

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=V205Nm11OGF5ekhRSHI2MFhNYVQ3QT09>

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.