

## Introduction to Air Permitting in New Mexico

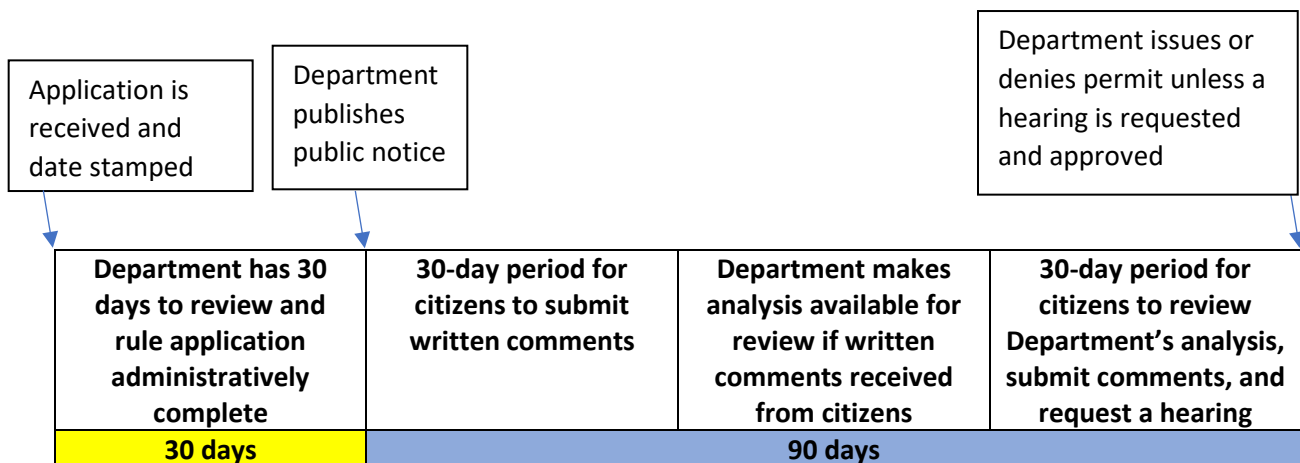
The mission of the New Mexico Environment Department (NMED) is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. The mission of NMED's Air Quality Bureau (AQB) is to protect the inhabitants and natural beauty of New Mexico by preventing the deterioration of air quality.

NMED's authority to condition a permit is stated in 20.2.72.210 of the New Mexico Administrative Code (NMAC). Permit conditions are based on the contents of the permit application and conditions necessary to demonstrate compliance with applicable air quality regulations and ambient standards.

A New Source Review (NSR) permit places restrictions on what construction is allowed, what air emission limits must be met, and how a facility can be operated. The permit is an enforceable legal document that an industrial facility must comply with. To assure that a facility complies with a permit's emission limits, a permit contains monitoring, recordkeeping, and reporting requirements.

The Clean Air Act and state regulations do not provide the AQB legal authority to regulate impacts that are not specifically related to air quality. Thus, the AQB cannot deny any applicant an air quality permit based on issues such as noise, odor, quality of life, and property values.

The typical processing time to issue an NSR permit is up to 120 days from receipt of the application.



### Steps to Review a New Source Review (NSR) Permit Application and Issue an NSR Permit

- 1) Receive Application – AQB Administrative Staff
  - a) Stamp date application received
  - b) Assign application to a Permit Writer
- 2) Review for Administrative Completion – AQB Permit Writer and AQB Modeler
  - a) Verify all required parts of the application, including modeling, are present
  - b) Verify the applicant's public notice was done correctly
  - c) Draft the Public Involvement Plan (PIP) and Limited English Proficiency (LEP) Services Evaluation
  - d) Rule application complete
    - (1) Send completion letter and invoice to applicant and consultant

- (2) Publish Department's legal notice in newspaper
  - (3) Post Department's legal notice on AQB website
  - (4) Send Department's legal notice to EPA Region 6
  - (5) Send Department's legal notice to NMED field office closest to proposed facility
  - (6) If nearby, send Department's legal notice to Class I areas, other states, and Bernalillo County
- 3) Conduct Technical Review – AQB Permit Writer and AQB Modeler
    - a) Receive citizens' comments
    - b) Respond to citizens' comments
    - c) Hold public meetings, if necessary
    - d) Review applicability of federal and state regulations
    - e) Review and verify calculations
    - f) Draft Department's analysis (Statement of Basis)
    - g) Conduct independent air dispersion modeling runs to confirm the facility demonstrates compliance with standards
    - h) Draft enforceable permit with conditions
    - i) Draft modeling report
    - j) Assemble administrative record
    - k) Enter data in AQB database
  - 4) Hold a Hearing, if Appropriate; or Issue or Deny Permit
  - 5) Participants in the Process May Appeal Final Permit Decision