

### Rule Hearing Search

Hearing Date:

All ▾

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Deadline Date:

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**Proposed Rule Name:**

Incorporation by Reference - Notice of Rulemaking Hearing

**Agency:**

Environment Department

**Purpose:**

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.

**Summary:**

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).

**Administratives Codes:**
<https://www.srca.nm.gov/parts/title20/20.002.0077.html>
<https://www.srca.nm.gov/parts/title20/20.002.0078.html>
<https://www.srca.nm.gov/parts/title20/20.002.0082.html>
**Rule Complete Copy :**

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](mailto:armando.paz@env.nm.gov).

**Corrections:**
[Click Here to access Rule Corrections](#)
**Rule Explanatory Statement:**
[Click Here to access the Rule Explanatory Statement](#)
**Related New Mexico Register Publications:**
[Click Here to access Related New Mexico Publications](#)

For any additional information or questions concerning this rule making or posting please contact:

Pamela Jones, Board Administrator Environmental Improvement Board

[pamela.jones@env.nm.gov](mailto:pamela.jones@env.nm.gov)

(505) 660-4305

**Last Updated Date**

9/12/2023 12:47 PM

**How to submit Comments:**

All interested persons have thirty (30) days from the date the notice is published on our website (posted 09/12/2023) to notify the Department in writing of their interest in this environmental improvement board hearing. Comments submitted via the Public Comment Portal, emailed to [armando.paz@env.nm.gov](mailto:armando.paz@env.nm.gov), or mailed to the Air Quality Bureau (525 Camino de los Marquez, Santa Fe, New Mexico 87505, Attn: Control Strategies Manager) are considered written.

**When are comments due:**

10/12/2023 12:00 PM

**Hearing Date:**

11/17/2023 9:00 AM

**Public Hearing Location:**

Large Conference Room of the Marquez Building

525 Camino de Los Marquez

Santa Fe, NM 87505 11/17/2023 (9:00 AM -1:00 PM )

**How to participate:**

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.

ⓘ If the document is not visible on the previewer, please download the file.

**From:** [Paz, Armando, ENV](#)  
**To:** [ics@nmlegis.gov](mailto:ics@nmlegis.gov); [Portal, Sunshine, DoIT](#)  
**Cc:** [Shah, Shahzad, DoIT](#); [Narvaiz, Renee, DoIT](#)  
**Subject:** Environmental Improvement Board - Notice of Rulemaking Hearing  
**Date:** Tuesday, September 12, 2023 11:14:00 AM  
**Attachments:** [AOB\\_English\\_PN\\_IBR.docx](#)  
[AOB\\_English\\_PN\\_IBR.pdf](#)  
[AOB\\_Spanish\\_PN\\_IBR.docx](#)  
[AOB\\_Spanish\\_PN\\_IBR.pdf](#)

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Good Morning,

Attached is a public notice for an Environmental Improvement Board Rulemaking Hearing scheduled for November 17. Please contact me for any additional information.

Thank you,

Armando Paz  
Environmental Analyst  
New Mexico Environment Department  
Air Quality Bureau – Control Strategies  
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**“Science, Innovation, Collaboration, & Compliance”**