

**Petition to Amend 20.11.66 NMAC,
Process Equipment, and Incorporate
These Amendments into the New
Mexico State Implementation Plan for
Air Quality (SIP)
AQCB Petition No. 2013-8**

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Background - 20.11.66 NMAC

- ❖ Currently “applicable to owners or operators of **any equipment** capable of emitting **pollution emissions** in to the atmosphere in Bernalillo County.”
- ❖ Proposed: “applicable to owners and operators of **process equipment** capable of emitting **particulate matter emissions** into the atmosphere within Bernalillo County.
- ❖ If a facility that is subject to 20.11.66 NMAC becomes subject to an applicable federal regulation, that facility shall comply with the applicable federal regulation in addition to complying with the requirements of 20.11.66 NMAC.”

Reasons for Proposed Amendments to 20.11.66 NMAC

1. Albuquerque-Bernalillo County regulations should be consistent with the State's regulations whenever possible. [See NMSA § 74-2-4(C)]
 - Currently effective Sections 20.11.66.12 NMAC, *Emissions of Particulate Matter* and 20.11.66.18 NMAC, *Emissions of Particulate Matter: Table 1* no longer consistent with the State's regulations.
 - To resolve these inconsistencies, the City proposes to delete Sections 12 and 18 of 20.11.66 NMAC.

Reasons for Proposed Amendments to 20.11.66 NMAC

2. Currently effective Section 20.11.66.12 NMAC, *Emissions of Particulate Matter*, is overbroad in scope, and inappropriately applies the same particulate matter emissions standards (i.e., 20.11.66.18 NMAC *Emissions of Particulate Matter: Table 1*) to disparate sources of particulate matter (PM) emissions, even though they each have unique operating and emissions characteristics.
 - ❖ Individual source categories should have their own specific particulate emissions standards as determined by EPA.
 - ❖ To resolve these inconsistencies, the City proposes to delete Sections 12 and 18 of 20.11.66 NMAC.

Reasons for Proposed Amendments to 20.11.66 NMAC

3. Process weight-based PM emission limits for process equipment found in the currently effective Sections 20.11.66.12 NMAC, *Emissions of Particulate Matter*, and 20.11.66.18 NMAC, *Emissions of Particulate Matter: Table 1* are not practically enforceable.

- ❖ No test methods specified to determine compliance.
- ❖ Test methods can vary depending upon type of equipment being tested.
- ❖ Available emissions factors?
- ❖ To resolve these inconsistencies, the City proposes to delete Sections 12 and 18 of 20.11.66 NMAC

Reasons for Proposed Amendments to 20.11.66 NMAC

4. Emissions standards in Sections 12 and 18 of 20.11.66 NMAC potentially conflict with established federal New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants standards.
 - To resolve these inconsistencies, the City proposes to delete Sections 12 and 18 of 20.11.66 NMAC.
 - Proposed language in Sections 13, 14 and 15 delineates NSPS and NESHAPs requirements for specific types of process equipment.

Reasons for Proposed Amendments to 20.11.66 NMAC

5. Unclear which standards are applicable to Cement Kilns.

- Proposed language in Section 20.11.66.13 NMAC, *Cement Kilns*, would impose different standards on cement kilns constructed or modified on or before August 17, 1971 versus those constructed or modified after that date.
 - The former remain subject to the existing standard, a PM emissions limit of 230 mg/m³ of exhaust gas, while the latter would no longer be subject to this standard. Instead they are required to comply with 40 CFR 60, Subpart F, *Standards of Performance for Portland Cement Plants*.
 - All new and existing Portland cement plants which are a “major source” or an “area source” as defined in 40 CFR 63.2, remain subject to 40 CFR 63, Subpart LLL, *National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry*.
 - Both of these federal rules referenced in the proposed amended Section 20.11.66.13 NMAC are at least as stringent as Sections 12 and 18 of 20.11.66 NMAC, proposed to be deleted.

Reasons for Proposed Amendments to 20.11.66 NMAC

6. Unclear which standards are applicable to Gypsum Cookers (proposed as Gypsum Calciners).
 - ❖ Amend Section 20.11.66.14 NMAC, *Gypsum Cookers*.
 - ❖ Impose different standards on gypsum processing equipment constructed, modified or reconstructed on or before April 23, 1986 versus that constructed, modified or reconstructed after that date.
 - ❖ The former remain subject to the existing standard, a PM emissions limit of 690 mg/m³ of exhaust gas, while the latter would no longer be subject to this standard. Instead they are required to comply with 40 CFR 60, Subpart UUU, *Standards of Performance for Calciners and Dryers in Mineral Industries*.
 - ❖ Change the title from “Gypsum Cookers” to “Gypsum Calciners”

Reasons for Proposed Amendments to 20.11.66 NMAC

7. Current rule potentially less stringent than federal standards

- ❖ Amend Section 20.11.66.15 NMAC, *Asphaltic Batch Plants*
- ❖ If any asphalt process equipment is subject to a federal PM emissions standard that is more stringent than that prescribed by 20.11.66.19 NMAC, *Asphaltic Batch Plants – Table 2*, then the federal rule shall govern.
- ❖ Language describing these federal standards is proposed to be added to facilitate compliance.
- ❖ Change title from “Asphaltic Batch Plants” to “Asphalt Process Equipment”
- ❖ Change the title from “*Asphaltic Batch Plants – Table 2*” to “*Asphalt Process Equipment Allowable Emission Rates For Particulate Matter: Table 2*”
- ❖ Asphaltic batch plants are not currently subject to Sections 12 or 18 of 20.11.66 NMAC, therefore the proposed deletion of these two sections will have no effect on Section 20.11.66.15 NMAC

Reasons for Proposed Amendments to 20.11.66 NMAC

8. “Other” Process Equipment require more specific PM emissions limits.

- Under the currently effective rule, **ANY** process equipment *other than* gypsum cookers (proposed as gypsum calciners) or kettles, constructed before 12/1/1995 (i.e. the effective date of 20.11.66 NMAC); and asphaltic batch plants (proposed as asphalt process equipment); are subject to Sections 12 and 18 of 20.11.66 NMAC.
- Under the proposed rule, these emission limits are eliminated
 - Any process equipment *other than* gypsum cookers (calciners), kettles, and asphaltic batch plants (asphalt process equipment), would no longer be subject to Sections 12 and 18 of 20.11.66 NMAC
 - Instead they will be subject to specific PM emissions limits set out in Air Board regulations and by enforceable permit conditions, which are at least as stringent as Sections 12 and 18 of 20.11.66 NMAC.

Reasons for Proposed Amendments to 20.11.66 NMAC

9. Current 20.11.66 NMAC could inadvertently require 20.11.40 NMAC sources to apply for a 20.11.41 NMAC permit.

- Problem: New 20.11.41.2.B.(2) NMAC (effective January 1, 2014), requires that:
 - “If a stationary source was constructed after August 31, 1972 and the source is subject to an existing or new board regulation that includes an equipment emission limitation, the source shall apply for and obtain a construction permit or construction permit modification as required by 20.11.41 NMAC.”
- Since the PM emission standards under currently effective 20.11.66 NMAC can be applied broadly, then sources that would normally be required to apply for a Source Registration, could instead be required to apply for a Construction Permit instead, because they are subject to **“an equipment emission limitation”**, under 20.11.66 NMAC.
- The City proposes to delete Sections 12 and 18 of 20.11.66 NMAC, and add language to Sections 13, 14 and 15 of 20.11.66 NMAC, to make clear which sources are subject to **“an equipment emission limitation”**, and thus potentially subject to 20.11.41 NMAC.

Request

- Hearing before Albuquerque-Bernalillo County Air Quality Control Board:
 - Proposal to adopt amendments to 20.11.66 NMAC, *Process Equipment*
 - Submit amended 20.11.66 NMAC, *Process Equipment* to EPA as a revision to the New Mexico State Implementation Plan for Air Quality (SIP)
- Provide a Court Reporter & Hearing Officer

Authority

- The New Mexico Air Quality Control Act (Air Act), [NMSA 1978, §§ 74-2-4 (as amended through 1995) and 74-2-5(B) (as amended through 2007)] authorizes and requires the Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

Questions?

