UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

November 13, 2019

Ms. Elizabeth Bisbey-Kuehn
Bureau Chief, Air Quality Bureau
New Mexico Environmental Department
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico 87505-1816

Dear Ms. Bisbey-Kuehn:

The purpose of this letter is to transmit the final report of our review and evaluation of the approved Title V program, which is administered and enforced by the New Mexico Environmental Department (NMED). As part of the Environmental Protection Agency's (EPA) oversight responsibilities, EPA Region 6 staff conducted a program review and evaluation of the approved Title V permit program administered by the Air Quality Bureau (AQB) at NMED. During the review, our staff conducted off site reviews of air permitting files and AQB responses to an evaluation questionnaire prepared by EPA. EPA also shared the preliminary draft report with AQB on June 28, 2019 and asked for feedback on the draft evaluation report.

On September 25, 2019, we received an email from the AQB with responses to our findings and recommendations in response to the draft evaluation report. We appreciate NMED's commitment to address the recommendations outlined in the draft evaluation report. In addition, we want to express our gratitude for the cooperation and assistance of the NMED staff and managers while we conducted the evaluation.

Enclosed is the EPA's final NMED Title V Air Permit Program Evaluation Report. We will post the final program review report on the EPA Region 6 webpage at https://www.epa.gov/caa-permitting/title-v-evaluations-region-6. We have included a tabular summary of NMED's responses as part of the final program evaluation report to memorialize NMED's commitment to address the report's recommendations and findings.

We look forward to continuing to work with your agency in the implementation of the Title V permit program in New Mexico. We plan to track NMED's progress in addressing our recommendations and findings through our monthly Title V conference calls and individual Title V permit reviews. If we can be of any assistance, please feel free to contact myself or the Air Permits, Section Chief, Cynthia Kaleri, at 214-665-6772.

Sincerely,

11/13/2019

X David F Garcia

David F. Garcia, P.E.

Signed by: Garcia, David

Director
Air and Radiation Division

REGION 6 EXECUTIVE SUMMARY AND OUTCOMES

BACKGROUND:

The Title V operating permit program requirements are contained in 40 CFR part 70 and are designed to reduce violations and improve enforcement of air pollution laws for the largest sources of air pollution. Title V operating permits are intended to be a compendium of all applicable requirements established in underlying NSR permits, NSPS rules, and NESHAPs rules. They generally do not independently impose new air quality control requirements on a source. According to the CAA, only funds collected from Title V sources may be used to fund a state's Title V permit program. The CAA also requires that any fee collected under Title V be used solely to cover permit program costs. As the oversight authority for the approved Title V permitting programs, EPA is authorized by the CAA to monitor whether a state is adequately administering and enforcing a part 70 program.

FINDINGS AND OUTCOMES SUMMARY:

The EPA Region 6 review included an evaluation of the New Mexico Environmental Department's (NMED's) Air Quality Board (AQB) written responses to a draft Title V permit program evaluation report, current work practices for operating permit development/issuance, and administration of the NMED Title V program in accordance with the NMED's operating permit rules, 40 CFR part 70 requirements, and Title V of the CAA. The preliminary findings and recommendations from this evaluation were discussed with NMED and are briefly summarized below and discussed in more detail within the Title V program evaluation report.

EPA Finding Summary	NMED Responses	Outcomes
Topic Review Area 1: Acting in a timely manner on applications for initial, revisions and renewals permits		
EPA Region 6 believes that NMED has performed outstanding work to assure their issuance rate is timely. While EPA has no specific recommendation, we encourage the NMED to continue processing TV permits in a timely manner and using their internal protocols and data management platform to maintain efficiency.		
Topic Review Area 2: Issuing permits that are consistent with the requirements of 40 CFR Part 70		
A. Recommendations for Improvements to SOB's		
1) The purpose of a detailed SOB and decision documentation is to support the TV permit. NMED's statement of basis (SOB) lacked detailed rationale of monitoring methods. NMED's selection of the specific monitoring, including parametric monitoring and recordkeeping, and operational requirements should be explained in the SOB. The SOB should explain how the proposed monitoring strategy will assure compliance with emission limits. In cases when no additional monitoring is required by an NMED rule or a federal regulation, a discussion of periodic or sufficiency monitoring requirements that is added	NMED agrees the SOB should explain how the proposed monitoring strategy will assure compliance with emission limits. For many types of equipment (such as engines, heaters dehydrators, flares, etc.), NMED has monitoring protocols. The protocols were developed to ensure consistent and equitable conditions across permits for any given operating scenario. The monitoring protocols include a graph of the decision logic for selecting permit conditions, template text for constructing the conditions, and (in some cases)	NMED has developed monitoring protocols for many types of equipment (engines, heaters dehydrators, flares, and other) regulated by the agency. NMED established the protocols to ensure consistent and defensible conditions across permits for any given operating scenario across the most common industrial sectors. The monitoring protocols include a graph of the decision logic for selecting permit conditions, template text for constructing the conditions, and (in some cases) background

EPA Finding Summary	NMED Responses	Outcomes
to the permit should be discussed. In other cases when no additional monitoring is necessary, NMED should also provide adequate justification.	background information describing the basis of the decision logic.	information describing the basis of the decision logic. NMED proposes to revise its monitoring protocols so that each protocol explains how each permit condition in the protocol assures compliance with the emission limits covered by that condition. The monitoring protocols are published on the NMED website, so they are available to the public. NMED proposes to include the link to the monitoring protocols on the website in the SOB for each permit. For equipment and facility types not covered by the monitoring protocols, NMED proposes to add discussions concerning the rationale for selecting specific monitoring parameters and why those parameters were selected to demonstrate compliance in the SOB. NMED's current SOB also contains a state and federal regulatory applicability section. This section provides the determination of which regulations apply to each source or piece of equipment and includes the lower level citation of the applicable requirements within that regulation. NMED proposes that this applicability section, along with the revised monitoring protocols , would be sufficient to , provide the "discussion of the decision-making that went into the development of the title V permit and provide the permitting authority, the public, and U.S. EPA a record of the applicability and technical issues" as discussed in the February 1, 2006 "Onyx Order" (EPA April 30, 2014 Memo: Implementation Guidance An Annual Compliance Certification Reporting and SOB Requirements for Title V Operating Permits, the SOB).
2) EPA provided an example of a reviewed permit where it was unclear what pollutant and emission limit was	NMED concurs that the conditions in the referenced permit should specify the pollutant (particulate	NMED proposes to revise its boiler monitoring protocol to provide the rationale for using fuel monitoring and

EPA Finding Summary	NMED Responses	Outcomes
covered by the permit condition specifying production rate and the rationale for its use to demonstrate compliance. (particulate matter in the example). EPA provided another comment that the same rationale for demonstration of compliance would need to be provided for fuel rates specified in the condition.	matter in the example above) and emission limits covered by each condition in the permit. NMED agrees with EPA that this information is important to assist the public in understanding our Title V permits. The SOB for this permit should also explain that the particulate matter emissions from the dryers and conveyance device are directly related to the material throughput (emission factors multiplied by the tons/hour), and thus, throughput is the surrogate measurement for limiting particulate emissions.	monitoring of good combustion as a surrogate measurement for demonstration of compliance for units permitted below their maximum potential to emit and will reference that monitoring protocol in the SOB. If the heat rate condition was a requirement of either NSPS or NESHAP, NMED would designate the applicable NSPS or NESHAP (for example, "40 CFR Subpart Dc") in both the title and the text of the permit condition.
3) It was indicated in several permits that compliance demonstration for carbon monoxide (CO), also demonstrates compliance for volatile organic compound (VOC). In addition, sulfur content of fuel and amount burned is monitored to demonstrate for sulfur dioxide (SO_2) emissions compliance. This type of monitoring is called "surrogate" (e.g. substitute) monitoring. This monitoring is allowed when (1) monitoring of actual emissions is very expensive and/or impractical, and (2) surrogate monitoring is adequate to assure compliance with the underlying applicable requirement. If surrogate monitoring is used, make sure that the permit's SOB includes an explanation of the relationship between the surrogate monitoring and the facility's compliance with the actual limit.	NMED allows demonstration of compliance with CO emission limits as a surrogate demonstration of compliance with VOC limits. Both CO and VOC increase due to incomplete combustion. The portable analyzers used for compliance tests do not speciate VOC compounds; therefore, AQB relies on CO monitoring to demonstrate surrogate compliance with VOC limits. Considering that the manufacturer tests the equipment and specifies the expected NOx, CO, and VOC emissions for a unit operating properly, as well as basic principles of combustion chemistry, if an engine test demonstrates that CO concentration fall within the emission limits and the engine is performing as represented in the application, then, VOC also falls within the emission limits. NMED concluded that using CO as a surrogate for VOC would reasonable demonstrate that the actual VOC emissions were well below the VOC emission limit if the CO emission rate was met. NMED proposed this language regarding the relationship of VOC and CO emissions for a document	NMED proposes to post a summary of the analysis regarding the relationship of CO and VOC on the AQB website and to include a link to that posted document in each SOB. NMED proposes to add a synopsis of this summary into the template from which permit writers generate their SOB so that the synopsis appears in each SOB. NMED proposes to add an additional section to our SOB explaining the basis for these two surrogate monitoring situations. As a separate section, it would be easy for permit writers to add to (or delete from) an existing SOB for a permit that they are updating.

EPA Finding Summary	NMED Responses	Outcomes
	sent EPA Region 6 on June 19, 2012. EPA did not reject that analysis or language. NMED agrees with EPA that it is appropriate to also include a surrogate monitoring explanation for SO_2 emissions in the SOB. NMED agrees with EPA that these surrogate monitoring decisions should be added to the SOB for each permit so that the public can understand the basis for these decisions	
4) Some of NMED's SOB documents lacked applicability discussions. An explanation of the Federal NSR applicability, whether the source obtained a PSD permit or netted out of NNSR and the relevant BACT determinations were not detailed in some of the TV SOB's which we reviewed. The public would have to review the NSR permit action to see the BACT analysis and limits/operational conditions to ensure that those are appropriately included in the Title V permit. However, the underlying NSR permit is not attached, nor does it appear to be included the Title V permit record. In the TV Permit for Santa Fe – Caja Del Rio Landfill, it was noted that the BACT limits for this permit were not clearly stated and it appeared necessary to review the PSD/NSR permit action(s) to find/see BACT limits to ensure that they are being incorporated into the title V permit.	NMED understands EPA's comment that the SOB doesn't review the BACT limits. NMED designates which limits are BACT within the permit to ensure that this information is carried forward even if subsequent permit writers generate their own SOB instead of modifying the previous SOB. In the reference permit Section A101C notifies the reader that the permit contains BACT limits. The maximum allowable emissions table 106A is footnoted to identify the specific limits and pollutant which are BACT for the boiler also provide the NSR permit number for which the BACT analysis is done. Landfills represent a unique type of Title V facility in New Mexico. Many landfills, including Caja Del Rio, do not have an NSR permit and are not subject to PSD permitting requirements. This facility is not one of the 28 listed PSD source categories and it does not have the potential to emit greater than 250 tpy of any regulated new source review pollutant. An operating permit was issued solely to meet the requirement to obtain a Part 70 permit per §60.752(b): Standards for air emissions from municipal solid waste landfills. This facility does not have any BACT limits.	Because BACT analyses done for/by AQB are generally 30 to 125 pages long, subsequent permits simply reference the permit with the BACT analysis instead of reproducing the analysis. The BACT analysis is always retained in the TEMPO database along with the permit for which the analysis is done.

EPA Finding Summary	NMED Responses	Outcomes
5) Permittee should be required by NMED to consistently follow compliance recertification requirements that meet §70.6(c)(5)(iii). This ensures transparency and enhances the public's understanding of a facility's obligations. The compliance declaration from some facilities was stated in a non-specific, generic manner. In Section 19.2 of the application, the applicant references the explanatory text provided in the application by the State as a means by which to declare compliance. Instead, the company should make their own declaration identifying the various applicable requirements. To make the required compliance declarations in part 70 permit applications, sources are required to review current major and minor NSR permits, other permits containing Federal requirements, SIP's and other documents, and any other applicable Federal requirements to determine applicable requirements for emission units.	NMED concurs with EPA that many applicants are only providing a general statement in section 19.2.	NMED has reviewed the requirements at 70.6(c)(5)(iii); these requirements match the information required by NMED in Title V Annual Compliance Certifications (ACCs). NMED received some additional guidance generously provided by EPA with examples of how these compliance demonstrations are presented in other states. Based on those examples and the regulatory citations provided above in footnote 5, NMED proposes to revise the directions in 19.2 to require applicants to include the information from their ACC updated to the date of the application. See NMED's attached responses for example of the NMED ACC.
6) NMED's practice of incorporating Federal regulations using only high-level citations makes it difficult to determine if all applicable requirements for monitoring, recordkeeping, reporting, and testing have been identified. EPA recommends that NMED consistently include the specific rule citation, including the section, subsection, and paragraph, as applicable, for sources to the extent where there is no ambiguity concerning the regulatory applicability for equipment at the facility and with the associated requirements for monitoring, recordkeeping and reporting. In the absence of citations to the specific regulation which applies, there are other options that NMED permit writers could utilize to eliminate ambiguity. As an example, permit writers could identify a specific source type (e.g., this engine must comply with all requirements at 40 CFR 63	NMED agrees with EPA that additional information on the specific requirements within each NSPS/NASHAP would enhance the transparency and usability of the Title V permits. NMED currently includes the information on the applicable requirements for individual regulations in the SOB.	NMED proposes to incorporate this information into the permits by 1) revising the conditions as suggested by EPA so that the condition describes the requirements for a category of equipment. An example of using this format, a permit might contain one ZZZZ condition for existing spark ignition 2 SLB RICE, with the applicable units listed in the condition title, a second ZZZZ condition for new 4SRB RICE with the applicable units listed in the condition title, etc. NMED believes that this proposed approach would provide the additional detail necessary to find the requirements in the regulation without imposing an undue additional workload on the permitting staff so that staff can continue to meet permitting deadlines. Alternatively, a single template condition may be developed instructing the permit specialist to specify individual ZZZZ citations for

EPA Finding Summary	NMED Responses	Outcomes
Subpart ZZZZ which apply to existing spark ignition, 2-stroke lean burn (2SLB) RICE with a site rating of 500 brake HP located at an area source). In this example, the type of engine being regulated is clear, and interested parties can then cross-reference to the applicable regulatory requirements in the Subpart ZZZZ rules.		each applicable category of RICE, with a reference to the equipment list, which will cross reference individual RICE units with their category (2SLB, 4SRB, etc.)
7) For the 17 Title V permits reviewed, the maximum allowable emissions table located in the Title V permit doesn't include an explicit statement stating where the underlying authority for the given emission limits in Table 106A are derived. Pursuant of 40 CFR 70.6(a)(1)(i) which requires TV permits to specify and reference the origin of authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based. While the maximum allowable limits appear in Table 106A, there is no explicit reference to the origin of the underlying authority by which the emission limits are derived.	At NMED's request, EPA provided examples of language other states use to explicitly reference the state's authority to derive and set emission limits	NMED is working with EPA on how to best incorporate this language into the format of our current Title V permits. Possible approaches include modifying our General Conditions in the permit, adding footnotes to the Table 106.A emission limits, and/or modifying the requirements section of individual permit requirements. NMED appreciates EPA's assistance in developing this important additional language.
8) EPA recommends that NMED add credible evidence language, to the General Conditions portion of the Title V permit and remove phrasing that appears to privilege one type of data over another.		NMED proposes to add a General Condition to clarify compliance demonstration if a limit has multiple conditions. Also, notwithstanding the conditions of the permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance credible evidence be used to demonstrate compliance or noncompliance, each and all associated demonstrations must be met to demonstrate compliance. As written, it is currently ambiguous as to whether a single successful demonstration is sufficient.

EPA Finding Summary	NMED Responses	Outcomes
9) NSR permits were cited in the 17 Title V permits reviewed and not included in the permit records or attached to the Title V permit for reference. Please ensure these documents are readily available to public at the time of public notice. EPA reminds NMED that the documents incorporated, referenced or cited in a TV permit and/or SOB should be readily available to the public at the same time the draft TV permit is public noticed. It should be clear to the public what terms and conditions are being incorporated into the TV permit from another permitting action, and they should have access to the permit action during the comment period.		NMED proposes to address this issue by providing a link on the public notice page (and/or within the public notices) that directs the public from the TV to the APMAP on the AQB webpage that allows them to access the current NSR permit. The location pointed to by this link provides instructions on how to use the APMAP tool to locate the NSR permits.
10) Permitting authorities must ensure that all applicable SIP rule requirements are correctly incorporated into a facility's Title V permit. Permits should clearly identify any requirements that are enforceable only by the state and not the EPA, often referred to as "state-only" requirements. The response received from NMED on the TV Questionnaire was that this is addressed in the SOB Section 11.0, State Regulatory Analysis. However, there were no explicit statements in the Regulatory Analysis table for any of 17 SOBs which we reviewed, that indicated the associated permit did include or did not include "state-only" rules. We recognize that this may be because the permits we reviewed did not contain "state-only" requirements. Please ensure that any "state-only" requirements are clearly identified in the permit and SOB.	NMED acknowledges that the response in the questionnaire did not completely address this issue. Table 103A is incorporated in each permit and contains a column that identifies federally enforceable requirements. State-only requirements in the table have a blank cell.	NMED proposes to add a footnote to the header of Table 103A to explicitly state that requirements not marked as federally enforceable are State-only requirements. This same table could also be added to the SOB.

New Mexico Environmental Department
Air Quality Division
Title V Operating Permit Program Evaluation

FINAL REPORT

November 2019

Conducted by the

U.S. Environmental Protection Agency - Region 6
Air Permits Office (6MM-AP)
1200 Ross Avenue, Suite 1200
Dallas, Texas 75202

ACKNOWLEDGEMENT

EPA Region 6 would like to acknowledge the cooperation of the staff and management of the New Mexico Environmental Department (NMED) during this title V (TV) Program Evaluation. We appreciate their willingness to respond to information requests and share their experiences regarding the development and implementation of NMED's TV program.

I. EXECUTIVE SUMMARY

The EPA Region 6 review included an evaluation of the current work practices and administration of the NMED TV operating permit program and adherence with the State Operating Permit Programs Rule, 40 Code of Federal Regulations (C.F.R.) part 70 requirements and TV of the Clean Air Act (CAA or Act). We evaluated four aspects of the program to ensure the program is being implemented consistent with the New Mexico TV approved requirements. The areas of review included:

Review Area 1: Acting in a Timely Manner on Applications for Initial, Revision and Renewal Permits

Review Area 2: Consistency with Permit Requirements of 40 C.F.R. Part 70

Review Area 3: Compliance with the Public Participation Requirements for TV Permit Issuance

Review Area 4: Collecting, Retaining, or Allocating Fee Revenue Consistent with the Requirements of 40 C.F.R. Part 70

Each of the areas and our recommendations based on our review are discussed in the body of the evaluation report.

II. INTRODUCTION

The CAA TV and the part 70 regulations are designed to incorporate all federally applicable requirements for a source into a single TV operating permit. To fulfill this responsibility, it is important that all federal regulations applicable to the source, such as the National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), applicable requirements of State Implementation Plans (SIP), and terms or conditions created by permits issued under SIP-approved permit programs be carried over into a TV permit.

The EPA serves in an oversight role of the TV operating permits program nationally and provides program implementation assistance to State operating permit programs as part of that role. Additionally, EPA Region 6 works to complete TV program evaluations in a nationally consistent manner as part of its oversight role. The evaluation protocol review completed by each EPA Regional Office of a state's administration of a TV program is generally based on a standardized evaluation protocol developed by the EPA Headquarters Office and is compared to the requirements of 40 C.F.R. part 70. However, each EPA Region may also exercise its oversight discretion to focus on a narrower aspect of a state's operating permit program based on previous program reviews or national policy/legal decisions impacting the program.

The EPA Region 6 oversees six separate air permitting authorities (Texas, Arkansas, Louisiana, Oklahoma, New Mexico and the City of Albuquerque). As part of EPA's oversight responsibilities, the EPA Region 6 staff conducted an off-site program review and evaluation of the State of New Mexico's TV program. This NMED TV program evaluation is based on the review of the NMED responses to

EPA's TV questionnaire and associated documentation, supplemental questions and selected NMED issued TV permits and supporting permitting information. A total of seventeen (17) permit files consisting of the following TV permit actions were reviewed: three Administrative Amendments, four Significant Modifications, four Initials, four renewals, and two Minor Modifications. The EPA Region 6 program evaluation team consisted of the following EPA personnel: Erica Le Doux, Environmental Engineer and New Mexico State Air Permit Coordinator, Aimee Wilson, Environmental Scientist and Texas State Air Permit Coordinator, Bonnie Braganza, Environmental Engineer and Air Permit Tribal Coordinator, Brad Toups, Environmental Scientist and Louisiana State Air Permit Coordinator, and Kyndall Cox, Environmental Scientist.

NMED's Title V Permitting Program

The New Mexico Environment Department (NMED) is a state air pollution control agency with jurisdiction throughout New Mexico except in Albuquerque-Bernalillo County and Indian country. The Environmental Protection Agency Region 6 is the TV permitting authority in Indian country. New Mexico's TV regulations are found in New Mexico Administrative Code (NMAC) 20.2. Part 70 (Permits for Part 70 Sources). Our final rule fully approving New Mexico's TV program was published November 26, 1996 (61 FR 60032) and became effective on December 26, 1996. Revisions to New Mexico's TV program were approved by EPA September 8, 2004 (69 FR 54244) and became effective on November 8, 2004. EPA's program approval provides NMED the authority to issue TV operating permits to all major stationary sources and to certain other sources[1] within the State's jurisdiction. The NMED operating air permit program is a comprehensive state air quality program which is designed to address all applicable air contaminant emissions and regulatory requirements in a single permit document. Since receiving full program approval, NMED has been implementing the state's TV operating permits program and directly issuing TV operating permits to applicable sources within the state of New Mexico. By the end of 2018, New Mexico will have issued approximately 145 TV permits. The Air Quality Bureau Air permitting staff is primarily housed at the Santa Fe office. In 2004 and 2008, EPA Region 6 staff conducted program evaluations of the State of New Mexico's approved TV Operating Permit Program. In the 2004 TV Program Evaluation Report, based on EPA's review and evaluation of the State's permit issuance rate, NMED was identified as having one of the best programs in Region 6 for timely management of their TV permit issuances, renewals, and modifications. All initial TV permits, except for, those with special circumstances, were appropriately and timely issued despite the many challenges.

New Mexico has a fully bifurcated Title V/New Source Review (NSR) program for both the minor and major NSR programs, in that it issues pre-construction NSR major and minor permits, separately from

[1] Sources required to obtain an operating permit under the title V operating permit program include "major" sources of air pollution as defined by title V. For example, all sources regulated under the acid rain program, regardless of size, must obtain operating permits. Examples of major sources include those that have the potential to emit 100 tons per year (tpy) or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen oxides, or particulate matter nominally 10 microns and less (PM_{10}); those that emit 25 tpy or more of a combination of hazardous air pollutants (HAPs). In areas that are not meeting the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, or particulate matter, major sources are defined by the gravity of the nonattainment classification. Currently, there are no non-attainment areas in New Mexico.

TV. On occasion, with administrative amendments or minor actions on minor permits under NSR, they may issue individual NSR and TV actions concurrently through concurrent public notices. All applicable NSR (major and minor) permit requirements are initially reviewed and evaluated and incorporated into the NSR permits. The conditions of these NSR permits are also written directly into the TV permit actions as an individual detailed condition, including the reference to the NSR permit number and condition.

III. EPA REGION 6 EVALUATION APPROACH FOR THE NMED TITLE V PROGRAM

The EPA Region 6's evaluation objective for the NMED TV program evaluation was to identify any areas of the NMED TV program that may need improvement and highlight any unique and/or innovative aspects of NMED's program that may be beneficial to other permitting authorities. The EPA Region 6 conducted the evaluation in three stages. In the first stage, EPA Region 6 sent the TV evaluation questionnaire for NMED to review and provide response comments. The TV evaluation questionnaire was developed by the EPA Headquarters Offices and covers the following program areas: 1) TV Permit Preparation and Content; 2) General Permits; 3) Monitoring; 4) Public Participation and Affected State Review; 5) Permit Issuance/Revision/Renewal/Processes; 6) Compliance; 7) TV Benefits; 8) Title I / Title V Interface; 9) Title V Administration and Fee Review; and, 10) Miscellaneous such as best practices. NMED completed questionnaire and submitted to EPA in February 2018. In the appendix section of this report is a copy of the TV evaluation questionnaire responses received by EPA Region 6 from NMED.

For the second stage of the evaluation, EPA Region 6 conducted a review of NMED's permitting record of a selected subset (17 permitting actions) of TV permits issued by NMED during 2014 – 2017 calendar years. NMED uploaded permit files to a data storage website and provided EPA with a link to allow file download. Permit files were downloaded to the Air Permit section shared folder for reviewer's access. A review of these files was conducted at the Region 6 Office from the beginning of May 2018 through end of July 2018. The additional information included the associated TV permit application, statement of basis, public notice, draft and final TV permits, and all other supplemental supporting documents. NMED routinely submits the draft and final TV permits to the EPA Region 6 Air Permits Section in accordance with the part 70 regulations. The EPA Region 6 office generally maintains copies of the TV permit applications received, draft and final permits and any additional associated documents transmitted to EPA Region 6 from NMED. The following areas were evaluated during the permit file review: (1) Application requirements; (2) Part 70 permit requirements; (3) Compliance Assurance Monitoring (CAM); and (4) Statement of Basis (SOB) components. General Permit (GP) requirements were not evaluated, as there were no applicable TV General Permits under the NMED permitting program. At the time of the evaluation, NMED did not have a source category or emission units covered by a GP per the response received on the TV questionnaire. However, NMED does have plans to issue an Air Curtain Incinerator (ACI) General Permit in 2018 which was completed.

In the third and final stage of the EPA Region 6's evaluation, the EPA Region 6 reviewed the information received from NMED and compared that information to the applicable regulations. After summarizing the information received from NMED, EPA developed an evaluation report which identifies improvement opportunities and topics for follow-up review and discussion with NMED. The final program review analysis will not be completed until EPA completes the TV program review

discussions with NMED, and, if necessary, any NMED commitments for changes/improvements are memorialized.

The NMED, at the time of review, had one (1) employment vacancy within its Major Source Permitting Section. Historically, the Division tends to have one or two staff turnovers per year. There are seven (7) permit writers dedicated to writing TV permits, these same permit writers are responsible for writing NSR permits. Several of the seven permit writers also work on both Prevention of Significant Deterioration (PSD) permits and Title V permits. However, they do cross-training on the scope of this subject. The type of training given to new and existing permit writers includes some of the following: 1) new permit writers are assigned a mentor; 2) permit writers are given a TV training manual that describes the program and includes the permit processing steps; 3) weekly internal training classes are conducted and staff are sent to external training when possible, such as WESTAR, EPA/APTI, etc.; and 4) permit writers are required to conduct site visits in order to become familiar with the different types of facilities.

IV. EPA REGION 6's ANALYSIS AND RECOMMENDATIONS

The following section includes a brief discussion of the areas of review, our findings, and our recommendations to improve or resolve the potential concerns we identified during our review.

The evaluation focused on the implementation of the program in the following five areas:

1) acting in a timely manner on applications for initial, revision, and renewal
2) issuing permits that are consistent with the requirements of 40 CFR Part 70;
3) complying with the public participation requirements of 40 CFR Part 70;
4) collecting, retaining, or allocating fee revenue consistent with the requirements of 40 CFR Part 70;

Review Area 1: Acting in a timely manner on applications for initial, revisions and renewals permits.

We evaluated information from the TV Operating Permits System Report (TOPS Report) which NMED submits to EPA on a semiannual basis. According to the January 31, 2017 report and the NMED response to a question on the TV Questionnaire, New Mexico has had a TV universe averaging between 140 to 150 TV sources since the implementation of the TV program. This is because as new sources apply for TV permits, other sources close their facilities or permit their facilities as synthetic minor sources. NMED continues to issue initial TV permits, while still processing the second and third round of some TV permit renewals and modifications**.**

Findings: The following best management practices are being utilized by NMED to help permit writers:

1.1 Maintaining a library of monitoring protocols that contain monitoring conditions for various common types of equipment, e.g.; IC engines, turbines, boilers and dehydrators, that in most case contain a decision tree for the monitoring protocols in either a separate document or within the monitoring protocol document. Most protocols also include some regulatory and/or technical

background information. These protocols are routinely revised, and new protocols are added periodically;

1.2 Permit writer follows a standard outline of processing steps and a standard permit template in preparing the permit;

1.3 The group manager reviews every SOB and the draft (prior to public notice), proposed, and final permits (prior to issuance).

1.4 The permits section manager and the permitting program manager also review the draft (prior to public notice) and final permits (prior to issuance). In addition, Compliance and Enforcement reviews the draft permit (prior to public notice).

1.5 The permit application contains a regulatory analysis section that aids the permit writer in making regulatory determinations for incorporation into the permit. Per NMED TV Questionnaire response, the Federal Register is reviewed on a weekly basis to determine whether the regulatory analysis section of both the application and the SOB needs to be updated with new requirements.

1.6 Utilization of streamlining strategies when preparing permits by incorporating by reference Federal and some ASTM methods into the TV permit. Also, grouping similar units, such as IC engines, that have related applicable conditions. Federal requirements such as applicable NSPS and/or MACT regulations would be included in this grouping.

For NMED, the TEMPO database has not automated the permit processing. It is simply a storage location for the final version of the Word document that was used to generate the permit. It does help with the drafting of the SOB/Database Summary (DBS) by auto populating some facility specific data into a Word document. In addition, it helps with the routine letters that are generated as part of the permitting process such as completion and affected party letters. TEMPO is used to store the interested party mailing list at the end of the public notice template Letter-builder located in TEMPO. Permit writers update the status of all permit actions in TEMPO database. This allows permit writers and management to track the status at any time. It was noted by NMED's comment in the TV Questionnaire, the current process is labor intensive and time consuming, because it requires the use of multiple templates (e.g., Word, Excel, and Outlook) along with the TEMPO database. NMED has made the process as efficient as possible and are striving for improvements. NMED is in the general discussion phase to develop an application that would automate more features of the permitting process. Despite the limitations of the TEMPO database, it is a valuable tool in the TV program. The best management practices used by NMED, coupled with NMED's internal utilization of the TEMPO database, has enabled NMED to meet the permit issuance timeliness requirements. TEMPO is also utilized by NMED managers to measure staff productivity as well as to verify proper tracking of TV permits. EPA Region 6 will continue to monitor the status of NMED's permit issuance rate through the TV permit activity spreadsheet reports emailed by NMED on a monthly and quarterly basis, permit updates during monthly conference calls, and the TOPS report.

According to §70.6(a)(2), Title V permits must be renewed every 5 years. Since the 2008 Title V Program Evaluation, NMED has maintained their issuance rate on permits to meet the requirements of

deadlines established in 20.2.70.302.B NMAC, approved by EPA as 20 NMAC 70. According to the Title V Program Evaluation Questionnaire, NMED indicated that in the last full calendar year of Title V permitting CY2017, they processed and issued 36 actions, comprised of 5 Administrative amendments, 9 Significant modification, 2 Minor modifications, 20 Permit renewals, and 3 Initial Title V permits. For Administrative amendments, NMED follows 20.2.70.404.A NMAC. For minor and significant modifications, NMED follows 20.2.70.404.B and C NMAC, respectively. General permits are allowable under 20.2.70.303 NMAC, but none are currently permitted during the time of this audit. There are plans for issuance of an Air Curtain Incinerator General permit. At the time of the TV Audit this was not completed. NMED is currently meeting regulatory requirements of permit issuance deadline.

Discussion: According to NMED's response to EPA's evaluation questionnaire, the average permit processing time for the last two years has been 16 months for initial and renewal TV permits from administratively complete application to permit issuance. NMED provides an update during monthly Title V/NSR conference calls with EPA Region 6 on the total count of the pending TV permits in progress (this includes all TV permit categories- initial, significant revision renewal, etc.), TV permits at public notice and any TV permits that have generated any public concerns, comments, and inquiries. In addition, NMED provides EPA a monthly TV permitting activity spreadsheet that gives a snapshot of what the entire NMED permitting staff is currently working on. These spreadsheets include facility, permit number, permit action, assigned permit writer, due dates, etc.

Recommendation: Based upon EPA review and evaluation of NMED's implementation of timely issuance of permitting activities required under the regulation, EPA Region 6 believes that NMED has performed outstanding work to assure their issuance rate is timely. While EPA has no specific recommendation, we encourage the NMED to continue processing TV permits in a timely manner and using their internal protocols and data management platform to maintain efficiency. As was noted in the NMED TV Questionnaire, the current permit process is very labor intensive and requires the use of multiple templates (e.g.; Word, Excel and Outlook) along with the Tempo database. Although NMED has made this process as efficient as possible and continues striving for improvements, it appears to be fairly time consuming. EPA encourages NMED to continue looking for program improvements. EPA also encourages NMED to continue to follow appropriate guidance regarding monitoring requirements.

Review Area 2: Issuing permits that are consistent with the requirements of 40 CFR Part 70.

Prior to the audit, EPA selected 17 TV permits (and associated files) issued in the last three years (2014-2016). Each permit was reviewed for consistency with the TV air permit regulations (40 CFR Part 70) using a written questionnaire developed by a workgroup consisting of Regional and National EPA representatives. The Federal requirements regarding permit content are outlined in 40 CFR Part 70.4. Each permit was reviewed for consistency with these Part 70 requirements. Most of the Part 70 requirements related to permit content were found in the general conditions of NMED's permits.

Although NMED's Statement of Basis (SOBs) contains most of the information necessary for TV permit issuance, the NMED does not always thoroughly document the basis upon which NMED's decisions were made during the permit writing process. Part 70 requires TV permitting authorities to provide "a statement of the legal and factual basis for the draft permit conditions" (40 CFR 70.7(a)(5)). The purpose of this requirement is to support the proposed TV permit with a discussion of the decision-making that went into the development of the permit. This helps inform the permitting authority, the

public, and EPA of the NMED's legal and factual basis for issuing the permit and it serves as an essential tool for conducting meaningful permit review.[2]

The EPA Administrator's May 24, 2004 Order responding to a petition to EPA to object to the proposed TV permit for the Los Medanos Energy Center includes the Administrator's response to statement of basis issues raised by the petitioners[3]. The Order states that:

> *A statement of basis ought to contain a brief description of the origin or basis for each permit condition or exemption. However, it is more than just a short form of the permit. It should highlight elements that EPA and the public would find important to review. Rather than restating the permit, it should list anything that deviates from a straight recitation of requirements. The statement of basis should highlight items such as the permit shield, streamlined conditions, or any monitoring that is required under 40 C.F.R. 70.6(a)(3)(i)(B)…Thus, it should include a discussion of the decision-making that went into the development of the title V permit and provide the permitting authority, the public, and EPA a record of the applicability and technical issues surrounding the issuance of the permit.*

The Order goes on to say that the Region 5 and 9 letters and Texas notice of deficiency (NOD) "provide a good road map as to what should be included in a statement of basis."

A. Recommendations for Improvements to SOBs

The content of the SOB's across the cross section of permits reviewed varied resulting in a few concerns. The statement of basis should include, among other things, 1) a discussion of the monitoring and operational requirements for each emission unit; 2) any complex applicability determinations and exemptions; 3) any non-applicability determinations; and 4) a discussion of streamlining requirements.[4]

- NMED SOB's should contain a discussion on the monitoring and operational restriction provisions that are included for each emission unit. 40 C.F.R. §70.6(a) and 20.2.70.302A(1) NMAC require that monitoring and operational requirements and limitations be included in the permit to assure compliance with all applicable requirements at the time of permit issuance. The statement of basis should explain how the proposed monitoring strategy will assure compliance with emission limits. NMED's selection of the specific monitoring, including parametric monitoring and recordkeeping, and operational requirements should be explained in the SOB. For example, if the permitted compliance method for a grain-loading standard is maintaining the baghouse pressure drop within a specific range, the SOB must contain enough information to support the conclusion that

[2] EPA has released certain guidance documents regarding the suggested content for title V permit Statement of Basis documents, including April 30, 2014 implementation guidance on title V annual compliance certifications and statement of basis requirements (https://www.epa.gov/sites/production/files/2015-08/documents/20140430.pdf) and a December 20, 2001 EPA Region 5 letter to Ohio EPA (https://www.epa.gov/sites/production/files/2015-08/documents/SOBguide.pdf).

[3] This document is available in the Title V petition database on the EPA Region 7 website at: https://www.epa.gov/sites/production/files/2015-08/documents/los_medanos_decision2001.pdf

[4] Letter dated December 20, 2001 from Steven Rosenblatt, Air Programs Branch, EPA Region V, to Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency.

maintaining the pressure drop within the permitted range demonstrates compliance with the grain-loading standard.

- The lack of detailed rationale of monitoring methods makes public participation during the public comment period difficult. In cases when no additional monitoring is required by an NMED rule or a federal regulation, a discussion of periodic or sufficiency monitoring requirements that is added to the permit should be discussed. In other cases when no additional monitoring is necessary, NMED should also provide adequate justification. The purpose of a detailed SOB and decision documentation is to support the TV permit. The majority of the SOB's reviewed do not give rationale and reasons and explicit statements why one monitoring method was chosen instead of another. The statement of basis should include explanatory information and narrative statements throughout the permit to provide context and analysis to allow the public and EPA to follow the decision making underlying the permits.

  Example: *In the Intrepid TV Permit for Condition A800 Potash processing - the total potash production rate limit for Unit 1D is 80 dry tons /hr and the total process rate limit for the Langbeinite DMS Unit 10 and Pelletizing Process Rate Units 9, and 11 is 75 dry ton/hr. What pollutant does the production rate apply to and what emissions limit is the production rate intended to demonstrate compliance with? Is it the allowable emission limit set forth in Table 106 for PM10 and/or PM2.5? If the production rate limit was intended to demonstrate compliance with an emission limit, how was it derived? A discussion is needed in SOB or access the NSR permit 0755-M11 for the rationale. The same rationale would need to be provided for fuel consumption. For example, are the fuel rates specified in Condition A801C used to demonstrate compliance with an allowable limit for CO, NOx, heat rate limit for a NSPS or NESHAP? If so, that should be cited. For an example refer to language at Condition 802A - Periodic testing of Units 1D,5,7,8,9,10,11 demonstrates compliance with PM emission limit in Table 106A.*

- It was indicated in several permits that compliance demonstration for CO, also demonstrates compliance for VOC. In addition, sulfur content of fuel and amount burned is monitored to demonstrate for SO_2 emissions compliance. This type of monitoring is called “surrogate” (e.g. substitute) monitoring. This monitoring is allowed when (1) monitoring of actual emissions is very expensive and/or impractical, and (2) surrogate monitoring is adequate to assure compliance with the underlying applicable requirement. If surrogate monitoring is used, make sure that the permit’s statement of basis includes an explanation of the relationship between the surrogate monitoring and the facility’s compliance with the actual limit.

  Example*:* *Valencia Power Plant (P220R1, AR3) used test results for compliance with CO emission limits to demonstrate compliance with VOC limits, but failed to include an explanation of the relationship between compliance with CO emission limits and compliance with VOC limits.*

- Some of NMED’s statement of basis documents lacked applicability discussions. An explanation of the Federal NSR applicability, whether the source obtained a PSD permit or netted out of NNSR and the relevant BACT determinations were not detailed in some of the TV SOB’s which we reviewed. The public would have to review the NSR permit action to see the BACT analysis

and limits/operational conditions to ensure that those are appropriately included in the Title V permit. However, the underlying NSR permit is not attached, nor does it appear to be included the Title V permit record. There should be a discussion in the SOB that includes any regulatory applicability determinations, and which addresses any non-applicability determinations. This discussion could include a reference to a determination letter that is relevant or pertains to the source. If no separate determination letter was issued, the SOB should include a detailed analysis of the relevant statutory and regulatory provisions and why the requirement may or may not be applicable. At a minimum, the SOB should provide enough information for the reader to understand NMED's conclusion about the applicability of a specific rule to the source. We also recommend that the SOB include a discussion of hazardous air pollutant emissions or any other information that is needed to determine whether the source is major for hazardous air pollutants, which dictates the applicability of maximum achievable control technology standards.

Example: *The TV permit for Williams – Milagro TV (P101R2M1). This permit has a BACT for NOx, CO and VOCs for boilers 1, 2, and 3, and the SOB doesn't clearly state BACT limits. It appears that it would be necessary to review the PSD/NSR permit action(s) to find the see BACT limits to ensure that they are being incorporated into the title V permit.*

Example: *In the Santa Fe – Caja Del Rio (P185LR3) TV permit, the SOB doesn't clearly state BACT limits. It appears that it would be necessary to review the PSD/NSR permit action to find the BACT limits to ensure that they are being incorporated into the title V permit.*

- NMED should continue to provide thorough factual data in the SOB, but in addition it should look for ways in which to enhance and improve the consistency, accuracy and comprehensiveness of the SOB developed by NMED permitting staff to make it easier for EPA, the public and permittees to identify the applicable requirements that apply to each emission unit at the title V facility and to understand permit decisions.
  NMED's response:
  NMED appreciates the recommendations made by EPA as a result of their review. NMED plans to incorporate these recommendations to improve the statement of basis accompanying each Title V permit to better demonstrate the basis of permit requirements and decisions.

- Permittee should be required by NMED to consistently follow compliance recertification requirements that meet §70.6(c)(5)(iii).[5] This ensures transparency and enhances the public's

[5] White Paper for Streamlined Development of Part 70 Permit Applications, U.S Environmental Protection Agency, Lydia N. Webman, Office of Air Quality Planning and Standards, July 10, 1995. https://www.epa.gov/sites/production/files/2015-08/documents/fnlwtppr.pdf
§70.6(c)(5) which states that for compliance certification with terms and conditions contained in the permit, shall include each of the following:
i) The frequency (not less than annually or such more frequent periods as specified in the applicable requirement or by the permitting authority) of submissions of compliance certifications;
ii) A means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;
iii) A requirement that the compliance certification include all the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):
(A) Identification of each term or condition of the permit that is the basis of the certification,

understanding of a facility's obligations. The compliance declaration from some facilities was stated in a non-specific, generic manner. In Section 19.2 of the application, the applicant references the explanatory text provided in the application by the State as a means by which to declare compliance. Instead, the company should make their own declaration identifying the various applicable requirements. To make the required compliance declarations in part 70 permit applications, sources are required to review current major and minor NSR permits, other permits containing Federal requirements, SIP's and other documents, and any other applicable Federal requirements to determine applicable requirements for emission units. Reporting compliance requires the permittee to indicate compliance with each one of the limits and obligations written out in its Title V permit. 40 CFR 70.5(c)(5)(iii) further requires the application to contain a compliance plan describing the compliance status of the source with respect to all applicable requirements. Each application must also include a certification of the source's compliance status with respect to each applicable requirement and a statement of the methods used for determining compliance. Finally, the responsible official must also certify that the application form and the compliance certification are true, accurate, and complete based on information and belief formed after reasonable inquiry.

B. Recommendations for Improvement to Permits

- NMED's practice of incorporating Federal regulations using only high-level citations makes it difficult to determine if all applicable requirements for monitoring, recordkeeping, reporting, and testing have been identified. NMED's TV permit Federal and State rule citations are not distilled down to the lowest level. Congress established Title V of the CAA which has a primary purpose of providing each major facility with a single permit that ensures compliance with all applicable CAA requirements. To accomplish this purpose, permitting authorities must incorporate applicable requirements in enough detail such that the public, facility owners, and operators, and regulating agencies can clearly understand which requirements apply to the facility. These requirements include emission limits, operating limits, work practice standards, monitoring, recordkeeping, and reporting provisions which must be enforceable as a practical matter. The NMED TV permits evaluated rarely specifically identifies the applicable requirements at the level of citation (to the subpart, section, and paragraph level). The accompanying text in all cases seems to summarize the requirements, not state them in the originating rule's own terms. In the case of NSPS and NESHAPs, higher level rules are routinely cited instead of identifying the specific provisions which apply to the source. EPA recommends that NMED consistently include the specific rule citation, including the section, subsection, and paragraph, as applicable, for sources to the extent where there is no ambiguity concerning the regulatory applicability for

(B) Identification of the method or other means used by the owner or operator determining the compliance status with each term and condition during the certification period,
(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred;
(D) such other facts as the permitting authority may require determining the compliance status of the source.
(iv) a requirement that all compliance certifications be submitted to the Administrator as well as to the permitting authority.

equipment at the facility and with the associated requirements for monitoring, recordkeeping and reporting. This allows the public to read the permit once it is published for public notice and go directly to the rules that apply to the source. Practical enforceability is achieved if: 1.) the permit's conditions are specific to the source emission limit, 2.) the timeframe in which the limit is to be observed/calculated i.e., hourly, daily, monthly is specified, 3.) the annual limits, such as rolling annual limits are specified, and 4.) the monitoring methodology used to determine compliance is specified. In the absence of citations to the specific regulation which applies, there are other options that NMED permit writers could utilize to eliminate ambiguity. As an example, permit writers could identify a specific source type (e.g., this engine must comply with all requirements at 40 CFR 63 Subpart ZZZZ which apply to existing spark ignition, 2-stroke lean burn (2SLB) RICE with a site rating of 500 brake HP located at an area source). In this example, the type of engine being regulated is clear, and interested parties can then cross-reference to the applicable regulatory requirements in the Subpart ZZZZ rules.

Examples: *Comments received from reviewers for high level citation used* for *Intrepid, Western Refinery-Gallup, Oxy USA Indian Basin, Public Service of New Mexico - San Juan, NuStar Logistics – Hope Pump Station, Frontier-Loco Hills, Los Alamos National Security Lab, and Williams – Crow Mesa.*

The use of high-level citations in PNM – San Juan (P062R3M1) at Condition A400 C and D referenced 40 CFR 63 5U and at Condition A402.F for Boilers NSPS 40 CFR 60 Subpart D (e.g., where in Subpart D? is it 60.45? a, b, or c? i, ii, iii?);

Sufficient monitoring for Western Refinery – Gallup (P021R3) was indeterminate due to the citation level of applicable requirement.

OXY USA Indian Basin ((P103R2M1) specifics on the engines for lower level citations are not provided in the SOB, permit or application. Namely the type of Solar, Cenatur, Saturn, turbine and compressor engines

- For the 17 Title V permits reviewed, the maximum allowable emissions table located in the Title V permit doesn't include an explicit statement stating where the underlying authority for the given emission limits in Table 106A are derived. Part 70 requires TV permits to specify and reference the origin of authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based. See 40 CFR 70.6(a)(1)(i). While the maximum allowable limits appear in table 106A, there is no explicit reference to the origin of the underlying authority by which the emission limits are derived. The State and/or Federal rules are cited at only a high-level, and not to the specific citation based on the characteristics of the emissions units and operating conditions. This appears to be the case in Section 13 (Determination of State & Federal Air Quality Regulations) of the 17 Title V applications reviewed. The regulation analysis provided by the facility's in the 17 applications were at high-level citations. This is true with the treatment of state rules as well. EPA recommends that NMED include in the permit an explicit statement where the underlying authority originates for the implementation of each emission limit in Table 106 of the permit (i.e., a low-level citation of a Federal and/or State rule, an NSR permit, etc.)

- EPA recommends that NMED add credible evidence language, to the General Conditions portion of the Title V permit and remove phrasing that appears to privilege one type of data over another. It is the United States Environmental Protection Agency's (USEPA) position that the general language addressing the use of credible evidence is necessary to make it clear that despite any other language contained in the permit, credible evidence can be used demonstrate compliance or noncompliance with applicable requirements. An example of such credible evidence language is: "Notwithstanding the conditions of this permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance."[6] Permit provisions containing testing or monitoring requirements sometimes represent instances where a regulated entity could construe the language to mean that the methods for demonstrating compliance specified in the permit are the only methods admissible to demonstrate violation of the permit terms. It is important that Title V permits not lend themselves to this improper construction.[7]

- NSR permits were cited in the 17 Title V permits reviewed and not included in the permit records or attached to the Title V permit for reference. Please ensure these documents are readily available to public at the time of public notice. Documents that are cited in the Title V permit should be included during the public comment period. NMED should be able to provide cited documents immediately on request during the public notice period. The permitting authority may allow the application to cross-reference previously issued preconstruction and Part 70 permits, State or local rules and regulations, State laws, Federal rules and regulations, and other documents that affect the applicable requirements to which the source is subject, provided the referenced materials are currently applicable and available to the public. The accuracy of any description of such cross-referenced documents is subject to the certification requirements of Part 70.[8] Such documents should be made available as part of the public docket on the permit action. Citations can be used to streamline how applicable requirements are described in an application and will also facilitate compliance by eliminating the possibility that Part 70 permit terms will conflict with underlying substantive requirements. Indeed, many States have taken a citation-based approach as a way of streamlining applications and permits. Thus, a source could cite, rather than repeat in its application, the often, extensive details of an applicable requirement (including current NSR permit terms), provided that the requirement is readily available and its manner of application to the source is not subject to interpretation. The citation must be clear with respect to limits and other requirements that

[6] Letter dated July 28, 1998 from Stephen Rothblatt, Acting Director, Air and Radiation Division, to Paul Dubenetzky, Branch Chief, Office of Air Management, Indiana Department of Environmental Management This document is available in the Title V Operating Permit Policy and Guidance Document Index on the EPA's website at https://www.epa.gov/sites/production/files/2015-08/documents/credible.pdf

[7] Letter dated 10/30/98 from Cheryl L. Newton, Acting Chief, Air Programs Branch, EPA Region V, to Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency. This document is available in the Title V Operating Permit Policy and Guidance Document Index on the EPA's website at https://www.epa.gov/sites/production/files/2015-08/documents/credible.pdf

[8] White Paper for Streamlined Development of Part 70 Permit Applications, U.S Environmental Protection Agency, Lydia N. Webman, Office of Air Quality Planning and Standards, July 10, 1995. https://www.epa.gov/sites/production/files/2015-08/documents/fnlwtppr.pdf See page 22, F.Content Streamlining 1.Cross Referencing

apply to each subject emissions unit or activity.[9] EPA reminds NMED that the documents incorporated, referenced or cited in a TV permit and/or SOB should be readily available to the public at the same time the draft TV permit is public noticed. It should be clear to the public what terms and conditions are being incorporated into the TV permit from another permitting action, and they should have access to the permit action during the comment period.

- Permitting authorities must ensure that all applicable SIP rule requirements are correctly incorporated into a facility's Title V permit. Permits should clearly identify any requirements that are enforceable only by the state and not the EPA, often referred to as "state-only" requirements. The response received from NMED on the TV Questionnaire was that this is addressed in the SOB Section 11.0, State Regulatory Analysis. However, there were no explicit statements in the Regulatory Analysis table for any of 17 SOBs which we reviewed, that indicated the associated permit did include or did not include "state-only" rules. We recognize that this may be because the permits we reviewed did not contain "state-only" requirements. Please ensure that any "state-only" requirements are clearly identified in the permit and SOB.

Review Area 3: Compliance with the public participation requirements for title V permit issuance.

The Federal Title V regulations require all permit actions, except for administrative amendments and minor permit modifications, to provide adequate public notice. New Mexico has adopted provisions regarding public notice and public participation in New Mexico Administrative Code Title:20 Chapter 2 Part 70 Section 401**.**

3.1 NMED's Federal requirements regarding public participation for Title V.

Discussion: Per 20.2.70.400A(2) NMAC for actions on permit applications, except for administrative amendments and minor permit modifications, NMED complies with public participation requirements under 20.2.70.401C NMAC (see below). Except for permit revisions that qualify as administrative amendments under 20.2.70.404A, NMED complies with requirements for notifying and responding to affected programs. All permit issuances (including renewals), significant permit modifications, re-openings, revocations and terminations, and all modifications to the NMED's list of insignificant activities, shall include public notice and provide an opportunity for public comment (20.2.70.401A NMAC). NMED shall provide thirty (30) days for public and affected program comment. NMED may hold a public hearing on the draft permit, a proposal to suspend, reopen, revoke or terminate a permit, or for any reason it deems appropriate, and shall hold such a hearing in the event of significant public interest. NMED shall give notice of any public hearing at least thirty (30) days in advance of the hearing.

Public notice and notice of public hearing shall be given by publication in a newspaper of general circulation in the area where the source is located. The typical ones used are the Farmington Daily Times, Silver City Daily Press, Gallup Independent, Artesia Daily Press, Las Cruces Sun News, Carlsbad Current Argus, Hobbs Daily News Sun and the Albuquerque Journal. NMED posts the public notice on their

[9] White Paper for Streamlined Development of Part 70 Permit Applications, U.S Environmental Protection Agency, Lydia N. Webman, Office of Air Quality Planning and Standards, July 10, 1995. https://www.epa.gov/sites/production/files/2015-08/documents/fnlwtppr.pdf See page 23 F.Content Streamlining 1.Cross Referencing

website at https://www.env.nm.gov/air-quality/public-notices-of-permitting-actions/ as a means to provide a state publication to give a general public notice. An email with public notice of draft permit is provided to any interested persons/parties who have requested in writing, by phone, or by electronic mail, to be added to a mailing list developed by the State. The mailing list is included and updated on the public notice template in the Letter-builder in TEMPO.

According to NMAC 20.2.70.401 Section C Paragraph (1)-(8), public notice required contents includes:

> **C.** The public notice shall identify:
>
> **(1)** The affected facility;
> **(2)** The names and addresses of the applicant or permittee and its owners;
> **(3)** The name and address of the State;
> **(4)** The activity or activities involved in the permit action;
> **(5)** The emissions change(s) involved in any permit modification;
> **(6)** The name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, and relevant supporting materials;
> **(7)** A brief description of the comment procedures required by the State; and
> **(8)** As appropriate, a statement of procedures to request a hearing, or the time and place of any scheduled hearing.

According to NMAC 20.2.70.401 Section D Paragraph (1) -(7), notice for public hearing requires the following:

> **D.** Notice of public hearing shall identify:
>
> **(1)** The affected facility;
> **(2)** The names and addresses of the applicant or permittee and its owners;
> **(3)** The name and address of the Department;
> **(4)** The activity or activities involved in the permit action;
> **(5)** The name, address and telephone number of a person from whom interested persons may obtain additional information;
> **(6)** A brief description of hearing procedures; and
> **(7)** The time and place of the scheduled hearing.

Many requests for permit related documents can be fulfilled electronically, either by having the party go directly to NMED's website and downloading the documents, or by emailing the documents. In most instances, the public will be directed to the website or to a file management device so that the documents can be downloaded. During the public comment period, the public has access to the public notice. If NMED receives any interest in the permitting action, the application, the draft permit and the SOB will be posted to the AQB Website, Permit Applications with Public Interest, Public Meeting, or Public Hearing page at: https://www.env.nm.gov/air-quality/permit-applications-with-public-interest-public-meeting-or-public-hearing/**.** These documents can be downloaded from the website or interested individuals can come to the Air Quality Bureau office in Santa Fe or one of the NMED field offices closest to the facility to request copies of these documents. There is also a spreadsheet of current Title V

permitting actions at: https://www.env.nm.gov/air-quality/aqb-p_current_permitting_activites/. Requests for public records, such as deviations or other public documents that are requested outside of the permit application review process, must be preceded by a request to the NMED Office of Public Information.

Affected programs are defined at 20.2.70.7.B NMAC as, "…all states, local air pollution control programs, and Indian tribes and pueblos, that are within 50 miles of the source". NMED notifies States or Trial Nation governments of draft permits by certified letter, by email, or both. An example letter Attachment D.8 was provided by NMED with the TV questionnaire. The Department shall not issue an operating permit (including permit renewal or reissuance), minor permit modification or significant permit modification, until affected programs and the Administrator have had an opportunity to review the proposed permit as required under this section (20.2.70.402 A NMAC). The Department shall provide notice of each draft permit to any affected program on or before the time that the Department provides this notice to the public under 20.2.70.401 NMAC, except to the extent that minor permit modification procedures require the timing of the notice to be different.

Example: EPA Region 6 reviewed Attachment D.4 the public notice template provided by NMED with the TV questionnaire and Attachment E.10 an example of a Public Notice for Milagro Gas Treating Plant of Williams Four Corners (Permit No. P101-R2M1) which was transmitted to EPA Region 6 by NMED with the questionnaire as a supporting document. EPA Region 6 permitting staff requested and reviewed the permit files supplied by NMED to assure that adequate information was available in the public notices published in the newspapers. NMED provides public notices and other meaningful information relating to its draft, and some final Title V permitting actions, on its website if there is a public interest. Per information received from NMED TV Questionnaire, draft permits are not posted to the website on a routine basis, but final permits following signature are posted on NMED's website. Standard procedure requires that the draft permit and the SOB will be posted if there is public interest expressed in the permitting action. A permitting authority's website is a powerful tool that can be used to make Title V information available to the public. NMED's website contains quite a bit of information that is available to members of the public, including but not limited to the following:

- Public Participation on Rule Development
- Permitting FAQs
- Applications with Public Interest
- Current Title V Applications
- Permit Issuance Deadlines
- RMS Tool (GIS tool listing all Title V sources in New Mexico with associated permit related documents)

NMED publishes some public notices in Spanish depending upon the location of the facility. In addition, all public notices have a paragraph in Spanish directing interested parties to call the NMED to request additional information. When an interested party calls, the caller is connected with a bilingual Spanish-speaking staff member. Every effort is made to publish the public notice in a newspaper, or newspapers, most likely to be read by members of the community. The public notices with the paragraph in Spanish that contains the contact information for a Spanish-speaking staff member is also posted on NMED's website. Also, the permit application, SOB and draft permit are available at the NMED field office closest to the facility via the TEMPO database. If requested by citizens, NMED will

also make the documents available at other locations in the community such as libraries or community centers.

There is significant amount of permitting information available on the AQB website including both regulatory and permitting guidance at: https://www.env.nm.gov/air-quality/**.** Information that would be useful for the public review process can result in a more informed public and, consequently, more meaningful comments during Title V permit public comment periods. There is also a spreadsheet of current Title V permitting actions at**:** https://www.env.nm.gov/air-quality/aqb-p_current_permitting_activites/

The list of currently active applications is updated weekly, and the public notice information is updated whenever a new public notice is posted. In addition, NMED maintains a list serve that is available for signup to members of the public. Information about specific environmental topics (e.g., guidance updates, general permit notices, public hearings, revisions to Title V fees, etc) are disseminated via email, to the members of the public who are signed up for the listserv on a routine basis. Information about how the public can get involved is also provided in these notices emailed to list-serve subscribers. Any member of the public can register for the listserv discussed above by clicking on the "Subscribe to Email Alerts" button on the NMED's Air Quality Board website at**:** https://www.env.nm.gov/air-quality/**.** The notices include the contact information for the person for which the public can obtain more information about the subject matter. Also, this notice states that information is available on NMED's website and provides a link to the information.

Summary and Recommendations: EPA is concerned about the immediate access the public has to the NSR permit and SOB which are being incorporated into the Title V permit, and whether it is communicated clearly to the public how to request these documents. The NSR permit and SOB contains the details pertaining to the NSR applicability determination and BACT analysis. It is a concern the public may not be aware that the NSR permit and SOB can be obtained upon request for review during the Title V public comment period. An important feature of the Title V permitting program is that it provides an opportunity for public participation by providing access to all information related to a source's obligations and how these obligations were derived according to §70.7 (h). EPA recommends that NMED communicate to the public that the NSR permit and SOB that contains applicable requirements being incorporated into the Title V permit action are available for public inspection. This is particularly important if the Title V permit action is an initial permit or significant revision to a Title V permit action. Based upon EPA's evaluation of NMED's implementation of public notices, hearing procedures, and internal electronic file management using TEMPO, NMED is meeting Part 70 public participation requirements, but to achieve more meaningful and user-friendly public participation, EPA encourages NMED to continue exploring the expansion of the use of TEMPO. Additionally, NMED may wish to consider other platforms in which permit records would be readily attainable by the public at a larger scale as a commitment towards improving their public notice and outreach and soliciting meaningful public participation. EPA recognizes and commends NMED on their efforts and use of TEMPO with internal data management.

3.2 EPA TV Review Timeframe

Discussion: 40 C.F.R. § 70.8 contains the provisions for the EPA to object to a proposed Title V permitting action. The rules provide that upon receipt by the Administrator, EPA has 45-days to review

and notify the permitting authority of EPA's intention to object according to § 70.8(c)(1). In NMED's TV Questionnaire, NMED noted that there is an understanding with EPA Region 6 that for some minor Title V actions, the 45-day review can be concurrent with the NMED's 30-day public review process, or when EPA receives the proposed permit and statement of basis, whichever is later. The State has additionally indicated that comments received from EPA after the end of the 45-day review period, in the scope of negotiating changes to the permit, will be accepted and considered as if they had been submitted during the official review period. The Title V rules provide that a title V permit cannot be issued if EPA objects to its issuance within 45 days of receipt of the proposed permit (40 C.F.R. § 70.8(c)). A "proposed permit" is defined in 40 C.F. R. § 70.2 as "the version of the permit that the permitting authority proposes to issue and forwards to the Administrator for review in compliance with § 70.8." 40 C.F.R. § 70.7(h) provides that the permitting authority provide an opportunity for public comment and hearing on the "draft permit". "Draft permit" is defined in 40 C.F.R. § 70.2 as "the version of a permit for which the permitting authority offers public participation under § 70.7(h) or affected State review under § 70.8 of this part." Therefore, there is nothing in Part 70 that prohibits the permitting authority from simultaneously submitting a permit to EPA for review (proposed permit) at the same time it submits the permit for public comment (draft permit). If the permitting authority makes any changes in the permit in response to public comment, it would have to resubmit the permit to EPA for review under 40 C.F.R. § 70.8. This longstanding regulatory interpretation has been communicated to the States. Please note, that in a case where NMED has responded to public comments and made associated changes to the permit, EPA would have another 45-day review period and opportunity to object. After this 45-day review period, the 60-day public petition period would take place.

Although the mechanism for a concurrent review exists, it is NMED preferred path to conduct a separate 30-day public comment period followed by a 45-day EPA review period.

Summary and Recommendation: Based on EPA review and evaluation of the State's permit issuance rate, NMED is currently meeting regulatory requirements. EPA commends NMED's flexibility and willingness to address all EPA comments and still meet permit issuance rates under the regulatory requirements.

Review Area 4: Collecting, retaining, or allocating fee revenue consistent with the requirements of 40 CFR Part 70.

The Federal requirements regarding Title V fee adequacy are found in 40 CFR Part 70 Section 70.9. The provisions in Part 70 require that the State program require Part 70 sources to pay a fee that is enough to cover the permit program costs. Further, the State can only use Title V fee revenues for Title V program costs.

Region 6 reviewed various aspects of NMED's Title V program fee determination and certification. These are as follows: (1) split 105 vs. Title V; (2) current Title V resources; (3) fees calculated; (4) collections tracked; (5) billing process; (6) revenues allocated; (7) current program costs (FTE and OH); and (8) cost of an "effective" program, i.e., resources to address backlog and renewals.

EPA Region 6 conducted a review of the NMED's Title V fee collection and fee utilization. The EPA sent a list of questions and requested specific documentation in the Title V evaluation questionnaire. The purpose was to verify that there were procedures in place for the receipt, separation, expenditure,

and adequacy of the State's Title V funds. New Mexico responded to EPA's questionnaire with specific answers and documentation.

1. *Split 105 vs title V*:

Revenues – EPA was able to verify that Title V revenues were accounted for separately from non-Title V by using a special revenue fund account (092).

Expenditures – NMED differentiates expenditures by using a sub-account (AQB0920) for Title V. EPA was able to identify this code on various reports, procurement documents, travel, training and timesheet and FTE estimates.

Summary: The Title V program requires state air quality agencies to account for Title V resources in a fashion that segregates them from other air quality programs. New Mexico is separating Title V revenues from other air programs fees. Unique chart fields within an accounting string are used to differentiate program activities. Title V expenses are recorded into NMED's accounting system with specific chart fields which identifies Title V expenses. Chart fields within each accounting string ensures proper accounting of expenses. NMED creates segregated fund accounts for all NMED's revenues. NMED reviews and reconciles all revenue to the correct facility or program before depositing into its segregated fund account. NMED utilizes SHARE, a statewide accounting system, as the book of record to certify the disposition of Title V funds. The SHARE system contains ad hoc reports for requested accounting periods or date ranges.

2. *Current title V Resources*: Since 2009, NMED has adjusted in accordance with the requirements at 20.2.71.112.E NMAC, which reads, "Beginning on January 1, 2009, the fees referenced in this section shall be changed annually by the percentage, if any, of any annual increase in the consumer price index in accordance with Section 502(b)(3)(B)(v) of the federal Clean Air Act." NMED referenced Section 20.2.71 of the New Mexico Administrative Code (NMAC) that defines the schedule of fees (available for view at http://164.64.110.134/parts/title20/20.002.0071.pdf. NMED provided an example (see Appendix) of the Consumer Price Index (CPI) adjustment for fees invoiced in January 1, 2018. Title V yearly fees are updated accordingly and can be found on NMED website at https://www.env.nm.gov/air-quality/permit-fees-2/. Also, NMED provided a list of permittees and fee generated.

Summary: From the 2017 Title V Annual Fees Spreadsheet, billed 2018 (See Appendix), EPA was able to verify that fees are being calculated correctly. NMED has a procedure in place to collect past due fees. Fees are due June 1st and considered late June 2nd. The Enforcement Section (Enforcement) is to respond to a delinquent invoice working with the Office of General Counsel (OGC) and sending an Administrative Compliance Order (ACO) to the source after July 2nd. NMED does not assess late fees, however, there is a penalty fee of approximately $1500 assessed with an ACO, which is then deposited in the State's General Fund.

3. *Fee Calculated*: A sample invoice was provided that listed fee schedule examples. Allowable tons/yr emissions are used for calculating annual Title V fees.

Summary: EPA was able to review maintenance fees as calculated and billed by NMED. It appears

that fee charges are adequate to sustain NMED's Title V program.

4. *Collections Tracked*: NMED provided examples of invoices and reports that include amounts billed and received. Title V payments received reference NMED invoice numbers or include the bill remittance. Air Quality Bureau (AQB) financial staff match each payment to their respective invoice and post them to their respective facility accounts in the Bureau's database (TEMPO)

Summary Because Title V revenues are segregated from other air fees collected, EPA determined sources are paying the total amount due.

5. *Billing Process*: NMED provided an invoice and worksheet that includes detail of how the fee is calculated. The Permit Engineers enter assessed fees in the TEMPO database, generate an invoice and mail it to the owners of the facility. TV invoices are sent on or about March 1st with an invoice due date of June 1st. NMED allows a 30-day grace period. If payment of Title V fees are not collected by July 2nd, Enforcement issues a compliance order.

Summary: All Title V fee billings are mailed out at the same time. During the timeframe the audit was conducted, mailings were sent out by March 1, 2018. The payment was due June 1, 2018 for calendar year 2017. Title V Fee collections are created and tracked using the financial module of Tempo database. The Operations Section (Operations) monitors this process. The monitoring of the fee collection is supported by Operations and documented on spreadsheets**.** If a facility does not submit a timely payment it will receive a late notice, and eventually a notice of violation (NOV).

6. *Revenue allocated*: NMED provided reports that include the current fund operating budget balance, expenditures and encumbrances for 092.

Summary: NMED does budget for the title V program.

7. *Current Program Costs (FTE and OH)*: Based on revenue and expenditure reports provided by NMED. If expenses exceed revenue in any given year, excess revenue from previous years (fund balance) is utilized to fund the shortage or balance any shortfalls on a year-to-year basis. Because of this there was no deficiency cited below Revenue= FY14+FY15+FY16 are $15,198,100 and Expenses= 4,451,300+5,003,300+5,608,200 are $15,062,800.

	Revenue	Expenses
FY14	$5,119,200	$4,451,300
FY15	$4,995,800	$5,003,300
FY16	$5,083,100	$5,608,200

Summary and Recommendation: Because it is a requirement of 40 CFR 70.9 that the State program has a fee schedule that results in the collection and retention of revenues that are enough to cover the permit program costs, EPA recommends that NMED continue with current title V fee adjustments as appropriate to ensure that adequate funds remain available to its annual costs.

8. *Cost of an "Effective" program, (i.e., resources to address backlog and renewals)*: NMED

provided actual revenues and expenditures reports which included budget overview reports that showed the spending plan for the fiscal year.

Summary: The actual versus estimated costs for running the program are used to establish the next annual operating budget. Full-time equivalent (FTE) are an estimated and itemized cost. The operating cost is typically calculated by using previous year costs that are associated with the FTE charging to the Title V. Actual expenses are tracked by reviewing the financial accounting details regularly to ensure costs are charged appropriately. There are no current Title V obligations or encumbrances for FY14, FY15 and FY16. (See Appendix)

4.1 NMED requirements regarding Title V adequacy and administration of fees

Discussion: The Title V (Part 70) regulations require that permit programs ensure that title V fees collected are adequate to cover Title V permit program costs and are used solely to cover the permit program costs.[10] NMED provided several examples and screen shots while responding to EPA's questions related to Title V administration and Fee review portion of the questionnaire. As shown in the Appendix, NMED accounts for time spent on the Title V program by its employees. Other Title V-related expenses include personnel services, travel, indirect costs, information services, and training. NMED's Title V fee revenues are made up of application fees and annual fees for emissions and maintenance. The average annual fee collected for fiscal years 2014 through 2016 is $5,066,033. Based upon EPA review and evaluation of the NMED financial systems, NMED generally is meeting the Title V financial requirements. EPA encourages NMED to continue to maintain its existing accounting practices and to verify it is collecting adequate revenue and spending those funds on Title V permit program activities.

[10] See 40 C.F.R. 70.9(a) as well as the EPA policy memorandum, "Reissuance of Guidance on Agency Review of State Fee Schedules for Operating Permits Programs Under Title V", dated August 4, 1993 available at:https://www.epa.gov/sites/production/files/2015-08/documents/fees.pdf

Responses from NMED

New Mexico Environmental Department
Air Quality Bureau
Title V Operating Permit Program Evaluation

NMED RESPONSES TO EPA DRAFT REPORT

May 2019

Conducted by the

U.S. Environmental Protection Agency - Region 6
Air Permits Office (6MM-AP)
1200 Ross Avenue, Suite 1200
Dallas, Texas 75202

Responses from NMED

ACKNOWLEDGEMENT

EPA Region 6 would like to acknowledge the cooperation of the staff and management of the New Mexico Environmental Department (NMED) during this title V (TV) Program Evaluation. We appreciate their willingness to respond to information requests and share their experiences regarding the development and implementation of NMED's TV program.

Responses from NMED

I. EXECUTIVE SUMMARY

The EPA Region 6 review included an evaluation of the current work practices and administration of the NMED TV operating permit program and adherence with the State Operating Permit Programs Rule, 40 Code of Federal Regulations (C.F.R.) part 70 requirements and TV of the Clean Air Act (CAA or Act). We evaluated four aspects of the program to ensure the program is being implemented consistent with the New Mexico TV approved requirements. The areas of review included:

Review Area 1: Acting in a Timely Manner on Applications for Initial, Revision and Renewal Permits

Review Area 2: Consistency with Permit Requirements of 40 C.F.R. Part 70

Review Area 3: Compliance with the Public Participation Requirements for TV Permit Issuance

Review Area 4: Collecting, Retaining, or Allocating Fee Revenue Consistent with the Requirements of 40 C.F.R. Part 70

Each of the areas and our recommendations based on our review are discussed in the body of the evaluation report.

II. INTRODUCTION

The CAA TV and the part 70 regulations are designed to incorporate all federally applicable requirements for a source into a single TV operating permit. To fulfill this responsibility, it is important that all federal regulations applicable to the source, such as the National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), applicable requirements of State Implementation Plans (SIP), and terms or conditions created by permits issued under SIP-approved permit programs be carried over into a TV permit.

The EPA serves in an oversight role of the TV operating permits program nationally and provides program implementation assistance to State operating permit programs as part of that role. Additionally, EPA Region 6 works to complete TV program evaluations in a nationally consistent manner as part of its oversight role. The evaluation protocol review completed by each EPA Regional Office of a state's administration of a TV program is generally based on a standardized evaluation protocol developed by the EPA Headquarters Office and is compared to the requirements of 40 C.F.R. part 70. However, each EPA Region may also exercise its oversight discretion to focus on a narrower aspect of a state's operating permit program based on previous program reviews or national policy/legal decisions impacting the program.

The EPA Region 6 oversees six separate air permitting authorities (Texas, Arkansas, Louisiana, Oklahoma, New Mexico and the City of Albuquerque). As part of EPA's oversight responsibilities, the EPA Region 6 staff conducted an off-site program review and evaluation of the State of New Mexico's TV program. This NMED TV program evaluation is based on the review of the NMED responses to

Responses from NMED

EPA's TV questionnaire and associated documentation, supplemental questions and selected NMED issued TV permits and supporting permitting information. A total of seventeen (17) permit files consisting of the following TV permit actions were reviewed: three Administrative Amendments, four Significant Modifications, four Initials, four renewals, and two Minor Modifications. The EPA Region 6 program evaluation team consisted of the following EPA personnel: Erica Le Doux, Environmental Engineer and New Mexico State Air Permit Coordinator, Aimee Wilson, Environmental Scientist and Texas State Air Permit Coordinator, Bonnie Braganza, Environmental Engineer and Air Permit Tribal Coordinator, Brad Toups, Environmental Scientist and Louisiana State Air Permit Coordinator, and Kyndall Cox, Environmental Scientist.

NMED's Title V Permitting Program

The New Mexico Environment Department (NMED) is a state air pollution control agency with jurisdiction throughout New Mexico except in Albuquerque-Bernalillo County and Indian country. The Environmental Protection Agency Region 6 is the TV permitting authority in Indian country. New Mexico's TV regulations are found in New Mexico Administrative Code (NMAC) 20.2. Part 70 (Permits for Part 70 Sources). Our final rule fully approving New Mexico's TV program was published November 26, 1996 (61 FR 60032) and became effective on December 26, 1996. Revisions to New Mexico's TV program were approved by EPA September 8, 2004 (69 FR 54244) and became effective on November 8, 2004. EPA's program approval provides NMED the authority to issue TV operating permits to all major stationary sources and to certain other sources[1] within the State's jurisdiction. The NMED operating air permit program is a comprehensive state air quality program which is designed to address all applicable air contaminant emissions and regulatory requirements in a single permit document. Since receiving full program approval, NMED has been implementing the state's TV operating permits program and directly issuing TV operating permits to applicable sources within the state of New Mexico. By the end of 2018, New Mexico will have issued approximately 145 TV permits. The Air Quality Bureau Air permitting staff is primarily housed at the Santa Fe office. In 2004 and 2008, EPA Region 6 staff conducted program evaluations of the State of New Mexico's approved TV Operating Permit Program. In the 2004 TV Program Evaluation Report, based on EPA's review and evaluation of the State's permit issuance rate, NMED was identified as having one of the best programs in Region 6 for timely management of their TV permit issuances, renewals, and modifications. All initial TV permits, except for, those with special circumstances, were appropriately and timely issued despite the many challenges.

New Mexico has a fully bifurcated Title V/New Source Review (NSR) program for both the minor and major NSR programs, in that it issues pre-construction NSR major and minor permits, separately from

[1] Sources required to obtain an operating permit under the title V operating permit program include "major" sources of air pollution as defined by title V. For example, all sources regulated under the acid rain program, regardless of size, must obtain operating permits. Examples of major sources include those that have the potential to emit 100 tons per year (tpy) or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen oxides, or particulate matter nominally 10 microns and less (PM_{10}); those that emit 25 tpy or more of a combination of hazardous air pollutants (HAPs). In areas that are not meeting the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, or particulate matter, major sources are defined by the gravity of the nonattainment classification. Currently, there are no non-attainment areas in New Mexico.

TV. On occasion, with administrative amendments or minor actions on minor permits under NSR, they may issue individual NSR and TV actions concurrently through concurrent public notices. All applicable NSR (major and minor) permit requirements are initially reviewed and evaluated and incorporated into the NSR permits. The conditions of these NSR permits are also written directly into the TV permit actions as an individual detailed condition, including the reference to the NSR permit number and condition.

III. EPA REGION 6 EVALUATION APPROACH FOR THE NMED TITLE V PROGRAM

The EPA Region 6's evaluation objective for the NMED TV program evaluation was to identify any areas of the NMED TV program that may need improvement and highlight any unique and/or innovative aspects of NMED's program that may be beneficial to other permitting authorities. The EPA Region 6 conducted the evaluation in three stages. In the first stage, EPA Region 6 sent the TV evaluation questionnaire for NMED to review and provide response comments. The TV evaluation questionnaire was developed by the EPA Headquarters Offices and covers the following program areas: 1) TV Permit Preparation and Content; 2) General Permits; 3) Monitoring; 4) Public Participation and Affected State Review; 5) Permit Issuance/Revision/Renewal/Processes; 6) Compliance; 7) TV Benefits; 8) Title I / Title V Interface; 9) Title V Administration and Fee Review; and, 10) Miscellaneous such as best practices. NMED completed questionnaire and submitted to EPA in February 2018. In the appendix section of this report is a copy of the TV evaluation questionnaire responses received by EPA Region 6 from NMED.

For the second stage of the evaluation, EPA Region 6 conducted a review of NMED's permitting record of a selected subset (17 permitting actions) of TV permits issued by NMED during 2014 – 2017 calendar years. NMED uploaded permit files to a data storage website and provided EPA with a link to allow file download. Permit files were downloaded to the Air Permit section shared folder for reviewer's access. A review of these files was conducted at the Region 6 Office from the beginning of May 2018 through end of July 2018. The additional information included the associated TV permit application, statement of basis, public notice, draft and final TV permits, and all other supplemental supporting documents. NMED routinely submits the draft and final TV permits to the EPA Region 6 Air Permits Section in accordance with the part 70 regulations. The EPA Region 6 office generally maintains copies of the TV permit applications received, draft and final permits and any additional associated documents transmitted to EPA Region 6 from NMED. The following areas were evaluated during the permit file review: (1) Application requirements; (2) Part 70 permit requirements; (3) Compliance Assurance Monitoring (CAM); and (4) Statement of Basis (SOB) components. General Permit (GP) requirements were not evaluated, as there were no applicable TV General Permits under the NMED permitting program. At the time of the evaluation, NMED did not have a source category or emission units covered by a GP per the response received on the TV questionnaire. However, NMED does have plans to issue an Air Curtain Incinerator (ACI) General Permit in 2018 which was completed.

In the third and final stage of the EPA Region 6's evaluation, the EPA Region 6 reviewed the information received from NMED and compared that information to the applicable regulations. After summarizing the information received from NMED, EPA developed an evaluation report which identifies improvement opportunities and topics for follow-up review and discussion with NMED. The final program review analysis will not be completed until EPA completes the TV program review

discussions with NMED, and, if necessary, any NMED commitments for changes/improvements are memorialized.

The NMED, at the time of review, had one (1) employment vacancy within its Major Source Permitting Section. Historically, the Division tends to have one or two staff turnovers per year. There are seven (7) permit writers dedicated to writing TV permits, these same permit writers are responsible for writing NSR permits. Several of the seven permit writers also work on both Prevention of Significant Deterioration (PSD) permits and Title V permits. However, they do cross-training on the scope of this subject. The type of training given to new and existing permit writers includes some of the following: 1) new permit writers are assigned a mentor; 2) permit writers are given a TV training manual that describes the program and includes the permit processing steps; 3) weekly internal training classes are conducted and staff are sent to external training when possible, such as WESTAR, EPA/APTI, etc.; and 4) permit writers are required to conduct site visits in order to become familiar with the different types of facilities.

IV. EPA REGION 6's ANALYSIS AND RECOMMENDATIONS

The following section includes a brief discussion of the areas of review, our findings, and our recommendations to improve or resolve the potential concerns we identified during our review.

The evaluation focused on the implementation of the program in the following five areas:

1) acting in a timely manner on applications for initial, revision, and renewal
2) issuing permits that are consistent with the requirements of 40 CFR Part 70;
3) complying with the public participation requirements of 40 CFR Part 70;
4) collecting, retaining, or allocating fee revenue consistent with the requirements of 40 CFR Part 70;

Review Area 1: Acting in a timely manner on applications for initial, revisions and renewals permits.

We evaluated information from the TV Operating Permits System Report (TOPS Report) which NMED submits to EPA on a semiannual basis. According to the January 31, 2017 report and the NMED response to a question on the TV Questionnaire, New Mexico has had a TV universe averaging between 140 to 150 TV sources since the implementation of the TV program. This is because as new sources apply for TV permits, other sources close their facilities or permit their facilities as synthetic minor sources. NMED continues to issue initial TV permits, while still processing the second and third round of some TV permit renewals and modifications**.**

Findings: The following best management practices are being utilized by NMED to help permit writers:

1.1 Maintaining a library of monitoring protocols that contain monitoring conditions for various common types of equipment, e.g.; IC engines, turbines, boilers and dehydrators, that in most case contain a decision tree for the monitoring protocols in either a separate document or within the monitoring protocol document. Most protocols also include some regulatory and/or technical

background information. These protocols are routinely revised, and new protocols are added periodically;

1.2 Permit writer follows a standard outline of processing steps and a standard permit template in preparing the permit;

1.3 The group manager reviews every SOB and the draft (prior to public notice), proposed, and final permits (prior to issuance).

1.4 The permits section manager and the permitting program manager also review the draft (prior to public notice) and final permits (prior to issuance). In addition, Compliance and Enforcement reviews the draft permit (prior to public notice).

1.5 The permit application contains a regulatory analysis section that aids the permit writer in making regulatory determinations for incorporation into the permit. Per NMED TV Questionnaire response, the Federal Register is reviewed on a weekly basis to determine whether the regulatory analysis section of both the application and the SOB needs to be updated with new requirements.

1.6 Utilization of streamlining strategies when preparing permits by incorporating by reference Federal and some ASTM methods into the TV permit. Also, grouping similar units, such as IC engines, that have related applicable conditions. Federal requirements such as applicable NSPS and/or MACT regulations would be included in this grouping.

For NMED, the TEMPO database has not automated the permit processing. It is simply a storage location for the final version of the Word document that was used to generate the permit. It does help with the drafting of the SOB/Database Summary (DBS) by auto populating some facility specific data into a Word document. In addition, it helps with the routine letters that are generated as part of the permitting process such as completion and affected party letters. TEMPO is used to store the interested party mailing list at the end of the public notice template Letter-builder located in TEMPO. Permit writers update the status of all permit actions in TEMPO database. This allows permit writers and management to track the status at any time. It was noted by NMED's comment in the TV Questionnaire, the current process is labor intensive and time consuming, because it requires the use of multiple templates (e.g., Word, Excel, and Outlook) along with the TEMPO database. NMED has made the process as efficient as possible and are striving for improvements. NMED is in the general discussion phase to develop an application that would automate more features of the permitting process. Despite the limitations of the TEMPO database, it is a valuable tool in the TV program. The best management practices used by NMED, coupled with NMED's internal utilization of the TEMPO database, has enabled NMED to meet the permit issuance timeliness requirements. TEMPO is also utilized by NMED managers to measure staff productivity as well as to verify proper tracking of TV permits. EPA Region 6 will continue to monitor the status of NMED's permit issuance rate through the TV permit activity spreadsheet reports emailed by NMED on a monthly and quarterly basis, permit updates during monthly conference calls, and the TOPS report.

According to §70.6(a)(2), Title V permits must be renewed every 5 years. Since the 2008 Title V Program Evaluation, NMED has maintained their issuance rate on permits to meet the requirements of

deadlines established in 20.2.70.302.B NMAC, approved by EPA as 20 NMAC 70. According to the Title V Program Evaluation Questionnaire, NMED indicated that in the last full calendar year of Title V permitting CY2017, they processed and issued 36 actions, comprised of 5 Administrative amendments, 9 Significant modification, 2 Minor modifications, 20 Permit renewals, and 3 Initial Title V permits. For Administrative amendments, NMED follows 20.2.70.404.A NMAC. For minor and significant modifications, NMED follows 20.2.70.404.B and C NMAC, respectively. General permits are allowable under 20.2.70.303 NMAC, but none are currently permitted during the time of this audit. There are plans for issuance of an Air Curtain Incinerator General permit. At the time of the TV Audit this was not completed. NMED is currently meeting regulatory requirements of permit issuance deadline.

Discussion: According to NMED's response to EPA's evaluation questionnaire, the average permit processing time for the last two years has been 16 months for initial and renewal TV permits from administratively complete application to permit issuance. NMED provides an update during monthly Title V/NSR conference calls with EPA Region 6 on the total count of the pending TV permits in progress (this includes all TV permit categories- initial, significant revision renewal, etc.), TV permits at public notice and any TV permits that have generated any public concerns, comments, and inquiries. In addition, NMED provides EPA a monthly TV permitting activity spreadsheet that gives a snapshot of what the entire NMED permitting staff is currently working on. These spreadsheets include facility, permit number, permit action, assigned permit writer, due dates, etc.

Recommendation: Based upon EPA review and evaluation of NMED's implementation of timely issuance of permitting activities required under the regulation, EPA Region 6 believes that NMED has performed outstanding work to assure their issuance rate is timely. While EPA has no specific recommendation, we encourage the NMED to continue processing TV permits in a timely manner and using their internal protocols and data management platform to maintain efficiency. As was noted in the NMED TV Questionnaire, the current permit process is very labor intensive and requires the use of multiple templates (e.g.; Word, Excel and Outlook) along with the Tempo database. Although NMED has made this process as efficient as possible and continues striving for improvements, it appears to be fairly time consuming. EPA encourage NMED to continue looking for program improvements. EPA also encourage NMED to continue to follow appropriate guidance regarding monitoring requirements.

Review Area 2: Issuing permits that are consistent with the requirements of 40 CFR Part 70.

Prior to the audit, EPA selected 17 TV permits (and associated files) issued in the last three years (2014-2016). Each permit was reviewed for consistency with the TV air permit regulations (40 CFR Part 70) using a written questionnaire developed by a workgroup consisting of Regional and National EPA representatives. The Federal requirements regarding permit content are outlined in 40 CFR Part 70.4. Each permit was reviewed for consistency with these Part 70 requirements. Most of the Part 70 requirements related to permit content were found in the general conditions of NMED's permits.

Although NMED's Statement of Basis (SOBs) contains most of the information necessary for TV permit issuance, the NMED does not always thoroughly document the basis upon which NMED's decisions were made during the permit writing process. Part 70 requires TV permitting authorities to provide "a statement of the legal and factual basis for the draft permit conditions" (40 CFR 70.7(a)(5)). The purpose of this requirement is to support the proposed TV permit with a discussion of the decision-making that went into the development of the permit. This helps inform the permitting authority, the

public, and EPA of the NMED's legal and factual basis for issuing the permit and it serves as an essential tool for conducting meaningful permit review.[2]

The EPA Administrator's May 24, 2004 Order responding to a petition to EPA to object to the proposed TV permit for the Los Medanos Energy Center includes the Administrator's response to statement of basis issues raised by the petitioners[3]. The Order states that:

> *A statement of basis ought to contain a brief description of the origin or basis for each permit condition or exemption. However, it is more than just a short form of the permit. It should highlight elements that EPA and the public would find important to review. Rather than restating the permit, it should list anything that deviates from a straight recitation of requirements. The statement of basis should highlight items such as the permit shield, streamlined conditions, or any monitoring that is required under 40 C.F.R. 70.6(a)(3)(i)(B)…Thus, it should include a discussion of the decision-making that went into the development of the title V permit and provide the permitting authority, the public, and EPA a record of the applicability and technical issues surrounding the issuance of the permit.*

The Order goes on to say that the Region 5 and 9 letters and Texas notice of deficiency (NOD) "provide a good road map as to what should be included in a statement of basis."

A. Recommendations for Improvements to SOBs

The content of the SOB's across the cross section of permits reviewed varied resulting in a few concerns. The statement of basis should include, among other things, 1) a discussion of the monitoring and operational requirements for each emission unit; 2) any complex applicability determinations and exemptions; 3) any non-applicability determinations; and 4) a discussion of streamlining requirements.[4]

- NMED SOB's should contain a discussion on the monitoring and operational restriction provisions that are included for each emission unit. 40 C.F.R. §70.6(a) and 20.2.70.302A(1) NMAC require that monitoring and operational requirements and limitations be included in the permit to assure compliance with all applicable requirements at the time of permit issuance. The statement of basis should explain how the proposed monitoring strategy will assure compliance with emission limits. NMED's selection of the specific monitoring, including parametric monitoring and recordkeeping, and operational requirements should be explained in the SOB. For example, if the permitted compliance method for a grain-loading standard is maintaining the baghouse pressure drop within a specific range, the SOB must contain enough information to support the conclusion that

[2] EPA has released certain guidance documents regarding the suggested content for title V permit Statement of Basis documents, including April 30, 2014 implementation guidance on title V annual compliance certifications and statement of basis requirements (https://www.epa.gov/sites/production/files/2015-08/documents/20140430.pdf) and a December 20, 2001 EPA Region 5 letter to Ohio EPA (https://www.epa.gov/sites/production/files/2015-08/documents/SOBguide.pdf).

[3] This document is available in the Title V petition database on the EPA Region 7 website at: https://www.epa.gov/sites/production/files/2015-08/documents/los_medanos_decision2001.pdf

[4] Letter dated December 20, 2001 from Steven Rosenblatt, Air Programs Branch, EPA Region V, to Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency.

maintaining the pressure drop within the permitted range demonstrates compliance with the grain-loading standard.

The lack of detailed rationale of monitoring methods makes public participation during the public comment period difficult. In cases when no additional monitoring is required by an NMED rule or a federal regulation, a discussion of periodic or sufficiency monitoring requirements that is added to the permit should be discussed. In other cases when no additional monitoring is necessary, NMED should also provide adequate justification. The purpose of a detailed SOB and decision documentation is to support the TV permit. The majority of the SOB's reviewed do not give rationale and reasons and explicit statements why one monitoring method was chosen instead of another. The statement of basis should include explanatory information and narrative statements throughout the permit to provide context and analysis to allow the public and EPA to follow the decision making underlying the permits.

NMED's response:
NMED appreciates EPA's thoughtful review of the supporting technical documentation of our Title V permits. NMED understands the importance of clearly and concisely establishing the basis for demonstrating compliance with emission limits. NMED agrees the Statement of Basis should explain how the proposed monitoring strategy will ensure compliance with emission limits and other regulatory requirements.

NMED has developed monitoring protocols for many types of equipment (engines, heaters dehydrators, flares, and others) regulated by the agency. NMED established the protocols to ensure consistent and defensible conditions across permits for any given operating scenario across the most common industrial sectors. The monitoring protocols include a graph of the decision logic for selecting permit conditions, template text for constructing the conditions, and (in some cases) background information describing the basis of the decision logic. NMED proposes to revise our monitoring protocols so that each protocol clearly explains how each permit condition in the protocol assures compliance with the emission limits or regulatory requirements covered by that condition. The monitoring protocols are published on the NMED website, so they are available to the public. NMED proposes to include the link to the monitoring protocols on the website in the Statement of Basis for each permit.

For equipment and facility types not covered by the monitoring protocols, NMED proposes to add discussions to the Statement of Basis concerning the rationale for selecting specific monitoring parameters and why those parameters were selected to demonstrate compliance.

NMED's current Statement of Basis contains a state and federal regulatory applicability section. This section provides the determination of which regulations apply to each source or piece of equipment and includes the lower level citation of the applicable requirements within that regulation. NMED proposes that this applicability section, along with the revised monitoring protocols, would in most cases be sufficient to provide the "discussion of the decision-making that went into the development of the Title V permit and provide the permitting authority, the public, and U.S. EPA a record of the applicability and technical issues" as discussed in the February 1, 2006 "Onyx Order" (EPA April 30, 2014 Memo: Implementation Guidance An Annual Compliance Certification Reporting and Statement of Basis Requirements for Title V

Operating Permits, the Statement of Basis). When not sufficient, the template discussion will be customized to provide sufficient discussion.

Example: *In the Intrepid TV Permit for Condition A800 Potash processing - the total potash production rate limit for Unit 1D is 80 dry tons /hr and the total process rate limit for the Langbeinite DMS Unit 10 and Pelletizing Process Rate Units 9, and 11 is 75 dry ton/hr. What pollutant does the production rate apply to and what emissions limit is the production rate intended to demonstrate compliance with? Is it the allowable emission limit set forth in Table 106 for PM10 and/or PM2.5? If the production rate limit was intended to demonstrate compliance with an emission limit, how was it derived? A discussion is needed in SOB or access the NSR permit 0755-M11 for the rationale.*

The same rationale would need to be provided for fuel consumption. For example, are the fuel rates specified in Condition A801C used to demonstrate compliance with an allowable limit for CO, NOx, heat rate limit for a NSPS or NESHAP? If so, that should be cited. For an example refer to language at Condition 802A - Periodic testing of Units 1D,5,7,8,9,10,11 demonstrates compliance with PM emission limit in Table 106A.

NMED's response:
NMED concurs that the conditions in the referenced permit should specify the pollutant (particulate matter in the example above) and emission limits covered by each condition in the permit. NMED agrees with EPA that this information is important to assist the public in understanding our Title V permits. The Statement of Basis for this permit should also explain that the particulate matter emissions from the dryers and conveyance device are directly related to the material throughput (emission factors multiplied by the tons/hour), and thus, throughput is the surrogate measurement for limiting particulate emissions.

Regarding EPA's comment on fuel flow rate, the NMED monitoring protocol for boilers requires continuous measurement of fuel flow if a unit is permitted below its maximum capacity and emission rate. This restriction in Condition A801.C ensures compliance with the Table 106A allowable limits. NMED proposes to revise its boiler monitoring protocol to provide the rationale for using fuel monitoring and monitoring of good combustion as a surrogate measurement for demonstration of compliance for units permitted below their maximum potential to emit and will reference that monitoring protocol in the Statement of Basis. If the heat rate condition was a requirement of either NSPS or NESHAP, NMED would designate the applicable NSPS or NESHAP (for example, "40 CFR Subpart Dc") in both the title and the text of the permit condition.

- It was indicated in several permits that compliance demonstration for CO, also demonstrates compliance for VOC.

NMED's response:

NMED allows demonstration of compliance with CO emission limits as a surrogate demonstration of compliance with VOC limits. Both CO and VOC concentrations increase during incomplete combustion. The portable analyzers used for compliance tests do not speciate VOC compounds; therefore, AQB relies on CO monitoring to demonstrate surrogate compliance with VOC limits. The basis for using VOC as a surrogate is that the manufacturer specifies the expected NOx, CO, and VOC emissions for a properly operating unit based on the manufacturer's tests. If an engine test demonstrates that the CO concentration fall within the emission limits, the engine is properly combusting, and then VOC can be assumed to be within manufacturing specifications, thus, ensuring VOC emissions will fall within the emission limits. The use of CO as a surrogate for VOC is analogous to the use in 40 CFR 63 Subpart ZZZZ [63.6630(d)] of the measurement of the reduction in total hydrocarbon (THC) concentration as a surrogate for the reduction in formaldehyde concentration in non-emergency 4SRB engines.

In short, NMED concluded that if the CO emission limit is met, using CO as a surrogate for VOC reasonably demonstrates proper combustion, and thus, the VOC emissions will also be within the VOC emission limit of the permit.

NMED proposed this language regarding the relationship of VOC and CO emissions for a document sent EPA Region 6 on June 19, 2012. EPA did not reject that analysis or language. NMED proposes to post a summary of this analysis on the AQB website and to include a link to that posted document in each Statement of Basis. NMED proposes to add a synopsis of this summary into the template from which permit writers generate their Statements of Basis so that the synopsis also appears in each Statement of Basis.

- In addition, sulfur content of fuel and amount burned is monitored to demonstrate for SO_2 emissions compliance. This type of monitoring is called "surrogate" (e.g. substitute) monitoring. This monitoring is allowed when (1) monitoring of actual emissions is very expensive and/or impractical, and (2) surrogate monitoring is adequate to assure compliance with the underlying applicable requirement. If surrogate monitoring is used, make sure that the permit's statement of basis includes an explanation of the relationship between the surrogate monitoring and the facility's compliance with the actual limit.

  NMED's response:
  NMED agrees with EPA that it is appropriate to also include a discussion of the rational of using surrogate monitoring for SO_2 emissions in the Statement of Basis. NMED proposes to add an additional section to our Statement of Basis explaining the basis for this surrogate monitoring. Doing so would make it efficient for permit writers to add to (or delete from) the Statements of Basis for a permit that they are working on.

  Example: *Valencia Power Plant (P220R1, AR3) used test results for compliance with CO emission limits to demonstrate compliance with VOC limits, but failed to include an explanation of the relationship between compliance with CO emission limits and compliance with VOC limits.*

  NMED's response:

Responses from NMED

NMED agrees with EPA that the use of surrogate monitoring should be added to the Statement of Basis for each permit so that the public can understand the basis for these decisions. NMED's proposed language for this addition is provided under NMED's response to the previous two bullets points.

- Some of NMED's statement of basis documents lacked applicability discussions. An explanation of the Federal NSR applicability, whether the source obtained a PSD permit or netted out of NNSR and the relevant BACT determinations were not detailed in some of the TV SOB's which we reviewed. The public would have to review the NSR permit action to see the BACT analysis and limits/operational conditions to ensure that those are appropriately included in the Title V permit. However, the underlying NSR permit is not attached, nor does it appear to be included the Title V permit record. There should be a discussion in the SOB that includes any regulatory applicability determinations, and which addresses any non-applicability determinations. This discussion could include a reference to a determination letter that is relevant or pertains to the source. If no separate determination letter was issued, the SOB should include a detailed analysis of the relevant statutory and regulatory provisions and why the requirement may or may not be applicable. At a minimum, the SOB should provide enough information for the reader to understand NMED's conclusion about the applicability of a specific rule to the source. We also recommend that the SOB include a discussion of hazardous air pollutant emissions or any other information that is needed to determine whether the source is major for hazardous air pollutants, which dictates the applicability of maximum achievable control technology standards.

  Example: *The TV permit for Williams – Milagro TV (P101R2M1). This permit has a BACT for NOx, CO and VOCs for boilers 1, 2, and 3, and the SOB doesn't clearly state BACT limits. It appears that it would be necessary to review the PSD/NSR permit action(s) to find the see BACT limits to ensure that they are being incorporated into the title V permit.*

  NMED's response:
  NMED agrees with EPA's comment that the Statement of Basis should include a synopsis of the basis for each BACT limit. NMED designates applicable BACT within the permit and Statement of Basis to ensure that this information is carried forward even if subsequent permit writers generate their own Statement of Basis instead of modifying the previous Statement of Basis. Permit P101R2M2 explicitly defines which limits are BACT in the permit: Section A101C notifies the reader that the permit contains BACT limits, Table A105C has a column stating which controls are BACT, footnote 2 to Table 106A identifies the specific limits and pollutant which are BACT for the boilers and also provides the NSR permit number for which the BACT analysis was done, and condition A204C again mentions which limits are BACT, including the permit number that originally established the BACT. Because BACT analyses conducted by NMED are generally 30 to 125 pages long, subsequent permits simply reference the permit with the BACT analysis instead of reproducing the analysis. The BACT analysis is always retained in the TEMPO database along with the permit for which the analysis is done.

  Example: *In the Santa Fe – Caja Del Rio (P185LR3) TV permit, the SOB doesn't clearly state BACT limits. It appears that it would be necessary to review the PSD/NSR permit action to find the BACT limits to ensure that they are being incorporated into the title V permit.*

  NMED's response:

Landfills represent a unique type of Title V facility in New Mexico. Many landfills, including Caja Del Rio, do not have an NSR permit and are not subject to PSD permitting requirements. This facility is not one of the 28 listed PSD source categories and it does not have the potential to emit greater than 250 tpy of any regulated new source review pollutant. An operating permit was issued solely to meet the requirement to obtain a Part 70 permit per §60.752(b): Standards for air emissions from municipal solid waste landfills. This facility does not have any BACT limits. NMED typically includes and designates applicable BACT limits in Title V permits as described in the response above for the Milagro Title V permit.

- NMED should continue to provide thorough factual data in the SOB, but in addition it should look for ways in which to enhance and improve the consistency, accuracy and comprehensiveness of the SOB developed by NMED permitting staff to make it easier for EPA, the public and permittees to identify the applicable requirements that apply to each emission unit at the title V facility and to understand permit decisions.
  NMED's response:
  NMED appreciates the recommendations made by EPA as a result of their review. NMED plans to incorporate these recommendations to improve the statement of basis accompanying each Title V permit to better demonstrate the basis of permit requirements and decisions.

- Permittee should be required by NMED to consistently follow compliance recertification requirements that meet §70.6(c)(5)(iii).[5] This ensures transparency and enhances the public's understanding of a facility's obligations. The compliance declaration from some facilities was stated in a non-specific, generic manner. In Section 19.2 of the application, the applicant references the explanatory text provided in the application by the State as a means by which to declare compliance. Instead, the company should make their own declaration identifying the various applicable requirements. To make the required compliance declarations in part 70 permit

[5] White Paper for Streamlined Development of Part 70 Permit Applications, U.S Environmental Protection Agency, Lydia N. Webman, Office of Air Quality Planning and Standards, July 10, 1995. https://www.epa.gov/sites/production/files/2015-08/documents/fnlwtppr.pdf
§70.6(c)(5) which states that for compliance certification with terms and conditions contained in the permit, shall include each of the following:
i) The frequency (not less than annually or such more frequent periods as specified in the applicable requirement or by the permitting authority) of submissions of compliance certifications;
ii) A means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;
iii) A requirement that the compliance certification include all the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):
(A) Identification of each term or condition of the permit that is the basis of the certification,
(B) Identification of the method or other means used by the owner or operator determining the compliance status with each term and condition during the certification period,
(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred;
(D) such other facts as the permitting authority may require determining the compliance status of the source.
(iv) a requirement that all compliance certifications be submitted to the Administrator as well as to the permitting authority.

applications, sources are required to review current major and minor NSR permits, other permits containing Federal requirements, SIP's and other documents, and any other applicable Federal requirements to determine applicable requirements for emission units. Reporting compliance requires the permittee to indicate compliance with each one of the limits and obligations written out in its Title V permit. 40 CFR 70.5(c)(5)(iii) further requires the application to contain a compliance plan describing the compliance status of the source with respect to all applicable requirements. Each application must also include a certification of the source's compliance status with respect to each applicable requirement and a statement of the methods used for determining compliance. Finally, the responsible official must also certify that the application form and the compliance certification are true, accurate, and complete based on information and belief formed after reasonable inquiry.

NMED's response:
NMED concurs with EPA that many applicants only provide a general statement in section 19.2 of the Universal Application. NMED has reviewed the requirements at 70.6(c)(5)(iii). These requirements match the information required by NMED in Title V Annual Compliance Certifications (ACCs). NMED received some additional guidance provided by EPA with examples of how these compliance demonstrations are presented in other states. Based on those examples and the regulatory citations provided in footnote 5 above, NMED proposes to revise section 19.2 of the Universal Application to require applicants to include the information from their most recent ACC (appropriately updated to the date of the application). An example of the NMED ACC is shown in the image below:

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1. Permit Condition # and Permit Condition:	2. Method(s) or other information or other facts used to determine the compliance status:	3. What is the frequency of data collection used to determine compliance?	4. Was this facility in compliance with this requirement during the reporting period?	5. Were there any deviations associated with this requirement during the reporting period?
A103 Facility: Applicable Regulations **B.** Compliance with the terms and conditions of this permit regarding source emissions and operation demonstrate compliance with national ambient air quality standards specified at 40 CFR 50, which were applicable at the time air dispersion modeling was performed for the facility's NSR Permit 0859-M5.	Semi-annual reports and the annual emissions inventory are used to demonstrate compliance with the terms and conditions of this permit.	☐ Continuous ☒ Intermittent	☒ Yes ☐ No	☐ Yes ☒ No
A104 Facility: Regulated Sources **A.** Table 104.A lists the emission units authorized for this facility. Emission units identified as insignificant or trivial activities (as defined in 20.2.70.7 NMAC) and/or equipment not regulated pursuant to the Act are not included.	Semi-annual reports and the annual emissions inventory, along with the Management of Change Request (MOCR) procedures, are used to determine that no unauthorized equipment has been added or operated during the applicable period.	☐ Continuous ☒ Intermittent	☒ Yes ☐ No	☐ Yes ☒ No

B. Recommendations for Improvement to Permits

- NMED's practice of incorporating Federal regulations using only high-level citations makes it difficult to determine if all applicable requirements for monitoring, recordkeeping, reporting, and testing have been identified. NMED's TV permit Federal and State rule citations are not distilled

down to the lowest level. Congress established Title V of the CAA which has a primary purpose of providing each major facility with a single permit that ensures compliance with all applicable CAA requirements. To accomplish this purpose, permitting authorities must incorporate applicable requirements in enough detail such that the public, facility owners, and operators, and regulating agencies can clearly understand which requirements apply to the facility. These requirements include emission limits, operating limits, work practice standards, monitoring, recordkeeping, and reporting provisions which must be enforceable as a practical matter. The NMED TV permits evaluated rarely specifically identifies the applicable requirements at the level of citation (to the subpart, section, and paragraph level). The accompanying text in all cases seems to summarize the requirements, not state them in the originating rule's own terms. In the case of NSPS and NESHAPs, higher level rules are routinely cited instead of identifying the specific provisions which apply to the source. EPA recommends that NMED consistently include the specific rule citation, including the section, subsection, and paragraph, as applicable, for sources to the extent where there is no ambiguity concerning the regulatory applicability for equipment at the facility and with the associated requirements for monitoring, recordkeeping and reporting. This allows the public to read the permit once it is published for public notice and go directly to the rules that apply to the source. Practical enforceability is achieved if: 1.) the permit's conditions are specific to the source emission limit, 2.) the timeframe in which the limit is to be observed/calculated i.e., hourly, daily, monthly is specified, 3.) the annual limits, such as rolling annual limits are specified, and 4.) the monitoring methodology used to determine compliance is specified. In the absence of citations to the specific regulation which applies, there are other options that NMED permit writers could utilize to eliminate ambiguity. As an example, permit writers could identify a specific source type (e.g., this engine must comply with all requirements at 40 CFR 63 Subpart ZZZZ which apply to existing spark ignition, 2-stroke lean burn (2SLB) RICE with a site rating of 500 brake HP located at an area source). In this example, the type of engine being regulated is clear, and interested parties can then cross-reference to the applicable regulatory requirements in the Subpart ZZZZ rules.

Examples: *Comments received from reviewers for high level citation used* for *Intrepid, Western Refinery-Gallup, Oxy USA Indian Basin, Public Service of New Mexico - San Juan, NuStar Logistics – Hope Pump Station, Frontier-Loco Hills, Los Alamos National Security Lab, and Williams – Crow Mesa.*

The use of high-level citations in PNM – San Juan (P062R3M1) at Condition A400 C and D referenced 40 CFR 63 5U and at Condition A402.F for Boilers NSPS 40 CFR 60 Subpart D (e.g., where in Subpart D? is it 60.45? a, b, or c? i, ii, iii?);

Sufficient monitoring for Western Refinery – Gallup (P021R3) was indeterminate due to the citation level of applicable requirement.

OXY USA Indian Basin ((P103R2M1) specifics on the engines for lower level citations are not provided in the SOB, permit or application. Namely the type of Solar, Cenatur, Saturn, turbine and compressor engines

NMED's response:
NMED agrees with EPA that additional information on the specific requirements within each NSPS/NASHAP would enhance the transparency and usability of the Title V permits. NMED currently includes the information on the applicable requirements for individual regulations in the Statement of Basis. NMED proposes to incorporate this information into the permits by 1) revising the conditions as suggested by EPA in the second example above so that the condition describes the requirements for a category of equipment. Following the example above, a permit might contain one ZZZZ condition for existing spark ignition 2SLB RICE, with the applicable units listed in the condition title, and a second ZZZZ condition for new 4SRB RICE with the applicable units listed in the condition title. NMED finds that this proposed approach would provide the additional detail necessary to find the requirements in the regulation without imposing undue additional workload on the permitting staff so that staff can continue to meet permitting deadlines.

Alternatively, a single template condition may be developed instructing the permit specialist to specify individual ZZZZ citations for each applicable category of RICE, with a reference to the equipment list, which will cross reference individual RICE units with their category (2SLB, 4SRB, etc.).

- For the 17 Title V permits reviewed, the maximum allowable emissions table located in the Title V permit doesn't include an explicit statement stating where the underlying authority for the given emission limits in Table 106A are derived. Part 70 requires TV permits to specify and reference the origin of authority for each term or condition and identify any difference in form as compared to the applicable requirement upon which the term or condition is based. See 40 CFR 70.6(a)(1)(i). While the maximum allowable limits appear in table 106A, there is no explicit reference to the origin of the underlying authority by which the emission limits are derived. The State and/or Federal rules are cited at only a high-level, and not to the specific citation based on the characteristics of the emissions units and operating conditions. This appears to be the case in Section 13 (Determination of State & Federal Air Quality Regulations) of the 17 Title V applications reviewed. The regulation analysis provided by the facility's in the 17 applications were at high-level citations. This is true with the treatment of state rules as well. EPA recommends that NMED include in the permit an explicit statement where the underlying authority originates for the implementation of each emission limit in Table 106 of the permit (i.e., a low-level citation of a Federal and/or State rule, an NSR permit, etc.)

  NMED's response:
  At NMED's request, EPA provided examples of language other states use to explicitly reference the state's authority to derive and set emission limits. NMED is working with EPA on how to best incorporate this language into the format of our current Title V permits. Possible approaches include modifying our General Conditions in the permit, adding footnotes to the Table 106.A emission limits, and/or modifying the requirements section of individual permit requirements. NMED appreciates EPA's assistance in developing this important additional language.

- EPA recommends that NMED add credible evidence language, to the General Conditions portion of the Title V permit and remove phrasing that appears to privilege one type of data over another.

It is the United States Environmental Protection Agency's (USEPA) position that the general language addressing the use of credible evidence is necessary to make it clear that despite any other language contained in the permit, credible evidence can be used demonstrate compliance or noncompliance with applicable requirements. An example of such credible evidence language is: "Notwithstanding the conditions of this permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance."[6] Permit provisions containing testing or monitoring requirements sometimes represent instances where a regulated entity could construe the language to mean that the methods for demonstrating compliance specified in the permit are the only methods admissible to demonstrate violation of the permit terms. It is important that Title V permits not lend themselves to this improper construction.[7]

NMED's response:
NMED proposes to add a General Condition to clarify compliance demonstration if a limit has multiple conditions. Also, notwithstanding the conditions of the permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance credible evidence be used to demonstrate compliance or noncompliance, each and all associated demonstrations must be met to demonstrate compliance. As written, it is currently ambiguous as to whether a single successful demonstration is sufficient.

- NSR permits were cited in the 17 Title V permits reviewed and not included in the permit records or attached to the Title V permit for reference. Please ensure these documents are readily available to public at the time of public notice. Documents that are cited in the Title V permit should be included during the public comment period. NMED should be able to provide cited documents immediately on request during the public notice period. The permitting authority may allow the application to cross-reference previously issued preconstruction and Part 70 permits, State or local rules and regulations, State laws, Federal rules and regulations, and other documents that affect the applicable requirements to which the source is subject, provided the referenced materials are currently applicable and available to the public. The accuracy of any description of such cross-referenced documents is subject to the certification requirements of Part 70.[8] Such documents should be made available as part of the public docket on the permit action. Citations can be used to

[6] Letter dated July 28, 1998 from Stephen Rothblatt, Acting Director, Air and Radiation Division, to Paul Dubenetzky, Branch Chief, Office of Air Management, Indiana Department of Environmental Management This document is available in the Title V Operating Permit Policy and Guidance Document Index on the EPA's website at https://www.epa.gov/sites/production/files/2015-08/documents/credible.pdf

[7] Letter dated 10/30/98 from Cheryl L. Newton, Acting Chief, Air Programs Branch, EPA Region V, to Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency. This document is available in the Title V Operating Permit Policy and Guidance Document Index on the EPA's website at https://www.epa.gov/sites/production/files/2015-08/documents/credible.pdf

[8] White Paper for Streamlined Development of Part 70 Permit Applications, U.S Environmental Protection Agency, Lydia N. Webman, Office of Air Quality Planning and Standards, July 10, 1995. https://www.epa.gov/sites/production/files/2015-08/documents/fnlwtppr.pdf See page 22, F.Content Streamlining 1.Cross Referencing

streamline how applicable requirements are described in an application and will also facilitate compliance by eliminating the possibility that Part 70 permit terms will conflict with underlying substantive requirements. Indeed, many States have taken a citation-based approach as a way of streamlining applications and permits. Thus, a source could cite, rather than repeat in its application, the often, extensive details of an applicable requirement (including current NSR permit terms), provided that the requirement is readily available and its manner of application to the source is not subject to interpretation. The citation must be clear with respect to limits and other requirements that apply to each subject emissions unit or activity.[9] EPA reminds NMED that the documents incorporated, referenced or cited in a TV permit and/or SOB should be readily available to the public at the same time the draft TV permit is public noticed. It should be clear to the public what terms and conditions are being incorporated into the TV permit from another permitting action, and they should have access to the permit action during the comment period.

NMED's response:
In reference to the first sentence of the previous paragraph, EPA did not request the NSR permits corresponding to the TV permits for the audit. In reference to the inclusion in the public docket comment above, NMED proposes to address this issue by providing a link on the public notice page (and/or within the public notices) that directs the public from the TV to the APMAP on the AQB webpage that allows them to access the current NSR permit. The location pointed to by this link provides instructions on how to use the APMAP tool to locate the NSR permits.

- Permitting authorities must ensure that all applicable SIP rule requirements are correctly incorporated into a facility's Title V permit. Permits should clearly identify any requirements that are enforceable only by the state and not the EPA, often referred to as "state-only" requirements. The response received from NMED on the TV Questionnaire was that this is addressed in the SOB Section 11.0, State Regulatory Analysis. However, there were no explicit statements in the Regulatory Analysis table for any of 17 SOBs which we reviewed, that indicated the associated permit did include or did not include "state-only" rules. We recognize that this may be because the permits we reviewed did not contain "state-only" requirements. Please ensure that any "state-only" requirements are clearly identified in the permit and SOB.

  NMED's response:
  NMED acknowledges that the response in the questionnaire did not completely address this issue. Table 103A is incorporated in each permit and contains a column that identifies federally enforceable requirements. State-only requirements in the table have a blank cell. NMED proposes to add a footnote to the header of Table 103A to explicitly state that requirements not marked as federally enforceable are State-only requirements. This same table could also be added to the Statement of Basis.

Review Area 3: Compliance with the public participation requirements for title V permit issuance.

[9] White Paper for Streamlined Development of Part 70 Permit Applications, U.S Environmental Protection Agency, Lydia N. Webman, Office of Air Quality Planning and Standards, July 10, 1995. https://www.epa.gov/sites/production/files/2015-08/documents/fnlwtppr.pdf See page 23 F.Content Streamlining 1.Cross Referencing

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The Federal Title V regulations require all permit actions, except for administrative amendments and minor permit modifications, to provide adequate public notice. New Mexico has adopted provisions regarding public notice and public participation in New Mexico Administrative Code Title:20 Chapter 2 Part 70 Section 401**.**

3.1 NMED's Federal requirements regarding public participation for Title V.

Discussion: Per 20.2.70.400A(2) NMAC for actions on permit applications, except for administrative amendments and minor permit modifications, NMED complies with public participation requirements under 20.2.70.401C NMAC (see below). Except for permit revisions that qualify as administrative amendments under 20.2.70.404A, NMED complies with requirements for notifying and responding to affected programs. All permit issuances (including renewals), significant permit modifications, re-openings, revocations and terminations, and all modifications to the NMED's list of insignificant activities, shall include public notice and provide an opportunity for public comment (20.2.70.401A NMAC). NMED shall provide thirty (30) days for public and affected program comment. NMED may hold a public hearing on the draft permit, a proposal to suspend, reopen, revoke or terminate a permit, or for any reason it deems appropriate, and shall hold such a hearing in the event of significant public interest. NMED shall give notice of any public hearing at least thirty (30) days in advance of the hearing.

Public notice and notice of public hearing shall be given by publication in a newspaper of general circulation in the area where the source is located. The typical ones used are the Farmington Daily Times, Silver City Daily Press, Gallup Independent, Artesia Daily Press, Las Cruces Sun News, Carlsbad Current Argus, Hobbs Daily News Sun and the Albuquerque Journal. NMED posts the public notice on their website at https://www.env.nm.gov/air-quality/public-notices-of-permitting-actions/ as a means to provide a state publication to give a general public notice. An email with public notice of draft permit is provided to any interested persons/parties who have requested in writing, by phone, or by electronic mail, to be added to a mailing list developed by the State. The mailing list is included and updated on the public notice template in the Letter-builder in TEMPO.

According to NMAC 20.2.70.401 Section C Paragraph (1)-(8), public notice required contents includes:

> **C.** The public notice shall identify:
>
> **(1)** The affected facility;
> **(2)** The names and addresses of the applicant or permittee and its owners;
> **(3)** The name and address of the State;
> **(4)** The activity or activities involved in the permit action;
> **(5)** The emissions change(s) involved in any permit modification;
> **(6)** The name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, and relevant supporting materials;
> **(7)** A brief description of the comment procedures required by the State; and
> **(8)** As appropriate, a statement of procedures to request a hearing, or the time and place of any scheduled hearing.

Responses from NMED

According to NMAC 20.2.70.401 Section D Paragraph (1) -(7), notice for public hearing requires the following:

> **D.** Notice of public hearing shall identify:
>
> **(1)** The affected facility;
> **(2)** The names and addresses of the applicant or permittee and its owners;
> **(3)** The name and address of the Department;
> **(4)** The activity or activities involved in the permit action;
> **(5)** The name, address and telephone number of a person from whom interested persons may obtain additional information;
> **(6)** A brief description of hearing procedures; and
> **(7)** The time and place of the scheduled hearing.

Many requests for permit related documents can be fulfilled electronically, either by having the party go directly to NMED's website and downloading the documents, or by emailing the documents. In most instances, the public will be directed to the website or to a file management device so that the documents can be downloaded. During the public comment period, the public has access to the public notice. If NMED receives any interest in the permitting action, the application, the draft permit and the SOB will be posted to the AQB Website, Permit Applications with Public Interest, Public Meeting, or Public Hearing page at: https://www.env.nm.gov/air-quality/permit-applications-with-public-interest-public-meeting-or-public-hearing/**.** These documents can be downloaded from the website or interested individuals can come to the Air Quality Bureau office in Santa Fe or one of the NMED field offices closest to the facility to request copies of these documents. There is also a spreadsheet of current Title V permitting actions at: https://www.env.nm.gov/air-quality/aqb-p_current_permitting_activites/. Requests for public records, such as deviations or other public documents that are requested outside of the permit application review process, must be preceded by a request to the NMED Office of Public Information.

Affected programs are defined at 20.2.70.7.B NMAC as, "…all states, local air pollution control programs, and Indian tribes and pueblos, that are within 50 miles of the source". NMED notifies States or Trial Nation governments of draft permits by certified letter, by email, or both. An example letter Attachment D.8 was provided by NMED with the TV questionnaire. The Department shall not issue an operating permit (including permit renewal or reissuance), minor permit modification or significant permit modification, until affected programs and the Administrator have had an opportunity to review the proposed permit as required under this section (20.2.70.402 A NMAC). The Department shall provide notice of each draft permit to any affected program on or before the time that the Department provides this notice to the public under 20.2.70.401 NMAC, except to the extent that minor permit modification procedures require the timing of the notice to be different.

Example: EPA Region 6 reviewed Attachment D.4 the public notice template provided by NMED with the TV questionnaire and Attachment E.10 an example of a Public Notice for Milagro Gas Treating Plant of Williams Four Corners (Permit No. P101-R2M1) which was transmitted to EPA Region 6 by NMED with the questionnaire as a supporting document. EPA Region 6 permitting staff requested and reviewed the permit files supplied by NMED to assure that adequate information was available in the public notices published in the newspapers. NMED provides public notices and other meaningful

information relating to its draft, and some final Title V permitting actions, on its website if there is a public interest. Per information received from NMED TV Questionnaire, draft permits are not posted to the website on a routine basis, but final permits following signature are posted on NMED's website. Standard procedure requires that the draft permit and the SOB will be posted if there is public interest expressed in the permitting action. A permitting authority's website is a powerful tool that can be used to make Title V information available to the public. NMED's website contains quite a bit of information that is available to members of the public, including but not limited to the following:

- Public Participation on Rule Development
- Permitting FAQs
- Applications with Public Interest
- Current Title V Applications
- Permit Issuance Deadlines
- RMS Tool (GIS tool listing all Title V sources in New Mexico with associated permit related documents)

NMED publishes some public notices in Spanish depending upon the location of the facility. In addition, all public notices have a paragraph in Spanish directing interested parties to call the NMED to request additional information. When an interested party calls, the caller is connected with a bilingual Spanish-speaking staff member. Every effort is made to publish the public notice in a newspaper, or newspapers, most likely to be read by members of the community. The public notices with the paragraph in Spanish that contains the contact information for a Spanish-speaking staff member is also posted on NMED's website. Also, the permit application, SOB and draft permit are available at the NMED field office closest to the facility via the TEMPO database. If requested by citizens, NMED will also make the documents available at other locations in the community such as libraries or community centers.

There is significant amount of permitting information available on the AQB website including both regulatory and permitting guidance at: https://www.env.nm.gov/air-quality/**.** Information that would be useful for the public review process can result in a more informed public and, consequently, more meaningful comments during Title V permit public comment periods. There is also a spreadsheet of current Title V permitting actions at**:** https://www.env.nm.gov/air-quality/aqb-p_current_permitting_activites/

The list of currently active applications is updated weekly, and the public notice information is updated whenever a new public notice is posted. In addition, NMED maintains a list serve that is available for signup to members of the public. Information about specific environmental topics (e.g., guidance updates, general permit notices, public hearings, revisions to Title V fees, etc) are disseminated via email, to the members of the public who are signed up for the listserv on a routine basis. Information about how the public can get involved is also provided in these notices emailed to list-serve subscribers. Any member of the public can register for the listserv discussed above by clicking on the "Subscribe to Email Alerts" button on the NMED's Air Quality Board website at**:** https://www.env.nm.gov/air-quality/**.** The notices include the contact information for the person for which the public can obtain more information about the subject matter. Also, this notice states that information is available on NMED's website and provides a link to the information.

Responses from NMED

Summary and Recommendations: EPA is concerned about the immediate access the public has to the NSR permit and SOB which are being incorporated into the Title V permit, and whether it is communicated clearly to the public how to request these documents. The NSR permit and SOB contains the details pertaining to the NSR applicability determination and BACT analysis. It is a concern the public may not be aware that the NSR permit and SOB can be obtained upon request for review during the Title V public comment period. An important feature of the Title V permitting program is that it provides an opportunity for public participation by providing access to all information related to a source's obligations and how these obligations were derived according to §70.7 (h). EPA recommends that NMED communicate to the public that the NSR permit and SOB that contains applicable requirements being incorporated into the Title V permit action are available for public inspection. This is particularly important if the Title V permit action is an initial permit or significant revision to a Title V permit action. Based upon EPA's evaluation of NMED's implementation of public notices, hearing procedures, and internal electronic file management using TEMPO, NMED is meeting Part 70 public participation requirements, but to achieve more meaningful and user-friendly public participation, EPA encourages NMED to continue exploring the expansion of the use of TEMPO. Additionally, NMED may wish to consider other platforms in which permit records would be readily attainable by the public at a larger scale as a commitment towards improving their public notice and outreach and soliciting meaningful public participation. EPA recognizes and commends NMED on their efforts and use of TEMPO with internal data management.

NMED's response:
NMED agrees with EPA that it would be valuable for the public to be able to access draft permitting documents for Title V permits without having to first contact NMED. NMED proposes to address this issue by providing the applications, draft permits, and Statement of Basis for Title V permitting actions on its website. The public notices would be revised to include the website address for these materials. In addition, NMED currently maintains an "APMAP" section on its website. This section allows the public to directly access the existing issued NSR and Title V permits for the major sources in New Mexico and contains directions on how to locate permits (using a list or interactive map).

3.2 EPA TV Review Timeframe

Discussion: 40 C.F.R. § 70.8 contains the provisions for the EPA to object to a proposed Title V permitting action. The rules provide that upon receipt by the Administrator, EPA has 45-days to review and notify the permitting authority of EPA's intention to object according to § 70.8(c)(1). In NMED's TV Questionnaire, NMED noted that there is an understanding with EPA Region 6 that for some minor Title V actions, the 45-day review can be concurrent with the NMED's 30-day public review process, or when EPA receives the proposed permit and statement of basis, whichever is later. The State has additionally indicated that comments received from EPA after the end of the 45-day review period, in the scope of negotiating changes to the permit, will be accepted and considered as if they had been submitted during the official review period. The Title V rules provide that a title V permit cannot be issued if EPA objects to its issuance within 45 days of receipt of the proposed permit (40 C.F.R. § 70.8(c)). A "proposed permit" is defined in 40 C.F. R. § 70.2 as "the version of the permit that the permitting authority proposes to issue and forwards to the Administrator for review in compliance with § 70.8." 40 C.F.R. § 70.7(h) provides that the permitting authority provide an opportunity for public

comment and hearing on the "draft permit". "Draft permit" is defined in 40 C.F.R. § 70.2 as "the version of a permit for which the permitting authority offers public participation under § 70.7(h) or affected State review under § 70.8 of this part." Therefore, there is nothing in Part 70 that prohibits the permitting authority from simultaneously submitting a permit to EPA for review (proposed permit) at the same time it submits the permit for public comment (draft permit). If the permitting authority makes any changes in the permit in response to public comment, it would have to resubmit the permit to EPA for review under 40 C.F.R. § 70.8. This longstanding regulatory interpretation has been communicated to the States. Please note, that in a case where NMED has responded to public comments and made associated changes to the permit, EPA would have another 45-day review period and opportunity to object. After this 45-day review period, the 60-day public petition period would take place.

Although the mechanism for a concurrent review exists, it is NMED preferred path to conduct a separate 30-day public comment period followed by a 45-day EPA review period.

Summary and Recommendation: Based on EPA review and evaluation of the State's permit issuance rate, NMED is currently meeting regulatory requirements. EPA commends NMED's flexibility and willingness to address all EPA comments and still meet permit issuance rates under the regulatory requirements.

Review Area 4: Collecting, retaining, or allocating fee revenue consistent with the requirements of 40 CFR Part 70.

The Federal requirements regarding Title V fee adequacy are found in 40 CFR Part 70 Section 70.9. The provisions in Part 70 require that the State program require Part 70 sources to pay a fee that is enough to cover the permit program costs. Further, the State can only use Title V fee revenues for Title V program costs.

Region 6 reviewed various aspects of NMED's Title V program fee determination and certification. These are as follows: (1) split 105 vs. Title V; (2) current Title V resources; (3) fees calculated; (4) collections tracked; (5) billing process; (6) revenues allocated; (7) current program costs (FTE and OH); and (8) cost of an "effective" program, i.e., resources to address backlog and renewals.

EPA Region 6 conducted a review of the NMED's Title V fee collection and fee utilization. The EPA sent a list of questions and requested specific documentation in the Title V evaluation questionnaire. The purpose was to verify that there were procedures in place for the receipt, separation, expenditure, and adequacy of the State's Title V funds. New Mexico responded to EPA's questionnaire with specific answers and documentation.

1. *Split 105 vs title V*:

   Revenues – EPA was able to verify that Title V revenues were accounted for separately from non-Title V by using a special revenue fund account (092).

   Expenditures – NMED differentiates expenditures by using a sub-account (AQB0920) for Title V. EPA was able to identify this code on various reports, procurement documents, travel, training and timesheet and FTE estimates.

Responses from NMED

Summary: The Title V program requires state sir quality agencies to account for Title V resources in a fashion that segregates them from other air quality programs. New Mexico is separating Title V revenues from other air programs fees. Unique chart fields within an accounting string are used to differentiate program activities. Title V expenses are recorded into NMED's accounting system with specific chart fields which identifies Title V expenses. Chart fields within each accounting string ensures proper accounting of expenses. NMED creates segregated fund accounts for all NMED's revenues. NMED reviews and reconciles all revenue to the correct facility or program before depositing into its segregated fund account. NMED utilizes SHARE, a statewide accounting system, as the book of record to certify the disposition of Title V funds. The SHARE system contains ad hoc reports for requested accounting periods or date ranges.

2. *Current title V Resources*: Since 2009, NMED has adjusted in accordance with the requirements at 20.2.71.112.E NMAC, which reads, "Beginning on January 1, 2009, the fees referenced in this section shall be changed annually by the percentage, if any, of any annual increase in the consumer price index in accordance with Section 502(b)(3)(B)(v) of the federal Clean Air Act." NMED referenced Section 20.2.71 of the New Mexico Administrative Code (NMAC) that defines the schedule of fees (available for view at http://164.64.110.134/parts/title20/20.002.0071.pdf. NMED provided an example (see Appendix) of the Consumer Price Index (CPI) adjustment for fees invoiced in January 1, 2018. Title V yearly fees are updated accordingly and can be found on NMED website at https://www.env.nm.gov/air-quality/permit-fees-2/. Also, NMED provided a list of permittees and fee generated.

Summary: From the 2017 Title V Annual Fees Spreadsheet, billed 2018 (See Appendix), EPA was able to verify that fees are being calculated correctly. NMED has a procedure in place to collect past due fees. Fees are due June 1st and considered late June 2nd. The Enforcement Section (Enforcement) is to respond to a delinquent invoice working with the Office of General Counsel (OGC) and sending an Administrative Compliance Order (ACO) to the source after July 2nd. NMED does not assess late fees, however, there is a penalty fee of approximately $1500 assessed with an ACO, which is then deposited in the State's General Fund.

3. *Fee Calculated*: A sample invoice was provided that listed fee schedule examples. Allowable tons/yr emissions are used for calculating annual Title V fees.

Summary: EPA was able to review maintenance fees as calculated and billed by NMED. It appears that fee charges are adequate to sustain NMED's Title V program.

4. *Collections Tracked*: NMED provided examples of invoices and reports that include amounts billed and received. Title V payments received reference NMED invoice numbers or include the bill remittance. Air Quality Bureau (AQB) financial staff match each payment to their respective invoice and post them to their respective facility accounts in the Bureau's database (TEMPO)

Summary Because Title V revenues are segregated from other air fees collected, EPA determined sources are paying the total amount due.

5. *Billing Process*: NMED provided an invoice and worksheet that includes detail of how the fee is

calculated. The Permit Engineers enter assessed fees in the TEMPO database, generate an invoice and mail it to the owners of the facility. TV invoices are sent on or about March 1st with an invoice due date of June 1st. NMED allows a 30-day grace period. If payment of Title V fees are not collected by July 2nd, Enforcement issues a compliance order.

Summary: All Title V fee billings are mailed out at the same time. During the timeframe the audit was conducted, mailings were sent out by March 1, 2018. The payment was due June 1, 2018 for calendar year 2017. Title V Fee collections are created and tracked using the financial module of Tempo database. The Operations Section (Operations) monitors this process. The monitoring of the fee collection is supported by Operations and documented on spreadsheets**.** If a facility does not submit a timely payment it will receive a late notice, and eventually a notice of violation (NOV).

6. *Revenue allocated*: NMED provided reports that include the current fund operating budget balance, expenditures and encumbrances for 092.

Summary: NMED does budget for the title V program.

7. *Current Program Costs (FTE and OH)*: Based on revenue and expenditure reports provided by NMED. If expenses exceed revenue in any given year, excess revenue from previous years (fund balance) is utilized to fund the shortage or balance any shortfalls on a year-to-year basis. Because of this there was no deficiency cited below Revenue= FY14+FY15+FY16 are $15,198,100 and Expenses= 4,451,300+5,003,300+5,608,200 are $15,062,800.

	Revenue	Expenses
FY14	$5,119,200	$4,451,300
FY15	$4,995,800	$5,003,300
FY16	$5,083,100	$5,608,200

Summary and Recommendation: Because it a requirement of 40 CFR 70.9 that the State program has a fee schedule that results in the collection and retention of revenues that are enough to cover the permit program costs, EPA recommends that NMED continue with current title V fee adjustments as appropriate to ensure that adequate funds remain available to its annual costs.

8. *Cost of an "Effective" program, (i.e., resources to address backlog and renewals)*: NMED provided actual revenues and expenditures reports which included budget overview reports that showed the spending plan for the fiscal year.

Summary: The actual versus estimated costs for running the program are used to establish the next annual operating budget. Full-time equivalent (FTE) are an estimated and itemized cost. The operating cost is typically calculated by using previous year costs that are associated with the FTE charging to the Title V. Actual expenses are tracked by reviewing the financial accounting details regularly to ensure costs are charged appropriately. There are no current Title V obligations or encumbrances for FY14, FY15 and FY16. (See Appendix)

4.1 NMED requirements regarding Title V adequacy and administration of fees

Discussion: The Title V (Part 70) regulations require that permit programs ensure that title V fees collected are adequate to cover Title V permit program costs and are used solely to cover the permit program costs.[10] NMED provided several examples and screen shots while responding to EPA's questions related to Title V administration and Fee review portion of the questionnaire. As shown in the Appendix, NMED accounts for time spent on the Title V program by its employees. Other Title V-related expenses include personnel services, travel, indirect costs, information services, and training. NMED's Title V fee revenues are made up of application fees and annual fees for emissions and maintenance. The average annual fee collected for fiscal years 2014 through 2016 is $5,066,033. Based upon EPA review and evaluation of the NMED financial systems, NMED generally is meeting the Title V financial requirements. EPA encourages NMED to continue to maintain its existing accounting practices and to verify it is collecting adequate revenue and spending those funds on Title V permit program activities.

[10] See 40 C.F.R. 70.9(a) as well as the EPA policy memorandum, "Reissuance of Guidance on Agency Review of State Fee Schedules for Operating Permits Programs Under Title V", dated August 4, 1993 available at:https://www.epa.gov/sites/production/files/2015-08/documents/fees.pdf

APPENDIX A: NMED's Responses to EPA Title V Evaluation Questionnaire

New Mexico Environment Department
Title V Program Evaluation

Questionnaire

February 2018

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A. Title V Permit Preparation and Content

1. Since 2013, what % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve quality of applications if this % of complete application was low?
The NMED does not track the percentage of applications that require additional information necessary to issue the permit. We only track the number of Title V applications that had to be ruled administratively complete. It is common to seek additional information during the technical review. The permit application is routinely updated based on regulated community and technical staff feedback.

2. For those Title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit?
This is not a standard requirement. However, it is not unusual that during the application review process the permit writer may become aware of information that is not up to date. In those cases, a revision to the application will be required in accordance with the requirements at 20.2.70.300.C(3) NMAC. See 20.2.70 NMAC, attachment C.6.

    a. Do you require a new compliance certification if the certification is more than one-year old?
    This is not a standard requirement. However, in some cases we have consulted with the Compliance & Enforcement Section to determine whether or not this may be required.

3. Do you verify that the source is in compliance before a permit is issued, and if so, how?
This determination is made before the application is ruled complete. A standard form is sent to the Compliance & Enforcement Section to verify compliance status. This is also done in some cases prior to issuance of the permit draft. See Compliance Status Verification, attachment A.3

    a. In cases where the facility is out of compliance, are specific milestones and dates for returning to compliance included in the permit? Please give a specific example and permit number.
    If the Compliance and Enforcement (C&E) Section is already addressing a noncompliance issue, and adding conditions would be redundant or interfere with their process, we do not add conditions to the permit but only make note of the issue in the Statement of Basis. We seek guidance from C&E for this determination. If that is not the case, we will add other provisions with a deadline that requires the permittee to take some action to come into compliance per 20.2.70.302.G(3) NMAC or include a full compliance plan per 20.2.70.302.G(2) NMAC. See permit number P094-R2, Condition A113, attachment A.3.a.

b. Or do you delay issuance until compliance is attained? Please cite an example for a source.
Permit issuance is not delayed. The issued permit will include other provisions or a compliance plan if C&E has not already addressed it as discussed above.

c. How do you handle a permit application when the facility has self-reported non-compliance with permitted conditions?
This will be reported to the C&E Section and is to be reported in the Title V permit application. In addition, if the non-compliance cannot be resolved by C&E prior to permit issuance, then the permit will include other provisions or a compliance plan as discussed above.

d. How do you incorporate a State order or an EPA consent decree in the permit?
A State order or an EPA consent decree will be incorporated by specific permit conditions. We also cite the order or decree in the list of applicable requirements for the facility. See Permit P094-R2, Table 103.A and condition A113, attachment A.3.a.

4. How do you incorporate startup/shutdown and maintenance (SSM) emissions in Title V permits?
SSM emissions are initially subject to New Source Review (NSR). After the issuance of the NSR permit that includes the SSM emissions, they are then incorporated into a title v permit as an applicable requirement from the NSR permit. We have a specific table with SSM emissions limits and associated conditions in the permit that address monitoring, recordkeeping and reporting. See Permit P094-R2, Condition A107, attachment A.3.a.

a. What percentage of major sources have federally enforceable provisions such as monitoring and recordkeeping for SSM in the PSD/NSR permits that are incorporated into the Title V permit?
All SSM emission limits in NSR/PSD permits are brought forward into their Title V permits and have federally enforceable provisions such as monitoring and recordkeeping.

b. When SSM emissions and the associated requirements are incorporated into a source's Title V permit through a permit action issued after the source's initial Title V permit receipt, does the permit record (e.g., Statement of Basis) clearly specify or discuss the associated NSR permit action that is establishing the SSM requirements? Please provide an example.
Yes. Any changes associated with a given permitting action, such as the inclusion of SSM emissions are described in permit condition A102 and in the Statement of Basis in Section 2.0, Description of Modification, and Section 5.0, Permit History. See Permit P094R2, condition A102.C, attachment A.3.a and SOB (P94R2) Final, attachment A.4.b.

c. Are you aware of any instance(s) since 2014 where SSM requirements have been incorporated into a Title V without an associated NSR permit action to create the underlying requirements? If so, please explain.
No.

5. Do you have a process for quality assuring the regulatory content of your permits before issuance? Please explain the process and how it is implemented.
Yes. The permit writer follows a standard outline of processing steps (see TV Permit Processing Steps, attachment A.5.1) and a standard template in preparing the permit (see attachment A.5.2). In addition, the group manager reviews every SoB and the draft, proposed, and final permits. The permits section manager and the permitting program manager also review the draft and final permits prior to issuance.
The permit application contains a regulatory analysis section that aids the permit writer in making regulatory determinations for incorporation into the permit. The Federal Register is reviewed on a weekly basis to determine whether the regulatory analysis section of both the application and the SoB needs to be updated with new requirements. In addition, the Compliance & Enforcement section reviews the draft permit. The use of standard monitoring protocols ensures uniformity in application of monitoring requirements.

6. Do you utilize any streamlining strategies in preparing the permit such as:

a. Incorporating by reference: test methods, major and minor New Source Review permits, MACT, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain.
Federal and some ASTM test methods are incorporated by reference. New Source Review (NSR) permits are not. NSR permit conditions are written directly into the Title V permit, including the reference to the NSR permit number and condition. Federal rules are also written directly into the permit in an abbreviated format, by referencing higher level citations.

b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe.
Yes. Equipment in the same category, such as IC engines, are grouped into a handful of related applicable conditions. For example, in the permit template, these would be found at Condition A201. Depending upon the number of applicable requirements, this condition would have multiple related conditions such as A201.A, B, C, D etc. Federal requirements such as applicable NSPS and/or MACT regulations would also be included in this grouping.
If there are multiple emission limits for a single pollutant that apply to a single source, we do not determine the most stringent limit, but instead list each applicable emission limit separately. See Final (P028R4), condition A201, attachment A.6.b.

c. Use of WhitePaper 2 for streamlining applicable requirements or any other streamlining processes? Please describe.
No.

7. Does your current Statement of Basis[1] explain:

Unless indicated otherwise, please see SoB and Database Summary (DBS) for permit P209-R1, attachments A.7.1 & A.7.2, as examples.

a. A description of the facility and history of the permits at the source?
Yes, these are found in the Statement of Basis (SoB) Sections 1.0 and 5.0.

b. The total number of Title V permits issued or to be issued at the source if there will be multiple Title V permits at the source?
Yes. We have one to three facilities that have multiple TV permits and one NSR permit, or vice versa. We try to accurately reflect in the SoB's permit history each NSR and TV permit for each facility and each permit. See Statement Basis (P124R3), Sections 1.0, 3.0, 4.0 and 5.0, attachment A.7.b.

c. All emissions of pollutants for which this source is major as well as all regulated pollutants?
Yes, the Database Summary section of the SoB contains this information (see attachment A.7.2 pages 2-3).

d. Applicable Title IV acid rain requirements and required monitoring and recordkeeping requirements?
Yes, applicable requirements are found in Section 11.0, State Regulatory Analysis and 12.0, Federal Regulatory Analysis.

e. Any operational flexibility at the source, such as CAP, fuel sources, etc.?
Yes, this is found in SoB Sections 14.0, 15.0 and 16.0.

f. Rationale for applicable monitoring and recordkeeping requirements to include the identification of authority for these decisions?
Yes, this information is found in SoB Sections 14.0, 15.0 and 16.0.

g. The basis for each permit shield especially when streamlining applicable requirements?
The permit shield is addressed in the permit with regulatory citations.

h. Regulatory applicability and non-applicability of Federal and State SIP approved rules?

[1] The Statement of Basis sets forth the legal and factual basis for the permit as required by 70.7(a)(5). The permitting authority might use another name for this document such as Technical Support Document, Determination of Compliance, Fact Sheet, Data Base Summary, or combination of.

Yes, these are addressed in SoB Sections 11.0, State Regulatory Analysis and 12.0, Federal Regulatory Analysis.

i. List of State-only rules that are not federally enforceable in this permit?
Yes, these are also addressed in SoB Section 11.0, State Regulatory Analysis.

j. Part C and Part D CAA (PSD and NNSR) applicability rationale including netting (including specific details on enforceable decreases and increases), use of offsets and modeling. Also any NSR permit limits not included in the Title V permit?
This analysis is part of the NSR permit's SoB. We will also add a summary of, or reference to, PSD/NNSR applicability in the history table so that the information is carried forward into each subsequent SoB. Any NSR permit limits are applicable requirements carried forward into a Title V permit. If we determine that a limit is no longer applicable during a Title V application review, we will justify its removal in the SoB. See SOB P101R2M1, Section 5.0, attachment A.7.j.

k. Compliance History of the site and source for the past five years to include references to formal enforcement documents, and any active consent decrees?
The SoB includes sections addressing Compliance Testing history (Section 7.0) and Compliance & Enforcement status (Section 9.0). Any active State enforcement orders or Federal consent decrees would be discussed in the SoB and would be included in the permit as applicable requirements. However, we do not have a specific section that contains Compliance History for the past five years.

8. What templates or computer-based software do you have that facilitate permit writing for:

a. Statement of Basis?
The TEMPO database application generates the SoB Narrative Template as a "Letterbuilder" document, that merges generic database information related to the source, into a document that can be downloaded as a Microsoft Word document. Source specific information can then be added to the Word document. Permit writers add their word document SoB to TEMPO so that others can copy and paste previous existing information into the new SoB. See attachment A.8.a.

b. Regulatory Applicability?
The Regulatory Applicability information comes from Section 13 of the permit application, which is a Microsoft Word document. This information is then manually added to the permit template, which is also a Microsoft Word document. Section 13 may be copied and pasted into the SoB and then updated or the permit writer may enter the information manually. See UA-3, Section 13 (attachment A.8.b)

c. Monitoring requirements?

For the most common source types, we maintain a library of monitoring protocols for specific pieces of equipment. The protocol for each category is a separate Microsoft Word document with most including technical background information for reference by the permit writers. Applicable requirements from the protocol are manually added to the permit template. The permit writers may revise the protocols if necessary. The permit writers also have a shared folder to deposit example conditions for use by other permit writers until a protocol can be updated or finalized. See monitoring protocol examples, attachments A.8.c.1 – 5a.

d. Any other templates?
The permit template consists of three separate sections, which are all Microsoft Word documents, with each section including instructions for the permit writers. Section A has the specific permit conditions, most of which come from the monitoring protocols, with applicable sections copied and pasted into the permit template. However, there is some boiler plate language. Sections B & C have more generic requirements such as general conditions which do not change for a specific permitting action, so the most current version is appended to the permit as is. See attachments A.5.2 and A.8.d.

9. Has your permit processing time improved with:

a. Standard templates?
Yes. When standard templates were first developed in the '90s, this greatly improved the processing times and consistency of our permits. We continue to add and update existing protocols and each update or addition noticeably streamlines the process, especially for less experienced permit writers. This not only streamlines the process for permit writers, but also increases permit quality and streamlines the process for manager, applicant, and C&E review since reviewing standard language is much more efficient.

b. Any other systems?
- **As the need arises, we develop guidance documents that address and clarify the various questions from industry, the public, and our staff. We publish these guidance documents on our web site and modify them based on comments as appropriate.**
- **We are constantly improving the quality of our permit templates, monitoring protocols and permit applications with feedback from permit writers, C&E and permittees. We have developed a formal "Document Change Request System" to review and analyze such requests.**
- **We also provide current templates on our website and invite comments from permittees and compliance and enforcement at any time, outside of the application review process. Finally, for major changes to conditions, we request comments from permittees and consultants. Notification of final**

versions is provided through an email list serve.

Please provide examples of each.
Please find copies of Title V permits, attachments A.3.a and A.6.b, the IC Engine Monitoring Protocol, attachment A.8.c.1 and the Universal Permit Application which consists of UA-1, attachment E.13.b, UA-2, attachment A.9.1, UA-3, attachment A.8.b and UA-4, attachment A.9.2.
We also make this information available on our website at:
https://www.env.nm.gov/air-quality/permitting-section-procedures-and-guidance/**.**

10. Please discuss training and guidance given to your permit writers, and the frequency of such training.
We have weekly staff meetings. The Bureau sponsors a weekly training program that frequently covers permitting topics. We try to take advantage of Westar training opportunities where we send selected staff, or all staff if the training is held in Santa Fe. New staff are assigned a mentor. In addition, we maintain libraries of both the guidance memos and PowerPoints of the Monday morning trainings which staff and managers may access.

11. Since 2013, how many "new" sources have been issued a Title V permit? Are there any backlogged title V permits?
A total of 15 new Title V permits have been issued for the period 01/01/2013 through 12/31/2017. The breakdown is as follows: 2013 – 5, 2014 – 4, 2015 - 1, 2016 – 2, 2017 – 3. There are no backlogged permits. All Title V permits are issued by the regulatory deadlines.

12. Have the items listed below hindered your issuance of Title V permits and to what degree?

    a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions)
    No.

    b. Pending revisions to underlying NSR permits
    No. We may postpone issuance of a Title V draft permit to allow new NSR requirements to be incorporated to either provide more consistency between permits and/or reduce the number of permitting actions. However, we will not do that if it would result in a late issuance. We issue Title V permits by the regulatory deadline despite any pending NSR actions.

    c. Compliance/enforcement issues
    No. If issues are not resolved by the regulatory deadline the permit will include a compliance plan or other provision in the permit.

    d. EPA rule promulgation awaited (MACT, NSPS, etc.) or applicability determinations?

No. The federal regulations become Title V applicable requirements upon promulgation. Our permit template includes a general condition, B101.A(13), reminding permittees of the obligation to meet requirements that may apply to them in the future regardless if the requirement is in the permit.

e. Issues with EPA on interpretation of underlying applicable requirements
No.

f. Permit renewals and permit modifications (i.e., competing priorities)
No. Typically changes to Title V permits that require a significant permit modification must be processed through our minor NSR permit program first. Therefore, in the majority of cases, the permittee already has authorization to construct or make changes and operate. Some renewal applications may also include modifications which can oftentimes (but not always) be processed simultaneously. We don't postpone application decisions for this reason. All permit decisions are made by their regulatory deadlines.

g. Awaiting EPA guidance. Please provide examples indicating the type of guidance and the how you requested such guidance – staff through management, etc.
No. If we are unable to make a determination using EPA guidance or other available guidance, EPA will assist us with those determinations. This is done many times by finding and providing existing guidance that helps us to resolve the issue. We make our request through our EPA Region 6 Air Permit Contact, who then either responds directly or puts us in contact with someone who can. We have requested and received guidance regarding permitting air curtain incinerators and how to count emissions from Title V Insignificant activities toward PTE.

Please provide any additional comments on Title V Permit Preparation or Content.
None.

B. General Permits (GP)

1. Since 2013, has a general permit been implemented for title V permit program? If so, please list the source categories and emission units covered by GPs and answer the following questions?
   No.

2. Are you proposing to add any more GPs in the near future? Which sources and for what categories?
   We will be issuing a GP for Air Curtain Incinerators sometime this year. We are also contemplating the development of a combined General Construction Permit/General Operating Permit for Oil & Gas Title V major sources.

3. In your agency, what is the process for a Title V source to have their Title V permit suspended for coverage under a GP as a synthetic minor source?
   Not applicable (NA) since we have not issued any GP's as of this writing.

4. What level of testing, monitoring, reporting is evident in the GP to support a synthetic minor source changing from a Title V?
   NA.

5. What mechanisms are available within the GPs that assure synthetic minors remain minor sources? And what mechanism is available to revert the source back to Title V if they do not meet this assurance?
   NA.

6. In your agency, can a title V source be subject to multiple GPs and/or a GP and a standard "site-specific" Title V permit?
   NA.

   a. What percentage of your title V sources have one or more GP permit?
   _____%
   NA.

7. Does the GP receive public notice?
   NA.

   a. How does the public or regulated community know what GP have been written? (e.g., are the general permits posted on a website, available upon request, published somewhere?)
   NA.

   b. How does the public know when a former Title V source is becoming a synthetic minor under a GP?
   NA.

8. Is the 5 year permit expiration date based:
   a. on the date the GP is issued?
   NA.

   b. on the date you issue the authorization for the source to operate under the GP?
   NA.

Any additional comments on general permits
None.

C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3)) if monitoring is not specified in the underlying standard or CAM?

   The permit development process requires that every permit condition has associated monitoring requirements. In some cases, monitoring requirements are met by the records that are kept. For example, we require records of fuel sulfur content but do not require a separate monitoring provision. We maintain a monitoring protocol library to address standard scenarios for the most common source types that we encounter. Permit writers will write custom conditions for non-standard scenarios. The permit template is designed so that every condition has a requirement with associated monitoring, recordkeeping and reporting.

   a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance.

      We maintain a library of monitoring protocols that contain monitoring conditions for various types of equipment, e.g.; IC engines, turbines, boilers and dehydrators. We also create decision trees for the monitoring protocols in either a separate document or within the monitoring protocol document, based on criteria such as size of emissions source, size of facility, if there are controls, and/or the type of control. Most protocols also include some regulatory and/or technical background information. These protocols are routinely revised, and new protocols are added periodically. The following selected monitoring protocols are attached:

A.8.c.1 Monitoring-IC Engines 26May2017
A.8.c.1a Monitoring-IC Engines Graph 6Mar2015
A.8.c.2 Monitoring-Heaters Boilers text 18Aug2017
A.8.c.2a Monitoring-Gas Fired Heaters Graph 52809
A.8.c.3 Flare Monitoring Protocol -Regulatory 12July2017
A.8.c.3a Monitoring-Flares-Regulatory-DecisionTree-20Janauary2017
A.8.c.4 Monitoring-Glycol Dehydrators Text-23May2011
A.8.c.4a Monitoring-Glycol Dehydrators Graph-22Sept2010
A.8.c.5 Monitoring-Fugitive_VOC-HAPS
A.8.c.5a Monitoring_Fugitive_VOC_HAP_DecisionTree

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

   We have weekly staff meetings, the Bureau sponsors a weekly training program that frequently covers monitoring topics, including test methods, QA/QC procedures, etc. We try to take advantage of Westar training opportunities where we send selected staff, or all staff if the training is held in Santa Fe. All permitting staff attended the WESTAR sponsored CAM training that was held in Santa Fe in April 2017.

3. How often do you "add" monitoring not required by underlying requirements in a specific permit? Have you seen any effects of the monitoring in your permits such as better source compliance? Has NMED evaluated any Sierra Club vs. EPA decisions to determine the potential impact on how NMED will insure that permits have adequate monitoring?
   - **Monitoring is added to the vast majority of permit conditions. Permit conditions addressing fuel sulfur for facilities firing units on pipeline quality natural gas would be an example of a condition that would not require monitoring if the provider guarantees the fuel sulfur content (based on their monitoring).**
   - **The primary effect of monitoring has been to make permit conditions more enforceable.**
   - **The NMED has evaluated Sierra Club vs. EPA and Wild Earth Guardians decisions (among others) that have resulted in changes to our monitoring requirements in the past. We are constantly evaluating and improving our monitoring.**

4. Are you incorporating CAM monitoring into your permits? What process is used by the permit writers to determine if CAM is necessary?
   Yes. Permit writers have been trained to evaluate processes that emit regulated pollutants in excess of the major source threshold before controls to determine CAM applicability.

5. In cases where there are no underlying requirements to a permit condition, and periodic monitoring is required to demonstrate compliance with an applicable requirement in the Title V permit, is the periodic monitoring practicably enforceable? Give examples and explain.
   Yes, we make every effort to supplement compliance demonstration of applicable federal requirements that may lack sufficient compliance demonstration on a frequent enough basis to, such as NSPS GG or MACT HH. We require periodic testing for turbines subject to NSPS GG and the keeping fuel sulfur records. The main purpose of the testing and fuel sulfur records is to show compliance with mass emissions limits used as assumptions in the ambient impact analysis, but test results must also show compliance with ppmv limits. We also require periodic, usually annual, gas analyses and modeling (e.g. GRI GlyCalc, Hysis) to verify VOC permit limits as well as the exemption from Subpart HH's general standards that apply to TEG Dehydrators.

6. Have you added federally enforceable conditions to permits that were Title V authorized only, i.e., testing, monitoring, reporting, maintenance of records? If so, please provide examples.
   Yes. We have some facilities that were constructed and have not been modified as defined at 20.2.72.200 NMAC, since before the NSR programs were promulgated. All of those "grandfathered" facilities are subject to Title V permits that include sufficient requirements, monitoring, records, and reports to demonstrate compliance with all applicable requirements, including with state and federal ambient air quality standards. A provision was added in 2006 to the TV permit regulation at

20.2.70.201.D NMAC, that required any facility that did not have an NSR permit and had not yet completed an ambient impact analysis through some permitting pathway, to submit either an NSR application or a Title V permit application that included an ambient impact analysis. See 20.2.70 NMAC, attachment C.6.

Please provide any additional comments on Monitoring.

D. Public Participation and Affected State Review

Public Notification Process

1. Do you publish notices on proposed Title V permits in a newspaper of general circulation? Name some typical ones.
   Yes. The Farmington Daily Times, Silver City Daily Press, Gallup Independent, Artesia Daily Press, Las Cruces Sun News, Carlsbad Current Argus, Hobbs Daily News Sun and the Albuquerque Journal.

2. Do you use a state publication designed to give general public notice?
   We post the public notice on our website at:
   https://www.env.nm.gov/air-quality/public-notices-of-permitting-actions/

3. On average, how much does it cost to publish a public notice in the newspaper (or state publication)?
   On average, it cost $300.00 to publish a public notice per newspaper.

   a. Does the cost vary for different newspapers? Are the costs dependent on the type of the newspaper? Or the city?
      Yes. The publication cost will vary based on city and area. In certain cities and areas, the publication cost will be higher due to publication in Spanish and English.

   b. On an annual basis, what is the total cost burden for these notices and for how many title V permits
      For 2017, the cost of publishing public notices for Title V permits was $10,132.

4. How does NMED update the mailing list of people interested in Title V permits?
   The information is added to the end of the TEMPO Letterbuilder public notice template. It includes specific instructions regarding dissemination of this information, which is usually based on the location of the facility, and the contact information of the individuals that are to be notified. See attachment D.4.

   a. How does a person get on the list?
      Any interested party may request in writing, by telephone, or by electronic mail, to be added to the mailing list in accordance with the requirements at 20.2.70.401.B NMAC.

   b. Are elected public officials on this list?
      No.

   c. How many environmental organizations are on this list?
      Four.

d. Is this list based on particular sources or areas?
In some cases. There is one environmental group, WildEarth Guardians, that has requested notification for every Title V permitting action in the state. Other groups or individuals, such as such as the Gila Resources Information Project, Eight Northern Indian Pueblo Council and Concerned Citizens for Nuclear Safety have requested notification if the permitting action is in a specific geographical area.

e. What information do you send to people on the list?
An email with the public notice of the draft permit.

f. Any other comments concerning this list?
None.

5. Aside from publications described above, do you use other means of public notification? Please indicate your alternate means of public notification.
Public notices are posted on the NMED AQB website at:
https://www.env.nm.gov/air-quality/public-notices-of-permitting-actions/.
If we receive interest in an application we will post the public notice, application, draft and proposed permits and final permits on this website:
https://www.env.nm.gov/air-quality/aqb-p_current_permitting_activites/**.**

6. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes?
Yes, as part of an individual permitting action when we know of special interest, such as Camino Real landfill in the past. However, there has been no outreach of this type associated with a permitting action since before 2013.

7. Do your public notices clearly state when the public comment period begins and ends?
The public notice states (in relevant part); "…Comments or hearing requests must be received within 30 days after the public notice is published. … ."

8. Do your public notices clearly state when the EPA review period begins?
Not if the public notice is issued with a separate draft permit. The EPA review period usually commences after the end of the public comment period, so in most cases this would not be possible. However, if the draft is issued as a concurrent draft/proposed, the affected party letter does contain information regarding the beginning of the 45-day proposed permit review period. For a separate draft and a separate proposed permit, the affected party letter sent out with the submission of the proposed permit to the EPA would contain this information. See Affected Parties (XXXX), attachment D.8.

9. What is your opinion on the most effective avenues for public notice?
Both newspapers and the NMED website.

10. Do you provide notices in languages besides English? Please list.
We publish some public notices in Spanish depending upon the location of the facility. In addition, all public notices have a paragraph in Spanish directing interested parties to call the Air Quality Bureau to request additional information. When that happens, the caller is connected with a Spanish speaker on staff.

11. Do you know of any state mandated legal barriers that would preclude NMED from conducting public notice via e-notice (in lieu of newspaper notice) in the future?
No. The requirements at 20.2.70.401.B NMAC require publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice. It is our understanding that this provision would allow for e-notice in the future.

Public Comments

12. Have you ever been asked by the public to extend a public comment period?
We do not recall such a specific request. However, we did receive comments after the public comment period deadline for the Los Alamos National Laboratory (LANL) title V renewal, P100-R2. Even though we were not required by regulation, we did take the comments into consideration.
In addition, during the LANL minor modification, P-100-R2-M1, we did receive comments from the San Felipe Pueblo. Even though they did not specifically request an extension of the public comment period, they did request a meeting with the NMED and LANL to discuss this permitting action. We did meet with them as requested on November 2, 2016.

    a. If yes, did you normally grant them?
    Please see response above.

    b. If not, what would be the reason(s)?
    Not applicable.

13. Has the public ever suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? Describe.
Yes. During the LANL minor modification referenced above, we did receive comments from the San Felipe Pueblo regarding training on the air permitting process. We have offered to provide such training, but nothing has been scheduled as of this writing.
In addition, we did revise the affected party letter as a result of this feedback that provides information regarding the beginning of the EPA 45-day review period.

14. Do you provide the public a copy of the Statement of Basis if they request it?
Yes.

15. Since 2013, what % of your permits have received public comments?
We do not track this specific information, but we believe that it is very low.

    a. Are these comments based on particular sources?
    We have received comments regarding the Chaco Gas Plant and LANL.

    b. Are there any specific areas that receive most of the public comments?
    Sunland Park in southeastern New Mexico and Native American Pueblos within 50 miles of LANL who have been notified as affected programs.

    c. Are these comments from an environmental organization?
    Not since before 2013.

16. Has there ever been training conducted for the public on their ability to comment on Title V permits and how they may go about doing this? Please comment if this has had any impact on the quality of public comments.
No, but we have offered training to the Native American Pueblos. This training has not been scheduled as of this writing. In addition, the NMED has accepted EPA Region 6's invitation to provide training at the EPA sponsored "NSR Tribal Training" in the fall of 2018.

17. Have you noticed any trends in the type of comments you have received? Please explain.
We have received comments from citizens in southeastern New Mexico regarding visibility and health issues in the oil and gas exploration and production region, and in northwestern New Mexico regarding visibility in the oil and gas exploration and production region. Lastly, in northwestern New Mexico regarding loss of jobs due to reduction in power industry and oil and gas.

18. What percentage of your permits change due to public comments?
In the few cases where we have received public comment, we make every effort to make relevant changes to the permit, where it is within our authority to do so.

19. Have environmental justice communities been active in commenting on permits?
Not since before 2013.

20. Do you re-propose (and re-notice) the draft permit for public comment if there are any changes made to permit as a result of EPA's comments or public comments? If not, please explain what type of changes will result in such an action to be re-noticed.
We rarely receive public comments on Title V permits and rarely re-notice and make available revised draft Title V permits. If significant changes are made to proposed permits based on comments, the permit would be re-proposed for an EPA 45-day review. We are not aware of any instances since 2013 where a second draft was issued for public comment.

21. Have you proposed any Title V actions that have incorporated NSR conditions that were either not public noticed or did not go through an official public comment period? Explain these circumstances.
Simple NSR administrative revisions for correcting typos, changing ownership or for like kind engine replacements do not require public notice for the NSR revision. These revisions would be incorporated into a Title V permit at the next permitting action.

EPA 45-Day Review

EPA has an agreement with NMED that for some minor Title V actions, its 45-day review can be concurrent at the same time as the 30-day public review starts or when EPA receives the proposed permit and statement of basis, whichever is later. The State has additionally indicated that comments received from EPA after the end of the 45-day review period, in the scope of negotiating changes to the permit, will be accepted and considered the same as during the official review period. In accordance with Title V requirements and the approved NMED program, the 60-day public petition period following the conclusion of the 45-day EPA review period. Please note, that in a case where NMED has responded to public comment and made associated changes to the permit, EPA would have another 45-day review period and opportunity to object after which the 60-day public petition period would take place.

23. Do you have any mechanism to notify the public NMED received comments when the EPA 45-day review period ends? Please explain.
We do not have a regulatory provision that would require this. If we receive comments, this will be documented in the SoB. We revised our affected party letter to add information regarding the beginning of the EPA 45-day review period. See attachment D.8.

24. Do you have any issues on the EPA 45-day review period as stated above?
Although the mechanism for a concurrent review exists, it is our preferred path to conduct a separate 30 day public comment period followed by a 45 day EPA review period. However, we do not have any issues with the process as stated above.

25. What percentage of permits have required EPA to restart the 45-day period?
We do not track this information, but we believe that it is two or three per year.

Permittee Comments

26. Do you work with the permittees prior to public notice? How?
Yes. Permit writers have the choice of providing draft versions of the permit and statement of basis to the permittee and consultant for review and comment before the 30-Day Draft permit review. The decision to do this or not is the permit writers preference for managing the permit workload, if there is sufficient time to allow review by the permittee before public notice, and if the permit writer has time to

manage additional draft permit reviews. Permit writers will typically provide draft versions of the permit for review by the permittee when they process the draft and proposed permits as a concurrent review to avoid having to restart a proposed permit review period based on significant comments from the permittee.

a. Do permittees provide comments/corrections on the permit during the public comment period? Are there any trends in the type of comments?
Yes, but there are no specific trends that we can discern.

b. How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit?
As discussed previously, since all permit decisions will be made by the regulatory deadline, changes to underlying NSR permits have no impact on our ability to issue a timely permit. However, this along with permittee comments and/or requests do have an impact on the complexity of a given permitting action and our ability to issue the permit early.

Public Hearings

27. Please provide a list of public hearings conducted since 2013.
There has been one public hearing since 2013. The Los Alamos National Laboratory (LANL) title V renewal, P100-R2, issued on 2-27-15, was appealed to the New Mexico Environmental Improvement Board (EIB) by Concerned Citizens for Nuclear Safety, Dr. Maureen Merritt and Tewa Women United. The hearing was held on 12-17-15. The appeal was denied in a decision on 2-9-16. See attachment D.27.

28. What typically triggers a public hearing on a title V permit?
In accordance with the requirements at 20.2.70.401.A NMAC, the Department must hold a hearing in the event of "Significant Public Interest" and may hold a hearing for other reasons. The decision to have a hearing is made by the Department Secretary.

Availability of Public Information

29. Do you charge the public for copies of permit-related documents? What is the cost?
It is extremely rare today since so much information is available on the website and otherwise in electronic format. In most instances, the public will be directed to the website or to a file management device so that the documents can be downloaded at no charge. In rare instances, an invoice will be generated for a public information request that results in a significant burden with respect to staff time. In most instances, this would involve a request by a Legal Firm. In this case, the party will be billed at the hourly rate of the staff person conducting the research. However, this is unlikely for routine requests for permit related documents.

a. Are there exceptions to this cost (e.g., the draft permit requested during the public

comment period, or for non-profit organizations)?
Most requests can be fulfilled electronically, either by having the party go directly to our website and downloading the documents, or by emailing the documents. There is no official policy regarding exemptions to invoicing for requests that result in a significant burden with respect to staff time. In the rare event that such a situation does occur, it would be treated on a case by case basis.

b. Do your Title V permit fees cover this cost? If not, why?
Yes.

30. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis) especially during the public comment period?
During the public comment period, the public has access to the public notice. If we receive any interest in the permitting action, the application, the draft permit and the SoB will be posted to the AQB Website, Permit Applications with Public Interest, Public Meeting, or Public Hearing page at: https://www.env.nm.gov/air-quality/permit-applications-with-public-interest-public-meeting-or-public-hearing/**.**
These documents can be downloaded from the website, or interested individuals can come to the Air Quality Bureau office in Santa Fe or one of the NMED field offices to request copies of these documents.
Requests for public records, such as deviations or other public documents that are requested outside of the permit application review process, must be preceded by a request to the NMED Office of Public Information.

a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Explain.
Yes, the permit application, SoB and draft permit are available at the NMED field office closest to the facility via the TEMPO database. If requested by citizens, we will also make the documents available at other locations in the community such as libraries or community centers.

b. Have you received comments on the availability (or non-availability) of such information from the public?
No. We are not aware of any citizens having issue with obtaining public records or information during the application review. If there is an issue, we make every effort to provide the information in a format that an interested citizen would need.

c. Who is responsible for ensuring that this information is actually available in the local offices/libraries? Please explain the verification process.
Each permit writer is responsible for putting the permit documents into the TEMPO database. These documents are then available to the field office and copies can be made for the public, if required.

31. How long does it typically take to respond to requests for information for permits in the public comment period?
We can usually respond very quickly, in a day or two. For documents that are not specifically related to the permitting action, such as deviation reports or semi-annual reports, we are required by NMED policy to respond to public information requests within 15 days or notify the requestor that more time is required.

32. Have you ever extended your public comment period, as a result of information requests?
No.

a. Where is this information stored?
NA.

b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits?
No, all permits are issued by the regulatory deadline.

c. Have you ever extended the public comment period because of a request or a public hearing?
No, there is no provision for this in the regulation. However, as discussed previously, we have considered comments received after the public comment deadline.

33. What information is available from your website?

a. Is there regulatory and permit guidance information available online for the public?
Yes, there is quite a bit of permitting information available on the AQB website including both regulatory and permitting guidance at: https://www.env.nm.gov/air-quality/**.**

b. Please confirm that draft permits and final permits following signature are posted on NMED's website.
Draft permits are not posted to the website on a routine basis, but final permits following signature are posted on NMED's website. Standard procedure requires that the draft permit and the SoB will be posted if there is public interest expressed in the permitting action.

c. What additional supporting documentation for pending permit actions is made available on NMED's website?
For permits with public interest, the application, the permit draft and the SoB will be posted to the website. There is also a spreadsheet of current Title V permitting actions at: https://www.env.nm.gov/air-quality/aqb-p_current_permitting_activites/**.**

d. How often is the website updated? Is there information on how the public can be involved?
The list of currently active applications is updated weekly, and the public notice information is updated whenever a new public notice is posted. Permit documents are posted when there is public interest, and after the final permit is issued. In addition, the NMED maintains a list serve that is available to members of the public. Information about specific topics are disseminated to the public on a routine basis.
Information about how the public can get involved is provided in the public notice. In addition, any member of the public can register for the list serve discussed above by clicking on the "Subscribe to Email Alerts" button on the AQB website at: https://www.env.nm.gov/air-quality/.

e. Have you considered or are you working on developing a web access system to expand the types of permit related documents made available for the public? If so, please explain.
Permit related documents have been available on the AQB website for quite some time (since before 2013). We are always evaluating and implementing improvements in the information that is available to the public. See discussion in item 33.d above and item 35 below.

34. Have any other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe.
Yes. The information made available on the website has been continually expanded.

35. Do you have any resources available to the public on public participation (e.g., booklets, pamphlets, webpages)?
The AQB website contains quite a bit of information that is available to members of the public, including but not limited to the following:
- **Public Participation on Rule Development**
- **Permitting FAQs**
- **Applications with Public Interest**
- **Current Title V Applications**
- **Permit Issuance Deadlines**
- **RMS Tool (GIS tool listing all Title V sources in New Mexico with associated permit related documents)**

36. Do you provide training to citizens on public participation or on Title V?
Not in a formal manner. Staff is always available to answer questions from the general public. Customer service is a very high priority at the NMED.

37. Do you have staff dedicated to public participation, relations, or a liaison?
Yes.

a. Where are they in the organization?

The Office of the Secretary of the NMED.

b. What is their primary function?
The Communications Director is the primary point of contact with the public.

Affected State Review, Review by Federal Land Managers (FLM) and Indian Tribes

38. How do you notify affected States or Tribal Nation governments of draft permits? Please provide recent examples of permits and letters that were sent to the affected States.
By certified letter, by email, or both. An example letter is attached, see attachment D.8.

39. How do you determine when to notify the FLM office for Class I areas? Do you have a guidance document for the permit engineer and the public participation group at NMED?
This is done in the construction permit process. FLM/Class 1 Areas are not defined as affected programs for Title V. Affected programs are defined at 20.2.70.7.B NMAC as, "…all states, local air pollution control programs, and Indian tribes and pueblos, that are within 50 miles of the source."

40. What percentage of your permits get comments from affected States and FLMs?
None since 2013.

41. Are there any patterns to the type of draft permits that get affected State/FLM comments? Are there common themes in these comments?
We have received comments from the San Felipe Pueblo, an affected program (Indian Tribe), on the LANL minor modification, P100-R2-M1. Comments were related to sacred sites and cultural value.

42. Does NMED review and comment on the adjacent States' Title V permits? Please provide a recent example when NMED felt it was necessary.
NMED has not commented on any adjacent States' Title V permits since before 2013.

Please provide any additional comments on Public Participation and Affected State Review.

E. Permit Issuance / Revision / Renewal

Permit Issuance

1. What has been your average time in the past two years for processing Title V permits from an administratively complete application to permit issuance?
For new Title V permits and renewals, 16 months, all issued within the regulatory deadlines.

   a. Are there any types of permits that take a much longer time? Why?
   Permits for facilities that are complex, such as Gas Processing Plants and Petroleum Refineries.

Permit Revisions

2. Do you follow your regulations on how to process permit modifications based on a list or description of what changes can qualify for:
We do not maintain a list but we do follow our regulation. The decisions as to permitting actions that qualify for minor or significant modifications are made on a case by case basis by reviewing the regulatory requirements at 20.2.70.404 NMAC. See 20.2.70 NMAC, attachment C.6.

   a. How many administrative amendments are processed in a year and what types?
   The number of admins processed year by year since 2013 are as follows: 2013 – 15, 2014 – 39, 2015 – 12, 2016 – 13, 2017 – 5. We do not track the type, but most are related to correcting typographical errors and changes in ownership.

   b. §502(b)(10) changes? (See §70.4(b)(12))
   We do not track these but we believe that it is approximately 3 or 4 per year.

   c. Significant and/or minor permit modification? (See §70.7(e))
   The number of significant and minor modifications processed year by year since 2013 are as follows: 2013 – 13, 2014 – 3, 2015 – 7, 2016 – 12, 2017 – 11.

   d. Group processing of minor modifications? If so, what percentage?
   Not applicable. There is no group processing of minor modifications by the NMED.

3. For those permits that have been issued, and where the permitted facility has undergone a change, how many Title V permits have you processed per year?
We are not sure if this question pertains to the total number of modifications (Admin, Minor and Major) processed per year, or if this question pertains to physical changes and or changes in the method of operation. The reason this is pertinent is because any physical changes or changes in the method of operation at a facility

would not qualify as an administrative amendment. For this reason, will provide the totals both with and without administrative amendments:

Year	Admins	Minor Mods	Sig Mods	Total w/Admins	Total w/o Admins
2013	15	2	11	28	13
2014	39	1	2	42	3
2015	12	1	6	19	7
2016	13	3	9	25	12
2017	5	2	9	16	11

a. What percentage of changes at the facilities is processed as:

i. Significant?

Year	% W/Admins	% W/O Admins
2013	39.3	84.6
2014	4.8	66.7
2015	31.6	85.7
2016	36.0	75.0
2017	56.3	81.8

ii. Minor?

Year	% W/Admins	% W/O Admins
2013	7.1	15.4
2014	2.4	33.3
2015	5.3	14.3
2016	12.0	25.0
2017	12.5	18.2

iii. Administrative?

Year	% W/Admins	% W/O Admins
2013	53.6	NA
2014	92.9	NA
2015	63.2	NA
2016	52.0	NA
2017	31.3	NA

b. Does NMED have guidance on what can be considered an off permit change? How many (or what percentages) were off-permit?

We do not have any written guidance, but it is defined at 20.2.70.302.I. NMAC. We are not aware of any off-permit changes since 2013. See 20.2.70 NMAC, attachment C.6.

c. What kind of CAA 502(b)(10) changes have been processed by NMED?

A common example is for a facility that will conduct required maintenance on an emergency flare while the facility is otherwise still in operation. The facility may bring in a temporary emergency flare while the work on the permitted flare is being completed. Since the temporary flare will be on-site for a specified short duration, such as 2-4 weeks, the CAA 502(b)(10) provision is used in cases such as these.
The procedure that we follow is to respond to the request in writing. The request will include information such as the number of hours a unit will operate, the type of unit used, what federal emissions standards, if any, apply. It is then attached to and becomes part of the permit and is federally enforceable. This prevents the addition of units not subject to the minor NSR permit program from exceeding applicability thresholds that would trigger an NSR permitting action. If we determine that this will be a regular occurrence, such as a 5 year turnaround at a refinery, we will require the permittee to come in and permit the activity.

d. How many days, on average, does it take to process (from application receipt to final permit?

Year	Admins	Minor Mods	Sig Mods
2013	16	118	316
2014	17	105	314
2015	22	119	406
2016	26	143	359
2017	13	130	419

4. Have you taken longer than the Part 70 timeframes of 18 months for significant revisions, 90 days for minor permit revisions and 60 days for administrative? Explain.
Yes. All permitting actions since 2013 have been issued by the timeframes referenced above, with two exceptions. There was one permit renewal in 2015 that was issued after the 18 month timeframe due to a processing step error, and one minor modification that was issued after the 90 day timeframe.
The processing step error was made by a new non-Title V permit writer who was assigned the permit during a period of heavy workload for the Title V staff.
The minor modification was for the Los Alamos National Laboratory (LANL), and the NMED received comments from the San Felipe Pueblo (an affected program). As a result, the San Felipe Pueblo requested a meeting with the NMED and LANL. In addition, some revisions were made to the permit as a result of the comments and the meeting, which resulted in an additional EPA 45-day review. In accordance with the requirements at 20.2.70.404.B(7) NMAC, the permit was issued no later than 15 days after the end of the Administrator's 45-day review period, thus it still met the regulatory timeframe.

5. What have you done to streamline the issuance of revisions?
We permit changes through a construction (NSR) permit first, so that there are federally and practically enforceable conditions. In most cases, this will result in a

relatively streamlined issuance of a significant revision. Permitting revisions quickly is a priority. Since most revisions are issued before the regulatory deadline, there does not appear to be any urgent reason to consider additional streamlining.

6. What process do you use to track permit revision applications moving through your system?
Permit writers update the status of all permit actions in our TEMPO database. This allows permit writers and management to track the status at any time. In addition, a printed copy of the weekly status report is delivered to all permitting managers. Permit writers have several options for creating and tracking internal, soft deadlines of their application review process, and each develops a system that works best for them. See an example status report for the week of 01.22.18, attachment E.6.

7. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, significant or minor revision, or requires that the permit be reopened? If so, provide a copy.
No, the regulations are clear and these evaluations are made on a case by case basis by reviewing the requirements at 20.2.70.404 NMAC. In addition, these evaluations are reviewed and approved by management. See 20.2.70 NMAC, attachment C.6.

8. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures, and a request that such procedures be used?
Yes, applications for minor modifications must be certified in accordance with the requirements at 20.2.70.404.B(3)(c) NMAC.

9. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts).
The public notice contains a narrative description of the changes that are being made. See Public Notice for Milagro Treating Plant significant modification, attachment E.10.

10. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment? Please provide an example.
We do not limit comments to only the proposed modification. The text from the public notice template is reproduced in relevant part as follows; "…Interested persons may obtain the draft operating permit, submit written comments, or request a public hearing … . Written requests for public hearing must state the nature of the issues proposed to be raised in the hearing. Comments must be based on the requirements of the applicable state and federal air quality regulations and the Clean Air Act." See attachment E.10.

Permit Renewal or Reopening

11. How many permit renewals have you processed?
Since 2013 the number of permit renewals per year are as follows; 2013 – 18, 2014 – 16, 2015 – 38, 2016 – 24, 2017 – 20.

12. What is your plan to issue permit renewals in a timely fashion? (Within 18 months.)
All permit renewals, with one exception in 2015, have been issued within the 18 month timeframe since 2013. These are all tracked closely, and management and staff are aware that issuing permits by the regulatory deadlines is a high priority.

13. Do you have a different application form for a permit renewal compared to a standard title V application form? (e.g., are your application renewal forms different than forms for initial permits?)
No, the Permitting Section uses one Universal Application form for all permitting actions, however, there are Title V specific sections and/or questions.

    a. If yes, what are the differences? Are 1st time requirements (like CAM, off permit changes, etc.) in a renewal application being included in the renewal?
    Our universal application form includes sections that apply to specific types of permitting actions. For example, UA-3, Section 19, applies to Title V applications only and includes questions about CAM. See UA-3, page 32, attachment A.8.b.

    b. If no, please explain how the application differentiates between other actions, including initials, and a renewal.
    The first page of UA-1 of the application has check boxes that the applicant is required to check for the appropriate permitting action. The options for Title V actions are; New, Renewal, Minor Mod, Significant Mod and Acid Rain (new and renewal). See UA-1, page 1, attachment E.13.b.

14. Is issuance of renewal permits typically "easier" than the original permits? Explain.
Not necessarily. The NSR permit review is typically more challenging than TV renewals. Title V renewal application can be simple, especially if an NSR permit was recently issued with current template and monitoring protocols. However, updates of any changes to templates or monitoring protocols to Title V permits can be significant if the last permit issued was the last renewal. We complete a re-review of regulatory requirements to ensure accuracy, and consider if the permit should include any additional requirements, monitoring, or recordkeeping to ensure compliance with all applicable requirements. Permits with unique language must also be carefully reviewed to ensure that standard language in the monitoring protocols and template do not conflict. In addition, it is common that multiple NSR actions since the last renewal or modification will be incorporated into a renewal, which can take more time.

15. How are you implementing the permit renewal process (i.e., guidance, checklist for

permit applicants)?
There is no guidance specific to renewals. The process for new Title V actions and renewals is similar for both applicants and permit writers. See TV Permit Processing Steps, attachment A.5.1.

16. What % of renewal applications have you found to be untimely and late? What action have you taken on these permittees?
There have been two renewal applications that were submitted late since 2013. Ironically, both applications were associated with the same company, which in both instances was undergoing upheaval (staff turnover in one case, pending sale of the company in the other case). These were reported to the Compliance & Enforcement Section. In addition, the permits were issued before the expiration date of the existing permits that were current at that time, with no loss of permit shield.

17. How many complete applications for renewals do you presently have in-house ready to process?
As of January 24, 2018, there are 36 renewal applications in-house.

18. Have you ever determined that an issued permit must be revised during the renewal process, to assure compliance with the applicable requirements?
Yes, this is a routine part of the Title V permit review process.

Please provide any additional comments on Permit Issuance / Revision / Renewal.

F. Compliance with Respect to Permit Terms and Conditions

1. Deviation reporting:

   a. Which deviations do you require be reported prior to the semi-annual monitoring report? Describe.
   Excess Emissions in accordance with the requirements at 20.2.7 NMAC.

   b. Do you require that some deviations be reported by telephone?
   No.

   c. If yes, do you require a follow-up written report? If yes, within what timeframe?
   Not applicable, see response above.

   d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified).
   Yes.

      i. Do you require all certifications at the time of submittal?
      Yes.

      ii. If not, do you allow the responsible official to "back certify" deviation reports? If you allow the responsible official to "back certify" deviation reports, what timeframe do you allow for the follow-up certifications (e.g., within 30 days; at the time of the semi-annual deviation reporting)?
      Not applicable, see response above.

2. How does your program define deviation?
   An inconsistency with any permit term or condition.

   a. Do you require only violations of permit terms such as BACT limits to be reported as deviations?
   No, all permit conditions including permit conditions/regulations incorporated by reference.

   b. Do you require SSM to be reported as a deviation when the permit limits are exceeded?
   Yes, they must be reported in the Semi-Annual and ACC. They must also be submitted initially in accordance with 20.2.7 NMAC.

   c. Which of the following do you require to be reported as a deviation (Check all that apply):

   Y ☒ N ☐ i. Excess emissions excused due to emergencies (pursuant to 70.6(g))

Y ☒ N ☐ ii. Excess emissions excused due to SIP provisions (cite the specific state rule)

Y ☐ N ☒ iii. Excess emissions allowed under NSPS or MACT SSM provisions

Y ☐ N ☒ iv. Excursions from specified parameter ranges where such excursions are not a monitoring violation (as defined in CAM)

Y ☒ N ☐ v. Excursions from specified parameter ranges where such excursions are credible evidence of an emission violation

Y ☒ N ☐ vi. Failure to collect data/conduct monitoring where such failure is "excused":

Y ☐ N ☒ a. During scheduled routine maintenance or calibration checks

Y ☐ N ☒ b. Where less than 100% data collection is allowed by the permit

Y ☒ N ☐ c. Due to an emergency

Y ☐ N ☒ vii. Other? Please describe.

3. Do your deviation reports include:

Y ☒ N ☐ a. The probable cause of the deviation?

Y ☒ N ☐ b. Any corrective actions taken?

Y ☒ N ☐ c. The magnitude and duration of the deviation?

Y ☒ N ☐ 4. Do you define "prompt" reporting of deviations as more frequent than semi- annual?

Y ☒ N ☐ 5. Do you require a written report for deviations?

Y ☒ N ☐ 6. Do you require that a responsible official certify all deviation reports?

7. What is your procedure for reviewing and following up on:

a. Deviation reports?

Excess Emissions – referred to enforcement. The excess emissions are totaled by facility every 4 months, evaluated and NOVs issued.

b. Semi-annual monitoring reports?
Procedure is to review on receipt, and refer any identified deviations to Enforcement.

c. Annual compliance certifications?
Procedure is to review ACCs immediately subsequent to the second Semi-Annual report review comprising the reporting period of the ACC.

8. What percentage of the following reports do you review prior to permit issuance?
We do not specifically track this, however permitting does request compliance status of a facility upon receipt of a Title V permit application. Compliance status would be based in large part on the results of the reviews of the reports listed below.

a. Deviation reports

b. Semi-annual monitoring reports

c. Annual compliance certification

9. Compliance certifications:

Y ☒ N ☐ a. Is the certification form consistent with your rules?

Y ☒ N ☐ b. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent?

Y ☒ N ☐ c. Do you require sources to use the form? What percentage does?

Y ☒ N ☐ d. Does the form account for the use of credible evidence?

Y ☒ N ☐ e. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists?

10. Excess emissions provisions:

Y ☒ N ☐ a. Does your program include an emergency defense provision as provided in 70.6(g)? If yes, does it:

Y ☒ N ☐ i. Provide relief from penalties?

Y ☐ N ☒ ii. Provide injunctive relief?

Y ☐ N ☒ iii. Excuse noncompliance?

Y ☒ N ☐ b. Does your program include a SIP excess emissions provision? If no, go to 6.c. If yes does it:

Y ☒ N ☐ i. Provide relief from penalties?

Y ☐ N ☒ ii. Provide injunctive relief?

Y ☐ N ☒ iii. Excuse noncompliance?

c. Do you require the source to obtain a written concurrence from the PA before the source can qualify for:

Y ☐ N ☒ i. the emergency defense provision?

Y ☐ N ☒ ii. the SIP excess emissions provision?

Y ☐ N ☒ iii. NSPS/NESHAP SSM excess emissions provisions?

Resources & Internal Management Support

11. Are there any competing resource/workload priorities for your "title V" staff?
Yes, permit writers in the Major Source Section process both NSR and Title V permits for facilities to which they have been assigned. The detail of our review has expanded significantly with the promulgation of many new regulations.

12. How is your senior management kept up to date on permit issuance?
Monthly reports of permit issuance statistics are generated and disseminated to senior management. See TV Monthly_FY17-8, attachment F.12.

13. Do you have any automatic computer programs in place as part of the permitting process, e.g., TEMPO? If so, has this system improved the accuracy of the permits? Is there a process for this system to be updated and checked for accuracy on a periodic basis?
    - **TEMPO really does not automate permit processing. It is simply a storage location for the final version of the Word document that was used to generate the permit. It does help with the SoB/DBS by auto populating some facility specific data. In addition, it helps with the routine letters that are generated as**

part of the permitting process such as completion and affected party letters.

- **TEMPO, because of its limitations, has not had much of an impact on the accuracy of permits.**
- **The emissions data in TEMPO is checked for accuracy on a periodic basis. There is not a regular schedule but it is done several times per year.**

14. Do you have dedicated staff for the automated computer programs? Do you plan on any more automation of your permit programs? Please explain.
    - **There is one data steward dedicated to entering emissions data into TEMPO.**
    - **We would like to develop an application that would automate more features of the permitting process, but this is only in the general discussion phase.**

15. Does NMED currently allow for the electronic submission of permit applications? If so, please provide information regarding the requirements for electronic submission and what documents still require hardcopy submittal.
    No.

16. What is your process for addressing issues and problems related to permit writing?
    We have weekly staff meetings to discuss pertinent issues. Input from applicants, the public, and the Compliance & Enforcement is often helpful. Permitting Section staff are constantly reviewing and improving the templates and monitoring protocols. In addition, as mentioned previously we also have internal and external training for permitting staff. Permit managers work with their permit writers to provide guidance and resources on any permitting action for which the permit writer requires assistance. We also have several experts in the permit and other sections of NMED-AQB that are always available

Please provide any additional comments on Compliance with Respect to Permit Terms and Conditions.

G. Title V Benefits

1. Compared to the period when you first started implementing the title V program, does the Title V staff generally have a better understanding of:

Y ☒ N ☐	a.	NSPS requirements?
Y ☒ N ☐	b.	The stationary source requirements in the SIP?
Y ☒ N ☐	c.	The minor NSR program?
Y ☒ N ☐	d.	The major NSR/PSD program?
Y ☒ N ☐	e.	How to design monitoring terms to assure compliance?
Y ☒ N ☐	f.	How to write enforceable permit terms?
Y ☒ N ☐	g.	Sources' operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)?
Y ☒ N ☐	h.	Your stationary source emissions inventory?
Y ☒ N ☐	i.	Applicability and more enforceable (clearer) permits?

2. Has your title V universe changed since you first implemented the title V program? Please explain.
Yes, but it always seems to be in the range of 140 to 150 sources as new sources apply for Title V permits and other sources close their facilities or permit their facilities as synthetic minor sources.

3. In issuing the title V permits:

Y ☒ N ☐	a.	Have you noted inconsistencies in how sources had previously been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe. **Yes. However, since the advent of standardization, these inconsistencies have been minimized.**

Y ☒ N ☐

b. Have you taken (or are you taking) steps to assure better regulatory consistency within source categories and/or between sources? If yes, describe.
Yes. Standardization of the various templates has reduced inconsistency. Templates are improved and revised on an ongoing basis.

4. Based on your experience, estimate the frequency with which potential compliance problems were identified through the permit issuance process. You may either state the number of permits, or as a percentage of permits, or relative terms as often, never, sometimes or frequently.
This is not specifically tracked, but prior experience indicates the following:

   a. prior to submitting an application
   Sometimes.

   b. prior to issuing a draft permit
   Sometimes.

   c. after issuing a final permit
   Never.

5. Based on your experience with sources addressing compliance problems identified through the Title V permitting process, estimate the general rate of compliance with the following requirements prior to implementing title V:
This is not specifically tracked, but prior experience indicates the following:

   a. NSPS requirements (including failure to identify an NSPS as applicable)
   Non-compliance with these requirements was more common prior to implementing Title V, since any new NSPS regulations that were promulgated after the issuance of a construction permit were not reflected in the permit. In addition, the construction permit program was not designed to address all applicable requirements, so this was not a priority. This has changed with the implementation of the Title V program.

   b. SIP requirements
   Non-compliance with these requirements was a bit more common, perhaps not as common as with NSPS requirements. SIP requirements were generally addressed a bit better in construction permits. However, some state only SIP rules were not addressed in the construction permits in a comprehensive manner, so some requirements were missed. This has improved since that time.

   c. Minor NSR requirements (including the requirement to obtain a permit)
   Non-compliance with these requirements was less common since most sources in New Mexico have been cognizant of the requirements to obtain a minor NSR

permit.

d. Major NSR/PSD requirements (including the requirement to obtain a permit)
Non-compliance with these requirements was rare because we have very few sources that trigger Major NSR/PSD requirements. In addition, sources and NMED staff have always been very cognizant of the requirements that would trigger Major NSR/PSD permitting.

6. What changes in compliance behavior on the part of sources have you seen in response to title V? (Check all that apply.)

Y ☒ N ☐	a.	increased use of self-audits?
Y ☒ N ☐	b.	increased use of environmental management systems?
Y ☒ N ☐	c.	increased staff devoted to environmental management?
Y ☒ N ☐	d.	increased resources devoted to environmental control systems (e.g., maintenance of control equipment; installation of improved control devices; etc.)?
Y ☒ N ☐	e.	increased resources devoted to compliance monitoring?
Y ☒ N ☐	f.	better awareness of compliance obligations?
Y ☐ N ☐	g.	other? Describe.

7. Have you noted a reduction in emissions due to the title V program?

Y ☒ N ☐	a.	Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance?
Y ☐ N ☐	b.	Did that lead to a change in the fee rate (dollars/ton rate)? **NA. We have changed our Title V fee, but not for this reason.**

8. Has title V resulted in improved implementation of your air program in any of the following areas:

Y ☐ N ☒ a. netting actions?

Y ☒ N ☐ b. emission inventories?

Y ☐ N ☒ c. past records management (e.g., lost permits)?

Y ☒ N ☐ d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance)?

Y ☒ N ☐ e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc.?

Y ☒ N ☐ f. clarity and enforceability of NSR permit terms?

Y ☒ N ☐ g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold)?

Y ☐ N ☒ h. emissions trading programs?

Y ☐ N ☒ i. emission caps?

Y ☐ N ☐ j. other? (describe)

Y ☒ N ☐ 9. If yes to any of the above, would you care to share how this improvement came about? (e.g., increased training; outreach; targeted enforcement)

The Title V requirement for monitoring, recordkeeping and reporting sufficient for a reasonable assurance of continuous compliance has resulted in better and more enforceable permit conditions over time. In addition, the requirement for a Statement of Basis (SoB) has resulted in better documentation. These requirements have been incorporated into the construction permit program.

Y ☒ N ☐ 10. Has title V changed the way you conduct business?

Y ☒ N ☐ a. Are there aspects of the title V program that you have extended to other program areas (e.g., require

certification of accuracy and completeness for pre-construction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe.
As described above, many aspects of the Title V program have been incorporated into the construction permit program, such as certification of accuracy and completeness for pre-construction permit applications, better and more enforceable permit conditions and the requirement for a SoB.

Y ☒ N ☐ b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe.
See response to item 10.a above.

Y ☐ N ☒ c. Do you work more closely with the sources? If yes, describe.

Y ☒ N ☐ d. Do you devote more resources to public involvement? If yes, describe.
Over time we have made more permit specific information available on our website and we disseminate information to the public via a list serve email service.

Y ☒ N ☐ e. Do you use information from title V to target inspections and/or enforcement?

Y ☐ N ☐ f. Other ways? If yes, describe.

Y ☒ N ☐ 11. Has the title V fee money been helpful in running the program? Have you been able to provide:

Y ☒ N ☐ a. better training?

Y ☒ N ☐ b. more resources for your staff such as CFRs and computers?

Y ☒ N ☐ c. better funding for travel to sources?

Y ☒ N ☐ d. stable funding despite fluctuations in funding for other

state programs?

Y ☐ N ☒ e. incentives to hire and retain good staff?

Y ☐ N ☒ f. are there other benefits of the fee program? Describe.

Y ☐ N ☒ 12. Have you received positive feedback from citizens?

Y ☐ N ☒ 13. Has industry expressed a benefit of title V? If so, describe.

Please provide any additional comments on title V Benefits.

H. Title I / Title V Interface

1. Do you cross-train the title V permit engineers on the NSR (Title I) program requirements? If so, please elaborate.
   Yes. Major Source permit writers process both NSR and Title V permit actions for the facilities to which they have been assigned.

2. How do your title V permit engineers evaluate the NSR conditions for sufficiency that are being incorporated directly into title V actions during the permit development process?
   All permit conditions are evaluated for relevance as well as for sufficient monitoring, recordkeeping and reporting. If an initial compliance test requirement has been fulfilled, it will not be incorporated into the Title V permit. Conditions in the NSR that may have been based on an older version of a monitoring protocol will be updated to the current version.

3. What % of title V permitting actions incorporate NSR actions.
   Almost all of them. We still have perhaps a half dozen NSR Grandfathered facilities that do not have a NSR permit.

4. Do you incorporate partial NSR permit actions in title V permits (not all applicable conditions from the NSR permit that would be subject to operating conditions)? Please provide an example and explain the reason for partial incorporation.
   Yes. If the facility has a NSR permit, then all conditions from that permit that are applicable are brought forward into the TV permit. There have been a few NSR permits where not all of the activities that were authorized were completed. In these cases, we have only incorporated the portions of the NSR permit that reflected the portion of the facility that was in operation. See SoB for permit number P261, attachment H.4.

5. How are NSR conditions being incorporated into title V permits?
   The condition is either brought forward verbatim, or in some cases, it would be modified based on the requirements in our TV monitoring protocols or some other need.

   a. For NSR actions determined to not require an air quality analysis, does the Statement of Basis discuss the basis for this determination?
      Yes, this would be discussed in Section 11.0, Modeling.

   b. For NSR actions requiring an air quality analysis, does the Statement of Basis include a summary of the analysis completed along with NMED's evaluation of the analysis?
      The modeling history is summarized in Section 11.0, Modeling. The NMED-AQB modelers write a separate report which is included in the administrative record.

c. Has NMED received comments from the public on any title V permit actions related to the adequacy of an air quality analysis conducted for the associated NSR action or related to the absence of an air quality analysis?
Yes. We did receive comments from the Southern Ute Indian Tribe dated February 9, 2015, on the Chaco renewal, permit number P116-R2. They commented that modeling for an NSR action in October 2010 failed to demonstrate compliance with the one hour NAAQS for NO2. Although their comment was correct, they did not realize that this required the source to comply with the minor NSR nonattainment provisions at 20.2.72.216 NMAC. These provisions require at least a 20% net air quality benefit. The source was able to demonstrate a net air quality benefit of 49%, thus the permit was issued. See AQB to S Ute Tribe, attachment H.5.c.

6. What % of title V permits have incorporated NSR conditions with RMRR exempted actions?
We rarely see RMRR exempted actions through our NSR permit process. All identical equipment replacements, such as identical engine and turbine replacements, are not considered RMRR by the NMED-AQB. Identical engine and turbine replacements may be processed as an administrative permit revision, unless the facility is an existing PSD major source, and any emission limit for the replaced unit exceed any PSD significance levels. In this case, NMED requires either a significant permit revision or a technical permit review through the NSR process first, to ensure that enforceable conditions are put in place.

a. If applicable, what % of the RMRR exempted actions are "like-kind" replacements?
Not applicable, see response above.

b. For any RMRR exempted actions, are actual emissions being reviewed? What emissions are being reviewed?
Not applicable, see response to item 6 above.

7. What % of title V permits for PSD sources have specifically addressed SSM?
All Title V permits incorporate SSM requirements from NSR/PSD permits. SSM requirements and existing conditions in the NSR permit are applicable requirements in Title V.

8. EPA's May 22, 2015 final SSM SIP Call rule granted the Petition related to SSM provisions contained in New Mexico's regulations (20.2.7) as being substantially inadequate to meet Clean Air Act requirements. In the interim, prior to the required revisions to these regulations, how does NMED plan to address SSM in pending and upcoming title V permit actions? Is there a specific plan to update the SSM requirements contained in current Title V that were developed based on the inadequate regulations so that they are consistent with CAA requirements? If so, please explain.
The final SIP Call rule addressed the affirmative defense provisions in the New Mexico Excess Emissions regulation at 20.2.7 NMAC.

The affirmative defense provisions were removed from the SIP on 09-09-16, although they remain as state enforceable requirements only. Please see attachments H.8.1 and H.8.2.
Since the SIP Call rule pertained specifically to the New Mexico Excess Emissions regulation, it had no bearing as to how SSM emissions limits are incorporated into Title V permits. As a result, there has been no need to change this process. These requirements are initially addressed in the construction (NSR) permitting process and then are brought forward into the Title V permit.

9. When does a "grandfathered" unit at a PSD source lose that status under your title V permits?
Any requested change to a Title V permit of an existing PSD major source is reviewed for both Minor NSR and PSD applicability before processing the change through the title V modification process. Once a modification as defined in minor NSR or a major modification is triggered, the change subject to NSR requirements must go through the appropriate NSR permit process. The Rio Grande Generating Station is a good example, which has an NSR permit that applies only to a portion of the units and activities at the facility and a Title V permit that covers every unit at the facility. See permit number P127-R3-AR3, attachment H.9.

Please provide any additional comments on title I / title V Interface.

I. Title V Administration and Fee Review

Current title V Resources

1. What section of your regulation defines the NMED's fee collection authority and rate(s)?
   This is specified at 20.2.71 NMAC, Operating Permit Emissions Fees. See attachment I.1.
   a. Has the basis or amounts of any of these fees that were relied upon in the original title V program approval changed? Please describe.
      Yes. The original fee was $10.25 per ton for criteria pollutants and $150.00 per ton for hazardous air pollutants. This changed with a revision to the fee regulation in 2004. Since 2009, they have been adjusted in accordance with the requirements at 20.2.71.112.E NMAC, which reads, "Beginning on January 1, 2009, the fees referenced in this section shall be changed annually by the percentage, if any, of any annual increase in the consumer price index in accordance with Section 502(b)(3)(B)(v) of the federal Clean Air Act. See 20.2.71 NMAC, attachment I.1 and Proposed TV Fee Revisions 2004, attachment I.2.

   b. Are there fees that have been adopted since the original title V program approval that are now relied upon to, at least in part, fund any aspect of the title V program? Please describe.
      No.

   c. Are any of the fees that can be used, even in part, to pay for title V purposes dedicated by law to non-title V program areas? Please explain.
      No.

2. What is the projected number of permits subject to review to implement title V? Please discuss.
   As of 12-31-17 our Title V universe is 150 sources, and the active number of Title V permits was 140. Of the total universe, 5 new TV permits will be issued in 2018, and the other 5 sources either have not yet been constructed or are not operating as Part 70 sources.

3. How does NMED track title V expenses?
   Each year, the Title V program establishes a budget under a single organization (org) code/chartfield. FTEs who work in the Title V program are set up to default to this budget. All operating expenses related to these FTE are charged to the Title V budget. Indirect expenses are calculated by applying an indirect rate, approved by our cognizant agency, to salary and benefit expenses.

4. How does NMED track title V fee revenue?
   All Title V invoices are created in a database. Permitting staff create the invoices

based upon the Department's permit fee schedule. Invoices are issued by April 1 of each year with a due date of June 1st. The invoices contain assessments that specify the amount due for "Major Source Annual Fee". As checks are received, financial staff deposit the funds and apply those payments to the invoices in the database. The database payments are reconciled to the Department's financial system on a monthly basis.

5. Please provide a spreadsheet for FY 2014, FY 2015, and FY 2016 documenting NMED's annual account receivables and NMED's annual expenses for the title V permitting program. Are NMED's current title V fees sufficient to support the title V program?
Yes. If expenses exceed revenue in any given year, excess revenue from previous years (fund balance) is utilized to fund the shortage.

	Revenue	Expenses
FY14	$5,119,200	$4,451,300
FY15	$4,995,800	$5,003,300
FY16	$5,083,100	$5,608,200

6. Provide a list of title V permittees and fee revenues generated from each of these permittees.
See 2017 TV annual Fees spreadsheet, attachment I.6.

7. Provide source bills for the last three months.
Not applicable. All invoices are submitted once a year by April 1 and are due by no later than June 1.

8. How many title V permit writers does the agency have on staff (number of FTE's)?
There are seven (7) FTE's in the Major Source Permitting Section.

9. Do the permit writers work full time on title V or do they work on other items such as NSR permits?
All Major Source permit writers process both the construction (NSR) and Title V permits for the major sources which have been assigned to them.

   a. If not, describe their main activities and percentage of time on title V permits.
   Unlike Title V permits, the submission of NSR permit applications is much more unpredictable. Therefore, although the percentage of time varies, a reasonable approximation is 75% on Title V and 25% on NSR permits.

   b. Please describe very specifically how NMED tracks the time allocated to title V activities versus other non-title V activities?
   NMED does not track to this level of detail. The Major Source permit writers generally spend 100% of their time processing applications (both NSR and Title V) for the major sources that have been assigned to them. As described above, all

operating expenses related to these FTEs are charged to the Title V budget.

10. Are you currently fully staffed? Has your state legislature of the state budget process implemented a ceiling on your FTE staffing that results in the collection of more title V fees than your FTE staffing allocation is allowed by the state budget process?
    - **We currently have one vacancy.**
    - **Yes.**

11. What is the ratio of permits to permit writers?
    It is approximately 20 to 1.

12. Describe staff turnover and how do you minimize turnover?
    We tend to have one of two staff turnovers per year, primarily based on opportunities for advancement or an opportunity to work in Albuquerque with a shorter commute.

13. Describe your career ladder for permit writers?
    We have a 2-step career ladder based on an Operational or Advanced position level.

14. Do you have the flexibility to offer competitive salaries?
    Within designated ranges that are prescribed by the New Mexico State Personnel Office (SPO).

15. Can you hire experienced people with commensurate salaries?
    It is difficult to find applicants that have air quality experience. SPO retains the authority to approve salaries, and they are generally not competitive with those offered by the Federal Government or the private sector.

16. Describe the type of training given to your new and existing permit writers.
    New permit writers are assigned a mentor, we have a Title V training manual that describes the program and includes the permit processing steps, and we also have NSR permit processing steps.
    We have weekly internal training classes and staff are sent to external training when possible, such as WESTAR, EPA/APTI, etc.
    Lastly, site visits are required for people to become familiar with different types of facilities.

17. Is there anything that EPA can do to assist/improve your training?
    Provide for courses in the local area so that we can send more staff. Also, more web-based training would be helpful.

18. Overall, what is the biggest internal roadblock to permit issuance from the perspective of Resources and Internal Management Support?
    The current process is very labor intensive and requires the use of multiple templates (e.g.; Word, Excel and Outlook) along with the Tempo database. Although we have made this process as efficient as possible and are always striving for improvements, it is fairly time consuming. This takes time away that could be devoted to program improvements.

Fees Calculated

19. Does NMED charge title V fees based on emission volume?
Yes, emissions are based on the product of the allowable emission rates in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC. See 20.2.71.111.A and 112 NMAC, attachment I.1.

    a. If not, what is the basis for your fees?
    Not applicable, see response above.

    b. What is your title V fee?
    See response to item 20 below.

20. How are fees calculated? Show formula for calculation of emission based fee, application fees, and hourly processing.
The fees are adjusted annually by a percentage, if any, of any annual increase in the consumer price index in accordance with Section 502(b)(3)(B)(v) of the federal Clean Air Act as specified by 20.2.71 NMAC.
For formula calculations, see below and attachment I.35.1 for Title V (TV) Fees.

    a. Provide examples of the calculations of actual emissions for fee purposes.
    Please note that NMED bases calculations on permitted allowables, not actual emissions. See attachment I.35.2 for an example calculation.
    Please find below the procedure for determining the annual fee based on the CPI change.

        1. **The first step is to calculate the CPI change from August 31, 2016 (240.849) to August 31 of the current year (245.519) utilizing the CPI table from the US Department of Labor website. The calculation is from August 31 to August 31 as required by** Section 502(b)(3)(B)(v) of the federal Clean Air Act**:**
        CPI change from 8/31/16 to 8/31/17 is: CPI = (245.519 – 240.849) / 240.849= 0.01939 (1.9390% increase)
        2. **Thus, the year-to-year increase in the consumer price index is 1.939%. Per 20.2.71.112.D NMAC the CPI increase in the TV Pollutant Fees in January of 2018 will be 1.939%. This CPI (1.939%) is applied to the last year's per ton fee ($30.18/ton). The CPI (1.939%) is also applied to the previous year's fee ($191.81) for hazardous air pollutants:**
        3. **The 2018 TV Fee = (1 + CPI) * ($30.18/ton) = 1.01939 * $30.18 = $30.77/ton**
        4. **The 2018 TV HAP Fee = (1 + CPI) * ($191.81/ton) = 1.01939 * $191.81 = $195.53/ton**
        5. **Therefore, the 2018 TV Fee per ton is $30.77**
        6. **Therefore, the 2018 TV HAP Fee per ton is $195.53**

    b. Provide an example of emission inventory request letter.
    Not applicable. Permit fees are not calculated based on actuals, they are calculated based on permitted allowables. The invoice sent to Title V sources is

based on permitted allowables. See example worksheet and invoice, attachments I.35.2 & 3.

21. Are appropriate (actual or allowable) emission records used for dollars-per-ton based fees?
Permitted allowable emissions are used.

22. How does NMED determine the actual emissions for fee purposes?
Not applicable. Fees are based on permitted allowable emissions.

Collections Tracked

23. Discuss how incoming payments are recorded to the appropriate accounts.
Checks arrive by mail, check is copied, original check to Finance Section for deposit and reconciliation of Tempo database, copy of check is filed with backup paperwork by Finance Section. Operations & Permitting track collections of paid and unpaid Title V fees through the Tempo database.

24. Are sources paying the total fees charged each year?
Yes, provided they are still operating as TV facility.

25. Are sources paying on time?
Yes, sources pay Title V fees on time.

26. What procedures are maintained for collection of outstanding title V revenues?
Fees are due June 1st and considered late June 2nd. The Enforcement Section (Enforcement) is to respond to a delinquent invoice working with the Office of General Counsel (OGC) and sending an Administrative Compliance Order (ACO) to the Source after July 2nd.

27. Are late fees being assessed?
No, we do not assess late fees.

28. How are late fees being credited to the title V accounts?
Not applicable, see response above.

29. How do you insure that a facility has paid all applicable title V permit fees prior to issuance of the permit?
Upon receipt of a Title V application, the file contains documentation of any outstanding invoice(s) on a tracking sheet and are reported to the Permit Writer. In addition, the Operation Section's staff monitor the Tempo database for any and all outstanding fees.

30. Have all title V fees been collected for the FY 2014, FY 2015, and FY 2016?

Yes. All fees for FY 2014, 2015 and 2016 have been received.

31. If there are uncollected title V fees, how does NMED pursue collection of such fees?
We do not have uncollected title V fees. As explained in item 26 above, Enforcement is to respond to a delinquent invoice working with the OGC and sending an ACO to the source after July 2nd.

32. Does NMED assess late fees on sources that have not paid the appropriate title V fees? If so, when is the late fee assessed and what is the timeframe for remittance of all the applicable fees?
No. NMED does not assess late fees, however, there is a penalty fee of approximately $1500 assessed with an ACO and deposited in the State's General Fund.

33. Provide NMED's data detailing actual collections vs. Billings or fee tracking for the title V permitting program. Illustrate what procedures are maintained for collection of outstanding title V revenues.
Title V Fee collections are created and tracked using the financial module of Tempo database. The Operations Section (Operations) monitors this process. The monitoring of the fee collection is supported by Operations and documented on spreadsheets.

34. Provide copies or documentation of examples detailing late fee assessment and recording collection of fees to title V accounts.
Not applicable. As explained in item 32 above, NMED does not assess late fees.

Billing Process

35. Can NMED show that sources are billed in accordance with your fee requirements?
Yes. See the following attachments:
- **20.2.71 NMAC, attachment I.1**
- **Title V Fees CPI calculation sheet, attachment I.35.1**
- **TV annual fee worksheet, attachment I.35.2**
- **Invoice example, attachment I.35.3**
- **Title V permit P225-R2, attachment I.35.4, which the invoice and worksheet are based on.**

36. What is the state billing process including notification time frame and receiving and tracking? Please describe.
TV invoices are sent on or about March 1st with an invoice due date of June 1st. We allow a 30 day grace period. If payment of title V fees are not collected by July 2nd, Enforcement issues a compliance order. See response to item 26.

Revenue Allocated

37. Provide account balances by object/facility codes.

NMED tracks Title V balances at a fund level and does not track account balances by object code/facility codes.

38. How are title V fees budgeted/allocated by NMED?
Each year management and program staff work together to develop the yearly budget for the Title V program. Management reviews future goals and previous year expenses to determine future needs and changes in the industry. Management looks at revenue forecast for the upcoming year and available fund balance to determine the final amounts to budget for the program.

39. Provide specific formulas showing how you calculate administrative personnel costs, overhead, and non-labor costs (e.g., travel, training, purchases, etc.)
Formulas are not used to determine where to charge these costs. Although administrative personnel support multiple programs, costs are generally charged to funds where surplus revenue, beyond administering the program, exist.

40. Provide examples of time sheets for project managers, administrative support staff and management personnel.
Employees enter their time weekly into the Human Capital Management (HCM) system. Their supervisors review and approve the employees time. NMED assigns task profile codes to employee timesheets which correspond to their primary work assignments in the system. This ensures that the employee's payable time is charged correctly to the proper funding source. See timesheet example, attachment I.40.

41. Provide examples of procurement documents, travel vouchers, training, etc. Please include travel vouchers which illustrate dual purpose travel. For example, where more than one type of facility was visited.
Please see the following attachments:
- **Procurement example, attachment I.41.1**
- **Training example, attachment I.41.2**
- **Travel example, attachment I.41.3**

42. Provide account balances by object code for FY 2015 and FY 2016.
NMED tracks Title V balances at a fund level and does not track account balances by object code.

End	Balance
FY15	$7,212,100
FY16	$6,687,000

Cost of "Effective" Program (Resources to Address Backlog/Renewals)

43. Provide end-of-year accounting reports that illustrate actual and estimated costs of the

program. Provide the FTE and itemized cost estimates NMED uses to budget your title V program. Also, include the total amount of title V fees expended and the total amount billed to facilities for Title V (by FY 2014, FY 2015, and FY 2016) for the last three years.

See Actual vs. Estimated Costs for actual and cost estimates, attachment I.43.1.
See FTE Estimates FY18 for estimated and itemized cost estimates, attachment I.43.2.
NMED tracks Title V balances at a fund level and does not track account balances by object code/facility codes.

44. Provide a report that estimates costs of running the program, i.e., direct and indirect program costs that are broken down into specific cost categories. How are these expenditures calculated/tracked?

See attachment I.44 for average cost by category. Personal Services & Employee Benefits are calculated by taking the employees', who work primarily on Title V, hourly rate annualized. Most benefits are determined by percentages of salary. Operating Costs are typically calculated by using previous year costs that are associated with the FTE charging to the Title V. Actual expenses are tracked by reviewing financial accounting detail regularly to ensure costs are charged appropriately.

45. Provide a summary of title V obligations and encumbrances for FY 2014, FY 2015, and FY 2016.

There are no current Title V obligations or encumbrances for FY14, FY15 and FY16. All obligations and encumbrances from these years became actual expenses when goods or services were received, or were disencumbered.

Split of 105 vs. title V

46. What type of accounting framework do you use to account for title V programs fees (e.g., general fund, special revenue fund, expendable trust fund)?

Title V fee revenue is recorded in a special revenue fund under the modified accrual basis of accounting.

47. How are title V revenues kept separate from all other state generated revenues? Is NMED currently utilizing non-title V revenues or general appropriations to support the Title V operating permit program or has it done so since FY 2014? If so, please provide details of why non-title V funds or general appropriations were utilized.

- **NMED has segregated fund accounts for all NMED's revenues. NMED applies Title V revenue to a facility permit invoice before depositing into the Title V fund and reconciles database revenue to the fund's revenue in the State's financial system.**
- **NMED does not currently, and has not since FY14, used non-title V revenue or other appropriations to support the Title V program.**

48. How does NMED account for excess monies (if any) collected for the title V program?

Excess monies remain in the special revenue fund designated for Title V fees and expenses.

49. What mechanism(s) is NMED using to differentiate title V activities from non-title V activities?
Unique chartfields within an accounting string are used to differentiate program activities.

    a. If accounting codes are utilized to differentiate activities, please provide a listing of those codes and an explanation for each specific expenditure and revenue type.
    There are hundreds of codes used by NMED to differentiate activities. Below are a few examples:

Sub acct	Description	Short Description
AQB 652	AQB 652 (Air Quality Bureau)	AQB652
AQB0000	Air Quality Bureau, SRF Mixed	AQB Mixed
AQB0920	Air Quality Bureau, Fund 092	AQB, 092
AQB2000	Laws 2007, Ch 21, S 27, I 2	MercReduct
AQB6310	Air Quality Bureau, Fund 631	AQB, 631

50. Have you integrated features into your accounting/financial management system which will identify title V expenditures separate from other non-title V permitting program expenses? Please describe.
Yes. Title V expenses are recorded into our accounting system with specific chartfields which identifies title V expenses. Chartfields within each accounting string ensures proper accounting of expenses.

    a. If so, are the same expenditure codes used in each organizational unit of NMED that conducts work in support of title V related activities? Please provide a comprehensive listing of all such codes and their descriptions and indicate each of the organizational units within the NMED that uses them. Include each expenditure code that may be used to support title V related activities.
    Yes, see attachment I.50.a.

51. Does the NMED keep separate records that identify title V monies collected from other non-title V permitting program fees?
Yes.

    a. If so, is this recordkeeping process the same for each of the revenue streams used throughout all of the NMED? Please explain.
    Yes, NMED creates segregated fund accounts for all NMED's revenues. NMED reviews and reconciles all revenue to the correct facility or program before depositing into its segregated fund account.

52. What are the amounts of the 105 grants funds received in FY 2014, FY 2015, and FY 2016, respectively?
See table below:

105 Award			
Account fund	**Fed.**	**State**	**Total**
FY14	$1,323,685.00	$882,457.00	$2,206,142.00
FY15	$1,407,674.00	$938,450.00	$2,346,124.00
FY16	$1,336,763.00	$891,175.00	$2,227,938.00

53. What are the amounts of the 105 grants funds used in FY 2014, FY 2015, and FY 2016 respectively?

See table below:

105 Expense			
Account fund	**Fed.**	**State**	**Total**
FY14	**$1,137,787.00**	$758,524.00	$1,896,311.00
FY15	**$1,275,823.00**	$763,874.00	$2,039,697.00
FY16	**$1,143,980.00**	$762,653.00	$1,906,633.00

54. What are NMED's source(s) of 105 matching funds? Please discuss.
NMED solely uses NSR fee funds for matching Federal Funds for the 105 grant.

a. Please provide total funds by accounting code for each category or source of matching funds for each of FY 2014, FY 2015, and FY 2016.
See table in item 53 above.

55. How does your accounting system produce reports, periodically and as requested, with which you will be able to certify the disposition of title V funds? Please discuss.
NMED utilizes SHARE a statewide accounting system as the book of record. The SHARE system contains ad hoc reports for requested accounting periods or date ranges. Financial data can also be extracted through queries and summarized for reporting.

Environmental Justice Resources

Note: By EJ analysis we refer to any procedures applied during the permitting process, regardless of whether they are called EJ, that consider demographics (race, income, nationality, etc.), cumulative effects, (burden, exposure, risk), comparative effects or modifications to the public involvement processes to address unique characteristics of the project.

56. Do you have Environmental Justice (EJ) legislation, policy or general guidance, which helps to direct permitting efforts?
Yes, former Governor Richardson issued executive order EO_2005_056 on 18 Nov 2005.

a. If so, may EPA obtain copies of appropriate documentation?
Please see Env Justice EO_2005_056, attachment I.56.

57. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities?
Yes, Kathryn Becker with the NMED Office of General Counsel.

58. Have you provided EJ training / guidance to your permit writers? When?
All staff is required to take Cultural Competency training. In addition, staff recently received training in the use of the Environmental Justice mapping tool.

59. Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., socioeconomic status, minority populations, etc.) If so, how are they taken into account in the permitting process?
Staff recently received training in the use of the Department's Environmental Justice mapping tool.

60. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance.
There is no formal process, but in general the Department takes any public comment or public interest in an application very seriously.

61. Are any other EJ factors or additional community information and/or demographics (for example – children, the elderly) taken into account or considered during the permitting process?
No.

Y ☐ N ☐ 62. Do you allow public involvement during an EJ analysis?
Not applicable, we have not conducted an EJ analysis since before 2013. However, in the past we have attempted to involve the public beyond our regulatory requirements for notice.

If yes, please answer the following:

a. What stakeholder groups do you try to involve?
In the past, we worked with citizens and groups in the region of the facility location.

b. At what point in the EJ analysis or permitting process do stakeholders become involved?
It has been early in the process based on comments received during the public comment period.

c. To what degree and in what manner do stakeholders or the community influence the permit decision making process?

The degree varies based on how the interaction occurs. Verbal or written communication from individuals may have minimal influence. Large, organized groups may have more influence, particularly if their issues are raised in a public meeting. Citizen participation in a permit hearing can have the biggest impact on the content of a permit, since the decision maker, the Cabinet Secretary, can give more weight to EJ issues.

d. To what degree do you know about how stakeholders or the affected community participated in the permit decision making process?
All documents generated in the permitting process become part of the administrative record.

e. Describe how you make information available to stakeholders and the affected community. (For example – translation of information, understandable and accessible materials, personal contacts, clearly explained technical information including potential risk, distribution of information, public meetings, etc.)
The public notice would be published in English and in the other language that might be dominant in a given area. Historically, it has been Spanish, but we also have a number of Native American communities where publishing in a Native American language may be appropriate. Every effort would be made to publish in a newspaper or newspaper's most likely to be read by members of the community. Information would be posted on our website. We would make the information available in the field office closest to the facility. In addition, given the specific situation, we would evaluate any other means of communication that would be deemed to be effective. If there is significant public interest, the Department Secretary has the authority to require a public hearing. A translator would also be employed at the hearing, if necessary.

Please provide any additional comments on title V Fee Review.

J. Miscellaneous

1. How does NMED permit synthetic minor MACT sources? Please provide an example.
A facility would be permitted as a synthetic minor MACT source through a construction (NSR) permit. The NSR permit contains federally enforceable conditions to ensure that the facility remains a synthetic minor. Since these conditions are federally enforceable, the facility does not need a TV permit. See Permit 325M11R8, attachment J.1.

2. How does NMED permit solid waste combustion sources (air-curtain incinerators, OSWI units, etc.)? Are there specific permitting procedures followed for these sources that are unique to this source type?
To date, NMED has not permitted the solid waste combustion sources described above. However, we do expect to issue a General Operating Permit for air-curtain incinerators some time in 2018.

   Since 2014, have the following permit actions for solid waste combustion sources been taken? If so, please provide a list of those permit actions.
Not applicable, see explanation above.

   a. Initial title V permits?
   NA.

   b. Renewals?
   NA.

   c. Modifications?
   NA.

   d. When an application is submitted for a major applicable source to add applicable provisions under MACT/NESHAP, or the change is in the method of operation or for an expansion, are the changes evaluated under NMED's SIP approved NSR regulations?
   If a Title V application is submitted for a source that does not have an NSR permit, the application is always evaluated to determine whether or not any activities at the facility trigger the requirement for a construction (NSR) permit. The potential emission rates (PERs) of any regulated air contaminants (as defined at 20.2.72.7.AA NMAC) emitted by the facility are evaluated against the criteria at 20.2.72.200 NMAC. See 20.2.72 NMAC, attachment J.2.d.

3. Good Practices not addressed elsewhere in this questionnaire:

   Are there any of the practices employed by NMED that improve the quality of the permits, or other aspects of title V program that are not addressed elsewhere in this questionnaire? Please explain.

No.

4. EPA assistance not addressed elsewhere in this questionnaire:

Is there anything else EPA can do to help your title V program?
We can never have too much training.

Please provide any additional comments on Miscellaneous topics.

Permit #	Name	City (near)	County	Type	Permit Date issued	Staff
P009R2M2	Intrepid Potash New Mexico LLC - East Plant	Carlsbad	Eddy	Significant Modification	10/7/2016	Linda Hurst
P021-R3	Gallup Refinery	Gallup	McKinley	Significant Modification	10/16/2017	Cember Hardison
P103R2M1	OXY USA Inc., Indian Basin Gas Plant	Carlsbad	Eddy	Significant Modification	11/16/2017	Joseph Kimbrell
P101R2M1	Williams Four Corners LLC, Milagro Gas Treating Plant	Bloomfield	San Juan	Significant Modification	1/26/2018	Kirby Olson
P085R3M1	US Army - White Sands Missile Range	Las Cruces	Dona Ana	Administrative Amendment	11/17/2017	Joseph Kimbrell
P062R3M1	PNM - San Juan Generating Station	Waterflow	San Juan	Administrative Amendment	1/29/2018	Joseph Kimbrell
P183R3M2	NuStar Logistics LP, Hope Pump Station	Hope	Chaves	Administrative Amendment	3/23/2017	Melinda Owen
P270	DCP Operating Company-ZiaII Gas Plant	Carlsbad	Lea	Initial	3/8/2018	Kirby Olson
P269	Frontier Field Services, LLC – Loco Hills Compressor Station	Loco Hills	Eddy	Initial	5/31/2017	Linsey Hurst
P271	Williams Four Corners LLC - Crow Mesa Compressor Station	Nageezi	San Juan	Initial	2/19/2018	Andrew Ahr
P265	Southwestern Public Service Co. dba Xcel Energy - Quay County Generating Plant	Tucumcari	Quay	Initial	1/20/2016	Richard Poley
P220R1	Valencia Power LLC – Valencia Power Plant	Belen	Valencia	Renewal	8/8/2016	Linsey Hurst
P217R2	Tri-State Generation and Transmission Association, Pyramid Generating Station	Lordsburg	Hidalgo	Renewal	11/30/2016	Linsey Hurst
P157R3	Lucid Energy Group, Daggar Draw Gas Plant	Artesia	Eddy	Renewal	4/6/2017	James Nellessen
P185L-R3	Santa Fe Solid Waste Management Agency – Caja Del Rio Landfill	Santa Fe	Santa Fe	Renewal	8/30/2017	Joseph Kimbrell
P100R2M1	Los Alamos National Security, LLC, Los Alamos National Laboratory,	Los Alamos	Los Alamos	Minor Modification	2/3/2017	Kirby Olson
P141-R3M2	Natural Gas Pipeline Company of America – Compressor Station No. 167	Maljamar	Lea County	Minor Modification	3/16/2016	James Nellessen

Samaniego, Robert, NMENV

To: Lutz, Jon, NMENV
Subject: PXXX-RX: Request for Verification of Compliance for Title V Source

We have received an application for a Title V permit from:

Company:
Facility:
Operating Permit:
AI Number:

Below, we have check-marked the compliance status shown in the application:

____ Certified compliance with all applicable requirements

____ Provided a compliance plan to correct non-compliance

* If the applicant certified compliance, please provide verification that there is no outstanding notice of violation and no settlement agreement for which all actions have not been completed. If so, please indicate if a compliance plan should be place in the title V permit.

* If the applicant provided a compliance plan, please review the compliance plan to ensure that it is adequate according to the requirements of 20NMAC2.70.300.D.12.

To allow us to process this application, please respond by [Insert Date].

Response from Compliance Section

Robert A. Samaniego
Major Sources Permitting Program Manager
New Mexico Environment Department / Air Quality Bureau
525 Camino de Los Marquez - Suite 1 / Santa Fe, NM, 87505
Phone: (505) 476-4360 / Cell: (505) 467-9457 / Fax: (505) 476-4375
Email: robert.samaniego@state.nm.us

HOW TO PROCESS TITLE V PERMITS

[– UPDATED JUNE 30, 2016]

This list does not include steps on pre-application mail-outs (ie, application forms, permitting regulations, permitting guidance, modeling guidance documentation, etc.), pre-application meetings and inquiries which deal with regulatory decisions that need to be made by the Department.

Link to the Title V Process flow diagram: **\aurora\AQB-Permits-Section\NSR-TV-Common\NSR-TV Permit Process.ppt**

Key: S=Secretary/Administration Section; P=Permit Writer; M=Manager; D=data entry person, TA=Technical Analysis (Modeling)

Step Task Description

Receipt of application and completeness check (30 days to Rule Incomplete or Complete for Minor Mod and 60 days for New, Renewal, Significant Mod, and Acid Rain)

1S Stamp date received on each application, including cover letter and section 1 of application (must be one (1) original, one (1) copy, and one Compact Disk (CD) with a PDF copy of application on the CD. If modeling is submitted, there should be 2 CDs). Forward application to Technical Services Permits Manager by the end of the day received. Prepare file folder.

2M Fill out a Permit Tracking Coversheet for each application and assign the permit to the Permit Writer.

2.1D Create a new TEMPO activity (gray bar) being sure to bring forward from the most recent locked Permit. In the Work Activity Log (WAL) enter the application received date. Verify that the data in the General Information Tab is correct.

2.2P If modeling is submitted, take a copy of the application and the modeling documents to the Modeling Section Manager (Sufi Mustafa) for review and generation of the Modeling Summary Report. Request a modeling administrative completeness determination by application completeness due date.

3TA Assign modeling review to a modeler, and update the WAL task for modeling analysis.

4P Review application and WAL to ensure that the correct received date has been entered in the WAL, facility name corresponds to that in NSR permit and TEMPO, and action has been correctly identified (ie, renewal, minor mod, etc) with the corresponding due dates for completion determinations (30 or 60 days). [Do not delete any tasks not required until permit has been issued, otherwise your default due dates will not auto-populate.]
[Determine if application was received "Timely", if not send email notification to

Enforcement Manager, Jon Lutz after discussing with your supervisor.]

5P Send an email (see \\aurora\aqb\AQB-Permits-Section\Title-V\Forms) to the Enforcement Section Manager (Ernesto Tellez identifying the compliance status certified in the application. If the application contains a compliance plan, make it available to Compliance for approval. Provide 2 to 3 weeks for compliance verification.

6P/D Complete TEMPO data entry for the Permit-D1 (XXXX). Alternatively, one of the data entry people may do this, but the permit writer is still responsible for the data accuracy. If doing data entry yourself, use ..\..\TEMPO\TEMPOProcedures_Short.docx as a guide for Tempo data entry. This document can be found at P:\AQB-Permits-Section\TEMPO. If you are processing more than one permit action for a given facility, then consult with Kerry or Joe to ensure the correct Permit-D1 is available for you to update.

7P Review application for completeness (see 20.2.70.300 NMAC and the instructions within the application form. This is not a technical review of the application, but a determination as to whether or not all the required elements have been submitted as part of the application. However, you may declare the application incomplete for technical content if you are aware of such deficiencies. This determination must be sent by letter to the applicant within 60 days of receipt for all actions except for minor modifications, which must be sent to the applicant within 30 days, or the application will be considered complete by default.

Read the entire application from front to back. **DO NOT** start creating the Statement of Basis (SOB) until you have completed reading. Flagging important sections at this time may save time later.

7.1P Optional - Prepare and send Draft SOB and DBS to applicant via email by the date the application is ruled complete. Flag a copy of the email (Pre-SOB). **Quality Bonus** (up to 1 quality point) will be awarded if draft SOB is issued to the applicant with the completeness determination. (Bonus does not apply to Acid Rain or Minor Mod.)

7.2P Print working copies of the active NSR and TV permit(s) for notes. Use the signed, PDF versions of the permits.

7.3P If modeling was submitted, check with the modeler if the modeling is complete. Permit writer must have an administratively complete determination from the modeler before ruling the application complete. If complete, go to step 9.2P.

Incomplete

8P If the application is incomplete, call the company or consultant (some issues may be settled over the phone and through email submittals) **if not, after receiving approval of your supervisor, prepare certified 'Ruled Incomplete' letter** stating why the

application is incomplete. This letter shall contain a detailed list of submittal(s) required to rule the application complete. Explain why any submitted document is unacceptable. Set a reasonable deadline for the new submittal.

8.1P Update the Work Activity Log (WAL) in Tempo with 'Ruled Incomplete' date and 'Additional Info due' date. Complete a Work Distribution Form (WDF), place the certified 'Ruled Incomplete' letter with the WDF in the assigned administrative assistants or "secretary" in box (right now inbox is on Carol's desk). Place a copy of the incomplete letter in your permit file and flag the letter. Send PDF of the letter to the applicant and consultant by electronic mail. Place the PDF copy of the letter in TEMPO.

9S. Send 'Ruled Incomplete' letter by certified mail to applicant.

9.1P When the required submittal is received, a new completeness determination must be performed within 30/60 days depending on the permitting action. In the Tempo WAL, establish new complete due date 30/60 days after when the submittal was received.

Complete

9.2P If the information in the submittal is sufficient for permit review, then prepare certified 'Ruled Complete' letter and EPA's 'Permit Transmittal Form'. Prepare WDF for secretary to mail the ruled complete letter and permit transmittal form to the applicant. Place a copy of the letter in your permit file and flag the letter. Send PDF of the letter and transmittal form to applicant and consultant by electronic mail. Send a separate email with the completeness letter and transmittal form to EPA R6 (r6airpermits@epa.gov) and to Eric a LeDoux.erica@epa.gov. Use this email template from Aurora ..\Forms\EPA EMAIL TEMPLATES . Place the PDF copy of the letter in TEMPO.

Put application into a ZIP file and the resubmittals to application into a ZIP file and attach the ZIP files into TEMPO.

10S Send certified 'Ruled Complete' letter and EPA's transmittal form to applicant.

10.1P Update WAL with the ruled complete date. [Do not delete any tasks until after permit is issued.]

Application Review and Permit Preparation Process (New, Renewal, and Acid Rain: 18 months from issuance of ruled complete letter or 16 ½ plus EPA review and AQB issuance. **Significant Modifications:** 9 months from ruled complete date. Per 20.2.70.404.C(6) NMAC, "the majority" of significant permit modifications are to be issued within 9 months of the ruled complete date. **A manager can approve 18 months** for complex significant modifications. **Minor Mod:** 3 months (90 days) from issuance of ruled complete)

11P Verify that data in TEMPO Application-S1 is correct. Do not lock the Application-S1(XXXX) in case changes need to be made to the data entry during the permit review process. A Permit-D1 will be created from this Application-S1 at the end of the permit process. Eventually, applicants will complete the data entry and the Application-S1 and AQB in the Permit-D1.

11.1P Compare representation in the TV application with what is permitted in the NSR Permit. Verify emission rate calculations. Make a note in the statement of basis indicating for which units that you reviewed emission estimates. If there are units for which you did not review the emission estimates, then indicate those sources and state why emission estimates were not reviewed (e.g. emission estimates reviewed during NSR permit review and operating conditions have not changed). (See P:\AQB-Permits-Section\NSR\Calculation Tools)

12P Using TEMPO prepare the Statement of Basis (SOB) and Database Summary (DBS) to provide a history and documentation of the review process. The SOB will explain in detail the reasoning for the conditions placed in the Operating Permit. **Always keep the most current version of the documents in TEMPO**.

- Always check aurora for current templates, monitoring protocols, correspondence forms, etc.

- Always start from the most recent title V permit template and add information to it from previous Title V permits, SOB, NSR permits, monitoring protocols, compliance orders, settlement agreements, and/or other sources of applicable requirements. The title V permit template can be found in aurora at P:\AQB-Permits-Section\Title-V\Permits-TV . The Acid Rain permit is at P:\AQB-Permits-Section\Title-V\Permits - Acid Rain

- SOB and notes should be in enough detail to explain adequately what the application is about, including verification of all emission points, accuracy check of tested emission rates, rationale for regulations applied, and determination of whether compliance with the regulations can be attained. You can cut and paste Permit History from SOB of previous issued permit; and the Insignificant Activities and Compliance Test History from application. Verify the accuracy and make corrections to the permit history and insignificant activity list.

- Someone who has never seen the file before should be able to pick it up and fully understand this source based on the documents prepared by the permit writer and correspondence included in the file.

- Outside of standard template language there should be nothing in the permit that isn't addressed and explained in the SOB. Future questions about permitting, compliance issues, or applicability of regulations often depend on the documentation that the reviewer puts in the permit file

12.1P If there is modeling, notify modeling if emissions and stack parameters in the application are ok, provide updated emissions and stack parameters as necessary, and negotiate and set a modeling report deadline with the modeler. The modeling review must be completed before going to public notice. Public notice is completed when the draft permit is submitted for review by EPA, etc.

New TV permits, TV renewals, or Significant modifications next step is **16P. Minor mods** next step is **13P**.

Minor Modifications

13P In addition to SOB, DBS, prepare Draft/Proposed permit and submit to manager for review. Inform manager you intend to do a concurrent 30 day comment period/ EPA 45 day review.

12.1M Review permit and supporting documentation within one week. Approve concurrent Public notice and Proposed review by EPA, applicant, and enforcement. Document your approval on the TV Permit Review Checklist form for this action provided by Permit Writer.

14P Prepare public notice and affected program letters. Prepare WDF, specifying Newspaper where the notice is to be published. Submit public notice to additional entities by email according to the directions at the end of the public notice template. Submit public notice by email to permit section staff Mary Gerhart for publication on AQB website and to Admin staff Carol Campbell and cc Kimberly Salazar for publishing notice in newspaper. Here are links to procedures for requesting a public notice and Work Distribution Form ..\..\..\admin\Administrative Staff Specific Instruction\Legal Notices\Publishing Public Notices 9-17-15 Final.docx

P:\admin\FORMS & TEMPLATES\Work Distribution Form\Work_Distribution_Form_Feb_2016.xlsx.

14.1S Send notice to newspaper and affected parties letter via regular mail.

15P

- Once projected public notice publication date received from Carol Campbell, email Proposed permit, your Word.doc legal notice, projected public notice publication date, SOB, and DBS to EPA R6 and Erica LeDoux for 45 day Proposed review. The email option should be set to "Request a Delivery Receipt". P:\AQB-Permits-Section\Title-V\Forms\EPA EMAIL TEMPLATES
    - About 2 days after WDF submittal in step **14P**, Carol Campbell will provide the projected public notice publication date. Cite this date in your email to LeDoux/EPA-R6.

- In 1 to 4 weeks, Carol C. will provide newspaper affidavit. If affidavit shows public notice publication date was later than the projected date reported to EPA, re-send proposed email to LeDoux/EPA-R6 informing of the correct publication date.

- Email proposed permit, SOB, and DBS to applicant, consultant, and enforcement (Permit.Review@state.nm.us) and allow a 30-day review/comment period. Goes to Sondra Sage.
- See email templates in aurora at P:\AQB-Permits-Section\Title-V\Forms.
- Print off all emails and email updates and place in permit file. Also print the "Delivery Receipt" reply and attached to EPA's email. Or - you can wait and see if your proposed permit posts to the EPA website and print off the webpage: http://yosemite.epa.gov/r6/apermit.nsf/AirNM.
- Mark calendar of EPA-45 proposed comment due date to follow up (or track deadline by other means).

15.1P Update WAL with all relevant dates, and if any, the revised public notice date. Do not delete any tasks until after permit is issued. Update tasks for Post Public Notice (start of 45 day review) and Comment Period Ends (end 45 day period) first, then update Proposed permit (date sent to EPA). After saving, if default due date does not auto-populate for "Receive EPA Comments" then calculate end of 45-day due date and enter in the revised due date column in WAL. For Affected Programs update tasks "Send Notification" and due date for "Receive Comments".

15.2P Address all comments received and prepare for Final. Go to Step **27P**.

New TV permits, TV renewals, or Significant Modifications

16P (Optional) Submit Statement of Basis and Database Summary for manager review.

16.1M Review Statement of Basis and Database summary within 1 week.

17P Prepare a Draft/Proposed Permit from current templates and monitoring protocols. If applicable, include key elements of the compliance plan approved by the Compliance Section. If any public comments are received, any significant comments from the applicant are received, or if any significant changes to the draft/proposed of the permit (including replacing the General Conditions, if necessary) requires a restart the EPA 45-day proposed review period.

Peer Review of permit (complete file folder) is encouraged at this stage and any subsequent reviews as needed.

17.1P Submit Draft/Proposed Permit, SOB, DBS, permit file, and "TV Permit Review Checklist" to manager for review. The 'Permit Review Checklist" can be found at P:\AQB-Permits-Section\Title-V\Forms

17.2M Review Draft/Proposed Permit, SOB, DBS, and permit file within 2 weeks.

18P Incorporate manager comments into the Draft/Proposed Permit and prepare Public Notice and Affected Program letters (Neighboring State, Indian Tribes/Pueblos, Bernalillo County air agency).

Make copies of the public notice and affected program letters for the permit file and flag. Place the public notice and affected program letters in Tempo. Affected program letters are generated from Tempo.

Class I areas entered into Tempo may pre-populate in the Data Base summary indicating that an affected program letter should be sent. However, Class I areas are not affected programs in Title V, only in NSR.

18.1P If it is a complex facility with a consent decree, send to Enforcement for review prior to the public notice and facility draft review. Provide 2 – 3 weeks for Enforcement review. Otherwise, follow steps below for simultaneous reviews.

18.2P If modeling is submitted (see 20.2.70.300.D.10 NMAC for modeling requirement), must have modeling results before going to public notice. Flag Modeling Summary Report in file folder.

18.3TA Modeler reviews dispersion modeling analysis, provides/attaches a copy of the Modeling Summary Report under the current permitting action, updates the WAL with a completion date. He/she may/should bring the copy of the application back to the permit writer.

19P Prepare WDF, specifying the newspaper where the AQB's public notice is to be published. (See P:\AQB-Permits-Section\NSR-TV-Common\Newspapers) Submit public notice to additional entities by email according to the directions at the end of the public notice template. Submit public notice by email to permit section staff (Mary Gerhart) for publication on AQB website and to Admin staff (Carol Campbell, cc Kimberly Salazar) for publishing notice in newspaper.

19.1S Send public notice with a cover letter to the appropriate newspaper, requesting one day publication as a 'legal notice'. Mail affected program letter and public notice to affected program organizations and to other interested parties. Keep copy for advertising bills binder. Verify receipt by calling the paper directly. Pay newspaper for cost of publication (when invoiced) and give the original copy of publication affidavit to permit writer for permit file. See further instructions in secretary's manual for newspaper tracking reports and how to process invoices.

20P

- Once projected public notice publication date received from Carol Campbell, email Draft/Proposed permit, your Word.doc Public Notice, projected public notice publication

date, SOB, and DBS to EPA R6 and Erica LeDoux for 45-day Proposed permit review concurrent with 30 day draft permit review periods. The email option should be set to "Request a Delivery Receipt".

  - About 2 days after WDF submittal in step **19p**, Carol Campbell will provide the projected public notice publication date. Cite this date in your proposed/draft permit email to LeDoux/EPA-R6, and start the 30 day draft permit/45 day EPA review periods.
  - In 1 to 4 weeks, Carol C. will provide newspaper affidavit. If affidavit shows public notice publication date was later than the projected date reported to LeDoux/EPA-R6, re-send proposed/draft permit email informing Erica LeDoux and EPA of the correct publication date and correct our WAL 30-day and 45-day due dates for comments.

- Email to applicant, consultant, and to enforcement. Find the email template for the enforcement review here in aurora ..\Forms\COMPLIANCE ENFORCEMENT EMAIL TEMPLATES draft/proposed permit, SOB, and DBS for 30-day review/comment period.
- See email templates in aurora at P:\AQB-Permits-Section\Title-V\Forms.
- Print off all emails and email updates and put in permit file. Also print the "Delivery Receipt" reply and attach to EPA's email. Or - you can wait and see if your proposed permit posts to the EPA website and print off the webpage: http://yosemite.epa.gov/r6/apermit.nsf/AirNM.
- Mark calendar on 30-day draft permit comment due date and EPA-45 proposed comment due date to follow up (or track deadlines by other means).

20.1P Update WAL with all relevant dates in this order to avoid data entry predecessor errors: Draft Permit (Date sent to EPA), Proposed Permit (date sent to EPA), Send Notification (date Affected Programs letters sent), and Post Public Notice (Projected, then actual if different, publication date starts the 30 day draft permit/45 day proposed permit comment periods).

20.2P

- If no comments are received at end of 30 day review period from applicant/consultant, enforcement, affected programs, or the public, re-send the DRAFT/PROPOSED email to LeDoux/EPA-R6 stating "No significant comments received on permit Pxxxx. Draft/proposed permit will be issued after the end of the original 45-day review period".
-
- If significant comments are received, and/or significant changes (including replacing general conditions) must be made to the draft/proposed permit for any reason, another 45-day review on the revised proposed permit is required. Speak with your manager to determine if applicant comments and/or changes to the permit are significant.
  - If comments or changes to the permit are obviously not significant, the permit writer can make this determination. If so, re-send the DRAFT/PROPOSED email to LeDoux/EPA-R6 stating "No significant comments received on permit Pxxxx. Draft/proposed permit will be issued after the end of the original 45-day review period". File email in permit file.
  - If you and your manager determine that another 45-day review period on the proposed permit is required and there is not sufficient time to complete a new 45-

day review before the issuance deadline, you must obtain the Permit Programs Manager approval to re-start the 45-day proposed per review period.

- Notes: Going past the 18-month renewal issuance deadline has no adverse effect on a permittee's permit shield as long as the renewal application was submitted on time and the permittee has met your deadlines for providing additional information. The minor modification issuance deadline has two criteria, either the permit is issued within 90 days of ruled complete or within 15 days of EPA last proposed review. Therefore, the deadline is extended if comments are received. Significant modifications that do not require pre-construction review cannot occur until the TV permit is issued, but the majority of those types of changes are already approved through NSR.

- See email templates at P:\AQB-Permits-Section\Title-V\Forms.

21P After public notice, address all comments received as necessary, explain basis of accepting or rejecting comments. Update WAL with end date of the public notice period "comment period ends".

22P Organize and prepare for public hearing if necessary. Update WAL with date for "hold hearing" when date is known. Don't delete any unnecessary tasks until after permit is issued.

23P If there are significant comments, and/or significant changes to the draft/proposed permit (see steps **20P & 20.2P)**, prepare a new Proposed Permit for a 45-day review for EPA and affected programs. Review and update permit with any permit template changes, comments received, additional notes/edits to SOB and DBS.

Submit Proposed permit, SOB, DBS, Permit Review Checklist, and permit file for manager review.

23.1M Review Proposed permit, SOB, DBS, within 2 weeks and approve submittal to EPA.

24P After manager approves, email Proposed permit, SOB, and DBS to EPA R6 (R6 and Erica LeDoux) via email for a 45 day EPA/Affected program review period. Print the email and proposed permit for the permit file. We assume EPA has received the email as well and the review period starts on that day. Note: Proposed permit should be sent to EPA no later than 1 year after ruled complete. Use this email template from aurora P:\AQB-Permits-Section\Title-V\Forms\Proposed TV Permit Transmittal.msg

24.1P The submittal of the new proposed permit to EPA must include all comments on the draft/proposed, and the reasons for not accepting any comment(s).

24.2P Update WAL [revised Proposed permit (Use email to establish date)] Proposed permits sent to R6 are posted on this web site: http://yosemite.epa.gov/r6/apermit.nsf/AirNM This link can be viewed to verify that the email was received. Ensure the Default due date task "receive EPA comments" is auto-populated or else calculate date and enter in the revised due date column.

25P Respond to EPA objections; there is no regulatory time frame. Update WAL [EPA Comments Received]

If EPA comments are received, discuss with your manager and update the permit. For any EPA comments not accepted into the permit, explain why in the SoB.. Update the SoB and DBS. You do not need to start another proposed permit review when addressing EPA comments.

If there are affected program comments on the second 45-day review, incorporate appropriate comments, determine per 20.2P if they are significant, and, if necessary, resubmit the proposed permit to EPA for another 45-day proposed permit review with the affected program comments and any reasons for not accepting any of the affected program comments (20.2.70.402.B(3) NMAC). Another 45-day review is not required if only EPA commented on the permit.

25.1P If EPA does not object to the "proposed permit" within the 45-day period, prepare the Final Permit. Update WAL "EPA Comments Received" as the date of the end of the 45-day review period since no comments were received.

Prepare final permit for signature

26P Confirm accuracy of TEMPO data entry. Check Master file for duplicate SI's or stacks. Request that a tempo data entry person delete duplicates, pollutants, or SCC codes as necessary.

26.1P Print out the Admin Check in TEMPO – note by hand why remaining fields exist.

27P Print all correspondence and flag pertinent sections (see Permit Review Checklist for items to be flagged). Submit final permit ready for signature, SOB, DBS, Permit Review Checklist, and permit file for manager review at least 50 days before due date (for all actions except Minor Mods).

Quality Bonus: Quality bonus (up to 1 quality point) if the final permit for signature is SUBMITTED to your immediate supervisor within 1 year after the completeness determination. (Bonus does not apply to AR or Minor Mod.)
Review final permit for signature, SOB, DBS, within 1 week.

28P Incorporate final edits and resubmit permit to manager.

28.1M Review and submit to Permit Programs Manager for review and Bureau Chief's signature.

EAFA Bonus: 1 EAFA point if permit is ISSUED within 1 year of the completeness determination.

29P Upon receipt of the signed permit, create a PDF copy of the signed permit following these instructions.

- Scan the first page of the permit with the Bureau Chief signature.
- Save the Word version of the final permit as a PDF
- Attach the scanned/signed first page of the permit to the beginning of the PDF version of the permit.

30P Give the original final, signed permit to the secretary with a WDF requesting that the final permit be sent to the applicant via certified mail with return receipt.

30.1S Send Final Signed Permit by certified mail with return receipt.

30.2P Email PDF of final permit, statement of basis, and database summary to EPA R6 and Erica LeDoux. Use the email form from aurora P:\AQB-Permits-Section\Title-V\Forms\Issued Permit Transmittal.msg

By email, send the following documents to the permittee and consultant:

- Word version of the permit
- Signed PDF version of the permit
- Statement of Basis
- Database summary
- AQB's Modeling report

31P Respond in writing concerning the Department's final action to all citizens who commented in writing.

32P Complete WAL (tracking) entries. Ensure date of issue of the final permit is correctly shown in TEMPO. Within the activity (gray bar), you should have the following files:
Application-S1
Permit-D1 (xxxx) **with Effective Dates Set**
Statement of Basis
Database Summary
Ruled Incomplete and/or Complete Letter
MS Word Permit Document with issued date typed on first page
Signed Adobe Acrobat PDF Permit Document
Public Notice
Affected Parties Letters or Zip file for multiple files
WAL (not locked)
Permit application (zipped)
Re-submittals to permit application (zipped)

34P File folder upon completion of tasks above and receipt and attachment of Return Receipt green card.

Note (1) A history and documentation of the review process will include the following:

a) description of the source,
b) whether renewal, administrative amendment, minor or significant Modification, etc,
c) identify and verify emission points and pollutants,
d) check & verify allowable emission rates,
e) identify process and control equipment and their parameters,

f) determine and write memos to file on the applicable requirements, especially those dealing with HAPS, Monitoring, Acid Rain, and Stratospheric Ozone.

NEW MEXICO
ENVIRONMENT DEPARTMENT

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SUSANA MARTINEZ
GOVERNOR

JOHN A. SANCHEZ
LT. GOVERNOR

BUTCH TONGATE
CABINET SECRETARY

J. C. BORREGO
DEPUTY SECRETARY

Air Quality Bureau
TITLE V OPERATING PERMIT
Issued under 20.2.70 NMAC

Note to Applicant for Draft Permit Reviews: The permit specialist provides this draft permit to the applicant as a courtesy to assist AQB with developing practically enforceable permit terms & conditions and correcting any technical errors. Please note that the draft permit may change following completion of the Department's internal reviews and if time allows, the applicant may be provided an opportunity for additional review before the permit is issued.

Certified Mail No: xxxx xxxx xxxx xxxx
Return Receipt Requested

Operating Permit No:	Pxxx-xx
Facility Name:	Facility Name
Facility Owner/Operator:	If different, list the one that is not the applicant here
Permittee Name:	Delete this line unless different, if different, insert the applicant's name as the permittee
Mailing Address:	Address City, State Zip Code
TEMPO/IDEA ID No:	XXX-PRTXXXXXXXXXXX
AIRS No:	35 XXXXXXXXXX
Permitting Action:	**Type of Action e.g.** Renewal
Source Classification:	**[**Title V Major, PSD Major]
Facility Location:	XXX,XXXm E by X,XXX,XXXm N; Zone **12** or **13;** Datum **[**WGS84, NAD27, or NAD83**]**
County:	County
Air Quality Bureau Contact:	Permit Writer
Main AQB Phone No.	(505) 476-4300
TV Permit Expiration Date:	_____
TV Renewal Application Due:	_____

_____ _____

Richard L. Goodyear, PE **Date**
Bureau Chief
Air Quality Bureau

[Delete all below at time final permit submitted for signature.]
FILE NAME: TV_PERMIT_TEMPLATE_MASTER.Doc
SAVE DATE: 9/26/2019 4:01:00 PM
Print Date: 9/26/2019 4:01:00 PM

TABLE OF CONTENTS

PART A FACILITY SPECIFIC REQUIREMENTS

A100 Introduction

A. Not Applicable **[delete this note: 100A is currently a placeholder. Put 'Description of this mod in A102]**

B. **[DELETE IF DOES NOT APPLY. Include this condition only if the NSR or TV permit includes any PSD BACT limits or other control or operating requirements. Do not list the BACT limits and control requirements in this section. Those should be listed in Sections 105 and 106 of the permit, and should not be duplicated here.]** This permit includes Prevention of Significant Deterioration (PSD) Best Available Control Technology (BACT) requirements that were imposed in accordance with the PSD permit regulation 20.2.74 NMAC. Any removal or revision of any BACT requirement(s) must first be approved by the Department through an appropriate new source review permit application that includes a BACT re-evaluation consistent with 20.2.74 NMAC.

[Delete this note: REMEMBER THAT CONSTRUCTION, MODIFICATION, REVISION AND OPERATING CONDITIONS IN THIS PERMIT MUST BE PRACTICALLY ENFORCEABLE USUALLY WITH SOME KIND OF MONITORING, RECORDKEEPING, AND REPORTING. BE SURE TO SPECIFY THE FREQUENCY OF THE REQUIREMENTS.]

A101 Permit Duration (expiration)

A. **[If this permit is the first permit for a facility or a Renewal use this language]** The term of this permit is five (5) years. It will expire five years from the date of issuance. Application for renewal of this permit is due twelve (12) months prior to the date of expiration. (20.2.70.300.B.2 and 302.B NMAC)

B. **[If this permit is a modification use this language]** This permit PxxxMx supersedes permit Pxxx, and will expire on [Insert expiration date]. Application for renewal of this permit is due twelve (12) months prior to the date of expiration. (20.2.70.300.B.2 and 302.B NMAC)

C. If a timely and complete application for a permit renewal is submitted, consistent with 20.2.70.300 NMAC, but the Department has failed to issue or disapprove the renewal permit before the end of the term of the previous permit, then the permit shall not expire and all the terms and conditions of the permit shall remain in effect until the renewal permit has been issued or disapproved. (20.2.70.400.D NMAC)

A102 Facility: Description

A. The function of the facility is to [Description].

B. This facility is located approximately **XX** miles **DIRECTION** of **CITY**, New Mexico in **COUNTY** County. (20.2.70.302.A(7) NMAC) [use this citation (20.2.70.302.F NMAC) only for portable or temporary sources, otherwise delete]

C. **[If this permit is a modification, summarize the change made]** This modification consists of…The description of this modification is for informational purposes only and is not enforceable.

D. Tables 102.A and Table 102.B show the potential to emit (PTE) from this facility for information only. This is not an enforceable condition and excludes insignificant or trivial activities.

Table 102.A: Total Potential to Emit (PTE) from Entire Facility

Pollutant (LIST ALL POLLUTANTS IN THIS ORDER)	**Emissions (tons per year)**
Nitrogen Oxides (NOx)	XXXX
Carbon Monoxide (CO)	XX.X
Volatile Organic Compounds (VOC)*	XX.X
Sulfur Dioxide (SO_2)	X.0
Total Suspended Particulate Matter (TSP)	
Particulate Matter less than 10 microns (PM_{10})	
Particulate Matter less than 2.5 microns ($PM_{2.5}$)	
Hydrogen Sulfide (H_2S)	XX.0
Lead	
Greenhouse Gas (GHG) (CO2e)	XX.0

* VOC total includes emissions from Fugitives, SSM and Malfunctions [edit as necessary]

Table 102.B: Total Potential to Emit (PTE) for *HAPs that exceed 1.0 tons per year

Pollutant (LIST ALL POLLUTANTS ALPHABETICALLY)	**Emissions (tons per year)**
Acetaldehyde	XX.X
Benzene	X.X
Formaldehyde	X.X
n-Hexane	X.X
Total HAPs**	

* HAP emissions are already included in the VOC emission total.

** The total HAP emissions may not agree with the sum of individual HAPs because only individual HAPs greater than 1.0 tons per year are listed here.

A103 Facility: Applicable Regulations and Non-Applicable Regulations

A. The permittee shall comply with all applicable sections of the requirements listed in Table 103.A.

[Here is an example of how Table 103.A should be presented. There may be other requirements than those listed here. Organize in numerical order, showing NMAC first with CFRs following at bottom.]

Delete this Note: Remember to do a word search for and **delete** all references and conditions of **20.2.37 (repealed effective 2-15-16) and 20.2.36 (repealed effective ?-?-16)** NMAC from existing permits. These regulations were repealed by the Environmental Improvement Board.

Delete this Note: Do a word search for and remove all 20.2.35 NMAC citations and requirements in the permit per statement below. Add the information to your Statement of Basis if you remove 20.2.35 NMAC requirements: AQB determined on 3-4-16 that 20.2.35 NMAC does not apply to natural gas processing plants that do not use a Sulfur Recovery Unit to control sulfur emissions but instead use acid gas injection (AGI), flaring, enclosed combustion, re-routing, and/or any other type of sulfur control other than an SRU. See "Guidance and Clarification Regarding Applicability to 20.2.35 NMAC".

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
NSR Permit No: XXXX-MX (Per 20.2.72 NMAC)	X	Entire Facility or Units
20.2.1 NMAC General Provisions	X	Entire Facility
20.2.7 NMAC Excess Emissions	X	Entire Facility
20.2.61 NMAC Smoke and Visible Emissions	X	
20.2.70 NMAC Operating Permits	X	Entire Facility
20.2.71 NMAC Operating Permit Emission Fees	X	Entire Facility
20.2.72 NMAC Construction Permit	X	Entire Facility
20.2.73 NMAC Notice of Intent and Emissions Inventory Requirements	X	Entire Facility
20.2.74 NMAC Permits – Prevention of Significant Deterioration (PSD)	X	Entire Facility
20.2.77 NMAC New Source Performance	X	Units subject to 40 CFR 60
20.2.82 NMAC MACT Standards for Source Categories of HAPS	X	Units subject to 40 CFR 63
40 CFR 50 National Ambient Air Quality Standards	X	Entire Facility
40 CFR 60, Subpart A, General Provisions	X	
40 CFR 60, Subpart Kb	X	
40 CFR 60, Subpart OOOO	X	
40 CFR 63, Subpart A, General Provisions	X	
40 CFR 63, Subpart HH	X	
40 CFR 64 Compliance Assurance Monitoring	X	
40 CFR 68 Chemical Accident Prevention	X	

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
40 CFR 72 Acid Rain Program	X	
Settlement Agreement		

B. Table 103.B lists requirements that are **not** applicable to this facility. This table only includes those requirements cited in the application as applicable and determined by the Department to be not applicable, or the Department determined that the requirement does not impose any conditions on a regulated piece of equipment.

Table 103.B: Non-Applicable Requirements

Non-Applicable Requirements	(1)	(2)	Justification For Non-Applicability
20.2.2 NMAC Definitions		X	
20.2.3 NMAC Ambient Air Quality Standards	X		
20.2.5 NMAC Source Surveillance		X	
20.2.60 NMAC Regulation to Control Open Burning	X		
20.2.75 NMAC Permit Fees		X	
20.2.78 NMAC Hazardous Air Pollutants	X		
20.2.80 NMAC Stack Heights	X		
20.2.81 NMAC Western Backstop Sulfur Dioxide Trading Program	X		The Program Trigger Date has not yet been triggered therefore no applicable requirements could apply at this time.
40 CFR 61, Subpart M, Asbestos	X		

1. Not Applicable For This Facility: No existing or planned operation/activity at this facility triggers the applicability of these requirements.
2. No Requirements: Although these regulations may apply, they do not impose any specific requirements on the operation of the facility as described in this permit.

C. Compliance with the terms and conditions of this permit regarding source emissions and operation demonstrate compliance with national ambient air quality standards specified at 40 CFR 50, which were applicable at the time air dispersion modeling was performed for the facility's NSR Permit XXX-MX.

A104 Facility: Regulated Sources

A. Table 104.A lists the emission units authorized for this facility. Emission units identified as insignificant or trivial activities (as defined in 20.2.70.7 NMAC) and/or equipment not regulated pursuant to the Act are not included.

[Note: Do not include Fugitives unless there is a condition for leak detection and repair per the protocol "Monitoring-VOC-HAPS Fugitives" located in the NSR-

TV shared folder in magneto or a Department approved enforceable condition proposed by the applicant to demonstrate compliance with a limit on Fugitives.]

Table 104.A: Regulated Sources List

Unit No.	Source Description [for RICE include 2S, 4S, LB, etc.]	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
ex	RICE	John Deere	xxx-xxx	1234	06/08/2016	Not Reported	xx hp
FL-XX	[Choose which applies:] [Emergency Flare Pilot/Purge Emissions or Emergency Flare Pilot with auto ignition]	xxxx	xxxx	xxxx (Note-pilot/purge MMscf/yr	xxxx	xxxx	xxxx

1. All TBD (to be determined) units and like-kind engine replacements must be evaluated for applicability to NSPS and MACT requirements.

[Add footnotes as needed to explain reconstruction status and changes to regulatory applicability. Permitted Capacity should reflect the capacity used to calculate emissions. Manufacturer Rated Capacity is the capacity the inspector will look for on the Unit Nameplate (if listed). Capacity must be listed for permitted TBD units.
Note: the purpose of footnotes are mainly for explanation. Footnotes are generally not enforceable.]

[For pilot-ignition flares, always list the flare pilot and purge gas flaring as a unit in Table 104 with separate pilot and purge gas limits in Table 106.A, even if there are SSM and/or malfunction flaring limits in Section 107. For auto-ignition flares, the limits in Table 106.A should be set at zero. The separate pilot/purge gas only emission limits provide a mechanism for permittees to report excess emissions for malfunctions or SSM (see 20.2.7.109 NMAC). If the separate pilot/purge gas emission rates are not listed separately in Tables 2-E or 2-F, then see the application Section 6- Emissions Calculations for those values.]

A105 Facility: Control Equipment

A. Table 105.A lists all the pollution control equipment required for this facility. Each emission point is identified by the same number that was assigned to it in the permit application.

OR The facility has no pollution controls.

Table 105.A: Control Equipment List:

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit No.[1]
1			

Table 105.A: Control Equipment List:

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit No.[1]
2			

1 Control for unit number refers to a unit number from the Regulated Equipment List

A106 Facility: Allowable Emissions

A. The following Section lists the emission units, and their allowable emission limits. (40 CFR 50; 40 CFR 60, Subparts A and XYZ; 40 CFR 63, Subparts A and XYZ; Paragraphs 1, 7, and 8 of 20.2.70.302.A NMAC; and NSR Permit XXXX).

[List and describe all the emissions limits that apply to this unit or set of units. Repeat as necessary for all required emissions units. An example table is shown below.

Impose limits for units that have controls for a particular pollutant even if emissions are < 1.0 pph or < 1.0 tpy. Do not impose limits for uncontrolled units if emissions are < 1.0 pph or < 1.0 tpy. If emissions for all units for a particular pollutant are uncontrolled and < 1.0 pph and < 1.0 tpy, delete the pollutant columns (both pph and tpy).]

Do not include Fugitives as an allowable limit unless the permittee specifically requests a limit and there is a condition for leak detection and repair per the VOC/HAP Fugitives Monitoring Protocol or a Department approved enforceable condition to demonstrate compliance with a limit on Fugitives.]

Do not include SSM/M1 as line items in Table 106.A, Richard wants them in 107.A.

Table 106.A: Allowable Emissions [LIST POLLUTANTS IN THIS ORDER]

Unit No.	[1]NO_x pph	NO_x tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	TSP pph	TSP tpy	PM_{10} pph	PM_{10} tpy	$PM_{2.5}$ pph	$PM_{2.5}$ tpy
1			-		<									
2														
3					*									
FL-XX														

1 Nitrogen dioxide emissions include all oxides of nitrogen expressed as NO_2.
2 Title V annual fee assessments are based on the sum of allowable tons per year emission limits in Sections A106 and A107.
3 Compliance with emergency flare emission limits is demonstrated by limiting combustion to pilot and/or purge gas only.
"-" indicates the application represented emissions are not expected for this pollutant.

"<" indicates that the application represented the uncontrolled mass emission rates are less than 1.0 pph or 1.0 tpy for this emissions unit and this air pollutant. The Department determined that allowable mass emission limits were not required for this unit and this pollutant. **[Note to permit writer: Do NOT use the "<" symbol for flares or for units with emissions that are limited in some way by a permit condition.]**

"*" indicates hourly emission limits are not appropriate for this operating situation.

4 To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110.E.

[For pilot-ignition flares, always enter flare pilot and/or purge gas emission limits in Table 106.A. For auto-ignition flares, the limits in Table 106.A should be set at zero. In Table 107.A, separately enter any flaring SSM/M limits. This is so there is a mechanism to report malfunction excess emissions for flaring (see 20.2.7.109 NMAC). In Table 107.A, include the flaring pilot/purge emissions within the flaring emission limits].

[Include additional NSPS/NESHAP/State Reg emission limits as necessary. An example is provided below.]

B. Unit X, nitrogen dioxide emissions shall not exceed [you must calculate ppmv] ppmv at 15 percent oxygen and on a dry basis, and the fuel burned shall not contain total sulfur in excess 0.8 percent by weight (8000 ppmw). (40 CFR 60, Subpart GG)

A107 Facility: Allowable Startup, Shutdown, & Maintenance (SSM) [and Malfunction Emissions]

[Insert the following condition if 1) the application indicates SSM emissions are < 1 tpy, 2) the facility submits SSM calculations, but does not want SSM allowable limits established, or 3) the facility acknowledges SSM events, but does not submit SSM calculations]

A. Separate allowable startup, shutdown, and maintenance (SSM) emission limits are not required for this facility since the SSM emissions are predicted to be less than the limits established in Table 106.A. The permittee shall maintain records in accordance with Condition B109.E.

[OR]

B. [use this language in place of A107.A if SSM from blowdown/venting, pigging, and/or flaring are reported as NSR exempt and TV insignificant] Allowable SSM emission limits are not imposed at this time. The permittee certified that routine or predictable SSM emissions are insignificant as item 1.a of the Title V Insignificant Activity List dated March 4, 2005. The permittee shall notify the Department's Permit Program Manager in writing within 60 days of determining that routine or predictable SSM emissions are not insignificant as defined in 20.2.70.7.Q NMAC. The permittee shall maintain records in accordance with Condition B109.E. (20.2.70.302.A(4) NMAC)

OR

Allowable SSM allowable limits may be included in an NSR significant permit revision and emissions shall be modeled or a modeling waiver obtained as required, unless the SSM emissions are VOCs only.

Conditions below are for Compressor Blowdowns and must be modified for other SSM events.

C. The maximum allowable SSM [and Malfunction] emission limits for this facility are listed in Table 107.A and were relied upon by the Department to determine compliance with applicable regulations.

Table 107.A: Allowable SSM [and Malfunction] Units, Activities, and Emission Limits

Unit No.	Description	VOC (tpy)	H_2S (pph)	H_2S (tpy)
SSM from [insert unit numbers]	[1]Compressor & Associated Piping Blowdowns [or unit/type activity] during Routine and Predictable Startup, Shutdown, and/or Maintenance (SSM)	X	X	X
M	[1]Venting of Gas Due to Malfunction	X	X	X
OR [delete un-needed rows] SSM/M	[1]Venting of Gas Due to SSM and Malfunction	X	X	X

1. This authorization does not include VOC combustion emissions.
   "<" indicates the application represented that uncontrolled venting, blowdown, or pigging emissions of H2S are less than 0.1 pph or 0.44 tpy. Allowable limits, monitoring, and recordkeeping are not required on this level of H2S venting, blowdown, or pigging emissions. [delete this < sign footnote if for some reason you need to add H2S limits less than 0.1 pph or 0.44 tpy]
2. To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110.E.

[PLEASE NOTE - Do not enter Flare emission limits in Table 107.A unless you first enter Flare Pilot/Purge- limits in Table 106.A. The pilot and/or purge gas flaring emission rates listed in Table 106.A are also included under the flaring emission limits in Table 107.A. Separate pilot and/or purge gas flaring-limits are required in Table 106.A to provide a mechanism for reporting excess emissions due to malfunctions.**]**

[For the SSM/M flaring conditions go to the miscellaneous monitoring folder in aurora. These conditions are only for natural gas venting of VOCs and/or H2S from oil and gas. We have not yet developed standard conditions for other types of SSM/M (such as boilers with oxidation catalyst controls, so you will need to find examples of those conditions in other permits.]

[**Delete this explanation for the < sign**:
Modeling can be waived if total facility emissions or increase for a point source are < 0.1 pph and for a fugitive source is < 0.01 pph. Venting is a point source (stack).
0.44 tpy comes from: (0.1 lb/hr) x (1ton/2000lbs) x (8760hrs/yr)= 0.438 tpy
If the permit needs a numerical H2S emission limit to avoid an applicability threshold do not use the < sign but put in a numerical emission limit with monitoring and records. Avoiding applicability threshold means to avoid a PSD, nonattainment, or some other regulatory requirement which can be done with a federally enforceable emission limit. If an applicant netted out of PSD for H2S it must have a permit limit with federally enforceable condition or the net reduction may not be "creditable".]

D. The authorization of emission limits for startup, shutdown, maintenance, and malfunction does not supersede the requirements to minimize emissions according to Conditions B101.C and B107.A.

E. SSM VOC Emissions for venting of gas **[for venting of gas, add other pollutants as required such as H2S and/or HAPs]**

Requirement: The permittee shall perform a facility inlet gas analysis once every year [or more frequently for variable gas] and complete the following recordkeeping to demonstrate compliance with routine and predictable startup, shutdown, and maintenance (SSM) emission limits in Table 107.A.

Monitoring: The permittee shall monitor the permitted routine and predictable startups and shutdowns and scheduled maintenance events.

Recordkeeping:

(1) To demonstrate compliance, each month records shall be kept of the cumulative total VOC emissions due to SSM events during the first 12 months due to SSM events and, thereafter of the monthly rolling 12 month total of VOC emissions due to SSM events.

(2) Records shall also be kept of the inlet gas analysis, the percent VOC of the gas based on the most recent gas analysis**[or for only commercial pipeline gas that does not vary using the number of events and associated volume of each event]**, and of the volume of total gas vented in MMscf used to calculate the VOC emissions.

(3) The permittee shall record the calculated emissions and parameters used in calculations in accordance with Condition B109, except the requirement in B109.E to record the start and end times of SSM events shall not apply to the venting of known quantities of VOC. **[Exemption to record start & end times applies only to venting of fixed quantities of VOCs. Other SSM, e.g. flaring, must record start and end times.]**

Reporting: The permittee shall report in accordance with Section B110.

F. Malfunction Emissions **[for venting of gas, add other pollutants as required e.g. H2S and/or HAPs]**

Requirement: The permittee shall perform a facility inlet gas analysis once every year [or more frequent] and complete the following recordkeeping to demonstrate compliance with malfunction (M1) emission limits in Table 107.A.

Monitoring: The permittee shall monitor all malfunction events that result in VOC emissions including identification of the equipment or activity that is the source of emissions.

Recordkeeping:

(1) To demonstrate compliance, each month records shall be kept of the cumulative total VOC emissions due to malfunction events during the first 12 months and, thereafter of the monthly rolling 12 month total of VOC emissions due to malfunction events.

(2) Records shall also be kept of the inlet gas analysis, the percent VOC of the gas based on the most recent gas analysis, of the volume of total gas vented in MMscf used to calculate the VOC emissions, a description of the event, and whether the emissions resulting from the event will be used toward the permitted malfunction emission limit or whether the event is reported as excess emissions of the pound per hour limits in Table 106.A (or the pound per hour limits in condition B110E, if applicable), under 20.2.7 NMAC.

(3) The permittee shall record the calculated emissions and parameters used in calculations in accordance with Condition B109, except the requirement in B109.E to record the start and end times of malfunction events shall not apply to the venting of known quantities of VOC. **[Exemption to record start & end times applies only to venting of fixed quantities of VOCs. Other SSM, e.g. flaring, must record start and end times.]**

Reporting: The permittee shall report in accordance with Section B110.

G. Combined SSM and Malfunction Emissions (VOCs)

[delete these instructions: This is for venting or blowdown VOC/HAPs & uncontrolled H2S emissions less than 0.1 pph H2S only (facility wide point source H2S of less than 0.1 pph do not require modeling). Do not use this protocol for any other pollutants with ambient standards (e.g. flare emissions) except for H2S that is less than 0.1 pph contained in the gas vented and subject to this condition. Not having to determine the cause of the event and differentiating between SSM and Malfunctions applies only to combined SSM/M 10 tpy emission limit, and can not be waived for separate SSM or Malfunction limits, or for excess emissions reports when the limit is exceeded.]

Requirement:

(1) **Compliance Method**

The permittee shall perform a facility inlet gas analysis once every year **[delete this instruction: or more frequent if gas is highly variable or if source is close to applicability cutoff]** and, on a monthly basis, complete the following monitoring and recordkeeping to demonstrate compliance with the allowable emission limits in Table 107.A for routine or predictable startup, shutdown, and maintenance (SSM); and/or malfunctions (M) herein referred to as SSM/M.

(2) **Emissions included in Permit Limit and/or Reported as Excess Emissions**

(a) All emissions due to routine or predictable startup, shutdown, and/or maintenance (SSM) must be included under and shall not exceed the 10 tpy SSM/M emission limit in this permit. For emissions due to malfunctions, the permittee has the option to report

these as excess emissions of the pound per hour limits in Table 106.A (or the pound per hour limits in condition B110E, if applicable), in accordance with 20.2.7 NMAC, or include the emissions under the 10 tpy limit.

(b) Once emissions from a malfunction event are submitted in the final report (due no later than ten days after the end of the excess emissions event) per 20.2.7.110.A(2) NMAC, the event is considered an excess emission and cannot be applied toward the 10 tpy SSM/M limit in this permit.

(3) **Emissions Exceeding the Permit Limit**

If the monthly rolling 12-month total of SSM/M exceeds the 10 tpy emission limit, the permittee shall report the emissions as excess emissions in accordance with 20.2.7.110 NMAC.

(4) **Emissions Due to Preventable Events**

Emissions that are due entirely or in part to poor maintenance, careless operation, or any other preventable equipment breakdown shall not be included under the 10 tpy SSM/M emission limit. These emissions shall be reported as excess emissions of the pound per hour limits in Table 106.A (or the pound per hour limits in condition B110E, if applicable) in accordance with 20.2.7 NMAC.

Monitoring: The permittee shall monitor all SSM/M events.

Recordkeeping:

(1) **Compliance Method**

(a) Each month records shall be kept of the cumulative total of all VOC emissions related to SSM/M during the first 12 months and, thereafter of the monthly rolling 12 month total of SSM/M VOC emissions. Any malfunction emissions that have been reported in a final excess emissions report per 20.2.7.110.A(2) NMAC, shall be excluded from this total.

(b) Records shall also be kept of the inlet gas analysis, the percent VOC of the gas based on the most recent gas analysis, and of the volume of total gas vented in MMscf used to calculate the VOC emissions.

(c) The permittee shall identify the equipment or activity and shall describe the event that is the source of emissions.

(2) **Emissions included Under Permit Limit or Reported as Excess Emissions**

The permittee shall record whether emissions are included under the 10 tpy permit limit for SSM/M or if the event is included in a final excess emissions report per 20.2.7.110.A(2) NMAC.

(3) **Condition B109 Records**

The permittee shall keep records in accordance with Condition B109 of this permit except for the following:

(a) The requirement to record the start and end times of SSM/M events shall not apply to venting of known quantities of VOCs as long as the emissions do not exceed the SSM/M emission limit.

(b) The requirement to record a description of the cause of the event shall not apply to SSM/M events as long as the emissions do not exceed the SSM/M emission limit.

Reporting: The permittee shall report in accordance with Section B110.

H. Combined SSM and Malfunction Emissions (VOCs & H2S) **[delete these instructions: This is for venting or blowdown VOC/HAPs, and H2S emissions equal to or GREATER than 0.1 pph H2S WHICH REQUIRES MODELING or Modeling Waiver. Do not use this protocol for any other pollutants with ambient standards (e.g. flare emissions with SOx limits that are determined using total sulfur, not just H2S). Not having to determine the cause of the event and differentiating between SSM and Malfunctions applies only to combined SSM/M 10 tpy or pph emission limits, and cannot be waived for separate SSM or Malfunction limits, or for excess emissions reports when the limit is exceeded.]**

Requirement:

(1) **Compliance Method**

The permittee shall meet the following requirements to demonstrate compliance with the allowable emission limits in Table 107.A for routine or predictable startup, shutdown, and maintenance (SSM); and/or malfunctions (M) herein referred to as SSM/M.

(a) Limit the H2S content of the vented gas to 0.XX grains per 100 standard cubic feet (gr/100 scf) of gas vented **[delete this instruction: change to H2S content to the amount that was used to calculate H2S emissions]**

(b) Perform a facility inlet gas analysis once every year **[delete this instruction: or more frequent if gas is highly variable or if source is close to applicability cutoff]** that measures the VOC and H2S content of the vented gas

(c) Complete the monitoring and recordkeeping required by this condition

(2) **Emissions included in Permit Limit and/or Reported as Excess Emissions**

(a) All emissions due to routine or predictable startup, shutdown, and/or maintenance (SSM) must be included under and shall not exceed the SSM/M emission limits in this permit. For emissions due to malfunctions, the permittee has the option to report these as excess emissions of the pound per hour limits in Table 106.A (or the pound per hour limits in condition B110E, if applicable), in accordance with 20.2.7 NMAC, or include the emissions under the 10 tpy limit.

(b) Once emissions from a malfunction event are submitted in the final report (due no later than ten days after the end of the excess emissions event) per 20.2.7.110.A(2) NMAC, the event is considered an excess emission and cannot be applied toward the SSM/M limits in this permit.

(3) **Emissions Exceeding the Permit Limit**

If the pound per hour (pph) SSM/M emissions and/or the ton per year (tpy) SSM/M emissions exceed the permitted emission limits, the permittee shall report the emissions as excess emissions in accordance with 20.2.7.110 NMAC.

(4) **Emissions Due to Preventable Events**

Emissions that are due entirely or in part to poor maintenance, careless operation, or any other preventable equipment breakdown shall not be included under the permitted SSM/M emission limits. These emissions shall be reported as excess emissions of the pound per hour limits in Table 106.A (or the pound per hour limits in condition B110E, if applicable) in accordance with 20.2.7 NMAC.

Monitoring: The permittee shall monitor all SSM/M events.

Recordkeeping:

(1) **Compliance Method**

(a) Each month records shall be kept of the cumulative total of all VOC emissions related to SSM/M during the first 12 months and, thereafter of the monthly rolling 12 month total of SSM/M VOC emissions. Any malfunction emissions that have been reported in a final excess emissions report per 20.2.7.110.A(2) NMAC, shall be excluded from this tpy total.

(b) For each venting event that is at or exceeds the maximum volume of gas used to establish the H2S pph emission limit, the permittee shall calculate and record the maximum pph emission rate of H2S using the total volume of the gas that was vented in an hour and the H2S content of the gas based on the most recent gas analysis. A copy of the permit application calculations used to determine the maximum volume of gas used to establish the H2S pph emission limit and records of the venting event H2S calculations shall be kept.

(c) Records shall also be kept of the inlet gas analysis, the weight percent VOC of the gas based on the most recent gas analysis; the volume of total gas vented in MMscf used to calculate the VOC emissions; and the total grains of H2S/100 scf of gas based on the most recent gas analysis. Records of venting events, including the date and volume shall be made available upon request.

(d) The permittee shall identify the equipment or activity and shall describe the event that is the source of emissions.

(2) **Emissions included Under Permit Limit or Reported as Excess Emissions**

The permittee shall record whether emissions are included under the permitted limit SSM/M emission limits or if the event is included in a final excess emissions report per 20.2.7.110.A(2) NMAC.

(3) **Condition B109 Records**

The permittee shall keep records in accordance with Condition B109 of this permit except

for the following: (a) The requirement to record the start and end times of SSM/M events shall not apply to venting of known quantities of VOCs and H2S as long as the emissions do not exceed the SSM/M emission limits. (b) The requirement to record a description of the cause of the event shall not apply to SSM/M events as long as the emissions do not exceed the SSM/M emission limits.
Reporting: The permittee shall report in accordance with Section B110.

A108 Facility: Hours of Operation

A. This facility is authorized for continuous operation. Monitoring, recordkeeping, and reporting are not required to demonstrate compliance with continuous hours of operation.

OR

A.

Requirement: This Facility, including all permitted equipment and related activities such as truck traffic involving movement of feedstock or product, is restricted to operate no more than **XX** hours per day, **X** days per week and **XXXX** hours per year. [**IF APPROPRIATE ADD…]** Additionally, the plant may only operate between the daylight hours of sunrise and sunset. See the daylight definition in Section C101.
Monitoring: [As appropriate ADD….] Daily, the permittee shall monitor the hours of operation.
Recordkeeping: [As appropriate ADD….] Each calendar week, the permittee shall calculate the weekly total for the production hours in which the facility operates. The permittee shall calculate the weekly rolling 52-week total production hours for the facility.
Reporting: The permittee shall report in accordance with Section B110.

OR

Requirement: This facility is authorized for XXX hours per year of operation.
Monitoring:
Recordkeeping: The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

B. Facility Throughput **(as required)**

Requirement:
Monitoring:
Recordkeeping:

Reporting:

A109 Facility: Reporting Schedules (20.2.70.302.E NMAC)

[Reports of required monitoring must be submitted at least every 6 months, but may be required more frequently depending on the individual facility. These reports are due to the Department within 45 days of the end of the permittee's reporting period (see 20.2.70.302.E(1)&(3) NMAC). Make a separate entry for each different submittal date. An example schedule is shown below:]

A. A Semi-Annual Report of monitoring activities is due within 45 days following the end of every 6-month reporting period. The six month reporting periods start on month 1st and month 1st of each year. **[For new title V: enter month permit is issued. For TV renewal: enter 1st of months corresponding to the existing schedule]**

B. The Annual Compliance Certification Report is due within 30 days of the end of every 12-month reporting period. The 12-month reporting period starts on month 1st of each year. **[for New Title V: enter Month permit is issued. For TV Renewal: enter 1st of month corresponding to existing schedule]**

C. **[When required]** Any required quarterly reports shall be maintained on-site and summarized in the semi-annual reports.

A110 Facility: Fuel and Fuel Sulfur Requirements (as required)

A. Fuel and Fuel Sulfur Requirements (Units X, Y, and X

DELETE IF NOT APPLICABLE OR EDIT AS NECESSARY. IF APPLICABLE CITE APPLICABLE REQUIREMENT THAT ESTABLISHES THE AUTHORITY TO INCLUDE THIS CONDITION, SUCH AS NSR OR PTE REPRESENTATION IN APPLICATION. When there are inherent limitations on the sulfur content this condition is not necessary. SULFUR REQUIREMENTS THAT DON'T APPLY TO THE ENTIRE FACILITY SHOULD BE ADDRESSED UNDER EQUIPMENT SPECIFIC REQUIREMENTS.]

Requirement: All combustion emission units shall combust only natural gas containing no more than **XX.X** grains of total sulfur per 100 dry standard cubic feet **[OR]** natural gas as defined in this permit **[OR]** The sulfur content of the fuel oil shall not exceed XXX% sulfur by weight. **[OR If there is a condition limiting fuel to diesel or No. 2 fuel oil with reduced sulfur content, then use this language:] Requirement:** All combustion emissions units shall combust only Diesel Fuel or No. 2 Fuel Oil. The sulfur content of the fuel shall not exceed XXX% sulfur by weight.

Monitoring: None. Compliance is demonstrated through records.

Recordkeeping:

(1) **[DELETE IF NOT APPLICABLE OR EDIT AS NECESSARY]** The permittee shall demonstrate compliance with the natural gas or fuel oil limit on total sulfur content by maintaining records of a current, valid purchase contract, tariff sheet or transportation contract for the gaseous or liquid fuel, or fuel gas analysis, specifying the allowable limit or less.

(2) If fuel gas analysis is used, the analysis shall not be older than **[CHOOSE ONE] six months, one year**.

(3) Alternatively, compliance shall be demonstrated by keeping a receipt or invoice from a commercial fuel supplier, with each fuel delivery, which shall include the delivery date, the fuel type delivered, the amount of fuel delivered, and the maximum sulfur content of the fuel.

Reporting: The permittee shall report in accordance with Section B110.

A111 Facility: 20.2.61 NMAC Opacity (as required)

[Delete this Note 20.2.37 NMAC was repealed by the EIB. Therefore, 20.2.61 NMAC would apply unless exempt pursuant to another state regulation per 20.2.61.109 NMAC]

A. 20.2.61 NMAC Opacity Requirements (Units X, Y, and X)

[use if permit does not allow alternative fuels and facility runs on natural gas only]
Requirement: Visible emissions from all stationary combustion emission stacks shall not equal or exceed an opacity of 20 percent in accordance with the requirements at 20.2.61.109 NMAC.

Monitoring:

(1) Use of natural gas fuel constitutes compliance with 20.2.61 NMAC unless opacity equals or exceeds 20% averaged over a 10-minute period. When any visible emissions are observed during operation other than during startup mode, opacity shall be measured over a 10-minute period, in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 9 (EPA Method 9) as required by 20.2.61.114 NMAC, or the operator will be allowed to shut down the equipment to perform maintenance/repair to eliminate the visible emissions. Following completion of equipment maintenance/repair, the operator shall conduct visible emission observations following startup in accordance with the following procedures:

(a) Visible emissions observations shall be conducted over a 10-minute period during operation after completion of startup mode in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 22 (EPA Method 22). If no visible emissions are observed, no further action is required.

(b) If any visible emissions are observed during completion of the EPA Method 22 observation, subsequent opacity observations shall be conducted over a 10-minute period, in accordance with the procedures at EPA Method 9 as required by 20.2.61.114 NMAC.

For the purposes of this condition, *Startup mode* is defined as the startup period that is described in the facility's startup plan.

Recordkeeping:

(2) If any visible emissions observations were conducted, the permittee shall keep records in accordance with the requirements of Section B109 and as follows:

(a) For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2.

(b) For any opacity observations conducted in accordance with the requirements of EPA Method 9, record the information on the form referenced in EPA Method 9, Sections 2.2 and 2.4.

Reporting: The permittee shall report in accordance with Section B110.

OR

A. 20.2.61 NMAC Opacity Requirements (Units X, Y, and X)

[Use this condition for all diesel fueled engines]

Requirement: Visible emissions from all emission stacks of all **compression ignition** engines shall not equal or exceed an opacity of 20 percent in accordance with the requirements at 20.2.61.109 NMAC.

Monitoring:

(1) For compression ignition engines that are used to generate facility power and/or used for facility processing and **are not** emergency, black start, or limited use engines as defined at 40 CFR 63, Subpart ZZZZ, the permittee shall, at least once every [30, 60 , 90] days of operation, measure opacity on each Unit for a minimum of 10 minutes in accordance with the procedures of 40 CFR 60, Appendix A, Method 9. The permittee shall also measure opacity on a Unit's emissions stack when any visible emissions are observed during steady state operation. **[choose either option (1) or (2). If facility has both, list the specific units numbers in options (1) and (2)]**

(2) For emergency, standby, or limited use compression ignition engines that operate on a limited basis, the permittee shall, at least once during any year that the unit is operated and no less frequently than once every 5 years regardless of unit operation, measure opacity during steady state operation on each Unit for a minimum of 10 minutes in accordance with the procedures of 40 CFR 60, Appendix A, Method 9. The permittee shall also measure opacity on a Unit's emissions stack anytime when visible emissions are observed during steady state operation.

(3) Alternatively for any compression ignition engine, if visible emissions are observed during steady state operation, within 1 hour of seeing visible emissions, the permittee shall shut down the engine and perform maintenance and/or repair to eliminate the visible emissions. Following completion of equipment maintenance and/or repair, the permittee shall conduct visible emission observations following startup in accordance with the following procedures:

(a) Visible emissions observations shall be conducted over a 10-minute period during operation after completion of startup mode in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 22 (EPA Method 22). If no visible emissions are observed, no further action is required.

(b) If any visible emissions are observed during completion of the EPA Method 22 observation, subsequent opacity observations shall be conducted over a 10-minute period, in accordance with the procedures at EPA Method 9 as required by 20.2.61.114 NMAC.

For the purposes of this condition, *Startup mode* is defined as the startup period that is described in the facility's startup plan.

Recordkeeping:

(1) If any visible emissions observations were conducted, the permittee shall keep records in accordance with the requirements of Section B109 and as follows:

(2) For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2.

(3) For any opacity observations conducted in accordance with the requirements of EPA Method 9, record the information on the form referenced in EPA Method 9, Sections 2.2 and 2.4.

[Delete the following if the unit is not an emergency, black start or limited use engine.]

(4) For each emergency, black start, and limited use compression ignition engine, the permittee shall also record the number of operating hours per year of each Unit and the reason for operating the unit.

Reporting: The permittee shall report in accordance with Section B110.

OR

A. 20.2.61 NMAC Opacity Requirements (Units X, Y, and X)

Requirement: [use if alternative fuels are allowed by the permit]Visible emissions from all stationary combustion emission stacks shall not equal or exceed an opacity of 20 percent.

Monitoring: Use of natural gas fuel or natural gas liquids constitutes compliance with 20.2.61 NMAC unless opacity equals or exceeds 20% averaged over a 10-minute period. At such time as fuel other than natural gas or natural gas liquids is used, or when any visible emissions are observed during steady state operation, opacity shall be measured over a 10-minute period in accordance with the procedures at 40 CFR 60, Appendix A, Method 9 as required by 20.2.61.114 NMAC. Opacity measurements shall continue on a quarterly basis per calendar year for each affected unit until such time as natural gas or natural gas liquids are used.

Recordkeeping: The permittee shall record dates and duration of use of any fuels other than natural gas or natural gas liquids and the corresponding opacity readings. The opacity measures and readings shall be recorded in accordance with Method 9 in 40 CFR 60, Appendix A.

Reporting: The permittee shall report in accordance with Section B110. **[If engines burn diesel fuel, certification of grade and characteristics as stated in permit application for fuel used during the period shall be reported.]**

A112 Alternative Operating Scenario (as required)

A. **[If the permittee has applied for alternative operating scenarios, which have been approved by the Department, insert the following language**:] The permittee shall operate this facility in such manner that all applicable requirements and the requirements of 20.2.70 NMAC are met regardless of what scenario the facility is operating under. (20.2.70.302.A.3 NMAC)

B. Alternative Operating Scenario 1: **[Describe the alternative operating scenario]**

A113 Compliance Plan (as required and to include enforcement action requirements) (20.2.70.302.G.2 NMAC)

[This section is optional; if there is further information that the Department wants the source to submit concerning how the source determines its compliance status, it should be inserted here.]

A. The permittee shall submit the following information concerning the compliance status of this facility: (20.2.70.302.G.3 NMAC)

B. **[If the source is required to have a compliance plan and schedule, pursuant to 20.2.70.300.D.11 NMAC, the following language should be put in the permit:]** Compliance Activities: The permittee shall perform the following activities in order to bring the permitted facility into compliance with the requirements of **[insert the applicable requirements]**

[Put in a narrative description of the compliance plan submitted as part of the permit application. This plan should be amended as necessary by the permit writer to assure that by meeting the goals of the plan, the source will in fact come into compliance with all applicable requirements. You may be able to attach the compliance plan submitted by the permittee if it is acceptable to the bureau.]

C. The permittee shall meet the deadlines in the following schedule of compliance: **[Put in a schedule of remedial measures, including an enforceable sequence of actions with milestones, that will lead to the source coming into compliance with all applicable requirements. This schedule should be taken from the one submitted with the permit application and amended by the permit writer as necessary. You may be able to combine this section with the previous one.]**

D. The permittee shall submit compliance schedule progress reports to the Department every **XXX** months. **[at least every 6 months]** These progress reports shall, at a minimum contain the following information:

(1) Applicable requirement(s),

(2) Scheduled dates for achieving activities, milestones or compliance,

(3) Actual dates that activities, milestones or compliance were achieved,

(4) Explanation of any actual or anticipated schedule slips,

(5) Statement of any preventive or corrective measures that were put into place,

(6) Any other information requested by the Department.

A114 Governing Requirements During Source Construction, Source Removal, and/or Change in Emissions Control

[If this is the first permit for this facility OR the permitting situation does not warrant including this condition, add – 'not required' to header A114 and delete this condition(s)]

A. Reducing Facility Emissions [This is required for any permit that reduces overall emissions by removing equipment, adding controls, or reducing production/capacity.]

Requirement: This condition specifies any actions and/or deadlines required by the permittee during the transition between effective air quality permits. This condition also ensures compliance with any federally enforceable emissions reductions required by the air quality permit(s) in effect. Conditions and requirements in the previous permit specified as applicable in this permit are incorporated into this permit by reference.

(1) Permit Number NSRxxxMx or P0XX-M1 [enter permit number from which this deadline begins/began] requires[ed] that the following actions be completed by the specified deadlines:

(a) The permittee shall remove [OR decommission] these sources: [list units numbers from the old regulated equipment Table] no later than [the issuance date of the air quality permit cited in this condition, OR XXX days from the issuance date of the air quality permit cited in this condition, OR list a specific date. NOTE TO PERMIT WRITER AND APPLICANT: Propose a reasonable and realistic deadline(s). Each action may have different deadlines. The permit writer should probably ask this question before sending out the draft permit since it may take time for the applicant to figure it out. But if you forget or you are behind, you can ask them during draft permit review using this comment.].

[OR]

(1) Permit Number NSRxxxMx [enter permit number from which this deadline begins/began] requires[ed] that the following actions be completed by the specified deadlines.

(a) The permittee shall remove [OR decommission] these sources: [list units numbers from the old regulated equipment Table] no later than [the issuance date of the air quality permit cited in this condition, OR XXX days from the issuance date of the air quality permit cited in this condition, OR list a specific date.]; and

(b) shall install this control equipment no later than [the issuance date of…, XXX days…, OR list specific date]: [list control equipment unit numbers from Table 105.A and their respective regulated units from Table 106.A]; and

(c) (3) shall reduce, no later than [the issuance date of…, XXX days…, OR list date, Examples – the production rate for Unit XYZ from X tph to X tph / OR limit on annual heat rate capacity (MMBtu/year) of Unit XYX].

(2) Extension of any deadline(s) in this condition may be requested in writing prior to the deadline addressed to the Department's Permit Programs Manager and shall include the permit, condition, and unit numbers and the proposed new deadline in accordance with 20.2.72.219.B(4)(b) NMAC. The Department may determine a 20.2.72.219.D revision is required.

Monitoring: The permittee shall monitor the startup and shut down date(s) of all units governed by this condition.

Recordkeeping: The permittee shall record the source and/or control equipment Unit number, their action deadlines required by this condition, the actual dates that each action was completed.

Reporting: Upon completion of each action, the permittee shall submit the records required by this condition to the Manager, Compliance and Enforcement Section within fifteen (15) days and shall meet the reporting requirements at Section B110.

B. Construction Operating Scenarios **[If the facility requires temporary operation of to-be-removed old equipment while they transition to new equipment/operations. Delete this condition if this is the first permit for this facility.**

Requirement: This condition specifies the governing permit conditions and/or operating requirements for this facility during the transition between effective air quality permits and is required to demonstrate compliance with ambient air quality standards.

(1) Construction Operating Scenario 1 (Units X, Y, and Z from this permit) [Copy this construction scenario for each additional construction scenario(s) required and paste within this Requirement box.]

(a) Permit Requirements for Existing Equipment To be Removed: Up until the earliest date of the permanent cessation of operations or removal/decommissioning of the source(s) listed in Condition A100.D the permittee shall continue to meet all applicable emission limits and other permit conditions that apply to those regulated sources found in Permit Number [list most recent NSR or TV permit number]. If a source that is required to be removed/decommissioned per Condition A100.D has permanently ceased operations at this facility, the permittee is not required to start up the source to complete any periodic monitoring/testing that may be required by the cited permit.

(b) Simultaneous Operation of Existing, To-be-Removed and New Equipment: The permittee shall not start up new Units X, Y, Z [list new unit number(s)] until existing Units a, b [list unit numbers of sources to be removed] have permanently ceased operations.

OR The permittee may operate two, three, ? [to protect ambient standards, determine appropriate number of existing and new units that can be operated at the same time based on allowable emission limits and/or modeling] of any of the following new Units [list unit numbers] for up to X number of days OR X number of hours simultaneously with existing Unit numbers a, b. Once the existing units permanently cease operations, the new units are no longer subject to these simultaneous operating limitations. [This condition is based on the applicant's demonstration of compliance in periods of simultaneous operation. Include any associated increase in emissions in Table 106.A or 107.A]

(2) Extension of any deadline(s) in this condition may be requested in writing prior to the deadline addressed to the Department's Permit Programs Manager and shall include the permit, condition, and unit numbers and the proposed new deadline in accordance with 20.2.72.219.B(4)(b) NMAC. The Department may determine a 20.2.72.219.D revision is required.

(3) The operations authorized or limited by this permit condition do not authorize the owner/operator to operate the facility as a Title V or Prevention of Significant Deterioration (PSD) source, unless approved otherwise by regulation or an applicable air quality permit. The permittee shall ensure that the actual ton per year emissions from the entire facility do not result in a significant emissions increase or net significant emissions increase in accordance with 20.2.74.200 NMAC – Prevention of Significant Deterioration, unless already reviewed by the Department and/or authorized by a new source review construction permit.

Monitoring: The permittee shall monitor the startup and shut down date(s) of all units governed by this condition.

Recordkeeping: For each source subject to this permit condition, the permittee shall record:

(1) the date of permanent cessation of each source;

(2) the date of removal (or decommissioning) of each source; and

(3) the beginning and end dates of each simultaneous operation of existing and new units.

Reporting:

(1) For each Operating Scenario and upon completion of all Operating Scenarios, the permittee shall report the date of completion of the associated modification(s) and the status of completion of any remaining operating scenario(s) in accordance with Section B105.C.

(2) These reports shall be submitted within sixty days of completion of each Operating Scenario, and within sixty days of completion of all Operating Scenarios.

C. Compliance with PSD Netting Requirements (use for PSD applications with netting. If this is not a PSD application with netting, delete this condition. If this is a nonattainment application, revise the regulatory citations to reflect 20.2.79 NMAC.)

Requirement:

(1) To avoid Prevention of Significant Deterioration (PSD) permitting, permit number **[enter number]** was issued based upon creditable and contemporaneous emissions decreases that offset emissions increases. To ensure these emissions decreases are creditable in accordance with 20.2.74.7.AL(3) and (6) NMAC, the following requirements must be met **[delete any requirements that do not apply or edit as necessary] [change the tpy limits in emission limit table to those used to net out]**:

(2) [Use this condition if netting relied upon removal of units] Operation of the following removed or replaced unit(s) **[list removed/replaced units]** shall cease on or before the date that the following new unit(s) begin operating **[list new units]**.

(3) [Use this condition if netting relied upon reduction of emissions of old and/or new unit(s). Old or new units under an emission cap are considered a single source for purposes of this condition. Any relaxation of emissions based on an enforceable limitation on the capacity of the source must comply with 20.2.74.300.D NMAC.] The permittee shall reduce the actual ton per year emission rates **[or combined tpy rate, OR annual heat rate capacity, or annual production rate….]** to ensure compliance with those limit(s) in Table 106.A for **[list pollutants]** for Unit number(s) **[list existing unit numbers]** on or before the following units begin operating **[OR increase in production rate or capacity] [list unit numbers. Are new or have increased capacity]**.

Monitoring: The permittee shall monitor the following: [update this section] date of commencement and completion of physical changes to the units as described above, the associated emissions decreases and increases as well as any associated net emission increase or decrease during the construction of the modification(s).

Recordkeeping: To document the creditable decrease and increase in emissions, the permittee shall record the final date of operation of each removed/replaced unit and its baseline actual emission rate used in netting, shall record the date each new unit commences operation and its potential emission rate and the associated net emission increase or decrease. These records shall be made available upon request.

Reporting: The permittee shall report in accordance with Section B110.

EQUIPMENT SPECIFIC REQUIREMENTS

[To maintain numbering, the permit writer must maintain all sections above that are not used; all sections following the inclusion of required requirements are to be deleted. For example, if this permit is an asphalt plant, complete Section A300 Construction Industry, and enter "- Not Required" after the A200 header for Oil and Gas Industry. All sections following A300 are to be deleted as well. Within the A300 section maintain the numbering for the equipment as well. For example, if there is no engine, at A301 header enter – "Not Required" and enter the requirement at A302 for the drum mixer or batch plant and so on. After all requirements have been entered, all remaining headers can be deleted below the last requirement.]

Link to Monitoring Protocols folder in aurora:

P:\AQB-Permits-Section\NSR-TV-Common\Monitoring Protocols

..\..\Permits-Section-Read-Write\Miscellaneous Monitoring examples & not final

OIL AND GAS INDUSTRY

A200 Oil and Gas Industry

A. This section has common equipment related to most Oil and Gas Operations.

A201 Engines

A. Maintenance and Repair Monitoring (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by properly maintaining and repairing the units.
Monitoring: Maintenance and repair shall meet the minimum manufacturer's or permittee's recommended maintenance schedule. Activities that involve maintenance, adjustment, replacement, or repair of functional components with the potential to affect the operation of an emission unit shall be documented as they occur for the following events: (1) Routine maintenance that takes a unit out of service for more than two hours during any twenty-four hour period. (2) Unscheduled repairs that require a unit to be taken out of service for more than two hours in any twenty-four hour period.
Recordkeeping: The permittee shall maintain records in accordance with Section B109, including records of maintenance and repairs activities and a copy of the manufacturer's or permittee's recommended maintenance schedule.
Reporting: The permittee shall report in accordance with Section B110.

A202 Glycol Dehydrators

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A203 Tanks

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A204 Heaters/Boilers

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A205 Turbines

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

B.

Requirement:
Monitoring:

Recordkeeping:
Reporting:

A206 Flares

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

B.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A207 Sulfur Recovery Unit

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A208 Amine Unit

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A209 Fugitives

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A210 Acid Gas Injection

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A211 Miscellaneous (change name as needed)

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

CONSTRUCTION INDUSTRY

A300 Construction Industry – Aggregate

A400 Construction Industry – Asphalt

A500 Construction Industry - Concrete

A. This section has common equipment related to most **Crusher/Screening/ Asphalt/Concrete** Operations.

[Copy sub-headers from NSR template, as needed, keeping the same sequence numbers.]

POWER GENERATION INDUSTRY

A600 Power Generation Industry – Not Required

A. This section has common equipment related to most Electric Service Operations (SIC-4911).

A601 Turbines

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

B. Duct Burner/Heat Recovery Stream Generator (HRSG)

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A602 Boilers

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

B. Duct Burner/Heat Recovery Stream Generator (HRSG)

Requirement:
Monitoring:

Recordkeeping:
Reporting:

A603 Engines

A. Periodic Emissions Testing

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A604 Heaters

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A605 Cooling Towers

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A606 Haul Roads/Storage piles (Coal-Fired Plants)

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A607 Baghouses

A608 Tanks

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

SOLID WASTE DISPOSAL (LANDFILLS) INDUSTRY

A700 Solid Waste Disposal (Landfills) Industry – Not Required

A. This section has common equipment related to most Landfill Operations.

A701 General Landfill Operations and NMOC Emissions

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A702 Haul Road Operations

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A703 Landfill Gas Collection System

A.

Requirement:

Monitoring:
Recordkeeping:
Reporting:

A704 Enclosed Landfill Gas Flare (NMOC Emissions Control)

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A705 Petroleum Contaminated Soils Landfarm

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

A706 Microturbine Generator and Engines

A.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

MISCELLANEOUS INDUSTRY (CHANGE NAME AS NEEDED OR NOT REQUIRED)

A800 Miscellaneous Operations Introduction

A. This section has common equipment related to most miscellaneous Operations.

B.

Requirement:
Monitoring:
Recordkeeping:
Reporting:

MISCELLANEOUS DOCUMENTS (CHANGE NAME AS NEEDED OR NOT REQUIRED)

A801 40 CFR 64, Compliance Assurance Monitoring (CAM) Plan (change name as needed or not required)

A. 40 CFR 64, Compliance Assurance Monitoring (CAM) Plan

Requirement:
Monitoring:
Recordkeeping:
Reporting:

PART B GENERAL CONDITIONS (Attached)

PART C MISCELLANEOUS: Supporting On-Line Documents; Definitions; Acronyms (Attached)

[DO NOT PRINT GENERAL CONDITIONS AND MISCELLANEOUS UNITL YOU SUBMIT FINAL DOCUMENT FOR SIGNATURE.

FINAL DOCUMENT MUST HAVE PERMIT NUMBER IN HEADER FOR LEGAL REASONS AND IT MUST BE SINGLE SIDED LIKE THE PERMIT.]

Air Quality Bureau
TITLE V OPERATING PERMIT
Issued under 20.2.70 NMAC

TABLE OF CONTENTS

PART B GENERAL CONDITIONS

B100 Introduction

A. Not Applicable

B101 Legal

A. Permit Terms and Conditions (20.2.70 sections 7, 201.B, 300, 301.B, 302, 405 NMAC)

(1) The permittee shall abide by all terms and conditions of this permit, except as allowed under Section 502(b)(10) of the Federal Act, and 20.2.70.302.H.1 NMAC. Any permit noncompliance is grounds for enforcement action, and significant or repetitious noncompliance may result in termination of this permit. Additionally, noncompliance with federally enforceable conditions of this permit constitutes a violation of the Federal Act. (20.2.70.302.A.2.a NMAC)

(2) Emissions trading within a facility (20.2.70.302.H.2 NMAC)

(a) The Department shall, if an applicant requests it, issue permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit in addition to any applicable requirements. Such terms and conditions shall include all terms and conditions required under 20.2.70.302 NMAC to determine compliance. If applicable requirements apply to the requested emissions trading, permit conditions shall be issued only to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval.

(b) The applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Department shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall require compliance with all applicable requirements.

(3) It shall not be a defense for the permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (20.2.70.302.A.2.b NMAC)

(4) If the Department determines that cause exists to modify, reopen and revise, revoke and reissue, or terminate this permit, this shall be done in accordance with 20.2.70.405 NMAC. (20.2.70.302.A.2.c NMAC)

(5) The permittee shall furnish any information the Department requests in writing to determine if cause exists for reopening and revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. This information shall be furnished within the time period specified by the Department. Additionally, the permittee shall furnish, upon request by the Department, copies of records required by the permit to be maintained by the permittee. (20.2.70.302.A.2.f NMAC)

(6) A request by the permittee that this permit be modified, revoked and reissued, or terminated, or a notification by the permittee of planned changes or anticipated noncompliance, shall not stay any conditions of this permit. (20.2.70.302.A.2.d NMAC)

(7) This permit does not convey property rights of any sort, or any exclusive privilege. (20.2.70.302.A.2.e NMAC)

(8) In the case where an applicant or permittee has submitted information to the Department under a claim of confidentiality, the Department may also require the applicant or permittee to submit a copy of such information directly to the Administrator of the EPA. (20.2.70.301.B NMAC)

(9) The issuance of this permit, or the filing or approval of a compliance plan, does not relieve the permittee from civil or criminal liability for failure to comply with the state or Federal Acts, or any applicable state or federal regulation or law. (20.2.70.302.A.6 NMAC and the New Mexico Air Quality Control Act NMSA 1978, Chapter 74, Article 2)

(10) If any part of this permit is challenged or held invalid, the remainder of the permit terms and conditions are not affected and the permittee shall continue to abide by them. (20.2.70.302.A.1.d NMAC)

(11) A responsible official (as defined in 20.2.70.7.AE NMAC) shall certify the accuracy, truth and completeness of every report and compliance certification submitted to the Department as required by this permit. These certifications shall be part of each document. (20.2.70.300.E NMAC)

(12) Revocation or termination of this permit by the Department terminates the permittee's right to operate this facility. (20.2.70.201.B NMAC)

(13) The permittee shall continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the permittee shall meet such requirements on a timely basis. (Sections 300.D.10.c and 302.G.3 of 20.2.70 NMAC)

B. Permit Shield (20.2.70.302.J NMAC)

(1) Compliance with the conditions of this permit shall be deemed to be compliance with any applicable requirements existing as of the date of permit issuance and

identified in Table 103.A. The requirements in Table 103.A are applicable to this facility with specific requirements identified for individual emission units.

(2) The Department has determined that the requirements in Table 103.B as identified in the permit application are not applicable to this source, or they do not impose any conditions in this permit.

(3) This permit shield does not extend to administrative amendments (Subsection A of 20.2.70.404 NMAC), to minor permit modifications (Subsection B of 20.2.70.404 NMAC), to changes made under Section 502(b)(10), changes under Paragraph 1 of subsection H of 20.2.70.302 of the Federal Act, or to permit terms for which notice has been given to reopen or revoke all or part under 20.2.70.405 and 20.2.70.302J(6).

(4) This permit shall, for purposes of the permit shield, identify any requirement specifically identified in the permit application or significant permit modification that the department has determined is not applicable to the source, and state the basis for any such determination. (20.2.70.302.A.1.f NMAC)

C. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollutant control practices for minimizing emissions. (20.2.7.109 NMAC). The establishment of allowable malfunction emission limits does not supersede this requirement.

B102 Authority

A. This permit is issued pursuant to the federal Clean Air Act ("Federal Act"), the New Mexico Air Quality Control Act ("State Act") and regulations adopted pursuant to the State and Federal Acts, including Title 20, New Mexico Administrative Code, Chapter 2, Part 70 (20.2.70 NMAC) - Operating Permits.

B. This permit authorizes the operation of this facility. This permit is valid only for the named permittee, owner, and operator. A permit modification is required to change any of those entities.

C. The Department specifies with this permit, terms and conditions upon the operation of this facility to assure compliance with all applicable requirements, as defined in 20.2.70 NMAC at the time this permit is issued. (20.2.70.302.A.1 NMAC)

D. Pursuant to the New Mexico Air Quality Control Act NMSA 1978, Chapter 74, Article 2, all terms and conditions in this permit, including any provisions designed to limit this facility's potential to emit, are enforceable by the Department. All terms and conditions are enforceable by the Administrator of the United States Environmental Protection Agency ("EPA") and citizens under the Federal Act, unless the term or condition is specifically

designated in this permit as not being enforceable under the Federal Act. (20.2.70.302.A.5 NMAC)

E. The Department is the Administrator for 40 CFR Parts 60, 61, and 63 pursuant to the Modification and Exceptions of Section 10 of 20.2.77 NMAC (NSPS), 20.2.78 NMAC (NESHAP), and 20.2.82 NMAC (MACT).

B103 Annual Fee

A. The permittee shall pay Title V fees to the Department consistent with the fee schedule in 20.2.71 NMAC - Operating Permit Emission Fees. The fees will be assessed and invoiced separately from this permit. (20.2.70.302.A.1.e NMAC)

B104 Appeal Procedures

(20.2.70.403.A NMAC)

A. Any person who participated in a permitting action before the Department and who is adversely affected by such permitting action, may file a petition for a hearing before the Environmental Improvement Board ("board"). The petition shall be made in writing to the board within thirty (30) days from the date notice is given of the Department's action and shall specify the portions of the permitting action to which the petitioner objects, certify that a copy of the petition has been mailed or hand-delivered, and attach a copy of the permitting action for which review is sought. Unless a timely request for a hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the board. Petitions for a hearing shall be sent to:

For Mailing:
Administrator, New Mexico Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502-5469

For Hand Delivery:
Administrator, New Mexico Environmental Improvement Board
1190 St. Francis Drive, Harold Runnels Bldg.
Santa Fe, New Mexico 87505

B105 Submittal of Reports and Certifications

A. Stack Test Protocols and Stack Test Reports shall be submitted electronically to Stacktest.AQB@state.nm.us or as directed by the Department.

B. Excess Emission Reports shall be submitted as directed by the Department. (20.2.7.110 NMAC)

C. Compliance Certification Reports, Semi-Annual monitoring reports, compliance schedule progress reports, and any other compliance status information required by this permit shall be certified by the responsible official and submitted to the mailing address below, or as directed by the Department:

Manager, Compliance and Enforcement Section
New Mexico Environment Department
Air Quality Bureau
525 Camino de los Marquez Suite 1
Santa Fe, NM 87505-1816

D. Compliance Certification Reports shall also be submitted to the Administrator at the address below (20.2.70.302.E.3 NMAC):

Chief, Air Enforcement Section
US EPA Region-6, 6MM-AP
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

B106 NSPS and/or MACT Startup, Shutdown, and Malfunction Operations

A. If a facility is subject to a NSPS standard in 40 CFR 60, each owner or operator that installs and operates a continuous monitoring device required by a NSPS regulation shall comply with the excess emissions reporting requirements in accordance with 40 CFR 60.7(c).

B. If a facility is subject to a NSPS standard in 40 CFR 60, then in accordance with 40 CFR 60.8(c), operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

C. If a facility is subject to a MACT standard in 40 CFR 63, then the facility is subject to the requirement for a Startup, Shutdown and Malfunction Plan (SSM) under 40 CFR 63.6(e)(3), unless specifically exempted in the applicable subpart. (20.2.70.302.A.1 and A.4 NMAC)

B107 Startup, Shutdown, and Maintenance Operations

A. The establishment of permitted startup, shutdown, and maintenance (SSM) emission limits does not supersede the requirements of 20.2.7.14.A NMAC. Except for operations or equipment subject to Condition B106, the permittee shall establish and implement a plan to minimize emissions during routine or predictable start up, shut down, and scheduled

maintenance (SSM work practice plan) and shall operate in accordance with the procedures set forth in the plan. (20.2.7.14.A NMAC)

B108 General Monitoring Requirements
(20.2.70. 302.A and C NMAC)

A. These requirements do not supersede or relax requirements of federal regulations.

B. The following monitoring and/or testing requirements shall be used to determine compliance with applicable requirements and emission limits. Any sampling, whether by portable analyzer or EPA reference method, that measures an emission rate over the applicable averaging period greater than an emission limit in this permit constitutes noncompliance with this permit. The Department may require, at its discretion, additional tests pursuant to EPA Reference Methods at any time, including when sampling by portable analyzer measures an emission rate greater than an emission limit in this permit; but such requirement shall not be construed as a determination that the sampling by portable analyzer does not establish noncompliance with this permit and shall not stay enforcement of such noncompliance based on the sampling by portable analyzer.

C. If the emission unit is shutdown at the time when periodic monitoring is due to be completed, the permittee is not required to restart the unit for the sole purpose of conducting the monitoring. Using electronic or written mail, the permittee shall notify the Department's Compliance and Enforcement Section of a delay in emission tests prior to the deadline for completing the tests. Upon recommencing operation, the permittee shall submit pre-test notification(s) to the Department's Compliance and Enforcement Section and shall complete the monitoring.

D. The requirement for monitoring during any monitoring period is based on the percentage of time that the unit has operated. However, to invoke monitoring period exemptions at B108.D(2), hours of operation shall be monitored and recorded.

(1) If the emission unit has operated for more than 25% of a monitoring period, then the permittee shall conduct monitoring during that period.

(2) If the emission unit has operated for 25% or less of a monitoring period then the monitoring is not required. After two successive periods without monitoring, the permittee shall conduct monitoring during the next period regardless of the time operated during that period, except that for any monitoring period in which a unit has operated for less than 10% of the monitoring period, the period will not be considered as one of the two successive periods.

(3) If invoking the monitoring period exemption in B108.D(2), the actual operating time of a unit shall not exceed the monitoring period required by this permit before the required monitoring is performed. For example, if the monitoring period is annual, the operating hours of the unit shall not exceed 8760 hours before

monitoring is conducted. Regardless of the time that a unit actually operates, a minimum of one of each type of monitoring activity shall be conducted during the five year term of this permit.

E. For all periodic monitoring events, except when a federal or state regulation is more stringent, three test runs shall be conducted at 90% or greater of the unit's capacity as stated in this permit, or in the permit application if not in the permit, and at additional loads when requested by the Department. If the 90% capacity cannot be achieved, the monitoring will be conducted at the maximum achievable load under prevailing operating conditions except when a federal or state regulation requires more restrictive test conditions. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the monitoring report.

F. When requested by the Department, the permittee shall provide schedules of testing and monitoring activities. Compliance tests from previous NSR and Title V permits may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions.

G. If monitoring is new or is in addition to monitoring imposed by an existing applicable requirement, it shall become effective 120 days after the date of permit issuance. For emission units that have not commenced operation, the associated new or additional monitoring shall not apply until 120 days after the units commence operation. All pre-existing monitoring requirements incorporated in this permit shall continue to apply from the date of permit issuance. All monitoring periods, unless stated otherwise in the specific permit condition or federal requirement, shall commence at the beginning of the 12 month reporting period as defined at condition A109.B.

H. Unless otherwise indicated by Specific Conditions or regulatory requirements, all instrumentation used to measure parameters including but not limited to flow, temperature, pressure and chemical composition, or used to continuously monitor emission rates and/or other process operating parameters, shall be subject to the following requirements:

(1) The owner or operator shall install, calibrate, operate and maintain monitoring instrumentation (monitor) according to the manufacturer's procedures and specifications and the following requirements.

(a) The monitor shall be located in a position that provides a representative measurement of the parameter that is being monitored.

(b) At a minimum, the monitor shall complete one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(c) At a minimum, the monitor shall be spanned to measure the normal range +/- 5% of the parameter that is being monitored.

(d) At least semi-annually, perform a visual inspection of all components of the monitor for physical and operational integrity and all electrical connections for oxidation and galvanic corrosion.

(e) Recalibrate the monitor in accordance with the manufacturer's procedures and specifications at the frequency specified by the manufacturer, or every two years, whichever is less.

(2) Except for malfunctions, associated repairs, and required quality assurance or control activities (including calibration checks and required zero and span adjustments), the permittee shall operate and maintain all monitoring equipment at all times that the emissions unit or the associated process is operating.

(3) The monitor shall measure data for a minimum of 90 percent of the time that the emissions unit or the associated process is in operation, based on a calendar monthly average.

(4) The owner or operator shall maintain records in accordance with Section B109 to demonstrate compliance with the requirements in B108H (1)-(3) above, as applicable.

I. The permittee is not required to report a deviation for any monitoring or testing in a Specific Condition if the deviation was authorized in this General Condition B108.

B109 General Recordkeeping Requirements
(20.2.70.302.D NMAC)

A. The permittee shall maintain records to assure and verify compliance with the terms and conditions of this permit and any applicable requirements that become effective during the term of this permit. The minimum information to be included in these records is as follows (20.2.70.302.D.1 NMAC):

(1) Records required for testing and sampling:

(a) equipment identification (include make, model and serial number for all tested equipment and emission controls)

(b) date(s) and time(s) of sampling or measurements

(c) date(s) analyses were performed

(d) the qualified entity that performed the analyses

(e) analytical or test methods used

(f) results of analyses or tests

(g) operating conditions existing at the time of sampling or measurement

(2) Records required for equipment inspections and/or maintenance required by this permit:

(a) equipment identification number (including make, model and serial number)

(b) date(s) and time(s) of inspection, maintenance, and/or repair

(c) date(s) any subsequent analyses were performed (if applicable)

(d) name of the person or qualified entity conducting the inspection, maintenance, and/or repair

(e) copy of the equipment manufacturer's or the owner or operator's maintenance or repair recommendations (if required to demonstrate compliance with a permit condition)

(f) description of maintenance or repair activities conducted

(g) all results of any required parameter readings

(h) a description of the physical condition of the equipment as found during any required inspection

(i) results of required equipment inspections including a description of any condition which required adjustment to bring the equipment back into compliance and a description of the required adjustments

B. The permittee shall keep records of all monitoring data, equipment calibration, maintenance, and inspections, Data Acquisition and Handling System (DAHS) if used, reports, and other supporting information required by this permit for at least five (5) years from the time the data was gathered or the reports written. Each record shall clearly identify the emissions unit and/or monitoring equipment, and the date the data was gathered. (20.2.70.302.D.2 NMAC)

C. If the permittee has applied and received approval for an alternative operating scenario, then the permittee shall maintain a log at the facility, which documents, contemporaneously with any change from one operating scenario to another, the scenario under which the facility is operating. (20.2.70.302.A.3 NMAC)

D. The permittee shall keep a record describing off permit changes made at this source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes. (20.2.70.302.I.2 NMAC)

E. Unless otherwise indicated by Specific Conditions, the permittee shall keep the following records for malfunction emissions and routine and predictable emissions during startup, shutdown, and scheduled maintenance (SSM):

(1) The owner or operator of a source subject to a permit, shall establish and implement a plan to minimize emissions during routine or predictable startup, shutdown, and scheduled maintenance through work practice standards and good air pollution control practices. This requirement shall not apply to any affected facility defined in and subject to an emissions standard and an equivalent plan under 40 CFR Part 60 (NSPS), 40 CFR Part 63 (MACT), or an equivalent plan under 20.2.72 NMAC - Construction Permits, 20.2.70 NMAC - Operating Permits, 20.2.74 NMAC - Permits - Prevention of Significant Deterioration (PSD), or 20.2.79 NMAC - Permits - Nonattainment Areas. (20.2.7.14.A NMAC) The permittee shall keep

records of all sources subject to the plan to minimize emissions during routine or predictable SSM and shall record if the source is subject to an alternative plan and therefore, not subject to the plan requirements under 20.2.7.14.A NMAC.

(2) If the facility has allowable SSM emission limits in this permit, the permittee shall record all SSM events, including the date, the start time, the end time, a description of the event, and a description of the cause of the event. This record also shall include a copy of the manufacturer's, or equivalent, documentation showing that any maintenance qualified as scheduled. Scheduled maintenance is an activity that occurs at an established frequency pursuant to a written protocol published by the manufacturer or other reliable source. The authorization of allowable SSM emissions does not supersede any applicable federal or state standard. The most stringent requirement applies.

(3) If the facility has allowable malfunction emission limits in this permit, the permittee shall record all malfunction events to be applied against these limits. The permittee shall also include the date, the start time, the end time, and a description of the event. **Malfunction means** any sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction. (20.2.7.7.E NMAC) The authorization of allowable malfunction emissions does not supersede any applicable federal or state standard. The most stringent requirement applies. This authorization only allows the permittee to avoid submitting reports under 20.2.7 NMAC for total annual emissions that are below the authorized malfunction emission limit.

(4) The owner or operator of a source shall meet the operational plan defining the measures to be taken to mitigate source emissions during malfunction, startup or shutdown. (20.2.72.203.A(5) NMAC)

B110 General Reporting Requirements

(20.2.70.302.E NMAC)

A. Reports of required monitoring activities for this facility shall be submitted to the Department on the schedule in section A109. Monitoring and recordkeeping requirements that are not required by a NSPS or MACT shall be maintained on-site or (for unmanned sites) at the nearest company office, and summarized in the semi-annual reports, unless alternative reporting requirements are specified in the equipment specific requirements section of this permit.

B. Reports shall clearly identify the subject equipment showing the emission unit ID number according to this operating permit. In addition, all instances of deviations from permit

requirements, including those that occur during emergencies, shall be clearly identified in the reports required by section A109. (20.2.70.302.E.1 NMAC)

C. The permittee shall submit reports of all deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. These reports shall be submitted as follows:

(1) Deviations resulting in excess emissions as defined in 20.2.7.7 NMAC (including those classified as emergencies as defined in section B114.A) shall be reported in accordance with the timelines specified by 20.2.7.110 NMAC and in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC)

(2) All other deviations shall be reported in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC).

D. The permittee shall submit reports of excess emissions in accordance with 20.2.7.110.A NMAC.

E. Allowable Emission Limits for Excess Emissions Reporting for Flares and Other Regulated Sources with No Pound per Hour (pph) and/or Ton per Year (tpy) Emission Limits.

(1) When a flare has no allowable pph and/or tpy emission limits in Sections A106 and/or A107, the authorized allowable emissions include only the combustion of pilot and/or purge gas. Compliance is demonstrated by limiting the gas stream to the flare to only pilot and/or purge gas.

(2) For excess emissions reporting as required by 20.2.7 NMAC, the allowable emission limits are 1.0 pph and 1.0 tpy for each regulated air pollutant (except for H2S) emitted by that source as follows:

(a) For flares, when there are no allowable emission limits in Sections A106 and/or A107.

(b) For regulated sources with emission limits in Sections A106 or A107 represented by the less than sign ("<").

(c) For regulated sources that normally would not emit any regulated air pollutants, including but not limited to vents, pressure relief devices, connectors, etc.

(3) For excess emissions reporting as required by 20.2.7 NMAC for H2S, the allowable limits are 0.1 pph and 0.44 tpy for each applicable scenario addressed in paragraph (2) above.

F. Results of emission tests and monitoring for each pollutant (except opacity) shall be reported in pounds per hour (unless otherwise specified) and tons per year. Opacity shall be reported in percent. The number of significant figures corresponding to the full accuracy inherent in the testing instrument or Method test used to obtain the data shall be used to calculate and

report test results in accordance with 20.2.1.116.B and C NMAC. Upon request by the Department, CEMS and other tabular data shall be submitted in editable, MS Excel format.

G. At such time as new units are installed as authorized by the applicable NSR Permit, the permittee shall fulfill the notification requirements in the NSR permit.

H. Periodic Emissions Test Reporting: The permittee shall report semi-annually a summary of the test results.

I. The permittee shall submit an emissions inventory report for this facility in accordance with the schedule in subparagraph (5), provided one or more of the following criteria is met in subparagraphs (1) to (4): (20.2.73 NMAC)

(1) The facility emits, or has the potential to emit, 5 tons per year or more of lead or lead compounds, or 100 tons per year or more of PM10, PM2.5, sulfur oxides, nitrogen oxides, carbon monoxide, or volatile organic compounds.

(2) The facility is defined as a major source of hazardous air pollutants under 20.2.70 NMAC (Operating Permits).

(3) The facility is located in an ozone nonattainment area and which emits, or has the potential to emit, 25 tons per year or more of nitrogen oxides or volatile organic compounds.

(4) Upon request by the department.

(5) The permittee shall submit the emissions inventory report by April 1 of each year, unless a different deadline is specified by the current operating permit.

J. Emissions trading within a facility (20.2.70.302.H.2 NMAC)

(1) For each such change, the permittee shall provide written notification to the department and the administrator at least seven (7) days in advance of the proposed changes. Such notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(2) The permittee and department shall attach each such notice to their copy of the relevant permit.

B111 General Testing Requirements

Unless otherwise indicated by Specific Conditions or regulatory requirements, the permittee shall conduct testing in accordance with the requirements in Sections B111A, B, C, D and E, as applicable.

A. Initial Compliance Tests

The permittee shall conduct initial compliance tests in accordance with the following requirements:

(1) Initial compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed. Compliance tests may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions. (20.2.72 NMAC Sections 210.C and 213)

(2) Initial compliance tests shall be conducted within sixty (60) days after the unit(s) achieve the maximum normal production rate. If the maximum normal production rate does not occur within one hundred twenty (120) days of source startup, then the tests must be conducted no later than one hundred eighty (180) days after initial startup of the source.

(3) The default time period for each test run shall be at least 60 minutes and each performance test shall consist of three separate runs using the applicable test method. For the purpose of determining compliance with an applicable emission limit, the arithmetic mean of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Department approval, be determined using the arithmetic mean of the results of the two other runs.

(4) Testing of emissions shall be conducted with the emissions unit operating at 90 to 100 percent of the maximum operating rate allowed by the permit. If it is not possible to test at that rate, the source may test at a lower operating rate

(5) Testing performed at less than 90 percent of permitted capacity will limit emission unit operation to 110 percent of the tested capacity until a new test is conducted.

(6) If conditions change such that unit operation above 110 percent of tested capacity is possible, the source must submit a protocol to the Department within 30 days of such change to conduct a new emissions test.

B. EPA Reference Method Tests

The test methods in Section B111.B(1) shall be used for all initial compliance tests and all Relative Accuracy Test Audits (RATAs), and shall be used if a permittee chooses to use EPA test methods for periodic monitoring. Test methods that are not listed in Section B111.B(1) may be used in accordance with the requirements at Section B111.B(2).

(1) All compliance tests required by this permit shall be conducted in accordance with the requirements of CFR Title 40, Part 60, Subpart A, General Provisions, and the following EPA Reference Methods as specified by CFR Title 40, Part 60, Appendix A:

(a) Methods 1 through 4 for stack gas flowrate

(b) Method 5 for particulate matter (PM) (TSP)

(c) Method 6C for SO_2

(d) Method 7E for NO_X (test results shall be expressed as nitrogen dioxide (NO_2) using a molecular weight of 46 lb/lb-mol in all calculations (each ppm of NO/NO_2 is equivalent to 1.194 x 10-7 lb/SCF)

(e) Method 9 for visual determination of opacity

(f) Method 10 for CO

(g) Method 19 for particulate, sulfur dioxide and nitrogen oxides emission rates. In addition, Method 19 may be used in lieu of Methods 1-4 for stack gas flowrate. The permittee shall provide a contemporaneous fuel gas analysis (preferably on the day of the test) and a recent fuel flow meter calibration certificate (within the most recent quarter) with the final test report.

(h) Method 7E or 20 for Turbines per §60.335 or §60.4400

(i) Method 22 for visual determination of fugitive emissions from material sources and smoke emissions from flares

(j) Method 25A for VOC reduction efficiency

(k) Method 29 for Metals

(l) Method 30B for Mercury from Coal-Fired Combustion Sources Using Carbon Sorbent Traps

(m) Method 201A for filterable PM_{10} and $PM_{2.5}$

(n) Method 202 for condensable PM

(o) Method 320 for organic Hazardous Air Pollutants (HAPs)

(2) Permittees may propose test method(s) that are not listed in Section B111.B(1). These methods may be used if prior approval is received from the Department.

C. Periodic Monitoring and Portable Analyzer Requirements for the Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters

Periodic emissions tests (periodic monitoring) shall be conducted in accordance with the following requirements:

(1) Periodic emissions tests may be conducted in accordance with EPA Reference Methods or by utilizing a portable analyzer. Periodic monitoring utilizing a portable analyzer shall be conducted in accordance with the requirements of the current version of ASTM D 6522. However, if a facility has met a previously

approved Department criterion for portable analyzers, the analyzer may be operated in accordance with that criterion until it is replaced.

(2) The default time period for each test run shall be **at least** 20 minutes.

Each performance test shall consist of three separate runs. The arithmetic mean of results of the three runs shall be used to determine compliance with the applicable emission limit.

(3) Testing of emissions shall be conducted in accordance with the requirements at Section B108.E.

(4) During emissions tests, pollutant and diluent concentration shall be monitored and recorded. Fuel flow rate shall be monitored and recorded if stack gas flow rate is determined utilizing Reference Method 19. This information shall be included with the test report furnished to the Department.

(5) Stack gas flow rate shall be calculated in accordance with Reference Method 19 utilizing fuel flow rate (scf) determined by a dedicated fuel flow meter and fuel heating value (Btu/scf) determined from a fuel sample obtained preferably during the day of the test, but no earlier than three months prior to the test date. Alternatively, stack gas flow rate may be determined by using EPA Reference Methods 1-4.

(6) The permittee shall submit a notification and protocol for periodic emissions tests upon the request of the Department.

D. Initial Compliance Test and RATA Procedures

Permittees required to conduct initial compliance tests and/or RATAs shall comply with the following requirements:

(1) The permittee shall submit a notification and test protocol to the Department's Program Manager, Compliance and Enforcement Section, at least thirty (30) days before the test date and allow a representative of the Department to be present at the test. Proposals to use test method(s) that are not listed in Section B111.B(1) (if applicable) shall be included in this notification.

(2) Contents of test notifications, protocols and test reports shall conform to the format specified by the Department's Universal Test Notification, Protocol and Report Form and Instructions. Current forms and instructions are posted to NMED's Air Quality web site under Compliance and Enforcement Testing.

(3) The permittee shall provide (a) sampling ports adequate for the test methods applicable to the facility, (b) safe sampling platforms, (c) safe access to sampling platforms and (d) utilities for sampling and testing equipment.

(4) Where necessary to prevent cyclonic flow in the stack, flow straighteners shall be installed

E. General Compliance Test Procedures

The following requirements shall apply to all initial compliance and periodic emissions tests and all RATAs:

(1) Equipment shall be tested in the "as found" condition. Equipment may not be adjusted or tuned prior to any test for the purpose of lowering emissions, and then returned to previous settings or operating conditions after the test is complete.

(2) The stack shall be of sufficient height and diameter and the sample ports shall be located so that a representative test of the emissions can be performed in accordance with the requirements of EPA Reference Method 1 or the current version of ASTM D 6522, as applicable.

(3) Test reports shall be submitted to the Department no later than 30 days after completion of the test.

B112 Compliance

A. The Department shall be given the right to enter the facility at all reasonable times to verify the terms and conditions of this permit. Required records shall be organized by date and subject matter and shall at all times be readily available for inspection. The permittee, upon verbal or written request from an authorized representative of the Department who appears at the facility, shall immediately produce for inspection or copying any records required to be maintained at the facility. Upon written request at other times, the permittee shall deliver to the Department paper or electronic copies of any and all required records maintained on site or at an off-site location. Requested records shall be copied and delivered at the permittee's expense within three business days from receipt of request unless the Department allows additional time. Required records may include records required by permit and other information necessary to demonstrate compliance with terms and conditions of this permit. (NMSA 1978, Section 74-2-13)

B. A copy of the most recent permit(s) issued by the Department shall be kept at the permitted facility or (for unmanned sites) at the nearest company office and shall be made available to Department personnel for inspection upon request. (20.2.70.302.G.3 NMAC)

C. Emissions limits associated with the energy input of a Unit, i.e. lb/MMBtu, shall apply at all times unless stated otherwise in a Specific Condition of this permit. The averaging time for each emissions limit, including those based on energy input of a Unit (i.e. lb/MMBtu) is one (1) hour unless stated otherwise in a Specific Condition of this permit or in the applicable requirement that establishes the limit. (20.2.70.302.A.1 and G.3 NMAC)

D. The permittee shall submit compliance certification reports certifying the compliance status of this facility with respect to all permit terms and conditions, including applicable requirements. These reports shall be made on the pre-populated Compliance Certification Report Form that is provided to the permittee by the Department, and shall be submitted to

the Department and to EPA at least every 12 months. For the most current form, please contact the Compliance Reports Group at: submittals.aqb@state.nm.us. For additional reporting guidance see https://www.env.nm.gov/air-quality/compliance-submittal-forms/ (20.2.70.302.E.3 NMAC)

E. The permittee shall allow representatives of the Department, upon presentation of credentials and other documents as may be required by law, to do the following (20.2.70.302.G.1 NMAC):

(1) enter the permittee's premises where a source or emission unit is located, or where records that are required by this permit to be maintained are kept;

(2) have access to and copy, at reasonable times, any records that are required by this permit to be maintained;

(3) inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operations regulated or required under this permit; and

(4) sample or monitor any substances or parameters for the purpose of assuring compliance with this permit or applicable requirements or as otherwise authorized by the Federal Act.

B113 Permit Reopening and Revocation

A. This permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when A(3) or A(4) occurs. (20.2.70.405.A.1 NMAC)

(1) Additional applicable requirements under the Federal Act become applicable to a major source three (3) or more years before the expiration date of this permit. If the effective date of the requirement is later than the expiration date of this permit, then the permit is not required to be reopened unless the original permit or any of its terms and conditions has been extended due to the Department's failure to take timely action on a request by the permittee to renew this permit.

(2) Additional requirements, including excess emissions requirements, become applicable to this source under Title IV of the Federal Act (the acid rain program). Upon approval by the Administrator, excess emissions offset plans will be incorporated into this permit.

(3) The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms and conditions of the permit.

(4) The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an applicable requirement.

B. Proceedings to reopen or revoke this permit shall affect only those parts of this permit for which cause to reopen or revoke exists. Emissions units for which permit conditions have been revoked shall not be operated until new permit conditions have been issued for them. (20.2.70.405.A.2 NMAC)

B114 Emergencies
(20.2.70.304 NMAC)

A. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, or careless or improper operation.

B. An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations contained in this permit if the permittee has demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(2) This facility was at the time being properly operated;

(3) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit; and

(4) The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of 20.2.70.302.E.2 NMAC. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

C. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

D. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

B115 Stratospheric Ozone
(20.2.70.302.A.1 NMAC)

A. If this facility is subject to 40 CFR 82, Subpart F, the permittee shall comply with the following standards for recycling and emissions reductions:

(1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices, except for motor vehicle air conditioners (MVAC) and MVAC-like appliances. (40 CFR 82.156)

(2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment. (40 CFR 82.158)

(3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program. (40 CFR 82.161)

B116 Acid Rain Sources
(20.2.70.302.A.9 NMAC)

A. If this facility is subject to the federal acid rain program under 40 CFR 72, this section applies.

B. Where an applicable requirement of the Federal Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Federal Act, both provisions are incorporated into this permit and are federally enforceable.

C. Emissions exceeding any allowances held by the permittee under Title IV of the Federal Act or the regulations promulgated thereunder are prohibited.

D. No modification of this permit is required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit modification under any other applicable requirement.

E. The permittee may not use allowances as a defense to noncompliance with any other applicable requirement.

F. No limit is placed on the number of allowances held by the acid rain source. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Federal Act.

G. The acid rain permit is an enclosure of this operating permit.

B117 Risk Management Plan
(20.2.70.302.A.1 NMAC)

A. If this facility is subject to the federal risk management program under 40 CFR 68, this section applies.

B. The owner or operator shall certify annually that they have developed and implemented a RMP and are in compliance with 40 CFR 68.

C. If the owner or operator of the facility has not developed and submitted a risk management plan according to 40 CFR 68.150, the owner or operator shall provide a compliance schedule for the development and implementation of the plan. The plan shall describe, in detail, procedures for assessing the accidental release hazard, preventing accidental releases, and developing an emergency response plan to an accidental release. The plan shall be submitted in a method and format to a central point as specified by EPA prior to the date specified in 40 CFR 68.150.b.

PART C MISCELLANEOUS

C100 Supporting On-Line Documents

A. Copies of the following documents can be downloaded from NMED's web site under Compliance and Enforcement or requested from the Bureau.

(1) Excess Emission Form (for reporting deviations and emergencies)

(2) Compliance Certification Report Form

(3) Universal Stack Test Notification, Protocol and Report Form and Instructions

(4) SOP for Use of Portable Analyzers in Performance Tests

C101 Definitions

A. **"Daylight"** is defined as the time period between sunrise and sunset, as defined by the Astronomical Applications Department of the U.S. Naval Observatory. (Data for one day or a table of sunrise/sunset for an entire year can be obtained at http://aa.usno.navy.mil/. Alternatively, these times can be obtained from a Farmers Almanac or from http://www.almanac.com/rise/).

B. **"Decommission"** and **"Decommissioning"** applies to units left on site (not removed) and is defined as the complete disconnecting of equipment, emission sources or activities from the process by disconnecting all connections necessary for operation (i.e. piping, electrical, controls, ductwork, etc.).

C. **"Exempt Sources"** and **"Exempt Activities"** is defined as those sources or activities that are exempted in accordance with 20.2.72.202 NMAC. Note; exemptions are only valid for most 20.2.72 permitting action.

D. **"Fugitive emission"** means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. (20.2.70.7M NMAC)

E. **"Insignificant Activities"** means those activities which have been listed by the department and approved by the administrator as insignificant on the basis of size, emissions or production rate. (20.2.70.7Q NMAC)

F. **"Malfunction"** for the requirements under 20.2.7 NMAC**,** means any sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction.

G. **"Natural Gas"** is defined as a naturally occurring fluid mixture of hydrocarbons that contains 20.0 grains or less of total sulfur per 100 standard cubic feet (SCF) and is either composed of at least 70% methane by volume or has a gross calorific value of between 950 and 1100 Btu per standard cubic foot. (40 CFR 60.331)

H. **"Natural Gas Liquids"** means the hydrocarbons, such as ethane, propane, butane, and pentane, that are extracted from field gas. (40 CFR 60.631)

I. **"National Ambient Air Quality Standards"** means the primary (health-based) and secondary (welfare-related) federal ambient air quality standards promulgated by the US EPA pursuant to Section 109 of the Federal Act. (20.2.72.7Q NMAC)

J. **"NO_2"** or **"Nitrogen dioxide"** means the chemical compound containing one atom of nitrogen and two atoms of oxygen, for the purposes of ambient determinations. The term **"nitrogen dioxide,"** for the purposes of stack emissions monitoring, shall include nitrogen dioxide (the chemical compound containing one atom of nitrogen and two atoms of oxygen), nitric oxide (the chemical compound containing one atom of nitrogen and one atom of oxygen), and other oxides of nitrogen which may test as nitrogen dioxide and is sometimes referred to as NOx or NO_2. (20.2.2.7U NMAC)

K. **"NOx"** see NO_2

L. "**Paved Road**" is a road with a permanent solid surface that can be swept essentially free of dust or other material to reduce air re-entrainment of particulate matter. To the extent these surfaces remain solid and contiguous they qualify as paved roads: concrete, asphalt, chip seal, recycled asphalt and other surfaces approved by the Department in writing.

M. **"Potential Emission Rate"** means the emission rate of a source at its maximum capacity to emit a regulated air contaminant under its physical and operational design, provided any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is enforceable by the department pursuant to the Air Quality Control Act or the Federal Act. (20.2.72.7Y NMAC)

N. "**Restricted Area-Non Military**" is an area to which public entry is effectively precluded. Effective barriers include continuous fencing, continuous walls, or other continuous barriers approved by the Department, such as rugged physical terrain with a steep grade that would require special equipment to traverse. If a large property is completely enclosed by fencing, a restricted area within the property may be identified with signage only. Public roads cannot be part of a Restricted Area.

O. **"Shutdown"** for requirements under 20.2.72.7BB NMAC, means the cessation of operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing out of batch process units.

P. **"SSM"** for requirements under 20.2.7 NMAC, means routine or predictable startup, shutdown, or scheduled maintenance.

(1) **"Shutdown"** for requirements under 20.2.7.7H NMAC, means the cessation of operation of any air pollution control equipment or process equipment.

(2) **"Startup"** for requirements under 20.2.7.7I NMAC, means the setting into operation of any air pollution control equipment or process equipment.

Q. **"Startup"** for requirements under 20.2.72.7DD NMAC, means the setting into operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing in of batch process units.

C102 Acronyms

2SLB ..... 2-stroke lean burn
4SLB ..... 4-stroke lean burn
4SRB ..... 4-stroke rich burn
acfm ..... actual cubic feet per minute
AFR ..... air fuel ratio
AP-42 ..... EPA Air Pollutant Emission Factors
AQB ..... Air Quality Bureau
AQCR ..... Air Quality Control Region
ASTM ..... American Society for Testing & Materials
Btu ..... British thermal unit
CAA ..... Clean Air Act of 1970 and 1990 Amendments
CEM ..... continuous emissions monitoring
cfh ..... cubic feet per hour
cfm ..... cubic feet per minute
CFR ..... Code of Federal Regulation
CI ..... compression ignition
CO ..... carbon monoxide
COMS ..... continuous opacity monitoring system
EIB ..... Environmental Improvement Board
EPA ..... United States Environmental Protection Agency
gr/100 cf ..... grains per one hundred cubic feet
gr/dscf ..... grains per dry standard cubic foot
GRI ..... Gas Research Institute
H_2S ..... hydrogen sulfide
HAP ..... hazardous air pollutant
hp ..... horsepower
IC ..... Internal Combustion

KW/hr ..... kilowatts per hour
lb/hr ..... pounds per hour
lb/MMBtu ..... pounds per million British thermal unit
MACT ..... Maximum Achievable Control Technology
MMcf/hr ..... million cubic feet per hour
MMscf ..... million standard cubic feet
N/A ..... not applicable
NAAQS ..... National Ambient Air Quality Standards
NESHAP ..... National Emission Standards for Hazardous Air Pollutants
NG ..... natural gas
NGL ..... natural gas liquids
NMAAQS ..... New Mexico Ambient Air Quality Standards
NMAC ..... New Mexico Administrative Code
NMED ..... New Mexico Environment Department
NMSA ..... New Mexico Statues Annotated
NOx ..... nitrogen oxides
NSCR ..... non-selective Catalytic Reduction
NSPS ..... New Source Performance Standard
NSR ..... New Source Review
PEM ..... parametric emissions monitoring
PM ..... particulate matter (equivalent to TSP, total suspended particulate)
PM_{10} ..... particulate matter 10 microns and less in diameter
$PM_{2.5}$ ..... particulate matter 2.5 microns and less in diameter
pph ..... pounds per hour
ppmv ..... parts per million by volume
PSD ..... Prevention of Significant Deterioration
RATA ..... relative accuracy test assessment
RICE ..... reciprocating internal combustion engine
rpm ..... revolutions per minute
scfm ..... standard cubic feet per minute
SI ..... spark ignition
SO_2 ..... sulfur dioxide
SSM ..... Startup Shutdown Maintenance (see SSM definition)
TAP ..... Toxic Air Pollutant
TBD ..... to be determined
THC ..... total hydrocarbons
TSP ..... Total Suspended Particulates
tpy ..... tons per year
ULSD ..... ultra-low sulfur diesel
USEPA ..... United States Environmental Protection Agency
UTM ..... Universal Transverse Mercator Coordinate System
UTMH ..... Universal Transverse Mercator Horizontal
UTMV ..... Universal Transverse Mercator Vertical

VHAP.....volatile hazardous air pollutant
VOC.....volatile organic compounds

Revised: 2/21/2017

NOTE: This report contains permit-writer entered data in red, and permit-writer instructions in bolded red. After all permit-writer additions and changes are made, delete the bolded red instructions and change all remaining colored text to black. Additionally, this report contains instructions imbedded within the text of the document. Those instructions can be read by placing your cursor on the highlighted areas or by double clicking on those areas.

Statement of Basis - Narrative
Title V, NSR, PSD Permit

Type of Permit Action: Significant Mod or permit modification

Facility: Eunice Gas Processing Plant
Company: Versado Gas Processors, LLC
Permit No(s).: 0067 and P109
Tempo/IDEA ID No.: 609 - PRT20160001
Permit Writer: Kirby Olson or Kirby Olson

Fee Tracking (not required for Title V)

Tracking	**NSR tracking entries completed:** [] Yes [] No
	NSR tracking page attached to front cover of permit folder: [] Yes [] No
	Paid Invoice Attached: [] Yes [] No
	Balance Due Invoice Attached: [] Yes [] No
	Invoice Comments:

Permit Review	**Date to Enforcement:** TBD	**Date of Enforcement Reply:** TBD
	Date to Applicant: TBD	**Date of Applicant Reply:** TBD
	Date to EPA: TBD or N/A	**Date of EPA Reply:** TBD or N/A
	Date to Supervisor: TBD	

1.0 **Plant Process Description:** [This comes from Section 10 Written Description of the Facility Operations of the application and or from cover page in Tempo.]

Targa Eunice Gas Processing Plant is a natural gas treating and processing plant. The facility receives sour field natural gas, performs dehydration, removal of hydrogen sulfide and carbon dioxide, separation of natural gas liquids (NGL), and recompression for distribution to a sales pipeline.The facility is located at the following coordinates: UTME: 674204 m.; UTMN: 3589051 m.; UTMZ: 13; approximately 1 mile south of Eunice, in Lea County, New Mexico.The facility consists of the following regulated equipment: fourteen (14) 2SLB, natural gas-fired compressor engines (uncontrolled) ranging between 1100-1600 hp; six (6) 4SRB compressor engines, all 1200 hp and fitted with Non-Selective Reduction (NSCR) catalytic converters; two (2) 100 MMBtu/hr steam boilers; four (4) process heaters ranging in capacity from 1.25-10 MMBtu/hr; two (2) 500 bbl condensate storage tanks with one (1) transfer tank (an integrated 3-tank system); one (1) 40,000 gallon methanol storage tank; one (1) 1000 gallon gasoline storage

Commented [j1]: Edit to show the current permit action type.

Commented [VGC2]: The air facility name is the name entered in the Mater AI Name Field

Commented [VGC3]: The Company is the organization with the relationship of "owns"

Commented [VGC4]: Give both the IDEA and old system permit numbers as appropriate

Commented [VGC5]: This is the person with the relationship "is NMED air permit contact for"

Commented [VGC6]: The following tables must have their data entered by the permit writer

tank; one (1) 50 LT/day Sulfur Recovery Unit (SRU) and Incinerator (Stack I-01); one (1) acid gas flare and one (1) emergency flare; and a NGL Processing Train which is a source of fugitive VOC and HAP fugitive emissions.

2.0 **Description of this Modification:** [This comes from Section 3, Application Summary of the application and or from cover page in Tempo.]

This modification incorporates the changes from NSR permits 0067-M6-R3, 0067-M7, 0067-M8, and 0067-M8R1 into the Title V permit. Those changes include addition of SSM emission limits for flare F-02 and various other venting operations (SSM-CB, SSM-PP, SM-VRU, SSM-VP, and SSM-G-01), a malfunction emission limit, and two electric compressors (EC-1 and EC-2). The modification reduces operation of C-9, C-10, C-11 and C-12 to backup use only (<500 hr/yr). The revisions also include language changes pertaining to Stipulated Final Order (SFO), No. AQCA 09-00(CO), dated 1/6/2010, to indicate that the order was terminated on 3/7/2013 instead of removing the language. This modification also associates the malfunction emission limit with both Flare F-01 and Flare F-02 so malfunction emissions can be routed to either flare, removes a 1,000 gallon gasoline tank (unit ME8), adds a 2,800 gallon gasoline tank (ME9), and removes tank ME-6. Fugitive emissions (FG-01) increased due to an increase in condensate throughput to TK-1 and TK-2 resulting in an increase in loading emissions (L-01). A second condensate loading spot (L-02) was added. The Subpart KKK/OOOO/OOOOa applicability was updated. Serial numbers were corrected for several engines and tanks. Engines EG-01 and EG-02 were added. This modification also incorporates the administrative permit revision requested on 7/6/16 for a like-kind replacement of engine C-20 and Compliance Assurance Monitoring (CAM) plans for units AM-01, C-13A, C-17, C-18, C-19, C-20, C-21, and C-22. Conditions for the flares were revised.

3.0 **Source Determination:**

Commented [sd7]: Refer to Section 11 of the application. 11/1/12 added 20.2.73-jk

1. The emission sources evaluated include **[list]**.

2. Single Source Analysis: **[Note that a facility may obtain separate NSR or TV permits, but a complete understanding of the entire source is important and may have implications for NSR, PSD, and Title V applicability.]**

A. SIC Code: Do the facilities belong to the same industrial grouping (i.e., same two-digit SIC code grouping, or support activity)? Yes/No **[Provide details as appropriate]**

B. Common Ownership or Control: Are the facilities under common ownership or control? Yes/No **[Provide details as appropriate]**

C. Contiguous or Adjacent: Are the facilities located on one or more contiguous or adjacent properties? Yes/No **[Provide details as appropriate]**

3. Is the source, as described in the application, the entire source for 20.2.70, 20.2.72, 20.2.73, or 20.2.74 NMAC applicability purposes? Yes/No **[Provide details as appropriate]**

4.0 **PSD Applicability:**

[For Title V Actions, delete the NSR section below and leave the following statement. If a major source, then include sentence below and the NSR PSD

determination "A" from last NSR permit.]
Title V action does not determine PSD applicability; see the History Table for a summary of previous PSD applicability determinations. [However, this facility is a PSD major source that has never undergone a permitting action for a PSD major modification. OR This facility has a PSD permit with BACT limits.]

[For NSR Actions, delete the Title V section above and complete the following determination. Once a source is PSD major for any single pollutant, all other pollutants , other than non-attainment pollutants, must be evaluated against Table 20.2.74.502 Significant Emission Rate for applicability regardless if that pollutant is over the 100/250 tpy threshold per 20.2.74.200(d)(1), 74.302.A and 302.B NMAC. See Section A, PSD Applicability, of the 1990 Workshop Manual for details, but keep in mind that the regulation has changed since the guidance was published.**]**

A. The source, as determined in 3.0 above, is **[a minor source before and after this modification. (if so, delete B, C, and D below)] or [an existing PSD Major Source.] or [a PSD Major Source after this modification.].**
B. The project emissions for this modification are **[not significant.] or [significant.] [Discuss why.]**
C. Netting **[is required, and analysis is attached to this document.] or [is not required (project is not significant).] or [Applicant submitted a PSD Major Modification and chose not to net.]**
D. BACT is **[not required for this modification (minor Mod).] or [required (Major Mod), see attached description, list of pollutants subject to review, and BACT determination.]**

.

5.0 **History (In descending chronological order, showing NSR and TV):** *The asterisk denotes the current active NSR and Title V permits that have not been superseded.

Commented [TK8]: We are no longer entering history in IDEA (TEMPO). All the history should be entered here. Copy from last issued NSR or TV

Permit Number	Issue Date	Action Type	Description of Action (Changes)
* P109		Title V renewal, etc	
PSD XXXMX		PSD Major Modification OR PSD Minor Modification	For all previous actions include: description of action, changes in emissions, and PSD applicability from Item 3 of previous Statement of Basis (if not available, you must write the determination).
PSD XXXMXRX		PSD Admin OR PSD Tech Rev	
Oldest			

6.0 **Public Response/Concerns:** As of XXXX XX, 2015 or the issuance date of this permit, this permit writer is not aware of any public comment or concern. [This date can be any date from the end of the public notice period to the issuance date of the permit.]

7.0 Compliance Testing: [Cut and paste from Application, Section 17, compliance test history, but it should include at least this much information.]

Unit No.	Compliance Test	Test Dates
X	EPA Methods Test	Not Required
X	Quarterly Portable Analyzer Test for NOx and CO	3rd Qtr 2006, 8/16/2006
X	EPA Methods Test for NOx and CO	180days Permit XXX-MX issuance
X		

Commented [jwk9]: See examples: NSR enter testing required by your action, and do not relax testing required by TV. TV confirm NSR testing requirements were meet by applicant and determine if additional testing in required according to Monitoring Protocols. If required, indicate which units and which pollutants.

8.0 Startup and Shutdown:

A. If applicable, did the applicant indicate that a startup, shutdown, and emergency operational plan was developed in accordance with 20.2.70.300.D(5)(g) NMAC?
B. If applicable, did the applicant indicate that a malfunction, startup, or shutdown operational plan was developed in accordance with 20.2.72.203.A.5 NMAC?
C. Did the applicant indicate that a startup, shutdown, and scheduled maintenance plan was developed and implemented in accordance with 20.2.7.14.A and B NMAC?
D. Does the facility have emissions due to routine or predictable startup, shutdown, and maintenance? If so, have all emissions from startup, shutdown, and scheduled maintenance operations been permitted?

9.0 **Compliance and Enforcement Status [Title V and NSR/PSD new or modification. Use this email template: "P:\AQB-Permits-Section\Title-V\Forms\COMPLIANCE ENFORCEMENT EMAIL TEMPLATES\Compliance verification request 5-13-13.oft"]:**

Commented [jwk10]: When Enforcement responds to the Request for Verification of Compliance, copy their comments or statement here and reference their email by date. Ensure copy of email in permit folder. As of 7/1/15, This is required for NSR/PSD new or modifications permit actions.

10.0 **Modeling:**

Commented [THS11]: Identify the last permit number(s) of the modeling report(s), including the dates, the AQB modeler, and the pollutants modeled. Identify any modeling recommendation for conditions.

11.0 **State Regulatory Analysis(NMAC/AQCR):**

[Comments must clearly establish the basis for applicability or non-applicability**. Modify as necessary. Delete regulations that clearly do not apply. This list is not necessarily inclusive of all applicable regulations.]**

Commented [jwk12]: For NM State Regulations see, http://www.nmcpr.state.nm.us/nmac/_title20/T20C002.htm

Commented [a13]: The next two tables have been filled in as much as possible but may not reflect your permit situation. It is the permit writers job to edit as necessary. You should delete regulations that are not relevant. If it is relevant but does not apply explain why in the comments.

STATE REGU-LATIONS CITATION 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	JUSTIFICATION:
2.1	GENERAL PROVISIONS	Yes, Always	Entire Facility	The facility is subject to Title 20 Environmental Protection Chapter 2 Air Quality of the New Mexico Administrative Code so is subject to Part 1 General Provisions, Update to Section 116 of regulation for Significant figures & rounding. Applicable with no permitting requirements.

STATE REGU-LATIONS CITATION 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	JUSTIFICATION:
2.3	Ambient Air Quality Standards	Yes for NSR, No for TV	Entire Facility	**NSR:** 20.2.3 NMAC is a SIP approved regulation that limits the maximum allowable concentration of Total Suspended Particulates, Sulfur Compounds, Carbon Monoxide and Nitrogen Dioxide. **Title V:** 20.2.3.9 NMAC, LIMITATION OF APPLICABILITY TO 20.2.70 NMAC. The requirements of NMAAQS are not applicable requirements under 20.2.70 NMAC, as defined by 20.2.3.9 NMAC, 20.2.3.9 NMAC does not limit the applicability of this part to sources required to obtain a permit under the minor NSR regulation, 20.2.72 NMAC, nor does it limit which terms and conditions of NSR permits issued pursuant to 20.2.72 NMAC are applicable requirements in a Title V permit.
2.7	Excess Emissions	Yes, Always	Entire Facility	Applies to all facilities' sources
2.11	Asphalt Process Equipment			The objective of this Part is to establish particulate matter emission standards for asphalt process equipment.
2.19	Potash, Salt or Sodium Sulfate Processing Equipment			The objective of this Part is to establish particulate matter emission standards for potash, salt or sodium sulfate processing equipment.

STATE REGU-LATIONS CITATION 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	JUSTIFICATION:
2.33	Gas Burning Equipment - Nitrogen Dioxide			**This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers.** **Choose all that apply:** This facility has new gas burning equipment (external combustion emission sources, such as gas and oil fired boilers and heaters) having a heat input of greater than 1,000,000 million British Thermal Units per year per unit This facility has existing gas burning equipment having a heat input of greater than 1,000,000 million British Thermal Units per year per unit Note: **"New gas burning equipment"** means gas burning equipment, the construction or modification of which is commenced after February 17, 1972. The definition of gas burning equipment in this regulation is very broad, implying that it could apply to gas turbines. However, research into the hearing record indicated that this regulation was only intended to apply to external combustion equipment such as heaters and boilers. See procedure at: https://www.env.nm.gov/aqb/procedures/NMAC-Applicability-Final.doc.
2.34	Oil Burning Equipment - Nitrogen Dioxide			**This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers.** This facility has oil burning equipment (external combustion emission sources, such as gas and oil fired boilers and heaters) having a heat input of greater than 1,000,000 million British Thermal Units per year per unit.
2.35	Natural Gas Processing Plant – Sulfur		Entire Facility	This regulation could apply to existing (prior to July 1, 1974) or new (on or after July 1, 1974) natural gas processing plants that use a Sulfur Recovery Unit to reduce sulfur emissions. **See 'Guidance and Clarification Regarding Applicability of 20.2.35 NMAC' located with the Air Quality Bureau's Permit Section website guidance documents.**
2.36 & 2.37	Petroleum Refineries and Petroleum Processing Facilities		Entire Facility	**These regulations were repealed by the Environmental Improvement Board. If you had equipment subject to 20.2.37 NMAC before the repeal, your combustion emission sources are now subject to 20.2.61 NMAC.**
2.38	Hydrocarbon Storage Facilities			20.2.38 NMAC This regulation could apply to storage tanks at petroleum production facilities, processing facilities, tanks batteries, or hydrocarbon storage facilities.
20.2.39 NMAC	Sulfur Recovery Plant - Sulfur			This regulation could apply to sulfur recovery plants that are not part of petroleum or natural gas processing facilities.

STATE REGU-LATIONS CITATION 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	JUSTIFICATION:
2.61	Smoke and Visible Emissions		XX, YYY, ZZZ	This regulation that limits opacity to 20% applies to Stationary Combustion Equipment, such as engines, boilers, heaters, and flares unless your equipment is subject to another state regulation that limits particulate matter such as 20.2.19 NMAC (see 20.2.61.109 NMAC). **If equipment at your facility was subject to the repealed regulation 20.2.37 NMAC it is now subject to 20.2.61 NMAC.**
2.70	Operating Permits		Entire Facility	The source is a Title V Major Source as defined at 20.2.70.7 NMAC. OR The source is not a Title V Major Source as defined at 20.2.70.7 NMAC. OR Landfills or Air Curtain Incinerators: This is not a Major Title V source, but is subject to the Title V permit program in accordance with 20.2.70.200.B NMAC**.**
2.71	Operating Permit Fees		Entire Facility	Source is subject to 20.2.70 NMAC as cited at 20.2.71.109 NMAC.
2.72	Construction Permits		Entire Facility	Select: Specify Section 200.A.1 - 200 A.6, or 219.B.X PER > 10 pph or 25 tpy for a criteria pollutant, or Section 220 – General Permit, or Section 300 – Streamline, or Section 400 Toxics Or NSR Permits are the applicable requirement, including 20.2.72 NMAC.
2.73	NOI & Emissions Inventory Requirements	Yes, Always	Entire Facility	Applicable to all facilities that require a permit. PER > 10 tpy for a regulated air contaminant.

STATE REGU-LATIONS CITATION 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	JUSTIFICATION:
2.74	Permits-Prevention of Significant Deterioration		Entire Facility	If subject, this would normally apply to the entire facility. **If you are an existing PSD major source you are subject to the applicability determination requirements at 20.2.74.200 NMAC to determine if you are subject to a PSD permit, before commencing actual construction of any modifications at your facility.** Complete the applicability determination in Section 12 of the application. If you are constructing a new PSD major source or are proposing a major modification to an existing PSD major source, you must obtain a PSD permit. Minor NSR Exemptions at 20.2.72.200 NMAC nor Title V Insignificant Activities do not apply to the PSD permit regulation. **Choose which applies and delete the rest.** See NMACS 20.2.74.7.AE and AG Major Modification and Major Stationary Source, 20.2.74.200 Applicability, and 20.2.74.201 Exemptions. **20.2.74.7.AG(1)** A stationary source listed in Table 1 of this Part (20.2.74.501 NMAC) which emits, or has the potential to emit, emissions equal to or greater than one hundred (100) tons per year of any stack and fugitive emissions (as defined) of any regulated air pollutant; or **20.2.74.7.AG(2)** A stationary source not listed in Table 1 of this Part (20.2.74.501 NMAC) and which emits or has the potential to emit stack emissions of two hundred fifty (250) tons per year or more of any regulated pollutant; or **20.2.74.7.AG(3)** A physical change that would occur at a stationary source not otherwise qualifying under paragraphs (1) or (2) of subsection if the change would constitute a major stationary source by itself (e.g. an increase of 250 tpy or more); or **20.2.74.300.D** a source or modification that becomes a major stationary source or major modification solely due to a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then this part shall apply to the source or modification as through construction had not yet commenced. **20.2.74.200.7.AG(5)** The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the stationary source categories found in Table 1 of this Part (20.2.74.501 NMAC) or any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.
2.75	Construction Permit Fees		Entire Facility	This facility is subject to 20.2.72 NMAC OR TV: No, In accordance with 20.2.75.11.E an annual NSR enforcement and compliance fee shall not apply to sources subject to 20.2.71 NMAC.
2.77	New Source Performance		See Sources subject to 40 CFR 60	Applies to any stationary source constructing or modifying and which is subject to the requirements of 40 CFR Part 60.

STATE REGU-LATIONS CITATION 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	JUSTIFICATION:
2.78	Emissions Standards for HAPs		See Sources subject to 40 CFR 61	This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 61.
2.79	Permits – Nonattainment Areas			This facility is or is not located in, not does it affect, a nonattainment area. Link to Non-attainment Link area
2.82	MACT Standards for Source Categories of HAPs		See sources subject to 40 CFR 63	This regulation applies to all sources emitting hazardou air pollutants, which are subject to the requirements of 40 CFR Part 63.

Commented [CH14]: A facility "affects" an adjacent nonattainment area if it's radius of impact, that is determined from source alone modeling, overlaps an adjacent nonattainment area. NM must consider nonattainment areas that border NM in other states. For example, El Paso, TX is nonattainment for PM10 and the Rio Grande Generating station in NM is right on the border of NM & El Paso. AQB determined in the last modeling review, Rio Grande Generating station PM10 radius of impact did not fall within the El Paso PM10 nonattainment area.

12.0 Federal Regulatory Analysis:

Commented [jwk15]: For federal regs. see http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
Air Programs Subchapter C (40 CFR 50)	National Primary and Secondary Ambient Air Quality Standards	Yes	Entire Facility	Independent of permit applicability; applies to all sources of emissions for which there is a Federal Ambient Air Quality Standard.
NSPS Subpart A (40 CFR 60)	General Provisions		See sources subject to a Subpart in 40 CFR 60	Applies if any other subpart applies.
40 CFR60.40a, Subpart Da	Standards of Performance for Electric Utility Steam Generating Units,			Establishes PM, SO_2 and NOx emission limits/standards of performance for Unit **XXX**. The duct burner (unit #XXX) has a **XXXX** MMBtu/hr heat input, which exceeds the 250 MMBtu/hr threshold. Construction commenced **XXXX**, after the 9/18/1978 applicability date.
40 CFR 60.40b, Subpart Db,	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units			(a) The affected facility to which this subpart applies is each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hour). Establishes NOx emission limit for Unit **XXX**. The boiler (unit **XXX**) has a **XXX** MMBtu/hr heat input, which exceeds the 100 MMBtu/hr threshold. Construction

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
				commenced 1980 and the boiler was modified in XXXX, after the 6/19/1984 applicability date.
40 CFR 60.40b, Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units			Applicable: facility has steam generating units for which construction, modification or reconstruction is commenced after June 9, 1989 and that have a maximum design heat input capacity of 29 MW or less, but greater than or equal to 2.9 MW. This regulation applies to units **XXX, X, XX, and XXX**.
40 CFR 60, Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and **Prior** to July 23, 1984			Tanks XXX have a storage capacity greater than 151,416 liters (40,000 gallons) that are used to store petroleum liquids for which construction is commenced after May 18, 1978. **Note: Exception below, delete if not used** Each petroleum liquid storage vessel with a capacity of less than 1,589,873 liters (420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer is not an affected facility and, therefore, is exempt from the requirements of this subpart
40 CFR 60, Subpart Kb	Standards of Performance for Storage Vessels for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced **After** July 23, 1984			The facility has storage vessels TK-XX, XX and XX each with storage capacity greater than $75m^3$ that are used to store volatile organic liquids and for which construction, reconstruction, or modification commenced after 7/23/84.
40 CFR 60.330 Subpart GG	Stationary Gas Turbines			Units **x,y,z** have a heat input = x Btu/hour which is greater than the 10 MMBtu/hour threshold. These units were installed on x which is after the October 3, 1977 applicability date and before the applicability date of February 18, 2005, for Subpart KKKK. (For information on equipment manufactured before but installed at facility after the applicability date, see EPA Guidance document # 0300006)
40 CFR 60, Subpart KKK	Standards of Performance for Equipment Leaks of VOC from Onshore			Affected Facility with Leaks of VOC from Onshore Gas Plants. Any affected facility under paragraph (a) of this section that

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
	Natural Gas Processing Plants			commences construction, reconstruction, or modification after January 20, 1984, is subject to the requirements of this subpart. The group of all equipment (each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart) except compressors (defined in § 60.631) within a process unit is an affected facility. A compressor station, dehydration unit, sweetening unit, underground storage tank, field gas gathering system, or liquefied natural gas unit is covered by this subpart if it is located at an onshore natural gas processing plant. If the unit is not located at the plant site, then it is exempt from the provisions of this subpart.
40 CFR Part 60 Subpart LLL	Standards of Performance for Onshore Natural Gas Processing: SO2 Emissions			The facility is a natural gas processing plant, including a sweetening unit followed by a sulfur recovery unit, constructed after January 20, 1984, and meets the applicability criteria of 40 CFR 60.640
NSPS 40 CFR 60, Subparts WWW, XXX, Cc, and Cf	Standards of performance for Municipal Solid Waste (MSW) Landfills			See 60.30c, 60.30f, 60.750, and/or 60.760
40 CFR Part 60 Subpart IIII (Quad-I)	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines			(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator. Link to regulation - read more
40 CFR Part 60 Subpart JJJJ (Quad -J)	Standards of Performance for Stationary Spark. Ignition Internal Combustion Engines			The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (5) of section 60.4230. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator. Link to regulation – read more
40 CFR Part 60	Standards of Performance			Units **x,y,z** have a heat input = x Btu/hour

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
Subpart KKKK	for Stationary Combustion Turbines			which is greater than the 10 MMBtu/hour threshold. These units were installed on x which is after the applicability date of February 18, 2005.
NSPS 40 CFR Part 60 Subpart OOOO (Quad -O)	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which construction, modification or reconstruction commenced after August 23, 2011 and before September 18, 2015	Yes or No		The rule applies to "affected" facilities that are constructed, modified, or reconstructed after Aug 23, 2011 (40 CFR 60.5365): gas wells, including fractured and hydraulically refractured wells, centrifugal compressors, reciprocating compressors, pneumatic controllers, certain equipment at natural gas processing plants, sweetening units at natural gas processing plants, and storage vessels. If there is a standard or other requirement, then the facility is an "affected facility." Currently there are standards for: gas wells (60.5375); centrifugal compressors (60.5380); reciprocating compressors (60.5385): controllers (60.5390); storage vessels (60.5395); equipment leaks (60.5400); sweetening units (60.5405). **If standards apply, list the unit number(s) and regulatory citation of the standard that applies to that unit (e.g. Centrifugal Compressors 1a-3a are subject to the standards at 60.5380(a)(1) and (2) since we use a control device to reduce emissions)**
NSPS 40 CFR Part 60 Subpart OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015			**See 60.5360a**
NSPS 40 CFR 60 Subpart TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units			See 60.5508
NSPS 40 CFR 60 Subpart UUUU	Emissions Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units			See 60.5700
NESHAP Subpart A (40 CFR 61)	General Provisions	Yes	See sources subject to a Subpart in 40 CFR 61	Applies if any other subpart applies.
40 CFR 61 Subpart E	National Emission Standards for Mercury			The provisions of this subpart are applicable to those stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and **incinerate or dry**

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
				wastewater treatment plant sludge
40 CFR 61 Subpart V	National Emission Standards for Equipment Leaks (Fugitive Emission Sources)	No		This regulation **ONLY** applies if 40 CFR 61, Subpart J applies. Other regulations like 40 CFR 63, Subpart HH may incorporate specific sections of 61-V but that doesn't make 61-V applicable.
MACT Subpart A (40 CFR 63)	General Provisions	Yes	See sources subject to a Subpart in 40 CFR 63	Applies if any other subpart applies.
40 CFR 63.760 Subpart HH	Oil and Natural Gas Production Facilities –			**Choose all that apply: not an inclusive list** MAJOR Source: In accordance with the definition of a major source as defined in 40 CFR 63.761, this facility is Subject to the requirements of 40 CFR 63 Subpart HH Facility was major for HAPS after June 17, 2002. Once in always in**. [Applies –Yes]][For TV enter in Appendix Table A.1]** AREA SOURCE (Minor for HAPs): 1) The facility contains affected sources (TEG glycol dehydrators, 63.760(b)(2)). However, as actual benzene emissions are less than one ton per year (63.764(e)(ii)), the dehydrators are exempt and the records of the determination must be maintained as required in §63.774(d)(1). **[Applies –Yes][For TV enter in Appendix Table A.1]** 2) There are no affected sources (TEG glycol dehydrators, 63.760(b)(2)) at this facility. **[Applies –No][For TV enter in Appendix Table A.2]** 3) The facility contains affected sources (TEG glycol dehydrators, 63.760(b)(2)). The actual benzene emissions are greater than one ton per year. The area source **IS or NOT** located within a Urban-1 county or UC boundary, 63.760(f)(3).the dehydrators are exempt and must comply on with 40 CFR 63.772(b).
40 CFR 63	National Emission			This subpart applies to owners and

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
Subpart HHH	Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities			operators of natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user (if there is no local distribution company), and that are major sources of hazardous air pollutants (HAP) emissions as defined in §63.1271. **See link below** 40 CFR 63 Subpart HHH
40 CFR 63 Subpart ZZZZ (Quad Z)	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)			See 63.6580 and EPA Region 1's Reciprocating Internal Combustion Guidance website. A facility is subject to this subpart if they own or operate a stationary RICE at a major **OR** area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand. **Add specific, etc: Reason for Non-Applicability Example below:** Units 16,17,18 are 2SLB with 830 hp and constructed prior to 12/19/02 (63.6600.c) Unit 21 is a 4SRB with 179 hp which is < 500 HP (63.6590.a) Unit 37 is a 4SLB and 1445 hp but constructed prior to 12/19/02 (63.6600.c)
40 CFR 63 Subpart DDDDD (5-Ds)	National Emission Standards for Hazardous Air Pollutants for Industrial,			See 63.7480 Example: Facility has boilers but not subject to MACT 5-D since it is not a major source of HAP emissions.(63.7485) **OR** Facility is subject to this subpart if it owns or operates an industrial, commercial, or institutional boiler or process heater as defined in §63.7575 that is located at, or is part of, a major source of HAP as defined in §63.2 or §63.761 (40 CFR part 63, subpart HH, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities), except as specified in §63.7491. **Example:** Unit XXX will be (was) constructed XXXX, XX, 2XXX, before the applicability date of January 13, 2003, and has a heat input greater than 10 MMBTU/hr. It is a gaseous fuel process heater and must comply with the requirements of the Subpart by September 13, 2007. The other heaters (Units XX, YY, and ZZ) are exempt because their heat inputs are less that 10MM BTU/hr
40 CFR 63	National Emission			§ 63.11111 Am I subject to the requirements in this subpart?

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
Subpart CCCCCC (6-Cs)	Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities			(a) The affected source to which this subpart applies is each GDF that is located at an area source. The affected source includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank. (b) If your GDF has a monthly throughput of less than 10,000 gallons of gasoline, you must comply with the requirements in §63.11116. (c) If your GDF has a monthly throughput of 10,000 gallons of gasoline or more, you must comply with the requirements in §63.11117. (d) If your GDF has a monthly throughput of 100,000 gallons of gasoline or more, you must comply with the requirements in §63.11118. (e) An affected source shall, upon request by the Administrator, demonstrate that their average monthly throughput is less than the 10,000-gallon or the 100,000-gallon threshold level, as applicable. (f) If you are an owner or operator of affected sources, as defined in paragraph (a) of this section, you are not required to obtain a permit under 40 CFR part 70 or 40 CFR part 71 as a result of being subject to this subpart. However, you must still apply for and obtain a permit under 40 CFR part 70 or 40 CFR part 71 if you meet one or more of the applicability criteria found in 40 CFR 70.3(a) and (b) or 40 CFR 71.3(a) and (b). (g) The loading of aviation gasoline storage tanks at airports is not subject to this subpart and the aviation gasoline is not included in the gasoline throughput specified in paragraphs (b) through (e) of this section. See Link
40 CFR 63 Subpart HHHHHH (6-Hs)	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources			Categories and entities potentially affected by the rule are paint stripping operations using methylene chloride (MeCl)-containing paint strippers, motor vehicle and mobile equipment surface coating operations, and miscellaneous surface coating operations located at area sources.
40 CFR 63 Subpart JJJJJJ (6-Js)	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources			Not subject to MACT 6-J per 63.11195(e) since these units are gas-fired boilers as defined. **OR** You are subject to this subpart if you own or operate an industrial, commercial, or institutional boiler as defined in §63.11237 that is located at, or is part of, an area source of hazardous air pollutants (HAP), as defined in §63.2, except as specified in §63.11195.
40 CFR 64	Compliance Assurance Monitoring			Unit **XX** is equipped with a control device and the uncontrolled emissions for this unit are above the Title V major source thresholds. OR The unit is equipped with a CEMS that monitors the subject pollutant.

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
				Therefore, this unit is exempt from the CAM requirements per 40 CFR64.2 (b)(vi) [see other exemptions at 40 CFR 64.2] **And/OR** Unit **XX** is exempt per 64.2(b)(vi) in that the unit is subject to a continuous compliance method for that pollutant required by MACT **XX**.
40 CFR 68	Chemical Accident Prevention			An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under §68.115 Threshold determination and 68.130 List of substances, 68 **Use link for list and more info.** The facility does not have more than a threshold quantity of a regulated substance in a process, as determined under §68.115 Threshold determination and 68.130. This regulation was revised in the Federal Register date 1-13-17. The effective date of the revision was delayed until March 21, 2017 (see FR 1-26-17). **The permittee needs to review the changes to this regulation to verify if it is subject to any applicable requirements in the revised regulation and if so must meet those applicable requirements regardless if they are in the Title V permit.** NSR & TV permits should include citation in applicability table in the permit, but no other specific permit conditions are required for NSR permits or TV permits. This is because the TV permit template includes a General Condition meeting the requirement of 68.215.
40 CFR 70	Title V- State Operating Permit Programs			Operating Permit Program – is not applicable – New Mexico State has full delegated authority and Title V is administered under 20.2.70 NMAC.
40 CFR 72	Title IV – Acid Rain			(a) Each of the following units shall be an affected unit, and any source that includes such a unit shall be an affected source, subject to the requirements of the Acid Rain Program: (1) A unit listed in table 1 of §73.10(a) of this chapter.(2) A unit that is listed in table 2 or 3 of §73.10 of this

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
				chapter and any other existing utility unit, except a unit under paragraph (b) of this section
40 CFR 73	Title IV – Acid Rain Sulfur Dioxide Allowance Emissions			The following parties shall be subject to the provisions of this part: (a) Owners, operators, and designated representatives of affected sources and affected units pursuant to §72.6 of this chapter; (b) Any new independent power producer as defined in section 416 of the Act and §72.2 of this chapter, except as provided in section 405(g)(6) of the Act; (c) Any owner of an affected unit who may apply to receive allowances under the Energy Conservation and Renewable Energy Reserve Program established in accordance with section 404(f) of the Act;(d) Any small diesel refinery as defined in §72.2 of this chapter, and (e) Any other person, as defined in §72.2 of this chapter, who chooses to purchase, hold, or transfer allowances as provided in section 403(b) of the Act
Title IV-Acid Rain 40 CFR 75	**Continuous Emissions Monitoring**			See 40 CFR 75.2. This may apply if your facility generates commercial electric power or electric power for sale.
Title IV – Acid Rain 40 CFR 76	Acid Rains Nitrogen Oxides Emission Reduction Program			
Title VI – 40 CFR 82	Protection of Stratospheric Ozone			**The permittee should verify whether any recordkeeping requirements apply under 82.152. Also, this regulation was changed in the Federal Register dated 12-1-16. The permittee needs to review the changes and record requirements at 82.152 to determine if any applicable requirements apply. If so, it must meet those requirements regardless if they are in the Title V permit.** 40 CFR 82 may apply if you: **(40 CFR 82.1 and 82.100)** produce, transform, destroy, import or export a controlled substance or import or export a controlled product; **(40 CFR 82.30)** if you perform service on a motor vehicle for consideration when this service involves

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
				the refrigerant in the motor vehicle air conditioner; **(40 CFR 82.80)** if you are a department, agency, and instrumentality of the United States subject to Federal procurement requirements; **(82.150)** if you service, maintain, or repair appliances, dispose of appliances, refrigerant reclaimers, **if you are an owner or operator of an appliance**, if you are a manufacturer of appliances or of recycling and recovery equipment, if you are an approved recycling and recovery equipment testing organization, and/or if you sell or offer for sell or purchase class I or class I refrigerants. **Note:** Owners and operators of appliances subject to 40 CFR 82.150 Recycling and Emissions Reduction have recordkeeping and reporting requirements even if the owner/operator is not performing the actual work. **Note:** Disposal definition in 82.152: Disposal means the process leading to and including: (1) The discharge, deposit, dumping or placing of any discarded appliance into or on any land or water; (2) The disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or (3) The disassembly of any appliance for reuse of its component parts. "Major maintenance, service, or repair means" any maintenance, service, or repair that involves the removal of any or all of the following appliance components: compressor, condenser, evaporator, or auxiliary heat exchange coil; or any maintenance, service, or repair that involves uncovering an opening of more than four (4) square inches of "flow area" for more than 15 minutes.

13.0 **Exempt and/or Insignificant Equipment that do not require monitoring:**

Title V - INSIGNIFICANT ACTIVITIES (Dated March 24, 2005) as defined by 20.2.70.7.Q NMAC**:**
Insignificant List Link

INSIGNIFICANT ACTIVITIES	JUSTIFICATION

NSR Exempt Equipment (not entered into Tempo database)

Description	JUSTIFICATION

Description	JUSTIFICATION

[Cut and paste from Table 2-B of the application as shown below.]

Unit Number	Source Description	Make	Model No. / Serial No.	Max Capacity / Capacity Units	List Specific 20.2.72.202 NMAC Exemption (e.g. 20.2.72.202.B.5) / Insignificant Activity citation (e.g. IA List Item #1.a)	Date of Manufacture /Reconstruction[2] / Date of Installation /Construction[2]
TK-10	TEG Tank	N/A	N/A	900	20.2.72.202.B.2 NMAC	N/A
			N/A	Gallons	List Item #5	N/A
TK-13A	Methanol Tank	N/A	N/A	600	20.2.72.202.B.5 NMAC	N/A
			N/A	Gallons	List Item #1.a	N/A
TK-14	Stoddard Solvent Tank	N/A	N/A	600	20.2.72.202.B.2 NMAC	N/A
			N/A	Gallons	List Item #1.a	N/A
TK-15	Antifreeze Tank	N/A	N/A	10,000	20.2.72.202.B.2 NMAC	N/A
			N/A	Gallons	List Item #1.a	N/A
TK-16A	Antifreeze Tank	N/A	N/A	1,000	20.2.72.202.B.2 NMAC	N/A
			N/A	Gallons	List Item #1.a	N/A
TK-17	Spent Amine Tank	Western Tank	N/A	8,820	20.2.72.202.B.2 NMAC	1978
			W-4536	Gallons	List Item #1.a	1978
TK-18	Drinking Water Tank	N/A	N/A	8,820	20.2.72.202.B.5 NMAC	N/A
			N/A	Gallons	List Item #1.a	1975
TK-19A	Treated Water Tank	Area Tank	N/A	21,000	20.2.72.202.B.5 NMAC	1984
			AT-3100	Gallons	List Item #1.a	1984
TK-20	Brine Water Tank	N/A	N/A	1,500	20.2.72.202.B.5 NMAC	N/A
			N/A	Gallons	List Item #1.a	N/A
TK-22	Water Tank	N/A	N/A	595,350	20.2.72.202.B.5 NMAC	N/A
			N/A	Gallons	List Item #1.a	N/A
TK-27	Produced Water Tank	Permian Tank	N/A	21,000	20.2.72.202.B.2 NMAC	2004
			37533	Gallons	List Item #1.a	2004
TK-28	Produced Water Tank	Permian Tank	N/A	21,000	20.2.72.202.B.2 NMAC	2004
			37534	Gallons	List Item #1.a	2004

Unit Number	Source Description	Make	Model No.	Max Capacity	List Specific 20.2.72.202 NMAC Exemption (e.g. 20.2.72.202.B.5)	Date of Manufacture /Reconstruction[2]
			Serial No.	Capacity Units	Insignificant Activity citation (e.g. IA List Item #1.a)	Date of Installation /Construction[2]
TK-29	Jacket Water Tank	N/A	N/A	750	20.2.72.202.B.2 NMAC	N/A
			N/A	Gallons	List Item #1.a	N/A

14.0 **New/Modified/Unique Conditions** (Format: Condition#: Explanation):

A. Date of Monitoring Protocol used for Turbine and Operating Situation_____
B. [Explain the nature and need of each unique condition.]

15.0 For Title V action: Cross Reference Table between NSR Permit 0067 and TV Permit P109 . NSR permit conditions cross referenced to the TV permit are federally enforceable conditions, and therefore brought forward into the TV permit:

"Staff must review the most recently issued Title V and NSR permits and SOB's and verify that the current permitting action does not contravene, relax, or drop existing permitting requirements unless the requirements have been fulfilled or superseded and are no longer pertinent. In that case, notes to that affect must be included below or clearly indicated in the cross reference table."

NSR Changed by TV*	NSR Condition #	TV Section #
	1.a Revision and Operation **– Entries in this table are an example!**	NSR Unique
	1.b Revision and Operation	NSR Unique
	1.e Operational Limit Turbine	A2XX Operational Requirements
	1.f BACT	A2XX
	1.g Subpart GG	A205.X Applicable Requirements
	1.h CEMS	A2XX
	1.i	NSR Unique
	2.a NOx Emission Limits	A106.X Emission Limits, Table 106A
	2.a NOx Emission Limits GG	A106.X Emission Limits, Table 106A
	2.b CO Emission Limits	A106.X Emission Limits, Table 106A
	2.c PM10 Emission Limits	A106.X Emission Limits, Table 106A
	2.d VOC Emission Limits	A106.X Emission Limits, Table 106A
	2.e SO2 Emission Limits	A106.X Emission Limits, Table 106A
	3. Monitoring Requirements	
	3.a Subpart GG	A205.X NSPS Subpart GG Monitoring (Turbines)

NSR Changed by TV*	NSR Condition #	TV Section #
	4. Recordkeeping GG	A205.X Subpart GG Recordkeeping (Turbines)
	5. Reporting	
	5.a	A2XX
	5.b	A2XX
	5.f Reporting GG	A205.X Subpart GG Recordkeeping (Turbines)
	6. Compliance Test	A2XX General Monitoring Requirements

Changed by TV*	NSR Condition #	TV Section #
	A100 Introduction	A100 Introduction
	A101 Permit Duration	A101 Permit Duration
	A102 Facility Description	A102 Facility Description
	Table 102.A Total Potential Emissions	Table 102.A Total Potential Emissions
	A103 Facility: Applicable Regulations	A103 Facility: Applicable Regulations
	A104 Facility: Regulated Sources	A104 Facility: Regulated Sources
	A105 Facility: Control Equipment	A105 Facility: Control Equipment
	A106 Facility: Allowable Emissions	A106 Facility: Allowable Emissions
	A107 Facility: Allowable SSM	A107 Facility: Allowable SSM
		A107.C SSM
		A107.D Malfunction
	A108 Facility: Hours of Operations	A108 Facility: Hours of Operations
XXX	A109 Facility: Reporting Schedules NR for NSR	A109 Facility: Reporting Schedules
		A109.A TV Semi-Annual
		A109.B TV ACC
		A109.C NSR Quarterly Reporting
	A110 Facility: Fuel Sulfur Requirements	A110 Facility: Fuel Sulfur Requirements
	A111 Facility: Throughput Limitation	A111 Facility: Throughput Limitation
	A112 Facility: 20.2.37, Particulate Matter	A112 Facility: 20.2.37, Particulate Matter
	A113 Facility: Compliance Plan (NR)	A113 Facility: Compliance Plan (NR)
	A201.A Engines: Periodic Testing (Units XXX)	A201.A Engines: Periodic Testing (Units XXX)
	A201.B Catalytic Convertor Operations (Units XXX)	A201.B Catalytic Convertor Operations (Units XXX)
	A201.C Air Fuel Ratio (AFR) Controller (Units XXX)	A201.C Air Fuel Ratio (AFR) Controller (Units XXX)
	A201.D MACT ZZZZ (Units XXX)	A201.D MACT ZZZZ (Units XXX)
	A202 Glycol Dehydrator – Not required	A202 Glycol Dehydrator – Not required
	A203.A Tanks Throughput (Units TK-	A203.A Tanks Throughput (Units TK-X)

Changed by TV*	NSR Condition #	TV Section #
	X)	
	A203.B Truck Loading (Unit X)	A203.B Truck Loading (Unit X)
	A203.C Flashing Emissions (Unit X)	A203.C Flashing Emissions (Unit X)
	A204.A Heater Operational Inspection (Unit X)	A204.A Heater Operational Inspection (Unit X)
	A205 Turbines – Not Required	A205 Turbines – Not Required
	A206.A Flares Operation (Unit X)	A206.A Flares Operation (Unit X)
	A206.B Visible Emissions (Unit X)	A206.B Visible Emissions (Unit X)
	A206.C Flare Destruction Efficiency (Unit X)	A206.C Flare Destruction Efficiency (Unit X)
	A207 Sulfur Recovery Unit - NR	A207 Sulfur Recovery Unit - NR
	A208.A Amine Unit Operational Inspection Unit X	A208.A Amine Unit Operational Inspection Unit X
	A208.B Amine Unit Vent Composition (Unit X)	A208.B Amine Unit Vent Composition (Unit X)
	A209.A Fugitives NSPS KKK	A209.A Fugitives NSPS KKK
X	Part B General Conditions	Part B General Conditions, **entire Section updated**

NSR conditions identified as "NSR Unique" do not establish any applicable requirements or federally enforceable conditions that require adoption in the TV operating permits.

Notes: * TV staff will indicate by entering a "X" if the original NSR permit condition was modified or replaced for the purpose of clarification, typographical correction or due to increased stringency.

NSR staff will review the previous Title V permit for the so marked conditions and incorporate into any new NSR permit.

16.0 **Permit specialist's notes to other NSR or Title V permitting staff concerning changes and updates to permit conditions.**

A.

B.

Mail Application To:		**For Department use only:**
New Mexico Environment Department Air Quality Bureau Permits Section 525 Camino de los Marquez, Suite 1 Santa Fe, New Mexico, 87505 Phone: (505) 476-4300 Fax: (505) 476-4375 www.env.nm.gov/aqb		AIRS No.:

Universal Air Quality Permit Application

Use this application for NOI, NSR, or Title V sources.

Use this application for: the initial application, modifications, technical revisions, and renewals. For technical revisions, complete Sections, 1-A, 1-B, 2-E, 3, 9 and any other sections that are relevant to the requested action; coordination with the Air Quality Bureau permit staff prior to submittal is encouraged to clarify submittal requirements and to determine if more or less than these sections of the application are needed. Use this application for streamline permits as well. For NOI applications, submit the entire UA1, UA2, and UA3 applications on a single CD (no copies are needed). For NOIs, hard copies of UA1, Tables 2A, 2D & 2F, Section 3 and the signed Certification Page are required.

This application is submitted as (check all that apply)**:** ☐ Request for a No Permit Required Determination (no fee)
☐ **Updating** an application currently under NMED review. Include this page and all pages that are being updated (no fee required).
Construction Status: ☐ Not Constructed ☐ Existing Permitted (or NOI) Facility ☐ Existing Non-permitted (or NOI) Facility
Minor Source: ☐ a NOI 20.2.73 NMAC ☐ 20.2.72 NMAC application or revision ☐ 20.2.72.300 NMAC Streamline application
Title V Source: ☐ Title V (new) ☐ Title V renewal ☐ TV minor mod. ☐ TV significant mod. TV Acid Rain: ☐ New ☐ Renewal
PSD Major Source: ☐ PSD major source (new) ☐ minor modification to a PSD source ☐ a PSD major modification

Acknowledgements:

☐ I acknowledge that a pre-application meeting is available to me upon request. ☐ Title V Operating, Title IV Acid Rain, and NPR applications have no fees.

☐ $500 NSR application Filing Fee enclosed OR ☐ The full permit fee associated with 10 fee points (required w/ streamline applications).

☐ Check No.: _____ in the amount of _____

☐ I acknowledge the required submittal format for the hard copy application is printed double sided 'head-to-toe', 2-hole punched (except the Sect. 2 landscape tables is printed 'head-to-head'), numbered tab separators. Incl. a copy of the check on a separate page.

☐ This facility qualifies to receive assistance from the Small Business Environmental Assistance program (SBEAP) and qualifies for 50% of the normal application and permit fees. Enclosed is a check for 50% of the normal application fee which will be verified with the Small Business Certification Form for your company.

☐ This facility qualifies to receive assistance from the Small Business Environmental Assistance Program (SBEAP) but does not qualify for 50% of the normal application and permit fees. To see if you qualify for SBEAP assistance and for the small business certification form go to https://www.env.nm.gov/aqb/sbap/small_business_criteria.html).

Citation: Please provide the **low level citation** under which this application is being submitted: **20.2.XX.XXX.X.X NMAC**
(e.g. application for a new minor source would be 20.2.72.200.A NMAC, one example for a Technical Permit Revision is 20.2.72.219.B.1.b NMAC, a Title V acid rain application would be: 20.2.70.200.C NMAC)

Section 1 – Facility Information

Section 1-A: Company Information

		AI # if known (see 1st 3 to 5 #s of permit IDEA ID No.):	Updating Permit/NOI #:
1	Facility Name:	Plant primary SIC Code (4 digits):	
		Plant NAIC code (6 digits):	
a	Facility Street Address (If no facility street address, provide directions from a prominent landmark):		
2	Plant Operator Company Name:	Phone/Fax:	
a	Plant Operator Address:		

b	Plant Operator's New Mexico Corporate ID or Tax ID:	
3	Plant Owner(s) name(s):	Phone/Fax:
a	Plant Owner(s) Mailing Address(s):	
4	Bill To (Company):	Phone/Fax:
a	Mailing Address:	E-mail:
5	☐ Preparer: ☐ Consultant:	Phone/Fax:
a	Mailing Address:	E-mail:
6	Plant Operator Contact:	Phone/Fax:
a	Address:	E-mail:
7	Air Permit Contact:	Title:
a	E-mail:	Phone/Fax:
b	Mailing Address:	

Section 1-B: Current Facility Status

1.a	Has this facility already been constructed? ☐ Yes ☐ No	1.b If yes to question 1.a, is it currently operating in New Mexico? ☐ Yes ☐ No
2	If yes to question 1.a, was the existing facility subject to a Notice of Intent (NOI) (20.2.73 NMAC) before submittal of this application? ☐ Yes ☐ No	If yes to question 1.a, was the existing facility subject to a construction permit (20.2.72 NMAC) before submittal of this application? ☐ Yes ☐ No
3	Is the facility currently shut down? ☐ Yes ☐ No	If yes, give month and year of shut down (MM/YY):
4	Was this facility constructed before 8/31/1972 and continuously operated since 1972? ☐ Yes ☐ No	
5	If Yes to question 3, has this facility been modified (see 20.2.72.7.P NMAC) or the capacity increased since 8/31/1972? ☐Yes ☐No ☐N/A	
6	Does this facility have a Title V operating permit (20.2.70 NMAC)? ☐ Yes ☐ No	If yes, the permit No. is: P-
7	Has this facility been issued a No Permit Required (NPR)? ☐ Yes ☐ No	If yes, the NPR No. is:
8	Has this facility been issued a Notice of Intent (NOI)? ☐ Yes ☐ No	If yes, the NOI No. is:
9	Does this facility have a construction permit (20.2.72/20.2.74 NMAC)? ☐ Yes ☐ No	If yes, the permit No. is:
10	Is this facility registered under a General permit (GCP-1, GCP-2, etc.)? ☐ Yes ☐ No	If yes, the register No. is:

Section 1-C: Facility Input Capacity & Production Rate

1	What is the facility's maximum input capacity, specify units (reference here and list capacities in Section 20, if more room is required)			
a	Current	Hourly:	Daily:	Annually:
b	Proposed	Hourly:	Daily:	Annually:
2	What is the facility's maximum production rate, specify units (reference here and list capacities in Section 20, if more room is required)			
a	Current	Hourly:	Daily:	Annually:
b	Proposed	Hourly:	Daily:	Annually:

Section 1-D: Facility Location Information

1	Section:	Range:	Township:	County:	Elevation (ft):
2	UTM Zone: ☐ 12 or ☐ 13			Datum: ☐ NAD 27 ☐ NAD 83 ☐ WGS 84	
a	UTM E (in meters, to nearest 10 meters):			UTM N (in meters, to nearest 10 meters):	
b	**AND** Latitude (deg., min., sec.):			Longitude (deg., min., sec.):	
3	Name and zip code of nearest New Mexico town:				
4	Detailed Driving Instructions from nearest NM town (attach a road map if necessary):				
5	The facility is (distance) miles (direction) of (nearest town).				
6	Status of land at facility (check one): ☐ Private ☐ Indian/Pueblo ☐ Federal BLM ☐ Federal Forest Service ☐ Other (specify)				
7	List all municipalities, Indian tribes, and counties within a ten (10) mile radius (20.2.72.203.B.2 NMAC) of the property on which the facility is proposed to be constructed or operated:				
8	**20.2.72** NMAC applications **only**: Will the property on which the facility is proposed to be constructed or operated be closer than 50 km (31 miles) to other states, Bernalillo County, or a Class I area (see www.env.nm.gov/aqb/modeling/class1areas.html)? ☐ Yes ☐ No (20.2.72.206.A.7 NMAC) If yes, list all with corresponding distances in kilometers:				
9	Name nearest Class I area:				
10	Shortest distance (in km) from facility boundary to the boundary of the nearest Class I area (to the nearest 10 meters):				
11	Distance (meters) from the perimeter of the Area of Operations (AO is defined as the plant site inclusive of all disturbed lands, including mining overburden removal areas) to nearest residence, school or occupied structure:				
12	Method(s) used to delineate the Restricted Area: "**Restricted Area**" is an area to which public entry is effectively precluded. Effective barriers include continuous fencing, continuous walls, or other continuous barriers approved by the Department, such as rugged physical terrain with steep grade that would require special equipment to traverse. If a large property is completely enclosed by fencing, a restricted area within the property may be identified with signage only. Public roads cannot be part of a Restricted Area.				
13	Does the owner/operator intend to operate this source as a portable stationary source as defined in 20.2.72.7.X NMAC? ☐ Yes ☐ No A portable stationary source is not a mobile source, such as an automobile, but a source that can be installed permanently at one location or that can be re-installed at various locations, such as a hot mix asphalt plant that is moved to different job sites.				
14	Will this facility operate in conjunction with other air regulated parties on the same property? ☐ No ☐ Yes If yes, what is the name and permit number (if known) of the other facility?				

Section 1-E: Proposed Operating Schedule (The 1-E.1 & 1-E.2 operating schedules may become conditions in the permit.)

1	Facility **maximum** operating ($\frac{hours}{day}$):	($\frac{days}{week}$):	($\frac{weeks}{year}$):	($\frac{hours}{year}$):			
2	Facility's maximum daily operating schedule (if less than 24 $\frac{hours}{day}$)? Start:		☐AM ☐PM	End:		☐AM ☐PM	
3	Month and year of anticipated start of construction:						
4	Month and year of anticipated construction completion:						
5	Month and year of anticipated startup of new or modified facility:						
6	Will this facility operate at this site for more than one year? ☐ Yes ☐ No						

Section 1-F: Other Facility Information

1	Are there any current Notice of Violations (NOV), compliance orders, or any other compliance or enforcement issues related to this facility? ☐ Yes ☐ No If yes, specify:

a	If yes, NOV date or description of issue:		NOV Tracking No:
b	Is this application in response to any issue listed in 1-F, 1 or 1a above? ☐ Yes ☐ No If Yes, provide the 1c & 1d info below:		
c	Document Title:	Date:	Requirement # (or page # and paragraph #):
d	Provide the required text to be inserted in this permit:		
2	Is air quality dispersion modeling or modeling waiver being submitted with this application? ☐ Yes ☐ No		
3	Does this facility require an "Air Toxics" permit under 20.2.72.400 NMAC & 20.2.72.502, Tables A and/or B? ☐ Yes ☐ No		
4	Will this facility be a source of federal Hazardous Air Pollutants (HAP)? ☐ Yes ☐ No		
a	If Yes, what type of source? ☐ **Major** (☐ ≥10 tpy of any single HAP **OR** ☐ ≥25 tpy of any combination of HAPS) **OR** ☐ **Minor** (☐ <10 tpy of any single HAP **AND** ☐ <25 tpy of any combination of HAPS)		
5	Is any unit exempt under 20.2.72.202.B.3 NMAC? ☐ Yes ☐ No		
a	If yes, include the name of company providing commercial electric power to the facility: _____ Commercial power is purchased from a commercial utility company, which specifically does not include power generated on site for the sole purpose of the user.		

Section 1-G: Streamline Application

(This section applies to 20.2.72.300 NMAC Streamline applications only)

1	☐ I have filled out Section 18, "Addendum for Streamline Applications." ☐ N/A (This is not a Streamline application.)

Section 1-H: Current Title V Information - Required for all applications from TV Sources

(Title V-source required information for all applications submitted pursuant to 20.2.72 NMAC (Minor Construction Permits), or 20.2.74/20.2.79 NMAC (Major PSD/NNSR applications), and/or 20.2.70 NMAC (Title V))

1	Responsible Official (R.O.) (20.2.70.300.D.2 NMAC):		Phone:
a	R.O. Title:	R.O. e-mail:	
b	R. O. Address:		
2	Alternate Responsible Official (20.2.70.300.D.2 NMAC):		Phone:
a	A. R.O. Title:	A. R.O. e-mail:	
b	A. R. O. Address:		
3	Company's Corporate or Partnership Relationship to any other Air Quality Permittee (List the names of any companies that have operating (20.2.70 NMAC) permits and with whom the applicant for this permit has a corporate or partnership relationship):		
4	Name of Parent Company ("Parent Company" means the primary name of the organization that owns the company to be permitted wholly or in part.):		
a	Address of Parent Company:		
5	Names of Subsidiary Companies ("Subsidiary Companies" means organizations, branches, divisions or subsidiaries, which are owned, wholly or in part, by the company to be permitted.):		
6	Telephone numbers & names of the owners' agents and site contacts familiar with plant operations:		
7	Affected Programs to include Other States, local air pollution control programs (i.e. Bernalillo) and Indian tribes: Will the property on which the facility is proposed to be constructed or operated be closer than 80 km (50 miles) from other states, local pollution control programs, and Indian tribes and pueblos (20.2.70.402.A.2 and 20.2.70.7.B)? If yes, state which ones and provide the distances in kilometers:		

Section 1-I – Submittal Requirements

Each 20.2.73 NMAC (**NOI**), a 20.2.70 NMAC (**Title V**), a 20.2.72 NMAC (**NSR** minor source), or 20.2.74 NMAC (**PSD**) application package shall consist of the following:

Hard Copy Submittal Requirements:

1) One hard copy **original signed and notarized application package** **printed double sided** **'head-to-toe'** **2-hole punched** as we bind the document on top, not on the side; except Section 2 (landscape tables), which should be head-to-head. Please use **numbered tab separators** in the hard copy submittal(s) as this facilitates the review process. For NOI submittals only, hard copies of UA1, Tables 2A, 2D & 2F, Section 3 and the signed Certification Page are required. Please include a copy of the check on a separate page.

2) If the application is for a minor NSR, PSD, NNSR, or Title V application, include one working hard **copy** for Department use. This copy does not need to be 2-hole punched, but **must be double sided**. Minor NSR Technical Permit revisions (20.2.72.219.B NMAC) only need to fill out Sections 1-A, 1-B, 3, and should fill out those portions of other Section(s) relevant to the technical permit revision. TV Minor Modifications need only fill out Sections 1-A, 1-B, 1-H, 3, and those portions of other Section(s) relevant to the minor modification. NMED may require additional portions of the application to be submitted, as needed.

3) The entire NOI or Permit application package, including the full modeling study, should be submitted electronically on compact disk(s) (CD). For permit application submittals, **two** CD copies are required (in sleeves, not crystal cases, please), with additional CD copies as specified below. NOI applications require only a single CD submittal.

4) If **air dispersion modeling** is required by the application type, include the **NMED Modeling Waiver** **OR** one additional electronic copy of the air dispersion modeling including the input and output files. The dispersion modeling ***summary report only*** should be submitted as hard copy(ies) unless otherwise indicated by the Bureau. The complete dispersion modeling study, including all input/output files, should be submitted electronically as part of the electronic submittal.

5) If subject to PSD review under 20.2.74 NMAC (PSD) or NNSR under 20.2.79 NMC include,
   a. one additional CD copy for US EPA,
   b. one additional CD copy for each federal land manager affected (NPS, USFS, FWS, USDI) and,
   c. one additional CD copy for each affected regulatory agency other than the Air Quality Bureau.

Electronic Submittal Requirements [in addition to the required hard copy(ies)]:

1) All required electronic documents shall be submitted in duplicate (2 separate CDs). A single PDF document of the entire application as submitted and the individual documents comprising the application.

2) The documents should also be submitted in Microsoft Office compatible file format (Word, Excel, etc.) allowing us to access the text and formulas in the documents (copy & paste). Any documents that cannot be submitted in a Microsoft Office compatible format shall be saved as a PDF file from within the electronic document that created the file. If you are unable to provide Microsoft office compatible electronic files or internally generated PDF files of files (items that were not created electronically: i.e. brochures, maps, graphics, etc,), submit these items in hard copy format with the number of additional hard copies corresponding to the number of CD copies required. We must be able to review the formulas and inputs that calculated the emissions.

3) It is preferred that this application form be submitted as 3 electronic files (2 MSWord docs: Universal Application section 1 and Universal Application section 3-19) and 1 Excel file of the tables (Universal Application section 2) on the CD(s). Please include as many of the 3-19 Sections as practical in a single MS Word electronic document. Create separate electronic file(s) if a single file becomes too large or if portions must be saved in a file format other than MS Word.

4) The electronic file names shall be a maximum of 25 characters long (including spaces, if any). The format of the electronic Universal Application shall be in the format: "A-3423-FacilityName". The "A" distinguishes the file as an application submittal, as opposed to other documents the Department itself puts into the database. Thus, all electronic application submittals should begin with "A-". Modifications to existing facilities should use the core permit number (i.e. '3423') the Department assigned to the facility as the next 4 digits. Use 'XXXX' for new facility applications. The format of any separate electronic submittals (additional submittals such as non-Word attachments, re-submittals, application updates) and Section document shall be in the format: "A-3423-9-description", where "9" stands for the section # (in this case Section 9-Public Notice). Please refrain, as much as possible, from submitting any scanned documents as this file format is extremely large, which uses up too much storage capacity in our database. Please take the time to fill out the header information throughout all submittals as this will identify any loose pages, including the Application Date (date submitted) & Revision # (0 for original, 1, 2, etc.; which will help keep track of subsequent partial update(s) to the original submittal. The footer information should not be modified by the applicant.

Table of Contents

Company Name Facility Name Application Date: Revision #

Table 2-A: Regulated Emission Sources

Unit and stack numbering must correspond throughout the application package. If applying for a NOI under 20.2.73 NMAC, equipment exemptions under 2.72.202 NMAC do not apply.

Unit Number[1]	Source Description	Make	Model #	Serial #	Manufact-urer's Rated Capacity[3] (Specify Units)	Requested Permitted Capacity[3] (Specify Units)	Date of Manufacture[2] Date of Construction/ Reconstruction[2]	Controlled by Unit # Emissions vented to Stack #	Source Classi-fication Code (SCC)	For Each Piece of Equipment, Check One	RICE Ignition Type (CI, SI, 4SLB, 4SRB, 2SLB)[4]	Replacing Unit No.
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
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										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		
										☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced		

[1] Unit numbers must correspond to unit numbers in the previous permit unless a complete cross reference table of all units in both permits is provided.

[2] Specify dates required to determine regulatory applicability.

[3] To properly account for power conversion efficiencies, generator set rated capacity shall be reported as the rated capacity of the engine in horsepower, not the kilowatt capacity of the generator set.

[4] "4SLB" means four stroke lean burn engine, "4SRB" means four stroke rich burn engine, "2SLB" means two stroke lean burn engine, "CI" means compression ignition, and "SI" means spark ignition

Company Name Facility Name Application Date: Revision #

Table 2-B: Insignificant Activities[1] (20.2.70 NMAC) OR Exempted Equipment (20.2.72 NMAC)

All 20.2.70 NMAC (Title V) applications must list all Insignificant Activities in this table. All 20.2.72 NMAC applications must list Exempted Equipment in this table. If equipment listed on this table is exempt under 20.2.72.202.B.5, include emissions calculations and emissions totals for 202.B.5 "similar functions" units, operations, and activities in Section 6, Calculations. Equipment and activities exempted under 20.2.72.202 NMAC may not necessarily be Insignificant under 20.2.70 NMAC (and vice versa). Unit & stack numbering must be consistent throughout the application package. Per Exemptions Policy 02-012.00 (see http://www.env.nm.gov/aqb/permit/aqb_pol.html), 20.2.72.202.B NMAC Exemptions do not apply, but 20.2.72.202.A NMAC exemptions do apply to NOI facilities under 20.2.73 NMAC. List 20.2.72.301.D.4 NMAC Auxiliary Equipment for Streamline applications in Table 2-A. The List of Insignificant Activities (for TV) can be found online at http://www.env.nm.gov/aqb/forms/InsignificantListTitleV.pdf . TV sources may elect to enter both TV Insignificant Activities and Part 72 Exemptions on this form.

Unit Number	Source Description	Manufacturer	Model No.	Max Capacity	List Specific 20.2.72.202 NMAC Exemption (e.g. 20.2.72.202.B.5)	Date of Manufacture /Reconstruction[2]	For Each Piece of Equipment, Check Onc
			Serial No.	Capacity Units	Insignificant Activity citation (e.g. IA List Item #1.a)	Date of Installation /Construction[2]	
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced
							☐ Existing (unchanged) ☐ To be Removed ☐ New/Additional ☐ Replacement Unit ☐ To Be Modified ☐ To be Replaced

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[1] Insignificant activities exempted due to size or production rate are defined in 20.2.70.300.D.6, 20.2.70.7.Q NMAC, and the NMED/AQB List of Insignificant Activities, dated September 15, 2008. Emissions from these insignificant activities do not need to be reported, unless specifically requested.

[2] Specify date(s) required to determine regulatory applicability.

Table 2-C: Emissions Control Equipment

Unit and stack numbering must correspond throughout the application package. Only list control equipment for TAPs if the TAP's maximum uncontrolled emissions rate is over its respective threshold as listed in 20.2.72 NMAC, Subpart V, Tables A and B. In accordance with 20.2.72.203.A(3) and (8) NMAC, 20.2.70.300.D(5)(b) and (e) NMAC, and 20.2.73.200.B(7) NMAC, the permittee shall report all control devices and list each pollutant controlled by the control device regardless if the applicant takes credit for the reduction in emissions.

Control Equipment Unit No.	Control Equipment Description	Date Installed	Controlled Pollutant(s)	Controlling Emissions for Unit Number(s)[1]	Efficiency (% Control by Weight)	Method used to Estimate Efficiency

[1] List each control device on a separate line. For each control device, list all emission units controlled by the control device.

Table 2-D: Maximum Emissions (under normal operating conditions)

☐ This Table was intentionally left blank because it would be identical to Table 2-E.

Maximum Emissions are the emissions at maximum capacity and prior to (in the absence of) pollution control, emission-reducing process equipment, or any other emission reduction. Calculate the hourly emissions using the worst case hourly emissions for each pollutant. For each pollutant, calculate the annual emissions as if the facility were operating at maximum plant capacity without pollution controls for 8760 hours per year, unless otherwise approved by the Department. List Hazardous Air Pollutants (HAP) & Toxic Air Pollutants (TAPs) in Table 2-I. Unit & stack numbering must be consistent throughout the application package. Fill all cells in this table with the emission numbers or a "-" symbol. A "-" symbol indicates that emissions of this pollutant are not expected. Numbers shall be expressed to at least 2 decimal points (e.g. 0.41, 1.41, or 1.41E-4).

Unit No.	NOx		CO		VOC		SOx		TSP[2]		PM10[2]		PM2.5[2]		H_2S		Lead	
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
Totals																		

[1] **Condensable Particulate Matter:** Include condensable particulate matter emissions for PM10 and PM2.5 if the source is a combustion source. Do not include condensable particulate matter for TSP unless TSP is set equal to PM10 and PM2.5.

Table 2-E: Requested Allowable Emissions

Unit & stack numbering must be consistent throughout the application package. Fill all cells in this table with the emission numbers or a "-" symbol. A "-" symbol indicates that emissions of this pollutant are not expected. Numbers shall be expressed to at least 2 decimal points (e.g. 0.41, 1.41, or $1.41E^{-4}$).

Unit No.	NOx		CO		VOC		SOx		TSP[1]		PM10[1]		PM2.5[1]		H_2S		Lead	
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
Totals																		

[1] **Condensable Particulate Matter:** Include condensable particulate matter emissions for PM10 and PM2.5 if the source is a combustion source. Do not include condensable particulate matter for TSP unless TSP is set equal to PM10 and PM2.5.

Table 2-F: Additional Emissions during Startup, Shutdown, and Routine Maintenance (SSM)

☐ This table is intentionally left blank since all emissions at this facility due to routine or predictable startup, shutdown, or scehduled maintenance are no higher than those listed in Table 2-E and a malfunction emission limit is not already permitted or requested. If you are required to report GHG emissions as described in Section 6a, include any GHG emissions during Startup, Shutdown, and/or Scheduled Maintenance (SSM) in Table 2-P. Provide an explanations of SSM emissions in Section 6 and 6a.

All applications for facilities that have emissions during routine our predictable startup, shutdown or scheduled maintenance (SSM)[1], including NOI applications, must include in this table the Maximum Emissions during routine or predictable startup, shutdown and scheduled maintenance (20.2.7 NMAC, 20.2.72.203.A.3 NMAC, 20.2.73.200.D.2 NMAC). In Section 6 and 6a, provide emissions calculations for all SSM emissions reported in this table. Refer to "Guidance for Submittal of Startup, Shutdown, Maintenance Emissions in Permit Applications (https://www.env.nm.gov/aqb/permit/aqb_pol.html) for more detailed instructions. Numbers shall be expressed to at least 2 decimal points (e.g. 0.41, 1.41, or 1.41E-4).

Unit No.	NOx		CO		VOC		SOx		TSP[2]		PM10[2]		PM2.5[2]		H_2S		Lead	
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
Totals																		

[1] **For instance**, if the short term steady-state Table 2-E emissions are 5 lb/hr and the SSM rate is 12 lb/hr, enter 7 lb/hr in this table. If the annual steady-state Table 2-E emissions are 21.9 TPY, and the number of scheduled SSM events result in annual emissions of 31.9 TPY, enter 10.0 TPY in the table below.

[1] **Condensable Particulate Matter:** Include condensable particulate matter emissions for PM10 and PM2.5 if the source is a combustion source. Do not include condensable particulate matter for TSP unless TSP is set equal to PM10 and PM2.5.

Table 2-G: Stack Exit and Fugitive Emission Rates for Special Stacks

☐ I have elected to leave this table blank because this facility does not have any stacks/vents that split emissions from a single source or combine emissions from more than one source listed in table 2-A. Additionally, the emission rates of all stacks match the Requested allowable emission rates stated in Table 2-E.

Use this table to list stack emissions (requested allowable) from split and combined stacks. List Toxic Air Pollutants (TAPs) and Hazardous Air Pollutants (HAPs) in Table 2-I. List all fugitives that are associated with the normal, routine, and non-emergency operation of the facility. Unit and stack numbering must correspond throughout the application package. Refer to Table 2-E for instructions on use of the "-" symbol and on significant figures.

Stack No.	Serving Unit Number(s) from Table 2-A	NOx		CO		VOC		SOx		TSP		PM10		PM2.5		☐ H_2S or ☐ Lead	
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
Totals:																	

Table 2-H: Stack Exit Conditions

Unit and stack numbering must correspond throughout the application package. Include the stack exit conditions for each unit that emits from a stack, including blowdown venting parameters and tank emissions. If the facility has multiple operating scenarios, complete a separate Table 2-H for each scenario and, for each, type scenario name here:

Stack Number	Serving Unit Number(s) from Table 2-A	Orientation (H-Horizontal V=Vertical)	Rain Caps (Yes or No)	Height Above Ground (ft)	Temp. (F)	Flow Rate		Moisture by Volume (%)	Velocity (ft/sec)	Inside Diameter (ft)
						(acfs)	(dscfs)			

Stack Number	Serving Unit Number(s) from Table 2-A	Orientation (H-Horizontal V=Vertical)	Rain Caps (Yes or No)	Height Above Ground (ft)	Temp. (F)	Flow Rate		Moisture by Volume (%)	Velocity (ft/sec)	Inside Diameter (ft)
						(acfs)	(dscfs)			

Table 2-I: Stack Exit and Fugitive Emission Rates for HAPs and TAPs

In the table below, report the Potential to Emit for each HAP from each regulated emission unit listed in Table 2-A, only if the entire facility emits the HAP at a rate greater than or equal to one (1) ton per year For each such emission unit, HAPs shall be reported to the nearest 0.1 tpy. Each facility-wide Individual HAP total and the facility-wide Total HAPs shall be the sum of all HAP sources calculated to the nearest 0.1 ton per year. Per 20.2.72.403.A.1 NMAC, facilities not exempt [see 20.2.72.402.C NMAC] from TAP permitting shall report each TAP that has an uncontrolled emission rate in excess of its pounds per hour screening level specified in 20.2.72.502 NMAC. TAPs shall be reported using one more significant figure than the number of significant figures shown in the pound per hour threshold corresponding to the substance. Use the HAP nomenclature as it appears in Section 112 (b) of the 1990 CAAA and the TAP nomenclature as it listed in 20.2.72.502 NMAC. Include tank-flashing emissions estimates of HAPs in this table. For each HAP or TAP listed, fill all cells in this table with the emission numbers or a "-" symbol. A "-" symbol indicates that emissions of this pollutant are not expected or the pollutant is emitted in a quantity less than the threshold amounts described above.

Stack No.	Unit No.(s)	Total HAPs		Provide Pollutant Name Here ☐ HAP or ☐ TAP		Provide Pollutant Name Here ☐ HAP or ☐ TAP		Provide Pollutant Name Here ☐ HAP or ☐ TAP		Provide Pollutant Name Here ☐ HAP or ☐ TAP		Provide Pollutant Name Here ☐ HAP or ☐ TAP		Provide Pollutant Name Here ☐ HAP or ☐ TAP		Provide Pollutant Name Here ☐ HAP or ☐ TAP		Provide Pollutant Name Here ☐ HAP or ☐ TAP	
		lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
Totals:																			

Table 2-J: Fuel

Specify fuel characteristics and usage. Unit and stack numbering must correspond throughout the application package.

Unit No.	Fuel Type (low sulfur Diesel, ultra low sulfur diesel, Natural Gas, Coal, …)	Fuel Source: purchased commercial, pipeline quality natural gas, residue gas, raw/field natural gas, process gas (e.g. SRU tail gas) or other	Specify Units				
			Lower Heating Value	Hourly Usage	Annual Usage	% Sulfur	% Ash

Table 2-K: Liquid Data for Tanks Listed in Table 2-L

For each tank, list the liquid(s) to be stored in each tank. If it is expected that a tank may store a variety of hydrocarbon liquids, enter "mixed hydrocarbons" in the Composition column for that tank and enter the corresponding data of the most volatile liquid to be stored in the tank. If tank is to be used for storage of different materials, list all the materials in the "All Calculations" attachment, run the newest version of TANKS on each, and use the material with the highest emission rate to determine maximum uncontrolled and requested allowable emissions rate. The permit will specify the most volatile category of liquids that may be stored in each tank. Include appropriate tank-flashing modeling input data. Use additional sheets if necessary. Unit and stack numbering must correspond throughout the application package.

Tank No.	SCC Code	Material Name	Composition	Liquid Density (lb/gal)	Vapor Molecular Weight (lb/lb*mol)	Average Storage Conditions		Max Storage Conditions	
						Temperature (°F)	True Vapor Pressure (psia)	Temperature (°F)	True Vapor Pressure (psia)

Company Name Facility Name Application Date: Revision #

Table 2-L: Tank Data

Include appropriate tank-flashing modeling input data. Use an addendum to this table for unlisted data categories. Unit and stack numbering must correspond throughout the application package. Use additional sheets if necessary. See reference Table 2-L2. Note: 1.00 bbl = 10.159 M3 = 42.0 gal

Tank No.	**Date Installed**	**Materials Stored**	**Seal Type** (refer to Table 2-LR below)	**Roof Type** (refer to Table 2-LR below)	**Capacity**		**Diameter (M)**	**Vapor Space (M)**	**Color** (from Table VI-C)		**Paint Condition** (from Table VI-C)	**Annual Throughput** (gal/yr)	**Turn-overs** (per year)
					(bbl)	**(M^3)**			**Roof**	**Shell**			

Table 2-L2: Liquid Storage Tank Data Codes Reference Table

Roof Type	Seal Type, Welded Tank Seal Type		Seal Type, Riveted Tank Seal Type		Roof, Shell Color	Paint Condition
FX: Fixed Roof	**Mechanical Shoe Seal**	**Liquid-mounted resilient seal**	**Vapor-mounted resilient seal**	**Seal Type**	**WH**: White	Good
IF: Internal Floating Roof	**A**: Primary only	**A**: Primary only	**A**: Primary only	**A**: Mechanical shoe, primary only	**AS**: Aluminum (specular)	Poor
EF: External Floating Roof	**B**: Shoe-mounted secondary	**B**: Weather shield	**B**: Weather shield	**B**: Shoe-mounted secondary	**AD**: Aluminum (diffuse)	
P: Pressure	**C**: Rim-mounted secondary	**C**: Rim-mounted secondary	**C**: Rim-mounted secondary	**C**: Rim-mounted secondary	**LG**: Light Gray	
					MG: Medium Gray	
					BL: Black	
					OT: Other (specify)	

Note: 1.00 bbl = 0.159 M^3 = 42.0 gal

Table 2-M: Materials Processed and Produced (Use additional sheets as necessary.)

Material Processed				Material Produced			
Description	**Chemical Composition**	**Phase (Gas, Liquid, or Solid)**	**Quantity (specify units)**	**Description**	**Chemical Composition**	**Phase**	**Quantity (specify units)**

Table 2-N: CEM Equipment

Enter Continuous Emissions Measurement (CEM) Data in this table. If CEM data will be used as part of a federally enforceable permit condition, or used to satisfy the requirements of a state or federal regulation, include a copy of the CEM's manufacturer specification sheet in the Information Used to Determine Emissions attachment. Unit and stack numbering must correspond throughout the application package. Use additional sheets if necessary.

Stack No.	Pollutant(s)	Manufacturer	Model No.	Serial No.	Sample Frequency	Averaging Time	Range	Sensitivity	Accuracy

Table 2-O: Parametric Emissions Measurement Equipment

Unit and stack numbering must correspond throughout the application package. Use additional sheets if necessary.

Unit No.	Parameter/Pollutant Measured	Location of Measurement	Unit of Measure	Acceptable Range	Frequency of Maintenance	Nature of Maintenance	Method of Recording	Averaging Time

Company Name Facility Name Application Date: Revision #

Table 2-P: Greenhouse Gas Emissions

Applications submitted under 20.2.70, 20.2.72, & 20.2.74 NMAC are required to complete this Table. Power plants, Title V major sources, and PSD major sources must report and calculate all GHG emissions for each unit. Applicants must report potential emission rates in short tons per year (see Section 6.a for assistance). Include GHG emissions during Startup, Shutdown, and Scheduled Maintenance in this table. For minor source facilities that are not power plants, are not Title V, or are not PSD, there are three options for reporting GHGs 1) report GHGs for each individual piece of equipment; 2) report all GHGs from a group of unit types, for example report all combustion source GHGs as a single unit and all venting GHG as a second separate unit; OR 3) check the following box ☐ By checking this box, the applicant acknowledges the total CO2e emissions are less than 75,000 tons per year.

		CO_2 ton/yr	**N_2O** ton/yr	**CH_4** ton/yr	**SF_6** ton/yr	**PFC/HFC** ton/yr[2]									**Total GHG** Mass Basis ton/yr[4]	**Total CO_2e** ton/yr[5]
Unit No.	**GWPs** [1]	**1**	**298**	**25**	**22,800**	**footnote 3**										
	mass GHG															
	CO_2e															
	mass GHG															
	CO_2e															
	mass GHG															
	CO_2e															
	mass GHG															
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	mass GHG															
	CO_2e															
	mass GHG															
	CO2e															
Total	**mass GHG**															
	CO_2e															

[1] **GWP** (Global Warming Potential): Applicants must use the most current GWPs codified in Table A-1 of 40 CFR part 98. GWPs are subject to change, therefore, applicants need to check 40 CFR 98 to confirm GWP values.

[2] For **HFCs** or **PFCs** describe the specific HFC or PFC compound and use a separate column for each individual compound.

[3] For each new compound, enter the appropriate GWP for each HFC or PFC compound from Table A-1 in 40 CFR 98.

[4] Green house gas emissions on a **mass basis** is the ton per year green house gas emission before adjustment with its GWP.

[5] **CO_2e** means Carbon Dioxide Equivalent and is calculated by multiplying the TPY mass emissions of the green house gas by its GWP.

Read & delete this comment:

Section 3

Application Summary

The **Application Summary** shall include a brief description of the facility and its process, the type of permit application, the applicable regulation (i.e. 20.2.72.200.A.X, or 20.2.73 NMAC) under which the application is being submitted, and any air quality permit numbers associated with this site. If this facility is to be collocated with another facility, provide details of the other facility including permit number(s). In case of a revision or modification to a facility, provide the lowest level regulatory citation (i.e. 20.2.72.219.B.1.d NMAC) under which the revision or modification is being requested. Also describe the proposed changes from the original permit, how the proposed modification will affect the facility's operations and emissions, de-bottlenecking impacts, and changes to the facility's major/minor status (both PSD & Title V).

Routine or predictable emissions during Startup, Shutdown, and Maintenance (SSM): Provide an overview of how SSM emissions are accounted for in this application. Refer to "Guidance for Submittal of Startup, Shutdown, Maintenance Emissions in Permit Applications (http://www.env.nm.gov/aqb/permit/app_form.html) for more detailed instructions on SSM emissions.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 4

Process Flow Sheet

A **process flow sheet** and/or block diagram indicating the individual equipment, all emission points and types of control applied to those points. The unit numbering system should be consistent throughout this application.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 5

Plot Plan Drawn To Scale

A **plot plan drawn to scale** showing emissions points, roads, structures, tanks, and fences of property owned, leased, or under direct control of the applicant. This plot plan must clearly designate the restricted area as defined in UA1, Section 1-D.12. The unit numbering system should be consistent throughout this application.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 6

All Calculations

Show all calculations used to determine both the hourly and annual controlled and uncontrolled emission rates. All calculations shall be performed keeping a minimum of three significant figures. Document the source of each emission factor used (if an emission rate is carried forward and not revised, then a statement to that effect is required). If identical units are being permitted and will be subject to the same operating conditions, submit calculations for only one unit and a note specifying what other units to which the calculations apply. All formulas and calculations used to calculate emissions must be submitted. The "Calculations" tab in the UA2 has been provided to allow calculations to be linked to the emissions tables. Add additional "Calc" tabs as needed. If the UA2 or other spread sheets are used, all calculation spread sheet(s) shall be submitted electronically in Microsoft Excel compatible format so that formulas and input values can be checked. Format all spread sheets and calculations such that the reviewer can follow the logic and verify the input values. Define all variables. If calculation spread sheets are not used, provide the original formulas with defined variables. Additionally, provide subsequent formulas showing the input values for each variable in the formula. All calculations, including those calculations are imbedded in the Calc tab of the UA2 portion of the application, the printed Calc tab(s), should be submitted under this section.

Tank Flashing Calculations: The information provided to the AQB shall include a discussion of the method used to estimate tank-flashing emissions, relative thresholds (i.e., NOI, permit, or major source (NSPS, PSD or Title V)), accuracy of the model, the input and output from simulation models and software, all calculations, documentation of any assumptions used, descriptions of sampling methods and conditions, copies of any lab sample analysis. If Hysis is used, all relevant input parameters shall be reported, including separator pressure, gas throughput, and all other relevant parameters necessary for flashing calculation.

SSM Calculations: It is the applicant's responsibility to provide an estimate of SSM emissions or to provide justification for not doing so. In this Section, provide emissions calculations for Startup, Shutdown, and Routine Maintenance (SSM) emissions listed in the Section 2 SSM and/or Section 22 GHG Tables and the rational for why the others are reported as zero (or left blank in the SSM/GHG Tables). Refer to "Guidance for Submittal of Startup, Shutdown, Maintenance Emissions in Permit Applications (http://www.env.nm.gov/aqb/permit/app_form.html) for more detailed instructions on calculating SSM emissions. If SSM emissions are greater than those reported in the Section 2, Requested Allowables Table, modeling may be required to ensure compliance with the standards whether the application is NSR or Title V. Refer to the Modeling Section of this application for more guidance on modeling requirements.

Glycol Dehydrator Calculations: The information provided to the AQB shall include the manufacturer's maximum design recirculation rate for the glycol pump. If GRI-Glycalc is used, the full input summary report shall be included as well as a copy of the gas analysis that was used.

Road Calculations: Calculate fugitive particulate emissions and enter haul road fugitives in Tables 2-A, 2-D and 2-E for:

1. If you transport raw material, process material and/or product into or out of or within the facility and have PER emissions greater than 0.5 tpy.
2. If you transport raw material, process material and/or product into or out of the facility more frequently than one round trip per day.

Significant Figures:

A. All emissions standards are deemed to have at least two significant figures, but not more than three significant figures.

B. At least 5 significant figures shall be retained in all intermediate calculations.

C. In calculating emissions to determine compliance with an emission standard, the following rounding off procedures shall be used:

(1) If the first digit to be discarded is less than the number 5, the last digit retained shall not be changed;

(2) If the first digit discarded is greater than the number 5, or if it is the number 5 followed by at least one digit other than the number zero, the last figure retained shall be increased by one unit; **and**

(3) If the first digit discarded is exactly the number 5, followed only by zeros, the last digit retained shall be rounded upward if it is an odd number, but no adjustment shall be made if it is an even number.

(4) The final result of the calculation shall be expressed in the units of the standard.

Control Devices: In accordance with 20.2.72.203.A(3) and (8) NMAC, 20.2.70.300.D(5)(b) and (e) NMAC, and 20.2.73.200.B(7) NMAC, the permittee shall report all control devices and list each pollutant controlled by the control device

regardless if the applicant takes credit for the reduction in emissions. The applicant can indicate in this section of the application if they chose to not take credit for the reduction in emission rates. For notices of intent submitted under 20.2.73 NMAC, only uncontrolled emission rates can be considered to determine applicability unless the state or federal Acts require the control. This information is necessary to determine if federally enforceable conditions are necessary for the control device, and/or if the control device produces its own regulated pollutants or increases emission rates of other pollutants.

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Section 6.a

Green House Gas Emissions

(Submitting under 20.2.70, 20.2.72 20.2.74 NMAC)

Title V (20.2.70 NMAC), Minor NSR (20.2.72 NMAC), and PSD (20.2.74 NMAC) applicants must estimate and report greenhouse gas (GHG) emissions to verify the emission rates reported in the public notice, determine applicability to 40 CFR 60 Subparts, and to evaluate Prevention of Significant Deterioration (PSD) applicability. GHG emissions that are subject to air permit regulations consist of the sum of an aggregate group of these six greenhouse gases: carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6).

Calculating GHG Emissions:

1. Calculate the ton per year (tpy) GHG mass emissions and GHG CO_2e emissions from your facility.
2. GHG mass emissions are the sum of the total annual tons of greenhouse gases without adjusting with the global warming potentials (GWPs). GHG CO_2e emissions are the sum of the mass emissions of each individual GHG multiplied by its GWP found in Table A-1 in 40 CFR 98 Mandatory Greenhouse Gas Reporting.
3. Emissions from routine or predictable start up, shut down, and maintenance must be included.
4. Report GHG mass and GHG CO_2e emissions in Table 2-P of this application. Emissions are reported in **short** tons per year and represent each emission unit's Potential to Emit (PTE).
5. All Title V major sources, PSD major sources, and all power plants, whether major or not, must calculate and report GHG mass and CO2e emissions for each unit in Table 2-P.
6. For minor source facilities that are not power plants, are not Title V, and are not PSD there are three options for reporting GHGs in Table 2-P: 1) report GHGs for each individual piece of equipment; 2) report all GHGs from a group of unit types, for example report all combustion source GHGs as a single unit and all venting GHGs as a second separate unit; 3) or check the following □ By checking this box, the applicant acknowledges the total CO2e emissions are less than 75,000 tons per year.

Sources for Calculating GHG Emissions:

- Manufacturer's Data
- AP-42 Compilation of Air Pollutant Emission Factors at http://www.epa.gov/ttn/chief/ap42/index.html
- EPA's Internet emission factor database WebFIRE at http://cfpub.epa.gov/webfire/
- 40 CFR 98 Mandatory Green House Gas Reporting except that tons should be reported in short tons rather than in metric tons for the purpose of PSD applicability.
- API Compendium of Greenhouse Gas Emissions Methodologies for the Oil and Natural Gas Industry. August 2009 or most recent version.
- Sources listed on EPA's NSR Resources for Estimating GHG Emissions at http://www.epa.gov/nsr/clean-air-act-permitting-greenhouse-gases:

Global Warming Potentials (GWP):
Applicants must use the Global Warming Potentials codified in Table A-1 of the most recent version of 40 CFR 98 Mandatory Greenhouse Gas Reporting. The GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to that of one unit mass of CO_2 over a specified time period.

"Greenhouse gas" for the purpose of air permit regulations is defined as the aggregate group of the following six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. **(20.2.70.7 NMAC, 20.2.74.7 NMAC).** You may also find GHGs defined in 40 CFR 86.1818-12(a).

Metric to Short Ton Conversion:
Short tons for GHGs and other regulated pollutants are the standard unit of measure for PSD and title V permitting programs. 40 CFR 98 Mandatory Greenhouse Reporting requires metric tons.
1 metric ton = 1.10231 short tons (per Table A-2 to Subpart A of Part 98 – Units of Measure Conversions)

Section 7

Information Used To Determine Emissions

Information Used to Determine Emissions shall include the following:

- ☐ If manufacturer data are used, include specifications for emissions units and control equipment, including control efficiencies specifications and sufficient engineering data for verification of control equipment operation, including design drawings, test reports, and design parameters that affect normal operation.
- ☐ If test data are used, include a copy of the complete test report. If the test data are for an emissions unit other than the one being permitted, the emission units must be identical. Test data may not be used if any difference in operating conditions of the unit being permitted and the unit represented in the test report significantly effect emission rates.
- ☐ If the most current copy of AP-42 is used, reference the section and date located at the bottom of the page. Include a copy of the page containing the emissions factors, and clearly mark the factors used in the calculations.
- ☐ If an older version of AP-42 is used, include a complete copy of the section.
- ☐ If an EPA document or other material is referenced, include a complete copy.
- ☐ Fuel specifications sheet.
- ☐ If computer models are used to estimate emissions, include an input summary (if available) and a detailed report, and a disk containing the input file(s) used to run the model. For tank-flashing emissions, include a discussion of the method used to estimate tank-flashing emissions, relative thresholds (i.e., permit or major source (NSPS, PSD or Title V)), accuracy of the model, the input and output from simulation models and software, all calculations, documentation of any assumptions used, descriptions of sampling methods and conditions, copies of any lab sample analysis.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 8

Map(s)

A map such as a 7.5 minute topographic quadrangle showing the exact location of the source. The map shall also include the following:

The UTM or Longitudinal coordinate system on both axes	An indicator showing which direction is north
A minimum radius around the plant of 0.8km (0.5 miles)	Access and haul roads
Topographic features of the area	Facility property boundaries
The name of the map	The area which will be restricted to public access
A graphical scale	

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 9

Proof of Public Notice

(for NSR applications submitting under 20.2.72 or 20.2.74 NMAC)
(This proof is required by: 20.2.72.203.A.14 NMAC "Documentary Proof of applicant's public notice")

☐ **I have read the AQB "Guidelines for Public Notification for Air Quality Permit Applications"**
This document provides detailed instructions about public notice requirements for various permitting actions. It also provides public notice examples and certification forms. Material mistakes in the public notice will require a re-notice before issuance of the permit.

Unless otherwise allowed elsewhere in this document, the following items document proof of the applicant's Public Notification. Please include this page in your proof of public notice submittal with checkmarks indicating which documents are being submitted with the application.

New Permit and **Significant Permit Revision** public notices must include all items in this list.

Technical Revision public notices require only items 1, 5, 9, and 10.

Per the Guidelines for Public Notification document mentioned above, include:

1. ☐ A copy of the certified letter receipts with post marks (20.2.72.203.B NMAC)
2. ☐ A list of the places where the public notice has been posted in at least four publicly accessible and conspicuous places, including the proposed or existing facility entrance. (e.g: post office, library, grocery, etc.)
3. ☐ A copy of the property tax record (20.2.72.203.B NMAC).
4. ☐ A sample of the letters sent to the owners of record.
5. ☐ A sample of the letters sent to counties, municipalities, and Indian tribes.
6. ☐ A sample of the public notice posted and a verification of the local postings.
7. ☐ A table of the noticed citizens, counties, municipalities and tribes and to whom the notices were sent in each group.
8. ☐ A copy of the public service announcement (PSA) sent to a local radio station and documentary proof of submittal.
9. ☐ A copy of the classified or legal ad including the page header (date and newspaper title) or its affidavit of publication stating the ad date, and a copy of the ad. When appropriate, this ad shall be printed in both English and Spanish.
10. ☐ A copy of the display ad including the page header (date and newspaper title) or its affidavit of publication stating the ad date, and a copy of the ad. When appropriate, this ad shall be printed in both English and Spanish.
11. ☐ A map with a graphic scale showing the facility boundary and the surrounding area in which owners of record were notified by mail. This is necessary for verification that the correct facility boundary was used in determining distance for notifying land owners of record.

Section 10

Written Description of the Routine Operations of the Facility

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A written description of the routine operations of the facility. Include a description of how each piece of equipment will be operated, how controls will be used, and the fate of both the products and waste generated. For modifications and/or revisions, explain how the changes will affect the existing process. In a separate paragraph describe the major process bottlenecks that limit production. The purpose of this description is to provide sufficient information about plant operations for the permit writer to determine appropriate emission sources.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 11
Source Determination

Source submitting under 20.2.70, 20.2.72, 20.2.73, and 20.2.74 NMAC

Sources applying for a construction permit, PSD permit, or operating permit shall evaluate surrounding and/or associated sources (including those sources directly connected to this source for business reasons) and complete this section. Responses to the following questions shall be consistent with the Air Quality Bureau's permitting guidance, Single Source Determination Guidance, which may be found on the Applications Page in the Permitting Section of the Air Quality Bureau website.

Typically, buildings, structures, installations, or facilities that have the same SIC code, that are under common ownership or control, and that are contiguous or adjacent constitute a single stationary source for 20.2.70, 20.2.72, 20.2.73, and 20.2.74 NMAC applicability purposes. Submission of your analysis of these factors in support of the responses below is optional, unless requested by NMED.

A. Identify the emission sources evaluated in this section (list and describe)**:**

B. Apply the 3 criteria for determining a single source:

SIC Code: Surrounding or associated sources belong to the same 2-digit industrial grouping (2-digit SIC code) as this facility, OR surrounding or associated sources that belong to different 2-digit SIC codes are support facilities for this source.

☐ **Yes** ☐ **No**

Common Ownership or Control: Surrounding or associated sources are under common ownership or control as this source.

☐ **Yes** ☐ **No**

Contiguous or Adjacent: Surrounding or associated sources are contiguous or adjacent with this source.

☐ **Yes** ☐ **No**

C. Make a determination:

☐ The source, as described in this application, constitutes the entire source for 20.2.70, 20.2.72, 20.2.73, or 20.2.74 NMAC applicability purposes. If in "A" above you evaluated only the source that is the subject of this application, all "**YES**" boxes should be checked. If in "A" above you evaluated other sources as well, you must check **AT LEAST ONE** of the boxes "**NO**" to conclude that the source, as described in the application, is the entire source for 20.2.70, 20.2.72, 20.2.73, and 20.2.74 NMAC applicability purposes.

☐ The source, as described in this application, **does not** constitute the entire source for 20.2.70, 20.2.72, 20.2.73, or 20.2.74 NMAC applicability purposes (A permit may be issued for a portion of a source). The entire source consists of the following facilities or emissions sources (list and describe):

Section 12

Section 12.A
PSD Applicability Determination for All Sources

(Submitting under 20.2.72, 20.2.74 NMAC)

A PSD applicability determination for all sources. For sources applying for a significant permit revision, apply the applicable requirements of 20.2.74.AG and 20.2.74.200 NMAC and to determine whether this facility is a major or minor PSD source, and whether this modification is a major or a minor PSD modification. It may be helpful to refer to the procedures for Determining the Net Emissions Change at a Source as specified by Table A-5 (Page A.45) of the EPA New Source Review Workshop Manual to determine if the revision is subject to PSD review.

A. This facility is:

- ☐ **a minor PSD source before and after this modification (if so, delete C and D below).**
- ☐ **a major PSD source before this modification. This modification will make this a PSD minor source.**
- ☐ **an existing PSD Major Source that has never had a major modification requiring a BACT analysis.**
- ☐ **an existing PSD Major Source that has had a major modification requiring a BACT analysis**
- ☐ **a new PSD Major Source after this modification.**

B. **This facility [is or is not] one of the listed 20.2.74.501 Table I – PSD Source Categories. The "project" emissions** for this modification are **[significant or not significant]. [Discuss why.] The "project" emissions listed below [do or do not] only result from changes described in this permit application, thus no emissions from other [revisions or modifications, past or future] to this facility. Also, specifically discuss whether this project results in "de-bottlenecking", or other associated emissions resulting in higher emissions. The project emissions (before netting) for this project are as follows [see Table 2 in 20.2.74.502 NMAC for a complete list of significance levels]:**

a. **NOx: XX.X TPY**
b. **CO: XX.X TPY**
c. **VOC: XX.X TPY**
d. **SOx: XX.X TPY**
e. **TSP (PM): XX.X TPY**
f. **PM10: XX.X TPY**
g. **PM2.5: XX.X TPY**
h. **Fluorides: XX.X TPY**
i. **Lead: XX.X TPY**
j. **Sulfur compounds (listed in Table 2): XX.X TPY**
k. **GHG: XX.X TPY**

C. **Netting [is required, and analysis is attached to this document.] OR [is not required (project is not significant)] OR [Applicant is submitting a PSD Major Modification and chooses not to net.]**

D. **BACT** is **[not required for this modification, as this application is a minor modification.] OR [required, as this application is a major modification. List pollutants subject to BACT review and provide a full top down BACT determination.]**

E. If this is an existing PSD major source, or any facility with emissions greater than 250 TPY (or 100 TPY for 20.2.74.501 Table 1 – PSD Source Categories), determine whether any permit modifications are related, or could be considered a single project with this action, and provide an explanation for your determination whether a PSD modification is triggered.

If this is **NOT** a PSD application, delete this sentence and the entire Section 12.B below.

Section 12.B
Special Requirements for a PSD Application

(Submitting under 20.2.74 NMAC)

Prior *to Submitting a PSD application*, the permittee shall:

- ☐ Submit the BACT analysis for review prior to submittal of the application. No application will be ruled complete until the final determination regarding BACT is made, as this determination can ultimately affect information to be provided in the application. A pre-application meeting is recommended to discuss the requirements of the BACT analysis.
- ☐ Submit a modeling protocol prior to submitting the permit application. **[Except for GHG]**
- ☐ Submit the monitoring exemption analysis protocol prior to submitting the application. **[Except for GHG]**

For PSD applications, the permittee shall also include the following:

- ☐ Documentation containing an analysis on the impact on visibility. **[Except for GHG]**
- ☐ Documentation containing an analysis on the impact on soil. **[Except for GHG]**
- ☐ Documentation containing an analysis on the impact on vegetation, including state and federal threatened and endangered species. **[Except for GHG]**
- ☐ Documentation containing an analysis on the impact on water consumption and quality. **[Except for GHG]**
- ☐ Documentation that the federal land manager of a Class I area within 100 km of the site has been notified and provided a copy of the application, including the BACT and modeling results. The name of any Class I Federal area located within one hundred (100) kilometers of the facility.

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Section 13

Determination of State & Federal Air Quality Regulations

This section lists each state and federal air quality regulation that may apply to your facility and/or equipment that are stationary sources of regulated air pollutants.

Not all state and federal air quality regulations are included in this list. Go to the Code of Federal Regulations (CFR) or to the Air Quality Bureau's regulation page to see the full set of air quality regulations.

Required Information for Specific Equipment:
For regulations that apply to specific source types, in the 'Justification' column **provide any information needed to determine if the regulation does or does not apply**. **For example**, to determine if emissions standards at 40 CFR 60, Subpart IIII apply to your three identical stationary engines, we need to know the construction date as defined in that regulation; the manufacturer date; the date of reconstruction or modification, if any; if they are or are not fire pump engines; if they are or are not emergency engines as defined in that regulation; their site ratings; and the cylinder displacement.

Required Information for Regulations that Apply to the Entire Facility:
See instructions in the 'Justification' column for the information that is needed to determine if an 'Entire Facility' type of regulation applies (e.g. 20.2.70 or 20.2.73 NMAC).

Regulatory Citations for Regulations That Do Not, but Could Apply:
If there is a state or federal air quality regulation that does not apply, but you have a piece of equipment in a source category for which a regulation has been promulgated, you must **provide the low level regulatory citation showing why your piece of equipment is not subject to or exempt from the regulation. For example** if you have a stationary internal combustion engine that is not subject to 40 CFR 63, Subpart ZZZZ because it is an existing 2 stroke lean burn stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, your citation would be 40 CFR 63.6590(b)(3)(i). **We don't want a discussion of every non-applicable regulation, but if it is possible a regulation could apply, explain why it does not. For example,** if your facility is a power plant, you do not need to include a citation to show that 40 CFR 60, Subpart OOO does not apply to your non-existent rock crusher.

Regulatory Citations for Emission Standards:
For each unit that is subject to an emission standard in a source specific regulation, such as 40 CFR 60, Subpart OOO or 40 CFR 63, Subpart HH, include the low level regulatory citation of that emission standard. Emission standards can be numerical emission limits, work practice standards, or other requirements such as maintenance. **Here are examples:** a glycol dehydrator is subject to the general standards at 63.764C(1)(i) through (iii); an engine is subject to 63.6601, Tables 2a and 2b; a crusher is subject to 60.672(b), Table 3 and all transfer points are subject to 60.672(e)(1)

Federally Enforceable Conditions:
All federal regulations are federally enforceable. All Air Quality Bureau State regulations are federally enforceable except for the following: affirmative defense portions at 20.2.7.6.B, 20.2.7.110(B)(15), 20.2.7.11 through 20.2.7.113, 20.2.7.115, and 20.2.7.116; 20.2.37; 20.2.42; 20.2.43; 20.2.62; 20.2.63; 20.2.86; 20.2.89; and 20.2.90 NMAC. Federally enforceable means that EPA can enforce the regulation as well as the Air Quality Bureau and federally enforceable regulations can count toward determining a facility's potential to emit (PTE) for the Title V, PSD, and nonattainment permit regulations.

INCLUDE ANY OTHER INFORMATION NEEDED TO COMPLETE AN APPLICABILITY DETERMINATION OR THAT IS RELEVENT TO YOUR FACILITY'S NOTICE OF INTENT OR PERMIT.

EPA Applicability Determination Index for 40 CFR 60, 61, 63, etc: http://cfpub.epa.gov/adi/

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Example of a Table for STATE REGULATIONS:

STATE REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION: (You may delete instructions or statements that do not apply in the justification column to shorten the document.)
20.2.1 NMAC	General Provisions	Yes	Facility	General Provisions apply to Notice of Intent, Construction, and Title V permit applications.
20.2.3 NMAC	Ambient Air Quality Standards NMAAQS		Facility	If subject, this would normally apply to the entire facility. 20.2.3 NMAC is a State Implementation Plan (SIP) approved regulation that limits the maximum allowable concentration of Total Suspended Particulates, Sulfur Compounds, Carbon Monoxide and Nitrogen Dioxide. Title V applications, see exemption at 20.2.3.9 NMAC
20.2.7 NMAC	Excess Emissions		Facility	If subject, this would normally apply to the entire facility. If your entire facility or individual pieces of equipment are subject to emissions limits in a permit or numerical emissions standards in a federal or state regulation, this applies. This would not apply to Notices of Intent since these are not permits.
20.2.33 NMAC	Gas Burning Equipment - Nitrogen Dioxide			**This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers.** **Choose all that apply:** This facility has new gas burning equipment **(external combustion emission sources, such as gas fired boilers and heaters)** having a heat input of greater than 1,000,000 million British Thermal Units per year per unit This facility has existing gas burning equipment having a heat input of greater than 1,000,000 million British Thermal Units per year per unit Note: "New gas burning equipment" means gas burning equipment, the construction or modification of which is commenced after February 17, 1972.
20.2.34 NMAC	Oil Burning Equipment: NO_2			**This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers.** This facility has oil burning equipment **(external combustion emission sources, such as oil fired boilers and heaters)** having a heat input of greater than 1,000,000 million British Thermal Units per year per unit.
20.2.35 NMAC	Natural Gas Processing Plant – Sulfur			This regulation could apply to existing (prior to July 1, 1974) or new (on or after July 1, 1974) natural gas processing plants that use a Sulfur Recovery Unit to reduce sulfur emissions. **See 'Guidance and Clarification Regarding Applicability of 20.2.35 NMAC' located with the Air Quality Bureau's Permit Section website guidance documents.**
20.2.37 and 20.2.36 NMAC	Petroleum Processing Facilities and Petroleum Refineries	N/A	N/A	**These regulations were repealed by the Environmental Improvement Board. If you had equipment subject to 20.2.37 NMAC before the repeal, your combustion emission sources are now subject to 20.2.61 NMAC.**
20.2.38 NMAC	Hydrocarbon Storage Facility			This regulation could apply to storage tanks at petroleum production facilities, processing facilities, tanks batteries, or hydrocarbon storage facilities.
20.2.39 NMAC	Sulfur Recovery Plant - Sulfur			This regulation could apply to sulfur recovery plants that are not part of petroleum or natural gas processing facilities.
20.2.61.109 NMAC	Smoke & Visible Emissions			This regulation that limits opacity to 20% applies to Stationary Combustion Equipment, such as engines, boilers, heaters, and flares unless your equipment is subject to another state regulation that limits particulate matter such as 20.2.19 NMAC (see 20.2.61.109 NMAC). **If equipment at your facility was subject to the repealed regulation 20.2.37 NMAC it is now subject to 20.2.61 NMAC.**
20.2.70 NMAC	Operating Permits		Facility	If subject, this would normally apply to the entire facility. Applies if your facility's potential to emit (PTE) is 100 tpy or more of any regulated air pollutant other than HAPs; and/or a HAPs PTE of 10 tpy or more for a single HAP or 25 or more tpy for combined HAPs; is subject to a 20.2.79 NMAC nonattainment permit; or is a facility subject to a federal regulation that requires you

STATE REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION: (You may delete instructions or statements that do not apply in the justification column to shorten the document.)
				to obtain a Title V permit such as landfills or air curtain incinerators. Include both stack and fugitive emissions to determine the HAP's PTE regardless of the facility type. If your facility is one of those listed at 20.2.70.7(2)(a) through (aa) state which source type your facility is and count both fugitive and stack emissions to determine your PTE. If your facility is not in this (a) through (aa) list, count only stack emissions to determine your PTE. Landfills and Air Curtain Incinerators are not Title V Major Sources, but it would apply pursuant to 20.2.70.200.B NMAC.
20.2.71 NMAC	Operating Permit Fees		Facility	If subject to 20.2.70 NMAC and your permit includes numerical ton per year emission limits, you are subject to 20.2.71 NMAC and normally applies to the entire facility.
20.2.72 NMAC	Construction Permits		Facility	If subject, this would normally apply to the entire facility. Could apply if your facility's potential emission rate (PER) is greater than 10 pph or greater than 25 tpy for any pollutant subject to a state or federal ambient air quality standard (does not include VOCs or HAPs); if the PER of lead is 5 tpy or more; if your facility is subject to 20.2.72.400 NMAC; or if you have equipment subject to 40 CFR 60 Subparts I and OOO, 40 CFR 61 Subparts C and D. Include both stack and fugitive emissions to determine PER.
20.2.73 NMAC	NOI & Emissions Inventory Requirements		Facility	If subject, this would normally apply to the entire facility. **A Notice of Intent application 20.2.73.200 NMAC** could apply if your facility's PER of <u>any</u> regulated air pollutant, including VOCs and HAPs, is 10 tpy or more or if you have lead emissions of 1 tpy or more. Include both fugitive and stack emissions to determine your PER. You could be required to submit **Emissions Inventory Reporting per** 20.2.73.300 NMAC if your facility is subject to 20.2.73.200, 20.2.72, or emits more than 1 ton of lead or 10 tons of TSP, PM10, PM2.5, SOx, NOx CO, or VOCs in any calendar year. All facilities that are a Title V Major Source as defined at 20.2.70.7.R NMAC, are subject to Emissions Inventory Reporting.
20.2.74 NMAC	Permits – Prevention of Significant Deterioration (PSD)		Facility	If subject, this would normally apply to the entire facility. **If you are an existing PSD major source you are subject to the applicability determination requirements at 20.2.74.200 NMAC to determine if you are subject to a PSD permit, <u>before</u> commencing actual construction of any modifications at your facility.** Complete the applicability determination in Section 12 of the application. If you are constructing a new PSD major source or are proposing a major modification to an existing PSD major source, you must obtain a PSD permit. Minor NSR Exemptions at 20.2.72.200 NMAC nor Title V Insignificant Activities do not apply to the PSD permit regulation. **Choose which applies and delete the rest.** See NMACS 20.2.74.7.AE and AG Major Modification and Major Stationary Source, 20.2.74.200 Applicability, and 20.2.74.201 Exemptions. **20.2.74.7.AG(1)** A stationary source listed in Table 1 of this Part (20.2.74.501 NMAC) which emits, or has the potential to emit, emissions equal to or greater than one hundred (100) tons per year of any stack and fugitive emissions (as defined) of any regulated air pollutant; or **20.2.74.7.AG(2)** A stationary source not listed in Table 1 of this Part (20.2.74.501 NMAC) and which emits or has the potential to emit stack emissions of two hundred fifty (250) tons per year or more of any regulated pollutant; or **20.2.74.7.AG(3)** A physical change that would occur at a stationary source not otherwise qualifying under paragraphs (1) or (2) of subsection if the change would constitute a major stationary source by itself (e.g. an increase of 250 tpy or more); or

STATE REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION: (You may delete instructions or statements that do not apply in the justification column to shorten the document.)
				20.2.74.300.D a source or modification that becomes a major stationary source or major modification solely due to a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then this part shall apply to the source or modification as through construction had not yet commenced. **20.2.74.200.7.AG(5)** The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the stationary source categories found in Table 1 of this Part (20.2.74.501 NMAC) or any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.
20.2.75 NMAC	Construction Permit Fees		Facility	If subject, this would apply to the entire facility. It is not necessary to include each low level regulatory citation for this regulation. This regulation applies if you are submitting an application pursuant to 20.2.72, 20.2.73, 20.2.74, and/or 20.2.79 NMAC. If this is a 20.2.73 NMAC application it is subject to the filing fee at 20.2.75.10 NMAC. If this is a 20.2.72, 20.2.74, and/or 20.2.79 NMAC application it is subject to 20.2.75.10, 11 permit fee, and 11.E annual fees. You are not subject to the 75.11.E annual fees if you are subject to 20.2.71 NMAC.
20.2.77 NMAC	New Source Performance		Units subject to 40 CFR 60	This is a stationary source which is subject to the requirements of 40 CFR Part 60.
20.2.78 NMAC	Emission Standards for HAPS		Units Subject to 40 CFR 61	This facility emits hazardous air pollutants which are subject to the requirements of 40 CFR Part 61.
20.2.79 NMAC	Permits – Nonattainment Areas		Facility	If subject, this would normally apply to the entire facility. **If you are an existing nonattainment major source pursuant to 20.2.79.7.V NMAC you are subject to the applicability determination requirements at 20.2.79.109 NMAC to determine if you are subject to a nonattainment permit, before commencing actual construction of any modifications at your facility.** If you are constructing a new nonattainment major source or are proposing a major modification to an existing nonattainment major source, you must obtain a nonattainment permit. Minor NSR Exemptions at 20.2.72.200 NMAC nor Title V Insignificant Activities do not apply to the nonattainment permit regulation. **Choose which applies and delete the rest.** See NMACS 20.2.79.7.U Major Modification and 7.V Major Stationary Source. **20.2.79.109.A(1)** A major stationary source or major modification that will be located within a nonattainment area so designated pursuant to Section 107 of the Federal Act and will emit a pollutant subject to a National Ambient Air Quality Standard for which it is major and which the area is designated nonattainment; or **20.2.79.109.A(2)** A major stationary source or major modification that will be located within an area designated attainment or unclassifiable pursuant to Section 107 of the Federal Act and will emit a regulated pollutant subject to a National Ambient Air Quality Standard for which it is major and the ambient impact of such pollutant would exceed any of the significance levels in 20.2.79.119.A NMAC at any location that does not meet any national ambient air quality standard for the same pollutant.
20.2.80 NMAC	Stack Heights			Usually not applicable for TV If applies: Cited as applicable in NSR Permit XXX.

STATE REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION: (You may delete instructions or statements that do not apply in the justification column to shorten the document.)
20.2.82 NMAC	MACT Standards for source categories of HAPS		Units Subject to 40 CFR 63	This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63.

Example of a Table for Applicable FEDERAL REGULATIONS (Note: This is not an exhaustive list):

FEDERAL REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION:
40 CFR 50	NAAQS		Facility	If subject, this would normally apply to the entire facility. This applies if you are subject to 20.2.70, 20.2.72, 20.2.74, and/or 20.2.79 NMAC.
NSPS 40 CFR 60, Subpart A	General Provisions		Units subject to 40 CFR 60	Applies if any other Subpart in 40 CFR 60 applies.
NSPS 40 CFR60.40a, Subpart Da	Subpart Da, Performance Standards for **Electric Utility Steam Generating Units**			Establishes PM, SO_2 and NOx emission limits/standards of performance for Unit **XXX**. The duct burner (unit #XXX) has a **XXXX** MMBtu/hr heat input, which exceeds the 250 MMBtu/hr threshold. Construction commenced **XXXX**, after the 9/18/1978 applicability date.
NSPS 40 CFR60.40b Subpart Db	**Electric Utility Steam Generating Units**			(a) The affected facility to which this subpart applies is each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hour). Establishes NOx emission limit for Unit **XXX**. The boiler (unit **XXX**) has a **XXX** MMBtu/hr heat input, which exceeds the 100 MMBtu/hr threshold. Construction commenced 1980 and the boiler was modified in XXXX, after the 6/19/1984 applicability date.
40 CFR 60.40c, Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units			Applicability: facility has steam generating units for which construction, modification or reconstruction is commenced after June 9, 1989 and that have a maximum design heat input capacity of 29 MW (100 MMBtu/hr) or less, but greater than or equal to 2.9 MW (10 MMBtu/hr). This regulation applies to units **XXX, X, XX, and XXX**.

FEDERAL REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION:
NSPS 40 CFR 60, Subpart Ka	Standards of Performance for **Storage Vessels for Petroleum Liquids** for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and **Prior** to July 23, 1984			Tanks XXX have a storage capacity greater than 151,416 liters (40,000 gallons) that are used to store petroleum liquids for which construction is commenced after May 18, 1978. Note: Exception below Each petroleum liquid storage vessel with a capacity of less than 1,589,873 liters (420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer is not an affected facility and, therefore, is exempt from the requirements of this subpart
NSPS 40 CFR 60, Subpart Kb	Standards of Performance for **Volatile Organic Liquid Storage Vessels** (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced **After** July 23, 1984			This facility has storage vessels, emission units XXX with a capacity greater than or equal to 75 cubic meters (m^3) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984. **Note: This regulation has several exceptions. See link** 40 CFR 60 Subpart Kb
NSPS 40 CFR 60.330 Subpart GG	**Stationary Gas Turbines**			Units x,y,z have a heat input = x Btu/hour which is greater than the 10 MMBtu/hour threshold. These units were installed on x which is before/after the October 3, 1977 applicability date. (For information on equipment manufactured before but installed at facility after see EPA Guidance document # 0300006)
NSPS 40 CFR 60, Subpart KKK	Leaks of VOC from **Onshore Gas Plants**			Affected Facility with Leaks of VOC from Onshore Gas Plants. Any affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after January 20, 1984, is subject to the requirements of this subpart. The group of all equipment (each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart) except compressors (defined in § 60.631) within a process unit is an affected facility. A compressor station, dehydration unit, sweetening unit, underground storage tank, field gas gathering system, or liquefied natural gas unit is covered by this subpart if it is located at an onshore natural gas processing plant. If the unit is not located at the plant site, then it is exempt from the provisions of this subpart.
NSPS 40 CFR Part 60 Subpart LLL	Standards of Performance for **Onshore Natural Gas Processing**: SO_2 Emissions			The facility is a natural gas processing plant, including a sweetening unit followed by a sulfur recovery unit, constructed after January XX, XXXX, and meets the applicability criteria of 40 CFR 60.640
NSPS 40 CFR Part 60 Subpart OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission, and Distribution for which construction, modification or reconstruction commenced after August 23, 2011			EPA Guidance Page: https://www3.epa.gov/airquality/oilandgas/ The rule applies to "affected" facilities that are constructed, modified, or reconstructed after Aug 23, 2011 (40 CFR 60.5365): gas wells, including fractured and hydraulically refractured wells, centrifugal compressors, reciprocating compressors, pneumatic controllers, certain equipment at natural gas processing plants, sweetening units at natural gas processing plants, and storage vessels. If there is a standard or other requirement, then the facility is an "affected facility." Currently there are standards for: gas wells (60.5375); centrifugal compressors (60.5380); reciprocating compressors (60.5385): controllers

FEDERAL REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION:
	and before September 18, 2015			(60.5390); storage vessels (60.5395); equipment leaks (60.5400); sweetening units (60.5405). **If standards apply, list the unit number(s) and regulatory citation of the standard that applies to that unit (e.g. Centrifugal Compressors 1a-3a are subject to the standards at 60.5380(a)(1) and (2) since we use a control device to reduce emissions)**
NSPS 40 CFR Part 60 Subpart OOOOa	Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015			See 60.536 EPA Guidance Page: https://www3.epa.gov/airquality/oilandgas/0a
NSPS 40 CFR 60 Subpart IIII	Standards of performance for Stationary Compression Ignition Internal Combustion Engines			See 60.4200 and EPA Region 1's Reciprocating Internal Combustion Guidance website.
NSPS 40 CFR Part 60 Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines			See 40 CFR 60.4230 and EPA Region 1's Reciprocating Internal Combustion Guidance website.
NSPS 40 CFR 60 Subpart TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units			See 60.5508
NSPS 40 CFR 60 Subpart UUUU	Emissions Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units			See 60.5700
NSPS 40 CFR 60, Subparts WWW, XXX, Cc, and Cf	Standards of performance for Municipal Solid Waste (MSW) Landfills			See 60.30c, 60.30f, 60.750, and/or 60.760
NESHAP 40 CFR 61 Subpart A	General Provisions		Units Subject to 40 CFR 61	Applies if any other Subpart in 40 CFR 61 applies.
NESHAP 40 CFR 61 Subpart E	National Emission Standards for **Mercury**			The provisions of this subpart are applicable to those stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge

FEDERAL REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION:
NESHAP 40 CFR 61 Subpart V	National Emission Standards for **Equipment Leaks** (Fugitive Emission Sources)			The provisions of this subpart apply to each of the following sources that are intended to operate in volatile hazardous air pollutant (VHAP) service: pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, and control devices or systems required by this subpart. VHAP service means a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 10 percent by weight of VHAP. VHAP means a substance regulated under this subpart for which a standard for equipment leaks of the substance has been promulgated. Benzene is a VHAP (See 40 CFR 61 Subpart J). Link to 40 CFR 61 Subpart V Note: If 40 CFR 60 also applies source only needs to comply with this part.
MACT 40 CFR 63, Subpart A	General Provisions		Units Subject to 40 CFR 63	Applies if any other Subpart in 40 CFR 63 applies.
MACT 40 CFR 63.760 Subpart HH	**Oil and Natural Gas Production Facilities**			**Choose all that apply:** This facility is Subject to the requirements of 40 CFR 63 Subpart HH Dehydrators X, X have no control requirements because { }.- however, they are subject to HH recordkeeping and reporting. Facility was major for HAPS in Permit PXXX issued June X, 200X. Once in always in.
MACT 40 CFR 63 Subpart HHH				This subpart applies to owners and operators of natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user (if there is no local distribution company), and that are major sources of hazardous air pollutants (HAP) emissions as defined in §63.1271. **See link below** 40 CFR 63 Subpart HHH
MACT 40 CFR 63 Subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Industrial, Commercial, and Institutional Boilers & Process Heaters			See 63.7480 EPA Guidance Page: https://www.epa.gov/boilers
MACT 40 CFR 63 Subpart UUUUU	National Emission Standards for Hazardous Air Pollutants Coal & Oil Fire Electric Utility Steam Generating Unit			See 63.9980 (known as the MATs rule) EPA Guidance Page: https://www.epa.gov/boilers
MACT 40 CFR 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (**RICE MACT**)			See 63.6580 and EPA Region 1's Reciprocating Internal Combustion Guidance website.

FEDERAL REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION:
40 CFR 64	**Compliance Assurance Monitoring**			**Applies only to Title V Major Sources** Emissions for Unit XX are major in and of itself (XXXX TPY SO2). OR SRU is actually exempt because of 40 CFR64.2 (b) (vI) (b) Exemptions—(1) Exempt emission limitations or standards. The requirements of this part shall not apply to any of the following emission limitations or standards: (vi) Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1. The exemption provided in this paragraph (b)(1)(vi) shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test; in this example, this part would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage).
40 CFR 68	**Chemical Accident Prevention**			If subject, this would normally apply to the entire facility. An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under §68.115, See 40 CFR 68
Title IV – Acid Rain 40 CFR 72	**Acid Rain**			See 40 CFR 72.6. This may apply if your facility generates commercial electric power or electric power for sale.
Title IV – Acid Rain 40 CFR 73	**Sulfur Dioxide** Allowance Emissions			See 40 CFR 73.2. This may apply if your facility generates commercial electric power or electric power for sale.
Title IV-Acid Rain 40 CFR 75	**Continuous Emissions Monitoring**			See 40 CFR 75.2. This may apply if your facility generates commercial electric power or electric power for sale.
Title IV – Acid Rain 40 CFR 76	**Acid Rain** Nitrogen Oxides **Emission Reduction Program**			See 40 CFR 76.1. This may apply if your facility generates commercial electric power or electric power for sale.
Title VI – 40 CFR 82	Protection of **Stratospheric Ozone**		N/A	EPA Guidance Page for 40 CFR 82: https://www.epa.gov/section608 40 CFR 82 may apply if you: **(40 CFR 82.1 and 82.100)** produce, transform, destroy, import or export a controlled substance or import or export a controlled product; **(40 CFR 82.30)** if you perform service on a motor vehicle for consideration when this service involves the refrigerant in the motor vehicle air conditioner; **(40 CFR 82.80)** if you are a department, agency, and instrumentality of the United States subject to Federal procurement requirements; **(82.150)** if you service, maintain, or repair appliances, dispose of appliances, refrigerant reclaimers, **if you are an owner or operator of an appliance**, if you are a manufacturer of appliances or of recycling and recovery equipment, if you are an approved recycling and recovery equipment testing organization, and/or if you sell or offer for sell or purchase class I or class I refrigerants. **Note:** Owners and operators of appliances subject to 40 CFR 82.150 Recycling and Emissions Reduction have recordkeeping and reporting requirements even if

FEDERAL REGU-LATIONS CITATION	Title	Applies? Enter Yes or No	Unit(s) or Facility	JUSTIFICATION:
				the owner/operator is not performing the actual work. **Note:** Disposal definition in 82.152: Disposal means the process leading to and including: (1) The discharge, deposit, dumping or placing of any discarded appliance into or on any land or water; (2) The disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or (3) The disassembly of any appliance for reuse of its component parts. “Major maintenance, service, or repair means” any maintenance, service, or repair that involves the removal of any or all of the following appliance components: compressor, condenser, evaporator, or auxiliary heat exchange coil; or any maintenance, service, or repair that involves uncovering an opening of more than four (4) square inches of “flow area” for more than 15 minutes.

Section 14

Operational Plan to Mitigate Emissions

(Submitting under 20.2.70, 20.2.72, 20.2.74 NMAC)

☐ **Title V Sources** (20.2.70 NMAC)**:** By checking this box and certifying this application the permittee certifies that it has developed an **Operational Plan to Mitigate Emissions During Startups, Shutdowns, and Emergencies** defining the measures to be taken to mitigate source emissions during startups, shutdowns, and emergencies as required by 20.2.70.300.D.5(f) and (g) NMAC. This plan shall be kept on site to be made available to the Department upon request. This plan should not be submitted with this application.

☐ **NSR** (20.2.72 NMAC)**, PSD** (20.2.74 NMAC) **& Nonattainment** (20.2.79 NMAC) **Sources:** By checking this box and certifying this application the permittee certifies that it has developed an **Operational Plan to Mitigate Source Emissions During Malfunction, Startup, or Shutdown** defining the measures to be taken to mitigate source emissions during malfunction, startup, or shutdown as required by 20.2.72.203.A.5 NMAC. This plan shall be kept on site to be made available to the Department upon request. This plan should not be submitted with this application.

☐ **Title V** (20.2.70 NMAC)**, NSR** (20.2.72 NMAC)**, PSD** (20.2.74 NMAC) **& Nonattainment** (20.2.79 NMAC) **Sources:** By checking this box and certifying this application the permittee certifies that it has established and implemented a Plan to Minimize Emissions During Routine or Predictable Startup, Shutdown, and Scheduled Maintenance through work practice standards and good air pollution control practices as required by 20.2.7.14.A and B NMAC. This plan shall be kept on site or at the nearest field office to be made available to the Department upon request. This plan should not be submitted with this application.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 15

Alternative Operating Scenarios

(Submitting under 20.2.70, 20.2.72, 20.2.74 NMAC)

Alternative Operating Scenarios: Provide all information required by the department to define alternative operating scenarios. This includes process, material and product changes; facility emissions information; air pollution control equipment requirements; any applicable requirements; monitoring, recordkeeping, and reporting requirements; and compliance certification requirements. Please ensure applicable Tables in this application are clearly marked to show alternative operating scenario.

Construction Scenarios: When a permit is modified authorizing new construction to an existing facility, NMED includes a condition to clearly address which permit condition(s) (from the previous permit and the new permit) govern during the interval between the date of issuance of the modification permit and the completion of construction of the modification(s). There are many possible variables that need to be addressed such as: Is simultaneous operation of the old and new units permitted and, if so for example, for how long and under what restraints? In general, these types of requirements will be addressed in Section A100 of the permit, but additional requirements may be added elsewhere. Look in A100 of our NSR and/or TV permit template for sample language dealing with these requirements. Find these permit templates at: https://www.env.nm.gov/aqb/permit/aqb_pol.html. Compliance with standards must be maintained during construction, which should not usually be a problem unless simultaneous operation of old and new equipment is requested.

In this section, under the bolded title “Construction Scenarios”, specify any information necessary to write these conditions, such as: conservative-realistic estimated time for completion of construction of the various units, whether simultaneous operation of old and new units is being requested (and, if so, modeled), whether the old units will be removed or decommissioned, any PSD ramifications, any temporary limits requested during phased construction, whether any increase in emissions is being requested as SSM emissions or will instead be handled as a separate Construction Scenario (with corresponding emission limits and conditions, etc.

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Section 16

Air Dispersion Modeling

1) Minor Source Construction (20.2.72 NMAC) and Prevention of Significant Deterioration (PSD) (20.2.74 NMAC) ambient impact analysis (modeling): Provide an ambient impact analysis as required at 20.2.72.203.A(4) and/or 20.2.74.303 NMAC and as outlined in the Air Quality Bureau's Dispersion Modeling Guidelines found on the Planning Section's modeling website. If air dispersion modeling has been waived for one or more pollutants, attach the AQB Modeling Section modeling waiver approval documentation.
2) SSM Modeling: Applicants must conduct dispersion modeling for the total short term emissions during routine or predictable startup, shutdown, or maintenance (SSM) using realistic worst case scenarios following guidance from the Air Quality Bureau's dispersion modeling section. Refer to "Guidance for Submittal of Startup, Shutdown, Maintenance Emissions in Permit Applications (http://www.env.nm.gov/aqb/permit/app_form.html) for more detailed instructions on SSM emissions modeling requirements.
3) Title V (20.2.70 NMAC) ambient impact analysis: Title V applications must specify the construction permit and/or Title V Permit number(s) for which air quality dispersion modeling was last approved. Facilities that have only a Title V permit, such as landfills and air curtain incinerators, are subject to the same modeling required for preconstruction permits required by 20.2.72 and 20.2.74 NMAC.

What is the purpose of this application?	Enter an X for each purpose that applies
New PSD major source or PSD major modification (20.2.74 NMAC). See #1 above.	
New Minor Source or significant permit revision under 20.2.72 NMAC (20.2.72.219.D NMAC). See #1 above. **Note:** Neither modeling nor a modeling waiver is required for VOC emissions.	
Reporting existing pollutants that were not previously reported.	
Reporting existing pollutants where the ambient impact is being addressed for the first time.	
Title V application (new, renewal, significant, or minor modification. 20.2.70 NMAC). See #3 above.	
Relocation (20.2.72.202.B.4 or 72.202.D.3.c NMAC)	
Minor Source Technical Permit Revision 20.2.72.219.B.1.d.vi NMAC for like-kind unit replacements.	
Other: i.e. SSM modeling. See #2 above.	
This application does not require modeling since this is a No Permit Required (NPR) application.	
This application does not require modeling since this is a Notice of Intent (NOI) application (20.2.73 NMAC).	
This application does not require modeling according to 20.2.70.7.E(11), 20.2.72.203.A(4), 20.2.74.303, 20.2.79.109.D NMAC and in accordance with the Air Quality Bureau's Modeling Guidelines.	

Check each box that applies:

☐ See attached, approved modeling **waiver for all** pollutants from the facility.
☐ See attached, approved modeling **waiver for some** pollutants from the facility.
☐ Attached in Universal Application Form 4 (UA4) is a **modeling report for all** pollutants from the facility.
☐ Attached in UA4 is a **modeling report for some** pollutants from the facility.
☐ No modeling is required.

Section 17

Compliance Test History

(Submitting under 20.2.70, 20.2.72, 20.2.74 NMAC)

To show compliance with existing NSR permits conditions, you must submit a compliance test history. The table below provides an example.

To save paper and to standardize the application format, delete this sentence and the samples in the Compliance Test History Table, and begin your submittal for this attachment on this page.

Compliance Test History Table **(Modify this sample table to suit your facility)**

Unit No.	Test Description	Test Date
1,2	Tested in accordance with EPA test methods for NOx and CO as required by Title V permit P500.	4/13/2004
3	Tested in accordance with EPA test methods for NOx and CO as required by NSR permit 2923M1.	5/12/2005

Section 18

Addendum for Streamline Applications

Do not print this section unless this is a streamline application.

Streamline Applications do not require a complete application. Submit Sections 1-A, 1-B, 1-D, 1-F, 1-G, 2-A, 2-C thru L, Sections 3 thru 8, Section 13, Section 18, Section 22, and Section 23 (Certification). Other sections may be required at the discretion of the Department. 20.2.72.202 NMAC Exemptions do not apply to Streamline sources. 20.2.72.219 NMAC revisions and modifications do not apply to Streamline sources, thus 20.2.72.219 type actions require a complete new application submittal. Please do not print sections of a streamline application that are not required.

18-A: Streamline Category	
1	**Indicate under which part of 20.2.72.301.D this facility is applying. Refer to the forth column of Table 18-D below, to assist in this determination:** ☐ 20.2.72.301.D(1) NMAC ☐ 20.2.72.301.D(2) NMAC ☐ 20.2.72.301.D(3) NMAC

18-B: Streamline Applicability Criteria		Answer (yes/no)
1	Does the source category for this facility meet one of those listed in the following table? (20.2.72.301.A NMAC) **20.2.72.501 Table 2 – Permit Streamlining Source Class Categories** 1. Reciprocating internal combustion engines including portable or temporary engines 2. Turbines	☐ Yes ☐ No
2	If this facility is a compressor station, does it meet the definition of a "Compressor station" below? (20.2.72.301.D NMAC) **"Compressor station"** means a facility whose primary function is the extraction of crude oil, natural gas, or water from the earth with compressors, or movement of any fluid, including crude oil or natural gas, or products refined from these substances through pipelines or the injection of natural gas or CO2 back into the earth using compressors. A compressor station may include engines to generate power in conjunction with the other functions of extraction, injection or transmission and may contain emergency flares. A compressor station may have auxiliary equipment which emits small quantities of regulated air contaminants, including but not limited to, separators, de-hydration units, heaters, treaters and storage tanks, provided the equipment is located within the same property boundaries as the compressor engine (underline added). (20.2.72.301.A NMAC)	☐ Yes ☐ No
3	Will the source operate in compliance with all applicable state and federal regulations, including federal new source performance standards incorporated by 20.2.77 NMAC and permit conditions? (20.2.72.305.B NMAC)	☐Yes ☐No
4	Will the fuel combusted at this facility be produced natural gas, sweet natural gas, liquid petroleum gas, or fuel gas containing 0.1 grain of total sulfur or less per dry standard cubic foot; or refinery grade diesel or No. 2 fuel oil that is not a blend containing waste oils or solvents and contains less than 0.3% by weight sulfur? (20.2.72.306 NMAC)	☐Yes ☐No

5	Will all spark ignited gas-fired or any compression ignited dual fuel-fired engine which operates with a non-selective catalytic converter be equipped and operated with an automatic air-fuel ratio (AFR) controller which maintains AFR in the range required to minimize NOx emissions, as recommended by the manufacturer? (20.2.72.306 NMAC)	☐Yes ☐No
6	Has payment of all fees that are specified in 20.2.75 NMAC (Construction Permit Fees), as payable at the time the application is submitted, been included with the application package? (20.2.72.302.15 NMAC)	☐Yes ☐No
7	Is the answer to each of the above questions, #1 through #6, '**Yes**'? If the answer to **this** question is "**No**", this facility does **not** qualify for a streamline permit.	☐Yes ☐No
8	Will the facility, either before or after construction or modification, have a total potential to emit of any regulated air contaminant[2] greater than 200 tons per year (tpy) of any one regulated air pollutant (CO, NOx, SO2, or VOC)? (20.2.72.301.B.2 NMAC); **"Potential to emit"** or **"potential emissions"** means the maximum capacity of a stationary source to emit a regulated air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.	☐ Yes ☐ No
9	Is the facility a "major stationary source" as defined in 20 NMAC 2.74? (20.2.72.301.B.1 NMAC)	☐ Yes ☐ No
10	Is this source subject 20.2.78 NMAC, other than 40CFR61 Subpart M National Emission Standard for Asbestos? (20.2.72.301.B.3 NMAC)	☐ Yes ☐ No
11	Is this a source of potential air toxic emissions (20 NMAC 2.72. 400-499)? (20.2.72.301.B.3 NMAC)	☐ Yes ☐ No
12	Will the reciprocating internal combustion (IC) engines and/or turbines be located at a petroleum refinery, chemical manufacturing plant, bulk gasoline terminal, natural gas processing plant, or at any facility containing sources in addition to IC engines and/or turbines for which an air quality permit is required through state or federal air quality regulations in the absence of the (IC) engines and/or turbines? (20.2.72.301.B.4 NMAC)	☐ Yes ☐ No
13	Will the proposed facility be located within any of the 20.2.72.301.B.5 exclusion areas specified in the Air Dispersion Modeling Guidelines[1], Table: Areas Where Streamline Permits Are Prohibited? (20.2.72.301.B.5 NMAC) http://www.env.nm.gov/aqb/modeling	☐ Yes ☐ No
14	Will the proposed facility's impact area intersect any of the areas specified in the Air Dispersion Modeling Guidelines[1], Table: Areas Where Streamline Permits Are Prohibited? (20.2.72.301.B.5 NMAC) http://www.env.nm.gov/aqb/modeling	☐Yes ☐No ☐N/A
15	Is the answer to each of the above questions, #8 through #14, '**No**'? If the answer to **this** question is "**No**", this facility does **not** qualify for a streamline permit.	☐Yes ☐No

[1] The Air Dispersion Modeling Guidelines contain a section on streamline permitting. The table mentioned above can be found within those guidelines at http://www.env.nm.gov/aqb/modeling

[2] The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen

18-C: Streamline Location Restrictions		Answer (yes/no)	Identify: Name and Distance (km)
1	Will the distance from the nearest property boundary to the nearest school, residence, office building or occupied structure, excluding the immediate facility complex be greater than one (1.0) km? (20.2.72.301.B.6.a NMAC)	☐Yes ☐No	
2	Will the distance from the nearest property boundary to the nearest state park, Class II wilderness or wildlife refuge, historic park, state recreation area be greater than three (3.0) km? (20.2.72.301.B.6.b NMAC) The Air Dispersion Modeling Guidelines[1], Table: List Of State Parks, Class II Wilderness Areas, Class II National Wildlife Refuge, National Historic Parks, State Recreation Areas, and Class I Areas contains a list of most of these areas in New Mexico, but may not include new areas designated since the modeling guidelines were published.	☐Yes ☐No	
3	Will the distance from the nearest property boundary to the nearest community with a population of more than 20,000 people be greater than three (3.0) km? (20.2.72.301.B.6 NMAC).b	☐Yes ☐No	
4	Will the distance from the nearest property boundary to the nearest community with a population of more than 40,000 people be greater than 10 km? (20.2.72.301.B.6.c NMAC)	☐Yes ☐No	
5	Will the distance from the nearest property boundary to the nearest Class I area be greater than 30 km? (20.2.72.301.B.6.d NMAC) The Air Dispersion Modeling Guidelines[1], Table: List Of State Parks, Class II Wilderness Areas, Class II National Wildlife Refuge, National Historic Parks, State Recreation Areas, and Class I Areas contains a list of most of these areas in New Mexico, but may not include new areas designated since the modeling guidelines were published.	☐Yes ☐No	
6	Will the distance from the nearest property boundary to Bernalillo County be greater than 15 km? (20.2.72.301.B.7 NMAC)	☐Yes ☐No	-NA-
7	Is the answer to all of the above question yes or N/A? If the answer to **this** question is "**No**", this facility does not qualify for a streamline permit.	☐Yes ☐No	-NA-

[1] The Air Dispersion Modeling Guidelines contain a section on streamline permitting. The table mentioned above can be found within those guidelines at http://www.env.nm.gov/aqb/modeling.

18-D: Source Category Determination			
1	Is the total potential to emit of each regulated contaminant from all sources at the facility less than 40 tpy?	☐ Yes ☐ No	• If the answers to this question is "Yes", the facility qualifies for a 20.2.72.301.D.1 NMAC streamline permit. • Public notice is not required, 20.2.72.303.A NMAC. • Modeling is **not** required, 20.2.72.301.D NMAC. • If "Yes", leave the remainder of this table blank.
2	Is the total potential to emit of each regulated contaminant from all emission sources at the facility less than 100 tons per year (tpy) **AND** the impact on ambient air from all sources at the facility less than the ambient significance levels in 20.2.72.500 NMAC?	☐ Yes ☐ No	• If the answer to this question is "Yes", the facility qualifies for a 20.2.72.301.D.2 NMAC streamline permit. • Public notice is not required, 20.2.72.303.A NMAC. • **Modeling is required** in accordance with 20.2.72.301.D.2 NMAC • If "Yes", leave the remainder of this table blank.

3.a	Is the total potential to emit of each regulated contaminant from all emission sources at the facility less than 200 tons per year (tpy) **AND** the maximum modeled ambient impact from the total potential emissions at the facility less than 50 percent of each applicable PSD increment, state and federal ambient air quality standards?	☐ Yes ☐ No	• If the answers to these questions (3.a, 3.b, 3.c, and 3.d) are all "Yes", the facility qualifies for a 20.2.72.301.D.3 NMAC streamline permit. • Public notice is required in accordance with NMAC 20.2.72.303 NMAC. • **Modeling is required** in accordance with 20.2.72.301.D.3 NMAC • If the answers to questions 1, 2, and any of questions in question 3 (3.a, 3.b, 3.c, or 3.d) are "No", this facility does not qualify for a streamline permit.
3.b	Are there no adjacent sources emitting the same regulated air contaminant(s) as the source within 2.5 km of the modeled nitrogen dioxide (NO2) impact area?	☐ Yes ☐ No	
3.c	Is the "sum of the potential emissions for oxides of nitrogen from all adjacent sources" (SUM) within 15 km of the NO2 impact area (SUM15) less than 740 tpy?	☐ Yes ☐ No	
3.d	Is the "sum of the potential emissions for oxides of nitrogen from all adjacent sources" (SUM) within 25 km of the NO2 impact area (SUM25) less than 1540 tpy?	☐ Yes ☐ No	

Note: All modeling demonstrations have the option of demonstrating compliance with 20.2.72.301.D.3 NMAC. All public notices are required to comply with the public notice requirements of a NMAC20.2.72.301.D.3 facility.

18-E: Submittals

1	If a facility is required to submit a modeling analysis to demonstrate compliance with NMAC 20.2.72.300-399, use the Department's most current version of the Departments Air Dispersion Modeling Guidelines, and include a copy of the modeling in the application. A copy of the most current version of the guidelines can be obtained at the following web address: http://www.env.nm.gov/aqb/modeling.
2	**Public Notice:** Per 20.2.72.303.A NMAC, public notice is only required for sources subject to NMAC 20.2.72.301.D.3. Public notice submittals shall consist of the following: 1. Proof of Public Notice 2. Include a copy of the certified letter receipts (Field office & Federal Land Managers) (20.2.72.206.A.7, 302.A & 302.12) 3. A copy of the letters sent to the appropriate federal land manager if the source will locate within 50 km of a boundary of a Class I area (302.A.2) 4. A statement stating a complete copy of the application and public notice has been provided to the Departments field or district office nearest the source (302.A.1) 5. The location where the public notice has been posted on the site (303.B.2) 6. A copy of the classified or legal ad and its affidavit of publication (303.B.1)

Section 19

Requirements for Title V Program

Do not print this section unless this is a Title V application.

Who Must Use this Attachment:

* Any major source as defined in 20.2.70 NMAC.
* Any source, including an area source, subject to a standard or other requirement promulgated under Section 111 - Standards of Performance for New Stationary Sources, or Section 112 Hazardous Air Pollutants, of the 1990 federal Clean Air Act ("federal Act"). Non-major sources subject to Sections 111 or 112 of the federal Act are exempt from the obligation to obtain an 20.2.70 NMAC operating permit until such time that the EPA Administrator completes rulemakings that require such sources to obtain operating permits. In addition, sources that would be required to obtain an operating permit solely because they are subject to regulations or requirements under Section 112(r) of the federal Act are exempt from the requirement to obtain an Operating Permit.
* Any Acid Rain source as defined under title IV of the federal Act. The Acid Rain program has additional forms. See http://www.env.nm.gov/aqb/index.html. Sources that are subject to both the Title V and Acid Rain regulations are encouraged to submit both applications simultaneously.
* Any source in a source category designated by the EPA Administrator ("Administrator"), in whole or in part, by regulation, after notice and comment.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.1 - 40 CFR 64, Compliance Assurance Monitoring (CAM) (20.2.70.300.D.10.e NMAC)

Any source subject to 40CFR, Part 64 (Compliance Assurance Monitoring) must submit all the information required by section 64.7 with the operating permit application. The applicant must prepare a separate section of the application package for this purpose; if the information is already listed elsewhere in the application package, make reference to that location. Facilities not subject to Part 64 are invited to submit periodic monitoring protocols with the application to help the AQB to comply with 20.2.70 NMAC. Sources subject to 40 CFR Part 64, must submit a statement indicating your source's compliance status with any enhanced monitoring and compliance certification requirements of the federal Act.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.2 - Compliance Status (20.2.70.300.D.10.a & 10.b NMAC)

Describe the facility's compliance status with each applicable requirement at the time this permit application is submitted. This statement should include descriptions of or references to all methods used for determining compliance. This statement should include descriptions of monitoring, recordkeeping and reporting requirements and test methods used to determine compliance with all applicable requirements. Refer to Section 2, Tables 2-N and 2-O of the Application Form as necessary. (20.2.70.300.D.11 NMAC) For facilities with existing Title V permits, refer to most recent Compliance Certification for existing requirements. Address new requirements such as CAM, here, including steps being taken to achieve compliance.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.3 - Continued Compliance (20.2.70.300.D.10.c NMAC)

Provide a statement that your facility will continue to be in compliance with requirements for which it is in compliance at the time of permit application. This statement must also include a commitment to comply with other applicable requirements as they come into effect during the permit term. This compliance must occur in a timely manner or be consistent with such schedule expressly required by the applicable requirement.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.4 - Schedule for Submission of Compliance (20.2.70.300.D.10.d NMAC)

You must provide a proposed schedule for submission to the department of compliance certifications during the permit term. This certification must be submitted annually unless the applicable requirement or the department specifies a more frequent period. A sample form for these certifications will be attached to the permit.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.5 - Stratospheric Ozone and Climate Protection

In addition to completing the four (4) questions below, you must submit a statement indicating your source's compliance status with requirements of Title VI, Section 608 (National Recycling and Emissions Reduction Program) and Section 609 (Servicing of Motor Vehicle Air Conditioners).

---

1. Does your facility have any air conditioners or refrigeration equipment that uses CFCs, HCFCs or other ozone-depleting substances? ☐ **Yes** ☐ **No**

2. Does any air conditioner(s) or any piece(s) of refrigeration equipment contain a refrigeration charge greater than 50 lbs? ☐ **Yes** ☐ **No**

   (If the answer is yes, describe the type of equipment and how many units are at the facility.)

3. Do your facility personnel maintain, service, repair, or dispose of any motor vehicle air conditioners (MVACs) or appliances ("appliance" and "MVAC" as defined at 82. 152)? ☐ **Yes** ☐ **No**

4. Cite and describe which Title VI requirements are applicable to your facility (i.e. 40 CFR Part 82, Subpart A through G.)

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.6 - Compliance Plan and Schedule

Applications for sources, which are not in compliance with all applicable requirements at the time the permit application is submitted to the department, must include a proposed compliance plan as part of the permit application package. This plan shall include the information requested below:

A. Description of Compliance Status: (20.2.70.300.D.11.a NMAC)
A narrative description of your facility's compliance status with respect to all applicable requirements (as defined in 20.2.70 NMAC) at the time this permit application is submitted to the department.

B. Compliance plan: (20.2.70.300.D.11.B NMAC)

A narrative description of the means by which your facility will achieve compliance with applicable requirements with which it is not in compliance at the time you submit your permit application package.

C. Compliance schedule: (20.2.70.300D.11.c NMAC)
A schedule of remedial measures that you plan to take, including an enforceable sequence of actions with milestones, which will lead to compliance with all applicable requirements for your source. This schedule of compliance must be at least as stringent as that contained in any consent decree or administrative order to which your source is subject. The obligations of any consent decree or administrative order are not in any way diminished by the schedule of compliance.

D. Schedule of Certified Progress Reports: (20.2.70.300.D.11.d NMAC)
A proposed schedule for submission to the department of certified progress reports must also be included in the compliance schedule. The proposed schedule must call for these reports to be submitted at least every six (6) months.

E. Acid Rain Sources: (20.2.70.300.D.11.e NMAC)
If your source is an acid rain source as defined by EPA, the following applies to you. For the portion of your acid rain source subject to the acid rain provisions of title IV of the federal Act, the compliance plan must also include any additional requirements under the acid rain provisions of title IV of the federal Act. Some requirements of title IV regarding the schedule and methods the source will use to achieve compliance with the acid rain emissions limitations may supersede the requirements of title V and 20.2.70 NMAC. You will need to consult with the Air Quality Bureau permitting staff concerning how to properly meet this requirement.

NOTE: The Acid Rain program has additional forms. See http://www.env.nm.gov/aqb/index.html. Sources that are subject to both the Title V and Acid Rain regulations are **encouraged** to submit both applications **simultaneously**.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.7 - 112(r) Risk Management Plan (RMP)

Any major sources subject to section 112(r) of the Clean Air Act must list all substances that cause the source to be subject to section 112(r) in the application. The permittee must state when the RMP was submitted to and approved by EPA.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.8 - Distance to Other States, Bernalillo, Indian Tribes and Pueblos

Will the property on which the facility is proposed to be constructed or operated be closer than 80 km (50 miles) from other states, local pollution control programs, and Indian tribes and pueblos (20.2.70.402.A.2 and 20.2.70.7.B NMAC)?

(If the answer is yes, state which apply and provide the distances.)

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this item here.

19.9 - Responsible Official

Provide the Responsible Official as defined in 20.2.70.7.AD NMAC:

Section 20

Other Relevant Information

Other relevant information. Use this attachment to clarify any part in the application that you think needs explaining. Reference the section, table, column, and/or field. Include any additional text, tables, calculations or clarifying information.

Additionally, the applicant may propose specific permit language for AQB consideration. In the case of a revision to an existing permit, the applicant should provide the old language and the new language in track changes format to highlight the proposed changes. If proposing language for a new facility or language for a new unit, submit the proposed operating condition(s), along with the associated monitoring, recordkeeping, and reporting conditions. In either case, please limit the proposed language to the affected portion of the permit.

To save paper and to standardize the application format, delete this sentence, and begin your submittal for this attachment on this page.

Section 21

Addendum for Landfill Applications

Do not print this section unless this is a landfill application.

Landfill Applications are not required to complete Sections 1-C Input Capacity and Production Rate, 1-E Operating Schedule, 17 Compliance Test History, and 18 Streamline Applications. Section 12 – PSD Applicability is required only for Landfills with Gas Collection and Control Systems and/or landfills with other non-fugitive stationary sources of air emissions such as engines, turbines, boilers, heaters. All other Sections of the Universal Application Form are required.

EPA Background Information for MSW Landfill Air Quality Regulations:
https://www3.epa.gov/airtoxics/landfill/landflpg.html

NM Solid Waste Bureau Website: https://www.env.nm.gov/swb/

21-A: Municipal Solid Waste Landfill Information

1	How long will the landfill be operated?			
2	Maximum operational hours per year:			
3	Landfill Operating hours (open to the public) M-F:		Sat.	Sun.
4	To determine to what NSPS and emissions guidelines the landfill is subject, what is the date that the landfill was constructed, modified, or reconstructed as defined at 40 CFR 60, Subparts A, WWW, XXX, Cc, and Cf.			
5	Landfill Design Capacity. Enter all 3	Tons:	Megagrams (Mg):	Cubic meters:
6	Landfill NMOC Emission Rate (NSPS XXX)	☐ Less than 34 Mg/year using Tiers 1 to 3	☐ Equal to or Greater than 34 Mg/year using Tiers 1 to 3	
	Landfill NMOC Emission Rate (NSPS XXX)	☐ Less than 500 ppm using Tier 4	☐ Equal to or Greater than 500 ppm using Tier 4	
	Landfill NMOC Emission Rate (NSPS WWW)	☐ Less than 50 Mg/yr	☐ Equal to or Greater than 50 Mg/yr	
7	Annual Waste Acceptance Rate:			
8	Is Petroleum Contaminated Soil Accepted?	If so, what is the annual acceptance rate?		
9	NM Solid Waste Bureau (SWB) Permit No.:	SWB Permit Date:		
10	Describe the NM Solid Waste Bureau Permit, Status, and Type of waste deposited at the landfill.			
11	Describe briefly any process(es) or any other operations conducted at the landfill.			

21-B: NMOC Emissions Determined Pursuant to 40 CFR 60, Subparts WWW or XXX

	Enter the regulatory citation of all Tier 1, 2, 3, and/or 4 procedures used to determine NMOC emission rates and the date(s) that each Tier procedure was conducted. In Section 7 of the application, include the input data and results.
1	Tier 1 equations (e.g. LandGEM):
2	Tier 2 Sampling:
3	Tier 3 Rate Constant:
4	Tier 4 Surface Emissions Monitoring:
5	Attach all Tier Procedure calculations, procedures, and results used to determine the Gas Collection and Control System (GCCS) requirements.

Facilities that have a landfill GCCS must complete Section 21-C.

21-C: Landfill Gas Collection and Control System (GCCS) Design Plan

1	Was the GCCS design certified by a Professional Engineer?
2	Attach a copy of the GCCS Design Plan and enter the submittal date of the Plan pursuant to the deadlines in either NSPS WWW or NSPS XXX. The NMOC applicability threshold requiring a GCCS plan is 50Mg/yr for NSPS WWW and 34 Mg/yr or 500 ppm for NSPS XXX.
3	Is/Was the GCCS planned to be operational within 30 months of reporting NMOC emission rates equal to or greater than 50 Mg/yr, 34 Mg/yr, or 500 ppm pursuant to the deadlines specified in NSPS WWW or NSPS XXX?
4	Does the GCCS comply with the design and operational requirements found at 60.752, 60.753, and 69.759 (NSPS WWW) or at 60.762, 60.763, and 60.769 (NSPS XXX)?
5	Enter the control device(s) to which the landfill gas will be/is routed such as an open flare, enclosed combustion device, boiler, process heater, or other.
6	Do the control device(s) meet the operational requirements at 60.752 and 60.756 (NSPS WWW) or 60.762, 60.763, 60.766 (NSPS XXX)?

Section 22: Certification

Company Name: _____

I, _____, hereby certify that the information and data submitted in this application are true and as accurate as possible, to the best of my knowledge and professional expertise and experience.

Signed this ____ day of _____, _____, upon my oath or affirmation, before a notary of the State of

_____.

_____ _____
*Signature Date

_____ _____
Printed Name Title

Scribed and sworn before me on this ____ day of _____, _____.

My authorization as a notary of the State of _____ expires on the

_____ day of _____, _____.

_____ _____
Notary's Signature Date

_____
Notary's Printed Name

*For Title V applications, the signature must be of the Responsible Official as defined in 20.2.70.7.AE NMAC.

Universal Application 4

Air Dispersion Modeling Report

Refer to and complete Section 16 of the Universal Application form (UA3) to assist your determination as to whether modeling is required. If, after filling out Section 16, you are still unsure if modeling is required, e-mail the completed Section 16 to the AQB Modeling Manager for assistance in making this determination. If modeling is required, a modeling protocol would be submitted and approved prior to an application submittal. The protocol should be emailed to the modeling manager. A protocol is recommended but optional for minor sources and is required for new PSD sources or PSD major modifications. Fill out and submit this portion of the Universal Application form (UA4), the "Air Dispersion Modeling Report", only if air dispersion modeling is required for this application submittal. This serves as your modeling report submittal and should contain all the information needed to describe the modeling. No other modeling report or modeling protocol should be submitted with this permit application.

16-A: Identification

1	Name of facility:
2	Name of company:
3	Current Permit number:
4	Name of applicant's modeler:
5	Phone number of modeler:
6	E-mail of modeler:

16-B: Brief

1	Why is the modeling being done?		
2	Describe the permit changes relevant to the modeling.		
3	What geodetic datum was used in the modeling?		
4	How long will the facility be at this location?		
5	Is the facility a major source with respect to Prevention of Significant Deterioration (PSD)?	Yes	No
6	Identify the Air Quality Control Region (AQCR) in which the facility is located.		

7	List the PSD baseline dates for this region (minor or major, as appropriate).
8	Provide the name and distance to Class I areas within 50 km of the facility (300 km for PSD permits).
9	Is the facility located in a non-attainment area? If so, describe.
10	Describe any special modeling requirements, such as streamline permit requirements.

16-C: Modeling History of Facility

1	Describe the modeling history of the facility, including the air permit numbers, the pollutants modeled, the National Ambient Air Quality Standards (NAAQS), New Mexico AAQS (NMAAQS), and PSD increments modeled. (Do not include modeling waivers).			
	Pollutant	Latest permit and modification number that modeled the pollutant facility-wide.	Date of Permit	Comments
	CO			
	NO_2			
	SO_2			
	H_2S			
	PM2.5			
	PM10			
	TSP			
	Lead			
	Ozone (PSD only)			
	NM Toxic Air Pollutants (20.2.72.402 NMAC)			

16-D: Modeling performed for this application

1	For each pollutant, indicate the modeling performed and submitted with this application. Choose the most complicated modeling applicable for that pollutant, i.e., culpability analysis assumes ROI and cumulative analysis were also performed.					
	Pollutant	ROI	Cumulative analysis	Culpability analysis	Waiver approved	Pollutant not emitted or not changed.
	CO					
	NO_2					
	SO_2					
	H_2S					
	PM2.5					
	PM10					
	TSP					
	Lead					
	Ozone					
	State air toxic(s) (20.2.72.402 NMAC)					

16-E: New Mexico toxic air pollutants modeling

1	List any New Mexico toxic air pollutants (NMTAPs) from Tables A and B in 20.2.72.502 NMAC that are modeled for this application.
	List any NMTAPs that are emitted but not modeled because stack height correction factor. Add additional rows to the table below, if required.

	Pollutant	Emission Rate (pounds/hour)	Emission Rate Screening Level (pounds/hour)	Stack Height (meters)	Correction Factor	Emission Rate/ Correction Factor

16-F: Modeling options

1	What model(s) were used for the modeling? Why?
2	What model options were used and why were they considered appropriate to the application?

16-G: Surrounding source modeling

1	If the surrounding source inventory provided by the Air Quality Bureau was believed to be inaccurate, describe how the sources modeled differ from the inventory provided. If changes to the surrounding source inventory were made, use the unmerged list of sources to describe the changes.
2	Date of surrounding source retrieval.

	AQB Source ID	Description of Corrections

16-H: Building and structure downwash

1	How many buildings are present at the facility?		
2	How many above ground storage tanks are present at the facility?		
3	Was building downwash modeled for all buildings?	Yes	No
4	If not, explain why.		
5	Building comments		

16-I: Receptors and modeled property boundary

1	"Restricted Area" is an area to which public entry is effectively precluded. Effective barriers include continuous fencing, continuous walls, or other continuous barriers approved by the Department, such as rugged physical terrain with a steep grade that would require special equipment to traverse. If a large property is completely enclosed by fencing, a restricted area within the property may be identified with signage only. Public roads cannot be part of a Restricted Area. A Restricted Area is required in order to exclude receptors from the facility property. If the facility does not have a Restricted Area, then receptors shall be placed within the property boundaries of the facility. Describe the fence or other physical barrier at the facility that defines the restricted area.		
2	Receptors must be placed along publicly accessible roads in the restricted area. Are there public roads passing through the restricted area?	Yes	No
3	Are restricted area boundary coordinates included in the modeling files?	Yes	No
4	Describe the receptor grids and their spacing.		
5	Describe receptor spacing along the fence line.		
6	Describe the PSD Class I area receptors.		

16-J: Sensitive areas

1	Are there schools or hospitals or other sensitive areas near the facility? This information is optional (and purposely undefined), but may help determine issues related to public notice.	Yes	No
2	If so, describe.		

3	The modeling review process may need to be accelerated if there is a public hearing. Are there likely to be public comments opposing the permit application?	Yes	No

16-K: Modeling Scenarios

1	Identify, define, and describe all modeling scenarios. Examples of modeling scenarios include using different production rates, times of day, times of year, simultaneous or alternate operation of old and new equipment during transition periods, etc. Alternative operating scenarios should correspond to all parts of the Universal Application and should be fully described in Section 15 of the Universal Application (UA3).		
2	Which scenario produces the highest concentrations? Why?		
3	Were emission factor sets used to limit emission rates or hours of operation? (This question pertains to the "SEASON", "MONTH", "HROFDY" and related factor sets, not to the factors used for calculating the maximum emission rate.)	Yes	No
4	If so, describe factors for each group of sources. List the sources in each group before the factor table for that group. (Modify or duplicate table as necessary. It's ok to put the table below section 16-K if it makes formatting easier.) Sources:		

5

Hour of Day	Factor	Hour of Day	Factor								
1		13									
2		14									
3		15									
4		16									
5		17									
6		18									
7		19									
8		20									
9		21									
10		22									
11		23									
12		24									

If hourly, variable emission rates were used that were not described above, describe them here:

6	Were different emission rates used for short-term and annual modeling?	Yes	No
7	If yes, describe.		

16-L: NO_2 Modeling

1	Which types of NO_2 modeling were used? Check all that apply.	
		100% NO_X to NO_2 conversion
		ARM
		PVMRM
		OLM
		ARM2
		Other:
2	Describe the NO_2 modeling.	
3	In-stack NO_2/NO_X ratio(s) used in modeling.	
4	Equilibrium NO_2/NO_X ratio(s) used in modeling.	
5	Describe/justify the use of the ratios chosen.	
6	Describe the design value used for each averaging period modeled. 1-hour:	

16-M: Particulate Matter Modeling

1	Select the pollutants for which plume depletion modeling was used.		
		PM2.5	
		PM10	
		TSP	
		None	
2	Describe the particle size distributions used. Include the source of information.		
3	Was secondary PM modeled for PM2.5? Only required for PSD major modifications that are significant for NOx and/or SOx. Optional for minor sources, but allows use of high eighth high.	Yes	No

16-N: Setback Distances and Source Classification

1	Portable sources or sources that need flexibility in their site configuration requires that setback distances be determined between the emission sources and the restricted area boundary (e.g. fence line) for both the initial location and future locations. Describe the setback distances for the initial location.		
2	Describe the requested, modeled, setback distances for future locations, if this permit is for a portable stationary source. Include a haul road in the relocation modeling.		
3	The unit numbers in the Tables 2-A, 2-B, 2-C, 2-E, 2-F, and 2-I should match the ones in the modeling files. Do these match?	Yes	No
4	Provide a cross-reference table between unit numbers if they do not match. It's ok to place the table below section 16-N for easier formatting.		
5	The emission rates in the Tables 2-E and 2-F should match the ones in the modeling files. Do these match?	Yes	No
6	If not, explain why.		
7	Have the minor NSR exempt sources or Title V Insignificant Activities" (Table 2-B) sources been modeled?	Yes	No
8	Which units consume increment for which pollutants?		
9	PSD increment description for sources. (for unusual cases, i.e., baseline unit expanded emissions after baseline date).		
10	Are all the actual installation dates included in Table 2A of the application form, as required? This is necessary to verify the accuracy of PSD increment modeling.	Yes	No
11	If not please explain how increment consumption status is determined for the missing installation dates.		

16-O: Flare Modeling

1	For each flare or flaring scenario, complete the following			
	Flare ID (and scenario)	Average Molecular Weight	Gross Heat Release (cal/s)	Effective Flare Diameter (m)

16-P: Volume and Related Sources

1	Were the dimensions of volume sources different from standard dimensions in the Air Quality Bureau (AQB) Modeling Guidelines?	Yes	No
2	If the dimensions of volume sources are different from standard dimensions in the AQB Modeling Guidelines, describe how the dimensions were determined.		
3	Describe the determination of sigma-Y and sigma-Z for fugitive sources.		
4	Describe how the volume sources are related to unit numbers. Or say they are the same.		

5	Describe any open pits.
6	Describe emission units included in each open pit.

16-Q: Background Concentrations

1	Identify and justify the background concentrations used.		
2	Were background concentrations refined to monthly or hourly values?	Yes	No

16-R: Meteorological Data

1	Identify and justify the meteorological data set(s) used.
2	Discuss how missing data were handled, how stability class was determined, and how the data were processed, if the Bureau did not provide the data.

16-S: Terrain

1	Was complex terrain used in the modeling? If no, describe why.
2	What was the source of the terrain data?

16-T: Modeling Files

1	Describe the modeling files:		
	File name (or folder and file name)	Pollutant(s)	Purpose (ROI/SIA, cumulative, culpability analysis, other)

16-U: PSD New or Major Modification Applications

1	A new PSD major source or a major modification to an existing PSD major source requires additional analysis. Was preconstruction monitoring done (see 20.2.74.306 NMAC and PSD Preapplication Guidance on the AQB website)?	Yes	No
2	If not, did AQB approve an exemption from preconstruction monitoring?	Yes	No
3	Describe how preconstruction monitoring has been addressed or attach the approved preconstruction monitoring or monitoring exemption.		
4	Describe the additional impacts analysis required at 20.2.74.304 NMAC.		
5	If required, have ozone and secondary PM2.5 ambient impacts analyses been completed?		

16-V: Modeling Results

1	If ambient standards are exceeded because of surrounding sources, a culpability analysis is required for the source to show that the contribution from this source is less than the significance levels for the specific pollutant.
2	Identify the maximum concentrations from the modeling analysis.

Pollutant	Period	Facility Concentration (µg/m3)	Total Modeled Concentration (µg/m3)	Total Modeled Concentration (PPM)	Background Concentration	Cumulative Concentration	Standard	Value of Standard	Units of Standard, Background, and Total	Percent of Standard

16-W: Location of maximum concentrations

1	Identify the locations of the maximum concentrations.

Pollutant	Period	UTM East (m)	UTM North (m)	Elevation (ft)	Distance (m)	Radius of Impact (ROI) (m)

16-X: Summary/conclusions

1	A statement that modeling requirements have been satisfied and that the permit can be issued.

NEW MEXICO AIR QUALITY BUREAU
NSR & TV: IC ENGINES MONITORING PROTOCOL –
PERMIT TEMPLATE LANGUAGE
Version: May 26, 2017

Purpose. These guidelines are intended to help permit specialists include adequate monitoring conditions into construction or operating permits in accordance with 20.2.72.210 NMAC or 20.2.70.302 NMAC. These guidelines also help ensure consistency in monitoring conditions for all permits regardless of which permit specialist is assigned the permit.

All IC engines are combustion devices subject to 20.2.61 NMAC and opacity monitoring, unless they qualify for the exemption under 20.2.61.109 NMAC (see permit template for opacity language).

NOTE: If the affected unit is subject to 40 CFR 64, CAM Rule, the AQB standard conditions may not apply.

[NOTE: Each permit writer shall review, select, and adjust the requirements below according to the specific facility circumstances.]

NOTE: EXTERRAN – Engine Integrated Control System (EICS): It is important that the permit identify that this particular control device is installed on an engine so that an enforcement inspector knows to check if the control device is installed. This is an engine emissions control device that will automatically shut down an engine if emission limits are exceeded. The department has determined that this control device is part of the engine's "physical and operational design" with regard to the definitions of PER and PTE as applied to permitting, not as applied to NSPS/NESHAP. We may adjust the monitoring requirements for engines with this control device once we have experience in verifying that the control system performs as represented. For more information, see the presentation in aurora at: P:\AQB-Permits-Section\NSR-TV-Common\Permitting-Guidance-Documents\Engines\Exterran Engine Integrated Control System.

Engines

A. Maintenance and Repair Monitoring (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by properly maintaining and repairing the units.
Monitoring: Maintenance and repair shall meet the minimum manufacturer's or permittee's recommended maintenance schedule. Activities that involve maintenance, adjustment, replacement, or repair of functional components with the potential to affect the operation of an emission unit shall be documented as they occur for the following events: (1) Routine maintenance that takes a unit out of service for more than two hours during any twenty-four-hour period. (2) Unscheduled repairs that require a unit to be taken out of service for more than two hours in any twenty-four-hour period.
Recordkeeping: The permittee shall maintain records in accordance with Section B109,

including records of maintenance and repairs activities and a copy of the manufacturer's or permittee's recommended maintenance schedule.

Reporting: The permittee shall report in accordance with Section B110.

[Periodic Testing: Condition may be used for multiple scenarios; adjust as necessary and refer to flow diagram. For example, quarterly testing is required for units with controls and annual testing is required for uncontrolled units with total facility emissions ≥ 95 tpy for any pollutant.]

B. Periodic Emissions Testing (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by completing periodic emission tests during the monitoring period. **For TV Permits add** (NSR XXXX-MX, Condition AXXX.B and revised)

Monitoring: The permittee shall test using a portable analyzer or EPA Reference Methods subject to the requirements and limitations of Section B108, General Monitoring Requirements. Emission testing is required for NOx and CO [change reference to pollutants as necessary] and shall be carried out as described below.

[If the unit has VOC emission limits, include the following.]

Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits.

For units with g/hp-hr emission limits, in addition to the requirements stated in Section B108, the engine load shall be calculated by using the following equation:

$$\text{Load(Hp)} = \frac{\text{Fuel consumption (scfh) x Measured fuel heating value (LHV btu/scf)}}{\text{Manufacturer's rated BSFC (btu/bhp-hr) at 100\% load or best efficiency}}$$

(1) The testing shall be conducted as follows:

(a) Testing frequency shall be once per [quarter or year]

(b) The monitoring period is defined as [a calendar quarter, a calendar year], or [a custom schedule requested by the permittee].

(2) The first test shall occur within the first monitoring period occurring after permit issuance, [or within the first monitoring period after completion of the initial compliance test, if applicable.] **[or if testing was already required by the previous permit, use this instead:]** The tests shall continue based on the existing testing schedule.

(3) All subsequent monitoring shall occur in each succeeding monitoring period. No two monitoring events shall occur closer together in time than 25% of a monitoring period.

(4) The permittee shall follow the General Testing Procedures of Section B111. [add #5 if subject to testing in NSPS JJJJ/IIII or NESHAP ZZZZ] (5) Performance testing required by 40 CFR 60, Subpart JJJJ or IIII or 40 CFR 63, Subpart ZZZZ may be used to satisfy these periodic testing requirements if they meet the requirements of this condition and are completed during the specified monitoring period.

Recordkeeping: The permittee shall maintain records in accordance with Section B109, B110,

and B111.
Reporting: The permittee shall report in accordance with Section B109, B110, and B111.

[If C&E has approved an exemption for 30-day notification then replace (4) above with this:] (4) Follow the General Testing Procedures of Section B111. Due to the unique operation of this facility as a "peaking station or on-demand station", the Department exempts the permittee from the 30-day notification stated in General Condition B111.D(1). The permittee shall notify the department as soon as possible prior to the test.**] This was done in Permits P151R2, P155R2, P153R2M1, P154R3 for TWP.**

[Initial Compliance Test: TV permits shall determine if the required test has been completed or if the requirement must be brought forward.]

C. Initial Compliance Test (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing an initial compliance test.
Monitoring: The permittee shall perform an initial compliance test in accordance with the General Testing Requirements of Section B111. Emission testing is required for NOx and CO. [change reference to pollutants as necessary]. [If the unit has VOC emission limits, include the following.] Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits. The monitoring exemptions of Section B108 do not apply to this requirement. [TV: Add additional requirements from NSR Permit such as timeframe] For units with g/hp-hr emission limits, the engine load shall be calculated by using the following equation: Load(Hp) = $\frac{\text{Fuel consumption (scfh) x Measured fuel heating value (LHV btu/scf)}}{\text{Manufacturer's rated BSFC (btu/bhp-hr) at 100\% load or best efficiency}}$
Recordkeeping: The permittee shall maintain records in accordance with the applicable Sections in B109, B110, and B111.
Reporting: The permittee shall report in accordance with the applicable Sections in B109, B110, and B111.

[If the engine has a control device, include an operational requirement. Examples are provided below. Adjust as necessary for your particular situation. Do not list control device efficiencies in the requirement.]

D. Catalytic Converter Operation (Unit(s) X, Y, and Z)

Requirement: [Include and revise requirement(s) as necessary]. (1) The unit(s) shall be equipped and operated with an oxidation catalytic converter to control CO, VOC, and HAP emissions. Engines equipped with oxidation catalysts are not required to operate with an AFR. **(Note, this last sentence should not be included if there is an add-on**

AFR.) (2) The unit(s) shall be equipped and operated with a non-selective catalytic converter to control NOx, CO, and VOC emissions. These units shall also be equipped with an AFR controlling device, or similar device that performs the same function of maintaining an appropriate air-fuel ratio. The permittee shall maintain the units according to manufacturer's or supplier's recommended maintenance, including replacement of oxygen sensor as necessary for oxygen-based controllers.
Monitoring: The unit(s) shall be operated with the catalytic converter, which includes catalyst maintenance periods. During periods of catalyst maintenance, the permittee shall either (1) shut down the engine(s); or (2) replace the catalyst with a functionally equivalent spare to allow the engine to remain in operation.
Recordkeeping: The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

E. Air Fuel Ratio Operation (Unit(s) X, Y, and Z) [AFR only - add on device, not integral to unit]

Requirement: [Include and revise requirement(s) as necessary]. The unit(s) shall be equipped and operated with an AFR controlling device, or similar device that performs the same function of maintaining an appropriate air-fuel ratio. The permittee shall demonstrate that the manufacturer's or supplier's recommended maintenance is performed, including replacement of oxygen sensor as necessary for oxygen-based controllers.
Monitoring: The unit(s) shall be operated with the AFR, which includes maintenance periods. During periods of AFR maintenance, the permittee shall either (1) shut down the engine(s); or (2) replace the AFR with a functionally equivalent spare to allow the engine to remain in operation.
Recordkeeping: The permittee shall maintain records in accordance with Section B109, including a records of maintenance performed on AFR controllers and the manufacturer's or suppliers' recommended maintenance schedules for AFR Controllers.
Reporting: The permittee shall report in accordance with Section B110.

[Not applicable if engine is authorized to operate continuously – 8760 hours per year]

F. Hours of Operation (Unit(s) X, Y, and Z)

Requirement: To ensure compliance with allowable emission limits in Table 106.A, [insert requirement, for example only two of the three engines shall be operated at any one time].
Monitoring: The permittee shall monitor the dates and hours of operation for the units.
Recordkeeping: The permittee shall record the hours of operation daily, shall calculate and record the rolling 12-month total hours of operation, and shall meet the recordkeeping requirements in Section B109.
Reporting: The permittee shall report in accordance with Section B110.

G. Engine RPM (Unit(s) X, Y, and Z)

Requirement: [Insert operational requirement, for example] The unit shall be attached to a [insert make/model] compressor that physically limits the engine speed to XXX RPM.
Monitoring: Once each 12 months, the permittee shall verify that the unit is attached to the make and model of the compressor specified above.
Recordkeeping: The permittee shall maintain records of the annual monitoring and maintain manufacturer's documentation on file that shows the make, model, and maximum design speed of the compressor attached to the unit. The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

H. RPM governor or RPM limit switch (Unit(s) X, Y, and Z)

Requirement: The permittee shall install and operate an RPM governor or RPM limit switch, each with a tamper resistant seal.
Monitoring: The permittee shall check the proper function of the governor or limit switch every 12 months.
Recordkeeping: The permittee shall maintain records of the annual monitoring and documentation of the RPM governor or limit switch with seal. The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

I. Fuel Flow Rate (Unit(s) X, Y, and Z)

Requirement: [Add Operational Req.]
Monitoring: The permittee shall record the fuel flow/consumption for each unit (or for group of units if not available for each unit) once every 24 hours.
Recordkeeping: Each month, the permittee shall calculate and record the average fuel flow rate. The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

[Fuel analysis is not required for facilities that certify the use of natural gas in the permit application unless HAPs are an issue. Fuel Analysis may be required for facilities that use field natural gas.]

J. Fuel Content (Unit(s) X, Y, and Z)

Requirement: The permittee shall perform a fuel analysis at least every six months by methods acceptable to NMED.
Monitoring: At a minimum, this analysis or test method shall include H_2S, moisture, VOC, and a thermal heating value in BTU for the fuel.

Recordkeeping: The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

K. 40 CFR 60, Subpart JJJJ (Unit(s) X, Y, and Z) **[already installed units or when applicability is known]** [**Note for SoB:** Engines with Exterran EICS are considered non-certified engines (see 40 CFR 60.4243)]

Requirement: The unit(s) is/are subject to 40 CFR 60, Subparts A and JJJJ and shall comply with the notification requirements in Subpart A and the specific requirements of Subpart JJJJ.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4243.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.

L. 40 CFR 60, Subpart JJJJ (Unit(s) X, Y, and Z) [To be installed units] [**Note for SoB:** Engines with Exterran EICS are considered non-certified engines (see 40 CFR 60.4243)]

Requirement: The unit(s) will be subject to 40 CFR 60, Subparts A and JJJJ if the unit is constructed (ordered) and manufactured after the applicability dates in 40 CFR 60.4230 and the permittee shall comply with the notification requirements in Subpart A and the specific requirements of Subpart JJJJ.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4243.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.

Note Regarding 40 CFR 63, Subpart ZZZZ, engines with no applicable requirements.
For an engine that is subject to 40 CFR 63, Subpart ZZZZ at §§63.6585 and 6590(a), but does not have to meet the requirements of this subpart and of subpart A of this part, including initial notification (see §63.6590(b)(3)), and there are no applicable requirements in the NSR permit (e.g the unit is an emergency standby generator and NSR exempt per 20.2.72.202.B(3) NMAC or a fire pump engine and NSR exempt per 20.2.72.202.A(4) NMAC), be sure to include its NESHAP applicability determination in the Statement of Basis, but do not list the unit in Table 103-Applicable Regulations, do not include the generic Quad Z condition, and do not include any other Quad Z requirements in the permit. Initial notification as required in 63.6590(b)(1) and (b)(2) is considered an applicable requirement and therefore the unit should be included in the permit. Also, if the unit is meeting the requirements of Quad Z by meeting NSPS IIII or JJJJ (see §63.6590(c)), then the permit should list the unit in Table 103 and include the generic Quad Z condition.

Engines with no applicable requirements are Title V insignificant.

This guidance is based on the regulations as of March 25, 2013. (Note revised 2-03-15).

> *"40 CFR, 63.6585 You are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand."*
>
> *"§ 63.6590 What parts of my plant does this subpart cover?*
> *(b) Stationary RICE subject to limited requirements.*
> *(3) The following stationary RICE do not have to meet the requirements of this subpart and of subpart A of this part, including initial notification requirements:"*

M. 40 CFR 63, Subpart ZZZZ (Unit(s) X, Y, and Z) [already installed units or when applicability is known]

Requirement: The unit(s) is/are subject to 40 CFR 63, Subpart ZZZZ and the permittee shall comply with all applicable requirements of Subpart A and Subpart ZZZZ.
Monitoring: The permittee shall comply with all applicable monitoring requirements of 40 CFR 63, Subpart A and Subpart ZZZZ.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart ZZZZ, including but not limited to 63.6655 and 63.10.
Reporting: The permittee shall comply with all applicable reporting requirements of 40 CFR 63, Subpart A and ZZZZ, including but not limited to 63.6645, 63.6650, 63.9, and 63.10.

N. 40 CFR 63, Subpart ZZZZ (Unit(s) X, Y, and Z) [To be installed units]

Requirement: The unit(s) will be subject to 40 CFR 63, Subparts A and ZZZZ if they meet the applicability criteria in 40 CFR 63.6590. The permittee shall comply with any applicable notification requirements in Subpart A and any specific requirements of Subpart ZZZZ.
Monitoring: The permittee shall comply with all applicable monitoring requirements of 40 CFR 63, Subpart A and Subpart ZZZZ.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart ZZZZ, including but not limited to 63.6655 and 63.10.
Reporting: The permittee shall comply with all applicable reporting requirements of 40 CFR 63, Subpart A and ZZZZ, including but not limited to 63.6645, 63.6650, 63.9, and 63.10.

O. 40 CFR 64, CAM (Unit(s) X, Y, and Z) [TV permits only. When an IC Engine uses a control device and uncontrolled emissions are greater than 100 tpy]

Requirement: Compliance Assurance Monitoring (CAM) contained in 40 CFR 64 applies to this facility, and the permittee shall meet the requirements of the provisions contained in Subpart

3, 7, 9(a), and 9(b).
Monitoring: The permittee shall monitor exhaust gas temperature and percent oxygen [update to match parameters listed in the CAM Plan] concentration of the gas at the catalyst inlet pursuant to 40 CFR 64.3, and continue the monitoring operation pursuant to 40 CFR 64.7. The frequency of data collection shall be at least once every 24 hours per 40 CFR 64.3(b)(4)(iii).
Recordkeeping: The permittee shall comply with the recordkeeping requirements of 40 CFR 64.9(b).
Reporting: The permittee shall submit monitoring reports to the Department per 40 CFR 64.9(a).

P. 40 CFR 60, Subpart IIII (Unit(s) X, Y, and Z) **[diesel engines]**

Requirement: The unit is subject to 40 CFR 60, Subparts A and IIII and shall comply with the notification requirements in Subpart A and the specific requirements of Subpart IIII.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4211.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4214.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4214.

BACKGROUND INFORMATION
(Not for inclusion in permit)

NOTES

Note 1: We will not apply monitoring to IC engines that qualify for an exemption under 20.2.72.202 NMAC or 20.2.70 NMAC List of Insignificant Activities.

Note 2: For any monitoring, an emission limit or standard must be identified somewhere in the permit. For example, fuel usage should be compared to the appropriate calculated maximum; rpm should be compared to the value that limits horsepower.

Note 3: Periodic Emissions Testing: "Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits." The rationale for this statement is that the portable analyzers do not speciate VOC compounds and the cost of a separate EPA method test is significant; therefore, AQB relies on CO monitoring to demonstrate compliance with VOC limits. Taking into account that the manufacturer tests the equipment and specifies the expected NOx, CO, and VOC emissions for a unit operating properly, as well as basic principles of combustion chemistry, if an engine test demonstrates that CO concentration fall within the emission limits, then VOC also falls within the emission limits, and the engine is performing as represented in the application.

MONITORING GUIDANCE

1. Opacity must be measured for each engine to show compliance with 20.2.61 NMAC. Use of natural gas will constitute compliance without measurements if such fuel is identified in the application. Engines subject to 20.2.37 NMAC particulate matter requirements are exempt from 20.2.61 NMAC.

2. Annual Emissions Testing by portable analyzer is required for uncontrolled IC engines with emissions greater than 1 tpy and facility allowable emission limits greater than 95 tons per year.

3. Quarterly Emissions Testing by portable analyzer is required for IC engines which have control equipment (AFR, catalytic converter, etc.) installed for the purpose of limiting emission rates or for IC engines operated at crossover (equal NO_x and CO emissions) with an AFR.

4. Fuel Usage Recordkeeping used to be required in the 2001 Engine monitoring protocol and Supplemental Guidance to demonstrate compliance with a physical constraint (e.g. RPM limiting device) on and engine's capacity. Currently, the AQB only requires an RPM limiting device or the use of Governor with Seals to demonstrate that emissions are limited using deration schemes. We no longer use the 2001 Supplemental Guidance but this document can still be found in the monitoring protocol archives.

5. Fuel Analysis is required when HAPs are an issue for any IC engine, or for fugitive emission sources. Fuel Analysis may also be required for facilities that use field natural gas.

TESTING GUIDANCE

See EPA's Memorandum titled Issuance of the Clean Air Act National Stack Testing Guidance

dated February 2, 2004 for additional guidance.

For initial compliance testing:

1. All emission units (100%) above 180 hp shall be tested.
2. All emission units shall be tested by EPA Method if located within a sensitive area. Sensitive areas are defined as 1) within a non-attainment area, 2) within Areas Where Streamlined Permits Are Prohibited, or 3) a source for which the emissions exceed 80% of the NAAQS, not including background concentrations from other facilities. See Modeling Guidelines Document for these areas available at http://www.nmenv.state.nm.us/aqb/modeling/modelingpubs.html.
3. All emission units shall be tested unless the units are (1) identical; (2) located at the same facility; (3) operated and maintained in a similar manner; (4) the permit writer is satisfied that emissions from a representative sample of identical units at the facility are less than or equal to 50% of the applicable standard; and (5) the facility can demonstrate the ability to comply with this margin of compliance on an on-going basis.
4. For engines that meet the requirements in 3 above, only 50% of the engines are required to have an initial compliance test. Inconsistent test results may cause the remaining units to be tested.
5. All engines regardless of the type of turbocharging used (low or high) shall conduct initial compliance testing. The use of low speed or high speed turbochargers does not change the above initial test requirements.

Note: Purpose of adding in April 2015, to the engine monitoring protocol, the engine load calculation for stack testing. These statements are taken from a 2013 memo regarding an Area of Concern that was revealed during an inspection at a compressor station.

> "A review of emissions data during a current permit revision review process reveals a potential issue with the facility's determination of engine horsepower, load percent or fuel flow.
>
> The test data in question is from the November 17, 2010 and February 7, 2012 periodic testing of Emissions Unit 1a at the facility. This unit is a Superior, Model# 16SGTB, natural gas fired reciprocating engine.
>
> The test results from 2010 and 2012 report that the engine was operating at 39.7 and 40.0 percent (respectively) of full load which equates to 1053 and 1060 horsepower. The measured average fuel usage rate, of Unit 1a, during the three runs in 2010 was 3560 scf/hr and in 2012 was 4055 scf/hr. The measured fuel heating value of the natural gas was 1068 Btu/ft^3 in 2010 and 1019 in 2012 which means the engine's average fuel input was approximately 3.8 MMBtu/hr in 2010 and 4.13 MMBtu/hr in 2012. If the engine was actually operating at 1053 and 1060 horsepower, while burning 3.8 and 4.13 MMBtu/hr respectively, the Brake Specific Fuel Consumption (BSFC) would be:
>
> $$\text{BSFC(2010)} = \frac{\text{Fuel usage}}{\text{Horsepower}} = \frac{3{,}800{,}000 \text{ Btu/hr}}{1053 \text{ Hp}} = 3609 \text{ Btu/Hp-hr}$$
>
> and

$$\text{BSFC(2012)} = \frac{\text{Fuel usage}}{\text{Horsepower}} = \frac{4{,}130{,}000 \text{ Btu/hr}}{1060 \text{ Hp}} = 3896 \text{ Btu/Hp-hr}$$

BSFC is basically a measure of the efficiency of an engine, the lower the number the more efficient the engine. Published data from Superior lists maximum engine efficiency (lowest potential BSFC) for this engine model at 7100 Btu/Hp-hr at 100 percent load. The BSFC increases to 7150 at 83 percent load and 7680 at 66 percent load. Therefore, the reported BSFC cannot be accurate. Either the estimated load percent and horsepower or the measured fuel usage rate is in error.

Why is this important?

In this situation, the source is only limited to numerical mass emission rates (lbs/hr) that are not directly linked to engine output horsepower. Therefore, the potential error in the calculated load and horsepower is secondary to determining compliance with the permitted emissions limit.

However, if we assume the fuel usage measurement is incorrect, the calculated mass emission rates would also be inaccurate given the source used the Method 19 F-factor and the measured emission concentrations to determine mass emission rates. In order to determine accurately the mass emission rate from only a pollutant concentration and the Method 19 F-factor, an accurate measurement of the fuel flow rate and heat content (Btu/scf) is critical. Given the reported fuel efficiency (i.e. BSFC) is approximately one-half the minimum achievable for this engine (3600 vs. 7100), it is reasonable to assume the mass emission rates are also underestimated by approximately 50 percent."

NSR AND TV: IC ENGINES MONITORING

VERSION: March 6, 2015

NSR: ENGINE EMISSIONS ARE ≥ 1TPY
TV: ENGINE HAS NSR LIMITS OR THE PLANT IS MAJOR FOR NOx or CO

OPERATING SITUATION	All Engines with Controls (ie, AFR, Catalytic Converter) or Crossover with no AFR	Engine without controls and emission limits are > 1 tpy and facility has emissions > 95 tpy	New Units, or existing units never method or portable analyzer tested (>180 hp)	All Engines (Major and Area Sources for HAPs) subject to NSPS and/or MACT
MONITORING	Periodic Portable Analyzer Test and Control Device Operation	Periodic Portable Analyzer Test	Initial Compliance Test **(See IC Engine Monitoring Protocol – Background Information)**	NSPS JJJJ or NSPS IIII and/or MACT ZZZZ
MONITORING FREQUENCY	Periodic Emissions Test: Quarterly Control Device Operation: Ongoing	Periodic Emissions Test: Annual	Compliance Test: Per B111.A(2) (NSR Template)	NSPS / MACT: As required by regulation

NOTES:

1. Periodic Emissions Testing: "Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits." The rationale for this statement is that the portable analyzers do not speciate VOC compounds and the cost of a separate EPA method test is significant; therefore, AQB relies on CO monitoring to demonstrate compliance with VOC limits. See Monitoring Protocol for additional information.

NSR AND TV: IC ENGINES MONITORING

NSR: ENGINE EMISSIONS ARE ≥ 1TPY
TV: ENGINE HAS NSR LIMITS OR THE PLANT IS MAJOR FOR NOx or CO

OPERATING SITUATION	All Engines	Engines using Non Gaseous Fuel (diesel, etc.)	Engines with RPM Deration (Physcial Constraint)	Engine with control and PTE for uncontrolled pollutant > 100 tpy	Engine without controls and emission limits are > 1 tpy and facility has emissions > 95 tpy
MONITORING	Opacity (20.2.61NMAC) or Particulate Matter (20.2.37 NMAC for sour gas processing plants)	Opacity Measurements	Function Check of RPM Limit Switch or Governor	CAM PLAN	Maintenance & Repair
MONITORING FREQUENCY	Opacity/ Particulate Matter: See Template	Opacity Test (Method 9): 6 months and every 12 months thereafter	Function Check: Annual	CAM: As required by regulation	Documented as they occur

NOTES:

2. PTE: Potential to Emit: See 40 CFR 64 CAM Rule for definition and potential exemptions.

NEW MEXICO AIR QUALITY BUREAU
NSR & TV: GAS-FIRED HEATERS, FURNACES AND BOILERS MONITORING PROTOCOL - PERMIT TEMPLATE LANGUAGE
Version: August 18, 2017, Joe Kimbrell

Purpose. These guidelines are intended to help Title V and NSR permit specialists include consistent and adequate periodic monitoring conditions into operating and construction permits in accordance with 20.2.70 NMAC, sections 302.C, 302.D, and 302.E and 20.2.72 NMAC.
If the emission unit is a boiler (steam generator as defined by NSPS), and is an affected facility under 40 CFR 60 Subpart D, Da, Db, or Dc and/or 40 CFR 63, Subparts 6J or 5D, the permit specialist must consider if all of the monitoring suggested in this protocol is necessary.

Boilers/ Heaters

A. Operational Inspections of Boilers and/or Heaters (Unit(s) X, Y, and Z)

Requirement:

(1) Compliance with the allowable emission limits in Section A106 **[or use Table 106.A when there are no other conditions other than A106.A that establish limits. No conditions A106.B, C, or D.]** A106 shall be demonstrated by performing [annual, monthly, or weekly] inspections to ensure proper operation of the Unit. **[list other applicable emission limits if any].**
(2) At a minimum, the operational inspections shall meet those recommended by the manufacturer, or shall meet the facility specific procedure submitted to the Department.
(3) If the permittee is using a facility specific procedure it shall submit an electronic version of the procedure to the Department's Permit Section Manager within 90 days of implementing the procedure. If the plan cannot be submitted within 90 days, the permittee shall obtain written approval to extend the deadline from the Department's Permit Section, either by regular or electronic mail. The permittee shall provide additional information or make changes to the plan as requested by the Department.
(4) The permittee shall make changes or improvements to the inspection procedure based on experience with the unit and/or new information provided by the manufacturer. This updated procedure shall be made available to the Department upon request.

Monitoring:

(1) Inspections shall be completed at least once per [year, month, or week] or at the frequency recommended by the manufacturer.
(2) At a minimum, inspections shall include the following:
    (a) checking indicators to verify that the optimal amount of excess combustion air is introduced into the boiler combustion process such as a blue colored, steady flame;
    (b) inspections of the unit(s) components and housing for cracks or worn parts.

Recordkeeping:

(1) The permittee shall maintain records of operational inspections, including the indicators used to verify optimal excess combustion air, a description of the indicators, the unit component and housing inspections, and any adjustments needed to ensure optimal

operation of the unit.

(2) The permittee shall also keep records of the manufacturer's recommended or the permittee's facility specific operational inspection procedure and shall keep records of the percent of excess combustion air required for optimal performance.

(3) The permittee shall maintain records in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110. **[If used in a Technical Revision then add "…B110 in the general conditions of permit number XXXX-MX"]**

B. Direct Measurement of Excess Air (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable emission limits in Section [or Table] A106 shall be demonstrated by operating the unit with the optimal amount of excess combustion air and temperature to ensure optimal combustion efficiency. **{This condition is not required if unit has a CEMS}**

Monitoring:

(1) At least [semi-annually, monthly, weekly] the permittee shall monitor the excess air level introduced into the combustion process by direct measurement of O2 and of CO2 in the flue gas and flue gas temperature.

(2) The permittee shall sample the flue gas for a minimum of five consecutive minutes on each emissions stack.

(3) The analyzer measuring excess air in the flue gas shall conform to the calibration and maintenance procedures provided by the manufacturer.

Recordkeeping:

(1) The permittee shall maintain records of the measured flue gas excess air, the flue gas temperature, and the heater's/boiler's fuel flow rate.

(2) Records shall be kept of analyzer calibration, maintenance, and manufacturer's procedures.

(3) The permittee shall maintain records in accordance with Section B109.

Reporting: The permittee shall report according to Section B110.

C. Periodic Emissions Tests (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable emission limits in Section [or Table] A106 shall be demonstrated by performing periodic emissions tests during the monitoring period.

For TV Permits add (NSR XXXX-MX, Condition AXXX.B and revised)

Monitoring:

(1) The permittee shall test, using a portable analyzer or EPA Reference Methods subject to the requirements and limitations of Section B108, General Monitoring Requirements.

(2) Emission testing is required for NOx and CO [change reference to pollutants as necessary] and shall be carried out as described below.

[If the unit has VOC emission limits, include the following.]

(3) Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits.

(4) Testing Frequency:

(a) Tests shall be completed once per [quarter or year]

(b) The monitoring period is defined as [a calendar quarter, a calendar year], or [a custom schedule requested by the permittee].

(c) The first test shall occur within the first monitoring period occurring after permit issuance, [or within the first monitoring period after completion of the initial compliance test, if applicable]. **[or if testing was already required by the previous permit, use this instead:]** The tests shall continue based on the existing testing schedule.

(d) All subsequent testing shall occur in each succeeding monitoring period. No two monitoring events shall occur closer together in time than 25% of a monitoring period.

(5) The permittee shall follow the General Testing Procedures of Section B111.

[add #6 if subject to testing in MACT DDDDD]

(6) Performance testing required by 40 CFR 63, Subpart DDDDD may be used to satisfy these periodic testing requirements if they meet the requirements of this condition and are completed during the specified monitoring period.

Recordkeeping: The permittee shall maintain records in accordance with Section B109, B110, and B111.

Reporting: The permittee shall report in accordance with Section B109, B110, and B111.

D. 40 CFR 60, Subpart Dc (Unit(s) X, Y, and Z)

Requirement: The unit(s) is/are subject to 40 CFR 60, Subpart Dc and the permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A and Subpart Dc.

Monitoring: The permittee shall comply with all applicable monitoring and testing requirements of 40 CFR 60, Subpart Dc.

Recordkeeping: The permittee shall comply with the recordkeeping requirements of 40 CFR 60.48c.

Reporting: The permittee shall comply with the reporting requirements of 40 CFR 60.48c and the Section B110 of the permit.

E. Initial Compliance Test (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable emission limits in Section [or Table] A106 shall be demonstrated by performing initial compliance tests. [add other emission limits if any].

Monitoring:

(1) The permittee shall perform an initial compliance test in accordance with the General Testing Requirements of Section B111. Emission testing is required for NOx and CO.

[change reference to pollutants as necessary].

(2) [If the unit has VOC emission limits, include the following.] Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits.

(3) The monitoring exemptions of Section B108 do not apply to this requirement. [TV: Add additional requirements from NSR Permit such as timeframe]

Recordkeeping: The permittee shall maintain records in accordance with the applicable Sections in B109, B110, and B111.

Reporting:

(1) The permittee shall report in accordance with the applicable Sections in B109, B110, and B111.
(2) The test report shall also include the gas flow rate (or generator load), the stack gas temperature, the level of excess air, and the percent moisture.

F. Fuel Usage (Unit(s) X, Y, and Z) **[For Heater/Boiler that is permitted below its full ER and the ER is ≥ 25 TPY NO_X or CO; calculations should be based on LHV and fuel consumption rate less than maximum or else this condition is not needed. If unit is operating at 8760 and full capacity this condition is not necessary. Periodic testing is enough.]**

Requirement: Compliance with the allowable tpy emission limits in Section [or Table] A106 shall be demonstrated by [add other limits if any] not exceeding the annual fuel usage of **{insert operational requirement} XXXX.X MMSCF/yr**. [use the condition to heat rate rather than fuel flow rate if requested by the permittee. Although more records are required, some permittees prefer a heat rate limit to allow for variation in the fuel heat content]

Monitoring:

(1) During all times of operation, the permittee shall monitor the monthly fuel flow rate using a properly calibrated fuel flow meter equipped with a chart recorder or datalogger (electronic storage).
(2) Once per year, the permittee shall measure the fuel heating value by a direct analysis of the fuel or determine it by records from a commercial fuel supplier.

Recordkeeping:

(1) The permittee shall maintain records of the fuel flow meter calibrations and maintenance.
(2) Each month, the permittee shall calculate and record the total month's fuel usage.
(3) During the first 12 months of monitoring, each month the permittee shall record the total fuel used to date.
(4) After the first 12 months of monitoring, the permittee shall record a monthly rolling 12-month total fuel usage.
(5) The permittee shall record the fuel heating value and re-calculate the ton per year emission rates of each pollutant based on the current Lower Heating Value (LHV) of the fuel and the annual fuel usage. The permittee shall record both the HHV and the LHV.
(6) The permittee shall maintain records in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110.

G. Heat Input Monitoring (Unit(s) X, Y, and Z): A MMBtu/hr condition was considered but was ultimately decided it was not much different that the Fuel Usage in Condition F above. Condition F is currently written to demonstrate compliance with tpy rate but could easily be changed for pph demonstration. Examples of a heat input condition was never provided.

H. MACT Subpart DDDDD, Industrial, Commercial, and Institutional Boilers and Process Heaters (All Boiler/Heaters)

Requirement: The unit is subject to 40 CFR 63, Subpart DDDDD and the permittee shall comply with the applicable requirements of 40 CFR 63, Subpart A and Subpart DDDDD.

Monitoring: The permittee shall comply with all applicable monitoring and testing requirements of 40 CFR 63, Subpart A and Subpart DDDDD.
Recordkeeping: The permittee shall comply with the applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart DDDDD.
Reporting: The permittee shall comply with the applicable reporting requirements of 40 CFR 63, Subpart A and Subpart DDDDD and the Section B110 of the permit.

I. MACT Subpart JJJJJJ (6J), National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources)

Requirement: The unit is subject to 40 CFR 63, Subpart JJJJJJ and the permittee shall comply with the applicable requirements of 40 CFR 63, Subpart A and Subpart JJJJJJ.
Monitoring: The permittee shall comply with all applicable monitoring and testing requirements of 40 CFR 63, Subpart A and Subpart JJJJJJ.
Recordkeeping: The permittee shall comply with the applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart JJJJJJ.
Reporting: The permittee shall comply with the applicable reporting requirements of 40 CFR 63, Subpart A and Subpart JJJJJJ and the Section B110 of the permit.

BACKGROUND INFORMATION

(Not for inclusion in permit)

In New Mexico, most industrial heaters, boilers, and furnaces[1] are found at oil and gas processing plants. Some heaters can be found at compressor stations but these are used for dehydration and tend to be small. Industrial size heaters can also be found at manufacturing plants, such as Intel, but due to our state's small industrial base, there are few manufacturing plants large enough to require large heaters. Most gas-burning heaters burn sweet natural gas (i.e. <10 ppm H_2S) except heaters at refineries which often burn refinery fuel consisting of hydrogen/methane/ethane with as much as 160 ppm H_2S.

Character of Emissions. Emissions from natural gas fired heaters consist almost exclusively of NO_x and CO. Emissions of particulates, sulfur oxides, and VOCs tend to be negligible compared to emissions of NO_x and CO and will not be considered in this document. SO_2 is only of concern at heaters located in refineries when refinery fuel gas is burned. But even here, SO_2 emissions are usually monitored by an H_2S fuel-line CEM required by NSPS Subpart J. The three refineries in the state burn refinery fuel gas.

As with all combustion sources, the minimum emissions of NO_x, the minimum emissions of CO, and the heater's overall thermal efficiency occur at different operational settings. The operator is therefore faced with tradeoffs that inevitably result in a set of emissions levels and a thermal efficiency that, although not optimal for either, result in satisfactory operation of the heater and result in emissions levels that are within the permitted values.

NO_x Formation. Almost all NO_x from natural gas fired heaters is thermal NO_x. Fuel bound NO_x and prompt[2] NO_x account for negligible amounts of pollutant. NO_x emissions are of primary concern due to the state's restrictive 24-hour ambient standard for NO_x. It is uncommon for CO emissions from a heater to threaten ambient standards, although a unit operated at too low a value of excess air (less than about 1%) can inadvertently cause the CO emissions to rise dramatically.

Not only do the operating conditions determine the NO_x and CO emissions levels, but the design of the combustion chamber also affects the emissions.

Burner design strategies used to minimize NO_x. Lo-NO_x heaters, known more appropriately as staged combustion heaters, succeed in reducing NO_x primarily by lowering the flame temperature and O_2 concentration to reduce the amount of thermal NO_x. The lo-NO_x burner achieves its goal by means of two stage combustion. The gas first burns in a zone low in excess oxygen. Combustion is completed at high excess air in a secondary combustion zone.

A second NO_x reduction strategy is exhaust gas recirculation (EGR) in which a portion of the exhaust gas is premixed with the fuel prior to the fuel entering the combustion chamber. The

[1]The generic term "heater" will be used henceforth to indicate all heaters, furnaces, and boilers.

[2]Prompt NO_x is NO_x formed in low temperature flames by the action of C, CH, and CH_2 radicals on molecular nitrogen and subsequent formation of NO_x. See reference 3.

buffering effects of the added exhaust moderate the flame temperature thereby preventing the copious formation of thermal NO_x.

Some heaters use both staged combustion and EGR to reduce NO_x emissions.

Operational controls used to minimize NO_x: limiting excess combustion air. The amount of excess combustion air is the single most significant operational parameter that limits NO_x production from industrial heaters. Although some excess air is necessary to ensure complete combustion, air in excess of that required for efficient combustion raises the production of thermal NO_x. Figures 1, 2, and 3 illustrate how NO_x formation depends on excess O_2.

Figure 1 shows the increasing trend of NO_x concentration (normalized to 3% oxygen) on excess air for a variety of heaters. Figure 2 clearly shows for staged (i.e. lo-NO_x) burners the importance of controlling the level of excess oxygen to reduce NO_x formation. Figure 3 shows that in methane-air flames a dramatic increase in NO_x occurs with increasing excess air. Note also that NO_x formation occurs primarily in the post flame region. Excess air should in general not be allowed to fall below about 1% since the CO level could increase many fold.

Add-on controls to minimize NO_x. Reduction of NO_x emissions by use of add-on control equipment is not commonly encountered. Selective catalytic reduction (SCR) using ammonia to reduce the NO_x to N_2 is occasionally used but no such control unit is known to be in operation in New Mexico. Use of SCR is problematic because the operator must exercise careful control of the ammonia injection rate to prevent the notorious ammonia slip problem.

Combustion Analyzers. A portable combustion analyzer may be used for monitoring flue gas from heaters. The analyzer should be capable of measuring the concentrations of NO_x, CO, and O_2. For some heaters, an O_2 sensor by itself would be sufficient.

Portable combustion analyzers range in price from about $1000 for a simple analyzer that only has an O_2 sensor to about $20,000 for a highly stable, sophisticated unit with sensors for NO_x, CO, SO_2, VOC, and O_2 as well as a pitot tube for flow measurement.

The capability to measure NO_x, CO, and O_2 is especially important for heaters that have stack test results on record and for heaters that have fuel flow meters. In the former case, the monitored values can be compared to the test results as a check on proper operation of the heater.

If a reliable fuel flow meter is in operation, the NO_x, CO, and O_2 concentration data can be combined with the fuel feed rate to obtain NO_x and CO emissions rates. Either F-factors or simple stoichiometric relations can be used to derive stack flow from measurements of fuel flow and excess O_2. The accuracy of these measurements is expected to be around $\pm$20% when using a properly calibrated analyzer and a properly calibrated fuel flow meter.

Stack flow can also be measured using a Pitot tube traverse in accordance with EPA Methods 1 and 2.

JUSTIFICATION

(Not for inclusion in permit)

Operational Inspections. Operational inspections are very important to ensure proper operation of the heater. These inspections were included in the monitoring since they allow the operator to determine almost at a glance whether the heater is operating properly. The inspection is a qualitative test for the level of excess air.

Equipment Inspections. Equipment inspections ensure that repairs will be undertaken to allow the heater to operate properly. An improperly operating heater could result in excess emissions of CO.

Excess Air Checks. The direct measurement of excess air using an electronic analyzer or an ORSAT apparatus was included to ensure that the heater operates within the recommended excess air range. A lack of air causes the CO emissions to soar while too much air causes the NO_x to soar.

Emissions Tests. These tests were included for the larger heaters to ensure that they operate within the permitted limits.

EPA Methods Test. To ensure compliance with CO and NO_x limits, all heaters with a P.E.R. greater than 25 TPY NO_x or CO will need to undergo a full EPA set of tests if no test has been carried out within the previous ten years.

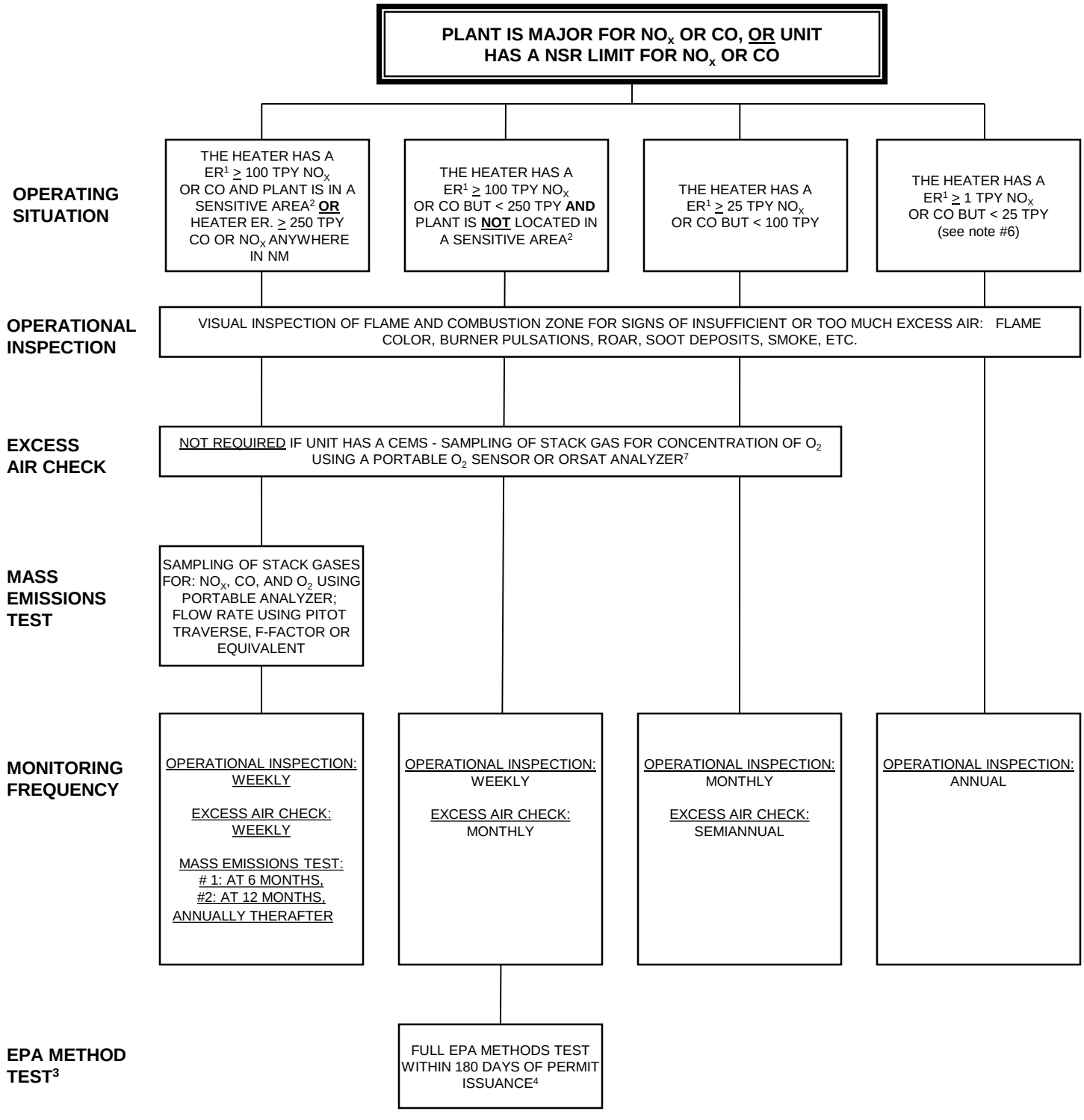
REFERENCES

1. Student Manual, APTI Course 427, Combustion Evaluation, EPA 450/2-80-063, February 1980, primarily Chapter 7 (Gaseous Fuel Burning); and Chapter 16 (NO_x Control).

2. Energy, Combustion, and Environment, Norman Chigier, McGraw Hill, 1981, primarily Chapter 8, Formation and Control of Pollution in Flames.

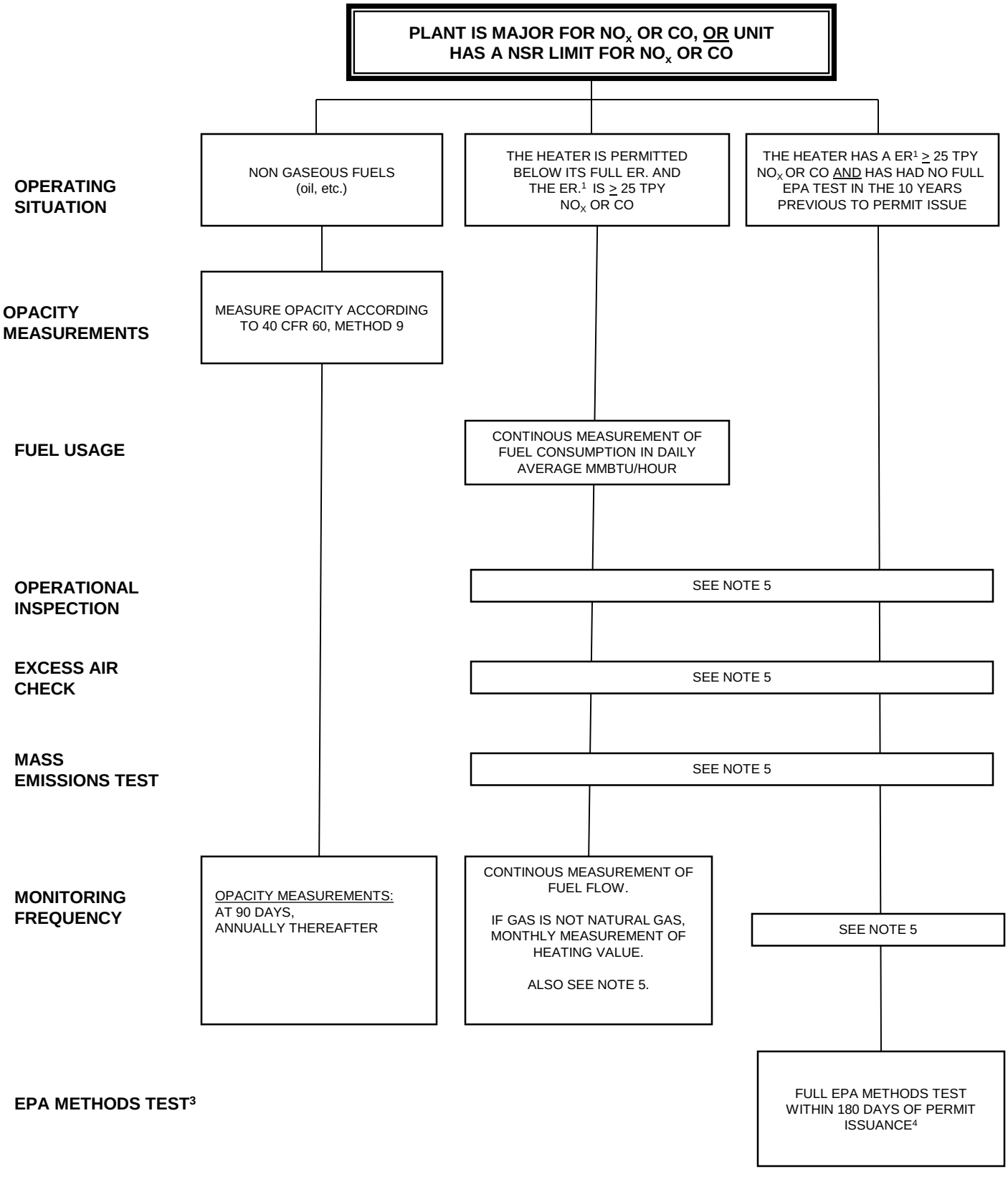
3. Air Pollution Control Engineering, Noel De Nevers, McGraw Hill, 1995, primarily Chapter 12 (Control of Nitrogen Oxides).

MONITORING FOR GAS-FIRED HEATERS, FURNACES AND BOILERS AT TITLE V SOURCES
VERSION MAY 28, 2009, Page 1



NOTE: If the emission unit is a boiler (steam generating unit) and NSPS applies under 40CFR60 Subpart D, Da, Db, or Dc, then the permit engineer must consider if the monitoring in this protocol is needed.

MONITORING FOR GAS-FIRED HEATERS, FURNACES AND BOILERS AT TITLE V SOURCES
VERSION MAY 28, 2009, Page 2



NOTE: If the emission unit is a boiler (steam generating unit) and NSPS applies under 40CFR60 Subpart D, Da, Db, or Dc, then the permit engineer must consider if the monitoring in this protocol is needed.

10/1/03, jwk: Initial Emissions Test change to EPA Method Test.

NOTES:

The purpose of this protocol is to determine monitoring requirements for emissions. Operational constraints are monitored by imposing record keeping requirements or other appropriate means.

1. ER. = Emission Rate means the emission rate of a heater at its maximum capacity to emit in the absence of air pollution control equipment which is not vital to its normal operation. If a unit has a permit condition limiting hours of operation or imposing another operational/physical limit, then these limits are included in determining ER.

. For purposes of this document, a staged combustion LO-NOx burner is not considered a control, but flue gas recirculation, due to the adjustable nature of the recirculation, is considered a control. If a unit has a permit condition limiting hours of operation or imposing another operational physical limit, the permit needs to impose monitoring to ensure compliance with that condition. (see the leftmost column on page 2.)

2. A sensitive area is a) a designated restricted area for streamline permits; b) the plant location for a plant whose NOx emissions exceed 80% of the NAAQS, excluding background concentrations from other plants, c) a non-attainment area for NOx, Ozone, or CO.

3. For multiple units of the same make and model, at least 50% must be tested. Other units must at least have their excess combustion air measured. Inconsistent test results may cause all remaining units to be tested. All units must be tested if plant is located in a sensitive area.

4. EPA Method test waived if full EPA test acceptable to the Department has been carried out in the five (5) years previous to permit issue.

5. See appropriate monitoring in another category on this page or previous page if that category also pertains to the heater.

6. If NOx or CO emission rate is < 1 tpy and has a NSR emission limit, then identify the unit and the emission limit in the permit, but monitoring is not needed.

7. Boilers/heaters with CEMS (continuous emissions monitoring system) are not required to manually undergo excess air checks since these systems already measure O_2 concentration.

NSR/TV: FLARE MONITORING PROTOCOL –
PERMIT TEMPLATE LANGUAGE – REGULATORY
Version: July 12, 2017

Purpose. These guidelines are intended to help permit specialists include adequate monitoring conditions into construction or operating permits in accordance with 20.2.72.210 NMAC or 20.2.70.302 NMAC. These guidelines also help ensure consistency in monitoring conditions for all permits regardless of which permit specialist is assigned the permit. All conditions in Title V permits must cite the authority or underlying applicable requirement upon which the condition is based, 20.2.70.302.A(1)(c). The SOB must include an explanation and basis for imposing the condition.

NOTE: Each permit writer shall review and adjust the requirements below according to the specific facility circumstances. If the flare is being permitted for SSM and/or malfunction emissions, see the separate monitoring protocol for Flare SSM & Malfunction.

Permit specialists need to verify that the regulatory citations used for the suggested SOB justifications apply to their situation or if another citation should be used.

FEDERAL REGULATIONS - Flares used as a control device to comply with NSPS, NESHAP, and/or MACT regulations.
Permit specialists must verify that the flare is subject to one or more of the federal regulations referenced below.

LANDFILLS - NSPS WWW

A. Flare Testing Requirements, 40 CFR 60, Subpart WWW and 20.2.61 NMAC (Unit XX)

Requirement: Compliance with the visible emissions, flare gas heating value and exit velocity requirements at 40 CFR §60.18 shall be demonstrated by conducting a performance test as specified in the Monitoring section below. Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
Monitoring: The permittee shall conduct a performance test on the flare in accordance with the requirements at 40 CFR §60.754, and the requirements at 40 CFR 60, Subpart A, §§60.8 (performance tests) and 60.18 (general control device requirements).
Recordkeeping: The permittee shall maintain records of the flare(s) performance test results in accordance with the requirements at 40 CFR §60.758 and Section B109.
Reporting: The permittee shall report in accordance with the requirements at 40 CFR §60.757 and Sections B110 and B111.

B. Flare Operating Requirements, 40 CFR 60, Subpart WWW and 20.2.61 NMAC (Unit XX)

Requirement:
Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by 40 CFR §60.756 and the general control device requirements at 40 CFR §60.18. Compliance with the operating requirements at 40 CFR §§60.18 and 756 demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring:
The permittee shall monitor flare operation in accordance 40 CFR §60.756 and with the applicable requirements at 40 CFR §60.18.
Recordkeeping:
The permittee shall maintain records of flare operation in accordance with the applicable requirements at 40 CFR §§60.18 and 60.758 and with the requirements of Section B109.
Reporting:
The permittee shall report in accordance with the requirements of Section B110.

LANDFILLS - NSPS XXX

PLEASE NOTE - At 82 FR 24879, May 31, 2017, subpart XXX was stayed from May 31, 2017 until Aug. 29, 2017. Please check the federal register to determine whether or not the stay is still in effect.

A. Flare Testing Requirements, 40 CFR 60, Subpart XXX and 20.2.61 NMAC (Unit XX)

Requirement:
Compliance with the visible emissions, flare gas heating value and exit velocity requirements at 40 CFR §60.18 shall be demonstrated by conducting a performance test as specified in the Monitoring section below. Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
Monitoring:
The permittee shall conduct a performance test on the flare in accordance with the requirements at 40 CFR §60.764, and the requirements at 40 CFR 60, Subpart A, §§60.8 (performance tests) and 60.18 (general control device requirements).
Recordkeeping:
The permittee shall maintain records of the flare(s) performance test results in accordance with the requirements at 40 CFR §60.768 and Section B109.
Reporting:
The permittee shall report in accordance with the requirements at 40 CFR §60.767 and Sections B110 and B111.

B. Flare Operating Requirements, 40 CFR 60, Subpart XXX and 20.2.61 NMAC (Unit XX)

Requirement:
Flares(s) shall comply with the operational requirements (including but not limited to flame

presence and no visible emissions) specified by 40 CFR §60.766 and the general control device requirements at 40 CFR §60.18. Compliance with the operating requirements at 40 CFR §§60.18 and 766 demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: The permittee shall monitor flare operation in accordance 40 CFR §60.766 and with the applicable requirements at 40 CFR §60.18.
Recordkeeping: The permittee shall maintain records of flare operation in accordance with the applicable requirements at 40 CFR §§60.18 and 60.768 and with the requirements of Section B109.
Reporting: The permittee shall report in accordance with the requirements of Section B110.

REFINERIES - NSPS GGG/GGGa

A. Flare Testing Requirements, 40 CFR 60, Subpart [GGG/GGGa] and 20.2.61 NMAC (Unit XX)

Requirement: Compliance with the visible emissions, flare gas heating value and exit velocity requirements at 40 CFR §60.18 shall be demonstrated by conducting a performance test as specified in the Monitoring section below. Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
Monitoring: The permittee shall conduct a performance test on the flare in accordance with the requirements at 40 CFR §[60.485/485a], and the requirements at 40 CFR 60, Subpart A, §§60.8 (performance tests) and 60.18 (general control device requirements).
Recordkeeping: The permittee shall maintain records of the flare(s) performance test results in accordance with the requirements at Section B109.
Reporting: The permittee shall report in accordance with the requirements at 40 CFR §[60.487/60.487a] and Sections B110 and B111.

B. Flare Operating Requirements, 40 CFR 60, Subpart [GGG/GGGa] and 20.2.61 NMAC (Unit XX)

Requirement: Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by the general control device requirements at 40 CFR §60.18. Compliance with the operating requirements at 40 CFR §60.18 demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: The permittee shall monitor flare operation in accordance with the applicable requirements at

40 CFR §60.18.
Recordkeeping: The permittee shall maintain records of flare operation in accordance with the applicable requirements at 40 CFR §§60.18 and [60.486/60.486a] and with the requirements of Section B109.
Reporting: The permittee shall report in accordance with the requirements of Section B110.

GAS PLANTS - NSPS KKK

C. Flare Testing Requirements, 40 CFR 60, Subpart KKK and 20.2.61 NMAC (Unit XX)

Requirement: Compliance with the visible emissions, flare gas heating value and exit velocity requirements at 40 CFR §60.18 shall be demonstrated by conducting a performance test as specified in the Monitoring section below. Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
Monitoring: The permittee shall conduct a performance test on the flare in accordance with the requirements at 40 CFR §60.485, and the requirements at 40 CFR 60, Subpart A, §§60.8 (performance tests) and 60.18 (general control device requirements).
Recordkeeping: The permittee shall maintain records of the flare(s) performance test results in accordance with the requirements at Section B109.
Reporting: The permittee shall report in accordance with the requirements at 40 CFR §60.487 and Sections B110 and B111.

D. Flare Operating Requirements, 40 CFR 60, Subpart KKK and 20.2.61 NMAC (Unit XX)

Requirement: Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by the general control device requirements at 40 CFR §60.18. Compliance with the operating requirements at 40 CFR §60.18 demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: The permittee shall monitor flare operation in accordance with the applicable requirements at 40 CFR §60.18.
Recordkeeping: The permittee shall maintain records of flare operation in accordance with the applicable requirements at 40 CFR §§60.18 and 60.486 and with the requirements of Section B109.
Reporting:

The permittee shall report in accordance with the requirements of Section B110.

GAS PLANTS - NSPS OOOO/OOOOa

A. Flare Testing Requirements, 40 CFR 60, Subpart [OOOO/OOOOa] and 20.2.61 NMAC (Unit XX)

Requirement: Compliance with the visible emissions, flare gas heating value and exit velocity requirements at 40 CFR §60.18 shall be demonstrated by conducting a performance test as specified in the Monitoring section below. Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
Monitoring: The permittee shall conduct a performance test on the flare in accordance with the requirements at 40 CFR §60.485a, and the requirements at 40 CFR 60, Subpart A, §§60.8 (performance tests) and 60.18 (general control device requirements).
Recordkeeping: The permittee shall maintain records of the flare(s) performance test results in accordance with the requirements at Section B109.
Reporting: The permittee shall report in accordance with the requirements at 40 CFR §60.487a and Sections B110 and B111.

B. Flare Operating Requirements, 40 CFR 60, Subpart [OOOO/OOOOa] and 20.2.61 NMAC (Unit XX)

Requirement: Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by the general control device requirements at 40 CFR §60.18. Compliance with the operating requirements at 40 CFR §60.18 demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: The permittee shall monitor flare operation in accordance with the applicable requirements at 40 CFR §60.18.
Recordkeeping: The permittee shall maintain records of flare operation in accordance with the applicable requirements at 40 CFR §§60.18 and 60.486a and with the requirements of Section B109.
Reporting: The permittee shall report in accordance with the requirements of Section B110.

GAS PLANTS - MACT HH

A. Flare Testing Requirements, 40 CFR 63, Subpart HH and 20.2.61 NMAC (Unit XX)

Requirement: In accordance with the requirements at 40 CFR §63.772, flares designed and operated in accordance with the requirements at 40 CFR §63.11(b) are exempt from the requirements to conduct a performance test to demonstrate compliance with flare gas heating value and exit velocity requirements. The flare shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Compliance with the visible emissions requirements shall be demonstrated by conducting a visible emissions observation as specified in the Monitoring section below. Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
Monitoring: As required by 40 CFR §63.772, and the requirements at 40 CFR 63, Subpart A, §§63.7 (performance tests) and 63.11 (general control device requirements), the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix B, Reference Method (RM) 22. The observation period is 2 hours.
Recordkeeping: The permittee shall maintain records of the flare(s) performance test results in accordance with the requirements at 40 CFR §63.774 and Section B109.
Reporting: The permittee shall report in accordance with the requirements at 40 CFR §63.775 and Sections B110 and B111.

B. Flare Operating Requirements, 40 CFR 63, Subpart HH and 20.2.61 NMAC (Unit XX)

Requirement: Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by the general control device requirements at 40 CFR §63.11. Compliance with the operating requirements at 40 CFR §63.11 demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: The permittee shall monitor flare operation in accordance with the applicable requirements at 40 CFR §63.11.
Recordkeeping: The permittee shall maintain records of flare operation in accordance with the applicable requirements at 40 CFR §§63.11 and 63.774 and with the requirements of Section B109.
Reporting: The permittee shall report in accordance with the requirements 40 CFR §63.775 and of Section B110.

CENTRIFUGAL COMPRESSOR AFFECTED FACILITIES - NSPS OOOO/OOOOa

A. Flare Testing Requirements, 40 CFR 60, Subpart [OOOO/OOOOa] and 20.2.61 NMAC (Unit 5)

Requirement: In accordance with the requirements at 40 CFR §[60.5413/5413a], flares designed and operated in accordance with the requirements at 40 CFR §60.18(b) are exempt from the requirements to conduct a performance test to demonstrate compliance with flare gas heating value and exit velocity requirements. The flare shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Compliance with the visible emissions requirements shall be demonstrated by conducting a visible emissions observation as specified in the Monitoring section below. Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
Monitoring: As required by 40 CFR §[60.5413/60.5413a], and the requirements at 40 CFR 60, Subpart A, §§60.8 (performance tests) and 60.18 (general control device requirements), the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix B, Reference Method (RM) 22. The observation period is 2 hours.
Recordkeeping: The permittee shall maintain records of the flare(s) performance test results in accordance with the requirements of Section B109.
Reporting: The permittee shall report in accordance with the requirements of Sections B110 and B111.

B. Flare Operating Requirements, 40 CFR 60, Subpart [OOOO/OOOOa] and 20.2.61 NMAC (Unit XX)

Requirement: Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by the general control device requirements at 40 CFR §60.18 and the requirements at 40 CFR §[60.5415/5415a]. Compliance with the operating requirements at 40 CFR §§60.18 and [60.5415/5415a] demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: The permittee shall monitor flare operation in accordance with the applicable requirements at 40 CFR §§60.18, [60.5415/5415a] and [60.5417/5417a].
Recordkeeping: The permittee shall maintain records of flare operation in accordance with the applicable requirements at 40 CFR §§60.18 and [60.5420/5420a] and with the requirements of Section B109.
Reporting:

The permittee shall report in accordance with the requirements 40 CFR §[60.5420/5420a] and of Section B110.

FACILITIES SUBJECT TO MULTIPLE FEDERAL REQUIREMENTS

If a facility has a flare that is subject to more than one of the federal requirements listed above, you may combine the citations into the conditions below.

A. Flare Testing Requirements 40 CFR 6X, Subpart XXX and 20.2.61 NMAC (Unit(s) X, Y, and Z) [for flares required as a control device to comply with NSPS, NESHAP, or MACT.]

Requirement: [Choose all that apply and delete language that does not apply]

[For flares(s) used as a control device to meet the requirements of a subpart in 40 CFR 60, 40 CFR 61 or 40 CFR 63] compliance with the visible emissions, flare gas heating value and exit velocity requirements at 40 CFR [§60.18 or §63.11] shall be demonstrated by conducting a performance test. [Unless exempted or modified by a specific regulation. If exempted from performance testing, insert the citation for the specific exemption.]

Compliance with the testing requirements in this condition demonstrates compliance with the opacity limits required in 20.2.61 NMAC.

Monitoring: [Choose all that apply and delete language that does not apply]

The permittee shall conduct a performance test, if applicable, on the flare(s) in accordance with [any applicable specific requirements in 40 CFR 60], and the requirements at 40 CFR 60, Subpart A, §§60.8 (performance tests) and 60.18 (general control device requirements). [and/or]

The permittee shall conduct a performance test, if applicable, on the flare(s) in accordance with [any applicable specific requirements in 40 CFR 61], and any applicable requirements at 40 CFR §60.18 (general control device requirements). [and/or]

The permittee shall conduct a performance test, if applicable, on the flare(s) in accordance with [any applicable specific requirements in 40 CFR 63], and the requirements at 40 CFR 63, Subpart A, §§63.7 (performance testing) and 63.11 (control device requirements).

Recordkeeping: [Choose all that apply and delete language that does not apply]

The permittee shall maintain records of the flare(s) performance test results, if applicable, [in accordance with the applicable Subpart in 40 CFR 60 (if any) and] in accordance with the requirements of Section B109. [and/or]

The permittee shall maintain records for the flare(s) performance test results, if applicable, [in accordance with the applicable Subpart in 40 CFR 61 (if any)], in accordance with the General Provisions in 40 CFR 61 and in accordance with the requirements of Section B109. [and/or]

The permittee shall maintain records for the flare(s) performance test results, if applicable, [in accordance with the applicable Subpart in 40 CFR 63 (if any) and], in accordance with any applicable requirements at 40 CFR §63.10, and with the requirements of Section B109.

Reporting: [Choose all that apply and delete language that does not apply]

The permittee shall report [in accordance with the applicable Subpart in 40 CFR 60 (if any) and] in accordance with the requirements of Sections B110 and B111. [and/or]

The permittee shall report [in accordance with the applicable Subpart in 40 CFR 61 (if any), and] in accordance with the requirements of Sections B110 and B111. [and/or]

The permittee shall report [in accordance with the applicable Subpart in 40 CFR 63 (if any) and],

in accordance with any applicable requirements at 40 CFR §63.10 and the requirements of Sections B110 and B111.

B. Flare Operating Requirements 40 CFR 6X, Subpart XXX and 20.2.61 NMAC (Unit(s) X, Y, and Z) [for flares required as a control device to comply with NSPS, NESHAP, or MACT.]

Requirement: [Choose all that apply and delete language that does not apply] Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by [the specific subpart in 40 CFR 60 (if any) and] the general control device requirements at 40 CFR §60.18. Compliance with the operating requirements of 40 CFR 60 demonstrates compliance with the opacity limits required by 20.2.61 NMAC. [and/or] Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by [the specific subpart in 40 CFR 61 (if any) and] the general control device requirements at 40 CFR §60.18. Compliance with the operating requirements of 40 CFR 61 demonstrates compliance with the opacity limits required by 20.2.61 NMAC. [and/or] Flares(s) shall comply with the operational requirements (including but not limited to flame presence and no visible emissions) specified by [the specific subpart in 40 CFR 63 (if any) and] the general control device requirements at 40 CFR §63.11. Compliance with the operating requirements of 40 CFR 63 demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: [Choose all that apply] The permittee shall monitor flare operation in accordance [with the specific subpart in 40 CFR 60 (if any) and] with the applicable requirements at 40 CFR §60.18. [and/or] The permittee shall monitor flare operation in accordance [with the specific subpart in 40 CFR 61 (if any) and] with the applicable requirements at 40 CFR §60.18. [and/or] The permittee shall monitor flare operation in accordance [with the specific subpart in 40 CFR 63 (if any) and] with the applicable requirements at 40 §CFR 63.11.
Recordkeeping: [Choose all that apply] The permittee shall maintain records of flare operation [in accordance with the specific Subpart in 40 CFR 60 (if any) and] in accordance with the applicable requirements of 40 CFR §60.18 and with the requirements of Section B109. [and/or] The permittee shall maintain records of flare operation [in accordance with the specific Subpart in 40 CFR 61 (if any) and] in accordance with the applicable requirements of 40 CFR §§60.18, 61.13 and with the requirements of Section B109. [and/or] The permittee shall maintain records of flare operation [in accordance with the specific Subpart in 40 CFR 63 (if any) and] in accordance with the applicable requirements of 40 CFR §§63.10, 63.11 and with the requirements of Section B109.
Reporting: [Choose all that apply] The permittee shall report [in accordance with the specific Subpart in 40 CFR 60 (if any) and] in accordance with the requirements of Section B110. [and/or] The permittee shall report [in accordance with the specific Subpart in 40 CFR 61 (if any) and] in accordance with the requirements of Section B110. [and/or]

The permittee shall report [in accordance with the specific Subpart in 40 CFR 63 (if any) and] in accordance with the requirements at 40 CFR §63.10 and Section B110.

STATE REGULATIONS – Flares not subject to a federal regulation.

A. Flare Flame & Visible Emissions (20.2.61 NMAC) (Unit(s) X, Y, and Z) [Flare not subject to NSPS/NESHAP/MACT and has a pilot flame. Applicants typically use a 98% destruction efficiency to calculate VOCs, HAPs, and/or H2S emissions from flares. Suggested justification for SOB: The "no visible emissions" requirement for flares is to demonstrate compliance with the VOC, HAP, and/or H2S destruction efficiency of 98% or more that was used in emissions calculations (see 40 CFR 60.18, 63.11, and TCEQ RG-360A).]

Requirement: Compliance with the allowable emission limits in Section A106 shall be demonstrated by the flare(s) being equipped with a system to ensure that [it/they is/are] operated with a flame present at all times and operated with no visible emissions.

The flare(s) [is/are] subject to the 20% opacity standards in 20.2.61 NMAC and complying with the no visible emissions requirements demonstrates compliance with 20.2.61 NMAC opacity limit.

Monitoring:

(1) Flare Pilot Flame [delete this note - for flares with pilot flame]:

The permittee shall continuously monitor the presence of a flare pilot flame using a thermocouple or any equivalent device approved by the Department and shall be equipped with a continuous recorder and alarm or equivalent, to detect the presence of a flame.

(2) Visible Emissions:

[For flares that are used most of the time or continuously (e.g. process flares, control device at a gas plant)]

Annually, the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix A, Reference Method 22 to certify compliance with the no visible emission requirement on the process flare. The observation period is at least 2 consecutive hours where visible emissions are not to exceed a total of 5 minutes during any 2 consecutive hours.

[For blowdown flares and un-manned sites when a flaring may occur without someone present. You may revise this language according to the situation at your facility:]

At least once per year during a blow down event, the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix A, Reference Method 22 to certify compliance with the no visible emission requirements. Each Method 22 test shall occur for the duration of the blow down event or for 30 minutes, whichever is less. Visible emissions shall not occur for more than 5 minutes during any consecutive 30-minute period. For blowdown events that occur for less than 30 minutes, visible emissions shall not occur for more the 15% during the duration of the blow down event.

If the flare is located at an unmanned site, used only for emergencies, and where there are no scheduled blowdown-maintenance events to observe flare combustion, the permittee shall at a

minimum conduct the visible emissions observation in accordance with the requirements of EPA Method 22 on the pilot flame.

Recordkeeping:

(1) Flare Pilot Flame:

The permittee shall record all instances of alarm activation, including the date and cause of alarm activation, actions taken to bring the flare into normal operating conditions, and maintenance activities.

(2) Visible Emissions: [For flares that are used most of the time or continuously (e.g. process flares, control device at a gas plant)]

For any visible emissions observations conducted in accordance with EPA Method 22, the permittee shall record the information on the form referenced in EPA Method 22, Section 11.2.

[For blowdown flares and un-manned sites when a flaring event may occur without someone present. You may revise this language according to the situation at your facility:]

For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2. If the visible emissions observation was conducted only on the pilot flame, the record shall also include the reasons that the test could not be conducted during a blowdown event.

Reporting: The permittee shall report in accordance with Section B110.

B. Flares Used for Emergencies Only (Unit(s) X, Y, and Z) [Emergency flares only with no or zero emission limits or only pilot and purge gas limits]

Requirement: [Delete this instruction: for flares that have spark ignition and have zero pilot & purge gas limits] To determine the actual pound per hour and ton per year emissions for flare(s) using spark ignition and that are used only for emergencies, the permittee shall install a flow meter to continuously measure all gas flows to the flare. This is to determine excess emissions pursuant to 20.2.7 NMAC; to determine if the source is subject to 20.2.70, 20.2.74. 20.2.79 NMAC; and to determine if the source is a major Title V HAP source pursuant to 40 CFR 61 and/or 63.

[Delete this instruction: for flares that have pilot and or purge gas emission limits only and no SSM or M limits]

To determine the actual pound per hour and ton per year emissions for flare(s) with pilot and purge gas emissions and that are used only for emergencies, the permittee shall install a flow meter to continuously measure all gas flows to the flare, including any pilot, purge, and/or assist gas. Alternative to measuring pilot fuel gas with a flowmeter/totalizer, pilot gas usage in each flare may be calculated based on the manufacturer's gas flow specifications for each pilot. This is to determine excess emissions pursuant to 20.2.7 NMAC; to determine if the source is subject to 20.2.70, 20.2.74. 20.2.79 NMAC; and to determine if the source is a major Title V HAP source pursuant to 40 CFR 61 and 63.

Monitoring: The permittee shall continuously monitor the flow of all gas streams routed to the flare(s).

Recordkeeping: The permittee shall maintain records of the actual pound per hour and ton per

year emission rates of each regulated air pollutant from the flare(s), used to report excess emissions pursuant to the requirements at 20.2.7 NMAC.
Reporting: The permittee shall report in accordance with the requirements of 20.2.7 NMAC.

ADDITIONAL REFINERY SPECIFIC FEDERAL REGULATIONS

A. 40 CFR 60, Subpart J/Ja (Unit(s) X, Y, and Z) [Flares subject to NSPS, Subparts J/Ja - Petroleum Refineries]

Requirement: The permittee shall comply with the applicable requirements at 40 CFR 60, Subpart J [and/or Ja].
Monitoring: The permittee shall comply with the applicable H2S monitoring requirements at 40 CFR 60, Subpart J, including but not limited to §60.105 [and/or Subpart Ja, §60.107a].
Recordkeeping: The permittee shall maintain the continuous emission records.
Reporting: The permittee shall comply with the reporting requirements of 40 CFR 60, Subpart J [and/or Ja].

B. 40 CFR 63, Subpart CC (Unit(s) X, Y, and Z) [Flares subject to MACT Subpart CC -Petroleum Refineries]

Requirement: The permittee shall comply with the applicable flare requirements of 40 CFR 63, Subpart CC, including but not limited to §§63.670 and 671.
Monitoring: The permittee shall comply with the applicable flare monitoring requirements of 40 CFR 63, Subpart CC, including but not limited to §§63.670 and 671.
Recordkeeping: The permittee shall comply with the applicable flare recordkeeping requirements of 40 CFR 63, Subpart CC, including but not limited to §§63.670 and 671.
Reporting: The permittee shall comply with the applicable flare reporting requirements of 40 CFR 63, Subpart CC, including but not limited to §§63.670 and 671

CAM PLANS

C. 40 CFR 64, CAM Plan (Unit(s) X, Y, and Z)

For examples Go to:

..\..\..\..\AQB-Permits-Section\NSR-TV-Common\Monitoring Protocols\CAM\40CFR64 TABLE FORMAT PERMIT TEMPLATE CONDITION\40 CFR 64 CAM TABLE FORMAT 10-31-2013.docx

and

..\..\..\..\AQB-Permits-Section\NSR-TV-Common\Monitoring Protocols\CAM\CAM Plans\CAM - AGI-Flare - Agave Dragger Draw Gas Plant.doc

BACKGROUND INFORMATION

(Not for inclusion in permit)

Previous versions of this protocol had a combined condition for testing and operational requirements for flares subject to the provisions at 40 CFR §§60.18 and 63.11. This was often confusing to sources because the regulatory language is not clear regarding the requirement to test, and as a result, testing was not conducted as required. In addition, some newer regulations have been exempting flares from testing for fuel heating value and exit velocity requirements, provided that they have been designed in accordance with the requirements of 40 CFR §§60.18 and/or 63.11. Some recent examples are found at:

40 CFR 60.5413(a)(1)

40 CFR 60.5414a(a)(1)

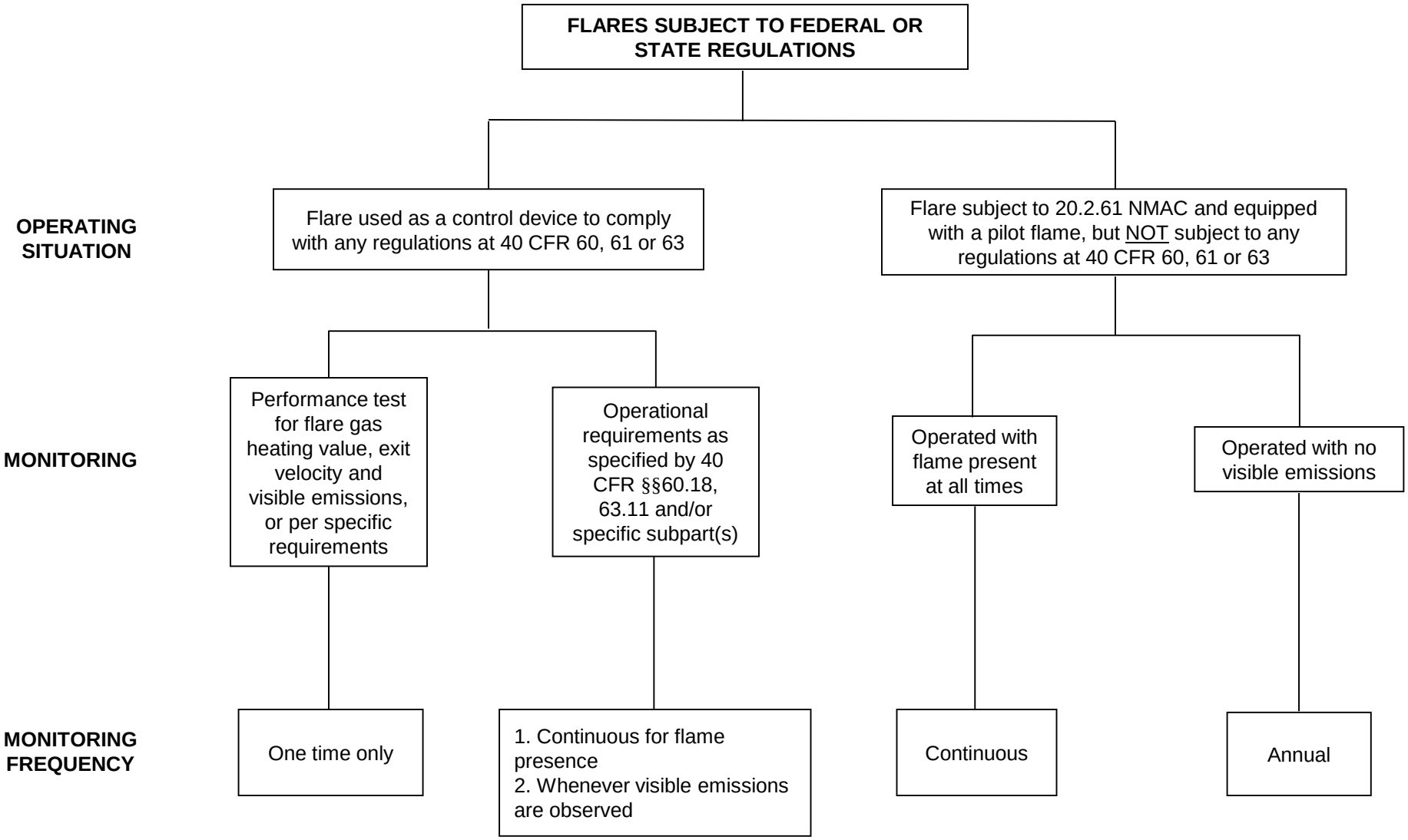
40 CFR 63.772(e)(1)(i)

The previous combined condition has been separated into two conditions to clarify the following:

1. Unless exempted or modified as provided in the examples above, testing for fuel heating value, exit velocity and visible emissions is required.

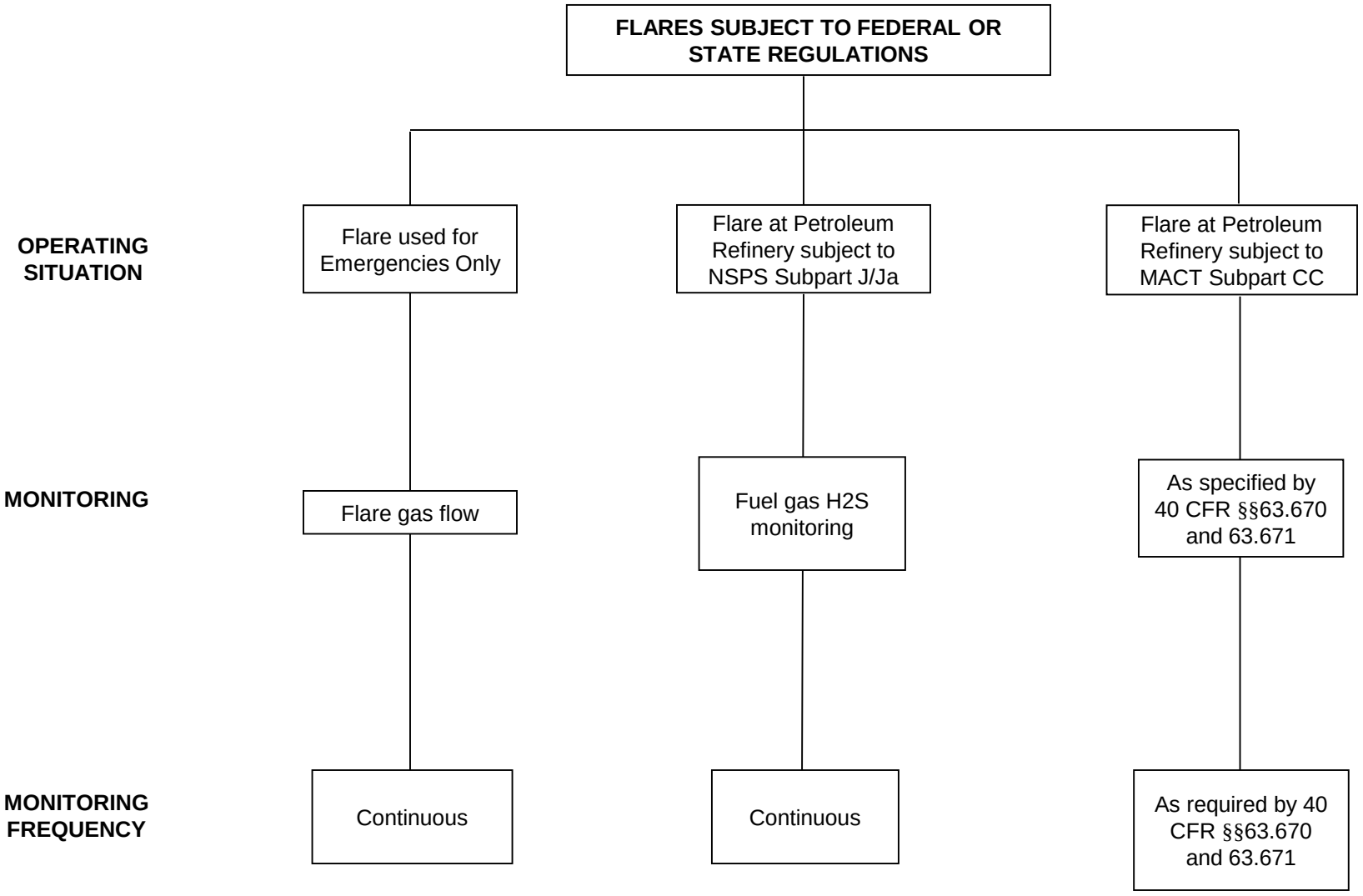
2. Regardless as to whether or not a source is exempted from testing or has a modified testing requirement, the operational requirements apply at all times.

NSR AND TV: FLARE MONITORING
VERSION: January 20, 2017



NOTES:

NSR AND TV: FLARE MONITORING
VERSION: January 20, 2017



NOTES:

NEW MEXICO AIR QUALITY BUREAU
NSR & TV: GLYCOL DEHYDRATOR MONITORING PROTOCOL – PERMIT TEMPLATE LANGUAGE
Version: May 23, 2011

Purpose. These guidelines are intended to help permit specialists consistently apply and include monitoring conditions into construction or operating permits in accordance with 20.2.72.210 NMAC or 20.2.70.302 NMAC. When necessary, each permit writer shall review and adjust the requirements below according to the specific facility circumstances.

All glycol dehydrators are combustion devices subject to 20.2.61 NMAC and opacity monitoring, unless they qualify for the exemption under 20.2.61.109 NMAC (see permit template for opacity language).

If the affected unit is subject to 40 CFR 63 Subpart HH or HHH Major Source requirements or subject to 40 CFR 64, CAM Rule, then Conditions A through D will usually not apply.

Hourly VOC emission limits are usually not appropriate.

Glycol Dehydrator

A. Extended Gas Analysis and GRI-GLYCalc calculation (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by conducting an annual extended gas analysis on the dehydrator inlet gas and by calculating emissions using GRI-GLYCalc.
Monitoring: The permittee shall conduct an annual GRI-GlyCalc analysis using the most recent extended gas analysis, and verify the input data. The permittee may use a method of calculating dehydrator emissions other than the most current version of GRI-GlyCalc if approved by the Department. Changes in the calculated emissions due solely to a change in the calculation methodology shall not be deemed an exceedance of an emission limit.
Recordkeeping: The permittee shall identify in a summary table all parameters that were used as inputs in the GRI-GLYcalc model. The permittee shall keep a record of the results, noting the VOC and HAP emission rates for the dehydrator obtained from estimates using GRI-GLYcalc.
Reporting: The permittee shall report in accordance with Section B110.

B. Extended Gas Analysis and GRI-GLYCalc calculation (Unit(s) X, Y, and Z) [With air cooled condenser – may not be sufficient for liquid cooled.]

Requirement: To demonstrate compliance with the allowable VOC emission limits in Table 106.A: (1) the dehydrator shall be equipped with a [make, model] condenser; and (2) The permittee shall conduct an annual extended gas analysis on the dehydrator inlet gas.
Monitoring: The permittee shall conduct an annual GRI-GlyCalc analysis using the most recent extended gas analysis, and verify the input data. The permittee may use a method of calculating dehydrator emissions other than the most current version of GRI-GlyCalc if approved by the Department. Changes in the calculated emissions due solely to a change in the calculation

methodology shall not be deemed an exceedance of an emission limit.
Recordkeeping: The permittee shall identify in a summary table all parameters that were used as inputs in the GRI-GLYcalc model. The permittee shall keep a record of the results, noting the emission rates for the dehydrator obtained from estimates using GRI-GLYcalc.
Reporting: The permittee shall report in accordance with Section B110.

C. Glycol pump circulation rate (Unit(s) X, Y, and Z)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by monitoring the glycol pump circulation rate for [the, each] unit shall not exceed XX gallons per hour (XX gallons per minute).
Monitoring: The permittee shall monitor the circulation rate [weekly, monthly, quarterly, based on a calendar quarter (January 1st through March 31st, April 1 through June 30th, July 1st through September 30th, and October 1st through December 31st)]. [Choose one] Monitoring shall include a calibration [or] visual inspection of pump rate setting [or] other method previously approved by the Department.
Recordkeeping: The permittee shall maintain records that include a description of the monitoring and are in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

D. Control Device Inspection (Unit(s) X, Y, and Z)

Requirement: To demonstrate compliance with the allowable VOC emission limits in Table 106.A, [insert NSR operational requirement, examples follow]: (1) [reboiler] the still vent emissions shall be routed at all times to the reboiler firebox. (2) [condenser] the still vent emissions shall be routed at all times to the condenser. (3) [flare] the still vent emissions shall be routed directly to the flare and destroyed. (4) [recycling] the flash tank vent shall be routed at all times to a process point that allows the off-gas to be recycled and recompressed, and not vented to the atmosphere. (5) [inlet scrubber] the still vent and flash tank emissions shall at all times be routed to the compressor inlet scrubber using a closed loop system. The closed loop system shall be designed and operated so that there are no detectable emissions. At no time shall any emissions be emitted directly to the atmosphere. (6) [VRU] the still vent emissions shall be routed to the vapor recovery unit (VRU) and re-injected into the process stream. The VRU shall consist of a closed loop system of seals, ducts, and compressor that will re-inject the gases into the gas gathering pipeline. The VRU shall be operational at all times the facility is in operation. The VRU shall be installed, operated, and maintained according to manufacturer's specifications that are representative of 99% or greater control efficiency.
Monitoring: The permittee shall inspect the glycol dehydrator and the control equipment semi-annually [or specify other frequency as necessary] to ensure it is operating as initially designed [or in accordance with the manufacturer's recommended procedures]. [Insert the following if the dehy reboiler also has emission limits] The permittee shall also inspect that the reboiler is operating as initially designed [or in accordance with the manufacturer's recommended procedures].

Recordkeeping: The permittee shall record the inspection and the results of all equipment and control device inspections chronologically, noting any maintenance or repairs needed to bring the dehydrator into compliance. [Insert the following if recommended procedure language is used in box above] The permittee shall maintain a copy of the manufacturer's maintenance recommendations.
Reporting: The permittee shall report in accordance with Section B110.

[Sources **subject to** 40 CFR 63, Subpart HH that **meet the benzene exemption criteria**:
The condition needs to be adjusted if the facility claims the exemption based on throughput.]

E. 40 CFR 63, Subpart HH (Unit(s) X, Y, and Z) [Exempt from general standards]

Requirement: The unit(s) is/are subject to 40 CFR 63, Subpart HH and the permittee shall comply with all applicable requirements.
Monitoring: The permittee shall monitor as required by 40 CFR 63.772(b)(2) to demonstrate facility is exempt from general standards.
Recordkeeping: The permittee shall generate and maintain the records required by 40 CFR 63.774(d)(1)(ii) to demonstrate compliance with the general standard exemptions found in 40 CFR 63.764(e).
Reporting: The permittee shall meet all applicable reporting in 40 CFR 63, Subparts A and HH and in Section B110.

[Sources **subject to** 40 CFR 63, Subpart HH]

F. 40 CFR 63, Subpart HH (Unit(s) X, Y, and Z)

Requirement: The unit(s) is/are subject to 40 CFR 63, Subpart HH and the permittee shall comply with all applicable requirements, including the general standards of 40 CFR 63.764.
Monitoring: The permittee shall comply with the monitoring requirements of 40 CFR 63.773.
Recordkeeping: The permittee shall comply with the recordkeeping requirements of 40 CFR 63.774.
Reporting: The permittee shall comply with the applicable reporting requirements of 40 CFR 63.775 and in Section B110.

[**Case by Case Determination:** Dehydrator has restrictions on its gas-processing rate]

G. Gas Throughput (Unit(s) X, Y, and Z)

Requirement: To demonstrate compliance with the allowable VOC emission limits in Table 106.A, the unit(s) inlet gas stream shall not exceed XX MMscf/day. The permittee shall [install/maintain] a flow meter that measures the flow rate of gas into or out of the dehydrator.
Monitoring: The permittee shall monitor the natural gas flow rate daily (in units of MMscf/day).
Recordkeeping: The permittee shall record the daily total of natural gas throughput each day in units of MMscf/day and in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

BACKGROUND INFORMATION
(Not for inclusion in permit)

Introduction

Glycol dehydrators are used extensively at oil well sites to remove moisture from casinghead gas before the gas is pressurized and injected into a gathering pipeline. Failure to remove water results in the formation of crystalline hydrates at the high pressures used to transport the gas. Hydrates can block pipelines, jam valves, and can generally wreak havoc on pipeline equipment and instrumentation.

The reboiler from a glycol dehydrator in the worst cases can discharge more than a hundred tons per year of VOCs and similar amounts of H_2S into the atmosphere. VOC emissions from dehydrators are profuse when the dehydrator processes natural gas containing large amounts of natural gas liquids, especially aromatics.

Operating Principles of a Glycol Dehydrator

The figures attached show simple flow schematics of TEG and EG glycol dehydrators. Moisture removal takes place in the absorber tower where lean glycol contacts the moist gas. The glycol's high affinity for moisture allows the gas to transfer most of the water to the glycol. The dry gas exits the absorber and is ready to be injected into a gas gathering system.

The rich glycol from the absorber tower is piped to the regenerator where the moisture is boiled off by heat supplied from an external burner. The water vapor discharges directly into the atmosphere through the still vent. The lean glycol is now ready to be re-circulated into the absorber tower to remove more moisture, thereby starting a new cycle.

Character of Emissions from a Glycol Dehydrator

Triethylene glycol, the most commonly used glycol at dehydrator stations, is well known not only for its affinity for water, but also for its affinity for H_2S, CO_2, and hydrocarbons. During dehydration, these materials dissolve in the glycol only to be discharged into the atmosphere during the glycol reboiling step.

Most estimates of dehydrator emissions rely on the computer code GRI-GLYcalc written by Radian Corp. Both GRI-GLYcalc and stack tests show that even a small field dehydrator operating on rich field gas can dump up to 50 tons per year of VOCs into the atmosphere. The GRI-GLYcalc model was written for dehydrators using triethylene glycol (TEG) or ethylene glycol (EG) but not for dehydrators using diethylene glycol (DEG). Fortunately only a small percentage of dehydrators use DEG. The Bureau will assume that VOC emissions from a DEG dehydrator is 50% to 70% of the emissions predicted for a similar TEG dehydrator.

Estimating VOC Emissions

Although GRI-GLYcalc sometimes overestimates VOC emissions, the program represents the only practical method to estimate VOC emissions for the great variety of conditions under which a dehydrator operates. According to a short article in the October 1995 issue of the Gas Research Institute's NewsLine, page 5, EPA has approved use of GRI-GLYcalc for emissions inventory purposes. EPA's blessing of GRI-GLYcalc should reassure our agency to some extent of the validity of the program.

The two most important parameters that determine VOC emissions are the gas composition and the glycol re-circulation rate (see attached 2009 Williams Four Corners Study). Other important

variables are the pressure and temperature of the absorber tower, and the gas-processing rate. VOCs can be extracted from wet gas only to the extent that the glycol can hold the glycol molecules; this ability depends on the amount of glycol to which the gas is exposed. The amount of glycol seen by the wet natural gas is directly dependent on the flow rate produced by the recirculation pump.

Most estimates of VOC emissions from dehydrators assume a glycol re-circulation rate that in many cases is significantly below the pump's capacity. For example, a company will submit a dehydrator's VOC emissions based on a re-circulation rate of 1.5 gpm when in fact the pump is capable of 3 gpm. Therefore, the dehydrator's potential to emit (P.E.R.) is about twice the value submitted by the company and the permit specialist needs to take the higher flow scenario into account. Glycol pump capacities should be listed in the equipment capacity column of the application but some companies do not submit the capacity of the glycol pump, this number must be obtained by talking to the appropriate contact. If the calculations are based on less than the maximum pump capacity then a condition limiting the rate with monitoring is required.

Other methods of estimating emissions were derived from sampling and analytical research conducted by GRI. This research involved the comparison of the Total Capture Condensation (TCC) method, the Pressurized Rich/Lean Glycol Method (PRL) and the Atmospheric Rich/Lean Glycol Method (ARL). The EPA regards the TCC method as the most accurate method for estimating emissions.

Results of these comparisons show that PRL and ARL methods agreed well with the TCC benchmark results for total VOCs for dehydrators equipped with flash tanks and do not use a stripping gas. However, the comparison results do not agree, as well for dehydrators without flash tanks or use a stripping gas in which case, the TCC method is the only acceptable method.

VOC Control Methods

The principal methods used in the oil and gas industry to control the VOCs from the glycol dehydrator are incineration or condensation of the still gases.

Incineration may not be desirable when H_2S emissions are copious since large amounts of SO_2 would be emitted to the atmosphere. In addition, ordinary incineration is not always successful due to the large moisture content of the still vent gases, which make their ignition very difficult. To ensure proper incineration, supplemental methane must usually be added to the vent gases. Dehydrators at remote sites generally make use of the glycol reboiler furnace to incinerate the still gases.

Condensation is adequate provided the still gases can be cooled well below the condensation point of the most abundant VOC species. Most field condensers use air-cooling, a method that is adequate when ambient temperatures are low or moderate. When ambient temperatures exceed 90^oF, condensation of the VOCs may be ineffective and VOCs escape into the atmosphere. However, it the exit temperature from the condenser is equal to or below the design temperature, the condenser is meeting the designed removal efficiency. A second problem with condensation is that the condensed water contains VOCs and may itself become a hazardous waste requiring proper disposal.

One control method which has been approved by our Bureau that does not use incineration or condensation involves collecting the gas from the dehydrator, separating out the water, and reinjecting the VOCs and H_2S into the sour pipeline from which they came, thereby causing very few emissions into the atmosphere.

Stack Tests

There is at this time a lack of experience with field tests on glycol dehydrators. A major obstacle to accurate stack measurements is the extremely low flow velocity of the stack gas, typically a few inches per second. Total capture methods have been used by emission testers to determine the emissions and this system is favored by Cubix Corporation, which appears to have had success with the method. Other methods include the pressurized rich/lean glycol method (PRL) and the atmospheric rich/lean glycol method whereby the inlet and outlet glycol streams to the dehydrator are sampled for VOC and the loss of VOC is attributed to the absorber tower. These methods also appear to have had some success in the field.

Compliance Determination

The most practical way for sources to determine compliance with emission limits from glycol dehydrators is to conduct an annual gas analysis and use the GRI-GLYcalc program to estimate emissions. The company should be asked to monitor the parameters needed to estimate emissions then plug these numbers into the program. In addition, sources demonstrate compliance with dehydrator still vent emissions by monitoring the glycol pump circulation rate.

Operating Scenarios

The following possible operating scenarios were identified for a plant that is major under Title V.

1. Plant is **major/minor** for VOC,
2. a) Plant **has/does not have** an NSR permit, or,
   b) If plant has an NSR permit, the permit **has/does not have** VOC limits,
3. Sum of potential emission rates (P.E.R.s) for all dehydrators is **major/minor** for VOC, where:
   VOC P.E.R. = the VOC emission rate of the dehydrator under the following conditions:
   a) the dehydrator's full rated gas flow capacity,
   b) the glycol pump's full rated flow capacity,
   c) the expected average annual inlet gas composition,
   d) no VOC control equipment, and no operational limits to control VOC (hours, throughput),
   e) 8760 hours per year continuous operation.
4. Plant has **one/multiple** dehydrator(s),
5. One or more dehydrators is **required/not required** by the NSR permit to have VOC controls, (i.e. for one or more dehydrators the potential emission rate (P.E.R.) is **much greater than/equal to** the controlled emission rate.)
6. The permittee has estimated the VOC emissions of one or more dehydrators using the **full/partial** capacity of the dehydrator's glycol pump.
7. The VOC content of the wet gas is **relatively steady/variable**.

JUSTIFICATION

(Not for inclusion in permit)

Use of Potential Emission Rate instead of Actual Emission Rate

Potential Emission Rate (P.E.R.) was selected as the major criterion for determining monitoring frequency and for the need to carry out an initial test because P.E.R. reflects the dehydrator's potential to damage the atmosphere more than do actual emissions. Should the VOC controls on the dehydrator be operated improperly or should fail, the actual emission rate could increase by a factor of ten or so and cause more environmental damage than a poorly operated dehydrator without controls. Using P.E.R. would ensure, for example, that a dehydrator with 10 tpy actual VOC emission but 100 tpy P.E.R. would not escape close scrutiny.

Frequency of Monitoring Based on Potential Emission Rate Level

Annual extended gas analysis and GRI-GLYCalc calculations along with quarterly glycol pump circulation rate monitoring were selected for all dehydrators.

Semiannual control device inspection was also selected for dehydrators with controls. The inspection is straightforward and should take no more than a few hours.

2009 Williams Four Corners Study

The two critical variables with the greatest impact on predicted emissions are 1) hydrocarbon species analysis and 2) glycol circulation rate. Dehydrator gas volumes do not impact VOC emissions. This was demonstrated through use of simulated GLYCalc runs as shown below.

Summary of GlyCalc Emissions Calculations with Dehydrator Gas Analysis as the Variable
All calculations are based on a dehydrator with a manufacturer's capacity rating of 20 mmscf/day

All iterations use Trunk M 2nd half 2009 dehy compliance demonstration as basis

Inlet Gas Analysis*	sample name	sample heat content, Btu/scf	VOC Emissions Ton/Year
Sample 1	29-6#2 inlet ext analysis 2009-10-07.pdf	787.8	0.0906
Sample 2	Lat N-30 ext analysis 07-23-09.ddf	909.7	0.3686
Sample 3	32-8#3 ext analysis 06-30-09	929.8	1.2220
Sample 4	Quintana Mesa ext analysis 07-17-09.xls	965.3	11.911
base case	Trunk M ext analysis 08-14-09.pdf	978.3	4.3418
Sample 5	Ojito dehy inlet ext analysis 10-01-09.pdf	1248.2	16.5198

* The sample results used are actual extended analyses from various locations in the Williams gathering system.

Summary of GlyCalc Emissions Calculations with Dehydrator Glycol Circulation as the Variable
All calculations are based on a dehydrator with a manufacturer's capacity rating of 20 mmscf/day

All iterations use Trunk M 2nd half 2009 dehy compliance demonstration as basis

Glycol Circulation Rate	VOC Emisisons Ton/Year
30 gallons per hour	1.7242
60 gallons per hour	3.6155
72 gallons per hour -base case	4.3418
90 gallons per hour	5.3901
120 gallons per hour	7.0327
210 gallons per hour	11.366
450 gallons per hour	20.6719

Summary of GlyCalc Emissions Calculations with Dehydrator Gas Volumes as the Variable
All calculations are based on a dehydrator with a manufacturer's capacity rating of 20 mmscf/day

All iterations use Trunk M 2nd half 2009 dehy compliance demonstration as basis

Inlet Gas Volume	VOC Emissions Ton/Year
14 mmscf/day	4.2879
16 mmscf/day	4.3199
18 mmscf/day	4.3371
19.3 mmscf/day -base case	4.3418
20 mmscf/day	4.3435

REFERENCES

1. Engineering Data Book, Gas Processors Suppliers Association, Tenth Edition, 1994, Chapter 20 (Dehydration).

2. EPA Document #EPA/600/SR-95/046, Project Summary, Glycol Dehydrator BTEX and VOC Emission Testing Results at Two Units in Texas and Louisiana.

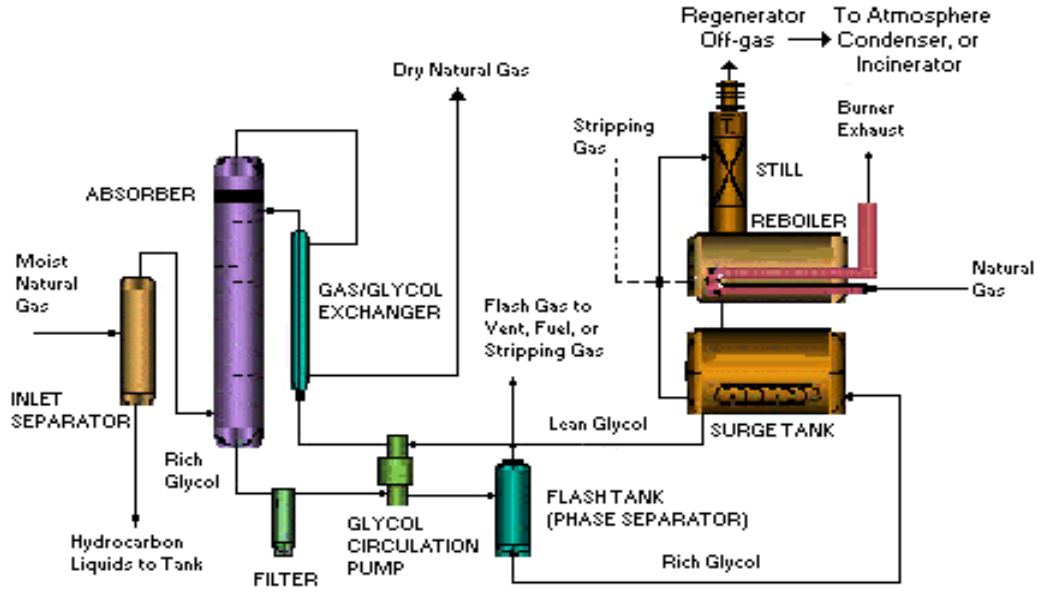
3. Glycol Dehydrator Emissions: Sampling and Analytical Methods and Estimation Techniques, Gas Research Institute/Radian Corporation, March 1995, Chapters 6 and 8.

4. Technical Reference Manual for GRI-GLYCalc: A Program for Estimating Emissions from Glycol Dehydration of Natural Gas Version 3.0, Gas Research Institute/Radian Corporation, March 1996, Chapter 2.

Figures - Typical glycol dehydrator flow configurations for TEG Units.

TEG Units

Process Flow Diagram for a Typical Triethylene Glycol Unit

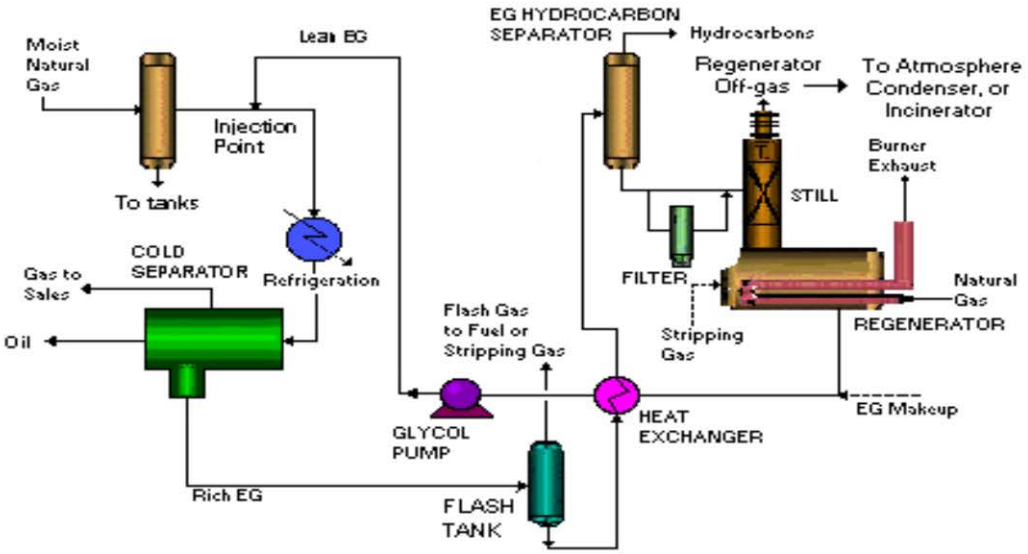


Air emissions from TEG units are caused by the solubility of natural gas constituents in TEG. Emissions of aromatic hydrocarbons are of primary concern because TEG has a high affinity for these compounds. As a result, a significant fraction (5-35%) of the benzene, toluene, ethylbenzene, and xylenes (collectively known as BTEX) may be removed from the wet natural gas. Because of their high solubility, the BTEX compounds are not flashed from the glycol at typical flash tank conditions. Most of the BTEX is separated from the glycol in the regenerator. Although many of the lighter hydrocarbons may be removed from the glycol in the flash tank, some remain in the glycol and are also driven from the glycol in the regenerator.

Figures - Typical glycol dehydrator flow configurations for EG Units.

EG Units

Process Flow Diagram for a Typical Ethylene Glycol Unit



Ethylene glycol (EG) units are generally used for a different purpose than TEG units and, therefore, are significantly different in design. Ethylene glycol is used as a hydrate inhibitor in the low-temperature recovery of natural gas liquids. The figure below shows a typical EG unit. As the figure illustrates, glycol is injected into the moist natural gas downstream of any water knockout. The glycol/gas mixture then flows through a series of heat exchangers, where it is cooled to a low temperature (-30 to +20°F). At the low temperature, the gas is separated from the liquid mixture of glycol, water, and condensed hydrocarbons. The liquids are pumped to a low-pressure separator where the light hydrocarbons are flashed and the heavier hydrocarbons are recovered as a liquid product. From the separator, the glycol/water phase is sent to a regenerator to remove the water.

As is the case in a TEG system, the EG absorbs a fraction of the natural gas constituents which are either removed from the glycol in the flash separator or in the regenerator. The regenerator off-gas may be vented to the atmosphere or sent to an emissions control device

NSR AND TV: GLYCOL DEHYDRATOR MONITORING

VERSION: September 22, 2010

NSR: DEHYDRATOR STILL VENT EMISSIONS ARE ≥ 1TPY
TV: DEHYDRATOR HAS A NSR VOC LIMIT OR THE PLANT IS MAJOR FOR VOC

OPERATION SITUATION	ALL DEHYRATORS	The DEHYRATOR is permitted at less than the max design of the glycol pump circulation rate	The DEHYRATOR HAS CONTROLS	TEG DEHYRATOR (Major and Area source for HAPs)
MONITORING	Extended Gas Analysis and GRI-GLYCalc Glycol Pump Circulation Rate	Glycol Pump Circulation Rate	Control Device Inspection (ie, Condenser, BTEX Buster, routing /recycling & recompression of flash tank emissions)	Specific Requirements of 40 CFR 63, Subpart HH
MONITORING FREQUENCY	Extended Gas Analysis and GRI-GLYCalc Annually Glycol Pump Circulation Rate Quarterly [6]	Monthly	Semiannually	According to the Specific Requirements of 40 CFR 63, Subpart HH

NOTES

[1] If VOC emission rate is < 1 tpy and has a NSR emission limit, then identify the unit and the emission limit in the permit, but monitoring is not needed.

[2] The extended gas analysis and the glycol pump circulation rate are the most critical parameters to monitor to demonstrate compliance with VOC emission limits. See 2009 Williams Four Corners Study in the Background Information of the Monitoring Protocol Text.

[3] GRI-GLYCalc was designed only for TEG and EG dehydrators. The Bureau is assuming that VOC emissions from DEG dehydrators are 50% to 70% of the emissions predicted for a similar TEG dehydrator.

[4] P.E.R. = Potential Emission Rate is defined for dehydrators in the Background Information of the Monitoring Protocol text.

[5] Case by case determination to include Total Capture Method Testing wi ll be performed if the dehydrator has a VOC P.E.R. > 50 TPY and is permitted below its P.E.R.. The dehydrator does not fall in this category if the permitted VOC emission is less than the P.E.R. due solely to a reduction in the operating hours and/or a restriction on its gas processing rate.

[6] More frequent monitoring may be required if the affected sources (as defined at 40 CFR 63.761, Major Source) have HAP emissions > 9.5 tpy individual HAP or > 24 tpy aggregate HAP.

[7] If the affected unit is subject to 40 CFR 63, Subpart HH or HHH Major Source requirements or 40 CFR 64, CAM Rule, then monitoring requirements specified above will usually not apply.

NEW MEXICO AIR QUALITY BUREAU
NSR & TV: MONITORING PROTOCOL
VOC/HAPS LDAR FUGITIVE MONITORING AT NEW MEXICO SOURCES
Version: September 15, 2017

NOTE to permit writers: Adjust the requirements below according to the specific facility circumstances. Usually VOC pph emission limits are not appropriate for fugitive sources. If no pph limit will be imposed clarify this with a footnote and asterisks ("*") that states hourly emission limits are not appropriate for this operating situation.

A facility may have multiple sections that are subject to different leak detection regulations (e.g. NSPS KKK, OOOO, and/or OOOOa) depending on when the components were constructed or reconstructed. For these cases, multiple fugitive conditions may be required.

Unit numbers need to be clearly identified in each condition, especially if the facility is subject to multiple conditions for different areas of the facility.

Note Regarding Reduction Efficiencies for Calculating Fugitive Emissions: We have received requests to use reduction efficiencies to calculate uncontrolled VOC, H2S, and HAP fugitive emissions based on TCEQ's LDAR regulation; and Tables 5-2 (leaks from SOCMIs) and 5-3 (leaks at refineries) in EPA's "Protocol for Equipment Leak Emission Estimates"; and upon engineering judgement. The AQB does not accept the use of these reduction efficiencies, except for refineries or SOCMI units that are subject to federal regulations that require fugitive emissions reductions. The is since AQB has no federally enforceable SIP approved state regulation that applies to equipment leaks; NSPS KKK, OOOO, and OOOOa include certain exemptions for mitigating fugitive emission leaks; and none of these NSPS regulations specify that an emissions reduction efficiency can be applied toward calculating fugitive emissions.

In some cases, we may agree to the use of a reduction efficiency for calculating fugitive emissions but only if there is a federally and practically enforceable conditions that results in the reduction of fugitive emissions. – Liz Bisbey-Kuehn, Minor Source Permit Section Manager.

Units NOT subject to a Federal LDAR regulation

[NOTE – The condition below corresponds to the scenario addressed in column B in the decision tree.]

A. Chemical Analysis/Equipment Count and Leak Monitoring for Fugitive VOC Equipment not Subject to a federal NSPS or MACT leak detection regulation (Unit(s) FUGX, FUGY, etc.) [≥25 & < 100 TPY Facility Wide Fugitives, units not subject to federal LDAR regulations]

Requirement: The permittee shall demonstrate compliance with the allowable VOC emission limit in Section A106 as follows:

(1) The permittee shall conduct an annual chemical analysis for VOC content of all equipment in the unit;
(2) conduct an annual count of all equipment in the unit; and
(3) if the results of the chemical analysis or the equipment count have changed from the information submitted in the permit application, re-calculate the ton per year VOC emissions using the appropriate emissions factors to ensure the allowable emission limits are met.
(4) The permittee shall conduct an annual inspection of equipment in VOC service by using EPA Reference Method 21 (40 CFR 60, Appendix B) to determine the presence of leaking sources. Alternatively, the permittee may determine the presence of leaking

sources by using optical gas imaging with infrared cameras.

(a) For leaks determined using EPA Reference Method 21 (RM 21):
  i. The instrument shall be calibrated before each day of its use by the procedures specified in RM 21.
  ii. The instrument shall be calibrated with zero air (less than 10 ppm of hydrocarbon in air); and a mixture of methane or n-hexane and air at a concentration of about, but less than, 10,000 ppm methane or n-hexane.
  iii. If an instrument reading of 10,000 ppm or greater of methane or n-hexane is measured, a leak is detected.

(b) For leaks determined using optical gas imaging with infrared cameras:
  i. The instrument must comply with the specifications, the daily instrument checks, and the leak survey requirements at 40 CFR §60.18(i)(1) – (3).
  ii. If any emissions are imaged by the optical gas instrument, a leak is detected.

(5) Any leaks detected shall be repaired within 30 days of discovery.

For the purpose of this condition, *equipment* means each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector.

For the purpose of this condition, *in VOC service* means equipment in contact with a gas or a liquid that has a VOC content greater than 10% by weight.

Monitoring: Once per calendar year [or a custom annual monitoring period], the permittee shall complete the following monitoring:

(1) a chemical analysis for VOC content of all equipment in the unit.
(2) a count of all equipment in the unit.
(3) an inspection of equipment in VOC service to detect leaks.
  (a) If a leak is detected, the permittee shall place a visible tag on the leaking component until the component has been repaired.
  (b) If any leaks are detected, the equipment must be re-monitored no later than 30 days after discovery of the leak to demonstrate that it has been repaired.
  (c) If the leak cannot be repaired within 30 days without a process unit shutdown, it may be designated “Repair delayed,” and must be repaired before the end of the next process unit shutdown.
(4) An inspection of equipment in VOC service shall also be conducted within 15 days of any maintenance or repair that affects the equipment.

Recordkeeping: The permittee shall maintain the following records:

(1) equipment identification or description and location;
(2) weight percent VOC for each piece of equipment, and
(3) emission factor for each piece of equipment;
(4) total VOC emissions for each unit, tons per year;
(5) For any leaks detected the permittee shall record the:
  (a) date a leak is detected;
  (b) dates of attempts to repair;
  (c) designation of "Repair delayed"; and
    i. reason for delay if the leak is not repaired within 30 days of leak discovery, and
    ii. signature of authorized representative whose decision it was that repair could not be effected without a process shutdown; and

(d) The date of successful leak repair shall be recorded.

(6) For leaks determined using optical gas imaging with infrared cameras, the permittee shall keep the records of the specifications, the daily instrument checks and the leak survey requirements specified at 40 CFR §60.18(i)(1) – (3).

Reporting: The permittee shall report the following in accordance with Section B110:

(1) The number of leaking components discovered,
(2) The number of leaking components not repaired within 30 days,
(3) The duration of the leaks that exceeded 30 days,
(4) Dates of process unit shutdowns; and
(5) VOC emissions for each unit in tons per year

[NOTE – The condition below corresponds to the scenario addressed in column C in the decision tree.]

B. Leak Detection and Repair Program for fugitive equipment in VOC service not subject to a Federal NSPS or MACT leak detection regulation (Unit(s) FUGX, FUGY, etc.) [> 100 TPY Facility Wide Fugitives]

Requirement: The permittee shall demonstrate compliance with the allowable VOC emission limit in Section A106 by meeting the following requirements:

(1) The permittee shall conduct an annual chemical analysis for VOC content of all equipment in the unit, and
(2) shall conduct an annual count of all equipment in the unit;
(3) If the results of the chemical analysis or the equipment count have changed from the information submitted in the permit application, the permittee shall re-calculate the ton per year VOC emissions using the appropriate emissions factors to ensure the allowable emission limits are met.
(4) The permittee shall conduct quarterly inspections of equipment in VOC service by using EPA Reference Method 21 (40 CFR 60, Appendix B) to determine the presence of leaking sources. Alternatively, the permittee may determine the presence of leaking sources by using optical gas imaging with infrared cameras.
    (a) For leaks determined using EPA Reference Method 21 (RM 21):
        i. The instrument shall be calibrated before each day of its use by the procedures specified in RM 21.
        ii. The instrument shall be calibrated with zero air (less than 10 ppm of hydrocarbon in air); and a mixture of methane or n-hexane and air at a concentration of about, but less than, 10,000 ppm methane or n-hexane
        iii. If an instrument reading of 10,000 ppm or greater methane or n-hexane is measured, a leak is detected
    (b) For leaks determined using optical gas imaging with infrared cameras:
        i. The instrument shall comply with the specifications, the daily instrument checks and the leak survey requirements at 40 CFR §60.18(i)(1) – (3).
        ii. If any emissions are imaged by the optical gas instrument, a leak is detected.
(5) Any leaks detected shall be repaired within 30 days of discovery.

For the purpose of this condition *equipment* means each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector.

For the purpose of this condition *in VOC service* means equipment in contact with a gas or a liquid that has a VOC content greater than 10% by weight.

Monitoring: Once per calendar quarter [or a custom quarterly monitoring period] the permittee shall complete the following monitoring:

(1) A chemical analysis for VOC content of all equipment in the unit.
(2) A count of all equipment in the unit.
(3) an inspection of equipment in VOC service to detect leaks.
  (a) If a leak is detected, the permittee shall place a visible tag on the leaking component until the component has been repaired.
  (b) If any leaks are detected, the equipment shall be re-monitored no later than 30 days after discovery of the leak to demonstrate that it has been repaired.
  (c) If the leak cannot be repaired within 30 days without a process unit shutdown, it may be designated "Repair delayed," and shall be repaired before the end of the next process unit shutdown.
(4) An inspection of equipment in VOC service shall also be conducted within 15 days of any maintenance or repair that affects the equipment.

Recordkeeping: The permittee shall maintain the following records:

(1) equipment identification or description and location;
(2) weight percent VOC for each piece of equipment.
(3) emission factor for each piece of equipment.
(4) total VOC emissions for each unit, tons per year
(5) For any leaks detected the permittee shall record the:
  (a) date a leak is detected;
  (b) dates of attempts to repair;
  (c) designation of "Repair delayed";
    i. reason for delay if the leak is not repaired within 30 days of leak discovery, and
    ii. signature of authorized representative whose decision it was that repair could not be effected without a process shutdown; and
  (d) The date of successful leak repair shall also be recorded.
(6) For leaks determined using optical gas imaging with infrared cameras, the permittee shall keep the records of the specifications, the daily instrument checks and the leak survey requirements specified at 40 CFR §60.18(i)(1) – (3).

Reporting: The permittee shall report the following in accordance with Section B110:

(1) The number of leaking components discovered,
(2) The number of leaking components not repaired within 30 days,
(3) The duration of the leaks that exceeded 30 days,
(4) Dates of process unit shutdowns; and
(5) VOC emissions for each unit, tons per year

[NOTE – There are no standard conditions proposed at this time that correspond to the scenario addressed in column D in the decision tree.]

Units Subject to One or More Federal LDAR Regulations

[NOTE – The conditions below correspond to the scenario addressed in column E in the decision tree.]

C. 40 CFR 60, Subpart VV (Unit(s) X, Y, and Z) [Equipment at Synthetic Organic Chemicals Manufacturing Industry (SOCMI) Plants subject to NSPS VV]

Requirement: Equipment in VOC service (as defined in 40 CFR §60.481) within process unit(s) [X, Y, and Z] is subject to Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry, 40 CFR 60, Subpart VV. The permittee shall comply with all applicable requirements in Subparts A and VV.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §§60.482-1 through 60.482-10, 60.483, 60.484 and 60.485.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §60.486.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §60.487.

D. 40 CFR 60, Subpart VVa (Unit(s) X, Y, and Z) [Equipment at Synthetic Organic Chemicals Manufacturing Industry (SOCMI) Plants subject to NSPS VVa]

Requirement: Equipment in VOC service (as defined in 40 CFR §60.481a) within process unit(s) [X, Y, and Z] is subject to Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry, 40 CFR 60, Subpart VVa. The permittee shall comply with all applicable requirements in Subparts A and VVa.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.482-1a through 60.482-11a, 60.483a, 60.484a and 60.485a.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §60.486a.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §60.487a.

E. 40 CFR 60, Subpart GGG (Unit(s) X, Y, and Z) [Equipment at Petroleum Refineries subject to NSPS GGG]

Requirement: Equipment in VOC service (as defined in 40 CFR §60.591) within process unit(s) [X, Y, and Z] is subject to Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries, 40 CFR 60, Subpart GGG. The permittee shall comply with all applicable requirements in Subparts A and GGG.

Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.592 except as provided in §60.593.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §§60.592(e) and 60.486.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §§60.592(e) 60.487.

F. 40 CFR 60, Subpart GGGa (Unit(s) X, Y, and Z) [Equipment at Petroleum Refineries subject to NSPS GGGa]

Requirement: Equipment in VOC service (as defined in 40 CFR §60.591a) within process unit(s) [X, Y, and Z] is subject to Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries, 40 CFR 60, Subpart GGGa. The permittee shall comply with all applicable requirements in Subparts A and GGGa.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.592a except as provided in §60.593a.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §§60.592a(e) and 60.486a.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §§60.592a(e) and 60.487a.

G. 40 CFR 60, Subpart KKK (Unit(s) X, Y, and Z) [Equipment and compressors at Onshore Natural Gas Processing Plants subject to NSPS KKK]

Requirement: Equipment and compressors in VOC or in wet gas service (as defined in 40 CFR §60.631) within process unit(s) [X, Y, and Z] is subject to Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants, 40 CFR 60, Subpart KKK. The permittee shall comply with all applicable requirements in Subparts A and KKK.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.632 except as provided in §60.633.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §60.486 except as provided in §§60.633 and 60.635.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §60.487 except as provided in §§60.633 and 60.636.

H. 40 CFR 60, Subpart OOOO (Unit(s) X, Y, and Z) [Equipment at Onshore Natural Gas Processing Plants subject to NSPS OOOO]

Requirement: Equipment in VOC or in wet gas service (as defined in 40 CFR §60.5430) within

process unit(s) [X, Y, and Z] is subject to the equipment leak standards at 40 CFR §60.5400 of 40 CFR 60, Subpart OOOO. The permittee shall comply with all applicable requirements in Subparts A and OOOO.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.5400 except as provided in §60.5401.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §§60.5400(e) and 60.486 except as provided in §§60.5401 and 60.5421.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §§60.5400(e) and 60.487 except as provided in §§60.5401 and 60.5422.

I. 40 CFR 60, Subpart OOOOa (Unit(s) X, Y, and Z) [Equipment at Onshore Natural Gas Processing Plants subject to NSPS OOOOa]

Requirement: Equipment in VOC or in wet gas service (as defined in 40 CFR §60.5430a) within process unit(s) [X, Y, and Z] is subject to the GHG and VOC equipment leak standards at 40 CFR §60.5400a of 40 CFR 60, Subpart OOOOa. The permittee shall comply with all applicable requirements in Subparts A and OOOOa.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.5400a except as provided in §60.5401a.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §§60.5400a(e) and 60.486a except as provided in §§60.5401a and 60.5421a.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §§60.5400a(e) and 60.487a except as provided in §§60.5401a and 60.5422a.

PLEASE NOTE – The EPA has proposed to delay some effective dates in NSPS OOOOa for two years. As of September 13, 2017 this delay is not in effect since this stay is still proposed and not final.

J. 40 CFR 60, Subpart OOOOa (Unit(s) X, Y, and Z) [Collection of fugitive emissions components at well sites and compressor stations specified at §60.5365a(i) and (j) subject to NSPS OOOOa]

Requirement: The collection of fugitive emissions components (as defined in 40 CFR §60.5430a) at this facility are subject to the fugitive emissions GHG and VOC leak standards at 40 CFR §60.5397a of 40 CFR 60, Subpart OOOOa. The permittee shall comply with all applicable requirements in Subparts A and OOOOa.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.5397a. Alternative means of emissions limitations at §60.5398a can only be approved by the US EPA.
Recordkeeping: The permittee shall comply with the applicable recordkeeping requirements specified at 40 CFR §60.5420a(c), including §60.5420a(c)(15)
Reporting: The permittee shall comply with the applicable reporting requirements specified at 40 CFR §60.5420a(b), including §60.5420a(b)(7).

K. 40 CFR 63, Subpart CC (Unit(s) X, Y, and Z) [Equipment in organic HAP service at Petroleum Refineries subject to MACT CC]

Requirement: Equipment in organic HAP service (as defined in 40 CFR §63.641) is subject to the equipment leak standards at 40 CFR §63.648 of 40 CFR 63, Subpart CC. The permittee shall comply with all applicable requirements in Subparts A and CC.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §63.648.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §63.655.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §63.655.

L. 40 CFR 63, Subpart HH (Unit(s) X, Y, and Z) [Ancillary equipment and Compressors at Natural Gas Processing Plants subject to MACT HH]

Requirement: Ancillary equipment and compressors in VHAP service (as defined in 40 CFR §63.761) are subject to the equipment leak standards at 40 CFR §63.769 of 40 CFR 63, Subpart HH. The permittee shall comply with all applicable requirements in Subparts A and HH.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §63.769.
Recordkeeping: The permittee shall comply with the recordkeeping requirements specified at 40 CFR §63.774.
Reporting: The permittee shall comply with the reporting requirements specified at 40 CFR §63.775.

Background:
How emissions were determined is key to establishing monitoring. Usually, fugitive leaks are calculated based on an emission factor for each component, the number of components, and the concentration of the pollutant inside the component.

A possible approach for monitoring is leak detection monitoring. The intent of leak detection monitoring is to ensure that fugitive emission leaks do not go undetected, and that detected leaks with a concentration > 10,000 ppm methane or n-hexane are repaired within a specified time frame.

See PowerPoint file at: [XXXX] for Protocol Flow Diagram

NOTES:

1. All Fugitive VOC and HAP emissions, to the extent practicable, should be reported in the permit application. (N/C)

2. Fugitive VOC and HAP emissions should be included in the VOC and HAP totals in the public notice. (N/C)

3. **Table 102.A in permit:** Fugitive VOC emissions should be included with a footnote identifying how many tons are fugitive.

4. **Table 104 in permit:** Fugitive VOC's should be listed in Table 104.A as a Regulated Source since that section states that all regulated sources at the facility are listed. If there is an emission limit in the permit, then conditions demonstrating compliance must be included. If no emission limit is required, for example, since VOC emissions are less than 25 tpy, then no conditions should be added.

Examples of EQUIPMENT SUBJECT TO 40 CFR 60, SUBPART KKK

Inlet compression Turbine(s) X and associated valves and piping
Cryogenic Liquids Extraction Plant
Tank farm
Truck loading rack
Amine Treater
Sulfur Recovery Unit
Dehydrator

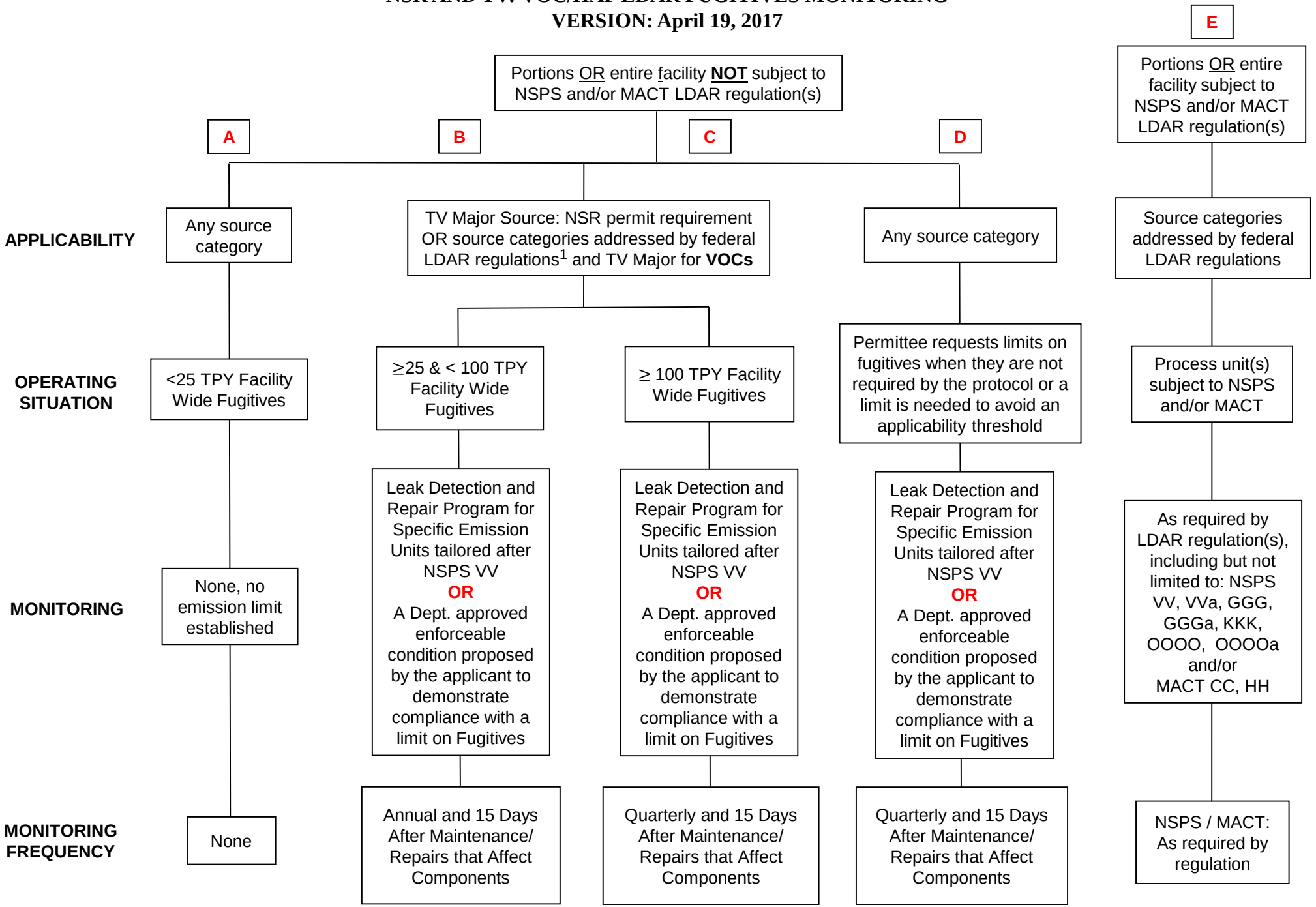
EQUIPMENT SUBJECT TO 40 CFR 60, SUBPART KKK
(1) Pumps in LLS – Light Liquid Service 60.482-2
(2) PRDs – Pressure Relief Devices 60.482-4
(3) G/VS – Gas/Vapor Service 60.482-4
(4) OEVs – Open Ended Valves 60.482-6
(5) OELs – Open Ended Lines 60.482-6
(6) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors. §60.482-8
(7) CVSCDs – Closed Vent Systems & Control Devices §60.482-10
(8) Valves in G/VS & LLS 60.482-7
(10) Compressors 60.482.3

MONITORING REQUIREMENTS FOR EQUIPMENT SUBJECT TO 40 CFR 60, SUBPART KKK

Process Unit	**§60.482-2 Pumps in LLS(1)**	**§60.482-4 PRDs(2) in G/VS(3)**	**§60.482-7 Valves in G/VS(3) & LLS(1)**	**§60.482-8 (6)**	**§60.482-10 CVSCDs (7)**

	60.482-2(a)(1)&(2)	60.633 (b)(1) & (b)(4)(i) & (ii)	60.482-7(a)&(c)(1)&(2)	60.482-8 (a)	60.482-10(e) & (f)(1) & (2)

NSR AND TV: VOC/HAP LDAR FUGITIVES MONITORING
VERSION: April 19, 2017



NOTE 1: Source categories addressed by federal LDAR regulations are the following: Synthetic organic chemicals manufacturing industry plants (NSPS VV, VVa), Petroleum Refineries (NSPS GGG, GGGa, MACT CC), Natural Gas Processing Plants (NSPS KKK, OOOO, OOOOa, MACT HH). Requirements for components at well sites and compressor stations (see 40 CFR §60.5365a(i) & (j)) do not follow the general leak detection protocol based on NSPS VV, thus are not included in this definition.

Revised: 01/11/2018

NOTE: This report contains IDEA-database merged data in blue, permit-writer entered data in red, and permit-writer instructions in bolded red. After all permit-writer additions and changes are made, delete the bolded red instructions and change all remaining colored text to black.

LEGAL NOTICE

For

Air Quality Operating Permit

for Eunice Gas Processing Plant of Versado Gas Processors, LLC

Versado Gas Processors, LLC at 6 Desta Drive
Suite 3300; Midland, TX 79705 has submitted an air quality operating permit application to the New Mexico Environment Department (NMED) for an air quality operating permit for its Eunice Gas Processing Plant. The owner of this plant is Versado Gas Processors, LLC. The exact location of the facility **is/will** be at latitude 32 deg**,** 25 min, 29.8 sec **[deg., min., sec.]** and longitude -103 deg**,** 8 min, 50.1 sec **[deg., min., sec.]**, Datum: Unknown**.** To aid in locating this facility, the approximate location is **[street address] OR [[XX.X]** miles **[direction]** of **[a reasonably close, well known point, such as the intersection of two roads, a landmark, or road mile marker]]** in **[name]** county !!TEMPO TAG TOO LARGE ERROR:ai_si_location_desc%% This application file has been assigned an Operating Permit Number P109 and TEMPO Agency Interest ID No. 609.

[Choose the best option]
Previously, the facility received an air quality construction permit and is in operation. (If operations are suspended: able to operate.)
(OR) The facility was not required to obtain an air quality construction permit and is in operation.

The main purpose of the facility is to [EXPLAIN the plant operation].

This operating permit application is for a permit modification. Per 20.2.70.401.C.(4) NMAC, this permitting action involves **[DESCRIBE YOUR ACTION]**.

{FOR PERMIT MODIFICATIONS OR RENEWALS THAT INVOLVE CHANGES IN EMISSIONS SINCE THE LAST TITLE V PERMIT ADD THIS SENTENCE} The emissions, as established in NSR Permit XXX-MX, and brought forward into this permit are as follows. Parentheses note changes in emissions from previous operating permit – PXXX-R1. Emissions are expressed in tons per year (tpy). **[**Add or delete pollutants as necessary and in parentheses enter "-" if emissions decrease, enter "+" if emissions increase, enter "no change" if emissions do not change.**]** Nitrogen Oxides (NOx) at XX tpy (-XX); Carbon Monoxide (CO) at XX tpy (+XX); Volatile Organic Compounds (VOC) at XX tpy (XX); Sulfur Dioxide (SO_2) at XX tpy (no change); Particulate Matter 10 microns or less (PM_{10}) at XX tpy (no change), and Particulate Matter 2.5 microns or less ($PM_{2.5}$); and greenhouse gas (CO_2e) (> or <) 75,000 tpy
{IF THE CHANGE IS NOT THE RESULT OF A NSR PERMITTING ACTION THEN CHANGE FIRST SENTENCE TO THIS} The estimated maximum air pollutant emissions to the atmosphere, from this facility after the requested operating permit is issued, are as follows. The facility is a **[**major, >100,000 tpy CO_2e**] or [**minor, < 100,000 tpy CO_2e**]**, [choose major or minor] source of greenhouse gas emissions.
{IF THERE ARE NO CHANGES IN EMISSIONS DELETE ABOVE AND ADD THIS SENTENCE.} There are no changes to the existing air emission limits in this permitting action.

The NMED has conducted a preliminary review of the information submitted with the permit application. This review included evaluation of the emission rates and applicable requirements to determine compliance.

The NMED has made a preliminary determination that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts [LIST REGULATIONS, Examples follow] 7, 61, 70, 71, 72, 73, and [xxx]; 40 CFR 50; 40 CFR 60 Subparts [xxx]; 40 CFR 63 Subparts [xxx]; and the New Mexico Air Quality Control Act. Therefore, the preliminary intent of NMED is to issue the air quality operating permit on or before {Date}.

Interested persons may obtain the draft operating permit, submit written comments, or request a public hearing on Operating Permit Number P109 by contacting Kirby Olson at the New Mexico Environment Department, Air Quality Bureau, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816.

Written requests for public hearing must state the nature of the issues proposed to be raised in the hearing. Comments must be based on the requirements of the applicable state and federal air quality regulations and the Clean Air Act. Comments or hearing requests must be received within 30 days after the public notice is published.

The permit application, draft permit and relevant supporting materials are currently available for review at the Air Quality Bureau, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816. The Department contact in Santa Fe is Kirby Olson at 505-476-4300. Este es un aviso de la oficina de Calidad del Aire del Departamento del Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor comuníquese con esa oficina al teléfono 505-476-5557.

Notice of Non-Discrimination

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non- discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator
New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at https://www.env.nm.gov/NMED/EJ/index.html to learn how and where to file a complaint of discrimination.

DELETE THE FOLLOWING INSTRUCTIONS BELOW FROM FINAL PUBLIC NOTICE
Email templates are located in the current shared directory in the Permit Section TV Forms Folder.
The following is not the list of TV affected programs which are all states, local air pollution control programs, and Indian Tribes and Pueblos within 50 miles of the source. The affected program list is generated in the affected program letter (called affected parties) from tempo letterbuilder.

Per 20.2.70.401.B, send all public notices for TV draft permits and TV hearings to EPA Region 6 at r6airpermits@epa.gov & Erica LeDoux at LeDoux.Erica@epa.gov.

"Public notice and notice of public hearing shall be given…to persons on a mailing list developed by the Department, including those who request in writing to be on the list…"

Per 20.2.70.401.B, send all public notices for TV draft permit and TV hearings as follows:

- **Send notice by email if the facility is located in one of these Counties: San Juan, Rio Arriba, Taos, Colfax, Sandoval, Los Alamos, and Santa Fe (fyi the eight northern pueblos include Nambe, Picuris, Pojoaque, San Ildefonso, Ohkay Owingeh (San Juan), Tesuque, Santa Clara, and Taos Pueblos)**

Boyd Nystedt, Director
Eight Northern Indian Pueblo Council, Inc
Office of Environmental Technical Assistance
Mobile: 505-692-7073, Fax: 505.884.0846
Email: boyd.nystedt@enipc.org

- **Send All notices by email to Jeremy Nichols, WildEarth Guardians:**

Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
1536 Wynkoop, Suite 302
Denver, CO 80202
Email: jnichols@wildearthguardians.org

- **Send notice by email if the facility is located in one of these southwest NM Counties: Grant, Luna, Catron, Hidalgo, and Sierra.**

Allyson Siwik
Executive Director
Gila Resources Information Project (GRIP), and environmental group in Silver City.
Phone: 575 538 8078
305-A North Cooper St.
Silver City, NM 88061
Email: grip@gilaresources.info

- **Send notice by email to the following if facility is located in Sierra County:**

Kim Audette
Email: kcaudette@yahoo.com

- **Send notice by email to the following organizations if this is an application for Los Alamos National Laboratory (LANL).**

Joni Arends, Executive Director
Concerned Citizens for Nuclear Safety
107 Cienega Street
Santa Fe, New Mexico 87501
Tel (505) 986-1973, Fax (505) 986-0997
Emails: ccns@nuclearactive.org and jarends@nuclearactive.org

Neil Weber
Director of Env. and Cultural Preservation for San Ildefonso
Email: nweber@sanipueblo.org

Sheri Kotowski
Embudo Valley Environmental Monitoring Group (EVEMG) TEMPO ORG-9511

New Mexico
ENVIRONMENT DEPARTMENT

525 Camino de los Marquez, Suite 1
Santa Fe, NM 87505-1816
Phone (505) 476-4300
Fax (505) 476-4375
www.env.nm.gov

SUSANA MARTINEZ
GOVERNOR

JOHN A. SANCHEZ
LT. GOVERNOR

BUTCH TONGATE
CABINET SECRETARY

J. C. BORREGO
DEPUTY SECRETARY

Revised: 6/15/2017

January 23, 2018

[INSERT ONE BLOCK FROM THE TABLE AT END OF THIS DOCUMENT-HERE]

SUBJECT: Notification to Affected Programs:
Air Quality Title V Operating Permit Application No. P109
TEMPO/IDEA ID No.609 - PRT20160001

Dear Sir or Madam:

The New Mexico Environment Department, Air Quality Bureau (Department) has received a Title V Operating Permit application from Versado Gas Processors, LLC for its Eunice Gas Processing Plant on April 15, 2016.

This facility is located in Section: 3, Range: 37E, Township: 22S, UTMZ: 13 , UTMH: 674204, UTMV: 3589051, Datum: Unknown in Lea County, New Mexico.

Since this facility is located within 50 miles (80.5 km) of your border, your organization is an Affected Program that receives this notice. Affected Programs are all states, local air pollution control programs, and Indian Tribes and Pueblos located within 50 miles of the facility (20.2.70.7.B NMAC).

Affected Program	**Distance**	**Units**
Class I - Carlsbad Caverns National Park	118.3	km
State - Texas	9.6	km

Per 20.2.70.401.A NMAC, the Department shall provide thirty (30) days for public and Affected Program comment on the Draft permit.

You may submit written comments on this Draft permit, or Draft/Proposed permit if submitted as the same document, to the New Mexico Environment Department, Air Quality Bureau within thirty (30) days from the date of this letter. If significant changes are made to a Draft/Proposed permit, a new Proposed permit will be submitted to EPA for a 45-day review.

To determine the beginning of a 45-day Proposed permit review period, see the "EPA Review Start Date" located on this EPA website.
https://yosemite.epa.gov/r6/Apermit.nsf/AirNM?OpenView&Start=1&Count=4000&Expand=1#1

If you have any questions please feel free to contact me at 505-476-4300.

Sincerely,

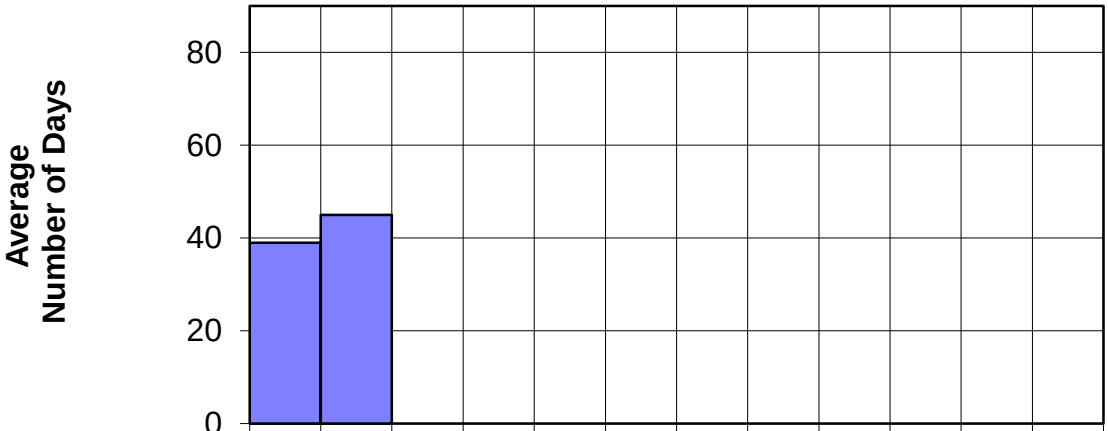
Kirby Olson
Air Permit Specialist
Air Quality Bureau; Website: https://www.env.nm.gov/aqb/permit/index.htm
Air Quality Regulations Website: http://164.64.110.239/nmac/_title20/T20C002.htm

Enclosure: Public Notice

[Delete this table prior to print each final document]

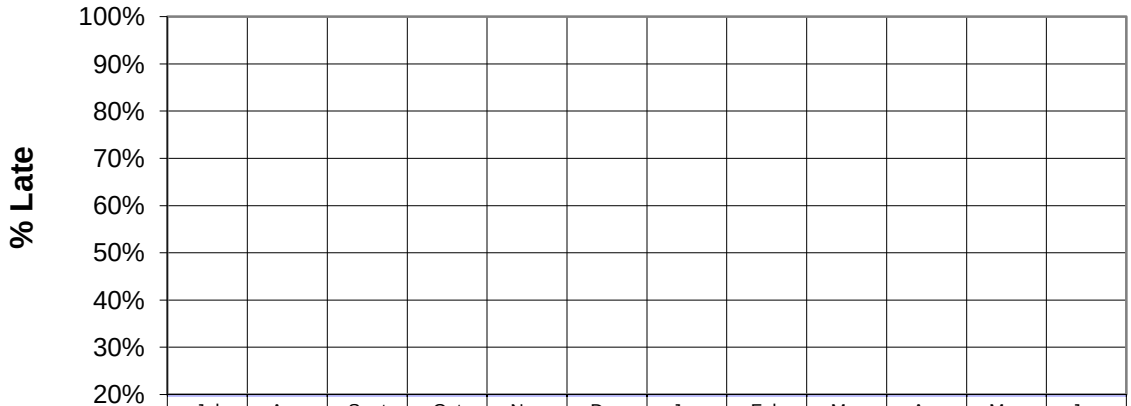
Jeremy Nichols WildEarth Guardians 1536 Wynkoop Street, Suite 301 Climate and Energy Program Denver, CO 80202 jnichols@wildearthguardians.org
Jesse Chacon Texas State of PO Box 13087 Director Operating Permit Division(MC163) Austin, TX 787113087 AIRPERM@tceq.texas.gov

FY 2017 Air Quality
Average Number of Days to Rule Complete for TV Permits



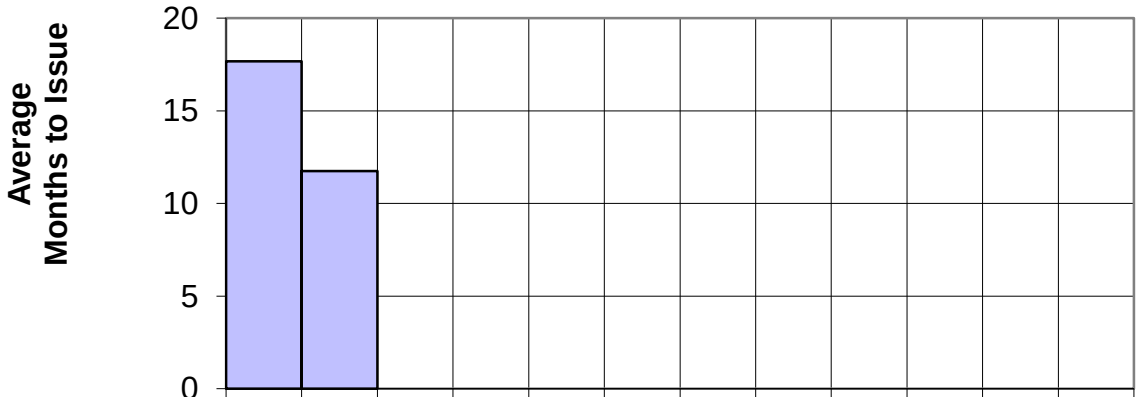
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Ave Days to Complete	39	45										
Total Days	194	136										
No. Permits	5	3										

FY 2017 Air Quality
TV Permit Issuance Delinquencies



	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
% Late/Month	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total No.	5	4										
No. Late	0	0										
Annual Avg. %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

FY 2017 Air Quality
Average Number of Months from Date of "Complete" to Issue TV Permits *



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total No. Months	53	47										
No. Permits	3	4										
Avg. Months	18	12	0	0	0	0	0	0	0	0	0	0

*Excludes Administrative Modifications

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REVISIONS TO: **No. EIB 16-03 (R)**
***New Mexico's State Implementation* Plan**

Air Quality Bureau,
Environmental Protection Division of the
New Mexico Environment Department,

Petitioner.

STATEMENT OF REASONS AND ORDER

STATEMENT OF REASONS

1. The Clean Air Act ("CAA") requires New Mexico to adopt and submit a plan for the implementation, maintenance, and enforcement of primary and secondary national ambient air quality standards ("NAAQS") to the U.S. Environmental Protection Agency ("EPA"). 42 U.S.C. § 7410(a) (CAA § 110(a)); NMED **Exhibit 6**, pg. 1.

2. The state implementation plan ("SIP") must include an enforcement program, emission limitations, and control measures. 42 U.S.C. § 7410(a)(2)(C) (CAA § 110(a)(2)(C)).

3. EPA reviews and approves SIP submittals pursuant to 42 U.S.C. § 7410(k) (CAA § 110(k)).

4. If New Mexico fails to submit a SIP or the SIP fails to satisfy minimum criteria, EPA may promulgate a federal implementation plan or trigger a mandatory 18-month or 24-month sanctions clock pursuant to Section 179 of the CAA. 42 U.S.C. § 7410(c) (CAA § 110(c)); NMED **Exhibit 6**, pg. 1

5. Prior to submitting a SIP revision, New Mexico must provide reasonable notice and opportunity for a public hearing. 42 U.S.C § 7410(l) (CAA § 110(l)); NMED **Exhibit 6**, pp. 12 - 13.

6. The New Mexico Environment Department ("Department") developed and presented the proposed SIP revisions to the New Mexico Environmental Improvement Board ("Board") for its consideration and approval in its Notice of Intent to Present Technical Testimony filed on August 19, 2016, pursuant to NMSA 1978, Sections 74-2-5 (2007) and 74-2-5.1(H) (1992). *See* NMED Notice of Intent to Present Technical Testimony.

7. On June 12, 2015, EPA issued a notice to 36 states, requiring each state to revise its SIP to comply with EPA's new interpretation of the CAA (the "SIP Call"). NMED **Exhibit 14**, 80 Fed. Reg. 33,840 (June 12, 2015) (codified at 40 C.F.R. § 52.1620).

8. As part of the SIP Call, EPA specifically reviewed New Mexico's affirmative defense provisions and found them to be substantially inadequate and contradictory to the CAA on the grounds that they usurp the role of the judiciary. NMED **Exhibit 14**, 80 Fed. Reg. at 33,487, F.N. 12 and 13.

9. EPA determined that New Mexico's affirmative defense provisions, 20.2.7.111 through .113 NMAC, are substantially inadequate based partly on the D.C. Circuit Court of Appeals decision in *Natural Resources Defense Council v. EPA*. ("*NRDC*"). NMED **Exhibit 14**, 80 Fed. Reg. 33,840, 33,845; NMED **Exhibit 6**, pg. 4. In *NRDC*, the Court reviewed, among other things, a challenge to EPA's affirmative defense provisions in private civil suits, available when an "unavoidable" malfunction results in impermissible levels of emissions. NMED **Exhibit 13**, *NRDC*, 749 F.3d 1055, 1057 (D.C. Cir. 2014). The D.C. Circuit found that only a court can

determine if civil penalties are appropriate in private CAA suits, and thus, EPA's affirmative defenses were inappropriate. *Id.* 1063-64.

10. Subsequently, EPA reevaluated its CAA interpretation regarding affirmative defenses beyond the holding of the opinion. NMED **Exhibit 14**, 80 Fed. Reg. at 33,844. EPA construed the opinion to apply to SIPs as well as EPA's own affirmative defense provisions, though the court specifically did not address SIPs in its *NRDC* opinion. *Id.* 33,851; *see also* NMED **Exhibit 13**, *NRDC*, 749 F.3d at 1064 F.N. 2.

11. The Board promulgated the current affirmative defense provisions in 2008. NMED **Exhibit 6**, pg. 2; *See also* NMED **Exhibit 8**.

12. The New Mexico affirmative defense provisions allow affirmative defenses from civil penalties in cases of excess emissions during startup, shutdown, malfunctions, and emergencies. Permittees can claim an affirmative defense for excess emissions during start up, shutdown or malfunction, provided that the Department determines that the permittee has demonstrated that it meets the necessary criteria to claim the defense. 20.2.7.111 - .112 NMAC; NMED **Exhibit 6**, pg.5.

13. Additionally, the current SIP provides that a permittee may claim an affirmative defense from a civil penalty for excess emissions during an emergency, i.e. a situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation due to unavoidable increases in emissions attributable to the emergency. 20.2.7.113 NMAC. The emergency affirmative defense is available provided the Department determines that the permittee demonstrates that it meets the

21. The Department proposed to denote which portions of 20.2.7 NMAC are included in the SIP through the annotations following the regulation. Pursuant to 1.24.1.7 NMAC, the annotation is not part of the rule. *Id.*

22. The notice and hearing requirements were satisfied in this SIP revision process. *See* NMED **Exhibit 6**, pp. 12 – 13; *see also* NMED **Exhibit 16**.

23. The Department's proposal received a favorable response from EPA Region VI. *See* NMED **Exhibit 15**.

24. The affirmative defense provisions do not preclude administrative or judicial enforcement actions to require corrective action by a permittee or for injunctive relief. The affirmative defense provisions apply only to the Department, and they do not preclude any person or agency, including the Department, from assessing or suing to recover civil penalties in a court of competent jurisdiction. The affirmative defense provisions are not available in any federal or third party actions pursuant to Sections 113 or 304 of the Clean Air Act and do not require a party seeking enforcement pursuant to those sections to first exhaust the administrative procedures of 20.2.7 NMAC.

25. The board has taken into account all facts and circumstances, including but not limited to:

(1) character and degree of injury to or interference with health, welfare, visibility and property;

(2) the public interest, including the social and economic value of the sources and subjects of air contaminants; and

(3) technical practicability and economic reasonableness of reducing or eliminating air contaminants from the sources involved and previous experience with equipment and methods available to control the air contaminants involved.

26. The proposed revisions satisfy the statutory requirements of the Air Quality Control Act, NMSA 1978, Section 74-2-5(E).

27. The Board has the authority to approve these proposed revisions pursuant to NMSA 1978, Section 74-2-5(C).

28. The proposed revisions are adopted for any and all of the reasons stated above.

ORDER

By a unanimous vote of a quorum of the Board members, the proposed SIP revisions were approved by the Board on September 9, 2016. Annotations to 20.2.7 NMAC, with any appropriate corrections of typographical errors or formatting, shall be filed with the New Mexico State Records Center, and shall be submitted as expeditiously as possible by the Department to the EPA for approval of delegation authority.

SIGNED this 5th day of October, 2016.

John Volkerding, Chair
New Mexico Environmental Improvement Board
1190 St. Francis Drive, Suite S2100
Santa Fe, New Mexico 87505
(505) 827-2425
(505) 827-0310 Fax

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **Statement of Reasons and Order** was sent via the stated methods below to the following parties on October 12, 2016:

Via hand delivery and email:

Christopher N. Atencio
Andrew P. Knight
Office of General Counsel
New Mexico Environment Department
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102-3400
Counsel for the New Mexico Environment Department

Pam Castañeda

Pam Castañeda, Board Administrator
Environmental Improvement Board
1190 South Saint Francis Drive, Suite S-2102
Santa Fe, New Mexico 87505
pam.castaneda@state.nm.us
Phone: (505) 827-2425
Fax: (505) 827-2836

State of New Mexico
ENVIRONMENT DEPARTMENT

Office of the Secretary

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855 Fax (505) 827-2836
www.env.nm.gov

BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Acting Deputy Secretary

October 13 , 2016

Mr. Ron Curry
Regional Administrator (6-A)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mr. Curry:

On behalf of the New Mexico Environment Department (NMED), I am pleased to submit to the Environmental Protection Agency the enclosed proposed revisions to the New Mexico State Implementation Plan (SIP) for air quality. These revisions consist of the removal of all sections of 20.2.7 New Mexico Administrative Code (NMAC) - Excess Emissions (Part 7) that deal with affirmative defense from the SIP in conformance with the SIP Call of June 12, 2015 (80 FR 33840, 33975). The following sections of 20.2.7 NMAC are submitted for removal from the SIP:

- Section 106, Subsection B;
- Section 110, Subsection B, Paragraph 15;
- Section 111;
- Section 112;
- Section 113;
- Section 115; and
- Section 116.

The Environmental Improvement Board adopted these SIP revisions to Part 7 at a public hearing held on September 9, 2016. The hearing record for the proposed SIP revisions is attached and includes the revisions to 20.2.7 NMAC - Excess Emissions, hearing transcript, exhibits, public notices, affidavits of publication, and the NMED's notice of intent to testify. Included with the attached hard copy of the SIP revision submittal is an electronic copy of the submittal provided on disk, which I certify to be an exact duplicate of the hard copy.

A Clean Air Act Section 110(l) demonstration is included with this submittal. This demonstration shows that the removal of the above-mentioned sections from the New Mexico

SIP will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the Clean Air Act.

If there are any questions concerning this SIP submittal, please contact Richard Goodyear, Air Quality Bureau Chief, at (505) 476-4305.

Sincerely,

Butch Tongate

Butch Tongate
Cabinet Secretary - Designate

Enclosures

cc: Mr. Guy Donaldson, EPA Region 6
Mr. Jeff Robinson, EPA, Region 6
Mr. Michael Vonderheide, Director, Environmental Protection Divison
Mr. Richard Goodyear, Chief, Air Quality Bureau

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 71 OPERATING PERMIT EMISSIONS FEES

20.2.71.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.71.1 NMAC - Rn, 20 NMAC 2.71.100 10/31/02]

20.2.71.2 SCOPE: All persons required to obtain a permit under 20.2.70 NMAC (Operating Permits).
[11/30/95; 0.2.71.2 NMAC - Rn, 20 NMAC 2.71.101 10/31/02]

20.2.71.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-8 (A)(4) and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-7(B)(5).
[11/30/95; 20.2.71.3 NMAC - Rn, 20 NMAC 2.71.102 10/31/02]

20.2.71.4 DURATION: Permanent.
[11/30/95; 20.2.71.4 NMAC - Rn, 20 NMAC 2.71.103 10/31/02]

20.2.71.5 EFFECTIVE DATE: November 30, 1995, unless a later date is cited at the end of a section.
[11/30/95; 20.2.71.5 NMAC - Rn, 20 NMAC 2.71.104 10/31/02; A, 12/15/04]
[The latest effective date of any section in this part is 01/09/09.]

20.2.71.6 OBJECTIVE: The objective of this Part is to establish a schedule of operating permit emission fees.
[11/30/95; 20.2.71.6 NMAC - Rn, 20 NMAC 2.71.105 10/31/02]

20.2.71.7 DEFINITIONS. In addition to the terms defined in 20.2.2 NMAC (definitions), as used in this part, the following definitions apply.

A. "Allowable emission rate" means the maximum emission allowed by the more stringent emission limitation applicable to the source contained in:

(1) any New Mexico air quality control regulation;

(2) any federal standard of performance, emission limitation, or emission standard adopted pursuant to 42 U.S.C. Section 7411 or 7412; or

(3) any condition within a construction or operating permit issued by the department.

B. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any fee pollutant.

C. "Fee pollutant" means:

(1) sulfur dioxide, nitrogen dioxide, carbon monoxide, total suspended particulate matter, volatile organic compounds, and mercury; and

(2) any hazardous air pollutant that is subject to any standard promulgated pursuant to section 112 of the federal act.

D. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

E. "Hazardous air pollutant" means an air contaminant that has been classified as a hazardous air pollutant pursuant to section 112 of the federal act.

F. "Operator" means the person or persons responsible for the overall operation of a facility.

G. "Owner" means the person or persons who own a facility or part of a facility.

H. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the board.

I. "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant.

[11/30/95; 20.2.71.7 NMAC - Rn, 20 NMAC 2.71.107 10/31/02; A, 12/15/04; A, 06/15/07]

20.2.71.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 771 -- Operating Permit Emission Fees, filed November 15, 1993, as amended.

A. All references to AQCR 771 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 771 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 771.

[11/30/95; 20.2.71.8 NMAC - Rn, 20 NMAC 2.71.106 10/31/02]

20.2.71.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505].
[11/30/95; 20.2.71.9 NMAC - Rn, 20 NMAC 2.71.108 10/31/02]

20.2.71.10 to 20.2.71.108 [RESERVED]

20.2.71.109 APPLICABILITY: Each owner or operator required to obtain an operating permit under 20.2.70 NMAC (Operating Permits) shall be subject to the requirements of this Part.
[11/30/95; 20.2.71.109 NMAC - Rn, 20 NMAC 2.71.109 10/31/02]

20.2.71.110 FEE REQUIREMENT

A. An annual operating permit emission fee shall be paid to the department by each owner or operator subject to this part.

B. The fee shall be assessed:

(1) for a major source as defined in 20.2.70 NMAC (Operating Permits), for all emissions units;

(2) for all other stationary sources, for emissions units which cause the source to be subject to 20.2.70 NMAC; and

(3) for emissions above annual allowable emission limits for the source categories in Paragraphs (1) and (2) of Subsection B of Section 20.2.71.110 NMAC.

C. The fee shall be calculated in conformance with 20.2.71.111 NMAC.
[11/30/95; 20.2.71.110 NMAC - Rn, 20 NMAC 2.71.110 10/31/02; A, 12/15/04]

20.2.71.111 FEE DETERMINATION

A. Fee calculation.

(1) The annual fee shall be calculated by taking the product of the allowable emission rate for each fee pollutant expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) The allowable emission rate which shall be used in the fee calculation is:

(a) the allowable emission rate which exists on December 31 for each year; and

(b) the failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.

(3) Allowable emission rates shall be calculated to the tenth of a ton for each emission unit and then summed to determine the tons per year for the facility. Total facility tons per year quantities shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(4) Emissions from those operations determined to be insignificant activities by the department under 20.2.70 NMAC shall not be included in the fee calculation.

(5) Fugitive emissions which have an allowable emission rate shall be included in the fee calculation.

(6) Any quantity of a pollutant which is assessed a fee because it is a hazardous air pollutant shall not be assessed additional fees.

(7) A maximum of six thousand tons per year of any one fee pollutant shall be used in the fee calculation.

B. Source shutdown.

(1) The annual fee shall not be reduced due to lack of operation of any emissions unit, except when:

(a) the discontinued operation is accounted for in an allowable emission rate contained within a construction or operating permit issued by the department;

(b) a construction or operating permit issued by the department has been discontinued or terminated and the source ceased operation; or

(c) the emissions unit is located at a stationary source which meets the criteria of Paragraph (2) of Subsection B of 20.2.71.111 NMAC.

(2) The annual fee shall be reduced when all operations at a stationary source have been shutdown for a period greater than 60 consecutive days within a calendar year. In this case, the fee calculation shall be adjusted by reducing the annualized allowable emission rate, or potential to emit if applicable, for each day the stationary source was shutdown.

C. Fee for emissions above annual allowable emission limits.

(1) The fee for emissions above annual allowable emission limits shall be based on all emissions above annual allowable emission limits of fee pollutants reported or required to be reported by a stationary source through December 31 in accordance with Subsection E of 20.2.70.302 NMAC. The fee shall be calculated by taking the product of the emissions above annual allowable emission limits for each fee pollutant above and beyond the allowable annual emissions limit per unit expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) Total facility tons per year quantities of emissions above annual allowable emission limits shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(3) Any quantity of a pollutant which is assessed a fee pursuant to this section because it is a hazardous air pollutant shall not be assessed additional fees pursuant to this section.

(4) A maximum of six thousand tons per year of any one fee pollutant shall be used in the fee calculation for this section.
[11/30/95; 20.2.71.111 NMAC - Rn, 20 NMAC 2.71.111 10/31/02; A, 12/15/04]

20.2.71.112 EMISSION FEE

A. The fee for each fee pollutant shall be $20.00 per ton on an annual basis, except as provided for in Subsection B of 20.2.70.112 NMAC. This fee shall increase by $2.00 per ton on an annual basis beginning on January 1, 2010 through the fees due on June 1, 2012.

B. The fee for each hazardous air pollutant shall be $165.00 per ton on an annual basis for any stationary source which is only major as defined in 20.2.70 NMAC for any hazardous air pollutant.

C. Fees for mercury emissions.

(1) For the calendar years 2010 through 2017, the fee for mercury emissions from stationary sources subject to 20.2.85 NMAC shall be $8.88 per ounce annually.

(2) For the calendar years 2018 and thereafter, the fee for mercury emissions from stationary sources subject to 20.2.85 NMAC shall be $22.51 per ounce annually.

D. The fee per ton of emissions above annual allowable emission limits shall be identical to the fee per ton of allowable emissions.

E. Beginning on January 1, 2009, the fees referenced in this section shall be changed annually by the percentage, if any, of any annual increase in the consumer price index in accordance with Section 502(b)(3)(B)(v) of the federal Clean Air Act.
[11/30/95; 20.2.71.112 NMAC - Rn, 20 NMAC 2.71.112 10/31/02; A, 12/15/04; A, 06/15/07; A, 01/09/09]

20.2.71.113 FEE PAYMENT

A. Schedule.

(1) The department shall by April 1 of each year provide to each owner or operator subject to this part notification, which shall contain:

(a) the emissions fee based on the requirements of this part which is currently due; and

(b) a summary of the basis for the required fee.

(2) Upon discovery of an error in any past notification of emissions fees due, the department shall promptly notify the owner or operator and provide credit for overcharges or require payment for undercharges.

(3) Each owner or operator shall pay by June 1 the emissions fee contained in the department's notification required under Paragraph (1) of Subsection A of Section 20.2.71.113 NMAC.

(4) Each owner or operator shall pay invoices based on notices of errors in past notifications within 60 days of the invoice date.

(5) The department shall commence invoicing for fees for emissions above annual allowable emission limits reported by the method specified by the department in calendar year 2007.

B. Payment.

(1) Fees shall be remitted in the form of a certified check or money order made payable to the environment department and submitted to the air quality bureau at the address specified in the notice.

(2) Upon receipt of the check or money order, it shall be deposited in the state air quality permit fund.

C. Nonpayment. Failure to remit the full fee required by the due date specified in this section is a violation of this part and may subject the owner or operator to:

(1) civil penalties for each day of noncompliance as provided for in the New Mexico Air Quality Control Act, section 74-2-12.1, NMSA 1978;

(2) the enforcement provisions of the New Mexico Air Quality Control Act, section 74-2-12, NMSA 1978, which includes suspension or revocation of any permit.
[11/30/95; 20.2.71.113 NMAC - Rn, 20 NMAC 2.71.113 10/31/02; A, 12/15/04]

HISTORY OF 20.2.71 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.
EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93.

History of Repealed Material: [RESERVED]

Other History:
EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95;
20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.71 NMAC, Operating Permit Emission Fees, effective 10/31/02.

Title V (TV) Fees

Consumer Price Index (CPI) Adjustment for fees invoiced in January, 1 2018

This document describes how the annual TV Fee is calculated and adjusted per 20.2.71.112 NMAC.

Conclusion:

Based on the methodology described below, the **2018** Title V fee per Fee Pollutant (20.2.71.7.C.1 NMAC), is **$30.77** per ton. The corresponding Title V HAP fee is **$195.53** per ton (20.2.71.7.C.2 NMAC). These new fees will be effective 1/1/2018 and will be used to calculate invoices for annual Title V fees billed in early 2018 for permits in effect as of 12/31/17.

Regulatory Language

20.2.71.112 NMAC states:

A. The fee for each fee pollutant shall be $20.00 per ton on an annual basis, except as provided for in Subsection B of 20.2.70.112 NMAC. This fee shall increase by $2.00 per ton on an annual basis beginning on January 1, 2010 through the fees due on June 1, 2012.

B. The fee for each hazardous air pollutant shall be $165.00 per ton on an annual basis for any stationary source which is only major as defined in 20.2.70 NMAC for any hazardous air pollutant.

C. The fee per ton of emissions above annual allowable emission limits shall be identical to the fee per ton of allowable emissions.

D. Beginning on January 1, 2009, the fees referenced in this section shall be changed annually by the percentage, if any, of any annual increase in the consumer price index in accordance with Section 502(b)(3)(B)(v) of the federal Clean Air Act. [11/30/95; 20.2.71.112 NMAC - Rn, 20 NMAC 2.71.112 10/31/02; A, 12/15/04; A, 01/12/09]

Consumer Price Index Resources

At the US Department of Labor website (https://www.bls.gov/cpi/tables/supplemental-files/home.htm), scroll down a few pages to the section "CPI Tables" and press the "Table Containing History of CPI-U U.S. All Items Indexes and Annual Percent Changes from 1913 to Present" link. Doing so will generate a table. Data from a portion of the table is presented below:

Series Id: CUUR0000SA0 **Area:** U.S. city average
Not Seasonally Adjusted **Item:** All items **Base Period:** 1982-84=100

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.49	208.936	210.177	210.036
2008	211.08	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228
2009	211.143	212.193	212.709	213.24	213.856	215.693	215.351	215.834	215.969	216.177	216.33	215.949
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.23	225.672
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519				

Fee Adjustment Methodology

The first step is to calculate the CPI from August 31, 2016 (240.849) to August 31 of the current year (245.519). The calculation is from August 31 to August 31 as required by Section 502(b)(3)(B)(v) of the federal Clean Air Act:

CPI change from 8/31/16 to 8/31/17 is: CPI = (245.519 – 240.849) / 240.849 = 0.01939 (1.9390% increase)

Thus, the year-to-year increase in the consumer price index is 1.939%. Per 20.2.71.112.D NMAC the CPI increase in the TV Pollutant Fees in January of 2018 will be 1.939%. This CPI (1.939%) is applied to the last year's per ton fee ($30.18/ton). The CPI (1.939%) is also applied to the previous year's fee ($191.81) for hazardous air pollutants:

The 2018 TV Fee = (1 + CPI) * ($30.18/ton) = 1.01939 * $30.18 = **$30.77/ton**
The 2018 TV HAP Fee = (1 + CPI) * ($191.81/ton) = 1.01939 * $191.81 = **$195.53/ton**

Therefore, the 2018 TV Fee per ton is $30.77
Therefore, the 2018 TV HAP Fee per ton is $195.53

Based on this methodology, the 2018 Title V fee per Fee Pollutant (20.2.71.7.C.1 NMAC), is $30.77 per ton. The corresponding Title V HAP fee is $195.53 per ton of (20.2.71.7.C.2 NMAC). These new fees will be effective 1/1/2018 and will be used to calculate invoices for annual Title V fees billed in early 2018.

THE DAILY TIMES
FARMINGTON NEW MEXICO
THE FOUR CORNERS INFORMATION LEADER

ADVERTISING INVOICE/STATEMENT
www.daily-times.com
203 West Main,
Farmington NM 87401

BILLING PERIOD	ADVERTISER/CLIENT NAME	
05/01/2017 - 05/28/2017	NM ENVIROMENT DEPT/AIR QUALITY	
TOTAL AMOUNT DUE	*** UNAPPLIED AMOUNT**	**TERMS OF PAYMENT**
$502.61	$0.00	Net + 24

CURRENT NET AMOUNT DUE	30 DAYS	60 DAYS	OVER 90 DAYS
$502.61	$0.00	$0.00	$0.00

ACCOUNT NUMBER	SALES REP	ALIAS ACCOUNT NUMBER	Page
49101	Melissa Gonzalez	781322	Page 1 of 2

DATE	NEWSPAPER REFERENCE	DESCRIPTION-OTHER COMMENTS/CHARGES	SAU SIZE, BILLED UNITS	TIMES RUN RATE	AMOUNT
		We know you have choices. Thank you for your business!			
		Balance Forward			1,469.08
05/24	P441347	Payment - Thank You			-1,469.08
05/06	I01188379-05062017	AQP #P098R3/Legal- Farmington Tax		1	18.76
		FM Daily-Times	480.00	0.04	
05/06	I01188379-05062017	AQP #P098R3/Legal- LEGAL NOTICE For Air Quality Operating Permit for Ly	2.00 x 240 Li	1	246.00
		FM Daily-Times	480.00	0.51	
05/06	I01188379-05062017	AQP #P098R3/Legal- Farmington Tax		1	0.57
		FM Online	480.00	0.00	
05/06	I01188379-05062017	AQP #P098R3/Legal- LEGAL NOTICE For Air Quality Operating Permit for Ly	2.00 x 240 Li	1	7.50
		FM Online	480.00	0.02	
05/06	I01188379-05062017	AQP #P098R3/Tax Charge Farmington Tax		0	0.53
			0.00		
		Affidavit			7.00
05/18	I01190437-05182017	27134/Legal- LEGAL NOTICE For Air Quality Operating Permit for Hart Cany	2.00 x 193 Li	1	192.00
		FM Daily-Times	386.00	0.50	
05/18	I01190437-05182017	27134/Legal- Farmington Tax		1	14.65
		FM Daily-Times	386.00	0.04	
05/18	I01190437-05182017	27134/Legal- Farmington Tax		1	0.57
		FM Online	386.00	0.00	
05/18	I01190437-05182017	27134/Legal- LEGAL NOTICE For Air Quality Operating Permit for Hart Cany	2.00 x 193 Li	1	7.50
		FM Online	386.00	0.02	

RECEIVED
JUN 6 2017
Air Quality Bureau

PLEASE DETACH AND RETURN LOWER PORTION WITH YOUR REMITTANCE

STATEMENT OF ACCOUNT Farmington Daily Times

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

CURRENT NET AMOUNT DUE	30 DAYS	60 DAYS	OVER 90 DAYS	* UNAPPLIED AMOUNT	TOTAL AMOUNT DUE
$502.61	$0.00	$0.00	$0.00	$0.00	$502.61

Note: Bills are due and payable when rendered. If the ending balance of any statement is not paid in full during the following month, that portion of it which remains unpaid, after application of all payments and those credit which pertain to that balance (rather than to the current month's charges), will be assessed a FINANCE CHARGE of 1.35% per month (an ANNUAL PERCENTAGE RATE not to exceed 18% per year). The minimum FINANCE CHARGE (which will apply should there be any unpaid balance) will be $0.50. No FINANCE CHARGE will be made if the ending balance is paid in full within the ensuing month.

AMOUNT PAID	BILLING PERIOD	ADVERTISER INFORMATION BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
	05/01/2017 - 05/28/2017	49101	49101	NM ENVIROMENT DEPT/AIR QUALITY BUREAU

If you have questions concerning your statement please contact:
866-858-0146 or e-mail
TNM@CCC.gannett.com
PLEASE INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK

IF PAYING BY CREDIT CARD: ☐ VISA ☐ DISCOVER ☐ MasterCard ☐ AMERICAN EXPRESS Acct. #:_____ Exp. Date:_____ Signature: _____

544876-04-0158

NM ENVIROMENT DEPT/AIR QUALITY BUREAU
525 CAMINO DE LOS MARQUEZ SUITE 1
SANTA FE, NM 87507

REMITTANCE ADDRESS

TNP-TEX/NM
PO BOX 677890
DALLAS TX 75267-7890

0460000000000049101500000000004910150000373285700050261 6

1190437

AFFIDAVIT OF PUBLICATION

Ad No. 73917

STATE OF NEW MEXICO
County of San Juan:

SAMMY LOPEZ, being duly sworn says: That he IS the PRESIDENT of THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the State of New Mexico for publication and appeared in the Internet at The Daily Times web site on the following day(s):

Thursday, May 18, 2017

And the cost of the publication is $222.25

SAMMY LOPEZ appeared before me, whom I know personally to be the person who signed the above document on the 24th of May, 2017.

OFFICIAL SEAL
MELISSA GONZALEZ
NOTARY PUBLIC
STATE OF NEW MEXICO

My commission expires 12-30-20

[signature of Notary]
Melissa Gonzales NOTARY PUBLIC

COPY OF PUBLICATION

LEGAL NOTICE
For
Air Quality Operating Permit
for Hart Canyon Compressor Station of
Enterprise Field Services, LLC

Enterprise Field Services, LLC at PO Box 4324; Houston, TX 77210-4324 has submitted an air quality operating permit application to the New Mexico Environment Department (NMED) for an air quality operating permit for its Hart Canyon Compressor Station. The owner of this plant is Enterprise Field Services, LLC. The exact location of the facility is at latitude 36 deg, 52 min, 53.95 sec and longitude -107 deg, 54 min, 6.24 sec, Datum: NAD27. To aid in locating this facility, the approximate location is 6 miles NE of Aztec in San Juan County, New Mexico. This application file has been assigned an Operating Permit Number P002-R4 and TEMPO Agency Interest ID No. 1181.

Previously, the facility received an air quality construction permit and is in operation. The main purpose of the plant is to compress natural for transmission through a pipeline.

This operating permit application is for a permit renewal. Per 20.2.70.401.C.(4) NMAC, this permitting action involves 5-year permit renewal and will incorporate the changes for this facility permitted by NSR permit 0770M5, M4, M4R1&R2, which authorized 2 like-kind engine replacements and revision of SSM emission limits.

The emissions, as established in NSR Permit 0770-M5, and brought forward into this permit are as follows. Parentheses note changes in emissions from previous operating permit - P002-R3. Emissions are expressed in tons per year (tpy). Nitrogen Oxides (NOx) at 115.9 tpy (-0.1); Carbon Monoxide (CO) at 238.5 tpy (-0.1); Volatile Organic Compounds (VOC) at 52.6 tpy (+6.3); Sulfur Dioxide (SO_2) at 3.6 tpy (no change); Particulate Matter 10 microns or less (PM10) at 2.5 tpy (no change), and Particulate Matter 2.5 microns or less ($PM_{2.5}$) at 2.5 tpy (no change); and greenhouse gas (CO_2e) at 75,000 tpy.

The NMED has conducted a preliminary review of the information submitted with the permit application. This review included evaluation of the emission rates and applicable requirements to determine compliance.

The NMED has made a preliminary determination that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts 7, 70, 71, 72, 73, and 82; 40 CFR 50; 40 CFR Subparts A & ZZZZ; and the New Mexico Air Quality Control Act. Therefore, the preliminary intent of NMED is to issue the air quality operating permit on or before December 27, 2017.

Interested persons may obtain the draft operating permit, submit written comments, or request a public hearing on Operating Permit Number P002-R4 by contacting Joseph Kimbrell at the New Mexico Environment Department, Air Quality Bureau, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816.

Written requests for public hearing must state the nature of the issues proposed to be raised in the hearing. Comments must be based on the requirements of the applicable state and federal air quality regulations and the Clean Air Act. Comments or hearing requests must be received within 30 days after the public notice is published.

The permit application, draft permit and relevant supporting materials are currently available for review at the Air Quality Bureau, 525 Camino Joseph Kimbrell at 505-476-4300. Este es un aviso de la Agencia de Calidad de Aire del Departamento de Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor de comunicarse con la oficina de Calidad de Aire al teléfono 505-476-5557.

Notice of Non-Discrimination
NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non- discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us, If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at https://www.env.nm.gov/NMED/EJ/index.html to learn how and where to file a complaint of discrimination.

Legal No. 73917 published in The Daily Times on May 18, 2017.

My Homepage

Voucher

Summary | Related Documents | Invoice Information | Payments | Voucher Attributes | Error Summary

Business Unit 66700
Voucher ID 00107090
Voucher Style Regular Voucher
Invoice Date 05/28/2017
Invoice Received

Invoice No 49101 MAY 2017
Accounting Date 06/12/2017
*Pay Terms NOW
Pay Now
Basis Date Type Inv Date

TEXAS NM NEWSPAPERS PARTNERSHIP
Supplier ID 0000006521
ShortName TEXAS NM N-001
Location 001
***Address** 1

Invoice Total

Line Total	502.61
*Currency	USD
Miscellaneous	
Freight	
Total	502.61
Difference	0.00

Non Merchandise Summary
Session Defaults
Comments(0)
Attachments (0)
Withholding
Template List
Advanced Supplier Search
Supplier Hierarchy
Supplier 360

Save | Action | Run | Calculate | Print

Copy From Source Document

Invoice Lines

Find | View All First 1 of 1 Last

Line 1 Copy Down
*Distribute by Amount
Item
Quantity 1.0000
UOM EA
Unit Price 502.61000
Line Amount 502.61

Ship To 021002
Description AQB0920. Encumber funds to pub
Packing Slip

Purchase Order
66700|0000027134|2|1
Associate Receiver(s)

One Asset
Calculate

Distribution Lines

Personalize | Find | View All | First 1 of 1 Last

GL Chart | Exchange Rate | Statistics | Assets

Copy Down	Line	Merchandise Amt	Quantity	*GL Unit	Fund	Dept	Account	Sub Acct	Rpt Cat	PC Bus Unit	Project	Activity
☐	1	502.61	1.0000	66700	06400	4040000000	546900	AQB0920				

↳ Title V Account

Save

Return to Search | Notify | Refresh | Add | Update/Display

STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
AIR QUALITY TITLE V FUND (09200) -
STATEMENT OF REVENUES AND EXPENDITURES -
BUDGET AND ACTUAL (BUDGETARY BASIS)
Year Ended June 30, 2014

	Budgeted Amounts		Actual Amounts	Variance From Final Budget
	Original	Final	(Budgetary Basis)	Positive (Negative)
REVENUES				
Other state funds	$ 4,853,300	$ 4,853,300	$ 5,119,200	$ 265,900
TOTAL REVENUES	4,853,300	4,853,300	5,119,200	265,900
BUDGETED FUND BALANCE	106,800	106,800	-	(106,800)
TOTAL REVENUES AND BUDGETED FUND BALANCE	$ 4,960,100	$ 4,960,100	5,119,200	$ 159,100
EXPENDITURES - current				
Other financing uses	$ 4,960,100	$ 4,960,100	4,451,298	$ 508,802
TOTAL EXPENDITURES	$ 4,960,100	$ 4,960,100	4,451,298	$ 508,802
NET CHANGE IN FUND BALANCE			$ 667,902	

NEW MEXICO ENVIRONMENT DEPARTMENT
AIR QUALITY TITLE V FUND (09200) –
STATEMENT OF REVENUES AND EXPENDITURES –
BUDGET AND ACTUAL (BUDGETARY BASIS)
YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual Amounts	Variance From Final Budget
	Original	Final	(Budgetary Basis)	Positive (Negative)
REVENUES				
Federal Funds	$ -	$ -	$ -	$ -
General Fund	-	-	-	-
Other State Funds	5,169,800	5,169,800	5,083,095	(86,705)
Interagency Transfers	-	-	-	-
TOTAL REVENUES	5,169,800	5,169,800	5,083,095	(86,705)
BUDGETED FUND BALANCE	520,800	1,130,800	-	(1,130,800)
TOTAL REVENUES AND BUDGETED FUND BALANCE	$ 5,690,600	$ 6,300,600	5,083,095	$ (1,217,505)
EXPENDITURES - Current				
Personal Services and Employee Benefits	$ -	$ -	-	$ -
Contractual Services	-	-	-	-
Other	-	-	-	-
Other Financing Uses	5,690,600	6,300,600	5,608,233	692,367
TOTAL EXPENDITURES	$ 5,690,600	$ 6,300,600	5,608,233	$ 692,367
NET CHANGE IN FUND BALANCE			$ (525,138)	

NEW MEXICO ENVIRONMENT DEPARTMENT
AIR QUALITY TITLE V FUND (09200) –
STATEMENT OF REVENUES AND EXPENDITURES –
BUDGET AND ACTUAL (BUDGETARY BASIS)
YEAR ENDED JUNE 30, 2015

	Budgeted Amounts		Actual Amounts	Variance From Final Budget
	Original	Final	(Budgetary Basis)	Positive (Negative)
REVENUES				
Federal Funds	$ -	$ -	$ -	$ -
General Fund	-	-	-	-
Other State Funds	4,768,400	4,768,400	4,995,802	227,402
Interagency Transfers	-	-	-	-
TOTAL REVENUES	4,768,400	4,768,400	4,995,802	227,402
BUDGETED FUND BALANCE	577,400	577,400	-	(577,400)
TOTAL REVENUES AND BUDGETED FUND BALANCE	$ 5,345,800	$ 5,345,800	4,995,802	$ (349,998)
EXPENDITURES - Current				
Personal Services and Employee Benefits	$ -	$ -	-	$ -
Contractual Services	-	-	-	-
Other	-	-	-	-
Other Financing Uses	5,345,800	5,345,800	5,003,347	342,453
TOTAL EXPENDITURES	$ 5,345,800	$ 5,345,800	5,003,347	$ 342,453
NET CHANGE IN FUND BALANCE			$ (7,545)	

State of New Mexico
Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2005-056

ENVIRONMENTAL JUSTICE EXECUTIVE ORDER

WHEREAS, the State of New Mexico is committed to affording all of its residents, including communities of color and low-income communities, fair treatment and meaningful involvement in the development, implementation, and enforcement of environmental laws, regulations, and policies regardless of race, color, ethnicity, religion, income or education level;

WHEREAS, the State of New Mexico is further committed to promoting the protection of human health and the environment, empowerment via public involvement in the development, implementation, and enforcement of environmental laws, regulations, and policies, and the dissemination of information related to the environment to inform and educate, especially in people of color and low-income communities;

WHEREAS, environmental justice issues exist in New Mexico, as they do in other states, causing concern and creating problems for some communities, businesses and households that bear the impacts of air and water contamination, noise, crowding, reduced quality of life, and depressed land and housing values – many of which could be mitigated by better siting decisions and processes;

WHEREAS, the cumulative impact of multiple sources of exposure to environmental hazards in low-income and people of color communities, and the roles of multiple agencies in addressing the causes and factors that compromise environmental health and quality of life in these communities require an interagency response; and

WHEREAS, the Federal government has underscored the importance of Environmental Justice in Executive Order 12898 and created the National Environmental Justice Advisory Council to integrate environmental justice into federal policies, programs, initiatives and activities.

NOW, THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by the virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All cabinet level departments and boards and commissions that are involved in decisions that may affect environmental quality and public health shall provide meaningful opportunities for involvement to all people regardless of race, color, ethnicity, religion, income, or education level. Programs and policies to protect and promote protection of human health and the environment shall be reviewed annually to ensure that program implementation and dissemination of information meet the needs of low-income and communities of color, and seek to address disproportionate exposure to environmental hazards and risks.

2. All cabinet level departments and boards and commissions shall recognize the need to communicate in writing and orally significant public health and environmental information in languages other than English by

ensuring that all publicly disseminated information, including websites, is available in Spanish and in English, at a minimum, and in tribal languages and dialects as appropriate for areas of the state where these languages are spoken.

3. All relevant cabinet level departments and boards and commissions shall utilize available environmental and public health data to address impacts in low-income communities and communities of color as well as in determining siting, permitting, compliance, enforcement, and remediation of existing and proposed industrial and commercial facilities.

4. There is hereby created a multi-agency task force, to be named the Environmental Justice Task Force, which shall include designees from the New Mexico Environment Department (NMED), State Engineer's Office, Department of Agriculture, Department of Health, New Mexico Department of Transportation, Energy, Minerals, and Natural Resources Department, Department of Public Safety, Department of Labor, and Department of Education. The NMED shall serve as the lead agency. The Task Force shall be an advisory body, the purpose of which is to make recommendations to State Agencies regarding actions to be taken to address environmental justice issues consistent with agencies' existing statutory and regulatory authority. The Task Force shall develop policies and procedures for communities to request the Task Force to address environmental justice issues in those communities. The Task Force is authorized to consult with, and expand its membership to, other agencies and stakeholders as needed to address concerns raised in affected communities. The Task Force shall meet not later than March 31, 2006 and shall report Task Force accomplishments to the Office of the Governor not later than December 31 of each year.

5. The NMED shall continue to work with the existing Environmental Justice Policy Committee, whose mission is to make recommendations regarding Environmental Justice issues in New Mexico to the Secretary and Deputy Secretary of NMED.

6. All state agencies shall assist as appropriate in implementing this Order and achieving its purposes. The actions mandated as a result of this Executive Order shall be accomplished within the bounds of, and consistent with, the relevant agency's existing statutory and regulatory authority.

7. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order or any Action Plan developed pursuant to this Order; nor is this Order intended to diminish any existing legal rights or remedies.

8. This Executive Order shall take effect immediately.

ATTEST:

REBECCA VIGIL-GIRON
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
18TH DAY OF NOVEMBER, 2005

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

BILL RICHARDSON
GOVERNOR OF NEW MEXICO