

The Department proposes that the Board adopt the following revisions to 20.2.72 NMAC – Construction Permits.

20.2.72.216 NONATTAINMENT AREA REQUIREMENTS:

A. The requirements of this section apply to:

(1) a new source or modification of an existing source that ~~[which]~~ will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in 20.2.72.500 NMAC, Table 1, at any location that does not meet the New Mexico ambient air quality standard for the contaminant; ~~[or]~~

(2) a new source or modification of an existing source that ~~[which]~~ is not a major stationary source or major modification as defined in 20.2.79 NMAC and ~~[which]~~ that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in Table 1 at any location that does not meet the national ambient air quality standard for the contaminant~~[-]~~ ; or

(3) an existing source that does not propose an increase in emissions and that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in 20.2.72.500 NMAC (Table 1) at any location that does not meet the national or New Mexico ambient air quality standard for the contaminant.

B. A new source or modification of an existing source subject to this section shall offset the ambient impact of its emissions by:

(1) obtaining emission offsets for proposed emissions in an amount greater than one-to-one such that a net air quality benefit will occur; and

(2) ensuring emission offsets are quantifiable, enforceable, and permanent by meeting the following sections of 20.2.79 NMAC:

(a) 20.2.79.114 NMAC (emission offset baseline)

(b) 20.2.79.115 NMAC (emission offsets)

(c) 20.2.79.117 NMAC (air quality benefit)

C. An existing source that is subject to this section shall demonstrate a net air quality benefit of at least a 20 percent reduction in ambient impact for each applicable contaminant. The 20 percent reduction shall be calculated as the projected source impact subtracted from the existing source impact divided by the existing source impact. The net air quality benefit must also meet the requirements of 20.2.79.117 NMAC (air quality benefit).