

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD



IN THE MATTER OF PROPOSED REPEAL OF:
20.2.37 NMAC – *Petroleum Processing Facilities*

No. EIB 16-82 (R)

NEW MEXICO ENVIRONMENT DEPARTMENT'S
NOTICE OF COMPLIANCE WITH
SMALL BUSINESS REGULATORY RELIEF ACT

The New Mexico Environment Department gives notice that it has filed in the record of this proceeding a letter dated April 11, 2016, to the Small Business Regulatory Advisory Commission, a copy of which is attached hereto, as required by NMSA 1978, Section 14-4A-4 of the Small Business Regulatory Relief Act.

Respectfully submitted,

for 

John B. Verheul

Assistant General Counsel
121 Tijeras Avenue NE, Ste 1000
Albuquerque, NM 87102
(505) 383-2063
John.Verheul@state.nm.us

CERTIFICATE OF SERVICE

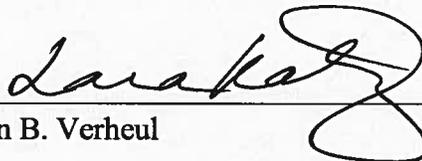
I hereby certify that a copy of the foregoing *Notice of Compliance* was served on the following parties on this the 2nd day of April, 2016 via the stated delivery methods below:

Hand delivery:

Ms. Pam Castaneda, Administrator
Environmental Improvement Board
Room S-2102, Runnels Building
1190 St. Francis Dr.
Santa Fe, New Mexico 87505

Email:

Jennie Lusk
Assistant Attorney General
Office of the New Mexico Attorney General
P.O. Drawer 1508
Santa Fe, New Mexico 87504
Counsel for Environmental Improvement Board
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for John B. Verheul



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

Via Electronic Mail: Antoinette.Patnode@state.nm.us

April 11, 2016

Small Business Regulatory Advisory Commission
c/o Ms. Antoinette Patnode
New Mexico Economic Development Department
1100 St. Francis Drive
Santa Fe, New Mexico 87501

Re: Proposed Repeal of 20.2.37 NMAC – *Petroleum Processing Facilities*

Dear Ms. Patnode,

The New Mexico Environment Department (“Department”) hereby provides notice to the Small Business Regulatory Advisory Commission, pursuant to the Small Business Regulatory Relief Act (“Act”), NMSA 1978, Sections 14-4A-1 to -5 (2005), that the Environmental Protection Division, Air Quality Bureau (“Bureau”) has submitted a petition to the Environmental Improvement Board (EIB) for the repeal of 20.2.37 NMAC (“Part 37”).

The purpose of the proposed repeal is to remove outdated, redundant requirements. Most of the requirements in Part 37 are covered by corresponding state permit regulations under 20.2.72 NMAC or federal requirements that are at least as stringent as Part 37. There are three sections/subsections of the rule that do not have duplicative federal or state standards. An evaluation was conducted for these exceptions which showed that Part 37 could be repealed without an adverse effect on air quality.

At present, there are three petroleum refineries and twenty natural gas processing plants in New Mexico. A stakeholder letter was distributed in April 2014 to the refineries and gas plants, informing them that Part 37 was being reviewed, and asking for comments and input to the rule evaluation. Stakeholder comments have been considered in proposing the repeal. These are the only businesses which will be affected by the proposed repeal of 20.2.37 NMAC, and none of them are small businesses as defined in the Act.

The EIB will hold a hearing on the proposed regulatory amendments (Docket No. EIB 16-02 (R)) currently scheduled for Friday, August 12, 2016. For details regarding the time and location of the hearing please check the EIB website at: <http://www.env.nm.gov/eib/>.

Pursuant to Section 14-4A-4 of the Act, the Department does not anticipate that the proposed regulatory amendments will have any adverse effect on small businesses. If you require further information about these proposed regulatory amendments, please call me at (505) 383-2063 or email me at john.verheul@state.nm.us.

Sincerely,



John B. Verheul
Assistant General Counsel
New Mexico Environment Department

cc: Kerwin Singleton, Air Quality Bureau, via email
Mark Jones, Air Quality Bureau, via email