Guidance for Public Notification for

Air Quality Permit Applications

*20.2.72.203.B NMAC (Construction Permits)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This guidance should be used for

# New Source Review New Permits, Significant Permit Revisions, and Technical Permit Revisions

The New Mexico Administrative Codes (NMAC) 20.2.72.203.B, C and D for Construction Permits requires that the applicant’s public notice for a new permit or a significant permit revision include notifications to property owners, municipalities, counties, and tribal governments; published notices in general circulation newspapers; public notice postings; and a public service announcement. Technical permit revisions require notices to municipalities, counties, and tribal governments; and published notices in general circulation newspapers. This document provides guidance to applicants for complying with these requirements for all public notices except public notices for General Construction Permits (GCP). Public notice instructions for GCPs are located in their individual instruction documents, which are found under the permitting link on the [Air Quality Bureau website](http://www.env.nm.gov/air-quality/permitting-section-home-page/).

It is the applicant’s responsibility to ensure that the minimum regulatory public notice requirements in 20.2.72.203.B, C and D are met. This document, written in plain language, and public notice examples are for guidance only and may not cover every possible scenario that may occur for a facility. If, after reading 20.2.72.203 NMAC and this guidance document, there are still questions regarding public notice please contact the permitting section for assistance.

Documentary proof of **all** required public notices **must be included with the initial application submittal**. Do not submit the application until all of the required documentary proof has been obtained.

**Please Note**: The most current permit application may include additional requirements for documentary proof of public notice. Please also refer to the application for public notice requirements.

## (1) Property Owners Notifications

The regulation requires that all property owners on record**🕇** with the county assessor’s office where the property is located receive written notice by certified mail. The two scenarios for this requirement are as follows:

(a) If the facility is or will be **located in a Class A or Class H county\*\* or in a municipality\*\*\* with a population of more than 2500 people**, public notice must be sent to the property owners that are **within 100 feet** from the property boundary on which the property is or will be located.

**or**

(b) If the facility is or will be **located in any other county or municipality not listed above**, public notice must be sent to the property owners that are **within one-half (1/2) mile** from the property boundary on which the property is or will be located.

When a source locates on a very large property, such as White Sands Missile Range, BLM land, or the Turner ranch, “…the property boundary on which the property is or will be located” means the boundary of the restricted area around the operation, not the boundary of the larger property.  Consult with Air Quality Bureau permit staff for other large properties.

[Attachment 4 provides an example letter for notification to property owners.](#_Attachment_4_–)

### 🕇 Names and addresses of the property owners on record

can be obtained through the county Assessor's Office of the appropriate county. For purposes of 20.2.72 NMAC – Construction Permits, "owners of record... of all properties" means only the owners of the fee simple surface estate. Notification of all such owners discovered after a reasonable and diligent search of county records is sufficient to meet the requirements.

### \*\* County Classifications

Up to date county classifications can be found via the New Mexico Department of Finance and Administration website: <http://www.nmdfa.state.nm.us/County_Classifications.aspx>. Select the most current County Classifications. (505) 827- 4985

County classifications are based upon two factors: population and assessed property valuation. The New Mexico Department of Finance and Administration makes this determination every even-numbered year on or before April 30 (or April 29 in leap years). (Biennial Classification of Counties NMSA 1978 § 4-44-2)

### \*\*\* Municipalities and Populations

A list of municipalities and populations can be found via the New Mexico Municipal League website:

<http://www.nmml.org/>. Use the About NMML menu to select Mayors, Municipalities, and Populations.

(800) 432-2036

## (2) Municipalities, Counties🕇, and Indian Tribes Notifications\*\*

The regulation requires that notices be sent to all municipalities and countiesin which the facility is or will be located **and** all municipalities, counties, and Indian tribes in New Mexico that are within a 10 mile radius from the boundary of the property on which the facility is or will be located.

**Please Note**: The applicant is **not** required to notify municipalities, Indian tribes and counties within a ten (10) mile radius of the property if the municipality, Indian tribes and counties are located **outside the state boundaries of New Mexico**.

[Attachment 4 provides an example letter for notification to municipalities, counties, and Indian tribes.](#_Attachment_4_–)

### 🕇 Names and addresses of county officials

can be obtained from the New Mexico Association of Counties: <http://www.nmcounties.org/>.

(877) 983-2101 or (505) 983-2101

### \*\*A current list of Tribal Government contacts

can be obtained from the AQB Permitting Section. Information may also be obtained from the New Mexico Indian Affairs Department <http://www.iad.state.nm.us/> using the Pueblos, Tribes, and Nations menu. (505) 476-1600

#### Documentary proof of compliance with notifications to property owners, municipalities, counties, and Indian tribes must include:

(a) copies of the post marked certified mail receipts (PS Form 3800 post marked by the United States Postal Service),

**or**

(b) a **United States Postal Service (USPS) document** providing proof of delivery confirmation. Tracking numbers without an accompanying USPS document identifying delivery are not acceptable proof. Copies of either USPS web-based delivery records associated with certified mail tracking numbers or return receipt post cards are acceptable as proof of delivery.

## (3) Newspaper Public Notices

A public notice must be published in a newspaper of general circulation in each county in which the property is or will be located. When appropriate, both of these ads shall be printed in both English and Spanish.This notice must appear in **two (2)** sections of the newspaper

(a) as an advertisement in the **classified or legal** section of the newspaper;

**and**

(b) as a **display** advertisement, calculated to give the general public the most effective notice.

[Attachment 5 provides an example of a newspaper public notice,](#_Attachment_5_–)

#### Documentary proof of compliance with the newspaper advertisements must include:

(a) Application submittal of originals or copies of the actual advertisements. The originals or copies of the advertisement must include the header showing the date and newspaper or publication title.

or

(b) An affidavit from the newspaper or publication stating the date of publication of the advertisements, and a copy of the advertisement.

## (4) Postings of Public Notices

Public notice must be posted in **at least 4** publicly accessible and conspicuous places, including:

(a) **The facility posting:** The public notice shall be at the proposed (or existing) facility entrance of the property on which the facility is (or will be) located. A legible notice must remain posted at the facility entrance until the permit or significant permit revision is issued or denied. This notice shall be posted such that it is legible to the public from the point of nearest public access to the entrance to the facility and shall be documented with a dated photo from this public access point showing that at least the word “NOTICE” in the posting is legible to the public.

**and**

(b) **The other 3 locations:** Three (3) locations commonly frequented by the general public in proximity to the facility, such as a public library, city hall, or public bulletin board. Examples of "publicly accessible and conspicuous places” in proximity to the facility include, grocery stores; public libraries; town, village or city halls; public bulletin boards; and "the proposed or existing facility entrance to the property on which the facility is, or is proposed to be located”

.

#### Documentary proof of compliance of this requirement shall consist a copy of the notice and the signed certification document General Posting of Notices – Certification ([Attachment 1](#_Attachment_1_–)).

##### Content Requirements of Public Notices

##### Pertaining to requirements in paragraphs (1) through (4) above:

The notices required by 20.2.72.203.B. NMAC (certified mailings to property owners, municipalities, counties, and Tribal governments; newspaper advertisements; and posted notices) must contain the following:

(a) The applicant's name and address and the names and addresses of all other owners and/or operators of the facility or proposed facility.

(b) The estimated date that the application will be submitted to the Department.

(c) The exact location of the facility or proposed facility and a location description.

(d) A description of the facility process, change to the process, and/or a description of the modification or permit revision for which a permit is sought.

(e) An estimate of the maximum controlled emission rates, including emissions from routine or predictable startup, shutdown, and maintenance; and if requested malfunctions, for the entire facility in pounds per hour and tons per year for each regulated pollutant that the facility will emit once the construction or the modification is complete. The change in maximum controlled emission rates resulting from the modification may also be included in a separate table, but is not required. The applicant should include fugitives and may add a small safety factor for all pollutants that will allow for potential increases during the permit process.

(f) The maximum operating schedule requested in the application and the standard operating schedule for the facility after the construction or modification is complete. Include the hours per day, days per week, and weeks per year.If truck traffic exceeds normal or maximum hours of operation it should be explained with clarification of what those hours are. If the maximum and standard operating schedules are the same, you may list them in one sentence indicating that the listed operating schedule is both the standard and maximum.

(g) The current contact information for the Air Quality Bureau (Department) to which comments and inquiries may be directed.

New Mexico Environment Department

Air Quality Bureau – Permitting Section

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

(505) 476-4300

## (5) Notifications: Submittal of Public Service Announcement

The public service announcement required for new permits or significant permit revisions must be submitted to **at least one** radio or television station, which serves the municipality, or county in which the facility is or will be located.

#### Documentary proof of compliance with the PSA announcement (5) must include:

(a) A submittal of the certification document Submittal of Public Service Announcement – Certification (Attachment 2) by the party responsible for the submittal, stating that the submittal was done, the date of the submittal, and identification of the radio or television station to which the public service announcement was submitted.

**or**

(b) A copy of the written response (mailed letter, email or fax) from the radio or television station acknowledging the receipt of the request to read the public service announcement. Proof that the public service announcement was aired or read is not required.

##### Specific Content of the Public Service Announcement

The public service announcement request must contain the following information about the facility or proposed facility (20.2.72.203.D. NMAC).

1. The name, location, and type of business;
2. the name of the principal owner or operator;
3. the type of process or change for which a permit is sought;
4. locations where the notices have been posted; and
5. the Department’s address or telephone number to which comments may be directed.

**Please Note:** The information required for the public service announcement is different than what is required for the certified letters, postings, and news paper advertisements.

###### *Attachment 1* – General Posting of Notices Certification [delete this text]

**General Posting of Notices – Certification**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned, certify that on **{DATE},** posted a true and correct copy of the attached Public Notice in the following publicly accessible and conspicuous places in the **{CITY\TOWN\VILLAGE}** of **{COUNTY NAME}** County, State of New Mexico on the following dates:

Facility entrance {DATE}

{Location 2}{DATE}

{Location 3}{DATE}

{Location 4}{DATE}

Signed this \_\_ day of , ,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title {APPLICANT OR RELATIONSHIP TO APPLICANT}

###### Attachment 2 – Submittal of Public Service Annoucement Certification [delete this text]

**Submittal of Public Service Announcement – Certification**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned, certify that on **{DATE}**, submitted a public service announcement to **{RADIO\TV STATION NAME}** that serves the City\Town\Village of **{PLACE NAME}**, **{COUNTY NAME}** County, New Mexico, in which the source is or is proposed to be located and that {**RADIO\TV STATION NAME} {DID NOT RESPOND\RESPONDED THAT IT WOULD NOT AIR THE ANNOUNCEMENT\ RESPONDED THAT IT WOULD AIR THE ANNOUNCEMENT}.**

Signed this day of , ,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title {APPLICANT OR RELATIONSHIP TO APPLICANT}

###### Attachment 3 - Example for Posted Notices[delete this text]

**EXAMPLE for Posted Notices**

(20.2.72.203.C NMAC)

This is an example. It is the applicant’s responsibility to accurately fulfill the regulatory requirement including listing of all regulated**1** pollutants that are emitted from the facility, except as exempted under 20.2.72.202 NMAC.

1. **Since 40 CFR 60, Subparts TTTT and UUUU were promulgated, Greenhouse gas (GHG) emissions** also called carbon dioxide equivalent (CO2e) is considered a regulated air contaminant that must be reported in the public notice. Facilities that are not either PSD major, Title V Major (Thus, are minor sources), and are not Power Plants may choose to enter either the total ton per year value for their GHG emissions or may instead enter <75,000 tpy CO2e or ≥ 75,000 tpy CO2e. All Power Plants, Title V, and PSD major sources must enter a numerical ton per year value for the maximum estimated emission rates of GHGs.
2. For all TV and PSD applications particulate matter (PM) should be included in the public notice where Total Suspended Particulates (TSP) used to be entered. TSP was repealed by the EIB effective November 30, 2018. PM does not have an ambient air quality standard, but for TV and PSD applications must be reported since it is a regulated air contaminant/pollutant per 20.2.70 and 20.2.74 NMAC.

Delete this line and everything above.

NOTICE

**[Name of Owner or Operator]** announces its application to the New Mexico Environment Department for an air quality permit for the **[construction/modification]** of its **[hot mix asphalt/sand/gravel/rock crushing/concrete/other]** facility. The expected date of application submittal to the Air Quality Bureau is **[date].**

The exact location for the proposed facility known as, **[name of facility]**, is/will be at **[use the address of the facility location. If there is no address, use lat and long coordinates as follows]** latitude **XX.XXXXX** decdeg North and longitude **-XXX.XXXXX** dec deg West. **[Also include directions to the facility as follows]** The approximate location of this facility is **XX.X** miles [**direction**] of [**a reasonably close, well known point, such as the intersection of two roads, a landmark, or road mile marker]** in [**name**] county].

The proposed **[modification/revision/construction]** consists of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The estimated maximum quantities of any regulated air contaminants will be as follows in pound per hour (pph) and tons per year (tpy). These reported emissions could change slightly during the course of the Department’s review:

**[*List pounds per hour and tons per year of regulated contaminants (include sources of fugitives). Contaminants less than one-half (1/2) pound per hour (pph) and one-half (1/2) ton per year (tpy) do not need to be listed below. You may list individual HAPs, but are not required to. Each NM TAP subject to a permit (over the pph screening level in 20.2.72.502 NMAC) must be listed individually (20.2.72.402.B NMAC). Applicants may choose to add a small “safety factor” if values may increase during permitting process.] [You should add any necessary regulated air contaminants and may delete any that will not be emitted from your facility]***

|  |  |  |
| --- | --- | --- |
| Pollutant: | Pounds per hour | Tons per year |
| Particulate Matter (PM) [for TV & PSD only] | pph | tpy |
| PM 10 | pph | tpy |
| PM 2.5 | pph | tpy |
| Sulfur Dioxide (SO2) | pph | tpy |
| Nitrogen Oxides (NOx) | pph | tpy |
| Carbon Monoxide (CO) | pph | tpy |
| Volatile Organic Compounds (VOC) | pph | tpy |
| Total sum of all Hazardous Air Pollutants (HAPs) | pph | tpy |
| Toxic Air Pollutant (TAP) | pph | tpy |
| Green House Gas Emissions as Total CO2e | n/a | tpy |

The standard operating schedule of the facility will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year. The maximum operating schedule will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year.

**[OR]**

The standard and maximum operating schedules of the facility will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year

**[If truck traffic exceeds normal or maximum hours of operation it should be explained here with clarification of what those hours are.]**

The owner and/or operator of the Facility is: **[name]; [company]; [street address],****[city, state, zip code]**

If you have any comments about the construction or operation of this facility, and you want your comments to be made as part of the permit review process, you must submit your comments in writing to this address: Permit Programs Manager; New Mexico Environment Department; Air Quality Bureau; 525 Camino de los Marquez, Suite 1; Santa Fe, New Mexico; 87505-1816. Other comments and questions may be submitted verbally. (505) 476-4300; 1 800 224-7009.

With your comments, please refer to the company name and facility name, or send a copy of this notice along with your comments. This information is necessary since the Department may have not yet received the permit application. Please include a legible return mailing address. Once the Department has completed its preliminary review of the application and its air quality impacts, the Department’s notice will be published in the legal section of a newspaper circulated near the facility location.

**Atención**

Este es un aviso de la oficina de Calidad del Aire del Departamento del Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor comuníquese con esa oficina al teléfono 505-629-3395.

**Notice of Non-Discrimination**

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED’s non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

###### Attachment 4 – Example for Notice to Neighbors, Indian Tribes, Counties, or Municipalities

**EXAMPLE for Notice to Neighbors, Indian Tribes, Counties, and/or Municipalities**

(20.2.72.203.C NMAC)

This is an example. It is the applicant’s responsibility to accurately fulfill the regulatory requirement including listing of all regulated pollutants that are emitted from the facility, except as exempted under 20.2.72.202 NMAC.

1. **Since 40 CFR 60, Subparts TTTT and UUUU were promulgated, Greenhouse gas (GHG) emissions** also called carbon dioxide equivalent (CO2e) is considered a regulated air contaminant that must be reported in the public notice. Facilities that are not either PSD major, Title V Major (Thus, are minor sources), and are not Power Plants may choose to enter either the total ton per year value for their GHG emissions or may instead enter <75,000 tpy CO2e or ≥ 75,000 tpy CO2e. All Power Plants, Title V, and PSD major sources must enter a numerical ton per year value for the maximum estimated emission rates of GHGs.

Delete this line and everything above.

**[date]**

CERTIFIED MAIL XXXX XXXX XXXX XXXX

RETURN RECEIPT REQUESTED *(certified mail is required,* ***return receipt is optional****)*

Dear **[Neighbor/Environmental Director/county or municipal official]**

**[Name of Owner or Operator]** announces its application submittal to the New Mexico Environment Department for an air quality permit for the **[construction/modification]** of its [**hot mix asphalt/sand/gravel /rock/crushing concrete/other]** facility. The expected date of application submittal to the Air Quality Bureau is **[date].**

The exact location for the proposed facility known as, **[name of facility]**, is/will be at **[use the address of the facility location. If there is no address, use lat and long coordinates as follows]** latitude **XX.XXXXX** decdeg North and longitude **-XXX.XXXXX** dec deg West. **[Also include directions to the facility as follows]** The approximate location of this facility is **XX.X** miles [**direction**] of [**a reasonably close, well known point, such as the intersection of two roads, a landmark, or road mile marker]** in [**name**] county].

The proposed [**modification/revision/construction]** consists of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The estimated maximum quantities of any regulated air contaminant will be as follows in pound per hour (pph) and tons per year (tpy) and may change slightly during the course of the Department’s review:

**[*List pounds per hour and tons per year of regulated contaminants (include sources of fugitives). Contaminants less than one-half (1/2) pound per hour (pph) and one-half (1/2) ton per year (tpy) do not need to be listed below. You may list individual HAPs, but are not required to. Each NM TAP subject to a permit (over the pph screening level in 20.2.72.502 NMAC) must be listed individually (20.2.72.402.B NMAC). Applicants may choose to add a small “safety factor” if values may increase during permitting process.] [You should add any necessary regulated air contaminants and may delete any that will not be emitted from your facility]***

|  |  |  |
| --- | --- | --- |
| Pollutant: | Pounds per hour | Tons per year |
| Particulate Matter (PM) [for TV & PSD only] | pph | tpy |
| PM 10 | pph | tpy |
| PM 2.5 | pph | tpy |
| Sulfur Dioxide (SO2) | pph | tpy |
| Nitrogen Oxides (NOx) | pph | tpy |
| Carbon Monoxide (CO) | pph | tpy |
| Volatile Organic Compounds (VOC) | pph | tpy |
| Total sum of all Hazardous Air Pollutants (HAPs) | pph | tpy |
| Toxic Air Pollutant (TAP) | pph | tpy |
| Green House Gas Emissions as Total CO2e | n/a | tpy |

The standard operating schedule of the facility will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year. The maximum operating schedule will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year.

**[OR]**

The standard and maximum operating schedules of the facility will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year

**[If truck traffic exceeds normal or maximum hours of operation it should be explained here with clarification of what those hours are.]**

Owners and operators of the facility include **[list names and addresses that are different from the signature at the end of this letter]**.

If you have any comments about the construction or operation of this facility, and you want your comments to be made as part of the permit review process, you must submit your comments in writing to this address: Permit Programs Manager; New Mexico Environment Department; Air Quality Bureau; 525 Camino de los Marquez, Suite 1; Santa Fe, New Mexico; 87505-1816. Other comments and questions may be submitted verbally. (505) 476-4300; 1 800 224-7009.

Please refer to the company name and facility name, or send a copy of this notice along with your comments, since the Department may have not yet received the permit application. Please include a legible return mailing address with your comments. Once the Department has performed a preliminary review of the application and its air quality impacts, the Department’s notice will be published in the legal section of a newspaper circulated near the facility location.

**Attención**

Este es un aviso de la oficina de Calidad del Aire del Departamento del Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor comuníquese con esa oficina al teléfono 505-629-3395.

Sincerely,

[**permit applicant**]

[**permit applicant address**]

**Notice of Non-Discrimination**

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED’s non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

###### Attachment 5 – Example for Newspaper Ads

**EXAMPLE for Newspaper Ads**

20.2.72 NMAC – Construction Permits, Section 203.B

This is an example. It is the applicant’s responsibility to accurately fulfill the regulatory requirement including listing of all regulated pollutants that are emitted from the facility, except as exempted under 20.2.72.202 NMAC.

1. **Since 40 CFR 60, Subparts TTTT and UUUU were promulgated, Greenhouse gas (GHG) emissions** also called carbon dioxide equivalent (CO2e) is considered a regulated air contaminant that must be reported in the public notice. Facilities that are not either PSD major, Title V Major (Thus, are minor sources), and are not Power Plants may choose to enter either the total ton per year value for their GHG emissions or may instead enter <75,000 tpy CO2e or ≥ 75,000 tpy CO2e. All Power Plants, Title V, and PSD major sources must enter a numerical ton per year value for the maximum estimated emission rates of GHGs.

Delete this line and everything above.

**NOTICE OF AIR QUALITY PERMIT APPLICATION**

**[Name of Owner or Operator]** announces its application submittal to the New Mexico Environment Department for an air quality permit for the **[construction/modification]** of its **[hot mix asphalt/sand/gravel/rock crushing/concrete/other]** facility. The expected date of application submittal to the Air Quality Bureau is **[date].**

The exact location for the proposed facility known as, **[name of facility]**, is/will be at **[street address of the facility location or latitude and longitude in decimal degrees].** The approximate location of this facility is **XX.X** miles **[direction]** of **[town name (preferred) or, if no town within 30 miles, a reasonably close, well-known point, such as the intersection of two roads, landmark, or road mile marker]** in **[name]** county.

The proposed **[modification/construction/revision]** consists of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The estimated maximum quantities of any regulated air contaminant will be as follows in pound per hour (pph) and tons per year (tpy) and could change slightly during the course of the Department’s review:

**[*List pounds per hour and tons per year of regulated contaminants (include sources of fugitives). Contaminants less than one-half (1/2) pound per hour (pph) and one-half (1/2) ton per year (tpy) do not need to be listed below. You may list individual HAPs, but are not required to. Each NM TAP subject to a permit (over the pph screening level in 20.2.72.502 NMAC) must be listed individually (20.2.72.402.B NMAC) Applicants may choose to add a small “safety factor” if values may increase during permitting process.] [You should add any necessary regulated air contaminants and may delete any that will not be emitted from your facility]***

|  |  |  |
| --- | --- | --- |
| Pollutant: | Pounds per hour | Tons per year |
| Particulate Matter (PM) [for TV & PSD only] | pph | tpy |
| PM 10 | pph | tpy |
| PM 2.5 | pph | tpy |
| Sulfur Dioxide (SO2) | pph | tpy |
| Nitrogen Oxides (NOx) | pph | tpy |
| Carbon Monoxide (CO) | pph | tpy |
| Volatile Organic Compounds (VOC) | pph | tpy |
| Total sum of all Hazardous Air Pollutants (HAPs) | pph | tpy |
| Toxic Air Pollutant (TAP) | pph | tpy |
| Green House Gas Emissions as Total CO2e | n/a | tpy |

The standard operating schedule of the facility will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year. The maximum operating schedule will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year. **[If truck traffic exceeds normal or maximum hours of operation it should be explained here with clarification of what those hours are.]**

**[OR]**

The standard and maximum operating schedules of the facility will be from a.m. to p.m. \_\_\_days a week and a maximum of weeks per year

The owner and/or operator of the Facility is: **[name]; [company]; [street address], [city, state, zip code]**

If you have any comments about the construction or operation of this facility, and you want your comments to be made as part of the permit review process, you must submit your comments in writing to this address: Permit Programs Manager; New Mexico Environment Department; Air Quality Bureau; 525 Camino de los Marquez, Suite 1; Santa Fe, New Mexico; 87505-1816. Other comments and questions may be submitted verbally. (505) 476-4300; 1 800 224-7009.

Please refer to the company name and site name, or send a copy of this notice along with your comments, since the Department may have not yet received the permit application. Please include a legible return mailing address with your comments. Once the Department has performed a preliminary review of the application and its air quality impacts, the Department’s notice will be published in the legal section of a newspaper circulated near the facility location.

General information about air quality and the permitting process, and links to the regulations can be found at the Air Quality Bureau’s website: www.env.nm.gov/air-quality/permitting-section-home-page/. The regulation dealing with public participation in the permit review process is 20.2.72.206 NMAC.

**Atención**

Este es un aviso de la oficina de Calidad del Aire del Departamento del Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor comuníquese con esa oficina al teléfono 505-629-3395.

**Notice of Non-Discrimination**

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED’s non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

Change Log – Do **not** include this page with your public notice or your application.

If you are using a form older than the most current form posted on the website, you are required to incorporate the changes listed. Periodically, AQB will announce when older form versions will no longer be accepted.

|  |  |
| --- | --- |
| Version Date | Changes Incorporated |
| February 23, 2023 | Updated Spanish speaker phone number and Non-Discrimination Coordinator email address. |
| April 28, 2023 | Generalized the Non-Discrimination Coordinator contact. |
| July 12, 2023 | PN Template updated to require longitude and latitude coordinates in decimal degrees. |
|  |  |
|  |  |
|  |  |