



**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, Suite S-2102
1190 St. Francis Drive
Santa Fe, New Mexico 87505
Phone: (505) 827-2428**

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC HEARING
EIB 22-34**

**IN THE MATTER OF THE PETITION FOR HEARING ON AIR QUALITY PERMIT NO. 9295, ROPER
CONSTRUCTION INC.'S ALTO CONCRETE BATCH PLANT**

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing beginning at 9:00 a.m. MDT on October 18, 2022, and continuing on consecutive days, as needed. The hearing is in a hybrid manner, where individuals may participate virtually via the web application WebEx or in person at the Larrazolo Auditorium in the Harold Runnels Building at 1190 S. St. Francis Drive, Santa Fe, NM 87502. At the time of the hearing, if any restrictions are in place by the Governor's Executive Orders or various emergency public health orders designed to protect the public and prevent the spread of COVID-19, those restrictions will apply at the in-person location. Those interested in attending virtually or in person should contact the Board Administrator or visit the NMED Events Calendar at www.env.nm.gov/events-calendar/. Go to the start date of the hearing and click on the entry about this hearing for instructions on how to participate. The purpose of the hearing is to consider the following appeal petition filed by Roper Construction Inc.

Petitioners challenge the denial for Air Quality Permit No. 9295. The New Mexico Environment Department ("Department") denied the Air Quality Permit No. 9295 based on the hearing officers report and the Deputy Secretaries written, final order. Petitioners contend the Department's decision did not follow protocol for permit issuance and that the permit application and information therein met all regulations and Department policy and procedure for a permit to be issued.

The Petitions and related documents may be viewed on the Department's docketed matters web page www.env.nm.gov/opf/docketed-matters/. Look under the Environmental Improvement Board (EIB) dropdown, for EIB 22-34: In The Matter of the Petition for Hearing on Air Quality Permit No. 9295, Roper Construction Inc.'s Alto Concrete Batch Plant.

The Hearing will be conducted in accordance with the Board's Adjudicatory Procedures (20.1.2 NMAC); the New Mexico Air Quality Control Act, NMSA 1978, Sections 74-2-1 through -22; the State Rules Act, NMSA 1978, Section 14-4-5.3; and other applicable procedures.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing; to introduce exhibits; and to examine witnesses. Any person wishing to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing.

TECHNICAL TESTIMONY

Any person who wishes to present technical evidence at the hearing shall file a statement of intent by September 21, 2022. The statement of intent to present technical evidence shall include: (i) the name of the person filing the statement; (ii) an indication of whether the person filing the statement supports or opposes the petition at issue; (iii) the name of each witness; (iv) an estimate of the length of the direct

testimony of each witness; (v) a list of exhibits, if any, to be offered into evidence at the hearing; and (vi) a summary or outline of the anticipated direct testimony of each witness.

ENTRY OF APPEARANCE

Any person who wishes to be treated as an interested participant and to cross-examine witnesses at the hearing shall file and serve upon all parties an entry of appearance on or before September 21, 2022. A timely statement of intent shall be considered an entry of appearance. The entry of appearance must identify the person wishing to be treated as an interested participant and any individual who may appear on behalf of that person.

Use the Public Comment Portal to submit all non-technical testimony and comments, including: relevant evidence, data, views, arguments, written statements in lieu of oral testimony at the hearing, or public comment. Access the Public Comment Portal via a link on the Department's docketed matters web page www.env.nm.gov/opf/docketed-matters/. Look under the Environmental Improvement Board (EIB) dropdown, for EIB 22-34: In The Matter of the Petition for Hearing on Air Quality Permit No. 9295, Roper Construction Inc.'s Alto Concrete Batch Plant. (The direct link to the Public Comment Portal is <http://nmed.commentinput.com/comment/search>). Alternatively, non-technical testimony or comments may be emailed to Pamela.Jones@state.nm.us. Oral public comments will be accepted on October 18, 2022, at approximately 12:00 PM and 5:00 PM, and on subsequent days (as necessary) at approximately 9:00 AM, 12:00 PM, and 5:00 PM. Public comment is limited to five (5) minutes per individual.

If any person requires assistance, any interpreter other than Spanish, or an auxiliary aid to participate in this process, please contact the Board Administrator no later than October 3, 2022, at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email Pamela.Jones@state.nm.us (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Notice of Nondiscrimination

The Department 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. The Department 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 the Department's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a Department program or activity, you may contact the Non-Discrimination Coordinator identified above. You may also visit the Department's website at www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.