

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

IN THE MATTER OF TWO AIR QUALITY CONSTRUCTION PERMIT APPLICATIONS OF:

(1) SHORT LINE, LLC LAS VEGAS HMA PLANT AND LAS VEGAS CRUSHING/SCREENING PLANT (AQB 24-19 (P));

The New Mexico Environment Department ("NMED") announces a hybrid public hearing to take evidence on two (2) applications for air quality construction permits for facilities located in San Miguel County pursuant to the New Mexico Air Quality Control Act, NMSA 1978, §§ 74-2-1 et seq., Section 206 of 20.2.72 NMAC - Construction Permits. The permit applications in this hearing include one (1) facility owned by Short Line, LLC, the Las Vegas HMA Plant; and one (1) facility owned by Short Line, LLC, the Las Vegas Crusher/Screening Plant.

The hearing will be hybrid via the WebEx platform to begin at 9:00 a.m. MDT on July 17, 2024. In addition, there will be two physical locations where members of the public may participate.

For members of the public who wish to participate in Santa Fe, NM, the Department has reserved Room 321 at the New Mexico State Capitol, 490 Old Santa Fe Trail, Santa Fe, NM.

For members of the public who wish to participate locally, the Department has reserved room SUB 322 at the Student Union Building at New Mexico Highlands University (NMHU) located at 800 National Avenue, Las Vegas, NM to allow personal attendance at the hybrid hearing. Members of the public can go to this location during the hearing to view and participate in the hybrid hearing. A Department staff member will be available to assist the public to appear and participate in the hearing. In addition, members of the public who choose to bring their own devices for participating in the hearing are welcome to come to the Student Union Building at NMHU to use the wi-fi connection.

Additional information on how to join the hearing either via WebEx, in Santa Fe, NM, or Las Vegas, NM is 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 instructions.

BRIEF DESCRIPTION OF EACH PERMIT APPLICATION TO BE CONSIDERED AT THE HEARING

Short Line, LLC has submitted a permit application #10131 for its Las Vegas Aggregate Crusher & Screening Plant seeking to permit a portable 200 ton per hour (tph) aggregate plant. Processed aggregate will be used at the Las Vegas HMA plant and transported for off-site sales. The Las Vegas Aggregate Crusher & Screening Plant is proposed to be located approximately 2.3 miles north-northeast of Las Vegas, New Mexico in San Miguel County. Short Line, LLC's mailing address is PO Box 1499, Peralta, NM 87042.

Short Line, LLC has submitted a permit application #10129 for the Las Vegas HMA Plant seeking to permit a 120 tph hot mix asphalt plant. The Las Vegas HMA is proposed to be located approximately 2.5 miles northeast of Las Vegas, New Mexico in San Miguel County. Short Line, LLC's mailing address is PO Box 1499, Peralta, NM 87042.

For each of the two (2) permit applications, the NMED Air Quality Bureau ("AQB") has reviewed each 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 applications, associated documents, and the draft permits on NMED's public notice website under the San Miguel County dropdown, in the link for each permit application listed by company and facility name. NMED's public notice website is at www.env.nm.gov/public-notices-2/.

PROVIDING NON-TECHNICAL OR GENERAL PUBLIC COMMENT

The Hearing Officer will accept non-technical or public comment in writing prior to the beginning of the hearing or in writing or verbally while the hearing record is open. Members of the public who wish to provide non-technical or general comment are encouraged to submit their comments in writing by using NMED's Public Comment Portal, 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 Environment Department Cabinet Secretary dropdown for Air Quality Bureau NSR Permit Applications: AQB 24-19 (P) – In the Matter of Applications for Short Line, LLC for Air Quality Permits No 10129, Las Vegas HMA Plant and No 10131, Las Vegas Crusher/Screening Plant. (The direct link to the Public Comment Portal is <http://nmed.commentinput.com>).

If a person has difficulty using the Public Comment Portal, please contact the Office of Public Facilitation:

Pamela Jones, Hearing Clerk
pamela.jones@env.nm.gov
505-660-4305

Verbal non-technical testimony or general comment will be accepted at the hearing while the record is open. Individuals intending to provide non-technical testimony or general public comment shall notify the WebEx host through the chat feature and will be sworn in at various times during the hearing. Members of the public will have up to five (5) minutes to offer non-technical testimony or general comment per individual; 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.

For further information, or for a copy of any Draft Permit or Application in these matters, contact Joseph Mashburn (505) 629-7843 joseph.masburn@env.nm.gov or Todd Sherrill (505) 629-3125 todd.sherrill2@env.nm.gov at the New Mexico Environment Department Air Quality Bureau.

ENTRY OF APPEARANCE

Any person who wishes to be a party in this proceeding must file with the Hearing Clerk at the below address an Entry of Appearance on or before July 2, 2024. A timely Statement of Intent to Present Technical Testimony shall be considered an Entry of Appearance if the person filing such statement has not previously filed a separate 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 testimony or general public comments.

STATEMENT OF INTENT TO PRESENT TECHNICAL TESTIMONY

Any person who intends to present technical evidence or technical testimony at the public hearing must file a Statement of Intent to Present Technical Testimony with the Hearing Clerk on or before July 2, 2024, and serve an electronic copy of the foregoing on all other parties. The Statement of Intent must be filed with the Hearing Clerk at the following email:

Pamela Jones
Paralegal/Hearing Clerk
New Mexico Environment Department
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502
(505) 660-4305
pamela.jones@env.nm.gov

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 the statement of technical fact or opinion contained in his or her direct testimony; and (vii) attach a complete narrative of the direct 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.

PREHEARING MOTIONS

Motion practice shall be controlled by 20.1.4.200 NMAC.

ARRANGEMENTS FOR PERSONS REQUIRING AID TO PARTICIPATE

Spanish interpretation will be provided. If anyone needs other assistance, another type of interpreter, or auxiliary aid to participate in the hearing, the Bureau must be notified no later than July 2, 2024. Otherwise, there will not be other assistance, other type of interpreter or auxiliary aid at the hybrid hearing.

If any person requires Spanish interpretation, please contact Dawn Romero at the New Mexico Environment Department Air Quality Bureau at (505) 629-3395, dawn.romero@env.nm.gov or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505 by July 2, 2024.

If any person requires other assistance, another type of interpreter, or auxiliary aid to participate in the hearing, please contact Rhonda Romero at the New Mexico Environment Department Air Quality Bureau at (505) 629-3934, Rhonda.romero@env.nm.gov or the Air Quality Bureau Office located at 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico 87505 by July 2, 2024. 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: 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/n-n-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.