

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing on November 30, 2018, at 9:30 a.m., in Room 307 of the State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico. The purpose of the hearing is to consider the matter of EIB 18-07 (R), proposed revisions to the New Mexico State Implementation Plan (SIP) regarding the Air Quality Control Regulation codified in the New Mexico Administrative Code (NMAC) at 20.2.20 NMAC, *Lime Manufacturing Plants - Particulate Matter*.

The proponent of this regulatory amendment 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 repeal 20.2.20 NMAC. The purpose of the proposed repeal of 20.2.20 NMAC is to remove outdated requirements. This rule was identified in the November 2012 *Improving Environmental Permitting Report* for potential revision or repeal. 20.2.20 NMAC establishes particulate matter emissions limits for lime manufacturing plants and lime hydrators. The Air Quality Bureau has conducted a thorough analysis of this rule and similar federal rules and has concluded that the rule can be repealed without a relaxation of emissions controls or an adverse effect on air quality, and is not necessary to maintain the NAAQS for PM. If adopted by the Board, the repeal of 20.2.20 NMAC would be submitted to EPA for consideration for removal from New Mexico’s SIP.

The full text of NMED’s proposed regulation repeal is available on the Air Quality Bureau’s web site at <https://www.env.nm.gov/air-quality/proposed-regs/> or by contacting Neal Butt at 505-476-4317 or neal.butt@state.nm.us. The proposed regulation repeal may also be examined during office hours at the Air Quality Bureau office, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico, 87505. Please contact Neal Butt at (505) 476-4317 or neal.butt@state.nm.us if you have questions or comments concerning the proposed repeal. Stakeholders are requested to provide comments by October 28, 2018.

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 74-2-6 NMSA 1978; and other applicable procedures.

The Board may make a decision on the proposed regulation repeal at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

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. Pursuant to 20.1.1.302 NMAC, *Technical Testimony*, The *Notice of Intent* 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) include a copy of the direct testimony of each technical witness in narrative form;
- (4) include the text of any recommended modifications to the proposed regulatory change; and
- (5) 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.

Notices of Intent to present technical testimony at the hearing must be received in the Office of the Board not later than 5:00 pm on November 9, 2018, and should reference the docket number, EIB 18-07 (R), and the date of the hearing. *Notices of Intent* to present technical testimony should be submitted to:

Pam Castañeda, Administrator for Boards & Commissions
Environmental Improvement Board
c/o New Mexico Environment Department
P. O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2425, Fax (505) 827-2836
e-mail: 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 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 having a disability and needing help to participate in this hearing process should contact Pam Castañeda, Administrator for Boards & Commissions, at least ten days prior to the meeting or as soon as possible at the above address or e-mail pam.castaneda@state.nm.us. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.

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. Part 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:

Kristine Pintado, 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@state.nm.us

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