

Staff Proposed Floor Amendments

On page 1 of the Public Review Draft for 20.11.2 NMAC, *Fees*

20.11.2.2 SCOPE:

A. Applicability:

- ~~_____ (1) any person required to obtain a permit pursuant to 20.11.42 NMAC;~~
 - ~~_____ (2) any person required to obtain a permit pursuant to 20.11.41 NMAC;~~
 - ~~_____ (3) any person with a valid registration or permit issued pursuant to 20.11.40 NMAC, 20.11.41 NMAC, or 20.11.42 NMAC;~~
 - ~~_____ (4) any person required to obtain a fugitive dust control permit pursuant to 20.11.20 NMAC, Fugitive Dust Control;~~
 - ~~_____ (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;~~
 - ~~_____ (6) any person requesting professional or administrative services or copies of public records;~~
- and
- ~~_____ (7) any person who requests a variance or a hearing before the board.]~~
 - (1) every person required to submit a source registration application pursuant to 20.11.40 NMAC, *Source Registration* or other board regulation;
 - (2) except for sources subject to 20.11.42 NMAC, *Operating Permits*, every person required to submit a permit application pursuant to 20.11.20 NMAC, *Fugitive Dust Control*; 20.11.41 NMAC, *Authority to Construct*; 20.11.60 NMAC, *Permitting in Nonattainment Areas*; 20.11.61 NMAC, *Prevention of Significant Deterioration*; or other board regulation;
 - (3) every person with a valid source registration or permit issued pursuant to 20.11.20 NMAC; 20.11.40 NMAC; 20.11.41 NMAC; 20.11.42 NMAC; 20.11.60 NMAC; 20.11.61 NMAC; or other board regulation;
 - (4) every person who submits a permit modification pursuant to 20.11.41 NMAC, *Authority to Construct*; 20.11.60 NMAC, *Permitting in Nonattainment Areas*; or 20.11.61 NMAC, *Prevention of Significant Deterioration*;
 - (5) every person who submits a technical permit revision pursuant to 20.11.41 NMAC, *Authority to Construct*;
 - (6) every person who submits an administrative revision to either a source registration issued pursuant to 20.11.40 NMAC, *Source Registration*, or a permit issued pursuant to 20.11.41 NMAC, *Authority to Construct*;

(7) every person required to submit a notification regarding removal of regulated asbestos containing material pursuant to 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*;

(8) every person who submits a request for a variance pursuant to 20.11.7 NMAC, *Variance Procedure*;

(9) every person who submits a request for a hearing before the board unless otherwise exempted; and

(10) ~~every person required to submit an air quality impact analysis pursuant to the Revised Ordinances of Albuquerque 1994, Section 14-16-3-14, *Air Quality Impact Regulations*; and~~

~~(11) every person who submits a request for professional or administrative services or copies of public records.~~

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20.11.2.3 STATUTORY AUTHORITY: 20.11.2 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5 and 74-2-7; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5, Sections 3, ~~[and]~~4 and 7; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Section 9-5-1-3, ~~[and]~~Section 9-5-1-4 and Section 9-5-1-7.

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20.11.2.7 DEFINITIONS: ~~[Throughout 20.11.2 NMAC, the terms defined shall have the following meanings. For the purpose of 20.11.2 NMAC, if there is any apparent conflict between the meaning of a definition in 20.11.2 NMAC and a definition in another part, the definition in 20.11.2 NMAC shall prevail and apply.]~~ In addition to the definitions in 20.11.2.7 NMAC, the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.2.7 NMAC shall govern.

~~[H.]L.~~ "Major source" shall have the meaning defined in 40 CFR ~~[71.2]~~ 70.2.

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20.11.2.11 GENERAL PROVISIONS:

~~[E.]C.~~ No ~~[application]~~notification or submittal will be reviewed or source registration or permit issued unless the owner or operator provides documentary proof satisfactory to the department that either

all applicable fees have been paid as required by 20.11.2 NMAC or the owner or operator has been granted a variance [~~in accordance with~~] pursuant to 20.11.7 NMAC, *Variance Procedures*.

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20.11.2.15 FEES FOR FUGITIVE DUST CONTROL PERMITS AND INSPECTIONS; FEE CALCULATIONS AND PROCEDURES:

L. Beginning January 1, ~~2010~~ 2011, and every January 1 thereafter, an increase based on the consumer price index shall be added to each fugitive dust fee. The fugitive dust fee required by Subsections C and G of 20.11.2.15 NMAC shall be increased by an amount equal to the change in the consumer price index for the immediately-preceding year. The applicable consumer price index is the all-urban consumer price index published by the United States department of labor. Fugitive dust fee adjustments equal to or greater than fifty cents (\$0.50) shall be rounded up to the next highest whole dollar. Fugitive dust fee adjustment amounts less than fifty cents (\$0.50) shall be rounded down to the next lowest whole dollar. The department shall post the fugitive dust fee rates on the city of Albuquerque environmental health department air quality division website.

