



# City of Albuquerque Environmental Health Department Air Quality Program



## Air Quality Compliance History Disclosure Form

The Albuquerque-Bernalillo County Joint Air Quality Program (“Program”) administers and enforces local air quality laws for the City of Albuquerque (“City”) and Bernalillo County (“County”) on behalf of the City Environmental Health Department, including the New Mexico Air Quality Control Act (“AQCA”), NMSA 1978, Sections 74-2-1 to -17. In accordance with Sections 74-2-7(P) and (S) of the AQCA, the Program may deny any permit application or revoke any permit issued pursuant to the AQCA if, within ten years immediately preceding the date of submission of the permit application, the applicant or permittee meets any one of the criteria outlined in the AQCA. The Program requires applicants to file this Compliance History Disclosure Form in order for the Program to deem an air permit application administratively complete, or issue an air permit for those permits without an initial administrative completeness determination process. Additionally, an existing permit holder (permits issued prior to the Effective Date of this Form) shall provide this Compliance History Disclosure Form to the Program upon the Program’s request. Note: Program Staff can answer basic questions about this Compliance History Disclosure Form but cannot provide specific guidance or legal advice.

### Instructions

1. Applications filed pursuant to the following regulations shall include this Compliance History Disclosure Form, in accordance with Section 74-2-7(S) of the AQCA: *Construction Permits* (20.11.41 NMAC); *Operating Permits* (20.11.42 NMAC); *Nonattainment Areas* (20.11.60 NMAC); *Prevention of Significant Deterioration* (20.11.61 NMAC); *Acid Rain* (20.11.62 NMAC); and *Fugitive Dust* (20.11.20 NMAC) except this Form shall not be required for asbestos notifications under 20.11.20.22 NMAC.
2. This Compliance History Disclosure Form is not site specific: responses shall be based on the applicant/permittee as an entity and not be limited to the application, site, facility or source.
3. The permittee identified on this Compliance History Disclosure Form shall match the permittee in the existing permit or new application. If the information in an existing permit needs to be changed, please contact the Program about revisions and ownership transfers.
4. Answer every question completely and truthfully, and do not leave any blank spaces. If there is nothing to disclose in answer to a particular question, check the box labeled “No” except for Question 5b. Failure to provide any of the information requested in this Compliance History Disclosure Form may constitute grounds for an incompleteness determination, application denial, or permit revocation.
5. Be especially careful not to leave out information in a way that might create an impression that you are trying to hide it. Omitting information, even unintentionally, may result in application denial or permit revocation.
6. For any required explanations, be sure to identify the question to which the explanation is responsive. If you submit any document in connection with your answer to any question, refer to it as, “Exhibit No. \_\_\_”, and attach it after the explanation(s) at the end of the Compliance History Disclosure Form, consecutively numbering each additional page at the top right corner.
7. The Program may require additional information to make a thorough review of an application. At all times before the Program has made a final decision regarding the application, an applicant has a duty to promptly supplement and correct information the applicant has submitted in an application to the Program. The applicant’s duty to supplement and correct the application includes, but is not limited to, relevant information acquired after the applicant has submitted the application and additional information the applicant otherwise determines is relevant to the application and the Program’s review and decision. While the Program is processing an application, regardless of whether the Program has determined the application is administratively complete, if the Program determines that additional information is necessary to evaluate or make a final decision regarding the application, the Program may request additional information and the applicant shall provide the requested additional information.
8. Supplementary information required by the Program may include responses to public comment received by the Program during the application review process.
9. Any fees submitted for processing an application that has been denied will not be refunded. If the Program denies an application, a person may submit a new application and the fee required for a new application. The applicant has the burden of demonstrating that a permit should be issued.

COMPLIANCE HISTORY		
A. Applicant/Permittee Name:		Check Applicable Box: <input type="checkbox"/> Applicant <input type="checkbox"/> Permittee
B. Time Period of Compliance Reporting (10 Years): _____ to _____ <i>Instructions: For applicants, answer the following questions with information from within the 10 years preceding the current application. For existing permit holders requested to submit this form by the Program outside of an application, answer the following questions with information from within the 10 years preceding the Program's issuance of each permit.</i>		
C. Questions		
1	Knowingly misrepresented a material fact in an application for a permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Refused to disclose information required by the provisions of the New Mexico Air Quality Control Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Been convicted in any court of any state or the United States of a felony related to environmental crime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Been convicted in any court of any state or the United States of a crime defined by state or federal statute as involving or being in restraint of trade, price fixing, bribery, or fraud?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5a	Constructed or operated any facility for which a permit was sought, including the current application, without the required air quality permit(s) under 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5b	<p>If "No" to question 5a, mark N/A and go to question 6.</p> <p>If "Yes" to question 5a, state whether each facility that was constructed or operated without the required air quality permit met at least one of the following exceptions:</p> <p>i. The unpermitted facility was discovered after acquisition during a timely environmental audit that was authorized by the Program or the New Mexico Environment Department; or</p> <p>ii. The operator of the facility, using good engineering practices and established approved calculation methodologies, estimated that the facility's emissions would not require an air permit, <b>and</b> the operator applied for an air permit within 30 calendar days of discovering that an air permit was required for the facility.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6	Had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	For each "yes" answer, or "no" to 5b, please attach an explanation and supporting documentation.	

I, the undersigned, hereby certify under penalty of law that this Compliance History Disclosure Form (Form) and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. I have knowledge of the information in this Form and it is, to the best of my knowledge and belief, true, accurate, and complete. I understand that there are significant penalties for submitting false information, including denial of the application or revocation of a permit, as well as fines and imprisonment for knowing violations. If I filed an application, I covenant and agree to promptly supplement and correct information in this Form until the Program makes a final decision regarding the application. Further, I certify that I am qualified and authorized to file this Form, to certify to the truth and accuracy of the information herein, and bind the permittee and source.

Signed on

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Company Name