CITY OF ALBUQUERQUE
ENVIRONMENTAL HEALTH DEPARTMENT

PERMIT APPLICATION

University of New Mexico
College of Pharmacy

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1. GENERAL INFORMATION

1.1 Executive Summary

The application is being submitted for an Authority to Construct (ATC) to replace an emergency generator for the UNM College of Pharmacy. The facility is located at 2502 Marble Ave, Albuquerque NM 87106.

In accordance with 20.11.41.13.E NMAC, this application submittal includes all the requirements set forth by the department including:

1) Application forms
2) Owner and Operator's Name and Mailing Address
3) Application Date
4) Sufficient Attachments: Calculations, Potential Emission Rates, Natural of All Regulated Contaminants, Actual emissions,
5) Operational and Maintenance Strategy
6) Topographical Map
7) Aerial Photograph of the proposed location
8) Complete Description of all Sources of Regulated Air Contaminants and Process Flow Diagram
9) Full Description of Air Pollution Control Equipment
10) Description of Equipment or Methods used for emission measurement
11) Maximum and Normal Operating Time Schedules of the Source
12) Other Relevant Information
13) Applicant Signature
14) Accompanied by a Registration Fee
15) Proof of Public Notice Requirements

Equipment to be authorized at this facility after issuance of the Construction Permit is detailed below:
1) One (1) diesel-fired 609 Hp Caterpillar generator (Unit 228-EG-1)

The uncontrolled emissions are based on 8760 hours per year and controlled on 200 hours per year. These emissions are included in the department's application forms.

2. DESCRIPTION OF FACILITY AND EMISSIONS INFORMATION

The following section summarizes the source of emissions, process description, methodology, and emission factors used to estimate air pollutant emissions from the facility.

2.1 Description of the Facility

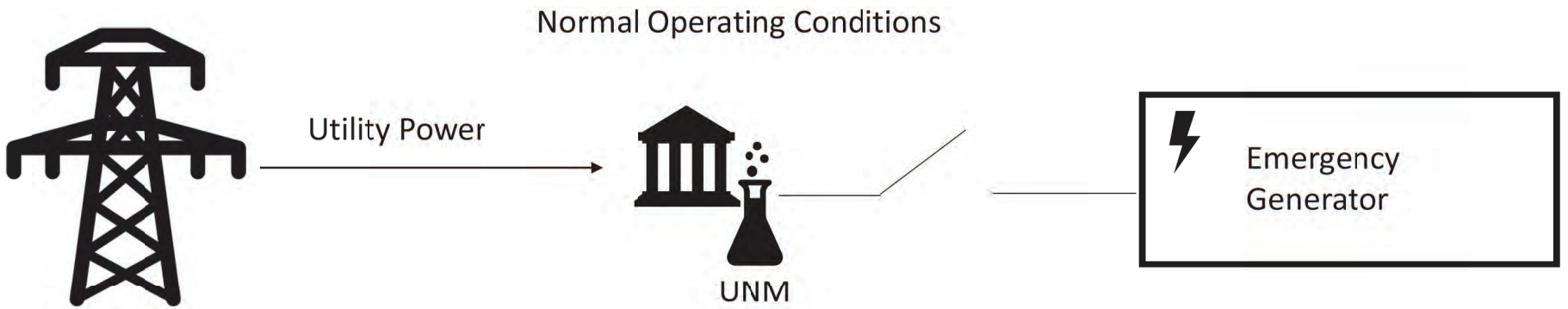
The backup generator's primary function is to provide backup power to support operations in the event of a primary power interruption. There are comparatively minor actual emissions from the infrequent and intermittent emergency backup operations inherent to the College of Pharmacy's operations.

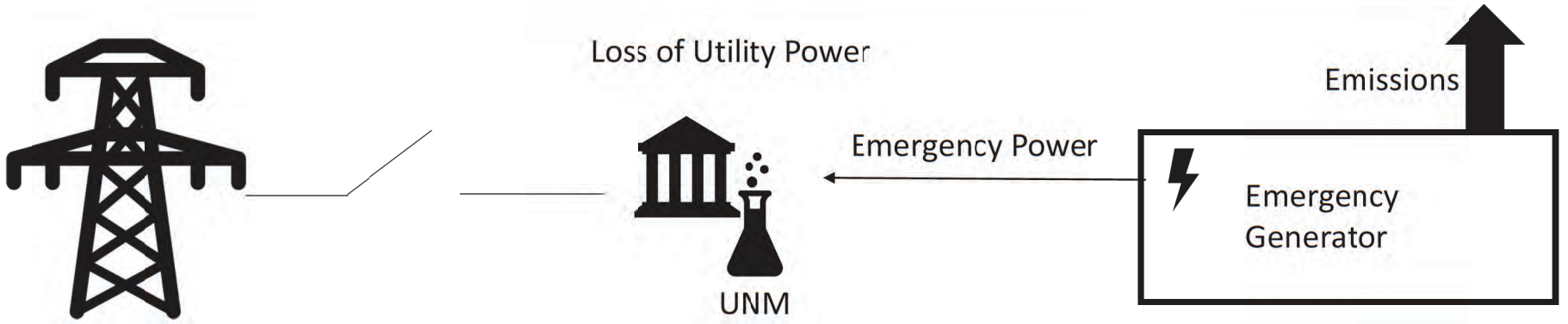
The source is subject to 40 CFR 60 Subpart IIII [New Source Performance Standards (NSPS) for compression Ignition Reciprocating Internal Combustion Engines (RICE). The source is subject to 40 CFR 63 Subpart ZZZZ [National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines per 40 CFR 63.6590(C). The unit will comply with the requirements of both 40 CFR Part 60 IIII, and 40 CFR 63 Subpart ZZZZ.

2.2 Process Flow

A process flow diagram (PFD) is attached below. It should be noted that there is no specific process for this facility as the only source at this facility will be the generator which will provide power in the event of a power outage.

Emergency Generator Process Flow Diagram





2.3 Air Pollutant Emissions and Calculation Methodology

2.3.1 Diesel Generator (Unit UNMH-EG-COP)

Emissions from the new generator result from the combustion of diesel fuel. NO_x, CO, VOC, and PM combustion emissions are based on emission factors provided in 40 CFR 60 Subpart IIII [New Source Performance Standards (NSPS) Tier 3. SO_2 emissions are based on the stoichiometric calculation based upon ultra-low sulfur diesel (ULSD) containing 15 ppm sulfur, and HAPs are based on AP-42 Tables 3.3-1 and 3.3-2.

To calculate lb/hr emissions for NOx, CO, VOC, and PM, the emission factor (g/bhp) was multiplied by the engine's standby rating. The lb/MMBtu HAP emission factors from AP-42 Table 3.3-2 were multiplied by the heat input calculated by the fuel consumption rate and the heat value of Diesel (MMBtu/gal) to calculate all HAP lb/hr emissions. To calculate the lb/hr for SO_2, a stoichiometric calculation based upon Ultra Low Sulfur Diesel (ULSD) containing 15 PPM Sulfur was conducted. To calculate the uncontrolled emission rate in tons per year, the lb/hr rate was multiplied by 8760 hours per year and converted to tons (1 ton = 2,000 lb). The controlled emission rate, in tons per year, was calculated by multiplying the controlled annual operating hours of 200 hours by the lb/hr rate and converting to tons.

2.4 Emission Calculations

UNM - College of Pharmacy Emissions Summary

Uncontrolled Emissions

Unit	Description	NO_X		CO		VOC		SO_2		PM_{10}		$PM_{2.5}$		HAP	
		lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
228-EG-1	Emergency Generator	3.83	16.76	3.49	15.29	0.201	0.88	0.01	0.025	0.201	0.88	0.201	0.88	0.0140	0.061
Total		**3.83**	**16.76**	**3.49**	**15.29**	**0.20**	**0.88**	**5.81E-03**	**0.025**	**0.20**	**0.88**	**0.20**	**0.88**	**0.014**	**0.061**

Controlled Emissions

Unit	Description	NO_X		CO		VOC		SO_2		PM_{10}		$PM_{2.5}$		HAP	
		lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
228-EG-1	Emergency Generator	3.83	0.38	3.49	0.35	0.20	0.020	5.81E-03	5.81E-04	0.20	0.020	0.20	0.020	0.014	1.40E-03
Total		**3.83**	**0.38**	**3.49**	**0.35**	**0.20**	**0.020**	**5.81E-03**	**5.81E-04**	**0.20**	**0.020**	**0.20**	**0.0201**	**0.014**	**1.40E-03**

THE UNIVERSITY OF NEW MEXICO

UNM - College of Pharmacy

Caterpillar C13 Diesel Generator Set

Emission Unit:	228-EG-1
Source Description:	Caterpillar C13 Diesel Generator Set
Manufacturer:	Caterpillar
Model Generator:	C13
Model Engine:	C13
Type:	Tier III Diesel

Genset Rating	400.00	KW	Generator Rating	Grams per pound	453.6	grams/lbs.
Heat input	3.8	MMBtu/hr	Fuel consumption * Fuel heat value	MG of S/Kg-Fuel	15	MG S/KG Fuel
Fuel Heat Value	0.137	MMBtu/gal.		Fuel Density	0.8	kg-Fuel/L
Hours of Operation	8760.0	hrs./yr		L to G conversion	3.8	L/Gal
Controlled Hours of Operation	200.0	hrs./yr		lb to mg conversion	2.20E-06	lb/mg
Engine Horse Power	609	BHP	Manufacturer Specification			
Fuel consumption	27.7	Gal/hr	Manufacturer Specification			

Emission Calculations

Uncontrolled	NO_x[1]	CO	VOC[1]	SO_2[2]	HCHO[5]	PM_{10}[3]	$PM_{2.5}$[3]	Total HAPs[2]	Units	Notes
	2.85	2.60	0.15	-	-	0.15	0.15	-	g/bhp*hr	NSPS IIII Tier 3 [4]
	-	-	-		1.18E-03	-	-	-	lb-MMBtu	AP-42 Table 3.3-1, & 3.3-2
				5.81E-03					lb/hr	Stoichiometric calculation based on ULSD containing 15 ppm of sulfur (15 mg S/kg)
Emissions	**3.83**	**3.49**	**0.20**	**5.81E-03**	**4.49E-03**	**0.20**	**0.20**	**0.014**	lb/hr	
	16.76	**15.29**	**0.88**	**0.025**	**0.020**	**0.882**	**0.882**	**0.061**	tpy	

Controlled	NO_x[1]	CO	VOC[1]	SO_2[2]	HCHO[5]	PM_{10}[3]	$PM_{2.5}$[3]	Total HAPs[2]	Units	Notes
	2.85	2.60	0.15	-	-	0.15	0.15	-	g/bhp*hr	NSPS IIII Tier 3[4]
	-	-	-		1.18E-03	-	-	-	lb-MMBtu	AP-42 Table 3.3-1, & 3.3-2
				5.81E-03					lb/hr	Stoichiometric calculation based on ULSD containing 15 ppm of sulfur (15 mg S/kg)
Emissions	**3.83**	**3.49**	**0.20**	**5.81E-03**	**4.49E-03**	**0.20**	**0.20**	**0.014**	lb/hr	
	0.38	**0.35**	**0.020**	**5.81E-04**	**4.49E-04**	**0.020**	**0.020**	**1.40E-03**	tpy	

HAP Calculations

Acetaldehyde[5]	Acrolein[5]	Benzene[5]	Toluene[5]	Xylene[5]	Units	Notes
7.67E-04	9.25E-05	9.33E-04	4.09E-04	2.85E-04	lb/MMBtu	AP-42 Table 3.3-2
2.92E-03	**3.52E-04**	**3.55E-03**	**1.56E-03**	**1.08E-03**	lb/hr	Uncontrolled
0.013	**1.54E-03**	**0.016**	**6.82E-03**	**4.75E-03**	tpy	
2.92E-03	**3.52E-04**	**3.55E-03**	**1.56E-03**	**1.08E-03**	lb/hr	Controlled
2.92E-04	**3.52E-05**	**3.55E-04**	**1.56E-04**	**1.08E-04**	tpy	

NOTES

[1] California Environmental Protection Agency - Air Resources Board Carl Moyer program Guidelines were used to account for 95% & NOx and 5% VOC emissions from the NMHC + NO_X emission factor, as provided in EPA-420-B-16-022.

[2] PTE = 15 mg S/kg-Fuel * 0.84 kg-Fuel/L * 3.785 L/gal * 2.2E-06 lb/mg * 22.2 gal/hr* Molar ratio of S:SO_2 (64.066/32.065)

[3] Assumes PM (Filterable + Condensable) = PM_{10} = $PM_{2.5}$

[4] NSPS IIII Tier 3 nonroad compression-ignition engines: exhaust emissions standards were taken from EPA-420-B-16-022

[5] HAPs emissions factors are referenced from AP-42 Table 3.2-2

2.5 Supporting Information

- Caterpillar C13 Diesel Generator Set Manufacturer Specification Sheet
- AP-42 Chapter 3.3, Gasoline and Diesel Industrial Engines, Tables 3.3-1, 3.3-2
- NSPS IIII Tier 3 nonroad compression-ignition engines: exhaust emissions standards from EPA-420-B-16-022
- California Environmental Protection Agency Air Resources Board Carl Moyer Program guidelines for Emission Factors for CI Diesel Engines – Percent HC in Relation to NMHC + NO_X

Cat® C13 DIESEL GENERATOR SETS

Standby & Prime: 60Hz

Image shown might not reflect actual configuration

Engine Model	Cat® C13 In-line 6, 4-cycle Diesel
Bore x Stroke	130 mm x 157 mm (5.1 in x 6.2 in)
Displacement	12.5 L (763 in^3)
Compression Ratio	16.3:1
Aspiration	Turbocharged Air-to-Air Aftercooled
Fuel Injection System	MEUI
Governor	Electronic ADEM™ A4 - Compatible Classe G2*

Model	Standby	Prime	Emission Strategy
C13	400 ekW, 500 kVA	365 ekW, 456.25 kVA	TIER III Non-Road

PACKAGE PERFORMANCE

Performance	Standby	Prime
Frequency	60 Hz	
Genset Power Rating	500 kVA	456.25 kVA
Genset power rating with fan @ 0.8 power factor	400 ekW	365 ekW
Emissions	TIER III Non-Road	
Performance Number	EM1694	EM1695
Fuel Consumption		
100% load with fan, L/hr (gal/hr)	105.0 (27.7)	95.4 (25.2)
75% load with fan, L/hr (gal/hr)	88.6 (23.4)	82.9 (21.8)
50% load with fan, L/hr (gal/hr)	64.7 (17)	60.0 (15.8)
25% load with fan, L/hr (gal/hr)	36.8 (9.7)	34.3 (9.0)
Cooling System[1]		
Radiator air flow restriction (system), kPa (in. water)	0.12 (0.48)	0.12 (0.48)
Radiator air flow, m^3/min (CFM)	497 (17551)	497 (17551)
Engine coolant capacity, L (gal)	14.2 (3.8)	14.2 (3.8)
Radiator coolant capacity, L (gal)	30 (8)	30 (8)
Total coolant capacity, L (gal)	34 (12)	34 (12)
Inlet Air		
Combustion air inlet flow rate, m^3/min (CFM)	27.7 (978)	26.0 (918)
Max. Allowable Combustion Air Inlet Temp, °C (°F)	47 (116)	45 (113)
Exhaust System		
Exhaust stack gas temperature, °C (°F)	570.5 (1059)	554.5 (1030)
Exhaust gas flow rate, m^3/min (CFM)	83.2 (2938)	76.0 (2684)
Exhaust system backpressure (maximum allowable) kPa (in. water)	10.0 (40.0)	10.0 (40.0)
Heat Rejection		
Heat rejection to jacket water, kW (BTU/min)	157 (8928)	146 (8302)
Heat rejection to exhaust (total), kW (BTU/min)	405 (23032)	366 (20814)
Heat rejection to aftercooler, kW (BTU/min)	72.6 (4128)	61.9 (3520)
Heat rejection to atmosphere from engine, kW (BTU/min)	51.4 (2923)	48.2 (2741)

Emissions (Nominal)[2]	Standby	Prime
NOx, mg/Nm³ (g/hp-hr)	2,481.2 (4.98)	2,318.5 (4.65)
CO, mg/Nm³ (g/hp-hr)	1,150.6 (2.32)	614.4 (1.23)
HC, mg/Nm³ (g/hp-hr)	7.5 (0.02)	4.6 (0.01)
PM, mg/Nm³ (g/hp-hr)	41.1 (0.1)	22.4 (0.06)

Alternator[3]													
Duty Cycle		Standby						Prime					
Phase		3-Phase						3-Phase					
Voltages, *V		208	220	240	380	480	600	208	220	240	380	480	600
Current, Amps		1388	1312	1203	760	601	481	1266	1197	1098	693	549	439
Frame: LC6124D Excitation: AREP	Temperature Rise, @ 40°C	130	105	105		105	105	105	105	105		105	105
	Motor Starting Capability @ 30% Voltage Dip, skVA	1008	1118	1309		1309	1408	1008	1118	1309		1309	1408
Frame: LC6124F Excitation: AREP	Temperature Rise, @ 40°C	130	105	105		150	105	105	105	105		125	80
	Motor Starting Capability @ 30% Voltage Dip, skVA	1325	1466	1712		1712	1714	1325	1466	1712		1712	1714
Frame: LC6124B Excitation: AREP	Temperature Rise, @ 40°C			150		150	150			125		125	125
	Motor Starting Capability @ 30% Voltage Dip, skVA			1055		1055	1057			1055		1055	1057
Frame: LC6114D Excitation: SE	Temperature Rise, @ 40°C	130	105	105	150	105		105	105	105	125	105	
	Motor Starting Capability @ 30% Voltage Dip, skVA	839	930	1089	709	1089		839	930	1089	709	1089	
Frame: LC6114F Excitation: SE	Temperature Rise, @ 40°C	105	105	105		105		80	80	80		80	
	Motor Starting Capability @ 30% Voltage Dip, skVA	1104	1222	1428		1428		1104	1222	1428		1428	
Frame: LC6114B Excitation: SE	Temperature Rise, @ 40°C			150		150				125		125	
	Motor Starting Capability @ 30% Voltage Dip, skVA			880		880				880		880	

*Note: 220 V and 380 V are additional offerings for the Latin America market.

PERFORMANCE DATA[EM1694]

Performance Number: EM1694 **Change Level: 03**

SALES MODEL:	C13	**COMBUSTION:**	DIRECT INJECTION
BRAND:	CAT	**ENGINE SPEED (RPM):**	1,800
MACHINE SALES MODEL:		**HERTZ:**	60
ENGINE POWER (BHP):	609	**FAN POWER (HP):**	20.1
GEN POWER WITH FAN (EKW):	400.0	**ADDITIONAL PARASITICS (HP):**	10.4
COMPRESSION RATIO:	16.3	**ASPIRATION:**	TA
RATING LEVEL:	STANDBY	**AFTERCOOLER TYPE:**	ATAAC
PUMP QUANTITY:	1	**AFTERCOOLER CIRCUIT TYPE:**	JW+OC, ATAAC
FUEL TYPE:	DIESEL	**INLET MANIFOLD AIR TEMP (F):**	120
MANIFOLD TYPE:	DRY	**JACKET WATER TEMP (F):**	192.2
GOVERNOR TYPE:	ELEC	**TURBO CONFIGURATION:**	SINGLE
ELECTRONICS TYPE:	ADEM4	**TURBO QUANTITY:**	1
CAMSHAFT TYPE:	STANDARD	**TURBOCHARGER MODEL:**	GTA5002BS 1.60A/R
IGNITION TYPE:	CI	**CERTIFICATION YEAR:**	2015
INJECTOR TYPE:	EUI	**PISTON SPD @ RATED ENG SPD (FT/MIN):**	1,854.3
REF EXH STACK DIAMETER (IN):	5		
MAX OPERATING ALTITUDE (FT):	1,640		

INDUSTRY	SUBINDUSTRY	APPLICATION
ELECTRIC POWER	STANDARD	PACKAGED GENSET

General Performance Data

GENSET POWER WITH FAN	PERCENT LOAD	ENGINE POWER	BRAKE MEAN EFF PRES (BMEP)	BRAKE SPEC FUEL CONSUMPTN (BSFC)	ISO BRAKE SPEC FUEL CONSUMPTN (BSFC)	VOL FUEL CONSUMPTN (VFC)	ISO VOL FUEL CONSUMPTN (VFC)	ELEC SPEC FUEL CONSUMPTN (ESFC)	ISO ELEC SPEC FUEL CONSUMPTN (ESFC)
EKW	%	BHP	PSI	LB/BHP-HR	LB/BHP-HR	GAL/HR	GAL/HR	LB/EKW-HR	LB/EKW-HR
400.0	100	609	351	0.326	0.323	28.0	27.7	0.497	0.492
360.0	90	546	315	0.326	0.323	25.1	24.8	0.494	0.489
320.0	80	486	280	0.355	0.351	24.3	24.0	0.538	0.533
300.0	75	457	263	0.367	0.364	23.6	23.4	0.559	0.554
280.0	70	428	247	0.373	0.369	22.5	22.3	0.570	0.564
240.0	60	372	214	0.381	0.378	20.0	19.8	0.591	0.585
200.0	50	316	182	0.387	0.383	17.3	17.1	0.612	0.606
160.0	40	261	151	0.389	0.385	14.3	14.2	0.635	0.629
120.0	30	206	119	0.390	0.387	11.3	11.2	0.669	0.663
100.0	25	178	102	0.392	0.388	9.8	9.7	0.696	0.690
80.0	20	149	86	0.396	0.392	8.3	8.3	0.739	0.732
40.0	10	90.8	52	0.427	0.423	5.5	5.4	0.971	0.961

GENSET POWER WITH FAN	PERCENT LOAD	ENGINE POWER	INLET MFLD PRES	INLET MFLD TEMP	EXH MFLD TEMP	EXH MFLD PRES	ENGINE OUTLET TEMP	COMPRESSOR OUTLET PRES	COMPRESSOR OUTLET TEMP
EKW	%	BHP	IN-HG	DEG F	DEG F	IN-HG	DEG F	IN-HG	DEG F
400.0	100	609	56.6	117.0	1,287.5	38.0	1,058.8	61	357.2
360.0	90	546	50.2	112.8	1,239.3	32.8	1,026.2	54	330.0
320.0	80	486	53.7	115.3	1,243.0	36.2	1,014.2	58	344.8
300.0	75	457	54.1	115.3	1,242.2	36.6	1,006.9	59	347.3
280.0	70	428	51.8	113.2	1,230.3	34.6	994.7	56	338.9
240.0	60	372	45.8	108.4	1,193.6	30.2	964.8	50	314.6
200.0	50	316	37.8	103.0	1,140.2	25.0	927.6	41	280.3
160.0	40	261	27.4	96.5	1,080.7	18.9	889.3	30	234.0
120.0	30	206	17.1	90.3	998.9	12.9	840.0	19	186.1
100.0	25	178	12.4	87.5	948.6	10.3	810.6	14	163.5
80.0	20	149	8.5	85.3	886.6	8.2	770.9	10	143.6
40.0	10	90.8	3.6	82.6	689.5	5.6	609.6	5	114.6

General Performance Data (Continued)

GENSET POWER WITH FAN	PERCENT LOAD	ENGINE POWER	WET INLET AIR VOL FLOW RATE	ENGINE OUTLET WET EXH GAS VOL FLOW RATE	WET INLET AIR MASS FLOW RATE	WET EXH GAS MASS FLOW RATE	WET EXH VOL FLOW RATE (32 DEG F AND 29.98 IN HG)	DRY EXH VOL FLOW RATE (32 DEG F AND 29.98 IN HG)
EKW	%	BHP	CFM	CFM	LB/HR	LB/HR	FT3/MIN	FT3/MIN

Integral & Sub-Base Fuel Tank Base Useable Capacities with Fuel Tank Dimensions & Weights

Integral – Width (W) 2014 mm (79.3 in)
Sub-base – Width (W) 2056 mm (81.0 in)
Integral* – Width(W) 2315 mm (91.2 in)
Sub-base* – Width(W) 2357 mm (92.7in)

C13 Tank Design	Feature Code	Total Capacity		Useable Capacity		Tank Only						Overall Package Height with Tank			
						Dry Weight		Height 'H'		Length 'L'		Open		Enclosure	
		Liter	Gallon	Liter	Gallon	kg	lb	mm	in	mm	in	mm	in	mm	in
Integral	FTDW013	2646	699	2540	671	1569	3450	762	30.0	5461	215	2552	100.5	2743	108.0
Sub-Base	FTDW005 / FTDW016	3941	1041	3876	1024	1659	3657	635	25.0	5550	218.5	2763	108.8	2955	116.3
Sub-Base	FTDW006	6980	1844	6818	1801	2228	4483	889	35.0	6184	243.5	3017	118.8	3209	126.3
Sub-Base	FTDW007	8339	2203	8244	2178	2150	5052	889	35.0	7074	278.5	2291	117.8	3789	149.2
Sub-Base	FTDW011	2476	654	2435	643	1468	3236	635	25.0	3810	150.0	2763	108.8	2955	116.3

C15 Tank Design	Feature Code	Total Capacity		Useable Capacity		Tank Only						Overall Package Height with Tank			
						Dry Weight		Height 'H'		Length 'L'		Open		Enclosure	
		Liter	Gallon	Liter	Gallon	kg	lb	mm	in	mm	in	mm	in	mm	in
Integral	FTDW002	1283	339	1262	333	1015	2237	635	25.0	3814	150.1	2426	95.5	2619	103.0
Sub-Base	FTDW005 / FTDW016	3941	1041	3876	1024	1659	3657	635	25.0	5550	218.5	2763	108.8	2955	116.3
Sub-Base	FTDW006	6980	1844	6818	1801	2228	4912	889	35.0	6184	243.5	3017	118.8	3209	126.3
Sub-Base	FTDW008	2476	654	2435	643	1468	3236	635	25.0	3810	150.0	2763	108.8	2955	116.3
Sub-Base	FTDW034	10887	2876	9899	2615	2847	6277	914	36	7747	305	3043	119.8	3233	127.3

C18 Tank Design	Feature Code	Total Capacity		Useable Capacity		Tank Only						Overall Package Height with Tank			
						Dry Weight		Height 'H'		Length 'L'		Open		Enclosure	
		Liter	Gallon	Liter	Gallon	kg	lb	mm	in	mm	in	mm	in	mm	in
Integral	FTDW004	1446	382	1422	376	1015	2237	635	25.0	3814	150.1	2426	95.5	2560	100.8
Integral*	FTDW030	2498	660	2381	629	1681	3703	762	30.0	4995	196.6	2670	105.1	2675	105.3
Integral*	FTDW031	5175	1367	4997	1320	2046	4510	762	30.0	6737	265.3	2670	105.1	2675	105.3
Sub-Base	FTDW005 / FTDW016	3941	1041	3876	1024	1659	3657	635	25.0	5550	218.5	2763	108.8	2955	116.3
Sub-Base	FTDW007	8339	2203	8244	2178	2150	4134	889	35.0	7074	278.5	2291	117.8	3159	124.4
Sub-Base	FTDW008	2476	654	2435	643	1468	3236	635	25.0	3810	150.0	2739	107.9	2905	114.4
Sub-Base*	FTDW032	10228	2702	10112	2640	2638	5816	889	35.0	7368	290	3127	123.1	3132	123.3

*For Ratings 650, 700 &750 ekW only

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
2025 MODEL YEAR
CERTIFICATE OF CONFORMITY
WITH THE CLEAN AIR ACT

OFFICE OF TRANSPORTATION AND AIR QUALITY
ANN ARBOR, MICHIGAN 48105

Certificate Issued To: **Caterpillar Inc.**
(U.S. Manufacturer or Importer)

Certificate Number: SCPXL12.5NYS-024

Effective Date: 08/05/2024

Expiration Date: 12/31/2025

Byron J. Bunker, Division Director
Compliance Division

Issue Date: 08/05/2024

Revision Date: N/A

Model Year: 2025
Manufacturer Type: Original Engine Manufacturer
Engine Family: SCPXL12.5NYS

Mobile/Stationary Indicator: Stationary
Emissions Power Category: 225<=kW<450
Fuel Type: Diesel
After Treatment Devices: No After Treatment Devices Installed
Non-after Treatment Devices: Electronic Control, Smoke Puff Limiter, Engine Design Modification

Pursuant to Section 111 and Section 213 of the Clean Air Act (42 U.S.C. sections 7411 and 7547) and 40 CFR Part 60, and subject to the terms and conditions prescribed in those provisions, this certificate of conformity is hereby issued with respect to the test engines which have been found to conform to applicable requirements and which represent the following engines, by engine family, more fully described in the documentation required by 40 CFR Part 60 and produced in the stated model year.

This certificate of conformity covers only those new compression-ignition engines which conform in all material respects to the design specifications that applied to those engines described in the documentation required by 40 CFR Part 60 and which are produced during the model year stated on this certificate of the said manufacturer, as defined in 40 CFR Part 60.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 1068 and authorized in a warrant or court order. Failure to comply with the requirements of such a warrant or court order may lead to revocation or suspension of this certificate for reasons specified in 40 CFR Part 60. It is also a term of this certificate that this certificate may be revoked or suspended or rendered void *ab initio* for other reasons specified in 40 CFR Part 60.

This certificate does not cover engines sold, offered for sale, or introduced, or delivered for introduction, into commerce in the U.S. prior to the effective date of the certificate.

3.3 Gasoline And Diesel Industrial Engines

3.3.1 General

The engine category addressed by this section covers a wide variety of industrial applications of both gasoline and diesel internal combustion (IC) engines such as aerial lifts, fork lifts, mobile refrigeration units, generators, pumps, industrial sweepers/scrubbers, material handling equipment (such as conveyors), and portable well-drilling equipment. The three primary fuels for reciprocating IC engines are gasoline, diesel fuel oil (No.2), and natural gas. Gasoline is used primarily for mobile and portable engines. Diesel fuel oil is the most versatile fuel and is used in IC engines of all sizes. The rated power of these engines covers a rather substantial range, up to 250 horsepower (hp) for gasoline engines and up to 600 hp for diesel engines. (Diesel engines greater than 600 hp are covered in Section 3.4, "Large Stationary Diesel And All Stationary Dual-fuel Engines".) Understandably, substantial differences in engine duty cycles exist. It was necessary, therefore, to make reasonable assumptions concerning usage in order to formulate some of the emission factors.

3.3.2 Process Description

All reciprocating IC engines operate by the same basic process. A combustible mixture is first compressed in a small volume between the head of a piston and its surrounding cylinder. The mixture is then ignited, and the resulting high-pressure products of combustion push the piston through the cylinder. This movement is converted from linear to rotary motion by a crankshaft. The piston returns, pushing out exhaust gases, and the cycle is repeated.

There are 2 methods used for stationary reciprocating IC engines: compression ignition (CI) and spark ignition (SI). This section deals with both types of reciprocating IC engines. All diesel-fueled engines are compression ignited, and all gasoline-fueled engines are spark ignited.

In CI engines, combustion air is first compression heated in the cylinder, and diesel fuel oil is then injected into the hot air. Ignition is spontaneous because the air temperature is above the autoignition temperature of the fuel. SI engines initiate combustion by the spark of an electrical discharge. Usually the fuel is mixed with the air in a carburetor (for gasoline) or at the intake valve (for natural gas), but occasionally the fuel is injected into the compressed air in the cylinder.

CI engines usually operate at a higher compression ratio (ratio of cylinder volume when the piston is at the bottom of its stroke to the volume when it is at the top) than SI engines because fuel is not present during compression; hence there is no danger of premature autoignition. Since engine thermal efficiency rises with increasing pressure ratio (and pressure ratio varies directly with compression ratio), CI engines are more efficient than SI engines. This increased efficiency is gained at the expense of poorer response to load changes and a heavier structure to withstand the higher pressures.[1]

3.3.3 Emissions

Most of the pollutants from IC engines are emitted through the exhaust. However, some total organic compounds (TOC) escape from the crankcase as a result of blowby (gases that are vented from the oil pan after they have escaped from the cylinder past the piston rings) and from the fuel tank and carburetor because of evaporation. Nearly all of the TOCs from diesel CI engines enter the

atmosphere from the exhaust. Evaporative losses are insignificant in diesel engines due to the low volatility of diesel fuels.

The primary pollutants from internal combustion engines are oxides of nitrogen (NO_x), total organic compounds (TOC), carbon monoxide (CO), and particulates, which include both visible (smoke) and nonvisible emissions. Nitrogen oxide formation is directly related to high pressures and temperatures during the combustion process and to the nitrogen content, if any, of the fuel. The other pollutants, HC, CO, and smoke, are primarily the result of incomplete combustion. Ash and metallic additives in the fuel also contribute to the particulate content of the exhaust. Sulfur oxides (SO_x) also appear in the exhaust from IC engines. The sulfur compounds, mainly sulfur dioxide (SO_2), are directly related to the sulfur content of the fuel.[2]

3.3.3.1 Nitrogen Oxides -

Nitrogen oxide formation occurs by two fundamentally different mechanisms. The predominant mechanism with internal combustion engines is thermal NO_x which arises from the thermal dissociation and subsequent reaction of nitrogen (N_2) and oxygen (O_2) molecules in the combustion air. Most thermal NO_x is formed in the high-temperature region of the flame from dissociated molecular nitrogen in the combustion air. Some NO_x, called prompt NO_x, is formed in the early part of the flame from reaction of nitrogen intermediary species, and HC radicals in the flame. The second mechanism, fuel NO_x, stems from the evolution and reaction of fuel-bound nitrogen compounds with oxygen. Gasoline, and most distillate oils have no chemically-bound fuel N_2 and essentially all NO_x formed is thermal NO_x.

3.3.3.2 Total Organic Compounds -

The pollutants commonly classified as hydrocarbons are composed of a wide variety of organic compounds and are discharged into the atmosphere when some of the fuel remains unburned or is only partially burned during the combustion process. Most unburned hydrocarbon emissions result from fuel droplets that were transported or injected into the quench layer during combustion. This is the region immediately adjacent to the combustion chamber surfaces, where heat transfer outward through the cylinder walls causes the mixture temperatures to be too low to support combustion.

Partially burned hydrocarbons can occur because of poor air and fuel homogeneity due to incomplete mixing, before or during combustion; incorrect air/fuel ratios in the cylinder during combustion due to maladjustment of the engine fuel system; excessively large fuel droplets (diesel engines); and low cylinder temperature due to excessive cooling (quenching) through the walls or early cooling of the gases by expansion of the combustion volume caused by piston motion before combustion is completed.[2]

3.3.3.3 Carbon Monoxide -

Carbon monoxide is a colorless, odorless, relatively inert gas formed as an intermediate combustion product that appears in the exhaust when the reaction of CO to CO_2 cannot proceed to completion. This situation occurs if there is a lack of available oxygen near the hydrocarbon (fuel) molecule during combustion, if the gas temperature is too low, or if the residence time in the cylinder is too short. The oxidation rate of CO is limited by reaction kinetics and, as a consequence, can be accelerated only to a certain extent by improvements in air and fuel mixing during the combustion process.[2-3]

3.3.3.4 Smoke and Particulate Matter -

White, blue, and black smoke may be emitted from IC engines. Liquid particulates appear as white smoke in the exhaust during an engine cold start, idling, or low load operation. These are formed in the quench layer adjacent to the cylinder walls, where the temperature is not high enough to ignite the fuel. Blue smoke is emitted when lubricating oil leaks, often past worn piston rings, into the combustion chamber and is partially burned. Proper maintenance is the most effective method of preventing blue smoke emissions from all types of IC engines. The primary constituent of black smoke is agglomerated carbon particles (soot) formed in regions of the combustion mixtures that are oxygen deficient.[2]

3.3.3.5 Sulfur Oxides -

Sulfur oxides emissions are a function of only the sulfur content in the fuel rather than any combustion variables. In fact, during the combustion process, essentially all the sulfur in the fuel is oxidized to SO_2. The oxidation of SO_2 gives sulfur trioxide (SO_3), which reacts with water to give sulfuric acid (H_2SO_4), a contributor to acid precipitation. Sulfuric acid reacts with basic substances to give sulfates, which are fine particulates that contribute to PM-10 and visibility reduction. Sulfur oxide emissions also contribute to corrosion of the engine parts.[2-3]

3.3.4 Control Technologies

Control measures to date are primarily directed at limiting NO_x and CO emissions since they are the primary pollutants from these engines. From a NO_x control viewpoint, the most important distinction between different engine models and types of reciprocating engines is whether they are rich-burn or lean-burn. Rich-burn engines have an air-to-fuel ratio operating range that is near stoichiometric or fuel-rich of stoichiometric and as a result the exhaust gas has little or no excess oxygen. A lean-burn engine has an air-to-fuel operating range that is fuel-lean of stoichiometric; therefore, the exhaust from these engines is characterized by medium to high levels of O_2. The most common NO_x control technique for diesel and dual-fuel engines focuses on modifying the combustion process. However, selective catalytic reduction (SCR) and nonselective catalytic reduction (NSCR) which are post-combustion techniques are becoming available. Controls for CO have been partly adapted from mobile sources.[4]

Combustion modifications include injection timing retard (ITR), preignition chamber combustion (PCC), air-to-fuel ratio adjustments, and derating. Injection of fuel into the cylinder of a CI engine initiates the combustion process. Retarding the timing of the diesel fuel injection causes the combustion process to occur later in the power stroke when the piston is in the downward motion and combustion chamber volume is increasing. By increasing the volume, the combustion temperature and pressure are lowered, thereby lowering NO_x formation. ITR reduces NO_x from all diesel engines; however, the effectiveness is specific to each engine model. The amount of NO_x reduction with ITR diminishes with increasing levels of retard.[4]

Improved swirl patterns promote thorough air and fuel mixing and may include a precombustion chamber (PCC). A PCC is an antechamber that ignites a fuel-rich mixture that propagates to the main combustion chamber. The high exit velocity from the PCC results in improved mixing and complete combustion of the lean air/fuel mixture which lowers combustion temperature, thereby reducing NO_x emissions.[4]

The air-to-fuel ratio for each cylinder can be adjusted by controlling the amount of fuel that enters each cylinder. At air-to-fuel ratios less than stoichiometric (fuel-rich), combustion occurs under conditions of insufficient oxygen which causes NO_x to decrease because of lower oxygen and lower temperatures. Derating involves restricting the engine operation to lower than normal levels of power production for the given application. Derating reduces cylinder pressures and temperatures, thereby lowering NO_x formation rates.[4]

SCR is an add-on NO_x control placed in the exhaust stream following the engine and involves injecting ammonia (NH_3) into the flue gas. The NH_3 reacts with NO_x in the presence of a catalyst to form water and nitrogen. The effectiveness of SCR depends on fuel quality and engine duty cycle (load fluctuations). Contaminants in the fuel may poison or mask the catalyst surface causing a reduction or termination in catalyst activity. Load fluctuations can cause variations in exhaust temperature and NO_x concentration which can create problems with the effectiveness of the SCR system.[4]

NSCR is often referred to as a three-way conversion catalyst system because the catalyst reactor simultaneously reduces NO_x, CO, and HC and involves placing a catalyst in the exhaust stream of the engine. The reaction requires that the O_2 levels be kept low and that the engine be operated at fuel-rich air-to-fuel ratios.[4]

The most accurate method for calculating such emissions is on the basis of "brake-specific" emission factors (pounds per horsepower-hour [lb/hp-hr]). Emissions are the product of the brake-specific emission factor, the usage in hours, the rated power available, and the load factor (the power actually used divided by the power available). However, for emission inventory purposes, it is often easier to assess this activity on the basis of fuel used.

Once reasonable usage and duty cycles for this category were ascertained, emission values were aggregated to arrive at the factors for criteria and organic pollutants presented. Factors in Table 3.3-1 are in pounds per million British thermal unit (lb/MMBtu). Emission data for a specific design type were weighted according to estimated material share for industrial engines. The emission factors in these tables, because of their aggregate nature, are most appropriately applied to a population of industrial engines rather than to an individual power plant. Table 3.3-2 shows unweighted speciated organic compound and air toxic emission factors based upon only 2 engines. Their inclusion in this section is intended for rough order-of-magnitude estimates only.

Table 3.3-3 summarizes whether the various diesel emission reduction technologies (some of which may be applicable to gasoline engines) will generally increase or decrease the selected parameter. These technologies are categorized into fuel modifications, engine modifications, and exhaust after-treatments. Current data are insufficient to quantify the results of the modifications. Table 3.3-3 provides general information on the trends of changes on selected parameters.

3.3.5 Updates Since the Fifth Edition

The Fifth Edition was released in January 1995. Revisions to this section since that date are summarized below. For further detail, consult the memoranda describing each supplement or the background report for this section.

Supplement A, February 1996

No changes.

Supplement B, October 1996

- Text was revised concerning emissions and controls.
- The CO_2 emission factor was adjusted to reflect 98.5 percent conversion efficiency.

Table 3.3-1. EMISSION FACTORS FOR UNCONTROLLED GASOLINE AND DIESEL INDUSTRIAL ENGINES[a]

Pollutant	Gasoline Fuel (SCC 2-02-003-01, 2-03-003-01)		Diesel Fuel (SCC 2-02-001-02, 2-03-001-01)		EMISSION FACTOR RATING
	Emission Factor (lb/hp-hr) (power output)	Emission Factor (lb/MMBtu) (fuel input)	Emission Factor (lb/hp-hr) (power output)	Emission Factor (lb/MMBtu) (fuel input)	
NO_x	0.011	1.63	0.031	4.41	D
CO	6.96 E-03[d]	0.99[d]	6.68 E-03	0.95	D
SO_x	5.91 E-04	0.084	2.05 E-03	0.29	D
PM-10[b]	7.21 E-04	0.10	2.20 E-03	0.31	D
CO_2[c]	1.08	154	1.15	164	B
Aldehydes	4.85 E-04	0.07	4.63 E-04	0.07	D
TOC					
Exhaust	0.015	2.10	2.47 E-03	0.35	D
Evaporative	6.61 E-04	0.09	0.00	0.00	E
Crankcase	4.85 E-03	0.69	4.41 E-05	0.01	E
Refueling	1.08 E-03	0.15	0.00	0.00	E

[a] References 2,5-6,9-14. When necessary, an average brake-specific fuel consumption (BSFC) of 7,000 Btu/hp-hr was used to convert from lb/MMBtu to lb/hp-hr. To convert from lb/hp-hr to kg/kw-hr, multiply by 0.608. To convert from lb/MMBtu to ng/J, multiply by 430. SCC = Source Classification Code. TOC = total organic compounds.

[b] PM-10 = particulate matter less than or equal to 10 μm aerodynamic diameter. All particulate is assumed to be ≤ 1 μm in size.

[c] Assumes 99% conversion of carbon in fuel to CO_2 with 87 weight % carbon in diesel, 86 weight % carbon in gasoline, average BSFC of 7,000 Btu/hp-hr, diesel heating value of 19,300 Btu/lb, and gasoline heating value of 20,300 Btu/lb.

[d] Instead of 0.439 lb/hp-hr (power output) and 62.7 lb/mmBtu (fuel input), the correct emissions factors values are 6.96 E-03 lb/hp-hr (power output) and 0.99 lb/mmBtu (fuel input), respectively. This is an editorial correction. March 24, 2009

Table 3.3-2. SPECIATED ORGANIC COMPOUND EMISSION FACTORS FOR UNCONTROLLED DIESEL ENGINES[a]

EMISSION FACTOR RATING: E

Pollutant	Emission Factor (Fuel Input) (lb/MMBtu)
Benzene[b]	9.33 E-04
Toluene[b]	4.09 E-04
Xylenes[b]	2.85 E-04
Propylene	2.58 E-03
1,3-Butadiene[b,c]	<3.91 E-05
Formaldehyde[b]	1.18 E-03
Acetaldehyde[b]	7.67 E-04
Acrolein[b]	<9.25 E-05
Polycyclic aromatic hydrocarbons (PAH)	
Naphthalene[b]	8.48 E-05
Acenaphthylene	<5.06 E-06
Acenaphthene	<1.42 E-06
Fluorene	2.92 E-05
Phenanthrene	2.94 E-05
Anthracene	1.87 E-06
Fluoranthene	7.61 E-06
Pyrene	4.78 E-06
Benzo(a)anthracene	1.68 E-06
Chrysene	3.53 E-07
Benzo(b)fluoranthene	<9.91 E-08
Benzo(k)fluoranthene	<1.55 E-07
Benzo(a)pyrene	<1.88 E-07
Indeno(1,2,3-cd)pyrene	<3.75 E-07
Dibenz(a,h)anthracene	<5.83 E-07
Benzo(g,h,l)perylene	<4.89 E-07
TOTAL PAH	1.68 E-04

[a] Based on the uncontrolled levels of 2 diesel engines from References 6-7. Source Classification Codes 2-02-001-02, 2-03-001-01. To convert from lb/MMBtu to ng/J, multiply by 430.
[b] Hazardous air pollutant listed in the *Clean Air Act*.
[c] Based on data from 1 engine.

Table 3.3-3. EFFECT OF VARIOUS EMISSION CONTROL TECHNOLOGIES ON DIESEL ENGINES[a]

Technology	Affected Parameter	
	Increase	Decrease
Fuel modifications		
Sulfur content increase	PM, wear	
Aromatic content increase	PM, NO_x	
Cetane number		PM, NO_x
10% and 90% boiling point		PM
Fuel additives		PM, NO_x
Water/Fuel emulsions		NO_x
Engine modifications		
Injection timing retard	PM, BSFC	NO_x, power
Fuel injection pressure	PM, NO_x	
Injection rate control		NO_x, PM
Rapid spill nozzles		PM
Electronic timing & metering		NO_x, PM
Injector nozzle geometry		PM
Combustion chamber modifications		NO_x, PM
Turbocharging	PM, power	NO_x
Charge cooling		NO_x
Exhaust gas recirculation	PM, power, wear	NO_x
Oil consumption control		PM, wear
Exhaust after-treatment		
Particulate traps		PM
Selective catalytic reduction		NO_x
Oxidation catalysts		TOC, CO, PM

[a] Reference 8. PM = particulate matter. BSFC = brake-specific fuel consumption.

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Nonroad Compression-Ignition Engines: Exhaust Emission Standards

	Rated Power (kW)	Tier	Model Year	NMHC (g/kW-hr)	NMHC + NOx (g/kW-hr)	NOx (g/kW-hr)	PM (g/kW-hr)	CO (g/kW-hr)	Smoke [a] (Percentage)	Useful Life (hours /years) [b]	Warranty Period (hours /years) [b]
Federal	kW < 8	1	2000-2004	-	10.5	-	1.0	8.0	20/15/50	3,000/5	1,500/2
		2	2005-2007	-	7.5	-	0.80	8.0			
		4	2008+	-	7.5	-	0.40 [c]	8.0			
	8 ≤ kW < 19	1	2000-2004	-	9.5	-	0.80	6.6		3,000/5	1,500/2
		2	2005-2007	-	7.5	-	0.80	6.6			
		4	2008+	-	7.5	-	0.40	6.6			
	19 ≤ kW < 37	1	1999-2003	-	9.5	-	0.80	5.5		5,000/7 [d]	3,000/5 [e]
		2	2004-2007	-	7.5	-	0.60	5.5			
		4	2008-2012	-	7.5	-	0.30	5.5			
			2013+	-	4.7	-	0.03	5.5			
	37 ≤ kW < 56	1	1998-2003	-	-	9.2	-	-		8,000/10	3,000/5
		2	2004-2007	-	7.5	-	0.40	5.0			
		3 [f]	2008-2011	-	4.7	-	0.40	5.0			
		4 (Option 1) [g]	2008-2012	-	4.7	-	0.30	5.0			
		4 (Option 2) [g]	2012	-	4.7	-	0.03	5.0			
		4	2013+	-	4.7	-	0.03	5.0			
	56 ≤ kW < 75	1	1998-2003	-	-	9.2	-	-			
		2	2004-2007	-	7.5	-	0.40	5.0			
		3	2008-2011	-	4.7	-	0.40	5.0			
		4	2012-2013 [h]	-	4.7	-	0.02	5.0			
			2014+ [i]	0.19	-	0.40	0.02	5.0			
	75 ≤ kW < 130	1	1997-2002	-	-	9.2	-	-			
		2	2003-2006	-	6.6	-	0.30	5.0			
		3	2007-2011	-	4.0	-	0.30	5.0			
		4	2012-2013 [h]	-	4.0	-	0.02	5.0			
			2014+	0.19	-	0.40	0.02	5.0			

Continued

	Rated Power (kW)	Tier	Model Year	NMHC (g/kW-hr)	NMHC + NOx (g/kW-hr	NOx (g/kW-hr	PM (g/kW-hr	CO (g/kW-hr)	Smoke [a] (Percentage)	Useful Life (hours /years) [b]	Warranty Period (hours /years) [b]
Federal	130 ≤ kW < 225	1	1996-2002	1.3 [j]	-	9.2	0.54	11.4	20/15/50	8,000/10	3,000/5
		2	2003-2005	-	6.6	-	0.20	3.5			
		3	2006-2010	-	4.0	-	0.20	3.5			
		4	2011-2013 [h]	-	4.0	-	0.02	3.5			
			2014+ [i]	0.19	-	0.40	0.02	3.5			
	225 ≤ kW < 450	1	1996-2000	1.3 [j]	-	9.2	0.54	11.4			
		2	2001-2005	-	6.4	-	0.20	3.5			
		3	2006-2010	-	4.0	-	0.20	3.5			
		4	2011-2013 [h]	-	4.0	-	0.02	3.5			
			2014+ [i]	0.19	-	0.40	0.02	3.5			
	450 ≤ kW < 560	1	1996-2001	1.3 [j]	-	9.2	0.54	11.4			
		2	2002-2005	-	6.4	-	0.20	3.5			
		3	2006-2010	-	4.0	-	0.20	3.5			
		4	2011-2013 [h]	-	4.0	-	0.02	3.5			
			2014+ [i]	0.19	-	0.40	0.02	3.5			
	560 ≤ kW < 900	1	2000-2005	1.3 [j]	-	9.2	0.54	11.4			
		2	2006-2010	-	6.4	-	0.20	3.5			
		4	2011-2014	0.40	-	3.5	0.10	3.5			
			2015+ [i]	0.19	-	3.5 [k]	0.04 [l]	3.5			
	kW > 900	1	2000-2005	1.3 [j]	-	9.2	0.54	11.4			
		2	2006-2010	-	6.4	-	0.20	3.5			
		4	2011-2014	0.40	-	3.5 [k]	0.10	3.5			
			2015+ [i]	0.19	-	3.5 [k]	0.04 [l]	3.5			

Notes on following page.

Notes:

- For Tier 1, 2, and 3 standards, exhaust emissions of nitrogen oxides (NOx), carbon monoxide (CO), hydrocarbons (HC), and non-methane hydrocarbons (NMHC) are measured using the procedures in 40 Code of Federal Regulations (CFR) Part 89 Subpart E. For Tier 1, 2, and 3 standards, particulate matter (PM) exhaust emissions are measured using the California Regulations for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines.
- For Tier 4 standards, engines are tested for transient and steady-state exhaust emissions using the procedures in 40 CFR Part 1039 Subpart F. Transient standards do not apply to engines below 37 kilowatts (kW) before the 2013 model year, constant-speed engines, engines certified to Option 1, and engines above 560 kW.
- Tier 2 and later model naturally aspirated nonroad engines shall not discharge crankcase emissions into the atmosphere unless these emissions are permanently routed into the exhaust. This prohibition does not apply to engines using turbochargers, pumps, blowers, or superchargers.
- In lieu of the Tier 1, 2, and 3 standards for NOX, NMHC + NOX, and PM, manufacturers may elect to participate in the averaging, banking, and trading (ABT) program described in 40 CFR Part 89 Subpart C.

a Smoke emissions may not exceed 20 percent during the acceleration mode, 15 percent during the lugging mode, and 50 percent during the peaks in either mode. Smoke emission standards do not apply to single-cylinder engines, constant-speed engines, or engines certified to a PM emission standard of 0.07 grams per kilowatt-hour (g/kW-hr) or lower. Smoke emissions are measured using procedures in 40 CFR Part 86 Subpart I.

b Useful life and warranty period are expressed hours and years, whichever comes first.

c Hand-startable air-cooled direct injection engines may optionally meet a PM standard of 0.60 g/kW-hr. These engines may optionally meet Tier 2 standards through the 2009 model years. In 2010 these engines are required to meet a PM standard of 0.60 g/kW-hr.

d Useful life for constant speed engines with rated speed 3,000 revolutions per minute (rpm) or higher is 5 years or 3,000 hours, whichever comes first.

e Warranty period for constant speed engines with rated speed 3,000 rpm or higher is 2 years or 1,500 hours, whichever comes first.

f These Tier 3 standards apply only to manufacturers selecting Tier 4 Option 2. Manufacturers selecting Tier 4 Option 1 will be meeting those standards in lieu of Tier 3 standards.

g A manufacturer may certify all their engines to either Option 1 or Option 2 sets of standards starting in the indicated model year. Manufacturers selecting Option 2 must meet Tier 3 standards in the 2008-2011 model years.

h These standards are phase-out standards. Not more than 50 percent of a manufacturer's engine production is allowed to meet these standards in each model year of the phase out period. Engines not meeting these standards must meet the final Tier 4 standards.

i These standards are phased in during the indicated years. At least 50 percent of a manufacturer's engine production must meet these standards during each year of the phase in. Engines not meeting these standards must meet the applicable phase-out standards.

j For Tier 1 engines the standard is for total hydrocarbons.

k The NOx standard for generator sets is 0.67 g/kW-hr.

l The PM standard for generator sets is 0.03 g/kW-hr.

Citations: Code of Federal Regulations (CFR) citations:

- 40 CFR 89.112 = Exhaust emission standards
- 40 CFR 1039.101 = Exhaust emission standards for after 2014 model year
- 40 CFR 1039.102 = Exhaust emission standards for model year 2014 and earlier
- 40 CFR 1039 Subpart F = Exhaust emissions transient and steady state test procedures
- 40 CFR 86 Subpart I = Smoke emission test procedures
- 40 CFR 1065 = Test equipment and emissions measurement procedures

Policy: CARB Emission Factors for CI Diesel Engines – Percent HC in Relation to NMHC + NOx

Policy

When the non-methane hydrocarbon (NMHC) and nitrogen oxide (NOx) emission factor is combined, assume a breakdown of 5% and 95%, respectively.

Effective date

June 28, 2004

Definitions

The following is a list of associated definitions.

- ***CI Engine*** – Compression Ignition Engine is an internal combustion engine with operating characteristics significantly similar to the theoretical diesel combustion cycle.
- ***HC*** – Organic compound consistently entirely of hydrogen and carbon.
- ***NMHC*** – Non-Methane Hydrocarbon is the sum of all hydrocarbon air pollutants except methane.
- ***NOx*** – Nitrogen Oxides are compounds of nitric oxide (NO), nitrogen dioxide (NO_2), and other oxides of nitrogen, which are typically created during combustion processes.

Contact

Randy Frazier, x4672

Document Control

Version	Revised By	Description	Date
1.1	HL	New Policy: CARB Emission Factors – Percent HC in Relation to NMHC + NOx	06/28/04
1.2	MCL	Mapping of Policy	3/13/08

Approval

Name & Title	Signature	Date
Brian Bateman, Director of Engineering	**Signed by Brian Bateman**	2/28/2008

3. OPERATIONAL PLAN – AIR EMISSIONS DURING SSM

The UNM College of Pharmacy is owned and operated by the University of New Mexico. As soon as a malfunction occurs, the facility will shut down applicable equipment as quickly as possible to prevent the release of excess or non-permitted emissions. The facility will only start up again once it is identified that the malfunction has been addressed, and the facility will operate as normal and permitted.

Additional details are provided in this section for each piece of equipment regarding specific steps UNM will take should any malfunction occur on site, as well as further information regarding safety procedures and processes to ensure protection of employees, the general public, and the environment.

3.1 Emergency Generator Operational Plan

3.1.1 Emergency Generator Startup Procedure

A startup event for a Reciprocating Internal Combustion Engine (RICE) occurs when the unit is initially operated after being off. UNM carefully monitors the entire startup process to ensure safety and minimize airborne emissions.

The following actions included in the operational plan are critical for minimizing emissions during startup:

- Minimizing cold engine startups. UNM ensures warm engine startup by ensuring engine coolant heaters are online. These units are checked on a monthly basis.
- Ensuring the engine is achieving good combustion.
- Monitoring the opacity and color of the exhaust gases and taking the unit offline for repairs upon the observation of abnormal soot coming out of the stacks.

3.1.2 Emergency Generator Maintenance

UNM ensures the emergency generator RICE is appropriately maintained according to the manufacturer's recommendations. UNM carefully monitors the engines to ensure safety and minimize airborne emissions during regularly scheduled maintenance events.
The following actions included in the maintenance operational plan are critical for minimizing emissions during the event:

- Ensure the engine is achieving good combustion during the maintenance activity;
- Monitoring the opacity and color of the exhaust gases and taking the unit offline for repairs upon the observation of abnormal soot coming out of the stacks.

4. BEST AVAILABLE CONTROL TECHNOLOGY (BACT)

4.1 Definition of BACT

NMAC 20.11.61.7.M Contains the following definition of BACT:

> *"Best available control technology (BACT)" means an emissions limitation … based on the maximum degree of reduction for each regulated [New Source Review] 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."*

This definition is consistent with federal regulations as codified in 40 CFR 52.21(b)(12), which goes on to define an NSR pollutant to be any pollutant for which a National Ambient Air Quality Standard (NAAQs) has been established, including Volatile Organic Compounds (VOC) as a precursor to ozone emissions.[1] To apply federal guidance and national resources effectively, the College of Pharamacy has used VOC as a surrogate for the HAP listed in the regulation. VOC is an appropriate surrogate because the listed HAP also meet the definition of a VOC:

> *Volatile organic compounds (VOC) means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.*[2]

The chemical structures of benzene, toluene, and xylene are variations of a six-sided carbon ring and have the potential to participate in atmospheric chemical reactions; thus, they can be classified as VOCs. Any control device with the potential to reduce VOC emissions will naturally reduce emissions from the target HAP.

The BACT definition goes on to add the following baseline:

> *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.*

Control technologies for VOC specific to tanks and loading racks, similar to those at College of Pharamacy, are listed within the Federal Regulations (40 CFR Parts 60, 61, and 63), Reasonably Available (RACT)/BACT/Lowest Available Emission Rate (LAER) Clearinghouse (RBLC) and EPA published guidance. These resources establish national BACT standards and were reviewed in preparation of this report.

[1] 40 CFR 52.21(b)(50)(i)(B)

[2] 40 CFR 51.100(s)

4.2 Description of Source and Processes

The University of New Mexico College of Pharmacy's emergency backup generator's primary function is to provide backup power to support operations in the event of a primary power interruption. The emergency generator will be the sole source of regulatory air pollutants, including targeted Hazardous Air Pollutants (HAPs). Emergency Generator operations will be limited to 200 hours per year, with operations being conducted in line with Section 3.1 above. A high-level process flow diagram is shown in Section 2.2 above.

4.3 Selection of BACT

The proposed emergency compression ignition engine is subject to 40 CFR Part 60 Subpart IIII and 40 CFR Part 63 Subpart ZZZZ, as incorporated through 40 CFR 63.6590(C). In accordance with these standards, the engine will be a certified 40 CFR Part 60 Subpart IIII-compliant unit equipped with manufacturer-specified designs to limit emissions. As an emergency generator, the unit will be limited to no more than 200 hours of operation per year. The best available control technology for this source consists of using a compliant, certified engine equipped with advanced emission controls, operated under good combustion and maintenance practices to ensure optimal performance and minimized emissions, as outlined in Section 3.1. The proposed control strategy meets all applicable federal requirements and represents the most effective and feasible means of controlling emissions for an emergency-use engine of this type.

5. AIR DISPERSION MODELING ANALYSIS

N/A – No modeling is required since the facility consists of an emergency generator.

APPENDIX A. APPLICATION FORMS

Application for Air Pollutant Sources in Bernalillo County Source Registration (20.11.40 NMAC) and Construction Permits (20.11.41 NMAC) – Updated February 2022

Permit Application Checklist – Updated November 2025

Permit Application Review Fee Checklist – Updated March 2026.

City of Albuquerque – Environmental Health Department
Air Quality Program

Please mail this application to **P.O. Box 1293, Albuquerque, NM 87103**
or hand deliver between 8:00 am – 5:00 pm Monday – Friday to:
3rd Floor, Suite 3023 – One Civic Plaza NW, Albuquerque, NM 87102
(505) 768-1972 aqd@cabq.gov

Application for Air Pollutant Sources in Bernalillo County
Source Registration (20.11.40 NMAC) and Construction Permits (20.11.41 NMAC)

Submittal Date: April 9, 2026

Owner/Corporate Information ☐ **Check here and leave this section blank if information is exactly the same as Facility Information below.**

Company Name: **University of New Mexico**			
Mailing Address: **Scholes Hall 160, Bldg. 10, 1800 Roma Ave**	City: **Albuquerque**	State: **NM**	Zip: **87131**
Company Phone: **(505) 277-0305**	Company Contact: **Casey Hall**		
Company Contact Title: **Director Environmental Health and Safety**	Phone: **(505) 277-0305**	E-mail: **cbhall4@unm.edu**	

Stationary Source (Facility) Information: **Provide a plot plan (legal description/drawing of the facility property) with overlay sketch of facility processes, location of emission points, pollutant type, and distances to property boundaries.**

Facility Name: **UNM College of Pharmacy**			
Facility Physical Address: **2502 Marble Ave**	City: **Albuquerque**	State: **NM**	Zip: **87106**
Facility Mailing Address (if different): **N/A**	City: **N/A**	State: **N/A**	Zip: **N/A**
Facility Contact: **Casey Hall**	Title: **Director Environmental Health and Safety**		
Phone: **(505) 277-0305**	E-mail: **cbhall4@unm.edu**		
Authorized Representative Name[1]: **Casey Hall**	Authorized Representative Title: **Director Environmental Health and Safety**		

Billing Information ☒ **Check here if same contact and mailing address as corporate** ☐ **Check here if same as facility**

Billing Company Name:			
Mailing Address:	City:	State:	Zip:
Billing Contact:	Title:		
Phone:	E-mail:		

Preparer/Consultant(s) Information ☐ **Check here and leave section blank if no Consultant used or Preparer is same as Facility Contact.**

Name: **Adam Erenstein**	Title: **Principal Consultant**		
Mailing Address: **9400 Holly Ave NE, Bldg. 3, Ste B**	City: **Albuquerque**	State: **NM**	Zip: **87122**
Phone: **(505) 266-6611**	Email: **aerenstein@trinityconsultants.com**		

1. See 20.11.41.13(E)(13) NMAC.

Application for Air Pollutant Sources in Bernalillo County
Source Registration (20.11.40 NMAC) and Construction Permits (20.11.41 NMAC)

General Operation Information (if any question does not pertain to your facility, type N/A on the line or in the box)

Permitting action being requested (please refer to the definitions in 20.11.40 NMAC or 20.11.41 NMAC):			
☐ New Permit	☒ Permit Modification Current Permit #: **1969**	☐ Technical Permit Revision Current Permit #:	☐ Administrative Permit Revision Current Permit #:
☐ New Registration Certificate	☐ Modification Current Reg. #:	☐ Technical Revision Current Reg. #:	☐ Administrative Revision Current Reg. #:
UTM coordinates of facility (Zone 13, NAD 83): **13S, UTM 352,619 m E, UTM 3,884,234 m N**			
Facility type (*i.e.*, a description of your facility operations): **Emergency Generator**			
Standard Industrial Classification (SIC Code #): **8221**		North American Industry Classification System (NAICS Code #): **611310**	
Is this facility currently operating in Bernalillo County? **Yes**		If **YES**, list date of original construction: **June 9, 2009** If **NO**, list date of planned startup:	
Is the facility permanent? **Yes**		If **NO**, list dates for requested temporary operation: From **N/A** Through **N/A**	
Is the facility a portable stationary source? **No**		If **YES**, is the facility address listed above the main permitted location for this source? **N/A**	
Is the application for a physical or operational change, expansion, or reconstruction (*e.g.*, altering process, or adding, or replacing process or control equipment, etc.) to an existing facility? **Yes**			
Provide a description of the requested changes: **Installation of a new Emergency Generator**			
What is the facility's operation? ☒ Continuous ☐ Intermittent ☐ Batch			

Estimated percent of production/operation:	Jan-Mar: **25%**	Apr-Jun: **25%**	Jul-Sep: **25%**	Oct-Dec: **25%**
Requested operating times of facility:	**24** hours/day	**7** days/week	**4** weeks/month	**12** months/year

Will there be special or seasonal operating times other than shown above? This includes monthly- or seasonally-varying hours. **Yes**
If **YES**, please explain: **Emergency operation limited to 200 hours per year**
List raw materials processed:
List saleable item(s) produced:

USE INSTRUCTIONS: For the forms on the following pages, please do not alter or delete the existing footnotes or page breaks. If additional footnotes are needed then add them to the end of the existing footnote list for a given table. Only update the rows and cells within tables as necessary for your project. Unused rows can be deleted from tables. If multiple scenarios will be represented then the Uncontrolled and Controlled Emission Tables, and other tables as needed, can be duplicated and adjusted to indicate the different scenarios.

Regulated Emission Sources Table

(*E.g.*, Generator-Crusher-Screen-Conveyor-Boiler-Mixer-Spray Guns-Saws-Sander-Oven-Dryer-Furnace-Incinerator-Haul Road-Storage Pile, etc.) Match the Units listed on this Table to the same numbered line if also listed on Emissions Tables & Stack Table.

Unit Number and Description[1]		Manufacturer	Model #	Serial #	Manufacture Date	Installation Date	Modification Date[2]	Process Rate or Capacity (Hp, kW, Btu, ft^3, lbs, tons, yd^3, etc.)[3]	Fuel Type
228-EG-1	**Generator**	**Caterpillar**	**C13**	**TBD**	**2024+**	**TBD**	**N/A**	**609 hp**	**Diesel**

NOTE: To add extra rows in Word, click anywhere in the last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

1. Unit numbers must correspond to unit numbers in the previous permit unless a complete cross reference table of all units in both permits is provided.
2. To determine whether a unit has been modified, evaluate if changes have been made to the unit that impact emissions or that trigger modification as defined in 20.11.41.7(U) NMAC. If not, put N/A.
3. Basis for Equipment Process Rate or Capacity (*e.g.*, Manufacturer's Data, Field Observation/Test, etc.) **Manufacturer's Data**
   Submit information for each unit as an attachment.

Emissions Control Equipment Table

Control Equipment Units listed on this Table should either match up to the same Unit number as listed on the Regulated Emission Sources, Controlled Emissions and Stack Parameters Tables (if the control equipment is integrated with the emission unit) or should have a distinct Control Equipment Unit Number and that number should then also be listed on the Stack Parameters Table.

Control Equipment Unit Number and Description	Controlling Emissions for Unit Number(s)	Manufacturer	Model # | Serial #	Date Installed	Controlled Pollutant(s)	% Control Efficiency[1]	Method Used to Estimate Efficiency	Rated Process Rate or Capacity or Flow
N/A – There is no control equipment at this facility.								

NOTE: To add extra rows in Word, click anywhere in the last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

1. Basis for Control Equipment % Efficiency (*e.g.*, Manufacturer's Data, Field Observation/Test, AP-42, etc.). **N/A**
   Submit information for each unit as an attachment.

Exempted Sources and Exempted Activities Table

See 20.11.41 NMAC for exemptions.

Unit Number and Description	Manufacturer	Model #	Serial #	Manufacture Date	Installation Date	Modification Date[1]	Process Rate or Capacity (Hp, kW, Btu, ft^3, lbs, tons, yd^3, etc.)[2]	Fuel Type
N/A – There are no exempted sources and exempted activities at this facility								

NOTE: To add extra rows in Word, click anywhere in the last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

1. To determine whether a unit has been modified, evaluate if changes have been made to the unit that impact emissions or that trigger modification as defined in 20.11.41.7(U) NMAC. Also, consider if any changes that were made alter the status from exempt to non-exempt. If not, put N/A.
2. Basis for Equipment Process Rate or Capacity (*e.g.*, Manufacturer's Data, Field Observation/Test, etc.) **N/A**
   Submit information for each unit as an attachment.

Uncontrolled Emissions Table

(Process potential under physical/operational limitations during a 24 hr/day and 365 day/year = 8760 hrs)

Regulated Emission Units listed on this Table should match up to the same numbered line and Unit as listed on the Regulated Emissions and Controlled Tables. List total HAP values per Emission Unit if overall HAP total for the facility is ≥ 1 ton/yr.

Unit Number*	Nitrogen Oxides (NO_x)		Carbon Monoxide (CO)		Nonmethane Hydrocarbons/Volatile Organic Compounds (NMHC/VOCs)		Sulfur Dioxide (SO_2)		Particulate Matter ≤ 10 Microns (PM_{10})		Particulate Matter ≤ 2.5 Microns ($PM_{2.5}$)		Hazardous Air Pollutants (HAPs)		Method(s) used for Determination of Emissions (AP-42, Material Balance, Field Tests, etc.)
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	
228-EG-1	**3.83**	**16.76**	**3.49**	**15.29**	**0.20**	**0.88**	**5.81E-03**	**0.025**	**0.20**	**0.882**	**0.20**	**0.882**	**0.014**	**0.061**	**AP-42 Section 3.3 and NSPS iiii, Material Balance**
Totals of Uncontrolled Emissions	**3.83**	**16.76**	**3.49**	**15.29**	**0.20**	**0.88**	**5.81E-03**	**0.025**	**0.20**	**0.882**	**0.20**	**0.882**	**0.014**	**0.061**	

NOTE: To add extra rows in Word, click anywhere in the second-to-last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

*A permit is required and this application along with the additional checklist information requested on the Permit Application checklist must be provided if:

(1) any one of these process units or combination of units, has an uncontrolled emission rate greater than or equal to (≥) 10 lbs/hr or 25 tons/yr for any of the above pollutants, excluding HAPs, based on 8,760 hours of operation; or

(2) any one of these process units or combination of units, has an uncontrolled emission rate ≥ 2 tons/yr for any single HAP or ≥ 5 tons/yr for any combination of HAPs based on 8,760 hours of operation; or

(3) any one of these process units or combination of units, has an uncontrolled emission rate ≥ 5 tons/yr for lead (Pb) or any combination of lead and its compounds based on 8,760 hours of operation; or

(4) any one of the process units or combination of units is subject to an Air Board or federal emission limit or standard.

* If all of these process units, individually and in combination, have an uncontrolled emission rate less than (<) 10 lbs/hr or 25 tons/yr for all of the above pollutants (based on 8,760 hours of operation), but > 1 ton/yr for any of the above pollutants, then a source registration is required. A Registration is required, at minimum, for any amount of HAP emissions. Please complete the remainder of this form.

Controlled Emissions Table

(Based on current operations with emission controls OR requested operations with emission controls)

Regulated Emission Units listed on this Table should match up to the same numbered line and Unit as listed on the Regulated Emissions and Uncontrolled Tables. List total HAP values per Emission Unit if overall HAP total for the facility is ≥ 1 ton/yr.

Unit Number	Nitrogen Oxides (NO_X)		Carbon Monoxide (CO)		Nonmethane Hydrocarbons/Volatile Organic Compounds (NMHC/VOCs)		Sulfur Dioxide (SO_2)		Particulate Matter ≤ 10 Microns (PM_{10})		Particulate Matter ≤ 2.5 Microns ($PM_{2.5}$)		Hazardous Air Pollutants (HAPs)		Control Method	% Efficiency[1]
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr		
228-EG-1	**3.83**	**0.38**	**3.49**	**0.35**	**0.20**	**0.020**	**5.81E-03**	**5.81E-04**	**0.20**	**0.020**	**0.20**	**0.020**	**0.014**	**1.40E-03**	**Hours of Operation**	**N/A**
Totals of Controlled Emissions	**3.83**	**0.38**	**3.49**	**0.35**	**0.20**	**0.020**	**5.81E-03**	**5.81E-04**	**0.20**	**0.020**	**0.20**	**0.020**	**0.014**	**1.40E-03**		

NOTE: To add extra rows in Word, click anywhere in the second-to-last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

1. Basis for Control Method % Efficiency (*e.g.*, Manufacturer's Data, Field Observation/Test, AP-42, etc.). **Hours of Operation**
   Submit information for each unit as an attachment.

Hazardous Air Pollutants (HAPs) Emissions Table

Report the Potential Emission Rate for each HAP from each source on the Regulated Emission Sources Table that emits a given HAP. Report individual HAPs with ≥ 1 ton/yr total emissions for the facility on this table. Otherwise, report total HAP emissions for each source that emits HAPs and report individual HAPs in the accompanying application package in association with emission calculations. If this application is for a Registration solely due to HAP emissions, report the largest HAP emissions on this table and the rest, if any, in the accompanying application package.

Unit Number	Total HAPs		Acetaldehyde		Acrolein		Benzene		Toluene		Xylene					
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
228-EG-1	**0.014**	**1.40E-03**	**2.92E-03**	**2.92E-04**	**3.52E-04**	**3.52E-05**	**3.55E-03**	**3.55E-04**	**1.56E-03**	**1.56E-04**	**1.08E-03**	**1.08E-04**				
Totals of HAPs for all units:	**0.014**	**1.40E-03**	**2.92E-03**	**2.92E-04**	**3.52E-04**	**3.52E-05**	**3.55E-03**	**3.55E-04**	**1.56E-03**	**1.56E-04**	**1.08E-03**	**1.08E-04**				

NOTE: To add extra rows in Word, click anywhere in the second-to-last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

Use Instructions: Copy and paste the HAPs table here if need to list more individual HAPs.

Purchased Hazardous Air Pollutant Table*

Product Categories (Coatings, Solvents, Thinners, etc.)	Hazardous Air Pollutant (HAP), or Volatile Hazardous Air Pollutant (VHAP) Primary To The Representative As Purchased Product	Chemical Abstract Service (CAS) Number of HAP or VHAP from Representative As Purchased Product	HAP or VHAP Concentration of Representative As Purchased Product (pounds/gallon, or %)	Concentration Determination (CPDS, SDS, etc.)[1]	Total Product Purchases For Category	(-)	Quantity of Product Recovered & Disposed For Category	(=)	Total Product Usage For Category
N/A – There is no purchased HAPs at this facility.									
TOTALS					lb/yr gal/yr	(-)	lb/yr gal/yr	(=)	lb/yr gal/yr

NOTE: To add extra rows in Word, click anywhere in the second-to-last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

NOTE: Product purchases, recovery/disposal and usage should be converted to the units listed in this table. If units cannot be converted please contact the Air Quality Program prior to making changes to this table.

1. Submit, as an attachment, information on one (1) product from each Category listed above which best represents the average of all the products purchased in that Category. CPDS = Certified Product Data Sheet; SDS = Safety Data Sheet

*** A Registration is required, at minimum, for any amount of HAP or VHAP emission.**
Emissions from purchased HAP usage should be accounted for on previous tables as appropriate.
A permit may be required for these emissions if the source meets the requirements of 20.11.41 NMAC.

Material and Fuel Storage Table

(*E.g.*, Tanks, barrels, silos, stockpiles, etc.)

Storage Equipment		Product Stored	Capacity (bbls, tons, gals, acres, etc.)	Above or Below Ground	Construction (Welded, riveted) & Color	Installation Date	Loading Rate[1]	Offloading Rate[1]	True Vapor Pressure	Control Method	Seal Type	% Eff.[2]
Sub-Base Fuel Tank	**FTDW011**	**Diesel**	**654 gal**	**Above**	**TBD**	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**

NOTE: To add extra rows in Word, click anywhere in the last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

1. Basis for Loading/Offloading Rate (*e.g.*, Manufacturer's Data, Field Observation/Test, etc.). **N/A**
   Submit information for each unit as an attachment.
2. Basis for Control Method % Efficiency (*e.g.*, Manufacturer's Data, Field Observation/Test, AP-42, etc.). **N/A**
   Submit information for each unit as an attachment.

Stack Parameters Table

If any equipment from the Regulated Emission Sources Table is also listed in this Stack Table, use the same numbered line for the emission unit on both tables to show the association between the Process Equipment and its stack.

Unit Number and Description		Pollutant (CO, NOx, PM_{10}, etc.)	UTM Easting (m)	UTM Northing (m)	Stack Height (ft)	Stack Exit Temp. (°F)	Stack Velocity (fps)	Stack Flow Rate (acfm)	Stack Inside Diameter (ft)	Stack Type
228-EG-1	**Generator**	**NO_X, CO, VOC, SO_2, PM_{10}, $PM_{2.5}$, HAPs**	**352,619**	**3,884,234**	**8.15**	**1059**	**140.28**	**2938**	**0.67**	**Vertical**

NOTE: To add extra rows in Word, click anywhere in the last row. A plus (+) sign should appear on the bottom right corner of the row. Click the plus (+) sign to add a row. Repeat as needed.

Application for Air Pollutant Sources in Bernalillo County
Source Registration (20.11.40 NMAC) and Construction Permits (20.11.41 NMAC)

Certification

NOTICE REGARDING SCOPE OF A PERMIT: The Environmental Health Department's issuance of an air quality permit only authorizes the use of the specified equipment pursuant to the air quality control laws, regulations and conditions. Permits relate to air quality control only and are issued for the sole purpose of regulating the emission of air contaminants from said equipment. Air quality permits are not a general authorization for the location, construction and/or operation of a facility, nor does a permit authorize any particular land use or other form of land entitlement. It is the applicant's/permittee's responsibility to obtain all other necessary permits from the appropriate agencies, such as the City of Albuquerque Planning Department or Bernalillo County Department of Planning and Development Services, including but not limited to site plan approvals, building permits, fire department approvals and the like, as may be required by law for the location, construction and/or operation of a facility. For more information, please visit the City of Albuquerque Planning Department website at https://www.cabq.gov/planning and the Bernalillo County Department of Planning and Development Services website at https://www.bernco.gov/planning.

NOTICE REGARDING ACCURACY OF INFORMATION AND DATA SUBMITTED: Any misrepresentation of a material fact in this application and its attachments is cause for denial of a permit or revocation of part or all of the resulting registration or permit, and revocation of a permit for cause may limit the permitee's ability to obtain any subsequent air quality permit for ten (10) years. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under the Air Quality Control Act, NMSA 1978 §§ 74-2-1 to 74-2-17, is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per day per violation or by imprisonment for not more than twelve months, or by both.

I, the undersigned, hereby certify that I have knowledge of the information and data represented and submitted in this application and that the same is true and accurate, including the information and date in any and all attachments, including without limitation associated forms, materials, drawings, specifications, and other data. I also certify that the information represented gives a true and complete portrayal of the existing, modified existing, or planned new stationary source with respect to air pollution sources and control equipment. I understand that there may be significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. I also understand that the person who has applied for or has been issued an air quality permit by the Department is an obligatory party to a permit appeal filed pursuant to 20.11.81 NMAC. Further, I certify that I am qualified and authorized to file this application, to certify the truth and accuracy of the information herein, and bind the source. Moreover, I covenant and agree to comply with any requests by the Department for additional information necessary for the Department to evaluate or make a final decision regarding the application.

Signed this 30th day of April, 20 26

Teresa Costantinidis
Print Name

Executive Vice President for Finance and Administration
Print Title

Signature

Role: [X] Owner [ ] Operator

[ ] Other Authorized Representative

City of Albuquerque
Environmental Health Department
Air Quality Program

Construction Permit (20.11.41 NMAC)
Application Checklist

This checklist must be returned with the application

Any person seeking a new air quality permit, a permit modification, or an emergency permit under 20.11.41 NMAC (Construction Permits) shall do so by filing a written application with the Albuquerque-Bernalillo County Joint Air Quality Program, which 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 ("Department").

The Department will rule an application administratively incomplete if it is missing or has incorrect information. The Department may require additional information that is necessary to make a thorough review of an application, including but not limited to technical clarifications, emission calculations, emission factor usage, additional application review fees if any are required by 20.11.2 NMAC, and new or additional air dispersion modeling.

If the Department has ruled an application administratively incomplete three (3) times, the Department will deny the permit application. Any fees submitted for processing an application that has been denied will not be refunded. If the Department 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.

The following are the minimum elements that shall be included in the permit application before the Department can determine whether an application is administratively complete and ready for technical review. It is not necessary to include an element if the Department has issued a written waiver regarding the element and the waiver accompanies the application. However, the Department shall not waive any federal requirements.

At all times before the Department 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 Department. 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 Department's review and decision. While the Department is processing an application, regardless of whether the Department has determined the application is administratively complete, if the Department determines that additional information is necessary to evaluate or make a final decision regarding the application, the Department may request additional information and the applicant shall provide the requested additional information.

NOTICE REGARDING PERMIT APPEALS: A person who has applied for or has been issued an air quality permit by the Department shall be an obligatory party to a permit appeal filed pursuant to 20.11.81 NMAC.

NOTICE REGARDING SCOPE OF A PERMIT: The Department's issuance of an air quality permit only authorizes the use of the specified equipment pursuant to the air quality control laws, regulations and conditions. Permits relate to air quality control only and are issued for the sole purpose of regulating the emission of air contaminants from said equipment. Air quality permits are not a general authorization for the location, construction and/or operation of a facility, nor does a permit authorize any particular land use or other form of land entitlement. It is the applicant's/permittee's responsibility to obtain all other necessary permits from the appropriate agencies, such as the City Planning Department or County Department of Planning and Development Services, including but not limited to site plan approvals, building permits, fire department approvals and the like, as may be required by law for the location, construction and/or operation of a facility. For more information, please visit the City Planning Department website at https://www.cabq.gov/planning and the County Department of Planning and Development Services website at https://www.bernco.gov/planning.

The Applicant shall:

20.11.41.13(A) NMAC – Pre-Application Requirements:

Item	Completed	N/A[1]	Waived[2]
(1) Request a pre-application meeting with the Department using the pre-application meeting request form. Include a copy of the request form submitted to the Department.	☐	☐	☒
(2) Attend the pre-application meeting. Date of pre-application meeting:	☐	☐	☐
Pre-application meeting agenda and public notice sign checklists included with application?	☒	☐	☐

1. *Not Applicable*
2. *It is not necessary to include an element if the Department has issued a written waiver regarding the element and the waiver accompanies the application. However, the Department shall not waive any federal requirements.*

20.11.41.13(B) NMAC – Applicant's Public Notice Requirements:

Item	Included in Application	N/A[1]	Waived[2]
(1) Provide public notice in accordance with the regulation, including by certified mail or electronic mail to the designated representative(s) of the recognized neighborhood associations and recognized coalitions that are within one-half mile of the exterior boundaries of the property on which the source is or is proposed to be located. The public notice shall include all information required by Subsection C of 20.11.41.13 NMAC.	☒	☐	☐
• Contact list of representative(s) of recognized neighborhood associations and recognized coalitions cannot be more than three months old from the application submittal date. • Include memo with contact list provided by Department in application submittal.	☒	☐	☐
• Provide notice using the Notice of Intent to Construct form and Applicant Notice Cover Letter.	☒	☐	☐
(2) In accordance with the regulation, post and maintain a weather-proof sign provided by the Department in a visible location. The applicant shall keep the sign posted until the Department takes final action on the permit application. Include pictures in application showing location of sign and close-up showing information on sign.	☒	☐	☐
Documentary proof of all public notice requirements listed above and required by 20.11.41.13(E)(15) included with application?	☒	☐	☐

1. *Not Applicable; For emergency permits, the public notice requirements in 20.11.41.24 NMAC shall apply instead.*
2. *It is not necessary to include an element if the Department has issued a written waiver regarding the element and the waiver accompanies the application. However, the Department shall not waive any federal requirements.*

20.11.41.13(D) NMAC

Item	Included in Application
A person who is seeking a construction permit pursuant to 20.11.41 NMAC shall complete a permit application and file one complete original and one duplicate copy with the Department.	☒
• A high-quality electronic duplicate copy is required by the Department to speed up review and allow for the Department public notice to be posted online. The electronic copy must be an exact duplicate of the hardcopy original, including pages with signatures such as the application certification page. Note: Do not include financial information, such as a copy of a check, in the electronic PDF.	☒
The electronic submittal on thumb drive, unless alternate method is allowed by the Department, must also include modeling files, if applicable, and emission calculations file(s) in Microsoft Excel-compatible format.	☒

The Permit Application shall include:

20.11.41.13(E) NMAC – Application Contents

Item	Included in Application	N/A[1]	Waived[2]
(1) A complete permit application on the most recent form provided by the Department.	☒	☐	☐
(2) The application form includes:			
a. The applicant's name, street and post office address, and contact information;	☒	☐	☐
b. The facility owner/ operator's name, street address and mailing address, if different from the applicant;	☒	☐	☐
c. The consultant's name and contact information, if applicable;	☒	☐	☐
d. All information requested on the application form is included (*i.e.*, the form is complete).	☒	☐	☐
(3) The date the application was submitted to the Department.	☒	☐	☐
(4) Sufficient attachments for the following:			
a. Ambient impact analysis using an atmospheric dispersion model approved by the U.S. Environmental Protection Agency, and the Department to demonstrate compliance with the applicable National Ambient Air Quality Standards (NAAQS). *See* 20.11.1 NMAC. If you are modifying an existing source, the modeling must include the emissions of the entire source to demonstrate the impact the new or modified source(s) will have on existing plant emissions.	☐	☒	☐
b. The air dispersion model has been executed pursuant to a protocol that was approved in advance by the Department.	☐	☒	☐
c. Air dispersion modeling approved (or 2nd denied) protocol date:	☐	☒	☐
d. Basis or source for each emission rate (including manufacturer's specification sheets, AP-42 section sheets, test data, or corresponding supporting documentation for any other source used).	☒	☐	☐
e. All calculations used to estimate potential emission rates and controlled/proposed emissions.	☒	☐	☐
f. Basis for the estimated control efficiencies and sufficient engineering data for verification of the control equipment operation, including if necessary, design, drawing, test report and factors which affect the normal operation.	☒	☐	☐
g. Fuel data for each existing and/or proposed piece of fuel burning equipment.	☒	☐	☐
h. Anticipated maximum production capacity of the entire facility and the requested production capacity after construction and/or modification.	☒	☐	☐
i. Stack and exhaust gas parameters for all existing and proposed emission stacks.	☒	☐	☐
(5) An operational and maintenance strategy detailing:	☒	☐	☐
a. the steps the applicant will take if a malfunction occurs that may cause emission of a regulated air contaminant to exceed a limit that is included in the permit;	☒	☐	☐
b. the nature of emissions during routine startup or shutdown of the source and the source's air pollution control equipment; and	☒	☐	☐
c. the steps the applicant will take to minimize emissions during routine startup or shutdown.	☒	☐	☐
(6) A map, such as a 7.5' topographic quadrangle map published by the U.S. Geological Survey or a map of equivalent or greater scale, detail and precision, including a City or County zone atlas map that shows the proposed location of the source. Show proposed/ existing process equipment locations on aerial photograph requested in item 7.	☒	☐	☐

Item	Included in Application	N/A[1]	Waived[2]
(7) An aerial photograph showing the proposed location of each process equipment unit involved in the proposed construction, modification, relocation or technical revision of the source except for federal agencies or departments involved in national defense or national security as confirmed and agreed to by the Department in writing.	☒	☐	☐
(8) A complete description of all sources of regulated air contaminants and	☒	☐	☐
a. a process flow diagram depicting the process equipment unit or units at the facility, both existing and proposed, that are proposed to be involved in routine operations and from which regulated air contaminant emissions are expected to be emitted. Include fugitive emission points as well.	☒	☐	☐
(9) A full description of air pollution control equipment, including all calculations and the basis for all control efficiencies presented, manufacturer's specifications sheets, and site layout and assembly drawings; UTM (universal transverse mercator) coordinates shall be used to identify the location of each emission unit.	☒	☐	☐
(10) A description of the equipment or methods proposed by the applicant to be used for emission measurement.	☒	☐	☐
(11) The maximum and normal operating time schedules of the source after completion of construction or modification, as applicable.	☒	☐	☐
(12) Any other relevant information as the Department may reasonably require, including without limitation:	☒	☐	☐
a. Provide an applicability determination for all potentially applicable federal regulations.	☒	☐	☐
b. Applicants shall provide the Zoning Requirement Cover Letter Form, along with documentary proof that the proposed air quality permitted use of the facility's subject property is allowed by the zoning designation of the City or County zoning laws, as applicable. Sufficient documentation includes: (i) a zoning certification from the City Planning Department or County Department of Planning and Development Services, as applicable, if the property is subject to City or County zoning jurisdiction; or (ii) a zoning verification from both planning departments if the property is not subject to City or County zoning jurisdiction.[3] A zone atlas map shall not be sufficient.	☒	☐	☐
c. Compliance History Disclosure Form[4]	☒	☐	☐
d. BACT Analysis, if applicable, for new permit or permit modification applications.	☒	☐	☐
(13) The signature of the applicant, operator, owner or an authorized representative, certifying to the accuracy of all information as represented in the application and attachments, if any.	☒	☐	☐
(14) A check or money order for the appropriate application fee or fees required by 20.11.2 NMAC, *Fees*. (Online fee payments are now accepted as well. Application must be submitted first, then Department will provide invoice for online payment. Check box on Application Review Fee Checklist form to request invoice.)	☒	☐	☐

1. *Not Applicable*
2. *It is not necessary to include an element if the Department has issued a written waiver regarding the element and the waiver accompanies the application. However, the Department shall not waive any federal requirements.*
3. *Applicants are not required to submit documentation for the subject property's zoning designation when applying for a relocation of a portable stationary source, or a technical or administrative revision to an existing permit.*
4. *Required for applications filed pursuant to the following regulations: 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); and Acid Rain (20.11.62 NMAC); except this Form shall not be required for asbestos notifications under 20.11.20.22 NMAC, and this Form shall only be required for administrative permit revision (20.11.41.28(A) NMAC) and administrative permit amendments (20.11.42.12(E)(1) NMAC) when the action requested is a transfer of ownership. Air Quality Program staff can answer basic questions about the Compliance History Disclosure Form but will not provide specific advice about which boxes to check or whether information must be disclosed. The decision about how to answer a question and whether there is information to disclose is the responsibility of applicants/permittees.*

City of Albuquerque
Environmental Health Department
Air Quality Program

Permit Application Review Fee Checklist Instructions

All source registration and construction permit applications for stationary or portable sources shall be charged an application review fee according to the fee schedule in 20.11.2 NMAC. These filing fees are required for both new construction, reconstruction, and permit modification/revision applications. Most air quality notification (AQN) applications shall be charged an application review fee according to 20.11.39 NMAC. Qualified small businesses as defined in 20.11.2 NMAC may be eligible to pay one-half of the application review fees and 100% of all applicable federal program review fees.

Please fill out the permit application review fee checklist completely and submit with a check or money order payable to the "City of Albuquerque Fund 242" and:

1. Deliver it in person to the Albuquerque Environmental Health Department, 3rd Floor, Room 3023, Albuquerque-Bernalillo County Government Center, South Building, One Civic Plaza NW, Albuquerque, NM 87102; or

2. Mail it to Albuquerque Environmental Health Department, Air Quality Program, Permitting Division, P.O. Box 1293, Albuquerque, NM 87103; or

3. Online fee payments are now accepted as well. Application must be submitted first, then Department will provide invoice for online payment. Fill out form completely and mark check box below fee amount due on last page to request an invoice to pay the fee online.

The Department will provide a receipt of payment to the applicant. The person delivering or filing a submittal shall attach a copy of the receipt of payment to the submittal as proof of payment. Application review fees shall not be refunded without the written approval of the manager. If a refund is requested, a reasonable professional service fee to cover the costs of staff time involved in processing such requests shall be assessed. Please refer to 20.11.2 NMAC (effective January 10, 2011) for more detail concerning the "Fees" regulation as this checklist does not relieve the applicant from any applicable requirement of the regulation.

Special Instructions for Sections II and III
If your facility is applying for a new construction permit or modification subject to 20.11.41 NMAC, check either the review fee for stationary sources subject to 20.11.41 NMAC and not subject to proposed allowable emission rates **OR** check one of the review fees based on proposed allowable emission rates.

Then also check any additional Federal Program or Major Modification Review Fees that apply.
The Federal Program Review Fees apply to each subpart review that is triggered by this permitting action. Enter the number of subparts on the applicable line. For example, if you are installing a new boiler subject to 40 CFR 60, Subpart Dc, and a new emergency engine subject to 40 CFR 60, Subpart IIII, you would need to pay the 40 CFR 60 NSPS Federal Program Review Fee twice. The same would apply if units are being modified or replaced. However, if you are installing two emergency engines subject to 40 CFR 60, Subpart IIII, you would only pay the fee once because the fee is 'per subpart' not 'per unit'.

For modifications, the Federal Program fees only apply if a unit being modified is subject to federal regulations.

City of Albuquerque
Environmental Health Department
Air Quality Program

Permit Application Review Fee Checklist Effective January 1, 2026 – December 31, 2026

Please completely fill out the information in each section. Incompleteness of this checklist may result in the Albuquerque Environmental Health Department not accepting the application review fees. If you have any questions concerning this checklist, please call (505) 768-1972.

I. COMPANY INFORMATION:

Company Name	The University of New Mexico		
Company Address	Scholes Hall 160, Bldg. 10, 1800 Roma Ave, Albuquerque, NM 87131		
Facility Name	University of New Mexico College of Pharmacy		
Facility Address	2502 Marble Ave, Albuquerque, NM 87106		
Contact Person	Casey Hall		
Contact Person Phone Number	(505) 277-0205	**Email**	
Are these application review fees for an existing permitted source located within the City of Albuquerque or Bernalillo County?	**Yes** ☒	**No** ☐	
If yes, what is the current permit/registration/AQN number for this facility?	**Permit #** 1969		
Is this application review fee for a Qualified Small Business as defined in 20.11.2 NMAC? (See Definition of Qualified Small Business on Page 4)	**Yes** ☐	**No** ☒	

II. STATIONARY SOURCE APPLICATION REVIEW FEES:

If the application is for a new stationary source facility, please check all that apply. If this application is for a modification to an existing permit please see Section III. For revisions or relocations please see Sections IV or V.

Check All That Apply	Stationary Sources	Review Fee	Program Element
	Air Quality Notifications		
☐	AQN New Application	$720	2801
☐	AQN Technical Amendment	$393	2802
☐	AQN Transfer of a Prior Authorization	$393	2803
☒	*Not Applicable*	*See Sections Below*	
	Stationary Source Review Fees		
☐	Source Registration required by 20.11.40 NMAC	$734	2401
☐	A stationary source that requires a permit pursuant to 20.11.41 NMAC or other board regulation and **is not** subject to the below proposed allowable emission rates	$1,467	2301
	A stationary source that requires a permit pursuant to 20.11.41 NMAC and **is** subject to review fees based on the proposed allowable emission rate for the single highest fee pollutant	Check the appropriate tpy range below	
☐	Proposed Allowable Emission Rate equal to or greater than 1 tpy and less than 5 tpy	$1,101	2302
☐	Proposed Allowable Emission Rate equal to or greater than 5 tpy and less than 25 tpy	$2,201	2303
☐	Proposed Allowable Emission Rate equal to or greater than 25 tpy and less than 50 tpy	$4,402	2304
☐	Proposed Allowable Emission Rate equal to or greater than 50 tpy and less than 75 tpy	$6,603	2305
☐	Proposed Allowable Emission Rate equal to or greater than 75 tpy and less than 100 tpy	$8,804	2306
☐	Proposed Allowable Emission Rate equal to or greater than 100 tpy	$11,005	2307
☒	*Not Applicable*	*See Sections Below*	

Federal Program Review Fees for each subpart (In addition to the Stationary Source Application Review Fees above)				
☐	40 CFR 60 – "New Source Performance Standards" (NSPS)	x	$1,467	2308
☐	40 CFR 61 – "National Emission Standards for Hazardous Air Pollutants" (NESHAPs)	x	$1,467	2309
☐	40 CFR 63 – (NESHAPs) Promulgated Standards	x	$1,467	2310
☐	20.11.64 – (NESHAPs) Case-by-Case MACT Review (Major HAP sources)	x	$14,674	2311
☐	20.11.61 NMAC – Prevention of Significant Deterioration (PSD) Permit	x	$7,337	2312
☐	20.11.60 NMAC – Non-Attainment Area Permit	x	$7,337	2313
	Total Federal Program Review Fees		$	
☒	*Not Applicable*		*Not Applicable*	

III. MODIFICATION TO EXISTING PERMIT APPLICATION REVIEW FEES:

If the application is for a modification to an existing permit, please check all that apply. If this application is for a new stationary source facility, please see Section II. For revisions or relocations please see Sections IV or V.

Check All That Apply	Modifications	Review Fee	Program Element
Modification Application Review Fees			
☒	Proposed modification to an existing stationary source that requires a permit pursuant to 20.11.41 NMAC or other board regulation and **is not** subject to the below proposed allowable emission rates	$1,467	2321
	Proposed modification to an existing stationary source that requires a permit pursuant to 20.11.41 NMAC and **is** subject to review fees based on the proposed allowable emission rate for the single highest fee pollutant	Check the appropriate tpy range below	
☐	Proposed Allowable Emission Rate equal to or greater than 1 tpy and less than 5 tpy	$1,101	2322
☐	Proposed Allowable Emission Rate equal to or greater than 5 tpy and less than 25 tpy	$2,201	2323
☐	Proposed Allowable Emission Rate equal to or greater than 25 tpy and less than 50 tpy	$4,402	2324
☐	Proposed Allowable Emission Rate equal to or greater than 50 tpy and less than 75 tpy	$6,603	2325
☐	Proposed Allowable Emission Rate equal to or greater than 75 tpy and less than 100 tpy	$8,804	2326
☐	Proposed Allowable Emission Rate equal to or greater than 100 tpy	$11,005	2327
☐	*Not Applicable*	*See Sections Below*	
Major Modifications Review Fees (In addition to the Modification Application Review Fees above)			
☐	20.11.60 NMAC – Permitting in Non-Attainment Areas	$7,337	2333
☐	20.11.61 NMAC – Prevention of Significant Deterioration	$7,337	2334
☒	*Not Applicable*	*Not Applicable*	
Federal Program Review Fees for each subpart (This section applies only if a Federal Program Review is triggered by the proposed modification) (These fees are in addition to the Modification and Major Modification Application Review Fees above)			
☒	40 CFR 60 – "New Source Performance Standards" (NSPS)	x 1	$1,467	2328
☐	40 CFR 61 – "National Emission Standards for Hazardous Air Pollutants" (NESHAPs)	x	$1,467	2329
☐	40 CFR 63 – (NESHAPs) Promulgated Standards	x	$1,467	2330
☐	20.11.64 – (NESHAPs) Case-by-Case MACT Review (Major HAP sources)	x	$14,674	2331
☐	20.11.61 NMAC – Prevention of Significant Deterioration (PSD) Permit	x	$7,337	2332
☐	20.11.60 NMAC – Non-Attainment Area Permit	x	$7,337	2333
	Total Federal Program Review Fees		$2,934	
☐	*Not Applicable*		*Not Applicable*	

IV. ADMINISTRATIVE AND TECHNICAL REVISION APPLICATION REVIEW FEES:

If the application is for an administrative or technical revision of an existing registration or permit issued pursuant to 20.11.40 or 20.11.41 NMAC, please check one that applies. For revisions to registrations, check Administrative Revisions.

Check One	Revision Type	Review Fee	Program Element
☐	Administrative Revisions	$250	2340
☐	Technical Revisions	$500	2341
☒	*Not Applicable*	*See Sections II, III or V*	

V. PORTABLE STATIONARY SOURCE RELOCATION FEES:

If the application is for a portable stationary source relocation of an existing permit, please check one that applies.

Check One	Portable Stationary Source Relocation Type	Review Fee	Program Element
☐	No New Air Dispersion Modeling Required	$500	2501
☐	New Air Dispersion Modeling Required	$750	2502
☒	*Not Applicable*	*See Sections II, III or IV*	

VI. Please submit payment in the amount shown for the total application review fee.

Section Totals	Review Fee Amount
Section II Total	$
Section III Total	$2,394
Section IV Total	$
Section V Total	$
Total Application Review Fee	**$2,394**

☐ **Check here if an invoice is requested so Application Review Fee can be paid online.**

I, the undersigned, a responsible officer of the applicant company, certify that to the best of my knowledge, the information stated on this checklist gives a true and complete representation of the permit application review fees which are being submitted. I also understand that an incorrect submittal of permit application reviews may cause an incompleteness determination of the submitted permit application and that the balance of the appropriate permit application review fees shall be paid in full prior to further processing of the application.

Signed this 30th day of April, 20 26

Teresa Costantinidis
Print Name

Executive Vice President for Finance and Administration
Print Title

Teresa Costantinidis
Signature

Definition of Qualified Small Business as defined in 20.11.2 NMAC:
"Qualified small business" means a business that meets all of the following requirements:

(1) a business that has 100 or fewer employees;
(2) a small business concern as defined by the federal Small Business Act;
(3) a source that emits less than 50 tons per year of any individual regulated air pollutant, or less than 75 tons per year of all regulated air pollutants combined; and
(4) a source that is not a major source or major stationary source.

Note: Beginning January 1, 2011, and every January 1 thereafter, an increase based on the consumer price index shall be added to the application review fees. The application review fees established in Subsection A through D of 20.11.2.18 NMAC shall be adjusted by an amount equal to the increase in the consumer price index for the immediately-preceding year. Application review fee adjustments equal to or greater than fifty cents ($0.50) shall be rounded up to the next highest whole dollar. Application review fee adjustments totaling less than fifty cents ($0.50) shall be rounded down to the next lowest whole dollar. The department shall post the application review fees on the city of Albuquerque environmental health department air quality program website.

APPENDIX B. PRE-PERMIT APPLICATION MEETING

Pre-Permit Application Meeting Waiver Email.

Kaelin Gagnon

From: McKinstry, Michael W. <mmckinstry@cabq.gov>
Sent: Wednesday, August 13, 2025 7:11 AM
To: Adam Erenstein
Cc: Casey Hall; Oliver Seekins
Subject: RE: Emergency Generators for UNM

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Erenstein,

I see no problem with waiving the pre-application meeting for emergency generators at UNM. Contact me if you need anything else.

Regards,

MICHAEL W. MCKINSTRY
environmental health manager
o 505.768.1923
m 505.228-3441
e mmckinstry@cabq.gov
cabq.gov/ehd

From: Adam Erenstein <AErenstein@trinityconsultants.com>
Sent: Monday, August 11, 2025 4:18 PM
To: McKinstry, Michael W. <mmckinstry@cabq.gov>
Cc: Casey Hall <cbhall4@unm.edu>; Oliver Seekins <Oliver.Seekins@trinityconsultants.com>
Subject: Emergency Generators for UNM

Hi Michael,

I hope you're doing well! We are working two construction permit applications for two separate emergency generators to be located at University of New Mexico. One will be located at the UNM Police Department building and the other will be located at the Pharmacy Department building.

I wanted to see if we could waive the pre-application meeting for these construction permit applications or if you would prefer to have one. If you would prefer to have a pre-application meeting, could you provide me with a few dates that work for you?

Thanks for your help and please don't hesitate to reach out if you have any questions.

Regards,

Adam Erenstein
Principal Consultant, Manager of Consulting Services

P 505.266.6611 M 480.760.3860
Email: aerenstein@trinityconsultants.com
9400 Holly Avenue NE, Building 3, Suite B, Albuquerque, NM 87122

Connect with us: LinkedIn / YouTube / trinityconsultants.com
View our capabilities in the Environmental Consulting, Built Environment, Life Sciences, and Water & Ecology markets.

Book time to meet with me

APPENDIX C. NOTICE OF INTENT TO CONSTRUCT

Notice of Intent Cover Letter

Notice of Intent (NOI) to Construct

Email Documentation of NOI Sent to Neighborhood Associations and Coalitions

Public Notice Sign Guidelines Checklist

Pictures of Posted Notice

Fill out the required highlighted information below. Then use the Subject as the Subject line of the required public notice email(s) sent to nearby neighborhood associations/neighborhood coalitions. Copy and paste the rest of the completed information on this page into the body of the email(s) and attach the completed NOI form. If providing notice by certified mail, use this page as the cover letter and attach the NOI form.

SUBJECT: Public Notice of Proposed Air Quality Construction Permit Application University of New Mexico – College of Pharmacy

Dear Neighborhood Association/Coalition Representative(s),

Why did I receive this public notice?
You are receiving this notice in accordance with New Mexico Administrative Code (NMAC) 20.11.41.13.B(1) which requires any applicant seeking an Air Quality Construction Permit pursuant to 20.11.41 NMAC to provide public notice by certified mail or electronic mail to the designated representative(s) of the recognized neighborhood associations and recognized coalitions that are within one-half mile of the exterior boundaries of the property on which the source is or is proposed to be located.

What is the Air Quality Permit application review process?
The City of Albuquerque, Environmental Health Department, Air Quality Program (Program) is responsible for the review and issuance of Air Quality Permits for any stationary source of air contaminants within Bernalillo County. Once the application is received, the Program reviews each application and rules it either complete or incomplete. Complete applications will then go through a 30-day public comment period. Within 90 days after the Program has ruled the application complete, the Program shall issue the permit, issue the permit subject to conditions, or deny the requested permit or permit modification. The Program shall hold a Public Information Hearing pursuant to 20.11.41.15 NMAC if the Director determines there is significant public interest and a significant air quality issue is involved.

What do I need to know about this proposed application?

Applicant Name	Casey Hall
Site or Facility Name	College of Pharmacy
Site or Facility Address	2502 Marble Ave, Albuquerque, NM 87106
New or Existing Source	EXISTING
Anticipated Date of Application Submittal	April 9, 2026
Summary of Proposed Source to Be Permitted	The application is to replace an existing engine with an EPA NSPS IIII Tier 3 emission-certified diesel-fired internal combustion engine coupled with a 400-kW emergency electrical generator. The application seeks to limit the unit to 200 hours per year. The purpose of the unit is to provide emergency backup electrical power in the case of the unavoidable loss of commercial power.

What emission limits and operating schedule are being requested?
See attached Notice of Intent to Construct form for this information.

How do I get additional information regarding this proposed application?
For inquiries regarding the proposed source, contact:

- Casey Hall
- cbhall4@unm.edu
- (505) 277-0305

For inquiries regarding the air quality permitting process, contact:

- City of Albuquerque Environmental Health Department Air Quality Program
- aqd@cabq.gov
- (505) 768-1972

NOTICE FROM THE APPLICANT

Notice of Intent to Apply for Air Quality Construction Permit

You are receiving this notice because the New Mexico Air Quality Control Act (20.11.41.13B NMAC) requires any owner/operator proposing to construct or modify a facility subject to air quality regulations to provide public notice by certified mail or electronic mail to designated representatives of recognized neighborhood associations and coalitions within 0.5-mile of the property on which the source is or is proposed to be located.

This notice indicates that the owner/operator intends to apply for an Air Quality Construction Permit from the Albuquerque – Bernalillo County Joint Air Quality Program. Currently, no application for this proposed project has been submitted to the Air Quality Program. Applicants are required to include a copy of this form and documentation of mailed notices with their Air Quality Construction Permit Application.

Proposed Project Information

Applicant's name and address:
Nombre y domicilio del solicitante: UNM College of Pharmacy
2502 Marble Ave, Albuquerque, NM 87106

Owner / operator's name and address:
Nombre y domicilio del propietario u operador: University of New Mexico
Scholes Hall 160 Bld. 10, 1800 Roma Ave, Albuquerque, NM 87131

Contact for comments and inquires:
Datos actuales para comentarios y preguntas:

Name *(Nombre)*: Casey Hall
Address *(Domicilio)*: Scholes Hall 160 Bld. 10, 1800 Roma Ave, Albuquerque, NM 87131
Phone Number *(Número Telefónico)*: (505) 277-0305
E-mail Address *(Correo Electrónico)*: cbhall4@unm.edu

Actual or estimated date the application will be submitted to the department:
Fecha actual o estimada en que se entregará la solicitud al departamento: April 9th, 2026

Description of the source:
Descripción de la fuente: Emergency Generator

Exact location of the source or proposed source:
Ubicación exacta de la fuente o fuente propuesta: 2502 Marble Ave, Albuquerque, NM 87106

Nature of business:
Tipo de negocio: Emergency Generator

Process or change for which the permit is requested:
Proceso o cambio para el cuál de solicita el permiso: Replacing an emergency generator

Maximum operating schedule:
Horario máximo de operaciones: 200 hours per year

Normal operating schedule:
Horario normal de operaciones: N/A

Preliminary estimate of the maximum quantities of each regulated air contaminant the source will emit:
Estimación preliminar de las cantidades máximas de cada contaminante de aire regulado que la fuente va a emitir:

Air Contaminant *Contaminante de aire*	**Proposed Construction Permit** *Permiso de Construcción Propuesto*		**Net Changes (for permit modification or technical revision)** *Cambio Neto de Emisiones (para modificación de permiso o revisión técnica)*	
	pounds per hour *libras por hora*	tons per year *toneladas por año*	pounds per hour *libras por hora*	tons per year *toneladas por año*
NO_x	3.83	0.38	1.97	0.20
CO	3.49	0.35	3.09	0.31
VOC	0.20	0.020	0.53	0.0051
SO_2	5.81E-03	5.81E-04	-0.12	-0.011
PM_{10}	4.49E-03	4.49E-04	0.069	0.0071
$PM_{2.5}$	0.20	0.020	0.20	0.020
HAP	0.014	0.0014	0.011	0.0011

NOTE: To add extra rows for H_2S or Pb in Word, click in a box in the last row. Click the plus (+) sign that appears on the right of the row to add a row.

Questions or comments regarding this Notice of Intent should be directed to the Applicant. Contact information is provided with the Proposed Project Information on the first page of this notice. To check the status of an Air Quality Construction Permit application, call 311 and provide the Applicant's information, or visit www.cabq.gov/airquality/air-quality-permits.

The Air Quality Program will issue a Public Notice announcing a 30-day public comment period on the permit application for the proposed project when the application is deemed complete. The Air Quality Program does not process or issue notices on applications that are deemed incomplete. More information about the air quality permitting process is attached to this notice.

Air Quality Construction Permitting Overview

This is the typical process to obtain an Air Quality Construction Permit for Synthetic Minor and Minor sources of air pollution from the Albuquerque – Bernalillo County Joint Air Quality Program.

Step 1: Pre-application Meeting: The Applicant and their consultant must request a meeting with the Air Quality Program to discuss the proposed action. If air dispersion modeling is required, Air Quality Program staff discuss the modeling protocol with the Applicant to ensure that all proposed emissions are considered.

> **Notice of Intent from the Applicant:** Before submitting their application, the Applicant is required to notify all nearby neighborhood associations and interested parties that they intend to apply for an air quality permit or modify an existing permit. The Applicant is also required to post a notice sign at the facility location.

Step 2: Administrative Completeness Review and Preliminary Technical Review: The Air Quality Program has 30 days from the day the permit is received to review the permit application to be sure that it is administratively complete. This means that all application forms must be signed and filled out properly, and that all relevant technical information needed to evaluate any proposed impacts is included. If the application is not complete, the permit reviewer will return the application and request more information from the Applicant. Applicants have three opportunities to submit an administratively complete application with all relevant technical information.

> **Public Notice from the Department:** When the application is deemed complete, the Department will issue a Public Notice announcing a 30-day public comment period on the permit application. This notice is distributed to the same nearby neighborhood associations and interested parties that the Applicant sent notices to, and published on the Air Quality Program's website.
>
> During this 30-day comment period, individuals have the opportunity to submit written comments expressing their concerns or support for the proposed project, and/or to request a Public Information Hearing. If approved by the Environmental Health Department Director, Public Information Hearings are held after the technical analysis is complete and the permit has been drafted.

Step 3: Technical Analysis and Draft Permit: Air Quality Program staff review all elements of the proposed operation related to air quality, and review outputs from advanced air dispersion modeling software that considers existing emission levels in the area surrounding the proposed project, emission levels from the proposed project, and meteorological data. The total calculated level of emissions is compared to state and federal air quality standards and informs the decision on whether to approve or deny the Applicant's permit.

Draft Permit: The permit will establish emission limits, standards, monitoring, recordkeeping, and reporting requirements. The draft permit undergoes an internal peer review process to determine if the emissions were properly evaluated, permit limits are appropriate and enforceable, and the permit is clear, concise, and consistent.

> **Public Notice from the Department:** When the technical analysis is complete and the permit has been drafted, the Department will issue a second Public Notice announcing a 30-day public comment period on the technical analysis and draft permit. This second Public Notice, along with the technical analysis documentation and draft permit, will be published on the Air Quality Program's website, and the public notice for availability of the technical analysis and draft permit will only be directly sent to those who requested further information during the first comment period.

During this second 30-day comment period, residents have another opportunity to submit written comments expressing their concerns or support for the proposed project, and/or to request a Public Information Hearing.

Possible Public Information Hearing: The Environmental Health Department Director may decide to hold a Public Information Hearing for a permit application if there is significant public interest and a significant air quality issue. If a Public Information Hearing is held, it will occur after the technical analysis is complete and the permit has been drafted.

Step 4: Public Comment Evaluation and Response: The Air Quality Program evaluates all public comments received during the two 30-day public comment periods and Public Information Hearing, if held, and updates the technical analysis and draft permit as appropriate. The Air Quality Program prepares a response document to address the public comments received, and when a final decision is made on the permit application, the comment response document is published on the Air Quality Program's website and distributed to the individuals who participated in the permit process. If no comments are received, a response document is not prepared.

Step 5: Final Decision on the Application: After public comments are addressed and the final technical review is completed, the Environmental Health Department makes a final decision on the application. If the permit application meets all applicable requirements set forth by the New Mexico Air Quality Control Act and the federal Clean Air Act, the permit is approved. If the permit application does not meet all applicable requirements, it is denied.

Notifications of the final decision on the permit application and the availability of the comment response document is published on the Air Quality Program's website and distributed to the individuals who participated in the permit process.

The Department must approve a permit application if the proposed action will meet all applicable requirements and if it demonstrates that it will not result in an exceedance of ambient air quality standards. Permit writers are very careful to ensure that estimated emissions have been appropriately identified or quantified and that the emission data used are acceptable.

The Department must deny a permit application if it is deemed incomplete three times, if the proposed action will not meet applicable requirements, if estimated emissions have not been appropriately identified or quantified, or if the emission data are not acceptable for technical reasons.

For more information about air quality permitting, visit www.cabq.gov/airquality/air-quality-permits

Outlook

Public Notice of Proposed Air Quality Construction Permit Application University of New Mexico – College of Pharmacy

From Kaelin Gagnon <Kaelin.Gagnon@trinityconsultants.com>
Date Wed 4/8/2026 5:44 PM
To Casey Hall <cbhall4@unm.edu>
Cc Adam Erenstein <AErenstein@trinityconsultants.com>; Oliver Seekins <Oliver.Seekins@trinityconsultants.com>
Bcc kenny.stansbury@gmail.com <kenny.stansbury@gmail.com>; calmartin93@gmail.com <calmartin93@gmail.com>; campus.neighborhood.assoc@gmail.com <campus.neighborhood.assoc@gmail.com>; m.ryankious@gmail.com <m.ryankious@gmail.com>; info@willsonstudio.com <info@willsonstudio.com>; jearnoldjones70@gmail.com <jearnoldjones70@gmail.com>; mikekious@aol.com <mikekious@aol.com>; vgweirs@gmail.com <vgweirs@gmail.com>; meyster1@me.com <meyster1@me.com>; theboard@nobhill-nm.com <theboard@nobhill-nm.com>; maiamullen@gmail.com <maiamullen@gmail.com>; tdavisnm@gmail.com <tdavisnm@gmail.com>; northcampusna@gmail.com <northcampusna@gmail.com>; emailbrowns@aol.com <emailbrowns@aol.com>; pnswift@comcast.net <pnswift@comcast.net>; emailbrowns@aol.com <emailbrowns@aol.com>; jen.esquibel@gmail.com <jen.esquibel@gmail.com>; joebrooks@homesinabq.com <joebrooks@homesinabq.com>; summitparkNA@gmail.com <summitparkNA@gmail.com>

2 attachments (590 KB)
UNM_COP_Notice of Intent_v2.0_2026 0408.pdf; Image (3).jpg;

Dear Neighborhood Association/Coalition Representative(s),

Why did I receive this public notice?
You are receiving this notice in accordance with New Mexico Administrative Code (NMAC) 20.11.41.13.B(1) which requires any applicant seeking an Air Quality Construction Permit pursuant to 20.11.41 NMAC to provide public notice by certified mail or electronic mail to the designated representative(s) of the recognized neighborhood associations and recognized coalitions that are within one-half mile of the exterior boundaries of the property on which the source is or is proposed to be located.

What is the Air Quality Permit application review process?
The City of Albuquerque, Environmental Health Department, Air Quality Program (Program) is responsible for the review and issuance of Air Quality Permits for any stationary source of air contaminants within Bernalillo County. Once the application is received, the Program reviews each application and rules it either complete or incomplete. Complete applications will then go through a 30-day public comment period. Within 90 days after the Program has ruled the application complete, the Program shall issue the permit, issue the permit subject to conditions, or deny the requested permit or permit modification. The Program shall hold a Public Information Hearing pursuant to 20.11.41.15 NMAC if the Director determines there is significant public interest and a significant air quality issue is involved.\

What do I need to know about this proposed application?

Applicant Name	Casey Hall
Site or Facility Name	College of Pharmacy
Site or Facility Address	2502 Marble Ave, Albuquerque, NM 87106
New or Existing Source	Existing

Anticipated Date of Application Submittal	April 9, 2026
Summary of Proposed Source to be Permitted	The application is to replace an existing engine with an EPA NSPS IIII Tier 3 emission-certified diesel-fired internal combustion engine coupled with a 400-kW emergency electrical generator. The application seeks to limit the unit to 200 hours per year. The purpose of the unit is to provide emergency backup electrical power in the case of the unavoidable loss of commercial power.

What emission limits and operating schedule are being requested?
See attached Notice of Intent to Construct form for this information.

How do I get additional information regarding this proposed application?

For inquiries regarding the proposed source, contact:

- Casey Hall
- cbhall4@unm.edu
- (505) 277-0305

For inquiries regarding the air quality permitting process, contact:

- City of Albuquerque Environmental Health Department Air Quality Program
- aqd@cabq.gov
- (505) 768-1972

Sincerely,

Kaelin Gagnon
Associate Consultant

P 505.266.6611 M 915.538.7932
Email: kaelin.gagnon@trinityconsultants.com
9400 Holly Avenue NE, Building 3, Suite B, Albuquerque, NM 87122

City of Albuquerque
Environmental Health Department
Air Quality Program

Construction Permit (20.11.41 NMAC)
Pre-Permit Application Meeting Agenda Checklist & Public Notice Sign Guidelines Checklist

This entire document, including both completed checklists, must be included as part of the application package.

Any person seeking a new permit, a permit modification, or an emergency permit under 20.11.41 NMAC (Construction Permits) shall do so by filing a written application with the Albuquerque-Bernalillo County Joint Air Quality Program, which 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 ("Department").

Prior to submitting an application, per 20.11.41.13(A) NMAC, the applicant (or their consultant) shall contact the Department in writing and submit a Pre-Permit Application Meeting Request Form to request a pre-application meeting. The Pre-Permit Application Meeting Request Form is available at https://www.cabq.gov/airquality/air-quality-permits/air-quality-application-forms. The purpose of the pre-application meeting is for the Department to provide the applicant with information regarding the contents of the application and the application process.

This pre-application meeting agenda checklist is provided to aid the Department and applicant in ensuring that in the pre-permit application meeting all information regarding the contents of the application and the application process are communicated to the applicant. This is because applications that are ruled incomplete because of missing information will delay any determination or the issuance of the permit. The Department reserves the right to request additional relevant information prior to ruling the application complete in accordance with 20.11.41 NMAC.

Also included in this document is the Public Notice Sign Guidelines Checklist, which contains requirements for how the applicant must display the required weather-proof sign.

The applicant should fill out and have this agenda checklist available at the pre-application meeting to be sure all items are covered. Check the boxes to acknowledge that each item from the agenda was discussed and that requirements for the weather-proof sign were followed.

City of Albuquerque
Environmental Health Department
Air Quality Program

Public Notice Sign Guidelines

Any person seeking a permit under 20.11.41 NMAC, Construction Permits, shall do so by filing a written application with the Department. *Prior to submitting an application, the applicant shall post and maintain a weather-proof sign provided by the department. The applicant shall keep the sign posted until the department takes final action on the permit application; if an applicant can establish to the department's satisfaction that the applicant is prohibited by law from posting, at either location required, the department may waive the posting requirement and may impose different notification requirements.* **A copy of this form must be submitted with your application.**

Applications that are ruled incomplete because of missing information will delay any determination or the issuance of the permit. The Department reserves the right to request additional relevant information prior to ruling the application complete in accordance with 20.11.41 NMAC.

Applicant Company Name:
Facility Name:

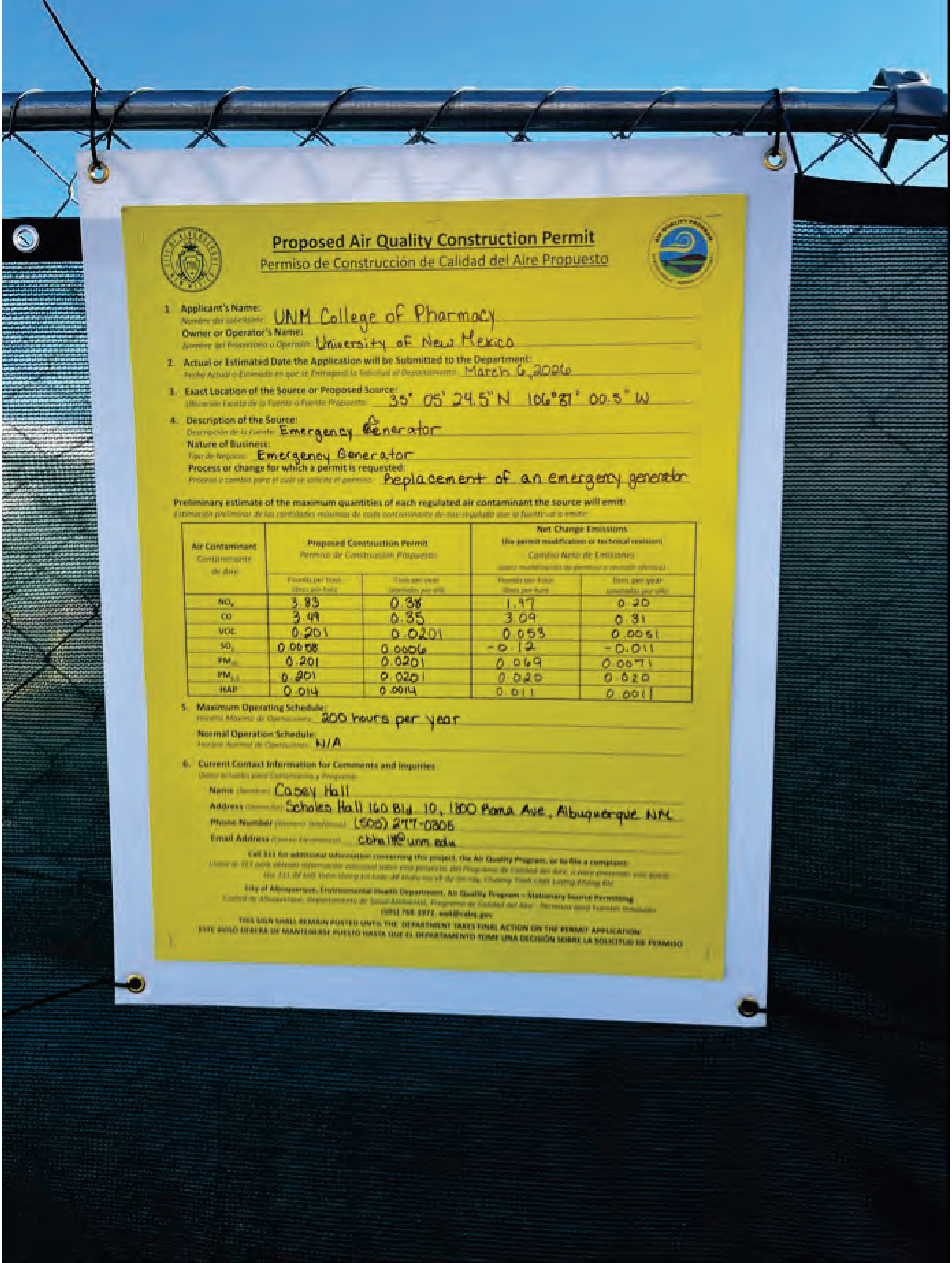
☒ The sign must be posted at the more visible of either the proposed or existing facility entrance (or, if approved in advance and in writing by the department, at another location on the property that is accessible to the public)

- ☒ The sign shall be installed and maintained in a condition such that members of the public can easily view, access, and read the sign at all times.
- ☐ The lower edge of the sign board should be mounted a minimum of 2 feet above the existing ground surface to facilitate ease of viewing

☒ Include at least two pictures of the completed, properly posted sign in the application package immediately following this document. One picture should show the location of the posted sign and the other should be close enough to the sign for the posted information to be legible in the picture.

☐ **Check here if the department has waived the sign posting requirement.**
Alternative public notice details:


RUCTION
REA
NOT
TER
HARD
HATS
REQUIRED
IN THIS
AREA
Proposed Air Quality Construction Permit



Proposed Air Quality Construction Permit

Permiso de Construcción de Calidad del Aire Propuesto

1. **Applicant's Name:** *Nombre del solicitante:* UNM College of Pharmacy
   Owner or Operator's Name: *Nombre del Propietario u Operador:* University of New Mexico
2. **Actual or Estimated Date the Application will be Submitted to the Department:** *Fecha Actual o Estimada en que se Entregará la Solicitud al Departamento:* March 6, 2026
3. **Exact Location of the Source or Proposed Source:** *Ubicación Exacta de la Fuente o Fuente Propuesta:* 35° 05' 24.5" N 106°37' 00.5" W
4. **Description of the Source:** *Descripción de la Fuente:* Emergency Generator
   Nature of Business: *Tipo de Negocio:* Emergency Generator
   Process or change for which a permit is requested: *Proceso o cambio para el cual se solicita el permiso:* Replacement of an emergency generator

Preliminary estimate of the maximum quantities of each regulated air contaminant the source will emit:

Air Contaminant (Contaminante de Aire)	Proposed Construction Permit (Permiso de Construcción Propuesto)		Net Change Emissions (for permit modification or technical revision) (Cambio Neto de Emisiones)	
	Pounds per hour (libras por hora)	Tons per year (toneladas por año)	Pounds per hour (libras por hora)	Tons per year (toneladas por año)
NO_x	3.83	0.38	1.97	0.20
CO	3.49	0.35	3.09	0.31
VOC	0.201	0.0201	0.053	0.0051
SO_2	0.0058	0.0006	-0.12	-0.011
PM_{10}	0.201	0.0201	0.069	0.0071
$PM_{2.5}$	0.201	0.0201	0.020	0.020
HAP	0.014	0.0014	0.011	0.0011

5. **Maximum Operating Schedule:** 200 hours per year
   Normal Operation Schedule: N/A
6. **Current Contact Information for Comments and Inquiries**
   Name: Casey Hall
   Address: Scholes Hall 160 Bld 10, 1800 Roma Ave, Albuquerque NM
   Phone Number: (505) 277-0306
   Email Address: cbhall@unm.edu

Call 311 for additional information concerning this project, the Air Quality Program, or to file a complaint.

City of Albuquerque, Environmental Health Department, Air Quality Program – Stationary Source Permitting

THIS SIGN SHALL REMAIN POSTED UNTIL THE DEPARTMENT TAKES FINAL ACTION ON THE PERMIT APPLICATION

ESTE AVISO DEBERÁ DE MANTENERSE PUESTO HASTA QUE EL DEPARTAMENTO TOME UNA DECISIÓN SOBRE LA SOLICITUD DE PERMISO

APPENDIX D. COMPLIANCE HISTORY DISCLOSURE FORM

Compliance History Disclosure Form – Updated March 2026

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: University of New Mexico		*Check Applicable Box*: ☒ Applicant ☐ Permittee
B. Time Period of Compliance Reporting (10 Years):	April 9, 2016	to April 9, 2026
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.		
C. Questions		
1	Knowingly misrepresented a material fact in an application for a permit?	☐ Yes ☒ No
2	Refused to disclose information required by the provisions of the New Mexico Air Quality Control Act?	☐ Yes ☒ No
3	Been convicted in any court of any state or the United States of a felony related to environmental crime?	☐ Yes ☒ 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?	☐ Yes ☒ 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?	☐ Yes ☒ No
5b	If "No" to question 5a, mark N/A and go to question 6. 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: 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 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, **and** the operator applied for an air permit within 30 calendar days of discovering that an air permit was required for the facility.	☐ Yes ☐ No ☒ N/A
6	Had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States?	☐ Yes ☒ 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 this 30th day of April, 20 26

Teresa Costantinidis
Print Name

Teresa Costantinidis
Signature

Executive Vice President for Finance and Administration
Print Title

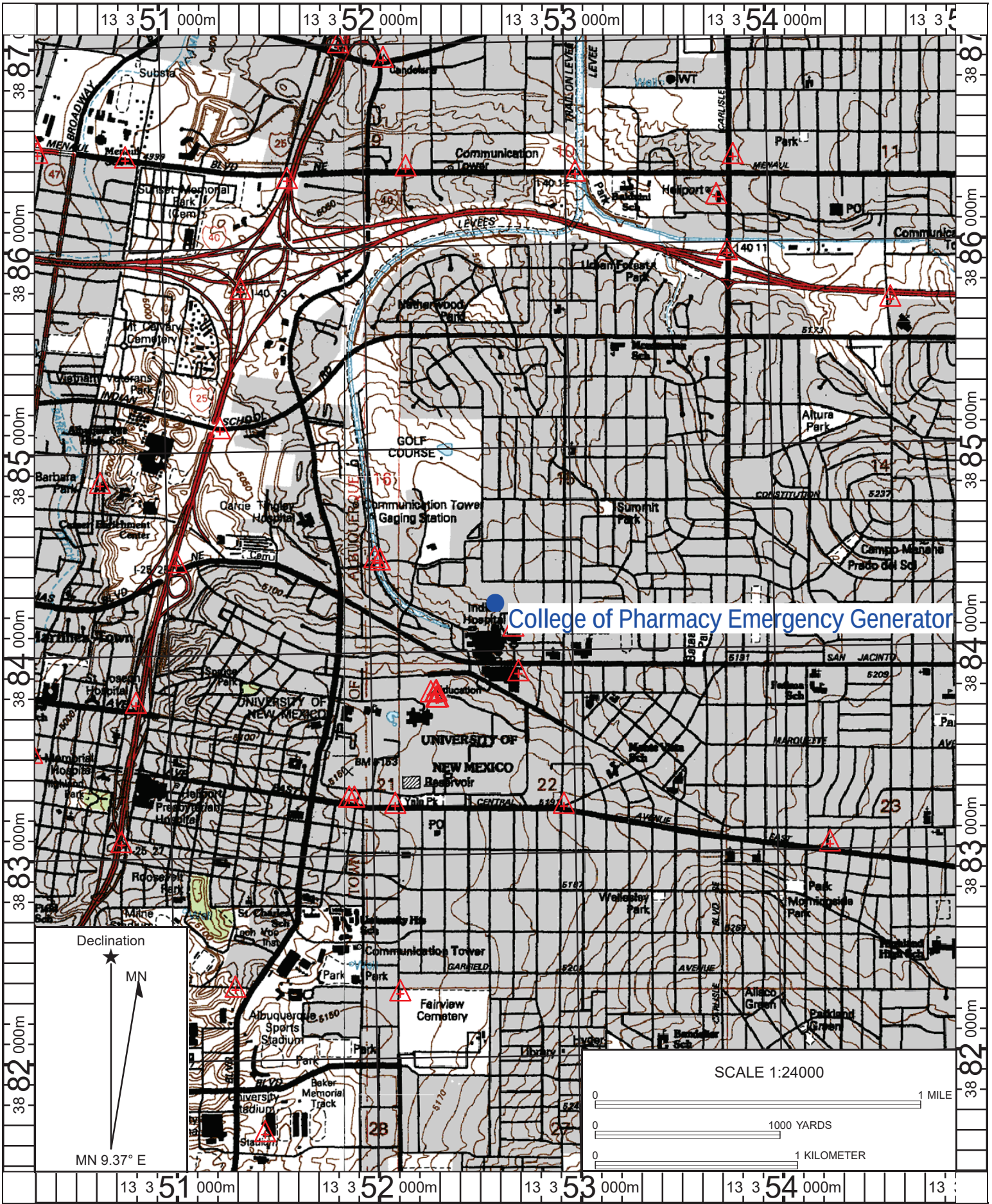
University of New Mexico
Company Name

APPENDIX E. FACILITY LOCATION AND AERIAL PHOTOGRAPH

Appendix Figure E-1: Facility Location

Appendix Figure E-2: Aerial Photograph of Process Locations

Appendix Figure E-1. Facility Location



Name: UNM College of Pharmacy Emergency Generator Location: 13 0352619 E 3884234 N
Date: April 7, 2026
Scale: 1 inch = 2,000 ft.

Datum: WGS84

Appendix Figure E-2. Aerial Photograph of Process Locations


College of Pharmacy
Emergency Generator Location
Legend
COP Emergency Generator
College of Pharmacy Emergency Generator
Frontier Ave NE
Google Earth
Image © 2026 Airbus
200 ft
N

APPENDIX F. ZONING REQUIREMENTS

Based upon review of applicable New Mexico las and certain Attorney General Options, the University's use, and proposed use, of the Proposed Property is not subject to local zoning ordinances. Specifically, Article XII, Section 3 of the New Mexico Constitution states that:

> *" The schools, colleges, university and other institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any lands granted to the state by congress, or any other funds appropriated, levied or collected for educational purposes shall be used for the support of any sectarian, denominated or private school, college or university."*

In turn, Article XII, Section 11 of the New Mexico Constitution establishes and designates the University as a state educational institution, Article XII, Section 13 provides that the "legislature shall provide for the control and management of the University of New Mexico by a board of regents…" Pursuant to NMSA 1978, § 21-7-3, "[t]he management and control of the University of New Mexico, the care and preservation of all its property, the erection and construction of all buildings necessary for its use and the disbursements and expenditures of all money shall be vested in a board of seven regents." The New Mexico Attorney General has held that the University is not subject to local municipal ordinances unless the legislature has specifically ceded its control to the municipality. See N.M. Op. AG No. 69-48. To date, the New Mexico legislature has not relinquished such control over land use zoning. A copy of N.M. Op. AG No. 69-48 is attached to this letter.

The above and attached documentation in this section notes that UNM is not subject to City of Albuquerque or Bernalillo County ordinances.

Planning & Development Services Department
415 Silver Ave. SW, 2nd Floor
Albuquerque, New Mexico 87102
Office: (505) 314-0350
Fax: (505) 314-0480
www.bernco.gov

June 7, 2023

REGENTS OF UNM REAL ESTATE DEPARTMENT

Re: Bernalillo County zoning regulations and University of New Mexico owned property

To Whom It May Concern:

This letter shall certify that Bernalillo County zoning regulations are not applicable to University of New Mexico entity owned properties. This includes properties located within the boundary of UNM Main Campus. Bernalillo County is willing to assist UNM with necessary permits, building permits for example, if approached by UNM and if appropriate. UNM may need to coordinate with the City of Albuquerque on certain projects.

Do not hesitate to contact me if you have questions concerning this matter at 314-0499 or at mgould@bernco.gov.

Sincerely,

Maggie Gould
Zoning Administrator

Enclosures:
Cc: cbhall4@unm.edu

CITY OF ALBUQUERQUE

CODE ENFORCEMENT
Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, NM 87102
Tel: (505) 924-3850 Fax: (505) 924-3847

Date: June 13, 2023

VIA cbhall4@unm.edu
University of New Mexico
ATTN: Casey Hall
MSC07 4100 1 University of New Mexico
Albuquerque NM, 87131

RE: UPC: 101505747547313402 - the "property."

To Whom It May Concern:

This letter will certify that according to the map on file in this office on June 13, 2023, the referenced property, legally described as * **013 00AAS PER PLAT C 12 1452 U N M CAMPUS** Albuquerque, Bernalillo County, New Mexico, is Zoned: RESIDENTIAL-MULTI-FAMILY HIGH DENSITY ZONE DISTRICT (R-MH).

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The current use of the property is for a University or College a Legally Nonconforming use in this zone.

This property has been inspected and it was found to be in compliance with the applicable provisions of the Integrated Development Ordinance. There is no overlay or special exceptions associated with this property. The property is not governed by an on-file Site Development Plan.

If you have any questions regarding this matter please contact me at (505) 924-3301 or by email at ametzgar@cabq.gov.

Sincerely:

Angelo Metzgar,
Code Compliance Manager, Code Enforcement, Planning Department

4-2 ALLOWABLE USES

Table 4-2-1: Allowable Uses

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary
Blank Cell = Not Allowed

Zone District >> / Land Uses	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family detached	P	P	P	P	P		P												4-3(B)(1)
Dwelling, mobile home			P																4-3(B)(2)
Dwelling, cluster development	P	P		P	P		P												4-3(B)(3)
Dwelling, cottage development	P	P	P	P	P		P												4-3(B)(4)
Dwelling, two-family detached (duplex)		P		P	P		P												4-3(B)(5)
Dwelling, townhouse				P	P	P	P	P	P	P									4-3(B)(6)
Dwelling, live-work				C	C	P	P	P	P	P	CA	CA							4-3(B)(7)
Dwelling, multi-family					P	P	P	P	P	P									4-3(B)(8)
Group Living																			
Assisted living facility or nursing home				C	P	P	P	P	P	P									
Community residential facility, small	P	P		P	P	P	P	P	P	P									4-3(B)(9)
Community residential facility, large					P	P	P	P	P	P									4-3(B)(9)
Dormitory						P	C	P	P	P									
Group home, small					C	P	P	P	P										4-3(B)(10)
Group home, medium					C	C	C	P	P	P									4-3(B)(10)
Group home, large						C			C	C									4-3(B)(10)
CIVIC AND INSTITUTIONAL USES																			
Adult or child day care facility			C	C	C	P	P	P	P	P	P	P	A	A					
BioPark																P (in D)			4-3(C)(7)
Cemetery															P				
Community center or library	C	P		P	P	P	P	P	P	P	C	C	C	C		P		C	4-3(C)(1)
Correctional facility															P				
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	P	CV			P		C	4-3(C)(2)
Fire or police station															P				
High school	C	C		C	C	P	P	P	P	P	P	P	C			P			4-3(C)(3)
Hospital									P	P	P	P							4-3(C)(4)
Museum				CV	CV	C	P	P	P	P	P	P	P	P		P	A		4-3(C)(5)
Overnight shelter									C	C	C	C	C	C					4-3(C)(6)
Parks and open space	P	P		P	P	P	P	P	P	P	P	P	C	C	A	P	P	P	4-3(C)(7)
Religious institution	P	P		P	P	P	P	P	P	P	P	P	CV	CV					4-3(C)(8)
Sports field							CV	C	P	P	P	P	P	C		P		C	

Table 4-2-1: Allowable Uses
P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
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Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
University or college						CV	CV	C	P	P	P	P	CV	CV					
Vocational school						CV	P	P	P	P	P	P	P	P					
COMMERCIAL USES																			
Agriculture and Animal-related																			
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	C	C		A	A	A	4-3(D)(1)
Equestrian facility	P																P	C	4-3(D)(2)
General agriculture	P											C	P	P			P	A	4-3(D)(3)
Kennel	C							C	C		P	P	P	P					4-3(D)(4)
Nursery	P								A		P	P	P	P		A	A		
Veterinary hospital	C						C	P	P	P	P	P	P	P					4-3(D)(5)
Other pet services	C						C	P	P	P	P	P	P	P					
Food, Beverage, and Indoor Entertainment																			
Adult entertainment												P	P	P					4-3(D)(6)
Auditorium or theater						A	A	A	P	P	P	P	P	P					4-3(D)(7)
Bar							C	C	P	P	P	P	P	P					4-3(D)(8)
Catering service									P	P	P	P	P	P					
Health club or gym			A		A	A	P	P	P	P	P	P	P	A					4-3(D)(9)
Mobile food truck court							C	P	P	P	P	P	P	C					4-3(D)(10)
Nightclub									P	P	P	P	P						4-3(D)(8)
Residential community amenity, indoor	P	P	P	P	P	P	P	P	P	P								C	4-3(D)(11)
Restaurant							C	P	P	P	P	P	P	P					4-3(D)(8)
Tap room or tasting room							C	C	P	P	P	P	P	P					4-3(D)(8)
Other indoor entertainment							C	P	P	P	P	P	P	P		P		C	4-3(D)(12)
Lodging																			
Bed and breakfast	A	CA		A	A	P	P												4-3(D)(13)
Campground or recreational vehicle park									C		P	P					A	C	4-3(D)(14)
Hotel or motel							P	P	P	P	P	P	P	P					4-3(D)(15)
Motor Vehicle-related																			
Car wash								P	P	P	P	P	P	P					4-3(D)(16)
Heavy vehicle and equipment sales, rental, fueling, and repair											P	C	P	P					4-3(D)(17)
Light vehicle fueling station								C	P	P	P	P	P	P					4-3(D)(18)
Light vehicle repair								P	P	P	P	P	P	P					4-3(D)(19)
Light vehicle sales and rental								C	P	P	P	P	P	P					4-3(D)(20)
Outdoor vehicle storage											C	C	P	P			A		4-3(D)(21)
Paid parking lot			A		A	A	C	P	P	A	P	P	P	P	A	A	A		4-3(D)(22)
Parking structure			A		A	A	CA	P	P	P	P	P	P	P	A				4-3(D)(22)
Offices and Services																			
Bank							P	P	P	P	P	P	P	CV					4-3(D)(23)

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Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
Blood services facility									C	C	C	P	P	P					
Club or event facility							C	P	P	P	P	P	P	CV		P	P	C	4-3(D)(24)
Commercial services								P	P	P	P	P	P	P					
Construction contractor facility and yard										C	P	P	P	P					4-3(D)(25)
Crematorium															P				
Medical or dental clinic							P	P	P	P	P	P	P	P					4-3(D)(26)
Mortuary								C	P	P	P	P	C		A				
Office							P	P	P	P	P	P	P	P					
Personal and business services, small							P	P	P	P	P	P	P	P					4-3(D)(27)
Personal and business services, large									P	P	P	P	P	P					4-3(D)(27)
Research or testing facility							P	P	P	P	P	P	P	P					4-3(D)(28)
Self-storage								C	C	P	P	P	P	P			A		4-3(D)(29)
Outdoor Recreation and Entertainment																			
Amphitheater										C	C	C	C	C	A	P	A	C	
Balloon Fiesta Park events and activities																P			4-3(D)(30)
Drive-in theater									C	C	C	C	C						4-3(D)(31)
Fairgrounds															P				
Residential community amenity, outdoor	P	P	P	P	P	P	P	P	P	P								A	
Stadium or racetrack															P	P			
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	A	A	A	A	P	P	P	A		P		P	4-3(D)(32)
Retail Sales																			
Adult retail										P		P	P	P					4-3(D)(6)
Art gallery	CV	CV	C	P	P	P	P	P	P	P	P		P	A					4-3(D)(33)
Bakery goods or confectionery shop							C	P	P	P	P	P	P	P					
Building and home improvement materials store									C	C	P	P	P	C					4-3(D)(34)
Cannabis retail							P	P	P	P	P	P	A	A					4-3(D)(35)
Farmers' market	T		T	T	T	T	T	P	P	P	P	P	CV	CV		P	A	CA	4-3(D)(36)
General retail, small			A			A	P	P	P	P	P	P	P	P					4-3(D)(37)
General retail, medium									P	P	P	C	C						4-3(D)(37)
General retail, large									C	C	P	P							4-3(D)(37)
Grocery store								P	P	P	P		P	P					4-3(D)(38)
Liquor retail							C	A	C	C	C	C	C	C					4-3(D)(39)
Nicotine retail							CA	A	C	C	C	C	C	C					4-3(D)(40)
Pawn shop								C	P	P	P	P	P	P					4-3(D)(41)

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Zone District >>	Residential						Mixed-use				Non-residential								
Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	**Use-specific Standards**
Transportation																			
Airport															P				4-3(D)(42)
Freight terminal or dispatch center												C	P	P					4-3(D)(43)
Helipad									CA	CA	A	P	P	P	A				4-3(D)(44)
Park-and-ride lot						C	C	C	P	C	C	P	C	C	A	A			4-3(D)(45)
Railroad yard												C	P	P					4-3(D)(46)
Transit facility						C	C	C	P	P	P	P	P	P					4-3(D)(47)
INDUSTRIAL USES																			
Manufacturing, Fabrication, and Assembly																			
Artisan manufacturing							C	P	P	P	P	P	P	P					4-3(E)(1)
Cannabis cultivation							C	P	P	P	P	P	P	P					4-3(E)(2)
Cannabis-derived products manufacturing							C	P	P	P	P	P	P	P					4-3(E)(3)
Light manufacturing										A	P	P	P	P					4-3(E)(4)
Heavy manufacturing														P					4-3(E)(5)
Natural resource extraction															P				4-3(E)(6)
Special manufacturing														C					4-3(E)(7)
Telecommunications, Towers, and Utilities																			
Drainage facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	C	
Electric utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	4-3(E)(8)
Geothermal energy generation	A	A	A	A	A	A	A	A	A	A	A	P	P	P		A	A		4-3(E)(9)
Major utility, other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	
Solar energy generation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	4-3(E)(10)
Wind energy generation							A	A	A	A	A	A	A	C	A	A	A		4-3(E)(11)
Wireless Telecommunications Facility (WTF)																			
Architecturally integrated	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Non-commercial or broadcasting antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Collocation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			4-3(E)(12)
Freestanding							P	P	P	P	P	P	P	P	A				
Public utility collocation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Roof-mounted			A		A	A	A	A	A	A	A	A	A	A	A				
Small cell	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Waste and Recycling																			
Recycling drop-off bin facility						A	A	A	A	A	P	P	P	P					4-3(E)(13)
Solid waste convenience center															P				4-3(E)(14)
Salvage yard												C	C	P					4-3(E)(15)
Waste and/or recycling transfer station															P				4-3(E)(16)
Wholesaling and Storage																			

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Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
Above-ground storage of fuels or feed													C	P					
Outdoor storage								CA	C	C	C	A	P	P					4-3(E)(17)
Warehousing									C	C	P	P	P	P					4-3(E)(18)
Wholesaling and distribution center									C	C	P	P	P	P					4-3(E)(19)
ACCESSORY AND TEMPORARY USES																			
ACCESSORY USES																			**4-3(F)(1)**
Agriculture sales stand	A	A	A	A	A	A	A	A	A	A	A	A	CA	CA			A		4-3(F)(2)
Animal keeping	A	A	A	A	A	A	A	A	A	A	A	A	A	A				CA	4-3(F)(3)
Automated Teller Machine (ATM)			A		A	A	A	A	A	A	A	A	A	A		T	T		
Drive-through or drive-up facility								A	A	CA	A	A	A						4-3(F)(4)
Dwelling unit, accessory with kitchen		A		A	A	A	A	A	A		A	A	A	A	A		A		4-3(F)(5)
Dwelling unit, accessory without kitchen	CA	A		A	A	A	A	A	A		A	A	A	A	A		A		4-3(F)(5)
Family care facility	A	A	A	A	A	A	A	A	A	A									4-3(F)(6)
Family home day care	CA	CA	CA	CA	A	A	A												4-3(F)(7)
Garden	A	A	A	A	A	A	A	A	A	A	A	A	A				A		
Hobby breeder	A	A	A	A															4-3(F)(8)
Home occupation	A	A	A	A	A	A	A	A	A	A									4-3(F)(9)
Independent living facility				A	A	A	A	A	A	A									4-3(F)(10)
Mobile food truck	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			4-3(F)(11)
Mobile vending cart							A	A	A	A	A	A	A	A		A		A	4-3(F)(12)
Outdoor animal run	A							CA	CA		CA		A	A					4-3(F)(13)
Outdoor dining area							CA	A	A	A	A	A	A	A	A				4-3(F)(14)
Second kitchen in a dwelling	A	A	A	A	A	A	A												4-3(F)(15)
Other use accessory to non-residential primary use							A	A	A	A	A	A	A	A	A			A	4-3(F)(16)
Other use accessory to residential primary use	A	A	A	A	A	A	A	A	A	A									4-3(F)(17)
TEMPORARY USES																			
Temporary Uses That Require A Permit																			
Circus									T		T	T	T						4-3(G)(1)
Construction staging area, trailer, or office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		4-3(G)(2)
Dwelling, temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		4-3(G)(3)
Fair, festival, or theatrical performance	T	T	T	T	T	T	T	T	T	T	T	T			T	T	T		4-3(G)(4)
Open air market							T	T	T	T	T						T		4-3(G)(5)

Table 4-2-1: Allowable Uses
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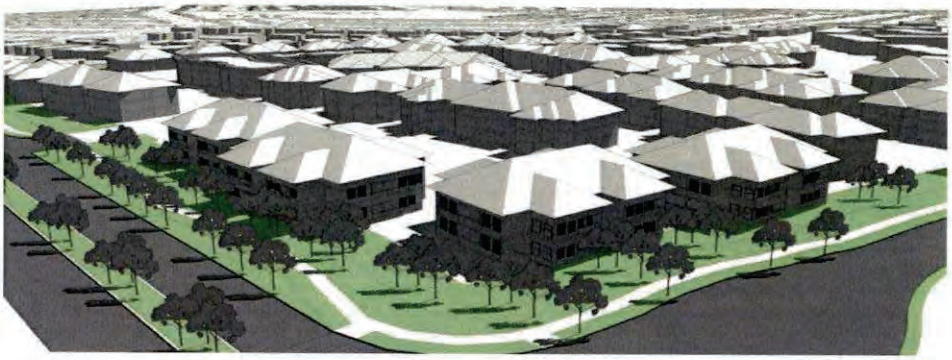
Zone District >> / Land Uses	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	
Park-and-ride facility, temporary						T	T	T	T	T	T	T	T	T	T		T		4-3(G)(6)
Real estate office or model home	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				4-3(G)(7)
Safe outdoor space							CT	CT	CT	CT	T	T	T	T					4-3(G)(8)
Seasonal outdoor sales							T	T	T	T	T	T	T	T					4-3(G)(9)
Temporary use not listed			T			T	T	T	T	T	T	T	T	T	T		T		4-3(G)(10)
Temporary Uses That Do Not Require A Permit																			
Garage or yard sale	T	T	T	T	T	T	T												4-3(G)(10)
Hot air balloon takeoff/landing	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	4-3(G)(11)

RESIDENTIAL – MULTI-FAMILY HIGH DENSITY ZONE DISTRICT (R-MH)

Purpose: The purpose of the R-MH zone district is to promote and encourage the development of high-density attached and multi-family housing, with taller, multi-story buildings encouraged in Centers and Corridors in areas close to major streets and public transit facilities. The primary land use is multi-family dwellings, with limited civic and institutional uses to serve the surrounding residential area.



This document provides a summary about development in the R-MH zone district. It includes links to Frequently Asked Questions (FAQs) about allowable uses, use-standards, development standards, and the approval process.

The document also includes a summary of the development standards and a summary of the allowable uses in this zone. To see the full Integrated Development Ordinance (IDO), click the link below.

https://ido.abc-zone.com/

Notes:

1. Check the project website for links to the Integrated Development Ordinance, the Allowable Uses Table, and excerpts from the Allowable Uses Table for each zone district.
   https://abc-zone.com/node/919
2. Check the IDO to see if there are any Use-specific Standards or an Airport Protection Overlay zone that may change the allowable uses on your property. (See IDO Part 4 and Subsection 3-3, respectively). For more information, see these FAQs:
   https://abc-zone.com/node/915
   https://abc-zone.com/node/931
3. Check the IDO to find development standards for your zone district and any context-specific standards that apply to your property. (See IDO Parts 2 and 5.) For more information, see this FAQ:
   https://abc-zone.com/node/930
4. Check the IDO to find review and approval processes that may apply to a zone district, your project, or your property. (See IDO Part 6.) For more information, see this FAQ:
   https://abc-zone.com/node/933

If you have other questions, email devhelp@cabq.gov or request a Pre-application Review Team Meeting (PRT) here:
https://www.cabq.gov/planning/urban-design-development/pre-application-review-team-meetings

Development Standards Summary

Table 2-3-11: R-MH Zone District Dimensional Standards

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas BR = bedroom DU = dwelling units

Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.

Development Location		General	UC-MS-PT
Site Standards*			
Lot size, minimum See Subsection 14-16-5-1(C)(2)	A	10,000 sq. ft.	
Lot width, minimum See Subsection 14-16-5-1(C)(2)	B	150 ft.	100 ft.
Usable open space, minimum	C	≤1 BR: 225 sq. ft. / unit 2 BR:285 sq. ft. / unit ≥3 BR: 350 sq. ft. / unit	50 % reduction
Setback Standards			
Front, minimum	D	15 ft. / N/A	0 ft. / 10 ft.
Side, minimum	E	Interior: 5 ft.; Street side: 10 ft. / N/A	0 ft. / Street side: 15 ft
Rear, minimum	F	15 ft.	
Building Height			
Building height, maximum	G	**48 ft.** >100 ft. from all lot lines: N/A	**65 ft.**

[1] Residential development that qualifies for funding through Article 14-17 of ROA 1994 (Family Housing Developments) may be eligible for development incentives specified in that Article.

*See IDO Subsection 14-16-5-1(C)(2) Contextual Residential Development in Areas of Consistency, if applicable, for additional standards that modify these general dimensional standards.

Table 2-3-12: Other Applicable IDO Sections

Overlay Zones	Part 14-16-3	Landscaping, Buffering, and Screening	14-16-5-6
Allowable Uses	14-16-4-2	Walls and Fences	14-16-5-7
Use-specific Standards	14-16-4-3	Outdoor Lighting	14-16-5-8
Dimensional Standards	14-16-5-1	Neighborhood Edges	14-16-5-9
Site Design and Sensitive Lands	14-16-5-2	Solar Access	14-16-5-10
Access and Connectivity	14-16-5-3	Building Design	14-16-5-11
Subdivision of Land	14-16-5-4	Signs	14-16-5-12
Parking and Loading	14-16-5-5	Operations and Maintenance	14-16-5-13

Use Table Summary

The following excerpt from Table 4-2-1 shows the allowable uses for the **R-MH zone district only** (highlighted). See the Integrated Development Ordinance (IDO) for the complete list of uses allowed in all zone districts and use definitions (Table 4-2-1 and Section 14-16-7-1, respectively).

- ⇨ Permissive uses (P) are allowed in this zone by right, without any other approvals
- ⇨ Conditional uses (C) require approval at a public hearing (see Subsection 14-16-6-6(A) for more info)
- ⇨ Accessory uses (A) must be in addition to an allowed primary use (either P or C)

The column on the far right (also highlighted), provides IDO section references for Use-specific Standards that may apply to a use. These Use-specific Standards may change the allowable uses depending on the context of the site or may impose requirements on the development.

Table 4-2-1: Allowable Uses

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
CV = Conditional if Structure Vacant for 5 years or more T = Temporary CT = Conditional Temporary
Blank Cell = Not Allowed

Zone District >> / Land Uses	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	LM	GM	NR-SU	NR-A	NR-B	NR-C	
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, townhouse				P	P	P	P	P	P	P									4-3(B)(6)
Dwelling, live-work				C	C	P	P	P	P	P	CA	CA							4-3(B)(7)
Dwelling, multi-family					P	P	P	P	P	P									4-3(B)(8)
Group Living																			
Assisted living facility or nursing home				C	P	P	P	P	P	P									
Community residential facility, small	P	P		P	P	P	P	P	P	P									4-3(B)(9)
Community residential facility, large					P	P	P	P	P	P									4-3(B)(9)
Dormitory						P	C	P	P	P									
Group home, small					C	P	P	P	P										4-3(B)(10)
Group home, medium					C	C	C	P	P	P									4-3(B)(10)
Group home, large						C			C	C									4-3(B)(10)

Table 4-2-1: Allowable Uses

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CV = Conditional if Structure Vacant for 5 years or more T = Temporary CT = Conditional Temporary
Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
	A	-1	MC	-T	ML	MH	C-T	K-L	-M	C-H	-C	BP	-M	-M	SU	N	R-P	O	
CIVIC AND INSTITUTIONAL USES																			
Adult or child day care facility			C	C	C	P	P	P	P	P	P	P	A	A					
Community center or library	C	P		P	P	P	P	P	P	P	C	C	C	C		P		C	4-3(C)(1)
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	P	CV			P		C	4-3(C)(2)
High school	C	C		C	C	P	P	P	P	P	P	P	C			P			4-3(C)(3)
Museum				CV	CV	C	P	P	P	P	P	P	P	P		P	A		4-3(C)(5)
Parks and open space	P	P		P	P	P	P	P	P	P	P	P	C	C	A	P	P	P	4-3(C)(7)
Religious institution	P	P		P	P	P	P	P	P	P	P	P	CV	CV					4-3(C)(8)
University or college						CV	CV	C	P	P	P	P	CV	CV					
Vocational school						CV	P	P	P	P	P	P	P	P					
COMMERCIAL USES																			
Agriculture and Animal-related																			
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	C	C		A	A	A	4-3(D)(1)
Food, Beverage, and Indoor Entertainment																			
Auditorium or theater						A	A	A	P	P	P	P	P	P					4-3(D)(7)
Health club or gym			A		A	A	P	P	P	P	P	P	P	A					4-3(D)(9)
Residential community amenity, indoor	P	P	P	P	P	P	P	P	P	P								C	4-3(D)(11)
Lodging																			
Bed and breakfast	A	CA		A	A	P	P												4-3(D)(13)
Motor Vehicle-related																			
Paid parking lot			A		A	A	C	P	P	A	P	P	P	P	A	A	A		4-3(D)(22)
Parking structure			A		A	A	CA	P	P	P	P	P	P	P	A				4-3(D)(22)
Offices and Services																			
Outdoor Recreation and Entertainment																			
Residential community amenity, outdoor	P	P	P	P	P	P	P	P	P	P								A	
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	A	A	A	A	P	P	P	A		P		P	4-3(D)(32)
Retail Sales																			
Art gallery	CV	CV	C	P	P	P	P	P	P	P	P		P	A					4-3(D)(33)
Farmers' market	T		T	T	T	T	T	P	P	P	P	P	CV	CV		P	A	CA	4-3(D)(36)
General retail, small			A			A	P	P	P	P	P	P	P	P					4-3(D)(37)
Transportation																			
Park-and-ride lot						C	C	C	P	C	C	P	C	C	A	A			4-3(D)(45)
Transit facility						C	C	C	P	P	P	P	P	P					4-3(D)(47)

Table 4-2-1: Allowable Uses

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
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Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
	A	1	MC	T	ML	MH	K-T	K-L	K-M	K-H	C-C	BP	M	M	SU	N	R-P	O	
INDUSTRIAL USES																			
Manufacturing, Fabrication, and Assembly																			
Telecommunications, Towers, and Utilities																			
Drainage facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	C	
Electric utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	4-3(E)(8)
Geothermal energy generation	A	A	A	A	A	A	A	A	A	A	A	P	P	P		A	A		4-3(E)(9)
Major utility, other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	
Solar energy generation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	4-3(E)(10)
Wireless Telecommunications Facility (WTF)																			4-3(E)(12)
Architecturally integrated	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Non-commercial or broadcasting antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Collocation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Public utility collocation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Roof-mounted			A		A	A	A	A	A	A	A	A	A	A	A				
Small cell	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Waste and Recycling																			
Recycling drop-off bin facility						A	A	A	A	A	P	P	P	P					4-3(E)(13)
Wholesaling and Storage																			

Table 4-2-1: Allowable Uses

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Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
	A	1	MC	T	ML	MH	C-T	C-L	C-M	C-H	C-C	BP	M	M	SU	N	R-	P	O	
ACCESSORY AND TEMPORARY USES																				
ACCESSORY USES																				4-3(F)(1)
Agriculture sales stand	A	A	A	A	A	A	A	A	A	A	A	A	CA	CA			A			4-3(F)(2)
Animal keeping	A	A	A	A	A	A	A	A	A	A	A	A	A	A				CA		4-3(F)(3)
Automated Teller Machine (ATM)			A		A	A	A	A	A	A	A	A	A	A		T	T			
Dwelling unit, accessory with kitchen		A		A	A	A	A	A	A		A	A	A	A	A		A			4-3(F)(5)
Dwelling unit, accessory without kitchen	CA	A		A	A	A	A	A	A		A	A	A	A	A		A			4-3(F)(5)
Family care facility	A	A	A	A	A	A	A	A	A	A										4-3(F)(6)
Family home day care	CA	CA	CA	CA	A	A	A													4-3(F)(7)
Garden	A	A	A	A	A	A	A	A	A	A	A	A	A				A			
Home occupation	A	A	A	A	A	A	A	A	A	A										4-3(F)(9)
Independent living facility				A	A	A	A	A	A	A										4-3(F)(10)
Mobile food truck	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				4-3(F)(11)
Second kitchen in a dwelling	A	A	A	A	A	A	A													4-3(F)(15)
Other use accessory to residential primary use	A	A	A	A	A	A	A	A	A	A										4-3(F)(17)
TEMPORARY USES																				
Temporary Uses That Require A Permit																				
Construction staging area, trailer, or office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			4-3(G)(2)
Dwelling, temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			4-3(G)(3)
Fair, festival, or theatrical performance	T	T	T	T	T	T	T	T	T	T	T	T			T	T	T			4-3(G)(4)
Park-and-ride facility, temporary						T	T	T	T	T	T	T	T	T	T		T			4-3(G)(6)
Real estate office or model home	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T					4-3(G)(7)
Temporary use not listed			T			T	T	T	T	T	T	T	T	T	T		T			4-3(G)(10)
Temporary Uses That Do Not Require A Permit																				
Garage or yard sale	T	T	T	T	T	T	T													4-3(G)(11)
Hot air balloon takeoff/landing	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		4-3(G)(12)

Go to previous versions of this Section

2021 New Mexico Statutes
Chapter 3 - Municipalities
Article 21 - Zoning Regulations
Section 3-21-1 - Zoning; authority of county or municipality.

Universal Citation: NM Stat § 3-21-1 (2021)

A. For the purpose of promoting health, safety, morals or the general welfare, a county or municipality is a zoning authority and may regulate and restrict within its jurisdiction the:

(1) height, number of stories and size of buildings and other structures;

(2) percentage of a lot that may be occupied;

(3) size of yards, courts and other open space;

(4) density of population; and

(5) location and use of buildings, structures and land for trade, industry, residence or other purposes.

B. The county or municipal zoning authority may:

(1) divide the territory under its jurisdiction into districts of such number, shape, area and form as is necessary to carry out the purposes of Sections 3-21-1 through 3-21-14 NMSA 1978; and

to a limited number of parties does not mean that the zoning action is necessarily quasi-judicial in nature. The fact that a particular party's proposed development or a particular parcel is in the mind of the zoning authority when it takes action does not change the nature of the zoning authority's decision from legislative to quasi-judicial. *Albuquerque Commons P'ship v. Albuquerque City Council*, 2006-NMCA-143, 140 N.M. 751, 149 P.3d 67, *rev'd*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 411.

The uniformity requirement does not prohibit different classifications within a district so long as they are reasonable and based on the public policy to be served. *Albuquerque Commons P'ship v. Albuquerque City Council*, 2006-NMCA-143, 140 N.M. 751, 149 P.3d 67, *rev'd*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 411.

When a zoning resolution is in substance an ordinance or a permanent regulation, the name given to the resolution is immaterial, and if it is passed with all the formality of an ordinance, the resolution thereby becomes a legislative act. *Albuquerque Commons P'ship v. Albuquerque City Council*, 2006-NMCA-143, 140 N.M. 751, 149 P.3d 67, *rev'd*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 411.

Comprehensive scheme to regulate land. — The Zoning Act affords counties a comprehensive scheme to regulate land use as a way to protect public health, safety and welfare. *Cerrillos Gravel Products, Inc. v. Santa Fe Bd. of Cnty. Comm'rs*, 2005-NMSC-023, 138 N.M. 126, 117 P.3d 932.

Definition of zoning. — Zoning is defined as governmental regulation of the uses of land and buildings according to districts or zones. When used to promote the public interest, it is justified and has been upheld as a legitimate exercise of the police power. New Mexico has specifically approved its use to protect and promote the safety, health, morals and general welfare. *Miller v. City of Albuquerque*, 1976-NMSC-052, 89 N.M. 503, 554 P.2d 665.

County's authority to promulgate zoning ordinances must come from enabling legislation from the state legislature, and therefore, any exercise of power under a zoning ordinance must be authorized by statute. *Burroughs v. Board of Cnty. Comm'rs*, 1975-NMSC-051, 88 N.M. 303, 540 P.2d 233.

As municipality has no zoning authority beyond that provided by this article. *Mechem v. City of Santa Fe*, 1981-NMSC-104, 96 N.M. 668, 634 P.2d 690; *City of Santa Fe v. Armijo*, 1981-NMSC-102, 96 N.M. 663, 634 P.2d 685.

751, 149 P.3d 67, *rev'd*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 411.

IV. DOWN ZONING.

Downzoning defined. — The characteristic common to all downzoning actions is that they focus on specific properties or small groups of properties within an otherwise similarly situated class, restricting or allowing uses in ways that do not apply to the surrounding area or similar areas within a municipality. *Albuquerque Commons v. Albuquerque City Council*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 411, *rev'g*, 2006-NMCA-143, 140 N.M. 751, 149 P.3d 67.

Common characteristic of downzoning. — Where the city council adopted a text amendment to a sector plan as a legislative action to create a new sub-zone within the sector plan area, which consisted of three parcels comprising six percent of the sector plan area and to impose additional, significantly more restrictive regulations that were applicable only to the new sub-zone, the amendment was a downzoing of property in the new sub-zone and a quasi-judicial action that denied the property owners in the sub-zone due process of law. *Albuquerque Commons v. Albuquerque City Council*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 411, *rev'g*, 2006-NMCA-143, 140 N.M. 751, 149 P.3d 67.

No down-zoning. — Where zoning text amendments were consistent with city's master plan, quantified and made more specific the city's policy vision to assure development of an urban center as stated in its comprehensive plan and in the prior zoning provisions and delineated how that vision would specifically come to pass in future development, and the changes applied to all property owners within the district, the zoning text amendments did not constitute a down-zoning and were legislative in nature. *Albuquerque Commons P'ship v. Albuquerque City Council*, 2006-NMCA-143, 140 N.M. 751, 149 P.3d 67, *rev'd*, 2008-NMSC-025, 144 N.M. 99, 184 P.3d 411.

V. STATE AND FEDERAL IMMUNITY.

Immunity of state. — The state is immune from any municipal zoning regulations. *City of Albuquerque v. Jackson Bros. Inc.*, 1991-NMCA-140, 113 N.M. 149, 823 P.2d 949.

Test to determine whether one political subdivision of the state is immune from the zoning laws of a co-equal political subdivision of the state. — In zoning and land use disputes between co-equal political subdivisions of the state, the statutory guidance test applies to determine whether a land use proposed by one political subdivision of the state may be prohibited by the zoning regulation of another. Under the statutory guidance test, courts review the statutory powers assigned to each entity to ascertain

whether the legislature intended that one entity's local zoning ordinances apply to the other entity's activities. *Village of Logan v. Eastern N.M. Water Util. Auth.*, 2015-NMCA-103.

In zoning and land use dispute between a municipality and a water utility authority, both of which are political subdivisions of the state established by legislative processes, the legislative purpose behind the creation of the water utility authority would be frustrated by requiring it to adhere to municipal zoning ordinances, and therefore the statutory guidance test applies to immunize the water utility authority from the municipality's zoning ordinances. *Village of Logan v. Eastern N.M. Water Util. Auth.*, 2015-NMCA-103.

State governmental body is not subject to local zoning regulations or restrictions. *City of Santa Fe v. Armijo*, 1981-NMSC-102, 96 N.M. 663, 634 P.2d 685.

County may not regulate a private entity on state land operating with the state's approval. *County of Santa Fe v. Milagro Wireless, LLC*, 2001-NMCA-070, 130 N.M. 771, 32 P.3d 214.

VI. DUE PROCESS AND TAKING ISSUES.

State-created substantive property right. — Where a municipality downzoned the landowner's property by map amendment; state case law required the municipality to establish a mistake in the original zoning or subsequent changed conditions in the neighborhood before the zoning could be legally changed; and a municipal resolution required the municipality to demonstrate that a mistake had occurred in the original zoning, that changed neighborhood or community conditions justify the change, or that a different use category is more advantageous to the community before a zoning classification could be changed by map amendment, the property owner had a state-created property right to continued zoning classification of the landowner's property unless the municipality justified the zoning change in accordance with the criteria of state case law and the municipal resolution. *Albuquerque Commons P'ship v. Albuquerque City Council*, 2009-NMCA-065, 146 N.M. 568, 212 P.3d 1122, cert. granted, 2009-NMCERT-007, 147 N.M. 363, 223 P.3d 360 and cert. denied, 1305 S.Ct. 1501, 176 L.Ed. 2d 110 (2010).

Property deprivation or due process violation. — Where state case law and a municipal resolution required the municipality to establish the substantive criteria of change, mistake or a more advantageous use category before changing the zoning classification of property, the failure of the municipality to actually establish one of the substantive criteria does not lead to a property deprivation or due process violation, the deprivation or violation only arises in the event the landowner is denied notice or a