

**Environmental Protection Agency**

**§ 52.1627**

EDITORIAL NOTE: FOR FEDERAL REGISTER citations affecting § 52.1620, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

**§ 52.1621 Classification of regions.**

The New Mexico plan was evaluated on the basis of the following classifications:

| Air quality control region                               | Pollutant          |               |                  |                 |       |
|--|--------------------|---------------|------------------|-----------------|-------|
|  | Particulate matter | Sulfur oxides | Nitrogen dioxide | Carbon monoxide | Ozone |
| Albuquerque-Mid-Rio Grande Intrastate .....              | I                  | III           | III              | III             | I     |
| New Mexico Southern Border Intrastate .....              | IA                 | IA            | III              | III             | III   |
| El Paso-Las Cruces-Alamogordo Interstate .....           | I                  | IA            | III              | I               | I     |
| Four Corners Interstate .....                            | IA                 | IA            | III              | III             | III   |
| Northeastern Plains Intrastate .....                     | III                | III           | III              | III             | III   |
| Pecos-Permian Basin Intrastate .....                     | III                | III           | III              | III             | III   |
| Southwestern Mountains-Augustine Plains Intrastate ..... | III                | III           | III              | III             | III   |
| Upper Rio Grande Valley Intrastate .....                 | III                | III           | III              | III             | III   |

[37 FR 1081, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 42 FR 20131, Apr. 18, 1977; 45 FR 24468, Apr. 10, 1980; 45 FR 67347, Oct. 10, 1980; 52 FR 5965, Feb. 27, 1987]

**§ 52.1622 Approval status.**

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfies all requirements of the Part D of the Clean Air Act, as amended in 1977, except as noted below.

[45 FR 24468, Apr. 10, 1980]

**§ 52.1623 Conditional approval.**

(a) *General Conformity.* (1) A letter, dated April 22, 1998, from the Chief of Air Quality Bureau New Mexico Environment Department to the EPA Regional Office, commits the State to remove Section 110.C from its rule for making the State's rule consistent with Federal rule. Specifically, the letter states that:

This letter is regarding our general conformity rule, 20 NMAC 2.98—Conformity of General Federal Actions to the State Implementation Plan. We have been reviewing paragraph 110.C under Section 110—Reporting Requirements. This is the paragraph in which the Federal Aviation Administration (FAA) had submitted a comment of concern to EPA, during EPA's proposed/final approval period for our rule. This comment caused EPA to withdraw its approval. The

FAA had commented that New Mexico was more stringent than EPA, since our rule does not apply to non-Federal agencies. Our analysis has determined that our inclusion of this paragraph may make our rule more stringent than EPA, and should not have been included. The paragraph had originally come from a STAPPA/ALAPCO model rule. New Mexico had never intended to be more stringent than EPA with regards to general conformity. Hence, the State commits to putting 20 NMAC 2.98 on our regulatory agenda and plan to delete this paragraph within one year from the FEDERAL REGISTER publication of final notice of conditional approval to New Mexico's general conformity SIP.

(2) If the State ultimately fails to meet its commitment to remove this section from its rule within one year of publication of this conditional approval, then EPA's conditional action will automatically convert to a final disapproval.

(b) [Reserved]

[63 FR 48109, Sept. 9, 1998]

**§§ 52.1624–52.1626 [Reserved]**

**§ 52.1627 Control strategy and regulations: Carbon monoxide.**

(a) *Part D Approval.* The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April

13, 1995, meets the requirements of Section 172 of the Clean Air Act, and is therefore approved.

(b) Approval—The Albuquerque/Bernalillo County carbon monoxide limited maintenance plan revision dated September 7, 2004, meets the requirements of section 172 of the Clean Air Act, and is therefore approved.

[61 FR 29973, June 13, 1996, as amended at 70 FR 41967, July 21, 2005]

**§ 52.1628 Interstate pollutant transport and regional haze provisions; what are the FIP requirements for San Juan Generating Station emissions affecting visibility?**

(a) *Applicability.* The provisions of this section shall apply to each owner or operator of the coal burning equipment designated as Units 1, 2, 3, or 4 at the San Juan Generating Station in San Juan County, New Mexico (the plant).

(b) *Compliance Dates.* (1) Compliance with the requirements of this section is required by:

(i) SO<sub>2</sub>: No later than 5 years after September 21, 2011.

(ii) NO<sub>x</sub>: No later than 5 years after September 21, 2011.

(iii) H<sub>2</sub>SO<sub>4</sub>: No later than 5 years after September 21, 2011.

(2) On and after the compliance date of this rule, no owner or operator shall discharge or cause the discharge of NO<sub>x</sub>, SO<sub>2</sub>, or H<sub>2</sub>SO<sub>4</sub> into the atmosphere from Units 1, 2, 3 and 4 in excess of the limits for these pollutants.

(c) *Definitions.* All terms used in this part but not defined herein shall have the meaning given them in the CAA and in parts 51 and 60 of this chapter. For the purposes of this section:

*24-hour period* means the period of time between 12:01 a.m. and 12 midnight.

*Air pollution control equipment* includes baghouses, particulate or gaseous scrubbers, and any other apparatus utilized to control emissions of regulated air contaminants which would be emitted to the atmosphere.

*Boiler-operating-day* means any 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time at the steam generating unit.

*Heat input* means heat derived from combustion of fuel in a unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources. Heat input shall be calculated in accordance with part 75 of this chapter, using data from certified O<sub>2</sub> and stack gas flow rate monitors.

*Owner or Operator* means any person who owns, leases, operates, controls, or supervises the plant or any of the coal burning equipment designated as Units 1, 2, 3, or 4 at the plant.

*Oxides of nitrogen (NO<sub>x</sub>)* means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in 40 CFR part 60.

*Regional Administrator* means the Regional Administrator of EPA Region 6 or his/her authorized representative.

(d) *Emissions Limitations and Control Measures.* (1) Within 180 days of September 21, 2011, the owner or operator shall submit a plan to the Regional Administrator that identifies the air pollution control equipment and schedule for complying with paragraph (d) of this section. The NO<sub>x</sub> control device included in this plan shall be designed to meet the NO<sub>x</sub> emission rate limit identified in paragraph (d) of this section with an ammonia slip of no greater than 2.0 ppm. The owner or operator shall submit amendments to the plan to the Regional Administrator as changes occur.

(2) *NO<sub>x</sub> emission rate limit.* The NO<sub>x</sub> emission rate limit for each unit in the plant, expressed as nitrogen dioxide (NO<sub>2</sub>), shall be 0.05 pounds per million British thermal units (lbs/MMBtu), as averaged over a rolling 30 boiler-operating-day period. The hourly NO<sub>x</sub> and O<sub>2</sub> data used to determine the NO<sub>x</sub> emission rates shall be in compliance with the requirements in part 75 of this chapter. For each unit on each boiler-operating-day, the hourly NO<sub>x</sub> emissions measured in lbs/MMBtu, shall be averaged over the hours the unit was in operation to obtain a daily boiler-operating-day average. Each day, the 30-day-rolling average NO<sub>x</sub> emission rate for each unit (in lbs/MMBtu) shall be determined by averaging the daily boiler-operating-day average emission rate from that day and those from the preceding 29 days.