

Martin J. Chavez, Mayor



John W. Soladay, Director

Instructions for Completing the Excess Emission Reporting Form

The Excess Emission Reporting Form is used to help meet the requirements of 20.11.49 NMAC. There are two notification requirements, the Initial Report and Final Report. The owner or operator 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. No later than 10 days after the end of the excess emission, the owner or operator shall file a Final Report.

The form shall be completed as follows:

Facility Information – This part contains information about the facility and company. Fill it out based on the guidelines below:

Date:	The date this form is completed.
Company Name:	The name of the company that owns/operates the facility.
Name of Owner and Operator	The name of the person who owns the facility, and the name of the person who operates the facility.
Name and Title of Individual Preparing the Report:	The name and title of the person completing the form.
Phone:	The contact phone number for the person completing the form.
Facility:	The name of the facility as stated on your permit.
Current Permit Number:	The current Air Quality Division permit number.

Excess Emission Event Information – This section includes all the information about the excess emission and should be filled out based on the following guidelines:

Date and Time of Excess Emission:	The date the excess emission occurred and the time based on 24 hours.
Duration of Excess Emission:	The total or approximate duration of the excess emission in minutes.
Date of Initial Report and Final Report:	Provide the date the Initial Report was submitted, and the date of the Final Report.
Emission Point Source:	Identification of the equipment involved and the emission point(s) (including bypass) from which the excess emissions occurred. Include unit number and name as cited in the permit.
Pollutant Exceeded:	State what was exceeded, such as opacity, CO, NOx, etc. The excess emission shall be expressed in the units of the air quality regulation or permit condition.
If Opacity, Was a Certified V.E. Method Performed	For opacity events, circle yes or no if a Method 9 or Method 22 test was conducted.
Applicable Requirement(s):	State the specific regulation or permit condition that was exceeded.
Estimated Emissions:	State the emissions that occurred.
Permitted Emissions:	State the emissions that are permitted to occur based on a given specific condition, state, or federal regulations. Example: 20% opacity, or 10 lb/hr CO.
Excess Emissions:	This is the difference between the estimated and permitted emissions.
Method 9 Reading:	If a Method 9 Opacity reading was performed fill in the requested data.
Basis of Estimate:	Select the box corresponding to the method used to determine the magnitude and duration of the excess emission. Be sure to provide supporting data.

Cause and Nature of Excess Emissions:	Describe in detail the excess emission event, to include the nature and cause behind the event.
Corrective Measures Taken:	Describe the steps taken to limit the duration and magnitude of the excess emission.
Corrective Action(s) Taken to Eliminate the Cause of the Excess Emission:	If one or more corrective actions are required, the report shall include a schedule for implementation of those actions with associated progress reports. If no corrective actions are required, the report shall include a detailed explanation or that conclusion.
Measures Taken to Prevent Reoccurrence:	The corrective actions(s) taken to prevent a recurrence of the excess emission.
Malfunction, Startup, Shutdown, or Emergency	Whether the owner operator attributes the excess emission to malfunction, startup, shutdown, or emergency.
Signed Certification:	The contents of the final report shall contain a signed certification of truth, accuracy, and completeness; the certification shall be signed by the person reporting the excess emission.
Additional Information:	Provide any information that you think would be helpful.

Eligibility for an Affirmative Defense – This section is used to determine if the excess emission can qualify for an affirmative defense. Read through the choices and place a check mark next to any statement that is true.

Cause of Excess Emission Event – Choose the selection that best fits the cause of the excess emission based on the definitions below. If the event does not meet any of the definitions below, select *Unknown or Other*. If the cause is due to a malfunction then complete SECTION I. If the cause is due to a startup or shutdown then complete SECTION II. If the cause is due to an emergency then complete SECTION III. If the cause is Unknown or Other, then do not complete SECTION I, II or III.

Per 20.11.49 NMAC:

Emergency – any situation arising from sudden and reasonable unforeseeable events beyond the control of the permittee, including acts of God or nature, which situation 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. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, or careless or improper operation.

Malfunction – 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.

Shutdown – cessation of operation of any air pollution control equipment or process equipment.

Startup – setting into operation any air pollution control equipment or process equipment.

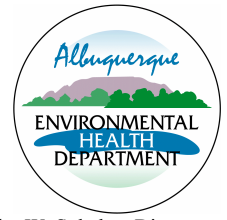
SECTION I – This section contains the required questions to claim an affirmative defense for events caused by malfunctions. Answer the first question, and then place a check mark next to any true statement in the list.

SECTION II – This section contains the required questions to claim an affirmative defense for events caused by startup or shutdown. Answer the first question, and then place a check mark next to any true statement in the list.

SECTION III – This section contains the required questions to claim an affirmative defense for events caused by an emergency. Answer the first question, and then place a check mark next to any true statement in the list.



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EXCESS EMISSION REPORTING FORM

NOTE: All periods of excess emissions, regardless of cause, are violations of the U.S. Clean Air Act and rules promulgated thereunder, the New Mexico Air Quality Control Act and rules promulgated thereunder, and applicable permit or other authorization of the air board. Per 20.11.49 NMAC, excess emissions that occur during periods of startup, shutdown, malfunction, or emergency are given the opportunity to submit an affirmative defense. To establish an affirmative defense and to be relieved of a civil or administrative penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the requirements (appropriate to the defense being asserted) of 20.11.49.16 NMAC and submit this completed and signed form.

Facility Information		
Date:	Company Name:	
Name of Individual Reporting:	Title:	Phone:
Facility:	Current Permit Number:	

Excess Emission Event Information		
Date and Time of Excess Emission:	Duration of Excess Emission (Minutes):	Date of Initial Report: Date of Final Report:
Emission Point Source (Include bypass and unit number and name from the permit):		
Pollutant Exceeded:	If Opacity, Was a Certified V.E. Method Performed?	
Applicable Requirements:	METHOD 9 V.E.: YES NO OR METHOD 22: YES NO	
Estimated Emissions (with units):	Method 9 Reading: (give range)	Basis of Estimate <input type="checkbox"/> Compliance Testing <input type="checkbox"/> Continuous Emissions Monitoring <input type="checkbox"/> Engineering Calculation <input type="checkbox"/> Operating Logs <input type="checkbox"/> Other (explain) ATTACH SUPPORTING DATA
Permitted Emissions Limit:	HIGH –	
Excess Emissions:	LOW – AVERAGE -	

CAUSE AND NATURE OF EXCESS EMISSIONS:
CORRECTIVE MEASURES TAKEN:
CORRECTIVE ACTIONS TAKEN to ELIMINATE the CAUSE of the EXCESS EMISSION:
MEASURES TAKEN TO PREVENT REOCCURRENCE:
ADDITIONAL INFORMATION:

Eligibility for an Affirmative Defense
Check any of the following that apply:
Per 20.11.49.16D. NMAC If any of the below are selected, an Affirmative Defense is prohibited.
<input type="checkbox"/> The excess emission violated SIP limits or permit limits that have been set taking into account potential emissions during startup and shutdown, including, but not limited to, limits that indicate they apply during startup and shutdown, and limits that explicitly indicate they apply at all times or without exception. <input type="checkbox"/> The excess emission caused an exceedence of the NAAQS or PSD increments. <input type="checkbox"/> The excess emission was a failure to meet federally promulgated emission limits, including, but not limited to 40 CFR Parts 60, 61, and 63. <input type="checkbox"/> The excess emission is a violation of requirements that derive from 40 CFR Parts 60, 61, and 63 or any other federally enforceable performance standard or emission limit.

Cause of Excess Emission Event			
Choose one of the following and follow the directions:			
<input type="checkbox"/> <u>Malfunction</u> Please complete SECTION I below.	<input type="checkbox"/> <u>Startup</u> <input type="checkbox"/> <u>Shutdown</u> Please complete SECTION II below.	<input type="checkbox"/> <u>Emergency</u> Please complete SECTION III below.	<input type="checkbox"/> <u>Unknown</u> Do NOT Complete SECTION I, II, or III

SECTION I – Events due to Malfunction

Answer the following question.

If applicable, please state the reason(s) any monitoring systems were not kept in operation.

Check all that apply:

- The excess emissions did not stem from any activity or event that could have been foreseen and avoided, or planned for; and could not have been avoided by better operation and maintenance practices.
- To the maximum extent practicable, the air pollution control equipment or processes were maintained and operated in a manner consistent with good practice for minimizing emissions.
- Repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations were being exceeded; off-shift labor and overtime must have been utilized, to the extent practicable, to ensure that such repairs were made as expeditiously as practicable.
- The amount and duration of the excess emissions, including any bypass, were minimized to the extent practicable during periods of such emissions.
- All possible steps were taken to minimize the impact of the excess emissions on ambient air quality.
- All emission monitoring systems were kept in operation if at all possible.
- The owner or operator's actions in response to the excess emission were documented by properly signed, contemporaneous operating logs or other relevant evidence.
- The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance.

SECTION II – Events due to Startup or Shutdown

Answer the following question.

If applicable, please state the reason(s) any monitoring systems were not kept in operation.

Check all that apply:

- The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design.
- The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance.
- If the excess emissions were caused by a bypass, the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- At all times, the source was operated in a manner consistent with good practices for minimizing emissions.
- The frequency and duration of operation in startup and shutdown mode were minimized to the maximum extent practicable.
- All possible steps were taken to minimize the impact of the excess emissions on ambient air quality.
- All emission monitoring systems were kept in operation if at all possible.
- The owner or operator's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence.

SECTION III – Events due to Emergency

Answer the following question.

If applicable, please state the reason(s) any monitoring systems were not kept in operation.

Check all that apply:

- An emergency occurred and the owner or operator can identify the cause(s) of the emergency.
- The source was being properly operated at the time.
- During the period of the emergency, the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the technology-based emission limitation.

Signed Certification

I certify, based on information and belief formed after reasonable inquiry, the statements and information in this document are true, accurate and complete.

SIGNATURE OF PERSON SUBMITTING THE REPORT