



**AIR QUALITY AUTHORITY-TO-CONSTRUCT PERMIT #3104  
FACILITY CDS #35/001/0XXXX**



Richard J. Berry, Mayor

Mary Lou Leonard, Director

Issued to: Southway Construction Co., Inc.  
117 White Pine Drive  
Alamosa, Colorado 81101

Certified Mail #TBD  
Return Receipt Requested

Responsible Official: Rock I. Southway, Vice President

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (as amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque/Bernalillo County Air Quality Control Board (A/BCAQCB) Regulation Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Air Contaminant Source Registration; and A/BCAQCB Regulation Title 20, Chapter 11, Part 41 NMAC (20.11.41 NMAC), Authority-To-Construct; **Southway Construction Co, Inc.** (Company or Permittee) is hereby issued this **AUTHORITY-TO- CONSTRUCT PERMIT** and authorized to operate the following equipment at:

Facility/Location	Facility Process Description	SIC	NAICS
Duke City Redi-Mix 7711 Broadway SE Bernalillo County, NM 87105 UTMN: 3872230 UTME: 348465	500 ton/hr Portable Aggregate/Recycle Crushing Plant	1499	212399

This **AUTHORITY-TO-CONSTRUCT Permit Number 3104** has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Division (Division) on April 18, 2013 and additional information received on May 2, 2013, which was deemed complete on May 2, 2013 and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. As these standards and regulations are updated or amended, the applicable changes will be incorporated into permit number 3104 and will apply to the facility.

Issued on the \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Isreal Tavarez, Environmental Health Manager  
Air Quality Programs  
Air Quality Division  
Environmental Health Department  
City of Albuquerque

**I. CONDITIONS:** Conditions have been imposed in this permit to assure continued compliance. 20.11.41.18.C NMAC, states that any term or condition imposed by the Division on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the facility is subject to the following conditions:

**1. Construction and Operation:** Compliance will be based on Division inspections of the facility, compliance with the NSPS Subpart A – General Provisions, reviews of production records, submission of appropriate permit applications for modification, and timely notification to the Department regarding equipment substitutions and relocations.

a) This permit authorizes the construction and operation of the following equipment:

Process Unit Number	Manufacturer	Model Number	Serial Number	Date of Mfg. Equipment or Installation Date	Rated Process Rate	Unit Subject To NSPS
1. Vibrating Grizzly Feeder	Cedar Rapids	16''x42''	N/A	Post 9/85	500 tons/hr	No
2. Primary Jaw Crusher	Cedar Rapids	27''x42''	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
3. Transfer Conveyor	Shopmade	N/A	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
4. Surge Bin Feeder	Shopmade	N/A	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
5. (3) Deck Screen	El-Jay	5''x16''	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
6. Cone Crusher	El-Jay	54'' STD	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
7. Transfer Conveyor	Shopmade	N/A	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
8. Transfer Conveyor	Shopmade	N/A	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
9. Transfer Conveyor	Shopmade	N/A	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
10. (3) Deck Screen	El-Jay	6''x16''	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
11. Cone Crusher	El-Jay	54'' fine head	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
12. Transfer Conveyor	Shopmade	N/A	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
13. Transfer Conveyor	Shopmade	N/A	N/A	Post 9/85	500 tons/hr	Yes Subpart OOO
14. Stacker Conveyor	Shopmade	N/A	N/A	Post 9/85	400 tons/hr	Yes Subpart OOO
15. Stacker Conveyor	Shopmade	N/A	N/A	Post 9/85	400 tons/hr	Yes Subpart OOO
16. Diesel Generator	Caterpillar	3412	81Z20146	1996	731 hp	No
17. Haul Roads	N/A	N/A	N/A	N/A	13.2 VMT/hr	No

b) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.

- c) This facility shall be constructed and operated in accordance with information provided on the permit application dated **April 8, 2013** and received **April 18, 2013** and additional information received **May 2, 2013**, and in accordance with the legal authority specified above and the conditions of this permit.
- d) This portable aggregate crusher plant is subject to Federal New Source Performance Standards (NSPS), Code of Federal Regulations (CFR), Title 40, Part 60, Subpart A - General Provisions, and Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants since process equipment units #2 through 15 were constructed, reconstructed, or modified after August 31, 1983, and capable of processing greater than 150 tons per hour of material.
- e) National Emissions Standard for Hazardous Air Pollutants (NESHAP) found in 40 CFR 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Source Category: Stationary Reciprocating Internal Combustion Engines apply and this facility shall comply with the specific requirements found in this subpart as well as the general requirements of 40 CFR 63 Subpart A- General Provisions. The permittee shall comply with the specific requirements of Subpart ZZZZ applicable to existing engines.
- f) Prior to any asbestos demolition or renovation work, the Division must be notified and proper permits shall be obtained and CFR Title 40, Part 61 Subpart M would apply.
- g) Substitution of the affected facilities as specified by 40 CFR 60.670 (a) is authorized pursuant to 40 CFR §60.670 (d). Equipment that is substituted shall comply with the emission limit, recordkeeping, monitoring, and reporting requirements stated in this permit.
- h) Substitution of equipment not subject to 40 CFR 60 is authorized provided the equipment has the same or lower process capacity as the piece of equipment being substituted. The Department shall be notified in writing within fifteen (15) days of equipment substitutions. Equipment that is substituted shall comply with the requirements in Condition 2.
- i) The equipment specified in Condition I.1.a) is considered a portable stationary source as defined by 20.11.41.7.P NMAC and may be relocated to another site provided the requirements are met in Condition I.5.g) prior to the relocation.
- j) Equipment related to relocations of portable stationary source Permit #1641-M1 shall not operate at this facility while the equipment in Condition I.1.a) is in operation; or (vice-versa), the equipment in Condition I.1.a) shall not operate while equipment related to relocations of portable stationary source Permit #1641-M1 is in operation at this facility.
- k) This equipment located at the facility is restricted to operate the following:
  - i. The portable aggregate/recycle plant shall not exceed 3650 hours per year of operation based on a 12-month rolling period;
  - ii. The portable aggregate/recycle plant shall be restricted to a maximum hourly throughput of 250 tons per hour, 2500 tons per day, not to exceed a 12-month rolling period material throughput of 912,500 tons. This condition has been placed in the permit based on air dispersion modeling of the facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for NO<sub>2</sub>, CO, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, and TSP;

- iii. Water shall be added to the raw material stockpile prior to loading into the aggregate plant feeder. Sufficient quantities of water shall be added to ensure complete moisture coverage of the material immediately prior to processing. Process units #1, 2, 5, 6, 10 and 11 (feeder, all crushers, and screens) shall be equipped with water spray systems to control fugitive dust emissions and shall be operated while the plant is processing material. This condition is imposed to maintain 90% control efficiency for fugitive dust emissions;
- iv. Unit #16 shall be restricted to 4380 hours of operation based on a 12-month rolling period;
- v. **Reserved for specific requirements of Subpart ZZZZ applicable to existing engines; and,**
- vi. All haul roads shall be constructed from base course and shall be watered to maintain a control efficiency of 90% or higher.
- l) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.
- m) Compliance with ton per year (tpy) emissions shall be based on compliance with Conditions I.1.k) (i), (ii), (iii), (iv) (v) and (vi).
- n) The emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. 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 pollution control practices for minimizing emissions. This condition is pursuant to 20.11.49.14 NMAC.

**The remainder of this page has been intentionally left blank.**

2. **Unit Emission Limits:** Condition 2 Unit Emission Limits has been placed in the permit in accordance with 20.11.41.18.B NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. These were the emission rates stated in the permit application and are the basis of the Division's review. Compliance will be based on Division inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 - **Compliance Tests**.

a) The portable aggregate plant shall not exceed the emission limits stated in the table below. Tons per year emissions shall be based on a 12-month rolling total.

**Criteria Pollutants**

Unit #	NO <sub>x</sub> lb/hr	NO <sub>x</sub> tpy	CO lb/hr	CO tpy	SO <sub>2</sub> lb/hr	SO <sub>2</sub> tpy	VOC lb/hr	VOC tpy	TSP lb/hr	TSP tpy	PM <sub>10</sub> lb/hr	PM <sub>10</sub> tpy	PM <sub>2.5</sub> lb/hr	PM <sub>2.5</sub> tpy	Percent Opacity	Record Keeping Requirements <sup>1</sup>	Monitoring Requirements <sup>1</sup>	Reporting Requirements <sup>1</sup>	Compliance Testing <sup>2</sup>
1									1.40	2.56	0.67	1.22	0.21	0.38	20%	Yes	Yes	Yes	No
2									1.85	3.38	0.88	1.61	0.28	0.51	15%	Yes	Yes	Yes	Yes
3									0.08	0.15	0.04	0.07	0.01	0.02	10%	Yes	Yes	Yes	Yes
4									0.08	0.15	0.04	0.07	0.01	0.02	10%	Yes	Yes	Yes	Yes
5									4.75	8.67	2.26	4.12	0.71	1.30	10%	Yes	Yes	Yes	Yes
6									1.48	2.70	0.70	1.28	0.22	0.40	15%	Yes	Yes	Yes	Yes
7									0.08	0.15	0.04	0.07	0.01	0.02	10%	Yes	Yes	Yes	Yes
8									0.08	0.15	0.04	0.07	0.01	0.02	10%	Yes	Yes	Yes	Yes
9									0.08	0.15	0.04	0.07	0.01	0.02	10%	Yes	Yes	Yes	Yes
10									4.75	8.67	2.26	4.12	0.71	1.30	10%	Yes	Yes	Yes	Yes
11									1.48	2.70	0.70	1.28	0.22	0.40	15%	Yes	Yes	Yes	Yes
12									0.08	0.15	0.04	0.07	0.01	0.02	10%	Yes	Yes	Yes	Yes
13									0.08	0.15	0.04	0.07	0.01	0.02	10%	Yes	Yes	Yes	Yes
14									0.48	0.88	0.03	0.05	0.07	0.13	10%	Yes	Yes	Yes	Yes
15									0.48	0.88	0.03	0.05	0.07	0.13	10%	Yes	Yes	Yes	Yes
16	17.54	38.41	4.02	8.80	0.29	0.64	0.52	1.14	0.51	1.12	0.51	1.12	0.51	1.12	20% 40% @ startup	Yes	Yes	Yes	Yes
17									9.23	16.89	2.35	4.30	0.36	0.66	N/A	No	No	No	No
<b>Totals</b>	<b>17.54</b>	<b>38.41</b>	<b>4.02</b>	<b>8.80</b>	<b>0.29</b>	<b>0.64</b>	<b>0.52</b>	<b>1.14</b>	<b>26.97</b>	<b>49.50</b>	<b>10.67</b>	<b>19.64</b>	<b>3.43</b>	<b>6.47</b>					

<sup>1</sup> Refer to Conditions 3, 4 and 5 for unit specific record keeping/monitoring, and reporting requirements

<sup>2</sup> Refer to Condition 6 unit specific compliance testing requirements

b) Unit #1 shall not cause or allow visible air emissions to exceed 20 percent opacity for any six (6) minute timed average pursuant to 20.11.5.12 NMAC.

c) Units #3, 4, 5, 7, 8, 9, 10, 12, 13, 14 and 15 shall not cause or allow fugitive emissions that exceed 10 percent opacity as specified in 40 CFR Part 60, Subpart OOO, Table 3.

- d) Units #2, 6 and 11 shall not cause or allow fugitive emissions that exceed 15 percent opacity as specified in 40 CFR Part 60, Subpart OOO, Table 3.
  - e) Unit #16 shall not cause or allow visible air emissions to exceed 20 percent opacity for any six (6) minute timed average. During the first twenty (20) minutes of cold start-up, the visible emissions shall not exceed 40 percent opacity for any (6) minute timed average. No increase of load shall be applied so as to cause an emission having an opacity greater than 40 percent during any time interval. This condition is pursuant to 20.11.5.13.C NMAC.
  - f) Pound per hour (lb/hr) Nitrogen Oxides (NO<sub>x</sub>), and Carbon Monoxide (CO) emission rates for Unit #16 shall be based on a 3-hour average.
  - g) Compliance with lb/hr emission rates shall be based on compliance with the opacity standards in Condition I.2.b), c), d) and e).
3. **Record keeping:** Condition 3 has been placed in the permit in accordance with 20.11.41.18.B(8) NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of records and logs.
- a) Maintain a record of the daily and monthly throughput (in tons) for the aggregate/recycle plant. Monthly throughput records shall be maintained to calculate yearly throughputs based on a 12-month rolling period.
  - b) Maintain a daily record of the number of hours of the operation of the aggregate/recycle plant based on a 12-month rolling period. This record shall also include the start and stop times for each day of operation.
  - c) Maintain a monthly log of the number of hours of operation for Unit #16 based on a 12-month rolling period.
  - d) Maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility pursuant to 40 CFR 60, Subpart A, 60.7 (a) (7) (b).
  - e) **Reserved for specific requirements of Subpart ZZZZ applicable to existing engines.**
4. **Monitoring:** Condition 4 has been placed in the permit in accordance with 20.11.41.18(4), (6), and (7) NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of equipment and logs.
- a) Monitor the daily and monthly throughput (in tons) for the aggregate/recycle plant.
  - b) Monitor the daily hours of operation of the aggregate/recycle plant.
  - c) Install an hour meter system and monitor Unit #16 hours of operation based on a 12-month rolling period.
  - d) Monitor the water spray system to ensure it is in operation while the plant processes material.
  - f) **Reserved for specific requirements of Subpart ZZZZ applicable to existing engines.**
5. **Reporting:** Condition 5 has been placed in the permit in accordance with 20.11.41.20 NMAC and 20.11.90 NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on timely submittal of the reports (Initial, quarterly, annually) and notifications shall contain the required information and shall be made in accordance with CFR Title 40, Part 60, Subpart A - General Provisions and 20.11.41.20 NMAC.

The permittee shall notify the Division in writing of:

- a) The anticipated date of initial startup of the source not less than thirty (30) days prior to the date pursuant to 20.11.41.20 A. NMAC;
  - b) Notification of the actual date of initial startup of the source shall be postmarked within 15 days after such date and submitted to the Division. This shall be conducted pursuant to CFR Title 40, Part 60, Subpart A, 60.7 (a)(3);
  - c) Any change in control or ownership within fifteen (15) days of the change in control or ownership; the permit and conditions apply in the event of any change in control or ownership of the facility. No permit modification is required in such case; however, in the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit and the conditions;
  - d) Any substitution of equipment which has the same or lower process capacity as the piece of equipment being substituted within fifteen (15) days of equipment substitutions. Equipment that is substituted shall comply with the requirements in Condition 2;
  - e) **Reserved for specific requirements of Subpart ZZZZ applicable to existing engines.**
  - f) An annual (January 1 through December 31 of the previous year) emissions inventory for the facility. For each pollutant stated in Condition I.2.a), include annual hours of operation and annual material throughput (in tons), together with descriptions of any reconfiguration of process technology and air pollution control equipment by March 15 every year. Emission rates that are determined through compliance testing shall be used for all emission inventory reporting requirements;
  - g) Any relocation of the facility at least 30 days prior to relocation. The relocation notice must be made on a form provided by the Division and shall include an ambient air dispersion modeling analysis demonstrating compliance with National Ambient Air Quality Standards (NAAQS) and New Mexico Ambient Air Quality Standards (NMAAQs) at the new location, unless the requirement is waived in writing by the Division. Operation and relocation of the facility at a new location shall not commence until the Division has approved the request for relocation; and,
  - h) The permittee of a source having an excess emission shall provide the department with the following reports on forms provided by the department:
    - i. **INITIAL REPORT:** The permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15.A(1) NMAC;
    - ii. **FINAL REPORT:** The permittee shall file a final report, no later than 10 days after the end of the excess emission. If the period of an excess emission extends beyond 10 days, the permittee shall submit the final report to the department within 72 hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15.A(2) NMAC and 20.11.49.15.C NMAC; and,
    - iii. **ALTERNATIVE REPORTING:** If the facility is subject to the reporting requirements of 40 CFR Parts, 60, 61, and 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15.D NMAC.
6. **Compliance Tests:** Condition 6 has been placed in the permit in accordance with CFR Title 40, Part 60, Subpart A General Provisions, 20.11.41.21 NMAC, and 20.11.90.13 NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Division, and on meeting the emission limits specified in Condition 2.

- a) In accordance with 40CFR § 60.8 – Performance tests, an initial performance test shall be conducted on Units #2 through 15 to demonstrate compliance with the particulate matter opacity standards established in Conditions I.2.a). The compliance tests shall be conducted in accordance with EPA Method 9 found in Appendix A of 40 CFR 60, and the procedures found in Subpart A of 40 CFR 60.11. These tests shall be conducted within 60 days after achieving the maximum production rate at which affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Division.
- b) An initial compliance test for Unit #16 shall be conducted in order to demonstrate compliance of the NO<sub>x</sub>, CO and opacity emissions established in Condition I.2.a). The compliance test shall be conducted in accordance with EPA methods contained in Appendix A of the CFR, Title 40, Part 60, unless otherwise approved by the Division. The test shall be conducted within one hundred eighty (180) days of permit issuance.
- c) Annual compliance tests for process Units #2 through 16 have not been imposed. Compliance tests may be reimposed if inspections of the source indicate non-compliance with permit conditions or the previous test showed non-compliance or was technically unsatisfactory.
- d) The owner or operator shall notify the Division at least fifteen (15) days prior to the test date and allow a representative of the Division to be present at the test. (20.11.41.21 NMAC and CFR Title 40, Subpart A “General Provisions”).
- e) The permittee shall provide for the Division's approval a written test protocol at least fifteen (15) days prior to the anticipated test date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Division approval.
- f) The test protocol and compliance test report shall conform to the standard format specified by the Division.
- g) The tests shall be conducted at ninety (90%) percent of the plant's and process equipment's permitted capacity (500 tons per hour) or greater to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Division's request and/or approval.
- h) One copy of the compliance test results shall be submitted to the Division Enforcement Section within thirty (30) days after the completion of testing.
- i) The permittee may submit to the Division for review, a written request for shorter sampling times, minor changes in the reference method, use of an equivalent method, or a request to waive any compliance test requirement only for Unit #16.

**Unit Specific Compliance Testing**

Unit Number	Initial Compliance Test	Frequency of Compliance Test
2 through 15	Yes, for Opacity	Initial*
16	Yes, for NO <sub>x</sub> , CO, and Opacity	Initial*

\* Annual compliance tests have not been imposed for this unit at this time, but may be imposed if inspections of the source indicate non-compliance with permit conditions.



7. **Modifications:** Condition 7 has been placed in the permit in accordance with 20.11.41.7.H NMAC, to enable the Division to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Division inspections and the submittal of a new permit application for any modification.
- a) Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.H NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.
  - b) Relocation of the equipment as specified in Condition I.1.a) may not be considered a modification as defined by 20.11.41.7.G. NMAC, however, the final determination of whether or not a modification is triggered shall be made by the Division after the permittee submits the report as specified by Condition I.5.g).
8. **Compliance Assurance/Enforcement:** All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this registration/permit or not.
- a) The issuance of a permit or registration does not relieve the Facility from responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act and 20.11.41.17 NMAC.
  - b) Any conditions imposed upon the Facility as the result of an Authority-To-Construct Permit or any other permit issued by the Division shall be enforceable to the same extent as a regulation of the Board and 20.11.41.18.C NMAC.
  - c) Whenever two or more parts of the Air Quality Control Act, or the laws and regulations in force pursuant to the Act, limit, control or regulate the emissions of a particular air contaminant, the more restrictive or stringent shall govern. (20.11.41.18 NMAC).
  - d) The Division is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction. (74-2-12 NMSA).
  - e) Scheduled and Unscheduled Inspection (74-2-13 NMSA) -- The Division will conduct scheduled and unscheduled inspections to insure compliance with the Air Quality Control Act, and the laws and regulations in force pursuant to the Act, and this Permit, and, upon presentation of credentials:
    - i. Shall have a right of entry to, upon, or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the Board or by any permit condition are located;
    - ii. May at any reasonable time have access to and copy any records required to be established and maintained by Regulations of the Board, or any permit condition;
    - iii. May inspect any monitoring equipment and method required by Regulations of the Board or by any permit condition, and;
    - iv. Sample any emissions that are required to be sampled pursuant to Regulation of the Board, or any permit condition.

- f) Any credible evidence may be used to establish whether the Facility has violated or is in violation of any regulation of the Board, or any other provision of law. Credible evidence and testing shall include, but is not limited to (20.11.41.26.A-B NMAC):
- i. A monitoring method approved for the source pursuant to 20.11.42 NMAC “Operating Permits” and incorporated into an operating permit;
  - ii. Compliance methods specified in the Regulations, conditions in a permit issued to the Facility, or other provision of law;
  - iii. Federally enforceable monitoring or testing methods, including methods in 40 CFR parts 51, 60, 61, and 75; and,
  - iv. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the Division and EPA.
9. **Posting of the Permit:** Compliance will be based on Division inspections of the facility, which show that a copy of the permit has been posted in a visible location. A copy of this permit shall be posted in a visible location at the plant site at all times. The permit shall be made available to Division personnel for inspection upon request.
10. **Annual Fees:** Condition 10 has been placed in the permit in accordance with 20.11.2 NMAC to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Division pursuant to 20.11.2 NMAC. Every owner or operator of a source that is required to obtain a source registration, an Authority-to-Construct, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 20.11.2 NMAC, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

**Facility Wide Fee Pollutants  
(Tons Per Year)**

Fee Pollutant	Facility Wide Fee Pollutant Totals in Tons per Year (TPY)
Carbon Monoxide (CO)	9
Oxides of Nitrogen (NO <sub>x</sub> )	38
Total Suspended Particulate Matter (TSP)	50
Oxides of Sulfur (SO <sub>x</sub> )	1
Volatile Organic Compounds (VOC)	1
<b>Facility Wide Fee Pollutants Totals (TPY)</b>	<b>99</b>

**II. ADDITIONAL REQUIREMENTS**

1. **Permit Cancellation**-- The Division may cancel any permit if the construction or modification is not commenced within one (1) year from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year pursuant to 20.11.41.19 NMAC.

Application for permit modifications, relocation notices and items listed under **ADDITIONAL REQUIREMENTS** shall be submitted to:

Albuquerque Environmental Health Department  
Air Quality Division  
Permitting Section  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department  
Air Quality Division  
Attention: Enforcement Supervisor  
P.O. Box 1293  
Albuquerque, New Mexico 87103

All reports shall be submitted to:

Albuquerque Environmental Health Department  
Air Quality Division  
Attention: Compliance Officer  
P.O. Box 1293  
Albuquerque, New Mexico 87103