

1 **TITLE 20 ENVIRONMENTAL PROTECTION**  
2 **CHAPTER 11 ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**  
3 **PART 47 EMISSIONS INVENTORY REQUIREMENTS**  
4

5 **20.11.47.1 ISSUING AGENCY:** Albuquerque-Bernalillo County Air Quality Control Board, c/o  
6 Environmental Health Department, P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone: (505) 768-2601.  
7 [20.11.47.1 NMAC - N, 5/1/08]  
8

9 **20.11.47.2 SCOPE:** 20.11.47 NMAC applies to each person who owns or operates a source or who intends  
10 to construct or modify a source within Bernalillo county, but does not apply to sources in Bernalillo county that are  
11 located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.  
12 [20.11.47.2 NMAC - N, 5/1/08]  
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14 **20.11.47.3 STATUTORY AUTHORITY:** 20.11.47 NMAC is adopted pursuant to the authority provided in  
15 the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality Control  
16 Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance,  
17 Revised Ordinances of Albuquerque ROA 1994 Section 9-5-1-4.  
18 [20.11.47.3 NMAC - N, 5/1/08]  
19

20 **20.11.47.4 DURATION:** Permanent.  
21 [20.11.47.4 NMAC - N, 5/1/08]  
22

23 **20.11.47.5 EFFECTIVE DATE:** May 1, 2008 except where a later date is cited at the end of a section.  
24 [20.11.47.5 NMAC - N, 5/1/08]  
25

26 **20.11.47.6 OBJECTIVE:** The objective of 20.11.47 NMAC is to establish requirements both for submitting  
27 inventories of air contaminants to ensure that the regulations and standards under the Air Quality Control Act and  
28 the Federal Act will not be violated and to require submission of data to quantify greenhouse gas emissions in  
29 Bernalillo county.  
30 [20.11.47.6 NMAC - N, 5/1/08]  
31

32 **20.11.47.7 DEFINITIONS:** In addition to the definitions in 20.11.47 NMAC, the definitions in 20.11.1  
33 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.47 NMAC shall  
34 govern.

35 **A. "Actual Emissions"** means the quantified emissions of a regulated air contaminant from a  
36 stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be  
37 preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or  
38 source test data, the basis for determining actual emissions shall be quantified using actual operating hours,  
39 production rates, throughputs of process materials, throughputs of materials stored, usage of materials, data provided  
40 in manufacturer's product specifications, material volatile organic compound (VOC) content reports, laboratory  
41 analyses, or any other technically acceptable data as approved by the Department in advance and in writing. All  
42 calculations of actual emissions shall use USEPA or department approved methods including emission factors and  
43 assumptions.

44 **B. "Air pollution control equipment"** means any device, equipment, process or combination  
45 thereof the operation of which would limit, capture, reduce, confine, or otherwise control air contaminants or  
46 convert for the purposes of control any air contaminant to another form, another chemical or another physical state.

47 **C. "California climate action registry"** means the voluntary registry for greenhouse gas emissions  
48 established pursuant to California Health and Safety Code D. 26, Pt. 4, Ch. 6, as amended.

49 **D. "Carbon dioxide"** means the chemical compound containing one atom of carbon and two atoms  
50 of oxygen.

51 **E. "Commencement" or "commence"** means that an owner or operator has undertaken a  
52 continuous program of construction or modification.

53 **F "Construction"** means fabrication, erection, installation or relocation of a stationary source,  
54 including temporary installations and portable stationary sources.

55 **G. "Emissions report" or "emissions inventory"** means a listing, by source, of the amount of air  
56 contaminants and greenhouse gas emissions discharged into the atmosphere.

- 1           **H. "Fuel carbon content"** means the mass of carbon per unit of heat content of a fuel.
- 2           **I. "Fugitive emissions"** are those emissions that could not reasonably pass through a stack,  
3 chimney, vent, or other functionally-equivalent opening.
- 4           **J. "Greenhouse gas"** means any of the following: carbon dioxide, methane, nitrous oxide,  
5 hydrofluorocarbons, perfluorocarbons or sulfur hexafluoride.
- 6           **K. "Greenhouse gas emissions reporting year"** means the calendar year in which greenhouse gas  
7 emissions required to be reported under 20.11.47 NMAC occurred.
- 8           **L. "Hydrofluorocarbons"** means gaseous chemical compounds containing only hydrogen, carbon,  
9 and fluorine atoms.
- 10          **M. "Methane"** means the chemical compound containing one atom of carbon and four atoms of  
11 hydrogen.
- 12          **N. "Modification"** means any physical change in, or change in the method of operation of, a  
13 stationary source that results in an increase in the potential emission rate of any regulated air contaminant emitted by  
14 the source or that results in the emission of any regulated air contaminant not previously emitted, but does not  
15 include:
- 16           (1) a change in ownership of the source;
- 17           (2) routine maintenance, repair or replacement;
- 18           (3) installation of air pollution control equipment, and all related process equipment and materials  
19 necessary for its operation, undertaken for the purpose of complying with regulations adopted by the board or  
20 pursuant to the federal Clean Air Act; or
- 21           (4) unless previously limited by enforceable permit conditions:
- 22           (a) an increase in the production rate, if the increase does not exceed the operating design  
23 capacity of the source;
- 24           (b) an increase in the hours of operation; or
- 25           (c) use of an alternative fuel or raw material if, prior to January 6, 1975, the source was capable  
26 of accommodating such fuel or raw material, or if use of an alternate fuel or raw material is caused by a natural gas  
27 curtailment or emergency allocation or any other lack of supply of natural gas.
- 28          **O. "Nitrous oxide"** means the chemical compound containing two atoms of nitrogen and one atom  
29 of oxygen.
- 30          **P. "Nonattainment area"** means, for any air pollutant, an area that has been designated as a  
31 nonattainment area under Section 107 of the federal Act.
- 32          **Q. "Operator"** means the person or persons responsible for the overall operation of a facility.
- 33          **R. "Owner"** means the person or persons who own a facility or part of a facility.
- 34          **S. "Perfluorocarbons"** means gaseous chemical compounds containing only carbon and fluorine  
35 atoms.
- 36          **T. "Portable stationary source"** means a source that can be relocated to another operating site with  
37 limited dismantling and reassembly, including as an example, moveable sand and gravel processing operations and  
38 asphalt plants.
- 39          **U. "Potential emission rate"** means the emission rate of a source at its maximum capacity to emit a  
40 regulated air contaminant under its physical and operational design, provided a physical or operational limitation on  
41 the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and  
42 restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be  
43 treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is  
44 enforceable by the department pursuant to the Air Quality Control Act or the federal Act.
- 45          **V. "Potential to emit"** means the maximum capacity of a stationary source to emit an air  
46 contaminant under its physical and operational design, except that a physical or operational limitation on the  
47 capacity of a source to emit an air contaminant, including air pollution control equipment and restrictions on hours  
48 of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its  
49 design if the limitation is federally enforceable; however, the potential to emit for nitrogen dioxide shall be based on  
50 total oxides of nitrogen.
- 51          **W. "Regulated air contaminant"** means an air contaminant, the emission or ambient concentration  
52 of which is regulated pursuant to the New Mexico Air Quality Control Act or the federal Act.
- 53          **X. "Responsible person" or "responsible official"** means the person designated in a permit or  
54 source registration, who is responsible for complying with the permit, or source registration and 20.11.47 NMAC.
- 55          **Y. "Shutdown"** means the cessation of operation of air pollution control equipment, process  
56 equipment or process for any purpose, except routine phasing out of batch process units.

1           **Z. "Stationary source" or "source"** means a structure, building, equipment, facility, installation  
2 (including temporary installations), operation or portable stationary source that emits or may emit an air  
3 contaminant; a research facility may group its sources for the purpose of 20.11.47 NMAC with the prior written  
4 approval of the director of the department.

5           **AA. "Sulfur hexafluoride"** means the chemical compound containing one atom of sulfur and six  
6 atoms of fluorine.

7           **BB. "Sulfur oxides"** means compounds containing sulfur and oxygen, including sulfur dioxide (SO<sub>2</sub>).

8           **CC. "The climate registry"** means the nonprofit corporation entitled "the climate registry" that is  
9 incorporated pursuant to the District of Columbia nonprofit corporation act for the purpose of creating and operating  
10 a multi-state greenhouse gas emissions registry.

11           **DD. "Western backstop sulfur dioxide trading program"** means 20.11.46 NMAC, if triggered as a  
12 backstop in accordance with the provisions of the *Section 309 Regional Haze State Implementation Plan Element for*  
13 *Albuquerque-Bernalillo County, New Mexico*, to reduce regional sulfur dioxide emissions.  
14 [20.11.47.7 NMAC – N, 5/1/08]  
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16 **20.11.47.8 VARIANCES:** No person can obtain a variance from the requirements of 20.11.47 NMAC.  
17 [20.11.47.8 NMAC – N, 5/1/08]  
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19 **20.11.47.9 SEVERABILITY:** If for any reason any section, subsection, sentence, phrase, clause or wording  
20 of 20.11.47 NMAC is held to be unconstitutional or otherwise invalid by any court or the United States  
21 environmental protection agency, the decision shall not affect the validity of remaining portions of 20.11.47 NMAC.  
22 [20.11.47.9 NMAC – N, 5/1/08]  
23

24 **20.11.47.10 CONSTRUCTION:** 20.11.47 NMAC shall be liberally construed to carry out its purpose.  
25 [20.11.47.10 NMAC – N, 5/1/08]  
26

27 **20.11.47.11 SAVINGS CLAUSE:** The filing of 20.11.47 NMAC, Emissions Inventory Requirements, and  
28 the filing of any amendment to 20.11.47 NMAC with the state records center and archives shall not affect any action  
29 pending for violation of a city or county ordinance, a board regulation, or a permit, and shall not affect a petition  
30 filed pursuant to 20.11.47 NMAC. Prosecution for violation of a prior statute, ordinance, part or permit shall be  
31 governed and prosecuted under the statute, ordinance, part or permit wording in effect at the time the violation was  
32 committed.  
33 [20.11.47.11 NMAC – N, 5/1/08]  
34

35 **20.11.47.12 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with 20.11.47 NMAC does  
36 not relieve a person from responsibility for complying with any other applicable federal, state, or local regulations.  
37 [20.11.47.12 NMAC - N, 5/1/08]  
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39 **20.11.47.13 DOCUMENTS:** Documents incorporated and cited in 20.11.47 NMAC may be viewed at the  
40 Albuquerque environmental health department, Suite 3023, One Civic Plaza, 400 Marquette NW, Albuquerque,  
41 NM.  
42 [20.11.47.13 NMAC - N, 5/1/08]  
43

44 **20.11.47.14 to 20.11.47.299 [Reserved]**  
45  
46

47 **20.11.47.300 EMISSIONS INVENTORY REQUIREMENTS:**

48       **A. Applicability.** 20.11.47.300 NMAC applies to the owner or operator of every stationary source,  
49 located within Bernalillo county that:

50           (1) has an active permit issued pursuant to 20.11.41 NMAC, Authority to Construct, or 20.11.42  
51 NMAC, Operating Permits; or

52           (2) is required to file a source registration pursuant to 20.11.40 NMAC, Source Registration.

53       **B. Reporting requirements.**

54           (1) A source that meets requirements under Subsection A of 20.11.47.300 NMAC shall submit an  
55 emissions report annually. A source is not required to submit an emissions report more frequently than annually.

1 (2) The department will provide a complete copy of an owner or operator's submitted emissions  
2 report when requested in writing by the owner or operator.

3 (3) The owner or operator shall submit to the department a complete, correct and current emissions  
4 report in the format specified by the department; the report shall state accurately the emissions of all air pollutants  
5 included in the permit requested for any specified calendar year.

6 (4) Except as provided in Paragraph (5) of Subsection B of 20.11.47.300 NMAC, if the owner or  
7 operator is required to submit an emissions report to the department, the owner or operator shall submit the report by  
8 March 15 for the previous calendar year or any other calendar year.

9 (5) Sources required by a permit to submit an annual emissions report on a specific date shall submit  
10 the report on the specified date.

11 **C. Content of emissions reports.** Emissions report contents for reports required by Subsection B of  
12 20.11.47.300 NMAC shall include:

13 (1) the air quality stationary source permit number or source registration number;

14 (2) the name, address, if any, and physical location of the stationary source;

15 (3) the name and telephone number of the person to contact regarding the emissions report;

16 (4) a certification signed by the owner, or operator, or a responsible official or designated  
17 representative, attesting that the statements and information contained in the emissions report are true and accurate  
18 to the best knowledge and belief of the certifying official, and including the full name, title, signature, date of  
19 signature, and telephone number of the certifying official. For sources subject to 20.11.42 NMAC, the certification  
20 shall be made as required by 20.11.42 NMAC;

21 (5) for each emission point, in the format required by the department:

22 (a) stack and exhaust gas parameters and location information;

23 (b) type of control equipment and estimated control efficiency;

24 (c) schedule of operation;

25 (d) annual process or fuel combustion rates;

26 (e) fuel heat, sulfur, and ash content;

27 (f) estimated actual emissions in pounds per year of total suspended particulate, PM10, PM2.5,  
28 ammonia, sulfur oxides, nitrogen oxides, carbon monoxide, volatile organic compounds, and lead, including fugitive  
29 emissions and emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime;

30 (g) speciated hazardous air pollutants, if requested by the department; and

31 (h) a description of the methods utilized to make the estimates, including calculations;

32 (6) for smelters, an annual report of sulfur input stated in tons per year; and

33 (7) all information required by 40 CFR Part 51, Subpart A, Emissions Inventory Reporting  
34 Requirements, as amended.

35 **D. Additional content for emissions reports from sources in ozone nonattainment areas.** In  
36 addition to the contents required by Subsection C of 20.11.47.300 NMAC, emissions reports from sources located in  
37 ozone nonattainment areas that emit nitrogen oxides and volatile organic compounds shall also include the following  
38 information:

39 (1) typical daily process rate during the peak ozone season, where the peak ozone season is specified  
40 by the department;

41 (2) estimated actual emissions of nitrogen oxides and volatile organic compounds in pounds per day  
42 for a typical day during the peak ozone season for:

43 (a) each emissions point; and

44 (b) for each process and fuel type contributing to emissions from each point.

45 **E. Waiver of reporting requirements for insignificant emissions.** The department may waive the  
46 requirements of Paragraph (5) of Subsection C of 20.11.47.300 NMAC for emissions that the department determines  
47 to be insignificant pursuant to 20.11.42 NMAC, except the following shall not be waived:

48 (1) for sources in nonattainment areas, reporting of emissions of pollutants for which the area is in  
49 nonattainment; and

50 (2) emissions reporting required by the federal Act.

51 **F. Emission tracking requirements for sulfur dioxide emission inventories.** In addition to  
52 complying with the requirements of Subsections A through E of 20.11.47.300 NMAC, an owner may be subject to  
53 20.11.46 NMAC, Sulfur Dioxide Emissions Inventory Requirements; Western Backstop Sulfur Dioxide Trading  
54 Program.

55 [20.11.47.300 NMAC - N, 5/1/08]  
56

1 **20.11.47.301 GREENHOUSE GAS EMISSIONS INVENTORY REQUIREMENTS:**

2 **A. Applicability.** 20.11.47.301 NMAC applies to the owner or operator of every stationary source,  
3 located within Bernalillo county that emits a greenhouse gas as defined in 20.11.47.7.J NMAC and:

4 (1) has an active permit issued pursuant to 20.11.41 NMAC, Authority to Construct, or 20.11.42  
5 NMAC, Operating Permits; or

6 (2) is required to file a source registration pursuant to 20.11.40 NMAC, Source Registration.

7 **B. Reporting requirements.**

8 (1) **Any stationary source subject to 20.11.47.301 NMAC, if requested by the department, shall:**

9 (a) submit a greenhouse gas emissions inventory by the deadline and as required by the  
10 greenhouse gas emissions reporting procedures established by the department, but not more often than annually; or

11 (b) report greenhouse gas emissions from the stationary source in accordance with 20.11.48  
12 NMAC; or

13 (c) provide the department with access to the requested information for the greenhouse gas  
14 emissions reporting year registered in either the climate registry or the California climate action registry.

15 (2) When the department determines the deadlines for submitting greenhouse gas emissions reports  
16 and reporting procedures, the department shall provide an opportunity for public comment, and shall consider:

17 (a) public comments regarding the schedule of the reports and greenhouse gas emissions  
18 reporting procedures;

19 (b) emissions quantification standards and best practices approved or recommended by federal  
20 and state agencies, by greenhouse gas emissions registries, and by non-governmental bodies having expertise in  
21 greenhouse gas emissions quantification;

22 (c) whether, considering the amount and chemical composition of the emissions, greenhouse  
23 gas emissions from a particular source or source type are expected to be insignificant relative to emissions from  
24 other sources or source types; and

25 (d) whether, considering the amount and chemical composition of the emissions, emissions of a  
26 particular greenhouse gas from a source or source type are expected to be insignificant relative to the total  
27 greenhouse gas emissions from that source or source type.

28 **C. Content of greenhouse gas emissions reports.** If a greenhouse gas emissions report is required  
29 by Subparagraph (a) of Paragraph (1) of Subsection B of 20.11.47.301 NMAC, the report shall contain the same  
30 information required by Paragraphs (1) through (4) of Subsection C of 20.11.47.300 NMAC as well as the following  
31 information:

32 (1) for each emission point, as required by the department under the greenhouse gas emissions  
33 reporting procedures or other methodologies and procedures approved by the department in advance and in writing,  
34 the estimated actual emissions of greenhouse gases, including fugitive emissions and emissions occurring during  
35 maintenance, start-ups, shutdowns, upsets and downtime.

36 (2) [Reserved]

37 [20.11.47.301 NMAC - N, 5/1/08]

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39  
40 **HISTORY OF 20.11.47 NMAC:**

41 **Pre-NMAC History:**

42  
43 **History of Repealed Material:** [Reserved]

44  
45 **Other History:**