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AQD EXHIBIT 5

PENGAD 800-631-6989

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 46 SULFUR DIOXIDE EMISSIONS INVENTORY REQUIREMENTS; WESTERN BACKSTOP SULFUR DIOXIDE TRADING PROGRAM

20.11.46.1 ISSUING AGENCY: Albuquerque-Bernalillo County Air Quality Control Board, P.O. Box 1293, Albuquerque, New Mexico, 87103.
[20.11.46.1 NMAC - N, 12/31/03]

20.11.46.2 SCOPE:
A. 20.11.46 NMAC is applicable to all geographic areas within Bernalillo county, New Mexico and within the jurisdiction of the Albuquerque-Bernalillo county air quality control board.
B. Exempt: 20.11.46 NMAC does not apply to sources within Bernalillo county that are located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.
[20.11.46.2 NMAC - N, 12/31/03; A, 9/15/08]

20.11.46.3 STATUTORY AUTHORITY: 20.11.46 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5; the Joint Air Quality Control Board Ordinance; Bernalillo County Ordinance No. 94-5, Sections 4 and 5; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 and 9-5-1-4.
[20.11.46.3 NMAC - N, 12/31/03; A, 9/15/08]

20.11.46.4 DURATION: Permanent, except as provided in Section 20.11.46.5 NMAC.
[20.11.46.4 NMAC - N, 12/31/03]

20.11.46.5 EFFECTIVE DATE: December 31, 2003, except where a later date is cited at the end of a section, or as provided in 20.11.46.10 NMAC. However, if the EPA disapproves the *Section 309 Regional Haze State Implementation Plan Element: Albuquerque-Bernalillo County, New Mexico*, then 20.11.46 NMAC will no longer be effective on the date of official notification by the EPA to the Governor of New Mexico that the *Section 309 Regional Haze State Implementation Plan Element: Albuquerque-Bernalillo County, New Mexico* has been disapproved.
[20.11.46.5 NMAC - N, 12/31/03; A, 9/15/08]

20.11.46.6 OBJECTIVE:
A. 20.11.46 NMAC implements the Western Backstop (WEB) Sulfur Dioxide (SO_2) Trading Program [~~("WEB trading program")~~] provisions required under the federal Regional Haze [~~Regulation~~] Rule, 40 CFR 51.309, and the *concomitant* Albuquerque-Bernalillo county element of the state of New Mexico's regional haze implementation plan [~~and related requirements associated with the time period prior to the WEB trading program trigger date~~]. {Utah, R307250-1}
B. Nothing in 20.11.46 NMAC waives any requirement otherwise in effect or subsequently required under another program, including regulations governing new sources.
[20.11.46.6 NMAC - N, 12/31/03]

20.11.46.7 DEFINITIONS: In addition to the definitions in 20.11.46.7 NMAC, the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.46 NMAC shall govern.
A. "Account certificate of representation" means the completed and signed submission required to designate an account representative for a WEB source or an account representative for a general account.
B. "Account representative" means the individual who is authorized through an account certificate of representation to represent owners and operators of the WEB source with regard to matters under the WEB trading program or, for a general account, who is authorized through an account certificate of representation to represent the persons having an ownership interest in allowances in the general account with regard to matters concerning the general account.
C. "Act" means the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq.
D. "Actual emissions" means the total annual [~~sulfur dioxide~~] SO_2 emissions determined in accordance with 20.11.46.16 NMAC, *Monitoring, Record Keeping and Reporting*, or determined in accordance with