PENGAD 800-631-6989
AQD EXHIBIT
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ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
NOTICE OF HEARING AND REGULAR MEETING

On October 10, 2012, at 5:30 pm, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM.

The hearing will address: Proposal to Amend 20.11.47 NMAC, *Emissions Inventory Requirements*, Incorporate Said Amendments into the New Mexico State Implementation Plan For Air Quality (SIP) and Repeal 20.11.48 NMAC, *Greenhouse Gas Emissions Reporting*. The Air Quality Division (AQD) of the City of Albuquerque Environmental Health Department is proposing these amendments for the following reasons:

1. The Air Board adopted 20.11.47 NMAC, *Emissions Inventory Requirements*, on March 12, 2008, which became effective on May 1, 2008. This new rule was adopted to facilitate the efficient collection and reporting of emissions inventory (EI) data from sources within Bernalillo County. These inventories are required by 40 CFR 51 Subpart A, entitled *Emissions Inventory Reporting Requirements*, as well as the consolidated emissions rule (CER). Before this rule the Division collected this data under the aegis of the individual source's permit or through data requests. This rule standardized the methodology and format for EI reporting. This rule also provided baseline data for specific air pollutants for specific area and source categories in order to analyze the conditions in our air shed. This information provides a basis for planning of future regulations and policies. This rule also provided consistency in EI reporting for sources in Bernalillo County and the rest of the state by mirroring provisions found in the State's rule 20.2.87 NMAC, *GHG Emissions Reporting*.

2. The Air Board adopted 20.11.48 NMAC, *Greenhouse Gas Emissions Reporting*, on November 29, 2007, which became effective on January 1, 2008. The purpose of 20.11.48 NMAC was to provide a mechanism for measuring and reporting emissions of GHGs, thereby facilitating the collection of information that could provide a basis for policy decisions; enhance the County-wide GHG EI first compiled in 2005; and prepare GHG-emitting facilities for participating in a market-based emissions reduction program. 20.11.48 NMAC currently requires owners and operators of three categories of stationary facilities within Bernalillo County to submit annual GHG emissions reports to the Division. These categories are:
(a) electrical generating facilities with nameplate capacity to generate equal to or greater than 25 megawatts of electricity (presently only two facilities in Bernalillo County are in this category: the Public Service Company ofNew Mexico and Delta Power);
(b) petroleum refining facilities with the industry classification code specified in 20.11.48 NMAC (however no such oil and gas production facility operates in Bernalillo County, and no such petroleum refining facility is expected to ever operate within Bernalillo County); and
(c) cement manufacturing facilities that meet the requirements of 20.11.48 NMAC (which applies only to one facility in Bernalillo County: the GCC Rio Grande Portland cement facility located in Tijeras Canyon). [20.11.48.200.A NMAC].

3. In the interim since these two rules were adopted, there have been two dramatic changes in the area of GHG EI reporting. First on October 30, 2009, the EPA promulgated their 'Mandatory Reporting of GHG Final Rule' [Federal Register Vol. 74, NO. 209, 56260-56519], effective December 29, 2009, codified at 40 CFR 98, entitled *Mandatory GHG Reporting*. This rule encompasses all of the GHG EI reporting requirements of 20.11.48 NMAC, as well as the reporting requirements for GHGs in 20.11.47 NMAC; thereby causing sources to report to both the Division and EPA, with two different reports each containing different information which results in duplicative and redundant information and places an unnecessary burden on the sources. Secondly, the New Mexico Environmental Improvement Board (EIB) has repealed their rules addressing GHGs, specifically 20.2.300 NMAC, *Reporting of Greenhouse Gas Emissions* (a/k/a 20.2.87 NMAC, *GHG Emissions Reporting*), upon which 20.11.48 NMAC was modeled. The Air Act requires the City of Albuquerque and the County of Bernalillo to enact enabling ordinances that provide for local Air Board regulations that are as "stringent as" the regulations adopted by the EIB [NMSA 74-2-4.C]. Since the EIB has repealed its' GHG program, there are no longer any EIB rules addressing GHG EI reporting that the Air Board must be as 'stringent as'. Therefore, the Divisions is proposing to remove all provisions requiring local GHG emissions reporting [i.e. 20.11.47.15 NMAC] as well as concomitant definitions regarding GHGs from 20.11.47.7 NMAC, as well as repealing 20.11.48 NMAC in its entirety.

4. The use of the terms: "air contaminants" and "regulated air contaminant", are internally inconsistent within 20.11.47 NMAC, and so are proposed to be superseded by the term "regulated air pollutant" for clarity.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the Proposal to Amend 20.11.47 NMAC, *Emissions Inventory Requirements*, Incorporate Said Amendments into the New Mexico State Implementation Plan For Air Quality (SIP) and Repeal 20.11.48 NMAC, *Greenhouse Gas Emissions Reporting*.

The Air Board is the federally delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Air Board to administer and enforce the CAA and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards and regulations.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6.

Anyone intending to present technical testimony is required by 20.11.82 NMAC, *Rulemaking Procedures - AQCB*, to submit a written Notice Of Intent (NOI) before 5:00 pm on September 25, 2012 to: Attn: October Hearing Record, Mr. Neal Butt, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person in Room 3023, 400 Marquette Avenue NW. The NOI shall identify the person's name, address and affiliation.

Non-technical testimony may be provided at the hearing pursuant to 20.11.82.22 NMAC, but to ensure adequate time for review of submitted testimony, the AQD requests that written comments to be incorporated into the public record be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on October 3, 2012. The comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to nbutt@cabq.gov and shall include the required name and address information.

Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Mr. Neal Butt, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or by phone 768-2660, or by e-mail at nbutt@cabq.gov , or by downloading a copy from the City of Albuquerque Air Quality Division website.

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