.2 NMAC Rn & A, 20 NMAC 2.82.101, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- **20.2.82.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Paragraphs (4) and (7) of Subsection (A) of Section 74-1-8 NMSA 1978, and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Subsections (A), (B) and ([] D) of Section 74-2-5. Subsection ([] D) of Section 74-2-5 provides that "regulations adopted by the environmental improvement board may prescribe standards of performance for sources and emissions standards for hazardous air pollutants..." [Rn, 20 NMAC 2.82.3, 08/14/98; A, 08/14/98; 20.2.82.3 NMAC Rn, 20 NMAC 2.82.102, 06/23/00; A, XX/XX/23]
- **20.2.82.8 ADOPTION OF 40 CFR PART 63:** Except as otherwise provided in Section 20.2.82.10 NMAC (below), the national emission standards for hazardous air pollutants for source categories as promulgated by the United States environmental protection agency, 40 CFR Part 63, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.82 NMAC). [Rn, 20 NMAC 2.82.7, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.8 NMAC Rn & A, 20 NMAC 2.82.106, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]

Relative Risk Review		
Correction		
Affirmative Defense		
New/Revised	<u>س</u>	<u>א</u>
# Pages in PDF	6	\$
Summary of Changes	Finalized amendments that allowed certain facilities to perform visible emissions monitoring as an alternative to installing monitoring equipment to ensure the baghouses are operating properly; retained the requirement that facilities must use a digital camera opacity technique (DCOT) method to demonstrate compliance with opacity limits and references the recently updated version of the DCOT method.	Amended electronic reporting requirements for the Mercury and Air Toxics Standards (MATS) which allowed for the temporary submission of certain reports using the portable document file (PDF) format and to correct inadvertent errors while owners or operators of Electric Utility Steam Generating Units (EGUs)
Title	NESHAP: Ferroalloys Production	Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements
40 CFR Part (Subpart)	63 (XXX)	63 (UUUUU, Appendix A)
Effective Date	1/18/2017	4/6/2017
PDF name (FR Date)	2017-00156 (1/18/2017)	2017-06884 (4/6/2017)

Relative Risk Review		
Correction		
Affirmative Defense		
New/Revised		м
# Pages in PDF		2
Summary of Changes	would be able to continue to use temporarily a single electronic reporting system for MATS data submissions, rely on correct language for mercury (Hg) relative accuracy test audit (RATA) requirements, and rely on the correct acceptance criterion for ongoing quality assurance test requirements for Hg RATAs. MATS reports required to be submitted electronically can be submitted using the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool.	By a letter dated May 5, 2017, the Administrator announced the convening of a proceeding for reconsideration of certain requirements in the final rules published on August 29, 2016. In this action, the EPA stayed subparts, which were added or
Tide		Stay of Standards of Performance for Municipal Solid Waste Landfills and Emissions Guidelines (EG's) and Compliance Times for
40 CFR Part (Subpart)		(Cf, XXX)
Effective Date		8/29/2017
PDF name (FR Date)		<u>2017-10752</u> (5/31/2017)

Relative Risk Review			
Correction			O
Affirmative Defense			
New/Revised		ਲ	
# Pages in PDF		\$	2
Summary of Changes	revised by the two rules, for 90 days pending reconsideration.	EPA granted reconsideration of the fugitive emission requirements at well sites and compressor station sites in the final rule, specifically the well site pneumatic pumps standards and the requirements for certification by a professional engineer. In addition, the EPA stayed for three months these rule requirements pending reconsideration.	Corrected paragraph numbering in the Incorporations by Reference (IBR) section of the regulations that specifically listed material that can be purchased from the American Society for Testing and Materials (ASTM).
Title	Municipal Solid Waste Landfills	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration and Partial Stay	Correction to Incorporations by Reference
40 CFR Part (Subpart)		(OOOOa)	(A)
Effective Date		6/2/2017	6/23/2017
PDF name (FR Date)		(6/5/2017) (6/5/2017)	(6/23/2017) (6/23/2017)

Relative Risk Review			
Correction		O O	
Affirmative Defense	AD		
New/Revised	<u>ح</u>		~
# Pages in PDF	4	2	3
Summary of Changes	Amended the NESHAP which provided a compliance alternative for sources that would otherwise be required to use a hydrogen chloride (HCI) continuous emissions monitoring system (CEMS) to demonstrate compliance with the HCI emissions limit.	Corrected an omission in revisions requested to Performance Specification 2 in the "revisions" rule published August 30, 2016.	Finalized revisions to Procedure 2 quality assurance/quality control (QA/QC) procedures for particulate matter (PM) CEMS data submitted to the EPA and other regulatory authorities and
Tide	NESHAP From the Portland Cement Manufacturing Industry: Alternative Monitoring Method	Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources; Technical Correction	Revisions to Procedure 2 - Quality Assurance Requirements for Particulate Matter Continuous Emission
40 CFR Part (Subpart)	(LLL)	(Appendix B)	60 (Appendix F)
Effective Date	7/5/2017	8/7/2017	9/13/2017
PDF name (FR Date)	<u>2017-13185</u> (6/23/2017)	(8/7/2017)	<u>2017-17123</u> (8/14/2017)

Relative Risk Review			RTR
Correction			
Affirmative Defense	AD		
New/Revised	~	~	x
# Pages in PDF	<i>c</i>	8	10
Summary of Changes	used for compliance determinations at stationary sources. Restored the provisions that were deleted in the June 23, 2017 rule.	Finalized minor technical amendments to Procedure 6. QA procedures for HCI CEMS data submitted to the EPA and used for compliance determinations at stationary sources.	Finalized amendments to the NESHAP. Revised the compliance date by which affected sources must include emissions from oxidation reactors in compliance determinations; revised the compliance date for the monitoring requirements for low-energy absorbers;
Title	Monitoring Systems at Stationary Sources NESHAP from the Portland Cement Manufacturing Industry: Alternative Monitoring	Method Technical Amendments to Procedure 6	Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review Reconsideration
40 CFR Part (Subpart)	(TTT)	60 (Appendix F)	63 (AA, BB)
Effective Date	8/22/2017	10/23/2017	9/28/2017
PDF name (FR Date)	2017-17624 (8/22/2017)	<u>2017-20172</u> (9/21/2017)	2017-20171 (9/28/2017)

Relative Risk Review			RTR
Correction			
Affirmative Defense		AD	
New/Revised		<u>ي</u>	м
# Pages in PDF		30	32
Summary of Changes	clarified one option and added a new option to the monitoring requirements for low-energy absorbers.	Finalized the residual risk and technology review (RTR) by updating practices, processes, and control technologies including opacity monitoring provisions, electrostatic precipitator (ESP) operation parameters, periodic emissions testing, requirements for submitting reports, updated startup, shutdown, and malfunction (SSM) provisions, and technical and editorial changes.	Finalized the RTR conducted and amended revisions to the form of the volatile organic compounds (VOC) standards for fermenters and revised other monitoring, reporting, and
Title		NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills	NESHAP: Nutritional Yeast Manufacturing RTR
40 CFR Part (Subpart)		63 (A, MM)	(CCCC)
Effective Date		10/11/2017	10/16/2017
PDF name (FR Date)		<u>2017-21799</u> (10/11/2017)	<u>2017-21937</u> (10/16/2017)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense			
New/Revised		~	×
# Pages in PDF		21	41
Summary of Changes	recordkeeping requirements.	Finalized the RTR and addressed revised names and definitions of the subcategories, revised the applicability criteria, regulatory provisions pertaining to emissions during periods of SSM, initial notification requirements, electronic reporting requirements, and other miscellaneous edits and technical corrections.	Finalized the RTR which readopted the existing emission limits for formaldehyde, established emission limits for methanol, and a work practice standard for phenol emissions from bonded rotary spin (RS) lines at wool fiberglass manufacturing facilities; and revised the emission standards promulgated for Flame Attenuation (FA)
Tide		NESHAP: Publicly Owned Treatment Works RTR	NESHAP for Wool Fiberglass Manufacturing; Rotary Spin Lines RTR of Flame Attenuation Lines Standards
40 CFR Part (Subpart)		63 (VVV)	63 (NNN)
Effective Date		10/26/2017	12/26/2017
PDF name (FR Date)		2017-23067 (10/26/2017)	<u>2017-27797</u> (12/26/2017)

Relative Risk Review		RTR	
Correction			
Affirmative Defense			AD
New/Revised		a	~
# Pages in PDF		7	=
Summary of Changes	lines at wool fiberglass manufacturing facilities which created three subcategories of FA lines and established emission limits for formaldehyde and methanol emissions, and either emission limits or work practice standards for phenol emissions for each subcategory of FA lines.	Finalized amendments for continuous monitoring on pressure relief devices (PRDs) on containers that were based on the RTR; and established additional monitoring requirements for all PRDs.	Finalized amendments to the requirements for the collection of fugitive emission components at well sites and compressor stations which removed the requirement for completion of delayed repair during unscheduled
Title		NESHAP: Off- Site Waste and Recovery Operations	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Amendments
40 CFR Part (Subpart)		63 (DD)	(OOOOa)
Effective Date		1/29/2018	3/12/2018
PDF name (FR Date)		2018-01512 (1/29/2018)	2018-04431 (3/12/2018)

Relative Risk Review		
Correction		
Affirmative Defense		AD
New/Revised		~
# Pages in PDF		16
Summary of Changes	or emergency vent blowdowns.	Published editorial and technical revisions that corrected and updated Method 301 and clarified the regulatory applicability and its suitability for use with other regulations. Included revisions: ruggedness testing for validation of test methods intended for application at multiple sources, determined the limit of detection for all method validations, incorporated procedures for detection, revised the sampling requirements for the method comparison procedure, added storage and sampling procedures for screpent sampling systems, and clarified acceptable statistical results for candidate test methods. In addition, clarified the amilicability
Title		Revisions to Method 301: Field Validation of Pollutant Measurement Methods from Various Waste Media
40 CFR Part (Subpart)		(Appendix A)
Effective Date		3/20/2018
PDF name (FR Date)		<u>2018-05400</u> (3/20/2018)

Relative Risk Review			RTR		RTR
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Affirmative Defense			AD		AD
New/Revised		24	~		8
# Pages in PDF		S	15		16
Summary of Changes	to the regulations and added equations that clarified calculation of the correction factor and statistical methodology for all validation approaches. Also, revised minor changes to the field validation protocol in response to public comments.	Finalized the period during which certain electronic reports required by the MATS may be submitted as PDF files using the ECMPS Client Tool.	Finalized the RTR which reflected corrections and clarifications of the rule requirements and provisions.	Corrected Table 1 error.	Finalized amendments for continuous process vents
Tide		NESHAP for Coal- and Oil- Fired Electric Utility Steam Generating Units	NESHAP from the Portland Cement Manufacturing Industry RTR	NESHAP from the Portland Cement Manufacturing Industry RTR	NESHAP: Manufacture of
40 CFR Part (Subpart)		(00000)	(LLL)	(LLL)	(000)
Effective Date		7/1/2018	7/25/2018	8/3/2018	10/15/2018
PDF name (FR Date)		2018-14308 (7/2/2018)	2018-15718 (7/25/2018)	C1-2018- 15718 Correction (8/3/2018)	2018-22395 (10/15/2018)

Relative Risk Review			
Correction			O
Affirmative Defense		AD	
New/Revised		Я	
# Pages in PDF		22	П
Summary of Changes	sources and extended the compliance date for CPVs at existing sources. The requirements were revised for all storage vessel sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance.	Amended certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment and methods for source testing of emissions.	Corrected errors and omissions in rule document 2018–24747, that appeared on pages 56713 through 56734.
Title	Reconsideration	Testing Regulations for Air Emission Sources in Multiple NSPS and NESHAPs	Revisions to Testing Regulations for Air Emission Sources
40 CFR Part (Subpart)		60 (A, D, Da, Db, Dc, Ea, CC, (Appendices A-1, A-3, A-4, A-6, A-7, A-8, B, F)) 63 (A, NNN, DDDDD, UUUUU, Appendix A)	63 (Appendix A)
Effective Date		1/14/2019	11/20/2018
PDF name (FR Date)		2018-24747 (11/14/2018)	$\frac{\text{C1-2018-}}{24747}$ (11/20/2018)

Relative Risk Review		RTR	RTR	RTR
Correction				
Affirmative Defense	AD	AD	AD	AD
New/Revised	~	R	N N	2
# Pages in PDF	33	12	17	26
Summary of Changes	Finalized amendments which made technical corrections and minor revisions to requirements for work practice standards, recordkeeping, and reporting; and extended the compliance date for existing maintenance vents requirements.	Finalized the RTR which addressed periods of SSM and revised reporting requirements.	Finalized the RTR which addressed emissions during periods of SSM, added electronic reporting requirements, and clarified rule provisions.	Finalized the RTR that addressed emissions during periods of SSM; added electronic reporting; revised certain monitoring, recordkeeping, and reporting requirements; and included other
Title	NESHAP and NSPS Refinery Sector Amendments	NESHAP: Friction Materials Manufacturing Facilities RTR	NESHAP: Leather Finishing Operations RTR	NESHAP: Wet- Formed Fiberglass Mat Production RTR
40 CFR Part (Subpart)	60 (A, Ja), 63 (CC, UUU)	(00000) (83	63 (TTTT)	63 (A, HHHH)
Effective Date	11/26/2018	2/8/2019	2/12/2019	2/28/2019
PDF name (FR Date)	<u>2018-25080</u> (11/26/2018)	<u>2019-00786</u> (2/8/2019)	<u>2019-01317</u> (2/12/2019)	<u>2019-01685</u> (2/28/2019)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense		AD	AD
New/Revised		x	ਲ
# Pages in PDF		31	57
Summary of Changes	miscellaneous technical and editorial changes	Finalized the RTR which addressed periods of SSM, electronic reporting, added an alternative compliance equation under the current standards, and technical and editorial changes which improved the effectiveness of the rule. This action also finalized a new EPA test method to measure isocyanate compounds in certain surface coatings.	Finalized the RTRs which addressed emissions during periods of SSM; electronic reporting for performance test results and compliance reports; added EPA Method 18 and updated several measurement methods; added requirements for periodic performance testing, and several miscellaneous technical amendments were made to
Title		NESHAP: Surface Coating of Wood Building Products RTR	NESHAP: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture RTRs
40 CFR Part (Subpart)		63 (A, QQQQ, Appendix A Test Method 326)	63 (A, NNNN, 0000, RRRR)
Effective Date		3/4/2019	3/15/2019
PDF name (FR Date)		2019-01902 (3/4/2019)	<u>2019-03560</u> (3/15/2019)

Relative Risk Review				
Correction			C	
Affirmative Defense		AD	AD	AD
New/Revised		Я	R	Z
# Pages in PDF		73	2	65
Summary of Changes	improve the clarity of the rule requirements.	Following requests for clarification, this action finalized the amendments that provided clarity and addressed implementation issues.	Minor corrections and introductory text revised for electronic reporting of CEMS performance test.	Finalized three separate and distinct rulemakings: 1) repealed the Clean Power Plan (CPP) because the Agency determined the CPP exceeded the EPA's statutory authority under the CAA; 2) the Affordable Clean Energy rule (ACE), consisting of EGs for Greenhouse Gas (GHG) Emissions from Existing EGUs under CAA section
Tide		NSPS Sources and EGs for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Technical Amendments	NESHAP for Source Categories	Repeal of the Clean Power Plan; EGs for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to EGs Implementing Regulations
40 CFR Part (Subpart)		60 (CCCC, DDDD)	(00000)	60 (Ba, UUUUa)
Effective Date		4/16/2019	5/23/2019	9/6/2019
PDF name (FR Date)		<u>2019-05529</u> (4/16/2019)	2019-10766 Correction (5/23/2019)	(7/8/2019)

Relative Risk Review		
Correction		
Affirmative Defense		
New/Revised		X
# Pages in PDF		6
Summary of Changes	111(d), that will inform states on the development, submittal, and implementation of state plans to establish performance standards for GHG emissions from certain fossil fuel fired EGUs. In ACE, the Agency finalized its determination that heat rate improvement (HRI) is the best system of emission reduction (BSER) for reducing GHG—specifically carbon dioxide (CO2)—emissions from existing coal-fired EGUs; and, 3) new regulations for the EPA and state implementation of ACE and and state implementation of ACE and any future emission guidelines issued under CAA section 111(d)	Changed address and organization names for EPA's Region 6 office.
Title		Regional Office Address
40 CFR Part (Subpart)		60 (A), 61 (A),
Effective		8/23/2019
PDF name (FR Date)		2019-17747 (8/23/2019)

Relative Risk Review			
Correction			
Affirmative Defense		AD	AD
New/Revised		~	x
# Pages in PDF		10	53
Summary of Changes		Amended the 2016 EG's and Compliance Times. Finalized changes that modernize the implementing regulations governing EG under a new subpart that harmonizes new requirements for state and federal plans.	Finalized amendments which revised the temperature monitoring methodology used to demonstrate continuous compliance with the dioxin/furan (D/F) emissions limit of the final rule. In addition, addressed concerns regarding visible emissions monitoring of tunnel kiln stacks for continuous compliance with PM and Hg emission limitations. This action also amended the requirements for weekly visual inspections of system ductwork and control device equipment
Title		Adopting Requirements in EG's for Municipal Solid Waste Landfills	NESHAP for Clay Ceramics Manufacturing
40 CFR Part (Subpart)	(A)	60 (Cf)	63 (KKKKK)
Effective Date		8/26/2019	11/1/2019
PDF name (FR Date)		<u>2019-18233</u> (8/26/2019)	<u>2019-22812</u> (11/1/2019)

Relative Risk Review			RTR
Correction			
Affirmative Defense			AD
New/Revised		R	2
# Pages in PDF		24	4
Summary of Changes	for water curtain spray booths. Lastly, this action amended the NESHAP that included provisions for emissions averaging, made technical corrections, and added certain definitions.	Finalized EPA's decision on the proposed reconsideration of the December 1, 2015, final rule: Petroleum Refinery Sector RTR and NSPS. Also, finalized amendments that clarified a compliance issue raised by stakeholders subject to the rule, corrected referencing, and publication errors associated with amendments to the final rule published on November 26, 2018.	Finalized the RTRs and amended the two source categories that addressed emissions during periods of SSM; electronic
Title		NESHAPs: Petroleum Refinery Sector	NESHAPs: Surface Coating of Metal Cans and Surface
40 CFR Part (Subpart)		(cc, uuu)	63 (A, KKKK, SSSS)
Effective Date		2/4/2020	2/25/2020
PDF name (FR Date)		<u>2020-01108</u> (02/04/2020)	2020-0030 <u>3</u> (02/25/2020)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense		AD	AD
New/Revised		R	ਪ
# Pages in PDF		23	33
Summary of Changes	reporting of performance test results and compliance reports; added EPA Method 18 and updated several measurement methods; added requirements for periodic performance testing; and several miscellaneous technical amendments were made.	Finalized the RTR which addressed requirements during periods of SSM and added electronic reporting requirements.	Finalized the RTR; corrected and clarified regulatory provisions related to emissions during periods of SSM; revised PM monitoring requirements; added requirements for periodic performance testing and electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and
Tide	Coal RTRs	NESHAP: Stationary Combustion Turbines RTR	NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing RTR
40 CFR Part (Subpart)		63 (A, YYYY)	63 (A, LLLLL)
Effective Date		3/9/2020	3/12/2020
PDF name (FR Date)		2020-02714 (03/09/2020)	2020-02369 (03/12/2020)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense		AD	AD
New/Revised		24	×
# Pages in PDF		29	23
Summary of Changes	Notification of Compliance Status (NOCS) reports; and included other technical corrections.	Finalized the RTR which corrected and clarified regulatory provisions related to emissions during periods of SSM, added alternative work practice standards for periods of initial startup for new or significantly modified sources and made other minor clarifications or corrections. In addition, provisions were added for electronic reporting of certain notifications and reports and performance test results.	Finalized the RTR and clarified applicability criteria, addressed emissions during periods of SSM and amended provisions regarding periodic electronic reporting of performance
Title		NESHAP: Solvent Extraction for Vegetable Oil Production RTR	NESHAP: Boat Manufacturing and Reinforced Plastic Composites Production RTR
40 CFR Part (Subpart)		63 (GGGG)	63 (VVVV, WWWW)
Effective Date		3/18/2020	3/20/2020
PDF name (FR Date)		2020-04459 (03/18/2020)	<u>2020-04661</u> (03/20/2020)

Relative Risk Review		RTR
Correction		
Affirmative Defense		P
New/Revised		~
# Pages in PDF		39
Summary of Changes	test and performance evaluation results.	Finalized the RTR and corrected and clarified regulatory provisions related to emissions during periods of SSM; revised wellhead operational standards and corrective actions; reorganized rule text to incorporate provisions from the NSPS within this subpart; and added requirements for electronic reporting of performance test results. Finalized minor changes to the NSPS, EG, and Compliance Times. Specifically, the provisions to the most recent NSPS and EG that allowed affected sources to demonstrate compliance with landfill gas control, operating, monitoring, recordkeeping, and reporting requirements by following the
Title		NESHAP: Municipal Solid Waste Landfills RTR
40 CFR Part (Subpart)		60 (Cf, WWW, XXX,), 63 (AAAA)
Effective Date		3/26/2020
PDF name (FR Date)		2020-04800 (03/26/2020)

Relative Risk Review			RTR	RTR	RTR
Correction					
Affirmative Defense			AD	AD	AD
New/Revised		~	ಜ	м М	~
# Pages in PDF		18	19	35	26
Summary of Changes	requirements in the NESHAP.	Added a subcategory under MATS, and established acid gas HAP emission standards applicable only to the new subcategory.	Finalized the RTR and added electronic reporting; addressed periods of SSM; and established work practice standards for maintenance activities.	Revised response to the U.S. Supreme Court decision in Michigan v. EPA based on the revised not appropriate and necessary supplemental finding to regulate HAP. Finalized the RTR conducted.	Finalized the RTR and addressed periods of SSM and provisions regarding
Tide		NESHAP: Coaland Oil-Fired Electric Utility Steam Generating Unites Firing Eastern Bituminous Coal Refuse for Emissions of Acid Gas HAP	NESHAP: Hydrochloric Acid Production RTR	NESHAP: Coaland Oil-Fired Electric Utility Steam Generating Units - Reconsideration of Supplemental Finding and RTR	NESHAP: Engine Test
40 CFR Part (Subpart)		(00000)	63 (NNNNN)	(00000)	63 (PPPPP)
Effective Date		4/15/2020	4/15/2020	5/22/2020	6/3/2020
PDF name (FR Date)		2020-07878 (04/15/2020)	<u>2020-05853</u> (04/15/2020)	<u>2020-08607</u> (05/22/2020)	2020-05909 (06/03/2020)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense		AD	AD
New/Revised		~	~
# Pages in PDF		45	55
Summary of Changes	electronic reporting, as well as clarifying technical corrections.	Finalized the RTR and addressed emissions during SSM events; added electronic reporting requirements; provisions for periodic emissions performance testing; added a provision allowing more flexibility for monitoring of biofilter control devices; and made technical and editorial changes.	Finalized the RTR, corrected and clarified regulatory provisions related to emissions during periods of SSM, added work practice standards for periods of SSM where appropriate, clarified regulatory provisions; revised requirements for heat exchange systems; added monitoring and operational requirements for for flares; added
Title	Cells/ Stands RTR	NESHAP: Cellulose Products Manufacturing RTR	NESHAP: Generic MACT Standards RTR for Ethylene Production
40 CFR Part (Subpart)		63 (A, UUUU)	63 (A, SS, XX, YY)
Effective Date		7/2/2020	7/6/2020
PDF name (FR Date)		(07/02/2020)	2020-05898 (07/06/2020)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense		AD	AD
New/Revised		×	2
# Pages in PDF		22	62
Summary of Changes	provisions for electronic reporting of performance test results and other reports; and included other technical corrections.	Finalized the RTR, amendments to the storage tank requirements, and corrected and clarified regulatory provisions related to emissions during periods of SSM; added requirements for electronic reporting of performance test results and reports, performance evaluation reports, and NOCS reports, added operational requirements for flares; and made other minor technical improvements	Finalized the RTR's and addressed emissions during periods of SSM; electronic reporting of performance test results and compliance reports; the addition of EPA Method 18 and updates to
Title		NESHAP: Organic Liquids Distribution (Non-Gasoline) RTR	NESHAP: Surface Coating of Automobiles and Light-Duty Trucks; Miscellaneous Metal Parts and Products; Plastic
40 CFR Part (Subpart)		63 (A, EEEE)	63 (A, IIII (Appendix A), MMMM, NNNN, OOOO, PPPP
Effective Date		7/7/2020	7/8/2020
PDF name (FR Date)		2020-05900 (07/07/2020)	2020-0590 <u>8</u> (07/8/2020)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense		AD	AD
New/Revised		8	R
# Pages in PDF		4	35
Summary of Changes	several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were made. Also finalized technical corrections to the applicable NESHAPs.	Finalized the RTR and addressed emissions during SSM events, added a compliance demonstration equation; added repeat testing and electronic reporting requirements; and made technical and editorial changes.	Finalized the RTR and amendments to the LDAR program, revised regulatory provisions pertaining to emissions during periods of SSM, finalized work practice and periodic electronic submittal of reports and performance test result
Title	Parts and Products; Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Metal Furniture RTR	NESHAP: Paper and Other Web Coating RTR	NESHAP: Site Remediation RTR
40 CFR Part (Subpart)	(Appendix A), RRRR)	63 (A, JJJJ)	63 (GGGGG)
Effective Date		7/9/2020	7/10/2020
PDF name (FR Date)		2020-05854 (07/09/2020)	2020-0589 <u>6</u> (07/10/2020)

Relative Risk Review			RTR		RTR	RTR
Correction		O		O		
Affirmative Defense			AD		AD	AD
New/Revised			~		R	R
# Pages in PDF		-	57	2	33	19
Summary of Changes	requirements, along with minor clarifications and corrections.	Correction to remove the standard reference and revise the amendatory instructions that reflected the edits.	Finalized the RTR and removed exemptions for periods of SSM; added electronic reporting of performance test results and compliance reports; and made minor corrections and clarifications.	Removed the related standard referenced and revised the amendatory instructions that reflected the edits.	Finalized the RTR and addressed periods of SSM and electronic reporting.	Finalized the RTR and added electronic reporting of performance test results and reports, compliance reports, NOCS reports,
Title		NESHAP: Organic Liquids Distribution (Non-Gasoline) RTR; Corrections	NESHAP: Integrated Iron and Steel Manufacturing Facilities RTR	NESHAP: Organic Liquids Distribution (Non-Gasoline) RTR; Correction	NESHAP: Lime Manufacturing Plants RTR	NESHAP: Rubber Tire Manufacturing RTR
40 CFR Part (Subpart)		63 (EEEE)	63 (A, FFFFF)	63 (A)	63 (A, AAAAA)	63 (XXXX)
Effective Date		7/22/2020	7/13/2020	7/22/2020	7/24/2020	7/24/2020
PDF name (FR Date)		C1-2020- 05900 (7/10/2020)	<u>2020-09753</u> (07/13/2020)	2020-15746 (07/22/2020) Corrrection	2020-12588 (07/24/2020	2020-12541 (07/24/2020)

Relative Risk Review		RTR	RTR
Correction			
Affirmative Defense		AD	AD
New/Revised		~	x
# Pages in PDF		29	48
Summary of Changes	and removed the provision that exempts emissions from compliance during periods of SSM.	Finalized the RTR and addressed exemptions previously allowed for periods of SSM, added electronic reporting of performance test results and compliance reports and made minor technical corrections and amendments to monitoring and testing requirements.	Finalized the RTR which corrected and clarified regulatory provisions related to emissions from storage tanks, process vents, and equipment leaks; corrected and clarified regulatory provisions related to emissions during periods of SSM; added monitoring and operational flare requirements; added provisions for electronic reporting of performance
Title		NESHAP: Taconite Iron Ore Processing RTR	NESHAP: Miscellaneous Organic Chemical Manufacturing RTR
40 CFR Part (Subpart)		63 (RRRRR)	63 (A, FFFF)
Effective Date		7/28/2020	8/12/2020
PDF name (FR Date)		<u>2020-13397</u> (07/28/2020)	2020-12776 (08/12/2020)

Relative Risk Review		RTR	RTR		
Correction				C	
Affirmative Defense		AD	AD		AD
New/Revised		~	22		x
# Pages in PDF		36	53	-	37
Summary of Changes	test results and other reports; and other technical corrections.	Finalized the RTR conducted; addressed periods of SSM; added electronic reporting and repeated emissions testing; and made technical and editorial changes.	Finalized the RTR conducted; addressed periods of SSM; added provisions for electronic reporting of performance test results, performance evaluation reports, compliance reports, and NOCS reports; and provisions to conduct periodic performance testing.	Minor date change corrected.	Finalized amendments to the electronic reporting requirements.
Title		NESHAP: Plywood and Composite Wood Products RTR	NESHAP: Miscellaneous Coating Manufacturing RTR	NESHAP: Plywood and Composite Wood Products RTR	NESHAP: Coaland Oil-Fired Electric Utility Steam Generating
40 CFR Part (Subpart)		63 (A, DDDD)	63 (A, HHHHH)	63 (A, DDDD)	63 (UUUUU, Appendices A-E)
Effective Date		8/13/2020	8/14/2020	8/21/2020	9/9/2020
PDF name (FR Date)		2020-12725 (08/13/2020)	2020-1343 <u>9</u> (08/14/2020)	<u>C1-2020-</u> <u>12725</u> (8/21/2020)	2020-1595 <u>0</u> (09/09/2020)

Relative Risk Review		RTR	
Correction			
Affirmative Defense		AD	AD
New/Revised		~	ਲ
# Pages in PDF		27	55
Summary of Changes		Finalized the RTR; removed exemptions for periods of SSM; amended electronic reporting of performance test results and compliance reports and made minor corrections and clarifications.	Finalized amendments that removed sources in the transmission and storage segment from the source category, rescinded the NSPS applicable to those sources, and separately rescinded the methanespecific requirements of the NSPS applicable to sources in the production and processing segments.
Title	Units MATS for Power Plants Electronic Reporting Revisions	NESHAPs: Iron and Steel Foundries Major Source RTR and Area Source Technology Review	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review
40 CFR Part (Subpart)		63 (EEEEE, ZZZZZ)	60 (0000, 0000a)
Effective Date		9/10/2020	9/14/2020
PDF name (FR Date)		2020-14143 (09/10/2020)	<u>2020-18114</u> (09/14/2020)

Relative Risk Review		
Correction		
Affirmative Defense	AD	AD
New/Revised	~	Я
# Pages in PDF	63	29
Summary of Changes	Finalized amendments related to the reconsideration of the fugitive emissions requirements, well site pneumatic pump standards, requirements for certification of closed vent systems (CVS) by a professional engineer (PE), the provisions applied for the use of an alternative means of emission limitation (AMEL), and technical corrections and additional clarifying language.	Corrected and updated regulations for source testing of emissions including inaccurate testing provisions, updated procedures, and approved alternative procedures.
Title	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Test Methods and Performance Specifications for Air Emission Sources
40 CFR Part (Subpart)	(OOOOa)	60 CCCC, DDDD, JJJJ, KKKK, (Appendices A-3, A-4, A- 5 A-6, A-7 A-8, B, F)), 61 (Appendix B),
Effective Date	11/16/2020	12/7/2020
PDF name (FR Date)	2020-18115 (09/15/2020)	2020-18824 (10/07/2020)

Relative Risk Review				
Correction		υ		
Affirmative Defense			AD	
New/Revised			<u>ح</u>	R
# Pages in PDF		4	5	∞
Summary of Changes		Corrected the final rule that appeared in the Federal Register on March 26, 2020. This action corrected inadvertent errors in the crossreferencing and formatting; and clarified two operational and reporting requirements in the final rule. This action also revised the heading of the NSPS as described in the Federal Register document.	Finalized an amendment in response to the petition for rulemaking on the mercury emission limit for existing phosphate rock calciners that was finalized on August 19, 2015 ("2015 Rule"). This action revised the mercury MACT floor for existing calciners.	Finalized amendments which clarified how to set operating limits for smelt
Title		NESHAP: Municipal Solid Waste Landfills RTR; Correction	NESHAP: Phosphoric Acid Manufacturing	NESHAP for Chemical Recovery
40 CFR Part (Subpart)	(LLL Appendix A)	60 (WWW), 63 (AAAA)	63 (AA)	60 (BBa), 63
Effective Date		10/13/2020	11/3/2020	11/5/2020
PDF name (FR Date)		2020-19676 Correction (10/13/2020)	2020-24280 (11/03/2020)	2020-22938 (11/05/2020)

Relative Risk Review		
Correction		
Affirmative Defense		AD
New/Revised		R
# Pages in PDF		69
Summary of Changes	dissolving tank (SDT) scrubbers used at these mills and corrected cross- reference errors in both rules.	Finalized amendments to the General Provisions which implemented the plain language reading of the "major source" definitions of section 112 of the CAA and provided that a major source can be reclassified to area source status at any time upon reducing its potential to emit (PTE) HAP to below the major
Title	Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills; Standards of Performance for Kraft Pulp Mill Affected sources for which Construction, Reconstruction, or Modification Commenced After May 23, 2013	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act
40 CFR Part (Subpart)	(MM)	63 (A, F, G, H, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, YY, CCC, DDD, EEE, GGG, HHH, III,
Effective Date		1/19/2021
PDF name (FR Date)		2020-22044 (11/19/2020)

Relative Risk Review	
Correction	
Affirmative Defense	
New/Revised	
# Pages in PDF	
Summary of Changes	source thresholds; clarified the compliance dates, notification, and recordkeeping requirements that apply to sources choosing to reclassify to area sources status and to sources that revert back to major source status, including a requirement for electronic notification.
Title	
40 CFR Part (Subpart)	JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, XYYY, ZZZZ, AAAAAA, BBBBB, CCCCCC, DDDDD,
Effective Date	
PDF name (FR Date)	

Relative Risk Review	
Correction	
Affirmative Defense	
New/Revised	
# Pages in PDF	
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Summary of Changes	
Summ	
Title	
Ë	
40 CFR Part (Subpart)	FFFF, GGGGG, HHHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, WWWWWW, BBBBBB, CCCCCC, HHHHHHH, PPPPPP, QQQQQQ, RRRRRR, TTTTTT, WWWWWW, W, SSSSS, TTTTT, WWWWWW, BBBBBBB, CCCCCCC, HHHHHHHH, PPPPPP, QQQQQQ, RRRRRRR, TTTTTT, WWWWWW, W, XXXXXXX, YYYYYY, AAAAAAA, BBBBBBB, CCCCCCCC, HHHHHHHHHHHHHHHHHHH
Effective Date	
PDF name (FR Date)	

Relative Risk Review				
Correction	O	O		D D
Affirmative Defense				
New/Revised			2	
# Pages in PDF	-	П	127	2
Summary of Changes	Minor date corrected.	Corrected and updated regulations for source testing of emissions that provided further clarification on the amendatory instructions.	Updated many of EPA's existing gasoline, diesel, and other fuel quality programs that removed expired provisions, eliminated redundant compliance provisions, removed unnecessary and out-of-date requirements, and replaced them with provisions and definitions that applies to all fuel quality programs.	Corrected a rule that appeared in the Federal Register on November 19, 2020. This action finalized the amendments to the
Tide	NESHAP: Miscellaneous Coating Manufacturing RTR; Correction	Test Methods and Performance Specifications for Air Emission Sources; Correction	Fuels Regulatory Streamlining	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean
40 CFR Part (Subpart)	63 (A, HHHHH)	63 (Appendix A)	60 (IIII, JJJJ), 63 (R, ZZZZ)	63 (EE, DDD, NNN, AAAAA,
Effective Date	11/25/2020	12/7/2020	1/21/2021	1/29/2021
PDF name (FR Date)	2020-13439- Correction (11/25/2020)	2020-23690- Correction (12/02/2020)	<u>2020-23164</u> (12/4/2020)	2020-28384- Correction (12/28/2020)

Relative Risk Review			
Correction		Ŋ	
Affirmative Defense			
New/Revised			Z
# Pages in PDF		1	71
Summary of Changes	General Provisions that corrected inadvertent typographical errors and redundant text.	Corrected ancillary text and table.	Finalized a significant contribution finding (SCF) for purposes of regulating source categories for GHG emissions, under section 111(b) of the CAA for EGUs. EGU GHG emissions exceed 3 percent of total U.S. GHG emissions which is the threshold used by EPA in their framework for SCFs for source categories. EPA also analyzed EGU emissions under a secondary criteria framework to further demonstrate the propriety of this SCF.
Title	Air Act; Correction	Test Methods and Performance Specifications for Air Emissions Sources; Correction	Pollutant- Specific Significant Contribution Finding for GHG Emissions from New, Modified, and Reconstructed Stationary Sources: EGUs, and Process for Determining Significance of Other NSPS Source Categories
40 CFR Part (Subpart)	DDDDD, IIIII)	60 (Appendix A-3 Test Methods 4– 51)	09 (TTTT)
Effective Date		2/16/2021	3/15/2021
PDF name (FR Date)		2020-18824 Correction (02/16/2021)	2021-00389 (01/13/2021)

Relative Risk Review			
Correction			C
Affirmative Defense		AD	
New/Revised	z	~	
# Pages in PDF		6	3
Summary of Changes	Finalized amendments that allowed owners or operators of storage vessels equipped with a floating roof to voluntarily elect to comply with an alternative standard, in lieu of the requirements, subjected to certain caveats and exceptions for monitoring, recordkeeping, and reporting.	Amended to reflect a court order regarding the General Provisions that exempted sources from HAP non-opacity and opacity emission standards during periods of SSM. This ministerial action revised these two NESHAP General Provisions in the CFR to conform to the court's order.	Corrected and updated regulations for source testing of emissions,
Tide	NSPS for Volatile Organic Liquid Storage vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	Court Vacatur of Exemption from Emission Standards During Periods of Startup, Shutdown, and Malfunction	Test Methods and Performance Specifications for
40 CFR Part (Subpart)	60 (Kb)	(A)	60 (Appendix A-3)
Effective Date	1/19/2021	3/11/2021	3/23/2021
PDF name (FR Date)	2021-00678 (01/19/2021)	<u>2021-04936</u> (03/11/2021)	2021-05761- Correction (03/23/2021)

Relative Risk Review		RTR
Correction		
Affirmative Defense		AD
New/Revised		~
# Pages in PDF		53
Summary of Changes	which corrected the amendatory instructions for test methods 4 and 5.	Finalized the RTR conducted and the TR for two area source categories which are combined in one subpart; finalized proposed revisions to the major source NESHAP, which included an added numeric emission limit for existing flame lamination units, removed exemptions for periods of SSM, required periodic performance tests, and electronic reporting of performance test results and compliance reports. Finalized the proposed revisions to the NESHAP for area sources that removed references to the provisions of another NESHAP that had been revised and no longer contains the referenced provisions.
Title	Air Emission Sources; Correction	NESHAP: Flexible Polyurethane Foam Fabrication Operations RTR and Flexible Polyurethane Foam Production and Fabrication Area Source TR
40 CFR Part (Subpart)		63 (MMMMM, 000000)
Effective Date		11/18/2021
PDF name (FR Date)		<u>2021-24019</u> (11/18/2021)

Relative Risk Review		RTR
Correction		
Affirmative Defense	AD	AD AD
New/Revised	<u>ح</u>	~
# Pages in PDF		52
Summary of Changes	Finalized technical corrections to four regulations under the NESHAP and discovered inadvertent minor errors and corrected these errors in this action.	Finalized the RTR and final amendments to include new provisions for certain HAP and a revised alternative fuel provision. The action addressed emissions during periods of SSM; emissions during periods of scheduled maintenance; electronic reporting of NOCS reporting of NOCS reporting and performance evaluation results, and performance evaluation results; added test methods and guidance materials; updated several test methods; and other
Tide	NESHAP Surface Coating of Automobiles and Light-Duty Trucks, Surface Coating of Metal Cans, Boat Manufacturing, and Clay Ceramics Manufacturing; Technical Correction	NESHAP: Refractory Products Manufacturing RTR
40 CFR Part (Subpart)	63 (A, IIII, Appendix A to Subpart IIII, KKKK, VVVV, KKKKK)	63 (A, SSSSS)
Effective Date	11/19/2021	11/19/2021
PDF name (FR Date)	<u>2021-24099</u> (11/19/2021)	2021-24100 (11/19/2021)

Relative Risk Review		RTR	
Correction			U
Affirmative Defense		AD	AD
New/Revised		<u>ح</u>	~
# Pages in PDF		34	6
Summary of Changes	miscellaneous clarifying and technical corrections.	Finalized the RTR conducted for these major source categories, and the TR conducted for area sources. The action added new emissions standards for these major source categories to address HAP emissions not previously covered by the NESHAP along with both source categories addressed the SSM provisions of the existing standards, and required periodic electronic reporting of certain notifications, and performance test results.	Finalized technical revisions and clarifications established in the March 26, 2020, final rule. This final rule amended the rule to clarify and align the timing of compliance for certain requirements involving installation of a gas collection and control
Title		NESHAP: Carbon Black Production and Cyanide Chemicals Manufacturing RTRs, and Carbon Black Production Area Source TR	NESHAP: Municipal Solid Waste Landfills RTR; Correction
40 CFR Part (Subpart)		63 (A, YY)	60 (XXX), 63 (AAAA)
Effective Date		11/19/2021	2/14/2022
PDF name (FR Date)		<u>2021-24204</u> (11/19/2021)	<u>2022-02654</u> (2/14/2022)

Relative Risk Review				
Correction				
Affirmative Defense		AD		AD
New/Revised		Я	ਲ	~
# Pages in PDF		10	2	9
Summary of Changes	system (GCCS). Also, the definition of Administrator revised in the MSW Landfills Federal Plan that was promulgated on May 21, 2021, that clarified who has the authority to implement and enforce the applicable requirements. In addition, corrected minor typographical errors.	Finalized amendments which removed the stay of the effectiveness of the standards that were promulgated in 2004.	Technical corrections to the general provisions of the NESHAP for inadvertent minor errors and omissions.	Amended the NESHAP in response to a court decision that vacated provisions in the regulations specifying that emergency engines could operate for emergency demand response or during
Title		NESHAP: Stationary Combustion Turbines; Amendments	NESHAP: General Provisions; Technical Correction	NESHAP for Reciprocating Internal Combustion Engines; NSPS for Stationary Internal Combustion
40 CFR Part (Subpart)		(YYYY)	63 (A)	60 (IIII, JJJJ), 63 (ZZZZ)
Effective Date		3/9/2022	5/23/2022	8/10/2022
PDF name (FR Date)		<u>2022-04848</u> (3/9/2022)	<u>2022-10842</u> (5/23/2022)	<u>2022-17060</u> (8/10/2022)

Relative Risk Review				RTR
Correction				
Affirmative Defense		AD	AD	AD
New/Revised		~	×	2
# Pages in PDF		50	17	11
Summary of Changes	periods where there is a deviation of voltage or frequency.	Finalized amendments to the NESHAP in respect to the numeric emission limits for new and existing boilers and process heaters; set compliance dates for these new emission limits; and made several technical clarifications and corrections.	Finalized the TR conducted; addressed provisions regarding electronic reporting; made miscellaneous clarifying and technical corrections; simplified the petition for exemption process; and clarified requirements for emissions during periods of SSM.	Finalized EPA's decision to use their IRIS value for ethylene oxide in assessing cancer risk instead of an alternate value. EPA had
Title	Engines; Court Vacatur	NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters	NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources TR	Reconsideration of the 2020 NEHSAP: Miscellaneous Organic
40 CFR Part (Subpart)		63 (A, DDDDD)	63 (A, HHHHHHH)	63 (FFFF)
Effective Date		10/6/2022	11/10/2022	12/21/2022
PDF name (FR Date)		<u>2022-19612</u> (10/6/2022)	<u>2022-24129</u> (11/10/2022)	2022-27522 (12/21/2022)

Relative Risk Review			
Correction			
Affirmative Defense			
New/Revised	~		R
# Pages in PDF	14		10
Summary of Changes	received and granted petitions for reconsideration of the final NESHAP published on August 12, 2020. Finalized amendments that removed exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a remedial action or a non-time-critical removal action, and for site remediation activities performed under Resource Conservation and Recovery Act (RCRA)	corrective actions conducted at treatment, storage, and disposal facilities.	Finalized the TR conducted which included provisions for inorganic HAP standards for process vessels.
Title	Chemical Manufacturing RTR NESHAP: Site Remediation		NESHAP: Miscellaneous Coating Manufacturing TR
40 CFR Part (Subpart)	(GGGGG)		63 (НИНИН)
Effective Date	12/22/2022		02/22/2023
PDF name (FR Date)	2022-27523 (12/22/2022)		<u>2023-03562</u> (02/22/2023)

Relative Risk Review	TR
Correction	
Affirmative Defense	AD
New/Revised	~
# Pages in PDF	74
Summary of Changes	Finalized the TR conducted. and revised lead emission limits for manufacturing facilities that began construction, reconstruction, or modification after February 23, 2022; periodic performance testing; work practices to minimize emissions of fugitive lead dust; increased inspection frequency of fabric filters; clarification of activities that are considered to be lead reclamation activities; electronic reporting of performance test results and periodic compliance reports; the removal of exemptions for periods of SSM; the applicability provisions; and established a requirement in the new NSPS for new facilities to operate bag leak detection systems for emission points controlled by a
Title	NSPS Review for Lead Acid Battery Manufacturing Plants and NESHAP for Lead Acid Battery Manufacturing Area Sources TR
40 CFR Part (Subpart)	60 (A, KK, KKa), 63 (A, PPPPPP)
Effective Date	02/23/2023
PDF name (FR Date)	(02/23/2023)

Relative Risk Review				
Correction				
Affirmative Defense				
New/Revised		2	×	24
# Pages in PDF		56	=	43
Summary of Changes	include a secondary fabric filter.	Revoked a previous finding that it was not appropriate and necessary to regulate coal- and oilfired electric utility steam EGUs. EPA concluded that it remains appropriate and necessary to regulate HAP emissions from EGUs after considering cost.	Finalized the TR conducted, established minor editorial and formatting changes to the general provisions and made technical corrections.	Finalized editorial and technical revisions which included incorporating compound characterization methodology, expanded
Title		NESHAP: Coaland Oil-Fired Electric Utility Steam Generating Units - Revocation of the 2020 Reconsideration and Affirmation of the Appropriate and Necessary Supplemental Finding	NESHAP: Wood Preserving Area Sources TR; Technical Correction for Surface Coating of Wood Building Products	EPA Method 23— Determination of Polychlorinated Dibenzo-p-
40 CFR Part (Subpart)		(nnnnn)	63 (QQQQ, QQQQQQ)	60 (A, CCCC, DDDD, Appendix A-
Effective Date		3/6/2023	3/8/2023	3/20/2023
PDF name (FR Date)		<u>2023-03574</u> (3/6/2023)	<u>2023-04376</u> (3/8/2023)	2023-04958 (3/20/2023)

Relative Risk Review			
Correction			
Affirmative Defense		AD	
New/Revised		8	~
# Pages in PDF		17	28
Summary of Changes	the list of target compounds, and test team flexibility protocol.	Finalized amendments for affected facilities that commence construction, modification, or reconstruction after June 21, 2022; created a new subpart, finalized VOC emission limitations for prime, color, texture, and touch-up coating operations; and a requirement for electronic submission of periodic compliance reports.	Corrected and updated the regulations for source testing of emissions under various rules.
Tide	Dioxins and Polychlorinated Dibenzofurans from Stationary Sources	NSPS Review for Industrial Surface Coating of Plastic Parts for Business Machines	Testing Provisions for Air Emission Sources in various NSPS and NESHAPs
40 CFR Part (Subpart)	7 to Method 23), 63 (LL, EEE, XXX, AAAAAAA)	60 (TTT, TTTa)	60 (A, Appendices A-1, A-3, A- 4, A-7, A-8, B, F) 63 (A, S, EEE, JJJJ, ZZZZ, PPPPP,
Effective Date		3/27/2023	5/30/2023
PDF name (FR Date)		<u>2023-04966</u> (3/27/2023)	<u>2023-04956</u> (3/29/2023)

Relative Risk Review			
Correction		O	
Affirmative Defense			AD
New/Revised			<u>س</u>
# Pages in PDF		-	74
Summary of Changes		Corrected final rule that was published in the Federal Register on March 29, 2023, that will be effective on May 30, 2023. The final rule corrected and updated regulations for source testing of emissions.	Finalized revisions to the NSPS that reflected the degree of emission limitation achievable through the application of the best system of emission reduction (BSER). Therefore, added a new NSPS subpart MMa, revised as proposed VOC emission limits for coat operations for affected facilities that commence construction, modification, or reconstruction after May 18, 2022. In addition, in the new NSPS subpart, finalized the proposed
Title		Testing Provisions for Air Emission Sources, Correction	Review of Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations
40 CFR Part (Subpart)	UUUUU, Appendix A)	63 (UUUUU, Appendix A)	60 (A, MM, MMa)
Effective Date		5/30/2023	05/09/2023
PDF name (FR Date)		2023-08178 (04/20/2023) Correction	<u>2023-09587</u> (05/09/2023)

Relative Risk Review	
Correction	
Affirmative Defense	
New/Revised	
# Pages in PDF	
Summary of Changes	amendments: added work practices to minimize VOC emissions; revised the plastic parts provision; updated the capture and control devices and the associated testing and monitoring requirements; revised the transfer efficiency provisions; new test methods and alternative test methods; revised the recordkeeping and reporting requirements, included the addition of electronic reporting; removed exemptions for periods of SSM; and other amendments that harmonized the new NSPS subpart and Automobile and Light Duty Truck Surface Coating NESHAP requirements. Also finalized were the proposed electronic reporting requirements in the NSPS subpart MM, applicable to sources that
Tide	
40 CFR Part (Subpart)	
Effective Date	
PDF name (FR Date)	

Relative Risk Review			
Correction		D D	
Affirmative Defense			
New/Revised			
# Pages in PDF		2 2	2447
Summary of Changes	commence construction, reconstruction, or modification after October 5, 1979, and on or before May 18, 2022.	Corrected and updated the final rule for source testing of emissions. This correction did not change any final action taken on March 29, 2023; this action merely corrected the amendatory instruction. Corrected an amendment due to an error in the final rule that became effective May 30, 2023; this action merely corrected and updated regulations for source testing of emissions.	TOTAL NUMBER OF PAGES
Title		Testing Provisions for Air Emission Sources; Correction Testing Provisions for Air Emission sources; Correction	
40 CFR Part (Subpart)		60 (A) 60 (Appendix B)	
Effective Date		05/30/2023	
PDF name (FR Date)		2023-11407 (05/30/2023) Correction 2023-13595 (06/28/2023) Correction	

NSPS, NESHAP, or MACT applicable to NM Facilities	Number of Facilties (Table Queried 1/6/2023)
40 CFR 60 Subpart A	580
40 CFR 60 Subpart AA	3
40 CFR 60 Subpart CC	2
40 CFR 60 Subpart Cc	1
40 CFR 60 Subpart DA	2
40 CFR 60 Subpart DB	5
40 CFR 60 Subpart Dc	29
40 CFR 60 Subpart EEEE	3
40 CFR 60 Subpart GG	26
40 CFR 60 Subpart GGG	2
40 CFR 60 Subpart GGGa	2
40 CFR 60 Subpart HH	29
40 CFR 60 Subpart I	44
40 CFR 60 Subpart III	3
40 CFR 60 Subpart IIII	110
40 CFR 60 Subpart J	4
40 CFR 60 Subpart Ja	2
40 CFR 60 Subpart JJJ	4
40 CFR 60 Subpart JJJJ	1015
40 CFR 60 Subpart K	6
40 CFR 60 Subpart KA	2
40 CFR 60 Subpart KB	31
40 CFR 60 Subpart KKK	26
40 CFR 60 Subpart KKKK	18
40 CFR 60 Subpart LL	1
40 CFR 60 Subpart LLL	1
40 CFR 60 Subpart NA	1
40 CFR 60 Subpart NNN	1
40 CFR 60 Subpart OOO	161
40 CFR 60 Subpart OOOO	251
40 CFR 60 Subpart OOOOa	1316
40 CFR 60 Subpart P	2
40 CFR 60 Subpart QQQ	4
40 CFR 60 Subpart RRR	1
40 CFR 60 Subpart UUU	2
40 CFR 60 Subpart VV	1
40 CFR 60 Subpart WWW	13
40 CFR 60 Subpart X	1
40 CFR 60 Subpart XX	2
40 CFR 60 Subpart XXX	1
40 CFR 60 Subpart Y	2

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI

1201 ELM STREET DALLAS, TEXAS 75270

March 15, 1985

Honorable Toney Anaya Governor of New Mexico Santa Fe, New Mexico 87503

Dear Governor Anaya:

In response to your letter of October 19, 1984, I am pleased to grant your request for delegation of authority for implementation and enforcement of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants to the New Mexico Environmental Improvement Division.

The pertinent laws of the State of New Mexico and the rules and regulations of the New Mexico Environmental Improvement Division have been reviewed and have been found to provide an adequate and effective procedure for implementation and enforcement of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants by the New Mexico Environmental Improvement Division and the State of New Mexico. The resources and capabilities of the New Mexico Environmental Improvement Division have been found to be adequate to implement and enforce these programs.

Therefore, I am delegating authority to the New Mexico Environmental Improvement Division to implement and enforce New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants. promulgated by the Environmental Protection Agency (EPA) through March 14, 1984, and December 9, 1983, respectively. This delegation of authority is granted pursuant to Sections 111(c) and 112(d) of the Clean Air Act, and is subject to the conditions and limitations stated in the delegation. Except as specifically limited in this letter, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 and 40 CFR Part 61 as of the date of this letter are delegated to the New Mexico Environmental Improvement Division. Any of such authority and responsibilities may be redelegated by the Division to its Director or staff.

In addition, the New Mexico Environmental Improvement Division will maintain partial delegation of authority for the technical and administrative review of New Source Performance Standards promulgated or revised after March 14, 1984, and of National Emission Standards for Hazardous Air Pollutants promulgated or revised after December 9, 1983. This partial delegation of authority is also subject to the conditions and limitations stated in the delegation.

Exhibit NMED 9

Since this delegation is effective immediately, there is no requirement that the State notify the EPA of its acceptance. Unless the EPA receives from the State of New Mexico a written notice of objection within ten days of the date of receipt of this letter, the State of New Mexico and the New Mexico Environmental Improvement Division will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Pick Whittington, P.E. Regional Administrator

Enclosure

cc: Denise Fort, Director
New Mexico Environmental Improvement Division
P. O. Box 968, Crown Building
Santa Fe, New Mexico 87504-0968

PROVISIONS

for

FULL DELEGATION

for the

NATIONAL EMISSION STANDARDS FOR

HAZARDOUS AIR POLLUTANTS (NESHAP) AUTHORITY

and

NEW SOURCE PERFORMANCE STANDARDS (NSPS) AUTHORITY

to the

STATE OF NEW MEXICO

(40 CFR Parts 60 and 61)

EFFECTIVE DATE:

March 15, 1985

Introduction

On October 19, 1984, the Governor of New Mexico requested that the U.S. Environmental Protection Agency (EPA) delegate full authority to New Mexico for the New Source Performance Standards (NSPS) program and for the National Emission Standards for Hazardous Air Pollutants (NESHAP) program. The Governor based his request upon the adoption by the New Mexico Environmental Improvement Board of Air Quality Control Regulation 750 (New Source Performance Standards), and Air Quality Control Regulation 751 (Emission Standards for Hazardous Air Pollutants) on July 13, 1984.

Under the New Mexico Air Quality Control Act, the City of Albuquerque and Bernalillo County have established a program for the local administration and enforcement of the Air Quality Control Act, in lieu of the New Mexico Environmental Improvement Board. The authority delegated in this document excludes those sources located within the boundaries of Bernalillo County.

Full Delegation

EPA has reviewed the Governor's request, Air Quality Control Regulations 750 and 751, and all other available information on the New Mexico Environmental Improvement Division (NMEID), including its implementation of the partial delegation of these programs. EPA finds that the NMEID has an adequate and effective procedure for implementing and enforcing the NSPS and NESHAP programs in the State of New Mexico, except for Indian lands, as defined at 18 U.S.C. §1151. Therefore, EPA hereby delegates the following authority for the implementation and enforcement of the NSPS and NESHAP to the State of New Mexico, subject to the conditions and limitations specified below:

- 1. Authority for all sources located in the State of New Mexico, outside Indian lands, subject to the NSPS promulgated in 40 CFR Part 60 through March 14, 1984.
- 2. Authority for all sources located in the State of New Mexico, outside Indian lands, subject to the NESHAP promulgated in 40 CFR Part 61 through December 9, 1983.

Conditions and Limitations

- 1. Implementation and enforcement of NSPS and NESHAP in the State of New Mexico, outside Indian lands, will be the primary responsibility of the NMEID. If the State of New Mexico or the NMEID determines that such implementation or enforcement is not possible or feasible, either with respect to an individual source, a class of sources, or generally, the NMEID shall, within 30 days, notify EPA Region 6 of such impossibility or infeasibility so that EPA may timely exercise its concurrent authority with respect to sources within the State of New Mexico.
- 2. Acceptance of this delegation constitutes agreement by the State of New Mexico and the NMEID to follow all interpretations, past and future, made by EPA of 40 CFR Parts 60 and 61, including determinations of appli-

cability. Prior EPA concurrence shall be obtained on any matter involving the interpretation of Sections 111 or 112 of the Clean Air Act or 40 CFR Parts 60 or 61 to the extent that application, implementation, administration, or enforcement of these sections have not been covered by prior EPA determinations or guidance.

- 3. The State of New Mexico and the NMEID are not authorized to approve or disapprove any application, exemption, variance, or grant waiver of compliance with any provision of 40 CFR Part 61. The State of New Mexico or the NMEID are, however, authorized to receive, review, evaluate, and recommend to EPA approval or disapproval of an application, exemption, variance or waiver.
- 4. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting waivers by class of testing requirements or variances, hence this delegation does not convey to the State of New Mexico or the NMEID authority to grant waivers by class of testing requirements or variances from NSPS regulations.
- 5. The State of New Mexico and the NMEID shall utilize the methods specified in applicable Appendices and Subparts of 40 CFR Parts 60 or 61 in determining compliance with the regulations, including requiring tests at the times required by the regulations.

Authority is delegated to approve minor modifications to the reference test methods in 40 CFR Parts 60 and 61, during either a pre-test meeting or the actual sampling period. These minor modifications would have to produce results essentially identical to the reference method results. Approval of these minor modifications should be based on sound engineering judgment. Under no circumstances are modifications to be used which might result in the non-uniform application of the standards.

- 6. If at any time there is a conflict between any State regulation and any provision of 40 CFR Parts 60 or 61, the Federal regulation must be applied to the extent that it is more stringent than that of the State. If the State of New Mexico or the NMEID does not have the authority to enforce the more stringent Federal regulation, the NMEID shall immediately notify EPA Region 6 pursuant to Condition 1 above. This delegation may be revoked by EPA, in whole or in part, in the event any such conflict makes implementation or enforcement of NSPS or NESHAP administratively impractical.
- 7. If a claim of confidentiality or any other reason should ever legally prevent the State of New Mexico and the NMEID from providing to EPA any or all information required by or pertaining to the implementation of NSPS and NESHAP, the NMEID shall, upon request, assist EPA Region 6 in obtaining that information directly from the source. At a minimum, such assistance shall consist of providing to EPA an identification of the nature of the information which the State cannot provide. In the absence of such a legal reason, the State and the NMEID shall make available to any designated representative of EPA upon request all records, reports, or information provided to, or otherwise obtained by, the State in accordance with the provisions of 40 CFR Parts 60 or 61.

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- 8. All matters in process at the time of delegation of authority may be processed through to completion by EPA Region 6, or may, at the request of the NMEID and at the discretion of EPA, be transferred to the NMEID for completion. Appropriate reproduction of pertinent file material in the EPA Region 6 files in relation to source regulation under NSPS and NESHAP shall be provided through mutual cooperation of the staffs of the respective offices.
- 9. Existing monthly reports normally submitted to EPA Region 6 for the Compliance Data System (CDS) shall be expanded to contain pertinent information relating to the status of sources subject to 40 CFR Parts 60 or 61. As a minimum, the following information must be provided to EPA: the name, address, type and size of each facility; date that operation at the facility commenced and dates of most recent compliance test; the compliance status of each facility with accompanying explanations of noncompliance where applicable; notice of enforcement actions brought against facilities because of violations of 40 CFR Parts 60 or 61; surveillance actions undertaken for each facility; and the results of all reports relating to emissions data, including excess emissions reports.
- 10. Emission data, as defined in 40 CFR 2.301(a)(2), shall be made available to the public. Emission data is to be correlated with applicable emission limitations or other measures in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions which are allowable under the applicable emission limitations. If any information which is defined as emission data is found to be not available to the public by reason of State law or other legal requirement, the NMEID shall so notify EPA, Region 6, so that EPA may take the action necessary to release such data.
- 11. No authority is granted to the State or the NMEID to take any action which would require rulemaking by EPA. This limit on authority includes the grant of a waiver of testing requirements for any class of sources.

Partial Delegation

The NMEID has requested that it have partial delegation for sources for which new regulations or revised regulations are promulgated, except for sources in Indian lands, as defined at 18 U.S.C. §1151. EPA hereby delegates the following partial authority for the implementation of the NSPS and NESHAP to the State of New Mexico subject to the following conditions and limitations:

- 1. Authority for all sources located in the State of New Mexico, outside Indian lands, subject to NSPS promulgated in 40 CFR Part 60 after March 14, 1984, for which full delegation has not been granted above.
- 2. Authority for all sources located in the State of New Mexico, outside Indian lands, subject to NESHAP promulgated in 40 CFR Part 61 after December 9, 1983, for which full delegation has not been granted above.
- 3. Authority for all sources located in the State of New Mexico, outside Indian lands, subject to NSPS for which full delegation is granted above, when part or all of that NSPS has been revised after March 14, 1984.
- 4. Authority for all sources located in the State of New Mexico, outside Indian lands, subject to NESHAP for which full delegation is granted above, when part or all of that NESHAP has been revised after December 9, 1983.

Conditions and Limitations

- 1. The NMEID shall conduct only the technical and administrative review including determination of applicability, review and evaluation of NSPS and NESHAP applications, review and evaluation of requests for waivers of compliance under 40 CFR 61.11 and/or waivers of emission tests under 40 CFR 61.13, performance and evaluation of inspections, and observance and evaluation of compliance tests and continuous emission monitoring tests.
- 2. All conditions and limitations specified above for full delegation apply also to this partial delegation.

A notice of this delegation of authority will be published in the Federal Register in the near future. The notice will state, among other things, that effective immediately, all reports required pursuant to the Federal NSPS and NESHAP by sources located in the State of New Mexico should be submitted to the New Mexico Health and Environment Department, Environmental Improvement Division, P. O. Box 968, Crown Building, Santa Fe, New Mexico, 87504-0968. Any such reports which may be received by EPA, Region 6, after the effective date of this delegation will be promptly transmitted to the NMEID.

Bick Whittington, P.E. Regional Administrator

Region 6

U.S. Environmental Protection Agency

Dallas, Texas



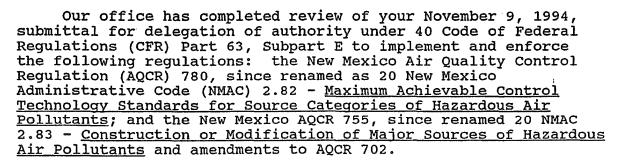
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

ML 27 1995

Mr. Mark Weidler Secretary New Mexico Environment Department P.O. Box 26110 Santa Fe, NM 87502-6110

Dear Mr. Weidler:



Specifically, your submittal seeks delegation of authority to implement and enforce the following Federal standards:

- 1) the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: General Provisions for 40 CFR Part 63, Subpart A, promulgated March 16, 1994;
- 2) NESHAP for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks Hazardous Organic NESHAP, 40 CFR Part 63, Subparts F, G, H, and I promulgated April 22, 1994, and subsequent correction notices;
- 3) NESHAP for Source Categories: Coke Oven Batteries promulgated October 27, 1994, and subsequent correction notice, January 13, 1994;
- 4) NESHAP for Source Categories: Perchloroethylene Dry Cleaning Facilities promulgated September 22, 1993, and the associated amendment published on December 20, 1993.

Your submittal was found to be complete with respect to the information necessary to grant authority to implement and enforce these Maximum Achievable Control Technology (MACT) standards and

Exhibit NMED 10

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General Provisions; thus with this letter, we are delegating to the New Mexico Environment Department the authority to implement and enforce these standards as they apply to major sources in New Mexico.

Your letter also requests that the Environmental Protection Agency (EPA) grant the New Mexico Environment Department (NMED) full authority to implement and enforce the requirements of section 112(g) of the Clean Air Act Amendments of 1990 which was adopted to govern modifications to hazardous air pollutant (HAP) sources. Your submittal includes 20 NMAC 2.83 which addresses the modification, construction, and reconstruction of HAP sources.

On February 14, 1995, an Interpretive Notice regarding the 112(g) rule was published in the <u>Federal Register</u>. This interpretive ruling postpones the effective date of section 112(g) until after the EPA has promulgated a rule addressing that provision. As a result, it is EPA's understanding that the NMED has decided not to promulgate this regulation and has withdrawn this rule from EPA's consideration. Therefore, Region 6 is returning the 20 NMAC 2.83 rule to the NMED for future action by the State.

Region 6 is pleased that the NMED is actively pursuing delegation of federally promulgated MACT standards and looks forward to working closely with you to accomplish this goal. If you have any questions or comments regarding the contents of this letter, please contact Ms. Adele Cardenas at (214) 665-7210.

Sincerely yours,

A. Stanley Meiburg Acting Regional Administrator

cc: Mr. Bill Blankenship
New Mexico Environment Department

New Mexico Register / Volume XXXIV, Issue 17 / September 12, 2023

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on November 17, 2023 at 9.00 a.m., in the Large Conference Room of the Marquez Building, 525 Camino de Los Marquez Building, 525 Camino de Los Marquez Building, 525 Camino de Los Marquez Building, 520 Camino de Los Marquez Building, 520 Camino de Los Marquez Building, 522 NMAC (Maximum Achievable Control Technology Standards for Hazardous Air Pollutants), and 20.2.78 NMAC (Emission Standards for David Camino and 20.2.77 NMAC (Maximum Achievable Control Technology Standards for David Camino and 20.2.77 NMAC, 20.2.78 NMAC and 20.2.78 NMAC and 20.2.78 NMAC and 20.2.78 NMAC ("BEHA") and Maximum Achievable Control Technology Standards for David Camino and 20.2.77 NMAC, 20.2.78 NMAC ("Beha") and Maximum Achievable Control Technology Standards for David Camino and 20.2.77 NMAC, 20.2.78 NMAC, 20.2 (303) 660-1305; Fax (303) 827-2836, email: pamelajouses@env. margov. Any member of the general public may restify at the hearing. No prior nonflication is required to present non-technical testimony at the hearing. Any such member may also offer exhibits in connection with that testimony as long as the exhibit is not unduly repetitions of the testimony at the hearing of submit it at the hearing or submit it at the hearing. Persons having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary and or service to attend or participate in the hearing should contact Pamela Jones no later than October 27, 2023 at (505) 660-4305 or pamela jones@env. The Board may make a decision on the proposed revised regulations at the conclusion of the hearing, or the Board may oneven a meeting after the hearing to consider action on the proposed.

New Mexico Register / Volume XXXIV, Issue 17 / September 12, 2023

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN

Regulaciones de Control de Calidad del Aire codificadas en el Código Adaministrativo de Nuevo Niéxico (NMAC, por sus siglas en inglés) en 20.2.73 NMAC (Estandares de Emissión para Calegoria de Fuentes de Control de Control de Control de Control de Sucresciones, revisiones y regularantes Atmosféricos Peligrosos, NESELAP, por sus siglas en inglés). El propósito de la audiencia gublica es considerar y tomar una posible acción sobre una petición de NMED para memoras se el Departamento de Micho (NMED, por sus siglas en inglés). El propósito de la audiencia gublica es considerar y tomar una posible acción sobre una petición de NMED para memoras a los Estandares Nacionales de Emission de Control Maximo Alexardos por referenta de Sus NMAC in control de perceción Albude incoporación para Calegoria de Protección Ambiental de BE. UU. (EPA, por sus siglas en inglés) y gublicados en el Regularo de Socional Ambiental de BE. UU. (EPA, por sus siglas en inglés) y gublicados en el Regularo de Socional Ambiental de Socional Ambiental de Socional de Protección Ambiental de Socional Ambiental de Socional de Socional Ambiental de Socional de Protección Ambiental de Socional de Sociona La Funta de Mejora Ambiental de Nuevo Wakinco ("Jutan") Heraria cabou una audiencia pública el 17 de noviembre de 2023 a las 9:00 a.m. en la Gran Sala del Confesencias del Edificio Márquez, Santa Fe, Nuevo México 87300. El propósito de la audiencia es considerar el asunto de EIB 23-57(B), enmiendas propuestas a las interrogar a los testigos. Las personas que desean presentar estimonio cenno deben presentar ante la Junta un aviso por escrito de la intención de bacerlo. El aviso de intención debenará el testigo o testigos, (2) Identificar cada testigo o testigos, (2) Identificar cada proesa para la persona para la persona para la persona para la copia del testimonio directo de cada testimonio directo de cada testimonio de ese testigo, (4) Enumental que se anticipa que officercia esa persona en la audiencia; y (3) Adjuntar el testimonio directo de cada testimonio directo de cada testimonio de ses testigos, (4) Enumental que se anticipa que officercia esa persona en la audiencia; y (3) Adjuntar el testimonio de cualquier modificación recomendada a los propuestos reglamentos nuevos y revisados. Los avisos de intención de presentar testimonio tecinico en la audiencia ceben recibirse en la funta a más tardar a las 5:00 p.m. del 2023, y deben hacer referencia al número de expediente, EIB 23-52(R) y la fecha de la audiencia. previo para presentar un testimonio no fecinico en la audiencia. Cualquiera de esos miembros también puede offecer pruebas instrumentales en relación con ese testimonio siempre que las pruebas instrumentales en construencia puede convecar interprete calificado de la guidiencia. Cualquier otra forma de savuda o servicio auxiliar para asistir o participar en la audiencia deberá presentar la declaración por escrito auxiliar para ausiencia en la audiencia de señas o cualquier otra forma de savuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a más tardar hasta el 27 de octubre de 2023, llamando al (505) 660-4305 o en pamela jones (2023, llamando al (505) 1800-4305 o en pamela jones en considerar la Los avissos de intencion de presentar tetimonio tecno o se enviaria n. Pamela Jones, administradora de la Junta de Mejora Ambiental P.O. Box 5469 Santa Fe, NM 873C; Teléfono (505) 660-4305, fax (505) 827-2836, corres electrónico: pamela Jones, administradora de la audiencia. No se requiere aviso adopción de medidas sobre la propuesta.



NM Commission of Public Records

Invoice

1205 Camino Carlos Rey Santa Fe, NM 87507 +505 4767912

BILL TO

Environment Department
Environment Protection Div.
1190 St Francis Dr
Santa Fe, NM 87505

INVOICE#	DATE	TOTAL DUE	DUE DATE	-	ENCLOSED
7126	09/12/2023	\$156.00	09/12/2023		

 VOLUME
 ISSUE
 P.O. NUMBER

 XXXIV
 17
 66700-0000041096

DATE	DESCRIPTION	QTY	RATE	AMOUNT
09/12/2023	NM Register - 431902 New Mexico Environmental Improvement Board Notice of Rulemaking Hearing, hearing date: 11/17/2023	24	3.00	72.00
09/12/2023	NM Register - 431902 Junta De Mejora Ambiental de Nuevo Mexico Aviso de Audiencia de Reglamentacion, hearing date: 11/17/2023	28	3.00	84.00

Thank you for your business!

BALANCE DUE

\$156.00



Your Access to Public Information

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 7126 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXIV, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 7126, and that Invoice # 7126 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant:

Matthew Ortiz

Subscribed, sworn and acknowledged before me this \ day of September, 2023.

Notary Public:

My Commission Expires:

STATE OF NEW MEXICO NOTARY PUBLIC Pamela Anne Lujan Y Vigil Commission No. 1056580 February 19, 2024

Exhibit NMED 11

1205 Camino Carlos Rey | Santa Fe, NM 87507 | www.srca.nm.gov

Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón Chairman/State Auditor Hon. Maggie Toulouse Oliver Secretary of State

Debra Garcia y GriegoDepartment of Cultural Affairs

Stephanie Wilson

Acting Director, Supreme Court Law Library

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo

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Wayne Barnard, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

09/12/2023	RECEIVED
	OCT 1 0 2023
Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this	Air Quality Bureau
12 day of September of 2023 PRICE \$246.46	STATE OF NEW MEXICO NOTARY PUBLIC DAVID LINDSEY MONTOYA
Statement to come at the end of month.	COMMISSION NUMBER 1140229 EXPIRATION DATE 04-26-2027
ACCOUNT NUMBER1008533	Stavid & Montoga



NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") Mexico Environment Department (NMED). The purpose of the public hearing is to consider and take possible action on a petition from NMED to amend 20.2.77 NMAC, 20.2.78 NMAC and 20.2.82 NMAC by incorporating by reference the new rules, corrections, revisions, and amendments to the federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants (MACT) which were promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register from the most recent date of incorporation by reference (January 15, 2017) through June 28, 2023. The proposed amendments include updates to Section 3 of 20.2.78 NMAC and 20.2.82 NMAC to incorporate the New Mexico Legislature's 2021 statutory amendment to Subsection (D) of 74-2-5 NMSA 1978. The proposed revised regulations and the list of federal standards to be incorporated by reference may be reviewed during regular business hours at regulations and the list of federal standards to be incorporated by reference may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Santa Fe, New Mexico, on NMED's website at https://www.env.nm.gov/public-notices/, or by contacting Armando Paz at 505-629-3242 or armando.paz@env.nm.gov. You may also contact Armando Paz if you are interested in attending an informational open house on the proposed incorporation by reference. The hearing will be conducted in accordance with 20.1. 1 NMAC Rulemaking Procedures Environmental Improvement Board, the Environmental Improvement Act, Section 74-1-9 NMSA 1978, the Air Quality control Act Section 74-2-6 NMSA 1978, and other applicable procedures. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing, to introduce exhibits, and to examine witnesses. Perwriting, to introduce exhibits, and to examine witnesses. Per-sons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall: (1) Identify the person for whom the witness(es) will testify; (2) Identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background; (3) Sumarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; (4) List and describe, or attach, each exhibit anticipated to be offered by that person at the hearing; and (5) Attach the text of any recommended modification to the proposed new and revised regulations. Notices of intent to present technical testimony at the hearing must be received in the Office of the Board not later than 5:00 pm on October 27, 2023, and should reference the docket number, Ella 23-52(R) and the date of the hearing. Notices of intent to present technical testimony shall be submitted to: Pamela Jones, Board Administrator Environmental Improvement Board P.O. Box 5469 Santa Fe, NM 87502; Phone (505) 660-4305; Fax (505) 827-2836; email: pam shall: (1) Identify the person for whom the witness(es) will testi-87502; Phone (505) 660-4305; Fax (505) 827-2836; email: pam ela.jones@env.nm.gov. Any member of the general public may testify at the hearing. No prior notification is required to present 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 that testimony as 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, shall file the written statement prior to the hearing or submit it at the hearing. Persons 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 27, 2023 at (505) 660-4305 or pamela Jones@env.nm.gov. The Board may make a decision on the proposed revised regulations at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

IDAVIT OF PUBLICATION

E OF NEW MEXICO

of Bernalillo

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larnard, the undersigned, authorized Representative of the Albuquerque Journal, on oath at this newspaper is duly qualified to publish legal notices or advertisements within the of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made

The New Mexico Environmental Improvement Board ("Board will hold a public hearing on November 17, 2023 at 9:00 a.m. it the Large Conference Room of the Marquez Building, 525 Camino de Los Marquez, Santa Fe, New Mexico 87505. The pupose of the hearing is to consider the matter of EIB 23-52(R proposed amendments to the Air Quality Control Regulation	in the	ao oour cost, and that	Session Laws of 1937, the notice, copy of which 1 time(s) on the following d	is horoto ottoched	ements within the re has been made was published in
codified in the New Mexico Administrative Code (NMAČ) at 20 2.77 NMAČ (New Source Performance Standards), 20.2.7 NMAC (Emission Standards for Source Categories of Hazard ous Air Pollutants), and 20.2.82 NMAC (Maximum Achievabl Control Technology Standards for Hazardous Air Pollutants The proponent of these regulatory amendments is the New York Control Technology Standards for Hazardous Air Pollutants	23			RECE	EIVED
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June 28, 2023. The proposed amendments include updates i Section 3 of 20.2.78 NMAC and 20.2.82 NMAC to incorporat the New Mexico Legislature's 2021 statutory amendment in Subsection (D) of 74-2-5 NMSA 1978. The proposed revise	o / OT e d	September \$246.46	of 2023	NOTAR' DAVID LINDS	NEW MEXICO Y PUBLIC SEY MONTOYA
regulations and the list of federal standards to be incorporate by reference may be reviewed during regular business hours the NMED Air Quality Bureau office, 525 Camino de lo Marquez, Santa Fe, New Mexico, on NMED's website at https:	t to c	come at the end of month		EXPIRATION D	NUMBER 1140229 ATE 04-26-2027
www.env.nm.gov/public-notices/, or by contacting Armand Paz at 505-629-3242 or armando.paz@env.nm.gov. You ma also contact Armando Paz if you are interested in attending a	Y I NU	JMBER1008533		david of	Montoya

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo

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Wayne Barnard, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

09/12/2023

PRICE

12 day of September

ACCOUNT NUMBER

\$286.89

Statement to come at the end of month.

1008533

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OCȚ 1 0 2023

Air Quality Bureau

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 2023

STATE OF NEW MEXICO NOTARY PUBLIC DAVID LINDSEY MONTOYA COMMISSION NUMBER 1140229 EXPIRATION DATE 04-26-2027



JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN

La Junta de Mejora Ambiental de Nuevo México ("Junta") llevará a cabo una audiencia pública el 17 de noviembre de 2023 a las 9:00 a.m. en la Gran Sala del Conferencias del Edificio Márquez, 525 Camino de los Márquez, Santa Fe, Nuevo México 87505. El propósito de la audiencia es considerar el asunto de EIB 23-52(R), enmlendas propuestas a las Regulaciones de Control de Calidad del Aire codificadas en el Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés) en 20.2.77 NMAC (Estándares de Desempeño de Fuentes Nuevas), 20.2.78 NMAC (Estándares de Desempeño de Fuentes Nuevas), 20.2.78 NMAC (Estándares de Desempeño para Categorías de Fuentes de Contaminantes Atmosféricos Peligrosos). El proposito de la audiencia pública es considerar y tomar una posible acción sobre una petición de NMED para enmendar 20.2.77 NMAC, 20.2.78 NMAC (20.2.78 NMAC (20.2.

DAVIT OF PUBLICATION

OF NEW MEXICO

Bernalillo

SS

nard, the undersigned, authorized Representative of the Albuquerque Journal, on oath this newspaper is duly qualified to publish legal notices or advertisements within the Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made as court cost; and that the notice, copy of which is hereto attached, was published in the regular daily edition, for 1 time(s) on the following date(s):

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OCT 10 2023

Air Quality Bureau

STATE OF NEW MEXICO
NOTARY PUBLIC
DAVID LINDSEY MONTOYA
COMMISSION NUMBER 1140229
EXPIRATION DATE 04-26-2027

durante el horario regular de atención al público en la Oficina de Calidad del Aire de NMED, 525 Camino de los Márquez, de Calidad del Aire de NMED, 525 Camino de los Marquez, Santa Fe, NM, en el sitio web de NMED en https://www.env.nm.gov/public-notices/, o comunicándose con Armando Paz llamando al 505-629-3242 o armando.paz@env.nm.gov. También puede comunicarse con Armando Paz si está interesado en asistir a una jornada de puertas abiertas informativa sobre la incorporación propuesta por referencia. La audiencia se llevará a cabo de acuerdo con 20.1.1 Procedimientos de reglamentación de NMAC de la Junta de Mejora Ambiental, la Ley de Mejora Ambiental, Sección 74-1-9 NMSA 1978, la Ley de Control de Calidad del Aire, Sección 74-1-9 NWSA 1978, y otros procedimientos aplicables. A todas las personas interesadas se les dará una oportunidad razonable personas interesadas se les dará una oportunidad razonable en la audiencia para presentar las pertinentes pruebas, datos, puntos de vista y argumentos, de forma oral y por escrito, presentar pruebas e interrogar a los testigos. Las personas que deseen presentar testimonio técnico deben presentar ante la Junta un aviso por escrito de la intención de hacerlo. El aviso de intención deberá: (1) Identificar a la persona para la que declarará el testigo o testigos; (2) Identificar cada testigo técnico que la persona pretende presentar y declarar las calificaciones del testigo, incluidas una descripción de su educación y experiencia laboral; (3) resumir o incluir una copia del testimonio directo de cada testigo técnico y establecer la duración anticipada del testimonio de ese testigo; (4) Enumerar y describir, o adjuntar, cada prueba instrumental que se anticipa que ofrecerá esa persona en la audiencia; y (5) Adjuntar el texto de cualquier modificación recomendada a los propuestos reglamentos nuevos y revisados. Los avisos de intención de presentar testimonio técnico en la audiencia deben recibirse en la Oficina de la Junta a más tardar a las 5:00 p.m. del 27 de octubre de 2023, y deben hacer referencia al numero de expediente. Elia 23-5/20) y de la techa de la purpara de expediente. 5:00 p.m. del 27 de octubre de 2023; y deben hacer referencia al numero de expediente, EIB 23-52(R) y la fecha de la audiencia. Los avisos de intención de presentar testimonio audiencia. Los avisos de intencion de presentar testimonio técnico se enviarán a: Pamela Jones, administradora de la Junta de Mejora Ambiental P.O. Box 5469 Santa Fe, NM 87502; Teléfono (505) 660-4305; fax (505) 827-2836; correo electrónico: pamela.jones@env.nm.gov. Cualquier miembro del público puede testificar en la audiencia. No se requiere aviso previo para presentar un testimonio no técnico en la audiencia. Cualquiera de esos miembros también puede ofrecer pruebas instrumentales en velación con aco testimonio siempra que las estaturentas en velación con aco testimonio siempra que las instrumentales en relación con ese testimonio siempre que las pruebas instrumentales no sean indebidamente repetitivas del testimonio. Cualquier miembro del público que desee presentar una declaración por escrito para que conste en acta, en lugar de proporcionar un testimonio oral en la audiencia, deberá presentar la declaración por escrito antes de la audiencia o presentarla en la audiencia. Las personas con una discapacidad que necesiten un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a más tardar hasta el 27 de octubre de 2023, llamando al (505) 660-4305 o en pamel a jones@env.nm.gov. La Junta puede tomar una decisión sobre los reglamentos revisados propuestos al final de la audiencia, o la Junta puede convocar una reunión después de la audiencia para considerar la adopción de medidas sobre la propuesta.

Journal: September 12, 2023

JUNTADEMEJORAAM BIENTALDENUEVOME XICOAVISODEAUDIEN CIADEREGLAMENTAC IONLAJUNTADEMEJO RAAMBIENTALDENUE VOMEXICOJUNTALLE **VARAACABOUNAAUDI ENC**

OF NEW MEXICO

County of Bernalillo

09/12/2023

SS

Wayne Barnard, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

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RECEIVED

OCT 10 2023

Air Quality Bureau

STATE OF NEW MEXICO NOTARY PUBLIC DAVID LINDSEY MONTOYA COMMISSION NUMBER 1140229 EXPIRATION DATE 04-26-2027

Exhibit NMED 11

This is a courtesy copy of an email bulletin sent by Armando Paz.

This bulletin was sent to the following groups of people:

Subscribers of Air Quality Bureau Regulatory and SIP Announcements (1486 recipients)



Air Quality Bureau

Regulatory and SIP Bulletin

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The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on November 17, 2023 at 9:00 a.m. in the Large Conference Room of the Marquez Building, 525 Camino de Los Marquez, Santa Fe, New Mexico 87505. The purpose of the hearing is to consider the matter of EIB 23-52(R), proposed amendments to the Air Quality Control Regulations codified in the New Mexico Administrative Code (NMAC) at 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Source Categories of Hazardous Air Pollutants), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Hazardous Air Pollutants). The proponent of these regulatory amendments is the New Mexico Environment Department (NMED). The purpose of the public hearing is to consider and take possible action on a petition from NMED to amend 20.2.77 NMAC, 20.2.78 NMAC and 20.2.82 NMAC by incorporating by reference the new rules , corrections, revisions, and amendments to the federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants (MACT) which were promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register from the most recent date of incorporation by reference (January 15, 2017) through June 28, 2023. The proposed amendments include updates to Section 3 of 20.2.78 NMAC and 20.2.82 NMAC to incorporate the New Mexico Legislature's 2021 statutory amendment to Subsection (D) of 74-2-5 NMSA 1978. The proposed revised regulations and the list of faderal standards to be incornorated by reference may be reviewed during regular

minio co moorporace are mem membo ce_bisiacare s coca scacacory amenament co Subsection (D) of 74-2-5 NMSA 1978. The proposed revised regulations and the list of federal standards to be incorporated by reference may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Santa Fe, New Mexico, on NMED's website at https://www.env.nm.gov/public-notices/, or by contacting Armando Paz at 505-629-3242 or armando.paz@env.nm.gov. You may also contact Armando Paz if you are interested in attending an informational open house on the proposed incorporation by reference. The hearing will be conducted in accordance with 20.1.1 NMAC Rulemaking Procedures Environmental Improvement Board, the Environmental Improvement Act, Section 74-1-9 NMSA 1978, the Air Quality control Act Section 74-2-6 NMSA 1978, and other applicable procedures. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall: (1) Identify the person for whom the witness(es) will testify; (2) Identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background; (3) Summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; (4) List and describe, or attach, each exhibit anticipated to be offered by that person at the hearing; and (5) Attach the text of any recommended modification to the proposed new and revised regulations. Notices of intent to present technical testimony at the hearing must be received in the Office of the Board not later than 5:00 pm on October 27, 2023, and should reference the docket number, EIB 23-52(R) and the date of the hearing. Notices of intent to present technical testimony shall be submitted to: Pamela Jones, Board Administrator Environmental Improvement Board P.O. Box 5469 Santa Fe, NM 87502; Phone (505) 660-4305; Fax (505) 827-2836; email: pamela.jones@env.nm.gov. 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 that testimony as 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, shall file the written statement prior to the hearing or submit it at the hearing. Persons 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 27, 2023 at (505) 660-4305 or pamela.jones@env.nm.gov. The Board may make a decision on the proposed revised regulations at the conclusion of the hearing, or the Board may convene a meeting after

the hearing to consider action on the proposal.

Exhibit NMFD 12

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Subscribers of Air Quality Bureau Regulatory and SIP Announcements (1486 recipients)

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Air Quality Bureau Regulatory and SIP Bulletin

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La Junta de Mejora Ambiental de Nuevo México ("Junta") llevará a cabo una audiencia pública el 17 de noviembre de 2023 a las 9:00 a.m. en la Gran Sala del Conferencias del Edificio Márquez, 525 Camino de los Márquez, Santa Fe, Nuevo México 87505. El propósito de la audiencia es considerar el asunto de EIB 23-52(R), enmiendas propuestas a las Regulaciones de Control de Calidad del Aire codificadas en el Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés) en 20.2.77 NMAC (Estándares de Desempeño de Fuentes Nuevas), 20.2.78 NMAC (Estándares de Emisión para Categorías de Fuentes de Contaminantes Atmosféricos Peligrosos) y 20.2.82 NMAC (Estándares Tecnológicos de Control Máximo Alcanzable para Contaminantes Atmosféricos Peligrosos). El proponente de estas enmiendas reglamentarias es el Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés). El propósito de la audiencia pública es considerar y tomar una posible acción sobre una petición de NMED para enmendar 20.2.77 NMAC, 20.2.78 NMAC y 20.2.82 NMAC incorporando por referencia las nuevas reglas, correcciones, revisiones y enmiendas a los Estándares Federales de Desempeño de Nuevas Fuentes (NSPS, Por Sus Siglas En Inglés), Estándares Nacionales de Emisión de Contaminantes Atmosféricos Peligrosos (NESHAP, por sus siglas en inglés) y Estándares de Tecnología de Control Máximo Alcanzable para Categorías de Fuentes de Contaminantes Atmosféricos Peligrosos (MACT, por sus siglas en inglés) que fueron promulgados por la Agencia de Protección Ambiental de EE. UU. (EPA, por sus siglas en inglés) y publicados en el Registro Federal desde la fecha más reciente de incorporación por referencia (15 de enero de 2017) hasta el 28 de junio de 2023. Las enmiendas propuestas incluyen actualizaciones a la Sección 3 de 20.2.78 NMAC y 20.2.82 NMAC para incorporar la enmienda estatutaria de 2021 de la Legislatura de Nuevo México a la

ingres) y publicados en el negistro rederar desde la recha mas reciente de incorporación por referencia (15 de enero de 2017) hasta el 28 de junio de 2023. Las enmiendas propuestas incluyen actualizaciones a la Sección 3 de 20.2.78 NMAC y 20.2.82 NMAC para incorporar la enmienda estatutaria de 2021 de la Legislatura de Nuevo México a la Subsección (D) de 74-2-5 NMSA 1978. Los reglamentos revisados propuestos y la lista de estándares federales que se incorporarán por referencia pueden ser revisados durante el horario regular de atención al público en la Oficina de Calidad del Aire de NMED, 525 Camino de los Márquez, Santa Fe, NM, en el sitio web de NMED en https://www.env.nm.gov/public-notices/, o comunicándose con Armando Paz llamando al 505-629-3242 o armando.paz@env.nm.gov. También puede comunicarse con Armando Paz si está interesado en asistir a una jornada de puertas abiertas informativa sobre la incorporación propuesta por referencia. La audiencia se llevará a cabo de acuerdo con 20.1.1 Procedimientos de reglamentación de NMAC de la Junta de Mejora Ambiental, la Ley de Mejora Ambiental, Sección 74-1-9 NMSA 1978, la Ley de Control de Calidad del Aire, Sección 74-2-6 NMSA 1978, y otros procedimientos aplicables. A todas las personas interesadas se les dará una oportunidad razonable en la audiencia para presentar las pertinentes pruebas, datos, puntos de vista y argumentos, de forma oral y por escrito, presentar pruebas e interrogar a los testigos. Las personas que deseen presentar testimonio técnico deben presentar ante la Junta un aviso por escrito de la intención de hacerlo. El aviso de intención deberá: (1) Identificar a la persona para la que declarará el testigo o testigos; (2) Identificar cada testigo técnico que la persona pretende presentar y declarar las calificaciones del testigo, incluidas una descripción de su educación y experiencia laboral; (3) resumir o incluir una copia del testimonio directo de cada testigo técnico y establecer la duración anticipada del testimonio de ese testigo; (4) Enumerar y describir, o adjuntar, cada prueba instrumental que se anticipa que ofrecerá esa persona en la audiencia; y (5) Adjuntar el texto de cualquier modificación recomendada a los propuestos reglamentos nuevos y revisados. Los avisos de intención de presentar testimonio técnico en la audiencia deben recibirse en la Oficina de la Junta a más tardar a las 5:00 p.m. del 27 de octubre de 2023, y deben hacer referencia al número de expediente, EIB 23-52(R) y la fecha de la audiencia. Los avisos de intención de presentar testimonio técnico se enviarán a: Pamela Jones, administradora de la Junta de Mejora Ambiental P.O. Box 5469 Santa Fe, NM 87502; Teléfono (505) 660-4305; fax (505) 827-2836; correo electrónico: pamela.jones@env.nm.gov. Cualquier miembro del público puede testificar en la audiencia. No se requiere aviso previo para presentar un testimonio no técnico en la audiencia. Cualquiera de esos miembros también puede ofrecer pruebas instrumentales en relación con ese testimonio siempre que las pruebas instrumentales no sean indebidamente repetitivas del testimonio. Cualquier miembro del público que desee presentar una declaración por escrito para que conste en acta, en lugar de proporcionar un testimonio oral en la audiencia, deberá presentar la declaración por escrito antes de la audiencia o presentarla en la audiencia. Las personas con una discapacidad que necesiten un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma do avudo o convisio avviliar para acistir o participar en la audiancia doban comunia

de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con en pamela.jones@env.nm.gov. La Junta puede tomar una decisión sobre los reglamentos un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma Pamela Jones a más tardar hasta el 27 de octubre de 2023, llamando al (505) 660-4305 o revisados propuestos al final de la audiencia, o la Junta puede convocar una reunión después de la audiencia para considerar la adopción de medidas sobre la propuesta.

מתחובוונים כל מו בסבוונמוום בוו ום מתחובוונים. דמס מבוסטומס כמוו מוזם מוסכמממרוממת לחב וובכבסונבוו

Para obtener información adicional sobre este boletín, comunicándose con Armando Paz al (505) 629-3242 o armando.paz@env.nm.gov

discrimination requirements implemented by 40 C.F.R. Parts 5 & 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 Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's nonhttps://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to administration of its programs or activities, as required by applicable laws and regulations. NMED is 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution discrimination programs, policies or procedures, or if you believe that you have been discriminated NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM responsible for coordination of compliance efforts and receipt of inquiries concerning nonagainst with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at file a complaint of discrimination.

NMED Air Quality Bureau 525 Camino de los Marquez, Suite 1 Santa Fe, New Mexico, 87505-1816 (505) 476-4300

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This page lists public notices for rulemakings, permitting actions and any appeals of the action. Any rulemaking hearing or specific permitting or enforcement matter appealed to a board, commission or Environment Department Secretary is found on our Docketed Matters webpage once it is docketed.

Historical actions (e.g., public notices and associated documents) are archived on the previous NMED site.

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- > Ozone Precursor Rule Alternative Compliance Plan Proposal Kinder Morgan
- > Ozone Precursor Rule Alternative Emissions Standards Proposal El Alliance - May 19, 2023

> Public Meeting Notice: Meeting of Recycling and Illegal Dumping

> Title V Air Curtain Incinerator General Operating Permit Paso Natural Gas



VIA EMAIL

September 12, 2023

Small Business Regulatory Advisory Commission c/o Johanna Blasak, Administrator
New Mexico Economic Development Department
1100 S. St. Francis Drive
Santa Fe, NM 87505-4147

RE: Proposed Amendments to 20.2.77 NMAC – New Source Performance Standards (NSPS); 20.2.78 NMAC – Emissions Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC – Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT)

Dear Commission Members,

The New Mexico Environment Department ("Department") hereby provides notice to the Small Business Regulatory Advisory Commission pursuant to the Small Business Regulatory Relief Act, NMSA 1978, Section 14-4A-1 through -6 (2005), that the Department's Air Quality Bureau has petitioned the Environmental Improvement Board to amend 20.2.77 NMAC — New Source Performance Standards (NSPS); 20.2.78 NMAC — Emissions Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC — Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT) ("Regulations").

The proposed amendments would incorporate by reference a number of new or revised federal rules promulgated under 40 C.F.R. Parts 60 (New Source Performance Standards, or "NSPS"), 61 (National Emission Standards for Hazardous Air Pollutants, or "NESHAP") and 63 (Maximum Achievable Control Technology Standards for Hazardous Air Pollutants, or ("MACT"), for which New Mexico has been delegated enforcement authority. In order to keep current with federal rulemaking, the Department periodically requests that the Board update the date of incorporation into the NMAC to include new rules and amendments made to the federal regulations. The last update was in 2017. Since that time, the EPA has promulgated 104 new rules or rule revisions affecting NSPS, NESHAP and MACT. In addition to the above revisions, this Amended Petition also requests to incorporate 2021 statutory authority reference updates to Sections 3 of Parts 78 and 82 of 20.2 to NMSA 1978, Sections 74-2-5(D) and 74-2-5(C).

The Environmental Improvement Board ("EIB") will hold a public hearing in this matter beginning at 9:00 am on November 17, 2023, in the Large Conference Room of the Marquez Building, 525 Camino de Los Marquez, Santa Fe, New Mexico 87505. The hearing location may change prior to the hearing

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date, and those interested in attending should visit the New Mexico Environment Department's ("NMED") *Docketed Matters* website prior to the hearing: https://www.env.nm.gov/opf/docketed-matters/

If Commission members have further questions, comments, or would like to meet and discuss the Regulations, please feel free to contact me directly at (505) 469-4696 or via email: christopherj.vigil@env.nm.gov. A copy of the petition and proposed amendments are attached.

Sincerely,

Chris Vigil Assistant General Counsel

Title 42. The Public Health and Welfare Chapter 85. Air Pollution Prevention and Control Subchapter I. Programs and Activities Part A. Air Quality and Emission Limitations

42 U.S.C §7411. Standards of performance for new stationary sources

(a) Definitions

For purposes of this section:

- (1) The term "standard of performance" means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.
- (2) The term "new source" means any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.
- (3) The term "stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant. Nothing in subchapter II of this chapter relating to nonroad engines shall be construed to apply to stationary internal combustion engines.
- (4) The term "modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.
- (5) The term "owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.
 - (6) The term "existing source" means any stationary source other than a new source.
 - (7) The term "technological system of continuous emission reduction" means—
 - (A) a technological process for production or operation by any source which is inherently low-polluting or nonpolluting, or
 - (B) a technological system for continuous reduction of the pollution generated by a source before such pollution is emitted into the ambient air, including precombustion cleaning or treatment of fuels.
- (8) A conversion to coal (A) by reason of an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 [15 U.S.C. 792(a)] or any amendment thereto, or any subsequent enactment which supersedes such Act [15 U.S.C. 791 et seq.], or (B) which qualifies under section 7413(d)(5)(A)(ii) ¹ of this title, shall not be deemed to be a modification for purposes of paragraphs (2) and (4) of this subsection.

Exhibit NMED 14

- (b) List of categories of stationary sources; standards of performance; information on pollution control techniques; sources owned or operated by United States; particular systems; revised standards
 - (1) (A) The Administrator shall, within 90 days after December 31, 1970, publish (and from time to time thereafter shall revise) a list of categories of stationary sources. He shall include a category of sources in such list if in his judgment it causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.
 - (B) Within one year after the inclusion of a category of stationary sources in a list under subparagraph (A), the Administrator shall publish proposed regulations, establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one year after such publication, such standards with such modifications as he deems appropriate. The Administrator shall, at least every 8 years, review and, if appropriate, revise such standards following the procedure required by this subsection for promulgation of such standards. Notwithstanding the requirements of the previous sentence, the Administrator need not review any such standard if the Administrator determines that such review is not appropriate in light of readily available information on the efficacy of such standard. Standards of performance or revisions thereof shall become effective upon promulgation. When implementation and enforcement of any requirement of this chapter indicate that emission limitations and percent reductions beyond those required by the standards promulgated under this section are achieved in practice, the Administrator shall, when revising standards promulgated under this section, consider the emission limitations and percent reductions achieved in practice.
- (2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.
- (3) The Administrator shall, from time to time, issue information on pollution control techniques for categories of new sources and air pollutants subject to the provisions of this section.
 - (4) The provisions of this section shall apply to any new source owned or operated by the United States.
- (5) Except as otherwise authorized under subsection (h) of this section, nothing in this section shall be construed to require, or to authorize the Administrator to require, any new or modified source to install and operate any particular technological system of continuous emission reduction to comply with any new source standard of performance.
- (6) The revised standards of performance required by enactment of subsection (a)(1)(A)(i) and (ii) 1 of this section shall be promulgated not later than one year after August 7, 1977. Any new or modified fossil fuel fired stationary source which commences construction prior to the date of publication of the proposed revised standards shall not be required to comply with such revised standards.

(c) State implementation and enforcement of standards of performance

- (1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this chapter to implement and enforce such standards.
- (2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable standard of performance under this section.

* * * *

42 U.S.C. §7412. Hazardous air pollutants

* * * *

(d) Emission standards

(1) In general

The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation pursuant to subsection (c) of this section in accordance with the schedules provided in subsections (c) and (e) of this section. The Administrator may distinguish among classes, types, and sizes of sources within a category or subcategory in establishing such standards except that, there shall be no delay in the compliance date for any standard applicable to any source under subsection (i) of this section as the result of the authority provided by this sentence.

(2) Standards and methods

Emissions standards promulgated under this subsection and applicable to new or existing sources of hazardous air pollutants shall require the maximum degree of reduction in emissions of the hazardous air pollutants subject to this section (including a prohibition on such emissions, where achievable) that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which such emission standard applies, through application of measures, processes, methods, systems or techniques including, but not limited to, measures which—

- (A) reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications,
- (B) enclose systems or processes to eliminate emissions,
- (C) collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point,
- (D) are design, equipment, work practice, or operational standards (including requirements for operator training or certification) as provided in subsection (h) of this section, or
- (E).are a combination of the above.

None of the measures described in subparagraphs (A) through (D) shall, consistent with the provisions of section 7414(c) of this title, in any way compromise any United States patent or United States trademark right, or any confidential business information, or any trade secret or any other intellectual property right.

* * * *

Exhibit NMFD 14

(I) State programs

(1) In general

Each State may develop and submit to the Administrator for approval a program for the implementation and enforcement (including a review of enforcement delegations previously granted) of emission standards and other requirements for air pollutants subject to this section or requirements for the prevention and mitigation of accidental releases pursuant to subsection (r) of this section. A program submitted by a State under this subsection may provide for partial or complete delegation of the Administrator's authorities and responsibilities to implement and enforce emissions standards and prevention requirements but shall not include authority to set standards less stringent than those promulgated by the Administrator under this chapter.

(2) Guidance

Not later than 12 months after November 15, 1990, the Administrator shall publish guidance that would be useful to the States in developing programs for submittal under this subsection. The guidance shall also provide for the registration of all facilities producing, processing, handling or storing any substance listed pursuant to subsection (r) of this section in amounts greater than the threshold quantity. The Administrator shall include as an element in such guidance an optional program begun in 1986 for the review of high-risk point sources of air pollutants including, but not limited to, hazardous air pollutants listed pursuant to subsection (b) of this section.

(3) Technical assistance

The Administrator shall establish and maintain an air toxics clearinghouse and center to provide technical information and assistance to State and local agencies and, on a cost recovery basis, to others on control technology, health and ecological risk assessment, risk analysis, ambient monitoring and modeling, and emissions measurement and monitoring. The Administrator shall use the authority of section 7403 of this title to examine methods for preventing, measuring, and controlling emissions and evaluating associated health and ecological risks. Where appropriate, such activity shall be conducted with not-for-profit organizations. The Administrator may conduct research on methods for preventing, measuring and controlling emissions and evaluating associated health and environment risks. All information collected under this paragraph shall be available to the public.

(4) Grants

Upon application of a State, the Administrator may make grants, subject to such terms and conditions as the Administrator deems appropriate, to such State for the purpose of assisting the State in developing and implementing a program for submittal and approval under this subsection. Programs assisted under this paragraph may include program elements addressing air pollutants or extremely hazardous substances other than those specifically subject to this section. Grants under this paragraph may include support for high-risk point source review as provided in paragraph (2) and support for the development and implementation of areawide area source programs pursuant to subsection (k) of this section.

(5) Approval or disapproval

Not later than 180 days after receiving a program submitted by a State, and after notice and opportunity for public comment, the Administrator shall either approve or disapprove such program. The Administrator shall disapprove any program submitted by a State, if the Administrator determines that—

- (A) the authorities contained in the program are not adequate to assure compliance by all sources within the State with each applicable standard, regulation or requirement established by the Administrator under this section;
- (B) adequate authority does not exist, or adequate resources are not available, to implement the program;
- (C) the schedule for implementing the program and assuring compliance by affected sources is not sufficiently expeditious; or
- (D) the program is otherwise not in compliance with the guidance issued by the Administrator under paragraph (2) or is not likely to satisfy, in whole or in part, the objectives of this chapter.

If the Administrator disapproves a State program, the Administrator shall notify the State of any revisions or modifications necessary to obtain approval. The State may revise and resubmit the proposed program for review and approval pursuant to the provisions of this subsection.

(6) Withdrawal

Whenever the Administrator determines, after public hearing, that a State is not administering and enforcing a program approved pursuant to this subsection in accordance with the guidance published pursuant to paragraph (2) or the requirements of paragraph (5), the Administrator shall so notify the State and, if action which will assure prompt compliance is not taken within 90 days, the Administrator shall withdraw approval of the program. The Administrator shall not withdraw approval of any program unless the State shall have been notified and the reasons for withdrawal shall have been stated in writing and made public.

(7) Authority to enforce

Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard or requirement under this section.

(8) Local program

The Administrator may, after notice and opportunity for public comment, approve a program developed and submitted by a local air pollution control agency (after consultation with the State) pursuant to this subsection and any such agency implementing an approved program may take any action authorized to be taken by a State under this section.

(9) Permit authority

Nothing in this subsection shall affect the authorities and obligations of the Administrator or the State under subchapter V of this chapter.

Exhibit NMED 14

STATE OF NEW MEXICO BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED AMENDMENTS TO

No. EIB 23-52 (R)

20.2.77 NMAC – New Source Performance Standards (NSPS); 20.2.78 NMAC – Emissions Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC – Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT)

Air Quality Bureau Environmental Protection Division New Mexico Environment Department,

Petitioner			

STATEMENT OF REASONS

The Air Quality Bureau ("Bureau") in the Environmental Protection Division of the New Mexico Environment Department ("Department") proposes to incorporate by reference new rules, corrections, revisions, and amendments to the federal New Source Performance Standards ("NSPS"), National Emission Standards for Hazardous Air Pollutants ("NESHAP"), and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants ("MACT"), which were promulgated by the U.S. Environmental Protection Agency ("EPA"). The proposed amendments to 20.2.77, 20.2.78, and 20.2.82 NMAC incorporate NSPS, NESHAP, and MACT rules published in the Federal Register from January 16, 2017 to June 28, 2023. In addition, incorporate the 2021 statutory authority reference updates to Sections 3 of Parts 78 and 82 of 20.2 NMAC to the Subsection (D) of Section 74-2-5 NMSA 1978 from Subsection (C) of Section 74-2-5 NMSA 1978. The sections of Parts 77, 78, and 82 of 20.2 NMAC affected by the proposed changes are shown below. The entirety of Parts 77, 78, and 82 of 20.2 NMAC

with the proposed changes included and are attached here as Attachment A and Amended Attachments B, and C, respectively.

A table listing EPA's revisions to the NSPS, NESHAP, and MACT standards to May 30, 2023 is attached as Attachment D.

The Department proposes the following changes to 20.2.77 NMAC:

- **20.2.77.2 SCOPE:** Any stationary source constructing or modifying and which is subject to the requirements of 40 CFR Part 60, as amended through [January 15, 2017] June 28, 2023. [06/16/95, 11/19/97, 09/08/99; 20.2.77.2 NMAC Rn & A, 20 NMAC 2.77.101, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- **20.2.77.9 ADOPTION OF 40 CFR PART 60:** Except as otherwise provided, the new source performance standards as promulgated by the United States environmental protection agency, 40 CFR Part 60, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.77 NMAC). [06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.77.9 NMAC Rn & A, 20 NMAC 2.77.107, 06/02/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]

The above proposed revisions adopt the language of 40 CFR § 60 as amended through June 28, 2023.

The Department proposes the following changes to 20.2.78 NMAC:

- **20.2.78.2 SCOPE:** All sources emitting hazardous air pollutants which are subject to the requirements of 40 CFR Part 61, as amended through [January 15, 2017] June 28, 2023. [06/16/95, 11/19/97, 09/08/99; 20.2.78.2 NMAC Rn 20 NMAC 2.78.101 & A, 06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- **20.2.78.3 STATUTORY AUTHORITY:** The environmental improvement board "shall promulgate regulations and standards in...air quality management" (<u>Subsection (A) of Section 74-1-8[-A] NMSA 1978</u>) and "regulations adopted by the environmental improvement board...may...prescribe standards of performance for sources and emissions standards for hazardous air pollutants..." (<u>Subsection (D) of Section 74-2-5[-C] NMSA 1978</u>).

[06/16/95; 20.2.78.3 NMAC - Rn, 20 NMAC 2.78.102 06/23/00; A, XX/XX/23]

20.2.78.9 ADOPTION OF 40 CFR PART 61: Except as otherwise provided, the national emission standards for hazardous air pollutants as promulgated by the United States environmental protection agency, 40 CFR Part 61, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.78 NMAC).

[06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.78.9 NMAC - Rn 20 NMAC 2.78.107 & A, 06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16; A, 5/30/17; A, XX/XX/23]

The above proposed revisions adopt the language of 40 CFR § 61 as amended through June 28, 2023 and incorporate the updated applicable statutory authority Subsection (D) of 74-2-5 NMSA 1978.

The Department proposes the following changes to 20.2.82 NMAC:

- **20.2.82.2 SCOPE:** All sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63, as amended through [January 15, 2017] June 28, 2023. [Rn, 20 NMAC 2.82.2, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.2 NMAC Rn & A, 20 NMAC 2.82.101, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17: A, XX/XX/23]
- **20.2.82.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Paragraphs (4) and (7) of Subsection (A) of Section 74-1-8 NMSA 1978, and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Subsections (A), (B) and (C) of Section 74-2-5. Subsection (C) D) of Section 74-2-5

provides that "regulations adopted by the environmental improvement board may prescribe standards of performance for sources and emissions standards for hazardous air pollutants..." [Rn, 20 NMAC 2.82.3, 08/14/98; A, 08/14/98; 20.2.82.3 NMAC - Rn, 20 NMAC 2.82.102, 06/23/00; A, XX/XX/23]

20.2.82.8 ADOPTION OF 40 CFR PART 63: Except as otherwise provided in Section 20.2.82.10 NMAC (below), the national emission standards for hazardous air pollutants for source categories as promulgated by the United States environmental protection agency, 40 CFR Part 63, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.82 NMAC). [Rn, 20 NMAC 2.82.7, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.8 NMAC - Rn & A, 20 NMAC 2.82.106, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17: A, XX/XX/23]

The above proposed revisions adopt the language of 40 CFR § 63 as amended through June 28, 2023 and incorporate the updated applicable statutory authority Subsection (D) of 74-2-5 NMSA 1978.

ATTACHMENT A

TITLE 20 ENVIRONMENTAL PROTECTION CHAPTER 2 AIR QUALITY (STATEWIDE)

PART 77 NEW SOURCE PERFORMANCE STANDARDS

20.2.77.1 ISSUING AGENCY: New Mexico Environmental Improvement Board. [06/16/95; 20.2.77.1 NMAC - Rn, 20 NMAC 2.77.100, 06/23/00]

- **20.2.77.2 SCOPE:** Any stationary source constructing or modifying and which is subject to the requirements of 40 CFR Part 60, as amended through [January 15, 2017] June 28, 2023. [06/16/95, 11/19/97, 09/08/99; 20.2.77.2 NMAC Rn & A, 20 NMAC 2.77.101, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- **20.2.77.3 STATUTORY AUTHORITY:** The environmental improvement board "shall promulgate regulations and standards in...air quality management" (Section 74-1-8.A NMSA 1978) and "regulations adopted by the environmental improvement board...shall...ensure that regulations and standards under...the federal act will not be violated" (Section 74-2-7.B NMSA 1978).

[06/16/95; 20.2.77.3 NMAC - Rn, 20 NMAC 2.77.102, 06/23/00]

20.2.77.4 DURATION: Permanent. [06/16/95; 20.2.77.4 NMAC - Rn, 20 NMAC 2.77.103, 06/23/00]

- **20.2.77.5 EFFECTIVE DATE:** June 16, 1995, except where a later date is cited at the end of a section. [06/16/95, 08/02/96; 20.2.77.5 NMAC Rn, 20 NMAC 2.77.104, 6/23/00] [The latest effective date of any section in this part is May 30, 2017.]
- **20.2.77.6 OBJECTIVE:** The objective of Part 77 of Chapter 2 is to adopt or establish state authority to implement new source performance standards for stationary sources in New Mexico subject to 40 CFR Part 60. [06/16/95; 20.2.77.6 NMAC Rn, 20 NMAC 2.77.105, 06/23/00]
- **20.2.77.7 DEFINITIONS:** [RESERVED] [20.2.77.7 NMAC N, 06/23/00]
- **20.2.77.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS:** This part amends and supersedes Air Quality Control Regulation (AQCR) 750, last filed on April 10, 1994. All references to AQCR 750 in any other rule shall be understood as a reference to this part. [06/16/95; 20.2.77.8 NMAC Rn, 20 NMAC 2.77.106, 06/23/00]
- **20.2.77.9 ADOPTION OF 40 CFR PART 60:** Except as otherwise provided, the new source performance standards as promulgated by the United States environmental protection agency, 40 CFR Part 60, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.77 NMAC). [06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.77.9 NMAC Rn & A, 20 NMAC 2.77.107, 06/02/00; A, 02/18/02; A, 06/13/03; A, 06/15/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- **20.2.77.10 MODIFICATIONS AND EXCEPTIONS:** The following modifications or exceptions are made to the incorporated federal standards:
- **A.** Amend 40 CFR Part 60, Section 60.2, Definitions, as follows: For the purposes of delegation of authority which the administrator of the United States environmental protection agency may, at the administrator's discretion, delegate to the secretary of the New Mexico environment department, "administrator" means the secretary of the department or the secretary's authorized representative.
- **B.** Exclude 40 CFR Part 60, Subpart AAA Standards of Performance for New Residential Wood Heaters.
- **C.** The federal standards of performance incorporated by this regulation shall not be subject to Section 74-2-8 NMSA 1978 (Variances).

D. Exclude 40 CFR Part 60, Subpart QQQQ – Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces.

[06/16/95; 20.2.77.10 NMAC - Rn, 20 NMAC 2.77.108, 06/23/00; A, 06/15/07; A, 1/29/16]

20.2.77.11 DOCUMENTS: Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau.

[06/16/95; 20.2.77.11 NMAC - Rn, 20 NMAC 2.77.109, 06/23/00; A, 08/17/09; A, 1/29/16]

[As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe NM, 87505]

HISTORY OF 20.2.77 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 07/24/84.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 08/18/87.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 07/07/88.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 04/27/89.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 05/29/90.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 04/22/91.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 04/14/92.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 04/21/93.

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, 04/12/94.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 750, Air Quality Control Regulation 750 - New Source Performance Standards, filed 04/12/94 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.77, New Source Performance Standards, filed 05/17/95.

20 NMAC 2.77, New Source Performance Standards, filed 05/17/95, was **renumbered**, **reformatted**, **amended** and **replaced** by 20.2.77 NMAC, New Source Performance Standards, effective 06/23/00.

AMENDED ATTACHMENT B

TITLE 20 ENVIRONMENTAL PROTECTION CHAPTER 2 AIR QUALITY (STATEWIDE)

PART 78 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

20.2.78.1 ISSUING AGENCY: New Mexico Environmental Improvement Board. [06/16/95; 20.2.78.1 NMAC - Rn, 20 NMAC 2.78.100 06/23/00]

20.2.78.2 SCOPE: All sources emitting hazardous air pollutants which are subject to the requirements of 40 CFR Part 61, as amended through [January 15, 2017] June 28, 2023. [06/16/95, 11/19/97, 09/08/99; 20.2.78.2 NMAC - Rn 20 NMAC 2.78.101 & A, 06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16; A, 5/30/17; A, XX/XX/23]

20.2.78.3 STATUTORY AUTHORITY: The environmental improvement board "shall promulgate regulations and standards in...air quality management" (<u>Subsection (A) of Section 74-1-8[.A] NMSA 1978</u>) and "regulations adopted by the environmental improvement board...may...prescribe standards of performance for sources and emissions standards for hazardous air pollutants..." (<u>Subsection (D) of Section 74-2-5[.C] NMSA 1978).</u>

[06/16/95; 20.2.78.3 NMAC - Rn, 20 NMAC 2.78.102 06/23/00; A, XX/XX/23]

20.2.78.4 DURATION: Permanent.

[06/16/95; 20.2.78.4 NMAC - Rn, 20 NMAC 2.78.103 06/23/00]

20.2.78.5 EFFECTIVE DATE: June 16, 1995, except where a later date is cited at the end of a section. [06/16/95, 08/02/96; 20.2.78.5 NMAC - Rn, 20 NMAC 2.78.104 06/23/00] [The latest effective date of any section in this part is May 30, 2017.]

20.2.78.6 OBJECTIVE: The objective of Part 78 of Chapter 2 is to adopt or establish state authority to implement emission standards for hazardous air pollutants in New Mexico subject to 40 CFR Part 61. [06/16/95; 20.2.78.6 NMAC - Rn, 20 NMAC 2.78.105 06/23/00]

20.2.78.7 DEFINITIONS: [RESERVED]

[20.2.78.7 NMAC - N, 06/23/00]

- **20.2.78.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS:** This part amends and supersedes Air Quality Control Regulation (AQCR) 751, last filed on April 10, 1994. All references to AQCR 751 in any other rule shall be understood as a reference to this part. [06/16/95; 20.2.78.8 NMAC Rn, 20 NMAC 2.78.106 06/23/00]
- **20.2.78.9 ADOPTION OF 40 CFR PART 61:** Except as otherwise provided, the national emission standards for hazardous air pollutants as promulgated by the United States environmental protection agency, 40 CFR Part 61, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.78 NMAC).

[06/16/95, 08/02/96, 11/19/97, 09/08/99; 20.2.78.9 NMAC - Rn 20 NMAC 2.78.107 & A, 06/23/00; A, 02/18/02; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 1/29/16; A, 5/30/17; A, XX/XX/23]

- **20.2.78.10 MODIFICATIONS AND EXCEPTIONS:** The following modifications or exceptions are made to the incorporated federal standards:
- **A.** amend 40 CFR Part 61, Section 61.02, Definitions, as follows: For the purposes of delegation of authority which the administrator of the United States environmental protection agency may, at the administrator's discretion, delegate to the secretary of the New Mexico environment department, "administrator" means the secretary or the secretary's authorized representative.
- **B.** exclude 40 CFR Part 61, Subparts B (National Emission Standards for Radon Emissions from Underground Uranium Mines), H (National Emission Standards for Emissions of Radionuclides Other Than Radon

from Department of Energy Facilities), I (National Emission Standards for Radionuclide Emissions from Facilities Licensed by the NRC and Federal Facilities not covered by Subpart H), K (National Emission Standard for Radionuclide Emissions from Elemental Phosphorus Plants), Q (National Emission Standards for Radon Emissions from Department of Energy Facilities), R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks), T (National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings), and W (National Emission Standards for Radon Emissions from Operating Mill Tailings).

C. the federal emission standards incorporated by this regulation shall not be subject to Section 74-2-8 NMSA 1978 (Variances).

[06/16/95; 20.2.78.9 NMAC - Rn, 20 NMAC 2.78.108 06/23/00; A, 1/29/16]

20.2.78.11 DOCUMENTS: Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau.

[06/16/95; 20.2.78.11 NMAC - Rn, 20 NMAC 2.78.109 06/23/00; A, 08/17/09; A, 1/29/16]

[As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe NM, 87505]

HISTORY OF 20.2.78 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 07/24/84.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 08/18/87.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 07/07/88.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 04/27/89.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 05/29/90.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 04/22/91.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 04/14/92

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 04/21/93.

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants, filed 04/12/94.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 751, Air Quality Control Regulation 751 - Emission Standards For Hazardous Air Pollutants (filed 04/12/94) was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.78, Emission Standards For Hazardous Air Pollutants, effective 06/16/95.

20 NMAC 2.78, Emission Standards For Hazardous Air Pollutants (filed 05/17/95), was **renumbered**, **reformatted**, **amended and replaced** by 20.2.78 NMAC, Emission Standards For Hazardous Air Pollutants, effective 06/23/00.

AMENDED ATTACHMENT C

TITLE 20 ENVIRONMENTAL PROTECTION CHAPTER 2 AIR QUALITY (STATEWIDE)

PART 82 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY STANDARDS FOR SOURCE CATEGORIES OF HAZARDOUS AIR POLLUTANTS

20.2.82.1 ISSUING AGENCY: New Mexico Environmental Improvement Board. [Rn, 20 NMAC 2.82.1, 08/14/98; 20.2.82.1 NMAC - Rn, 20 NMAC 2.82.100, 06/23/00]

- **20.2.82.2 SCOPE:** All sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63, as amended through [January 15, 2017] June 28, 2023. [Rn, 20 NMAC 2.82.2, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.2 NMAC Rn & A, 20 NMAC 2.82.101, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- **20.2.82.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Paragraphs (4) and (7) of Subsection (A) of Section 74-1-8 NMSA 1978, and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Subsections (A), (B) and ([C] D) of Section 74-2-5. Subsection ([C] D) of Section 74-2-5 provides that "regulations adopted by the environmental improvement board may prescribe standards of performance for sources and emissions standards for hazardous air pollutants..."

 [Rn, 20 NMAC 2.82.3, 08/14/98; A, 08/14/98; 20.2.82.3 NMAC Rn, 20 NMAC 2.82.102, 06/23/00; A, XX/XX/23]
- **20.2.82.4 DURATION:** Permanent. [Rn, 20 NMAC 2.82.4, 08/14/98; 20.2.82.4 NMAC Rn, 20 NMAC 2.82.103, 06/23/00]
- **20.2.82.5 EFFECTIVE DATE:** November 27, 1994, except where a later date is cited at the end of a section.

[Rn, 20 NMAC 2.82.5, 08/14/98; A, 08/14/98; 20.2.82.5 NMAC - Rn, 20 NMAC 2.82.104, 06/23/00] [The latest effective date of any section in this part is May 30, 2017.]

- **20.2.82.6 OBJECTIVE:** The objective of this part is to adopt or establish state authority to implement emission standards for hazardous air pollutants for the source categories in New Mexico subject to federal standards. The United States environmental protection agency requires New Mexico to adopt such standards in order to implement requirements in Section 112 of the Clean Air Act.

 [Rn, 20 NMAC 2.82.6, 08/14/98; A, 08/14/98; 20.2.82.6 NMAC Rn, 20 NMAC 2.82.105, 06/23/00; A, 1/29/16]
- **20.2.82.7 DEFINITIONS:** [Reserved] [20.2.82.7 NMAC Rn, 20 NMAC 2.82.107 06/23/00]
- **20.2.82.8 ADOPTION OF 40 CFR PART 63:** Except as otherwise provided in Section 20.2.82.10 NMAC (below), the national emission standards for hazardous air pollutants for source categories as promulgated by the United States environmental protection agency, 40 CFR Part 63, as amended in the Federal Register through [January 15, 2017] June 28, 2023 are hereby incorporated into this part (20.2.82 NMAC). [Rn, 20 NMAC 2.82.7, 08/14/98; A, 08/14/98; A, 09/08/99; 20.2.82.8 NMAC Rn & A, 20 NMAC 2.82.106, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07; A, 08/17/09; A, 09/02/11; A, 12/19/13; A, 1/29/16; A, 5/30/17; A, XX/XX/23]
- 20.2.82.9 SOURCES SUBJECT TO 40 CFR 63.40 63.44 OF SUBPART B (Constructed and Reconstructed Major Sources of Hazardous Air Pollutants): The owner or operator of a source subject to these provisions, that will be constructing or reconstructing after June 29, 1999, shall not construct or reconstruct unless:

 A. the source has received a maximum achievable control technology (MACT) determination and approval from the department under this part; and

B. the MACT determination and approval has been incorporated into a permit under 20.2.72 NMAC - Construction Permits or 20.2.70 NMAC - Operating Permits. [08/14/98; 20.2.82.9 NMAC - Rn, 20 NMAC 2.82.108, 06/23/00]

- **20.2.82.10 MODIFICATIONS AND EXCEPTIONS:** The following modifications or exceptions are made to the incorporated federal standards:
- **A.** general provisions: amend 40 CFR Part 63, Subpart A General Provisions, Section 63.2, Definitions, as follows: For the purposes of delegation of authority which the administrator of the United States environmental protection agency may, at the administrator's discretion, delegate to the secretary of the New Mexico environment department, "administrator" means the secretary or the secretary's authorized representative.
- **B.** variances: the federal emission standards incorporated by this part shall not be subject to Section 74-2-8 NMSA 1978 (Variances).
- C. constructed and reconstructed major sources: the effective date for incorporation of 40 CFR 63.40 63.44 of Subpart B under 20.2.82.8 NMAC shall be June 29, 1999. [Rn, 20 NMAC 2.82.8, 08/14/98; A, 08/14/98; 20.2.82.10 NMAC Rn, 20 NMAC 2.82.109, 06/23/00; A, 1/29/16]
- **20.2.82.11 DOCUMENTS:** Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau. [08/14/98; 20.2.82.11 NMAC Rn, 20 NMAC 2.82.110 06/23/00; A, 08/17/09; A, 1/29/16] [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe NM, 87505]

HISTORY OF 20.2.82 NMAC:

Pre-NMAC History: None.

History of Repealed Material: [RESERVED]

Other History:

20 NMAC 2.82, Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants, effective 11/27/94.

20 NMAC 2.82, Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants (filed 10/28/94) was renumbered, reformatted, amended and replaced by 20.2.82 NMAC, Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants, effective 06/23/00.

ATTACHMENT D

List of Amendments to 40 CFR sections 60, 61 and 63 Published in the Federal Register from 1/16/2017 to 6/28/2023 by the U.S. Environmental Protection Agency (EPA).

PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
2017-00156 (1/18/2017)	1/18/2017	63 (XXX)	NESHAP: Ferroalloys Production	Finalized amendments that allowed certain facilities to perform visible emissions monitoring as an alternative to installing monitoring equipment to ensure the baghouses are operating properly; retained the requirement that facilities must use a digital camera opacity technique (DCOT) method to demonstrate compliance with opacity limits and references the recently updated version of the DCOT method.	9
2017-06884 (4/6/2017)	4/6/2017	63 (UUUUU, Appendix A)	Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements	Amended electronic reporting requirements for the Mercury and Air Toxics Standards (MATS) which allowed for the temporary submission of certain reports using the portable document file (PDF) format and to correct inadvertent errors while owners or operators of Electric Utility Steam Generating Units (EGUs) would be able to continue to use temporarily a single electronic reporting system for MATS data submissions, rely on correct language for mercury (Hg) relative accuracy test audit (RATA) requirements, and rely on the correct acceptance criterion for	5

PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
				ongoing quality assurance test requirements for Hg RATAs. MATS reports required to be submitted electronically can be submitted using the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool.	
2017-10752 (5/31/2017)	8/29/2017	60 (Cf, XXX)	Stay of Standards of Performance for Municipal Solid Waste Landfills and Emissions Guidelines (EG's) and Compliance Times for Municipal Solid Waste Landfills	By a letter dated May 5, 2017, the Administrator announced the convening of a proceeding for reconsideration of certain requirements in the final rules published on August 29, 2016. In this action, the EPA stayed subparts, which were added or revised by the two rules, for 90 days pending reconsideration.	2
2017-11457 (6/5/2017)	6/2/2017	60 (OOOOa)	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Grant of Reconsideration and Partial Stay	EPA granted reconsideration of the fugitive emission requirements at well sites and compressor station sites in the final rule, specifically the well site pneumatic pumps standards and the requirements for certification by a professional engineer. In addition, the EPA stayed for three months these rule requirements pending reconsideration.	5
2017-12968 (6/23/2017)	6/23/2017	60 (A)	Correction to Incorporations by Reference	Corrected paragraph numbering in the Incorporations by Reference (IBR) section of the regulations that specifically listed material that can be purchased from the American Society for	2

PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
				Testing and Materials (ASTM).	
2017-13185 (6/23/2017)	7/5/2017	63 (LLL)	NESHAP From the Portland Cement Manufacturing Industry: Alternative Monitoring Method	Amended the NESHAP which provided a compliance alternative for sources that would otherwise be required to use a hydrogen chloride (HCl) continuous emissions monitoring system (CEMS) to demonstrate compliance with the HCl emissions limit.	4
2017-16493 (8/7/2017)	8/7/2017	60 (Appendix B)	Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources; Technical Correction	Corrected an omission in revisions requested to Performance Specification 2 in the "revisions" rule published August 30, 2016.	2
2017-17123 (8/14/2017)	9/13/2017	60 (Appendix F)	Revisions to Procedure 2 - Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources	Finalized revisions to Procedure 2 quality assurance/quality control (QA/QC) procedures for particulate matter (PM) CEMS data submitted to the EPA and other regulatory authorities and used for compliance determinations at stationary sources.	3
2017-17624 (8/22/2017)	8/22/2017	63 (LLL)	NESHAP from the Portland Cement Manufacturing Industry: Alternative Monitoring Method	Restored the provisions that were deleted in the June 23, 2017 rule.	3

PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
2017-20172 (9/21/2017)	10/23/2017	60 (Appendix F)	Technical Amendments to Procedure 6	Finalized minor technical amendments to Procedure 6. QA procedures for HCl CEMS data submitted to the EPA and used for compliance determinations at stationary sources.	3
2017-20171 (9/28/2017)	9/28/2017	63 (AA, BB)	Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review Reconsideration	Finalized amendments to the NESHAP. Revised the compliance date by which affected sources must include emissions from oxidation reactors in compliance determinations; revised the compliance date for the monitoring requirements for low-energy absorbers; clarified one option and added a new option to the monitoring requirements for low-energy absorbers.	10
2017-21799 (10/11/2017)	10/11/2017	63 (A, MM)	NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills	Finalized the residual risk and technology review (RTR) by updating practices, processes, and control technologies including opacity monitoring provisions, electrostatic precipitator (ESP) operation parameters, periodic emissions testing, requirements for submitting reports, updated startup, shutdown, and malfunction (SSM) provisions, and technical and editorial changes.	30
2017-21937 (10/16/2017)	10/16/2017	63 (CCCC)	NESHAP: Nutritional Yeast Manufacturing RTR	Finalized the RTR conducted and amended revisions to the form of the volatile organic compounds (VOC) standards for fermenters and revised other	32

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PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
				monitoring, reporting, and recordkeeping requirements.	
2017-23067 (10/26/2017)	10/26/2017	63 (VVV)	NESHAP: Publicly Owned Treatment Works RTR	Finalized the RTR and addressed revised names and definitions of the subcategories, revised the applicability criteria, regulatory provisions pertaining to emissions during periods of SSM, initial notification requirements, electronic reporting requirements, and other miscellaneous edits and technical corrections.	21
2017-27797 (12/26/2017)	12/26/2017	63 (NNN)	NESHAP for Wool Fiberglass Manufacturing; Rotary Spin Lines RTR of Flame Attenuation Lines Standards	Finalized the RTR which readopted the existing emission limits for formaldehyde, established emission limits for methanol, and a work practice standard for phenol emissions from bonded rotary spin (RS) lines at wool fiberglass manufacturing facilities; and revised the emission standards promulgated for Flame Attenuation (FA) lines at wool fiberglass manufacturing facilities which created three subcategories of FA lines and established emission limits for formaldehyde and methanol emissions, and either emission limits or work practice standards for phenol emissions for each subcategory of FA lines.	14
2018-01512 (1/29/2018)	1/29/2018	63 (DD)	NESHAP: Off- Site Waste and	Finalized amendments for continuous monitoring on pressure relief devices	7

PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
			Recovery Operations	(PRDs) on containers that were based on the RTR; and established additional monitoring requirements for all PRDs.	
2018-04431 (3/12/2018)	3/12/2018	60 (OOOOa)	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Amendments	Finalized amendments to the requirements for the collection of fugitive emission components at well sites and compressor stations which removed the requirement for completion of delayed repair during unscheduled or emergency vent blowdowns.	11
2018-05400 (3/20/2018)	3/20/2018	63 (Appendix A)	Revisions to Method 301: Field Validation of Pollutant Measurement Methods from Various Waste Media	Published editorial and technical revisions that corrected and updated Method 301 and clarified the regulatory applicability and its suitability for use with other regulations. Included revisions: ruggedness testing for validation of test methods intended for application at multiple sources, determined the limit of detection for all method validations, incorporated procedures for determining the limit of detection, revised the sampling requirements for the method comparison procedure, added storage and sampling procedures for sorbent sampling systems, and clarified acceptable statistical results for candidate test methods. In addition, clarified the applicability to the regulations and added equations that	16

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				clarified calculation of the correction factor and statistical methodology for all validation approaches. Also, revised minor changes to the field validation protocol in response to public comments.	
2018-14308 (7/2/2018)	7/1/2018	63 (UUUUU)	NESHAP for Coal- and Oil- Fired Electric Utility Steam Generating Units	Finalized the period during which certain electronic reports required by the MATS may be submitted as PDF files using the ECMPS Client Tool.	5
2018-15718 (7/25/2018)	7/25/2018	63 (LLL)	NESHAP from the Portland Cement Manufacturing Industry RTR	Finalized the RTR which reflected corrections and clarifications of the rule requirements and provisions.	15
C1-2018- 15718 Correction (8/3/2018)	8/3/2018	63 (LLL)	NESHAP from the Portland Cement Manufacturing Industry RTR	Corrected Table 1 error.	1
2018-22395 (10/15/2018)	10/15/2018	63 (OOO)	NESHAP: Manufacture of Amino/Phenolic Resins RTR Reconsideration	Finalized amendments for continuous process vents (CPVs) at existing affected sources and extended the compliance date for CPVs at existing sources. The requirements were revised for all storage vessel sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance.	16
2018-24747 (11/14/2018)	1/14/2019	60 (A, D, Da, Db, Dc, Ea, CC, (Appendices A-1, A-3, A-	Testing Regulations for Air Emission Sources in Multiple NSPS and NESHAPs	Amended certain existing testing regulations to reflect corrections, updates, and the addition of alternative equipment	22

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		4, A-6, A-7, A-8, B, F)) 63 (A, NNN, DDDDD, UUUUU, Appendix A)		and methods for source testing of emissions.	
C1-2018- 24747 (11/20/2018)	11/20/2018	63 (Appendix A)	Revisions to Testing Regulations for Air Emission Sources	Corrected errors and omissions in rule document 2018–24747, that appeared on pages 56713 through 56734.	1
2018-25080 (11/26/2018)	11/26/2018	60 (A, Ja), 63 (CC, UUU)	NESHAP and NSPS Refinery Sector Amendments	Finalized amendments which made technical corrections and minor revisions to requirements for work practice standards, recordkeeping, and reporting; and extended the compliance date for existing maintenance vents requirements.	33
2019-00786 (2/8/2019)	2/8/2019	63 (QQQQQ)	NESHAP: Friction Materials Manufacturing Facilities RTR	Finalized the RTR which addressed periods of SSM and revised reporting requirements.	12
2019-01317 (2/12/2019)	2/12/2019	63 (TTTT)	NESHAP: Leather Finishing Operations RTR	Finalized the RTR which addressed emissions during periods of SSM, added electronic reporting requirements, and clarified rule provisions.	17
2019-01685 (2/28/2019)	2/28/2019	63 (A, HHHH)	NESHAP: Wet- Formed Fiberglass Mat Production RTR	Finalized the RTR that addressed emissions during periods of SSM; added electronic reporting; revised certain monitoring, recordkeeping, and reporting requirements; and included other miscellaneous technical and editorial changes	26
2019-01902 (3/4/2019)	3/4/2019	63 (A, QQQQ, Appendix A	NESHAP: Surface Coating of Wood	Finalized the RTR which addressed periods of SSM, electronic reporting, added	31

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		Test Method 326)	Building Products RTR	an alternative compliance equation under the current standards, and technical and editorial changes which improved the effectiveness of the rule. This action also finalized a new EPA test method to measure isocyanate compounds in certain surface coatings.	
2019-03560 (3/15/2019)	3/15/2019	63 (A, NNNN, OOOO, RRRR)	NESHAP: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture RTRs	Finalized the RTRs which addressed emissions during periods of SSM; electronic reporting for performance test results and compliance reports; added EPA Method 18 and updated several measurement methods; added requirements for periodic performance testing, and several miscellaneous technical amendments were made to improve the clarity of the rule requirements.	57
2019-05529 (4/16/2019)	4/16/2019	60 (CCCC, DDDD)	NSPS Sources and EGs for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Technical Amendments	Following requests for clarification, this action finalized the amendments that provided clarity and addressed implementation issues.	73
2019-10766 Correction (5/23/2019)	5/23/2019	63 (UUUUU)	NESHAP: Coaland Oil-Fired Electric Utility Steam Generating Units	Minor corrections and introductory text revised.	2
2019-13507 (7/8/2019)	9/6/2019	60 (Ba, UUUUa)	Repeal of the Clean Power Plan; EGs for Greenhouse Gas Emissions from	Finalized three separate and distinct rulemakings: 1) repealed the Clean Power Plan (CPP) because the Agency	65

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			Existing Electric Utility Generating Units; Revisions to EGs Implementing Regulations	determined the CPP exceeded the EPA's statutory authority under the CAA; 2) the Affordable Clean Energy rule (ACE), consisting of EGs for Greenhouse Gas (GHG) Emissions from Existing EGUs under CAA section 111(d), that will inform states on the development, submittal, and implementation of state plans to establish performance standards for GHG emissions from certain fossil fuel fired EGUs. In ACE, the Agency finalized its determination that heat rate improvement (HRI) is the best system of emission reduction (BSER) for reducing GHG—specifically carbon dioxide (CO2)—emissions from existing coal-fired EGUs; and, 3) new regulations for the EPA and state implementation of ACE and any future emission guidelines issued under CAA section 111(d)	
C1-2019- 14372 Correction (7/26/2019)	7/26/2019	60 (IIII)	NSPS for Stationary Compression Ignition Internal Combustion Engines	Corrected minor errors.	1
2019-17747 (8/23/2019)	8/23/2019	60 (A), 61 (A), 63	Regional Office Address	Changed address and organization names for EPA's Region 6 office.	9

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2019-22812 (11/1/2019)	11/1/2019	63 (KKKKK)	NESHAP for Clay Ceramics Manufacturing	Finalized amendments which revised the temperature monitoring methodology used to demonstrate continuous compliance with the dioxin/furan (D/F) emissions limit of the final rule. In addition, addressed concerns regarding visible emissions monitoring of tunnel kiln stacks for continuous compliance with PM and Hg emission limitations. This action also amended the requirements for weekly visual inspections of system ductwork and control device equipment for water curtain spray booths. Lastly, this action amended the NESHAP that included provisions for emissions averaging, made technical corrections, and added certain definitions.	23
2020-01108 (02/04/2020)	2/4/2020	63 (CC, UUU)	NESHAPs: Petroleum Refinery Sector	Finalized EPA's decision on the proposed reconsideration of the December 1, 2015, final rule: Petroleum Refinery Sector RTR and NSPS. Also, finalized amendments that clarified a compliance issue raised by stakeholders subject to the rule, corrected referencing, and publication errors associated with amendments to the final	24

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				rule published on	
2020 00202	2/25/2020	(2	NECHAD	November 26, 2018.	4.4
2020-00303 (02/25/2020)	2/25/2020	63 (A, KKKK, SSSS)	NESHAPs: Surface Coating of Metal Cans and Surface Coating of Metal Coil RTRs	Finalized the RTRs and amended the two source categories that addressed emissions during periods of SSM; electronic reporting of performance test results and compliance reports; added EPA Method 18 and updated several measurement methods; added requirements for periodic performance testing; and several miscellaneous technical amendments were made.	44
2020-02714	3/9/2020	63	NESHAP:	Finalized the RTR which	23
(03/09/2020)		(A, YYYY)	Stationary Combustion Turbines RTR	addressed requirements during periods of SSM and added electronic reporting requirements.	
2020-02369 (03/12/2020)	3/12/2020	63 (A, LLLLL)	NESHAP: Asphalt Processing and Asphalt Roofing Manufacturing RTR	Finalized the RTR; corrected and clarified regulatory provisions related to emissions during periods of SSM; revised PM monitoring requirements; added requirements for periodic performance testing and electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status (NOCS) reports; and included other technical corrections.	33
2020-04459 (03/18/2020)	3/18/2020	63 (GGGG)	NESHAP: Solvent Extraction for	Finalized the RTR which corrected and clarified regulatory provisions related to emissions during	29

PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
			Vegetable Oil Production RTR	periods of SSM, added alternative work practice standards for periods of initial startup for new or significantly modified sources and made other minor clarifications or corrections. In addition, provisions were added for electronic reporting of certain notifications and reports and performance test results.	
2020-04661 (03/20/2020)	3/20/2020	63 (VVVV, WWWW)	NESHAP: Boat Manufacturing and Reinforced Plastic Composites Production RTR	Finalized the RTR and clarified applicability criteria, addressed emissions during periods of SSM and amended provisions regarding periodic electronic reporting of performance test and performance evaluation results.	23
2020-04800 (03/26/2020)	3/26/2020	60 (Cf, WWW, XXX,), 63 (AAAA)	NESHAP: Municipal Solid Waste Landfills RTR	Finalized the RTR and corrected and clarified regulatory provisions related to emissions during periods of SSM; revised wellhead operational standards and corrective actions; reorganized rule text to incorporate provisions from the NSPS within this subpart; and added requirements for electronic reporting of performance test results. Finalized minor changes to the NSPS, EG, and Compliance Times. Specifically, the provisions to the most recent NSPS and EG that allowed affected sources to demonstrate compliance with landfill gas control,	39

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				operating, monitoring, recordkeeping, and reporting requirements by following the corresponding requirements in the NESHAP.	
2020-07878 (04/15/2020)	4/15/2020	63 (UUUUU)	NESHAP: Coaland Oil-Fired Electric Utility Steam Generating Unites Firing Eastern Bituminous Coal Refuse for Emissions of Acid Gas HAP	Added a subcategory under MATS, and established acid gas HAP emission standards applicable only to the new subcategory.	18
2020-05853 (04/15/2020)	4/15/2020	63 (NNNNN)	NESHAP: Hydrochloric Acid Production RTR	Finalized the RTR and added electronic reporting; addressed periods of SSM; and established work practice standards for maintenance activities.	19
2020-08607 (05/22/2020)	5/22/2020	63 (UUUUU)	NESHAP: Coaland Oil-Fired Electric Utility Steam Generating Units - Reconsideration of Supplemental Finding and RTR	Revised response to the U.S. Supreme Court decision in Michigan v. EPA based on the revised not appropriate and necessary supplemental finding to regulate HAP. Finalized the RTR conducted.	35
2020-05909 (06/03/2020)	6/3/2020	63 (PPPPP)	NESHAP: Engine Test Cells/ Stands RTR	Finalized the RTR and addressed periods of SSM and provisions regarding electronic reporting, as well as clarifying technical corrections.	26
2020-05901 (07/02/2020)	7/2/2020	63 (A, UUUU)	NESHAP: Cellulose Products Manufacturing RTR	Finalized the RTR and addressed emissions during SSM events; added electronic reporting requirements; provisions for periodic emissions performance testing; added a provision allowing	45

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				more flexibility for monitoring of biofilter control devices; and made technical and editorial changes.	
2020-05898 (07/06/2020)	7/6/2020	63 (A, SS, XX, YY)	NESHAP: Generic MACT Standards RTR for Ethylene Production	Finalized the RTR, corrected and clarified regulatory provisions related to emissions during periods of SSM, added work practice standards for periods of SSM where appropriate, clarified regulatory provisions; revised requirements for heat exchange systems; added monitoring and operational requirements for flares; added provisions for electronic reporting of performance test results and other reports; and included other technical corrections.	55
2020-05900 (07/07/2020)	7/7/2020	63 (A, EEEE)	NESHAP: Organic Liquids Distribution (Non-Gasoline) RTR	Finalized the RTR, amendments to the storage tank requirements, and corrected and clarified regulatory provisions related to emissions during periods of SSM; added requirements for electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and NOCS reports; added operational requirements for flares; and made other minor technical improvements	52
2020-05908 (07/8/2020)	7/8/2020	63 (A, IIII (Appendix A), MMMM, NNNN,	NESHAP: Surface Coating of Automobiles and Light-Duty Trucks;	Finalized the RTR's and addressed emissions during periods of SSM; electronic reporting of performance test results	62

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		OOOO, PPPP (Appendix A), RRRR)	Miscellaneous Metal Parts and Products; Plastic Parts and Products; Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Metal Furniture RTR	and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Several miscellaneous technical amendments were made. Also finalized technical corrections to the	
2020-05854 (07/09/2020)	7/9/2020	63 (A, JJJJ)	NESHAP: Paper and Other Web Coating RTR	applicable NESHAPs. Finalized the RTR and addressed emissions during SSM events, added a compliance demonstration equation; added repeat testing and electronic reporting requirements; and made technical and editorial changes.	44
2020-05896 (07/10/2020)	7/10/2020	63 (GGGGG)	NESHAP: Site Remediation RTR	Finalized the RTR and amendments to the LDAR program, revised regulatory provisions pertaining to emissions during periods of SSM, finalized work practice and periodic electronic submittal of reports and performance test result requirements, along with minor clarifications and corrections.	35
C1-2020- 05900 (7/10/2020)	7/22/2020	63 (EEEE)	NESHAP: Organic Liquids Distribution (Non-Gasoline) RTR; Corrections	Correction to remove the standard reference and revise the amendatory instructions that reflected the edits.	1
2020-09753 (07/13/2020)	7/13/2020	63 (A, FFFFF)	NESHAP: Integrated Iron and Steel Manufacturing Facilities RTR	Finalized the RTR and removed exemptions for periods of SSM; added electronic reporting of performance test results	57

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				and compliance reports; and made minor corrections and clarifications.	
2020-15746 (07/22/2020)	7/22/2020	63 (A)	NESHAP: Organic Liquids Distribution (Non-Gasoline) RTR; Correction	Removed the related standard referenced and revised the amendatory instructions that reflected the edits.	2
2020-12588 (07/24/2020	7/24/2020	63 (A, AAAAA)	NESHAP: Lime Manufacturing Plants RTR	Finalized the RTR and addressed periods of SSM and electronic reporting.	33
2020-12541 (07/24/2020)	7/24/2020	63 (XXXX)	NESHAP: Rubber Tire Manufacturing RTR	Finalized the RTR and added electronic reporting of performance test results and reports, compliance reports, NOCS reports, and removed the provision that exempts emissions from compliance during periods of SSM.	19
2020-13397 (07/28/2020)	7/28/2020	63 (RRRRR)	NESHAP: Taconite Iron Ore Processing RTR	Finalized the RTR and addressed exemptions previously allowed for periods of SSM, added electronic reporting of performance test results and compliance reports and made minor technical corrections and amendments to monitoring and testing requirements.	29
2020-12776 (08/12/2020)	8/12/2020	63 (A, FFFF)	NESHAP: Miscellaneous Organic Chemical Manufacturing RTR	Finalized the RTR which corrected and clarified regulatory provisions related to emissions from storage tanks, process vents, and equipment leaks; corrected and clarified regulatory provisions related to emissions during periods of SSM; added monitoring and operational flare requirements; added provisions for electronic	84

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				reporting of performance test results and other reports; and other technical corrections.	
2020-12725 (08/13/2020)	8/13/2020	63 (A, DDDD)	NESHAP: Plywood and Composite Wood Products RTR	Finalized the RTR conducted; addressed periods of SSM; added electronic reporting and repeated emissions testing; and made technical and editorial changes.	36
2020-13439 (08/14/2020)	8/14/2020	63 (A, HHHHH)	NESHAP: Miscellaneous Coating Manufacturing RTR	Finalized the RTR conducted; addressed periods of SSM; added provisions for electronic reporting of performance test results, performance evaluation reports, compliance reports, and NOCS reports; and provisions to conduct periodic performance testing.	29
C1-2020- 12725 (8/21/2020)	8/21/2020	63 (A, DDDD)	NESHAP: Plywood and Composite Wood Products RTR	Minor date change corrected.	1
2020-15950 (09/09/2020)	9/9/2020	63 (UUUUU, Appendices A-E)	NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units MATS for Power Plants Electronic Reporting Revisions	Finalized amendments to the electronic reporting requirements.	37
2020-14143 (09/10/2020)	9/10/2020	63 (EEEEE, ZZZZZ)	NESHAPs: Iron and Steel Foundries Major Source RTR and Area Source Technology Review	Finalized the RTR; removed exemptions for periods of SSM; amended electronic reporting of performance test results and compliance reports and made minor corrections and clarifications.	27

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2020-18114 (09/14/2020)	9/14/2020	60 (OOOO, OOOOa)	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Finalized amendments that removed sources in the transmission and storage segment from the source category, rescinded the NSPS applicable to those sources, and separately rescinded the methanespecific requirements of the NSPS applicable to sources in the production and processing segments.	55
2020-18115 (09/15/2020)	11/16/2020	60 (OOOOa)	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Finalized amendments related to the reconsideration of the fugitive emissions requirements, well site pneumatic pump standards, requirements for certification of closed vent systems (CVS) by a professional engineer (PE), the provisions applied for the use of an alternative means of emission limitation (AMEL), and technical corrections and additional clarifying language.	63
2020-18824 (10/07/2020)	12/7/2020	60 (AAA, XXX, CCCC, DDDD, JJJJ, KKKK, (Appendices A-3, A-4, A-5 A-6, A-7 A-8, B, F)), 61 (Appendix B), 63 (LLL Appendix A)	Test Methods and Performance Specifications for Air Emission Sources	Corrected and updated regulations for source testing of emissions including inaccurate testing provisions, updated procedures, and approved alternative procedures.	29

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2020-19676 Correction (10/13/2020)	10/13/2020	60 (WWW), 63 (AAAA)	NESHAP: Municipal Solid Waste Landfills RTR; Correction	Corrected the final rule that appeared in the Federal Register on March 26, 2020. This action corrected inadvertent errors in the cross-referencing and formatting; and clarified two operational and reporting requirements in the final rule. This action also revised the heading of the NSPS as described in the Federal Register document.	4
2020-24280 (11/03/2020)	11/3/2020	63 (AA)	NESHAP: Phosphoric Acid Manufacturing	Finalized an amendment in response to the petition for rulemaking on the mercury emission limit for existing phosphate rock calciners that was finalized on August 19, 2015 ("2015 Rule"). This action revised the mercury MACT floor for existing calciners.	5
2020-22938 (11/05/2020)	11/5/2020	60 (BBa), 63 (MM)	NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills; Standards of Performance for Kraft Pulp Mill Affected sources for which Construction, Reconstruction, or Modification Commenced After May 23, 2013	Finalized amendments which clarified how to set operating limits for smelt dissolving tank (SDT) scrubbers used at these mills and corrected cross-reference errors in both rules.	8

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2020-22044 (11/19/2020)	1/19/2021	(A, F, G, H, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHHH,	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act	Finalized amendments to the General Provisions which implemented the plain language reading of the "major source" and "area source" definitions of section 112 of the CAA and provided that a major source can be reclassified to area source status at any time upon reducing its potential to emit (PTE) HAP to below the major source thresholds; clarified the compliance dates, notification, and recordkeeping requirements that apply to sources choosing to reclassify to area sources status and to sources that revert back to major source status, including a requirement for electronic notification.	69

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		IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, WWWWW, BBBBBB, CCCCCCC,			
		HHHHHH, PPPPPP, QQQQQ, RRRRRR, TTTTTT, WWWWW W, XXXXXX, YYYYYY, AAAAAAA, BBBBBBB, CCCCCCC,			
2020-13439- Correction (11/25/2020)	11/25/2020	63 (A, HHHHH)	NESHAP: Miscellaneous Coating Manufacturing RTR; Correction	Minor date corrected.	1
2020-23690- Correction (12/02/2020)	12/7/2020	63 (Appendix A)	Test Methods and Performance Specifications for Air Emission Sources; Correction	Corrected and updated regulations for source testing of emissions that provided further clarification on the amendatory instructions.	1
2020-23164 (12/4/2020)	1/21/2021	60 (IIII, JJJJ), 63 (R, ZZZZ)	Fuels Regulatory Streamlining	Updated many of EPA's existing gasoline, diesel, and other fuel quality programs that removed expired provisions, eliminated redundant compliance provisions, removed unnecessary and	127

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				out-of-date requirements, and replaced them with provisions and definitions that applies to all fuel quality programs.	
2020-28384- Correction (12/28/2020)	1/29/2021	63 (EE, DDD, NNN, AAAAA, DDDDD, IIIII)	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act; Correction	Corrected a rule that appeared in the Federal Register on November 19, 2020. This action finalized the amendments to the General Provisions that corrected inadvertent typographical errors and redundant text.	2
2020-18824- Correction (02/16/2021)	2/16/2021	60 (Appendix A-3 Test Methods 4– 5I)	Test Methods and Performance Specifications for Air Emissions Sources; Correction	Corrected ancillary text and table.	1
2021-00389 (01/13/2021)	3/15/2021	60 (TTTT)	Pollutant- Specific Significant Contribution Finding for GHG Emissions from New, Modified, and Reconstructed Stationary Sources: EGUs, and Process for Determining Significance of Other NSPS Source Categories	Finalized a significant contribution finding (SCF) for purposes of regulating source categories for GHG emissions, under section 111(b) of the CAA for EGUs. EGU GHG emissions exceed 3 percent of total U.S. GHG emissions which is the threshold used by EPA in their framework for SCFs for source categories. EPA also analyzed EGU emissions under a secondary criteria framework to further demonstrate the propriety of this SCF.	17
2021-00678 (01/19/2021)	1/19/2021	60 (Kb)	NSPS for Volatile Organic Liquid Storage vessels (Including Petroleum Liquid Storage Vessels)	Finalized amendments that allowed owners or operators of storage vessels equipped with a floating roof to voluntarily elect to comply with an alternative standard, in	7

PDF name (FR Date)	Effective Date	40 CFR Part (Subpart)	Title	Summary of Changes	# Pages in PDF
			for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	lieu of the requirements, subjected to certain caveats and exceptions for monitoring, recordkeeping, and reporting.	
2021-04936 (03/11/2021)	3/11/2021	63 (A)	Court Vacatur of Exemption from Emission Standards During Periods of Startup, Shutdown, and Malfunction	Amended to reflect a court order regarding the General Provisions that exempted sources from HAP non-opacity and opacity emission standards during periods of SSM. This ministerial action revised these two NESHAP General Provisions in the CFR to conform to the court's order.	3
2021-05761- Correction (03/23/2021)	3/23/2021	60 (Appendix A-3)	Test Methods and Performance Specifications for Air Emission Sources; Correction	Corrected and updated regulations for source testing of emissions, which corrected the amendatory instructions for test methods 4 and 5.	3
2021-24019 (11/18/2021)	11/18/2021	63 (MMMMM, OOOOOO)	NESHAP: Flexible Polyurethane Foam Fabrication Operations RTR and Flexible Polyurethane Foam Production and Fabrication Area Source TR	Finalized the RTR conducted and the TR for two area source categories which are combined in one subpart; finalized proposed revisions to the major source NESHAP, which included an added numeric emission limit for existing flame lamination units, removed exemptions for periods of SSM, required periodic performance tests, and electronic reporting of performance test results and compliance reports. Finalized the proposed revisions to the NESHAP for area sources that	23

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				removed references to the provisions of another NESHAP that had been revised and no longer contains the referenced provisions.	
2021-24099 (11/19/2021)	11/19/2021	63 (A, IIII, Appendix A to Subpart IIII, KKKK, VVVV, KKKKK)	NESHAP Surface Coating of Automobiles and Light-Duty Trucks, Surface Coating of Metal Cans, Boat Manufacturing, and Clay Ceramics Manufacturing; Technical Correction	Finalized technical corrections to four regulations under the NESHAP and discovered inadvertent minor errors and corrected these errors in this action.	7
2021-24100 (11/19/2021)	11/19/2021	63 (A, SSSSS)	NESHAP: Refractory Products Manufacturing RTR	Finalized the RTR and final amendments to include new provisions for certain HAP and a revised alternative fuel provision. The action addressed emissions during periods of SSM; emissions during periods of scheduled maintenance; electronic reporting of NOCS reports, performance test results, and performance evaluation results; added test methods and guidance materials; updated several test methods; and other miscellaneous clarifying and technical corrections.	52
2021-24204 (11/19/2021)	11/19/2021	63 (A, YY)	NESHAP: Carbon Black Production and Cyanide Chemicals Manufacturing RTRs, and Carbon Black	Finalized the RTR conducted for these major source categories, and the TR conducted for area sources. The action added new emissions standards for these major source categories to address HAP	34

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			Production Area Source TR	emissions not previously covered by the NESHAP along with both source categories addressed the SSM provisions of the existing standards, and required periodic electronic reporting of certain notifications, and performance test results.	
2022-02654 (2/14/2022)	2/14/2022	60 (XXX), 63 (AAAA)	NESHAP: Municipal Solid Waste Landfills RTR; Correction	Finalized technical revisions and clarifications established in the March 26, 2020, final rule. This final rule amended the rule to clarify and align the timing of compliance for certain requirements involving installation of a gas collection and control system (GCCS). Also, the definition of Administrator was revised in the MSW Landfills Federal Plan that was promulgated on May 21, 2021, that clarified who has the authority to implement and enforce the applicable requirements. In addition, corrected minor typographical errors.	9
2022-04848 (3/9/2022)	3/9/2022	63 (YYYY)	NESHAP: Stationary Combustion Turbines; Amendments	Finalized amendments which removed the stay of the effectiveness of the standards that were promulgated in 2004.	10
2022-10842 (5/23/2022)	5/23/2022	63 (A)	NESHAP: General Provisions; Technical Correction	Technical corrections to the general provisions of the NESHAP for inadvertent minor errors and omissions.	2
2022-17060 (8/10/2022)	8/10/2022	60 (IIII, JJJJ), 63 (ZZZZ)	NESHAP for Reciprocating Internal Combustion	Amended the NESHAP in response to a court decision that vacated provisions in the	6

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			Engines; NSPS for Stationary Internal Combustion Engines; Court Vacatur	regulations specifying that emergency engines could operate for emergency demand response or during periods where there is a deviation of voltage or frequency.	
2022-19612 (10/6/2022)	10/6/2022	63 (A, DDDDD)	NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters	Finalized amendments to the NESHAP in respect to the numeric emission limits for new and existing boilers and process heaters; set compliance dates for these new emission limits; and made several technical clarifications and corrections.	50
2022-24129 (11/10/2022)	11/10/2022	63 (A, HHHHHHH)	NESHAP: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources TR	Finalized the TR conducted; addressed provisions regarding electronic reporting; made miscellaneous clarifying and technical corrections; simplified the petition for exemption process; and clarified requirements for emissions during periods of SSM.	17
2022-27522 (12/21/2022)	12/21/2022	63 (FFFF)	Reconsideration of the 2020 NEHSAP: Miscellaneous Organic Chemical Manufacturing RTR	Finalized EPA's decision to use their IRIS value for ethylene oxide in assessing cancer risk instead of an alternate value. EPA had received and granted petitions for reconsideration of the final NESHAP published on August 12, 2020.	11
2022-27523 (12/22/2022)	12/22/2022	63 (GGGGG)	NESHAP: Site Remediation	Finalized amendments that removed exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response,	14

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				Compensation, and Liability Act (CERCLA) as a remedial action or a non-time-critical removal action, and for site remediation activities performed under Resource Conservation and Recovery Act (RCRA) corrective actions conducted at treatment, storage, and disposal facilities.	
2023-03562 (02/22/2023)	02/22/2023	63 (ННННН)	NESHAP: Miscellaneous Coating Manufacturing TR	Finalized the TR conducted which included provisions for inorganic HAP standards for process vessels.	10
2023-02989 (02/23/2023)	02/23/2023	60 (A, KK, KKa), 63 (A, PPPPPP)	NSPS Review for Lead Acid Battery Manufacturing Plants and NESHAP for Lead Acid Battery Manufacturing Area Sources TR	Finalized the TR conducted. and revised lead emission limits for manufacturing facilities that began construction, reconstruction, or modification after February 23, 2022; periodic performance testing; work practices to minimize emissions of fugitive lead dust; increased inspection frequency of fabric filters; clarification of activities that are considered to be lead reclamation activities; electronic reporting of performance test results and periodic compliance reports; the removal of exemptions for periods of SSM; the applicability provisions; and established a requirement in the new NSPS for new facilities to operate bag leak detection systems for emission	42

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				points controlled by a fabric filter that do not include a secondary fabric filter.	
2023-03574 (3/6/2023)	3/6/2023	63 (UUUUU)	NESHAP: Coaland Oil-Fired Electric Utility Steam Generating Units - Revocation of the 2020 Reconsideration and Affirmation of the Appropriate and Necessary Supplemental Finding	Revoked a previous finding that it was not appropriate and necessary to regulate coal- and oil-fired electric utility steam EGUs. EPA concluded that it remains appropriate and necessary to regulate HAP emissions from EGUs after considering cost.	56
2023-04376 (3/8/2023)	3/8/2023	63 (QQQQ, QQQQQQ)	NESHAP: Wood Preserving Area Sources TR; Technical Correction for Surface Coating of Wood Building Products	Finalized the TR conducted, established minor editorial and formatting changes to the general provisions and made technical corrections.	11
2023-04958 (3/20/2023)	3/20/2023	60 (A, CCCC, DDDD, Appendix A- 7 to Method 23), 63 (LL, EEE, XXX, AAAAAAA)	EPA Method 23— Determination of Polychlorinated Dibenzo-p- Dioxins and Polychlorinated Dibenzofurans from Stationary Sources	Finalized editorial and technical revisions which included incorporating compound characterization methodology, expanded the list of target compounds, and test team flexibility protocol.	43
2023-04966 (3/27/2023)	3/27/2023	60 (TTT, TTTa)	NSPS Review for Industrial Surface Coating of Plastic Parts for Business Machines	Finalized amendments for affected facilities that commence construction, modification, or reconstruction after June 21, 2022; created a new subpart, finalized VOC emission limitations for prime, color, texture, and	17

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				touch-up coating operations; and a requirement for electronic submission of periodic compliance reports.	
2023-04956 (3/29/2023)	5/30/2023	60 (A, Appendices A-1, A-3, A- 4, A-7, B, F) 63 (A, S, EEE, JJJJ, ZZZZ, PPPPP, UUUUU, Appendix A)	Testing Provisions for Air Emission Sources in various NSPS and NESHAPs	Corrected and updated the regulations for source testing of emissions under various rules.	28
2023-08178 (04/20/2023) Correction	5/30/2023	63 (UUUUU, Appendix A)	Testing Provisions for Air Emission Sources, Correction	Corrected final rule that was published in the Federal Register on March 29, 2023, that will be effective on May 30, 2023. The final rule corrected and updated regulations for source testing of emissions.	1
2023-09587 (05/09/2023)	05/09/2023	60 (A, MM, MMa)	Review of Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations	Finalized revisions to the NSPS that reflected the degree of emission limitation achievable through the application of the best system of emission reduction (BSER). Therefore, added a new NSPS subpart MMa, revised as proposed VOC emission limits for coat operations for affected facilities that commence construction, modification, or reconstruction after May 18, 2022. In addition, in the new NSPS subpart, finalized the proposed amendments: added work practices to minimize	47

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				VOC emissions; revised the plastic parts provision; updated the capture and control devices and the associated testing and monitoring requirements; revised the transfer efficiency provisions; new test methods and alternative test methods; revised the recordkeeping and reporting requirements, included the addition of electronic reporting; removed exemptions for periods of SSM; and other amendments that harmonized the new NSPS subpart and Automobile and Light Duty Truck Surface Coating NESHAP requirements. Also finalized were the proposed electronic reporting requirements in the NSPS subpart MM, applicable to sources that commence construction, reconstruction, or modification after October 5, 1979, and on or before May 18, 2022.	
2023-11407 (05/30/2023) Correction	05/30/2023	60 (A)	Testing Provisions for Air Emission Sources; Correction	Corrected and updated the final rule for source testing of emissions. This correction did not change any final action taken on March 29, 2023; this action merely corrected the amendatory instruction.	2
2023-13595 (06/28/2023) Correction	06/28/2023	60 (Appendix B)	Testing Provisions for Air Emission	Corrected an amendment due to an error in the final rule that became effective May 30, 2023; this action	2

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			sources; Correction	merely corrected and updated regulations for source testing of emissions.	
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