

**CITY OF ALBUQUERQUE  
ENVIRONMENTAL HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

**PERMIT MODIFICATION APPLICATION**

**University of New Mexico (UNM)  
Economics Building (Building #57)**

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February 2024

Project 233201.0172

# TABLE OF CONTENTS

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## TABLE OF CONTENTS

<b>1. GENERAL INFORMATION</b>	<b>1-1</b>
<b>1.0 Executive Summary</b> .....	<b>1-1</b>
<b>2. DESCRIPTION OF FACILITY AND EMISSIONS INFORMATION</b>	<b>2-1</b>
<b>2.1 Description of the Facility</b> .....	<b>2-1</b>
<b>2.2 Process Flow</b> .....	<b>2-2</b>
<b>2.3 Air Pollutant Emissions and Calculation Methodology</b> .....	<b>2-3</b>
<b>2.4 Emission Calculations</b> .....	<b>2-4</b>
<b>2.5 Supporting Information</b> .....	<b>2-5</b>
<b>3. OPERATIONAL PLAN – AIR EMISSIONS DURING SSM</b>	<b>3-6</b>
<b>3.1 Emergency Generator Operational Plan</b> .....	<b>3-6</b>
<i>3.1.1 Emergency Generator Startup Procedure</i> .....	<i>3-6</i>
<i>3.1.2 Emergency Generator Shutdown Procedure</i> .....	<i>3-6</i>
<i>3.1.3 Emergency Generator Maintenance</i> .....	<i>3-6</i>
<b>4. AIR DISPERSION MODELING ANALYSIS</b>	<b>4-1</b>
<b>APPENDIX A. APPLICATION FORMS</b>	<b>A-1</b>
<b>APPENDIX B. PRE-PERMIT APPLICATION MEETING</b>	<b>B-1</b>
<b>APPENDIX C. NOTICE OF INTENT TO CONSTRUCT</b>	<b>C-1</b>
<b>APPENDIX D. COMPLIANCE HISTORY DISCLOSURE FORM</b>	<b>D-1</b>
<b>APPENDIX E. FACILITY LOCATION AND AERIAL PHOTOGRAPH</b>	<b>E-1</b>
<b>APPENDIX F. ZONING REQUIREMENT</b>	<b>F-1</b>

# 1. GENERAL INFORMATION

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## 1.0 Executive Summary

This application is being submitted for an Authority to Construct (ATC) for a permit modification to meet as built conditions for the emergency generator located at the existing Economics Building (Building #57), ATC-3255-M1. The facility is located at 1915 Roma Ave NE, Albuquerque, NM 87131

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 Rate, Nature of All Regulated Contaminants, Actual emissions.
- (5) Operational and Maintenance Strategy
- (6) Topographical Map
- (7) Aerial Photograph of 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:

- One (1) diesel-fired 64 kW Caterpillar C4.4 generator (Unit 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**

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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 main function is to provide backup power to support operations if primary power is interrupted. There are comparatively minor actual emissions from the infrequent and intermittent emergency backup operations inherent to operations at this research facility.

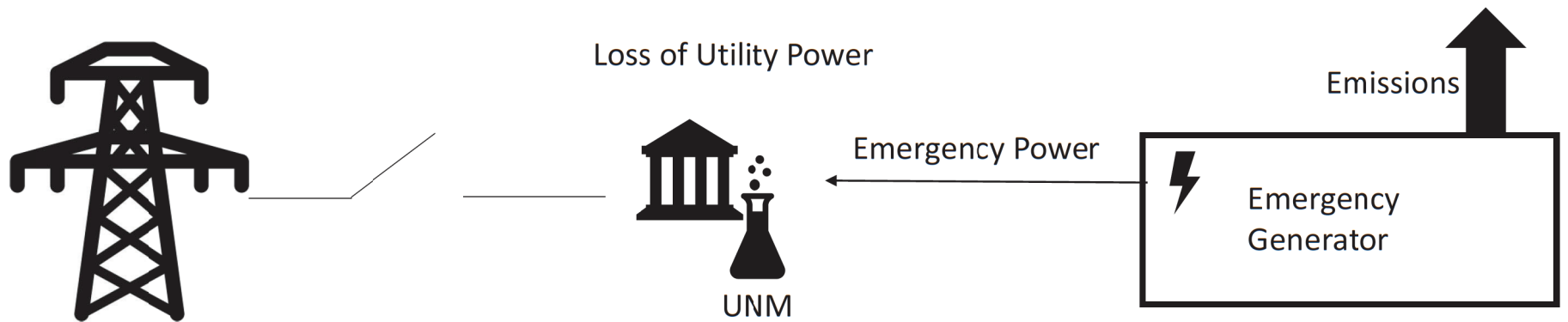
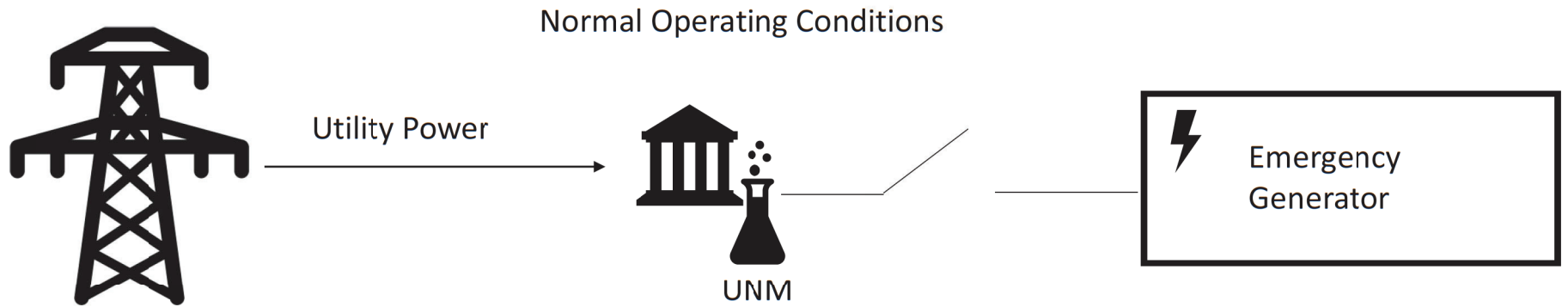
The source is subject to 40 CFR 60 Subpart IIII [New Source Performance Standards (NSPS) for compression Ignition Reciprocating Internal Combustion Engines (RICE)]. The source is not subject to 40 CFR 63 Subpart ZZZZ [National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines per 40 CFR 63.6585(f)(3)]. The unit will comply with the requirements for RICE at existing area sources.



## 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 PNM outage.

## Emergency Generator Process Flow Diagram



## 2.3 Air Pollutant Emissions and Calculation Methodology

### 2.3.1 Diesel Generator (Unit #1)

Emissions from the new generator are a result of the combustion of diesel fuel. NO<sub>x</sub>, CO, VOC and PM combustion emissions are based on emission factors certification provided from manufacturer data. SO<sub>2</sub> emissions is based on AP-42 Table 3.3-1. HAPs are based on AP-42 Table 3.3-2.

To calculate lb/hr emissions for NO<sub>x</sub>, CO, VOC, and PM, the emission factors (g/kW-hr) were multiplied by the engine's standby rating and grams were converted to pounds. To calculate lb/hr emissions for SO<sub>2</sub>, the emission factor (lb/hp-hr) was multiplied by the engines standing rating (horsepower). The lb/MMBtu HAP emission factors from AP-42 Table 3.3-2 were multiplied by the engine power and a conversion factor (7000 Btu/hp-hr) to calculate all HAP lb/hr emissions. To calculate the uncontrolled emission rate in tons per year, the lb/hr rate was multiplied by 8760 hr/yr and converted to tons (1 ton = 2,000 lb). The controlled emission rate in ton per year, the lb/hr rate was multiplied by the assumption of 200 hours per year.

## 2.4 Emission Calculations

## UNM - Economic Building

### Uncontrolled Emissions

Unit	Description	NO <sub>x</sub>		CO		VOC		SO <sub>2</sub>		PM <sub>10</sub>		PM <sub>2.5</sub>		HAP	
		lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
#1	Emergency Generator	0.62	2.72	0.14	0.62	0.021	0.093	0.18	0.77	0.049	0.22	0.049	0.22	0.0038	0.017
<b>Total</b>		<b>0.62</b>	<b>2.72</b>	<b>0.14</b>	<b>0.62</b>	<b>0.021</b>	<b>0.093</b>	<b>0.18</b>	<b>0.77</b>	<b>0.049</b>	<b>0.22</b>	<b>0.049</b>	<b>0.22</b>	<b>0.0038</b>	<b>0.017</b>

### Controlled Emissions

Unit	Description	NO <sub>x</sub>		CO		VOC		SO <sub>2</sub>		PM <sub>10</sub>		PM <sub>2.5</sub>		HAP	
		lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
#1	Emergency Generator	0.62	0.062	0.14	0.014	0.021	0.0021	0.18	0.018	0.049	0.0049	0.049	0.0049	0.0038	0.00038
<b>Total</b>		<b>0.62</b>	<b>0.062</b>	<b>0.14</b>	<b>0.014</b>	<b>0.021</b>	<b>0.0021</b>	<b>0.18</b>	<b>0.018</b>	<b>0.049</b>	<b>0.0049</b>	<b>0.049</b>	<b>0.0049</b>	<b>0.0038</b>	<b>0.00038</b>

**UNM - Economic Building**

Unit: #1  
 Engine Make: Caterpillar  
 Engine Model: C4.4 In-line 4, 4-cycle diesel  
 Uncontrolled Annual Hours of Operation: 8760 hr/yr  
 Requested Hours of Operation: 200 hr/yr  
 Generator Standby Rating: 64 kW  
 Engine Nameplate Horsepower: 85.8 hp  
 Fuel: Diesel  
 Emission Standard: Emission Certification Provided by the Manufacturer

**Criteria Pollutant and VOC Emissions**

Pollutant	Diesel Emission Factor (g/kW-hr)	Diesel Emission Factor (lb/hp-hr)	Potential Emissions (lb/hr)	Uncontrolled Emissions (tpy)	Controlled Emissions (tpy)	Emission Factor Source	Potential Emission Calculation
NO <sub>x</sub>	4.40		0.62	2.72	0.062	Based on Manufacturer Provided Certification	PTE = Emission Factor (g/kW-hr) * Generator rate (kW) / 453.6 (g/lb)
CO	1.00		0.14	0.62	0.014	Based on Manufacturer Provided Certification	PTE = Emission Factor (g/kW-hr) * Generator rate (kW) / 453.6 (g/lb)
PM <sub>10</sub>	0.35		0.049	0.22	0.0049	Based on Manufacturer Provided Certification	PTE = Emission Factor (g/kW-hr) * Generator rate (kW) / 453.6 (g/lb)
PM <sub>2.5</sub>	0.35		0.049	0.22	0.0049	Based on Manufacturer Provided Certification	PTE = Emission Factor (g/kW-hr) * Generator rate (kW) / 453.6 (g/lb)
VOC	0.15		0.021	0.093	0.0021	Based on Manufacturer Provided Certification	PTE = Emission Factor (g/kW-hr) * Generator rate (kW) / 453.6 (g/lb)
SO <sub>2</sub>		0.0021	0.18	0.77	0.018	AP-42 Table 3.3-1	PTE = Emission factor (lb/hp-hr) * Engine Power (hp)

**HAP Emissions**

Pollutant	Diesel Emission Factor (lb/MMBtu)	Potential Emissions (lb/hr)	Uncontrolled Emissions (tpy)	Controlled Emissions (tpy)	Emission Factor Source	Potential Emission Calculation
Benzene	9.33E-04	5.61E-04	0.0025	5.61E-05	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
Toluene	4.09E-04	2.46E-04	0.0011	2.46E-05	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
Xylenes	2.85E-04	1.71E-04	0.00075	1.71E-05	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
1,3-Butadiene	3.91E-05	2.35E-05	0.00010	2.35E-06	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
Formaldehyde	1.18E-03	7.09E-04	0.0031	7.09E-05	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
Propylene	2.58E-03	1.55E-03	0.0068	1.55E-04	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
Acetaldehyde	7.67E-04	4.61E-04	0.0020	4.61E-05	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
Acrolein	9.25E-05	5.56E-05	0.00024	5.56E-06	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
Naphthalene	8.48E-05	5.09E-05	0.00022	5.09E-06	AP-42 Table 3.3-2	PTE = Emission factor (lb/MMBtu) * Engine Power (hp) * 0.007 MMBtu/hp-hr
<b>Total</b>		<b>0.0038</b>	<b>0.017</b>	<b>0.00038</b>	-	-

Exhaust Parameters	
Stack Height	4.00 ft
Exit Diameter	0.29 ft
Stack Area	0.066 ft <sup>2</sup>
Exhaust Flow	122.46 ft <sup>3</sup> /min
Exhaust Flow	2.04 ft <sup>3</sup> /s
Exit Velocity	30.90 ft/s
Temperature	1060 °F

## **2.5 Supporting Information**

AP-42 Tables 3.3-1, 3.3-2: Gasoline and Diesel Industrial Engines

Nonroad Compression-Ignition Engines: Exhaust Emission Standards, (March 2016, EPA-420-B-16-022)

Table 3.3-1. EMISSION FACTORS FOR UNCONTROLLED GASOLINE AND DIESEL INDUSTRIAL ENGINES<sup>a</sup>

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 <sub>x</sub>	0.011	1.63	0.031	4.41	D
CO	6.96 E-03 <sup>d</sup>	0.99 <sup>d</sup>	6.68 E-03	0.95	D
SO <sub>x</sub>	5.91 E-04	0.084	2.05 E-03	0.29	D
PM-10 <sup>b</sup>	7.21 E-04	0.10	2.20 E-03	0.31	D
CO <sub>2</sub> <sup>c</sup>	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

<sup>a</sup> 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.

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


<sup>c</sup> Assumes 99% conversion of carbon in fuel to CO<sub>2</sub> 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.

<sup>d</sup> 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<sup>a</sup>

EMISSION FACTOR RATING: E

Pollutant	Emission Factor (Fuel Input) (lb/MMBtu)
Benzene <sup>b</sup>	9.33 E-04
Toluene <sup>b</sup>	4.09 E-04
Xylenes <sup>b</sup>	2.85 E-04
Propylene 	2.58 E-03
1,3-Butadiene <sup>b,c</sup>	<3.91 E-05
Formaldehyde <sup>b</sup>	1.18 E-03
Acetaldehyde <sup>b</sup>	7.67 E-04
Acrolein <sup>b</sup>	<9.25 E-05
Polycyclic aromatic hydrocarbons (PAH)	
Naphthalene <sup>b</sup>	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

<sup>a</sup> 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.

<sup>b</sup> Hazardous air pollutant listed in the *Clean Air Act*.

<sup>c</sup> Based on data from 1 engine.

SOME USEFUL WEIGHTS AND MEASURES

Unit Of Measure	Equivalent	
grain	0.002	ounces
gram	0.04	ounces
ounce	28.35	grams
kilogram	2.21	pounds
pound	0.45	kilograms
pound (troy)	12	ounces
ton (short)	2000	pounds
ton (long)	2240	pounds
ton (metric)	2200	pounds
ton (shipping)	40	feet <sup>3</sup>
centimeter	0.39	inches
inch	2.54	centimeters
foot	30.48	centimeters
meter	1.09	yards
yard	0.91	meters
mile	1.61	kilometers
centimeter <sup>2</sup>	0.16	inches <sup>2</sup>
inch <sup>2</sup>	6.45	centimeters <sup>2</sup>
foot <sup>2</sup>	0.09	meters <sup>2</sup>
meter <sup>2</sup>	1.2	yards <sup>2</sup>
yard <sup>2</sup>	0.84	meters <sup>2</sup>
mile <sup>2</sup>	2.59	kilometers <sup>2</sup>
centimeter <sup>3</sup>	0.061	inches <sup>3</sup>
inch <sup>3</sup>	16.39	centimeters <sup>3</sup>
foot <sup>3</sup>	283.17	centimeters <sup>3</sup>
foot <sup>3</sup>	1728	inches <sup>3</sup>

SOME USEFUL WEIGHTS AND MEASURES (cont.)

Unit Of Measure	Equivalent	
meter <sup>3</sup>	1.31	yards <sup>3</sup>
yard <sup>3</sup>	0.77	meters <sup>3</sup>
cord	128	feet <sup>3</sup>
cord	4	meters <sup>3</sup>
peck	8	quarts
bushel (dry)	4	pecks
bushel	2150.4	inches <sup>3</sup>
gallon (U. S.)	231	inches <sup>3</sup>
barrel	31.5	gallons
hogshead	2	barrels
township	36	miles <sup>2</sup>
hectare	2.5	acres

MISCELLANEOUS DATA

One cubic foot of anthracite coal weighs about 53 pounds.

One cubic foot of bituminous coal weighs from 47 to 50 pounds.

One ton of coal is equivalent to two cords of wood for steam purposes.

A gallon of water (U. S. Standard) weighs 8.33 pounds and contains 231 cubic inches.

There are 9 square feet of heating surface to each square foot of grate surface.

A cubic foot of water contains 7.5 gallons and 1728 cubic inches, and weighs 62.5 lbs.

Each nominal horsepower of a boiler requires 30 to 35 pounds of water per hour.

A horsepower is equivalent to raising 33,000 pounds one foot per minute, or 550 pounds one foot per second.

To find the pressure in pounds per square inch of a column of water, multiply the height of the column in feet by 0.434.

TYPICAL PARAMETERS OF VARIOUS FUELS<sup>a</sup>

Type Of Fuel	Heating Value		Sulfur % (by weight)	Ash % (by weight)
	kcal	Btu		
<b>Solid Fuels</b>				
Bituminous Coal	7,200/kg	13,000/lb	0.6-5.4	4-20
Anthracite Coal	6,810/kg	12,300/lb	0.5-1.0	7.0-16.0
Lignite (@ 35% moisture)	3,990/kg	7,200/lb	0.7	6.2
Wood (@ 40% moisture)	2,880/kg	5,200/lb	N	1-3
Bagasse (@ 50% moisture)	2,220/kg	4,000/lb	N	1-2
Bark (@ 50% moisture)	2,492/kg	4,500/lb	N	1-3 <sup>b</sup>
Coke, Byproduct	7,380/kg	13,300/lb	0.5-1.0	0.5-5.0
<b>Liquid Fuels</b>				
Residual Oil	9.98 x 10 <sup>6</sup> /m <sup>3</sup>	150,000/gal	0.5-4.0	0.05-0.1
Distillate Oil	9.30 x 10 <sup>6</sup> /m <sup>3</sup>	140,000/gal	0.2-1.0	N
Diesel	9.12 x 10 <sup>6</sup> /m <sup>3</sup>	137,000/gal	0.4	N
Gasoline	8.62 x 10 <sup>6</sup> /m <sup>3</sup>	130,000/gal	0.03-0.04	N
Kerosene	8.32 x 10 <sup>6</sup> /m <sup>3</sup>	135,000/gal	0.02-0.05	N
Liquid Petroleum Gas	6.25 x 10 <sup>6</sup> /m <sup>3</sup>	94,000/gal	N	N
<b>Gaseous Fuels</b>				
Natural Gas	9,341/m <sup>3</sup>	1,050/SCF	N	N
Coke Oven Gas	5,249/m <sup>3</sup>	590/SCF	0.5-2.0	N
Blast Furnace Gas	890/m <sup>3</sup>	100/SCF	N	N

<sup>a</sup> N = negligible.

<sup>b</sup> Ash content may be considerably higher when sand, dirt, etc., are present.

### 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 <sup>a</sup> (Percentage)	Useful Life (hours /years) <sup>b</sup>	Warranty Period (hours /years) <sup>b</sup>
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 <sup>c</sup>	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 <sup>d</sup>	3,000/5 <sup>e</sup>
		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 <sup>f</sup>	2008-2011	-	4.7	-	0.40	5.0			
		4 (Option 1) <sup>g</sup>	2008-2012	-	4.7	-	0.30	5.0			
		4 (Option 2) <sup>g</sup>	2012	-	4.7	-	0.03	5.0			
		4	2013+	-	4.7	-	0.03	5.0			
	56 ≤ kW < 75	1	1998-2003	-	-	9.2	-	-		8,000/10	3,000/5
		2	2004-2007	-	7.5	-	0.40	5.0			
		3	2008-2011	-	4.7	-	0.40	5.0			
		4	2012-2013 <sup>h</sup>	-	4.7	-	0.02	5.0			
			2014+ <sup>i</sup>	0.19	-	0.40	0.02	5.0			
75 ≤ kW < 130	1	1997-2002	-	-	9.2	-	-	8,000/10	3,000/5		
	2	2003-2006	-	6.6	-	0.30	5.0				
	3	2007-2011	-	4.0	-	0.30	5.0				
	4	2012-2013 <sup>h</sup>	-	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 <sup>a</sup> (Percentage)	Useful Life (hours /years) <sup>b</sup>	Warranty Period (hours /years) <sup>b</sup>
<b>Federal</b>	130 ≤ kW < 225	1	1996-2002	1.3 <sup>j</sup>	-	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 <sup>h</sup>	-	4.0	-	0.02	3.5			
			2014+ <sup>i</sup>	0.19	-	0.40	0.02	3.5			
	225 ≤ kW < 450	1	1996-2000	1.3 <sup>j</sup>	-	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 <sup>h</sup>	-	4.0	-	0.02	3.5			
			2014+ <sup>i</sup>	0.19	-	0.40	0.02	3.5			
	450 ≤ kW < 560	1	1996-2001	1.3 <sup>j</sup>	-	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 <sup>h</sup>	-	4.0	-	0.02	3.5			
			2014+ <sup>i</sup>	0.19	-	0.40	0.02	3.5			
	560 ≤ kW < 900	1	2000-2005	1.3 <sup>j</sup>	-	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+ <sup>i</sup>	0.19	-	3.5 <sup>k</sup>	0.04 <sup>l</sup>	3.5			
	kW > 900	1	2000-2005	1.3 <sup>j</sup>	-	9.2	0.54	11.4			
2		2006-2010	-	6.4	-	0.20	3.5				
4		2011-2014	0.40	-	3.5 <sup>k</sup>	0.10	3.5				
		2015+ <sup>i</sup>	0.19	-	3.5 <sup>k</sup>	0.04 <sup>l</sup>	3.5				

Notes on following page.

**Notes:**

- For Tier 1, 2, and 3 standards, exhaust emissions of nitrogen oxides (NO<sub>x</sub>), 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 NO<sub>x</sub>, NMHC + NO<sub>x</sub>, 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 NO<sub>x</sub> 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

## 3. OPERATIONAL PLAN – AIR EMISSIONS DURING SSM

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Economics Building is owned and operated by University of New Mexico. As soon as a malfunction occurs, the facility will shut down applicable equipment as soon as possible to ensure no excess emissions or non-permitted emissions are released. The facility will only startup again once it is identified that the malfunction is 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 details 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 gasses and taking the unit offline for repairs upon the observation of abnormal soot coming out of the stacks.

#### 3.1.2 Emergency Generator Shutdown Procedure

A shutdown event for a RICE occurs when the unit is shut down after a period of operation. UNM carefully monitors the entire shutdown process to ensure safety and minimize airborne emissions.

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

- ▶ Removing the full electrical load from the system and initiating a cool-down cycle before the engine is stopped.
- ▶ Monitoring the opacity and color of the exhaust gasses and taking the unit offline for repairs upon the observation of abnormal soot coming out of the stacks.

#### 3.1.3 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 gasses and taking the unit offline for repairs upon the observation of abnormal soot coming out of the stacks.

## 4. AIR DISPERSION MODELING ANALYSIS

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

## **APPENDIX A. APPLICATION FORMS**

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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 2023

Permit Application Review Fee Checklist – Updated January 2024



**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: January 16, 2024

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

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

**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: <b>UNM Economics Building (Building #57)</b>			
Facility Physical Address: <b>1915 Roma Ave NE</b>	City: <b>Albuquerque</b>	State: <b>NM</b>	Zip: <b>87131</b>
Facility Mailing Address (if different): <b>N/A</b>	City: <b>N/A</b>	State: <b>N/A</b>	Zip: <b>N/A</b>
Facility Contact: <b>Casey Hall</b>	Title: <b>Director Environmental Health and Safety</b>		
Phone: <b>(505) 277-0305</b>	E-mail: <b>cbhall4@unm.edu</b>		
Authorized Representative Name <sup>1</sup> : <b>Casey Hall</b>	Authorized Representative Title: <b>Director Environmental Health and Safety</b>		

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

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):				
<input type="checkbox"/> New Permit	<input checked="" type="checkbox"/> Permit Modification Current Permit #: <b>ATC-3255-M1</b>	<input type="checkbox"/> Technical Permit Revision Current Permit #:	<input type="checkbox"/> Administrative Permit Revision Current Permit #:	
<input type="checkbox"/> New Registration Certificate	<input type="checkbox"/> Modification Current Reg. #:	<input type="checkbox"/> Technical Revision Current Reg. #:	<input type="checkbox"/> Administrative Revision Current Reg. #:	
UTM coordinates of facility (Zone 13, NAD 83): <b>13S, UTM 352255 m E, UTM 3883811 m N</b>				
Facility type ( <i>i.e.</i> , a description of your facility operations): <b>Emergency Generator</b>				
Standard Industrial Classification (SIC Code #): <b>8221</b>		North American Industry Classification System ( <a href="#">NAICS Code #</a> ): <b>611310</b>		
Is this facility currently operating in Bernalillo County? <b>Yes</b>		If <b>YES</b> , list date of original construction: <b>TBD</b> If <b>NO</b> , list date of planned startup:		
Is the facility permanent? <b>Yes</b>		If <b>NO</b> , list dates for requested temporary operation: From <b>N/A</b> Through <b>N/A</b>		
Is the facility a portable stationary source? <b>No</b>		If <b>YES</b> , is the facility address listed above the main permitted location for this source? <b>N/A</b>		
Is the application for a physical or operational change, expansion, or reconstruction ( <i>e.g.</i> , altering process, or adding, or replacing process or control equipment, etc.) to an existing facility? <b>Yes</b>				
Provide a description of the requested changes: <b>Replacing Emergency Generator</b>				
What is the facility's operation? <input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Batch				
Estimated percent of production/operation:	Jan-Mar: <b>25%</b>	Apr-Jun: <b>25%</b>	Jul-Sep: <b>25%</b>	Oct-Dec: <b>25%</b>
Requested operating times of facility:	<b>24 hours/day</b>	<b>7 days/week</b>	<b>4 weeks/month</b>	<b>12 months/year</b>
Will there be special or seasonal operating times other than shown above? This includes monthly- or seasonally-varying hours. <b>Yes</b>				
If <b>YES</b> , please explain: <b>Emergency operation limited to 200 hours per year</b>				
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.

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

**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 <sup>1</sup>	Manufacturer	Model #	Serial #	Manufacture Date	Installation Date	Modification Date <sup>2</sup>	Process Rate or Capacity (Hp, kW, Btu, ft <sup>3</sup> , lbs, tons, yd <sup>3</sup> , etc.) <sup>3</sup>	Fuel Type
<b>1</b> <b>Generator</b>	<b>Caterpillar</b>	<b>C4.4</b>	<b>E3L01203</b>	<b>07/2016</b>	<b>2017</b>	<b>N/A</b>	<b>64 kW (85.8 hp)</b>	<b>Diesel</b>

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.

- 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.
- 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.
- Basis for Equipment Process Rate or Capacity (e.g., Manufacturer’s Data, Field Observation/Test, etc.) **Manufacturer Certification, and AP 42**  
Submit information for each unit as an attachment.

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

**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 <sup>1</sup>	Method Used to Estimate Efficiency	Rated Process Rate or Capacity or Flow
<b>N/A – There is no control equipment at this facility.</b>								

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.

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

**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 <sup>1</sup>	Process Rate or Capacity (Hp, kW, Btu, ft <sup>3</sup> , lbs, tons, yd <sup>3</sup> , etc.) <sup>2</sup>	Fuel Type
<b>N/A – There are no exempted sources and exempted activities at this facility</b>								
							/	

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.



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

**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  $\geq 1$  ton/yr.

Unit Number*	Nitrogen Oxides (NO <sub>x</sub> )		Carbon Monoxide (CO)		Nonmethane Hydrocarbons/Volatile Organic Compounds (NMHC/VOCs)		Sulfur Dioxide (SO <sub>2</sub> )		Particulate Matter $\leq 10$ Microns (PM <sub>10</sub> )		Particulate Matter $\leq 2.5$ Microns (PM <sub>2.5</sub> )		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	
<b>1</b>	<b>0.62</b>	<b>2.72</b>	<b>0.14</b>	<b>0.62</b>	<b>0.021</b>	<b>0.093</b>	<b>0.18</b>	<b>0.77</b>	<b>0.049</b>	<b>0.22</b>	<b>0.049</b>	<b>0.22</b>	<b>0.0038</b>	<b>0.017</b>	<b>AP-42 Section 3.3 and Certified Engine Emission data</b>
Totals of Uncontrolled Emissions	<b>0.62</b>	<b>2.72</b>	<b>0.14</b>	<b>0.62</b>	<b>0.021</b>	<b>0.093</b>	<b>0.18</b>	<b>0.77</b>	<b>0.049</b>	<b>0.22</b>	<b>0.049</b>	<b>0.22</b>	<b>0.0038</b>	<b>0.017</b>	

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 ( $\geq$ ) 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  $\geq 2$  tons/yr for any single HAP or  $\geq 5$  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  $\geq 5$  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.

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

**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  $\geq 1$  ton/yr.

Unit Number	Nitrogen Oxides (NO <sub>x</sub> )		Carbon Monoxide (CO)		Nonmethane Hydrocarbons/Volatile Organic Compounds (NMHC/VOCs)		Sulfur Dioxide (SO <sub>2</sub> )		Particulate Matter $\leq 10$ Microns (PM <sub>10</sub> )		Particulate Matter $\leq 2.5$ Microns (PM <sub>2.5</sub> )		Hazardous Air Pollutants (HAPs)		Control Method	% Efficiency <sup>1</sup>
	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		
<b>1</b>	<b>0.62</b>	<b>0.062</b>	<b>0.14</b>	<b>0.014</b>	<b>0.021</b>	<b>0.0021</b>	<b>0.18</b>	<b>0.0018</b>	<b>0.049</b>	<b>0.0049</b>	<b>0.049</b>	<b>0.0049</b>	<b>0.0038</b>	<b>0.00038</b>	<b>Hours of Operation</b>	<b>N/A</b>
Totals of Controlled Emissions	<b>0.62</b>	<b>0.062</b>	<b>0.14</b>	<b>0.014</b>	<b>0.021</b>	<b>0.0021</b>	<b>0.18</b>	<b>0.0018</b>	<b>0.049</b>	<b>0.0049</b>	<b>0.049</b>	<b>0.0049</b>	<b>0.0038</b>	<b>0.00038</b>		

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.

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

**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  $\geq 1$  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															
	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
<b>1</b>	<b>0.0038</b>	<b>0.00038</b>														
Totals of HAPs for all units:	<b>0.0038</b>	<b>0.00038</b>														

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.

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

**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.) <sup>1</sup>	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	(-)	lb/yr	(=)	lb/yr
					gal/yr		gal/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.**

**Application for Air Pollutant Sources in Bernalillo County  
Source Registration (20.11.40 NMAC) and Construction Permits (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 <sup>1</sup>	Offloading Rate <sup>1</sup>	True Vapor Pressure	Control Method	Seal Type	% Eff. <sup>2</sup>
TBD	TBD	Diesel	134	gallon	Above	TBD	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.

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

**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 <sub>10</sub> , 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
<b>1</b>	<b>Generator</b>	<b>NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, HAPs</b>	<b>352255 m</b>	<b>3883811 m</b>	<b>4</b>	<b>1060</b>	<b>30.90</b>	<b>122.46</b>	<b>0.29</b>	<b>Vertical</b>

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 permittee'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 data 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

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

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

\_\_\_\_\_  
Signature

Role:  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 <sup>1</sup>	Waived <sup>2</sup>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Attend the pre-application meeting. Date of pre-application meeting:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pre-application meeting agenda and public notice sign checklists included with application?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 <sup>1</sup>	Waived <sup>2</sup>
(1) Provide public notice in accordance with the regulation, including by certified mail or electronic copy 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Contact list of representative(s) of recognized neighborhood associations and recognized coalitions cannot be more than three months old from the application submittal date.</li> <li>• Include contact list provided by Department in application submittal.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Provide notice using the Notice of Intent to Construct form and Applicant Notice Cover Letter.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) In accordance with the regulation, post and maintain in a visible location a weather proof sign provided by the Department. Include pictures in application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documentary proof of all public notice requirements listed above and required by 20.11.41.13(E)(15) included with application?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>

**The Permit Application shall include:**

**20.11.41.13(E) NMAC – Application Contents**

Item	Included in Application	N/A <sup>1</sup>	Waived <sup>2</sup>
(1) A complete permit application on the most recent form provided by the Department.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The application form includes:			
a. The applicant’s name, street and post office address, and contact information;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The facility owner/ operator’s name, street address and mailing address, if different from the applicant;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The consultant’s name and contact information, if applicable;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. All information requested on the application form is included ( <i>i.e.</i> , the form is complete).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The date the application was submitted to the Department.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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). <i>See</i> 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The air dispersion model has been executed pursuant to a protocol that was approved in advance by the Department.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Air dispersion modeling approved (or 2 <sup>nd</sup> denied) protocol date:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. All calculations used to estimate potential emission rates and controlled/proposed emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Fuel data for each existing and/or proposed piece of fuel burning equipment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Anticipated maximum production capacity of the entire facility and the requested production capacity after construction and/or modification.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Stack and exhaust gas parameters for all existing and proposed emission stacks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) An operational and maintenance strategy detailing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. the nature of emissions during routine startup or shutdown of the source and the source’s air pollution control equipment; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. the steps the applicant will take to minimize emissions during routine startup or shutdown.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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 each process equipment unit involved in the proposed construction, modification, or operation of the source, as applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item	Included in Application	N/A <sup>1</sup>	Waived <sup>2</sup>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(8) A complete description of all sources of regulated air contaminants and 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(10) A description of the equipment or methods proposed by the applicant to be used for emission measurement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(11) The maximum and normal operating time schedules of the source after completion of construction or modification, as applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(12) Any other relevant information as the Department may reasonably require, including without limitation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Provide an applicability determination for all potentially applicable federal regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Applicants shall provide 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. <sup>3</sup> A zone atlas map shall not be sufficient.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Compliance History Disclosure Form <sup>4</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 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 applications. 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 and submit with a check or money order payable to the "City of Albuquerque Fund 242" and either:

1. deliver it in person to the Albuquerque Environmental Health Department, 3<sup>rd</sup> floor, Suite 3023, Albuquerque-Bernalillo County Government Center, south building, One Civic Plaza NW, Albuquerque, NM or,
2. mail it to Albuquerque Environmental Health Department, Air Quality Program, Permitting Division, P.O. Box 1293, Albuquerque, NM 87103.
3. online fee payments are now accepted as well. Application must be submitted first, then Department will provide invoice for online payment.

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.



**City of Albuquerque  
Environmental Health Department  
Air Quality Program**



**Permit Application Review Fee Checklist Effective January 1, 2024 – December 31, 2024**

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 should have any questions concerning this checklist, please call 768-1972.

**I. COMPANY INFORMATION:**

<b>Company Name</b>	University of New Mexico		
<b>Company Address</b>	Scholes Hall 160, Bldg. 10, 1800 Roma Ave, Albuquerque, NM 87131		
<b>Facility Name</b>	UNM Economics Building (Building #57)		
<b>Facility Address</b>	1915 Roma Ave NE, Albuquerque, NM 87131		
<b>Contact Person</b>	Casey Hall		
<b>Contact Person Phone Number</b>	(505) 277-0305		
<b>Are these application review fees for an existing permitted source located within the City of Albuquerque or Bernalillo County?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
<b>If yes, what is the permit number associated with this modification?</b>	Permit # ATC-3255-M1		
<b>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)</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

**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.

Check All That Apply	Stationary Sources	Review Fee	Program Element
<b>Air Quality Notifications</b>			
<input type="checkbox"/>	AQN New Application	\$680.00	2801
<input type="checkbox"/>	AQN Technical Amendment	\$371.00	2802
<input type="checkbox"/>	AQN Transfer of a Prior Authorization	\$371.00	2803
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>See Sections Below</i>	
<b>Stationary Source Review Fees (Not Based on Proposed Allowable Emission Rate)</b>			
<input type="checkbox"/>	Source Registration required by 20.11.40 NMAC	\$693.00	2401
<input type="checkbox"/>	A Stationary Source that requires a permit pursuant to 20.11.41 NMAC or other board regulations and are not subject to the below proposed allowable emission rates	\$1,385.00	2301
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>See Sections Below</i>	
<b>Stationary Source Review Fees (Based on the Proposed Allowable Emission Rate for the single highest fee pollutant)</b>			
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 1 tpy and less than 5 tpy	\$1,039.00	2302
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 5 tpy and less than 25 tpy	\$2,078.00	2303
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 25 tpy and less than 50 tpy	\$4,156.00	2304
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 50 tpy and less than 75 tpy	\$6,324.00	2305
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 75 tpy and less than 100 tpy	\$8,312.00	2306
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 100 tpy	\$10,390.00	2307
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>See Sections Below</i>	

<b>Federal Program Review Fees for each subpart (In addition to the Stationary Source Application Review Fees above)</b>			
<input type="checkbox"/>	40 CFR 60 – “New Source Performance Standards” (NSPS)	\$1,385.00	2308
<input type="checkbox"/>	40 CFR 61 – “Emission Standards for Hazardous Air Pollutants (NESHAPs)	\$1,385.00	2309
<input type="checkbox"/>	40 CFR 63 – (NESHAPs) Promulgated Standards	\$1,385.00	2310
<input type="checkbox"/>	40 CFR 63 – (NESHAPs) Case-by-Case MACT Review	\$13,854.00	2311
<input type="checkbox"/>	20.11.61 NMAC – Prevention of Significant Deterioration (PSD) Permit	\$6,927.00	2312
<input type="checkbox"/>	20.11.60 NMAC – Non-Attainment Area Permit	\$6,927.00	2313
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>Not Applicable</i>	

### III. MODIFICATION TO EXISTING PERMIT APPLICATION REVIEW FEES:

If the permit 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.

Check All That Apply	Modifications	Review Fee	Program Element
<b>Modification Application Review Fees (Not Based on Proposed Allowable Emission Rate)</b>			
<input type="checkbox"/>	Proposed modification to an existing stationary source that requires a permit pursuant to 20.11.41 NMAC or other board regulations and are not subject to the below proposed allowable emission rates	\$1,385	2321
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>See Sections Below</i>	
<b>Modification Application Review Fees (Based on the Proposed Allowable Emission Rate for the single highest fee pollutant)</b>			
<input checked="" type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 1 tpy and less than 5 tpy	\$1,039.00	2322
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 5 tpy and less than 25 tpy	\$2,078.00	2323
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 25 tpy and less than 50 tpy	\$4,156.00	2324
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 50 tpy and less than 75 tpy	\$6,234.00	2325
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 75 tpy and less than 100 tpy	\$8,312.00	2326
<input type="checkbox"/>	Proposed Allowable Emission Rate Equal to or greater than 100 tpy	\$10,390.00	2327
<input type="checkbox"/>	<i>Not Applicable</i>	<i>See Sections Below</i>	
<b>Major Modifications Review Fees (In addition to the Modification Application Review Fees above)</b>			
<input type="checkbox"/>	20.11.60 NMAC – Permitting in Non-Attainment Areas	\$6,927.00	2333
<input type="checkbox"/>	20.11.61 NMAC – Prevention of Significant Deterioration	\$6,927.00	2334
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>Not Applicable</i>	
<b>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)</b>			
<input checked="" type="checkbox"/>	40 CFR 60 – “New Source Performance Standards” (NSPS)	\$1,385.00	2328
<input type="checkbox"/>	40 CFR 61 – “Emission Standards for Hazardous Air Pollutants (NESHAPs)	\$1,385.00	2329
<input type="checkbox"/>	40 CFR 63 – (NESHAPs) Promulgated Standards	\$1,385.00	2330
<input type="checkbox"/>	40 CFR 63 – (NESHAPs) Case-by-Case MACT Review	\$13,854.00	2331
<input type="checkbox"/>	20.11.61 NMAC – Prevention of Significant Deterioration (PSD) Permit	\$6,927.00	2332
<input type="checkbox"/>	20.11.60 NMAC – Non-Attainment Area Permit	\$6,927.00	2333
<input type="checkbox"/>	<i>Not Applicable</i>	<i>Not Applicable</i>	

**IV. ADMINISTRATIVE AND TECHNICAL REVISION APPLICATION REVIEW FEES:**

If the permit application is for an administrative or technical revision of an existing permit issued pursuant to 20.11.41 NMAC, please check one that applies.

Check One	Revision Type	Review Fee	Program Element
<input type="checkbox"/>	Administrative Revisions	\$250.00	2340
<input type="checkbox"/>	Technical Revisions	\$500.00	2341
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>See Sections II, III or V</i>	

**V. PORTABLE STATIONARY SOURCE RELOCATION FEES:**

If the permit 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
<input type="checkbox"/>	No New Air Dispersion Modeling Required	\$500.00	2501
<input type="checkbox"/>	New Air Dispersion Modeling Required	\$750.00	2502
<input checked="" type="checkbox"/>	<i>Not Applicable</i>	<i>See Sections II, III or IV</i>	

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

Section Totals	Review Fee Amount
Section II Total	\$0.00
Section III Total	\$2,424.00
Section IV Total	\$0.00
Section V Total	\$0.00
<b>Total Application Review Fee</b>	<b>\$2,424.00</b>

I, the undersigned, a responsible official of the applicant company, certify that to the best of my knowledge, the information stated on this checklist, give 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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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

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

\_\_\_\_\_  
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**

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Pre-Permit Application Meeting Waiver Email



**From:** [Lopez, Angela](#)  
**To:** [Adam Erenstein](#)  
**Cc:** [Lopez, Angela](#); [Casey Hall](#); [EHD, AOD](#)  
**Subject:** RE: Emergency Generators  
**Date:** Wednesday, January 3, 2024 4:53:20 PM  
**Attachments:** [image001.png](#)

---

Hello Adam,

Yes, please accept this email as a waiver of the pre-application meeting for the UNM emergency engines.

Angela Lopez

On Jan 3, 2024 10:42 AM, Adam Erenstein <[AErenstein@trinityconsultants.com](mailto:AErenstein@trinityconsultants.com)> wrote:

**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Hello and Happy New Year! Hope that you have been well. We are working with UNM on a few ATC applications for emergency generators. I wanted to see if we could waive the pre-application meetings for these ATC applications for emergency generators or if you would prefer to have them for the facilities. If you would like to keep them then could you provide me with a few dates that work for you, and I can submit the pre-permit application meeting request form.

Thanks for your help and contact me if you have any questions.

Regards,

**Adam Erenstein**  
Principal Consultant, Manager of Consulting Services

P 505.266.6611 M 480.760.3860  
**NEW ADDRESS:** 9400 Holly Avenue NE, Building 3, Suite B, Albuquerque, NM 87122  
Email: [aerenstein@trinityconsultants.com](mailto:aerenstein@trinityconsultants.com)



Connect with us: [LinkedIn](#) / [Facebook](#) / [Twitter](#) / [YouTube](#) / [trinityconsultants.com](http://trinityconsultants.com)

Stay current on environmental issues. [Subscribe](#) today to receive Trinity's free *EHS Quarterly*.

---

**From:** Adam Erenstein  
**Sent:** Thursday, November 30, 2023 1:49 PM  
**To:** Lopez, Angela <[angelalopez@cabq.gov](mailto:angelalopez@cabq.gov)>  
**Cc:** Casey Hall <[cbhall4@unm.edu](mailto:cbhall4@unm.edu)>  
**Subject:** Emergency Generators

Hi Angela,

Hope that you have been well. We are working with UNM on a few ATC applications for emergency generators. I wanted to see if we could waive the pre-application meetings for these ATC applications for emergency generators or if you would prefer to have them for the facilities. If you would like to keep them then could you provide me with a few dates that work for you and I can submit the pre-permit application meeting request form.

Thanks for your help and contact me if you have any questions.

Regards,

**Adam Erenstein**

Principal Consultant, Manager of Consulting Services

P 505.266.6611 M 480.760.3860

**NEW ADDRESS:** 9400 Holly Avenue NE, Building 3, Suite B, Albuquerque, NM 87122

Email: [aerenstein@trinityconsultants.com](mailto:aerenstein@trinityconsultants.com)



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## **APPENDIX C. NOTICE OF INTENT TO CONSTRUCT**

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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

**SUBJECT: Public Notice of Proposed Air Quality Construction Permit Application University of New Mexico – Economics Building ( Building #57)**

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	UNM Economics Building (Building #57)
Site or Facility Address	1915 Roma Ave NE, Albuquerque, NM 87131
New or Existing Source	Existing Source
Anticipated Date of Application Submittal	January 16, 2024
Summary of Proposed Source to Be Permitted	This is a modification to the Authority to Construct application to permit a new emergency generator. This unit will replace an existing emergency generator that is currently permitted under ATC – 3255-M1. The emergency generator will be restricted to 200 hours per year of operation.

***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
- [cbhall@unm.edu](mailto:cbhall@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](mailto: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 Economics Building (Building #57)  
1915 Roma Ave NE, Albuquerque, NM 87131

**Owner / operator's name and address:**

*Nombre y domicilio del propietario u operador:* University of New Mexico, Scholes Hall 160, Bldg. 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, Bldg. 10, 1800 Roma Ave, Albuquerque, NM 87131

Phone Number (*Número Telefónico*): (505) 277-0305

E-mail Address (*Correo Electrónico*): cbhall@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:* January 9, 2024

**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:* 1915 Roma Ave NE, Albuquerque, NM 87131

**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:* Revising permit to as built condition

**Maximum operating schedule:**

*Horario máximo de operaciones:* 200 hours/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 <i>Contaminante de aire</i>	Proposed Construction Permit <i>Permiso de Construcción Propuesto</i>		Net Changes <b>(for permit modification or technical revision)</b> <i>Cambio Neto de Emisiones</i> <i>(para modificación de permiso o revisión técnica)</i>	
	pounds per hour <i>libras por hora</i>	tons per year <i>toneladas por año</i>	pounds per hour <i>libras por hora</i>	tons per year <i>toneladas por año</i>
<b>NO<sub>x</sub></b>	0.62	0.06	0	0
<b>CO</b>	0.14	0.01	-0.42	-0.05
<b>VOC</b>	0.02	0.002	0	0
<b>SO<sub>2</sub></b>	0.18	0.02	+0.04	+0.02
<b>PM<sub>10</sub></b>	0.05	0.005	0	0
<b>PM<sub>2.5</sub></b>	0.05	0.005	0	0
<b>HAP</b>	0.004	0.0004	0	0

NOTE: To add extra rows for H<sub>2</sub>S 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](http://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.

## Air Quality Construction Permitting Overview

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](http://www.cabq.gov/airquality/air-quality-permits)*





Timothy M. Keller,  
Mayor

## Public Participation

### List of Neighborhood Associations and Neighborhood Coalitions MEMORANDUM

**To:** Atiqur Rahman  
**From:** Angela Lopez, Environmental Health-Air Quality Permitting Manager  
**Subject:** Determination of Neighborhood Associations and Coalitions  
within 0.5 mile of 1915 Roma Avenue NE in Bernalillo County, NM.  
**Date:** December 15, 2023

#### DETERMINATION:

On December 15, 2023, I used the City of Albuquerque Zoning Advanced Map Viewer (<http://coagisweb.cabq.gov/>) to verify which City of Albuquerque Neighborhood Associations (NA), Homeowner Associations (HOA) and Neighborhood Coalitions (NC) are located within 0.5 mile of 1915 Roma Avenue NE in Bernalillo County, NM.

I then used the City of Albuquerque Office (COA) of Neighborhood Coordination's Monthly Master NA List dated December 2023 and the Bernalillo County (BC) Monthly Neighborhood Association December 2023 Excel file to determine the contact information for each NA and NC located within 0.5 mile of 1915 Roma Avenue NE in Bernalillo County, NM.

The table below contains the contact information, which will be used in the City of Albuquerque Environmental Health Department's public notice. Duplicates have been deleted.

COA/BC Association or Coalition	Name	Email or Mailing Address*
Campus NA	Kenny Stansbury Calvin Martin	<a href="mailto:kenny.stansbury@gmail.com">kenny.stansbury@gmail.com</a> <a href="mailto:calmartin93@gmail.com">calmartin93@gmail.com</a> <a href="mailto:campus.neighborhood.assoc@gmail.com">campus.neighborhood.assoc@gmail.com</a>
District 6 Coalition	Patricia Willson Mandy Warr	<a href="mailto:info@willsonstudio.com">info@willsonstudio.com</a> <a href="mailto:mandy@theremedyspa.com">mandy@theremedyspa.com</a>
Nob Hill NA	Chris Faith Gary Eyster	<a href="mailto:chrisfaith@gmail.com">chrisfaith@gmail.com</a> <a href="mailto:meyster1@me.com">meyster1@me.com</a> <a href="mailto:theboard@nobhill-nm.com">theboard@nobhill-nm.com</a>



Timothy M. Keller,  
Mayor

## Public Participation

### List of Neighborhood Associations and Neighborhood Coalitions MEMORANDUM

North Campus NA	Tim Davis Sara Koplik	<a href="mailto:tdavisnm@gmail.com">tdavisnm@gmail.com</a> <a href="mailto:sarakoplik@hotmail.com">sarakoplik@hotmail.com</a> <a href="mailto:northcampusna@gmail.com">northcampusna@gmail.com</a>
Silver Hills NA	Don McIver James Montalbano	<a href="mailto:dbodinem@gmail.com">dbodinem@gmail.com</a> <a href="mailto:ja.montalbano@gmail.com">ja.montalbano@gmail.com</a> <a href="mailto:silverhillabq@gmail.com">silverhillabq@gmail.com</a>
Spruce Park NA	Heidi Brown Peter Swift	<a href="mailto:emailbrowns@aol.com">emailbrowns@aol.com</a> <a href="mailto:pnsswift@comcast.net">pnsswift@comcast.net</a>
Summit Park NA	Kate Franchini Joe Brooks	<a href="mailto:franchini.kathryn@gmail.com">franchini.kathryn@gmail.com</a> <a href="mailto:joebrooks@homesinabq.com">joebrooks@homesinabq.com</a> <a href="mailto:summitparkNA@gmail.com">summitparkNA@gmail.com</a>
Sycamore NA	Richard Vigliano Mardon Gardella	<a href="mailto:richard@vigliano.net">richard@vigliano.net</a> <a href="mailto:mg411@q.com">mg411@q.com</a>
University Heights NA	Mandy Warr Don Hancock	<a href="mailto:mandy@theremedydayspa.com">mandy@theremedydayspa.com</a> <a href="mailto:sricdon@earthlink.net">sricdon@earthlink.net</a> <a href="mailto:info@uhanm.org">info@uhanm.org</a>

*\*If email address is not listed, provide public notice via certified mail and include a copy of each mail receipt with the application submittal.*

**From:** [Atiqur Rahman](#)  
**To:** [kenny.stansbury@gmail.com](mailto:kenny.stansbury@gmail.com); [calmartin93@gmail.com](mailto:calmartin93@gmail.com); [campus.neighborhood.assoc@gmail.com](mailto:campus.neighborhood.assoc@gmail.com); [info@willsonstudio.com](mailto:info@willsonstudio.com); [mandy@theremedyspa.com](mailto:mandy@theremedyspa.com); [chrisfaith@gmail.com](mailto:chrisfaith@gmail.com); [meyster1@me.com](mailto:meyster1@me.com); [theboard@nobhill-nm.com](mailto:theboard@nobhill-nm.com); [tdavisnm@gmail.com](mailto:tdavisnm@gmail.com); [sarakoplik@hotmail.com](mailto:sarakoplik@hotmail.com); [northcampusna@gmail.com](mailto:northcampusna@gmail.com); [dbodinem@gmail.com](mailto:dbodinem@gmail.com); [ja.montalbano@gmail.com](mailto:ja.montalbano@gmail.com); [silverhillabq@gmail.com](mailto:silverhillabq@gmail.com); [emailbrowns@aol.com](mailto:emailbrowns@aol.com); [pnsswift@comcast.net](mailto:pnsswift@comcast.net); [franchini.kathryn@gmail.com](mailto:franchini.kathryn@gmail.com); [joebrooks@homesinabq.com](mailto:joebrooks@homesinabq.com); [summitparkNA@gmail.com](mailto:summitparkNA@gmail.com); [richard@vigliano.net](mailto:richard@vigliano.net); [mg411@q.com](mailto:mg411@q.com); [mandy@theremedyspa.com](mailto:mandy@theremedyspa.com); [srcidon@earthlink.net](mailto:srcidon@earthlink.net)  
**Cc:** [Adam Erenstein](#); [Casey Hall](#); [Lopez, Angela](#)  
**Subject:** Public Notice of Proposed Air Quality Construction Permit Application University of New Mexico – Economics Building ( Building #57)  
**Date:** Monday, January 8, 2024 4:20:31 PM  
**Attachments:** [image001.png](#)  
[Economics\\_bldg\\_Notice\\_of\\_Intent\\_v1.0\\_2024\\_0108.pdf](#)

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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	UNM Economics Building (Building #57)
Site or Facility Address	1915 Roma Ave NE, Albuquerque, NM 87131
New or Existing Source	Existing Source
Anticipated Date of Application Submittal	January 9, 2024
Summary of Proposed Source to Be Permitted	This is a modification to the Authority to Construct application to permit a new emergency generator. This unit will replace an existing emergency generator that is currently permitted under ATC – 3255-M1. The emergency generator will be restricted to 200 hours per year of operation.

***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
- [cbhall@unm.edu](mailto:cbhall@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](mailto:aqd@cabq.gov)
- (505) 768-1972

Regards,

**Atiqur Rahman**  
Associate Consultant

P 505.266.6611 M 575.489.8334

Email: [Atiqur.Rahman@trinityconsultants.com](mailto:Atiqur.Rahman@trinityconsultants.com)

Address: 9400 Holly Avenue NE, Building 3, Suite B, Albuquerque, NM 87122



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Approved As Quality Controlled Product  
Approved For Use In The Following Countries  
Australia, Canada, China, Hong Kong, India, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, Philippines, Singapore, South Africa, Taiwan, Thailand, United Kingdom, USA, Vietnam

Country	Approved
Australia	Yes
Canada	Yes
China	Yes
Hong Kong	Yes
India	Yes
Indonesia	Yes
Japan	Yes
Korea	Yes
Malaysia	Yes
Mexico	Yes
New Zealand	Yes
Philippines	Yes
Singapore	Yes
South Africa	Yes
Taiwan	Yes
Thailand	Yes
United Kingdom	Yes
USA	Yes
Vietnam	Yes

Do Not Use For:  
- Lifting  
- Towing  
- Pushing  
- Pulling  
- Hoisting  
- Climbing  
- Drilling  
- Hammering  
- Cutting  
- Grinding  
- Sandblasting  
- Blasting  
- Welding  
- Brazing  
- Soldering  
- Heating  
- Drying  
- Painting  
- Polishing  
- Finishing  
- Finishing  
- Finishing

Do Not Use For:  
- Lifting  
- Towing  
- Pushing  
- Pulling  
- Hoisting  
- Climbing  
- Drilling  
- Hammering  
- Cutting  
- Grinding  
- Sandblasting  
- Blasting  
- Welding  
- Brazing  
- Soldering  
- Heating  
- Drying  
- Painting  
- Polishing  
- Finishing  
- Finishing  
- Finishing





## Proposed Air Quality Construction Permit Permiso de Construcción de Calidad del Aire Propuesto



1. Applicant's Name: UNM Economics Building (Building #57)  
 Nombre del solicitante: 1915 Roma Ave NE, Albuquerque, NM 87131
- Owner or Operator's Name: University of New Mexico, Scholer Hall 160, Bldg 10, 1800 Roma Ave, Albuquerque, NM  
 Nombre del Propietario u Operador: University of New Mexico, Scholer Hall 160, Bldg 10, 1800 Roma Ave, Albuquerque, NM
2. Actual or Estimated Date the Application will be Submitted to the Department:  
 Fecha Actual o Estimada en que se Entragará la Solicitud al Departamento: January 5, 2024
3. Exact Location of the Source or Proposed Source:  
 Ubicación Exacta de la Fuente o Fuente Propuesta: 1915 Roma Ave NE, Albuquerque, NM 87131
4. Description of the Source: Emergency Generator  
 Descripción de la Fuente:  
 Nature of Business: Emergency Generator  
 Tipo de Negocio:  
 Process or change for which a permit is requested: Revising Permit to as built condition  
 Proceso o cambio para el cual se solicita el permiso:

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 Change Emissions (for permit modification) Cambio Neto de Emisiones (para modificación de permiso)	
	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 <sub>x</sub>	0.62	0.06	0	0
CO	0.14	0.01	-0.42	-0.05
VOC	0.02	0.002	0	0
SO <sub>2</sub>	0.18	0.02	+0.04	+0.02
PM <sub>10</sub>	0.05	0.005	0	0
PM <sub>2.5</sub>	0.05	0.005	0	0
HAP	0.004	0.0004	0	0

5. Maximum Operating Schedule: 200 hours / year  
 Horario Máximo de Operaciones:

Normal Operation Schedule: N/A  
 Horario Normal de Operaciones:

6. Current Contact Information for Comments and Inquiries  
 Datos actuales para Comentarios y Preguntas

Name (Nombre): Casey Hall  
 Address (Domicilio): Scholer Hall 160, Bldg 10, 1800 Roma Ave, Albuquerque, NM 87131  
 Phone Number (Número Telefónica): (505) 277-0305  
 Email Address (Correo Electrónico): cbhall@unm.edu

Call 311 for additional information concerning this project, the Air Quality Program, or to file a complaint.  
 Llame al 311 para obtener información adicional sobre este proyecto, del Programa de Calidad del Aire, o para presentar una queja.  
 Gọi 311 để biết thêm thông tin hoặc để khiếu nại về dự án này, Chương Trình Chất Lượng Không Khí

City of Albuquerque, Environmental Health Department, Air Quality Program – Stationary Source Permitting  
 Ciudad de Albuquerque, Departamento de Salud Ambiental, Programa de Calidad del Aire - Permisos para Fuentes Inmóviles  
 (505) 768-1972, aqd@cabq.gov

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 TOMA UNA DECISIÓN SOBRE LA SOLICITUD DE PERMISO





**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: **University of New Mexico**

Facility Name: **UNM Economics Building**

- 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:

## **APPENDIX D. COMPLIANCE HISTORY DISCLOSURE FORM**

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Compliance history disclosure form – November 2023





# 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: <b>University of New Mexico</b>		Check Applicable Box: <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Permittee
B. Time Period of Compliance Reporting (10 Years): <u>April 15, 2024</u> to <u>April 15, 2014</u> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2	Refused to disclose information required by the provisions of the New Mexico Air Quality Control Act?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3	Been convicted in any court of any state or the United States of a felony related to environmental crime?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4	Been convicted in any court of any state or the United States of a crime defined by state or federal statute as involving or being in restraint of trade, price fixing, bribery, or fraud?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5a	Constructed or operated any facility for which a permit was sought, including the current application, without the required air quality permit(s) under 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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, <b>and</b> the operator applied for an air permit within 30 calendar days of discovering that an air permit was required for the facility.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
6	Had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7	For each "yes" answer, or "no" to 5b, please attach an explanation and supporting documentation.	

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

Signed on April 15, 2024

Teresa Costantinidis

Print Name



Signature

EVP for Finance and Administration

Print Title

The University of New Mexico

Company Name

## **APPENDIX E. FACILITY LOCATION AND AERIAL PHOTOGRAPH**

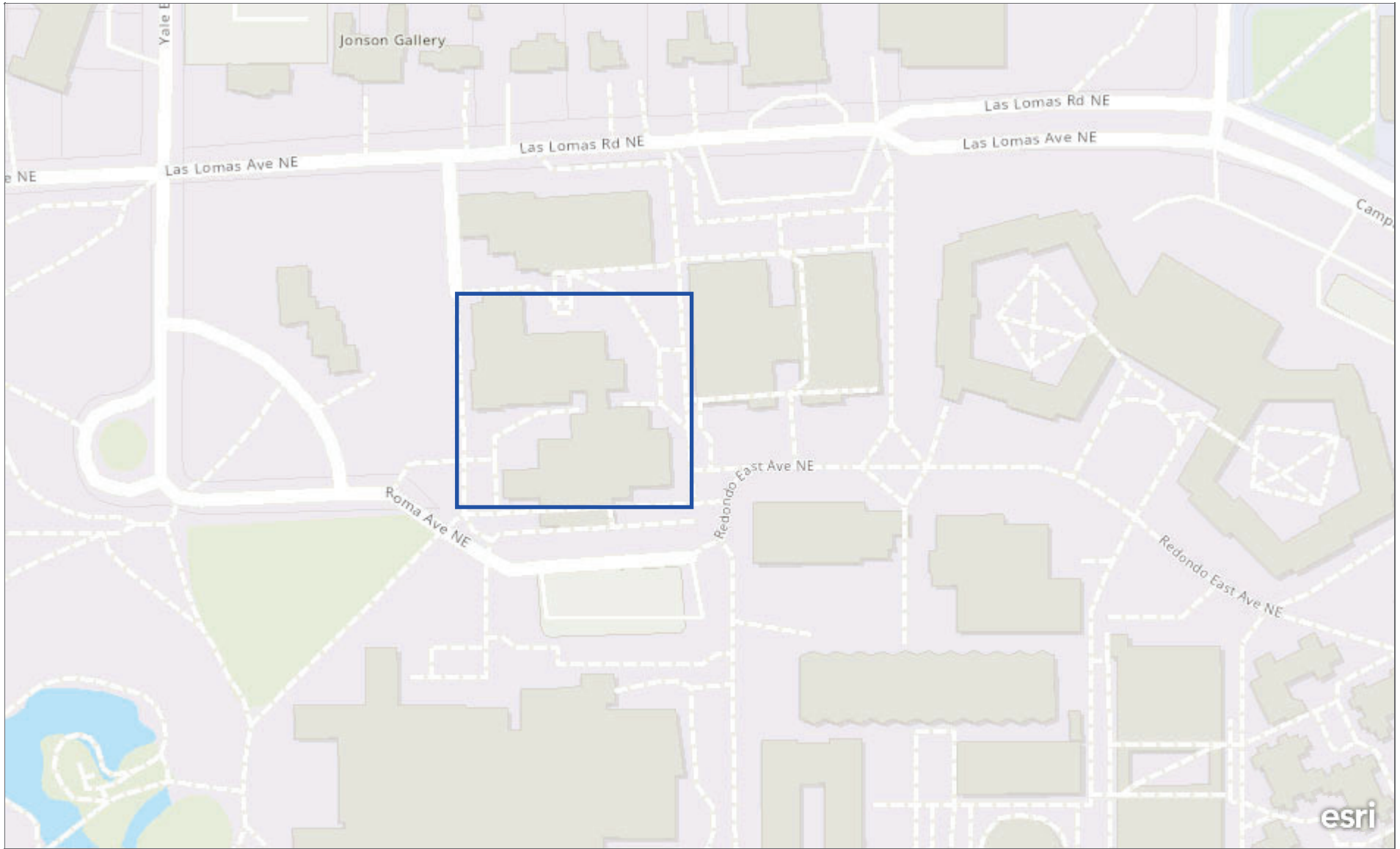
---

Appendix Figure D-1: Facility Location

Appendix Figure D-2: Aerial Photograph of Process Locations

**Appendix Figure E-1. Facility Location**

# Zone Atlas



City Zone Atlas Pages

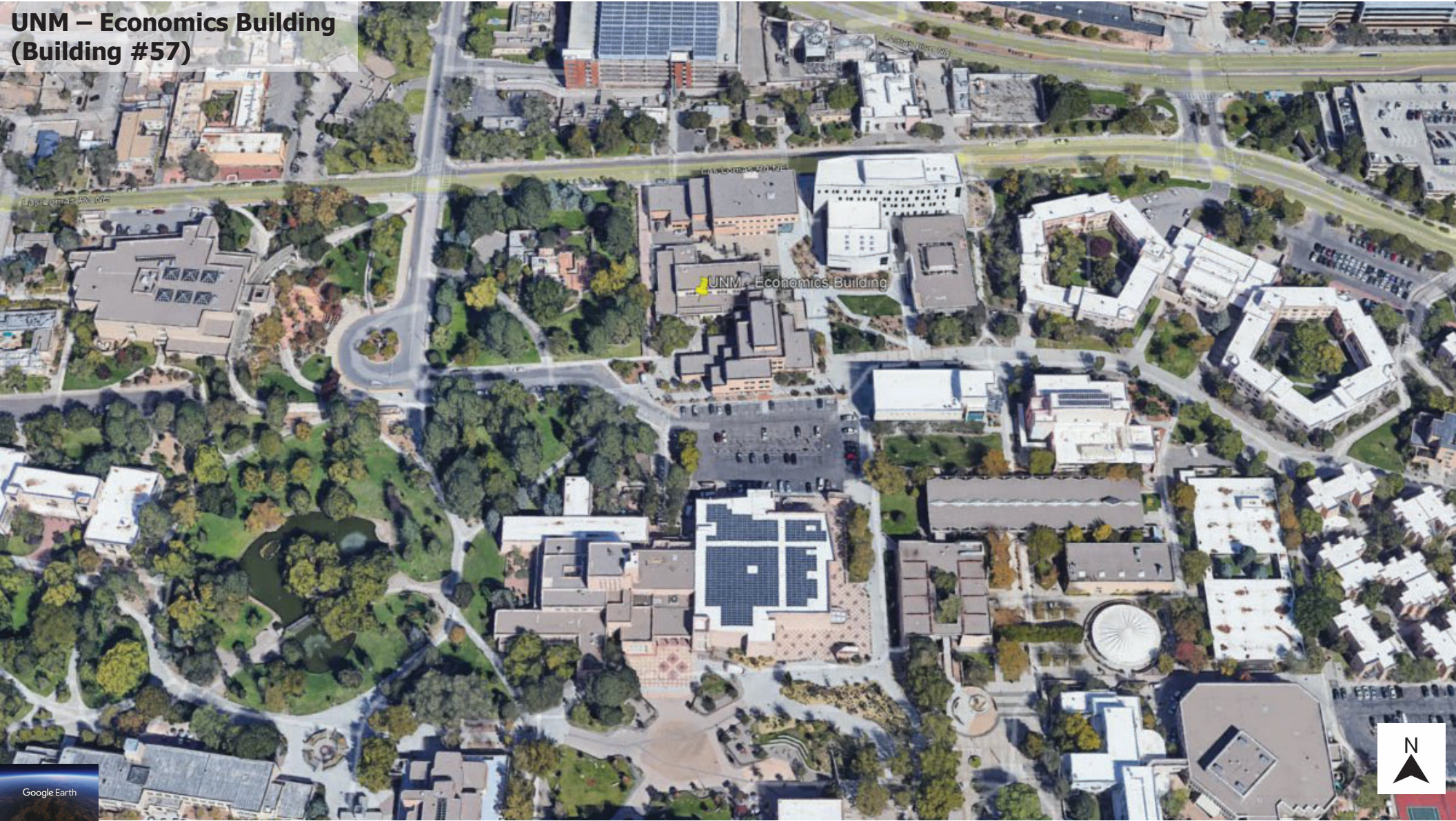
200ft

Esri Community Maps Contributors, New Mexico State University, City of Albuquerque, Bernalillo County, NM, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

**Appendix Figure E-2. Aerial Photograph of Process Locations**



**UNM – Economics Building  
(Building #57)**





## APPENDIX F. ZONING REQUIREMENTS

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Based upon review of applicable New Mexico laws and certain Attorney General Opinions, 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 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 conceded such control with respect to 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 note that UNM is not subject to City of Albuquerque or Bernalillo County ordinances.



## Planning & Development Services Department

415 Silver Ave. SW, 2<sup>nd</sup> Floor  
Albuquerque, New Mexico 87102  
Office: (505) 314-0350  
Fax: (505) 314-0480  
[www.bernco.gov](http://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](mailto:mgould@bernco.gov).

Sincerely,

Maggie Gould  
Zoning Administrator

Enclosures:

Cc: [cbhall4@unm.edu](mailto:cbhall4@unm.edu)

### County Commissioners

Barbara Baca, Chair, District 1 • Adriann Barboa, Vice-Chair, District 3  
Steven Michael Quezada, District 2 • Walt Benson, District 4 • Eric C. Olivas, District 5

### Elected Officials

Damian R. Lara, Assessor • Linda Stover, Clerk • Cristy J. Carbón-Gaul, Probate Judge  
John D. Allen, Sheriff • Nancy M. Bearce, Treasurer

### County Manager

Julie Morgas Baca

# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

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



Date: June 13, 2023

VIA [cbhall4@unm.edu](mailto: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      The current use of the property is for a University or College a Legally Nonconforming use in this zone.

Albuquerque      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.

NM 87103      If you have any questions regarding this matter please contact me at (505) 924-3301 or by email at [ametzgar@cabq.gov](mailto:ametzgar@cabq.gov).

[www.cabq.gov](http://www.cabq.gov)

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



Part 14-16-4: Use Regulations  
4-2: Allowable Uses

**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 >>	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	A	B	NR-PO	C
<b>PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS</b>																				
<b>RESIDENTIAL USES</b>																				
<b>Household Living</b>																				
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											4-3(B)(6)
Dwelling, live-work				C	C	P	P	P	P	CA	CA									4-3(B)(7)
Dwelling, multi-family					P	P	P	P	P											4-3(B)(8)
<b>Group Living</b>																				
Assisted living facility or nursing home				C	P	P	P	P	P											
Community residential facility, small	P	P		P	P	P	P	P	P											4-3(B)(9)
Community residential facility, large					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)
<b>CIVIC AND INSTITUTIONAL USES</b>																				
Adult or child day care facility			C	C	C	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	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	CV			P			C		4-3(C)(2)
Fire or police station															P					
High school	C	C		C	C	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	A				4-3(C)(5)
Overnight shelter									C	C	C	C	C							4-3(C)(6)
Parks and open space	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	CV	CV							4-3(C)(8)
Sports field						CV	C	P	P	P	P	P	C		P			C		



Part 14-16-4: Use Regulations

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 >>	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		A B C NR-PO		
University or college						CV	CV	C	P	P	P	P	CV	CV					
Vocational school						CV	P	P	P	P	P	P	P	P					
<b>COMMERCIAL USES</b>																			
<b>Agriculture and Animal-related</b>																			
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					
<b>Food, Beverage, and Indoor Entertainment</b>																			
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)
<b>Lodging</b>																			
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)
<b>Motor Vehicle-related</b>																			
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)
<b>Offices and Services</b>																			
Bank							P	P	P	P	P	P	P	CV					4-3(D)(23)



Part 14-16-4: Use Regulations

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 >>	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		A	B	NR-PO
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)
<b>Outdoor Recreation and Entertainment</b>																			
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)
<b>Retail Sales</b>																			
Adult retail										P		P	P	P					4-3(D)(6)
Art gallery	CV	CV	C	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)



Part 14-16-4: Use Regulations

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 >>	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	A B C NR-PO
Land Uses																	
<b>Transportation</b>																	
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)	
<b>INDUSTRIAL USES</b>																	
<b>Manufacturing, Fabrication, and Assembly</b>																	
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)	
<b>Telecommunications, Towers, and Utilities</b>																	
Drainage facility	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	A	A	A	A
Geothermal energy generation	A	A	A	A	A	A	A	A	A	A	P	P	P		A	A	
Major utility, other	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	A	P	P	P
Wind energy generation						A	A	A	A	A	A	A	C	A	A	A	
<b>Wireless Telecommunications Facility (WTF)</b>																	
Architecturally integrated	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		
Collocation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
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		
Roof-mounted			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
<b>Waste and Recycling</b>																	
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)
<b>Wholesaling and Storage</b>																	



Part 14-16-4: Use Regulations

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 >>	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	A		B	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)
<b>ACCESSORY AND TEMPORARY USES</b>																			
<b>ACCESSORY USES</b>																		<b>4-3(F)(1)</b>	
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		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		4-3(F)(5)
Dwelling unit, accessory without kitchen	CA	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										4-3(F)(10)
Mobile food truck	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		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					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		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)
<b>TEMPORARY USES</b>																			
<b>Temporary Uses That Require A Permit</b>																			
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			4-3(G)(4)
Open air market							T	T	T	T	T						T		4-3(G)(5)

**Part 14-16-4: Use Regulations**

**4-2: Allowable Uses**

<b>Table 4-2-1: Allowable Uses</b>																			
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 >>	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	A		B	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)
<b>Temporary Uses That Do Not Require A Permit</b>																			
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)

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*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.



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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](mailto: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>

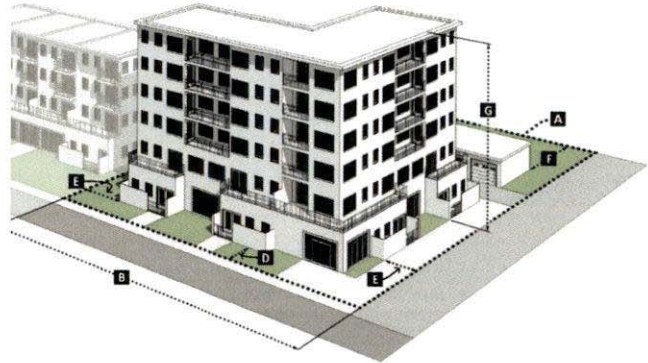
## Development Standards Summary

**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
<b>Site Standards*</b>			
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
<b>Setback Standards</b>			
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.	
<b>Building Height</b>			
Building height, maximum	G	48 ft.	65 ft.
		>100 ft. from all lot lines: N/A	



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



## 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.

<b>Table 4-2-1: Allowable Uses</b>																				
<b>P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory</b>																				
<b>CV = Conditional if Structure Vacant for 5 years or more T = Temporary CT = Conditional Temporary</b>																				
<b>Blank Cell = Not Allowed</b>																				
Zone District >>	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	LIM	GM		NR-SU	A	N	R	P
Land Uses																				
<b>PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS</b>																				
<b>RESIDENTIAL USES</b>																				
<b>Household Living</b>																				
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)
<b>Group Living</b>																				
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										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**

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



**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 >>	Residential						Mixed-use				Non-residential								Use-specific Standards		
	A	T	MC	T	ML	MH	CT	CL	M	CH	C	BP	M	M	SU	N	R	P		O	
<b>INDUSTRIAL USES</b>																					
<b>Manufacturing, Fabrication, and Assembly</b>																					
<b>Telecommunications, Towers, and Utilities</b>																					
Drainage facility	P	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	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)		
<b>Wireless Telecommunications Facility (WTF)</b>																					
Architecturally integrated	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			4-3(E)(12)		
Non-commercial or broadcasting antenna	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						
Public utility collocation	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							
Small cell	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
<b>Waste and Recycling</b>																					
Recycling drop-off bin facility						A	A	A	A	A	P	P	P	P					4-3(E)(13)		
<b>Wholesaling and Storage</b>																					



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



[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 downzoning 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.

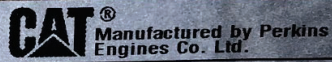
## VI. DUE PROCESS AND TAKING ISSUES.

**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



**IMPORTANT ENGINE INFORMATION**



**ENGINE TYPE:**

ENGINE FAMILY: **C4.4** DISPLACEMENT: **4.40** ARGV NUMBER: **383 - 7265**  
EPA ENGINE FAMILY: **GPKXL04.4NL1** SERIAL NUMBER: **E3L01203**

Factory Set	Reset if Applicable
<input checked="" type="checkbox"/> 3454 / 1800 64.0 kW	<input type="checkbox"/>
<input type="checkbox"/> / kW	<input type="checkbox"/>
<input type="checkbox"/> / kW	<input type="checkbox"/>
<input type="checkbox"/> / kW	<input type="checkbox"/>
<input type="checkbox"/> / kW	<input type="checkbox"/>

EMISSION CONTROL SYSTEM: **TC, DDI**  
VALVE LASH: INLET: **0.20** EXH: **0.45**

**FOR STATIONARY  
EMERGENCY USE ONLY**

WITHIN THE UNITED STATES AND/OR APPLICABLE TERRITORIES, THIS ENGINE IS EXEMPT FROM THE REQUIREMENTS OF U.S. EPA 40 CFR PARTS 88 AND 1039 AND CALIFORNIA 13 CCR, CH9, ARTICLE 4 AS A "STATIONARY ENGINE". INSTALLING OR USING THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL OR CALIFORNIA LAW SUBJECT TO A CIVIL PENALTY. CERTIFIED TO OPERATE ON COMMERCIALY AVAILABLE DIESEL FUEL

**INFORMATION APPLICABLE TO CHINA ONLY**

此发动机只用作自中国出口,符合中华人民共和国国家标准GB20891-2014 豁免规定。  
This engine is solely for export from China and is therefore exempt under GB20891-2014 from P.R.China emission standards.

Use Service tool to verify current engine settings.

**AT CONSTANT SPEED ONLY**

THIS ENGINE CONFORMS TO **2016** U.S. EPA REGULATIONS FOR STATIONARY COMPRESSION-IGNITION ENGINES 生产日期 **JUL 2016**

POSITION:

**X1301**





WITHIN THE UNITED STATES AND/OR APPLICABLE TERRITORIES, THIS ENGINE IS EXEMPT FROM THE REQUIREMENTS OF U.S. EPA 40 CFR PARTS 89 AND 1039 AND CALIFORNIA 13 CCR, CH9, ARTICLE 4 AS A "STATIONARY ENGINE". INSTALLING OR USING THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL OR CALIFORNIA LAW SUBJECT TO A CIVIL PENALTY. CERTIFIED TO OPERATE ON COMMERCIALY AVAILABLE DIESEL FUEL

**INFORMATION A**  
**CHINA**  
此发动机只用做自中国  
共和国国家标准GB208  
This engine is solely for  
and is therefore exempt u  
from P.R. China emis

THIS ENGINE CONFORMS TO **2016** U.S. EPA REGULATIONS FOR STATIONARY COMPRESSION-IGNITION ENGINES

**X1301**

生产日

<b>CATERPILLAR®</b>		<b>CAT®</b>
LISTA DE COMPONENTES - Nº		MODELO
383-7265		C 4.4
NUMERO DE SÉRIE		
*E3L01203*		
MADE IN BRAZIL		(SEMPRE MENCIONE TODOS OS NÚMEROS)