

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF STATE IMPLEMENTATION PLAN HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on September 5 or 6, 2013 in Farmington, New Mexico in Room 7103 at San Juan College, 4601 College Blvd. The hearing will commence immediately following the hearing in EIB No. 13-02 (R), scheduled for September 5 - 6 (as necessary), 2013 at the same location. The purpose of the public hearing is to consider and take possible action on a petition from the New Mexico Environment Department ("NMED") regarding revisions to New Mexico's State Implementation Plan (SIP). NMED is proposing that the Board adopt revisions to the SIP to satisfy the "good neighbor" requirements of Clean Air Act ("CAA") Section 110(a)(2)(D)(i)(II) with respect to visibility for the 8-hour ozone and particulate matter under 2.5 microns in diameter ("PM 2.5") National Ambient Air Quality Standards promulgated in July 1997.

The "Good Neighbor" provision of CAA Section 110(a)(2)(D)(i)(II) requires that each SIP submitted to EPA must address emissions from within the state that affect other states through interstate transport. The U.S. Environmental Protection Agency ("EPA") has determined that New Mexico has satisfied the Good Neighbor provisions with respect to visibility for all emission sources except the San Juan Generating Station ("SJGS").

The NMED's proposed Regional Haze SIP, which will be considered in the hearing in EIB No. 13-02 (R), contains a Best Available Retrofit Technology ("BART") determination for nitrogen oxides ("NOx") for the SJGS. The BART determination calls for a NOx emission rate of 0.23 pounds per million British thermal units (lb/mmBtu) for SJGS Units 1 and 4, and a shutdown by the end of 2017 of SJGS Units 2 and 3. For sulfur dioxide, the Regional Haze SIP calls for a limit of 0.10 lb/mmBtu at SJGS Units 1 and 4. These nitrogen oxide and sulfur dioxide emission limits exceed the expectations that neighboring states relied upon when developing their own visibility SIPs. Therefore, NMED proposes that the Board adopt these limits as also satisfying the independent requirements of CAA Section 110(a)(2)(D)(i)(II).

The proponent of this regulatory adoption and revision is the New Mexico Environment Department ("NMED").

The proposed revised plan may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico. The full text of NMED's proposed State Implementation Plan is 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;
- (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 regulatory change.

Notices of intent for the hearing must be received in the Office of the Board not later than 5:00 pm on August 16, 2013, and should reference the docket number, EIB 13-03 (R), and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pam Castañeda, Board Administrator
Office of the Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Dr., Room N2150
Santa Fe, NM 87505
Phone: (505) 827-2425, 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 J.C. Borrego by August 16, 2013 at the NMED, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-5469, telephone (505) 827-0424. 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 state implementation plan at the conclusion of the hearing, or the Board may convene a meeting at a later date to consider action on the proposal.