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ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO ADOPT A STATE IMPLEMENTATION PLAN (SIP) FOR NITROGEN DIOXIDE (NO_2) TO ADDRESS SECTIONS 110(a)(1) AND (2) OF THE FEDERAL CLEAN AIR ACT (CAA), 42 U.S.C. § 7410(a)(1) AND (2) HEREAFTER REFERRED TO AS THE "NO_2 INFRASTRUCTURE SIP"

AQCB Petition No. 2013-3

Air Quality Division,
Environmental Health Department,
City of Albuquerque, Petitioner

Petition to adopt a State Implementation Plan (SIP) for NO_2 to address Sections 110(a)(1) and (2) of the federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the "NO_2 Infrastructure SIP".

1. The City of Albuquerque, by and through the Air Quality Division (AQD) of the Environmental Health Department, asks the Albuquerque - Bernalillo County Air Quality Control Board (Air Board) to adopt a State Implementation Plan (SIP) to address Sections 110(a)(1) and (2) of the federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the "NO_2 Infrastructure SIP". If adopted, this new SIP will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the current SIP. This Petition includes a request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing. As grounds, Petitioner states the following:

1. The New Mexico Air Quality Control Act (Air Act), NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Air

Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

2. On January 22, 2010, EPA Administrator, Lisa Jackson, promulgated a new national ambient air quality standard (NAAQS) for NO_2, effective April 12, 2010 [FR Vol. 75, No. 26, 6474-6537, February 9, 2010]. Based on its review of the air quality criteria for oxides of nitrogen and the primary NAAQS for oxides of nitrogen as measured by nitrogen dioxide (NO_2), EPA has made revisions to the primary NO_2 NAAQS in order to provide requisite protection of public health. Specifically, EPA has established a new 1-hour standard at a level of 100 parts per billion (ppb), based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations, to supplement the existing annual standard of 0.053 parts per million (ppm) (i.e. 53 ppb).

'As part of the NAAQS rulemaking, the EPA promulgated revisions to requirements for minimum numbers of ambient NO_2 monitors that included new monitoring near major roads in larger urban areas. In addition, these monitoring requirements included requirements to characterize NO_2 concentrations representative of wider spatial scales in larger urban areas (area-wide monitors), and monitors intended to characterize NO_2 exposures of susceptible and vulnerable populations.'

Pursuant to Sections 110(a)(1) and 110(a)(2) of the CAA, each State is required to submit a plan to provide for the implementation, maintenance, and enforcement of a newly promulgated or revised NAAQS within 3 years of promulgation of a new or revised

standard. Section 110(a)(1) of the CAA addresses the timing requirement for the submissions of any "Infrastructure SIP" revisions, while Section 110(a)(2) of the CAA lists the required elements that comprise the "Infrastructure SIP". Therefore, this plan or "Infrastructure SIP" addressing the requirements of Sections 110(a)(2)(A)--(M) of the CAA is due February 9, 2013. This "Infrastructure SIP" is a compilation of elements that demonstrates how Albuquerque-Bernalillo County will implement, maintain and enforce the revised NO_2 NAAQS, including: enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to carry out the plan, emissions reporting, emergency powers, public participation, and fee collection.

3. It is anticipated that the hearing will take approximately 1 hour or less.

4. The Public Review Draft for the proposed "NO_2 Infrastructure SIP" is attached as AQD Exhibit #1a.

Respectfully submitted,

Bill Westmoreland, P.E.
Deputy Director
Environmental Health Department
City of Albuquerque
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(505) 768-2706

CERTIFICATION

I hereby certify that a copy of this **Petition to adopt a State Implementation Plan (SIP) to address Sections 110(a)(1) and (2) of the federal Clean Air Act (CAA), 42 U.S.C. § 7410(a)(1) and (2) hereafter referred to as the "NO_2 Infrastructure SIP"** was delivered to the following person on February 26, 2013.

Margaret Nieto
Secretary to the Air Quality Control Board
Environmental Health Department
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103

and that a copy was provided to

Bill Grantham, Attorney to the Air Quality Control Board
at bill.grantham@state.nm.us.

Bill Westmoreland
Deputy Director
Environmental Health Department
City of Albuquerque