

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF THE APPLICATION OF
ASSOCIATED ASPHALT & MATERIALS, LLC,
FOR AN AIR QUALITY CONSTRUCTION PERMIT
FOR THE SANTA FE FACILITY
AQB 20-12 (P)**

NOTICE OF PUBLIC HEARING

The New Mexico Environment Department ("NMED") announces a virtual public hearing to take evidence on an application for an air quality construction permit for Associated Asphalt and Materials, LLC's Santa Fe Facility pursuant to the New Mexico Air Quality Control Act, NMSA 1978, §§ 74-2-1 et seq., and Section 206 of 20.2.72 NMAC - Construction Permits.

The virtual hearing will begin at 4:00 p.m., October 15, 2020. Members of the public who want to attend the virtual hearing can find a link to attend at the Air Quality Bureau's website: <https://www.env.nm.gov/air-quality/permit-applications-with-public-interest-public-meeting-or-public-hearing/>. Spanish interpretation will be available. Beginning at 4:00 p.m. and again at 7:00 p.m., the hearing officer will accept non-technical public comment. The hearing will be conducted in accordance with the Environment Department Permitting Procedures, 20.1.4 NMAC, the procedures in Air Quality Construction Permits, 20.2.72 NMAC, and other applicable hearing procedures.

Associated Asphalt and Materials, LLC submitted an air quality permit application to consolidate a 200 ton per hour (TPH) aggregate crushing and screening plant, a 50 TPH aggregate scalping screen, a 150 TPH hot mix asphalt plant (Plant #2 HMA) and a 300 TPH hot mix asphalt plant (Plant #5 HMA) at 86 Paseo de River, Santa Fe, NM 87507, approximately 0.7 miles north of the intersection of Airport Rd., and Veteran's Memorial Hwy in Santa Fe County, New Mexico. Associated Asphalt and Materials, LLC owns and operates the facility. Associated Asphalt and Materials, LLC's mailing address is 3810 Oliver Rd., Santa Fe, New Mexico 87507.

Associated Asphalt and Materials, LLC filed the air quality construction permit application for the plant on November 26, 2019, and it was deemed complete on December 20, 2019. The NMED Air Quality Bureau ("AQB") has reviewed the application, including emission rates and concluded that operation of the plant will comply with applicable requirements and not cause or contribute to an exceedance of federal and state ambient air quality standards if conducted in accordance with the Department's draft permit conditions.

Any person may review the permit application and associated documents, and the applicable regulation (20.2.72 NMAC – Construction Permits), on the Department's website at: <https://www.env.nm.gov/air-quality/permit-applications-with-public-interest-public-meeting-or-public-hearing/>

NMED will accept written non-technical public comments regarding the proposed facility on or before October 15, 2020. Such comments may be filed in advance with the Hearing Clerk at the address below, or with the Hearing Officer at the hearing.

The Hearing Officer will accept oral non-technical public comments at 4:00 p.m., again at 7:00

p.m., and continuing until the Hearing Officer has determined that all persons have been given a reasonable opportunity to be heard. Oral non-technical public comments shall be received under oath. The Hearing Officer may set reasonable limits on oral non-technical public comments.

The evidentiary record will be closed at the conclusion of the hearing.

TECHNICAL TESTIMONY

Any person, including the Applicant, who wishes to present technical testimony at the hearing must file a Statement of Intent to Present Technical Testimony on or before October 1, 2020. The Statement of Intent must be filed with the Hearing Clerk at the following address:

Hearing Clerk
New Mexico Environment Department
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502
(505) 827-2430 (phone)
public.facilitation@state.nm.us

Technical testimony means relevant scientific, engineering, economic or other specialized testimony, whether oral or written, but does not include legal argument, general comments, or statements of policy concerning matters at issue in the hearing. All technical testimony will be taken under oath and will be subject to cross-examination.

The Statement of Intent must contain the following information:

1. **Identity:** Identify the person filing the statement;
2. **Position:** State whether the person filing the statement supports or opposes issuance of the permit;
3. **Witnesses:** Identify each witness, including name, address, affiliation(s), and educational and work background;
4. **Length of Testimony:** Estimate the length of the direct testimony of each witness; and
5. **Direct Testimony:** Submit the full written testimony each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).
6. **Exhibits:** Identify and submit all exhibits to be offered by each witness

A person's failure to file a timely Statement of Intent substantially complying with these requirements shall preclude the person from presenting technical testimony.

ENTRY OF APPEARANCE

Any person who wishes to be a party in this proceeding must file with the Hearing Clerk at the above address a Statement of Intent or an Entry of Appearance on or before October 1, 2020. A timely Statement of Intent to Submit Technical Testimony shall be considered an Entry of Appearance.

The Entry of Appearance must contain the following information:

1. **Person:** Identify the person filing the entry of appearance; and
2. **Position:** State whether the person filing the entry of appearance supports or opposes issuance of the permit.

A person's failure to file a timely Statement of Intent or Entry of Appearance substantially complying with these requirements shall preclude the person from becoming a party but shall not preclude a person from presenting written or oral non-technical public comments.

POST-HEARING PROCESS

Participation in the post-hearing process will be limited to parties. At the conclusion of the hearing, the Hearing Officer will establish, in her discretion, the post-hearing process in accordance with 20.1.4 NMAC.

ARRANGEMENTS FOR PERSONS REQUIRING AID TO PARTICIPATE

A Spanish interpreter will be present for the virtual hearing. If any person requires assistance, another type of interpreter, or auxiliary aid to participate in the hearing, please contact Kathy Primm at the New Mexico Environment Department Air Quality Bureau at kathleen.primm@state.nm.us or the Air Quality Bureau Office, 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico by September 25, 2020. Ms. Primm's telephone number is (505) 476-5561. TDD or TDY users may access this number via the New Mexico Relay Network at 1-800-659-8331.

NOTICE OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.