

§ 51.102

provided that such other techniques are shown to be adequate and appropriate for such purposes.

(d) To encourage a State to prepare, adopt, or submit a plan without taking into consideration the social and economic impact of the control strategy set forth in such plan, including, but not limited to, impact on availability of fuels, energy, transportation, and employment.

(e) To preclude a State from preparing, adopting, or submitting a plan which provides for attainment and maintenance of a national standard through the application of a control strategy not specifically identified or described in this part.

(f) To preclude a State or political subdivision thereof from adopting or enforcing any emission limitations or other measures or combinations thereof to attain and maintain air quality better than that required by a national standard.

(g) To encourage a State to adopt a control strategy uniformly applicable throughout a region unless there is no satisfactory alternative way of providing for attainment and maintenance of a national standard throughout such region.

[61 FR 30163, June 14, 1996]

§ 51.102 Public hearings.

(a) Except as otherwise provided in paragraph (c) of this section and within the 30 day notification period as required by paragraph (d) of this section, States must provide notice, provide the opportunity to submit written comments and allow the public the opportunity to request a public hearing. The State must hold a public hearing or provide the public the opportunity to request a public hearing. The notice announcing the 30 day notification period must include the date, place and time of the public hearing. If the State provides the public the opportunity to request a public hearing and a request is received the State must hold the scheduled hearing or schedule a public hearing (as required by paragraph (d) of this section). The State may cancel the public hearing through a method it identifies if no request for a public hearing is received during the 30 day notification period and the original no-

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tice announcing the 30 day notification period clearly states: *If no request for a public hearing is received the hearing will be cancelled; identifies the method and time for announcing that the hearing has been cancelled; and provides a contact phone number for the public to call to find out if the hearing has been cancelled.* These requirements apply for adoption and submission to EPA of:

(1) Any plan or revision of it required by § 51.104(a).

(2) Any individual compliance schedule under (§ 51.260).

(3) Any revision under § 51.104(d).

(b) Separate hearings may be held for plans to implement primary and secondary standards.

(c) No hearing will be required for any change to an increment of progress in an approved individual compliance schedule unless such change is likely to cause the source to be unable to comply with the final compliance date in the schedule. The requirements of §§ 51.104 and 51.105 will be applicable to such schedules, however.

(d) Any hearing required by paragraph (a) of this section will be held only after reasonable notice, which will be considered to include, at least 30 days prior to the date of such hearing(s):

(1) Notice given to the public by prominent advertisement in the area affected announcing the date(s), time(s), and place(s) of such hearing(s);

(2) Availability of each proposed plan or revision for public inspection in at least one location in each region to which it will apply, and the availability of each compliance schedule for public inspection in at least one location in the region in which the affected source is located;

(3) Notification to the Administrator (through the appropriate Regional Office);

(4) Notification to each local air pollution control agency which will be significantly impacted by such plan, schedule or revision;

(5) In the case of an interstate region, notification to any other States included, in whole or in part, in the regions which are significantly impacted by such plan or schedule or revision.

Environmental Protection Agency

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(e) The State must prepare and retain, for inspection by the Administrator upon request, a record of each hearing. The record must contain, as a minimum, a list of witnesses together with the text of each presentation.

(f) The State must submit with the plan, revision, or schedule, a certification that the requirements in paragraph (a) and (d) of this section were met. Such certification will include the date and place of any public hearing(s) held or that no public hearing was requested during the 30 day notification period.

(g) Upon written application by a State agency (through the appropriate Regional Office), the Administrator may approve State procedures for public hearings. The following criteria apply:

(1) Procedures approved under this section shall be deemed to satisfy the requirement of this part regarding public hearings.

(2) Procedures different from this part may be approved if they—

(i) Ensure public participation in matters for which hearings are required; and

(ii) Provide adequate public notification of the opportunity to participate.

(3) The Administrator may impose any conditions on approval he or she deems necessary.

[36 FR 22938, Nov. 25, 1971, as amended at 65 FR 8657, Feb. 22, 2000; 72 FR 38792, July 16, 2007]

§ 51.103 Submission of plans, preliminary review of plans.

(a) The State makes an official plan submission to EPA only when the submission conforms to the requirements of appendix V to this part and the State delivers the submission to EPA through one of the three following methods: An electronic submission through EPA's eSIP submission system; one paper submission to the appropriate Regional Office with an exact duplicate electronic version, preferably in a word searchable format; or three paper submissions. Any State submission under this part, whether through the eSIP submission system or in paper copy form, will serve as the official submission.

(b) Upon request by a State, the Administrator will work with the State to provide preliminary review of a plan or portion thereof submitted in advance of the date such plan is due. Such requests must be made to the appropriate Regional Office, and must indicate changes (such as redline/strikethrough) to the existing approved plan where applicable, and be submitted using a format agreed upon by the State and Regional Office. Requests for preliminary review do not relieve a State of the responsibility of adopting and submitting plans in accordance with prescribed due dates.

(c) In addition to conforming to the requirements of appendix V to this part for complete SIP submissions, the EPA requests that the state consult with the appropriate Regional Office regarding any additional guidance for submitting a plan to EPA.

[80 FR 7340, Feb. 10, 2015]

§ 51.104 Revisions.

(a) States may revise the plan from time to time consistent with the requirements applicable to implementation plans under this part.

(b) The States must submit any revision of any regulation or any compliance schedule under paragraph (c) of this section to the Administrator no later than 60 days after its adoption.

(c) EPA will approve revisions only after applicable hearing requirements of § 51.102 have been satisfied.

(d) In order for a variance to be considered for approval as a revision to the State implementation plan, the State must submit it in accordance with the requirements of this section.

[51 FR 40661, Nov. 7, 1986, as amended at 61 FR 16060, Apr. 11, 1996]

§ 51.105 Approval of plans.

Revisions of a plan, or any portion thereof, will not be considered part of an applicable plan until such revisions have been approved by the Administrator in accordance with this part.

[51 FR 40661, Nov. 7, 1986, as amended at 60 FR 33922, June 29, 1995]

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VI. POLICY WHERE ATTAINMENT DATES HAVE NOT PASSED

In some cases, the dates for attainment of primary standards specified in the SIP under section 110 have not yet passed due to a delay in the promulgation of a plan under this section of the Act. In addition the Act provides more flexibility with respect to the dates for attainment of secondary NAAQS than for primary standards. Rather than setting specific deadlines, section 110 requires secondary NAAQS to be achieved within a “reasonable time”. Therefore, in some cases, the date for attainment of secondary standards specified in the SIP under section 110 may also not yet have passed. In such cases, a new source locating in an area designated in 40 CFR 81.300 *et seq.* as nonattainment (or, where section III of this Ruling is applicable, a new source that would cause or contribute to a NAAQS violation) may be exempt from the Conditions of section IV.A if the conditions in paragraphs VI.A through C are met.

A. The new source meets the applicable SIP emission limitations.

B. The new source will not interfere with the attainment date specified in the SIP under section 110 of the Act.

C. The Administrator has determined that conditions A and B of this section are satisfied and such determination is published in the FEDERAL REGISTER.

VII. [RESERVED]

[44 FR 3282, Jan. 16, 1979]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix S to part 51, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

EFFECTIVE DATE NOTE: At 76 FR 17554, Mar. 30, 2011, part 51, appendix S, paragraph II.A.5 (vii) is stayed indefinitely.

APPENDICES T–U TO PART 51 [RESERVED]

APPENDIX V TO PART 51—CRITERIA FOR DETERMINING THE COMPLETENESS OF PLAN SUBMISSIONS

1.0. PURPOSE

This appendix V sets forth the minimum criteria for determining whether a State implementation plan submitted for consideration by EPA is an official submission for purposes of review under § 51.103.

1.1 The EPA shall return to the submitting official any plan or revision thereof which fails to meet the criteria set forth in this appendix V, and request corrective action, identifying the component(s) absent or insufficient to perform a review of the submitted plan.

1.2 The EPA shall inform the submitting official whether or not a plan submission meets the requirements of this appendix V within 60 days of EPA’s receipt of the submittal, but no later than 6 months after the date by which the State was required to submit the plan or revision. If a completeness determination is not made by 6 months from receipt of a submittal, the submittal shall be deemed complete by operation of law on the date 6 months from receipt. A determination of completeness under this paragraph means that the submission is an official submission for purposes of § 51.103.

2.0. CRITERIA

The following shall be included in plan submissions for review by EPA:

2.1. Administrative Materials

(a) A formal signed, stamped, and dated letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter “the plan”). If electing to submit a paper submission with a copy in electronic version, the submittal letter must verify that the electronic copy provided is an exact duplicate of the paper submission.

(b) Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter “document”) in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

(c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (such as redline/strikethrough) to the existing approved plan, where applicable. The submission shall include a copy of the official State regulation/document, signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself; otherwise the State should include a letter signed, stamped, and dated by the appropriate State official indicating the effective date. If the regulation/document provided by the State for approval and incorporation by reference into the plan is a copy of an existing publication, the State submission should, whenever possible, include a copy of the publication cover page and table of contents.

(e) Evidence that the State followed all of the procedural requirements of the State’s laws and constitution in conducting and completing the adoption/issuance of the plan.

(f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.

(g) Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102.

(h) Compilation of public comments and the State's response thereto.

2.2. Technical Support

(a) Identification of all regulated pollutants affected by the plan.

(b) Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas(s).

(c) Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

(d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

(e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

(f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

(g) Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.

(h) Compliance/enforcement strategies, including how compliance will be determined in practice.

(i) Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.

2.3. Exceptions

2.3.1. The EPA, for the purposes of expediting the review of the plan, has adopted a procedure referred to as "parallel processing." Parallel processing allows a State to submit the plan prior to actual adoption by the State and provides an opportunity for the State to consider EPA comments prior to submission of a final plan for final review and action. Under these circumstances, the plan submitted will not be able to meet all of the requirements of paragraph 2.1 (all requirements of paragraph 2.2 will apply). As a result, the following exceptions apply to plans submitted explicitly for parallel processing:

(a) The letter required by paragraph 2.1(a) shall request that EPA propose approval of the proposed plan by parallel processing.

(b) In lieu of paragraph 2.1(b) the State shall submit a schedule for final adoption or issuance of the plan.

(c) In lieu of paragraph 2.1(d) the plan shall include a copy of the proposed/draft regulation or document, including indication of the proposed changes to be made to the existing approved plan, where applicable.

(d) The requirements of paragraphs 2.1(e)–2.1(h) shall not apply to plans submitted for parallel processing.

2.3.2. The exceptions granted in paragraph 2.3.1 shall apply only to EPA's determination of proposed action and all requirements of paragraph 2.1 shall be met prior to publication of EPA's final determination of plan approvability.

3.0. GUIDELINES

The EPA requests that the State adhere to the following voluntary guidelines when making plan submissions.

3.1 All Submissions

(a) The State should identify any copyrighted material in its submission, as EPA does not place such material on the web when creating the E-Docket for loading into the Federal Document Management System (FDMS).

(b) The State is advised not to include any material considered Confidential Business Information (CBI) in their SIP submissions. In rare instances where such information is necessary to justify the control requirements and emissions limitations established in the plan, the State should confer with its Regional Offices prior to submission and must clearly identify such material as CBI in the submission itself. EPA does not place such material in any paper or web-based docket. However, where any such material is considered emissions data within the meaning of Section 114 of the CAA, it cannot be withheld as CBI and must be made publicly available.

3.2 Paper Plan Submissions

(a) The EPA requires that the submission option of submitting one paper plan must be accompanied by an electronic duplicate of the entire paper submission, preferably as a word searchable portable document format (PDF), at the same time the paper copy is submitted. The electronic duplicate should be made available through email, from a File Transfer Protocol (FTP) site, from the State Web site, on a Universal Serial Bus (USB) flash drive, on a compact disk, or using another format agreed upon by the State and Regional Office.

(b) If a state prefers the submission option of submitting three paper copies and has no means of making an electronic copy available to EPA, EPA requests that the state confer with its EPA Regional Office regarding additional guidelines for submitting the plan to EPA.

[55 FR 5830, Feb. 16, 1990, as amended at 56 FR 42219, Aug. 26, 1991; 56 FR 57288, Nov. 8, 1991; 72 FR 38793, July 16, 2007; 80 FR 7340, Feb. 10, 2015]

APPENDIX W TO PART 51—GUIDELINE ON
AIR QUALITY MODELS

PREFACE

a. Industry and control agencies have long expressed a need for consistency in the application of air quality models for regulatory purposes. In the 1977 Clean Air Act (CAA), Congress mandated such consistency and encouraged the standardization of model applications. The *Guideline on Air Quality Models* (hereafter, *Guideline*) was first published in April 1978 to satisfy these requirements by specifying models and providing guidance for their use. The *Guideline* provides a common basis for estimating the air quality concentrations of criteria pollutants used in assessing control strategies and developing emissions limits.

b. The continuing development of new air quality models in response to regulatory requirements and the expanded requirements for models to cover even more complex problems have emphasized the need for periodic review and update of guidance on these techniques. Historically, three primary activities have provided direct input to revisions of the *Guideline*. The first is a series of periodic EPA workshops and modeling conferences conducted for the purpose of ensuring consistency and providing clarification in the application of models. The second activity was the solicitation and review of new models from the technical and user community. In the March 27, 1980, FEDERAL REGISTER, a procedure was outlined for the submittal to the EPA of privately developed models. After extensive evaluation and scientific review, these models, as well as those made avail-

able by the EPA, have been considered for recognition in the *Guideline*. The third activity is the extensive on-going research efforts by the EPA and others in air quality and meteorological modeling.

c. Based primarily on these three activities, new sections and topics have been included as needed. The EPA does not make changes to the guidance on a predetermined schedule, but rather on an as-needed basis. The EPA believes that revisions of the *Guideline* should be timely and responsive to user needs and should involve public participation to the greatest possible extent. All future changes to the guidance will be proposed and finalized in the FEDERAL REGISTER. Information on the current status of modeling guidance can always be obtained from the EPA's Regional Offices.

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NEW MEXICO ENVIRONMENT DEPARTMENT
Notice of Opportunity for Public Hearing and Comment
New Mexico's Proposed Infrastructure Certification for
the 2015 Ozone 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 elements of a Clean Air Act ("CAA") Section 110(a)(2) infrastructure plan ("iSIP"), as applicable to the 2015 ozone National Ambient Air Quality Standard ("NAAQS"). Specifically, NMED addresses Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

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, and Tribal Lands. 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.

New Mexico's proposed *Good Neighbor State Implementation Plan Certification for the 2015 Ozone NAAQS* 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 January 21, 2020. 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. Upon completion of the 30-day public comment period and the hearing, if requested, all documents included in New Mexico's 2015 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 NMED Air Quality Bureau, 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 <https://www.env.nm.gov/air-quality/proposed-regs/>.

Written comments, requests for copies and/or public hearing requests regarding the proposed certification should be submitted via email, mail, or fax to:

New Mexico Environment Department
ATTN: Michael Baca, Air Quality Bureau
525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico, 87505

michael.baca1@state.nm.us

(Office): (505) 476-4359

(Fax): (505) 476-4375

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 Yurdin,
NMED Non-Discrimination Coordinator
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.

DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MÉXICO
Aviso de Oportunidad para una Audiencia Pública y Comentario
Certificación de Infraestructura Propuesta por Nuevo México para
la Norma Nacional de Calidad del Aire Ambiental de Ozono de 2015

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) anuncia la oportunidad de comentar y/o solicitar una audiencia pública sobre una certificación propuesta que establece que Nuevo México tiene un Plan de Implementación Estatal (SIP, por sus siglas en inglés) adecuado, aprobado por el gobierno federal que trata los elementos de un plan de infraestructura (iSIP), de la Sección 110(a)(2), de la Ley de Aire Limpio (CAA, por sus siglas en inglés), según es aplicable a la Norma Nacional de Calidad del Aire Ambiental (NAAQS, por sus siglas en inglés) de ozono de 2015. Específicamente, este análisis que trata los elementos de la Sección 110(a)(2)(D)(i) con respecto a transporte interestatal de contaminación atmosférica. El objetivo de la certificación propuesta es confirmar a la Agencia de Protección Ambiental (EPA, por sus siglas en inglés) de EE. UU. Que el Estado de Nuevo México cuenta con la "infraestructura" requerida bajo el actual SIP para implementar, mantener y hacer cumplir la NAAQS revisada de ozono de 2015.

La autoridad legislativa del programa de calidad del aire de Nuevo México está codificada en el Capítulo 74, *Mejoramiento ambiental*, de los Estatutos de Nuevo México, que le otorga a la Junta de Mejoramiento Ambiental de Nuevo México y NMED la autoridad para implementar la CAA en Nuevo México, excluyendo el condado de Albuquerque/Bernalillo que está bajo la jurisdicción de una junta y agencia local, y las tierras tribales. La certificación propuesta fue desarrollada por NMED para cumplir con los requisitos contenidos en la Sección 110 de la CAA y 40 CFR Parte 51, *Requisitos para la Preparación, Adopción y Presentación de Planes de Implementación*. La certificación propuesta no adopta ni enmienda ninguna reglamentación; por lo tanto, no está sujeta al requisito de audiencia pública obligatorio de NMSA 1978 Sección 74-2-6, *Adopción de Reglamentos; Aviso y Audiencias*. Sin embargo, se puede solicitar una audiencia como se describe a continuación.

la *Certificación del Buen Vecino Plan de Implementación del Estado* para la NAAQS de ozono de 2015 de Nuevo México está disponible para comentarios públicos por 30 días. La presentación de comentarios sobre la certificación propuesta puede ser escrita u oral. Todos los comentarios serán recibidos hasta el 21 de enero de 2020. Todos los comentarios públicos recibidos durante el período de comentarios serán evaluados y respondidos según sea apropiado por el NMED antes de presentar la certificación final a EPA. Si se recibe una solicitud de audiencia pública durante el período de comentario público de 30 días, se anunciará una fecha, hora y lugar de audiencia en una fecha posterior, de acuerdo con 20.1.1 NMAC - *Procedimientos de Reglamentación - Junta de Mejoramiento Ambiental*, incluyendo un período adicional de comentarios públicos. Una vez finalizado el período de 30 días de comentarios públicos y la audiencia, si se solicita, todos los documentos incluidos en la Certificación del Buen Vecino SIP de NAAQS de ozono de 2015 de Nuevo México serán enviados a EPA para ser incluidos en el SIP de Nuevo México.

La propuesta de certificación puede ser revisada durante las horas de atención al público en la Oficina de Calidad del Aire del Departamento de Medio Ambiente de Nuevo México, 525 Camino de los Marquez, Suite 1, Santa Fe, Nuevo México, 87505-1816. El texto completo de la certificación propuesta de NMED también está disponible en el sitio web de NMED en <https://www.env.nm.gov/air-quality/proposed-regs/>.

Los comentarios por escrito y/o una solicitud de audiencia pública con respecto a la certificación propuesta deberán enviarse por correo electrónico, por correo postal, o por fax a:

New Mexico Environment Department
ATTN: Michael Baca, Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505
michael.baca1@state.nm.us
(Office): (505) 476-4359
(Fax): (505) 476-4375

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigido por las leyes y reglamentos correspondientes. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R., partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de Contaminación del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, política o procedimiento de no discriminación de NMED, usted puede comunicarse con la Coordinadora de No Discriminación:

Kristine Yurdin,
NMED Non-Discrimination Coordinator
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

Si usted cree que ha sido discriminado/a con relación a un programa o actividad de NMED, usted se puede comunicar con la coordinadora antidiscriminación mencionada arriba o visitar nuestro sitio electrónico: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender más sobre cómo y dónde presentar una queja de discriminación.

From: New Mexico Environment Department <nmed@public.govdelivery.com>
Sent: Friday, December 20, 2019 12:52 PM
To: Baca, Michael, NMENV
Subject: [EXT] Proposed Good Neighbor SIP-2015 Ozone NAAQS



New Mexico Environment Department

Air Quality Bureau Regulatory and SIP Bulletin

Having trouble viewing this email? [View it as a Web page.](#)

The Air Quality Bureau announces an opportunity to comment and request a public hearing on New Mexico's proposed [Good Neighbor State Implementation Plan](#) (SIP) for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The proposed Good Neighbor SIP confirms to the U.S. Environmental Protection Agency that the State of New Mexico fulfills its "good neighbor" obligations under the federal Clean Air Act without adopting additional control measures.

All comments or requests for a public hearing must be received by January 21, 2020. 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. Please visit our [Proposed Air Quality Regulations](#) and Plans website for additional information.

If you have questions or would like to submit comments concerning this proposed SIP, please contact Michael Baca, 525 Camino de los Marquez, Suite 1, Santa Fe, NM, 87505, (505) 476-4359, michael.baca1@state.nm.us.

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, or if you believe that you have been discriminated against with respect to a NMED program or activity,

you may contact: Kristine Yurdin, 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.

NMED [Air Quality Bureau](#)

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico, 87505-1816

(505) 476-4300

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Santa Fe, New Mexico 87505



From: New Mexico Environment Department <nmed@public.govdelivery.com>
Sent: Friday, December 20, 2019 4:51 PM
To: Baca, Michael, NMENV
Subject: [EXT] Bulletin Detail Report: Proposed Good Neighbor SIP-2015 Ozone NAAQS

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Report Generated: 12/20/2019 04:51 PM MST

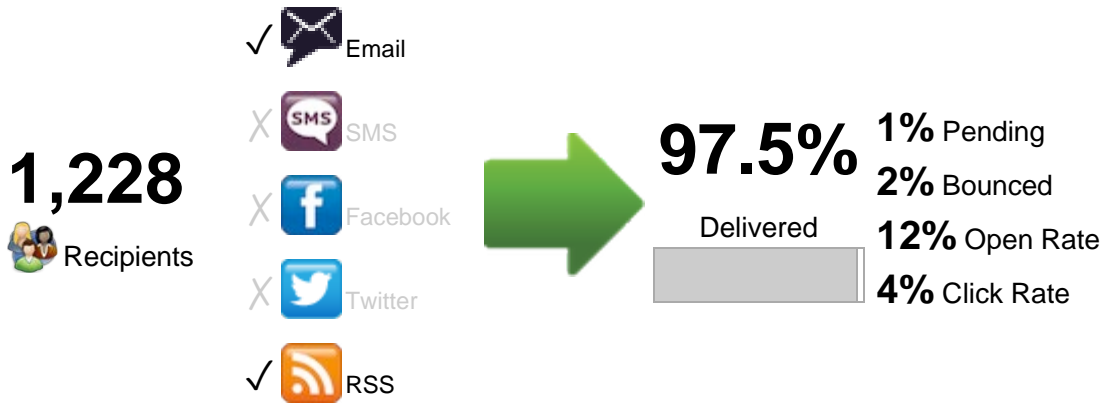
This report automatically generates after a bulletin is sent. [View the Bulletin Detail Report online](#) to see the most recent performance metrics for this bulletin.

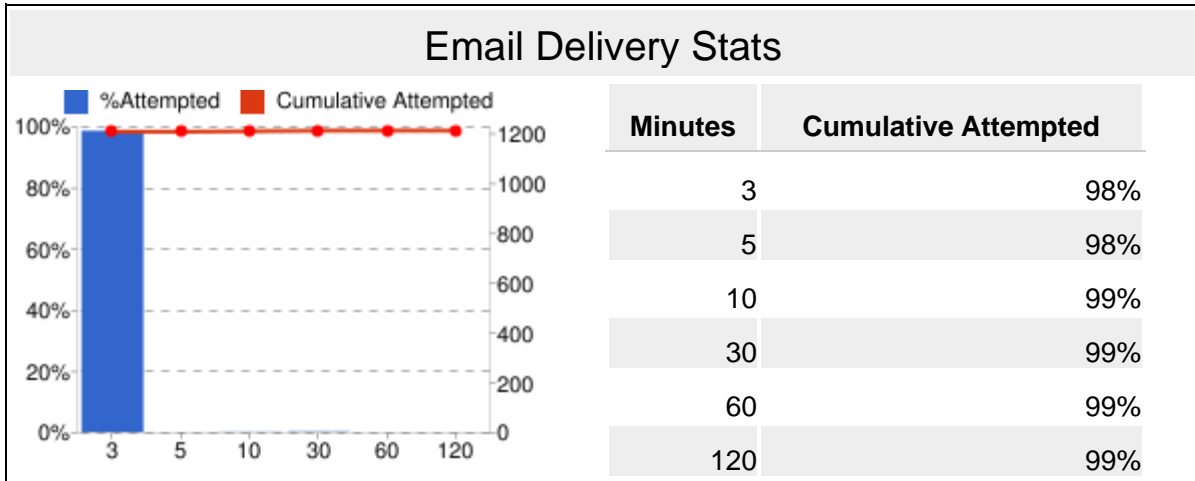
Subject: Proposed Good Neighbor SIP-2015 Ozone NAAQS

Sent: 12/20/2019 01:51 PM CST

Sent By: michael.baca1@state.nm.us

Sent To: Subscribers of AQB Regulatory and SIP Announcements





Delivery Metrics - Details

1,228 Total Sent
1,197 (97%) Delivered
12 (1%) Pending
19 (2%) Bounced
4 (0%) Unsubscribed

Bulletin Analytics

257 Total Opens
141 (12%) Unique Opens
76 Total Clicks
48 (4%) Unique Clicks
10 # of Links

Delivery and Performance

Channel	Progress	Percent Delivered	Number of Recipients	Number Delivered	Opened / Unique	Bounced / Failed	Unsubscribed
Email Bulletin	Sending...	97.1%	1,060	1,029	141 / 13.7%	19	4
SMS Message	Delivered	0.0%	0	0	n/a	0	n/a

Bulletin Link Overview

Link URL	Unique Clicks	Total Clicks
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2017/01/NM...	19	32
https://www.env.nm.gov/air-quality/proposed-regs/	10	22
https://content.govdelivery.com/accounts/NMED/bulletins/2728d16	3	6
https://public.govdelivery.com/accounts/NMED/subscriber/one_click_unsubs...	4	4
https://public.govdelivery.com/accounts/NMED/subscriber/edit?preferences...	3	3
http://www.nmenv.state.nm.us/aqb/index.html	3	3

https://subscriberhelp.govdelivery.com/	3	3
https://www.env.nm.gov/	3	3
https://subscriberhelp.granicus.com/	0	0

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Want to learn more about these metrics and the best practices for improving results? Contact your dedicated Client Success Consultant! Not sure who that is? Send us an email at help@govdelivery.com and we'll help you find out.



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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC COMMENT AND HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a virtual public hearing on May 28, 2021 beginning at 9:00 a.m. via video conferencing and teleconferencing application Zoom. Comments will also be received via email through the conclusion of the hearing. The Board will consider the matter of EIB 21-05, a proposed certification by the New Mexico Environment Department ("NMED") that New Mexico has an adequate, federally-approved State Implementation Plan ("SIP") that addresses elements of Clean Air Act ("CAA") Section 110(a)(2) infrastructure plan ("iSIP"), as applicable to the 2015 ozone National Ambient Air Quality Standard ("NAAQS").

To join via video conference, go to:

<https://zoom.us/j/91027258886?pwd=V205Nm11OGE5ekhRSHI2MFhNYVQ3QT09>

Meeting ID: 910 2725 8886

Passcode: 646285

To join via teleconference, dial: 1-346-248-7799 and enter the meeting ID and access code above.

To comment via email, send correspondence to : Pamela.jones@state.nm.us.

If you are having difficulties joining the meeting, please contact Pam Jones at (505) 660-4305 or Lorrie Gasca at (505) 231-0914.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus 2019 ("COVID-19") and in accordance with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in [Executive Order 2020-004](#) and subsequent orders; various Public Health Emergency Orders limiting mass gatherings; 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.

The purpose of the hearing is to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirms 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

The proponent of this regulatory adoption and revision is the New Mexico Environment Department ("NMED").

The proposed certification may be reviewed on NMED's web site at https://www.env.nm.gov/aqb/prop_regs.html, or by contacting Michael Baca at michael.baca@state.nm.us. You may also contact Michael Baca if interested in attending an informational open house on the proposed certification or submitting comments. NMED will respond in writing to all comments regarding the SIP certification if received by 5:00 p.m. MDT on April 22, 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 72-2-6 NMSA 1978, and other applicable procedures. 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*.

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. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. 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 for the hearing must be received in the Office of the Board not later than 5:00 pm on May 7, 2021, and should reference the docket number, EIB 21-05 and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pamela Jones, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Tel (505) 827-2425
Fax (505) 827-2836
email: pamela.jones@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 exhibits in connection with that 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. A member of the general public may submit a written statement to Pamela Jones, Board Administrator at the address provided above.

Persons having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing contact Pamela Jones no later than May 7, 2021 at (505) 827-2425 or pamela.jones@state.nm.us.

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

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, you may contact:

Kathryn Becker, 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 a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or 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.

JUNTA DE MEJORAMIENTO AMBIENTAL DE NUEVO MÉXICO
AVISO DE COMENTARIOS PUBLICOS Y AUDIENCIA

La Junta de Mejoramiento Ambiental de Nuevo México ("Junta") celebrará una audiencia pública virtual el 28 de mayo de 2021, a partir de las 9:00 a.m., a través de videoconferencia y teleconferencia de la aplicación Zoom. También se recibirán comentarios por correo electrónico hasta la conclusión de la audiencia. La Junta considerará el asunto de la EIB 21-05, una certificación propuesta por el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) de que Nuevo México tiene un Plan Estatal de Implementación ("SIP" por sus siglas en inglés) adecuado y aprobado por el gobierno federal que aborda elementos del plan de infraestructura ("iSIP") Sección 110(a)(2) de la Ley de Aire Limpio ("CAA" por sus siglas en inglés), según sea aplicable al Estándar Nacional de Calidad del Aire Ambiental del ozono de 2015 ("NAAQS" por sus siglas en inglés).

Para unirse por videoconferencia, vaya a

<https://zoom.us/j/91027258886?pwd=V205Nm11OGE5ekhRSHI2MFhNYVQ3QT09>

Identificación de la reunión: 910 2725 8886

Código de acceso: 646285

Para unirse por teleconferencia, marque: 1-346-248-7799 e ingrese el número de identificación de la reunión y el código de acceso anteriores.

Para hacer comentarios por correo electrónico, envíe la correspondencia a: Pamela.jones@state.nm.us.

Si tiene dificultades para unirse a la reunión, comuníquese con Pam Jones (505) 660-4305 o con Lorrie Gasca (505) 231-0914.

La audiencia se está llevando a cabo a través de Internet, correo electrónico y medios telefónicos debido a las preocupaciones en torno al Nuevo Coronavirus 2019 ("COVID-19") y de acuerdo con la Declaración de Emergencia de Salud Pública de la gobernadora Michelle Luján Grisham en la [Executive Order 2020-004](#) (Orden Ejecutiva 2020-004) y las órdenes subsiguientes; varias órdenes de emergencia de salud pública que limitan las reuniones masivas; y [Guidance](#) (Guía) de la División de Gobierno Abierto de la Oficina del Procurador General para las Entidades Públicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspección de Registros Públicos durante el Estado de Emergencia COVID-19.

El propósito de la audiencia es considerar el asunto de la EIB 21-05 para certificar que Nuevo México tiene un SIP adecuado, aprobado por el gobierno federal, que aborda la Sección 110(a)(2)(D)(i) de la CAA con respecto al transporte interestatal de la contaminación del aire en esta presentación. La certificación propuesta confirma a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) que el Estado de Nuevo México cuenta con la "infraestructura" requerida bajo el SIP actual para implementar, mantener y hacer cumplir el NAAQS de ozono revisado de 2015 y cumple con sus obligaciones de "buen vecino" bajo la CAA.

El proponente de esta adopción y revisión reglamentaria es el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés).

La certificación propuesta puede revisarse en el sitio web del NMED en

https://www.env.nm.gov/aqb/prop_regs.html, o comunicándose con Michael Baca en

michael.baca@state.nm.us. También puede comunicarse con Michael Baca si está interesado en asistir a una jornada de puertas abiertas informativa sobre la certificación propuesta o en presentar comentarios. El NMED responderá por escrito a todos los comentarios relativos a la certificación del SIP si se reciben a más tardar hasta el 22 de abril de 2021.

La audiencia se llevará a cabo de acuerdo con 20.1.1 NMAC (Procedimientos de Reglamentación) Junta de Mejoramiento Ambiental, la Ley de Mejoramiento Ambiental, Sección 74-1-9 NMSA 1978, la Ley de Control de la Calidad del Aire Sección 72-2-6 NMSA 1978, y otros procedimientos aplicables. La certificación propuesta fue elaborada por el NMED para cumplir con los requisitos contenidos en la Sección 110 de la CAA y el 40 CFR Parte 51, *Requisitos para la Preparación, Adopción y Presentación de Planes de Implementación*.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Las personas que deseen presentar un testimonio técnico deberán presentar a la Junta un aviso por escrito de su intención de hacerlo. El aviso de intención deberá:

- (1) identificar a la persona para la cual el testigo o testigos testificarán;
- (2) identificar cada uno de los testigos técnicos que la persona tiene intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su historial académico y laboral;
- (3) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa
- (4) incluir el texto de cualquier modificación recomendada al cambio reglamentario propuesto; y
- (5) enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración propuesta de los motivos para adoptar las normas.

Los avisos de intención para la audiencia deben recibirse en la Oficina de la Junta a más tardar a las 5:00 p.m., del 7 de mayo de 2021, y deben hacer referencia al número de expediente, EIB 21-05 y a la fecha de la audiencia. Los avisos de la intención de presentar un testimonio técnico deben enviarse a

Pamela Jones, administradora de la Junta
Junta de Mejoramiento Ambiental
P.O. Box 5469
Santa Fe, NM 87502
Tel. (505) 827-2425
Fax (505) 827-2836
correo electrónico: pamela.jones@state.nm.us

Cualquier miembro del público puede testificar en la audiencia. No se requiere aviso previo para presentar un testimonio no técnico en la audiencia. Cualquier miembro puede también ofrecer pruebas instrumentales relacionadas con ese testimonio, siempre y cuando la prueba instrumental no sea indebidamente repetitiva del testimonio.

Los miembros del público que deseen presentar una declaración por escrito para que conste en el registro, en lugar de prestar testimonio oral en la audiencia, deberán presentar la declaración por escrito antes de la audiencia, o presentarla durante la audiencia. Los miembros del público pueden

presentar una declaración por escrito a Pamela Jones, administradora de la Junta, a la dirección indicada anteriormente.

Las personas con discapacidad que necesiten un lector, un amplificador, un intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o dispositivo auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a más tardar hasta el 7 de mayo de 2021 llamado al (505) 827-2425 o pamela.jones@state.nm.us

La Junta puede tomar una decisión sobre la certificación propuesta al término de la audiencia, o la Junta puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; 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 la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede ponerse en contacto con

Kathryn Becker, coordinadora de no discriminación
Departamento de Medio Ambiente de Nuevo México
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con el Coordinador de No Discriminación identificado arriba o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender cómo y dónde presentar una queja de discriminación.

From: New Mexico Environment Department <nmed@public.govdelivery.com>
Sent: Tuesday, March 23, 2021 4:17 PM
To: Baca, Michael, NMENV
Subject: [EXT] Public Notice of EIB Hearing



New Mexico Environment Department

Air Quality Bureau Regulatory and SIP Bulletin

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The New Mexico Environmental Improvement Board ("Board") will hold a virtual public hearing at 9:00 a.m. on May 28, 2021. The hearing will be conducted via video conferencing and teleconferencing application Zoom with instructions to join provided below. The Board will consider the matter of [EIB 21-05](#), a proposed certification by the New Mexico Environment Department ("NMED") that New Mexico has an adequate, federally-approved State Implementation Plan ("SIP") that addresses Section 110(a)(2)(D)(i) of the Clean Air Act ("CAA") regarding interstate transport of air pollution in this submittal. The proposed certification confirms to the U.S. Environmental Protection Agency that the State of New Mexico fulfills its "good neighbor" obligations under the CAA for the 2015 Ozone National Ambient Air Quality Standard.

The proposed certification may be reviewed on NMED's [Proposed Regulations](#) website or by contacting Michael Baca at michael.baca1@state.nm.us. You may also contact Michael Baca for additional information on the proposed certification, details to participate in the hearing or to submit comments.

Instructions to Join the Hearing:

To join via video conference, click [here](#).

Meeting ID: 910 2725 8886

Passcode: 646285

To join via teleconference, dial: 1-346-248-7799 and enter the meeting ID and passcode above.

For additional information concerning this bulletin, please contact Michael Baca at michael.baca1@state.nm.us.

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, 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.

NMED [Air Quality Bureau](#)

525 Camino de los Marquez, Suite 1

Santa Fe, New Mexico, 87505-1816

(505) 476-4300

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Santa Fe, New Mexico 87505



Subject: Public Notice of EIB Hearing
 Sent: 03/23/2021 04:16 PM MDT
 Sent By: michael.baca1@state.nm.us
 Sent To: Subscribers of Air Quality Bureau Regulatory and SIP Announcements

1,362
 Recipients

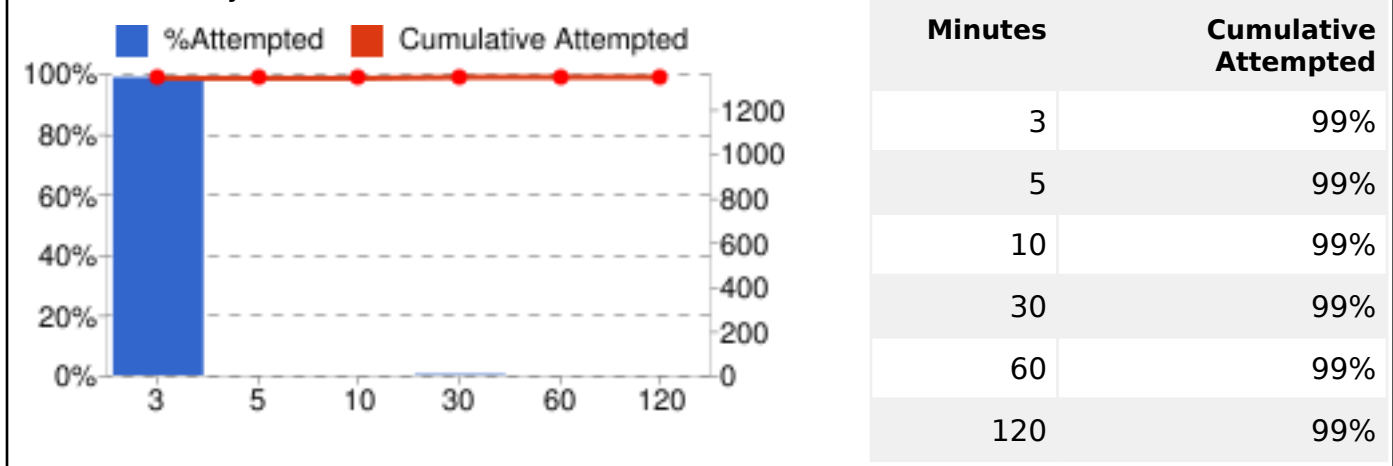
-  Email
-  SMS
-  Facebook
-  Twitter
-  RSS

97%
 Delivered



- 0% Pending
- 3% Bounced
- 21% Open Rate
- 4% Click Rate

Email Delivery Stats



Delivery Metrics - Details

1,362 Total Sent
1,320 (97%) Delivered
0 (0%) Pending
42 (3%) Bounced
1 (0%) Unsubscribed

Bulletin Analytics

700 Total Opens
277 (21%) Unique Opens
120 Total Clicks
57 (4%) Unique Clicks
11 # of Links

Delivery and performance

These figures represent all data since the bulletin was first sent to present time.

	Progress	% Delivered	Recipients	# Delivered	Opened Unique	Bounced/Failed	Unsubscribes
Email Bulletin	Delivered	96.4%	1,154	1,112	277 / 24.9%	42	1
Digest	n/a	n/a	208	208	0 / 0.0%	0	0
SMS Message	Delivered	0.0%	0	0	n/a	0	n/a

Link URL	Unique Clicks	Total Clicks
https://www.env.nm.gov/air-quality/proposed-regs/#O3gnSIP	21	47
https://www.env.nm.gov/environmental-improvement/eib-21-...	19	41
https://content.govdelivery.com/accounts/NMED/bulletins/2c...	7	14
https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRS...	6	13
http://www.nmenv.state.nm.us/aqb/index.html	2	2
https://public.govdelivery.com/accounts/NMED/subscriber/edi...	1	2
https://public.govdelivery.com/accounts/NMED/subscriber/on...	1	1
https://www.env.nm.gov/	0	0
https://subscriberhelp.granicus.com/	0	0
https://subscriberhelp.govdelivery.com/	0	0

From: [Baca, Michael, NMENV](mailto:Baca.Michael.NMENV)
To: [Baca, Michael](mailto:Baca.Michael)
Bcc: "fmartinez@poamail.org"; "jacob_pecos@pueblodecochiti.org"; "ramona.montoya@Isletapueblo.com"; "paul.clarke@jemezpueblo.org"; "gjojola@lagunapueblo-nsn.gov"; "srydeen@nambepueblo.org"; "larry.phillips@ohkay.org"; [Atencio, Jeff](mailto:Atencio.Jeff); "aduran@pojoaque.org"; "pstout@sfpueblo.com"; "rmartinez@sanipueblo.org"; "gkaufman@sandiapueblo.nsn.us"; "alan.hatch@santaana-nsn.gov"; "dinoc@santaclarapueblo.org"; "cnaah@kewa-nsn.us"; "mvigil@taospueblo.com"; "sstauffer@pueblooftesuque.org"; "jyoung@ziapueblo.org"; "tammy.parker@ashiwi.org"; "ecruz@ydsp-nsn.gov"; "valinda.shirley@navajo-nsn.gov"; "cltecube@yahoo.com"; "thora@mescalerodmp.org"; "jennifer.heminokeky@fortsillapache-nsn.gov"; "dpowers@southernute-nsn.gov"; "jarchuleta@utemountain.org"; "tohajiilee@navajochapters.org"; "boyd.nystedt@enipc.org"; "airquality@navajo-nsn.gov"; [Becker, Kathryn, NMENV](mailto:Becker.Kathryn.NMENV)
Subject: Public Hearing Notice-Environmental Improvement Board
Date: Tuesday, March 23, 2021 4:28:00 PM
Attachments: [NM 2015 O3 Good Neighbor SIP Proposed Certification 26Feb21.pdf](#)
[Hearing Notice EIB 21-05 English \(final\).pdf](#)

Hello Air Quality Stakeholder,

The New Mexico Environmental Improvement Board (EIB or Board) will hold a virtual public hearing beginning at 9:00 a.m. on May 28, 2021. The hearing will be conducted via video conferencing and teleconferencing application Zoom with instructions to join the hearing virtually provided below. The Board will consider the matter of [EIB 21-05](#), a proposed certification by the New Mexico Environment Department (NMED) that New Mexico has an adequate, federally-approved State Implementation Plan (SIP) that addresses Section 110(a)(2) (D)(i) of the Clean Air Act (CAA) regarding interstate transport of air pollution in this submittal. The proposed certification confirms to the U.S. Environmental Protection Agency that the State of New Mexico fulfills its “good neighbor” obligations under the CAA for the 2015 Ozone National Ambient Air Quality Standards.

The proposed certification, public notices and background material may be reviewed on NMED’s [Proposed Regulations](#) website.

Instructions to Join the Hearing:

To join via video conference, go to: <https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRSHI2MFhNYVQ3QT09>.

Meeting ID: 910 2725 8886

Passcode: 646285

To join via teleconference, dial: 1-346-248-7799 and enter the meeting ID and passcode above.

Please let me know if you have any questions regarding this matter.

Respectfully,

Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us

(505) 476-4359

www.env.nm.gov/air-quality/

@NMEnvDep | #lamNMED

Science | Innovation | Collaboration | Compliance

From: [Baca, Michael, NMENV](#)
To: ["ics@nmlegis.gov"](mailto:ics@nmlegis.gov)
Subject: Public Notice of Hearing-Environmental Improvement Board
Date: Tuesday, March 23, 2021 5:11:00 PM
Attachments: [Hearing Notice EIB 21-05 English \(final\).pdf](#)
[Hearing Notice EIB 21-05 Spanish \(final\).pdf](#)

Please find the English and Spanish version of a public notice of hearing for the Environmental Improvement Board attached to this email. These notices have been published in the NM Register and in the ABQ Journal.

Let me know if you have any questions regarding this matter.

Respectfully,

Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us
(505) 476-4359

www.env.nm.gov/air-quality/
@NMEnvDep | #IamNMED

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From: [Baca, Michael, NMENV](#)
To: [Portal, Sunshine, DoIT](#)
Subject: Public Notice of Hearing-Environmental Improvement Board
Date: Tuesday, March 23, 2021 5:10:03 PM
Attachments: [Hearing Notice EIB 21-05 English \(final\).pdf](#)
[Hearing Notice EIB 21-05 Spanish \(final\).pdf](#)

Please find the English and Spanish version of a public notice of hearing for the Environmental Improvement Board attached to this email. These notices have been published in the NM Register and in the ABQ Journal.

Let me know if you have any questions regarding this matter.

Respectfully,

Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us

(505) 476-4359

www.env.nm.gov/air-quality/

@NMEnvDep | #IamNMED

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From: [Baca, Michael, NMENV](#)
To: [Shah, Shahzad, DoIT](#)
Cc: [Varghese, Blezoo, DoIT](#)
Subject: RE: Action required for REQUEST-20210329-00029
Date: Monday, March 29, 2021 12:57:00 PM

This looks great. Thank you!

Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us
(505) 476-4359

www.env.nm.gov/air-quality/
@NMEnvDep | #IamNMED

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From: Shah, Shahzad, DoIT <Shahzad.Shah@state.nm.us>
Sent: Monday, March 29, 2021 11:13 AM
To: Baca, Michael, NMENV <michael.baca1@state.nm.us>
Cc: Varghese, Blezoo, DoIT <blezoo.varghese@state.nm.us>
Subject: RE: Action required for REQUEST-20210329-00029

Hi Michael,

Your request is complete. Please verify and let us know. You may review the posted notice at http://statenm.force.com/public/SSP_RuleHearingSearchPublic without logging in.

Thanks,
Shahzad Shah
Apps Dev Team
NM Department of Information Technology
(Teleworking and available on Teams)

From: DoIT-Enterprise Support Desk, DoIT <EnterpriseSupportDesk@state.nm.us>
Sent: Monday, March 29, 2021 9:43 AM
To: Shah, Shahzad, DoIT <Shahzad.Shah@state.nm.us>; Varghese, Blezoo, DoIT <blezoo.varghese@state.nm.us>; Owens, Mike, DoIT <Mike.Owens@state.nm.us>

Subject: Action required for REQUEST-20210329-00029

Action required for REQUEST-20210329-00029

Recipient: Baca, Michael, NMENV

Topic: Maintenance

Description:

RE: Public Notice of Hearing-Environmental Improvement Board

Hi Shahzad,

Please find my responses below. Let me know if you need anything further.

Information:

1. SSP Rule Hearing Name*

2015 Ozone NAAQS Good Neighbor State Implementation Plan, EIB 21-05

2. Agency*

Environment Department

3. Proposed Rule Summary*

The proposed State Implementation Plan (SIP) certification for New Mexico addresses the requirements of section 110(a)(2)(D)(i)(I) of the federal Clean Air Act regarding interstate transport obligations, commonly referred to as a “good neighbor” SIP. Through air quality modeling, emissions from New Mexico were identified as contributing to nonattainment, or interfering with maintenance of the 2015 ozone NAAQS at monitors in Colorado. The New Mexico Environment Department analyzed the modeling results, emissions inventories, monitoring data, and topography to determine that emissions from the state did not significantly contribute to air quality problems in any other state. It was further determined that new emissions control measures for sources in New Mexico were not warranted at this time. Since no emissions reductions are proposed, NMED is certifying to the U.S. Environmental Protection Agency (EPA) that the SIP is adequate without revision to implement the NAAQS.

4. Purpose (Brief)*

To certify that New Mexico has an adequate, federally-approved State Implementation Plan to implement, maintain, and enforce the 2015 ozone NAAQS.

5. Purpose*

The proposed certification addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution. The proposed certification confirms 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 revised 2015 Ozone NAAQS and fulfills its “good neighbor” obligations under the CAA.

Information to Constituents:

6. Hearing Start (Date and Time)

9:00 AM on May 28, 2021

7. Hearing End (Date and Time)

5:00 PM on May 28, 2021

8. Public Hearing Location*

Virtual

9. How To Participate*

Video conference, go to:

<https://zoom.us/j/91027258886?pwd=V205Nm11OGF5ekhRSHI2MFhNYVQ3QT09>

Meeting ID: 910 2725 8886

Passcode: 646285

Teleconference, dial: 1-346-248-7799

Meeting ID: 910 2725 8886

Passcode: 646285

10. How To Obtain Copy of Proposed Rule*

https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2017/01/NM_2015-O3-Good-Neighbor-SIP_Proposed-Certification_26Feb21.pdf

11. Rule Hearing Contact Name*

Michael Baca

12. Rule Hearing Contact Email*

michael.baca1@state.nm.us

13. Rule Hearing Contact Phone Number*

(505) 476-4359

14. When Are Comments Due (Date and Time)

Through the conclusion of the hearing on May 28, 2021.

15. How to Submit Comments*

Email comments or questions to pamela.jones@state.nm.us.

Related Links

16. Link to Rule Explanatory Statement
<https://www.env.nm.gov/air-quality/proposed-regs/#O3gnSIP>
17. Link to Rule Corrections
N/A
18. Related New Mexico Register Publications
http://164.64.110.134/nmac/nmregister/xxii/EDoother_xxii6.pdf
19. Administrative Code
N/A

Thank you,

Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us
(505) 476-4359

www.env.nm.gov/air-quality/
@NMEnvDep | #IamNMED

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From: Shah, Shahzad, DoIT <Shahzad.Shah@state.nm.us>
Sent: Wednesday, March 24, 2021 1:17 PM
To: Baca, Michael, NMENV <michael.baca1@state.nm.us>
Subject: RE: Public Notice of Hearing-Environmental Improvement Board

Hi Michael,

Please CC EnterpriseSupportDesk@state.nm.us so they can open a ticket and route it to the appropriate person.

Please answer the following questions so that we can post these notice(s) for you on the Sunshine Portal.

Also note that we cannot attach any files to the rules but if you send us a link to the file on your agency's website, we can post a link to the Rules portal:

Questions marked with asterisk (*) are required.

Information:

1. SSP Rule Hearing Name*
2. Agency*
3. Proposed Rule Summary*
4. Purpose (Brief)*
5. Purpose*

Information to Constituents:

6. Hearing Start (Date and Time)
7. Hearing End (Date and Time)
8. Public Hearing Location*
9. How To Participate*
10. How To Obtain Copy of Proposed Rule*
11. Rule Hearing Contact Name*
12. Rule Hearing Contact Email*
13. Rule Hearing Contact Phone Number*
14. When Are Comments Due (Date and Time)
15. How to Submit Comments*

Related Links

16. Link to Rule Explanatory Statement
17. Link to Rule Corrections
18. Related New Mexico Register Publications
19. Administrative Code

Thanks,
Shahzad Shah
Apps Dev Team
NM Department of Information Technology
(Teleworking and available on Teams)

From: Baca, Michael, NMENV <michael.baca1@state.nm.us>

Sent: Tuesday, March 23, 2021 5:10 PM

To: Portal, Sunshine, DoIT <Sunshine.Portal@state.nm.us>

Subject: Public Notice of Hearing-Environmental Improvement Board

Please find the English and Spanish version of a public notice of hearing for the Environmental Improvement Board attached to this email. These notices have been published in the NM Register and in the ABQ Journal.

Let me know if you have any questions regarding this matter.

Respectfully,

Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us

(505) 476-4359

www.env.nm.gov/air-quality/

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[Click here](#)

state.nm.force.com/public/SSP X NM_2015-03-Good-Neighbor X +

state.nm.force.com/public/SSP_RuleHearingSearchPublic

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THE OFFICIAL GOVERNMENT TRANSPARENCY PORTAL OF NEW MEXICO

Rule Hearing Search

Hearing Date: All | Comments: Environment Department | Agency: Environment Department | Deadline: | Date: All

Search

[Return to Search Results](#)

Proposed Rule Name:
2015 Ozone NAAQS Good Neighbor State Implementation Plan, EIB 21-05

Agency:
Environment Department

Purpose:
The proposed certification addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution. The proposed certification confirms 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

Summary:
The proposed State Implementation Plan (SIP) certification for New Mexico addresses the requirements of section 110(a)(2)(D)(i)(I) of the federal Clean Air Act regarding interstate transport obligations, commonly referred to as a "good neighbor" SIP. Through air quality modeling, emissions from New Mexico were identified as contributing to nonattainment, or interfering with maintenance of the 2015 ozone NAAQS at monitors in Colorado. The New Mexico Environment Department analyzed the modeling results, emissions inventories, monitoring data, and topography to determine that emissions from the state did not significantly contribute to air quality problems in any other state. It was further determined that new emissions control measures for sources in New Mexico were not warranted at this time. Since no emissions reductions are proposed, NMED is certifying to the U.S. Environmental Protection Agency (EPA) that the SIP is adequate without revision to implement the NAAQS.

Rule Complete Copy :
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2017/01/NM_2015-03-Good-Neighbor-SIP_Proposed-Certification_26Feb21.pdf

Corrections:
Not available

Rule Explanatory Statement:
[Click Here to access the Rule Explanatory Statement](#)

Related New Mexico Register Publications:
[Click Here to access Related New Mexico Publications](#)

For any additional information or questions concerning this rule making or posting please contact:
Michael Baca
michael.baca1@state.nm.us
(505) 476-4359

Last Updated Date
3/29/2021 11:09 AM

How to submit Comments:
pamela.jones@state.nm.us

When are comments due:
5/28/2021 5:00 PM

Hearing Date:
5/28/2021 9:00 AM

Public Hearing Location:
Virtual 5/28/2021 (9:00 AM -5:00 PM)

How to participate:
Video conference, go to:
<https://zoom.us/j/91027258886?pwd=V205Nm11OGESekhRSHI2MFhNYVQ3QT09>
Meeting ID: 910 2725 8886
Passcode: 646285

© If the document is not visible on the previewer, please download the file.

File	File Name	File Type	Description
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From: [Baca, Michael, NMENV](mailto:Baca.Michael.NMENV)
To: ["nmlandgrantcouncil@unm.edu"](mailto:nmlandgrantcouncil@unm.edu)
Subject: Public Hearing Notice-Environmental Improvement Board
Date: Tuesday, March 23, 2021 4:29:00 PM
Attachments: [NM 2015 O3 Good Neighbor SIP Proposed Certification 26Feb21.pdf](#)
[Hearing Notice EIB 21-05 English \(final\).pdf](#)
[Hearing Notice EIB 21-05 Spanish \(final\).pdf](#)

Hello Air Quality Stakeholder,

The New Mexico Environmental Improvement Board (EIB or Board) will hold a virtual public hearing beginning at 9:00 a.m. on May 28, 2021. The hearing will be conducted via video conferencing and teleconferencing application Zoom with instructions to join the hearing virtually provided below. The Board will consider the matter of [EIB 21-05](#), a proposed certification by the New Mexico Environment Department (NMED) that New Mexico has an adequate, federally-approved State Implementation Plan (SIP) that addresses Section 110(a)(2) (D)(i) of the Clean Air Act (CAA) regarding interstate transport of air pollution in this submittal. The proposed certification confirms to the U.S. Environmental Protection Agency that the State of New Mexico fulfills its “good neighbor” obligations under the CAA for the 2015 Ozone National Ambient Air Quality Standards.

The proposed certification, public notices and background material may be reviewed on NMED’s [Proposed Regulations](#) website.

Instructions to Join the Hearing:

To join via video conference, go to: <https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRSHI2MFhNYVQ3QT09>.

Meeting ID: 910 2725 8886

Passcode: 646285

To join via teleconference, dial: 1-346-248-7799 and enter the meeting ID and passcode above.

Please let me know if you have any questions regarding this matter.

Respectfully,

Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us

(505) 476-4359

www.env.nm.gov/air-quality/

@NMEnvDep | #IamNMED

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From: [Baca, Michael, NMENV](#)
To: [Chavez, William, NMENV](#)
Cc: [Singleton, Kerwin, NMENV \(Kerwin.Singleton@state.nm.us\)](#); [Knight, Andrew, NMENV](#)
Subject: Public Notice-EIB Hearing
Date: Tuesday, March 23, 2021 4:39:33 PM
Attachments: [NM_2015_Q3_Good_Neighbor_SIP_Proposed_Certification_26Feb21.pdf](#)
[Hearing Notice EIB 21-05 English \(final\).pdf](#)
[Hearing Notice EIB 21-05 Spanish \(final\).pdf](#)

Hi Bill,

According to the PIP for this project, the department will make the attached documents available to the public by providing copies at our district, field, and regional offices. I'm not sure how we are providing copies of documents during our telework situation, but thought that I would provide them just in case we open the offices to more traffic. The document should be available for review through the end of May. Let me know if you have any questions or concerns regarding this matter.

Thank you,

Mike
Michael Baca
Control Strategies Manager
NMED Air Quality Bureau
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

michael.baca1@state.nm.us
(505) 476-4359

www.env.nm.gov/air-quality/
@NMEnvDep | #IamNMED

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 **Albuquerque Journal**

Published in the Albuquerque Journal on Saturday December 21, 2019

NEW MEXICO ENVIRONMENT DEPARTMENT Notice of Opportunity for Public Hearing and Comment New Mexico's Proposed Infrastructure Certification for the 2015 Ozone 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 elements of a Clean Air Act ("CAA") Section 110(a)(2) infrastructure plan ("iSIP"), as applicable to the 2015 ozone National Ambient Air Quality Standard ("NAAQS"). Specifically, NMED addresses Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA. 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, and Tribal Lands. 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. New Mexico's proposed Good Neighbor State Implementation Plan Certification for the 2015 Ozone NAAQS 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 January 21, 2020. 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. Upon completion of the 30-day public comment period and the hearing, if requested, all documents included in New Mexico's 2015 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 NMED Air Quality Bureau, 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 <https://www.env.nm.gov/air-quality/proposed-regs/>. Written comments, requests for copies and/or public hearing requests regarding the proposed certification should be submitted via email, mail, or fax to: New Mexico Environment Department ATTN: Michael Baca, Air Quality Bureau 525 Camino de los Marquez, Suite 1 Santa Fe, New Mexico, 87505 michael.baca1@state.nm.us (Office): (505) 476-4359 (Fax): (505) 476-4375 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

5/5/2021, 12:00 PM

NMED Exhibit 12

you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, NMED Non-Discrimination Coordinator 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. Journal: December 21, 2019

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Received

JAN 09 2020

Air Quality Bureau

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Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

12/21/2019

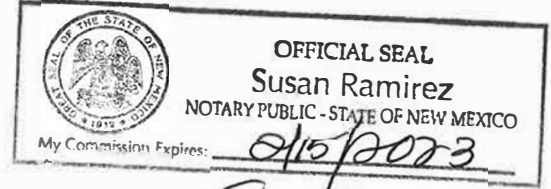


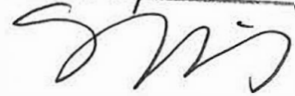
Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 23 day of December of 2019

PRICE \$336.27

Statement to come at the end of month.

ACCOUNT NUMBER 1007594







DAVIT OF PUBLICATION OF NEW MEXICO

Received

JAN 09 2020

Air Quality Bureau

Bernalillo SS

NEW MEXICO ENVIRONMENT DEPARTMENT Notice of Opportunity for Public Hearing and Comment New Mexico's Proposed Infrastructure Certification for the 2015 Ozone 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 elements of a Clean Air Act ("CAA") Section 110(a)(2) infrastructure plan ("ISIP"), as applicable to the 2015 Ozone National Ambient Air Quality Standard ("NAAQS"). Specifically, NMED addresses Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

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, and Tribal Lands. 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.

New Mexico's proposed Good Neighbor State Implementation Plan Certification for the 2015 Ozone NAAQS 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 January 21, 2020. 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. Upon completion of the 30-day public comment period and the hearing, if requested, all documents included in New Mexico's 2015 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 NMED Air Quality Bureau, 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 <https://www.env.nm.gov/air-quality/proposed-regs/>.

Written comments, requests for copies and/or public hearing requests regarding the proposed certification should be submitted via email, mail, or fax to:

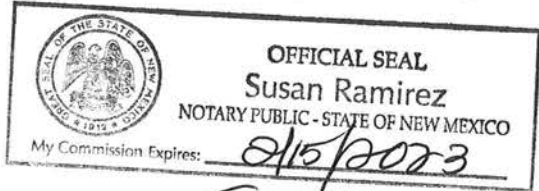
New Mexico Environment Department
ATTN: Michael Baca, Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505
michael.baca1@state.nm.us
(Office): (505) 476-4359
(Fax): (505) 476-4375

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:

Christine Yurdin,
NMED Non-Discrimination Coordinator
190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
c.yurdin@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 at the address above.

Rodriguez, the undersigned, on oath states that she is an authorized Representative of the Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices and advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that she has been assessed as court cost; that the notice, copy of which heretofore has been published in said paper in the regular daily edition, for 1 time(s) on the following



[Signature]

subscribed before me, a Notary Public, in and County of Bernalillo and State of New Mexico this _____ of December _____ of 2019 for \$336.27

to come at the end of month.

NOTARY NUMBER 1007594

[Signature]

 **Albuquerque Journal**

Published in the Albuquerque Journal on Saturday December 21, 2019

DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MEXICO Aviso de Oportunidad para una Audiencia Pblica y Comentario Certificacin de Infraestructura Propuesta por Nuevo Mxico para la Norma Nacional de Calidad del Aire Ambiental de Ozono de 2015 El Departamento de Medio Ambiente de Nuevo Mxico (NMED, por sus siglas en ingls) anuncia la oportunidad de comentar y/o solicitar una audiencia pblica sobre una certificacin propuesta que establece que Nuevo Mxico tiene un Plan de Implementacin Estatal (SIP, por sus siglas en ingls) adecuado, aprobado por el gobierno federal que trata los elementos de un plan de infraestructura (iSIP), de la Seccin 110(a)(2), de la Ley de Aire Limpio (CAA, por sus siglas en ingls), segn es aplicable a la Norma Nacional de Calidad del Aire Ambiental (NAAQS, por sus siglas en ingls) de ozono de 2015. Especficamente, este anlisis que trata los elementos de la Seccin 110(a)(2)(D)(i) con respecto a transporte interestatal de contaminacin atmosfrica. El objetivo de la certificacin propuesta es confirmar a la Agencia de Proteccin Ambiental (EPA, por sus siglas en ingls) de EE. UU. Que el Estado de Nuevo Mxico cuenta con la "infraestructura" requerida bajo el actual SIP para implementar, mantener y hacer cumplir la NAAQS revisada de ozono de 2015. La autoridad legislativa del programa de calidad del aire de Nuevo Mxico est codificada en el Captulo 74, Mejoramiento ambiental, de los Estatutos de Nuevo Mxico, que le otorga a la Junta de Mejoramiento Ambiental de Nuevo Mxico y NMED la autoridad para implementar la CAA en Nuevo Mxico, excluyendo el condado de Albuquerque/Bernalillo que est bajo la jurisdiccin de una junta y agencia local, y las tierras tribales. La certificacin propuesta fue desarrollada por NMED para cumplir con los requisitos contenidos en la Seccin 110 de la CAA y 40 CFR Parte 51, Requisitos para la Preparacin, Adopcin y Presentacin de Planes de Implementacin. La certificacin propuesta no adopta ni enmienda ninguna reglamentacin; por lo tanto, no est sujeta al requisito de audiencia pblica obligatorio de NMSA 1978 Seccin 74-2-6, Adopcin de Reglamentos; Aviso y Audiencias. Sin embargo, se puede solicitar una audiencia como se describe a continuacin. la Certificacin del Buen Vecino Plan de Implementacin del Estado para la NAAQS de ozono de 2015 de Nuevo Mxico est disponible para comentarios pblicos por 30 das. La presentacin de comentarios sobre la certificacin propuesta puede ser escrita u oral. Todos los comentarios sern recibidos hasta el 21 de enero de 2020. Todos los comentarios pblicos recibidos durante el periodo de comentarios sern evaluados y respondidos segn sea apropiado por el NMED antes de presentar la certificacin final a EPA. Si se recibe una solicitud de audiencia pblica durante el periodo de comentario pblico de 30 das, se anunciar una fecha, hora y lugar de audiencia en una fecha posterior, de acuerdo con 20.1.1 NMAC - Procedimientos de Reglamentacin - Junta de Mejoramiento Ambiental, incluyendo un periodo adicional de comentarios pblicos. Una vez finalizado el periodo de 30 das de comentarios pblicos y la audiencia, si se solicita, todos los documentos incluidos en la Certificacin del Buen Vecino SIP de NAAQS de ozono de 2015 de Nuevo Mxico sern enviados a EPA para ser incluidos en el SIP de Nuevo Mxico. La propuesta de certificacin puede ser revisada durante las horas de atencin al pblico en la Oficina de Calidad del Aire del Departamento de Medio Ambiente de Nuevo Mxico, 525 Camino de los Marquez, Suite 1, Santa Fe, Nuevo Mxico, 87505-1816. El texto completo de la certificacin propuesta de NMED tambin est disponible en el sitio web de NMED en <https://www.env.nm.gov/air-quality/proposed-regs/>. Los comentarios por escrito y/o una solicitud de audiencia pblica con respecto a la certificacin propuesta debern enviarse por correo electrnico, por correo postal, o por fax a: New Mexico Environment Department ATTN: Michael Baca, Air Quality Bureau 525 Camino de los Marquez, Suite 1 Santa Fe, New Mexico, 87505 michael.baca1@state.nm.us (Office): (505) 476-4359 (Fax): (505) 476-4375 El Departamento de Medio Ambiente de Nuevo Mxico (NMED, por sus siglas en ingls) no discrimina por motivos de raza, color,

origen nacional, discapacidad, edad o sexo en la administracin de sus programas o actividades, segn lo exigido por las leyes y reglamentos correspondientes. NMED es responsable de la coordinacin de los esfuerzos de cumplimiento y la recepcin de consultas relativas a los requisitos de no discriminacin implementados por 40 C.F.R., partes 5 y 7, incluido el Ttulo VI de la Ley de Derechos Civiles de 1964, segn enmendada; Seccin 504 de la Ley de Rehabilitacin de 1973; la Ley de Discriminacin por Edad de 1975, Ttulo IX de las Enmiendas de Educacin de 1972 y la Seccin 13 de las Enmiendas a la Ley Federal de Control de Contaminacin del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, poltica o procedimiento de no discriminacin de NMED, usted puede comunicarse con la Coordinadora de No Discriminacin: Kristine Yurdin, NMED Non-Discrimination Coordinator 1190 St. Francis Dr., Suite N4050 P.O. Box 5469 Santa Fe, NM 87502 (505) 827-2855 nd.coordinator@state.nm.us Si usted cree que ha sido discriminado/a con relacin a un programa o actividad de NMED, usted se puede comunicar con la coordinadora antidiscriminacin mencionada arriba o visitar nuestro sitio electrnico: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender ms sobre cmo y dnde presentar una queja de discriminacin. Journal: December 21, 2019

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Received

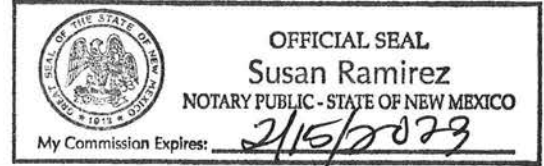
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Air Quality Bureau

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Elise Rodriguez , the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

12/21/2019



Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 23 day of December of 2019

PRICE \$404.57

Statement to come at the end of month.

ACCOUNT NUMBER 1007594



DAVIT OF PUBLICATION OF NEW MEXICO

Received

JAN 09 2020

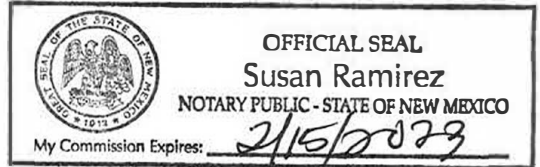
Air Quality Bureau

DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MEXICO
Aviso de Oportunidad para una Audiencia Pública y Comentario
Certificación de Infraestructura Propuesta por Nuevo México para la Norma Nacional de Calidad del Aire Ambiental de Ozono de 2015

Bernalillo SS

Rodriguez, the undersigned, on oath states that she is an authorized Representative of the Bernalillo Journal, and that this newspaper is duly qualified to publish legal notices and advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that she therefore has been made of assessed as court cost; that the notice, copy of which hereto has been published in said paper in the regular daily edition, for 1 time(s) on the following

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) anuncia la oportunidad de comentar y/o solicitar una audiencia pública sobre una certificación propuesta que establece que Nuevo México tiene un Plan de Implementación Estatal (SIP, por sus siglas en inglés) adecuado, aprobado por el gobierno federal que trata los elementos de un plan de infraestructura (iSIP), de la Sección 110(a)(2), de la Ley de Aire Limpio (CAA, por sus siglas en inglés), según es aplicable a la Norma Nacional de Calidad del Aire Ambiental (NAAQS, por sus siglas en inglés) de ozono de 2015. Específicamente, este análisis que trata los elementos de la Sección 110(a)(2)(D)(i) con respecto a transporte interestatal de contaminación atmosférica. El objetivo de la certificación propuesta es confirmar a la Agencia de Protección Ambiental (EPA, por sus siglas en inglés) de EE. UU. Que el Estado de Nuevo México cuenta con la "infraestructura" requerida bajo el actual SIP para implementar, mantener y hacer cumplir la NAAQS revisada de ozono de 2015.



and subscribed before me, a Notary Public, in and County of Bernalillo and State of New Mexico this

of December of 2019

\$404.57

to come at the end of month.

NT NUMBER 1007594

La autoridad legislativa del programa de calidad del aire de Nuevo México está codificada en el Capítulo 74, Mejoramiento ambiental, de los Estatutos de Nuevo México, que le otorga a la Junta de Mejoramiento Ambiental de Nuevo México y NMED la autoridad para implementar la CAA en Nuevo México, excluyendo el condado de Albuquerque/Bernalillo que está bajo la jurisdicción de una junta y agencia local, y las tierras tribales. La certificación propuesta fue desarrollada por NMED para cumplir con los requisitos contenidos en la Sección 110 de la CAA y 40 CFR Parte 51, Requisitos para la Preparación, Adopción y Presentación de Planes de Implementación. La certificación propuesta no adopta ni enmienda ninguna reglamentación; por lo tanto, no está sujeta al requisito de audiencia pública obligatorio de NMSA 1978 Sección 74-2-6, Adopción de Reglamentos; Aviso y Audiencias. Sin embargo, se puede solicitar una audiencia como se describe a continuación.

La Certificación del Buen Vecino Plan de Implementación del Estado para la NAAQS de ozono de 2015 de Nuevo México está disponible para comentarios públicos por 30 días. La presentación de comentarios sobre la certificación propuesta puede ser escrita u oral. Todos los comentarios serán recibidos hasta el 21 de enero de 2020. Todos los comentarios públicos recibidos durante el período de comentarios serán evaluados y respondidos según sea apropiado por el NMED antes de presentar la certificación final a EPA. Si se recibe una solicitud de audiencia pública durante el período de comentario público de 30 días, se anunciará una fecha, hora y lugar de audiencia en una fecha posterior, de acuerdo con 20.1.1 NMAC - Procedimientos de Reglamentación - Junta de Mejoramiento Ambiental, incluyendo un período adicional de comentarios públicos. Una vez finalizado el período de 30 días de comentarios públicos y la audiencia, si se solicita, todos los documentos incluidos en la Certificación del Buen Vecino SIP de NAAQS de ozono de 2015 de Nuevo México serán enviados a EPA para ser incluidos en el SIP de Nuevo México.

La propuesta de certificación puede ser revisada durante las horas de atención al público en la Oficina de Calidad del Aire del Departamento de Medio Ambiente de Nuevo México, 525 Camino de los Marquez, Suite 1, Santa Fe, Nuevo México, 87505-1816. El texto completo de la certificación propuesta de NMED también está disponible en el sitio web de NMED en <https://www.env.nm.gov/air-quality/proposed-regs/>.

Los comentarios por escrito y/o una solicitud de audiencia pública con respecto a la certificación propuesta deberán enviarse por correo electrónico, por correo postal, o por fax a:

New Mexico Environment Department
ATTN: Michael Baca, Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505
michael.baca1@state.nm.us
(Office): (505) 476-4359
(Fax): (505) 476-4375

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigido por las leyes y reglamentos correspondientes. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R., partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de Contaminación del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, política o procedimiento de no discriminación de NMED, usted puede comunicarse con la Coordinadora de No Discriminación:

Cristine Yurdin,
NMED Non-Discrimination Coordinator
190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
c.yurdin@state.nm.us

Si usted cree que ha sido discriminado/a con relación a un programa o actividad de NMED, usted se puede comunicar con la coordinadora antidiscriminación mencionada arriba o visitar nuestro sitio electrónico: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender más sobre cómo y dónde presentar una queja de discriminación.

Fecha: December 21, 2019

 **Albuquerque Journal**

Published in the Albuquerque Journal on Tuesday March 23, 2021

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF PUBLIC COMMENT AND HEARING The New Mexico Environmental Improvement Board ("Board") will hold a virtual public hearing on May 28, 2021 beginning at 9:00 a.m. via video conferencing and teleconferencing application Zoom. Comments will also be received via email through the conclusion of the hearing. The Board will consider the matter of EIB 21-05, a proposed certification by the New Mexico Environment Department ("NMED") that New Mexico has an adequate, federally-approved State Implementation Plan ("SIP") that addresses elements of Clean Air Act ("CAA") Section 110(a)(2) infrastructure plan ("iSIP"), as applicable to the 2015 ozone National Ambient Air Quality Standard ("NAAQS"). To join via video conference, go to: <https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRSHI2MFhNYVQ3QT09> Meeting ID: 910 2725 8886 Passcode: 646285 To join via teleconference, dial: 1-346-248-7799 and enter the meeting ID and access code above. To comment via email, send correspondence to : Pamela.jones@state.nm.us. If you are having difficulties joining the meeting, please contact Pam Jones at (505) 660-4305 or Lorrie Gasca at (505) 231-0914. The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus 2019 ("COVID-19") and in accordance with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in Executive Order 2020-004 and subsequent orders; various Public Health Emergency Orders limiting mass gatherings; 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. The purpose of the hearing is to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirms 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA. The proponent of this regulatory adoption and revision is the New Mexico Environment Department ("NMED"). The proposed certification may be reviewed on NMED's web site at https://www.env.nm.gov/aqb/prop_regs.html, or by contacting Michael Baca at michael.baca@state.nm.us. You may also contact Michael Baca if interested in attending an informational open house on the proposed certification or submitting comments. NMED will respond in writing to all comments regarding the SIP certification if received by 5:00 p.m. MDT on April 22, 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 72-2-6 NMSA 1978, and other applicable procedures. 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. 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. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. 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

3/23/2021, 5:30 PM

NMED Exhibit 12

adoption of rules. Notices of intent for the hearing must be received in the Office of the Board not later than 5:00 pm on May 7, 2021, and should reference the docket number, EIB 21-05 and the date of the hearing. Notices of intent to present technical testimony should be submitted to: Pamela Jones, Board Administrator Environmental Improvement Board P.O. Box 5469 Santa Fe, NM 87502 Tel (505) 827-2425 Fax (505) 827-2836 email: pamela.jones@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 exhibits in connection with that 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. A member of the general public may submit a written statement to Pamela Jones, Board Administrator at the address provided above. Persons having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing contact Pamela Jones no later than May 7, 2021 at (505) 827-2425 or pamela.jones@state.nm.us. The Board may make a decision on the proposed certification at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal. 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, you may contact: Kathryn Becker, 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 a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or 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. Journal: March 23, 2021

AFFIDAVIT OF PUBLICATION

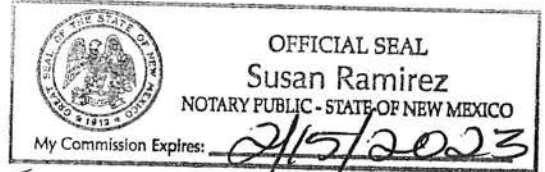
STATE OF NEW MEXICO

County of Bernalillo SS

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Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

03/23/2021



Elise Rodriguez

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

23 day of March of 2021

PRICE \$462.31

Statement to come at the end of month.

ACCOUNT NUMBER 1007594

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RECEIVED

APR 07 2021

Air Quality Bureau

The proposed certification may be reviewed on NMED's web site at https://www.env.nm.gov/air/perm_perm.html or by contacting Michael Bass at michael.bass@state.nm.us. You may



NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC COMMENT AND HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a virtual public hearing on May 28, 2021 beginning at 9:00 a.m. via video conferencing and teleconferencing application Zoom. Comments will also be received via email through the conclusion of the hearing.

To join via video conference, go to:
https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRSHI2MFhNYVQ3QT09
Meeting ID: 910 2725 8886
Passcode: 646285

To join via teleconference, dial: 1-346-248-7799 and enter the meeting ID and access code above.

To comment via email, send correspondence to : Pamela.jones@state.nm.us.

If you are having difficulties joining the meeting, please contact Pam Jones at (505) 660-4305 or Lorrie Gasca at (505) 231-0914.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus 2019 ("COVID-19") and in accordance with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in Executive Order 2020-004 and subsequent orders; various Public Health Emergency Orders limiting mass gatherings; 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.

The purpose of the hearing is to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirms 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

The proponent of this regulatory adoption and revision is the New Mexico Environment Department ("NMED").

The proposed certification may be reviewed on NMED's web site at https://www.env.nm.gov/aqb/prop_regs.html, or by contacting Michael Baca at michael.baca@state.nm.us. You may also contact Michael Baca if interested in attending an informational open house on the proposed certification or submitting comments. NMED will respond in writing to all comments regarding the SIP certification if received by 5:00 p.m. MDT on April 22, 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 72-2-6 NMSA 1978, and other applicable procedures. 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.

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. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. 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 for the hearing must be received in the Office of the Board not later than 5:00 pm on May 7, 2021, and should reference the docket number, EIB 21-05 and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pamela Jones, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Tel (505) 827-2425
Fax (505) 827-2836
email: pamela.jones@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 exhibits in connection with that 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. A member of the general public may submit a written statement to Pamela Jones, Board Administrator at the address provided above.

Persons having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing contact Pamela Jones no later than May 7, 2021 at (505) 827-2425 or pamela.jones@state.nm.us.

The Board may make a decision on the proposed certification at the conclusion of the hearing.

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he, a Notary Public, in and
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Air Quality Bureau

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The proposed certification may be reviewed on NMED's web site at https://www.env.nm.gov/aqb/prop_regs.html, or by contacting Michael Baca at michael.baca@state.nm.us. You may also contact Michael Baca if interested in attending an informational open house on the proposed certification or submitting comments. NMED will respond in writing to all comments regarding the SIP certification if received by 5:00 p.m. MDT on April 22, 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 72-2-6 NMSA 1978, and other applicable procedures. 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.

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. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. 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 for the hearing must be received in the Office of the Board not later than 5:00 pm on May 7, 2021, and should reference the docket number, EIB 21-05 and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pamela Jones, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Tel (505) 827-2425
Fax (505) 827-2836
email: pamela.jones@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 exhibits in connection with that 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. A member of the general public may submit a written statement to Pamela Jones, Board Administrator at the address provided above.

Persons having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing contact Pamela Jones no later than May 7, 2021 at (505) 827-2425 or pamela.jones@state.nm.us.

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

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, you may contact:

Kathryn Becker, 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 a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or 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.

Journal: March 23, 2021



I, _____, a Notary Public, in and for the State of New Mexico this _____ day of _____, 2021.

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Air Quality Bureau

 **Albuquerque Journal**

Published in the Albuquerque Journal on Tuesday March 23, 2021

JUNTA DE MEJORAMIENTO AMBIENTAL DE NUEVO MEXICO AVISO DE COMENTARIOS PUBLICOS Y AUDIENCIA La Junta de Mejoramiento Ambiental de Nuevo Mxico ("Junta") celebrar una audiencia pblica virtual el 28 de mayo de 2021, a partir de las 9:00 a.m., a travs de videoconferencia y teleconferencia de la aplicacin Zoom. Tambin se recibirn comentarios por correo electrnico hasta la conclusin de la audiencia. La Junta considerar el asunto de la EIB 21-05, una certificacin propuesta por el Departamento de Medio Ambiente de Nuevo Mxico ("NMED" por sus siglas en ingls) de que Nuevo Mxico tiene un Plan Estatal de Implementacin ("SIP" por sus siglas en ingls) adecuado y aprobado por el gobierno federal que aborda elementos del plan de infraestructura ("iSIP") Seccin 110(a)(2) de la Ley de Aire Limpio ("CAA" por sus siglas en ingls), segn sea aplicable al Estndar Nacional de Calidad del Aire Ambiental del ozono de 2015 ("NAAQS" por sus siglas en ingls). Para unirse por videoconferencia, vaya a <https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRSHI2MFhNYVQ3QT09> Identificacin de la reunin: 910 2725 8886 Cdigo de acceso: 646285 Para unirse por teleconferencia, marque: 1-346-248-7799 e ingrese el nmero de identificacin de la reunin y el cdigo de acceso anteriores. Para hacer comentarios por correo electrnico, enva la correspondencia a: Pamela.jones@state.nm.us. Si tiene dificultades para unirse a la reunin, comunquese con Pam Jones (505) 660-4305 o con Lorrie Gasca (505) 231-0914. La audiencia se est llevando a cabo a travs de Internet, correo electrnico y medios telefnicos debido a las preocupaciones en torno al Nuevo Coronavirus 2019 ("COVID-19") y de acuerdo con la Declaracin de Emergencia de Salud Pblica de la gobernadora Michelle Lujn Grisham en la Executive Order 2020-004 (Orden Ejecutiva 2020-004) y las rdenes subsiguientes; varias rdenes de emergencia de salud pblica que limitan las reuniones masivas; y Guidance (Gua) de la Divisin de Gobierno Abierto de la Oficina del Procurador General para las Entidades Pblicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspeccin de Registros Pblicos durante el Estado de Emergencia COVID-19. El propsito de la audiencia es considerar el asunto de la EIB 21-05 para certificar que Nuevo Mxico tiene un SIP adecuado, aprobado por el gobierno federal, que aborda la Seccin 110(a)(2)(D)(i) de la CAA con respecto al transporte interestatal de la contaminacin del aire en esta presentacin. La certificacin propuesta confirma a la Agencia de Proteccin Ambiental de los Estados Unidos ("EPA" por sus siglas en ingls) que el Estado de Nuevo Mxico cuenta con la "infraestructura" requerida bajo el SIP actual para implementar, mantener y hacer cumplir el NAAQS de ozono revisado de 2015 y cumple con sus obligaciones de "buen vecino" bajo la CAA. El proponente de esta adopcin y revisin reglamentaria es el Departamento de Medio Ambiente de Nuevo Mxico ("NMED" por sus siglas en ingls). La certificacin propuesta puede revisarse en el sitio web del NMED en https://www.env.nm.gov/aqb/prop_regs.html, o comunicndose con Michael Baca en michael.baca@state.nm.us. Tambin puede comunicarse con Michael Baca si est interesado en asistir a una jornada de puertas abiertas informativa sobre la certificacin propuesta o en presentar comentarios. El NMED responder por escrito a todos los comentarios relativos a la certificacin del SIP si se reciben a ms tardar hasta el 22 de abril de 2021. La audiencia se llevar a cabo de acuerdo con 20.1.1 NMAC (Procedimientos de Reglamentacin) Junta de Mejoramiento Ambiental, la Ley de Mejoramiento Ambiental, Seccin 74-1-9 NMSA 1978, la Ley de Control de la Calidad del Aire Seccin 72-2-6 NMSA 1978, y otros procedimientos aplicables. La certificacin propuesta fue elaborada por el NMED para cumplir con los requisitos contenidos en la Seccin 110 de la CAA y el 40 CFR Parte 51, Requisitos para la Preparacin, Adopcin y Presentacin de Planes de Implementacin. Todas las personas interesadas tendrn una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Las

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personas que deseen presentar un testimonio tcnico debern presentar a la Junta un aviso por escrito de su intencin de hacerlo. El aviso de intencin deber: (1) identificar a la persona para la cual el testigo o testigos testificar; (2) identificar cada uno de los testigos tcnicos que la persona tiene intencin de presentar e indicar las cualificaciones de dicho testigo, incluida una descripcin de su historial acadmico y laboral; (3) incluir una copia del testimonio directo de cada testigo tcnico en forma narrativa (4) incluir el texto de cualquier modificacin recomendada al cambio reglamentario propuesto; y (5) enumerar y adjuntar todas las pruebas instrumentales que se prev que ofrezca esa persona en la audiencia, incluida cualquier declaracin propuesta de los motivos para adoptar las normas. Los avisos de intencin para la audiencia deben recibirse en la Oficina de la Junta a ms tardar a las 5:00 p.m., del 7 de mayo de 2021, y deben hacer referencia al nmero de expediente, EIB 21-05 y a la fecha de la audiencia. Los avisos de la intencin de presentar un testimonio tcnico deben enviarse a Pamela Jones, administradora de la Junta Junta de Mejoramiento Ambiental P.O. Box 5469 Santa Fe, NM 87502 Tel. (505) 827-2425 Fax (505) 827-2836 correo electrnico: pamela.jones@state.nm.us Cualquier miembro del pblico puede testificar en la audiencia. No se requiere aviso previo para presentar un testimonio no tcnico en la audiencia. Cualquier miembro puede tambin ofrecer pruebas instrumentales relacionadas con ese testimonio, siempre y cuando la prueba instrumental no sea indebidamente repetitiva del testimonio. Los miembros del pblico que deseen presentar una declaracin por escrito para que conste en el registro, en lugar de prestar testimonio oral en la audiencia, debern presentar la declaracin por escrito antes de la audiencia, o presentarla durante la audiencia. Los miembros del pblico pueden presentar una declaracin por escrito a Pamela Jones, administradora de la Junta, a la direccin indicada anteriormente. Las personas con discapacidad que necesiten un lector, un amplificador, un intrprete calificado de lenguaje de seas o cualquier otra forma de ayuda o dispositivo auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a ms tardar hasta el 7 de mayo de 2021 llamado al (505) 827-2425 o pamela.jones@state.nm.us La Junta puede tomar una decisin sobre la certificacin propuesta al trmino de la audiencia, o la Junta puede convocar una reunin despus de la audiencia para considerar la accin sobre la propuesta. El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administracin de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinacin de los esfuerzos de cumplimiento y de la recepcin de las consultas relativas a los requisitos de no discriminacin implementados por el 40 C.F.R. Partes 5 y 7, incluido el Ttulo VI de la Ley de Derechos Civiles de 1964, segn enmendada; la Seccin 504 de la Ley de Rehabilitacin de 1973; la Ley de Discriminacin por Edad de 1975, el Ttulo IX de las Enmiendas de Educacin de 1972, y la Seccin 13 de las Enmiendas de la Ley Federal de Control de la Contaminacin del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, polticas o procedimientos de no discriminacin de NMED, puede ponerse en contacto con Kathryn Becker, coordinadora de no discriminacin Departamento de Medio Ambiente de Nuevo Mxico 1190 St. Francis Dr., Suite N4050 P.O. Box 5469 Santa Fe, NM 87502 (505) 827-2855 nd.coordinator@state.nm.us Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con el Coordinador de No Discriminacin identificado arriba o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender cmo y dnde presentar una queja de discriminacin. Journal: March 23, 2021

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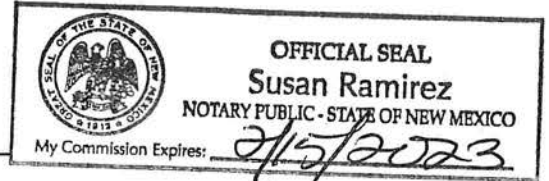
STATE OF NEW MEXICO

County of Bernalillo SS

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Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

03/23/2021



Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 23 day of March of 2021

PRICE \$523.06

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ACCOUNT NUMBER 1007594

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la "infraestructura" requerida bajo el SIP actual para implementar, mantener y hacer cumplir el



**JUNTA DE MEJORAMIENTO AMBIENTAL DE NUEVO MÉXICO
AVISO DE COMENTARIOS PUBLICOS Y AUDIENCIA**

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La Junta de Mejoramiento Ambiental de Nuevo México ("Junta") celebrará una audiencia pública virtual el 28 de mayo de 2021, a partir de las 9:00 a.m., a través de videoconferencia y teleconferencia de la aplicación Zoom. También se recibirán comentarios por correo electrónico hasta la conclusión de la audiencia. La Junta considerará el asunto de la EIB 21-05, una certificación propuesta por el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) de que Nuevo México tiene un Plan Estatal de Implementación ("SIP" por sus siglas en inglés) adecuado y aprobado por el gobierno federal que aborda elementos del plan de infraestructura ("ISIP") Sección 110(a)(2) de la Ley de Aire Limpio ("CAA" por sus siglas en inglés), según sea aplicable al Estándar Nacional de Calidad del Aire Ambiental del ozono de 2015 ("NAAQS" por sus siglas en inglés).

Para unirse por videoconferencia, vaya a <https://zoom.us/j/91027258886?pwd=V205Nm10GE5ekhRSHI2MFhNYVQ3QT09>
Identificación de la reunión: 910 2725 8886
Código de acceso: 646285

Para unirse por teleconferencia, marque: 1-346-248-7799 e ingrese el número de identificación de la reunión y el código de acceso anteriores.

Para hacer comentarios por correo electrónico, envíe la correspondencia a: Pamela.jones@state.nm.us.

Si tiene dificultades para unirse a la reunión, comuníquese con Pam Jones (505) 660-4305 o con Lorrie Gasca (505) 231-0914.

La audiencia se está llevando a cabo a través de Internet, correo electrónico y medios telefónicos debido a las preocupaciones en torno al Nuevo Coronavirus 2019 ("COVID-19") y de acuerdo con la Declaración de Emergencia de Salud Pública de la gobernadora Michelle Luján Grisham en la Executive Order 2020-004 (Orden Ejecutiva 2020-004) y las órdenes subsiguientes; varias órdenes de emergencia de salud pública que limitan las reuniones masivas; y Guidance (Guía) de la División de Gobierno Abierto de la Oficina del Procurador General para las Entidades Públicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspección de Registros Públicos durante el Estado de Emergencia COVID-19.

El propósito de la audiencia es considerar el asunto de la EIB 21-05 para certificar que Nuevo México tiene un SIP adecuado, aprobado por el gobierno federal, que aborda la Sección 110(a)(2)(D)(i) de la CAA con respecto al transporte interestatal de la contaminación del aire en esta presentación. La certificación propuesta confirma a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) que el Estado de Nuevo México cuenta con la "infraestructura" requerida bajo el SIP actual para implementar, mantener y hacer cumplir el NAAQS de ozono revisado de 2015 y cumple con sus obligaciones de "buen vecino" bajo la CAA.

El proponente de esta adopción y revisión reglamentaria es el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés).

La certificación propuesta puede revisarse en el sitio web del NMED en https://www.env.nm.gov/aqb/prop_regs.html, o comunicándose con Michael Baca en michael.baca@state.nm.us. También puede comunicarse con Michael Baca si está interesado en asistir a una jornada de puertas abiertas informativa sobre la certificación propuesta o en presentar comentarios. El NMED responderá por escrito a todos los comentarios relativos a la certificación del SIP si se reciben a más tardar hasta el 22 de abril de 2021.

La audiencia se llevará a cabo de acuerdo con 20.1.1 NMAC (Procedimientos de Reglamentación) Junta de Mejoramiento Ambiental, la Ley de Mejoramiento Ambiental, Sección 74-1-9 NMSA 1978, la Ley de Control de la Calidad del Aire Sección 72-2-6 NMSA 1978, y otros procedimientos aplicables. La certificación propuesta fue elaborada por el NMED para cumplir con los requisitos contenidos en la Sección 110 de la CAA y el 40 CFR Parte 51, Requisitos para la Preparación, Adopción y Presentación de Planes de Implementación.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Las personas que deseen presentar un testimonio técnico deberán presentar a la Junta un aviso por escrito de su intención de hacerlo. El aviso de intención deberá:

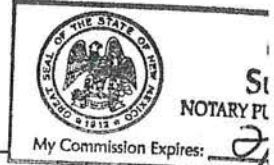
- (1) identificar a la persona para la cual el testigo o testigos testificarán;
- (2) identificar cada uno de los testigos técnicos que la persona tiene intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su historial académico y laboral;
- (3) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa
- (4) incluir el texto de cualquier modificación recomendada al cambio reglamentario propuesto;
- y
- (5) enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración propuesta de los motivos para adoptar las normas.

Los avisos de intención para la audiencia deben recibirse en la Oficina de la Junta a más tardar a las 5:00 p.m., del 7 de mayo de 2021, y deben hacer referencia al número de expediente, EIB 21-05 y a la fecha de la audiencia. Los avisos de la intención de presentar un testimonio técnico deben enviarse a

Pamela Jones, administradora de la Junta
Junta de Mejoramiento Ambiental
P.O. Box 5469
Santa Fe, NM 87502
Tel. (505) 827-2425
Fax (505) 827-2836
correo electrónico: pamela.jones@state.nm.us

PUBLICATION

oath states that she is an authorized Representative. This newspaper is duly qualified to publish legal notices under Section 3, Chapter 167, Session Laws of 1917, as amended, as assessed as court cost; that the notice, copy of the notice, in the regular daily edition, for 1 time(s)



Notary Public, in and for the State of New Mexico this 7th day of May 2021

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El propósito de la audiencia es considerar el asunto de la EIB 21-05 para certificar que Nuevo México tiene un SIP adecuado, aprobado por el gobierno federal, que aborda la Sección 110(a)(2)(D)(i) de la CAA con respecto al transporte interestatal de la contaminación del aire en esta presentación. La certificación propuesta confirma a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) que el Estado de Nuevo México cuenta con la "infraestructura" requerida bajo el SIP actual para implementar, mantener y hacer cumplir el NAAQS de ozono revisado de 2015 y cumple con sus obligaciones de "buen vecino" bajo la CAA.

El proponente de esta adopción y revisión reglamentaria es el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés).

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La audiencia se llevará a cabo de acuerdo con 20.1.1 NMAC (Procedimientos de Reglamentación) Junta de Mejoramiento Ambiental, la Ley de Mejoramiento Ambiental, Sección 74-1-9 NMSA 1978, la Ley de Control de la Calidad del Aire Sección 72-2-6 NMSA 1978, y otros procedimientos aplicables. La certificación propuesta fue elaborada por el NMED para cumplir con los requisitos contenidos en la Sección 110 de la CAA y el 40 CFR Parte 51, Requisitos para la Preparación, Adopción y Presentación de Planes de Implementación.

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- (3) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa
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- (5) enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración propuesta de los motivos para adoptar las normas.

Los avisos de intención para la audiencia deben recibirse en la Oficina de la Junta a más tardar a las 5:00 p.m., del 7 de mayo de 2021, y deben hacer referencia al número de expediente, EIB 21-05 y a la fecha de la audiencia. Los avisos de la intención de presentar un testimonio técnico deben enviarse a

Pamela Jones, administradora de la Junta
Junta de Mejoramiento Ambiental
P.O. Box 5469
Santa Fe, NM 87502
Tel. (505) 827-2425
Fax (505) 827-2835
correo electrónico: pamela.jones@state.nm.us

Cualquier miembro del público puede testificar en la audiencia. No se requiere aviso previo para presentar un testimonio no técnico en la audiencia. Cualquier miembro puede también ofrecer pruebas instrumentales relacionadas con ese testimonio, siempre y cuando la prueba instrumental no sea indebidamente repetitiva del testimonio.

Los miembros del público que deseen presentar una declaración por escrito para que conste en el registro, en lugar de prestar testimonio oral en la audiencia, deberán presentar la declaración por escrito antes de la audiencia, o presentarla durante la audiencia. Los miembros del público pueden presentar una declaración por escrito a Pamela Jones, administradora de la Junta, a la dirección indicada anteriormente.

Las personas con discapacidad que necesiten un lector, un amplificador, un intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o dispositivo auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a más tardar hasta el 7 de mayo de 2021 llamado al (505) 827-2425 o pamela.jones@state.nm.us

La Junta puede tomar una decisión sobre la certificación propuesta al término de la audiencia, o la Junta puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; 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 la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede ponerse en contacto con

Kathryn Becker, coordinadora de no discriminación
Departamento de Medio Ambiente de Nuevo México
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con el Coordinador de No Discriminación identificado arriba o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender cómo y dónde presentar una queja de discriminación.

Journal: March 23, 2021

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**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC COMMENT AND HEARING**

The New Mexico Environmental Improvement Board ("Board") will hold a virtual public hearing on May 28, 2021 beginning at 9:00 a.m. via video conferencing and teleconferencing application Zoom. Comments will also be received via email through the conclusion of the hearing. The Board will consider the matter of EIB 21-05, a proposed certification by the New Mexico Environment Department ("NMED") that New Mexico has an adequate, federally-approved State Implementation Plan ("SIP") that addresses elements of Clean Air Act ("CAA") Section 110(a)(2) infrastructure plan ("iSIP"), as applicable to the 2015 ozone National Ambient Air Quality Standard ("NAAQS").

To join via video conference, go to:

<https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRSHI2MFhNYVQ3QT09>

Meeting ID: 910 2725 8886

Passcode: 646285

To join via teleconference, dial: 1-346-248-7799 and enter the meeting ID and access code above.

To comment via email, send correspondence to : Pamela.jones@state.nm.us.

If you are having difficulties joining the meeting, please contact Pam Jones at (505) 660-4305 or Lorrie Gasca at (505) 231-0914.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus 2019 ("COVID-19") and in accordance with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in Executive Order 2020-004 and subsequent orders; various Public Health Emergency Orders limiting mass gatherings; 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.

The purpose of the hearing is to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirms 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 revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

The proponent of this regulatory adoption and revision is the New Mexico Environment Department ("NMED").

The proposed certification may be reviewed on NMED's web site at https://www.env.nm.gov/aqb/prop_regs.html, or by contacting Michael Baca at michael.baca@state.nm.us. You may also contact Michael Baca if interested in attending an informational open house on the proposed certification or submitting comments. NMED will respond in writing to all comments regarding the SIP certification if received by 5:00 p.m. MDT on April 22, 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 72-2-6 NMSA 1978, and other applicable procedures. 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.

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. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. 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 for the hearing must be received in the Office of the Board not later than 5:00 pm on May 7, 2021, and should reference the docket number, EIB 21-05 and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pamela Jones, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Tel (505) 827-2425
Fax (505) 827-2836
email: pamela.jones@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 exhibits in connection with that 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. A member of the general public may submit a written statement to Pamela Jones, Board Administrator at the address provided above.

Persons having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing contact Pamela Jones no later than May 7, 2021 at (505) 827-2425 or pamela.jones@state.nm.us.

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

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, you may contact:

Kathryn Becker, 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 a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or 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.

**JUNTA DE MEJORAMIENTO AMBIENTAL DE NUEVO MÉXICO
AVISO DE COMENTARIOS PUBLICOS Y AUDIENCIA**

La Junta de Mejoramiento Ambiental de Nuevo México ("Junta") celebrará una audiencia pública virtual el 28 de mayo de 2021, a partir de las 9:00 a.m., a través de videoconferencia y teleconferencia de la aplicación Zoom. También se recibirán comentarios por correo electrónico hasta la conclusión de la audiencia. La Junta considerará el asunto de la EIB 21-05, una certificación propuesta por el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) de que Nuevo México tiene un Plan Estatal de Implementación ("SIP" por sus siglas en inglés) adecuado y aprobado por el gobierno federal que aborda elementos del plan de infraestructura ("iSIP") Sección 110(a)(2) de la Ley de Aire Limpio ("CAA" por sus siglas en inglés), según sea aplicable al Estándar Nacional de Calidad del Aire Ambiental del ozono de 2015 ("NAAQS" por sus siglas en inglés).

Para unirse por videoconferencia, vaya a
<https://zoom.us/j/91027258886?pwd=V205Nm110GE5ekhRSHI2MFhNYVQ3QT09>
Identificación de la reunión: 910 2725 8886
Código de acceso: 646285

Para unirse por teleconferencia, marque: 1-346-248-7799 e ingrese el número de identificación de la reunión y el código de acceso anteriores.

Para hacer comentarios por correo electrónico, envíe la correspondencia a: Pamela.jones@state.nm.us.

Si tiene dificultades para unirse a la reunión, comuníquese con Pam Jones (505) 660-4305 o con Lorrie Gasca (505) 231-0914.

La audiencia se está llevando a cabo a través de Internet, correo electrónico y medios telefónicos debido a las preocupaciones en torno al Nuevo Coronavirus 2019 ("COVID-19") y de acuerdo con la Declaración de Emergencia de Salud Pública de la gobernadora Michelle Luján Grisham en la Executive Order 2020-004 (Orden Ejecutiva 2020-004) y las órdenes subsiguientes; varias órdenes de emergencia de salud pública que limitan las reuniones masivas; y Guidance (Guía) de la División de Gobierno Abierto de la Oficina del Procurador General para las Entidades Públicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspección de Registros Públicos durante el Estado de Emergencia COVID-19.

El propósito de la audiencia es considerar el asunto de la EIB 21-05 para certificar que Nuevo México tiene un SIP adecuado, aprobado por el gobierno federal, que aborda la Sección 110(a)(2)(D)(i) de la CAA con respecto al transporte interestatal de la contaminación del aire en esta presentación. La certificación propuesta confirma a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) que el Estado de Nuevo México cuenta con la "infraestructura" requerida bajo el SIP actual para implementar, mantener y hacer cumplir el NAAQS de ozono revisado de 2015 y cumple con sus obligaciones de "buen vecino" bajo la CAA.

El proponente de esta adopción y revisión reglamentaria es el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés).

La certificación propuesta puede revisarse en el sitio web del NMED en https://www.env.nm.gov/aqb/prop_regs.html, o comunicándose con Michael Baca en michael.baca@state.nm.us. También puede comunicarse con Michael Baca si está interesado en asistir a una jornada de puertas abiertas informativa sobre la certificación propuesta o en presentar comentarios. El NMED responderá por escrito a todos los comentarios relativos a la certificación del SIP si se reciben a más tardar hasta el 22 de abril de 2021.

La audiencia se llevará a cabo de acuerdo con 20.1.1 NMAC (Procedimientos de Reglamentación) Junta de Mejoramiento Ambiental, la Ley de Mejoramiento Ambiental, Sección 74-1-9 NMSA 1978, la Ley de Control de la Calidad del Aire Sección 72-2-6 NMSA 1978, y otros procedimientos aplicables. La certificación propuesta fue elaborada por el NMED para cumplir con los requisitos contenidos en la Sección 110 de la CAA y el 40 CFR Parte 51, Requisitos para la Preparación, Adopción y Presentación de Planes de Implementación.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Las personas que deseen presentar un testimonio técnico deberán presentar a la Junta un aviso por escrito de su intención de hacerlo. El aviso de intención deberá:

- (1) Identificar a la persona para la cual el testigo o testigos testificarán;
- (2) identificar cada uno de los testigos técnicos que la persona tiene intención de presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su historial académico y laboral;
- (3) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa
- (4) incluir el texto de cualquier modificación recomendada al cambio reglamentario propuesto; y
- (5) enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración propuesta de los motivos para adoptar las normas.

Los avisos de intención para la audiencia deben recibirse en la Oficina de la Junta a más tardar a las 5:00 p.m., del 7 de mayo de 2021, y deben hacer referencia al número de expediente, EIB 21-05 y a la fecha de la audiencia. Los avisos de la intención de presentar un testimonio técnico deben enviarse a

Pamela Jones, administradora de la Junta
Junta de Mejoramiento Ambiental
P.O. Box 5469
Santa Fe, NM 87502
Tel. (505) 827-2425
Fax (505) 827-2836
correo electrónico: pamela.jones@state.nm.us

Cualquier miembro del público puede testificar en la audiencia. No se requiere aviso previo para presentar un testimonio no técnico en la audiencia. Cualquier miembro puede también ofrecer pruebas instrumentales relacionadas con ese testimonio, siempre y cuando la prueba instrumental no sea indebidamente repetitiva del testimonio.

Los miembros del público que deseen presentar una declaración por escrito para que conste en el registro, en lugar de prestar testimonio oral en la audiencia, deberán presentar la declaración por escrito antes de la audiencia, o presentarla durante la audiencia. Los miembros del público pueden presentar una declaración por escrito a Pamela Jones, administradora de la Junta, a la dirección indicada anteriormente.

Las personas con discapacidad que necesiten un lector, un amplificador, un intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o dispositivo auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones a más tardar hasta el 7 de mayo de 2021 llamado al (505) 827-2425 o pamela.jones@state.nm.us

La Junta puede tomar una decisión sobre la certificación propuesta al término de la audiencia, o la Junta puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; 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 la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede ponerse en contacto con

Kathryn Becker, coordinadora de no discriminación
Departamento de Medio Ambiente de Nuevo México
1190 St. Francis Dr., Suite N4050
P.O. Box 5469

Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con el Coordinador de No Discriminación identificado arriba o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender cómo y dónde presentar una queja de discriminación.

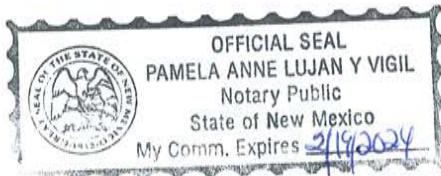
Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 5405 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 5405, and that Invoice # 5405 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant: 
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 27th day of March, 2021.

Notary Public: 
My Commission Expires: 3/19/2024



1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Department of Cultural Affairs

Kenneth Ortiz
General Services Department

Daniel Cordova
Interim Director, NM State Law Library



January 21, 2020

BY ELECTRONIC MAIL

New Mexico Environment Department
ATTN: Michael Baca, Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, NM 87505
Michael.baca1@state.nm.us

Re: Comments, Request for Hearing, New Mexico's Proposed Good Neighbor State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standards

Dear Mr. Baca:

WildEarth Guardians submits the following comments in response to the New Mexico Environment Department's ("NMED's") proposed Good Neighbor State Implementation Plan ("SIP") Certification for the 2015 Ozone National Ambient Air Quality Standards ("NAAQS"). We also request a hearing before the Environmental Improvement Board ("EIB") pursuant to NMSA 74-2-6 and 20.1.1 NMAC.

We are very concerned that NMED has failed to demonstrate that the New Mexico SIP contains adequate provisions limiting emissions of ozone precursors such that they do not contribute significantly to nonattainment in or interfere with maintenance by any other state with respect to the 2015 ozone NAAQS pursuant to the Clean Air Act, 42 U.S.C. § 7410(a)(2)(D)(i)(I). NMED has proposed to "certify" the current SIP as adequate to meet the provisions of the Clean Air Act, but there is a lack of supporting information and analysis to support any determination that the current SIP sufficiently prohibits emissions.¹ There is simply no support for NMED's claim that New Mexico is being a "good neighbor" and appropriately regulating air pollution so as to protect downwind states.

Our primary concerns are as follows:

¹ We are also concerned that NMED is proposing to "certify" the SIP as adequate. Under Section 110(a) of the Clean Air Act, states must "adopt and submit" to the U.S. Environmental Protection Agency ("EPA") an updated SIP to meet the requirements of Section 110(a)(2) "after reasonable notice and public hearings[.]" Thus, NMED cannot simply "certify" that the SIP is adequate. If a SIP is believed to be sufficient, NMED must still provide public notice and an opportunity for public hearings on the proposal and submit a formal SIP revision to the EPA.

- Reliance on outdated, obsolete emissions data:** NMED justifies its proposed “certification” on the basis of a 2018 EPA memo suggesting states may be able to rely on a 2015 modeling report prepared by the EPA to demonstrate compliance with Section 110(a)(2)(D)(i)(I). While the EPA’s 2018 memo was clear that states must conduct their own evaluations of their SIPs and that it was not meant to demonstrate state compliance with the Good Neighbor provisions of the Clean Air Act, reliance on the memo is also misplaced as it relies on woefully outdated emissions data. The modeling prepared by the EPA in 2015 relied on data from the 2011 National Emissions Inventory. Since then, ozone precursor emissions from the oil and gas sector, in particular volatile organic compounds (“VOCs”) and nitrogen oxides (“NOx”), have soared in New Mexico. In 2011, annual oil and gas industry emissions reported in the National Emissions Inventory were 127,029 tons of VOCs and 42,196 tons of NOx. Most recent estimates from the Western Regional Air Partnership estimate annual oil and gas emissions will reach 225,636 tons of VOCs and 101,531 tons of NOx by 2028. This is due to a surge in oil and gas production activity in the southeast portion of New Mexico. Unless and until NMED relies on accurate oil and gas emissions data, the current SIP cannot be deemed adequate.
- Failure to account for monitors in nonattainment:** We are also concerned that NMED failed to address the impacts of New Mexico’s emissions on all areas that are in nonattainment or struggling to maintain attainment. The EPA’s 2015 report failed to acknowledge that a number of neighboring areas are struggling with nonattainment and maintenance, particularly with regards to the 2015 ozone NAAQS, which limits ozone concentrations to no more than 0.070 parts per million (or 70 parts per billion). Since 2015, neighboring El Paso, Texas has regularly exceeded the ozone NAAQS and two monitors in the area are now in nonattainment with the 2015 ozone NAAQS.

8-Hour Ozone Design Values (in parts per billion) at Key El Paso, Texas Monitors, Based on 2017-2019 Monitoring Data²

Monitor Location	State	Monitor ID	2019 4th Max.	2018 4th Max.	2017 4th Max.	3 Year Average
El Paso, Ivanhoe Fire Station	TX	481410029	70	74	63	69
El Paso, Rim Road	TX	481410037	75	76	74	75
El Paso, Yvette Drive	TX	481410058	72	77	75	75

While El Paso is not designated a nonattainment area, the reference to nonattainment under Section 110(a)(2)(D)(i)(I) is not limited to “areas” designated as nonattainment, but refers to air quality. The EPA has explained, “it is clear that the reference in section

² Data queried from EPA’s AirData website, <https://www.epa.gov/outdoor-air-quality-data/monitor-values-report>.

110(a)(2)(D)(i)(I) to ‘nonattainment’ refers to air quality, not designation status.” 63 Fed. Reg. 57,356, 57,372 (October 27, 1998).

We are similarly concerned that NMED has overlooked the fact that monitors throughout the neighboring state of Utah now are in nonattainment with the 2015 ozone NAAQS, including in Davis, Duchesne, Salt Lake, Tooele, Uintah, and Utah Counties. In its 2015 modeling report, the EPA did not analyze the impacts of New Mexico’s emissions to any monitors in Utah.

What’s more, NMED has overlooked the fact that monitors in neighboring states regularly exceed and often are out of attainment with the ozone NAAQS, raising concerns over their ability to maintain the NAAQS. These include monitors in Colorado Springs, Colorado, in La Plata County, Colorado, in the Upper Green River Basin of western Wyoming, and in Pima and Gila Counties, Arizona. In its 2015 modeling report, the EPA did not analyze the impacts of New Mexico’s emissions to air quality at any of these monitors, even though they struggle with attainment.

- Failure to account for monitors in nonattainment in New Mexico:** NMED’s assessment of its impacts to downwind states also overlooks the fact that several ozone monitors in southeast New Mexico are now in nonattainment, likely impacting downwind states’ air quality much more significantly than EPA reported in 2015. At this point, all ozone monitors in both Eddy and Lea Counties are in nonattainment, with 2017-2019 design values all above the 2015 NAAQS of 0.070 parts per million. What’s more, these monitoring sites have recorded regular exceedances of the 2015 8-hour ozone NAAQS since 2015.

Hobbs, NM 8-Hour Ozone Readings (in ppm), 2015-2019

	2015	2016	2017	2018	2019
1 st Max.	0.070	0.069	0.080	0.083	0.082
2 nd Max.	0.069	0.066	0.074	0.078	0.075
3 rd Max.	0.069	0.065	0.072	0.077	0.073
4 th Max.	0.067	0.065	0.069	0.076	0.070
Number of Days Above NAAQS	0	0	3	6	3

Carlsbad, NM 8-Hour Ozone Readings (in ppm), 2015-2019

	2015	2016	2017	2018	2019
1 st Max.	0.069	0.065	0.082	0.096	0.095
2 nd Max.	0.068	0.064	0.078	0.095	0.092
3 rd Max.	0.067	0.064	0.077	0.091	0.084
4 th Max.	0.067	0.063	0.076	0.083	0.080
Number of Days Above NAAQS	0	0	10	18	19

Carlsbad Caverns National Park 8-Hour Ozone Readings, 2015-2019

	2015	2016	2017	2018	2019
1 st Max.	0.068	0.070	0.069	0.099	0.082
2 nd Max.	0.068	0.069	0.065	0.081	0.080
3 rd Max.	0.065	0.069	0.065	0.080	0.078
4 th Max.	0.065	0.069	0.065	0.080	0.074
Number of Days Above NAAQS	0	0	0	10	6

8-Hour Ozone Design Values for Lea and Eddy County, New Mexico Monitoring Sites

Monitor	Monitor ID	2015-2017 Design Value	2016-2018 Design Value	2017-2019 Design Value
Hobbs	350250008	0.067	0.070	0.071
Carlsbad	350151005	0.068	0.074	0.079
Carlsbad Caverns	350150010	0.066	0.071	0.073

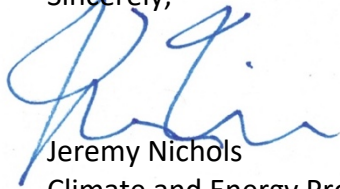
The EPA's 2015 modeling report did not account for this elevated ozone in New Mexico and the impacts it has on neighboring states. Accordingly, NMED has no basis to conclude the current SIP sufficiently protects neighboring states.

Indeed, based on air quality data in Eddy and Lea Counties, it is clear that New Mexico's SIP is substantially inadequate to attain and maintain the NAAQS. In this case, monitoring data clearly shows that New Mexico's SIP is failing to attain and maintain the 2015 ozone NAAQS in accordance with Section 110 of the Clean Air Act.³ Given that New Mexico's SIP is already inadequate, there is no basis for NMED to conclude that the SIP prohibits emissions that contribute significantly to nonattainment in or interfere with maintenance in other states.

³ Based on the design value in Carlsbad, New Mexico's SIP is also substantially inadequate to attain and maintain the 2008 ozone NAAQS, which limits 8-hour concentrations to no more than 0.075 parts per million. See 40 C.F.R. § 50.15.

We look forward to the opportunity to participate in a hearing before the EIB with regards to NMED's proposal. We also look forward to providing more detailed comments and to engaging with NMED to ensure the New Mexico SIP not only fully meets the requirements of the Clean Air Act, but also puts public health first. Thank you.

Sincerely,



Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
(303) 437-7663
jnichols@wildearthguardians.org

NMED Response to Comments

NMED received comments and a request for a public hearing from Jeremy Nichols, Climate Energy Program Director, WildEarth Guardians.

Comment

The commenter provided overarching comments on the process and administrative requirements that a state must follow for section 110(a), also known as an infrastructure State Implementation Plan (SIP), submittals to the U.S. Environmental Protection Agency (EPA). Specifically, they assert that NMED failed to demonstrate that the New Mexico SIP adequately prohibits emissions from within the state such that they do not contribute significantly to nonattainment or interfere with maintenance of the 2015 ozone National Ambient Air Quality Standards (NAAQS) in other states. Additionally, the commenter asserts that NMED's SIP certification lacks supporting information and analysis to determine that the state adequately regulates air pollution to protect air quality in downwind states. Finally, the commenter asserts that NMED cannot "certify" that the SIP is adequate and must adopt and submit an "updated" SIP to meet the requirements of Section 110(a) of the Clean Air Act (CAA).

NMED Response

NMED disagrees with the commenter's assertions regarding the process and administrative comments that the state must update (i.e., revise) the SIP to comply with the provisions under section 110(a) of the CAA and that the proposed Good Neighbor SIP does not contain supporting information or analyses to demonstrate compliance with section 110(a)(2)(D)(i)(I). NMED develops and submits new or revised SIPs in accordance with EPA Guidance and in consultation with EPA Region VI to ensure that submittals will meet the requirements of the CAA and receive EPA approval. Through our consultation process with EPA Region VI, NMED discussed approaches to evaluate New Mexico's "good neighbor" obligations.

NMED utilized an existing analytical framework and data to evaluate the state's impact on downwind states for the proposed Good Neighbor SIP. Resource constraints and the lack of technical staff with sufficient experience to conduct national photochemical modeling played a major role in NMED's decision. Furthermore, utilization of existing information and analytical framework provides a common set of data for states to conduct the analyses and provides EPA a consistent method of reviewing such analyses and SIP submittals. A review of the 11 western states' SIP submittals shows that all of the states utilized EPA's modeling to certify that their existing SIPs are adequate to meet their good neighbor obligations. As mentioned in the proposed Good Neighbor SIP, the eastern U.S. (i.e., states east of Montana, Wyoming, Colorado and New Mexico) are subject to the EPA's rulemakings regarding interstate transport, with the latest Revised Cross State Air Pollution Rule (CSAPR) Update finalized on March 15, 2021. This rule obligates eastern states to reduce their emissions by set amounts (i.e., state budgets) determined by the modeling contributions.

EPA's first rulemaking regarding interstate transport, also known as the NO_x SIP Call (63 FR 57356, October 27, 1998), was promulgated approximately 23 years ago (1998). This was followed by the Clean Air Interstate Rule, CSAPR, CSAPR Update, and finally the recent Revised CSAPR Update rulemaking. The EPA has historically used a four-step framework to determine upwind state obligations (if any) under the good neighbor provision for regional pollutants like ozone. This framework was developed over years in consultation with states, multi-jurisdictional organizations, and local air quality agencies, and has been revised and refined in response to court actions.

NMED's analyses and use of the four-step framework in the proposed Good Neighbor SIP demonstrates that New Mexico meets their good neighbor obligations under CAA section 110(a)(2)(i)(I). The analyses included in the proposed Good Neighbor SIP include an ozone contribution analysis for "linked" receptors (i.e., monitoring sites) and the factors that contribute to nonattainment and maintenance issues at these receptors. NMED was linked to two receptors in the Denver Metro/North Front Range Ozone Nonattainment Area for the 2015 ozone NAAQS. This area has been designated nonattainment for all of the ozone NAAQS, beginning with the 1979 1-hour standard through the current 2015 8-hour standard. The evidence in the proposed Good Neighbor SIP clearly shows that local emissions, meteorology, and topography are the main drivers of ozone formation in Denver. Furthermore, Colorado recognizes this as evident in their 2015 ozone NAAQS designation request to EPA, their ozone infrastructure SIPs, nonattainment SIP revisions, and recent rulemakings. For example, Colorado Regulation 7 differentiates between emission controls for sources within and outside of the nonattainment area. Those sources within the nonattainment area must comply with stricter emission standards as they continue to work toward cleaner air and compliance with the 2008 and 2015 ozone NAAQS.

EPA's Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2), allows an air agency to make an infrastructure SIP submission in the form of a certification when an air agency determines that their existing EPA-approved SIP is adequate with respect to a given section 110(a)(1) and 110(a)(2) SIP element (or sub-element). This type of submittal may take the form of a letter to EPA from the Governor (or their designee) containing a certification that the already-approved SIP contains provisions to satisfy the requirements of section 110(a)(2) for purposes of implementing a new or revised NAAQS.

NMED has consulted with its EPA Regional Office and determined that a letter containing a certification would be appropriate for this SIP submittal addressing section 110(a)(2)(i)(I) of the CAA. In addition, as for any SIP submission, NMED provided reasonable notice for comment and an opportunity for a public hearing to satisfy the provisions of sections 110(a)(1), 110(a)(2) and 110(I). The public hearing will also be conducted to satisfy these CAA sections as well as EPA's regulations for public hearings contained in 40 CFR 51.102 and 40 CFR part 51, Appendix V.

NMED submitted prior infrastructure SIP certifications addressing the elements of section 110(a)(2) for previous NAAQS. EPA has approved these certifications for the 1997 ozone, 1997 particulate matter-2.5 (PM_{2.5}), 2006 PM_{2.5}, 2008 lead, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide, 2012 PM_{2.5}, and 2015 ozone NAAQS (excluding the subelement addressed in this action).

The commenter has not provided any information to support the assertion that NMED's proposed Good Neighbor SIP fails to demonstrate compliance with our good neighbor obligations. NMED maintains that the analyses included in the proposal provide an adequate and appropriate technical and scientific basis consistent with other states for evaluating downwind impacts and that the process for submitting the proposed Good Neighbor SIP follows current EPA guidance and policies.

Comment

The commenter implies that New Mexico's impact on downwind states is underestimated and asserts that NMED relied on outdated, obsolete emissions data contained in EPA's modeling analysis to demonstrate compliance with Section 110(a)(2)(D)(i)(I) in the proposed Good Neighbor SIP. Further, the commenter contends that the adequacy of the current SIP must be examined using updated and accurate oil and gas emissions that reflect an increase in production activity in southeast New Mexico.

NMED Response

NMED disagrees with claims made by the commenter that the oil and gas sector (O&G) emissions in New Mexico are not adequately represented in EPA modeling. The commenter provided a comparison of 2011 National Emission Inventory (NEI) O&G emissions data with a 2028 O&G emissions projection by the Western Regional Air Partnership as supporting evidence for their comment. It is evident that there is a lack of understanding of the fundamental principles of emission inventory development and modeling, as the comparison of these two data sets is not appropriate. Further, the commenters have not provided a reason to doubt the accuracy of the EPA inventories and projections, nor have they provided comparable information to support the claim. Therefore, NMED continues to believe that the methodologies used by EPA to calculate future year emissions projections and impacts are appropriate.

EPA and states go to great lengths to ensure that emission inventories and emission projections are of the highest quality. EPA provided for quality assurance, quality control and public input for the emission inventories that were utilized in the modeling. NMED's review of the total 2023 projected O&G emissions utilized in the 2023 Future Year modeling, more recent O&G emissions projections used in EPA's Revised CSAPR Update Rule, and the 2017 NEI O&G emissions in New Mexico indicate that the 2023 projected emissions used in the 2023 Future Year modeling were overstated rather than understated as characterized by the commenter. This overestimation of the projected emissions inventory could have also resulted in an overestimation by the air quality model of the downwind impact of emissions from New Mexico's O&G to other states in the 2023 Future Year modeling. Thus, contrary to the commenters' concern, EPA's estimate of New Mexico's modeled impacts on other states is likely conservative and supports the conclusion that impacts from emissions originating in New Mexico do not significantly contribute to nonattainment nor interfere with maintenance in other states. This is further supported by the additional modeling and emission inventory development using a 2016 base year and 2021, 2023 and 2028 future year projections completed by EPA for the Revised CSAPR Update Rule as discussed below in response to the next comment.

NMED agrees that there has been increase in O&G activity in New Mexico since 2011. Emissions associated with the sector, however, do not have a linear relationship with exploration and production related activities. As O&G activities have grown in New Mexico, there have been, and continue to be, simultaneous improvements in emission reduction technology and new regulatory control requirements. These two competing factors were considered in emissions projection used in EPA's 2023 modeling pertaining to interstate transport. Selected source categories reflect reductions in volatile organic compounds (VOCs) and nitrogen oxides (NO_x) that occur at reciprocating internal combustion engines (RICE) due to controls from both the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). The upgrades in emissions technology necessary to comply with these rules generally bring co-benefits of reductions in VOCs and NO_x emissions. The areas in New Mexico which experienced a growth in the O&G sector, such as the Permian Basin, tend to use newer equipment that meets the lower RICE NESHAP and RICE NSPS requirements. Other NO_x emitters in O&G are also subject to regulations and emission control technologies which are being installed over time.

Projection of emissions is a stepwise process starting with a base year emissions level, followed by application of factors for retirement, growth and controls. This stepwise emission projections process was completed by EPA in 2016–2017 when developing the 2023 modeling emissions for the O&G sector emissions inventory. When developing emission projections, EPA used the most recent data available for the 2023 modeling emission inventory, including updated growth projections for the 2023 model

emission inventory. The emission projection from 2011 to 2023 used in EPA's modeling shows that if the emissions were not subject to controls, the emissions from O&G operations in New Mexico would have increased 27.8%. However, closures in New Mexico O&G reduced the 2023 projected emissions increase by 2.8%. Emission control technologies implemented between 2011 and 2023 also reduced projected 2023 emissions by 23.2%. As a result, the net projected New Mexico O&G NO_x emissions for 2023 were projected to increase only 1.8% (27.8%–2.8%–23.2%) from 2011 emission levels despite the projected activity growth in the sector.

Additionally, NMED disagrees with the commenter's suggestion that NMED should use an updated inventory and modeling analysis to evaluate New Mexico's impact on downwind states in the proposed Good Neighbor SIP. The commenter did not provide a base year they would deem appropriate to accurately reflect O&G emissions and to use for projected emissions and modeling. The 2017 NEI is the most current emissions information available for O&G emission sources and they were not yet available at the time EPA conducted the 2023 modeling. Development of the 2020 NEI is currently underway and emissions data is expected to be published by EPA in 2023. Nonetheless, the commenter has not indicated how or whether the use of the updated (i.e., 2017) data would change the modeling and assessment of New Mexico's impact on downwind receptors.

NMED utilized the most recent EPA modeling and does not find it reasonable to redo projections and remodel impacts as part of the development of the proposed Good Neighbor SIP. EPA used appropriate techniques and the most recently available data at the time to estimate both base and projection year inventories for the O&G sector in their modeling. Redevelopment of emission inventories and performing photochemical grid modeling with source apportionment would take at least one to two years and significant resources. Such an effort is not a reasonable expectation without any indication that the use of updated data for modeling is likely to lead to a different conclusion with respect to New Mexico's good neighbor obligations. The commenter has not provided any relevant information to support its conclusion that NMED would need to perform new modeling to support its proposed SIP, nor have the commenters provided any such updated modeling data. In fact, the most recent EPA modeling for the Revised CSAPR Update shows that New Mexico's impact on linked receptors in Colorado was overstated as the state's contribution no longer meets the 1% of the NAAQS threshold (see next comment and response). Therefore, NMED continues to believe that its analysis of the available data indicates that New Mexico will not significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in other states.

Comment

The commenter states that NMED failed to account for monitors in downwind states that are in nonattainment or struggling to maintain attainment of the 2015 ozone NAAQS. This includes monitoring sites that were designated attainment of the standard by EPA but are now in violation of the standard, or have recorded an exceedance of the standard, since that time (i.e., August 3, 2018). These "overlooked" monitoring sites are located in Arizona, Colorado, Texas, Utah and Wyoming.

NMED Response

NMED disagrees with the commenter that it "overlooked" or failed to account for monitors in downwind states. As explained in the proposed Good Neighbor SIP, NMED relied on EPA's modeling information and four-step framework to conduct our analysis. There is no reason for NMED to believe that EPA would find the proposed Good Neighbor SIP submittal, including the analyses and approach therein, inadequate. It is also not reasonable, nor practical, to expect NMED to continually update their approach and the information relied upon to conduct the analyses. This would require air quality

agencies to continually develop and submit good neighbor SIPs and for EPA to continually review and approve these SIP submissions. It is clear from the language in the CAA, that infrastructure SIPs are only meant to be developed when EPA promulgates a new or revised NAAQS.

Nonetheless, NMED reviewed the modeling information used in the analysis to examine the states modeling contributions equal to or above 1% of the NAAQS (0.70 ppb) at downwind monitoring sites. NMED included monitoring sites mentioned by the commenter and two others in Kansas and Oklahoma (Table 1). In step 1 of the four-step framework, nonattainment receptors are defined as those monitoring sites with measured design values exceeding the NAAQS that also have projected (i.e., in 2023) average design values exceeding the NAAQS. Further, the EPA identifies maintenance receptors as those monitoring sites with maximum design values exceeding the NAAQS. This included sites with measured values below the NAAQS with projected average and maximum design values exceeding the NAAQS, and monitoring sites with projected average design values below the NAAQS but with projected maximum design values exceeding the NAAQS. This review confirmed NMED's previous analysis and determination to only be linked to the two Colorado sites in the Denver Metro/North Front Range Ozone Nonattainment Area.

EPA provided additional modeling information for their Revised CSAPR Update Rule in March of 2020. The results of the modeling show that NMED is not linked to any nonattainment or maintenance receptors under step 1 and 2 of the four-step framework for an analytic year of 2021 (Table 2). This further supports NMED's demonstration provided in the proposed Good Neighbor SIP that the state meets their good neighbor obligations.

Comment

The commenter asserts that NMED failed to account for monitors in nonattainment in southeast New Mexico based on 2015-2019 ozone monitoring data.

NMED Response

CAA section 110(a)(2)(D)(i)(I) requires states to evaluate their impact on downwind monitors located in other states. This comment is outside the scope of this SIP as NMED already addressed the other elements of 110(a)(2)(A)-(M) in a separate SIP certification submittal. EPA approved this submittal with an effective date of October 18, 2019 (84 FR 49057, September 18, 2019).

AQS Site	State	County	2009-2013 Avg DV	2009-2013 Max DV	2023 Avg DV	2023 Max DV	NM Contribution
40070010	Arizona	Gila	74.5	75	64.2	64.6	0.24
40190021	Arizona	Pima	71.3	73	61.4	62.9	0.14
40191011	Arizona	Pima	67.0	68	57.3	58.1	0.13
40191018	Arizona	Pima	68.3	69	59.4	60.0	0.15
40191020	Arizona	Pima	69.7	71	59.2	60.3	0.17
40191028	Arizona	Pima	67.0	68	57.5	58.3	0.15
40191030	Arizona	Pima	68.7	70	59.2	60.3	0.18
40191032	Arizona	Pima	66.3	67	57.0	57.6	0.30
40191034	Arizona	Pima	64.0	65	56.8	57.6	0.17
80410013	Colorado	El Paso	71.0	74	64.0	66.7	0.28
80410016	Colorado	El Paso	72.7	74	65.4	66.6	0.27
80590006	Colorado	Jefferson	80.3	83	71.3	73.7	0.70
80671004	Colorado	La Plata	73.0	74	66.0	66.9	2.76
80677001	Colorado	La Plata	68.7	69	61.9	62.2	3.22
80830006	Colorado	Montezuma	67.3	68	59.8	60.4	3.28
80830101	Colorado	Montezuma	68.3	69	59.3	59.9	4.40
81230009	Colorado	Weld	74.7	76	70.2	71.4	0.77
201950001	Kansas	Trego	72.3	74	64.3	65.9	1.40
400430860	Oklahoma	Dewey	72.3	74	63.4	64.9	0.96
481410029	Texas	El Paso	65.0	65	61.1	61.1	0.85
481410037	Texas	El Paso	71.0	72	67.6	68.5	1.17
481410044	Texas	El Paso	69.0	70	65.7	66.6	1.14
481410055	Texas	El Paso	66.3	68	63.1	64.7	1.09
481410057	Texas	El Paso	66.0	66	62.6	62.6	1.35
481410058	Texas	El Paso	69.3	71	65.4	67.0	1.34
490110004	Utah	Davis	69.3	71	60.0	61.5	0.03
490131001	Utah	Duchesne	68.0	68	62.0	62.0	0.06
490352004	Utah	Salt Lake	74.0	76	65.4	67.1	0.06
490353006	Utah	Salt Lake	76.0	76	65.8	65.8	0.12
490490002	Utah	Utah	70.0	73	62.7	65.4	0.09
490530006	Utah	Washington	67.0	67	61.4	61.4	0.09
490530130	Utah	Washington	71.7	73	65.8	67.0	0.07
490570002	Utah	Weber	71.7	72	64.0	64.3	0.03
490571003	Utah	Weber	72.7	74	65.3	66.5	0.04
560050123	Wyoming	Campbell	63.7	65	59.3	60.5	0.11
560210100	Wyoming	Laramie	68.0	68	62.4	62.4	0.34
560370300	Wyoming	Sweetwater	66.0	66	60.0	60.0	0.12

Table 1. Modeling results for monitoring sites mentioned by the commenter and for monitoring sites where New Mexico's contribution was equal to or greater than 0.70 ppb.

AQS Site ID	State	County	2014-2018 Avg DV	2014-2018 Max DV	2021 Avg DV	2021 Max DV	NM Contribution
40190021	Arizona	Pima	69.3	71	66.4	68.0	0.07
40191011	Arizona	Pima	63.7	65	60.7	61.9	0.06
80590006	Colorado	Jefferson	77.3	78	73.5	74.1	0.36
80671004	Colorado	La Plata	67.0	67	65.2	65.2	2.47
80677001	Colorado	La Plata	68.7	69	66.9	67.2	3.09
81230009	Colorado	Weld	70.0	70	67.2	67.2	0.49
401091037	Oklahoma	Oklahoma	69.0	70	63.5	64.5	0.41
481410029	Texas	El Paso	63.7	66	62.0	64.2	1.39
481410057	Texas	El Paso	65.3	66	63.8	64.5	1.70
481410058	Texas	El Paso	70.0	72	67.9	69.8	1.69
490110004	Utah	Davis	75.7	78	72.5	74.7	0.05
490353006	Utah	Salt Lake	76.3	78	73.2	74.8	0.07
490353013	Utah	Salt Lake	76.5	77	73.9	74.4	0.06
490570002	Utah	Weber	73.0	75	70.2	72.0	0.01
490571003	Utah	Weber	73.0	74	70.4	71.4	0.01
560390008	Wyoming	Teton	59.3	60	58.3	59.0	0.00

Table 2. Updated modeling results showing New Mexico is not linked to any downwind receptors in 2021. Some monitoring sites in Table 1 were not included in EPA's modeling results because recent monitoring data no longer shows nonattainment or maintenance issues at these sites.

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF:
CERTIFICATION FOR THE 2015 OZONE NAAQS
TRANSPORT OR “GOOD NEIGHBOR” PROVISION
OF THE STATE IMPLEMENTATION PLAN**

No. EIB 21- 05 (R)

**ENVIRONMENTAL IMPROVEMENT BOARD’S FINAL ORDER AND STATEMENT
OF REASONS**

1. The Clean Air Act (“CAA”) requires New Mexico to adopt and submit a plan for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards (“NAAQS”) to the U.S. Environmental Protection Agency (“EPA”). 42 U.S.C § 7410(a).

2. The state implementation plan (“SIP”) must include an enforcement program, emission limitations, and control measures. 42 U.S.C § 7410(a)(2)(C).

3. EPA reviews and approves SIP submittals pursuant to the CAA. 42 U.S.C § 7410(k).

4. If New Mexico fails to submit a SIP or the SIP fails to satisfy minimum criteria, EPA may promulgate a federal implementation plan (“FIP”). 42 U.S.C § 7410(c).

5. Under CAA Sections 110(a)(1) and (2), each state is required to submit an infrastructure SIP (“iSIP”) that provides for the implementation, maintenance and enforcement of each primary or secondary NAAQS within three years after promulgation of a new or revised NAAQS. 42 U.S.C § 7410(a)(1).

6. The purpose of an iSIP is to ensure that the state’s SIP contains the necessary structural requirements for the implementation of the new or revised NAAQS, whether by

certifying that the SIP already contains or sufficiently addresses the necessary provisions, or by making a substantive SIP revisions to update the SIP.

7. CAA Section 110(a)(2)(D)(i)(I) is often referred to as the “Good Neighbor Provision” and to SIP revisions addressing this requirement as “Good Neighbor SIPs”. It requires that each state’s SIP prohibit emissions that will significantly contribute to nonattainment of a NAAQS (“Prong 1”), or interfere with maintenance of a NAAQS (“Prong 2”), in a downwind state. 42 U.S.C. § 7410(a)(2)(D)(i)(I).

8. On October 1, 2015, EPA promulgated a revised NAAQS for Ozone. 80 Fed. Reg. 65291, October 26, 2015.

9. Section 110(a)(2) of the CAA requires states to submit to the EPA Administrator an iSIP that addresses the requirements of sections 110(a)(2)(A)-(M) of the CAA within three years after the promulgation of a new or revised NAAQS. This SIP is a compilation of elements that demonstrates how the State of New Mexico will implement, maintain and enforce the revised ozone NAAQS.

10. Based on EPA guidance, New Mexico did not address the 110(a)(2)(D)(i)(I) or Good Neighbor Provision requirements in the iSIP for the 2015 ozone NAAQS.

11. The New Mexico Environment Department (“Department”) submitted the iSIP certification for the 2015 ozone NAAQS to EPA on November 1, 2018, which was approved on October 18, 2019. No public comments or hearing requests were received regarding this matter during the EPA required 30-day public comment period. 84 Fed. Reg. 49057, September 18, 2019.

12. On December 5, 2019, the EPA issued a final action, “Findings of Failure to Submit a Clean Air Act Section 110 State Implementation Plan for Interstate Transport for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)”, effective January 6, 2020, which identified

seven states, including New Mexico, that failed to submit iSIPs to satisfy certain interstate transport requirements of the CAA. These requirements pertain to significant contribution to nonattainment, or interference with maintenance, of the 2015 8-hour ozone NAAQS in other states. 84 Fed. Reg. 66612, December 5, 2019.

13. These findings of failure to submit establish a 2-year deadline for the EPA to promulgate a Federal Implementation Plan (“FIP”) to address the interstate transport SIP requirements, unless, prior to the EPA promulgating a FIP, the state submits, and the EPA approves, a SIP that meets these requirements.

14. Prior to submitting a SIP revision, New Mexico must provide reasonable notice and public hearing. 42 U.S.C. §7410 (1).

15. The Department develops and presents the proposed Good Neighbor SIP to the New Mexico Environmental Improvement Board (“Board”) for its consideration and approval. NMSA 1978, §§ 74-2-5 (2007).

16. A public hearing must be held by the Board in cases where a regulation or emission control requirement shall be adopted. A regulation includes any amendment or repeal thereof. NMSA 1978, § 74-2-6.

17. EPA released modeling data in 2017 assessing whether or not a state’s emissions of ozone precursors might violate the Good Neighbor provision for the 2015 ozone NAAQS in a downwind state. Additionally, EPA issued three memos in 2018 providing states guidance on interpreting and analyzing the modeling data in the context of the Good Neighbor provision.

18. Based on EPA’s modeling data and the department’s analyses, New Mexico will not significantly contribute to downwind nonattainment or maintenance difficulties at any air quality monitoring station in the United States for purposes of compliance with the Good Neighbor

obligations under the 2015 ozone NAAQS in 2023. Therefore, New Mexico’s SIP sufficiently addresses the necessary provisions without a substantive SIP revision or regulatory change and the Department will submit the proposed Good Neighbor SIP to EPA in the form of a certification.

19. Since the Department is not seeking a regulatory change or requesting the Board to adopt an emission control requirement, a public hearing is not automatically required. However, the Department received a request for hearing during the public comment period for this SIP, therefore the department requested to schedule a public hearing. 40 C.F.R. § 51.102(a).

20. The Board held a virtual public hearing on May 28, 2021 to consider the proposed Good Neighbor SIP certification. The hearing was conducted in accordance with the procedures found in 20.1.1 NMAC. All public notice requirements were met, and a reasonable opportunity was provided for all persons to be heard.

21. During the hearing, the board heard testimony from witnesses for the Department and from Wild Earth Guardians.

22. At the conclusion of the public hearing, the administrative record was closed, the Board deliberated, and by a vote of ___ to ___ decided to approve the proposed Good Neighbor SIP certification.

WHEREFORE, the Department’s certification for the 2015 Ozone NAAQS transport or “Good Neighbor” provision of the New Mexico State Implementation Plan is hereby approved.

IT IS SO ORDERED.

Phoebe Suina, Chair
Environmental Improvement Board