

**ALBUQUERQUE-BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD**

**IN THE MATTER OF THE PETITION TO AMEND TITLE 20, CHAPTER 11 OF THE  
NEW MEXICO ADMINISTRATIVE CODE TO REQUIRE REVIEW AND  
CONSIDERATION OF HEALTH, ENVIRONMENT, AND EQUITY IMPACTS.**

**AQCB Petition No. 2022-03**

**Mountain View Neighborhood Association,  
Mountain View Community Action,  
Friends of Valle de Oro,**

**Petitioners.**

**Notice of Filing of Amended Exhibit A to Petition**

Mountain View Neighborhood Association, Mountain View Community Action, and Friends of Valle de Oro (collectively, “Petitioners”) submit this Notice of Filing of Amended Exhibit A. Amended Exhibit A is attached and supersedes Exhibit A attached to the Petition to Amend Title 20, Chapter 11 of the New Mexico Administrative Code to Require Review and Consideration of Health, Environment and Equity Impacts filed on November 21, 2022.

Respectfully submitted this 26th day of July, 2023.

NEW MEXICO ENVIRONMENTAL  
LAW CENTER

*/s/ Maslyn Locke*

Maslyn Locke

Eric Jantz

722 Isleta Boulevard SE  
Albuquerque, NM 87591

[mlocke@nmeic.org](mailto:mlocke@nmeic.org)

[ejantz@nmeic.org](mailto:ejantz@nmeic.org)

*Attorneys for Petitioners*

TITLE 20 ENVIRONMENTAL PROTECTION

CHAPTER 11 ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

PART 72 HEALTH, ENVIRONMENT AND EQUITY IMPACTS

20.11.72.1 ISSUING AGENCY: Albuquerque/Bernalillo County Air Quality Control Board, P.I. Box 1293, Albuquerque, New Mexico 87102

20.11.72.2 SCOPE: 20.11.72 applies to any applicant seeking a permit for an emissions source subject to 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC and 20.11.61. NMAC

20.11.72.3 STATUTORY AUTHORITY: 20.11.72 is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 §§ 74-2-4, 74-2-5(B), as amended; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 945, Sections 4 and 5; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque, 1994 § 9-5-1-4.

20.11.72.4 DURATION: Permanent.

20.11.72.5 EFFECTIVE DATE: \_\_\_\_\_, unless a later date is cited at the end of a section.

20.11.72.6 OBJECTIVE: Consistent with the Department's authority to prevent and abate air pollution, the Department shall ensure that the health, environmental and equity impacts of combined air emissions sources are considered and addressed by the Department such that no neighborhood or population group bears the disproportionate health impacts of air pollution or disproportionate concentration of emitting facilities and that all permitting complies with the goals of the National Integrated Urban Air Toxics Strategy and in the furtherance of environmental justice.

20.11.72.7 DEFINITIONS: In addition to the definitions in this Section, the definitions in 20.11.1 NMAC shall apply unless there is a conflict between definitions, in which case the definition in this Part shall govern.

- A. "Applicant" means the person applying for a permit under the Air Quality Control Act and Chapter 20, Part 11 of the New Mexico Administrative Code.

- B. “ADAF” means Age-Dependent Adjustment Factors that shall be applied when assessing cancer risks from early-life exposure.
- C. “Cancer Risk” means the probability of contracting cancer over the course of seventy years, assuming continuous exposure. The lifetime cancer risk from inhalation of air toxics is expressed in terms of risk per lifetime per million people.
- D. “Criteria Air Pollutants” means the air pollutants for which there are national ambient air standards provided for in 40 C.F.R. Part 50.
- E. “Community-based Participatory Research” means a collaborative approach to research that equitably involves community members, organizational representatives, and researchers in all aspects of the research process. The partners contribute unique strengths and shared responsibilities to enhance understanding of a given phenomenon and the social and cultural dynamics of the community, and integrate the knowledge gained with action to improve the health and well-being of community members.
- F. “Tribal Consultation” means to cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources.
- G. “Cumulative Impacts” or “Cumulative Effects” means the exposures, public health and environmental effects from the combined emissions and discharges in a geographic area, including air emissions from all existing and reasonably foreseeable sources, routinely, accidentally or otherwise released and non-chemical stressors. Cumulative Impacts shall take into account sensitive populations and socio-economic factors and social determinants of health.
- H. “EJ database” means the United States Environmental Protection Agency Environmental Justice Screening and Mapping tool or an equivalent tool.
- I. “Emissions or Discharges” means chemical or physical agents released in the environment, routinely or accidentally, continuously, intermittently, or cyclically.
- J. “Environmental Effects” means the adverse environmental conditions caused by emissions, including various aspects of environmental degradation, ecological

effects and threat to environment and communities. These effects may be direct, indirect, immediate or delayed.

- K. "Exposure" means direct or indirect contact of any magnitude or dose, through inhalation, ingestion or skin absorption, with emissions or pollution, transported through the air, water or soil. Contact may be continuous, discontinuous but regular, or intermittent.
- L. "Hazardous Air Pollutants" or "Air Toxics" means those air pollutants designated pursuant to 40 C.F.R. Part 63.
- M. "Hazard Index (HI)" means the sum of hazard quotients for air toxics that affect the same target organ or organ system.
- N. "Hazard Quotient (HQ)" means the ratio of the potential exposure to a substance and the level at which no adverse effects are expected, calculated as the exposure divided by the appropriate chronic or acute value.
- O. "Health" means a state of complete physical, mental and social well-being, not merely the absence of disease or infirmity.
- P. "Impacted Block Group" means the census block group where the permitted facility is proposed to be located.
- Q. "Mutagenic Chemical" means a chemical that is expected to cause irreversible changes to DNA, would exhibit a greater effect in early-life versus later-life exposure. The below table lists the chemicals considered to be carcinogenic by mutagenic mode of action by U.S. EPA.
- |                         |                       |
|-------------------------|-----------------------|
| a. Acrylamide           | CAS Number 79-06-1    |
| b. Benz[a]anthracene    | CAS Number 56-55-3    |
| c. Benzidine            | CAS Number 92-87-5    |
| d. Benzo[a]pyrene       | CAS Number 50-32-8    |
| e. Benzo[b]fluoranthene | CAS Number 205-99-2   |
| f. Benzo[k]fluoranthene | CAS Number 207-08-9   |
| g. Chromium(VI)         | CAS Number 18540-29-9 |
| h. Chrysene             | CAS Number 218-01-9   |

i. Coke Oven Emissions	CAS Number 8007-45-2
j. Dibenz[a,h]anthracene	CAS Number 53-70-3
k. Dibromo-3-chloropropane, 1,2-	CAS Number 96-12-8
l. Dimethylbenz(a)anthracene, 7,12-	CAS Number 57-97-6
m. Ethylene Oxide	CAS Number 75-21-8
n. Indeno[1,2,3-cd]pyrene	CAS Number 193-39-5
o. Methylcholanthrene, 3-	CAS Number 56-49-5
p. Methylene Chloride	CAS Number 75-09-2
q. Methylene-bis(2-chloroaniline), 4,4'-	CAS Number 101-14-4
r. Nitrosodiethylamine, N-	CAS Number 55-18-5
s. Nitrosodimethylamine, N-	CAS Number 62-75-9
t. Nitroso-N-ethylurea, N-	CAS Number 759-73-9
u. Nitroso-N-methylurea, N-	CAS Number 684-93-5
v. Safrole	CAS Number 94-59-7
w. Trichloroethylene	CAS Number 79-01-6
x. Trichloropropane, 1,2,3-	CAS Number 96-18-4
y. Urethane	CAS Number 51-79-6
z. Vinyl Chloride	CAS Number 75-01-4

- R. “Overburdened Community” means a census block group where the air toxics hazard index is at or exceeds the county average or the air toxics cancer risk is at or exceeds the county average.
- S. “Pollution” means the emission, except emission that occurs in nature, into the outdoor atmosphere of one or more air contaminants in quantities and of a duration that may with reasonable probability injure human health or animal or plant life or as may unreasonably interfere with the public welfare, visibility or the reasonable use of property.
- T. “Public Health” means the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society.
- U. “Social Determinants of Health” means the nonmedical factors that influence health outcomes. They are the conditions in which people are born, grow, work, live and age, and the wider set of forces and systems shaping the conditions of daily life, including economic policies and systems, development agendas, social norms, social policies, racism, climate change and political systems.
- V. “Sources” means any stationary source, or any other source of air emissions, that must comply with an applicable requirement.

W. “Stressor” means any factor that contributes to increased vulnerability to environmental health harms, including everything listed in 20.11.72.8.A

20.11.72.8 PRE-APPLICATION REQUIREMENT: An applicant seeking a permit pursuant to the Air Quality Control Act shall contact the department in writing and request a pre-application meeting for information regarding the contents of a health, environment and equity impact analysis and the health, environment and equity impact analysis process. The meeting may include discussion of approved emissions factors and control efficiencies, air dispersion modeling guidelines, department policies, air quality permit fees, public notice requirements and regulatory timelines. If the meeting includes discussion of approved emission factors and control efficiencies, air dispersion modeling guidelines, department policies, air quality permit fees, public notice requirements and regulatory timelines, the meeting shall fulfill the requirements of 20.11.41.13.A NMAC.

20.11.72.9 HEALTH, ENVIRONMENT AND EQUITY IMPACTS ANALYSIS: Evaluation of the cumulative and disparate impacts of air emissions is intended to enable the Department to develop a complete understanding of the current and future effects of permitting actions on human health, plant and animal life, public welfare or reasonable use of property in Bernalillo County and the City of Albuquerque, to evaluate and recognize the differences, needs, requirements and conditions within the County and parts thereof, and to make permitting decisions that meaningfully consider such cumulative or disparate impacts. This section is intended to supplement existing permitting requirements in this Chapter and nothing in this section is intended to limit the application of the existing requirements associated with permitting actions and permits issued pursuant to Title 20, Chapter 11 of the New Mexico Administrative Code.

A. **Disparate Impacts Screening.** The Applicant shall evaluate the census block group in which the facility is proposed and all contiguous census block groups using the most current EJ database, such as EPA’s EJScreen, or data approved for use by the New Mexico Department of Health to determine whether the proposed operation will be located in a census block group or contiguous to a census block group that is an overburdened community.

1. **Application Denial.** The Department shall deny any permit application when the proposed project is located in an overburdened community or located contiguous to an overburdened community and:
  - a. the air toxics cancer risk in the proposed project’s census block group or contiguous census block group is at the maximum level found in Bernalillo County, or;

- b. the air toxics hazard index in the proposed project's census block group or contiguous census block group is at the maximum level found in Bernalillo County, or;
  - c. the concentration of any criteria pollutant is at the maximum concentration level found in Bernalillo County.
2. If the Department does not deny the application pursuant to 20.11.72.9(A)(1), the Applicant shall provide a Health, Environment and Equity Impact Analysis and Report pursuant to 20.11.72.9(B) below.

**B. Health, Environment and Equity Impact Analysis and Report.** If the Department is not required to deny the permit application pursuant to 20.11.72.9(A)(1) and the proposed facility is to be located in an overburdened community or contiguous to an overburdened community, the Applicant shall prepare a Health, Environment and Equity Impact Analysis and Report to assess the cumulative effects of the proposed facility on the overburdened community. The Applicant shall review the impacted census block group and all contiguous census block groups and prepare a report as required by this Section. The report shall detail the types and amounts of criteria pollutants and air toxins that will be released from the operation of the facility. The report will also include at a minimum a table of the health, environment and equity impacts for Bernalillo County, the census block in which the facility would be located, and all census blocks contiguous to the facility. The report will include a summary analysis detailing the impacts from the facility by adding the criteria emissions to the census block estimates and the additional cancer burden (increase in cancer health risk) that the facility will place on the census blocks. If no data are available for a listed stressor, the Applicant must indicate "no data" in the report and disclose which data source or sources were consulted. For each stressor, the Applicant must indicate from which EJ database the relied upon data was found, as well as the information comparing the analyzed census block group to the county-wide percentage.

The Applicant shall provide the county percentage, block group percentage, and value for each of the following:

1. Particulate Matter (PM 2.5 in ug/m3)
2. Ozone (ppb)
3. Diesel PM (ug/m3)
4. Air Toxics Cancer Risk (risk per MM). The cancer risk is calculated in a manner consistent with U.S. EPA's Risk Assessment Guidance For Superfund (RAGS). The use of the ADAF is required to ensure that sensitive populations

are included in the analysis of cancer risk. For mutagenic chemicals the risk shall be calculated in a manner consistent with the method outlined by U.S. EPA in its Regional Screening Level (RSLs) Guidance. An ADAF of 10 shall be applied for exposures spanning the 2-year interval from birth until second birthday. An ADAF of 3 shall be applied from ages 2 through 16 (i.e., spanning a 14-year interval from second until sixteenth birthday). For mutagenic chemicals the cancer risk shall be calculated using the ADAF for early life-exposures.

5. Air Toxics Respiratory Hazard Index. The hazard index is the sum of the hazard quotients for each chemical of concern and is calculated in a manner consistent with U.S. EPA's Risk Assessment Guidance For Superfund (RAGS).
6. Traffic Proximity and Volume (daily traffic count/distance to road)
7. Lead Paint Indicator (% pre-1960s housing)
8. Superfund Proximity (site count/km distance)
9. RMP Proximity (facility count/km distance)
10. Hazardous Waste Proximity (facility count/km distance)
11. Underground Storage Tank Indicator
12. Wastewater Discharge Indicators (toxicity-weighted concentration/m distance)

The Applicant shall also provide the county percentage and block group percentage for each of the following socioeconomic indicators. The indicators listed below are general indicators of a community's potential susceptibility to adverse health outcomes from the types of environmental factors included in the EJ database.

13. Percent of population that is of non-White race and/or Hispanic ethnicity
14. Percent of population in households with total household income below 200% of the federal poverty level for the current year
15. Percent of population ages 16 through 64 that is in the labor force and currently unemployed
16. Percent of population over age 5 that speaks a language other than English at home and speaks English less than "very well"
17. Percent of population 25 and older who do not have a high school diploma or equivalent credential



18. Percent of population under age five and over age 64

19. Life expectancy at birth.

The Applicant must compare the weighted average of the values for indicators 1 through 19 above for each census block to the Bernalillo County average as reported in the EJ database.

The Applicant must also include the following pieces of information in the report:

20. Quality of life impacts:

- a. Potential for odor generation; and
- b. Potential for dust generation; and
- c. Potential for noise generation; and
- d. Potential for proliferation of other emissions sources in the area; and

21. Environmental law and regulation compliance history of the Applicant, including all states in which the Applicant, or parent or affiliated corporation, partnership, or other affiliated legal entity operates; and

22. Proposed emissions control measures and operation and maintenance procedures and mitigation measures to ensure long term compliance with permit conditions.

23. Proposed emissions control measures and operation and maintenance procedures and mitigation measures to ensure compliance with the standards in 20.11.72.9(D).

C. **Public Hearing.** The Department shall hold a public hearing on the Applicant's Health, Environment and Equity Impact report consistent with the requirements of 20.11.41.15 NMAC, except that:

1. The Department shall follow the notice and comment requirements applicable to the relevant permit application and this section. The Applicant shall be responsible for paying all expenses of the Public Information Hearing under this part.
2. At the public hearing, Community testimony, community based participatory research data and community air monitoring data shall be given the same weight as technical expertise provided by the Department and the Applicant.

D. **Application Denial.** The Department shall deny the application if

1. The proposed facility will increase the air toxics cancer risk score in the census block or any contiguous census block group above the County average or increases the census block risk beyond 5 in 1,000,000; or
2. The proposed facility will increase the air toxics hazard index score in the census block group or any contiguous census block above the County average or increases the hazard index by a value of 1.0; or
3. The proposed facility will increase the diesel particulate matter concentration within the census block by 5% over the block average or increases beyond the County average; or
4. The proposed facility will increase the local concentration 24-hour PM<sub>2.5</sub> by 3 micrograms per meter cubed.

E. **Air Dispersion Modeling.** Any air dispersion modeling required to be performed by the Applicant under this part must be unmitigated and in accordance with up-to-date United States Environmental Protection Agency guidelines. At a minimum, air dispersion modeling must include:

1. Refined air dispersion modeling grid spacing no greater than 25 meters at the fenceline; and
2. The use of a three-year background concentration for comparison with criteria pollutants; and
3. The use of data for source specific emissions:
  - a. If the source is an existing source, the Applicant must use data from Continuous Emissions Monitoring Systems or stack testing to determine expected emissions; or
  - b. If the source is new, the Applicant must rely on data from vendor guarantees and stack test data from similar facilities to determine expected emissions; and
4. The Applicant shall not use AP-42 emissions factors unless the Applicant can demonstrate by a preponderance of the evidence that there is no feasible alternative; and
5. If the Applicant demonstrates that no feasible alternative to the use of AP-42 emissions factors exists, the Applicant shall use the most conservative data for the emissions factors chosen as a last resort; and
6. The Applicant shall calculate the potential emissions of diesel particulate matter exhaust from vehicles entering and existing the facility; and
7. The Applicant must combine all emissions sources within the block group and contiguous block groups to assess whether the

cumulative impact exceeds the NAAQS at any location outside the Applicant's property boundary.

**F. Permit Modifications.** Any Applicant seeking a modification of an existing permit pursuant to 20.11.41.29 NMAC that will result in an increase in air emissions must demonstrate:

1. The facility's net greenhouse gas emissions do not exceed 8 metric tons; and
2. The facility's emissions cannot cause or contribute to the exceedance of the county average of any criteria pollutant in the census block or any contiguous census block; and
3. The facility will not increase the air toxics cancer risk in the census block or any contiguous census block above the County average or increase the census block risk beyond 5 in 1,000,000; and
4. The facility will not increase the air toxics cancer risk score in the census block or any contiguous census block above the County average or increase the census block risk beyond 5 in 1,000,000.

**G. Alternatives.** The Applicant may, at any time after determining the proposed facility is to be permitted in an overburdened community, agree to the following in order to obtain a permit without completing the HEEI process:

- a. Limiting its impact to a de minimis cancer index risk of one in one million; and
- b. Limiting its impact to a de minimis hazard index risk of 0.1; and
- c. Agree to a permit with conditions limiting the facility's potential to emit to 5% of what otherwise would be permitted by the Department.

The Applicant must follow the air dispersion modeling requirements in 20.11.72.9(E) in order to demonstrate the risk above.

#### 20.11.72.10 NOTICE-OPPORTUNITY TO COMMENT-AVAILABILITY TO THE GENERAL PUBLIC.

A. Whenever a health, environmental and equity impact analysis must be conducted for a permit application, notice of the analysis shall be:

1. Provided by certified mail in both English and Spanish to the owners of record, as shown by the most recent property tax schedule, of all properties within one hundred feet of the property on which the project or proposed project is located or proposed to be located; and

2. Posted on the project property in both English and Spanish and clearly visible to the public; and
3. Posted in both English and Spanish in at least three other conspicuous places in the immediate vicinity of the project such as post office, library, or grocery store notice board; and
4. Provided to all local neighborhood associations; and
5. Posted in both English and Spanish in an easily accessible location on the Department's website; and
6. Posted in both English and Spanish on all Department social media accounts.
7. Mailed directly to Sandia Pueblo and Isleta Pueblo, with an offer to conduct a tribal consultation on the permit application.

- B. Any member of the general public may request a copy of the health, environmental and equity impacts analysis by requesting a copy from the Department. Upon receiving a request for a copy of a health, environmental and equity impacts analysis, the Department shall either provide the requestor with a copy of the analysis, free of charge, within fifteen (15) calendar days of receiving the request or direct the requestor to a publicly available copy. If the requestor needs a copy of the health, environmental and equity impacts analysis translated into Spanish or any other language necessary, the Department shall provide an adequate translation of the analysis.
- C. The requirements of this Section represent the minimum notice requirements. The Department may provide additional notice in additional forums as identified by either residents of the impacted census tract or the Department.
- D. In the event of a conflict with any other public participation provisions in this Chapter, this provision prevails.

20.11.72.11 EXEMPTIONS. Exempted from a cumulative impacts analysis under this part are:

- A. Enforcement activities;
- B. Emergency activities to protect public health, safety or the environment;
- C. Purely ministerial actions;
- D. Administrative or technical permit revisions, provided such administrative or technical revisions meet the requirements of 20.11.41.28 NMAC;
- E. Activities excluded from "modifications" as provided by 20.11.41.7.U(1)-(4) NMAC.

20.11.72.12 ADMINISTRATIVE APPEALS–JUDICIAL REVIEW.

- A. Any person adversely affected by a health, environmental and equity impacts analysis action by the Department under 20.11.72 NMAC may file a petition for hearing before the Board for further relief pursuant to 20.11.81.1 *et seq.*
- B. Any person who is adversely affected by a final decision of the Board or who participated in an appeal to the Board of a Department decision and who is adversely affected by such action may appeal the Board's final decision to the New Mexico Court of Appeals pursuant to NMSA 1978 § 74-2-9.

20.11.72.13 SEVERABILITY: If any part or application of this Part is held invalid, the remainder or its application to other situations or persons shall not be affected.

## CERTIFICATE OF SERVICE

I certify that on this 26 day of July, 2023, a copy of the foregoing Notice was filed with the Hearing clerk in accordance with 20.11.82.16 NMAC and served by electronic mail to the following parties:

CITY OF ALBUQUERQUE  
Lauren Keefe, City Attorney  
One Civic Plaza NW, Suite 4072  
Albuquerque, NM 87102  
(505) 768-450  
[lkeefe@cabq.gov](mailto:lkeefe@cabq.gov)

Alan Heinz, Assistant City Attorney  
Nathan Mulvahill, Assistant City Attorney  
P.O. Box 2248  
Albuquerque, NM 87103  
(505) 768-4500  
[nmulvihill@cabq.gov](mailto:nmulvihill@cabq.gov)  
[aheinz@cabq.gov](mailto:aheinz@cabq.gov)

*Attorneys for City of Albuquerque, Environmental Health Department, Albuquerque-Bernalillo County Joint Air Quality Program*

DOMENICI LAW FIRM, P.C.  
Pete V. Domenici, Jr.  
Lorraine Hollingsworth  
P.O. Box 4295  
Albuquerque, NM 87196  
(505) 883-6250 ext. 109  
[pdomenici@domicilaw.com](mailto:pdomenici@domicilaw.com)  
[lhollingsworth@domicilaw.com](mailto:lhollingsworth@domicilaw.com)

MONTGOMERY & ANDREWS, P.A.  
Louis W. Rose  
Kari Olson  
P.O. Box 2307  
Santa Fe, NM 87504  
(505) 982-3873  
[lrose@montand.com](mailto:lrose@montand.com)  
[kolson@montand.com](mailto:kolson@montand.com)

*Attorneys for Albuquerque Asphalt, Inc.,  
Black Rock Services, LLC,  
Vital Consulting Group, LLC,  
and Mountain States Constructors, Inc.*

*Attorneys for GCC Rio Grande, Inc., Western  
Refining Terminals, LLC, and HF Sinclair  
Asphalt Company, LLC*

MODRALL, SPERLING, ROEHL,  
HARRIS & SISK, P.A.  
Stuart R. Butzier  
Stan N. Harris  
Chandler N. Farnworth  
P.O.Box 2168  
500 Fourth St. NW, Ste. 1000  
Albuquerque, NM 87103  
(505) 848-1800  
[sbutzier@modrall.com](mailto:sbutzier@modrall.com)  
[sharris@modrall.com](mailto:sharris@modrall.com)  
[cfarnworth@modrall.com](mailto:cfarnworth@modrall.com)

NATIONAL NUCLEAR SECURITY  
ADMINISTRATION  
Dori E. Richards  
DOE, NNSA, Sandia Field Office, NA-SN  
P.O. Box 5400 (MS 0184)  
Albuquerque, NM 87185-5400  
(505) 845-5795  
[Dori.Richards@nnsa.doe.gov](mailto:Dori.Richards@nnsa.doe.gov)

*Attorney for National Nuclear Security  
Administration*

*Attorneys for National Technology &  
Engineering Solutions of Sandia, LLC*

UNIVERSITY OF NEW MEXICO

Loretta P. Martinez  
Michael B. Calderon  
MSC05 3440  
1 University of New Mexico  
Albuquerque, NM 87131  
(505) 277-5035  
[LPMartinez@salud.unm.edu](mailto:LPMartinez@salud.unm.edu)  
[MBCalderon@salud.unm.edu](mailto:MBCalderon@salud.unm.edu)  
[SNavarrette@salud.unm.edu](mailto:SNavarrette@salud.unm.edu)

*Attorneys for Board of Regents  
of the University of New Mexico*

Sophia Martinez  
803 La Vega Dr. SW  
Albuquerque, NM 87105  
[florecermucho1953@gmail.com](mailto:florecermucho1953@gmail.com)

*Pro Se*

Anita S de Armijo  
[asdearmijo@cabq.gov](mailto:asdearmijo@cabq.gov)

*Hearing Clerk*

Richard Virtue  
[rvirtue@virtuelaw.com](mailto:rvirtue@virtuelaw.com)  
[portiz@virtuelaw.com](mailto:portiz@virtuelaw.com)

*Hearing Officer*

GALLAGHER & KENNEDY, P.A.

Dalva L. Moellenberg  
1239 Paseo de Peralta  
Santa Fe, NM 87501  
(505) 982-9523  
[dlm@gknet.com](mailto:dlm@gknet.com)

*Attorneys for New Mexico Mining Association  
New Mexico Chamber of Commerce*

Kirtland Air Force Base  
Daniel Willard, Attorney Advisor  
DoD, DAF, 377 ABW/JA  
[Daniel.Willard@us.af.mil](mailto:Daniel.Willard@us.af.mil)

Antoinette Sedillo Lopez  
[asedillolopez@gmail.com](mailto:asedillolopez@gmail.com)  
[airboard@cabq.gov](mailto:airboard@cabq.gov)

*Attorney for the Air Quality Control Board*

*/s/ Maslyn Locke 07/26/23*