

From: [New Mexico Environment Department](#)
To: [Singleton, Kerwin, NMENV](#); [Graves, Robert, NMENV](#); [Hollenberg, Cindy, NMENV](#); [Majure, Allison, NMENV](#); [Turner, Jill, NMENV](#); [Bates, Rita, NMENV](#)
Subject: Courtesy Copy: Information request for revision of Part 64 - Municipal Solid Waste Landfills
Date: Thursday, November 10, 2016 4:03:32 PM

This is a courtesy copy of an email bulletin sent by Cindy Hollenberg.

This bulletin was sent to the following groups of people:

Subscribers of MSWL (32 recipients)

NMED Banner



Air Quality Bureau

Regulatory and SIP Bulletin

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The New Mexico Environment Department (NMED) is planning to revise the Air Quality regulation for Municipal Solid Waste Landfills at 20.2.64 NMAC as part of New Mexico's response to the United States Environmental Protection Agency's (EPA's) recent promulgation of 40 CFR 60 Subpart Cf (Emission Guidelines and Compliance Times for Existing Municipal Solid Waste Landfills). This rule revision, which effectively incorporates the federal rule by reference, is one part of the plan the State must submit to EPA under Clean Air Act Section 111(d) if the State wishes to avoid imposition of a federal plan. EPA requires such state plans to include "increments of progress" for any requirements with a compliance time longer than one year. For this reason, NMED is considering adding a timetable to the rule for accomplishment of certain milestones toward compliance with the 30-month deadline for startup of a gas collection and control system (GCCS) when required.

NMED is seeking comments regarding appropriate "increments of progress" for the 30-month GCCS requirement. The rule requires that a GCCS plan must be submitted to NMED within one year of the first report showing 34 Mg or greater nonmethane organic compounds (NMOC) emissions from a facility. The GCCS must be functioning no later than 30 months after that emissions report. Please comment on appropriate deadlines for the following:

1. Award of contracts for construction of a GCCS, or orders for purchase of components.

2. Initiation of on-site construction or installation of the GCCS.

3. Completion of on-site construction or installation of the GCCS. (i.e., does it need to be before the final compliance date of 30 months?)

We thank you for your input and look forward to further input once we release the draft state plan later this month.

For additional information concerning this bulletin, please contact Cindy Hollenberg at cindy.hollenberg@state.nm.us.

NMED [Air Quality Bureau](#)

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico, 87505-1816

(505) 476-4300

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From: [New Mexico Environment Department](#)
To: [Bates, Rita, NMENV](#); [Singleton, Kerwin, NMENV](#); [Majure, Allison, NMENV](#); [Hollenberg, Cindy, NMENV](#); [Graves, Robert, NMENV](#); [Turner, Jill, NMENV](#)
Subject: Courtesy Copy: Emission Guidelines for Municipal Solid Waste Landfills
Date: Friday, October 07, 2016 2:38:23 PM

This is a courtesy copy of an email bulletin sent by Cindy Hollenberg.

This bulletin was sent to the following groups of people:

Subscribers of MSWL (34 recipients)

NMED Banner



Air Quality Bureau

Regulatory and SIP Bulletin

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The New Mexico Environment Department (NMED) will hold an informational meeting Tuesday, October 18, 2016 in Albuquerque regarding the Emission Guidelines for Existing Municipal Solid Waste Landfills, promulgated by the U.S. Environmental Protection Agency (EPA) July 15, 2016 and published August 29, 2016. This meeting will focus on the requirements of the new Emission Guidelines, including applicability, emission thresholds, control requirements, monitoring, reporting and recordkeeping. NMED intends to revise its implementing State Plan, as required by EPA. This will involve revising 20.2.64 NMAC - *Municipal Solid Waste Landfills* and submitting an emissions inventory to EPA. A public hearing with the Environmental Improvement Board will be required.

Please join us:

Who: NMED and Landfill owners, operators and permitting officials

What: Informational Meeting regarding Emission Guidelines for Existing Municipal Solid Waste Landfills, 40 CFR Part 60 Subpart Cf

When: Tuesday, October 18, 2016 12:30 - 1:30 pm

Where: New Mexico Environment Department, District 1 Office (Sandia Conference Room), 121 Tijeras Ave. NE, Albuquerque, NM 87102

To obtain a copy of the rule published August 29, 2016, visit the [Federal Register online](#). For an informational fact sheet regarding the new Emission Guidelines and

the New Source Performance Standards, visit [EPA's web site on MSW Landfills](#).

For planning purposes, please RSVP by Monday, October 17, 2016 to Cindy Hollenberg (contact information below).

For additional information concerning this bulletin, please contact Cindy Hollenberg, Air Quality Bureau, (505) 476-4356, cindy.hollenberg@state.nm.us.

NMED [Air Quality Bureau](#)

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico, 87505-1816

(505) 476-4300

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NMED

New
Mexico
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Department



40 CFR Part 60 Subpart Cf

Emission Guidelines and Compliance Times for
Existing Municipal Solid Waste Landfills

October 18, 2016

Air Quality Bureau
New Mexico Environment Department

NMED Exhibit 16

Today's agenda

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- What are Emission Guidelines?
- What facilities are affected?
- What are the emission thresholds?
- What are the control requirements?
- What else is required?
- What is New Mexico's plan?
- Questions?



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What are emission guidelines?

And how are they different from new source performance standards?

Emission Guidelines vs. New Source Performance Standards

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New Source Performance Standards (NSPS)

- Promulgated under CAA Section 111(b)
- Regulates new sources
- Affected facilities must adhere to the standards
- 40 CFR Part 60 Subpart XXX

Emission Guidelines (EGs)

- Promulgated under CAA Section 111(d)
- Regulates existing sources
- Requires states to develop a plan to implement the EGs
- 40 CFR Part 60 Subpart Cf

The focus of this meeting is on the EGs (for existing MSW landfills)



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What facilities are affected?

Applicability criteria

See §60.31f and §60.33f

Applicability criteria – “Designated Facilities”

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- Existing MSW landfills
 - ▣ Construction, reconstruction or modification commenced on or before July 17, 2014
 - Changes just to comply with EGs don't count as reconstruction or modification
 - ▣ Landfill has accepted waste any time after November 8, 1987
- Design capacity determines operating permit requirements
 - ▣ 2.5 million megagrams (metric tons) AND
 - ▣ 2.5 million cubic meters
- Smaller facilities must submit an initial design capacity report but will have no other requirements



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What are the emission thresholds?

NMOC emissions requiring controls

See §60.33f and §60.35f

Emissions of NMOC (non-methane organic compounds) or methane requiring control

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□ Active landfills

- 34 Mg* or more NMOC per year; or
- Tier 4 surface emissions ≥ 500 ppmv methane

□ Closed landfills (closure report submitted by 9/27/17)

- 50 Mg* or more NMOC per year; or
- Tier 4 surface emissions ≥ 500 ppmv methane

May subtract the mass of nondegradable solid waste if appropriate documentation is maintained

*Mg = megagrams, equivalent to metric tons



Emissions calculations

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4 Tiers (see §60.35f)

If over threshold for each tier, either install controls or calculate emissions based on next higher tier

- Tier 1: Use 1 of 2 equations for NMOC emission rate using default values
 - ▣ Equation use based on whether all actual year-to-year acceptance rates are known
 - ▣ If NMOC emissions < 34 Mg, submit report and recalculate annually
- Tier 2: Site-specific NMOC concentration
 - ▣ Use specific sampling procedure
 - ▣ Recalculate using equations, substituting sampled concentration for default values
 - ▣ If NMOC emissions < 34 Mg, submit report, recalculate annually and retest NMOC concentration every 5 years



Emissions calculations

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4 Tiers (see §60.35f)

If over threshold for each tier, either install controls or calculate emissions based on next higher tier*

*Tier 3 is optional – may go directly to Tier 4

- Tier 3*: Determine site-specific methane generation rate constant
 - ▣ Procedure – Method 2E, Appendix A (of Part 60)
 - ▣ Substitute constant in Equation 1 or Equation 2 for the default value
 - ▣ If NMOC emissions < 34 Mg, report and recalculate annually using Tier 2 concentration and Tier 3 rate constant (no recalculation of rate constant allowed in future)



Emissions calculations

11

4 Tiers (see §60.35f)

If over threshold for each tier, either install controls or calculate emissions based on next higher tier*

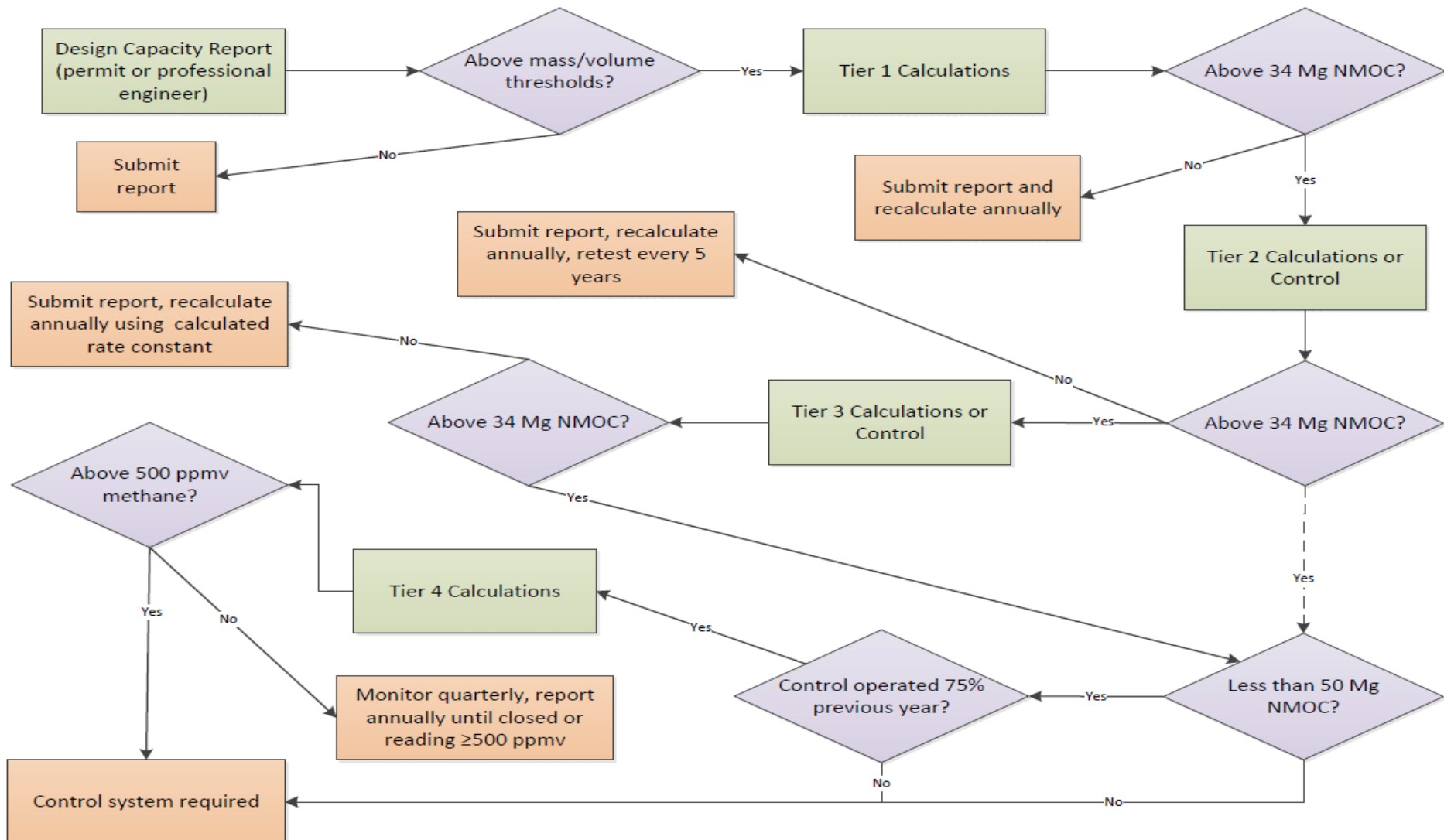
*Tier 4 is a new option – limited

- Tier 4*: Site-specific methane surface emissions monitoring
 - ▣ Allowed if Tier 1 or Tier 2 calculation shows NMOC emissions < 50 Mg AND gas collection & control system already installed AND system was operating 75% of time previous to Tier 4 monitoring
 - ▣ Use Method 21 of Appendix A, section
 - ▣ Monitoring quarterly; reporting annually (monitoring reduced for some closed landfills)
 - ▣ Monitoring must continue until landfill is closed, even if no measured methane concentration ≥ 500 ppmv



Emissions Calculations - Summary

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What are the control requirements?

Gas collection and control systems (GCCS)

See §§ 60.32f, 60.33f, 60.34f, 60.36f
and 60.40f

Control requirements (general)

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- Within 30 months of modeling ≥ 34 Mg NMOC (or 50 Mg if closed), gas collection and control system (GCCS) must be installed and started up
 - ▣ Calculate maximum expected gas flow rate and design collection system accordingly
 - ▣ Route gas to control system:
 - Non-enclosed flare
 - Device to reduce NMOC by 98 (weight) percent
 - Enclosed combustion device which reduces NMOC to < 20 ppmv
 - Boiler or process heater
 - Treatment system to process gas for sale or beneficial use



GCCS requirements

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Operational Standards (§60.34f)

- MSW in place for 5 years (active) or 2 years (closed)
- Negative pressure at each wellhead (3 exceptions)
- Temperature $<55^{\circ}\text{C}$ (131°F)
- CH_4 surface concentration <500 ppmv
- All gases routed to control system at all times
- Corrective action required for pressure, temperature or concentration problems

Compliance Methods (§60.36f)

- Calculating maximum expected gas generation flow rate
- Determining sufficient density of gas collectors
- Determining if gas collection flow rate is sufficient (includes corrective action requirements)
- Identify whether excess air infiltration is occurring
- Demonstrate alternative control methods (if used)
- Surface monitoring



What else is required?

Monitoring, reporting and recordkeeping

See §§ 60.32f, 60.33f, 60.34f, 60.36f

Monitoring of operations

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See §60.37f

- Install sampling port and thermometer at each wellhead
 - Measure gauge pressure monthly
 - Monitor nitrogen or oxygen concentration monthly
 - Monitor temperature monthly
- Calibrate, maintain and operate enclosed control device to manufacturer's specifications
- Devices other than a flare, enclosed combustor or treatment system must provide additional information on control system
- Monitoring requirements apply at all times except periods of monitoring system malfunctions and required QA/QC activities



Reporting guidelines

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See §60.38f

Reports must be submitted electronically to EPA

- Design capacity report – within 90 days of EPA approval of state plan
- NMOC emission rate report – within 90 days of EPA approval of state plan, then annually
- GCCS design plan – within 1 year of first NMOC emission rate report over 34 Mg/yr
- Closure report – within 30 days of ceasing waste acceptance
- Equipment removal report – at least 30 days prior to removal or cessation of operation of equipment
- Annual report – initially within 180 days of installation/startup of control system (then annually)
- Initial performance test report – within 60 days of performance testing



Recordkeeping guidelines

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See §60.39f

Records may be paper or electronic; on site or, if off site, retrievable within 4 hours

- Design capacity report
- Amount of solid waste in place
- Year-by-year solid waste acceptance rate
- Initial and subsequent performance tests or compliance determinations
- Monitoring plans and data
- Exceedances of any parameter or emission, root cause analyses and corrective actions taken
- Plot map of GCCS
- GCCS monitoring data
- Annual calculation of actual solid waste density for any conversions between mass and volume for design capacity determinations
- Engineering calculations of quantities of leachate or liquids added (if any)



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What is New Mexico's plan?

What are the next steps?

New Mexico's plan

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- By May 30, 2017, NMED must submit an amended state plan implementing these guidelines
 - ▣ Amended Part 64 – *Municipal Solid Waste Landfills*
 - Effectively takes delegation of most compliance provisions
 - EPA retains authority to enforce, along with the State
 - No additional requirements beyond the EGs except for additional reporting to NMED
 - Additional exceptions to requirements possible
 - ▣ List of facilities and emissions inventory
- Requirement for public comment period (December)
- Requirement for public hearing (April or May)



Questions?

Thank you for your participation!

Cindy Hollenberg

cindy.hollenberg@state.nm.us

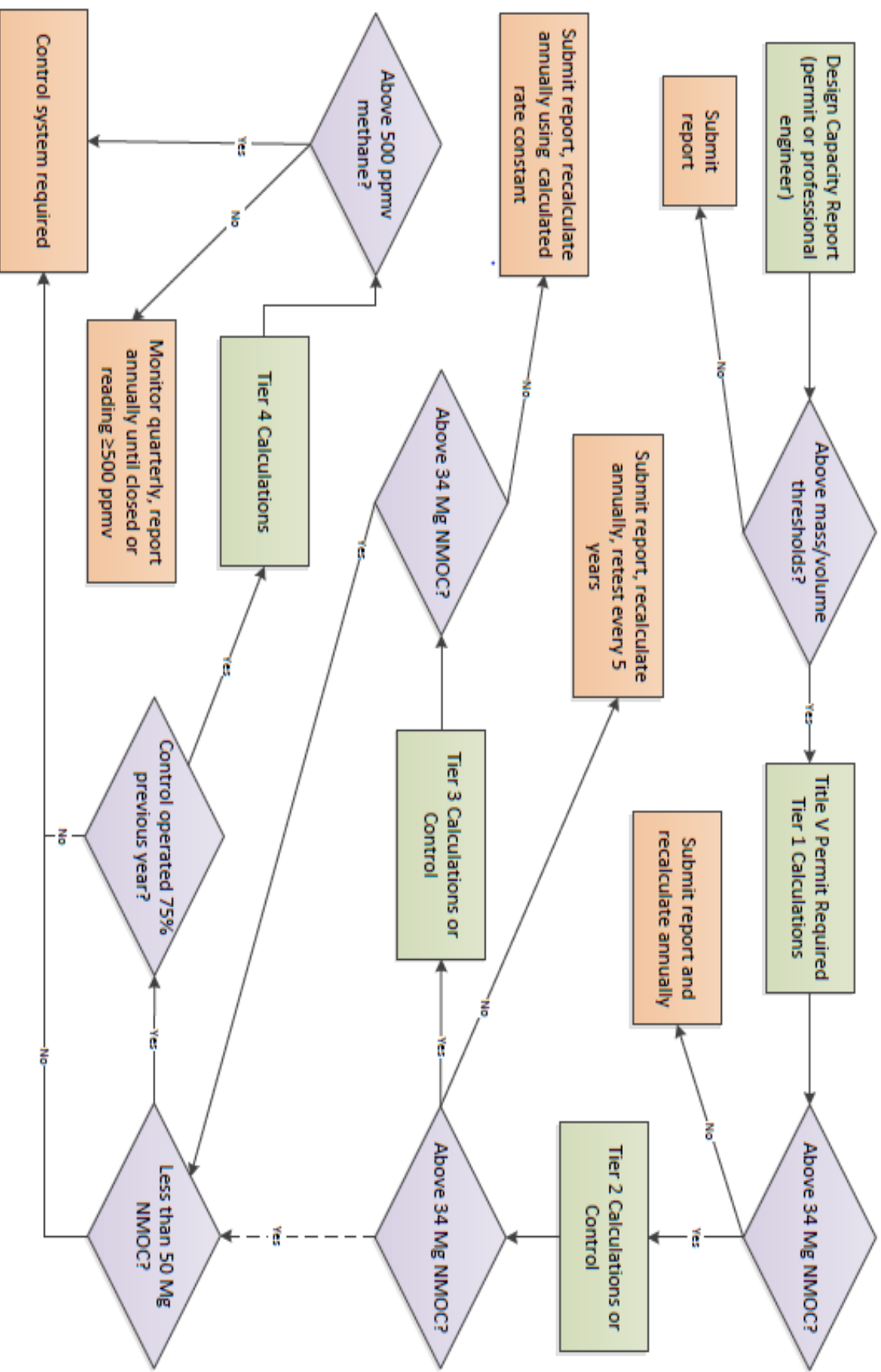
(505) 476-4356

Changes in the new Emission Guidelines

A summary (from the published preamble) with references

Previous Provision	New Provision	References in 40 CFR Part 60
NMOC emission threshold for installation or removal of GCCS = 50 Mg/yr	NMOC emission threshold = 34 Mg/yr	60.31f 60.32f 60.33f(a)(3)
3 Tiers to determine whether GCCS must be installed (all based on NMOC emissions)	Tier 4 added as optional methodology based on site-specific surface methane emissions	60.33f(e)(2) 60.35f(a)(6)
(No closed landfill subcategory)	Closed landfill subcategory (by 9/27/17) added; NMOC emission threshold stays at 50 Mg/yr; initial reporting requirements waived if those requirements already met under subparts Cc or WWW	60.31f(d) and (e) 60.33f(a)(4)
(No previous criteria)	Criteria added for capping, removing or decommissioning (portions of) GCCS	60.33f(f)
Nonproductive areas (1% or less of total NMOC emissions) may be excluded from control areas	May use site-specific flow measurements to determine NMOC emissions in nonproductive areas	60.40f(a)(3)(ii)
n/a	Clarification that use of treated LFG not limited to use as a fuel for a stationary combustion device (allows for other beneficial uses)	60.33f(c)(3)
(Not previously defined)	Definitions added: treated LFG and treatment system (along with requirements for those systems)	60.41f
Corrective action required for exceedances of operational standards for nitrogen/oxygen levels at wellheads (as well as temperature and pressure standards)	No corrective action required for exceedances of operational standards for nitrogen/oxygen levels at wellheads (but must continue to monitor and maintain records of such monthly); maintains requirements for temperature/pressure corrective actions	60.34f 60.36f(a)
(Not previously required)	Additional requirement to monitor quarterly all surface penetrations where waste has been placed and gas collection system required	60.35f(a)(6) 60.36f(b)
Allowed exception to standards during periods of SSM	Standards of performance apply at all times, including periods of SSM, but with alternative standard for when control system is not operating (within 1 hour, shut down gas mover system and all valves)	60.37f(h)
n/a	Other minor clarifications regarding corrective action, updated definitions and BMPs for organics diversion and emission reductions at LFs	60.36f 60.41f preamble

Emissions Calculations - Summary



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Proposed Air Quality Regulations and Plans

Following are summaries of proposed new air quality regulations and proposed amendments to existing regulations and the New Mexico State Implementation Plan. For updates, please periodically check back at this webpage. For information on new policies and procedures for air quality permitting, please go to the [What's New in Permitting page](#).



NEW Municipal Solid Waste Landfills – New Source Performance Standards and Emission Guidelines

In July 2016, EPA issued revised standards for both new and existing municipal solid waste landfills (MSWLs). The New Source Performance Standards at 40 CFR 60 Subpart XXX apply to landfills constructed or modified after July 17, 2014. The Emission Guidelines at 40 CFR 60 Subpart Cf apply to landfills constructed or modified on or prior to this date. Both of these federal rules aim to reduce landfill gas emissions and will be incorporated by reference into the New Mexico Administrative Code (NMAC).

Subpart Cf, promulgated under Section 111(d) of the Clean Air Act, requires that states, tribes and local authorities with jurisdiction over existing landfills develop a plan to implement the emission guidelines. One aspect of that state plan, for New Mexico, will be the amendment of 20.2.64 NMAC – *Municipal Solid Waste Landfills*. Both the state plan and the revised rule will require approval by the Environmental Improvement Board at a public hearing set for April 28, 2017.

[Petition for Hearing MSWLs 16-06 \(R\)](#)

For summary information on the new emission guidelines, download the [MSWL FactSheet final](#). If you have further questions regarding the emission guidelines or the State Plan development, contact Cindy Hollenberg, cindy.hollenberg@state.nm.us or (505) 476-4356.



New Mexico Environment Department

PROTECTING OUR ENVIRONMENT, PRESERVING THE ENCHANTMENT

Air Quality Bureau

NMED Exhibit 19

Emission Guidelines for Existing Solid Waste Landfills

On July 15, 2016, the U.S. Environmental Protection Agency (EPA) issued new emission guidelines for existing solid waste landfills. These guidelines, found at 40 CFR 60 Subpart Cf, aim to reduce landfill gas emissions. They are effective as of October 28, 2016.

The new emission guidelines:

- Require states to submit plans to EPA which fulfill specific requirements;
- Apply to all landfills that have accepted waste since 1987 and that were constructed on or before July 17, 2014; this includes landfills previously subject to 40 CFR 60 Subparts Cc and WWW;
- Include requirements for calculating emissions, monitoring, record-keeping and reporting;
- Include requirements for when and how control technologies must be installed at landfills; and
- Include requirements for operating those control systems.

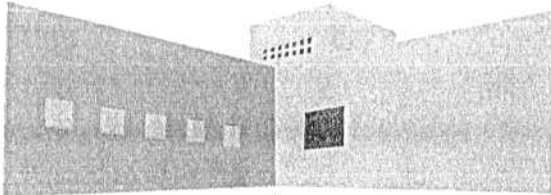
What major changes do the new emission guidelines introduce?

- The emissions limit for requiring a gas collection and control system was lowered from 50 metric tons to 34 metric tons of non-methane organic compounds (one component of landfill gas).
- An additional, optional method for calculating landfill gas emissions was added.
- A separate category for closed landfills was added. Closed landfills have different requirements than open landfills.
- Additional criteria were added for determining when low-emissions landfills may cap or remove gas collection and control systems.
- A requirement was added to monitor all surface openings and surface penetrations where a gas collection system has been installed.
- Where a gas collection system is installed, new operational standards remove the requirement to correct nitrogen and oxygen levels.
- The standards for emissions apply at all times, including periods of startup, shutdown and malfunction, although an alternative standard applies at these times.

What process will New Mexico follow?

- New Mexico, as part of its plan will need to amend Part 64 – *Municipal Solid Waste Landfills*.
- EPA also requires NMED to include a listing of New Mexico landfills and an inventory of emissions from open landfills in its plan.
- These items, and other required plan elements, must be adopted by the Environmental Improvement Board at a public hearing, which will take place in the spring.
- Once the plan is adopted, it must be submitted to EPA no later than May 30, 2017 for approval.

For questions regarding New Mexico's plan development or the new emission guidelines, contact Cindy Hollenberg, cindy.hollenberg@state.nm.us, or (505) 476-4356.



NM Commission of Public Records
1205 Camino Carlos Rey
Santa Fe 87507 US
(505) 476-7913

Invoice

BILL TO

Environment Department - EPD
Cindy Hollenberg
1190 St Francis Dr
Santa Fe, NM 87505

INVOICE #	DATE	TOTAL DUE	DUE DATE		ENCLOSED
2081	02/14/2017	\$324.00	02/14/2017		

ISSUE

3

PUBLICATION

2/14/2017

P.O. NUMBER

66700-0000027209

DATE	ACTIVITY	QTY	RATE	AMOUNT
02/14/2017	NM Register - 431902 Notice of Public Meeting and Rulemaking Hearing - English/Spanish, on 4/28/2017.	53	3.00	159.00
02/14/2017	NM Register - 431902 Notice of Rulemaking Hearing - English/Spanish, on 4/28/2017.	55	3.00	165.00

I, Matt Ortiz, certify that the agency noted above has published legal notices or rules in the NEW MEXICO REGISTER, VOL. XXVIII, and that payment has been assessed for said legal notice or publication, which appears on the publication date and issue number noted above.

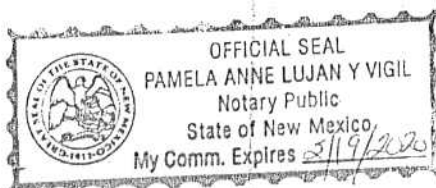
BALANCE DUE**\$324.00**

Affiant: *[Signature]*
Publisher New Mexico Register

Subscribed, sworn and acknowledged before me this 16th day of February, 2017.

[Signature]
Notary Public

My Commission Expires: 3/19/2020



*OK to pay
J. Lujan*

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FEB 22 2017

Air Quality Bureau

NMED Exhibit 20

NOTICE OF PUBLIC MEETING AND RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on April 28, 2017 at 9:30 a.m. in Room 307 of the State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider the matter of EIB 16-06 (R), proposed amendments to the Air Quality Control Regulations codified in the New Mexico Administrative Code (NMAC) at 20.2.64 NMAC (Municipal Solid Waste Landfills) and revise the State's plan for implementing the federal emission guidelines for existing municipal solid waste landfills.

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 to amend 20.2.64 NMAC, incorporating by reference the federal emission guidelines codified at 40 CFR 60 Subpart Cf. The State rule is one part of the proposed revised plan which the U.S. Environmental Protection Agency requires the State to develop, demonstrating that NMED is able to implement the emission guidelines. Other parts of the proposed revised plan must include, per Clean Air Act Section 111(d) requirements, a landfill emissions inventory, a complete listing of closed and active landfills for which NMED has jurisdiction, a demonstration of authority to implement the emission guidelines, and a demonstration that public hearing procedures were followed.

The proposed regulatory amendments and revised plan may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Santa Fe, NM 87505, on NMED's web site at <https://www.env.nm.gov/air-quality/proposed-regs/>, or by contacting Cindy Hollenberg at (505) 476-4356 or cindy.hollenberg@state.nm.us. You may also contact Cindy Hollenberg if you are interested in attending an informational open house on the proposed amendment and revision.

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 72-2-6 NMSA 1978 and other applicable procedures.

All interested persons will be given a 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) summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness;
- (4) list and describe, or 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 at the hearing must be received in the Office of the Board not later than 5:00 pm on April 7, 2017, and should reference the docket number, EIB 16-06 (R) and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Phone (505) 827-2425
Fax (505) 827-2836
email: pam.castaneda@state.nm.us

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 that 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 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 Pam Castaneda no later than April 18, 2017 at (505) 827-2425 or pam.castaneda@state.nm.us.

The Board may make a decision on the proposed regulatory amendments and revised plan at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

AVISO DE REUNIÓN PÚBLICA Y AUDIENCIA DE REGLAMENTACIÓN

La Dirección de Mejoras Medioambientales de Nuevo México ("Dirección") tendrá una audiencia pública el 28 de abril del 2017 a las 9:30 a.m. en la sala 307 del edificio del Capitolio Estatal, 490 Old Santa Fe Trail, Santa Fe, Nuevo México 87501. El propósito de la audiencia es considerar el asunto de la EIB 16-06 (R), enmiendas propuestas a las reglas de control de calidad del aire codificadas en el Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés) en 20.2.64 NMAC – (Vertederos municipales de residuos sólidos) y modificar el plan del estado para implementar las pautas federales de emisiones para vertederos municipales de residuos sólidos.

Estas aplicación y modificaciones reglamentarias las propone el Departamento del Medio Ambiente de Nuevo México, (NMED, por sus siglas en inglés).

El propósito de la audiencia es enmendar 20.2.64 NMAC, incorporar por referencia las pautas federales de emisiones codificadas en la 40 CFR 60 Subparte Cf. La regla del estado es una parte del propuesto plan modificado que la Agencia de Protección Ambiental de EE. UU. requiere que el estado desarrolle, demostrando que el NMED es capaz de implementar las pautas de emisiones. Otras partes del propuesto plan modificado deben incluir un inventario de emisiones de vertedero, un listado completo de los vertederos activos y clausurados sobre los cuales el NMED tiene jurisdicción, prueba de autoridad para implementar las pautas de emisiones y una prueba de que los procedimientos de audiencias públicas se siguieron, de acuerdo con los requisitos del Artículo 111(d) de la Ley de Aire Limpio.

Las enmiendas reglamentarias propuestas y el plan modificado pueden revisarse durante horas hábiles en la oficina de Calidad del Aire del NMED, 525 Camino de los Márquez, Santa Fe, NM 87505, en el sitio en la red del NMED: <https://www.env.nm.gov/air-quality/proposed-regs/>, o comunicándose con Cindy Hollenberg en el (505) 476-4356 o por el correo electrónico a cindy.hollenberg@state.nm.us. También puede comunicarse con Cindy Hollenberg si está interesado en asistir a una reunión informativa sobre las propuestas enmiendas y modificaciones.

La audiencia se llevará a cabo de acuerdo con los 20.1.1 NMAC Procedimientos de reglamentación – Dirección de Mejoras Medioambientales, la Ley de Mejoras Medioambientales, Artículo 74-1-9 NMSA 1978, la Ley de Control de Calidad del Aire, Artículo 72-2-6 NMSA 1978 y otros procedimientos que apliquen.

A todos los interesados se les dará una oportunidad razonable en la audiencia para presentar pruebas pertinentes, información, puntos de vista y argumentos, orales o escritos, para presentar pruebas e interrogar testigos. Las personas que deseen dar testimonio técnico deben presentar a la Dirección un aviso de intención escrito. El aviso de intención debe:

- (1) identificar a la persona por quién el testigo (los testigos) dará(n) testimonio;
- (2) identificar a cada testigo técnico que la persona presentará, indicar la capacidad educativa del testigo e incluir una descripción de sus antecedentes educativos y profesionales;
- (3) resumir o incluir una copia del testimonio directo de cada testigo técnico e indicar el tiempo que se anticipa tomará el testimonio de ese testigo;
- (4) listar y describir, o adjuntar, cada prueba que la persona vaya a presentar en la audiencia; y,

(5) adjuntar el texto de cualquier modificación recomendada a las propuestas reglas nuevas y modificadas.

Los avisos de intención para presentar testimonio técnico en la audiencia deben recibirse en la oficina de la Dirección a más tardar las 5:00 p.m. del 7 de abril del 2017 y deben hacer referencia al número EIB 16-06 (R) y a la fecha de la audiencia. Los avisos de intención para presentar testimonio técnico deben presentarse a:

Pam Castaneda, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502]
Teléfono (505) 827-2425
Fax (505) 827-2836]
Correo electrónico: pam.castaneda@state.nm.us

Cualquier miembro del público puede dar testimonio en la audiencia. No se requiere avisar con antelación para presentar testimonio que no sea técnico en la audiencia. Dicha persona también puede presentar pruebas relacionadas con ese testimonio, siempre y cuando las pruebas no sean repetitivas del testimonio.

Un miembro del público que desee presentar una declaración escrita para que conste en el acta, en lugar de dar declaraciones orales en la audiencia, deberá presentar una declaración por escrito antes de la audiencia o en la audiencia.

Las personas discapacitadas que necesiten a alguien que les lea, amplifique o interprete en lenguaje de señas, o cualquier otro tipo de asistencia o servicio para asistir o participar en la audiencia deben comunicarse con Pam Castaneda a más tardar el 18 de abril del 2017 al (505) 827-2425 o pam.castaneda@state.nm.us.

La Dirección puede tomar una decisión sobre las enmiendas reglamentarias propuestas al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar qué hacer sobre la propuesta.



**NEW MEXICO
ENVIRONMENTAL
IMPROVEMENT BOARD
NOTICE OF PUBLIC MEETING
AND RULEMAKING HEARING**

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on April 28, 2017 at 9:30 a.m. in Room 307 of the State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider the matter of EIB 16-06 (R), proposed amendments to the Air Quality Control Regulations codified in the New Mexico Administrative Code (NMAC) at 20.2.64 NMAC (Municipal Solid Waste Landfills) and revise the State's plan for implementing the federal emission guidelines for existing municipal solid waste landfills.

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 to amend 20.2.64 NMAC, incorporating by reference the federal emission guidelines codified at 40 CFR 60 Subpart Cf. The State rule is one part of the proposed revised plan which the U.S. Environmental Protection Agency requires the State to develop, demonstrating that NMED is able to implement the emission guidelines. Other parts of the proposed revised plan must include, per Clean Air Act Section 111(d) requirements: a landfill emissions inventory, a complete listing of closed and active landfills for which NMED has jurisdiction, a demonstration of authority to implement the emission guidelines, and a demonstration that public hearing procedures were followed.

The proposed regulatory amendments and revised plan may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Santa Fe, NM 87505, on NMED's web site at <https://www.env.nm.gov/air-quality/proposed-regs/>, or by contacting Cindy Hollenberg at (505) 476-4356 or cindy.hollenberg@state.nm.us. You may also contact Cindy Hollenberg if you are interested in attending an informational open house on the proposed amendment and revision.

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 72-2-6 NMSA 1978 and other applicable procedures.

All interested persons will be given a reasonable opportunity at (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

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo

SS

Bernadette Gonzales, the under signed, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

02/16/2017

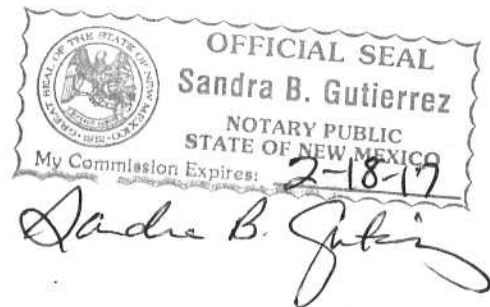
[Signature]

Sworn and subscribed before me a Notary Public, in and for the County of Bernalillo and State of New Mexico this 16 day of February of 2017

PRICE \$129.81

Statement to come at the end of month.

ACCOUNT NUMBER 1007594



NMED Exhibit 21

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo

SS

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MAR 07 2017

Air Quality Bureau

Bernadette Gonzales, the under signed, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

02/16/2017



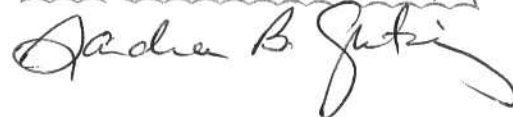
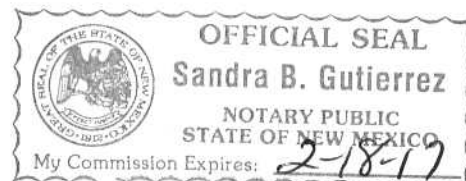
Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this:

16 day of February of 2017

PRICE \$143.33

Statement to come at the end of month.

ACCOUNT NUMBER 1007594



DIRECCIÓN DE MEJORAS
MEDIOAMBIENTALES DE
NUEVO MÉXICO

AVISO DE REUNIÓN PÚBLICA
Y AUDIENCIA DE
REGLAMENTACIÓN

La Dirección de Mejoras Medioambientales de Nuevo México ("Dirección") tendrá una audiencia pública el 28 de abril del 2017 a las 9:30 a.m. en la sala 307 del edificio del Capitolio Estatal, 490 Old Santa Fe Trail, Santa Fe, Nuevo México 87501. El propósito de la audiencia es considerar el asunto de la EIB 16-06 (R), enmiendas propuestas a las reglas de control de calidad del aire codificadas en el Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés) en 20.2.64 NMAC - (Vertederos municipales de residuos sólidos) y modificar el plan del estado para implementar las pautas federales de emisiones para vertederos municipales de residuos sólidos.

Estas aplicación y modificación reglamentarias las propone el Departamento del Ambiente de Nuevo México, (NMED, por sus siglas en inglés).

El propósito de la audiencia es enmendar 20.2.64 NMAC, incorporar por referencia las pautas federales de emisiones codificadas en la 40 CFR 60 Subparte Cf. La regla del estado es una parte del propuesto plan modificado que la Agencia de Protección Ambiental de EE. UU. requiere que el estado desarrolle, demostrando que el NMED es capaz de implementar las pautas de emisiones. Otras partes del propuesto plan modificado deben incluir un inventario de emisiones de vertedero, un listado completo de los vertederos activos y clausurados sobre los cuales el NMED tiene jurisdicción, prueba de autoridad para implementar las pautas de emisiones y una prueba de que los procedimientos de audiencias públicas se siguieron, de acuerdo con los requisitos del Artículo 111(d) de la Ley de Aire Limpio.

Las enmiendas reglamentarias propuestas y el plan modificado pueden revisarse durante horas hábiles en la oficina de Calidad

del Aire del NMED, 525 Camino de los Márquez, Santa Fe, NM 87505, en el sitio en la red del NMED: <https://www.env.nm.gov/air-quality/proposed-regs/>, o comunicándose con Cindy Hollenberg en el (505) 476-4356 o por el correo electrónico a cindy.hollenberg@state.nm.us. También puede comunicarse con Cindy Hollenberg si está interesado en asistir a una reunión informativa sobre las propuestas enmiendas y modificaciones.

La audiencia se llevará a cabo de acuerdo con los 20.1.1 NMAC de Procedimientos de reglamentación - Dirección de Mejoras Medioambientales, la Ley de Mejoras Medioambientales, Artículo 74-1-9 NMSA 1978, la Ley de Control de

From: [Cindy Hollenberg](#)
To: [Hollenberg, Cindy, NMENV](#)
Subject: Albuquerque Legal Notice
Date: Wednesday, March 08, 2017 9:07:49 AM

The following legal notice was sent from Cindy Hollenberg.

Comments: MSWLs - English

<http://legals.abqjournal.com/legals/show/382528>



Published in the Albuquerque Journal on Thursday February 16, 2017

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF PUBLIC MEETING AND RULEMAKING HEARING The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on April 28, 2017 at 9:30 a.m. in Room 307 of the State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider the matter of EIB 16-06 (R), proposed amendments to the Air Quality Control Regulations codified in the New Mexico Administrative Code (NMAC) at 20.2.64 NMAC (Municipal Solid Waste Landfills) and revise the State's plan for implementing the federal emission guidelines for existing municipal solid waste landfills. 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 to amend 20.2.64 NMAC, incorporating by reference the federal emission guidelines codified at 40 CFR 60 Subpart Cf. The State rule is one part of the proposed revised plan which the U.S. Environmental Protection Agency requires the State to develop, demonstrating that NMED is able to implement the emission guidelines. Other parts of the proposed revised plan must include, per Clean Air Act Section 111(d) requirements, a landfill emissions inventory, a complete listing of closed and active landfills for which NMED has jurisdiction, a demonstration of authority to implement the emission guidelines, and a demonstration that public hearing procedures were followed. The proposed regulatory amendments and revised plan may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Santa Fe, NM 87505, on NMED's web site at <https://www.env.nm.gov/air-quality/proposed-regs/>, or by contacting Cindy Hollenberg at (505) 476-4356 or cindy.hollenberg@state.nm.us. You may also contact Cindy Hollenberg if you are interested in attending an informational open house on the proposed amendment and revision. 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 72-2-6 NMSA 1978 and other applicable procedures. All interested persons will be given a 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) summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; (4) list and describe, or 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 at the hearing must be received in the Office of the Board not later than 5:00 pm on April 7, 2017, and should reference the docket number, EIB 16-06 (R) and the date of the hearing. Notices of intent to present technical testimony should be submitted to: Pam Castaneda, Board Administrator Environmental Improvement Board P.O. Box 5469 Santa Fe, NM 87502 Phone (505) 827-2425 Fax (505) 827-2836 email: pam.castaneda@state.nm.us 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 that 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 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 Pam Castaneda no later than April 18, 2017 at (505) 827-2425 or pam.castaneda@state.nm.us. The Board may make a decision on the proposed regulatory amendments and revised plan at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal. Journal: February 16, 2017

From: [Cindy Hollenberg](#)
To: [Hollenberg, Cindy, NMENV](#)
Subject: Albuquerque Legal Notice
Date: Wednesday, March 08, 2017 9:08:54 AM

The following legal notice was sent from Cindy Hollenberg.

Comments: MSWLs - Spanish

<http://legals.abqjournal.com/legals/show/382529>



Published in the Albuquerque Journal on Thursday February 16, 2017

DIRECCIN DE MEJORAS MEDIOAMBIENTALES DE NUEVO MXICO
AVISO DE REUNIN PBLICA Y AUDIENCIA DE REGLAMENTACIN La Direccin de Mejoras Medioambientales de Nuevo Mxico ("Direccin") tendr una audiencia pblica el 28 de abril del 2017 a las 9:30 a.m. en la sala 307 del edificio del Capitolio Estatal, 490 Old Santa Fe Trail, Santa Fe, Nuevo Mxico 87501. El propsito de la audiencia es considerar el asunto de la EIB 16-06 (R), enmiendas propuestas a las reglas de control de calidad del aire codificadas en el Cdigo Administrativo de Nuevo Mxico (NMAC, por sus siglas en ingls) en 20.2.64 NMAC (Vertederos municipales de residuos slidos) y modificar el plan del estado para implementar las pautas federales de emisiones para vertederos municipales de residuos slidos. Estas aplicacin y modificaciones reglamentarias las propone el Departamento del Medio Ambiente de Nuevo Mxico, (NMED, por sus siglas en ingls). El propsito de la audiencia es enmendar 20.2.64 NMAC, incorporar por referencia las pautas federales de emisiones codificadas en la 40 CFR 60 Subparte Cf. La regla del estado es una parte del propuesto plan modificado que la Agencia de Proteccin Ambiental de EE. UU. requiere que el estado desarrolle, demostrando que el NMED es capaz de implementar las pautas de emisiones. Otras partes del propuesto plan modificado deben incluir un inventario de emisiones de vertedero, un listado completo de los vertederos activos y clausurados sobre los cuales el NMED tiene jurisdiccin, prueba de autoridad para implementar las pautas de emisiones y una prueba de que los procedimientos de audiencias pblicas se siguieron, de acuerdo con los requisitos del Artculo 111(d) de la Ley de Aire Limpio. Las enmiendas reglamentarias propuestas y el plan modificado pueden revisarse durante horas hbiles en la oficina de Calidad del Aire del NMED, 525 Camino de los Mrquez, Santa Fe, NM 87505, en el sitio en la red del NMED: <https://www.env.nm.gov/air-quality/proposed-regs/>, o comunicndose con Cindy Hollenberg en el (505) 476-4356 o por el correo electrnico a cindy.hollenberg@state.nm.us. Tambin puede comunicarse con Cindy Hollenberg si est interesado en asistir a una reunin informativa sobre las propuestas enmiendas y modificaciones. La audiencia se llevar a cabo de acuerdo con los 20.1.1 NMAC Procedimientos de reglamentacin Direccin de Mejoras Medioambientales, la Ley de Mejoras Medioambientales, Artculo 74-

1-9 NMSA 1978, la Ley de Control de Calidad del Aire, Artículo 72-2-6 NMSA 1978 y otros procedimientos que apliquen. A todos los interesados se les dar una oportunidad razonable en la audiencia para presentar pruebas pertinentes, informacin, puntos de vista y argumentos, orales o escritos, para presentar pruebas e interrogar testigos. Las personas que deseen dar testimonio tcnico deben presentar a la Direccin un aviso de intencin escrito. El aviso de intencin debe: (1) identificar a la persona por quin el testigo (los testigos) dar(n) testimonio. (2) identificar a cada testigo tcnico que la persona presentar, indicar la capacidad educativa del testigo e incluir una descripcin de sus antecedentes educativos y profesionales; (3) resumir o incluir una copia del testimonio directo de cada testigo tcnico e indicar el tiempo que se anticipa tomar el testimonio de ese testigo; (4) listar y describir, o adjuntar, cada prueba que la persona vaya a presentar en la audiencia; y, (5) adjuntar el texto de cualquier modificacin recomendada a las propuestas reglas nuevas y modificadas. Los avisos de intencin para presentar testimonio tcnico en la audiencia deben recibirse en la oficina de la Direccin a ms tardar las 5:00 p.m. del 7 de abril del 2017 y deben hacer referencia al nmero EIB 16-06 (R) y a la fecha de la audiencia. Los avisos de intencin para presentar testimonio tcnico deben presentarse a: Pam Castaneda, Board Administrator Environmental Improvement Board P.O. Box 5469 Santa Fe, NM 87502] Telfono (505) 827-2425 Fax (505) 827-2836] Correo electrnico: pam.castaneda@state.nm.us Cualquier miembro del pblico puede dar testimonio en la audiencia. No se requiere avisar con antelacin para presentar testimonio que no sea tcnico en la audiencia. Dicha persona tambin puede presentar pruebas relacionadas con ese testimonio, siempre y cuando las pruebas no sean repetitivas del testimonio. Un miembro del pblico que desee presentar una declaracin escrita para que conste en el acta, en lugar de dar declaraciones orales en la audiencia, deber presentar una declaracin por escrito antes de la audiencia o en la audiencia. Las personas discapacitadas que necesiten a alguien que les lea, amplifique o interprete en lenguaje de seas, o cualquier otro tipo de asistencia o servicio para asistir o participar en la audiencia deben comunicarse con Pam Castaneda a ms tardar el 18 de abril del 2017 al (505) 827-2425 o pam.castaneda@state.nm.us. La Direccin puede tomar una decisin sobre las enmiendas reglamentarias propuestas al concluir la audiencia o puede convocar a una reunin despues de la audiencia para considerar qu hacer sobre la propuesta. Journal: February 16, 2017

NEW Municipal Solid Waste Landfills – New Source Performance Standards and Emission Guidelines

In July 2016, EPA issued revised standards for both new and existing municipal solid waste landfills (MSWLs). The New Source Performance Standards at 40 CFR 60 Subpart XXX apply to landfills constructed or modified after July 17, 2014. The Emission Guidelines at 40 CFR 60 Subpart Cf apply to landfills constructed or modified on or prior to this date. Both of these federal rules aim to reduce landfill gas emissions and will be incorporated by reference into the New Mexico Administrative Code (NMAC).

Subpart Cf, promulgated under Section 111(d) of the Clean Air Act, requires that states, tribes and local authorities with jurisdiction over existing landfills develop a plan to implement the emission guidelines. One aspect of that state plan, for New Mexico, will be the amendment of 20.2.64 NMAC – *Municipal Solid Waste Landfills*. Both the state plan and the revised rule will require approval by the Environmental Improvement Board at a public hearing set for April 28, 2017. The hearing notices, in both [English](#) and [Spanish](#) give more detail about the hearing.

The [Petition for Hearing MSWLs 16-06 \(R\)](#) includes the proposed state plan and the proposed amendments to Part 64. The proposed state plan must also include a demonstration of authority to implement the emission guidelines, a list of active and closed landfills in New Mexico and an emissions inventory for active landfills in New Mexico.

For summary information on the new emission guidelines, download the [MSWL FactSheet final](#). If you have further questions regarding the emission guidelines or the State Plan development, contact Cindy Hollenberg, cindy.hollenberg@state.nm.us or (505) 476-4356.

From: [New Mexico Environment Department](#)
To: [Martony, Leanne, NMENV; apndr.aa@govdelivery.com; Bates, Rita, NMENV; Spillers, Robert, NMENV; Turner, Jill, NMENV; Maijura, Allison, NMENV; Hollenberg, Cindy, NMENV; diana.tharpe@state.nm.us; Graves, Robert, NMENV; Singleton Kerwin, NMENV; Schooley, Ted, NMENV; Baca, Michael, NMENV; Gruebel, Ralph, NMENV; Butt, Neal, NMENV; Jones, Mark, NMENV](#)
Subject: Courtesy Copy: Public Hearings April 28, 2017
Date: Thursday, February 02, 2017 1:00:22 PM

This is a courtesy copy of an email bulletin sent by Cindy Hollenberg.

This bulletin was sent to the following groups of people:

Subscribers of AQB Regulatory and SIP Announcements or MSWL (890 recipients)

NMED Banner



Air Quality Bureau

Regulatory and SIP Bulletin

Having trouble viewing this email? [View it as a Web page.](#)

Two air quality public hearings are scheduled for April 28, 2017 at 9:30 a.m. in Room 307 of the State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501. The first hearing will consider proposed incorporation by reference of federal NSPS, NESHAP, and MACT rules. The second will consider a proposal to adopt a state plan to implement the emission guidelines for existing solid waste municipal landfills (MSWLs). This proposed state plan includes proposed amendments to 20.2.64 NMAC (Municipal Solid Waste Landfills).

NSPS, NESHAP, and MACT Updates

In order to keep current with federal rulemakings, the New Mexico Environment Department (NMED) periodically requests that the Environmental Improvement Board approve amendments to the air quality rules (20.2.77, 20.2.78 and 20.2.82 NMAC) by updating the “through date” (or date of incorporation) into the New Mexico Administrative Code. The last update for Parts 77, 78 and 82 was September 15, 2015. Since the most recent date of incorporation, the U.S. Environmental Protection Agency (EPA) has made 28 changes to various federal standards. Approval of incorporation by reference will change the “through date” in Parts 77, 78 and 82 to incorporate into the NMAC the changes made at the federal level through January 15, 2017.

Municipal Solid Waste Landfills Emission Guidelines

The EPA's July 2016 promulgation of emission guidelines for existing MSWLs requires states, tribes and local authorities with jurisdiction over existing landfills to develop a plan to implement this rule, under Section 111(d) of the Clean Air Act. The state plan must include, among other elements, a demonstration of authority to implement the emission guidelines; a list of existing open and closed facilities; an emissions inventory for active MSWLs; and a federally enforceable mechanism to implement the emission guidelines (for New Mexico, amendments to 20.2.64 NMAC (Municipal Solid Waste Landfills)).

Additional Information

Public notices and other available documents for both proposed changes are available on the NMED Air Quality Bureau website proposed regulations page: <https://www.env.nm.gov/air-quality/proposed-regs/>.

Please contact Mark Jones at mark.jones@state.nm.us or at (505) 566-9746 with questions about incorporation by reference of federal NSPS, NESHAP, and MACT rules; or contact Cindy Hollenberg at (505) 476-4356 or cindy.hollenberg@state.nm.us about proposed amendments to 20.2.64 NMAC (Municipal Solid Waste Landfills) and the proposed 111(d) state plan.

For questions concerning this bulletin, please contact Cindy Hollenberg, (505) 476-4356, cindy.hollenberg@state.nm.us.

NMED [Air Quality Bureau](#)

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico, 87505-1816

(505) 476-4300

Stay Connected with New Mexico Environment Department



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SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2990 Fax (505) 827-1628
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Via Electronic Mail: barbarabrazil@state.nm.us

March 17, 2017

Barbara Brazil
Small Business Regulatory Advisory Commission
New Mexico Economic Development Department
1100 St. Francis Drive
Santa Fe, New Mexico 87501

Re: Proposed Adoption of Section 111(d) State Plan for Implementing Municipal Solid Waste Landfills Emission Guidelines, and Proposed Amendments to Part 20.2.64 – Municipal Solid Waste Landfills

Dear Ms. Brazil:

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") proposing the adoption of a State Plan under Section 111(d) of the Clean Air Act to implement new federal emission guidelines ("Guidelines") issued by the U.S. Environmental Protection Agency ("EPA") for existing municipal solid waste landfills ("MSWLs"). As a required component of the State Plan, the Petition also proposes amendments to the New Mexico regulations governing Municipal Solid Waste Landfills at 20.2.64 NMAC.

The Guidelines, which are codified at 40 C.F.R. Part 60 Subpart Cf, and are effective as of October 28, 2016, are aimed at reducing emissions of landfill gas and its components, including methane. 81 Fed. Reg. 59,276. Section 111(d) of the Clean Air Act requires states to adopt and submit plans to EPA to implement the Guidelines. *See* 42 U.S.C. § 7411(d). State plans must contain specific information and legal mechanisms necessary to implement the Guidelines, and must be adopted within nine (9) months of EPA's adoption of the Guidelines. *See* 40 C.F.R. § 60.23(a). If New Mexico fails to submit a State Plan or if its State Plan fails to satisfy the required elements, EPA may prescribe a plan for the State. *See* 42 U.S.C. § 7411(d)(2).

The purpose of the Petition is to implement the Guidelines, including requirements for calculating emissions; monitoring, record-keeping and reporting; when and how control technologies must be installed at MSWLs; and operation of control systems. The proposed amendments to the New Mexico regulations governing Municipal Solid Waste Landfills at 20.2.64 NMAC are necessary to meet the requirement that there be an enforceable State mechanism to implement the Guidelines.

The Bureau conducted extensive outreach to the affected landfill facilities under the Board's jurisdiction, including an informational meeting, solicitation of comments on the proposed State Plan, and notices published on the Department's web site, the New Mexico Register, and the Albuquerque Journal. All notices included an option to request an informational Open House; however, no such requests were received. Stakeholder comments received by the Bureau have been considered in the proposed State Plan and rule amendments.

The EIB will hold a hearing on the proposed State Plan and rule amendments (Docket No. EIB 16-02 (R)) currently scheduled for Friday, April 28, 2017. 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 has determined that the regulatory changes proposed in this action will not have an adverse effect on small business because the proposed amendments will not impose additional substantive requirements on affected facilities, but rather will simply retain implementation authority with the State of New Mexico rather than EPA. MSWL owners/operators in New Mexico will continue to be subject to the federal Guidelines regardless of whether New Mexico adopts the proposed rule revisions and State Plan implementing the Guidelines.

If you have questions or require further information regarding these proposed regulatory amendments, please feel free to contact me at (505) 827-2885 or lara.katz@state.nm.us.

Sincerely,



Lara Katz
Assistant General Counsel
New Mexico Environment Department

cc: Cindy Hollenberg, Air Quality Bureau, via email
Kerwin Singleton, Air Quality Bureau, via email