

Public Notice

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Location

Dona Ana County, New Mexico

Notice Text

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.2.79 NMAC EIB 21-07 (R) The Environmental Improvement Board ("EIB") will hold a virtual public hearing on June 25, 2021 beginning at 9:00 a.m. via video conference (Zoom), via telephone, and comments will also be received via email (to: pamela.jones@state.nm.us) through the conclusion of the hearing. The purpose of the hearing is to consider the matter of EIB 21-07 (R), proposed revisions to the New Mexico State Implementation Plan ("SIP") regarding proposed amendments to the Air Quality Control Regulation codified in the New Mexico Administrative Code ("NMAC") at 20.2.79 NMAC, Permits - Nonattainment Areas. Instructions to Join the Hearing: Join via Zoom <https://zoom.us/j/97135613307?pwd=eWs5QS9KRG5XRmg4QmVFNS9RWThWdz09> Meeting ID: 971 3561 3307 Passcode: 130269 One tap mobile +1-253-215-8782,,97135613307#,,,,*130269# US (Tacoma) +1-346-248-7799,,97135613307#,,,,*130269# US (Houston) Dial by your location +1-253-215-8782 US (Tacoma) +1-346-248-7799 US (Houston) +1-669-900-6833 US (San Jose) +1-301-715-8592 US (Washington DC) +1-312-626-6799 US (Chicago) +1-929-436-2866 US (New York) Meeting ID: 971 3561 3307 Passcode: 130269 Find your local number: <https://zoom.us/u/aennMfZqJI> The hearing is being held via video conference, email and telephonic means due to the concerns surrounding the Novel Coronavirus 2019 ("COVID-19") and in accord with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in Executive Order 2020-004, and subsequent executive orders; various Public Health Emergency Orders limiting mass gatherings due to COVID-19; and the Office of the Attorney General's Open Government Division's Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During COVID-19 State of Emergency. At the public hearing the EIB will consider proposed amendments to 20.2.79 NMAC, Permits - Nonattainment Areas, as proposed in the Petition for Regulatory Change ("Petition"), EIB Docket Number 21-07(R), filed March 3, 2021, by the Air Quality Bureau ("Bureau") of the New Mexico Environment Department ("Department"). The purpose of the amendments is to make technical and administrative corrections to the rule. 20.2.79 NMAC specifies permitting requirements for any new major stationary source or major modification of an existing source located within a designated nonattainment area, or which is located within an area designated attainment or unclassifiable and will emit a regulated pollutant that significantly impacts a nonattainment area for the same pollutant. A source subject to this regulation must submit a permit application to the Department and cannot construct or operate the new source or modification until it receives a permit or permit revision. The U.S. Environmental Protection Agency ("EPA") designated a part of Doña Ana County in the Sunland Park area as a Marginal Nonattainment Area for the 2015 O3 NAAQS, effective August 3, 2018, requiring the Bureau to develop a SIP revision that includes any necessary revisions to 20.2.79 NMAC, and submit it to EPA by August 3, 2021. The Bureau analyzed 20.2.79 NMAC to determine if it was adequate to implement and enforce the revised ozone standard. The Bureau compared 20.2.79 NMAC with 40 CFR 51.165, Permit Requirements, and identified cross-reference inconsistencies and typographical errors that are addressed in the proposed revision. The full text of the Bureau's proposed amended regulation is available on the 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. Please contact Neal Butt if you have questions or

comments concerning the proposed amendments. Stakeholders are requested to provide comments by May 21, 2021. 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. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of hearing. Persons wishing to present technical testimony must file with the EIB a written Notice of Intent to do so. The requirements for a Notice of Intent can be found at 20.1.1.302 NMAC, Technical Testimony. Notices Of Intent to present technical testimony at the hearing must be received by the EIB by 5:00 pm on June 4, 2021, and should reference the name of the regulation (Permits - Nonattainment Areas), the date of the hearing (June 25, 2021), and docket number EIB 21-07 (R). Notices of Intent to present technical testimony should be submitted to: Pamela Jones, Board Administrator, at the New Mexico State Capitol Building, 409 Old Santa Fe Trail, Santa Fe, New Mexico; pamelajones@state.nm.us ; (505) 660-4305. The Board may make a decision on the proposed amendments at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal. If you are an individual with a disability and you require assistance or an auxiliary aid, e.g., sign language interpreter, to participate in any aspect of this process, please contact Pamela Jones, Board Administrator, at least 14 days prior to the hearing date at pamelajones@state.nm.us ; (505) 660-4305. TDD or TDY users please access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779; TTY users: 1-800-659-8331) STATEMENT OF NON-DISCRIMINATION 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. Parts 5 and 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us . You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination. #4671999, Sun-News, April 18, 2021

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR PROPUESTA DE ENMIENDAS A 20.2.79 NMAC EIB 21-07 (R) La Junta de Mejora Ambiental ("EIB" por sus siglas en inglés) celebrará una audiencia pública el 25 de junio de 2021 a partir de las 9:00 a.m. por Internet (Cisco WebEx, Microsoft Lync y Microsoft Skype para Empresas), por teléfono y también recibirán comentarios por correo electrónico hasta el término de la audiencia. El propósito de la audiencia es considerar el asunto de EIB 21-07 (R), las revisiones propuestas al Plan de Implementación del Estado de Nuevo México ("SIP" por sus siglas en inglés) con respecto al Reglamento de Control de la Calidad del Aire codificado en el Código Administrativo de Nuevo México ("NMAC" por sus siglas en inglés) en 20.2.79 NMAC, Permisos - Áreas de No Cumplimiento. Únase a través del enlace de la reunión de Zoom: <https://zoom.us/j/97135613307?pwd=eWs5QS9KRG5XRmg4QmVFNS9RWThWdz09> Número de la reunión de Zoom (código de acceso): 971 3561 3307 Contraseña de la reunión de

instrumentales e interrogar a los testigos. Toda persona que desee presentar una declaración no técnica por escrito para que conste en el registro en lugar de un testimonio oral deberá presentar dicha declaración antes del término de la audiencia. Las personas que deseen presentar un testimonio técnico deberán presentar a la EIB un Aviso de Intención por escrito de la intención de hacerlo. Los requisitos para los Avisos de Intención pueden encontrarse en 20.1.1.302 NMAC, Testimonio Técnico. Los Avisos de Intención para presentar testimonios técnicos en la audiencia deben ser recibidos por la EIB a más tardar hasta las 5:00 p.m. del 4 de junio de 2021, y deben hacer referencia al nombre de la regulación (Permisos - Áreas de no cumplimiento), la fecha de la audiencia (25 de junio de 2021) y el número de expediente EIB 21-07 (R). Los avisos de intención de presentar testimonios técnicos deben enviarse a: Pamela Jones, administradora de la Junta, New Mexico State Capitol Building, 409 Old Santa Fe Trail, Santa Fe, NM; pamelajones@state.nm.us; (505) 660-4305. La Junta puede tomar una decisión sobre las enmiendas propuestas al término de la audiencia, o la Junta puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta. Si usted tiene una discapacidad y necesita un dispositivo auxiliar o asistencia, por ejemplo, un intérprete de lenguaje de signos para participar en cualquier aspecto de este proceso, comuníquese con Pamela Jones, administradora de la Junta, al menos 14 días antes de la fecha de la audiencia en pamelajones@state.nm.us; (505) 660-4305. Los usuarios de TDD o TDY pueden acceder a este número a través de la Red de Retransmisión de Nuevo México (usuarios de TDD de Albuquerque: (505) 275-7333; fuera de Albuquerque: 1-800-659-1779; usuarios de TTY: 1-800-659-8331) **DECLARACIÓN DE NO DISCRIMINACIÓN** El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Kathryn Becker, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación. #4672000, Sun-News, April 18, 2021