

FAQs

Air Quality Application 8585, Associated Asphalt and Materials, LLC's Santa Fe Facility

1) What is an NSR permit?

NSR stands for New Source Review, a Clean Air Act program that requires that a construction permit be issued prior to construction to limit air emissions from industrial facilities. The NSR permit specifies all state and federal regulations as well as the emission limits that apply to the facility. Monitoring, recordkeeping, reporting, and testing requirements are incorporated into the permit to make it enforceable.

2) What is the function of an Air Quality permit?

An Air Quality permit places restrictions on what construction is allowed, what air emission limits must be met, and how a facility can be operated. A 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.

If Air Quality Bureau (AQB) staff determines, upon reviewing a permit application and air quality analysis, that a facility will not meet air quality regulations and standards, a permit will not be issued.

3) How does the Air Quality Bureau ensure the health of citizens is protected from the proposed impacts on the ambient air from a facility?

The Environmental Protection Agency (EPA) and the New Mexico Environment Department (NMED) have established health-based ambient air quality standards for pollutants. These health-based standards take into account our most sensitive populations, such as children and the elderly. Emissions calculations and computer-based ambient air modeling analyses are used to determine if a facility will meet or exceed these standards. A facility is required to demonstrate through modeling that it will meet all state and federal ambient standards before the Department will issue an air quality permit. If the permit is issued, it will contain conditions to ensure that the facility will operate as represented by the company in the application and in compliance with all applicable state and federal regulations and ambient air quality standards.

4) What is modeling? What makes modeling reliable and does the modeling consider prevailing winds?

Air dispersion modeling is a computerized model predicting the pollutant concentrations at various points around the facility resulting from emissions from the facility. Thus, it predicts the transport of air pollutants around the facility. The EPA developed models to conservatively predict concentrations of pollutants such that the predicted concentrations are greater than actual concentrations of pollutants. The model ensures the most sensitive individuals (elderly, infirmed, and children) that live near the facility will be protected. Modeling is performed mathematically using a computer program that accounts for meteorology, calculated emissions, and equipment specifications. It models calculated pollutant concentrations in the air at specific intervals all around the facility. Meteorological information considered in modeling is based on meteorological data from the area and includes wind speed and direction, temperature, mixing height, and atmospheric stability.

5) How does the AQB regulate issues such as noise, vehicle traffic on public roads, degradation of natural beauty, quality of life for residents, threats to wildlife, threats to historic structures and tourism, water quality, water conservation, and property values?

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The Clean Air Act and state regulations are health-based regulations and 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 these other issues. Many of these issues, such as noise, odor, nuisance issues, truck traffic, quality of life issues, and property values, fall under the jurisdiction of local ordinances. The AQB does not have the authority to regulate mobile sources (autos, trucks, etc.).

6) What is the purpose of the current permit application, submitted by Associated Asphalt and Materials, LLC?

Associated Asphalt and Materials, LLC (AAM) is applying for a new air quality permit to consolidate 4 facilities into one location at 86 Paseo de River, Santa Fe, NM 87507. Plant #5 Hot Mix Asphalt plant (HMA) is presently on this site and the crushing and screening plant is operating just west of this site. AAM will be moving equipment operating currently at other sites in Santa Fe, including Plant #2 HMA and the scalping screen plant, to this location. Plant #2 HMA, currently located at 3810 Oliver Drive, will be moving farther from existing neighborhoods. Because line power will be available at 86 Paseo de River, some existing generators will be eliminated, reducing overall emissions. The new permit will replace old permits and have more and updated requirements for monitoring, recordkeeping, and reporting. The new entrance into 86 Paseo de River will be paved and will not cross the river. AAM will be reducing its number of sites in Santa Fe, consolidating its operations, and closing the two existing HMA permits upon startup under this new permit.

7) Is AAM increasing their capacity with this permit?

Table 1 below compares the hours of operation and throughputs in the existing permits for Plant #2 HMA, Plant #5 HMA, and the crushing and screening plant to the hours of operation and throughputs in this permitting action. (Note there is no existing permit for the 50 tph scalping screen plant.)

The annual throughput at 86 Paseo de River will be increasing, but the total throughput of combined facilities will be decreasing.

Table 1: Consolidation of Permits

	Plant #2 HMA		Plant #5 HMA		Crushing and Screening Plant	
	Permit 0052M1	New Permit	Permit 0803	New Permit	Permit 6195	New Permit
Daily Hours of Operation	8	24	8	24	Daylight	10
Hourly Throughput (tons)	200	150	450	300	250	200
Daily Throughput (tons)	1,600	1,800	3,600	3,600	3,000	2,000
Annual Throughput (tons)	345,600	190,000	864,000	750,000	1,095,000	400,000

8) Are there processes for ongoing air quality testing?

Yes, the AQB will establish ongoing testing and monitoring requirements for processes and pieces of equipment. These requirements determine if the equipment is operating in accordance with the permitted emission limits. The AQB typically requires stack testing for combustion equipment and monitoring of material usage on the aggregate processing equipment. If the facility plans to install generators, the AQB will establish periodic stack testing requirements on the generators. AQB staff may observe the stack test and will review the

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results of the stack test to determine if the equipment is operating in compliance with emission limits.

9) If AAM violates its permit, what is the remediation process and what are the consequences?

If the company operates in a manner that results in an excess emission or a violation of a permit condition or regulation, the AQB will follow up with formal enforcement action. If the AQB discovers, during a review of facility records or during an inspection, that results from a test are out of compliance with any permit limit, the AQB will follow up with enforcement action. These types of incidences result in enforcement cases that include penalties in the form of fines. In addition, the applicant may be required to submit a revision to their permit application to revise the permit, which typically includes air dispersion modeling to demonstrate compliance with ambient air quality standards.

10) Will AAM be allowed to operate 24 hours a day, 7 days a week?

The existing permits limit hours of operation. However, the current AAM application is based on operating at any time of day, any day of the week. AAM will not operate continuously, but they are requesting the flexibility to operate at any time to meet the demand of clients. Note, the controlled annual emissions are based on an annual throughput limit which is less than the hourly limit at 8760 hours per year.

11) Would this permit increase damage to the river?

The new entrance into 86 Paseo de River will be paved and not cross the river.

12) What is AAM's record of violations at the 2 HMA plants it currently operates in Santa Fe?

On March 22, 2011, the AQB issued a field citation to AAM's Plant No. 0052, which is one of the two asphalt facilities involved in the current permitting action. The facility exceeded the permitted opacity limit of 20% for particulate matter emissions from its baghouse stack. On April 16, 2004, the AQB issued a Notice of Violation (NOV) to AAM for two air quality violations at their Plant No. 0803. This is the second asphalt facility involved in the current permitting action. The NOV alleged violation of the 20% opacity limit for particulate matter emissions from the baghouse exhaust stack and the failure of AAM to adequately control fugitive particulate matter emissions from truck traffic on the facility's haul roads.

On July 29, 2019, the AQB completed an inspection of AAM's Plant No. 0803. Three potential violations of regulatory and permit requirements were identified during the inspection process. The results of the inspection are under review and the AQB may initiate enforcement action on those areas of concern. This is a priority for the AQB, and we will be following up on those potential enforcement actions in the coming days.

The AQB also received eleven citizen complaints between the period 2009 to 2019 relating to AAM in Santa Fe County. The AQB responded to each of the complaints.

13) Could this consolidation of AAM facilities be located somewhere else?

The 86 Paseo de River site is in an area zoned for industrial facilities in the Sustainable Land Development Code. Plant #5 HMA has had an air quality permit to operate at this location since 1990. Plant #2 HMA has had an air quality permit to operate nearby since 1974.

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14) Will Environmental Justice issues be raised at the hearing, due to the high concentration of low- income citizens and people of color in the area?

NMED expects this issue to be addressed in the designated time for the public to provide testimony at the public hearing.

15) Is there a shared process between the city, county, and state?

These authorities and processes are independent of each other. However, AQB has been in contact with other government agencies regarding AAM's current application.

Santa Fe County's Technical Advisory Committee has met with AAM, but the county has not yet received an application from AAM. An application to the county will be submitted by AAM only if an AQB permit is issued.

16) Has the State of NM basically already approved the air quality permit for AAM's Santa Fe Facility?

The AQB is completing a technical review of this application. The facility, as represented in the application, demonstrates compliance with all federal and state regulations. The facility's operations, as represented in this application, do not cause nor significantly contribute to any exceedances of applicable air quality standards. These results are based on the modeling analysis and emissions calculations for asphalt fumes, Carbon Monoxide (CO), Nitrogen Dioxide (NO₂), Particulate Matter 10 micrometers or less in aerodynamic diameter (PM₁₀), Particulate Matter (2.5 microns or less) (PM_{2.5}), and Sulfur Dioxide (SO₂).

17) What are the next steps in the process, following the February 7, 2020 public meeting held by AAM?

The AQB will provide a Fact Sheet and an Air Quality Permitting Overview document, in advance of the public hearing for AAM's proposed Santa Fe Facility.

The deadline to submit comments has been extended, as the AQB is holding a public hearing on this application. Comments must be submitted at least two weeks in advance of the date of the public hearing to be included in the administrative record. Instructions will be provided in the Notice of Hearing.

Due to COVID-19 and efforts to limit exposure by social distancing, the public hearing date was delayed. A virtual public hearing will be held on March 22, 2021 at 4:00 p.m. The hearing will be setup as a Zoom and will be administered by a hearing officer with a Spanish interpreter present.

After the hearing is held, the NMED Cabinet Secretary will approve, reject, or amend the hearing officer's findings and provide AQB with direction to address issues raised during the hearing.

After the permit is issued or denied, the AQB will mail written notice of the action taken on this permit application to all persons who submitted written comments or evidence on the application.

18) What are the public notice requirements for the AQB?

AQB regulations at 20.2.72 NMAC require that a public notice for this application be published in a newspaper of general circulation where the facility is located. The public notice for this permit application was published in the Santa Fe New Mexican newspaper. The public notice contained a paragraph in Spanish directing Spanish speaking interested parties to call the AQB at (505) 476-5557 to speak to Spanish speaking staff for additional information regarding this permitting

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action. AQB regulations also require identifying and notifying local, state or federal government agencies about this permit application. US EPA Region VI, Bernalillo County, Bandelier Wilderness Area, and Pecos Wilderness Area were notified.

AQB regulations at 20.1.4 NMAC require the Notice of Hearing be published in two newspapers and sent to each party and to each person who filed a written request for a hearing or who expressed to the Department in writing an interest in the facility. Given the significant public interest, the AQB will do more extensive outreach than required by regulation. The Notice of Hearing will be published in English and Spanish in the Santa Fe New Mexican and the Albuquerque Journal. It will also be sent to the interested parties list; posted on the AQB website; posted at locations commonly frequented by the community, such as a nearby post office or public library; and sent as a public service announcement to at least one radio station which serves the local community.

19) Is additional information available online?

Yes, visit this link on the AQB website:

<https://www.env.nm.gov/air-quality/permit-applications-with-public-interest-public-meeting-or-public-hearing/>

Scroll down to "Associated Asphalt and Materials" to access the application and other information. Relevant documents translated into Spanish are posted here as well.