



*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Office of the Secretary*



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RYAN FLYNN  
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January 22, 2016

Mr. Ron Curry  
Regional Administrator  
U.S. Environmental Protection Agency, Region VI (6-RA)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Dear Mr. Curry:

On behalf of the New Mexico Environment Department (NMED), I am pleased to submit to the Environmental Protection Agency (EPA) the enclosed set of amended state rules as support for a request for delegation of authority for certain federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) and National Emission Standards for Hazardous Air Pollutants for Source Categories, commonly referred to as Maximum Achievable Control Technology (MACT) standards.

On December 18, 2015, the New Mexico Environmental Improvement Board adopted amendments to the following Parts of the New Mexico Administrative Code (NMAC):

20.2.77 NMAC – New Source Performance Standards (amended to incorporate by reference federal requirements promulgated by EPA between September 24, 2013 and September 15, 2015);

20.2.78 NMAC – Emission Standards for Hazardous Air Pollutants (amended to incorporate by reference federal requirements promulgated by EPA between January 1, 2011 and September 15, 2015), and

20.2.82 NMAC – Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants (amended to incorporate by reference federal requirements promulgated by EPA between August 30, 2015 and September 15, 2015).

NMED seeks delegation of authority from EPA for NSPS, NESHAP and MACT standards for the time periods indicated above, and in doing so, provides the following statements as per the requirements of 40 CFR 63.91(d)(2). EPA approved NMED's program for receiving delegation of existing and future Clean Air Act Section 112 standards when it granted final interim approval to our Title V program on November 18, 1994. NMED reaffirms that it still meets the criteria

for receiving delegation of Section 112 standards. NMED is seeking delegation of NSPS, NESHAP and MACT Standards for both Title V and non-Title V sources.

The hearing record for these amended rules is attached and includes the filed rules, transmittal forms, transcripts, exhibits, public notices, affidavits of publication, and notices of intent to present technical testimony. Public comment was received in the form of a statement of support from the Small Business Regulatory Advisory Committee.

Included with the attached hard copy of this submittal is an electronic copy of the submittal provided on disk, which I certify to be an exact duplicate of the hard copy.

The State of New Mexico looks forward to EPA's approval of the above-mentioned delegation request. If you have any questions regarding this submittal, please contact Richard Goodyear of NMED's Air Quality Bureau at (505) 476-4305.

Sincerely,



*for* Ryan Flynn  
Cabinet Secretary

Enclosures:

cc: Jeff Robinson, EPA Region 6  
Richard Goodyear, Air Quality Bureau Chief