

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER
PROPOSED AMENDMENTS TO 20.2.79 NMAC
EIB 21-07 (R)**

The Environmental Improvement Board (“EIB”) will hold a virtual public hearing on June 25, 2021 beginning at 9:00 a.m. via video conference (Zoom), via telephone, and comments will also be received via email (to: pamela.jones@state.nm.us) through the conclusion of the hearing. The purpose of the hearing is to consider the matter of EIB 21-07 (R), proposed revisions to the New Mexico State Implementation Plan (“SIP”) regarding proposed amendments to the Air Quality Control Regulation codified in the New Mexico Administrative Code (“NMAC”) at 20.2.79 NMAC, *Permits - Nonattainment Areas*.

Instructions to Join the Hearing:

Join via Zoom

<https://zoom.us/j/97135613307?pwd=eWs5QS9KRG5XRmg4QmVFNS9RWThWdz09>

Meeting ID: 971 3561 3307

Passcode: 130269

One tap mobile

+1-253-215-8782,,97135613307#,,,,*130269# US (Tacoma)

+1-346-248-7799,,97135613307#,,,,*130269# US (Houston)

Dial by your location

+1-253-215-8782 US (Tacoma)

+1-346-248-7799 US (Houston)

+1-669-900-6833 US (San Jose)

+1-301-715-8592 US (Washington DC)

+1-312-626-6799 US (Chicago)

+1-929-436-2866 US (New York)

Meeting ID: 971 3561 3307

Passcode: 130269

Find your local number: <https://zoom.us/u/aennMfZqJl>

The hearing is being held via video conference, email and telephonic means due to the concerns surrounding the Novel Coronavirus 2019 (“COVID-19”) and in accord with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in *Executive Order 2020-004*, and subsequent executive orders; various Public Health Emergency Orders limiting mass gatherings due to COVID-19; and the Office of the Attorney General’s Open Government

Division's Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During COVID-19 State of Emergency.

At the public hearing the EIB will consider proposed amendments to 20.2.79 NMAC, *Permits - Nonattainment Areas*, as proposed in the *Petition for Regulatory Change* ("Petition"), EIB Docket Number 21-07(R), filed March 3, 2021, by the Air Quality Bureau ("Bureau") of the New Mexico Environment Department ("Department").

The purpose of the amendments is to make technical and administrative corrections to the rule. 20.2.79 NMAC specifies permitting requirements for any new major stationary source or major modification of an existing source located within a designated nonattainment area, or which is located within an area designated attainment or unclassifiable and will emit a regulated pollutant that significantly impacts a nonattainment area for the same pollutant. A source subject to this regulation must submit a permit application to the Department and cannot construct or operate the new source or modification until it receives a permit or permit revision.

The U.S. Environmental Protection Agency ("EPA") designated a part of Doña Ana County in the Sunland Park area as a Marginal Nonattainment Area for the 2015 O₃ NAAQS, effective August 3, 2018, requiring the Bureau to develop a SIP revision that includes any necessary revisions to 20.2.79 NMAC, and submit it to EPA by August 3, 2021.

The Bureau analyzed 20.2.79 NMAC to determine if it was adequate to implement and enforce the revised ozone standard. The Bureau compared 20.2.79 NMAC with 40 CFR 51.165, *Permit Requirements*, and identified cross-reference inconsistencies and typographical errors that are addressed in the proposed revision.

The full text of the Bureau's proposed amended regulation is available on the Bureau's web site at <https://www.env.nm.gov/air-quality/proposed-regs/> or by contacting Neal Butt at 505-476-4317 or neal.butt@state.nm.us. Please contact Neal Butt if you have questions or comments concerning the proposed amendments. **Stakeholders are requested to provide comments by May 21, 2021.**

The hearing will be conducted in accordance with: 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*; the *Environmental Improvement Act*, Section 74-1-9 NMSA 1978; the *Air Quality Control Act*, Section 74-2-6 NMSA 1978; and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of hearing.

Persons wishing to present technical testimony must file with the EIB a written *Notice of Intent* to do so. The requirements for a *Notice of Intent* can be found at 20.1.1.302 NMAC, *Technical Testimony. Notices Of Intent* to present technical testimony at the hearing must be received by the EIB by 5:00 pm on June 4, 2021, and should reference the name of the regulation (*Permits - Nonattainment Areas*), the date of the hearing (June 25, 2021), and docket number EIB 21-07 (R).

Notices of Intent to present technical testimony should be submitted to:

Pamela Jones, Board Administrator, at the New Mexico State Capitol Building, 409 Old Santa Fe Trail, Santa Fe, New Mexico; pamela.jones@state.nm.us ; (505) 660-4305.

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

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g., sign language interpreter, to participate in any aspect of this process, please contact Pamela Jones, Board Administrator, at least 14 days prior to the hearing date at pamela.jones@state.nm.us ; (505) 660-4305. TDD or TDY users please access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779; TTY users: 1-800-659-8331)

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