



*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

*Office of the Secretary*

SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

Harold Runnels Building  
1190 Saint Francis Drive, PO Box 5469  
Santa Fe, NM 87502-5469  
Telephone (505) 827-2855 Fax (505) 827-2836  
[www.env.nm.gov](http://www.env.nm.gov)



BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

September 21, 2018

Mr. Andrew Wheeler  
EPA Acting Administrator  
U.S. Environmental Protection Agency  
Mail Code: 28221 T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Re: Request for 90-Day Extension of Comment Period on Proposed “Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating units; Revisions to the Emission Guideline Implementing Regulations; Revisions to New Source Review Program” - Docket ID No. EPA-HQ-OAR-2017-0355**

Dear Mr. Wheeler:

The New Mexico Environment Department (“NMED”) respectfully requests a 90-day extension of the comment period on the proposed rule published by the U.S. Environmental Protection Agency (“EPA”) on August 31, 2018, entitled “Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating units; Revisions to the Emission Guideline Implementing Regulations; Revisions to New Source Review Program.” 83 Fed. Reg. 44746. Comments are currently due by October 30, 2018. The proposed rule is complex and has far-reaching implications, including amending the New Source Review (“NSR”) rules. The proposed rule along with the accompanying Regulatory Impact Analysis are lengthy and will require extensive review and analysis by states, local authorities, tribal authorities and other stakeholders.

NMED staff have begun diligently reviewing the materials provided and have already identified some areas of potential concern for New Mexico. To determine the potential impacts and provide meaningful, substantive comments, staff must become familiar with the complexities of heat rate improvements suggested as “candidate technologies,” as well as other options for the “Best System of Emissions Reduction” and for compliance flexibilities. Staff must also evaluate the potential impacts of a change in the NSR rules. Additionally, staff must research possible heat rate improvements for other fossil fuel-fired power plants to respond appropriately to EPA’s requests. This is an extremely time-consuming and iterative process.

Docket ID No. EPA-HQ-OAR-2017-0355

September 21, 2018

Page 2

Finally, since an actual emission standard has not been set by EPA, analysis of the impacts for many states, including New Mexico, are made more complex.

We appreciate EPA's willingness to work with states on development of these standards, and request that this include allowing sufficient time to evaluate and provide meaningful comments on the proposed rule that will assist EPA in crafting a final rule.

Sincerely,



Butch Tongate  
Cabinet Secretary

cc: Anne Idsal, Regional Administrator, EPA Region 6 (via electronic mail)