

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 approval 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]

§§ 52.1624–52.1626 [Reserved]

§ 52.1627 Control strategy and regulations: Carbon monoxide.

Part D Approval. The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April 13, 1995, meets the requirements of Section 172 of the Clean Air Act, and is therefore approved.

[61 FR 29973, June 13, 1996]

§§ 52.1628–52.1633 [Reserved]

§ 52.1634 Significant deterioration of air quality.

(a) The plan submitted by the Governor of New Mexico on February 21, 1984 (as adopted by the New Mexico Environmental Improvement Board (NMEIB) on January 13, 1984), August 19, 1988 (as revised and adopted by the NMEIB on July 8, 1988), and July 16, 1990 (as revised and adopted by the NMEID on March 9, 1990), Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration

(PSD) and its Supplemental document, is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality.

(b) The requirements of section 160 through 165 of the Clean Air Act are not met for Federally designated Indian lands. Therefore, the provisions of § 52.21 (b) through (w) are hereby incorporated by reference and made a part of the applicable implementation plan, and are applicable to sources located on land under the control of Indian governing bodies.

(c) The plan submitted by the Governor in paragraph (a) of this section for Prevention of Significant Deterioration is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993, and respectively adopted on March 8, 1989, July 12, 1989, April 11, 1990, and February 10, 1993, by the Albuquerque/Bernalillo County Air Quality Control Board, containing Regulation 29—Prevention of Significant Deterioration and its April 11, 1990, Supplemental document, is approved as meeting the requirements of part C of the Clean Air Act for the prevention of significant deterioration of air quality.

[58 FR 67333, Dec. 21, 1993]

§ 52.1635 Rules and regulations.

(a) *Part D disapproval*: The requirements of § 51.281 of this chapter are not met since the measurement provisions of Sections A, B.2, and B.3 of New Mexico Regulation 506 make these sections unenforceable. Therefore, Sections A, B.2, and B.3 of Regulation 506 are disapproved.

(b) *Regulation for measurement of emission limitations (particulate matter from nonferrous smelters)*. (1) This regulation applies to new and existing nonferrous smelters as they are defined in New Mexico Regulation 506. The requirements of this paragraph replace the requirements of Sections A, B.2, and B.3 of Regulation 506. All other requirements of Regulation 506 are approved as part of the plan.

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(2) No person owning or operating a new nonferrous smelter shall permit, cause, suffer, or allow particulate matter emissions to the atmosphere in excess of 0.03 grains per dry standard cubic foot (as defined in 40 CFR part 60) of discharge gas.

(3) No person owning or operating an existing nonferrous smelter shall permit, cause, suffer, or allow particulate matter to the atmosphere from:

(i) The stack or stacks serving the acid plant in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(ii) The stack or stacks serving the reverberatory feed dryer in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(c) *Regulation for compliance testing (particulate matter from nonferrous smelter)*. The requirements of §60.8(f) of 40 CFR part 60 shall apply to paragraph (b)(2) of this section, and to each operation of Section B.4 of New Mexico Regulation 506.

[45 FR 24469, Apr. 10, 1980, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.1636 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met for the State of New Mexico, outside the boundaries of Bernalillo County, because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§52.21, 52.27, and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Mexico, outside the boundaries of Bernalillo County.

(c) Long-term strategy. The provisions of §52.29 are hereby incorporated and made part of the applicable plan for the State of New Mexico, outside the boundaries of Bernalillo County.

[58 FR 67334, Dec. 21, 1993]

§ 52.1637 Particulate Matter (PM₁₀) Group II SIP commitments.

(a) On August 19, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP)

that contained commitments, from the Director of New Mexico Environmental Improvement Division, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM₁₀ Group II SIPs. The New Mexico Environmental Improvement Board adopted this SIP revision on July 7 and 8, 1988.

(b) The State of New Mexico has committed to comply with the PM₁₀ Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for Dona Ana, Grant, Sandoval, Santa Fe, and Taos counties as provided in the New Mexico PM₁₀ Group II SIPs. In addition to the SIP, a letter from the Director of New Mexico Environmental Improvement Division, dated July 15, 1988, stated that:

This letter is in reference to PM₁₀ Group II State Implementation Plan (SIP) requirements. In response to the requirements of the July 1, 1987 FEDERAL REGISTER, notice on PM₁₀, the Environmental Improvement Division has prepared a Committal SIP for Group II areas. As expressed in this SIP revision, the Division is committing to carry out all required actions such as monitoring, reporting, emission inventory development, and other tasks necessary to satisfy the SIP requirements for PM₁₀ Group II areas.

[54 FR 20579, May 12, 1989]

§ 52.1638 Bernalillo County particulate matter (PM₁₀) Group II SIP commitments.

(a) On December 7, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP) for Bernalillo County that contained commitments, from the Director of the Albuquerque Environmental Health Department, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM₁₀ Group II SIPs. The City of Albuquerque and Bernalillo County Air Quality Control Board adopted this SIP revision on November 9, 1988.

(b) The Albuquerque Environmental Health Department has committed to comply with the PM₁₀ Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL