County have jointly established the "Albuquerque-Bernalillo County Air Quality Control Board" (herein called "the Board") for administration and enforcement of NMAQCA because Bernalillo County is an "A" class county. Under the NMAQCA, the AEHD is the administrative and enforcement agency of the Board. The AEHD has established a program for the local administration and enforcement of the NMAQCA in Bernalillo County, in lieu of the New Mexico Environment Department (the State agency). Authority for the NSPS and NESHAP programs were delegated to the State of New Mexico (except for sources located in Bernalillo County and Indian lands) on March 15, 1985.

The Clean Air Act Amendments (CAAA) of 1990 required the EPA to make significant changes to the approach to delegation of section 112 requirements. Prior to the 1990 Amendments to the Clean Air Act (CAA), delegation of section 112 requirements could occur without the need for a rulemaking by EPA. However, the new section 112(1) of the Act requires the EPA to approve, through rulemaking, a program for delegation which includes delegation of Federal requirements incorporated by reference. The Title V Federal Register notice dated January 10, 1995, (pages 2531-2532) outlined the City's plans to continue to incorporate by reference the Federal section 112 requirements regarding hazardous air pollutants, into the City of Albuquerque/County of Bernalillo Air Quality Control Board Regulations and stated that the City's request for approval of the part 70 program is also a request for approval of a program for delegation of unchanged section 112 standards.

Based on approval of the procedural mechanism of the City of Albuquerque/ County of Bernalillo for adoption of the Federal section 112 standards by incorporation by reference in the City's part 70 Operating Permit Program, the EPA can continue to update by letter the City's delegation of section 112 standards along with the update of the section 111 NSPS standards. In the future, the effective date of the delegation for unchanged Federal standards under section 112 will be the effective date of the State's rule after its adoption by the Air Quality Control Board. The effective date of the Federal delegation for NSPS standards under section 111 will continue to be, as has been the case in the past, the EPA letter of approval of the City's request for the NSPS delegation update.

On July 22, 1993, former Governor Bruce King and on June 6, 1995, the Director, AEHD, requested the EPA to update the delegation of authority to the AEHD for the NSPS and the NESHAP programs through June 10, 1992, and August 31, 1993, for NSPS and June 3, 1992, and June 25, 1993, for NESHAP. The AEHD also requested delegation of authority for the technical and administrative review of new or amended NSPS and NESHAP promulgated by the EPA after June 10, 1992, and August 31, 1993, for NSPS and June 3, 1992 and June 25, 1993, for NESHAP. The AEHD's request included:

 (1) Air Quality Control Řegulations
(AQCR) 30 (NSPS) and 31 (NESHAP),
(2) legal authority provided in Joint Air Quality Control Board Ordinances
Article XVI and No. 88–45, and (3) the commitments for implementation and enforcement of the programs as documented in the July 22, 1993,
Governor's letter and the AEHD Director's letter dated June 6, 1995.
AQCR's 30 and 31 incorporate the Federal NSPS and NESHAP by reference through June 10, 1992, and August 31, 1993, for NSPS and June 3, 1992, and June 25, 1993, for NESHAP.

The EPA reviewed the AEHD Director's request, AQCR's 30 and 31, and all other information submitted by the AEHD, including its request for implementation of the delegation of these programs. The EPA has determined that the Board and the AEHD have adequate authority and effective procedures for implementing and enforcing the NSPS and NESHAP programs in Bernalillo County. Therefore, the EPA is delegating full authority to the Board and the AEHD through June 10, 1992, and August 31, 1993, for NSPS and June 3, 1992, and June 25, 1993, for NESHAP, and authority for the technical and administrative review of new or amended NSPS and NESHAP promulgated by the EPA after June 10, 1992, and August 31, 1993, for NSPS and June 3, 1992 and June 25, 1993, for NESHAP, subject to conditions and limitations of the delegation agreement dated December 8, 1989. It is important to note that no delegation authority is granted to the Board or AEHD for sources located on Indian lands within the boundaries of Bernalillo County. Also, no authority is delegated to the AEHD for 40 CFR part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, and for 40 CFR part 61 for the radionuclide NESĤAP's. Specifically, the subparts for which delegation is excluded are subpart B (National Emission Standards for Radon-222 Emissions from Underground Uranium Mines), subpart H (National Emission Standards for

Radionuclide Emissions from Department of Energy Facilities), subpart I (National Emission Standards for Radionuclide Emissions from Facilities Licensed by the Nuclear **Regulatory Commission and Federal** Facilities not covered by subpart H), subpart K-(National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants), subpart R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks), subpart T (National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings), and subpart W (National Emission Standards for Radon-222 Emissions from Licensed Uranium Mill Tailings).

Today's notice informs the public that the EPA has delegated full authority to the AEHD for implementation and enforcement of the NSPS and NESHAP promulgated by the EPA through June 10, 1992, and August 31, 1993, for NSPS and June 3, 1992, and June 25, 1993, for NESHAP, and authority is delegated for the new and amended standards after that date. All of the required information, pursuant to the Federal NSPS and NESHAP (40 CFR part 60 and 40 CFR part 61) by sources located within the boundaries of Bernalillo County and in areas outside of Indian lands, should be submitted directly to the Albuquerque Environmental Health Department, the City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103. Sources located on Indian lands in the State of New Mexico, including Bernalillo County, should apply to the EPA Region 6 office at the address given in this notice. The sources located in the State of New Mexico, other than those areas specified above, should submit all of the required information to Chief, Air Quality Bureau, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico 87503. All of the inquiries and requests concerning implementation and enforcement of the excluded standards under 40 CFR part 60, subpart AAA and 40 CFR part 61, subpart B,H,I,R,T and W, in the State of New Mexico, should be directed to the EPA Region 6 office.

The Office of Management and Budget has exempted this information notice from the requirements of section 6 of Executive Order 12866.

This delegation is issued under the authority of section 111(c) and 112(l)(1) of the Clean Air Act, as amended (42 U.S.C. 7411(C) and 7412(D)).