



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Via the State Planning Collaboration System (SPeCS) for SIPs

June 2, 2026

The Honorable Scott Mason
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

Re: Revisions to the New Mexico State Implementation Plan and Title V Operating Permit Program

Dear Regional Administrator Mason,

On behalf of the New Mexico Environment Department ("NMED"), I am pleased to submit to the U.S. Environmental Protection Agency ("EPA") the enclosed revisions to the New Mexico State Implementation Plan ("SIP") and Title V Operating Permit Program. These revisions include the repeal and replacement of existing New Mexico Administrative Code ("NMAC") rules 20.2.75 NMAC – *Construction Permit Fees* ("Part 75"), and 20.2.71 NMAC – *Operating Permit Emissions Fees* ("Part 71"). Replacement Parts 75 and 71 update NMED's construction permit and emissions fee schedules, respectively, to ensure fees are sufficient to cover the reasonable costs of implementing and administering NMED's Construction Permit Program and Title V Operating Permit Program, as required by Section 502(b)(3) of the Clean Air Act and Sections 74-2-7(B)(6) and (7) of the Air Quality Control Act.

The New Mexico Environmental Improvement Board ("EIB") repealed and replaced Parts 75 and 71 on April 17, 2026, after a public comment period and subsequent public hearing held on March 23-25, 2026, at the New Mexico State Capital in Santa Fe, New Mexico. I certify that the requirements of 40 CFR § 51.102 were met for this hearing, including specifically the notice requirements in paragraphs (a) and (d). The hearing record for the repeal and replacement of Parts 75 and 71 is attached and includes the adopted rules filed with the State Records Administrator and published in the New Mexico Register, petition, scheduling order, entries of appearance, public notice, notices of intent to present technical testimony, exhibits, transcripts, the signed *Final Order and Statement of Reasons*, and public comments.

NMED respectfully requests that EPA approve replacement Part 75 as a revision to the New Mexico SIP,¹ replacing the existing version that became effective on December 1, 2003, and was approved into the SIP on March 29, 2012 (effective May 29, 2012).² NMED further requests that EPA approve replacement Part 71 as a

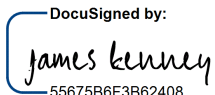
¹ Excluding the provisions contained in 20.2.75.10(B) NMAC and 20.2.75.11(E) NMAC, since the underlying accelerated review permit processing program contained in 20.2.72.221 NMAC is not part of the SIP. 20.2.75.11(E) NMAC in replacement Part 75 is identical to 20.2.75.11(D) in existing Part 75.

² 77 FR 18923.

revision to New Mexico's Title V Operating Permit Program, replacing the existing version that became effective on January 9, 2009.

If you have any questions regarding this submittal, please contact Cindy Hollenberg, Air Quality Bureau Chief, at (505) 699-4608 or cindy.hollenberg@env.nm.gov.

Sincerely,

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James C. Kenney
Cabinet Secretary

Cc: Michelle Miano, Division Director, Environmental Protection Division, NMED
Cindy Hollenberg, Bureau Chief, Air Quality Bureau, NMED
Brian Polgar, Planning Section Chief, Air Quality Bureau, NMED
James McDonald, Director, Air and Radiation Division, EPA Region 6