

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF STATE
IMPLEMENTATION PLAN AND RULEMAKING HEARING TO CONSIDER ADOPTION OF
PROPOSED REGIONAL HAZE STATE IMPLEMENTATION PLAN REVISION FOR THE SECOND
PLANNING PERIOD AND PROPOSED COMPANION RULE 20.2.68 NMAC – REGIONAL HAZE
REQUIREMENTS, EIB 24-49 (R)**

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing beginning on April 28, 2025, at 9:00 a.m. to consider EIB 24-49 (R) – In the Matter of Regional Haze State Implementation Plan Revision for the Second Planning Period and Proposed Companion Rule 20.2.68 NMAC – Regional Haze Requirements. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The Board may make a decision on the proposed regional haze state implementation plan (“SIP”) revision and companion rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposals.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the New Mexico State Capitol Building (Roundhouse), 490 Old Santa Fe Trail, Santa Fe, NM 87505. Detailed information concerning the time and location and instructions on how to join the hearing virtually is available on the New Mexico Environment Department (“NMED”) events calendar at <https://www.env.nm.gov/events-calendar/>, under the calendar entry corresponding to the hearing start date. From now until the conclusion of the hearing, comments may be submitted via the NMED public comment portal at <https://nmed.commentinput.com?id=fT7HAYPUN> or via electronic or physical mail to Pamela Jones, Board Administrator, P.O. Box 5469, Santa Fe, NM 87502, pamela.jones@env.nm.gov.

The purpose of the hearing is for the Board to consider and take possible action on a petition by NMED requesting the Board to adopt New Mexico’s proposed regional haze SIP revision for the second planning period and a new companion rule at 20.2.68 NMAC. The requested action is mandated pursuant to 40 C.F.R. § 51.308(f), which requires states to submit a comprehensive regional haze SIP revision for the second planning period to the U.S. Environmental Protection Agency (“EPA”) by July 31, 2021. The SIP revision, if adopted, will be submitted to the EPA to satisfy federal Clean Air Act requirements at 42 U.S.C. § 7491.

The proposed regional haze SIP revision for the second planning period describes visibility conditions, including the uniform rate of progress, for each of New Mexico’s Class I areas; provides a long-term strategy addressing regional haze visibility impairment; establishes reasonable progress goals reflecting the visibility conditions that are projected to be achieved by the end of the second planning period as a result of the long-term strategy; provides a robust demonstration that all reasonable measures have been taken to improve visibility at Salt Creek Wilderness Area, the sole Class I area in New Mexico projected to be above the uniform rate of progress glidepath in 2028; and describes New Mexico’s strategy for measuring, characterizing, and reporting of regional haze visibility impairment in Class I areas. It also describes NMED’s coordination and consultation with Federal Land Managers (“FLMs”), EPA, states, Tribes, and other interested parties during the development of the plan and includes a periodic progress report addressing the requirements of 40 C.F.R. § 51.308(g)(1)-(5) for the period since the most recent progress report.

The proposed companion rule at 20.2.68 NMAC establishes enforceable emission limitations, compliance schedules, and other measures that are necessary to make reasonable progress during the second planning period, and provisions to make these measures practicably enforceable, including averaging times, monitoring requirements, and recordkeeping and reporting requirements. Incorporation of the companion rule into the regional haze SIP revision after adoption will make the emission limitations and other measures in the rule federally enforceable at the time EPA grants final approval of the SIP revision.

As required by 42 U.S.C. § 7491(d) and 40 C.F.R. § 51.308(i)(2), NMED consulted with the appropriate FLMs on the proposed regional haze SIP revision and provided them the opportunity to discuss their assessment of, and recommendations on the development and implementation of strategies to address, visibility impairment in Class I areas. The FLMs were highly supportive of NMED’s plan engagement, source selection, control measure evaluations, and long-term strategy. The U.S. National Park Service provided critical comments regarding several aspects of NMED’s evaluation of selective catalytic reduction (“SCR”) for natural gas-fired combustion turbines.

NMED carefully considered these comments and revised its SCR analyses and control measure determinations in response.

The proposed regional haze SIP revision, companion rule, and related information, including technical information, may be reviewed on NMED's Regional Haze Planning web page at <https://www.env.nm.gov/air-quality/reg-haze/>; during regular business hours at the NMED Air Quality Bureau, 525 Camino de los Marquez, Santa Fe, NM 87505; or by contacting Mark Jones at 505-629-6626 or mark.jones@env.nm.gov.

The hearing will be conducted in accordance with the Board's rulemaking procedures at 20.1.1 NMAC; 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. The Board is authorized to adopt this rule under its authority to adopt, promulgate and publish rules to prevent or abate air pollution, including rules prescribing air standards within the geographic area of the Board's jurisdiction. NMSA 1978, § 74-2-5(B)(1). The Board may adopt this rule under its authority to adopt rules that "protect visibility in mandatory class I areas to prevent significant deterioration of air quality and to achieve national ambient air quality standards in nonattainment areas." NMSA 1978, § 74-2-5(D)(1).

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing; to introduce exhibits; and to examine witnesses. Persons wishing to present technical testimony must file a written Notice of Intent to Present Technical Testimony ("NOI") with the Board. The NOI shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

Pursuant to the order setting new pre-hearing deadlines entered by the hearing officer on December 9, 2024, NOIs must be received by the Board no later than 5:00 pm on March 3, 2025, and shall include the required NOI elements described above. In the event a party seeks to present rebuttal testimony, a rebuttal NOI must be filed. Rebuttal NOIs must be received by the Board no later than 5:00 p.m. on March 31, 2025, and shall include a copy of the rebuttal testimony in narrative form and all other required NOI elements described above. Entries of appearance filed pursuant to 20.1.1 NMAC must be received by the Board no later than 5:00 p.m. on April 8, 2025. NOIs, rebuttal NOIs, and entries of appearance shall be submitted to Pamela Jones, Board Administrator, P.O. Box 5469, Santa Fe, NM, 87502, pamela.jones@env.nm.gov, and served electronically on all parties reflected on the service list maintained by the Administrator.

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 non-technical exhibits in connection with their 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 requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. TDD or TDY users please dial 7-1-1 or 800-659-8331 to access this number via Relay New Mexico.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact Kate Cardenas,

Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.