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NMAC TRANSMITTAL FORM

1.24.10 NMAC Vol. XII No. 10 05-31-2001 [Sequence # 28.8] H

1. Issuing Agency	2. Agency Code (DFA)
Albuquerque/Bernalillo County Air Quality Control Board	

3. Agency Address
Albuquerque Environmental Health Department
P.O. Box 1293
Albuquerque, NM 87103-1293

4. Contact Person

Name	Michael D. Smith	Phone #	(505)768-2600	FAX	(505) 768-2617
E-mail	mdsmith@cabq.gov				

5. Type of Rule Action

New [ ] Amendment [ ] Renumber [ ] Repeal [X] Emergency [ ]

6. Total number of pages:	1	7. Hearing date:	2/15/2001	8. Effective date:	7/1/2001

9. NMAC Number

Title	Chapter	Part
20	11	2

10. NMAC Name

Title	Chapter	Part
Environmental Protection	Albuquerque/Bernalillo County Air Quality Control Board	Permit Fees

11. Amendment Description	12. Amendment's NMAC Citation

13. Most recent filing date (if applicable)
10 / 27 / 1995

14. Are there any materials incorporated by reference?

No X Yes ____

Please list attachments and Internet site(s) if applicable

Reference / Internet site
1.
2
3.

15. If materials are attached, has copyright permission been received?

No [ ] Yes [ ] Public domain [ ]

16. Legal citation(s) that allows the *Issuing Agency* to regulate and the *Issuing Authority* to promulgate regulations on this subject (provide all that apply).
New Mexico Air Quality Control Act, NMSA 1978, sections 74-2-4 and 74-2-5.C

17. Signature & Title of Issuing Authority (*Delegated authority must be on file*)

Name: Randy Sanchez *Check if delegated authority* [ ]

Title: Chair, Albuquerque/Bernalillo County Air Quality Control Board

Signature: [signature] Date Signed: 5-16-01

SRC-2000-02
5/26/2000

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This action repeals 20 NMAC 11.02, Permit Fees, which was filed with the State Records Center and Archives on October 27, 1995, with an effective date of December 1, 1995, and replaced with 20.11.2 NMAC effective July 1, 2001.

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NMAC TRANSMITTAL FORM

1.24.10 NMAC Vol. XII No. 10 05-31-2001 [Sequence # 28.9] C

1. Issuing Agency	2. Agency Code (DFA)
Albuquerque/Bernalillo County Air Quality Control Board	

3. Agency Address

Albuquerque Environmental Health Department
P.O. Box 1293
Albuquerque, NM 87103-1293

4. Contact Person

Name	Michael D. Smith	Phone #	(505)768-2600	FAX	(505) 768-2617
E-mail	mdsmith@cabq.gov				

5. Type of Rule Action

New [X] Amendment [ ] Renumber [ ] Repeal [ ] Emergency [ ]

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Environmental Protection	Albuquerque/Bernalillo County Air Quality Control Board	Permit Fees

11. Amendment Description	12 Amendment's NMAC Citation

13 Most recent filing date (if applicable)

/ /

14 Are there any materials incorporated by reference?

No ___ Yes X

Please list attachments and Internet site(s) if applicable

Reference / Internet site
1. http://www.gpo.gov/nara/cfr/index.htm
2
3.

15 If materials are attached, has copyright permission been received?

No [ ] Yes [ ] Public domain [X]

16 Legal citation(s) that allows the *Issuing Agency* to regulate and the *Issuing Authority* to promulgate regulations on this subject (provide all that apply).

New Mexico Air Quality Control Act, NMSA 1978, sections 74-2-4 and 74-2-5.C

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Name: Randy Sanchez *Check if delegated authority* [ ]

Title: Chair, Albuquerque/Bernalillo County Air Quality Control Board

Signature 5-16-01 Date Signed

SRC-2000-02
5/26/2000

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 2 PERMIT FEES

20.11.2.1 ISSUING AGENCY: Albuquerque/Bernalillo County Air Quality Control Board, Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.
[20.11.2.1 NMAC – Rp, 20 NMAC.11.02.I.1, 7/1/2001]

20.11.2.2 SCOPE:

A. Applicability:

(1) Any person required to obtain a permit pursuant to 20.11.42 NMAC, Operating Permits;

(2) Any person required to obtain a permit pursuant to 20.11.41 NMAC, Authority-to-Construct;

(3) Any person with a valid registration or permit issued pursuant to 20.11.40 NMAC, Source Registration, 20.11.41 NMAC, Authority-to-Construct, or 20.11.42 NMAC, Operating Permits;

(4) Any person requesting a Surface Disturbance Permit pursuant to 20.11.20 NMAC, Airborne Particulate Matter;

(5) Any person required to provide notification regarding removing regulated asbestos containing material pursuant to 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Sources; and

(6) Any person requesting professional or administrative services.

B. Exempt: This Part does not apply to sources within Bernalillo County that are located on Indian lands over which the Albuquerque/Bernalillo County Air Quality Control Board lacks jurisdiction.

C. Variance: Any person may request a timely variance to this Part in accordance with Variance Procedures, 20.11.7 NMAC, if allowed by federal, state or local laws and regulations.
[20.11.2.2 NMAC – Rp, 20 NMAC 11.02.I.2 & 20 NMAC 11.02.I.8, 7/1/2001]

20.11.2.3 STATUTORY AUTHORITY: This Part is adopted pursuant to the authority provided in the New Mexico Air Quality Act, NMSA 1978 Sections 74-2-4, 74-2-5; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 and 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Section 9-5-1-3 and Section 9-5-1-4.
[20.11.2.3 NMAC – Rp, 20 NMAC 11.02.I.3, 7/1/2001]

20.11.2.4 DURATION: Permanent.
[20.11.2.4 – Rp, 20 NMAC 11.02.I.4, 7/1/2001]

20.11.2.5 EFFECTIVE DATE: July 1, 2001, unless a later date is cited at the end of a section or paragraph.
[20.11.2.5 NMAC – Rp, 20 NMAC 11.02.I.5, 7/1/2001

20.11.2.6 OBJECTIVE:

A. To implement the requirements of 74-2-7 NMSA by establishing:

(1) Reasonable fees to cover the cost of reviewing and acting on any permit application received by the Department;

(2) Reasonable fees to cover the cost of implementing and enforcing the terms and conditions of any permit issued by the Department; and,

(3) A schedule of operating permit fees consistent with section 502(b)(3) of Clean Air Act and the Joint Air Quality Control Board Ordinances;

B. To implement the requirements of section 507 of federal Clean Air Act by establishing adequate funding for a small business stationary source technical and environmental compliance assistance program; and

C. To establish reasonable fees to cover the administrative expenses incurred by the Department in implementing and enforcing the provisions of the New Mexico Air Quality Control Act, the Joint Air Quality Control Board Ordinances, and the Albuquerque/Bernalillo County Air Quality Control Board Regulations.

D. This Part is permanent. However, a mandatory review of the permit fee regulation shall be conducted by the Board within two-year period from the date of adoption.
[20.11.2.6 NMAC – Rp, 20 NMAC 11.02.I.6, 7/1/2001]

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20.11.2.7 DEFINITIONS: Throughout this Part, the terms defined shall have the following meanings. For the purpose of this Part, if there is any apparent conflict between the meaning of a definition in this Part and a definition in another Part, the definition in this Part shall prevail and apply.

A. "Allowable Emission Rate" means the most stringent emission limit that has been established by a permit issued by the Department or the source's potential-to-emit.

B. "Emissions Unit" means any part or activity of a stationary or portable source that emits or has the potential to emit any fee pollutant.

C. "Fee Pollutant" means:

(1) Sulfur dioxide (SOx);
(2) Nitrogen dioxide based on total oxides of nitrogen (NOx);
(3) Carbon monoxide (CO);
(4) Particulate matter with an aerodynamic diameter less than or equal to 30 micrometers (TSP);
(5) Any volatile organic compound as defined in 40 CFR 51.100(s), as amended;
(6) Any hazardous air pollutant listed pursuant to section 112(b) of the Federal Clean Air Act; and,
(7) Any regulated substance listed pursuant to section 112(r) of the federal Clean Air Act.
(8) Any other pollutant determined by the Board after public hearing.

D. "Fugitive Emissions" means those emissions that cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

E. "Major Source" shall have the meaning defined in 40 CFR 71.2.

F. "Potential-To-Emit" or "PTE" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of source to emit an air pollutant, including air pollution control equipment, restrictions on hours of operation or on type or amount of material combusted, stored or processed, shall be treated as part of its design if integral to the process or the limitation is federally enforceable through permit or regulation. Any limitation on emissions due to process design must be unchanging and unavoidable physical constraints. The potential-to-emit for nitrogen oxide shall be based on total oxides of nitrogen.

G. "Qualified Small Business" means:

(1) A business that has 100 or fewer employees;
(2) Is a small business concern as defined by the federal Small Business Act;
(3) Does not emit more than 50 tons per year of any regulated air pollutant, or 75 tons per year of all regulated air pollutants; and
(4) Is not a major source of hazardous air pollutants.

H. "Regulated Air Pollutant" means the following:

(1) Nitrogen oxides, total suspended particulate matter, or any volatile organic compounds;
(2) Any pollutant for which a national, state or local ambient air quality standard has been promulgated;
(3) Any pollutant that is subject to any standard established in Section 111 of the Federal Act;
(4) Any Class I or II substance subject to any standard established in Title VI of the federal Act; or
(5) Any pollutant subject to a standards or requirements established in Section 112 of the federal Act, including:
    (a) Any pollutant subject to requirements under Section 112(j) of the federal Act; and
    (b) Any pollutant for which the requirements of section 112(g)(2) of the federal Act have been met, but only with respect to the individual source subject to the requirements.

I. "State Air Toxic Review" means a case-by-case permit application review of the potential emissions of toxic air pollutants listed in 20.2.72 NMAC, Construction Permits, Subsection IV, Permits for Toxic Air Pollutant Emissions.

J. "Stationary Source with De Minimis Emissions" means a source, unless otherwise regulated, with a potential-to-emit:

(1) Less than 5 tons per year of any regulated air pollutant, excluding hazardous air pollutants;
(2) Less than 2 tons per year of any hazardous air pollutant;
(3) 5 tons or less of any combination of hazardous air pollutants per year; or

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(4) 20 percent of any lesser threshold per year for a single hazardous air pollutant established by the Environmental Protection Agency by rule.
[20.11.2.7 NMAC – Rp, 20 NMAC 11.02.I.7, 7/1/2001]

20.11.2.8 SAVINGS CLAUSE: Any amendment to 20.11.2 NMAC that is filed with the State Records Center shall not affect actions pending for violation of a federal or state statute or regulation, a City or County ordinance, or any Board regulation. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the statute, ordinance, part or regulation section in effect at the time the violation was committed.
[20.11.2.8 NMAC – Rp, 20 NMAC 11.02.I.9, 7/1/2001]

20.11.2.9 SEVERABILITY: If any section, paragraph, sentence, clause or word of this Part or federal, state or local standard incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of the remaining provisions of this Part.
[20.11.2.9 NMAC – Rp, 20 NMAC 11.02.I.10, 7/1/2001]

20.11.2.10 DOCUMENTS: Documents cited and incorporated in this Part may be viewed at the Albuquerque Environmental Health Department, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102.
[20.11.2.10 NMAC – Rp, 20 NMAC 11.02.I.11, 7/1/2001]

20.11.2.11 GENERAL PROVISIONS:

A. At the time of application, any person, including a federal, state or local governmental agency, who files an application pursuant to 20.11.41 NMAC, Authority-to-Construct, for an initial air quality review and authority to proceed with construction or requesting to modify an existing air quality permit shall pay the permit fee required by this Part.

B. Any new or existing stationary source that meets the applicability requirements of this Part shall pay an annual emission fee based on the source's potential-to-emit. Sources wishing to reduce their potential-to-emit may do so at any time through the provisions of 20.11.41 NMAC, Authority-to-Construct.

C. At the time of submittal, any person filing an application for a Surface Disturbance Permit with the Department pursuant to 20.11.20 NMAC, Airborne Particulate Matter, shall pay the applicable filing and inspection fee required by this Part.

D. At the time of notification, any person notifying the Department pursuant to 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Source, of the removal of regulated asbestos containing material shall pay the applicable fee required by this Part.

E. No application will be reviewed or permit issued unless the owner/operator provides documentary proof satisfactory to the Department that either all applicable fees have been paid as required by this Part, or the owner/operator has been granted a variance in accordance with 20.11.7 NMAC, Variance Procedures.

F. All fees required to be paid at the time of application shall be paid by check or money order payable to the "City of Albuquerque, Permits Program (Fund 242)" and either be delivered in person to the Environmental Health Department, Finance Section, 3rd floor, Room 3023, Albuquerque/Bernalillo County Government Center (City Hall), One Civic Plaza NW, Albuquerque, NM, or mailed to Attn: Finance Section, Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103. The Finance Section then shall send a receipt to the applicant. The applicant shall attach a copy of the receipt issued by the Finance Section to the application as proof of payment. The Air Quality Division cannot accept direct payments.

G. No person required to pay an annual emission fee pursuant to this Part shall be in compliance with their permit unless all applicable fees are paid as required by this Part.

H. No fee required by this Part shall be refunded without the written approval of the Director. When determining the amount of the refund, the Director may deduct a reasonable professional service fee to cover the costs of staff time involved in processing a permit or request.
[20.11.2.11 NMAC – N, 7/1/2001]

20.11.2.12 AUTHORITY-TO-CONSTRUCT PERMIT FEES; FEE CALCULATIONS AND PROCEDURES

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A. General Permits for Minor and Area Sources: Sources applying for a General Permit pursuant to 20.11.41 NMAC, Authority-to-Construct, shall pay the applicable fee found in section 18 of this Part.

B. Case-by-Case Air Quality Review Prior to the Construction of a Stationary Source:

(1) Case-by-case air quality application review fees shall be calculated based on the proposed source's potential-to-emit fee pollutants. Federally approved State Implementation Plan limitations may be used to determine a source's potential-to-emit.

(2) Fugitive emissions shall be included in the source's potential-to-emit.

(3) Emissions from operations determined by the Department to be insignificant activities shall not be included in the calculation.

(4) For each fee pollutant, calculate the potential-to-emit for each proposed emission unit to the nearest tenth of a ton. Total the fee pollutants from each emission unit and express the value in tons per calendar year as a whole number. When rounding, if the number after the decimal point is less than 5, the whole number remains unchanged. If the number after the decimal point is 5 or greater, the whole number shall be rounded up to next whole number.

(5) The application review fee shall be determined by comparing the source's calculated potential-to-emit with the fee schedule found in section 18 of this Part.

(6) In addition to the application review fees, a source proposing to construct any emission unit or units that must comply with the provisions of 20.11.60 NMAC, Permitting in Nonattainment Areas, 20.11.61 NMAC, Prevention of Significant Deterioration, 20.11.62 NMAC, Acid Rain, 20.11.63 NMAC, New Source Performance Standards for Stationary Sources, or 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Sources, also shall pay the applicable federal program review fees listed in section 18 of this Part.

(7) Example: A company proposes to build a facility with a NSPS boiler with a potential-to-emit of greater than 100 tons per year of NOx. From the fee schedule found in section 18 of this Part, the company will be required to pay an initial air quality review fee of $5,000.00 with an addition federal program review fee of $1,000.00 for the NSPS boiler, for a total fee of $6,000.00. The review fee shall be submitted at the time of application in accordance with the procedures found in subsections E and F of 20.11.2.11 NMAC.

(8) Sources submitting an application for the removal of regulated asbestos containing material pursuant to 20.11.64 NMAC shall comply with the provisions of 20.11.2.14 NMAC.

C. Permit Modifications:

(1) At the time of application, any source proposing to modify an existing air quality permit shall pay the applicable fee found in section 18 of this Part.

(2) Any proposed modifications to an existing air quality permit that must comply with the provisions of 20.11.60 NMAC, Permitting in Non-Attainment Areas, 20.11.61 NMAC, Prevention of Significant Deterioration, 20.11.62 NMAC, Acid Rain, 20.11.63 NMAC, New Source Performance Standards for Stationary Sources, or 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Sources, the applicant shall also pay the applicable federal review fee, but only with respect to the individual emission unit subject to the requirement.

D. Qualified small business shall pay one-half of the calculated case-by-case air quality review fees prior to adding any federal program review or state toxic review fees.

[20.11.2.12 NMAC – Rp, 20 NMAC 11.02.II.1, 7/1/2001]

20.11.2.13 ANNUAL EMISSION FEES; FEE CALCULATIONS AND PROCEDURES

A. By June 1 of each year, the Department shall send each owner/operator a letter stating the fee amount owed. The owner/operator has 45 days from receipt of the letter to contact the Department to request a correction to the records or submit an application to modify an existing permit reducing the source's allowable emission rate.

B. Starting August 1 of each year, each owner/operator shall be sent an official invoice by the City of Albuquerque stating the annual emission fee due, which the owner/operator shall pay consistent with the directions stated in the invoice.

C. As required by 74-2-16 NMSA, all monies received pursuant to this section shall be deposited in the City of Albuquerque, Permits Program (Fund 242).

D. Calculating Annual Emission Fees:

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(1) For each source, the potential-to-emit for each fee pollutant shall be totaled and expressed in tons per calendar year as a whole number. When rounding, if the number after the decimal point is less than 5, the whole number remains unchanged. If the number after the decimal point is 5 or greater, the whole number shall be rounded up to next whole number.

(2) The sum of each fee pollutant shall be multiplied by the appropriate annual emission fee listed in section 18 of this Part then totaled, to determine the annual emission fee due.

(3) The source shall pay either the minimum annual emission fee or the calculated emission fee whichever is greater.

E. Sources wishing to reduce their potential-to-emit may apply for a permit or modify their existing permit consistent with the provisions of 20.11.41 NMAC, Authority-to-Construct.

[20.11.2.13 NMAC – Rp, 20 NMAC 11.02.II.2, 7/1/2001]

20.11.2.14 FILING AND INSPECTION FEES FOR THE REMOVAL OF REGULATED ASBESTOS CONTAINING MATERIAL; FEE CALCULATIONS AND PROCEDURES

A. At the time of notification, a filing and inspection fee shall be paid by the owner/operator removing regulated asbestos containing material pursuant to 20.11.64 NMAC, Emission Standards for Hazardous Air Pollutants for Stationary Sources, and the federal regulations incorporated therein.

B. The filing and inspection fee shall be calculated by multiplying the Asbestos Unit (AU) by the applicable fee in 20.11.2.18. Equation 1 shall be used to calculate the total Asbestos Units (AU) and amount due:

(1) Total Due = [(SF / 160) + (LF / 260) + (CF / 35)] x AU (Equation 1)

(2) Where: SF = Square feet of asbestos containing material to be removed; LF = Linear feet of asbestos containing material to be removed; CF = Cubic feet of asbestos containing material to be removed; and AU = Asbestos Unit.

(3) Example: A contractor proposes to remove 320 square feet (SF), 260 linear feet (LF) and 70 cubic feet (CF) of regulated asbestos containing material.

(4) From the example above: SF=320; LF=260; CF=70; and AU=$21.00 (From section 18 of this Part)

(5) From Equation 1: [(SF / 160) + (LF / 260) + (CF / 35)] x AU = [(320 / 160) + (260 / 260) + (70 / 35)] x $21.00 = (2 + 1 + 2) x $21.00 = 5 x $21.00 = $105.00

(6) Result: The contractor must pay $105.00 at the time of notification.

C. All fees due pursuant to this section shall be paid in accordance with the procedures found in subsections D, E and F of 20.11.2.11 NMAC.

[20.11.2.14 NMAC – Rp, 20 NMAC 11.02.II.2, 7/1/2001]

20.11.2.15 FILING AND INSPECTION FEES FOR SURFACE DISTURBANCE PERMITS; FEE CALCULATIONS AND PROCEDURES

A. A filing and inspection fee shall be paid by each person requesting a Surface Disturbance Permit pursuant to 20.11.20 NMAC, Airborne Particulate Matter.

B. The filing and inspection fee shall be calculated by multiplying the acreage to be disturbed, expressed as a whole number, by the applicable fee found in section 18 of this Part. When rounding, if the number after the decimal point is less than 5, the whole number remains unchanged. If the number after the decimal point is 5 or greater, the whole number shall be rounded up to the next whole number.

C. All fees due pursuant to this section shall be paid in accordance with the procedures found in subsections C, E and F of 20.11.2.11 NMAC.

[20.11.2.15 NMAC – N, 7/1/2001]

20.11.2.16 FEE ERRORS, CORRECTIONS AND REFUNDS

A. Within 30 days of receiving any invoice from the City, any person who does not agree with the amount due may request a review by the Director to correct any errors or challenge the basis upon which the fee was computed. If the Director has not received a written request or challenge within 30 days after the payor receives the invoice, the invoice shall be final.

B. If fees are due at the time of application, the payor must pay the required fee, then request a review within 30 days of payment.

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C. All written requests for review shall be sent to: Division Manager, Air Quality Division, Environmental Health Department, Air Quality Division, P.O. Box 1293, Albuquerque, NM 87103

D. The request for review must include:

(1) The name of the owner/operator, address and telephone number;

(2) The dollar amount of the alleged error; and

(3) A description of the alleged error and any other information the payor believes may support the claim.

E. Within 30 days of receiving the request for review, the Director shall audit the account and, either:

(1) Amend the invoice or bill and refund any money due the payor; or

(2) State the invoice or bill is correct.

F. The Director may confer with the payor to obtain additional information during the audit period.

G. Within 10 working days of the Director's decision concerning the review, the decision shall be sent by certified mail to address provided by the payor.

H. If a refund is due, the Department shall refund any money due consistent with the policies and procedures of the City of Albuquerque.

I. The Director's decision may be appealed to the Board.

[20.11.2.16 NMAC – N, 7/1/2001]

20.11.2.17 FAILURE TO PAY

A. It shall be a violation of this Part to fail to pay any fee required by this Part, Director's decision, or Board regulation.

B. Stating an invoice is in error shall not be a defense to this section.

C. In addition to paying past due fees the payor shall pay a penalty of 50 percent of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of federal taxes).

[20.11.2.17 NMAC – Rp, 20 NMAC 11.02.II.2, 7/1/2001]

20.11.2.18 FEE SCHEDULE

A. Annual Emission Fees: Sources issued a registration or permit pursuant to 20.11.40 NMAC, Source Registration, 20.11.41 NMAC, Authority-To-Construct, or 20.11.42 NMAC, Operating Permits, shall pay a minimum annual emission fee of $150.00 or the annual emission fee calculated consistent with section 13 of this Part, which ever is greater. The following fee pollutant rates shall be used in calculating the annual emission fee, unless otherwise listed:

(1) Non-Hazardous Fee Pollutants: $31.00 per ton;

(2) Hazardous Fee Pollutants (Non-Major Sources): $31.00 per ton;

(3) Hazardous Fee Pollutants (Major Sources): $250.00 per ton.

(4) Annual Emission Fees for Specific Source Categories:

(a) Auto Body Repair and Painting:

(i) One Spray Booth: No Charge

(ii) Two or more spray booths: $150.00

(b) Chromium Electroplating: $150.00

(c) Degreasers Using Organic Solvents:

(i) Non-halogenated solvents- using less than 2,200 gallons of any one solvent-containing material, and 5,400 gallons of any combination of solvent-containing materials: $150.00

(ii) Halogenated solvents- using less than 1,200 gallons on any one solvent-containing material, and 2,900 gallons of any combination of solvent-containing materials: $150.00

(d) Dry Cleaners (Non-Major): $150.00

(e) Emergency Generators: $150.00

(f) Gasoline Service and Fleet Stations: $250 or $31.00 per ton, which ever is greater;

(g) Natural gas or distillate fueled fired boilers less than 10 million BTU used exclusively for residential, commercial or institutional heating and hot water: No Charge

(h) Printing, Publishing and Packaging Operations:

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(i) Sheetfed (nonheatset) offset lithography using less than 7,125 gallons of clean solvent and fountain solution additives per year: $150.00

(ii) Nonheatset web offset lithography using less than 7,125 gallons of solvent and fountain solution additive per year: $150.00

(iii) Heatset web offset lithography using less than 50,000 pounds of ink, cleaning solvent, and fountain solution additives: $150

(iv) Screen printing using less than 7,125 gallons of total solvent used including solvent-based inks, cleaning solvents, adhesives and coatings: $150.00

(v) Flexography (water-based or UV-cured inks, coating and adhesives) using less than 200,000 pounds total of inks, coatings and adhesives: $150.00

(i) Soil and/or water remediation operations: $150.00

(j) Stationary sources with de minimis emissions: No Charge

B. General Air Quality Review Fees for New Sources (Minor Source General Permits):

(1) Auto body repair and painting: $500.00
(2) Dry cleaners: $500.00
(3) Emergency generators (natural gas or distillate fuel): $500.00
(4) Generic coating and abrasive operations: $500.00
(5) Other fueling facilities receiving fuel by truck or rail (Non-NSPS): $1000.00
(6) Non-NSPS Boilers (Greater than 10 Million BTU): $500.00
(7) Printing and packaging operations: $500.00
(8) Retail and fleet gasoline service stations: $500.00
(9) Soil/water remediation systems: $1000.00

C. Case-by-Case Air Quality Review Fees for New Sources (Based on a Source's Potential-to-Emit):

(1) Proposed sources with a potential-to-emit equal to or greater than 5 tons per year and less than 25 tons per year: $1,000.00

(2) Proposed sources with a potential-to-emit equal to or greater than 25 tons per year and less than 50 tons per year: $2,000.00

(3) Proposed sources with a potential-to-emit equal to or greater than 50 tons per year and less than 75 tons per year: $3,000.00

(4) Proposed sources with a potential-to-emit equal to or greater than 75 tons per year and less than 100 tons per year: $4,000.00

(5) Proposed sources with a potential-to-emit equal to or greater than 100 tons per year: $5,000.00

D. Federal Program and State Toxic Air Pollutant Review Fees; In Addition to the Air Quality Review Fees:

(1) 40 CFR 60 Standards: $1,000.00
(2) 40 CFR 61 Standards: $1,000.00
(3) 40 CFR 63 Standards:
  (a) Promulgated Standards: $2,000.00
  (b) Case-By-Case MACT Review: $10,000.00
(4) PSD/Non-Attainment Review: $5,000.00
(5) Acid Rain Review: $5,000.00
(6) State Toxic Air Pollutant Review: $500.00

E. Permit Modifications:

(1) P2 Modifications: No Charge
(2) Minor/Flexible Permit Modifications: $1,000.00
(3) Major Modifications: $5,000.00

F. Portable Source Relocation Fee: $250.00

G. Administrative Modifications to Existing Permit: $100.00

H. Surface Disturbance Permit Filing and Inspection Fee: $100.00 per acre

I. Asbestos Unit (AU): $21.00

J. Administrative Fees:

(1) Professional Services Fee: $75.00 per staff hour
(2) Photocopying:

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(a) First 10 Pages: $0.50 per page
(b) Additional Pages: $1.00 per page
(3) Regulation Compilation: $20.00
(4) Public Records Research Fee: $50.00 per staff hour

[20.11.2.18 NMAC – Rp, 20 NMAC 11.02.II.2, 7/1/2001]

HISTORY of 20.11.2 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records – state records center and archives under:

Resolution 1, Air Pollution Control Regulations of the Albuquerque/Bernalillo County Air Quality Control Board, filed 8-06-71;
Regulation 1, Air Pollution Control Regulations, filed 6-06-73;
Regulation 1, Air Pollution Control Regulations, filed 7-19-73;
Regulation 1, Air Pollution Control Regulations, filed 3-21-77;
Regulation No. 21, Permit Fees, filed 3-24-82;
Regulation No. 21, Permit Fees, filed 8-19-83;
Regulation No. 21, Permit Fees, filed 3-~~09-94~~; 01
Regulation No. 21, Permit Fees, filed 12-16-94.

History of Repealed Material: 20 NMAC 11.02, Permit Fees, filed 10-27-95.

Other History: Regulation No. 21, Permit Fees, filed 12-~~10~~-94 16 renumbered and reformatted to 20 NMAC 11.02, Permit Fees, filed 10-27-95;
20 NMAC 11.02, Permit Fees, filed 10-27-95 replaced by 20.11.2 NMAC, Permit Fees, effective 7/1/2001.