



Timothy M. Keller, Mayor

City of Albuquerque Environmental Health Department

Definitions of Significant Public Interest and Significant Air Quality Issue for Air Quality Construction Permits

Effective Date: November 2020

Last Revised: November 2020

Policy Owner: Environmental Health Department/Air Quality Program

Policy Contact: Mara Elana Burstein, Deputy Director, mburstein@cabq.gov

1. Reason for Policy

Regulation 20.11.41 NMAC, *Construction Permits*, states that “[i]f the [Environmental Health] Department director determines there is significant public interest in the air quality permit application and a significant air quality issue is involved the Department shall hold a public information hearing pursuant to 20.11.41.15 NMAC.”

Significant public interest and significant air quality issue are not defined in 20.11.41 NMAC. This policy defines these terms to ensure the Department is using its limited resources to the maximum efficiency.

Public information hearings are a mechanism for the Department and the public to discuss the proposed project before the Department makes a final decision on the application.

2. Policy Scope

The policy applies to the City of Albuquerque Environmental Health Department when a request(s) has been submitted for a public information hearing on a 20.11.41 NMAC air quality permit application which required public notice.

3. Definitions

Terms specific to this Policy. Where possible, use terms from the Master Glossary of terms that apply to this policy.

Department	City of Albuquerque Environmental Health Department (EHD)
Director	EHD Director

Significant Public Interest	<p>Public interest is considered to be significant if written requests for a public information hearing are received from five (5) or more individuals or if the request includes a petition signed by five (5) or more individuals.</p> <p>Public interest is considered to be significant if the request is submitted by an elected official¹ who represents the general area where the facility is to be located or is located.</p>
Significant Air Quality Issue Involved	<p>An air quality issue is considered significant if it relates to a Title V or Synthetic Minor stationary source or is: (1) specific to the air quality permitting regulations and (2) is based on the permitting action described in the public notice.</p>

4. Procedures

Procedures outline how the policy’s requirements will be met.

4.1 Receipt of Request for Public Information Hearing	
Request(s) for Public Information Hearing (PIH)	<p>Stakeholders must formally request a public information hearing, within the public comment period, using EHD’s new Request for PIH Form.</p>
Review Request(s) for PIH	<p>EHD shall evaluate request(s) for a PIH for a 20.11.41 NMAC, Construction Permits, received during the public comment period. Within 10 business days after the close of the comment period, Permitting Division staff will review request(s) and assess whether there is significant public interest and a significant air quality issue related to the noticed air quality permit application.</p>
Make Recommendation to Deputy Director	<p>Once the Permitting Division has completed the assessment, staff will develop a recommendation memorandum for the Deputy Director’s consideration.</p> <p>In addition to determining if there is significant public interest and a significant air quality issue involved, the Permitting Division will consider if there is evidence that the proposed permit is not correct or is not adequate to ensure compliance with regulatory requirements and whether a public information hearing will likely provide additional information that will affect the drafting and/or issuance of the permit.</p>

¹ Including Pueblo Governors

4.2 Department Deputy Director Review and Director Decision

Deputy Director Review	EHD Deputy Director will review the Permitting Division's recommendation and provide an assessment to the Director regarding whether a public information hearing should be held.
Director Decision	EHD Director will decide on the request(s) for a public information hearing.