

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing on November 7, 2013 at 10:00 a.m. in Room 311 at the State Capitol, located at 490 Old Santa Fe Trail in Santa Fe, New Mexico. The purpose of the hearing is to consider the matter of EIB 13-07(R), proposed amendments to Air Quality Control Regulations 20.2.77 New Mexico Administrative Code (New Source Performance Standards) (“20.2.77 NMAC”) and 20.2.82 New Mexico Administrative Code (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants) (“20.2.82 NMAC”).

The proponent of these regulatory amendments 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 to amend 20.2.77 NMAC and 20.2.82 NMAC. The purpose of the proposed amendments is to incorporate by reference the new rules, corrections, revisions, and amendments to the federal New Source Performance Standards (“NSPS”) and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants (“MACT”), which were promulgated by the U.S. Environmental Protection Agency (“EPA”) and published in the Federal Register from January 1, 2011 to August 29, 2013.

The proposed revised regulations, and the text of the federal standards to be incorporated by reference, 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, on NMED’s web site at www.nmenv.state.nm.us, or by contacting Lany Weaver at (505) 476-4322 or lany.weaver@state.nm.us.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures – Environmental Improvement Board), the Environmental Improvement Act, NMSA 1978, §74-1-9, the Air Quality Control Act, NMSA 1978, §74-2-6, and any applicable procedural orders.

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 October 18, 2013 and should reference the docket number, EIB 13-07(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 2100-S
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 the J.C. Borrego of the NMED Human Resources Bureau by October 18, 2013 at 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 regulations at the conclusion of the hearing, or the Board may convene a meeting at a later date to consider action on the proposal.