



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAY 21 1998

Ms. Cecilia Williams
Chief
Air Quality Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502-6110

Dear Ms. Williams: *Cecilia*

I would like to thank you once again for the effort put forth by you and your staff in developing the Section 111(d) State Plan for municipal solid waste (MSW) landfills. However, I would like to remind you that further rulemaking is required to ensure our continued approval of the recently approved Section 111(d) State Plan for MSW landfills in New Mexico.

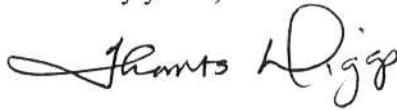
In 40 CFR, Subpart B, the general elements of a State Plan which are necessary for the Plan to gain Federal approval is discussed. Section 60.24(e)(1) requires that a State Plan include increments of progress for any compliance schedule longer than 12 months. These increments of progress are listed in Section 60.21(h), and are meant to ensure effective supervision of a facility's progress towards final compliance. However, Section 60.24(e)(2) allows a State to submit these increments of progress at a later date, on a facility by facility basis, as a revision to the original State Plan. Although the Environmental Protection Agency (EPA) approved your State Plan without these increments of progress, it is our understanding that specific schedules will be established, based on 40 CFR 60.21(h), and submitted to EPA.

In 40 CFR, Subpart B, the timeline for subsequent submittal of these increments of progress is further discussed. Sections 60.24(e) and 60.25(e) require that a State submitting increments of progress subsequent to submittal of the original State Plan must do so within one year of EPA's approval of the State Plan. The State Plan for MSW landfills in New Mexico was approved by EPA, and made effective on February 10, 1998. It is our expectation that all affected MSW landfills in New Mexico will have specific increments of progress toward compliance established and submitted to us, through the Governor's office, by February 10, 1999. Please note that each separate increment of progress schedule would be subject to public hearing requirements as referenced under Section 60.23.

NMED Exhibit 12

I look forward to working with you to finalize this revision to the existing State Plan for MSW landfills. If I may be of further assistance in this matter, please contact me or Lt. Mick Cote at (214) 665-7219.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas H. Diggs". The signature is written in a cursive style with a large, prominent initial "T".

Thomas H. Diggs
Chief
Air Planning Section

cc: Mr. Jim Nellesen
New Mexico Environment Department