

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD  
NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on July 11, 2014 at 9:00 a.m. in Room 307 at the State Capital in Santa Fe, New Mexico. The purpose of the hearing is to consider the matter of No. EIB 14-01(R), proposed revisions to the New Mexico State Implementation Plan ("SIP") regarding Air Quality Control Regulation Part 74 of 20.2 New Mexico Administrative Code (Permits – Prevention of Significant Deterioration) ("20.2.74 NMAC").

The proponent of this regulatory adoption and revision 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 revise 20.2.74 NMAC. The proposed revisions are in response to the U.S. Environmental Protection Agency's ("EPA") December 9, 2013, amendments to federal rules 40 CFR 51.166 and 52.21. The amendments by the EPA to the federal rules address the January 22, 2013, United States Court of Appeals for the District of Columbia Circuit vacatur and remand of two prevention of significant deterioration provisions that were promulgated by EPA in 2010. The two provisions include the Significant Impact Levels (SILs) and Significant Monitoring Concentrations (SMC) for particulate matter 2.5 microns in size and less (PM<sub>2.5</sub>). The Court's vacatur of the PM<sub>2.5</sub> SILs and the SMC means that these provisions can no longer be relied upon by either permit applicants or permitting authorities. The NMED is proposing to remove the PM<sub>2.5</sub> SILs provision and revise the PM<sub>2.5</sub> SMC provision that were incorporated into 20.2.74 NMAC in May 2011. If adopted by the Board, the revisions to 20.2.74 NMAC would be submitted to EPA for incorporation into New Mexico's SIP.

The NMED will host an informational open house on the proposed revisions to 20.2.74 NMAC at the NMED Air Quality Bureau Office, 525 Camino del los Marquez, Suite 1, Santa Fe, New Mexico from 12:00 p.m.-3:00 p.m. on June 4, 2014. To attend the informational open house, please contact Gail Cooke at 505-476-4319 or [gail.cooke@state.nm.us](mailto:gail.cooke@state.nm.us).

The proposed revised regulation may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino del los Marquez, Suite 1, Santa Fe, New Mexico. Full text of NMED's proposed revised regulation is available on NMED's web site at [www.nmenv.state.nm.us](http://www.nmenv.state.nm.us), or by contacting Gail Cooke at (505) 476-4319 or [gail.cooke@state.nm.us](mailto:gail.cooke@state.nm.us).

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures – Environmental Improvement Board), the Environmental Improvement Act, NMSA 1978, Section 74-1-9, the Air Quality Control Act Section, NMSA 1978, 74-2-6, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file 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) include a copy of the direct testimony of each technical witness in narrative form;
- (4) list and attach each exhibit anticipated to be offered by that person at the hearing; and
- (5) attach the text of any recommended modifications to the proposed new and revised regulations.

Notices of intent for the hearing must be received in the Office of the Board not later than 5:00 pm on June 20, 2014 and should reference the docket number, EIB 14-01(R), and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator

Environmental Improvement Board  
P.O. Box 5469  
Santa Fe, NM 87502  
Phone: (505) 827-2425, Fax (505) 827-0310

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 his testimony, so long as the exhibit is not unduly repetitious of the testimony.

A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing, or submit it at the hearing.

Persons having a disability and needing help in being a part of this hearing process should contact Juan Carlos Borrego of the NMED Human Resources Bureau by June 26, 2013 at P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-0424 or email [juancarlos.borrego@state.nm.us](mailto:juancarlos.borrego@state.nm.us). TDY users please access his number via the New Mexico Relay Network at 1-800-659-8331.

The Board may make a decision on the proposed revised regulations at the conclusion of the hearing, or the Board may convene a meeting at a later date to consider action on the proposal.