

## The New Mexico Air Quality Bureau State Implementation Plan

The New Mexico State Implementation Plan has been an ongoing agreement between the U.S. Environmental Protection Agency (USEPA) and New Mexico since 1970. The purpose of the State Implementation Plan is to allow the state to assume powers and responsibilities for implementing the federal Clean Air Act. The authority for USEPA and the state to enter into this agreement, and requirements the State Implementation Plan must meet, may be found in Title I of the Clean Air Act. Although additional powers and responsibilities are delegated under Titles III, IV and V of the Clean Air Act, they are not part of the State Implementation Plan.

The focus of Title I of the Clean Air Act is to ensure that ambient air quality does not exceed levels that are unhealthful for people, plants or animals. The USEPA establishes what those levels are for various pollutants (criteria pollutants). Each state (and in some cases local) program adopts the plans and regulations necessary to improve or maintain air quality to within those standards. In areas with pristine air ("Class 1 areas" such as national parks), the State Implementation Plan must also ensure that there is no 'significant deterioration' of air quality or visibility. The New Mexico State Implementation Plan includes state statutes, air quality permit programs, regulations that establish emissions standards, detailed plans for bringing problematic areas into attainment or avoiding non-attainment with ambient standards, and plans for ensuring visibility is improved or does not deteriorate in Class 1 areas.

The New Mexico State Implementation Plan has been growing for the past 43 years and currently fills a file room. However, active portions of the State Implementation Plan are available online. These include:

- Air quality regulations that are part of the State Implementation Plan (see following table for State Implementation Plan rules) may be found at [http://www.nmcpr.state.nm.us/nmac/\\_title20/T20C002.htm](http://www.nmcpr.state.nm.us/nmac/_title20/T20C002.htm)
- The Regional Haze State Implementation Plan submittal may be found at <http://www.nmenv.state.nm.us/aqb/reghaz/NMRegionalHazeandInfrastructureStateImplementationPlansubmittals.htm>
- State Implementation Plan Submittals related to Doña Ana, Grant, Luna and San Juan counties may be found at <http://www.nmenv.state.nm.us/aqb/PlanningDocuments.html> and [http://www.nmenv.state.nm.us/aqb/NEAP/dona\\_ana2.html](http://www.nmenv.state.nm.us/aqb/NEAP/dona_ana2.html)
- Information about air quality permit programs may be found at <http://www.nmenv.state.nm.us/aqb/permit/index.html>

In addition, USEPA has codified its approval of the New Mexico State Implementation Plan in the Code of Federal Regulations, at 40 CFR 52 Subpart GG, which may be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=bd119c1ffe0601fc76706378bb50f61d&rgn=div6&view=text&node=40:4.0.1.1.1.13&idno=40>.

NEW MEXICO ADMINISTRATIVE CODE (NMAC)  
 TITLE 20 - ENVIRONMENTAL PROTECTION  
 CHAPTER 2 - AIR QUALITY (STATEWIDE)  
 (20.2.# NMAC)

<b>PART #</b>	<b>TITLE</b>	<b>Last Substantive Revision*</b>	<b>Latest Effective Date*</b>	<b>State Implementation Plan?</b>
1	General Provisions	10/27/95	6/1/10	Yes
2	Definitions	8/31/09	8/31/09	Yes
3	Ambient Air Quality Standards	9/6/06	9/6/06	Yes
4	[Reserved]			
5	Source Surveillance	8/30/72	10/31/02	Yes
6	[Reserved]			
7	Excess Emissions	8/1/08	8/1/08	Yes
8	Emissions Leaving New Mexico	2/26/70	10/31/02	Yes
9	[Reserved]			
10	Woodwaste Burners	1/21/75	10/31/02	Yes
11	Asphalt Process Equipment	7/31/71	10/31/02	Yes
12	Cement Kilns	2/26/70	10/31/02	Yes
13	Gypsum Processing Plants	10/22/69	10/31/02	Yes
14	Particulate Emissions from Coal Burning Equipment	7/13/78	10/31/02	Yes
15	Pumice, Mica and Perlite Process Equipment	10/13/71	10/31/02	Yes
16	Nonferrous Smelters (New and Existing) - Particulate Matter	12/21/78	10/31/02	Yes
17	Nonferrous Smelters (Existing) - Particulate Matter	4/15/79	10/31/02	No

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18	Oil Burning Equipment - Particulate Matter	1/20/79	10/31/02	Yes
19	Potash, Salt or Sodium Sulfate Processing Equipment - Particulate Matter	8/15/86	10/31/02	Yes
20	Lime Manufacturing Plants - Particulate Matter	12/21/78	10/31/02	Yes
21	Fugitive Particulate Matter Emissions from Nonferrous Smelters	8/15/86	10/31/02	Yes
22	Fugitive Particulate Matter Emissions from Roads within the Town of Hurley	12/21/78	10/31/02	Yes
23-29	[Reserved]			
30	Kraft Mills	2/26/70	10/31/02	Yes
31	Coal Burning Equipment - Sulfur Dioxide	12/17/93	10/31/02	Yes
32	Coal Burning Equipment - Nitrogen Dioxide	8/8/91	10/31/02	Yes
33	Gas Burning Equipment - Nitrogen Dioxide	3/18/72	10/31/02	Yes
34	Oil Burning Equipment - Nitrogen Dioxide	3/18/72	10/31/02	Yes
35	Natural Gas Processing Plant - Sulfur	3/10/83	11/10/07	No
36	Petroleum Refinery - Sulfur	8/15/86	10/31/02	No
37	Petroleum Processing Facilities	8/23/84	10/31/02	No
38	Hydrocarbon Storage Facilities	8/14/74	10/31/02	No
39	Sulfur Recovery Plant - Sulfur	8/14/74	10/31/02	No
40	Sulfuric Acid Production Units - Sulfur Dioxide, Acid Mist and Visible Emissions	12/17/93	10/31/02	Yes
41	Nonferrous Smelters - Sulfur	12/17/93	10/31/02	Yes
42	Coal Mining and Preparation Plants - Particulate Matter	12/16/73	10/31/02	No

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43	Gasification Plants	8/23/84	10/31/02	No
44-59	[Reserved]			
60	Open Burning	12/31/03	12/31/03	Yes
61	Smoke and Visible Emissions	1/10/96	10/31/02	Yes
62	Municipal Waste Combustion	12/16/90	10/31/02	No
63	Biomedical Waste Combustion	4/7/91	10/31/02	No
64	Municipal Solid Waste Landfills	12/20/96	10/31/02	Yes
65	Smoke Management	12/31/03	12/31/03	Yes
66	Cotton Gins	4/7/05	4/7/05	Yes
67-69	[Reserved]			
70	Operating Permits	1/1/11	1/1/11	No (1)
71	Operating Permit Emission Fees	1/9/09	1/9/09	No (1)
72	Construction Permits	9/6/06	9/6/06	Yes (2)
73	Notice of Intent and Emissions Inventory Requirements	7/6/11	7/6/11	Yes
74	Prevention of Significant Deterioration (PSD)	6/3/11	6/3/11	Yes
75	Construction Permits Fees	12/1/03	12/1/03	Yes (3)
76	[Reserved]			
77	New Source Performance Standards	12/19/13	12/19/13	No (4)
78	Emission Standards for Hazardous Air Pollutants	9/2/11	9/2/11	No (4)
79	Permits - Nonattainment Areas	6/3/11	6/3/11	Yes
80	Stack Heights	4/14/88	10/31/02	Yes

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81	Western Backstop Sulfur Dioxide Trading Program	7/6/11	7/6/11	Yes
82	Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants	12/19/13	12/19/13	No (5)
83	[Reserved]			
84	Acid Rain Permits	6/15/07	6/15/07	No (6)
85	Mercury Emission Standards and Compliance Schedules for Electric Generating Units	6/15/07	6/15/07	No (4)
86	Best Available Control Technology for Mercury at New Power Plants	2/10/08	2/10/08	No
87-88	[Reserved]			
89	Qualified Generating Facility Certification	9/26/09	9/26/09	No
90	Field Citations	12/12/08	12/12/08	No
91-98	[Reserved]			
99	Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects	11/7/11	11/7/11	Yes

\* 'Latest Effective Date' may refer to non-substantive revisions to the regulation, such as reformatting. 'Last Substantive Revision' lists the effective date of the most recent substantive revision or, if none, the effective date of adoption. Note that the effective date is generally 30 days after the file date, unless otherwise established in the regulation.

- (1) Although Parts 70 and 71 are not part of the State Implementation Plan, they are federally enforceable under Title V of the Clean Air Act.
- (2) Section 221, Accelerated Review and Subpart IV, Air Toxics of Part 72 are not part of the State Implementation Plan and are not federally enforceable.
- (3) Subsection B of 20.2.75.10 NMAC and Subsection D of 20.2.75.11 NMAC relating to Accelerated Review are not part of the State Implementation Plan and are not federally enforceable.

- (4) Although Parts 77, 78 and 85 are not part of the State Implementation Plan, they are federally enforceable under Sections 111 and 112 of the Clean Air Act.
- (5) Although Part 82 is not part of the State Implementation Plan, it is federally enforceable under Section 112 of the Clean Air Act.
- (6) Although Part 84 is not part of the State Implementation Plan, it is federally enforceable under Title IV of the Clean Air Act.