



# Air Quality Enforcement and Compliance Division



*An overview of the AQ Enforcement and Compliance Division.*

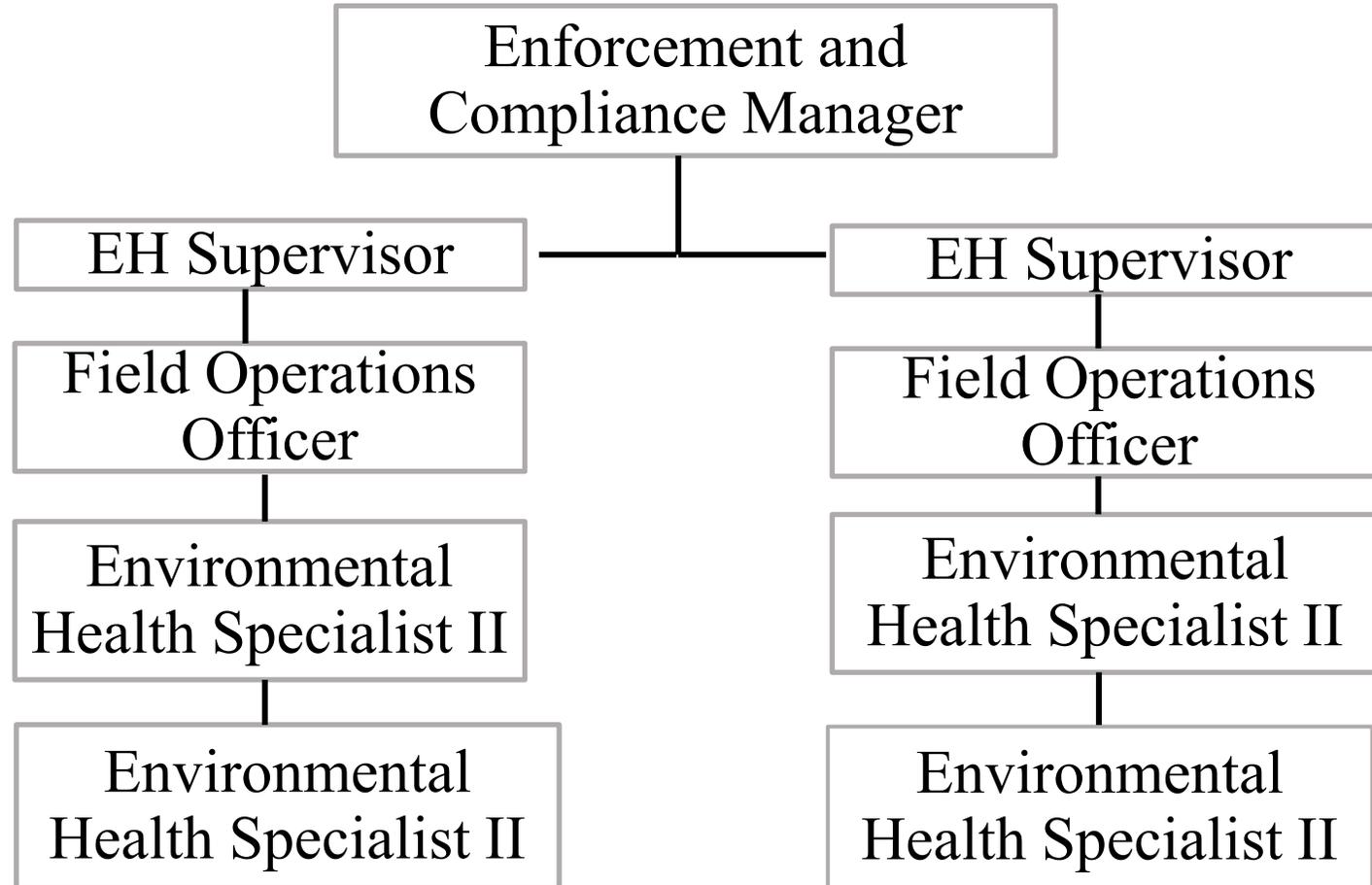
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ENVIRONMENTAL HEALTH FEB 2026





# Organization Chart



# What does Enforcement and Compliance Do?



## Types of Permitted Inspections/Evaluations

- Fugitive Dust Control Construction
- Fugitive Dust Control Programmatic
- Source Registration
- Construction Permits
- New Source Review (NSR)/Minor Source
- Synthetic Minors (SM8Os)
- Title V (TV) Major Sources
- Prevention of Significant Deterioration (PSD)
- Acid Rain

## Other Types of Inspections/Evaluations

- Air Quality Notifications (AQN)
- NESHAP/Asbestos Notifications
- 311/phone, email, other agency, verbal complaints
- Tank Test
- Compliance Tests/Stack Tests/BACT
- Annual Compliance Certifications (ACC)
- Semi-Annual Reports
- Alternative Method Requests
- Closure/Project Completion Requests
- High Wind Events
- Excess Emissions Reports
- Wood burning Exemptions
- Open Burn Notifications
- No Burn Events
- Quarterly Reports

# What does Enforcement and Compliance Do?



## In 2024

- **604** FD Inspections
- **321** FD Permits Issued
- **191** Stationary Source Inspections
- **222** Asbestos Notifications Processed
- **136** Asbestos Inspections
- **38** Wood Burn

## In 2025

- **1400** FD Inspections
- **179** FD Permits Issued
- **120** Stationary Source Inspections
- **511** Asbestos Notifications Processed
- **79** Asbestos Inspections
- **39** Wood Burn

# Inspection/Evaluation/Investigation



- Regulated through the EPA Code of Federal Regulations (CFR); New Mexico Administrative Code (NMAC); and Permit Conditions.
- Compliance Monitoring/Inspections: Usually unannounced to determine compliance
- FCE – Full Compliance Evaluation: Every 2 years for Title V (TVs) and every 3 for Synthetic Minor (SM80s) All encompassing comprehensive, addresses every condition on the permit.
- PCE – Partial Compliance Evaluation: Focuses on a portion of the permit or facility.
- Investigation: this is also usually limited to a portion of a facility. However it is more resource intensive.



# Compliance vs Enforcement?

Compliance Monitoring is to ensure regulations or permit conditions are being followed. This can include but is not limited to:

- Inspections, evaluations (FCE/PCE), and investigations
- Data collection and review, and oversight of reporting
- Training and credentialing for the facility
- Compliance assistance for the facility

# Compliance vs Enforcement?

Enforcement occurs when a facility is no longer meeting the permit or the NMAC/CFR regulatory requirements to which they are applicable to. Enforcement includes but is not limited to:

- Inspections, evaluations (FCE/PCE), and investigations
- Data collection and review, and oversight of reporting
- Training and credentialing
- Compliance assistance
- Post Inspection Notification (PIN), Notice Of Violation (NOV), and Compliance Orders



# Inspector Training

Inspectors go through vigorous training prior to conducting field inspections which includes but is not limited to:

- EPA Air Knowledge Trainings
- Fugitive Dust Training
- Visible Emissions Training
- Stationary Source Training
- 24 Hour Asbestos Inspector Training
- 40 Hour OSHA HAZWOPER Training
- SLEIS and Emission Inventory Training
- Specialized Process Unit Training
- Note taking and Report Writing Training

# EPA's Purpose of Compliance Monitoring

**EPA Spells out four (4) main objectives for a compliance monitoring inspection**

- To collect and preserve evidence
- To Inspect for violations
- To Determine facility compliance or non-compliance
- To Deter future violations



# Conducting an Inspection

**There are typically five (5) steps to every inspection.**

- Review the applicable CFR, NMAC, and permit conditions
- Prepare a plan for how to proceed with inspection
- After entering facility and identifying oneself, then hold a preliminary inspection meeting
- Conduct the physical inspection which will include taking any applicable samples, photos, asking questions, requesting records, and holding a post inspection meeting to discuss any potential issues or recommendations.
- Prepare and write the report



# Permit Sections

- Cover Page
- Conditions
  1. Construction and Operation
  2. Unit Emission Limits
  3. Record Keeping
  4. Monitoring
  5. Reporting
  6. Compliance Tests
  7. Modifications
  8. Compliance Assurance/Enforcement
  9. Posting Permit
  10. Annual Fees
- Additional Requirements
- Permit Cancellation

# What Happens After a Permit is Issued?



## Facility

Depends on type of permit issued.

- IF the facility is a Fugitive Dust Control (FDC) Construction or Programmatic Permit: Control Measures, Sign Posted
- IF they are a Stationary Source Permit: Notification Requirements
- IF it is an Open Burn Permit: Notification Requirements

## E & C Division

Depends on type of permit issued.

- FDC Permits: are assigned to inspector via zone for routine inspections
- Stationary Sources: TV and SM80s placed on EPA's CMS Plan
- Open Burn is monitored closely for notifications and complaints

# What Happens after a Notification/Certificate is Issued



Notifications/Certifications are still subject to compliance and enforcement. These include:

- AQNs
- Registration Certificates
- Asbestos
- Wood Burn Exemptions

Enforcement and Compliance Inspects all facilities based on applicable regulation.

- AQNs and Reg Certs are assigned to inspectors. Included in routine inspections
- Asbestos Inspections can occur prior to the designated start date, during abatement and after completion
- Woodburning Exemption Inspections occur seasonally, for a complaint, or for a No-Burn



# Best Available Control Technology



20.11.61.7.M NMAC

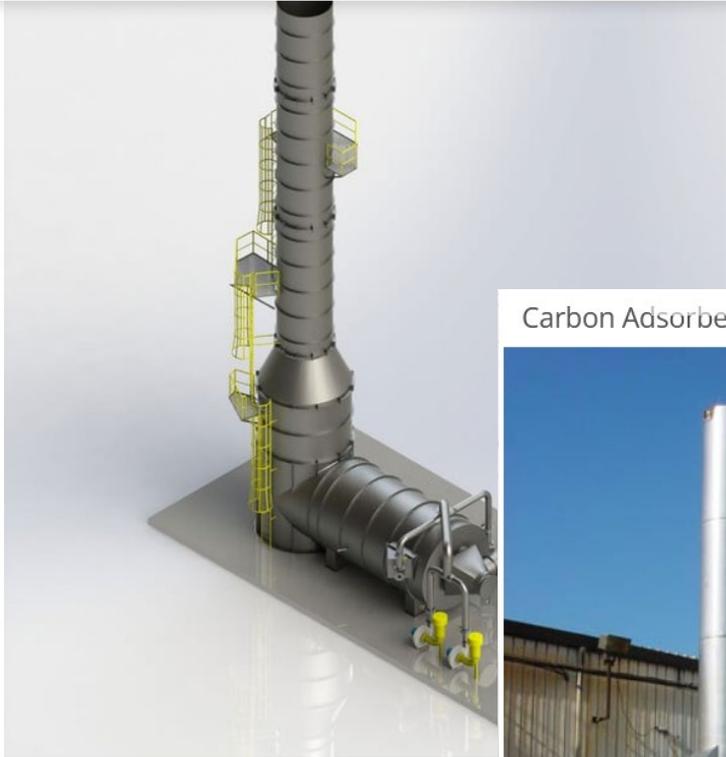
**BACT** - means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification, which the director on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60 and 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation, and shall provide for compliance by means which achieve equivalent results.

# BACT Inspections

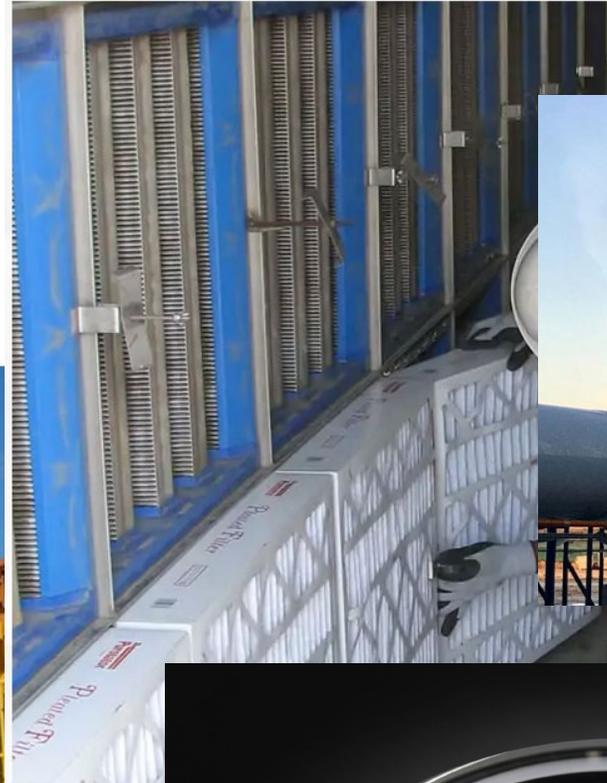
To put it in simpler terms, BACT is a method or technology used to impose an emission limitation on a facility to reduce one or more regulated National Standard pollutants.

- Emission limits placed on facilities are listed either in the permit or in the applicable CFR/NMAC or both
- The type and amount of pollutants reduced are listed either in the permit or in the applicable CFR/NMAC or both
- Reviewing and Analyzing compliance test results and recordkeeping documents are key to ensuring compliance under BACT emission limitations.

# BACT -Is site/facility/unit specific



Carbon Adsorber for dryer exhaust



# Questions?

