

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF STATE IMPLEMENTATION PLAN AND RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on June 1, 2011 at 9:00 a.m. in Room 307 at the State Capitol Building (Roundhouse), 490 Old Santa Fe Trail, Santa Fe, New Mexico, continuing on June 2 and, if necessary, June 3 and 4, 2011 in Farmington, New Mexico at San Juan College, 4601 College Blvd. The New Mexico Environment Department ("NMED") is proposing to adopt revisions to the New Mexico State Implementation Plan for Regional Haze. The proposed plan establishes requirements for New Mexico to meet the requirements of 40 CFR Section 51.309, including a determination of Best Available Retrofit Technology for nitrogen oxides and particulate matter for the San Juan Generating Station. Revisions to 20.2.73 NMAC and 20.2.81 NMAC are also proposed.

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 regarding revisions to New Mexico's State Implementation Plan under the federal regional haze rule, 40 CFR Section 51.309. The regional haze rule requires states to submit State Implementation Plans to address visibility impairment caused by regional haze in 156 federally-protected parks and wilderness areas, known as Class I areas, including nine such areas in New Mexico. Revisions to 20.2.73 NMAC and 20.2.81 NMAC are also proposed to conform those rules to federal requirements for the regional haze program.

The proposed revised regulations and plan may be reviewed during regular business hours at the NMED Air Quality Bureau office, 1301 Siler Road, Building B, Santa Fe, New Mexico. The full text of NMED's proposed revised State Implementation Plan and regulations are available on NMED's web site at www.nmenv.state.nm.us, or by contacting Rita Bates at (505) 476-4304 or by email at rita.bates@state.nm.us.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures – Environmental Improvement Board), the Environmental Improvement Act, Section 74-1-9 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 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 in narrative form of each technical witness and state the anticipated duration of the testimony of that witness;
- (4) 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 May 17, 2011, and should reference the docket number, EIB 11-01 (R), and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Felicia Orth, Acting Board Administrator
Office of the Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Dr., Room 2150-N
Santa Fe, NM 87502
Phone: (505) 827-0339, Fax (505) 827-2836

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 Judy Bentley by May 17, 2011 at the NMED, Personnel Services Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-5469, telephone 505-827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.

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