

PERMITS

Process, Approvals and Denials

1. Steps in Stationary Source Permit Application Process
2. Approvals and Denials on Permit Applications Received in Calendar Years 2018, 2019 & 2020
3. Application Denial
4. Application Approval
5. 2021 Goals

- 1. Pre-application meeting**
- 2. Modeling Protocol (if model required)**
 - Department conducts thorough review
 - 2 protocol submittals allowed for review (2 strikes)
- 3. Application Submitted & Reviewed**
 - Thorough preliminary reviews conducted
 - 3 submittals allowed, if 3rd submittal not deemed complete this is 3rd strike and application is denied
- 4. Application is deemed complete if all required elements are submitted and preliminary review does not identify any concerns**

Application is deemed complete

- Department public notice on application
- Department rigorous technical review conducted
 - Air Dispersion Modeling – Department verifies applicant’s results
 - Health based ambient standards
 - Cumulative impacts – monitored background levels & near-by sources
 - Emission calculations – Department verifies applicant’s calculations
 - Applicable regulations and requirements – Department verifies application will meet all requirements
 - Department drafts permit which establishes the emission limits, standards, monitoring, recordkeeping and reporting requirements to be met
- Public engagement if there is public interest

Notices & Public Engagement Opportunities

- Sign posting & Applicant Notice of Intent to apply for air permit
- EHD 1st Notice - 30-day public comment period on the application
 - Provide comments on the application and/or
 - Request a public information hearing
- EHD 2nd Notice - 30-day public comment period on technical analysis for individuals which expressed interest in writing during the 30-day public comment period on the application
 - Provide comments on the technical analysis and/or
 - Request a public information hearing
- EHD Notice - If a public information hearing is requested and granted by the EHD Director if there is significant public interest and a significant air quality issue
 - Provide verbal comments
 - Provide written comments at hearing or email/mail to EHD
 - Provide written evidence at hearing or email/mail to EHD

Applications for Emergency, New or Existing Minor Sources

Calendar Year	Application Type	Application Decisions	Approved Applications	Denied Applications	Incomplete Determinations
2018	Emergency		1	0	0
	New		3	0	2
	Existing		5	1	4
	2018 TOTALS	10	9	1	6
2019	Emergency		0	0	0
	New		2	0	2
	Existing		8	1	11
	2019 TOTALS	11	10	1	13
2020*	Emergency		0	2	0
	New		1	0	1
	Existing		3	0	4
	2020* TOTALS	6	4	2	5

*Data provided is for 11 of the 12 months in calendar year 2020.

Application is approved

- Proposed action will meet applicable requirements; and
- If required, air dispersion modeling demonstrated the project will not result in an exceedance of ambient air quality standards; and
- Estimated emissions have been appropriately identified or quantified; and
- Emission data is acceptable

Legally-defensible reasons to deny an application

- Application has been deemed incomplete three times → 3 strikes
- Proposed action will not meet applicable requirements
- Estimated emissions have not been appropriately identified or quantified
- Emission data is not acceptable for technical reasons

2021 Permitting Improvements Planned

- Improve efficiencies; focus on largest polluters (Title V facilities)
- Standardize public notices
- Improve the dispersal of information
- Direct applicants to provide more detailed project information in plain language
- Allow for electronic payments
- Update website to increase transparency

QUESTIONS?

REFERENCE INFORMATION

20.11.41.17 NMAC, Basis for Permit Denial

- Proposed action will not meet applicable requirements
- Hazardous air pollutant with no federal standard will be emitted in a quantity that may cause imminent danger to public health
- Proposed action would cause or contribute to ambient concentrations in excess of a prevention of significant deterioration (PSD) increment
- Construction cannot or will not be completed within a reasonable time

20.11.41.17 NMAC, Basis for Permit Denial

- A conflict of interest existed or exists regarding an application that was submitted during accelerated review
- Emission data is not acceptable for technical reasons
- Estimated emissions have not been appropriately identified or quantified
- Proposed action will not be consistent with achieving progress toward attainment
- Application has been deemed incomplete three times → 3 strikes