

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

**IN THE MATTER OF THE PERMIT APPLICATION OF
ROPER CONSTRUCTION, INC.
FOR AIR QUALITY PERMIT NO. 9295 ALTO CONCRETE BATCH PLANT AQB 21-57 (P)**

NOTICE OF PUBLIC HEARING

The New Mexico Environment Department ("NMED") announces a virtual public hearing to take evidence on an air quality construction permit application for Roper Construction, Inc.'s Alto Concrete Batch Plant 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 hearing will be held virtually via the WebEx platform and at a physical location, to begin at 9:00 a.m. MST on February 9, 2022 and will continue on consecutive days as needed. The link to join the virtual hearing will be posted online in the NMED 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 the link to join and links to other information. For members of the public who do not have access to an internet connection or prefer to attend the hearing at a physical location, the Department has reserved Traylor Gym at Capitan Municipal Schools located at 519 Smokey Bear Boulevard, Capitan, NM 88316. Members of the public can go to this location during the hearing to view and participate in the virtual hearing.

The Hearing Officer will accept non-technical or general public comment either in writing or verbally. Members of the public who wish to provide general comment are encouraged to submit their comments in writing to the Hearing Clerk Madai Corral at Madai.Corral@state.nm.us either before or during the hearing. Verbal general comment will be accepted at the hearing on February 9, 2022 at 12:00 PM and 5:00 PM. If consecutive days are needed for the Technical Testimony, verbal general comments will be accepted at 9:00 AM, 12:00 PM, and 5:00 PM on those days. Members of the public will have up to five (5) minutes to offer general comment. Public commenters may offer testimony once during the hearing; written comment is unlimited. 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.

The proposed Alto Concrete Batch Plant is a 125 yd³/hour concrete batch plant including an aggregate feed hopper, aggregate feed hopper conveyor, 4-bin aggregate bin, aggregate weigh batcher with conveyor, cement/fly ash split silo with screw conveyors and dust collectors, cement/fly ash batcher and concrete truck loading area with central dust control system to control fugitive dust from the truck loading area and cement/fly ash batcher, aggregate and sand storage piles, and three heaters (0.19 MMBtu/h each). This Facility would limit production to 500,000 yd³/year. Alto Concrete Batch Plant is proposed to be located approximately 0.35 miles east of the intersection of Highways 48 and 220 north of Ruidoso, NM at 135 New Mexico Highway 220, Alto NM 88312 in Lincoln County. Alto Concrete Batch Plant is owned and operated by Roper Construction, Inc. The mailing address for Roper Construction Inc. is P.O. Box 969, Alto, New Mexico, 88312.

For the permit application, the NMED Air Quality Bureau ("AQB") has reviewed the application, including emission rates, and concluded that operation of the facility 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, associated documents, and the draft permit on NMED's public notice website under the Lincoln County dropdown, in the section for Roper Construction Inc. NMED's public notice website is at www.env.nm.gov/public-notices/.

For further information or a copy of the draft permit, contact Deepika Saikrishnan at the New Mexico Environment Department Air Quality Bureau at (505) 629-3593, Deepika.Saikrishnan@state.nm.us, or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505.

ENTRY OF APPEARANCE

Any person who wishes to be a party in this proceeding must file with the Hearing Clerk at the below address a Statement of Intent or an Entry of Appearance on or before January 19, 2022. 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.

TECHNICAL TESTIMONY

Any person who intends to present technical evidence or testimony at the public hearing must file a Statement of Intent to Present Technical Testimony with the Hearing Clerk on or before January 19, 2022 and serve an electronic copy of the foregoing on all other parties. Rebuttal NOIs shall be pre-filed with the Hearing Clerk and served on all other parties on or before February 2, 2022. The Statement of Intent and rebuttal NOIs must be filed with the Hearing Clerk at the following address:

Pamela Jones
Hearing Clerk
New Mexico Environment Department
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502
(505) 660-4305
Pamela.Jones@state.nm.us

The Statement of Intent to Present Technical Testimony shall: (i) identify the person filing the statement; (ii) state whether the person filing the statement supports or opposes the Draft Permit, Application, or Petition; (iii) identify each witness, including name, address, affiliation(s), and educational and work background; (iv) estimate the length of the direct testimony of each witness; (v) identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy; (vi) list or make available all technical materials relied upon by each witness in making

statement of technical of fact or opinion contained in his or her direct testimony; and (vii) attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

Failure to file a timely and complete Statement of Intent will preclude a person from presenting technical evidence or testimony sought to be offered. All exhibits must be properly marked to be accepted, including the party name and exhibit number on the top or bottom of the exhibit, and include consecutively numbered pages.

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 Deepika Saikrishnan at the New Mexico Environment Department Air Quality Bureau 15 days prior to the hearing date at (505) 629-3593, Deepika.Saikrishnan@state.nm.us, or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505 by January 19, 2022. 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: Kathryn Becker, 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.