

**NEW MEXICO ENVIRONMENT DEPARTMENT**  
**Notice of Opportunity for Public Hearing and Comment**  
**New Mexico's Proposed Infrastructure Certification for**  
**The 2010 Nitrogen Dioxide (NO<sub>2</sub>) NAAQS Revision**

The New Mexico Environment Department (NMED) announces an opportunity to comment on and/or request a public hearing on a proposed certification that New Mexico has an adequate, federally-approved State Implementation Plan (SIP) that addresses all elements of a Clean Air Act (CAA) Section 110(a)(2) infrastructure plan, as applicable to the 2010 Nitrogen Dioxide National Ambient Air Quality Standards (NAAQS). The purpose of the proposed certification is to confirm to the U.S. Environmental Protection Agency (EPA) that the State of New Mexico has the required "infrastructure" in place under the current SIP to implement, maintain and enforce the 2010 Nitrogen Dioxide NAAQS. Section 110(a)(1) of the CAA requires states to submit certification letters or revised SIPs to the EPA Administrator within three (3) years following the promulgation of a new or revised NAAQS.

Legislative authority for New Mexico's air quality program is codified in Chapter 74 (Environmental Improvement) of the New Mexico Statutes, which gives the New Mexico Environmental Improvement Board and the Environment Department the authority to implement the CAA in New Mexico (Albuquerque/Bernalillo County is under the jurisdiction of a local board and agency). The proposed certification was developed by NMED to comply with the requirements contained in Section 110 of the CAA and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. The proposed certification does not adopt or amend any regulations; therefore, it is not subject to the mandatory public hearing requirement of NMSA 1978 § 74-2-6. However, a hearing may be requested as described below.

The proposed certification, *New Mexico's Proposed Infrastructure Certification for the 2010 Nitrogen Dioxide (NO<sub>2</sub>) NAAQS Revision*, is available for a 30-day public comment period. Submission of comments on the proposed certification may be written or oral. All comments must be received by March 10, 2014. All public comments received during the comment period will be evaluated and responded to as appropriate by NMED prior to submission of the proposed certification to EPA. If a request for a public hearing is received during the 30-day public comment period, a hearing date, time and location will be announced at a later date, in accordance with 20.1.1 NMAC – Rulemaking Procedures – Environmental Improvement Board, including an additional public comment period. For more information, contact Michael Baca, (575) 524-6300. Upon completion of the 30-day public comment period and, if requested, the hearing process, all documents included in the New Mexico 2010 Nitrogen Dioxide certification will be submitted to EPA to be included in the New Mexico State Implementation Plan.

The proposed certification may be reviewed during regular business hours at the NMED Air Quality Bureau office, New Mexico Environment Department, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico, 87505-1816. A full text of NMED's proposed certification is available on NMED's web site at [www.nmenv.state.nm.us](http://www.nmenv.state.nm.us), or by contacting Michael Baca, [michael.baca1@state.nm.us](mailto:michael.baca1@state.nm.us) (575) 524-6300.

Written comments and/or a public hearing request regarding the proposed certification should be submitted via email to Michael Baca, michael.baca1@state.nm.us or mailed to:

New Mexico Environment Department, Air Quality Bureau  
ATTN: Michael Baca  
1170 N. Solano Dr., Ste. M  
Las Cruces, NM 88001

Comments and/or public hearing requests may instead be submitted by fax to the Air Quality Bureau, ATTN: Michael Baca at (575) 526-3891.