

**Subpart GG—New Mexico**

**§ 52.1620 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA approved regulations.

**EPA APPROVED NEW MEXICO REGULATIONS**

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
<b>New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality</b>				
Part 1 .....	General Provisions .....	10/27/95	11/25/97, 62 FR 50514 .....	This date reflects a recodification, not EPA approval of underlying requirement.
Part 2 .....	Definitions .....	11/30/95	11/25/97, 62 FR 50514	
Part 3 .....	Ambient Air Quality Standards ...	11/30/95	11/25/97, 62 FR 50514	
Part 5 .....	Source Surveillance .....	11/30/95	11/25/97, 62 FR 50514	
Part 7 .....	Excess emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance.	11/30/95	11/25/97, 62 FR 50514	
Part 8 .....	Emissions Leaving New Mexico	11/30/95	11/25/97, 62 FR 50514	
Part 10 .....	Woodwaste Burners .....	11/30/95	11/25/97, 62 FR 50514	
Part 11 .....	Asphalt Process Equipment .....	11/30/95	11/25/97, 62 FR 50514	
Part 12 .....	Cement Kilns .....	11/30/95	11/25/97, 62 FR 50514	
Part 13 .....	Gypsum Processing Plants .....	11/30/95	11/25/97, 62 FR 50514	
Part 14 .....	Particulate Emissions From Coal Burning Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 15 .....	Pumice, Mica and Perlite Process Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 16 .....	Nonferrous Smelters (New and Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 17 .....	Nonferrous Smelters (Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 18 .....	Oil Burning Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 19 .....	Potash, Salt or Sodium Sulfate Processing Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 20 .....	Lime Manufacturing Plants-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 21 .....	Fugitive Particulate Matter Emissions from Nonferrous Smelters.	11/30/95	11/25/97, 62 FR 50514	

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EPA APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/ef-fective date	EPA approval date	Comments
Part 22 .....	Fugitive Particulate Matter Emissions from Roads within the Town of Hurley.	11/30/95	11/25/97, 62 FR 50514	
Part 30 .....	Kraft Mills .....	11/30/95	11/25/97, 62 FR 50514	
Part 31 .....	Coal Burning Equipment-Sulfur Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 32 .....	Coal Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 33 .....	Gas Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 34 .....	Oil Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 40 .....	Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions.	11/30/95	11/25/97, 62 FR 50514	
Part 41 .....	Nonferrous Smelters-Sulfur .....	11/30/95	11/25/97, 62 FR 50514	
Part 60 .....	Open Burning .....	11/30/95	11/25/97, 62 FR 50514	
Part 61 .....	Smoke and Visible Emissions ...	11/30/95	11/25/97, 62 FR 50514	
Part 70 .....	Operating Permits .....	11/30/95	11/25/97, 62 FR 50514	
Part 71 .....	Operating Permit Emission Fees	11/30/95	11/25/97, 62 FR 50514	
Part 72 .....	Construction Permits .....	11/30/95	11/25/97, 62 FR 50514 .....	Subparts I, II, III, and V in SIP.
Part 73 .....	Notice of Intent and Emmissions Inventory Requirements..	10/1/97	2/8/02, 67 FR 6152	
Part 74 .....	Permits—Prevention of Significant Deterioration.	12/06/05	09/05/07, 72 FR 50879.	
Part 75 .....	Construction Permit Fees .....	11/30/95	11/25/97, 62 FR 50514	
Part 79 .....	Permits—Nonattainment Areas ..	12/06/05	09/05/07, 72 FR 50879.	
Part 80 .....	Stack Heights .....	11/30/95	11/25/97, 62 FR 50514	
Part 98 .....	General Conformity .....	08/02/96	9/9/98, 63 FR 48109 .....	Conditional approval expires on September 9, 1999.
Part 99 .....	Transportation Conformity .....	11/23/98 and 09/08/99	3/20/00, 65 FR 14877 .....	(1) No action is taken on sections 109. C.1, 114, 128.C-F, 137.E, 139.A.2, 140.A.1, and 147.B

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

State citation	Title/subject	State approval/ef-fective date	EPA approval date	Explanation
<b>Albuquerque/Bernalillo County, Air Quality Control Regulations</b>				
Regulation No. 8 .....	Airborne Particulate Matter ...	02/17/83	02/23/93, 58 FR 10970 ...	Only Section 8.03, Soil Disturbance, in SIP.
Section 21 .....	Permit Fees .....	01/23/79	04/10/80, 45 FR 24460.	
<b>New Mexico Administrative Code (NMAC) Title 20—Environment Protection, Chapter 11—Albuquerque/Bernalillo County Air Quality Control Board</b>				
Part 1 (20.11.1 NMAC) ....	General Provisions .....	09/07/04	7/21/05, 70 FR 41963.	
Part 3 (20.11.3 NMAC) ....	Transportation Conformity .....	07/01/98	07/08/99, 64 FR 36786 ...	No action taken on Sections I.2.3, II.2.4, II.7.3–7.6, II.16.5, II.18.1.B, II.19.1.A, and II.22.2.
Part 4 (20.11.4 NMAC) ....	General Conformity .....	10/01/02	12/30/04, 69 FR 78314.	
Part 5 (20.11.5 NMAC) ....	Visible Air Contaminants .....	01/01/03	12/30/04, 69 FR 78314.	
Part 6 (20.11.6 NMAC) ....	Emergency Action Plan .....	10/01/02	12/30/04, 69 FR 78314.	
Part 7 (20.11.7 NMAC) ....	Variance Procedure .....	09/07/04	05/31/06, 71 FR 30805.	
Part 8 (20.11.8 NMAC) ....	Ambient Air Quality Standards.	09/07/04	05/31/06, 71 FR 30805.	
Part 21 (20.11.21 NMAC)	Open Burning .....	10/01/02	12/30/04, 69 FR 78314.	
Part 22 (20.11.22 NMAC)	Woodburning .....	10/01/02	12/30/04, 69 FR 78314.	
Part 40 (20.11.40 NMAC)	Source Registration .....	10/01/02	12/30/04, 69 FR 78314.	
Part 41 (20.11.41 NMAC)	Authority to Construct .....	10/01/02	12/30/04, 69 FR 78314.	
Part 43 (20.11.43 NMAC)	Stack Height Requirements ..	10/01/02	12/30/04, 69 FR 78314.	
Part 60 (20.11.60) .....	Permitting in Nonattainment Areas.	12/14/05	4/26/07, 72 FR 20728.	

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Explanation
Part 61 (20.11.61)	Prevention of Significant Deterioration.	12/14/05	4/26/07, 72 FR 20728.	
Part 63 (20.11.63 NMAC)	New Source Performance Standards for Stationary Sources.	10/01/02	12/30/04, 69 FR 78314.	
Part 64 (20.11.64 NMAC)	Emission Standards for Hazardous Air Pollutants for Stationary Sources.	10/01/02	12/30/04, 69 FR 78314.	
Part 65 (20.11.65 NMAC)	Volatile Organic Compounds	10/01/02	12/30/04, 69 FR 78314.	
Part 66 (20.11.66 NMAC)	Process Equipment	10/01/02	12/30/04, 69 FR 78314.	
Part 67 (20.11.67 NMAC)	Equipment, Emissions, Limitations.	10/01/02	12/30/04, 69 FR 78314.	
Part 68 (20.11.68 NMAC)	Incinerators and Crematories	04/01/02	12/30/04, 69 FR 78314.	
Part 90 (20.11.90 NMAC)	Administration, Enforcement, and Inspection.	10/01/02	12/30/04, 69 FR 78314.	
Part 100 (20.11.100 NMAC)	Motor Vehicle Inspection—Decentralized.	09/07/04	7/21/05, 70 FR 41963.	
Part 102 (20.11.102 NMAC)	Oxygenated Fuels	09/07/04	7/21/05, 70 FR 41963.	
Part 103 (20.11.103 NMAC)	Motor Vehicle Visible Emissions.	10/01/02	12/30/04, 69 FR 78314.	

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED NEW MEXICO SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State approval/effective date	EPA approval date	Explanation
None				

(e) EPA approved nonregulatory provisions.

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

State citation	Title/subject	State Approval/effective date	EPA approval date	Comments
<b>NMSA 1978—New Mexico Statutes in the Current New Mexico SIP</b>				
74-1-4	Environmental Improvement Board—Creation—Organization.	04/20/90	June 1, 1999.	
74-2-1	Short Title	08/11/83	11/02/84, 49 FR 44101	
74-2-2	Definitions	08/11/83	11/02/84, 49 FR 44101	
74-2-3	State Air Pollution Control Agency.	08/11/83	11/02/84, 49 FR 44101	
74-2-4	Municipal or County Air Quality Control Board.	04/20/90	June 1, 1999	
74-2-5	Duties and Powers of Board	08/11/83	11/02/84, 49 FR 44101	
74-2-6	Adoption of Regulations Notice and Hearings.	08/11/83	11/02/84, 49 FR 44101	
74-2-7	Permits	08/11/83	11/02/84, 49 FR 44101	
74-2-8	Variances	08/11/83	11/02/84, 49 FR 44101	
74-2-9	Variances—Judicial Review	08/11/83	11/02/84, 49 FR 44101	
74-2-10	Emergency Procedure	08/11/83	11/02/84, 49 FR 44101	
74-2-11	Confidential Information	08/11/83	11/02/84, 49 FR 44101	
74-2-11.1	Limitations on Regulations	08/11/83	11/02/84, 49 FR 44101	
74-2-12	Enforcement	08/11/83	11/02/84, 49 FR 44101	
74-2-13	Inspection	08/11/83	11/02/84, 49 FR 44101	

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**EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued**

State citation	Title/subject	State Approval/ effective date	EPA approval date	Comments
74-2-14 .....	Penalties .....	08/11/83	11/02/84, 49 FR 44101	
74-2-15 .....	Additional Means of Enforcement.	08/11/83	11/02/84, 49 FR 44101	
74-2-15.1 .....	Primary Nonferrous Smelter Orders.	08/11/83	11/02/84, 49 FR 44101	
74-2-16 .....	Declaratory Judgement of Regulation.	08/11/83	11/02/84, 49 FR 44101	
74-2-17 .....	Continuing Effect of Present Laws, Rules, and Regulations.	08/11/83	11/02/84, 49 FR 44101	
Article 16, Sections 10-16-1 through 10-16-16.	New Mexico Conflict of Interest Act.	07/16/90	June 1, 1999.	
Article 16, Supplemental.	New Mexico Environmental Improvement Board Code of Conduct.	07/16/90	June 1, 1999.	

**EPA Approved City of Albuquerque and Bernalillo County Ordinances for State Board Composition and Conflict of Interest Provisions**

City of Albuquerque, Chapter 6, Article XVII Sections 6-17-1 to 6-17-3.	Metropolitan Environmental Health Advisory Board.	11/16/90	June 1, 1999.	
Bernalillo County Commission Ordinance 302.	Metropolitan Environmental Health Advisory Board.	08/05/74	June 1, 1999.	
Bernalillo County Commission Ordinance 90-19.	Metropolitan Environmental Health Advisory Board.	08/21/90	June 1, 1999 .....	Amended Ordinance 302.
City of Albuquerque, Chapter 6, Article XVI Sections 6-16-1 to 6-16-15.	Joint Air Quality Control Board Ordinance.	08/01/89	June 1, 1999.	
Bernalillo County Commission Ordinance 88-45.	Joint Air Quality Control Board Ordinance.	12/27/88	June 1, 1999 .....	Amended Ordinance 84-44.
City of Albuquerque Chapter 1, Article XII Sections 1-12-1 to 1-12-3.	Public Boards, Commissions and Committees.	07/01/87	June 1, 1999.	
City of Albuquerque Chapter 2, Article III Sections 2-3-1 to 2-3-13.	Conflict of Interest .....	07/01/85	June 1, 1999.	
City of Albuquerque Charter, Article XII.	Code of Ethics .....	04/01/90	June 1, 1999.	
Bernalillo County Commission Ordinance 85-3.	Code of Ethics .....	02/05/85	June 1, 1999.	
City of Albuquerque Code of Conduct.	City Code of Conduct .....	02/09/90	June 1, 1999.	
City of Albuquerque request for redesignation.	Carbon monoxide maintenance plan and motor vehicle emission budgets.	6/22/98	5/24/00, 65 FR 33460 .....	

**EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
State Attorney Generals Opinion.	Statewide .....	09/04/72 ...	04/09/79, 44 FR 21020 .....	Ref 52.1640(c)(4).
Revisions to New Source Review and Source Surveillance.	Statewide .....	01/03/73 ...	04/09/79, 44 FR 21020 .....	Ref 52.1640(c)(5).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
Clarification of State permit and Source Surveillance.	Statewide .....	01/18/73 ...	04/09/79, 44 FR 21020 .....	Ref 52.1640(c)(6).
Revision for Attainment of Standards.	PM in Albuquerque, Grant, Eddy and Lea counties; Ozone in Albuquerque; SO2 in San Juan and Grant counties; and CO in Las Cruces, Farmington, and Santa Fe counties.	01/23/79 ...	04/10/80, 45 FR 24468 and 03/26/81, 46 FR 18694.	Ref 52.1640(c)(11).
Ordinance for Motor Vehicle Emission I/M program.	Albuquerque .....	07/02/79 ...	04/10/80, 45 FR 24468 .....	Ref 52.1640(c)(12).
TSP Plan, RFP, and Transportation Commitments.	Albuquerque .....	08/02/79 ...	04/10/80, 45 FR 24468 .....	Ref 52.1640(c)(13).
Schedule for Albuquerque TSP plan, revising permit regulations, and extension request.	Albuquerque and Grant county.	09/25/79 ...	04/10/80, 45 FR 24468 .....	Ref 52.1640(c)(14).
CO Strategies .....	Farmington and Santa Fe counties.	01/23/79 ...	04/10/80, 45 FR 24468 .....	Ref 52.1640(c)(15).
Compliance schedules for several industries.	Eddy, Lea, and Grant counties.	07/25/79 ...	12/24/80, 45 FR 85006 .....	Ref 52.1640(c)(16).
Revision for attainment of CO standard.	Bernalillo county .....	03/17/80 ...	03/26/81, 46 FR 18694 .....	Ref 52.1640(c)(17).
Commitment to not issue permits to stationary sources.	Nonattainment areas .....	05/20/80 ...	03/26/81, 46 FR 18694 .....	Ref 52.1640(c)(18).
Commitment to submit I/M enforcement plan.	Albuquerque, Bernalillo county.	10/10/80 ...	03/26/81, 46 FR 18694 .....	Ref 52.1640(c)(19).
Revision to ambient monitoring plan.	Statewide .....	12/12/79 ...	08/06/81, 46 FR 40006 .....	Ref 52.1640(c)(20).
Variance to regulation 506 for Phelps Dodge Corp.	Hidalgo Smelter in Playas, NM.	02/04/80 ...	08/19/81, 46 FR 42065 .....	Ref 52.1640(c)(21).
Revised SO2 control strategy.	San Juan county .....	02/12/81 ...	08/27/81, 46 FR 43153 .....	Ref 52.1640(c)(22).
Memorandum of understanding between the State and Arizona Public Service Company.	Statewide .....	04/16/81 ...	08/27/81, 46 FR 43153 .....	Ref 52.1640(c)(22).
Compliance schedule for units 4 and 5 of the Arizona Public Service.	Four Corners Power plant	03/31/80 ...	03/30/82, 47 FR 13339 .....	Ref 52.1640(c)(23).
Variance to regulation 603 for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power plant	07/31/80 ...	03/30/82, 47 FR 13339 .....	Ref 52.1640(c)(25).
New Mexico plan for Lead	Statewide .....	05/19/80 ...	05/05/82, 47 FR 19334 and 08/14/84, 49 FR 32184.	Ref 52.1640(c)(27).
Revision to SO2 control strategy.	Grant county .....	05/12/81 and 08/13/81.	05/05/82, 47 FR 19333 .....	Ref 52.1640(c)(28).
Intergovernmental Consultation program.	N/A .....	03/28/80 ...	03/08/84, 49 FR 08610 .....	Ref 52.1640(c)(31).
Public Information and Participation program.	Statewide .....	12/20/79 ...	08/24/83, 48 FR 38467 .....	Ref 52.1640(c)(33).
Revision for attainment of CO standard.	Bernalillo county .....	06/28/82 and 01/26/83.	07/01/83, 48 FR 30366 .....	Ref 52.1640(c)(34).
Variance to regulation 603.B for units 3, 4, and 5 of the Arizona Public Service.	Four Corners Power Plant	02/04/87, 10/26/87, and 02/16/88.	10/27/89, 54 FR 43814 .....	Ref 52.1640(c)(38).
Revision to SIP for moderate PM10 nonattainment areas.	Anthony area; Dona Ana county.	11/08/91 ...	09/09/93, 58 FR 47383 .....	Ref 52.1640(c)(50).
Narrative plan addressing CO nonattainment areas.	Albuquerque, Bernalillo county.	11/05/92 ...	11/29/93, 58 FR 62535 .....	Ref 52.1640(c)(52).

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**EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP—Continued**

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Explanation
CO contingency measures and proposed Clean Fuel Vehicle fleet demonstration.	Albuquerque, Bernalillo county.	11/12/93 ...	05/05/94, 59 FR 23167 .....	Ref 52.1640(c)(57).
Update to supplement to control air pollution.	Bernalillo county .....	11/09/94 ...	06/24/96, 61 FR 32339 .....	Ref 52.1640(c)(61).
Revision approving request for redesignation, a vehicle I/M program, and required maintenance plan.	Albuquerque, Bernalillo nonattainment area.	05/11/95 ...	06/13/96, 61 FR 29970 .....	Ref 52.1640(c)(63).
Waiver of NO <sub>x</sub> control requirements..	Doña Ana County (part), marginal ozone non-attainment area.	10-01-97	2/8/02, 67 FR 6152.	
Revision for Attainment, and Maintenance Plan of SO <sub>2</sub> Standards.	Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley.	02/21/03 ...	9/18/03, 68 FR 54676 .....	
Contingency Measures Plan	Portion of Grant County, this portion is restricted to a 3.5 mile radius around the Kennecott Copper Corporation (now owned by the Phelps Dodge Corporation and called the Hurley smelter) and land above 6470 feet Mean Sea Level within an 8 mile radius of the Hurley Smelter/Concentrator in Hurley.	2/21/03 .....	9/18/03, 68 FR 54676 .....	
Maintenance plan for carbon monoxide—Albuquerque/Bernalillo County, New Mexico: Update of carbon monoxide budgets using MOBILE6.	Bernalillo County .....	2/12/03 .....	10/9/03, 68 FR 58280 .....	
Second 10-year maintenance plan (limited maintenance plan) for Albuquerque/Bernalillo County.	Bernalillo County .....	9/07/04 .....	7/21/05, 70 FR 41963.	
Clean Air Action Plan and 8-hour ozone standard attainment demonstration for the San Juan County EAC area.	San Juan County .....	12/16/04 ...	8/17/05, 70 FR 48285.	
New Mexico Visibility Protection Plan for Phase I, Part I of the Federal Visibility Requirements, August 8, 1986.	Statewide .....	08/21/86 ...	01/27/06, 71 FR 4490.	
New Mexico Visibility Protection Plan for Phase I, Part II of the Federal Visibility Requirements, September 9, 1992.	Statewide .....	10/08/92 ...	01/27/06, 71 FR 4490.	

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**40 CFR Ch. I (7–1–08 Edition)**

[63 FR 37495, July 13, 1998, as amended at 63 FR 48109, Sept. 9, 1998; 64 FR 29239, June 1, 1999; 64 FR 36790, July 8, 1999; 64 FR 51692, Sept. 24, 1999; 65 FR 14877, Mar. 20, 2000; 65 FR 33460, May 24, 2000; 67 FR 6152, Feb. 8, 2002; 68 FR 54676, Sept. 18, 2003; 68 FR 58280, Oct. 9, 2003; 69 FR 78314, Dec. 30, 2004; 70 FR 41965, July 21, 2005; 70 FR 48287, Aug. 17, 2005; 71 FR 4494, Jan. 27, 2006; 71 FR 30808, May 31, 2006; 72 FR 20729, Apr. 26, 2007; 72 FR 50881, Sept. 5, 2007]

**§ 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 ap-

proval 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]