

City of Albuquerque
Environmental Health Department
Air Quality Permitting
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Air Quality Stationary Source Permitting

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◆ Title V Permitting



Types of Air Quality Construction Permits

Certificate of Registrations (20.11.40 NMAC) – very common in Bernalillo County (BC)

- ✓ Required for any commercial or industrial stationary source which emits greater than 1 ton of any air contaminant or any amount of a hazardous air pollutant

Authority-to-Construct Permits (20.11.41 NMAC) – very common in BC

- ✓ Minor New Source Review
- ✓ 10 pounds per hour or greater of any regulated air contaminant (pre-controlled emission rate)
- ✓ 25 tons per year or greater of any regulated air contaminant (pre-controlled emissions)
- ✓ Can be triggered by federal source category regardless of emission rate thresholds above

Prevention of Significant Deterioration (PSD) (20.11.61 NMAC) – uncommon in BC

- ✓ Major New Source Review
- ✓ 250 tons per year or greater of any regulated air contaminant (pre-controlled emission rate), or
- ✓ 100 tons per year or greater of any regulated air contaminant subject to one of the 28 PSD source categories
- ✓ Subject to “Best Available Control Technology” (BACT)

Non-Attainment Permitting (20.11.60 NMAC) – not currently applicable in BC

- ✓ Major New Source Review
- ✓ If applicable, subject to “Lowest Achievable Emission Rate” (LAER)

Issuance Timeframes for Construction Permits

Certificate of Registration – common in Albuquerque/Bernalillo County

- ◆ Business (source) required to obtain from AQD within 180 days of initial startup of source

Authority-to-Construct Permit – common in Albuquerque/Bernalillo County

- ◆ Completeness determination within 30 days of receipt by AQD
- ◆ Mandatory 45-day Public Comment Period
- ◆ Issue/deny permit *within 90 days of ruling application administratively complete. Environmental Health Department Director can grant an additional 90 days for such things as time to conduct a Public Information Hearing or time to address technically complex issues.*

Prevention of Significant Deterioration – not common in Albuquerque/Bernalillo County

- ◆ Completeness determination within 30 days of receipt by AQD
- ◆ Mandatory 45-day Public Comment Period
- ◆ Issue/deny permit *within 180 days of ruling application complete*

Authority-To-Construct Permitting Process with no Public Information Hearing Requested

1. Permit engineer reviews permit application package for administrative completeness and air dispersion modeling analysis is reviewed
2. Application is ruled administratively complete
3. Public Notice is sent out
 - a. Notice published in Legal Section of Albuquerque Journal
 - b. Public Notice is sent to neighborhood associations representing neighborhoods near proposed project
4. Technical review and analysis is completed
5. Permit is drafted
6. Draft permit is reviewed
7. Permit is issued, issued with conditions, or denied within 90 days of ruling the air quality permit application package administratively complete

Authority-To-Construct Permitting Process with a Public Information Hearing Requested & Granted

1. Permit engineer reviews permit application package for administrative completeness and air dispersion modeling analysis is reviewed
2. Application is ruled administratively complete
3. Public Notice is sent out
 - a. Notice published in Legal Section of Albuquerque Journal
 - b. Public Notice is sent to neighborhood associations representing neighborhoods near proposed project
4. Technical review and analysis is completed
5. Permit is drafted
6. Draft permit is reviewed
7. Request(s) for a public information hearing is/are received

Authority-To-Construct Permitting Process with a Public Information Hearing Requested & Granted (continued)

8. Request(s) for a public information hearing is/are evaluated
9. Environmental Health Department Director grants request for public information hearing and grants approval for an additional 90 days in permitting process to conduct hearing.
10. Applicant and interested parties are notified about granting of public information hearing
11. Air Quality Division staff set up logistics for Public Information Hearing
12. Notification letter of the hearing and English/Spanish flyer is sent to applicant, interested parties, and near by neighborhood associations
13. Notification letter of the hearing is sent of Inter and Intra-governmental agencies responsible for issues raised by interested parties.
14. Public notice of public information hearing is published in the legal section of the Albuquerque Journal and other newspapers as appropriate.

Authority-To-Construct Permitting Process with a Public Information Hearing Requested & Granted (continued)

15. English/Spanish flyer announcing hearing is posted in public places near location of proposed air quality permit.
16. Air Quality Division conducts public information hearing
 - a. Display board is set up to provide public with copies of relevant documents such as permit application and draft permit.
 - b. Division staff is available to answer technical questions
 - c. Spanish translator has been made available in North and South Valley projects
17. Air Quality Division considers the comments, statements, data, and information provided during the public information hearing.
18. Letters are sent to Inter and Intra-governmental agencies responsible for issues raised during the public information hearing
19. Appropriate revisions are made to the draft permit based on public information hearing
20. Revised draft permit is reviewed
21. Permit is issued, issued with conditions, or denied within 180 days of ruling the air quality permit application package administratively complete

Authority-To-Construct Permit Application Package Technical Review

Application

- ✓ Applicable requirements, standards, and regulations identified by the applicant are reviewed and verified
- ✓ Methodologies, assumptions, and calculations for emissions submitted by the applicant are reviewed and verified

Air Dispersion Modeling

- ✓ Modeling inputs and settings for the air dispersion model submitted by the applicant are reviewed and verified to ensure they match values in the application and are appropriate for Albuquerque and Bernalillo County
- ✓ Air dispersion model submitted by the applicant is run by Air Quality Division modeler to verify results submitted by applicant

Authority-To-Construct Permit Application Public Notice

Regulatory Requirement

- ✓ Regulation 20.11.41.14(3) NMAC, Authority-To-Construct, states: “The Department shall execute the following public information and notice activities to: within fifteen (15) days after the Department deems an application complete, publish a notice in a local newspaper of general circulation
- ✓ In Albuquerque and Bernalillo County the “local newspaper” has been and is the Albuquerque Journal

Current Approach/Policy

- ✓ In addition to publishing notice in the Albuquerque Journal, the neighborhood associations for the areas near the proposed project are also sent the public notice

Ambient Air Quality Standards

National Ambient Air Quality Standards (NAAQS)

- Clean Air Act requires the Environmental Protection Agency to set NAAQS for pollutants considered harmful to public health and the environment
- Two types of standards are established
 - ❖ Primary standards set limits to protect public health, including health of “sensitive” populations such as asthmatics, children, and the elderly
 - ❖ Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings
- NAAQS have been set for six principal pollutants, which are called “criteria” pollutants: carbon monoxide, lead, nitrogen dioxide, coarse particulate matter (PM10), fine particulate matter (PM2.5), ozone, and sulfur dioxide.

New Mexico Ambient Air Quality Standards (NMAAQs)

- Established by the New Mexico Environmental Improvement Board

Air Quality Performance Standards

- New Source Performance Standards (NSPS)
 - ❖ Federal standards adopted by the U.S. Environmental Protection Agency
 - ❖ Regulates air emissions of criteria pollutants by many types of industrial facilities
 - ❖ Industries subject to NSPS must meet certain general requirements, such as monitoring and recordkeeping.
 - ❖ Each NSPS defines the facilities subject to it and prescribes emission limits for specified pollutants, compliance requirements, monitoring requirements, and test methods and procedures.
 - ❖ Some types of industries subject to NSPS are hot mix asphalt plants, municipal solid waste landfills, and sewage treatment plants.
- National Emission Standards for Hazardous Air Pollutants (NESHAP)
 - ❖ Established for sources of the 187 federally listed Hazardous Air Pollutants (HAPs)
 - ❖ Maximum Achievable Control Technology (MACT) specifies what level of performance must be achieved, while the NESHAP specifies how to achieve that level of performance
 - ❖ NESHAPs typically offer several emission control options, and each option includes extensive testing, monitoring, record keeping requirements.
 - ❖ Some types of industries subject to NESHAPs are gasoline service stations, dry cleaners using perchloroethylene, and portland cement manufacturing

Addressing Air Quality Standards in Permitting Process

- Ambient Air Quality Standards
 - ❖ Air dispersion modeling evaluates the contribution a proposed air quality permit will have on the ambient air concentrations for the criteria pollutants
 - ❖ Air dispersion modeling is the check to ensure an air quality permit will not contribute to an exceedence of either the National Ambient Air Quality Standards or the New Mexico Ambient Air Quality Standards
- Performance Air Quality Standards
 - ❖ Technical review of the air quality permit application involves checking which performance standards apply to the proposed project
 - ❖ Applicable performance standard conditions and requirements for the proposed project are written into the air quality permit.

Basis for Authority-To-Construct Permit Denial

- For Authority-To-Construct Permits (20.11.41.16.A NMAC)
 - ❖ The Department shall deny any request for a permit if:
 - It appears that the construction or modification will not meet applicable regulations adopted pursuant to the New Mexico Air Quality Control Act
 - The source will emit any air contaminant in excess of a NSPS, a NESHAP or a regulation of the Albuquerque/Bernalillo County Air Quality Control Board
 - The source will emit, in such a quantity and duration as to cause imminent danger to public health, a hazardous air pollutant for which no NESHAP applies
 - It appears that either:
 - The construction or modification will cause or contribute to air contaminant levels in excess of any NAAQS.
 - If the source will emit an air contaminant so as to significantly impact an area in which a state ambient air quality standard is not being met or so as to cause a state ambient air quality standard to be exceeded for that contaminant
 - If it appears that issuance of a permit will not be consistent with achieving progress toward attainment of the state ambient air quality standard that is being exceeded
 - Any provision of the NM Air Quality Control Act will be violated
 - It appears the construction of the new or modified source will not be completed within a reasonable time.

Air Quality Operating Permits

Operating Permits (20.11.42 NMAC)

- ✓ Title V of the Clean Air Act Amendments of 1990
- ✓ Major Sources
- ✓ 100 tons per year of greater of any regulated air contaminant
- ✓ 10 tons per year of a single HAP or 25 tons per year of a combination of HAPs
- ✓ Can be triggered by federal source category regardless of the above thresholds

Acid Rain Permits (20.11.62 NMAC)

- ✓ Title IV of the Clean Air Act Amendments of 1990
- ✓ Major Sources (electric utilities)

Issuance Timeframes for Title V Operating Permits

Operating Permits

- ◆ Completeness determination within 60 days of receipt
- ◆ Mandatory 30-day Public Comment Period
- ◆ Issue/deny permit *within 365 days of ruling application complete*

Types of Stationary Sources Permitted

- ◆ Dry Cleaners
- ◆ Gasoline Stations
- ◆ Internal Combustion Engines (i.e. Emergency Generators)
- ◆ Wood Manufacturing
- ◆ Concrete Batch Plants
- ◆ Hot Mix Asphalt Plants
- ◆ Power Plants (Electrical Generation)
- ◆ Gasoline Bulk Terminals
- ◆ Sand and Gravel Operations (crushing, screening)
- ◆ Department of Energy
- ◆ Department of Defense
- ◆ Educational Institutions
- ◆ City of Albuquerque Facilities
- ◆ County of Bernalillo Facilities

QUESTIONS & DISCUSSION