

TABLE 5.—SUMMARY OF PROBE AND MONITORING PATH SITING CRITERIA

Pollutant	Scale [maximum monitoring path length, meters]	Height from ground to probe or 80% of monitoring path <sup>A</sup> (meters)	Horizontal and vertical distance from supporting structures <sup>B</sup> to probe or 90% of monitoring path <sup>A</sup> (meters)	Distance from trees to probe or 90% of monitoring path <sup>A</sup> (meters)	Distance from roadways to probe or monitoring path <sup>A</sup> (meters)
SO <sub>2</sub> <sup>C,D,E,F</sup>	Middle [300m] Neighborhood, Urban, and Regional [1km].	3–15	>1	>10	N/A.
CO <sup>D,E,G</sup>	Micro Middle [300m] Neighborhood [1km].	3±0.5; 3–15	>1	>10	2–10; See Table 2 for middle and neighborhood scales.
O <sub>3</sub> <sup>C,D,E</sup>	Middle [300m] Neighborhood, Urban, and Regional [1km].	3–15	>1	>10	See Table 1 for all scales.
Ozone precursors (for PAMS) <sup>C,D,E</sup>	Neighborhood and Urban. [1 km]	3–15	>1	>10	See Table 4 for all scales.
NO <sub>2</sub> <sup>C,D,E</sup>	Middle [300m] Neighborhood and Urban [1km].	3–15	>1	>10	See Table 1 for all scales.
Pb <sup>C,D,E,F,H</sup>	Micro; Middle, Neighborhood, Urban and Regional.	2–7 (Micro); 2–15 (All other scales).	>2 (All scales, horizontal distance only).	>10 (All scales)	5–15 (Micro); See Table 3 for all other scales.
PM-10 <sup>C,D,E,F,H</sup>	Micro; Middle, Neighborhood, Urban and Regional.	2–7 (Micro); 2–15 (All other scales).	>2 (All scales, horizontal distance only).	>10 (All scales)	2–10 (Micro); See Figure 2 for all other scales.

N/A—Not applicable.

<sup>A</sup> Monitoring path for open path analyzers is applicable only to middle or neighborhood scale CO monitoring and all applicable scales for monitoring SO<sub>2</sub>, O<sub>3</sub>, O<sub>3</sub> precursors, and NO<sub>2</sub>.

<sup>B</sup> When probe is located on a rooftop, this separation distance is in reference to walls, parapets, or penthouses located on roof.

<sup>C</sup> Should be >20 meters from the dripline of tree(s) and must be 10 meters from the dripline when the tree(s) act as an obstruction.

<sup>D</sup> Distance from sampler, probe, or 90% of monitoring path to obstacle, such as a building, must be at least twice the height the obstacle protrudes above the sampler, probe, or monitoring path. Sites not meeting this criterion may be classified as middle scale (see text).

<sup>E</sup> Must have unrestricted airflow 270° around the probe or sampler; 180° if the probe is on the side of a building.

<sup>F</sup> The probe, sampler, or monitoring path should be away from minor sources, such as furnace or incineration flues. The separation distance is dependent on the height of the minor source's emission point (such as a flue), the type of fuel or waste burned, and the quality of the fuel (sulfur, ash, or lead content). This criterion is designed to avoid undue influences from minor sources.

<sup>G</sup> For microscale CO monitoring sites, the probe must be >10 meters from a street intersection and preferably at a midblock location.

<sup>H</sup> For collocated Pb and PM-10 samplers, a 2–4 meter separation distance between collocated samplers must be met.

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**40 CFR Parts 60 and 61**

[FRL-5310-9]

**1993/1994 Updates for Delegation of Authority to Bernalillo County (New Mexico) for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Delegation of authority.

**SUMMARY:** The EPA announces the delegation of authority to the Albuquerque-Bernalillo County Air Quality Control Board ("the Board") and the Albuquerque Environmental Health Department (AEHD) to implement and enforce the NSPS and NESHAP in Bernalillo County (New Mexico), including the City of Albuquerque. The

provisions of full authority apply to all 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 covers all new and amended standards promulgated after those dates. However, the delegation of authority, under this notice, does not apply to the sources located on Indian lands within the boundaries of Bernalillo County as specified in the delegation agreement and in this notice. Also, this delegation of authority is not applicable to the NESHAP radionuclide standards specified under 40 CFR part 61.

**EFFECTIVE DATE:** October 6, 1995.

**ADDRESSES:** The AEHD's request and delegation agreement may be obtained by writing to one of the following addresses: Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), U.S. Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202, telephone: (214) 665-7214; Mr. Steve Walker, Manager, Air Pollution

Control Division, Albuquerque Environmental Health Department, The City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103, telephone: (505) 768-2624.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ken Boyce, Air Planning Section, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202, telephone number (214) 665-7259.

**SUPPLEMENTARY INFORMATION:** Sections 111(c) and 112(l)(1) of the Clean Air Act allow the Administrator of the EPA to delegate the EPA's authority to any State or local agency which can submit adequate regulatory procedures for implementation and enforcement of the NSPS and NESHAP programs.

The New Mexico Air Quality Control Act (NMAQCA) allows, by ordinance, "A" class counties and any municipality within an "A" class county to create a municipal, county, or joint air quality board to administer and enforce the provisions of the NMAQCA. The City of Albuquerque and Bernalillo

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(l) 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 Regulations (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 NESHAP'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)).

**List of Subjects****40 CFR Part 60**

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Fossil-fuel steam generators, Glass and glass products, Grain, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper industry, Petroleum phosphate, Fertilizer, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, and Zinc.

**40 CFR Part 61**

Air pollution control, Asbestos, Benzene, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

Dated: September 21, 1995.

**Russell Rhoades,**

*Acting Regional Administrator.*

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**40 CFR Parts 60 and 61**

[FRL-5310-8]

**Approval of Delegation of Authority to the State of New Mexico for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Delegation of authority

**SUMMARY:** The EPA announces the delegation of authority to the State of New Mexico to implement and enforce the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). The provisions of full authority apply to all of the NSPS and NESHAP promulgated by the EPA from November 15, 1992, through February 1, 1995. Partial authority covers all new and amended standards promulgated after these dates, except as follows. The delegation of authority, under this notice, does not apply to: (1) The sources located in Bernalillo County, New Mexico; (2) the sources located on Indian lands as specified in the delegation agreement and in this notice; (3) the standards of performance for new residential wood heaters (subpart AAA) under 40 CFR part 60; and (4) the NESHAP radionuclide standards specified under 40 CFR part 61.

**EFFECTIVE DATE:** October 6, 1995.

**ADDRESSES:** The New Mexico Environment Department's request and delegation agreement may be obtained by writing to one of the following addresses:

Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), U.S. Environmental Protection Agency, 1445 Ross Avenue, suite 1200, Dallas, TX 75202, telephone: (214) 665-7214.  
Ms. Cecilia Williams, Chief, Air Quality Bureau, New Mexico Environment Department (NMED), Harold Runnels Building, room So. 2100, 1190 St. Francis Drive, Santa Fe, NM 87502, telephone: (505) 827-0042.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ken Boyce, Air Planning Section (6PD-L), U.S. Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202, telephone: (214) 665-7259.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act Amendments (CAAA) of 1990 required the U. S. Environmental Protection Agency (EPA) to make significant changes to its approach to delegation of section 112 requirements. Prior to the 1990 Amendments to the CAA, delegation of section 112 requirements could occur without the need for a rulemaking by the EPA. However, new section 112(l) of the Act requires the EPA to approve, through rulemaking, a program for delegation which includes delegation of Federal requirements incorporated by reference. In an April 4, 1994, letter from Mr. Stan Meiburg, Director, Air, Pesticides & Toxics Division to Ms. Judith Espinosa, Secretary, New Mexico Environment Department, the EPA explained this procedural mechanism for delegation of section 112 requirements, and NMED's response, dated April 28, 1994, satisfactorily explained the State's course of action. Based on this correspondence, the Title V Federal Register notice (see 59 FR 59656-59660, November 18, 1994) outlined the State's plans to continue to incorporate by reference the Federal section 112 requirements regarding hazardous air pollutants into the New Mexico Air Quality Control Regulations, and stated that the NMED'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 NMED's procedural mechanism for adopting Federal section 112 standards through incorporation by reference into the State's Part 70 Operating Permit Program, the EPA can continue to update the State's delegation of section 112 standards along with the update of section 111 NSPS. 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. The effective date of the Federal delegation for NSPS under

section 111 will continue to be, as has been the case in the past, the EPA's letter of approval of the State's request for the NSPS delegation update.

Sections 111(c) and 112(l)(1) of the Clean Air Act allow the Administrator of the EPA to delegate the EPA's authority to any State or local agency which can submit adequate regulatory procedures for implementation and enforcement of the NSPS and NESHAP programs. Authority for the NSPS and NESHAP programs were delegated to the State of New Mexico (except for sources located in Bernalillo County and on Indian lands) on March 15, 1985.

The State requested the EPA to update the delegation of authority to the State for the NSPS and the NESHAP programs from November 15, 1992, through February 1, 1995. The State's request includes a revision of Air Quality Control Regulations (AQCR) 20 NMAC 2.77 (NSPS) and 2.78 (NESHAP) as adopted by the New Mexico Environmental Improvement Board. AQCR's 20 NMAC 2.77 and 2.78 incorporate the Federal NSPS and NESHAP by reference through February 1, 1995.

The EPA reviewed the NMED requests, AQCR's and all other information submitted by the NMED, to support the delegation of these programs. The EPA has determined that the State has adequate authority and effective procedures for implementing and enforcing the NSPS and NESHAP programs. Therefore, the EPA is delegating full authority to the State from November 15, 1992, through February 1, 1995, for NSPS and for NESHAP and authority for the technical and administrative review of new or amended NSPS and NESHAP promulgated by the EPA, subject to conditions and limitations of the original delegation agreement dated March 15, 1985. It is important to note that no delegation authority is granted to the NMED for Bernalillo County and Indian lands. Also, no authority is delegated to the State for 40 CFR part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, and for 40 CFR part 61 for the radionuclide NESHAP'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),