

NMAC

Transmittal Form



Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: New Amendment Repeal Emergency Renumber (ALD Use) Recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes No

Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes No Public domain

Specific statutory or other authority authorizing rulemaking:

Notice date(s): Hearing date(s): Rule adoption date: Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

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Findings required for rulemaking adoption:

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Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

This rule is being amended as a standard clerical upkeep in order to incorporate by reference the latest federal and state ambient air quality standards, codified in 40 Code of Federal Regulation (CFR) 50, Chapter 1, Subchapter C, in to 20.11.8 NMAC. The Albuquerque-Bernalillo State Implementation Plan (SIP) will be revised accordingly to reflect this NMAC amendment.

This rule amendment is authorized by NMSA 1978, Sections 74-2-4 and 74-2-5(B)(1); Joint Air Quality Control Board Ordinance, ROA 1994, Section 9-5-1-4(B)(1); Bernalillo County Code, Article II, Section 30-33(b)(1); and 20.11.82.32 NMAC. This rule amendment was voted and adopted by the Albuquerque-Bernalillo County Air Quality Control Board on October 9, 2024 and the rule becomes effective on November 5, 2024.

20.11.8.11 NMAC incorporates both the primary and secondary federal ambient air quality standards as codified at 40 CFR 50 as of October 9, 2024. This helps to codify locally those standards and provide clarity to the regulated community and the public. The following federal standards for criteria air pollutants have changed since the last time this incorporation took place in 2009. Those national ambient air quality standards that have changed since 2009 are sulfur oxides, ozone, particulate matter 2.5, particulate matter 10, and nitrogen oxides.

20.11.8.12 NMAC incorporates the state ambient air quality standards of the Environment Improvement Board as codified at 20.2.3 NMAC.

20.11.8.13 provides a summary table of the primary and secondary federal ambient air quality standards along with the state ambient air quality standards, which are incorporated based on the last date of incorporation.

Minor changes were proposed after the initial petition to correct typographical errors and make sure the state standards were consistent with 20.2.3 NMAC. The proposed rule change was made available for public comment for 30 days from August 27, 2024 to September 26, 2024 in the NM Register, the Albuquerque Journal, and the City of Albuquerque air quality program website. No comments were received on this change during that period.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Joseph Galewsky

Check if authority has been delegated

Title:

Board Chair , Albuquerque Bernalillo County Air Quality Control Board

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Signed by:

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This is an amendment to 20.11.8 NMAC, Sections 11, 12, and 13, effective November 5, 2024.

20.11.8.11 INCORPORATION OF FEDERAL AMBIENT AIR QUALITY STANDARDS: Except as otherwise provided, the National Primary and Secondary Ambient Air Quality Standards of the United States environmental protection agency including the General Provisions thereto, codified at 40 CFR Part 50 (including appendices), as amended through [January 12, 2009] October 9, 2024, are hereby incorporated into 20.11.8 NMAC. Section 20.11.8.13 NMAC is a summary of the federal and state standards incorporated in 20.11.8 NMAC. [20.11.8.11 NMAC - N, 7/1/2004; A, 9/14/2009; A, 11/05/2024]

20.11.8.12 INCORPORATION OF STATE AMBIENT AIR QUALITY STANDARDS: Except as otherwise provided, the state *Ambient Air Quality Standards* of the environmental improvement board codified at 20.2.3 NMAC, as amended through October 9, 2024, are hereby incorporated into 20.11.8 NMAC. Section 20.11.8.13 NMAC is a summary of the federal and state standards incorporated in 20.11.8 NMAC. [20.11.8.12 NMAC - N, 7/1/2004; A, 9/14/2009; A, 11/05/2024]

20.11.8.13 SUMMARY OF FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS:

Pollutant	Standards			
	Reference	Federal Primary	Federal Secondary	New Mexico State
Carbon Monoxide (CO)				
8-hour average	40 CFR 50.8	9 ppm	none	8.7 ppm
1-hour average	40 CFR 50.8	35 ppm	none	13.1 ppm
Nitrogen Dioxide (NO₂)				
24-hour average	20.2.3.111 NMAC	none	none	0.10 ppm
1-hour average	40 CFR 50	100 ppb	none	none
Annual arithmetic mean	40 CFR 50.11	0.053 ppm	0.053 ppm	0.05 ppm
Ozone (O₃)				
8-hour average	40 CFR 50.10	[0.8 ppm] 0.070 ppm	[0.8 ppm] 0.070 ppm	none
[(Effective May 27, 2008)] (Effective December 28, 2015)				
Sulfur Dioxide (SO₂)				
1-hour average	40 CFR 50.4	0.75 ppb	none	none
3-hour average	40 CFR 50.5	none	0.5 ppm	none
24-hour average	[40 CFR 50.4] 20.2.3.110 NMAC	[0.14 ppm] none	none	0.10 ppm
Annual (arithmetic mean)	[40 CFR 50.4] 20.2.3.110 NMAC	[0.030 ppm] none	none	0.02 ppm
Particulate Matter (PM_{2.5})				
24-hour average	40 CFR 50.13	35 µg/m ³	35 µg/m ³	none
(Effective December 18, 2006)				
Annual (arithmetic mean)	40 CFR 50.7 & 40 CFR 50.13	[15.0 µg/m ³] 9.0 µg/m ³	[15.0 µg/m ³] 9.0 µg/m ³	none
Particulate Matter (PM₁₀)				
24-hour average	40 CFR 50.6	150 µg/m ³	150 µg/m ³	none
Lead (Pb)				
Rolling 3-month average	40 CFR 50.16	0.15 µg/m ³	0.15 µg/m ³	none

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(Effective 1 year after date of area attainment designation)				
Hydrogen Sulfide				
1-hr average	20.2.3.110 NMAC	none	none	0.010 ppm
Total Reduced Sulfur				
1/2-hour average	20.2.3.110 NMAC	none	none	0.003 ppm
Particulate Matter (TSP)				
24-hour average	20.2.3.109 NMAC	none	none	[150 $\mu\text{g}/\text{m}^3$] none
7-day average	20.2.3.109 NMAC	none	none	[110 $\mu\text{g}/\text{m}^3$] none
30-day average	20.2.3.109 NMAC	none	none	[90 $\mu\text{g}/\text{m}^3$] none
Annual geometric mean	20.2.3.109 NMAC	none	none	[60 $\mu\text{g}/\text{m}^3$] none

[20.11.8.13 NMAC - N, 7/1/2004; A, 9/14/2009; A, 11/05/2024]