

**JUL 27 1995**

Mr. Mark Weidler  
Secretary  
New Mexico Environment Department  
P.O. Box 26110  
Santa Fe, NM 87502-6110

Dear Mr. Weidler:

Our office has completed review of your November 9, 1994, submittal for delegation of authority under 40 Code of Federal Regulations (CFR) Part 63, Subpart E to implement and enforce the following regulations: the New Mexico Air Quality Control Regulation (AQCR) 780, since renamed as 20 New Mexico Administrative Code (NMAC) 2.82 - Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants; and the New Mexico AQCR 755, since renamed 20 NMAC 2.83 - Construction or Modification of Major Sources of Hazardous Air Pollutants and amendments to AQCR 702.

Specifically, your submittal seeks delegation of authority to implement and enforce the following Federal standards:

1) the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: General Provisions for 40 CFR Part 63, Subpart A, promulgated March 16, 1994;

2) NESHAP for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks - Hazardous Organic NESHAP, 40 CFR Part 63, Subparts F, G, H, and I promulgated April 22, 1994, and subsequent correction notices;

3) NESHAP for Source Categories: Coke Oven Batteries promulgated October 27, 1994, and subsequent correction notice, January 13, 1994;

4) NESHAP for Source Categories: Perchloroethylene Dry Cleaning Facilities promulgated September 22, 1993, and the associated amendment published on December 20, 1993.

Your submittal was found to be complete with respect to the information necessary to grant authority to implement and enforce these Maximum Achievable Control Technology (MACT) standards and

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General Provisions; thus with this letter, we are delegating to the New Mexico Environment Department the authority to implement and enforce these standards as they apply to major sources in New Mexico.

Your letter also requests that the Environmental Protection Agency (EPA) grant the New Mexico Environment Department (NMED) full authority to implement and enforce the requirements of section 112(g) of the Clean Air Act Amendments of 1990 which was adopted to govern modifications to hazardous air pollutant (HAP) sources. Your submittal includes 20 NMAC 2.83 which addresses the modification, construction, and reconstruction of HAP sources.

On February 14, 1995, an Interpretive Notice regarding the 112(g) rule was published in the Federal Register. This interpretive ruling postpones the effective date of section 112(g) until after the EPA has promulgated a rule addressing that provision. As a result, it is EPA's understanding that the NMED has decided not to promulgate this regulation and has withdrawn this rule from EPA's consideration. Therefore, Region 6 is returning the 20 NMAC 2.83 rule to the NMED for future action by the State.

Region 6 is pleased that the NMED is actively pursuing delegation of federally promulgated MACT standards and looks forward to working closely with you to accomplish this goal. If you have any questions or comments regarding the contents of this letter, please contact Ms. Adele Cardenas at (214) 665-7210.

Sincerely yours,

A. Stanley Meiburg  
Acting Regional Administrator

cc: Mr. Bill Blankenship  
New Mexico Environment Department

bcc: Adele Cardenas (6T-AN) ✓



BRUCE KING  
GOVERNOR

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JUDITH M. ESPINOSA  
SECRETARY

RON CURRY  
DEPUTY SECRETARY

November 9, 1994

Thomas A. Driscoll  
Region 6 Air Toxics Coordinator  
U.S. Environmental Protection Agency  
1445 Ross Ave., Suite 700  
Dallas, TX 75202-2733

Dear Mr. Driscoll:

I am pleased to submit to U.S. EPA newly adopted New Mexico Air Quality Control Regulation (AQCR) 780 - Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants. This package contains a copy of the regulation as approved by the Environmental Improvement Board and the October 19, 1994 hearing record. This regulation is submitted as part of the Title V operating permits program (as submitted 11/15/93).

Enclosed in this package is also a reformatted copy of AQCR 780 according to New Mexico's new Administrative Code. Under this new system AQCR 780 will be referred to as 20 NMAC 2.82.

I am requesting that EPA approve 20 NMAC 2.82 (AQCR 780) and grant New Mexico full authority to implement the use of maximum achievable control technologies in the control of hazardous air pollutants in our State.

Sincerely,

  
JUDITH M. ESPINOSA  
SECRETARY

Enclosures

cc: Governor Bruce King  
David Coss, Environment Department Director