

SMALL BUSINESS REGULATORY ADVISORY COMMISSION

CITY OF ALBUQUERQUE



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TO: Albuquerque-Bernalillo County Air Quality Control Board:

Pursuant to the Small Business Impact Ordinance (1994 ROA § 13-14-1 *et seq.*) the Small Business Regulatory Advisory Commission (Commission) has done outreach to the business community and determined that the below noted pending legislation has the potential to negatively impact small businesses.

Legislation: To repeal the currently effective rule 20.11.41 NMAC, *Authority to Construct*; adopt a proposed replacement 20.11.41 NMAC, *Construction Permits*; and incorporate the replacement 20.11.41 NMAC into the New Mexico State Implementation plans for Air Quality.

CONCERNS.

The Commission identified three issues in the proposed legislation that have the potential to impact small businesses with additional financial and administrative burden. The issues identified are:

- (1) The proposed requirement for applicants to participate in a pre-application meeting with the Department unless the Department waives the pre-application meeting.
- (2) The proposed requirement for applicant to conduct public notice before submitting an application for a new permit or permit modification.
- (3) The proposed requirement that before the department makes a final decision regarding a permit application, the department shall hold a public information hearing if the director determines, in the director's sole discretion that there is significant public interest and a significant air quality issue is involved.

PROPOSED RESOLUTIONS.

The Small Business Impact Ordinance requires the Commissioners to consider and recommend alternative regulations that would be less of a financial and administrative burden. The recommendations are:

- (1) The Pre-application requirement allows the applicant to request a pre-applicant discussion by phone OR a pre-applicant meeting.
- (2) The Environmental Health Department must provide contact information to the applicant to conduct public notice. Contact information must include names and certified mail or electronic mail addresses for all designated representative(s) of the recognized neighborhood associations and recognized coalitions that are within one-half mile of the exterior boundaries of the property on which the source is or is proposed to be located.
- (3) The request for a public information hearing must be constrained to citizens owning property or residing within one-half mile of the property AND the request for a public information hearing must include definitive information on the nature of the potential air quality issue and potential harm to the public.

The Commission appreciates the outreach and work of the Albuquerque Air Quality Division on this proposed legislation. The Commission respectfully requests that the Albuquerque-Bernalillo County Air Quality Control Board incorporate the proposed recommendations into final legislation.