UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

May 13, 2022

Mr. James C. Kenney
Cabinet Secretary
New Mexico Environment Department
1190 Saint Francis Drive
Santa Fe, New Mexico 87502

Dear Mr. Kenney:

This letter is in response to the New Mexico Environment Department Exceptional Events Demonstrations, dated November 16, 2021. The demonstrations submitted to the U.S. Environmental Protection Agency requested to exclude particulate matter less than or equal to 10 micrometers in diameter (PM10) data associated with exceptional event claims on various dates during 2019. The NMED determined that high wind dust events caused exceedances of the PM_{10} National Ambient Air Quality Standard level of 150 µg/m3 at the monitors and on the dates listed in the enclosure.

In 2016, the EPA revised the Exceptional Events Rule found in sections 40 CFR 50.14 and 40 CFR 51.930. See, "Treatment of Data Influenced by Exceptional Events," 81 FR 68216 (October 3, 2016). After careful consideration of the evidence provided, the EPA concurs that NMED has met the applicable exceptional event demonstration requirements in 40 CFR 50.14(a)(2) and (b)(5). In addition, the NMED has met the schedule and procedural requirements set forth in section 50.14(c). The EPA has reviewed the documents provided to demonstrate that the exceedances at the subject monitors during 2019 meet the criteria for an exceptional event under the EER. The basis for our concurrence is set forth in the enclosed technical support document. My staff will enter "concurrence flags" for these data into the EPA's Air Quality System data repository.

The EPA concurrence is a preliminary step in the regulatory process for actions that may rely on the dataset containing the event-influenced data and does not constitute final agency action. If the EPA takes a regulatory action that is affected by exclusion of the subject data, the EPA will publish notice of its proposed action in the ***Federal Register***. The EPA's concurrence letter and accompanying technical support document will be included in the record as part of the technical basis for that proposal.

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If EPA were to issue a final regulatory action excluding the emissions data, the final action would be subject to judicial review including the exclusion of the emissions data. If you have any questions or wish to discuss this matter further, please have your staff contact Ms. Frances Verhalen, Chief, Air Monitoring/Grants Section, (214) 665-2172.

Sincerely,

Earthea Nance, Ph.D., PE
Regional Administrator

Enclosure

cc: Mr. Michael Baca, NMED