

APPENDIX B – Public Comment



STATE ENVIRONMENT DEPARTMENT SEEKS PUBLIC COMMENT ON CLEAN AIR ACT 179B DEMONSTRATION

(Santa Fe, NM) –The New Mexico Environment Department Air Quality Bureau has completed a draft Clean Air Act 179B(b) retrospective demonstration showing international emissions contributed to exceedances of the 2015 National Ambient Air Quality Standards (NAAQS) for ozone in the Sunland Park Ozone Nonattainment Area (SLP O₃ NAA). This document demonstrates to the U.S. Environmental Protection Agency that the SLP O₃ NAA would be in attainment of the NAAQS but for international emissions. Without this demonstration, the SLP O₃ NAA would undergo a reclassification of nonattainment status from marginal to moderate, entailing additional planning requirements.

The New Mexico Environment Department is seeking public comment on the draft document through May 13, 2021. The document is available for review at the Environment Department's field offices and website at www.env.nm.gov/air-quality/ or by contacting the Department at (575) 449-2983.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

For more information and to submit comments, please contact Armando Paz, Environmental Analyst, NMED Air Quality Bureau at (575) 449-2983 or at armando.paz@state.nm.us.

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DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MÉXICO
Aviso de Oportunidad para Comentarios de Públicos
para una Demonstración de la Ley de Aire Limpio 179B

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) anuncia la oportunidad de hacer comentarios públicos sobre un borrador de demostración retrospectivo que muestra las emisiones de internacionales que contribuyen a exceder a la Norma Nacional de Calidad del Aire Ambiental (NAAQS, por sus siglas en inglés) de ozono de 2015 en el área de incumplimiento de Sunland Park, según es aplicable de la Sección 179B(b), de la Ley de Aire Limpio (CAA, por sus siglas en inglés). Este documento demuestra a la Agencia de Protección Ambiental de EE. UU. que el área de incumplimiento de ozono de Sunland Park sería en logro, pero para las emisiones de internacional. Sin esta demostración, el área de incumplimiento de ozone de Sunland Park sufriría una reclasificación del estado de incumplimiento de marginal a moderado, lo que implica requisitos de planificación adicionales.

El Departamento de Medio Ambiente de Nuevo México está buscando comentarios públicos sobre el borrador del documento hasta el 13 de mayo de 2021.

La demostración puede ser revisada en el sitio web de NMED en <https://www.env.nm.gov/air-quality/dona-ana-2/>.

Los comentarios públicos sobre la demostración propuesta deben enviarse por correo electrónico, por correo postal, o por fax a:

New Mexico Environment Department
ATTN: Armando Paz, Air Quality Bureau
2301 Entrada del Sol
Las Cruces, NM 88001
armando.paz@state.nm.us
(Office): (575) 449-2983
(Fax): (575) 526-3891

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigido por las leyes y reglamentos correspondientes. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R., partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de Contaminación del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, política o procedimiento de no discriminación de NMED, usted puede comunicarse con la Coordinadora de No Discriminación:

Kathryn Becker,
NMED Non-Discrimination Coordinator
1190 St. Francis Dr., Suite N4050
P.O. Box 5469



Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

Si usted cree que ha sido discriminado/a con relación a un programa o actividad de NMED, usted se puede comunicar con la coordinadora antidiscriminación mencionada arriba o visitar nuestro sitio electrónico: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender más sobre cómo y dónde presentar una queja de discriminación.



Las Cruces Sun News.

PART OF THE USA TODAY NETWORK

Affidavit of Publication

Ad # 0004683528

This is not an invoice

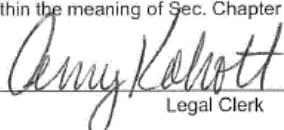
NM ENVIRONMENTAL DEPARTMENT AIR QUALITY BUREAU
525 CAMINO DE LOS MARQUEZ SUITE

SANTA FE, NM 87507

I, a legal clerk of the **Las Cruces Sun News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

04/14/2021

Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.


Amy Kehott
Legal Clerk

Subscribed and sworn before me this April 14, 2021:


Kathleen Allen

State of WI, County of Brown
NOTARY PUBLIC

1-7-25

My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Ad # 0004683528
PO #: 35660
of Affidavits 1

This is not an invoice

STATE ENVIRONMENT DEPARTMENT SEEKS PUBLIC COMMENT ON CLEAN AIR ACT 1798 DEMONSTRATION

(Santa Fe, NM) —The New Mexico Environment Department Air Quality Bureau has completed a draft Clean Air Act 1798(b) retrospective demonstration showing international emissions contributed to exceedances of the 2015 National Ambient Air Quality Standards (NAAQS) for ozone in the Sunland Park Ozone Nonattainment Area (SLP O3 NAA). This document demonstrates to the U.S. Environmental Protection Agency that the SLP O3 NAA would be in attainment of the NAAQS but for international emissions. Without this demonstration, the SLP O3 NAA would undergo a reclassification of nonattainment status from marginal to moderate, entailing additional planning requirements.

The New Mexico Environment Department is seeking public comment on the draft document through May 13, 2021. The document is available for review at the Environment Department's field offices and website at www.env.nm.gov/air-quality/ or by contacting the Department at (575) 449-2983.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

For more information and to submit comments, please contact Armando Paz, Environmental Analyst, NMED Air Quality Bureau at (575) 449-2983 or at armando.paz@state.nm.us. #4683528, Sun-News, April 14, 2021

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MAY 19 2021

Air Quality Bureau



Las Cruces Sun News.

PART OF THE USA TODAY NETWORK

Affidavit of Publication

Ad # 0004683541

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NM ENVIRONMENT DEPT/A IR QUALITY BURE
525 CAMINO DE LOS MARQUEZ SUIT

SANTA FE, NM 87507

I, a legal clerk of the **Las Cruces Sun News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

04/14/2021

Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Anny Kohott

Legal Clerk

Subscribed and sworn before me this April 14, 2021:

Kathleen Allen

State of WI, County of Brown
NOTARY PUBLIC

1-2-25

My commission expires

KATHLEEN ALLEN

Kathryn Becker,
NMED Non-Discrimination Coordinator

Ad # 0004683541

PO #:

of Affidavits 1

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MAY 19 2021

Air Quality Bureau

Si usted cree que ha sido discriminado/a con relación a un programa o actividad de NMED, usted se puede comunicar con la coordinadora antidiscriminación mencionada arriba o visitar nuestro sitio electrónico: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender más sobre cómo y dónde presentar una queja de discriminación.

#4683541, Sun-News, April 14, 2021





AFFIDAVIT OF PUBLICATION

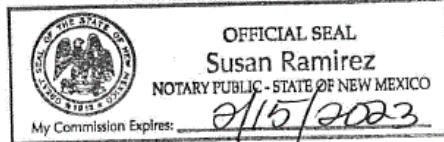
STATE OF NEW MEXICO

County of Bernalillo SS

STATE ENVIRONMENT
DEPARTMENT SEEKS
PUBLIC COMMENT ON
CLEAN AIR ACT 179B DEMONSTRATION
SANTA FE NEW MEXICO
ENVIRONMENTAL DEPARTMENT AIR QUALITY
BUREAU

Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made or assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

04/14/2021



Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

14 day of April of 2021

PRICE \$122.29

Statement to come at the end of month.

ACCOUNT NUMBER 1007594

RECEIVED

MAY 12 2021

Air Quality Bureau



RECEIVED

MAY 12 2021

Air Quality Bureau



**STATE ENVIRONMENT
DEPARTMENT SEEKS
PUBLIC COMMENT ON
CLEAN AIR ACT 179B
DEMONSTRATION**

(Santa Fe, NM) —The New Mexico Environment Department Air Quality Bureau has completed a draft Clean Air Act 179B(b) retrospective demonstration showing international emissions contributed to exceedances of the 2015

National Ambient Air Quality Standards (NAAQS) for ozone in the Sunland Park Ozone Nonattainment Area (SLP O3 NAA). This document demonstrates to the U.S. Environmental Protection Agency that the SLP O3 NAA would be in attainment of the NAAQS but for international emissions. Without this demonstration, the SLP O3 NAA would undergo a reclassification of nonattainment status from marginal to moderate, entailing additional planning requirements.

The New Mexico Environment Department is seeking public comment on the draft document through May 13, 2021. The document is available for review at the Environment Department's field offices and website at www.env.nm.gov/air-quality or by contacting the Department at (575) 449-2983.

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For more information and to submit comments, please contact Armando Paz, Environmental Analyst, NMED Air Quality Bureau at (575) 449-2983 or at armando.paz@state.nm.us.



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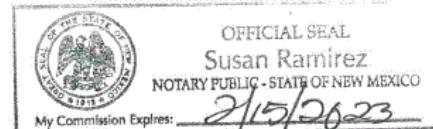
STATE OF NEW MEXICO

County of Bernalillo SS

DEPARTAMENTODEM
EDIOAMBIENTEDENU
EVOMEXICOAVISODE
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COMENTARIOSDEPU
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04/14/2021



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MAY 12 2021

Air Quality Bureau

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

14 day of April of 2021

PRICE \$165.57

Statement to come at the end of month.

ACCOUNT NUMBER 1007594

GOV'T LEGALS



DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MÉXICO

Aviso de Oportunidad para Comentarios de Públicos para una Demonstración de la Ley de Aire Limpio 179B

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) anuncia la oportunidad de hacer comentarios públicos sobre un borrador de demostración retrospectivo que muestra las emisiones de internacionales que contribuyen a exceder a la Norma Nacional de Calidad del Aire Ambiental (NAAQS, por sus siglas en inglés) de ozono de 2015 en el área de incumplimiento de Sunland Park, según es aplicable de la Sección 179B(b), de la Ley de Aire Limpio (CAA, por sus siglas en inglés). Este documento demuestra a la Agencia de Protección Ambiental de EE. UU. que el área de incumplimiento de ozono de Sunland Park sería en logro, pero para las emisiones de internacional. Sin esta demostración, el área de incumplimiento de ozono de Sunland Park sufriría una reclasificación del estado de incumplimiento de marginal a

GOV'T LEGALS

moderado, lo que implica requisitos de planificación adicionales.

El Departamento de Medio Ambiente de Nuevo México está buscando comentarios públicos sobre el borrador del documento hasta el 13 de mayo de 2021.

La demostración puede ser revisada en el sitio web de NMED en <https://www.env.nm.gov/air-quality/donana-2>.

Los comentarios públicos sobre la demostración propuesta deben enviarse por correo electrónico, por correo postal, o por fax a:

New Mexico Environment Department
ATTN: Armando Paz,
Air Quality Bureau
2301 Entrada del Sol
Las Cruces, NM 88001
(Office): (575) 449-2983
(Fax): (575) 526-3891

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GOV'T LEGALS

de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975; Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de Contaminación del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, política o procedimiento de no discriminación de NMED, usted puede comunicarse con la Coordinadora de No Discriminación:

Kathryn Becker,
NMED Non-Discrimination Coordinator
1190 St. Francis Dr.,
Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
nd.coordinator@state.nm.us

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Journal: April 14, 2021



Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 14, 2021

Armando Paz
New Mexico Environment Department
Air Quality Bureau - Control Strategies
2301 Entrada del Sol
Las Cruces, NM 88001
[Submitted via email]

Re: Comments on the New Mexico Environment Department Draft Clean Air Act 179B Demonstration for the Sunland Park Nonattainment Area

Dear Armando Paz:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment in support of the New Mexico Environment Department's (NMED) Draft Clean Air Act 179B Demonstration for the Sunland Park Nonattainment Area.

The Sunland Park and El Paso areas are both impacted by international transport of pollution to the Paso Del Norte airshed. Such transport of international emissions is well documented and has continued to impact design values in these border areas and the ability of both New Mexico and Texas to comply with the eight-hour ozone National Ambient Air Quality Standard (NAAQS). The NMED's analyses support the conclusion that international emissions from Ciudad Juarez, Chihuahua, Mexico impacted the Sunland Park nonattainment area's ability to attain the eight-hour ozone NAAQS. The photochemical modeling by NMED and the U.S. Environmental Protection Agency (EPA) Revised Cross State Air Pollution Rule Update indicate design value contributions of 7 to 16 parts per billion from Mexico, which is consistent with NMED's back trajectory analysis. The TCEQ agrees with the NMED's conclusion that, but for international emissions from Ciudad Juarez, Mexico, the Sunland Park area would attain the eight-hour ozone NAAQS.

If there are any questions concerning the TCEQ's comments, please contact Donna Huff, Deputy Director of the Air Quality Division, at 512-239-6628 or donna.huff@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby Baker".

Toby Baker
Executive Director

Enclosure

