

MEETING SUMMARY

Community Environmental Working Group

“Striving for Continuous Environmental Improvements at Intel”

Date: September 17, 2025
Time: 3:00–4:30 p.m.
Location: Remote: By Zoom and Telephone

Meeting Attendees

John Bartlit, NM Citizens for Clean Air & Water	Kate Cardenas, Community Engagement Coordinator & Non-Discrimination Coordinator, NM Environment Dept.
Dennis O’Mara, Corrales resident, Clean Air for All Now	Rhonda Romero, Air Quality Bureau, NMED
Carolyn O’Mara, Corrales resident, Clean Air for All Now	Asheley Silva, Environmental Protection Compliance & Enforcement, NMED
Marcy Brandenburg, Clean Air for All Now	Roman Szkoda, Air Quality Bureau, NMED
Frank Gallegos, Intel	Kyle Staggs, Resource Protection Compliance & Enforcement, NMED
Marc Kolman, Facilitator	CJ Ondek, Recorder

HANDOUTS

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| <ul style="list-style-type: none">▪ CEWG Agenda▪ August Meeting Summary▪ See CEWG Web site for EHS Activity | Reports and Action Item Progress Reports |
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PROPOSED AGENDA

- Welcome
- Opening Remarks
- Presentations
- Discussion and Questions
- Adjourn

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WELCOME

John Bartlit opened the meeting by stating the CEWG mission statement, which was to advocate for continuous environmental improvements by Intel New Mexico, with a focus on reducing Intel's chemical emissions, and to promote constructive dialog on all issues related to its mission. Mr. Bartlit said, “These are perilous times for dialog, and a good many of us have grown weary from the current conduct of national politics and public affairs. Strong rivals argue largely over which rival is harming democracy. Democracy is also a place where people differ in backgrounds and in areas of knowledge. Over time, our country has drawn good ideas from this variety. At today's event, members of the New Mexico Environment Department will describe their means of issuing permits and enforcing air quality compliance. This additional knowledge about regulatory methods is much needed. Still, other details will arise from the exchange that follows. *Hoorah* for the timeless tools of meaningful discourse. Thank you and welcome.”

CEWG ADMINISTRATIVE UPDATE

Marc Kolman thanked everyone for attending this special CEWG meeting. He also thanked the New Mexico Environment Department (NMED) speakers and said he was looking forward to the opportunity for discussion and questions and answers. He also recognized Dennis O'Mara, long-term CEWG participant, Marcy Brandenburg, and other members of Clean Air For All (CAFA) Now who were present and for their dedication and commitment to making sure that ongoing discussion and dialog take place.

INTEL SITE UPDATE

Frank Gallegos, Director of Public Affairs for Intel New Mexico, welcomed everyone and gave an Intel NM site update. He said this year marked Intel's 45 years in Rio Rancho or New Mexico. In 2021 Intel installed a new process at Advanced packaging, about a \$4 billion investment. Intel completed the base build—the structural elements for advanced packaging—and was finalizing the tool installs to ensure there were enough tools to operate on site. Intel NM now had slightly below 3,000 Intel employees (up from 1,800 from a few years ago) and 1,000 contractors now. Production of advanced packaging was now happening in Fab 9, one of Intel's older facilities, as well as in Fab 11. The advanced packaging technology Intel used was called Favaros, as well as another technology called emib, which was a process that stacked the wafers on top of each other instead of next to each other, which saved space, increased speed, and reduced power. Another new technology was silicon photonics used in data centers to transmit data through light sources. Mr. Gallegos said Intel spent over \$42 million on new abatement treatment systems for the process, and this was up and running now

- Marcy Brandenburg asked if the new abatement systems were different from the ones that Intel currently used on the property. Mr. Gallegos said they were newer versions of

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scrubbers and thermal oxidizers, as well as abatement treatment systems for greenhouse gas emissions on the tools. So, it was \$42 million in new equipment, but the equipment was similar in technology to the older equipment. Ms. Brandenburg asked that Mr. Gallegos put that in writing. Mr. Gallegos said Intel purchased new equipment, not old equipment, that was maintained in accordance with the EPA and manufacturer standards. Ms. Brandenburg asked if that was adequate. Some of the EPA requirements were not adequate and did not protect the human public. She asked what Intel was going to do about monitoring. She reminded that technology existed in thermal oxidizers and scrubbers that could clean the volatile organic compounds two to three times before they were emitted into the air shed, and Intel Rio Rancho did not utilize that abatement equipment. Mr. Gallegos referred to exploreintel.com web site that had information about the thermal oxidizers and scrubbers technologies. Ms. Brandenburg said Intel used new equipment but it was old technology.

PRESENTATION: NEW MEXICO ENVIRONMENT DEPARTMENT

Kate Cardenas, NMED's Community Engagement Coordinator & Non-Discrimination Coordinator introduced herself and team members who will give presentations today: Rhonda Romero, Air Quality Bureau (AQB) permitting); Ashley Silva, AQB Environmental Protection, Compliance and Enforcement (compliance & reporting); Roman Szkoda, AQB (air monitoring); and Kyle Staggs, Resource Protection Compliance & Enforcement, who would respond to PFAs questions.

SLIDE 1: New Mexico Environmental Department

Overview of Air Quality Program

Air Quality Bureau Environmental Protection Division Environmental Protection
Compliance and Enforcement Bureau Compliance and Enforcement Division

Presentation: Rhonda Romero, NMED AQB Permitting

Rhonda Romero kicked off the presentation citing Slide 2, below. She introduced herself as the program manager for AQB's minor source permitting section and said she had worked for AQB almost 13 years, seven of which were as supervisor for minor source permitting. Her presentation focused on air permitting. Ms. Romero began with stating AQB's mission, which was to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. She said AQB implemented its mission guided by four tenets of science, using the best available science to inform our decision making in protecting public health and the environment, innovation employing creative engineering and technological solutions to address environmental challenges.

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SLIDE 2: Mission

Our mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

We implement our mission guided by four tenets:

1. **Science:** Using the best available science to inform our decision-making in protecting public health and the environment.
2. **Innovation:** Employing creative engineering and technological solutions to address environmental challenges.
3. **Collaboration:** Engaging communities and interested stakeholders in environmental decision-making outcomes.
4. **Compliance:** Ensuring meaningful compliance with state regulations and permits; leveling the playing field through enforcement.

Ms. Romero said AQB received its authority to implement its air quality program through federal law, specifically the Clean Air Act and the amendments of 1990 established by Congress and administered by the US Environmental Protection Agency (EPA). The Clean Air Act provided federal regulations, including permitting processes, standards of performance for new stationary perform sources, and national emission standards for hazardous air pollutants. Standards of performance for new stationary sources were found under 40 CFR 60, and national emission standards for hazardous air pollutants were found under 40. CFR, 63. The EPA authorized the state to implement federal law through the New Mexico State Implementation Plan (SIP). The New Mexico SIP included state statute, the Air Quality Control Act, and regulations in New Mexico under the New Mexico Administrative Code. New Mexico maintained authority for many regulations in 20.2 of the New Mexico Administrative Code. See Slide 3.

SLIDE 3: Authority for Air Quality Program

- **Federal Law**, specifically, the Clean Air Act and Amendments of 1990 established by Congress and administered by the U.S. Environmental Protection Agency (EPA).
- The **Clean Air Act** provides for federal regulations, including permitting processes, Standards of Performance for New Stationary Sources and National Emissions Standards for Hazardous Air Pollutants.
- EPA authorizes the state to implement federal law through the **New Mexico State Implementation Plan (SIP)**.
- The New Mexico SIP includes state statute, the **Air Quality Control Act**, 74-2 NMSA 1978, and regulations in New Mexico (20.2 NMAC). New Mexico maintains authority for many regulations in 20.2 NMAC.

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Ms. Romero discussed Slide 4, below, air permit types, jurisdiction and thresholds. She said AQB approved and enforced new source review pre-construction and Title Five operating permits, and US EPA also enforced those permits. AQB authority applied to all of New Mexico, except Bernalillo County and Indian lands. The primary reason facilities must obtain a permit is because their potential emission rates of regulated pollutants exceed 10 pounds per hour or 25 tons per year. If the source was less than 10 pounds per hour or 10 tons per year, they still required a registration, and that also needed to be reviewed and approved prior to construction, she said.

SLIDE 4: Air Permit Types, Jurisdiction & Thresholds

Construction of a source of pollutants require a registration (if under emissions thresholds) or a permit prior to construction

- The Air Quality Program approves and enforces New Source Review (NSR) **pre-construction** and Title V **operating** permits. U.S. Environmental Protection Agency (EPA) can also enforce.
- The Air Quality Program's authority applies to all of New Mexico **except** Bernalillo County and Indian Lands.
- Primary reason facilities must obtain a permit – potential emission rate of regulated pollutants **exceeds** 10 pound per hour (pph) or 25 ton per year **threshold** value.

Ms. Romero next explained air quality standards (Slide 5). The Clean Air Act required the EPA to set national ambient air quality standards at 40 CFR Part 50 for pollutants considered harmful to the public and the environment. These limits protected public health, including the health of sensitive populations, such as children, the elderly and those with asthma. Secondary limits also protected public welfare, including protection against decreased visibility, damage to crops, animals, vegetation and buildings. Ms. Romero said the six primary criteria pollutants for which national ambient air quality standards exist are: Oxides of nitrogen (NO_x, expressed as NO₂); carbon monoxide (CO); oxides of sulfur (SO_x, expressed as SO₂); particulates less than 10 microns (PM₁₀); particulates less than 2.5 microns (PM 2.5); Ozone (O₃, created by photochemical reactions with NO_x and Volatile Organic Compounds (VOCs) in the presence of sunlight); and the last, the sixth ambient air quality standard is lead (Pb).

SLIDE 5: Air Quality Standards: Criteria Pollutants

- The **Clean Air Act** required EPA to set **National Ambient Air Quality Standards** (40 CFR Part 50) for pollutants considered harmful to public health and the environment.
- These **limits protect public health**, including the health of sensitive populations such as children, the elderly, and those with asthma.

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- Limits **also** protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

National Ambient Air Quality Standards (NAAQS) exist for criteria pollutants:

- Oxides of Nitrogen (NO_x, expressed as NO₂)
- Carbon Monoxide (CO)
- Oxides of Sulfur (SO_x, expressed as SO₂)
- Particulates less than 10 microns (PM₁₀)
- Particulates less than 2.5 microns (PM_{2.5})
- Ozone (O₃, created by photochemical reactions with NO_x and Volatile Organic Compounds (VOC) in the presence of sunlight)
- Lead (Pb)

Ms. Romero discussed Slide 6, how compliance with air quality standards was determined. One way was through air monitoring stations that measured pollutants in the ambient air for comparison against federal standards. Another was computer dispersion modeling, which predicted the concentration of pollutants from emission sources for comparison against standards. If standards were exceeded, the air quality program must take action by either a non-attainment designation, emission offsets modeling to demonstrate net air quality benefits, or more restrictive permit requirements.

SLIDE 6: Determining Compliance with Air Quality Standards

<https://aqi.air.env.nm.gov/>

- **Air monitoring stations** measure pollutants in ambient air for comparison against federal standards
- Computer dispersion **modeling** predicts the concentration of pollutants from emission sources for comparison against standards
- If standards are exceeded, the Air Quality Program must take action:
 - **Non-Attainment** designation
 - Emission offsets
 - Modeling to demonstrate **net** air quality **benefits**
 - More restrictive permit requirements

Ms. Romero provided a brief legal overview on construction permits. A construction permit authorized construction and operation. An air quality construction permit placed restrictions on what construction was allowed, what emission limits must be met, and how a facility could operate. A permit was an enforceable legal document that an industry, industrial facility must comply with. To assure that a facility complied with a permit's emission limits, a permit contained monitoring, record, keeping, reporting and testing requirements.

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SLIDE 7: Construction Permit Legal Overview

- Authorizes construction and operation.
- An Air Quality construction permit places restrictions on what construction is allowed, what air emission limits must be met, and how a facility can be operated.
- A permit is an enforceable legal document that an industrial facility must comply with.
- To assure that a facility complies with a permit's emission limits, a permit contains **monitoring, recordkeeping, reporting, and testing requirements.**

Ms. Romero next discussed the regulatory permit timeline for a regular new source review permit (Slides 8 and 9). She said this was what Intel had now. For a significant revision the regulatory permit timeline was 120 days. Within those 120 days, the first 30 days were to review the permit application for administrative completeness, and that meant all of the 23 sections required in the application. If these were complete, then the application was ruled complete. If they were not, then the application was ruled incomplete. If NMED ruled it complete, then it moved on with the 120 day timeline. If the application was ruled administratively complete at the end of 30 days, the AQB was required to publish a public notice that triggered a 30-day public comment period. Comments received during the first 30-day comment period opened up a second 30-day public comment period, during which the department made their analysis available to the public. This analysis included their air dispersion modeling, draft permit, as well as any other supporting documentation that the public would like to see during the 120-day process. An air dispersion modeling group actively reviewed the air dispersion modeling submitted by the company, and ran their own models. There was a potential for extensions, which could happen for a variety of different reasons, but had to be approved by the department cabinet secretary. Typically, one of the most common reasons to have an extension was to hold a public hearing.

SLIDE 8: Regulatory Permit Timeline

- 30-days to rule complete or incomplete
- 90 days from “complete” to issue or deny
 - Department’s Public Notice & 30-day public comment period
 - Possible 2nd 30-day public comment period
- Possible extension as approved by the Secretary
- 120 days

Ms. Romero said the applicant's public notice needed to take place before they submitted their applications (Slide 9). There was a variety of different types of outreach that an applicant needed to do before they submitted their application. Then the department published their own public

notice and allowed for a 30-day public comment period. NMED accepted comments the entire 120 day timeline. Interest during the first comment period triggered a second, 30-day public comment period if a significant public interest was determined. Then NMED would more than likely hold a public meeting.

SLIDE 9: Public Notice Requirements

NMED considers public concerns and support as part of permitting process

- **Applicant's Public Notice:** Prior to submitting a permit application, the applicant (facility owner) must satisfy public notice requirements.
- **Department's Public Notice & Comment Period:** Upon ruling an application 'complete' the Department must publish a public notice & allow a 30-day public comment period before issuing the permit.
- **2nd 30-day Comment Period:** Any interest prior to the end of the 1st comment period triggers a 2nd 30-day public comment period.
- **Significant Public Interest:** Public interest may trigger a public meeting or open house, or, if 'significant', will trigger a public hearing.

Ms. Romero provided a broad overview of reviewing an application from the perspective of a permit specialist (Slide 10).

SLIDE 10: Steps in Air Permitting

Workflow tracking and management

- Permit application submittal
- Application review and draft permit generation
- Draft permit review and final decision
- Post-decision activities

Ms. Romero provided more detail on Step 1, submitting a permit application. The process might begin with a pre-application meeting. She said the AQB always recommended companies come in beforehand to discuss which might be the most appropriate permit, submittal requirements, and what entailed a quality application. Discussions were around how to conduct air dispersion modeling, how to conduct emissions calculations, etc. Next the applicant or hired consultant downloaded and completed all the forms, and provided supporting documentation used in calculations and claims around control efficiencies on control equipment. Manufacturer specifications were required to prove that that equipment operated per their specifications and could meet the control efficiencies. AQB staff conducted a technical review on the entire application to ensure all the required information was there and/or to get clarification on any items that were not clear.

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SLIDE 11: Step 1: Permit Application Submittal

- A. Pre-application meeting(s) and/or predeterminations (permit type, emissions calcs, single source, etc.) by Air Quality Program
- B. Applicant downloads & completes permit application forms and submits air dispersion modeling.
- C. Air Quality Program staff responds to permit application questions

Ms. Romero next discussed Step 2 (Slide 12). She said that during the technical review AQB identified and evaluated applicable regulations and relied heavily on the air dispersion modeling. They often had to develop permit conditions based on modeling demonstrations, and so that was one of the most important parts of drafting a permit that was enforceable

SLIDE 12: Step 2: Application review and draft permit generation

- Conduct administrative review, issue completeness determination, publish Department public notice, open first public comment period and perform technical permit application review
- Identify and evaluate applicable regulations, develop permit requirements and conditions, generate Statement of Basis
- Write draft permit

Ms. Romero said once the permit was drafted (Step 3, Slide 13), AQB posted it on their Web site and let concerned citizens know that it was available to view online. AQB also made it available at the local offices and could email copies of the draft permit upon request. She said the draft permit went through a variety of different phases of quality control, so the industry had the opportunity to review the draft permit. Also, AQB's Enforcement section reviewed the permit to ensure that the conditions in permit were enforceable by law. The permit went through at least three levels of management for review, and stakeholder and/or AQB department suggested revisions were considered. After the permit went through all these levels of review, AQB issued a decision either denying or issuing a permit

SLIDE 13: Step 3: Draft permit review and final permit issuance

- Allow public review of draft permit
- Complete Industry & Enforcement review
- Revise permit, management review, issue decision
- Issue final invoice

Ms. Romero said anybody could appeal the permit (Step 4, Slide 14). The applicant could appeal the permit, the public could appeal the permit, and a hearing before the environmental improvement board could be requested, where they would listen to all sides of the story and determine the best course of action. If the facility decided to modify their permit, then they would have to present the modifications and get approval before making them. Next were inspections and possibly enforcement, if necessary. The company was required to submit compliance reports, certifications, notifications, and emissions inventories when required by AQB or the permit.

SLIDE 14: Step 4: Post-issuance Activities

- If appealed, respond to appeal of permit decision (hearing may be requested)
- Permit modifications
- Inspections and enforcement
- Compliance reporting (certifications, notifications, emissions inventories, etc.)

Ms. Romero presented Slide 15, which was a list of useful resources. She noted GOVDelivery, which provided email notifications on activities happening within AQB. It was possible to subscribe to and receive updates from different departments within NMED. She also called attention to an upcoming hearing about permit fee increases later this year. Fee increases would help fund AQB's expansion to include more staff to further accomplish their mission.

SLIDE 15: How to Stay Informed and Participate

- Main Line – (505) 476-4300
- Air Quality Program Website – <https://www.env.nm.gov/air-quality/>
- How to Register for Email Updates by GovDelivery – <https://public.govdelivery.com/accounts/NMED/subscriber/new>
- How to Request a Meeting – <https://www.env.nm.gov/request-a-meeting/>
- Public Notices – <https://www.env.nm.gov/public-notice/>
- Public Comment Portal – <https://nmed.commentinput.com/comment/search>
- Inspection of Public Records Act (IPRA) Requests – <https://nmenv.justfoia.com/publicportal/home/track>
- Environmental Improvement Board (EIB) Docket – <https://www.env.nm.gov/opf/docketed-matters/>
- Upcoming Events – A hearing for permit fee increases will take place this year. The increases on permit fees will help fund Air Quality's expansion to include more staff to further accomplish our mission.

DISCUSSION AND QUESTIONS, PERMITTING

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- Dennis O'Mara introduced himself as co-chair for CAFANow. He said he did not understand how NMED could allow a permanent permit in light of the fact that the semiconductor manufacturing approach, including chemicals, equipment, processes, abatement approaches and so forth, has changed many times over Intel's 20-year permit history. Shouldn't NMED be going through a process of requiring Intel to apply for a new updated permit that addressed all of the recent developments in the industry? Rhonda Romero said Mr. O'Mara raised a valid question and concern. NMED's governing regulation, which was 20.2.72 of the New Mexico Administrative Code, did not require permit renewals unless a modification was triggered by the facility. In the near future, NMED planned to open up this regulation, and the public was encouraged to become involved in that rulemaking process.
- Louis Scuderi introduced himself as a University of New Mexico (UNM) professor who worked with everything from nuclear blast simulation in terms of movement of debris to complex airflow in different terrains. He said he was concerned that Intel spent \$4 billion into updating the plant, and the chip industry had changed dramatically in terms of processes, chemicals used and potential output from those plants since the first permit. Yet, he could not see how NMED could condone a minor permit. He demanded that NMED actually do their job and re-evaluate the situation at Intel. Next, he pointed out that he did modeling for a living, and he went through the modeling that was done for Intel's past permit and found it highly deficient. He said he had made that point to NMED and was basically rebuffed. He said he was an expert on this issue yet told that he was wrong. He questioned the ethics of having an outside consultant hired by the applicant to do the modeling. Wasn't that a conflict of interest? Rhonda Romero said Intel conducted their own modeling and NMED did their own as well. She asked if he had a chance to review NMED's modeling data. Mr. Scuderi said he did get the data but he had technical challenges accessing it. The files were unusable and not in a standard format. He said that was obfuscation, as far as he was concerned. He didn't have that software and it was very expensive. So, he could not do a full evaluation of the data. He said this problem was connected with having an outside consulting company that used software that was not readily available to the public. Ms. Romero reiterated that was NMED's job, for their staff to do dispersion modeling and analysis so as not to rely 100% on Intel's data. Mr. Scuderi replied that he found NMED's approach highly deficient and not in the public interest
- Louis Scuderi asked if whether or not NMED would consider adding into permit requirements processes and so forth that went beyond the bare minimum that the EPA required. He said the EPA's requirements and standards were inadequate to protect human health. He had spoken with the New Mexico Environmental Law Center and learned that New Mexico law allowed state agencies to go beyond what the EPA required and to add additional structure and requirements to, for example, a permit. Rhonda

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Romero replied that NMED had been exploring ways to incorporate permit conditions that were outside of what the EPA allowed. NMED hired outside law firms to assist with being able to work outside of what they've always known.

- John Bartlit asked to what extent were the methods of calculating emissions and inventories and modeling standardized nationally. Why or why not were they standardized? Rhonda Romero replied that specific equations were assigned to specific pieces of equipment, so there was not too much flexibility in what they can use with the calculations, because they were formalized in an EPA document that was most heavily relied on and standardized. The only thing that was not standardized were the variables that they put into their formulas. Ms. Romero said it was her and her staff's job to review those inputs and make sure that they were coming from a source that was reliable. Using a generator engine as an example, there was a standardized formula used to calculate those emissions; emission factors was the variable pulled from a variety of different places. The expectation was to use the most reliable data source, whether testing data from a third party or manufacturer data. These data had to be guaranteed. Mr. Bartlit replied that there were advantages both ways. Standardizing calculations allowed permits that were more uniform for similar conditions. Not standardizing meant different calculations all over the country.
- Dennis O'Mara asked Rhonda Romero if CAFANow could follow up with her with other questions after the meeting. Ms. Romero said yes, and she would be happy to even schedule a meeting to answer questions, if that was helpful.
- Marcy Brandenburg mentioned a modeling study done by Dr. Darko Koracin in which he determined, on a more likely than not basis, the problems, complaints, odors, illnesses, were all coming from Intel. The study was thrown out by NMED. She said it was important to hire a third disinterested party to do a modeling study.

Presentation: Ashley Silva, AQB Environmental Protection, Compliance and Enforcement

Ashley Silva introduced herself as the compliance reporting supervisor, who specializes in compliance reporting with the Environmental Protection Compliance and Enforcement Bureau. She said she had worked at the AQB for almost seven years, and with compliance reporting the last year.

Ms. Silva referenced Slide 16 and said the Environmental Protection Compliance and Enforcement Bureau was made up of three units: Compliance reporting, compliance inspections, and the enforcement unit. She said the compliance reporting unit conducted an analytical review of report documents and referred any violation to enforcement. They ensured that all facilities were staying in compliance with applicable conditions and requirements as stated in their permit,

as well as state and federal regulations. Compliance inspections unit were responsible for going out into the field to conduct inspections, such as full compliance evaluations. They note any violations to the enforcement staff. The enforcement unit was responsible for adhering to the civil penalty policy. They performed as the judge or jury and decided if any further action needed to be taken for the facilities and/or company to comply with their permit and regulations.

**SLIDE 16: Environmental Protection Compliance and Enforcement Bureau
Compliance Reporting Unit**

- Conducts an analytical review of report documents and refers any violations to enforcement staff
- Ensures that facilities are staying in compliance with all applicable conditions and requirements as stated in their permit as well as state and federal regulations.

Compliance Inspections Unit

- Performs the heavy lifting, as they go out into the fields to conduct inspections, such as full compliance evaluations
- Notes any violations to enforcement staff

Enforcement Unit

- Responsible for adhering to the civil penalty policy
- Perform as the judge or jury- decides if further action needs to be taken for the facilities/companies to comply with their permit and regulations

Ms. Silva provided more details on compliance reporting (Slide 17). She said compliance reporting ensured that all industries were in compliance with their permits, as well as state and federal regulations, and that they were held accountable for monitoring, record, keeping, reporting and testing requirements, as applicable. These requirements could be site and/or specific to the equipment. The reporting unit was a clearinghouse between the industries and EPA. Data was collected and compiled for the EPA on a monthly basis. Staff reviewed reports submitted to the department. They reviewed, prepared documents, and determined which facility/companies required more scrutiny. They referred cases to the enforcement staff, as appropriate. If any deviations were reported, and/or if there were any issues with the report, they might draft a post inspection notification (PIN) to send to the facility or to enforcement staff for their review and determination on whether or not they will pursue further action.

SLIDE 17: Compliance Reporting

Ensures that industries are in compliance with their permits, as well as state and federal regulations

- Facilities are held accountable for monitoring, reporting, and recordkeeping requirements as applicable. These requirements can be site and/or equipment specific.
- The reporting unit is the clearing house between the industries and EPA. Data is collected and compiled for EPA, on a monthly basis.
- Reporting staff review reports that are submitted to the department. They review, prepare documents, and determine which facilities/companies require more scrutiny. They will refer cases to the enforcement staff, as appropriate. If deviations are reported and/or if there are issues with the reports, the following actions may occur
 - Post-Inspection Notification (PIN) is drafted and sent to the facility as a notification
 - PIN is also sent to the enforcement staff for their review and determination on whether or not they will pursue further action

Ms. Silva said the compliance report focused on NMAC and Title Five facilities (Slide 18). The report was broken down in sections A, B, C and D and E for each regulation: permit condition, permit duration, monitoring, record keeping, and reporting. Each facility was responsible for adhering to all state, federal and permit conditions. For semi-annual monitoring reports, facilities were responsible to report two times annually, every six months, according to their permits. They also were responsible for reporting annually on compliance certification. This applied to all Title Five facilities. Sections 20.2.70 and 20.2.72 applied to NMAC, Title Five, and NSR facilities. These could be mining source or general construction permits. Although it might be a registration rather than a permit, facilities were still responsible for adhering to federal regulations, such as new source performance standards or maximum achievable control technology, and submitted reports to AQB to monitor compliance.

SLIDE 18: Compliance Reports

20.2.70.302 NMAC – TVs

- Permit conditions
- Permit duration
- Monitoring
- Recordkeeping
- Reporting

20.2.70 & 20.2.72 NMAC – TVs and NSRs

Ms. Silva referred to Slide 19 and said semi-annual monitoring reports (SAMRs) asked if all reporting requirements had been met for each condition listed in the Title Five permit that was

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site specific. Annual compliance certifications (ACC) asked if the facility was continuously in compliance with all requirements of each condition in the Title Five permit during the reporting period. Staff reviewed, identified and noted any deficiency or deviation and any lack of supporting documentation regarding compliance.

SLIDE 19: SAMR and ACC Reports – TV Reporting Schedules

Semi-Annual Monitoring Reports (SAMRs)

- Per 20.2.302.E (1) NMAC – for TV Major Source facilities
- What is a SAMR?
 - A report that asks if reporting requirements have been met for each condition listed in the TV permit, that is site-specific 19 Semi-Annual Monitoring Reports (SAMRs) Annual Compliance Certifications (ACCs)

Annual Compliance Certifications (ACCs)

Per 20.2.302.E (3) NMAC — for TV Major Source facilities

- What is an ACC?
 - A report that asks if the facility was continuously in compliance with all requirements of each condition in the TV permit during the reporting period

Reporting staff reviews, identifies, and notes any deficiencies/deviations and/or lack of supporting documentation regarding compliance.

Ms. Silva addressed Slide 20, which discussed new source performance standards (NSPS) and maximal achievable control technology (MACT) reports. She said that because NSPS fell under 20.2.77 NMAC and 40 CFR 60 20, and MACT fell under 20.2.82 NMAC and 40 CFR 63, these reports were used to demonstrate compliance with the state and federal regulations with the usage of one or more technology facilities. Facilities were responsible for submitting compliance reports according to the type of equipment and conditions as listed in the site specific permit.

SLIDE 20: NSPS and MACT Reports

New Source Performance Standards (NSPS)

- Per 20.2.77 NMAC and 40 CFR 60 20

Maximum Achievable Control Technology (MACT)

- Per 20.2.82 NMAC and 40 CFR 63

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- Utilized to demonstrate compliance with these state and federal regulations with the usage of one or more technologies
- Facilities are responsible for submitting compliance reports according to the type(s) of equipment and conditions as listed in their site-specific permit

Ms. Silva said excess emission reports (Slide 21) fell under 20.2.7 NMAC. An excess emission report could be related to startup, shutdown, malfunction and/or emergency events that were in violation of air regulations and/or permit conditions. Facilities were responsible for self-reporting any excess emissions outside of their permit requirements or state and federal regulations. Staff reviewed and identified any magnitudes of excess emissions reported and determined if they complied with the regulations, to include addressing any issues with late reporting.

SLIDE 21: EERs—Excess Emission Reports

- Per 20.2.7 NMAC:
- What is an EER?
 - A report that shows excess emissions (start-up, shut-down, malfunction, and/or emergency event) that is in violation of the air regulations and/or permit conditions
- Reporting staff reviews and identifies any magnitudes of excess emissions reported, as well as determines if they complied with the regulations, to include addressing any issues with late reporting.

Ms. Silva said monitoring and maintenance requirements (Slide 22) were per the regulations and conditions listed in the permit and were relative to operations, throughput equipment, and permitted emission limits. All facilities had monitoring, recordkeeping and reporting requirements for site-specific equipment. For example, engines had initial compliance testing and periodic emission testing requirements. Another example was tanks, which required reporting and submitting compliance documents relative to the throughput and/or separated pressure. She explained that stack testing concerned measurements of pollutants emitted from equipment that had stacks and/or vents. Facilities were responsible to submit testing requirements to ensure that they passed the emission limit and/or emission standards and were in compliance with the permit.

SLIDE 22: Monitoring and Maintenance Requirements & Stack Testing
Monitoring and Maintenance Requirements

- Per regulations and conditions in the permit
 - Relative to operations, throughput, equipment, and permitted emission limits

- Facilities have monitoring, recordkeeping, and reporting requirements for site specific equipment
 - Engines
 - Initial compliance testing
 - Periodic emissions testing
- Tanks
 - Throughput and separator pressure

Stack Testing

- Per conditions in the permit
- What is stack testing?
 - Measurement of pollutants that are emitted from equipment that have stacks/vents
- Facilities submit testing requirements to ensure they pass their emission limits and/or emission standards
 - This ensures they are staying in compliance with their permit

Ms. Silva said the compliance inspection section worked on a daily basis with the reporting section as a cohesive unit. Compliance inspection was responsible for conducting field size inspections. Compliance inspection staff completed either full compliance evaluations or partial compliance evaluations, and issued field citations and noted areas of concern. Site inspections could be required by the EPA or other facilities as concerns arose. Compliance inspection staff also addressed public complaints.

SLIDE 23: Compliance Inspections

Sites inspected may be required by EPA or other facilities as concerns arise

- Conduct field site inspections
 - Full compliance evaluations (FCE)
 - Partial compliance evaluations (PCE)
- Issue field citations
- Note Areas of Concerns (AOCs)

Ms. Silva said Slide 24 addressed public complaints. Public complaints relative to air were addressed by AQB staff and might be received via the environmental notification tracking system (ENTS), phone calls, or email. The complaint might trigger an onsite investigation and lead to an enforcement case. NMED gathered information and researched requirements and authority, and responded according to their research.

SLIDE 24: Public Complaints

NMED gathers information and researches requirements and authority, responding according to their research

- Compliance staff respond to complaints received from the public:
 - via the Environmental Tracking Notification System (ENTS)
 - phone calls
 - emails
- Inspectors may investigate onsite.
- Complaints may lead to an enforcement case.

Ms. Silva said Slide 25 addressed enforcement. Enforcement was responsible to determine if further action was needed based upon violations found and/or reported to the compliance units. Enforcement issued notices of violations, helped draft, implement and follow up on consent decrees, and negotiated with facility owners to draft, implement and follow up on settlements. They also adhered to the civil penalty policy.

SLIDE 25: Enforcement

- Determine if further action is needed based upon violations found and/or reported to the compliance units
- Issue Notices of Violations (NOVs)
- Help draft, implement and follow up on consent decrees
- Negotiate with facility owners; then draft, implement, and follow up on settlements
- Adhere to the Civil Penalty Policy

Presentation: Roman Szkoda, AQB Air Monitoring

Roman Szkoda introduced himself as the manager of the air monitoring unit, which set up, operated, calibrated, repaired, and maintained all the equipment operating throughout the state. He said there were 20 air monitoring stations throughout the state, and each station either had gaseous analyzers, particulate samplers, or a combination of both, depending on the site location and the types of pollutant sources that were in the area. For example, a power plant would have a monitoring site shelter that contained an ozone monitor, NO₂ monitor, and particulate monitor, and all the associated equipment that went along with them, including the site computer necessary to transmit the collected data for review and analysis by AQB's data management specialist. The data management specialist went through all the data to make sure everything was valid, noting anything that might happen at the site, such as power failures or broken down equipment. AQB had the capability to determine when equipment broke down very quickly, so that they could either repair or replace that equipment and maintain data capture.

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Mr. Szkoda said a typical site consisted of a walk-in monitoring shelter that was temperature controlled, meaning that it had both heat and air conditioning, which automatically adjusted throughout the year for seasonal changes. Temperature range was anywhere between 73 to 77 degrees for the equipment to operate efficiently and in a suitable environment to avoid break down. Mr. Szkoda said that of the 20 sites, 18 sites had meteorological systems that monitored for wind speed, wind direction, temperature, and solar radiation, which produced high ozone concentrations when it was mixed with VOCs and oxides of nitrogen.

SLIDE 26: Air Monitoring Equipment

Air Monitoring Station Equipment

- Each station will have either gaseous analyzers or particulate samplers or both depending on site location and types of pollutant sources i.e. power plants would emit ozone, nitrogen dioxide (NO₂) and particulate matter.

Site Data Collection

- Each monitoring station will have a data logger (site computer) which collects data from each analyzer or sampler and data is transmitted to the data base for further analysis and reporting to EPA.

SLIDE 27: Santa Fe Airport Site

Monitoring Shelter

- All monitoring equipment is housed in a temperature controlled shelter to maintain proper equipment operating conditions in order to collect viable pollutant data.

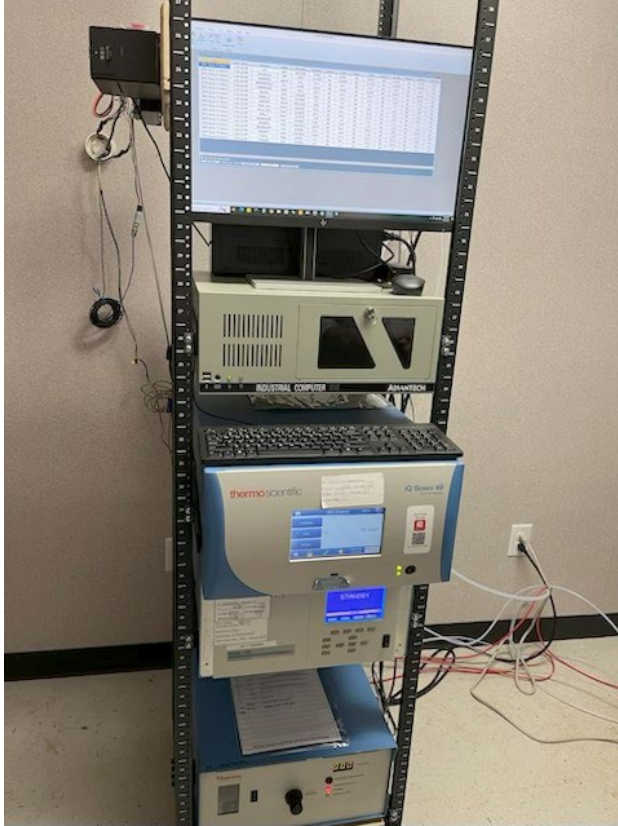
Meteorological Systems

- 18 of the 20 AQB monitoring stations have meteorological system towers to collect wind speed, wind direction, temperature (2-meter and 10 meter) and solar radiation.

Mr. Szkoda provided an example of a typical site—Santa Fe Airport.



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Referencing above photo, Mr. Szokda said inside the shelter was an instrument rack containing instrumentation and the site computer. At the very top was the computer screen. Just below the computer screen was the actual site computer, also called the data logger, which collected data from all the monitors and stored and transmitted that data to AQB staff to review and send to EPA's AQS, who in turn posted the data on their website to give current errors and quality standards. Mr. Szokda said the data also gave the air quality index.

He pointed out the site calibrator at the very bottom of the photo, which allowed AQB to automatically set up a QC check each Monday morning, testing that the monitor was functioning properly in accordance with the criteria set forth by EPA. AQB also performed quarterly calibrations, which were multi-point calibrations to make sure that everything was operating within EPA tolerances. These were done quarterly to account for seasonal changes in New Mexico. Temperature had a real effect on how equipment operated, and AQB had to compensate for temperature changes to ensure everything was functioning properly, he said.

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DISCUSSION AND QUESTIONS

- Dennis O'Mara commented that NMED's monitors scattered around the state were only focused on legacy pollutants such as nitrogen dioxide, sulfur dioxide, and so on. He said NMED was not measuring any of the dozens and dozens and dozens of toxic air pollutants that Intel New Mexico constantly released. Intel operated 24/7, so while regulatory monitors were nice, they were not helpful to residents of communities in proximity to Intel. Secondly, Mr. O'Mara said CAFANow was the only organization that was monitoring air pollution and air quality in the communities surrounding Intel, and they were collecting and compiling data continuously to submit to NMED experts to process, review, and discuss the findings. The plan was to get the data to NMED before November. He said CAFANow would release data only after NMED reviewed it and held discussions with CAFANow about findings. Mr. O'Mara pointed out that CAFANow was using a brand of monitors from Purple Air that had been tested against regulatory monitors in California. This brand was found to be the most accurate of all the low-cost monitors for monitoring particulates. He said CAFANow was confident that the data they were collecting would be accurate and useful.
- John Bartlit said he had been trying for several years to find out how data were calibrated, for example, how was the data analyzed for one hour averages? 24-hour averages? He said his questions were similar to Louis Scuderi's questions.
- Dennis O'Mara said he had placed two questions in the chat for Ashley Silva. The first question: Was all monitoring data available to the public? Ashley Silva responded that it was not. To get it required an IPRA request submitted to the department if requesting a compliance report for a specific facility and/or company. Mr. O'Mara asked why an IPRA request was required when the information was about emissions going from the stacks into the public domain. Ms. Silva replied that NMED acted as a clearing house that worked between industry and EPA. Documents submitted by industry were made publicly available upon request; it was not like NMED was hindering anything. Mr. O'Mara asked if he were to submit a standing request for every document that came from this process, would NMED grant that request and provide the information every time a report was filed, or would he need to file a new request for each report? Kate Cardenas responded that was a question for NMED's General Counsel department. Mr. O'Mara requested that NMED's General Counsel contact him about this question, and he provided his contact information to Ms. Cardenas, who agreed to pass it on to the General Counsel department. Marc Kolman added that he would share contact information as well. [NOTE – An update from NMED indicates that a standing IPRA request for specific reports would not be allowed. NMED, however, issued a press release on 10/23/2025 referencing improved transparency for public records requests. NMED's public records request site can be found at <https://www.env.nm.gov/public-record->

[request/](https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:b97af5dd-0508-45ab-8a75-8b85b0f38826). The press release is available at [https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:b97af5dd-0508-45ab-8a75-8b85b0f38826.](https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:b97af5dd-0508-45ab-8a75-8b85b0f38826)]

- Dennis O'Mara asked a second question: Did Intel and NMED both monitor Intel's emissions and were their data compared? Ashley Silva said that the facility was responsible for making sure that they followed monitoring requirements. NMED was responsible for making sure that all facilities submitted compliance reporting relative to monitoring.
- Dennis O'Mara showed a slide with data on particulate matter (PM 2.5) that CAFANow collected between June 3 and September 16. He said it was displayed as micrograms per cubic meter, which was a standard measure. At the very bottom was a red line, which was the average of all the findings across the lower part of the graph. The mean, or average, was 8.9 micrograms per cubic meter. For reference, he said, the EPA had recently issued a new standard for annual exposure to PMT 2.5 of nine micrograms per cubic meter. The graph showed that the data findings exceeded EPA's new standard. The World Health Organization (WHO) had also recently issued a new standard at only five micrograms per cubic meter. The slide showed that the data frequently exceeded safe and healthy levels of particulate matter 2.5.
- Dennis O'Mara showed a second slide that compiled extreme PM 2.5 events. During this same period of time, from June to September, there were 59 events exceeding 100 micrograms per cubic meters, in comparison to the new standards of nine for EPA and five for WHO. Red arrows pointed to the numbers of events that occurred during rush hour, which could be explainable, whereas the rest of the events happened mid to late evening, when there was no rush hour. Mr. O'Mara said these slides showed just a snippet of information picked up by CAFANow monitoring. John Bartlit asked if an operating manual for the monitoring equipment was available from Purple Air so he could learn how the data was analyzed. Dennis O'Mara said the manual was readily available online but he would try to find and send it to Mr. Bartlit.
- Marcy Brandenburg asked why NMED did not have monitors at Intel, the largest chemical plant in New Mexico. She also asked if the EPA did any monitoring at Intel Rio Rancho. John Bartlit said that NMED only had enough funds for 20 monitors in the whole state, and with the prevalence of oil wells, that number was not enough. Purple Air sensors might be helpful.
- Dennis O'Mara said he had asked Intel staff multiple times how Intel handled their per- and polyfluoroalkyl substances (PFAS) waste, and Intel had refused to respond. He asked NMED their position about how manufacturers should handle PFAS waste. Also, in

particular, what did NMED know about Intel's process for dealing with PFAS waste. Kyle Staggs said that NMED's current knowledge of Intel's PFAS waste was extremely limited. He was not aware of a data set that Intel had shared or internal details of Intel's chemical processes related to PFAS. He added that NMED's regulatory approach to PFAS was under development, and there would be a public comment period on the rulemaking. He said NMED would appreciate all present to contribute information and concerns to that conversation so that NMED could adequately address concerns at that time.

- Dennis O'Mara offered a few more questions to add to that conversation. Did Intel capture its PFAS waste and send it offsite to a facility licensed to process it? Did they attempt to incinerate it, which was totally ineffective and inappropriate and made things worse. Did Intel put it into their wastewater and send it to the local wastewater treatment plant, making it somebody else's problem to deal with? Currently, there was no immediately available process for destroying PFAS that was scalable and being implemented at a factory level, for example. What did NMED know about Intel's PFAS getting released into the environment.
- Kyle Staggs said he was not aware of any monitoring that was going on. Some of that had to do with challenges and detection and quantification methods. Some of that had to do with developing regulatory areas new to New Mexico. Most states at this point in time had not even agreed to address PFAS as a problematic category of compounds. So this was very much a new area for many states, and there were developmental challenges going on legally for other states. Mr. Staggs said Mr. O'Mara's questions were the kind considered in the rulemaking process. He added that NMED wanted to continually evaluate the methods for disposal and treatment of PFAS wastes, and specific technologies to do that were being considered. Dennis O'Mara said the problem was that there was no method for actually dealing with PFAS. He suggested that NMED add Intel New Mexico to the list of concerns about PFAS and recognize going forward that it was probably a problem. Mr. Staggs said he would bring Mr. O'Mara's concerns about Intel into NMED's internal conversations and make sure they were considered.
- Dennis O'Mara commented that he had noticed the PFAS legislation for the state had a stipulation for electronics that might allow Intel to continue to produce PFAS without any sort of control. He asked NMED to ensure, at least in their discussions, that the public was actually protected. Kyle Staggs said he would raise these concerns in NMED's internal conversations, and that this kind of feedback was helpful. Mr. O'Mara said the document was available online, and the carve out for electronics was poorly defined and could refer to the electronics industry, chip industry, or any number of different industries. That was a huge hole that needed to be plugged in, he said. Mr. Staggs said NMED would hold a public comment process and allow for formal input to address some

of these matters and that would be considered in that process. He said he could not speak to specific exemptions or anything like that only that the rulemaking would be based on already standing House bills related to PFAS. The intent of the carve outs was to allow for some flexibility for chemical processes to use with alternatives that were safer in certain areas. The carve outs were not intended to allow for broad scale pollution of PFAS.

- Kate Cardenas said NMED planned to petition the environmental improvement board for a hearing date in October, and hoped to have a public hearing on the PFAS draft rulemaking in January or February. After that was a 60-day public comment period announced through a public notice and then normal channels. The goal was to implement it by 2027.
- Dennis O'Mara asked if NMED was open to CAFANow's reaching out to people on today's NMED panel with follow up questions and asked Kate Cardenas if she would be the one to coordinate it. Kate Cardenas said yes, and she could pass on the questions to the appropriate NMED staff. She shared her email information and noted that Marc Kolman also had her contact information.

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NEXT MEETING: TBD

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