



This document is scheduled to be published in the Federal Register on 03/22/2012 and available online at <http://federalregister.gov/a/2012-06936>, and on FDsys.gov

ENVIRONMENTAL PROTECTION AGENCY

6560-50-P

[FRL-9650-6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Public Service Company of New Mexico, San Juan Generating Station

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to an operating permit (Permit Number P062R2) issued by the New Mexico Environment Department, Air Quality Bureau (NMED). Specifically, the Administrator has granted in part and denied in part the November 19, 2010 petition, submitted by WildEarth Guardians, the San Juan Citizens Alliance, and Carson Forest Watch (Petitioners) to object to the operating permit issued on January 24, 2011 to the Public Service Company of New Mexico, for the operations of the San Juan Generating Station (SJGS) located in San Juan County, New Mexico. Pursuant to sections 307(b) and 505(b)(2) of the Clean Air Act (CAA), a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice appears in the Federal Register.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733.

EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, petition,

and other supporting information. You may view the hard copies Monday through Friday, from 9:00 a.m. to 3:00 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order for the Public Service Company of New Mexico San Juan Generating Station is available electronically at: http://www.epa.gov/region07/air/title5/petitiondb/petitions/san_juan_response2010.pdf

FOR FURTHER INFORMATION CONTACT: Brad Toups at (214) 665-7258, e-mail address: toups.brad@epa.gov or the above EPA, Region 6 address.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review, and object to as appropriate, a Title V operating permit proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a Title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issue arose after this period.

EPA received a petition from the Petitioners dated November 19, 2010, requesting that EPA object to the issuance of the Title V operating permit to Public Service Company of New Mexico, for the operation of the San Juan Generating Station in San Juan County, New Mexico for the following reasons: (1) fails to ensure compliance with the Prevention of Significant Deterioration requirements; (2) fails to ensure compliance with source impact analysis requirements in the New Mexico State Implementation Plan; (3) fails to require prompt reporting

of deviations; (4) fails to require sufficient periodic monitoring; and (5) includes a condition that is contrary to applicable requirements.

On February 15, 2012, the Administrator issued an order granting in part and denying in part the petition. The order explains the reasons behind EPA's conclusion to grant in part and deny in part the petition.

Dated: March 14, 2012

Al Armendariz,

Regional Administrator, Region 6.