

NEW MEXICO ENVIRONMENT DEPARTMENT
NOTICE OF PUBLIC MEETING AND RULEMAKING HEARING

The New Mexico Environment Department ("NMED") will hold a public hearing on November 6, 2008 at 1:30 p.m. at the Air Quality Bureau, Room 240, 1301 Siler Road, Building B, Santa Fe, NM 87507. The purpose of the hearing is to consider the matter of adopting 20.2.89 NMAC - Qualified Generating Facility Certification.

The proponent of this regulatory adoption and revision is the New Mexico Air Quality Bureau ("AQB").

NMED is proposing to adopt this new regulation to implement Senate Bill 994 from the 2007 legislative session (NMSA 1978 Section 7-9G-2). Senate Bill 994 requires that the Environment Department issue rules with procedures for determining whether a solar generating facility, recycled energy facility, or coal electric generating facility that meets the definition in statute is a qualified generating facility as defined in the statute. The proposed regulation allows NMED to evaluate solar thermal and recycled energy projects to determine whether they meet the requirements of a qualified energy facility in order to qualify for tax credits. NMED would then issue a certification for projects that qualify, and would deny certifications to projects that do not meet the requirements.

The proposed regulation may be reviewed during regular business hours at the NMED Air Quality Bureau office, 1301 Siler Road, Building B, Santa Fe, New Mexico 87507. A full text of NMED's amended regulation is available on NMED's web site at www.nmenv.state.nm.us/aqb, or by contacting Rita Bates at (505) 476-4304 or via e-mail to rita.bates@state.nm.us.

The hearing will be conducted in accordance with 20.1.9 NMAC (Rulemaking Procedures – Environment Department), the Department of Environment Act, Section 9-7A-6(D) 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 comment on the proposed rule, orally or in writing.

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Judy Bentley by October 20, 2008, at NMED, Personnel Service Bureau, Room N-4071, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico, 87502. Ms. Bentley's telephone number is (505) 827-9872. TDY users please access Ms. Bentley's number through the New Mexico Relay Network at 1-800-659-8331.

The hearing officer may allow the record to remain open for a reasonable period of time following conclusion of the hearing for written submission of additional comments, documents, arguments and proposed statements of reasons. The hearing officer's determination shall be announced at the conclusion of the hearing. In considering whether to keep the record open, the hearing officer may consider the reasons why the material was not presented during the hearing, the significance of material to be submitted and the necessity for a prompt decision. If the record is kept open, the hearing officer shall determine and announce the subject(s) on which submittals will be allowed and the deadline for filing the submittals. The secretary shall render his final decision on the proposed regulatory changes within 60 days following close of the record.