

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
NOTICE OF HEARING
TO CONSIDER ADOPTION OF PROPOSED STATE PLAN FOR CONTROL
OF CERTAIN EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS
AND TO AMEND

20.11.63 NMAC, NEW SOURCE PERFORMANCE STANDARDS FOR STATIONARY SOURCES
20.11.64 NMAC, NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS
FOR STATIONARY SOURCES
20.11.71 NMAC, MUNICIPAL SOLID WASTE LANDFILLS

On Wednesday, April 12, 2017, 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, One Civic Plaza NW, Albuquerque, NM 87102. The hearing will address a petition for regulatory change from the City of Albuquerque, Environmental Health Department ("EHD"), proposing to take certain actions in response to rules promulgated by the U.S. Environmental Protection Agency ("EPA") affecting municipal solid waste landfills ("MSW landfills") as described below. Following the hearing, the Air Board at its regular monthly meeting the same evening is expected to consider adopting the regulatory actions and related submittals to EPA proposed in the EHD petition.

The agenda for the April 12, 2017 regular monthly meeting of the Air Board will be viewable at least 72 hours in advance of the meeting at <http://www.cabq.gov/airquality/air-quality-control-board/events/april-12-2017-air-quality-control-board-meeting>.

On August 29, 2016, the EPA issued two final rules affecting emissions of methane from MSW landfills. The first of these rules issued updated emission guidelines for existing MSW landfills. This rule requires states to submit to EPA, by May 30, 2017, a plan under Section 111(d) of the Clean Air Act to implement the updated emission guidelines. The second EPA rule issued standards of performance for newly constructed, modified, or reconstructed MSW landfills.

The City of Albuquerque Environmental Health Department (EHD), Air Quality Program, has petitioned the Air Board, proposing regulatory changes that would address the federal rules for MSW landfills in the following ways:

(1) EHD proposes to submit a state plan to EPA under Section 111(d) of the Clean Air Act, demonstrating compliance with requirements of the federal emission guidelines for existing MSW landfills, codified at 40 CFR Part 60, Subpart Cf.

(2) EHD proposes to amend 20.11.71 NMAC, *Municipal Solid Waste Landfills*, to make the requirements for existing MSW landfills in 40 CFR Subpart Cf enforceable as state law.

(3) EHD proposes to amend 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources*, to incorporate by reference federal performance standards for new, modified, and reconstructed MSW landfills under Section 111 of the Clean Air Act, at 40 CFR Part 60, Subpart XXX. EHD's proposed amendments to this local regulation would also incorporate by reference Section 111 federal performance standards for other stationary sources of air pollution, in addition to MSW landfills, promulgated by EPA as of January 23, 2017.

(4) EHD proposes to amend 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*, in order to incorporate federal emission standards for hazardous air pollutants under Section 112 of the Clean Air Act. These amendments would not relate to landfills but would align additional air quality standards with federal requirements, in accordance with past practice of updating 20.11.63 and 20.11.64 NMAC in tandem to assure uniform regulatory treatment of local stationary sources.

The Public Review Draft of the state plan for landfills and amended 20.11.63, 20.11.64, and 20.11.71 NMAC may be reviewed during regular business hours at the Environmental Health Department, One Civic Plaza, NW, Suite 3023, Albuquerque, NM 87102. Copies of the Public Review Draft may be obtained by contacting Andrew Daffern, Air Quality Control Board Liaison, at (505) 768-2601 or adaffern@cabq.gov. The Public Review Drafts of these

documents and EHD's petition for regulatory change, AQCB Petition No. 2017-1, can also be found on the web site of EHD, Air Quality Program, at: <http://www.cabq.gov/airquality/air-quality-control-board/petitions>.

The hearing on the proposed regulatory change will be conducted in accordance with NMSA 1978 § 74-2-6; City of Albuquerque Joint Air Quality Control Board Ordinance, ROA § 9-5-1-6, *Adoption of Regulations, Notice and Hearing*; Bernalillo County Ordinance, Section 30-35, *Adoption of Regulations, Notice and Hearings*; and 20.11.82 NMAC, *Rulemaking Procedures—Air Quality Control Board*.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Interested persons may present technical or non-technical testimony.

Persons wishing to present technical testimony must file with the hearing clerk a written notice of intent (NOI) to do so by 5:00 p.m. on Tuesday, August 30, 2016. The contact information for the hearing clerk is: Andrew Daffern, Air Quality Control Board Liaison, Environmental Health Department, One Civic Plaza, NW, Suite 3023, Albuquerque, New Mexico 87102. Andrew Daffern may be reached by phone at (505) 768-2601 or by email at adaffern@cabq.gov.

As required by 20.11.82.20 NMAC, the NOI 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) include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness;
- (4) include the text of any recommended modifications to the proposed regulatory change;
- (5) list and attach an original and 15 copies of all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and
- (6) be served on the petitioner, if the document is an NOI filed by any person other than the petitioner.

An NOI must also follow the filing and service requirements of 20.11.82.16 NMAC.

As provided by 20.11.82.22 NMAC, any member of the general public may present non-technical testimony at the hearing. No prior notification is required to present non-technical testimony. Any member of the public may also offer exhibits in connection with non-technical testimony, as long as the exhibit is not unduly repetitious of the testimony. A member of the general public who wishes to submit a non-technical written statement for the record in lieu of oral testimony shall file the written statement prior to the hearing, or submit it at the hearing. Written statements submitted prior to the hearing may be directed to the hearing clerk, Andrew Daffern, at the above contact information.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Albuquerque-Bernalillo County Air Quality Control Board Liaison as soon as possible before the meeting date at (505) 768-2601. Those in need of hearing assistance may call 711.

The City of Albuquerque does not discriminate on the bases of race, color, national origin, sex, age or disability. If you believe you have been discriminated against, you may submit a complaint at www.cabq.gov/humanrights/filing-a-complaint. You may also contact Gabe Campos at ODHR@cabq.gov or 505-768-4589.