

SIGNIFICANT ISSUES

The state's Air Quality Control Act and most implementing regulations under the Act are part of the New Mexico State Implementation Plan (SIP) approved by EPA, which has granted NMED the authority to issue permits to sources and implement many of the Clean Air Act provisions in New Mexico. Federal regulations require SIPs to include procedures making states or local agencies responsible for final decision making on approval of construction or modification of a source. This includes evaluating the location, design, construction and operation of the source.

Regarding the timing of permitting relative to construction, federal regulations provide:

Such procedures must include means by which the State or local agency responsible for final decision making on an application for approval to construct or modify will prevent such construction or modification if:

1. It will result in a violation of applicable portions of the control strategy; or
2. It will interfere with the attainment or maintenance of a national standard.

JA/al