

## Environmental Protection Agency

## § 52.1640

Act and 40 CFR part 51, subpart H. This plan is only approved for the State of New Mexico outside of the boundaries of Bernalillo County.

(b) The plan submitted by the Governor in (a) for the Air Pollution Episode Contingency Plan is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on April 14, 1989, and adopted on January 26, 1989, by the Albuquerque/Bernalillo County Air Quality Control Board, entitled Air Pollution Episode Contingency Plan for Bernalillo County, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51, subpart H.

[56 FR 38074, Aug. 12, 1991]

### § 52.1640 Original identification of plan section.

(a) This section identifies the original "State of New Mexico Implementation Plan" and all revisions submitted by New Mexico that were federally approved prior to January 1, 1998.

(b) The plan was officially submitted on January 27, 1972.

(c) The Plan revisions listed below are submitted on the dates specified.

(1) The Environmental Improvement Agency submitted revisions of Air Quality Control Regulations 506, 507, 604, 605, 606, 651, and 652 (adopted by the Board on January 10, 1972) on March 7, 1972.

(2) Additions of sections 12-14-1 through 12-14-13 of the State's Air Quality Control Act, and Regulations 504, 602, and 603 were submitted by the Governor on May 9, 1972.

(3) Revisions of Regulations 702, 703, 704, and 705, as adopted by the Board on July 29, 1972, and revisions of Sections IV, V, VII, and VIII, were submitted by the Environmental Improvement Agency on July 31, 1972.

(4) State Attorney General's opinion on legal authority and confidentiality of source data was submitted on September 4, 1972. (Non-regulatory)

(5) Revisions of the New Source Review and Source Surveillance sections of the New Mexico Implementation

Plan were submitted by the Environmental Improvement Agency on January 3, 1973. (Non-regulatory)

(6) Clarification of the State permit and source surveillance regulations was submitted by the Environmental Improvement Agency on January 18, 1973. (Non-regulatory)

(7) Regulation 705, Compliance Schedules, was submitted by the Governor on February 12, 1974.

(8) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide, as adopted by the New Mexico Environmental Improvement Board on December 13, 1974, were submitted by the Governor on October 3, 1975 (see § 52.1624).

(9) Revisions to Regulation 100, Definitions, Regulation 705, Schedules of Compliance, and a new Regulation 706, Air Quality Maintenance Areas, were submitted by the Governor on November 6, 1975 (see § 52.1633).

(10) Revisions to sections 12-14-2, 12-14-6, and 12-14-7 of the New Mexico Air Quality Control Act were submitted by the Governor on November 6, 1975.

(11) Revisions to the plan for attainment of standards for particulate matter in Albuquerque and Grant, Eddy and Lea Counties, sulfur dioxide in San Juan and Grant Counties; ozone in Albuquerque and carbon monoxide in Las Cruces, Farmington and Santa Fe were submitted by the Governor on January 23, 1979.

(12) Ordinance for motor vehicle emissions inspection/maintenance program for Albuquerque submitted by the Governor July 2, 1979.

(13) Commitments regarding the development of a TSP plan for Albuquerque, modifications to the permit regulations and commitments regarding reasonable further progress and commitments to currently planned transportation control measures for Albuquerque were submitted by the Governor on August 2, 1979.

(14) Schedule for Albuquerque TSP plan, request for 18 month extension for submission of a plan for attainment of the TSP standard in Grant County, schedule for revising permit regulations were submitted by the Governor on September 25, 1979.

(15) No action is being taken on the carbon monoxide strategies submitted

by the Governor on January 23, 1979 for Farmington and Santa Fe.

(16) Compliance schedules for several industries located in Eddy, Lea and Grant Counties were submitted to EPA by the Governor of New Mexico on July 25, 1979.

(17) Revisions to the plan for attainment of the standard for carbon monoxide in Bernalillo County were submitted by the Governor on March 17, 1980.

(18) A commitment to not issue permits to stationary sources located in nonattainment areas was submitted by the Governor on May 20, 1980.

(19) A commitment to submit an enforcement plan for the Albuquerque-Bernalillo County inspection/maintenance program was submitted by the Governor on October 10, 1980.

(20) On December 12, 1979, the Governor submitted final revisions to the ambient monitoring portion of plan.

(21) A variance to Regulation 506 for Phelps Dodge Corporation, Hidalgo Smelter in Playas, New Mexico was submitted by the Governor on February 4, 1980.

(22) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide and a compliance schedule for that regulation were adopted on November 20, 1980 by the New Mexico Environmental Improvement Board and submitted by the Governor on November 24, 1980. A revised sulfur dioxide control strategy demonstration for San Juan County, based on revised Regulation 602 was submitted by the New Mexico Environmental Improvement Division on February 12, 1981. Clarifications of provisions in revised regulation 602, and a memorandum of understanding between the State and Arizona Public Service Company on the procedure to be used by EPA in enforcing power plant station emission limits were submitted by the New Mexico Environmental Improvement Division on April 16, 1981.

(23) A revision to Regulation 504 which extends the final compliance date for Units 4 and 5 of the Arizona Public Service Four Corners Power Plant to December 31, 1982 was submitted by the Governor on June 28, 1978. A compliance schedule for the

same units was submitted by the Governor on March 31, 1980.

(24) A revision to Regulation 507, changing the emission limitations was submitted by the Governor on January 23, 1979.

(25) A variance to Regulation 603 for the Arizona Public Service Units 3, 4, and 5 at the Four Corners Generating Station, was submitted by the Governor on July 31, 1980.

(26) Revision to the plan for maintenance of pay for sources subject to non-ferrous smelter orders (Section 74-2-11.1B of the New Mexico Air Quality Control Act) was submitted by the Governor on September 26, 1979.

(27) The New Mexico Plan for lead was submitted to EPA on May 19, 1980, by the Governor of New Mexico as adopted by the New Mexico Improvement Board on May 9, 1980. A clarifying letter dated February 10, 1982 also was submitted.

(28) Revisions to Regulation 652, Non-Ferrous Smelters—Sulfur, submitted by the Governor on June 22, 1981. A revised sulfur dioxide control strategy demonstration for Grant County based on the revised Regulation 652 was submitted by the New Mexico Environmental Improvement Division on May 12, 1981 and August 13, 1981.

(29) A revision to Regulation 401, Regulation to Control Smoke and Visible Emissions, was adopted by the Environmental Improvement Board on August 25, 1978 and submitted by the Governor on November 8, 1978.

(30) Revision to New Mexico Regulation 801, Excess Emissions during Malfunction, Startup, Shutdown or Scheduled Maintenance, was submitted by the Governor on May 16, 1981.

(31) Revisions to Section X, Intergovernmental Consultation and Cooperation and Interstate Pollution Abatement, submitted by the Governor on January 23, 1979, the Intergovernmental Consultation Program submitted by the Environmental Improvement Division, March 28, 1980 and copies of letters from the New Mexico Environmental Improvement Division dated November 7, 1977 to the States of Texas, Oklahoma, Arizona, Colorado, and Utah sent in compliance with section 126(a)(2) of the Clean Air Act, as amended in 1977.

## Environmental Protection Agency

§ 52.1640

(32) Revisions to Air Quality Control Regulation 652, Nonferrous Smelters—Sulfur were adopted by the New Mexico Environmental Improvement Board on June 11, 1982 and submitted to EPA by the Governor of New Mexico on July 26, 1982.

(33) Addition of Public Information and Participation Program, submitted by the Environmental Improvement Division on December 20, 1979.

(34) Revisions to the plan for attainment of the standard for Carbon Monoxide in Bernalillo County were submitted by the Governor on June 28, 1982, and January 26, 1983, which included the Albuquerque/Bernalillo County Air Quality Control Board Regulation Number 28, adopted October 19, 1982. On March 4, 1985, the vehicle inspection and maintenance portion of the SIP providing for attainment of the standard for Carbon Monoxide in Bernalillo County was disapproved.

(35) Revisions to sections 74-2-2 (9/79, 2/82, 4/83); 74-2-5 (9/79, 2/82, 4/83); 74-2-6 (2/82); 74-2-7 (9/79, 2/82, 4/83); 74-2-9 (9/79); 74-2-11 (9/79); 74-2-11.1 (9/79); 74-2-15 (9/79); and 74-2-15.1 (9/79) of the State's Air Quality Control Act were submitted by the New Mexico Secretary for Health and Environment on August 11, 1983.

(36) A revision to Air Quality Control Regulation 402 "Regulation to Control Wood Waste Burners" as adopted by the New Mexico Environmental Improvement Board on January 10, 1975, and revised by that Board on December 10, 1982, was submitted by the State on December 23, 1983.

(37) On February 21, 1984, the Governor of New Mexico submitted Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD), as adopted by the New Mexico Environmental Improvement Board on January 13, 1984. Regulation 707 provides authority for the State to implement the PSD program in certain areas of the State. On May 14, 1985, the Governor of New Mexico submitted a letter in which he committed the State not to issue PSD permits under Regulation 707 to sources which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion

techniques, as defined at 40 CFR 51.1(hh).

(i) Incorporation by reference.

(A) Letter from the Governor of New Mexico dated February 21, 1984 to EPA, and New Mexico Air Quality Control Regulation No. 707—Permits, Prevention of Significant Deterioration of Air Quality, except for sources that locate (or are located) on lands under control of Indian Governing Bodies, or sources that locate (or are located) in Bernalillo County, or sources that require review under EPA's stack height regulations because they have stack heights over sixty five (65) meters or use any other dispersion techniques, as defined at 40 CFR 51.1(hh), adopted on January 13, 1984.

(B) A letter from the Governor of New Mexico dated May 14, 1985, in which he committed the State not to issue PSD permits under Regulation 707 to source which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(ii) Additional material.

(A) A narrative explanation entitled "Revision to the New Mexico State Implementation Plan—Prevention of Significant Deterioration of Air Quality."

(38) Revisions to the New Mexico SIP for the Arizona Public Service Units 3, 4 and 5 at the Four Corners Generating Station were submitted by the Governor on February 4, 1987, October 26, 1987, and February 16, 1988.

(i) Incorporation by reference.

(A) An Order dated and effective August 7, 1986, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant granting a variance through May 31, 1987, from Air Quality Control Regulation 603.B.

(B) A Memorandum and Order dated and effective April 10, 1987, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power

Plant extending the term of the variance from May 31, 1987 through October 15, 1987.

(C) An Order dated and effective December 18, 1987, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant extending the term of the variance through September 30, 1989 for Unit 4, September 30, 1990 for Unit 3, and September 30, 1991 for Unit 5.

(ii) Additional material.

(A) Modeling Protocol, The Four Corners Power Plant, prepared by Bruce Nicholson of the New Mexico Environmental Improvement Division, November 6, 1987.

(B) Amendment to Modeling Protocol, letter of August 17, 1988, from Bruce Nicholson of the New Mexico Environmental Improvement Division to Gerald Fontenot of EPA Region 6.

(C) Modeling Report, letter of October 27, 1988 to C. V. Mathai (Arizona Public Service Company) and Bruce Nicholson (New Mexico Environmental Improvement Division) from Mark Yocke of Systems Applications Inc.

(D) An air quality impact analysis dated November 16, 1988, submitted by the Governor of New Mexico which demonstrated that the variance would not interfere with attainment or maintenance of the NO<sub>2</sub> NAAQS.

(39) On April 26, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Air Quality Control Regulation No. 710—Stack Height Requirements, as adopted by the New Mexico Environmental Improvement Board on March 10, 1988. Regulation No. 710 enables the State to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation No. 710—Stack Height Requirements, effective April 14, 1988.

(ii) Other material—None.

(40) On November 5, 1985, the Governor of New Mexico submitted Air Quality Control Regulation 709, Per-

mits-Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 26, 1985, and effective on August 25, 1985. On August 19, 1988, the Governor of New Mexico submitted revisions to Air Quality Control Regulation 709, Permits—Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 8, 1988, and effective on August 31, 1988. These revisions were to Section G.3, H.4.(d), J.1.(b)(iv), and L.32. Regulation 709 establishes a program under which new major source and major modifications may be constructed in areas where a National Ambient Air Quality Standard (NAAQS) is being exceeded, without interfering with the continuing progress toward attainment of that standard. This regulation is part of New Mexico's New Source Review (NSR) program.

(i) Incorporation by reference.

(A) Incorporation of New Mexico Air Quality Control Regulation 709; adopted on July 26, 1985, effective August 25, 1985 and Revisions G.3; H.4.(d); J.1.(b)(iv); and L.32 adopted on July 8, 1988, effective August 31, 1988.

(ii) Additional material.

(A) Letter dated September 29, 1988, from the New Mexico Air Quality Bureau Chief making commitments requested by EPA in the August 31, 1988, FEDERAL REGISTER Proposed Rulemaking (51 FR 33505).

(41) Revisions to the New Mexico State Implementation Plan for particulate matter (PM<sub>10</sub> Group III): (1) Air Quality Control Regulation (AQCR) 100—Definitions Sections P, Q, R, S, BB; (2) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3; and (3) AQCR 709—Permits, Nonattainment Areas sections A(1)(b), A(5), and Table 1 as adopted by the New Mexico Environmental Improvement Board (NMEIB) on July 8, 1988, and filed with State Records Center on August 1, 1988; and (4) Air Pollution Episode Contingency Plan for New Mexico, as adopted by the NMEIB on July 7, 1988, were submitted by the Governor on August 19, 1988. Approval of the PM<sub>10</sub> Group III SIP is partially based on previous approved AQCRs 100, 301,

## Environmental Protection Agency

§ 52.1640

401, 402, 501, 502, 506, 507, 508, 509, 510, 511, 601, 702, 707, and 709.

(i) Incorporation by reference.

(A) AQCR 100—Definitions Section P, Q, R, S, and BB as filed with State Records Center on August 1, 1988.

(B) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3, as filed with State Records Center on August 1, 1988.

(C) AQCR 709—Permits, Nonattainment Areas Sections A(1)(b), A(5), and Table 1 as filed with State Records Center on August 1, 1988.

(ii) Additional material.

(A) A letter dated May 25, 1988, from the NMEID General Counsel to EPA's Region 6 Air Programs Chief indicating that the State of New Mexico has sufficient authority to enforce the NAAQS without adopting the Federal NAAQS as State standards.

(42) [Reserved]

(43) A revision to the New Mexico State Implementation Plan (SIP) to include Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989, and submitted by the Governor of New Mexico on May 14, 1990.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989.

(44) A revision to the New Mexico State Implementation Plan (SIP) to include: Air Quality Control Regulation 110—Confidential Information Protection, and Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, and revisions to Air Quality Control Regulations 100—Definitions and 709—Permits—Nonattainment Areas, as all filed with the State Records and Archives Center on May 29, 1990, and submitted by the Governor of New Mexico on July 16, 1990; and revisions to Air Quality Control Regulation 702—Permits, as filed with the State Records and Archives Center on August 18, 1987, on October 19, 1988, and on May 29, 1990. Air Quality Control Regulation 702 was first submitted by the Governor of New

Mexico to EPA on September 17, 1987. Further revisions to Air Quality Control Regulation 702 were submitted to EPA on October 28, 1988, and on July 16, 1990. The approval of Air Quality Control Regulation 703.1 allows Air Quality Control Regulation 703 to be removed from the New Mexico State Implementation Plan.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 110—Confidential Information Protection, as filed with the State Records and Archives Center on May 29, 1990.

(B) New Mexico Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, “Part One—Definitions;” “Part Two—Notice of Intent;” and “Part Three—Emissions Inventory Requirements,” as filed with the State Records and Archives Center on May 29, 1990.

(C) New Mexico Air Quality Control Regulation 100—Definitions, sections (B), (C), (D), (E), (F), (G), (H), (I), (J), (N), (O), (T), (U), (V), (W), (X), (Y), (Z), (AA), (CC), (DD), and (EE), as filed with the State Records and Archives Center on May 29, 1990.

(D) New Mexico Air Quality Control Regulation 702—Permits, “Part One—Definitions,” first paragraph and sections 1, 2, 3, 4, 5; “Part Two—Permit Processing and Requirements,” section A, subsections A(4), A(6); section G, “Public Notice and Participation,” subsections G(1) (first paragraph), G(1)(e); section H, “Permit Decisions and Appeals,” subsections H(1), H(2), H(3), H(5), H(6), H(7); Section I, “Basis for Denial of Permit,” subsections I(1), I(3); Section J, “Additional Legal Responsibilities on Applicants;” section K, “Permit Conditions,” subsections K(1), K(2), K(3), K(4); section L, “Permit Cancellations;” section M, “Permittee's Notification Requirements to Division,” subsections M (first paragraph), M(1); Section O, “Source Class Exemption Process (Permit Streamlining),” subsections O(1)(a), O(2); and section P, “Emergency Permit Process,” subsections P(2), P(3), P(4), as filed with the State Records and Archives Center on August 18, 1987; and further revisions to Air Quality Control Regulation 702, “Part One—Definitions,” sections 6, 7, 8, 9, 10, 11; “Part

Two—Permit Processing and Requirements,” section A, subsection A(1)(b); section H, “Permit Decisions and Appeals,” subsection H(4); and section I, “Basis for Denial of Permit,” subsection I (first paragraph), as filed with the State Records and Archives Center on October 19, 1988; and further revisions to Air Quality Control Regulation 702, “Part One—Definitions,” Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33; “Part Two—Permit Processing and Requirements,” section A, “Application for Construction, Modification, NSPS, and NESHAP—Permits and Revisions,” Subsections A(1)(a)(i), A(1)(a)(ii), A(1)(a)(iii), A(1)(a)(v), A(2), A(3), A(5), A(7); Section B, “New Source Review Coordination;” section C, “Permit Revision;” section D, “Contents of Applications (except last sentence of section D, subsection D(1)(d));” section E, “Confidential Information Protection;” section F, “Construction, Modification and Permit Revision in Bernalillo County;” section G, “Public Notice and Participation,” subsections G(1)(a), G(1)(b), G(1)(c), G(1)(d), G(1)(f), G(2); section I, “Basis for Denial of Permit,” subsections I(2), I(4), I(5), I(6), I(7); section K, “Permit Conditions,” subsection K(5); section M, “Permittee’s Notification Requirements to Division,” Subsections M(2), M(3), M(4); section N, “Startup and Followup Testing;” Section O, “Source Class Exemption Process (Permit Streamlining),” subsections O(1) (first paragraph), O(1)(b), O(1)(c), O(3), O(4); section P, “Emergency Permit Process,” subsections P(1), P(5); section Q, “Non-attainment Area Requirements;” and Table 1, “Significant Ambient Concentrations,” as filed with the State Records and Archives Center on May 29, 1990.

(E) New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, section A, “Applicability,” subsections A(1), A(3), A(4); section B, “Source Obligation,” subsections B(3), B(5), B(6); section C, “Source Information,” subsections C (first paragraph), C(1), C(2); section D, “Source Requirements,” subsections D(1), D(2), D(3), D(4), D(5); section E, “Additional Requirements for Sources Impacting Mandatory Federal Class I

Areas,” subsections E(1), E(2), E(5); section H, “Banking of Emission Reduction,” subsection H(4)(a); section I, “Air Quality Benefit,” subsections I(1), I(2); section J, “Public Participation and Notification;” section K, “Definitions;” and Table 2, “Fugitive Emissions Source Categories,” Title only, as filed with the State Records and Archives Center on May 29, 1990.

(45) On July 11, 1986, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986. Further, on April 14, 1989, the Governor submitted revisions to AQCR 33, as filed with the State Records and Archives Center on March 16, 1989. In addition, on August 7, 1989, the Governor submitted a commitment found in the July 12, 1989 Supplement to AQCR 33 to include specific caveat language on all affected permits issued in which dispersion credits have been an issue in the permit. AQCR 33 enables Albuquerque/Bernalillo County to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986, and as revised on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the State of New Mexico’s SIP regarding stack heights in new source review (NSR) for permits issued in Bernalillo County, as adopted by the Albuquerque/Bernalillo County Air Quality Control Board on July 12, 1989. The Board in this Supplement committed to include specific caveat language for all affected permits issued in which dispersion credits have been an issue in the permit.

(46) Revisions to the New Mexico State Implementation Plan for Air Quality Control Regulation (AQCR) 707—Permits, Prevention of Significant

## Environmental Protection Agency

§ 52.1640

Deterioration (PSD) (for PSD nitrogen dioxide increments) Sections O(4), P(7) through P(41), Table 4, and Table 5, as adopted by the New Mexico Environmental Improvement Board (NMEIB) on March 9, 1990, and filed with State Records Center on May 29, 1990, were submitted by the Governor on July 16, 1990.

(i) Incorporation by reference.

(A) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) sections O(4), P(7) through P(41), Table 4, and Table 5, as filed with State Records Center on May 29, 1990.

(ii) Additional Material—None.

(47) A revision to the New Mexico State Implementation Plan (SIP) to include Part Four of Air Quality Control Regulation 702, entitled “Source Class Permit Streamlining,” as filed with the State Records and Archives Center on May 12, 1992, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 702—Permits, “Part Four—Source Class Permit Streamlining,” Section A, “Definitions;” Section B, “Applicability;” Section C, “Contents of Application;” Section D, “Public Notice and Participation;” Section E, “Permit Decisions;” Section F, “General Requirements;” Section G, “Source Class Requirements;” and Table 2, “Permit Streamlining Source Class Categories,” as filed with the State Records and Archives Center on May 12, 1992.

(48) A revision to the New Mexico SIP to include revisions to Air Quality Control Regulation 709—Permits—Nonattainment Areas, as filed with the State Records and Archives Center on June 25, 1992.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, Section D, “Source Requirements,” Subsections D(2), D(3)(a), D(5), D(6); Section G, “Emission Offsets,” Subsection G(5); Section I, “Air Quality Benefit,” Subsection I(1); and Section J, “Public Participation and Notification,” Subsection J(2) (first paragraph), as filed with the State Records and Archives Center on June 25, 1992.

(49) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—Airborne Particulate Matter, as filed with the State Records and Archives Center on February 17, 1983, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—Airborne Particulate Matter, Section 8.03, “Soil Disturbance,” Subsections 8.03.1, 8.03.2, 8.03.3, 8.03.4, 8.03.5, 8.03.6, 8.03.7, and 8.03.8, as filed with the State Records and Archives Center on February 17, 1983.

(50) A revision to the New Mexico State Implementation Plan (SIP) addressing moderate PM-10 nonattainment area requirements for Anthony was submitted by the Governor of New Mexico by letter dated November 8, 1991. The SIP revision included, as per section 188(f) of the Clean Air Act, a request for a waiver of the attainment date for Anthony.

(i) Incorporation by reference.

(A) Revision to New Mexico Air Quality Control Regulation 301—Regulation to Control Open Burning, section I (definition of “open burning”), as filed with the State Records and Archives Center on February 7, 1983.

(ii) Additional material.

(A) November 8, 1991, narrative plan addressing the Anthony moderate PM-10 nonattainment area, including emission inventory, modeling analyses, and control measures.

(B) A letter dated October 29, 1991, from Judith M. Price, Dona Ana County Planning Director and Assistant County Manager, to Judith M. Espinosa, Secretary of the New Mexico Environment Department, in which the County committed to implement and enforce all Dona Ana County rules, regulations, policies and practices, including those identified in the draft PM-10 SIP which reduce airborne dust in the Anthony area. The Dona Ana County rules, regulations, policies and practices identified in the draft Anthony PM-10 SIP are identical to those identified in the final Anthony PM-10 SIP.

(C) A letter dated November 21, 1991, from Cecilia Williams, Chief, New Mexico Air Quality Bureau, to Gerald Fontenot, Chief, Air Programs Branch, EPA Region 6, expressing satisfaction with the October 29, 1991, commitment letter from Judith Price to Judith Espinosa.

(D) Anthony PM-10 SIP narrative from page 10 that reads as follows: "The State remains committed to the dust control measures implemented by Dona Ana County, moderate area control strategies as agreed to in this SIP submittal and to the established air quality monitoring schedule."

(51) A revision to the New Mexico SIP addressing the nonattainment new source review program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, and May 17, 1993. The revision included visibility protection new source review and stack height provisions.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 32—Construction Permits—Nonattainment Areas, Section A, "Applicability," Subsection A(2); Section B, "Source Obligation," Subsections B(1), B(2), B(4); Section C, "Source Information," Subsection C(3); Section G, "Emission Offsets," Subsections G(first paragraph), G(1), G(2), G(4), G(6), G(7), G(8), G(9)(first paragraph), G(9)(a), G(9)(b), G(10); Section J, "Public Participation and Notification," Subsections J(1), J(2)(a), J(2)(d), J(2)(f), J(2)(g), J(2)(h); Section K, "Definitions," Subsections K(first paragraph), K(1), K(2), K(4), K(5), K(6), K(8), K(9), K(10), K(11), K(12), K(13), K(15), K(16)(first paragraph), K(16)(b), K(16)(c)(first paragraph), K(16)(c)(i), K(16)(c)(ii), K(16)(c)(iii), K(16)(c)(iv), K(16)(c)(v)(first paragraph), K(16)(c)(v)(a), K(16)(c)(vi), K(16)(c)(vii), K(16)(d), K(16)(e), K(17)(first paragraph), K(17)(a), K(17)(b), K(17)(c), K(18), K(19), K(20), K(21)(first paragraph), K(21)(a), K(21)(b)(first paragraph), K(21)(b)(i), K(21)(c), K(21)(d), K(21)(e), K(21)(f), K(23), K(26), K(28), K(29), K(31), K(32); and Table 1, "Significant Ambient Concentrations," as filed with the State Records and Archives Center on March 16, 1989; and

further revisions to AQCR 32, Section i, "Purpose;" Section A, "Applicability," Subsections A(1), A(3), A(4); Section B, "Source Obligation," Subsections B(3), B(5), B(6); Section C, "Source Information," Subsections C(first paragraph), C(1), C(2); Section D, "Source Requirements;" Section E, "Additional Requirements for Sources;" Section F, "Emissions Offset Baseline;" Section G, "Emission Offsets," Subsections G(3), G(5), G(9)(c); Section H, "Banking of Emission Reduction;" Section I, "Air Quality Benefit;" Section J, "Public Participation and Notification," Subsections J(2)(first paragraph), J(2)(b), J(2)(c), J(2)(e); Section K, "Definitions," Subsections K(3), K(7), K(14), K(16)(a), K(16)(c)(v)(b), K(17)(d), K(17)(e), K(21)(b)(ii), K(22), K(24), K(25), K(27), K(30); and Table 2, "Fugitive Emissions Source Categories," as filed with the State Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Areas of Bernalillo County Designated Nonattainment, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on April 14, 1993. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated July 18, 1989, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to Mr. Robert E. Layton Jr., Regional Administrator, EPA Region 6, regarding a stack height commitment and an NSPS/NESHAP performance testing commitment.

(52) A revision to the New Mexico SIP addressing CO for Albuquerque/Bernalillo County was submitted by the Governor of New Mexico by letter dated November 5, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation 34—Woodburning, section 34.00, "Purpose;" section 34.01, "Definitions;" section 34.02, "Sale of New Wood Heaters—Certification Required;" section 34.03, "No-burn Periods;" section 34.04, "Notice Required;" Section 34.05, "Exemptions;" section 34.06, "Visible Emissions;" section 34.07, "Test Procedures;" and section 34.08,



“Misfueling of Solid Fuel Heating Devices Prohibited,” as filed with the State Records and Archives Center on November 27, 1991.

(B) Albuquerque/Bernalillo County Regulation 35—Alternative Fuels, section 35.00, “Purpose;” section 35.01, “Definitions;” section 35.02, “Oxygenated Fuels;” section 35.03, “Oxygenated Fuels Procedures Manual;” and section 35.07, “Severability Clause,” as filed with the State Records and Archives Center on June 25, 1992.

(ii) Additional material.

(A) November 5, 1992, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the Albuquerque/Bernalillo County 1990 base year CO emissions inventory.

(B) A letter dated March 22, 1993, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department (Department), to A. Stanley Meiburg, Director, Air, Pesticides and Toxics Division, EPA Region 6, in which the Department committed to submitting future amendments to Regulation 34 to correct an enforceability deficiency, and in which the Department committed to using only EPA approved test methods until the future amendment correcting the enforceability deficiency is approved by the EPA.

(C) A memorandum dated September 8, 1992, from Kent A. Salazar, Manager, Albuquerque Vehicle Pollution Management Division, to Albert Salas, Quality Assurance Specialist Supervisor, Albuquerque Vehicle Pollution Management Division, addressing the suspension of the oxygenated fuels program due to oxygenate shortage.

(53) A revision to the New Mexico SIP addressing the prevention of significant deterioration program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993. The revision included NO<sub>2</sub> increment provisions and visibility protection NSR.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) 29—Prevention of Significant Deterioration, Section A, “Applicability;”

Section B, “Exemptions;” Section C, “Source Obligation;” Section D, “Source Information;” Section E, “Control Technology Requirements,” Subsections E(1), E(2), E(4)(a), E(4)(b), E(4)(c), E(4)(d), E(4)(e), E(5), E(6), E(7), E(8); Section F, “Ambient Impact Requirements,” Subsections F(1), F(2); Section G, “Additional Impact Requirements;” Section H, “Ambient Air Quality Modeling;” Section I, “Monitoring Requirements,” Subsections I(1), I(2), I(3), I(4), I(5), I(7), I(8), I(9); Section J, “Stack Height Credit;” Section K, “Temporary Source Exemptions;” Section L, “Public Participation and Notification;” Section M, “Restrictions on Area Classifications;” Section N, “Exclusions from Increment Consumption;” Section O, “Additional Requirements for Sources Impacting Federal Class I Areas,” Subsections O(1), O(2), O(3), O(5), O(6), O(7); Section P, “Definitions,” Subsections P(first paragraph), P(1), P(2), P(3), P(4), P(5), P(6), P(26)(first paragraph), P(26)(a), P(26)(c), P(26)(d), P(27); and Table 3, “Significant Monitoring Concentrations,” as filed with the State Records and Archives Center on March 16, 1989; and further revisions to AQCR 29, Section O, “Additional Requirements for Sources Impacting Federal Class I Areas,” Subsection O(4); Section P, “Definitions,” Subsections P(8), P(9), P(10), P(12), P(13)(first paragraph), P(13)(a), P(14), P(15), P(16), P(17), P(18), P(19), P(20), P(21), P(22), P(23), P(24), P(25), P(26)(e), P(28), P(29), P(30), P(31), P(32), P(33), P(34), P(35), P(36), P(37), P(38), P(39), P(40), P(41); and Table 5, “Maximum Allowable Increases for Class I Waivers,” as filed with the State Records and Archives Center on April 24, 1990; and further revisions to AQCR 29, Section E, “Control Technology Requirements,” Subsections E(3), E(4)(first paragraph); Section F, “Ambient Impact Requirements,” Subsection F(3); Section I, “Monitoring Requirements,” Subsection I(6); Section P, “Definitions,” Subsections P(7), P(11), P(13)(b), P(26)(b); Table 1, “PSD Source Categories;” Table 2, “Significant Emission Rates;” Table 4, “Allowable PSD Increments;” and Table 6, “Maximum Allowable Increase for Sulfur Dioxide Waiver by Governor,” as

filed with the State Records and Archives Center on February 26, 1993.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation 2—Definitions, Sections 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, and 2.52, as filed with the State Records and Archives Center on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan for Prevention of Significant Deterioration in Albuquerque/Bernalillo County, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on April 11, 1990. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated April 20, 1992, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to A. Stanley Meiburg, Director, Air, Pesticides and Toxics Division, EPA Region 6, regarding a commitment to incorporate Clean Air Act Amendment revisions into the Albuquerque/Bernalillo County PSD program.

(54) A revision to the New Mexico SIP addressing the Albuquerque/Bernalillo County Permitting Program was submitted by the Governor of New Mexico by cover letter dated July 22, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 20—Authority-to-Construct Permits, Section 20.00, “Purpose;” Section 20.01, “Applicability;” Section 20.02, “Fees for Permit Application Review;” Section 20.03, “Contents of Applications;” Section 20.04, “Public Notice and Participation;” Section 20.05, “Permit Decisions and Appeals;” Section 20.06, “Basis for Permit Denial;” Section 20.07, “Additional Legal Responsibilities on Applicants;” Section 20.08, “Permit Conditions;” Section 20.09, “Permit Cancellation;” Section 20.10, “Permittee’s Notification Obligations to the Department;” Section 20.11, “Performance Testing Following Startup;” Section 20.12, “Emergency Permits;” Section 20.13, “Nonattainment Area Requirements;” Section 20.14, “Definitions Specific to Authority-to-Construct Permit Regulations;” and Table One,

“Significant Ambient Concentrations,” as filed with the State Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement Pertaining to General New Source Review in Albuquerque/Bernalillo County, New Mexico, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on May 12, 1993.

(55)–(56) [Reserved]

(57) A revision to the New Mexico SIP addressing CO contingency measures and a proposed clean fuel vehicle demonstration project for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico by cover letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 35—Alternative Fuels, Section 35.02, “Oxygenated Fuels,” Subsection 35.02(A)(1); Section 35.03, “Oxygenated Fuels Procedures Manual;” and Section 35.06, “Contingency Measures,” as filed with the State Records and Archives Center on November 10, 1993.

(ii) Additional material.

(A) November 12, 1993, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the proposed clean fuel vehicle fleet demonstration project.

(58) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to AQCRs 602, 605, 651, and 652, submitted by the Governor by cover letter dated January 28, 1994. The revision to AQCR 605 consists of removing AQCR 605 from the New Mexico SIP.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 602—*Coal Burning Equipment-Sulfur Dioxide*, Section A.1, Section A.2, Section A.3, Section B.1, Section C.1, Section E.2.a, Section E.2.d, Section F.1.b, Section F.7 and Section G, as filed with the State Records and Archives Center on November 17, 1993.

(B) Revisions to New Mexico Air Quality Control Regulation 651—*Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions*, Section A, Section B, Section C, Section D, Section E, Section F, Section G and Section H, as filed with the State

## Environmental Protection Agency

§ 52.1640

Records and Archives Center on November 17, 1993.

(C) Revisions to New Mexico Air Quality Control Regulation 652-*Non-ferrous Smelters-Sulfur*, Section B.2, Section C.1, Section D, Section G, Section H, Section I, Section J, Section K and Section L, as filed with the State Records and Archives Center on November 17, 1993.

(ii) Additional material.

(A) The document entitled "Hidalgo Smelter Sulfur Recovery Procedures," including appendix 1, "Physical Inventory for Sulfur Recovery Calculations," and appendix 2, "Monthly Sulfur Recovery Calculation."

(59) A revision to the New Mexico State Implementation Plan for Transportation Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 "Transportation Conformity" as adopted on November 9, 1994 and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994. No action is taken on AQCR No. 42 Section 11.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 "Transportation Conformity" as adopted on November 9, 1994 and filed with the State Records and Archives Center on December 16, 1994. No action is taken on AQCR No. 42 Section 11.

(ii) Additional material. None.

(60) A revision to the New Mexico State Implementation Plan for General Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 "General Conformity" as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 "General Conformity" as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994.

(61) A revision to the New Mexico SIP to update the Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Non-

attainment to reflect EPA's approval for lifting the construction ban in Bernalillo County, superseding the supplement dated April 14, 1993.

(i) Incorporation by reference.

(A) October 12, 1994 Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment as approved by the Albuquerque/Bernalillo County Air Quality Control Board on November 9, 1994.

(62) The Governor of New Mexico submitted revisions to 20 New Mexico Administrative Code 2.74 on June 26, 1995, to incorporate changes in the Federal PSD permitting regulations for PM-10 increments.

(i) Incorporation by reference.

(A) Revisions to 20 New Mexico Administrative Code 2.74, effective July 20, 1995.

(63) A revision to the New Mexico SIP approving a request for redesignation to attainment, a vehicle inspection and maintenance program, and the required maintenance plan for the Albuquerque/Bernalillo County CO nonattainment area, submitted by the Governor on May 11, 1995. The 1993 emissions inventory and projections were included in the maintenance plan.

(i) Incorporation by reference.

(A) A letter from the Governor of New Mexico to EPA dated April 14, 1995, in which the Governor requested redesignation to attainment based on the adopted Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation No. 28, Motor Vehicle Inspection, as amended April 12, 1995 and effective on July 1, 1995.

(ii) Additional material. Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico, approved and adopted by the Air Quality Control Board on April 13, 1995.

(64)-(65) [Reserved]

(66) Recodified and revised regulations of the New Mexico Administrative Code submitted by the Governor on January 8, and July 18, 1996.

(i) Incorporation by reference.

(A) New Mexico Administrative Code, Title 20, Chapter 2, Parts 1 and 2, adopted by the New Mexico Environmental Improvement Board September 22, 1995, and filed with the State Records and Archives Center on September 27, 1995.

(B) New Mexico Administrative Code, Title 20, Chapter 2, Parts 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 31, 32, 33, 34, 40, 41, 60, 61, 70, 71, 72 (Subparts I, II and III; Subpart V, Sections 501 and 502), 73, 75, 79, and 80; adopted by the New Mexico Environmental Improvement Board on October 20, 1995, and filed with the State Records and Archives Center on October 30, 1995.

(C) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 3, Sections 109 and 111 and; Part 61, Section 111 and; repeal of Part 3, Section 112, adopted by the New Mexico Environmental Improvement Board December 8, 1995, and filed with the State Records and Archives Center on December 11, 1995.

(D) New Mexico State Records Center transmittals repealing Air Quality Control Regulations 705 and 706; adopted by the New Mexico Environmental Improvement Board December 8, 1995; and filed with the State Records and Archives Center on December 11, 1995.

(E) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 72, Section 103; adopted by the New Mexico Environmental Improvement Board on June 18, 1996, and filed with the State Records and Archives Center on June 19, 1996.

(ii) Additional material. None.

[37 FR 10881, May 31, 1972. Redesignated and amended at 63 FR 37495, July 13, 1998]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1640, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### Subpart HH—New York

#### §52.1670 Identification of plans.

(a) Title of plans:

(1) “Implementation Plan to Achieve Air Quality Standards—Upstate New York.”

(2) “Implementation Plan to Achieve Air Quality Standards—Metropolitan

New York City Air Quality Control Region.”

(b) The plans were officially submitted on January 31, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Parts 175, 176, 177, 185, 197, and 203 of New York’s Code, Rules and Regulation submitted February 9, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(2) Part 200 of the New York State Code and Article 9 of the New York City Code submitted on February 11, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(3) Part 192 of the New York State Air Pollution Control Code submitted on February 14, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(4) Miscellaneous non-regulatory additions to the plan submitted on March 10, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(5) Miscellaneous non-regulatory additions to the plan for New York City submitted on May 19, 1972, by the Governor.

(6) Revisions recodifying regulations 200, 201, 202, 207, 212, 215, 219, 220, 222, 226, and 230 of New York’s Code, Rules and Regulations submitted on May 24, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(7) Revisions to Parts 204, 205, 214, 217, 223, 225, 227 and 230 of New York’s Code, Rules and Regulations submitted on July 20, 1972, by the Governor.

(8) Miscellaneous non-regulatory revisions to the plan submitted on August 3, 1972, by the Division of Air Resources, New York State Department of Environmental Conservation.

(9) Revision to Part 226 of New York’s Code, Rules and Regulations submitted on February 6, 1973, by the New York State Department of Environmental Conservation.

(10) Revised air quality data for 1971 and 1972 for the Hudson Valley AQCR submitted on March 7, 1973, by the New York State Department of Environmental Conservation.