

Petition to Amend 20.11.2 NMAC ,
Fees, and incorporate an amended
20.11.2 NMAC into the New Mexico
State Implementation Plan (SIP) for
Air Quality

Presented to the Albuquerque-Bernalillo County
Air Quality Control Board
October 13, 2010

Authorization

- The New Mexico Air Quality Control Act , NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Air Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

Statement of Reasons:

- Federal and New Mexico laws require or authorize, depending on the type of permit, collection of fees to cover specific costs. Current fees are insufficient and resulted in a projected budget deficit in FY/10 and will result in yet another budget deficit in FY/11 if unchanged.
- Fee fund balance has covered program cost deficits in past years, but the fund balance is now depleted.
- The scope and objectives sections of the current fee regulation require updating and revision to be consistent with the New Mexico Air Quality Control Act.

Statement of Reasons:

- Some fees are based on theoretical maximum emissions rather than the maximum requested by the applicant. The proposed fees will be charged only for what industry requests on a permit application, which could substantially reduce costs.
- Programs have increased in both volume and complexity.
- Personnel and operating costs have increased steadily since the current fee structures were put in place between 1997 and 2004.

Statement of Reasons:

- To date, fees have not been adjusted for CPI increases, although such adjustments are authorized. CPI adjustments will be applied going forward in the proposed regulation.
- Refund and appeal processes need clarification.

Estimated time to conduct the hearing: 1 hour

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- Questions?

