



Public Involvement Plan

New Mexico Environment Department

Air Quality Bureau, Planning Section

Project: Operating (Part 71) and Construction (Part 75) Fees Rule Revision

Planning timeframe: December 2025 – May 2026

Project Planners: Ken Miller and Armando Paz

Approval: DocuSigned by:
Cindy Hollenberg
8C5B75B327A8482...
Cindy Hollenberg, Chief, Air Quality Bureau

Date: 1/12/2026

Purpose

The New Mexico Environment Department (“NMED” or “Department”) developed this Public Involvement Plan (“Plan”) to provide public participation opportunities and information that may be needed to participate in the operating and construction fees rule revision project. The operating and construction fees rule revision project is being undertaken pursuant to the Clean Air Act, 40 CFR Part 70, which requires NMED to periodically assess the operating and construction fee schedules to determine whether they are reasonable in sustaining the permit program’s administrative and operational duties under Parts 71 and 75, respectively.

The Air Quality Bureau (“AQB” or “Bureau”) has developed this Plan to increase transparency regarding the planning and decision-making processes. This Plan integrates information about potentially affected communities and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process. The Plan identifies the NMED staff and resources needed to accomplish these activities.

In developing this Plan, community participation needs were assessed to ensure appropriate promotion of public outreach, by identifying whether there is a combination of environmental and demographic factors (e.g., low-income community, minority community, limited English proficient individuals, linguistically isolated households, etc.) that may impact public participation. This assessment identifies community outreach needs, provides for public access opportunities beyond statutory requirements, and supports the provision of adequate public access to information about the operating and construction fees rule revision project.

The operating and construction fees rule revision project may require public participation throughout different stages of planning and decision-making. The Bureau will follow this Plan, designed to ensure nondiscriminatory access to all applicable public participation opportunities related to policy, regulatory actions and statutory requirements.

Project Overview

The operating and construction fees rule revision project is being undertaken pursuant to Clean Air Act (“CAA”), 40 CFR Part 70, which requires the Department to assess fees to determine if the revenue will be sufficient to sustain projected expenditures to successfully implement the permit programs administrative and operational obligations under Parts 71 and 75, respectively.

The operating and construction fees rule revision project is a planning effort, beginning in December 2025 and continuing through May 2026 when the final SIP revision will be submitted to EPA for construction fees. Outreach efforts will include opportunity to comment on documentation required by EPA and public hearings to incorporate those documents into the New Mexico SIP for construction fees.

Contacts

The following are the contacts for this action. These contacts will be included in public notices and outreach materials.

Project and Public Involvement Plan contacts:

Ken Miller
Air Quality Bureau
8801 Horizon Blvd.
Albuquerque, NM 87113
(505) 629-8673
kenneth.miller@env.nm.gov

Armando Paz
Air Quality Bureau
2301 Entrada del Sol
Las Cruces, NM 88001
(505) 629-3242
armando.paz@env.nm.gov

Website:

Outreach materials and notices will include links to the following website:

<https://www.env.nm.gov/air-quality/proposed-regs/#fees>

Non-English Language Speaker Assistance and Accommodations:

The Bureau will provide Spanish interpretation services upon request at all public meetings, including public hearings, and will also include information in public notices about how persons may request interpretation services, as well as, accommodations for persons with disabilities. If any person requires an auxiliary aid (e.g., accommodations for persons who are disabled) to participate in any aspect of the Initiative, they may contact one of the project contacts above, preferably 14 days prior to the end of any given public comment period. TDD or TTY users may access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users, 1-800-659-8331.

Community Description / LEP Analysis

To address potential or existing environmental justice areas, Bureau staff completed an initial screening of the potentially affected communities, using the US Census Bureau website as a data resource. This resource helps identify communities with demographic factors which may benefit from a variety of approaches for notification and outreach communication.

Table 1, below, summarizes the demographics of potentially affected communities analyzed using the five-year American Community Survey US Census Bureau website data, including the proportion of limited English proficiency individuals.

Table 1: Potentially affected communities and their estimated demographics. Statistics are derived from American Community Survey reports (2019-2023) via the US Census Bureau Data Website.

Potentially Affected Communities	Total number of households	Per capita income	Minority population (%)	Linguistically Isolated Households* (%)	Predominant Language in Linguistically Isolated Households	LEP Individualst (%)
USA	127,482,865	\$43,289	41.8%	4.2%	Spanish	8.4%
New Mexico	825,021	\$34,823	63.5%	5.2%	Spanish	8.7%

* Linguistically Isolated Households are those in which no one 14 and over speaks English “very well,” or speaks English only.

† Limited English Proficient Individuals are those that speak a language other than English at home **and** who speak English “less than very well.”

The results of this screening suggest that attention should be paid to the linguistic and logistical needs of the low income, minority, linguistically isolated and limited English proficiency populations in New Mexico. The results of the initial screening indicate that the per capita income is approximately 80 percent the U.S. mean per capita income and minority populations represent the majority of residents. In addition, New Mexico has a comparable percentage of linguistically isolated households, of which all speak Spanish, and a correspondingly high percentage of limited English proficient individuals, relative to the U.S. average.

Historically, participation by LEP individuals in New Mexico-led permit hearings has been frequent and is very important for the Bureau to incorporate the linguistic and communication needs of these communities when conducting public outreach and participation activities, to foster and support further participation by these communities.

An additional consideration is the low per capita income. The Bureau will consider transportation needs and typical work schedule issues when arranging public meetings and public hearings.

To help accomplish this, the Bureau will translate all public notices into Spanish. Spanish interpretation services will be provided upon request at all public meetings and public hearings. The following are average costs associated with various services:

Costs associated with translation: \$1,000

Costs associated with providing a translator: \$2,500-5,000, depending on the length of the proceeding

Costs for a court reporter: \$2,000

The Bureau strives to make public participation efforts as inclusive as possible within budget and time limitations. The Department will use in-house translation and interpretation services whenever possible; however, contracted services may sometimes be necessary. Further, the Bureau will strive to schedule public meetings and public hearings during non-work hours when possible.

The operating and construction fees rule revision project is very important to the State, local governments, and industry. Increased fees will reasonably economically impact the stationary sources of air pollution. The operating and construction fees rule revision project is important to the Department to not only meet federal requirements, but also to carry out its mission of protecting the air quality for

the residents of New Mexico. Neighborhood residents and environmental organizations should view this planning effort as important for protecting their health as well.

Details of Outreach Activities

Based on the demographics outlined above, the history of public involvement for related projects, and projected impacts to potentially affected communities, the Bureau will provide important documents and public notices in Spanish as well as English. All notices will include information on how to request other communication assistance through NMED.

The following table offers information on how the public will be invited to participate in this project. In-person hybrid virtual meetings and hearings will be utilized to facilitate public engagement.

Table 2: Timeline of initial public involvement opportunities. Note that dates may be approximate. Notices will contain final dates, and specific locations and times. Following the initial planning period, a second, similar timeline will be added for the final SIP revisions.

Date(s)	Activity	Venue / Location	Time	Language service
Dec 23, 2025	Email announcing public informational meetings on Parts 71 & 75	AQB ListSrvs	n/a	English and Spanish
Jan 8, 2026	Email providing links to public informational meetings on Parts 71 & 75	AQB Listservs	n/a	English and Spanish
Jan 15 & 22, 2026	Public informational meetings on Parts 71 & 75	Webex virtual meeting platform	1/15/26 4- 6 PM – 1/22/26 6-8 PM	English with Spanish interpretive services upon request
Jan 11-13, 2026	Public notice of rulemaking hearing (Parts 71 & 75)	Albuquerque Journal, Carlsbad Current Argus, New Mexico Register, Tri-City Record	n/a	English and Spanish
Jan 13, 2026	Email providing public notice of rulemaking hearing (Parts 71 & 75)	AQB ListSrvs	n/a	English and Spanish
March 23, 2026	Public Hearing before the Environmental Improvement Board	Hybrid in-person/virtual hearing	9:00 AM	English with Spanish interpretive services

Public notices and outreach materials will direct the public that they can receive email updates through NMED's listserv by signing up electronically at <https://public.govdelivery.com/accounts/NMED/subscriber/new>, then choosing which topics they are most interested in. This project will periodically send updates to the AQB *Regulatory and SIP Announcements* listservs and other AQB listservs.

The following web sites provide access to the official notices electronically, per the publication outlets described above:

Albuquerque Journal

<https://www.abqjournal.com/>

Carlsbad Current Argus

<https://www.currentargus.com/>

New Mexico Register

<https://www.srca.nm.gov/nmac-home/new-mexico-register/>

Tri-City Record

<https://www.tricityrecordnm.com/>

Notices will be sent to the 23 active land grants listed below:

- Abiquiu
- Anton Chico
- Atrisco
- Cañon de Camué
- Cebolleta
- Chililí
- Cristóbal de la Serna
- Cubero
- Don Fernando de Taos
- Juan Bautista Baldez
- Manzano
- San Antonio de Las Huertas
- San Antonio del Rio Colorado
- San Joaquín del Rio de Chama
- San Miguel del Bado
- Santa Barbara
- Santo Domingo de Cundiyó
- Santo Tomas Apóstol del Río de Trampas
- Tajiqu
- Tecolote
- Tierra Amarillia
- Town of Tomé
- Town of Torreón

Notices will be sent to the five Council of Governments (COGs) and two Economic Development Districts listed below:

- Northwest NM COGs
- North Central NM Economic Development District
- Mid-Region COGs
- Eastern Plains COGs
- Southwest NM COGs

- Southeastern NM Economic Development District
- South Central COGs

Notices will be sent to the 25 Pueblos, Nations, and Tribes listed below:

- Acoma
- Cochiti
- Isleta
- Jemez
- Laguna
- Nambe
- Ohkay Owingeh (San Juan)
- Picuris
- Pojoaque
- San Felipe
- San Ildefonso
- Sandia
- Santa Ana
- Santa Clara
- Kewa (Santo Domingo)
- Taos
- Tesuque
- Zia
- Zuni
- Ysleta del Sur
- Navajo Nation
- Navajo Nation Council
- Jicarilla Apache
- Mescalero Apache
- Fort Sill Apache

Document Repositories

The following is a list of locations where copies of relevant documents will be available to the community. Public notices and outreach materials will inform the public of these locations, as appropriate:

NMED District I Field Office – Albuquerque
121 Tijeras Ave. NE
STE 1000
Albuquerque, NM 87102-3400
Phone (505) 222-9500

Air Quality Bureau (in District II)
525 Camino de los Marquez
Santa Fe, New Mexico 87505
(505) 476-4300

NMED District III Field Office – Las Cruces
2301 Entrada del Sol
Las Cruces, NM 88001
(575) 288-2050

Electronic copies will be available at the following link, which will be included in public notices and outreach materials as appropriate:

<https://www.env.nm.gov/air-quality/proposed-regs/#fees>