

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing on November 17, 2023 at 9:00 a.m. in the Large Conference Room of the Marquez Building, 525 Camino de Los Marquez, Santa Fe, New Mexico 87505. The purpose of the hearing is to consider the matter of EIB 23-52(R), proposed amendments to the Air Quality Control Regulations codified in the New Mexico Administrative Code (NMAC) at 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Source Categories of Hazardous Air Pollutants), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Hazardous Air Pollutants). The proponent of these regulatory amendments is the New Mexico Environment Department (NMED). The purpose of the public hearing is to consider and take possible action on a petition from NMED to amend 20.2.77 NMAC, 20.2.78 NMAC and 20.2.82 NMAC by incorporating by reference the new rules, corrections, revisions, and amendments to the federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants (MACT) which were promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register from the most recent date of incorporation by reference (January 15, 2017) through June 28, 2023. The proposed amendments include updates to Section 3 of 20.2.78 NMAC and 20.2.82 NMAC to incorporate the New Mexico Legislature’s 2021 statutory amendment to Subsection (D) of 74-2-5 NMSA 1978. The proposed revised regulations and the list of federal standards to be incorporated by reference may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Santa Fe, New Mexico, on NMED’s website at <https://www.env.nm.gov/public-notices/>, or by contacting Armando Paz at 505-629-3242 or armando.paz@env.nm.gov. You may also contact Armando Paz if you are interested in attending an informational open house on the proposed incorporation by reference. 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 and 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 that the person intends to present and state the qualifications of the witness, including a description of their education and work background; (3) Summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; (4) List and describe, or attach, each exhibit anticipated to be offered by that person at the hearing; and (5) Attach the text of any recommended modification to the proposed new and revised regulations. Notices of intent to present technical testimony at the hearing must be received in the Office of the Board not later than 5:00 pm on October 27, 2023, and should reference the docket number, EIB 23-52(R) and the date of the hearing. Notices of intent to present technical testimony shall be submitted to: Pamela Jones, Board Administrator Environmental Improvement Board P.O. Box 5469 Santa Fe, NM 87502; Phone (505) 660-4305; Fax (505) 827-2836; email: pamela.jones@env.nm.gov. 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 as 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. 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 should contact Pamela Jones no later than October 27, 2023 at (505) 660-4305 or pamela.jones@env.nm.gov. The Board may make a decision on the proposed revised regulations at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.