

# New Mexico's Significant Noncompliance Bill



*HB 76 will protect public health and maintain a level playing field among New Mexico businesses by allowing the Environment Department to prevent significantly noncompliant businesses from holding air quality permits.*

## How does it work?

Under New Mexico's current Air Quality Control Act (AQCA), the New Mexico Environment Department (NMED) must issue a permit to a business even when it has a history of clear disregard for state and federal air environmental regulations.

House Bill 76 (HB 76) allows NMED to deny or revoke air permits when the applicant is a convicted environmental felon, has lied on their permit application, has had an environmental permit revoked or suspended in another state, has refused to disclose required information, or has operated without a permit resulting in significant air emissions.

HB 76 levels the playing field for responsible operators by not allowing companies that cut corners and disobey the law to operate in the state.

Preventing significant violators from operating in the state will result in cleaner air and better health for New Mexicans.

HB 76 will allow New Mexico to address bad operators in the same way other states do (e.g., Arizona, Montana, Oklahoma, California, Nevada, Kansas, Kentucky, Michigan, Pennsylvania, South Dakota, Texas, and Utah).

This legislation will bring greater consistency and predictability to NMED's air permitting process by aligning revocation and denial provisions in the AQCA with those under New Mexico's Solid Waste Act, Hazardous Waste Act, Water Quality Act and the Mining Act.

## How will it benefit New Mexico?



### Public Health

- ✓ Fewer sick days
- ✓ Fewer asthma attacks, heart attacks and lower lung cancer rates
- ✓ Fewer premature deaths from cardiovascular and pulmonary complications
- ✓ Healthier New Mexicans, including vulnerable populations like children and seniors



### Industry

- ✓ Provides key minimal standards for obtaining an air permit
- ✓ Provides added incentive to industry to comply with air quality regulations
- ✓ Aligns New Mexico with other states' ability to deny or revoke air permits to operators that consistently violate the law
- ✓ Levels the playing field for all operators



### Environment

- ✓ Improves overall air quality
- ✓ Protects visibility at State and National Parks and Monuments
- ✓ Protects our outdoor industry economy
- ✓ Removes egregious violators from being able to permit and operate an air emitting facility within the state

*Sponsor: Rep. Christine Chandler*