

**NEW MEXICO ENVIRONMENT DEPARTMENT**  
**Notice of Opportunity for Public Hearing and Comment**  
**New Mexico's Proposed Infrastructure Certification for**  
**the 2008 Ozone Revised National Ambient Air Quality Standard**

The New Mexico Environment Department (NMED) announces an opportunity to comment on and/or request a public hearing on a proposed certification that New Mexico has an adequate, federally-approved State Implementation Plan (SIP) that addresses all elements of a Clean Air Act (CAA) Section 110(a)(2) infrastructure plan ("i-SIP"), as applicable to the 2008 ozone National Ambient Air Quality Standard (NAAQS). The purpose of the proposed certification is to confirm to the U.S. Environmental Protection Agency (EPA) that the State of New Mexico has the required "infrastructure" in place under the current SIP to implement, maintain, and enforce the 2008 ozone revised NAAQS.

Specifically, this certification addresses CAA Section 110(a)(2)(D)(i)(I), which requires that New Mexico's SIP prohibit emissions that will significantly contribute to nonattainment of a NAAQS or interfere with maintenance of a NAAQS in a downwind state. Section 110(a)(2)(D)(i)(I) is referred to as the "Good Neighbor Provision" and to SIP revisions addressing this requirement as "Good Neighbor SIPs". Based on EPA guidance, these provisions were not addressed in NMED's original i-SIP certification for the 2008 ozone NAAQS.

Legislative authority for New Mexico's air quality program is codified in Chapter 74, *Environmental Improvement*, of the New Mexico Statutes, which gives the New Mexico Environmental Improvement Board and NMED the authority to implement the CAA in New Mexico, excluding Albuquerque/Bernalillo County which is under the jurisdiction of a local board and agency. The proposed certification was developed by NMED to comply with the requirements contained in Section 110 of the CAA and 40 CFR Part 51, *Requirements for Preparation, Adoption, and Submittal of Implementation Plans*. The proposed certification does not adopt or amend any regulations; therefore, it is not subject to the mandatory public hearing requirement of NMSA 1978 Section 74-2-6, *Adoption of Regulations; Notice and Hearings*. However, a hearing may be requested as described below.

The proposed *Interstate Transport State Implementation Plan Certification to Satisfy the Requirements of The Clean Air Act § 110(a)(2)(D)(i)(I) for the 2008 Ozone NAAQS For New Mexico*, is available for a 30-day public comment period. Submission of comments on the proposed certification may be written or oral. All comments must be received by June 27, 2018. All public comments received during the comment period will be evaluated and responded to as appropriate by NMED prior to submission of the final certification to EPA. If a request for a public hearing is received during the 30-day public comment period, a hearing date, time and location will be announced at a later date, in accordance with 20.1.1 NMAC – *Rulemaking Procedures – Environmental Improvement Board*, including an additional public comment period. For more information, contact Neal Butt, (505) 476-4317. Upon completion of the 30-day public comment period and the hearing, if requested, all documents included in the New Mexico 2008 Ozone NAAQS Good Neighbor SIP Certification will be submitted to EPA to be included in the New Mexico SIP.

The proposed certification may be reviewed during regular business hours at the New Mexico Environment Department's Air Quality Bureau office, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico, 87505-1816. A full text of NMED's proposed certification is also available on NMED's web site at [www.nmenv.state.nm.us](http://www.nmenv.state.nm.us) , or by contacting Neal Butt at [neal.butt@state.nm.us](mailto:neal.butt@state.nm.us) or by phone at (505) 476-4317.

Written comments and/or a public hearing request regarding the proposed certification should be submitted via e-mail to Neal Butt, [neal.butt@state.nm.us](mailto:neal.butt@state.nm.us)

or mailed to:

New Mexico Environment Department, Air Quality Bureau  
ATTN: Neal Butt  
525 Camino de los Marquez, Suite 1  
Santa Fe, New Mexico, 87505-1816

or faxed to:

Air Quality Bureau, ATTN: Neal Butt at (505) 476-4375.