

# Air Quality July Report

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# Contact Information

## Air Quality Program Information

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Department Director - (505) 768-2712

### Ambient Air Monitoring (505) 768-1966

- National Ambient Air Quality Standards

### Compliance & Enforcement - (505) 768-1972

- Facility Inspection
- Fugitive Dust Control Permit Application
- Asbestos Abatement Notification
- Woodburning Exemptions

### Permitting & Emission Inventories - (505) 768-1948

- Review of Permit Application for Major and Minor Sources
- Air Dispersion Modeling
- Open Burn Permits
- Issuance of Health Alerts (Smoke and Dust)
- Weather Forecasting for Special Events (i.e . Balloon Fiesta and Senior Olympics)

### Control Strategies - (505) 768-2660

- Air Quality Planning
- Air Quality Regulation Development
- State Implementation Plan Development
- Air Quality Control Board Support

### Quality Assurance - (505) 768-1963

- EPA Reporting
- Review & Data Validation
- Air Quality & Seasonal Pollen Trends Analysis

### Vehicle Pollution Management - (505) 764-1110

- Vehicle Emissions Testing
- Station Certification
- Inspector Training
- Failed Test Resource Center
- Smoking Vehicles

### Public Health Initiatives—311

- Air Quality Complaints
- Indoor/Outdoor Air Quality


## Albuquerque-Bernalillo County Air Quality Control Board Members & Staff

Lauren Meiklejohn (City), Chair  
Maxine Paul (City), Vice Chair  
Judy Calman (County)  
Dr. Elis Eberlein (City)  
Dr. Johnnye Lewis (County)  
Elizabeth Reitzel (City)  
Kitty Richards (County)  
Ken Miller, Acting Liaison

## Leadership Contact Information

Albuquerque-Bernalillo County Air Quality Control Board - (505) 768-2660

# Director's Message for July




Every month I will respond to pressing inquiries that I receive from both the Air Quality Control Board and the public. Before I get to this month's inquiry I wanted to quickly re-state a little bit of my background with the intent of gaining the reader's trust in my response to this month's topic.

In my over twenty five years of working in the environmental field I have been very fortunate to work in most disciplines which include being a scientist, writing and developing regulations as a policy and regulatory specialist, a strategic planner and as a manager to name a few. My educational background includes Chemistry, Environmental Science, Advance Risk Analyses, Professional Aeronautics (in Engineering), Entomology and Plant Pathology, and Cell and Microbiology. I have also written several regulations in my career along with drafting and presenting bills to the state legislative bodies.

## **Regulation versus Statute**

This topic can be very confusing for the public and even to government staff that are tasked with regulatory development. At its most simplistic explanation a statute is typically a broad strokes law that is enacted by a legislative body which could be state or federal. Statutes provide the framework for the comprehensive structure of the issue that the legislative body is intending to address. Probably one of the most important aspects of a statute is that it is intended to govern everyone equally. The legislative bodies do not typically and explicitly cover of all the potential interests, implementation issues, time frames, etc. in a statute but, instead, so delegates that task to either federal or state agencies, or to local units of government (e.g., counties and cities). As an example, the state or federal government may enact laws for the benefit of public health by setting specific standards for pollution discharge. A statute may set general enforcement or review parameters, sideboards if you will, on the extent of the regulatory burden that may be applied in locally or state developed regulations. The legislatures usually use general language such as, "to the extent practicable," "to protect health and property," "best available control technology," "maximum available control technology." However, the statute will not typically specify how an authorized agency, either state or local, must implement the statute nor will it dictate the specific process to comply with the Law. Statutes typically leave the more detailed explanation and procedural requirements for the authorized local or state level agency to figure out.

# Director's Message Continued



A regulation is basically the codification that defines the rules set by agencies, which describes and fills the ambiguity of how the statute will be implemented and enforced. Regulations are sometimes called "rules" or "administrative law." As mentioned above, statutes typically do not set out all the details that will describe the procedure related to the application and enforcement of the statute - that is the job of a regulation. A statute can be thought of as the goal or intent, a regulation is the instruction guide to get you there. Regulations are not stand-alone enforceable laws. They are authorized by provisions of statutes that were developed by the legislative bodies, who are the government bodies constitutionally authorized to pass such law. Regulations must be consistent with the intent of the law (i.e., the statute) and are limited to the standards or side boards that are explicit in the law. A regulation should be designed to increase flexibility and efficiency in implementing the statute. It is very typical for a regulation to directly adopt working provisions and definitions of a statute. Regardless of how a regulation is designed it must, and this is the biggest must of them all, be consistent with the statute and all other applicable law.

# Control Strategies Report



## **PM10 Mitigation Plan**

On May 12, the U.S Environmental Protection Agency (EPA) gave notice in the Federal Register that it had finalized a list of additional areas subject to the mitigation plan requirements in the 2016 Exceptional Events Rule[SK1] . The Exceptional Events Rule requires areas that experience recurring exceedances of the National Ambient Air Quality Standards due to “exceptional” events, such as high winds or wildfire, to develop mitigation plans in order to protect public health. EPA has determined that Bernalillo County has frequently recurring PM10 (coarse particulate matter, or dust) exceedances due to high winds and that the Air Quality Program must develop a mitigation plan for windblown dust. The Program has two years to submit the plan to EPA.

## **Regional Haze**

After a brief hiatus, the Program is reengaging with the New Mexico Environment Department (NMED) on regional haze planning for the second planning period (2018-2028). The Program and NMED have resumed regular working meetings with the goal of completing full draft State Implementation Plan (SIP) revision proposals by the end of this year. The Program and NMED anticipate hearings on their proposed SIP revisions before the Air Board and the New Mexico Environmental Improvement Board in summer or early fall 2023.

# Control Strategies Report Continued



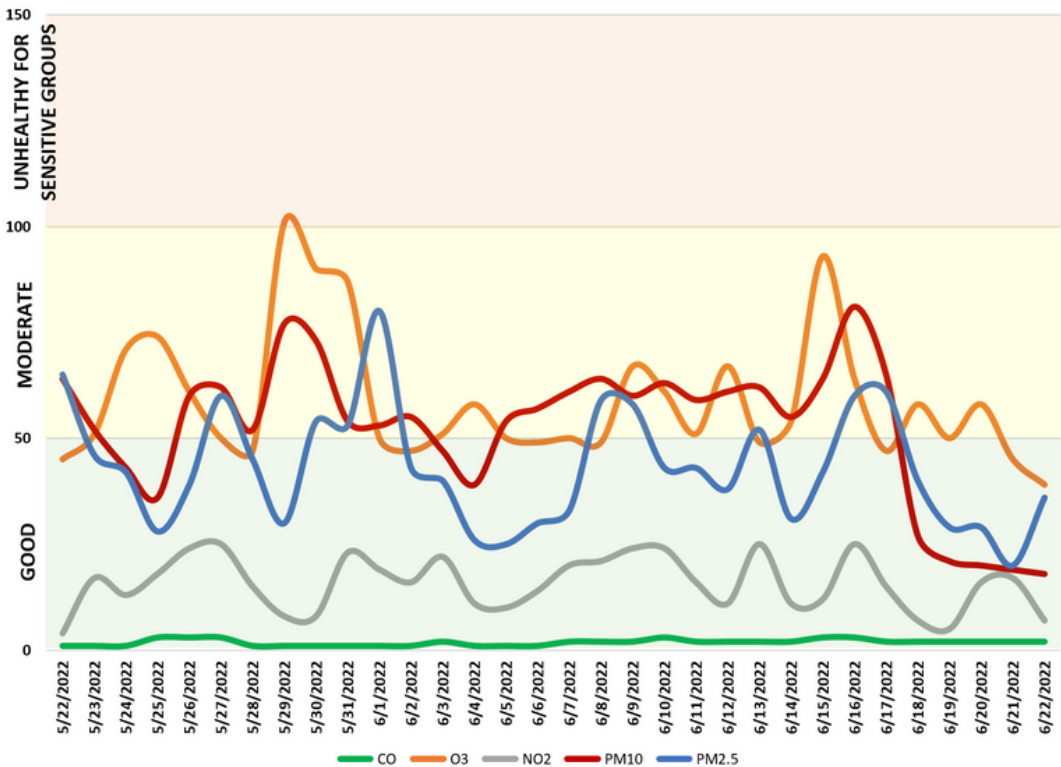
## Recent EPA Actions

The Program is monitoring a recent proposal by EPA to remove emergency affirmative defense provisions from 40 CFR Part 70 (State Operating Permit Programs). These provisions allow sources to assert an affirmative defense in civil enforcement cases when noncompliance with certain emission limitations in operating permits occurs because of qualifying “emergency” circumstances. If EPA finalizes this proposal, the Program will likely be required to remove similar provisions from 20.11.42 NMAC (Operating Permits), as well as from all Title V permits issued by the Department.

The Program is also monitoring a recent proposal by EPA to amend the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for gasoline distribution facilities and New Source Performance Standards (NSPS) for bulk gasoline terminals. The proposed amendments are expected to reduce emissions of hazardous air pollutants and volatile organic compounds from these sources, and fulfill EPA’s requirement to review the NSPS and NESHAP at least every 8 years and revise them if appropriate/necessary. If EPA finalizes this proposal, the Program would need to amend 20.11.63 NMAC (New Source Performance Standards for Stationary Sources) and 20.11.64 NMAC (Emissions Standards for Hazardous Air Pollutants for Stationary Sources) to incorporate the latest federal amendments.

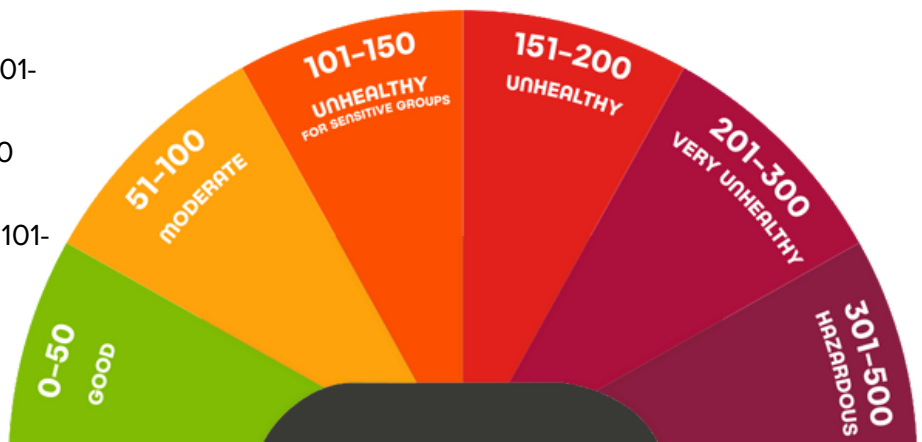
# Air Quality Data

The Air Quality Index (AQI) values indicate how clean or polluted ambient air is, and if there are any health concerns associated with a specific value. The AQI in Bernalillo County is measured for four nationally regulated air pollutants: Carbon Monoxide (CO), Ozone (O3), Coarse Particulate (PM10) and Fine Particulate (PM2.5).



## Air Quality Index

- Hazardous >300
- Very Unhealthy 201-300
- Unhealthy 151-200
- Unhealthy for Sensitive Groups 101-150
- Moderate 51-100
- Good 0-50



# Air Quality Permitting Report

## Permit Applications Received

In the month of June 2022, the Permitting Division received the following applications for constructions permits:

- Curia New Mexico, LLC
- BayoTech
- UniFirst Corporation
- University of New Mexico for its Zimmerman Library
- University of New Mexico for its Steam Plant
- GCC Rio Grande for its Tijeras Plant

## Applications Decisions

### Star Paving

On June 28, 2022, the Permitting Division denied the application received on October 27, 2021 from Montrose Air Quality Services, LLC on behalf of Star Paving Services Company (Applicant) for the proposed Star Paving South Broadway Hot Mix Asphalt Plant to be located West of South Broadway Boulevard in Tract B, C, and D Plat of Unit I Lands of B G & W Partnership in Albuquerque, New Mexico. The application was denied because the Applicant was unable to provide documentation to show that it can construct the proposed hot mix asphalt plant at the proposed location within a reasonable period of time.

In the next few weeks, the Air Quality Program will provide a Participation Letter to each individual who participated in the application process. The Participation Letter will address all comments received during the public comment periods and the public information hearing.

## Update on Applications Still Under Review

### Black Rock Services

The application from Black Rock Services was received October 27, 2022. The Permitting Division received comments on the application during the public comment period that ended January 7, 2022. The Permitting Division is reviewing the application and has not made a decision.

## Health Alerts Issued

Since May 18, 2022, the Air Quality Program has issued a total of two (2) health alerts that have been a result of smoke from the local fires: Bosque Fire and Sixty-Six near Carnuel Fire. The Program has also issued two (2) health alerts for dust as a result of high winds and severe drought, and one (1) health alert for ozone that did not verify.



# Vehicle Pollution Management Report

## Program Operations:

The Vehicle Pollution Management Division (VPMD) is responsible for the Vehicle Emissions Inspection and Maintenance Program for the Bernalillo County area. For calendar year 2022 through the end of May, so far this year our program has conducted 98,541 vehicle emissions inspections, VPMD's failed test resource center has performed 2,211 retests and our training program has certified 177 new and recertifying emissions inspectors.

## Program Highlights:

VPMD has seen a significant increase in the total number of new emissions inspectors trained and certified by our program. For Fiscal Year 2022, VPMD has certified about double the amount of new vehicle emissions inspectors, compared to the average typical amount. This increase is mostly attributed to the improved accessibility of our new hybrid training approach that now provides the classroom portion of training online with new efficiencies and automation like automated reports for VPMD. The program is also now able to offer daily opportunities for one-on-one of the practical portion of the training at our Failed Test Resource and Training Center.

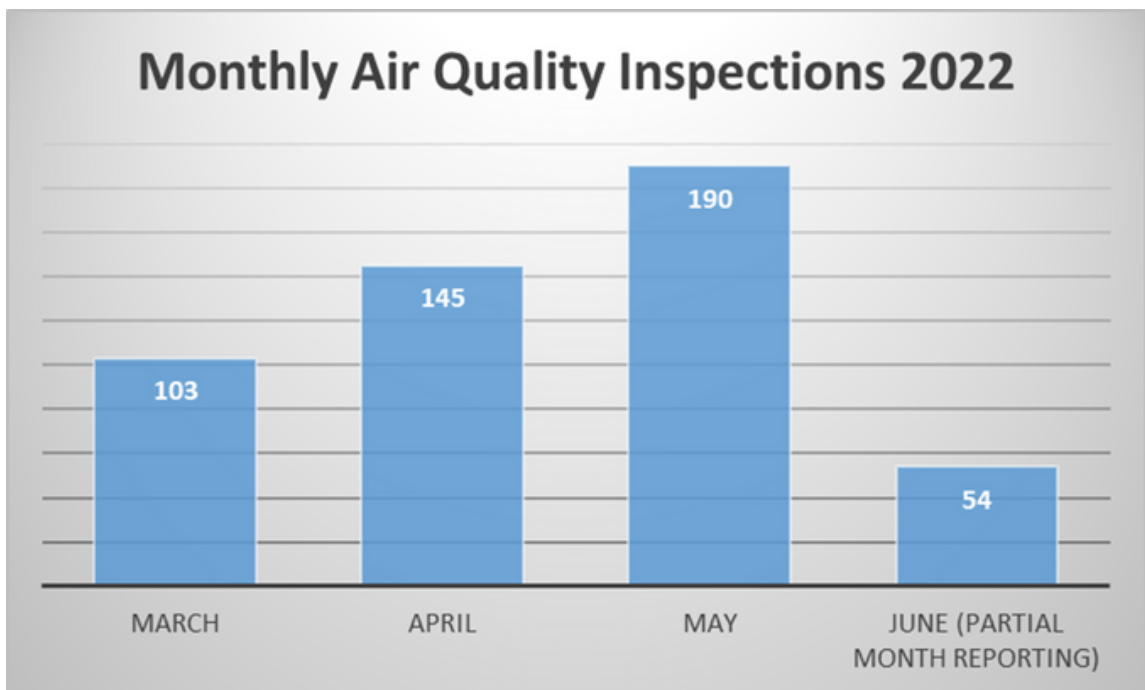


# Enforcement and Compliance Report



In the past month, the AQP has issued two Notice of Violations (NOV) and settled one NOV.

Below is a graph showing the number of inspections over the past 4 months. Due to the Air Program Report submittal deadline to the Air Board, the previous month's inspections will only be a partial count. Additional information regarding what sites were inspected and when, [can be found on our website](#).



# Community Engagement

As we, hopefully, wrap up wildfire season in New Mexico and enter into ozone season, community outreach and education about air quality monitoring continues. Here is a brief update on the progress of the Citizen Science Air Quality Monitoring Project in Albuquerque's International District, a project of the Health Equity Council's Food Hub Project, funded by an EPA Environmental Justice Small Grant, with support from the City of Albuquerque Environmental Health Department.

The project kicked off during the week of June 6, 2022 at Van Buren Middle School's "Sí Se Puede" garden. The garden is one of six sites in the International District where EPA approved air quality monitors will be installed. Eight youth interns in the International District community are receiving stipends as part of the project. The interns will spend the summer working in the garden, learning about environmental health (soil, water, air quality, heat index and their impacts on health), growing food and food distribution. The food harvested at the garden will be taken to the food hub at Whittier Elementary School for distribution in the community.

The Clarity Node-S monitors were received in late May and the project Co Principal Investigators are working with the manufacturer's technical assistance team to bring the monitors online. Since the project and monitors are EPA approved, the next step in the process is to power up the six monitors on site at an existing regulatory/reference monitoring site for collocation/calibration for PM 2.5 and NO2. An additional prototype O3 monitor will also be powered up for calibration. The City of Albuquerque's NCore Multipollutant Monitoring Site at Del Norte High School is the ideal site for collocation of the monitors. This process will take approximately a month and then the monitors will be ready for installation in the community. Once the monitors are calibrated the youth and other community members will install the monitors at six locations in the International District.

Stay tuned for more updates on this exciting community-led, City of Albuquerque supported project!



# Community Engagement Continued

## Additional Outreach

In response to an inquiry about air quality from wildfire smoke, asthma and student health, the AQP Community Liaison met with a group of parents, students and staff from Albuquerque public schools, to listen to concerns about air quality in the city. Asthma is a leading chronic illness among children and adolescents in the United States. It is also one of the leading causes of school absenteeism. Our Community Liaison provided information on overall air quality monitoring in the City/County and helped to get folks signed up to receive health alerts.