

AQD Exhibit No. 4a Additional Staff Proposed Floor Amendments

Comment: Page 2 of 1/29/13 PRD re:
20.11.61.7.G NMAC

1 20.11.61.6 **OBJECTIVE:** To minimize air pollutant emissions from new major stationary sources or major
2 modifications in areas classified as in attainment of the national ambient air quality standards (NAAQS) or
3 determined to be unclassifiable pursuant to Section 107(d) of the act.
4 [20.11.61.6 NMAC - Rp, 20.11.61.6 NMAC, 1/23/06; A, 1/10/11]

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6 **20.11.61.7** **DEFINITIONS:** In addition to the definitions in 20.11.61 NMAC, the definitions in 20.11.1
7 NMAC, *General Provisions*, shall apply unless there is a conflict between definitions, in which case the definition in
8 20.11.61 NMAC shall govern.

9 A. "Act" means the federal Clean Air Act, as amended, 42 U. S. C. Sections 7401 et seq.

10 B. "Actual emissions" means the actual rate of emissions of a regulated ~~new source review~~ NSR
11 pollutant from an emissions unit, as determined in accordance with Paragraphs (2) through (4) of Subsection B of
12 20.11.61.7 NMAC.

13 (1) This definition shall not apply for calculating whether a significant emissions increase has
14 occurred, or for establishing a PAL under 20.11.61.20 NMAC. Instead, Subsections I and VV of 20.11.61.7 NMAC
15 shall apply for those purposes.

16 (2) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at
17 which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular
18 date and which is representative of normal source operation. The department shall allow the use of a different time
19 period upon a determination that it is more representative of normal source operation. Actual emissions shall be
20 calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or
21 combusted during the selected time period.

22 (3) The department may presume that source-specific allowable emissions for the unit are equivalent
23 to the actual emissions of the unit.

24 (4) For any emissions unit that has not begun normal operations on the particular date, actual
25 emissions shall equal the potential to emit of the unit on that date.

26 C. "Administrator" means the administrator of the U.S. environmental protection agency (EPA) or
27 an authorized representative.

28 D. "Adverse impact on visibility" means visibility impairment which interferes with the
29 management, protection, preservation, or enjoyment of the visitor's visual experience of the federal class I area.
30 This determination must be made on a case-by-case basis taking into account the geographic extent, intensity,
31 duration, frequency, and time of the visibility impairments and how these factors correlate with the following:

32 (1) times of visitor use of the federal class I area; and

33 (2) the frequency and timing of natural conditions that reduce visibility. This term does not include
34 effects on integral vistas as defined in 40 CFR 51.301 *Definitions*.

35 E. "Air quality related values (AQRV)" means visibility and other scenic, cultural, physical,
36 biological, ecological, or recreational resources which may be affected by a change in air quality resulting from the
37 emissions of a proposed major stationary source or major modification that interferes with the management,
38 protection, preservation, or enjoyment of the ~~air quality related values~~ AQRV of a federal class I area.

39 F. "Allowable emissions" means the emissions rate of a stationary source calculated using the
40 maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the
41 operating rate, or hours of operation, or both) and the most stringent of the following:

42 (1) the applicable standards as set forth in 40 CFR Parts 60 and 61;

43 (2) the applicable state implementation plan emissions limitation, including those with a future
44 compliance date; or

45 (3) the emissions rate specified as a federally enforceable permit condition, including those with a
46 future compliance date.

47 G. "Associated emission sources" means secondary emissions and all reasonably foreseeable
48 emissions of regulated pollutants from the growth of general residential, commercial, industrial, governmental
49 emission sources and other mobile and non-mobile emission sources which are associated with ~~and~~ or support the
50 proposed new major stationary source or major modification. Other mobile and non-mobile emission sources shall
51 include, but not be limited to, new highways and roads or improvements to existing highways and roads to increase
52 capacity, new parking facilities or improvements to existing parking facilities to increase capacity, service
53 enhancements to ground and air public transportation to include the building of new public transportation facilities
54 or improvements to existing public transportation facilities to increase capacity; and the building of new public or
55 private educational facilities or improving existing public or private educational facilities to increase enrollment.

1 (11) A permit for a GHG PAL issued to a GHG-only source shall also include a statement denoting
2 that GHG emissions at the source will not be subject to regulation under Subsection CCC of 20.11.61.7 NMAC as
3 long as the source complies with the PAL. {FR Vol. 77, No. 134, 41051-75, 7/12/12; 52.21(aa)(7)}

Comment: Page 22 of 1/29/13 PRD re:
20.11.61.20.H.(2)(a),(iii) NMAC

4 **H. PAL effective period and reopening of the PAL permit.**

5 (1) PAL effective period. The PAL effective period shall be 10 years.

6 (2) Reopening of the PAL permit.

7 (a) During the PAL effective period, the department shall reopen the PAL permit to:

8 (i) correct typographical/calculation errors made in setting the PAL or reflect a more
9 accurate determination of emissions used to establish the PAL;

10 (ii) reduce the PAL if the owner or operator of the major stationary source creates
11 creditable emissions reductions for use as offsets under 40 CFR 51.165(a)(3)(ii); and

12 (iii) revise the PAL to reflect an increase in the PAL as provided under **[Paragraph]**
13 Subsection K of 20.11.61.20 NMAC.

14 (b) The department may reopen the PAL permit for the following:

15 (i) to reduce the PAL to reflect newly applicable federal requirements (for example,
16 NSPS) with compliance dates after the PAL effective date;

17 (ii) to reduce the PAL consistent with any other requirement, that is enforceable as a
18 practical matter, and that the department may impose on the major stationary source or a GHG-only source under the
19 plan; and

20 (iii) to reduce the PAL if the department determines that a reduction is necessary to avoid
21 causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related
22 values (AQRV) that has been identified for a federal class I area by a federal land manager and for which
23 information is available to the general public.

24 (c) Except for the permit reopening in Item (i) of Subparagraph (a) of Paragraph (2) of
25 Subsection H of 20.11.61.20 NMAC for the correction of typographical/calculation errors that do not increase the
26 PAL level, all reopenings shall be carried out in accordance with the public participation requirements of Subsection
27 E of 20.11.61.20 NMAC. {FR Vol. 77, No. 134, 41051-75, 7/12/12; 52.21(aa)(8)}

28 **I. Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in
29 Subsection J of 20.11.61.20 NMAC shall expire at the end of the PAL effective period, and the requirements in
30 Subsection I of 20.11.61.20 NMAC shall apply.

31 (1) Each emissions unit, or each group of emissions units, that existed under the PAL shall comply
32 with an allowable emission limitation under a revised permit established according to the procedures in Paragraph
33 (1) of Subsection I of 20.11.61.20 NMAC.

34 (a) Within the time frame specified for PAL renewals in Paragraph (2) of Subsection J of
35 20.11.61.20 NMAC, the major stationary source or GHG-only source shall submit a proposed allowable emission
36 limitation for each emissions unit, (or each group of emissions units, if such a distribution is more appropriate as
37 decided by the department), by distributing the PAL allowable emissions for the major stationary source or GHG-
38 only source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for
39 an applicable requirement that became effective during the PAL effective period, as required under Paragraph (5) of
40 Subsection J of 20.11.61.20 NMAC, such distribution shall be made as if the PAL had been adjusted.

41 (b) The department shall decide whether and how the PAL allowable emissions will be
42 distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of
43 emissions units, as the department determines is appropriate.

44 (2) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling
45 basis. The department may approve the use of monitoring systems (source testing, emission factors, etc.) other than
46 CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.

47 (3) Until the department issues the revised permit incorporating allowable limits for each emissions
48 unit, or each group of emissions units, as required under Subparagraph (b) of Paragraph (1) of Subsection I of
49 20.11.61.20 NMAC, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to
50 the level of the PAL emission limitation.

51 (4) Any physical change or change in the method of operation at the major stationary source or GHG-
52 only source will be subject to major **[new source review]** NSR requirements if such change meets the definition of
53 major modification in Subsection II of 20.11.61.7 NMAC.

54 (5) The major stationary source owner or operator shall continue to comply with any state or federal
55 applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period
56 or prior to the PAL effective period except for those emission limitations that had been established pursuant to