



Timothy M. Keller, Mayor

ALBUQUERQUE/BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD  
TITLE V OPERATING PERMIT #0499-M2-RN2  
FACILITY CDS #NM/001/00011  
Facility ID: FA0003185; Record ID: PR0007579



Angel Martinez, Jr. Director

Issued to: **Public Service Company of New Mexico**  
**2401 Aztec Rd. NE**  
**Albuquerque, NM 87107**

Certified Mail: #7017 0530 0001 1410 0530  
Return Receipt Requested

Facility: **Reeves Generating Station**

The Albuquerque Environmental Health Department, Air Quality Program (Department) and the Albuquerque/Bernalillo County Air Quality Control Board (A/BCAQCB); pursuant to the Federal Clean Air Act (CAA, also known herein as the Federal Act); the New Mexico Air Quality Control Act, NMSA 1978, as amended 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, 9-5-1-4; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; A/BCAQCB Regulation Title 20, Chapter 11, New Mexico Administrative Code (20.11 NMAC), Part 42 (20.11.42 NMAC), Operating Permits, and Part 62 (20.11.62 NMAC), Acid Rain; hereby issue Operating Permit #0499-M2-RN2 to Public Service Company of New Mexico (Permittee) which is hereby authorized to operate the following processes at:

Facility/Location	Process Description	SIC	NAICS
<b>Reeves Generating Station (Facility)</b> <b>4400 Paseo del Norte NE</b> <b>Albuquerque, NM 87109</b> <b>Lat.: 35°10'17"; Long.: 106°36'04"</b>	<b>Electric Services</b>	<b>4911</b>	<b>221112</b>

This Operating Permit has been issued based on the review of the application received by the Department on February 8, 2021 and ruled complete on April 8, 2021 and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. This permit places enforceable limitations and standards on processes at the Facility. The term of this permit is five (5) years. It will expire five (5) years from the date of issuance, pursuant to 20.11.42.12.C.(2) NMAC. Application for renewal of this permit is due twelve (12) months prior to the date of expiration, pursuant to 20.11.42.12.A(2)(a)(ii) NMAC. **This permit #0499-M2-RN2 supersedes permit #0499-M2-RN1 and Administrative Revision (6/26/2019) #0499-M2-1AR.**

Pursuant to the New Mexico Air Quality Control Act, NMSA 1978, as amended, all terms and conditions in this permit are enforceable by the Department, including any provisions designed to limit this Facility's emissions. Furthermore, pursuant to 20.11.42.12.C(1)(e) NMAC, all terms and conditions are enforceable under the Federal Act by the Administrator of the United States Environmental Protection Agency (EPA) and citizens, unless the term or condition is specifically designated in this permit as not being enforceable under the Federal Act.

Issued on the \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Angela Lopez, Environmental Health Permitting Manager  
Air Quality Program  
Environmental Health Department  
City of Albuquerque

## TABLE OF CONTENTS

1.0 Introduction.....	1
1.1 Permit Shield.....	1
1.2 Total Emissions.....	3
1.3 Insignificant Activities.....	4
2.0 Permit Terms and Conditions.....	4
2.1. General Conditions.....	4
3.0 Facility Information.....	5
3.1 Process Equipment.....	5
3.2 Requirements for Individual Emission Units.....	7
3.2.1. Applicable Requirements.....	7
3.2.2. Emission Limits.....	8
3.2.3. Operational Requirements.....	10
3.2.4. Emissions Monitoring and Testing Requirements.....	10
4.0 Recordkeeping.....	13
4.1 Recordkeeping Requirements.....	13
4.1.1 Main Boiler Units Recordkeeping.....	13
4.1.2 Emergency Generator Recordkeeping Requirements.....	13
4.2 Data Recording Requirements.....	14
4.3 Maintenance of Records.....	14
4.4 Off Permit Changes.....	14
5.0 Reporting.....	15
5.1 Monitoring Reports.....	15
5.2 Reporting Schedule.....	15
5.3 Reporting Deviations.....	16
6.0 Compliance.....	16
6.1 Compliance Certification.....	16
6.2 Inspections.....	16
6.3 Posting of Permit.....	16
7.0 Emergencies.....	16
8.0 Permit Reopening and Revocation.....	17
9.0 Acid Rain Sources.....	18
10.0 Certification.....	18
11.0 Confidential Information.....	18
12.0 Airborne Particulate Matter.....	19
13.0 Credible Evidence.....	19
14.0 Annual Fees.....	20
15.0 Appeal Procedures.....	20
16.0 Submittal of Reports and Certifications.....	21

## Definition of Abbreviations and Acronyms

<u>Abbreviation/Acronym</u>	<u>Definition</u>
A/BCAQCB --	The Albuquerque/Bernalillo County Air Quality Control Board
Administrator --	The Administrator of the United States Environmental Protection Agency
Applicable Requirements	The applicable requirements listed in Table 1 of this permit
CAA --	The Federal Clean Air Act
CEMS--	Continuous Emissions Monitoring System
CO--	Carbon Monoxide
CO <sub>2</sub> --	Carbon Dioxide
Department - -	The City of Albuquerque Environmental Health Department/Air Quality Program
EPA - -	United States Environmental Protection Agency
Facility - -	Reeves Generating Station and the Owner/Operator or Responsible Official
Federal Act - -	The Federal Clean Air Act
GHG - -	Green House Gas Emissions
HAP - -	Hazardous Air Pollutant
hp - -	Horsepower
HFC--	Hydrofluorocarbons
kW - -	Kilowatt
lb/hr - -	Pounds per Hour
lb/MMBtu - -	Pounds per million British Thermal Units
CH <sub>4</sub> --	Methane
NAICS - -	North American Industrial Classification System
NESHAP - -	National Emission Standards for Hazardous Air Pollutants
NMSA - -	New Mexico Statutes Annotated
NMAC - -	New Mexico Administrative Code
20.11 NMAC - -	New Mexico Administrative Code, Title 20, Chapter 11
NMHC--	Non-Methane Hydrocarbon
NO <sub>x</sub> --	Oxides of Nitrogen
PM <sub>10</sub> - -	Particulate Matter, 10 microns or less
ppm - -	Parts per million
PFC--	Perfluorocarbons

PTE --	Potential to emit
SIC --	Standard Industrial Classification
SO <sub>2</sub> --	Sulfur Dioxide
SF <sub>6</sub> --	Sulfur hexafluoride
TPY --	Tons per year
TSP --	Total Suspended Particulate
VOC--	Volatile Organic Compounds
μg/m <sup>3</sup> --	Micrograms per cubic meter

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## **1.0 INTRODUCTION**

This Facility is a natural gas-fired electric generating plant. This Facility is comprised of three natural gas-fired steam boilers and their associated equipment which generate steam to drive steam turbines coupled to generators that produce electricity.

Pursuant to 20.11.42.12.C(1)(a) NMAC, the Department specifies, with this permit, terms and conditions upon the operation of this Facility to assure compliance with all Applicable Requirements, as defined in 20.11.42 NMAC at the time this permit is issued.

### **1.1. Permit Shield**

Pursuant to 20.11.42.12.C(9) NMAC, compliance with the conditions of this permit shall be deemed in compliance with any Applicable Requirements existing as of the date of permit issuance and identified in Table 1. The requirements in Table 1 are applicable to this Facility with specific requirements identified for individual emission units. Emission units with no Applicable Requirements are not shown in Table 1. The Department has determined that the requirements in Table 2 as identified in the permit application are not applicable to this source.

This permit shield does not extend to administrative amendments, to minor permit modifications, to changes made under section 502(b)(10) of the Federal Act, or to permit terms for which notice has been given to reopen or revoke all or part.

The Department deems compliance with applicable conditions of this operating permit to be compliance with Construction Permit #2025-RV1 for Unit S109.

**Table 1: APPLICABLE REQUIREMENTS FOR THIS FACILITY**

<b>Applicable Requirements</b>	<b>Federally Enforceable</b>	<b>Entire Facility</b>	<b>Emission Unit Nos.</b>
20.11.5 NMAC Visible Air Contaminants – This regulation limits visible emissions from stationary sources	X		S101, S102, S103, S109
20.11.8 NMAC Ambient Air Quality Standards – This regulation adopts the Federal and State ambient air quality standards.	X	X	
20.11.20 NMAC Fugitive Dust Control – This regulation establishes requirements for controlling fugitive dust	X	X	
20.11.40 NMAC Source Registration – This regulation addresses registration of a stationary air pollution sources.	X	X	
20.11.41 NMAC Construction Permits This regulation addresses pre-construction permitting of stationary air pollution sources.	X		S109
20.11.42 NMAC Operating Permits – This regulation addresses permitting of Title V major sources	X	X	
20.11.47 NMAC Emissions Inventory Requirements – This regulation requires sources to provide an emissions inventory to the Department on an annual basis	X		S101, S102, S103, S109

20.11.49 NMAC Excess Emissions – This regulation pertains to any source whose operation results in an emission of a regulated air pollutant, including fugitive emissions, in excess of the quality, rate, opacity or concentration specified by an air quality regulation or permit condition	X		S101, S102, S103, S109
20.11.62 NMAC Acid Rain – Applies to fossil fuel electric utilities with affected units subject to Acid Rain emission limitations or reduction requirements for SO <sub>2</sub> or NO <sub>x</sub>	X		S101, S102, S103
20.11.63 NMAC New Source Performance Standards for Stationary Sources - Applicable to all stationary sources of air pollutants located within Bernalillo County which are subject to the requirements of 40 CFR 60	X		S109
20.11.67 NMAC Equipment, Emissions, Limitations – This regulation requires affected sources to comply with NO <sub>2</sub> emission limits for gas burning equipment with heat inputs over 1,000,000 million BTUs per year (1 trillion BTUs/yr)	X		S101, S102, S103
20.11.90 NMAC Administrative, Enforcement, Inspection – This regulation pertains to source surveillance, performance tests, inspections, and enforcement	X	X	
40 CFR 50 National Ambient Air Quality Standards – This regulation adopts Federal ambient air quality standards	X	X	
40 CFR 60 NSPS Subpart A – General Provisions - Applies to all sources subject to a standard in 40 CFR 60	X		S109
40 CFR 60 Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines – 40 CFR 60 establishes federal standards of performance for stationary sources that have commenced construction or modification after the trigger date as published in 40 CFR 60. Pursuant to 40 CFR 60.4200(a)(1), Emission Unit S109 is a stationary compression ignition engine that was manufactured after April 1, 2006 and has a displacement of less than 30 liters per cylinder.	X		S109
40 CFR 71 – Federal Operating Permit Programs Establishes comprehensive air quality permitting systems consistent with the requirements of Title V of the Clean Air Act	X	X	
40 CFR 72 Permits Regulation – Establishes certain general provisions and the operating permit program requirements for affected sources and affected units under the Acid Rain Program	X		S101, S102, S103
40 CFR 73 – Sulfur Dioxide Allowance System – This Facility is subject to the allocation requirements of the sulfur dioxide allowance system.	X		S101, S102, S103
40 CFR 75 Continuous Emissions Monitoring – Establishes continuous emissions monitoring requirements for sources subject to the Acid Rain Program	X		S101, S102, S103
40 CFR 77 Excess Emissions – Establishes excess emissions offset planning and offset penalty requirements under the	X		S101, S102, S103

Acid Rain Program			
40 CFR 78 – Appeal Procedures – Governs appeals of any final decision for the Administrator under 40 CFR 78.1	X		S101, S102, S103
40 CFR 98 - Mandatory Greenhouse Gas (GHG) Reporting: Subpart A- General Provisions, Subpart C – General Stationary Fuel Combustion Sources and Subpart D – Electricity Generation This Facility is a listed source category under 40 CFR 98.2(a)(1)(i) – Electricity generation (units that report CO <sub>2</sub> emissions year round through 40 CFR part 75). The Permittee shall report the GHG emissions annually to EPA.	X		S101, S102, S103

**Table 1A: APPLICABLE REQUIREMENTS FOR THIS FACILITY – Locally Enforceable**

Applicable Requirements	Locally Enforceable	Entire Facility	Emission Unit Nos.
20.11.2 NMAC Fees This regulation establishes annual emissions fees for sources with source registrations, authority-to-construct permits, and Title V operation permits. (References to Operating Permits (20.11.42 NMAC) in subsection (A) of 20.11.2.2, subsection (B) of 20.11.2.11, subsection (B) of 20.11.2.12, subsections (A) and (B) of 20.11.2.13, and subsection (B) of 20.11.2.21 are not approved into the SIP. Therefore, the sections listed above are not federally enforceable.)	X	X	

### 1.2. Total Emissions

The total emissions from this Facility, excluding insignificant or trivial activities, are shown in the following table. Emission limitations for individual units are shown in section 3.2.

**Table 2: Total Regulated Potential Emissions from Entire Facility Table\***

Pollutant	Emissions (tons per year)
Carbon Monoxide (CO)	3593
Nitrogen Oxides (NOx)	3456
Particulate Matter (PM <sub>10</sub> )**	81.8
Sulfur Dioxide (SO <sub>2</sub> )	6
Volatile Organic Compounds (VOC)**	53.5
HAPs	6.41

\*Table 2 is for information purposes only, not an enforceable condition.

### 1.3. Insignificant Activities Emissions from Entire Facility

Activities that meet the criteria of being insignificant or de minimis pursuant to this paragraph, do not trigger modification requirements under 20.11.41 NMAC or 20.11.42 NMAC are shown in the table below. The listed insignificant activities emissions are less than 1 tpy and are listed for informational

purposes only. Pursuant to Albuquerque/Bernalillo County Air Quality Control Regulations Title 20, Chapter 11, Part 42 (Part 42), Operating Permits, the Department may list certain activities located at major source as insignificant based on the activities' actual limitations, emission rates, or production rates and approved by the Administrator of the US Environmental Protection Agency (EPA). However, the Department may not consider any activity for which applicable requirements apply as insignificant, regardless of whether the activity meets the criteria as approved by EPA. The Facility is not required to notify the Department of changes that qualify under this section; however, the Facility shall maintain sufficient records to demonstrate compliance with the provisions of this section.

**Table 3: Insignificant Activities Table**

<b>Devices</b>	<b>Process</b>	<b>Pollutant/Parameter</b>
S110	Emergency Generator Fuel Tank	VOC < 1 tpy
S301	NALCO, Ultramine-Miox Salt Brine – Cooling Brine	VOC < 1 tpy HAP<1 tpy
S302	NALCO Eliminox Water Treatment	HAP < 1 tpy
S303	Phosphate Process Vessel Loading	PM <sub>10</sub> < 1 tpy
S401	Turbine Lube Oil System Leaks	VOC < 1 tpy
S402	Fugitive dust road emissions	TSP < 1 tpy PM <sub>10</sub> < 1 tpy
N/A	Fire control equipment	
N/A	Aerosol sprays	
N/A	Maintenance of buildings and grounds	

## **2.0 PERMIT TERMS AND CONDITIONS**

### **2.1 GENERAL CONDITIONS**

The following permit terms and conditions are placed upon the permittee in accordance with 20.11.42.12.B(2) NMAC and 20.11.42.12.C(1)(b) NMAC.

- A. The permittee shall abide by all terms and conditions of this permit, except as allowed under section 502(b)(10) of the Federal Act. Any permit noncompliance is grounds for enforcement action and significant or repetitious noncompliance may result in termination of this permit. Additionally, noncompliance with federally enforceable conditions of this permit constitutes a violation of the Federal Act.
- B. It shall not be a defense for the permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- C. If the Department determines that cause exists to modify, reopen and revise, revoke and reissue, or terminate this permit, this shall be done in accordance with 20.11.42.13.F NMAC.
- D. The Permittee shall furnish any information the Department requests in writing to determine if cause exists for reopening and revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. This information shall be furnished within the time period specified by the Department. Additionally, the Permittee shall furnish, upon request by the Department, copies of records required by the permit to be maintained by the Facility.
- E. A request by the Permittee that this permit be modified, revoked and reissued, or terminated, or a notification by the permittee of planned changes or anticipated noncompliance, shall not



stay any conditions of this permit.

- F. This permit does not convey property rights of any sort, or any exclusive privilege.
- G. The issuance of this permit, or the filing or approval of a compliance plan, does not relieve the Permittee from civil or criminal liability for failure to comply with state law or the Federal Act, or any applicable state or federal regulation or law. This condition is pursuant to 20.11.42.12.C(1)(f) NMAC, New Mexico Air Quality Control Act NMSA 1978 74-2-2 through 74-2-23.
- H. Severability Clause - If any section, paragraph, sentence, clause or word of this permit is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of permit 0499-M2-RN2. This condition is pursuant to 20.11.42.12.C(1)(a)(iv) NMAC.
- I. The Permittee shall pay fees to the Department consistent with the fee schedule in 20.11.02 NMAC - Permit Fees. The fees will be assessed and invoiced separately from this permit. This condition is pursuant to 20.11.42.12.C(1)(a)(v) NMAC.
- J. A responsible official (as defined in 20.11.42 NMAC) shall certify the accuracy, truth and completeness of every report and compliance certification submitted to the Department as required by this permit. These certifications shall be part of each document. This condition is pursuant to 20.11.42.12.A(5) NMAC.
- K. Revocation or termination of this permit by the Department terminates the Permittee's right to operate this Facility. This condition is pursuant to 20.11.42.2.B(2) NMAC.
- L. The Permittee shall submit an annual emissions inventory for this Facility that meets the specific requirements of 20.11.47 NMAC. This condition is pursuant to 20.11.42.12.C(1)(a) NMAC and 20.11.47.14 B(1) NMAC.
- M. The Facility will continue to comply with all Applicable Requirements. For Applicable Requirements that will become effective during the term of the permit, the Facility will meet such requirements on a timely basis. This condition is pursuant to 20.11.42.12.C(6)(c) NMAC.
- N. The conditions of the Construction Permit #2025-RV1 are incorporated into this permit in addition to all other Applicable Requirements including emission limits.
- O. The Department must be notified and proper permits shall be obtained for any asbestos demolition or renovation work pursuant to CFR Title 40, Part 61 Subpart M.

### **3.0 FACILITY INFORMATION**

The following conditions are placed upon the Permittee pursuant to 20.11.42.12.C(1)(g) NMAC.

- 3.1 PROCESS EQUIPMENT** - All of the process equipment authorized for this Facility is listed in the Table 4 shown below (emission units that were identified as insignificant in Table 3 are not included). There are no emission units with air pollution control equipment at this Facility.

**Table 4. Significant Emission Units**

<b>Emission Unit</b>	<b>Unit Description</b>	<b>Manufacturer</b>	<b>Model Number</b>	<b>Serial Number</b>	<b>Date of Mfg.</b>	<b>Installation Date</b>	<b>Rated Process Rate</b>
S101	Unit 1 Steam Boiler (Natural Gas Fired)	Babcock & Wilcox	Unknown	21032	Unknown	1960	44 MW (nameplate) 51 MW (maximum)
S102	Unit 2 Steam Boiler (Natural Gas Fired)	Babcock & Wilcox	Unknown	NSB19922	Unknown	1958	44 MW (nameplate) 51 MW (maximum)
S103	Unit 3 Steam Boiler (Natural Gas Fired)	Babcock & Wilcox	Unknown	20666	Unknown	1963	66 MW (nameplate) 78 MW (maximum)
S109	Emergency Generator (Diesel Fired)	Cummins	QSX15-G9	32065523	2009	2009	755 hp
S305	Unit 1 Cooling Tower	N/A	N/A	N/A	N/A	N/A	36,000 gal/min
S306	Unit 2 Cooling Tower	N/A	N/A	N/A	N/A	N/A	36,000 gal/min
S307	Unit 3 Cooling Tower	N/A	N/A	N/A	N/A	N/A	55,000 gal/min

### 3.2 REQUIREMENTS FOR INDIVIDUAL EMISSION UNITS

Information regarding Applicable Requirements, emission limits, operational limitations and requirements, work practices, and monitoring, testing and recordkeeping requirements is provided below for each emissions unit or set of similar units.

- 3.2.1** Applicable Requirements for this Facility are shown in Tables 1 and 1A above for Emission Units at the Facility listed in Table 4. This condition is pursuant to 20.11.42.12.C.(1).(a) NMAC.

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### 3.2.2 Emissions Limits

Emissions Units S101, S102, S103, S109, and S305 through S307 are subject to the following emissions limits:

**TABLE 5. EMISSIONS LIMITS**

EU	NO <sub>x</sub> lb/hr	NO <sub>x</sub> tpy	CO lb/hr	CO tpy	SO <sub>2</sub> lb/hr	SO <sub>2</sub> tpy	VOC lb/hr	VOC tpy	PM <sub>10</sub> lb/hr	PM <sub>10</sub> tpy	PM <sub>2.5</sub> lb/hr	PM <sub>2.5</sub> tpy
S101	181.7	636.7 <sup>1</sup>	375	1314 <sup>2</sup>	0.49	1.7 <sup>2</sup>	4.5	15.6	6.2	21.7 <sup>2</sup>	6.2	21.7 <sup>2</sup>
S102	165.2	578.9	375	1314	0.49	1.7	4.5	15.6	6.2	21.7	6.2	21.7
S103	639.0	2239.0	275	963.6	0.7	2.5	6.5	22.3	8.8	30.8	8.8	30.8
S109 <sup>2</sup>	7.89	1.97	4.33	1.08	0.19 <sup>3</sup>	0.048	0.10	0.025	0.25	0.06	0.25	0.06
S305	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.61	2.1	0.004	0.01
S306	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.61	2.1	0.004	0.01
S307	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.93	3.3	0.006	0.02
<b>Totals</b>	<b>993.8</b>	<b>3456.6</b>	<b>1029.3</b>	<b>3592.7</b>	<b>1.87</b>	<b>5.95</b>	<b>15.6</b>	<b>53.5</b>	<b>23.6</b>	<b>81.8</b>	<b>21.5</b>	<b>74.3</b>

- Total Hazardous Air Pollutants (HAPs) PTE: 1.83 lb/hr and 6.41 tpy (for more info, refer to permit application page 57)

<sup>1</sup> NO<sub>x</sub>, CO, SO<sub>2</sub>, and PM tpy limitation based on 80% utilization of the maximum annual fuel consumption for each unit.

<sup>2</sup> Applicable to 40 CFR 60 Subpart IIII requirement for combined NO<sub>x</sub> and NMHC under ATC Permit #2025-RV1 (NO<sub>x</sub>+NMHC = 7.99 lbs/hr, 1.88 tpy). Compliance with CO and NO<sub>x</sub>+NMHC pound per hour (lb/hr) limits shall be shown by meeting the manufacturer's emissions data. NO<sub>x</sub> and NMHC (VOC) emissions shall be reported separately. The maximum reportable emission rates for NO<sub>x</sub> are 7.89 lb/hr and 0.10 lb/hr for NMHCs which are shown in the table (tpy is based on 500 hrs/yr).

<sup>3</sup> SO<sub>2</sub> emissions have decreased due to a lower sulfur content in the No. 2 distillate fuel (15 ppm).

- A. In accordance with 20.11.67.20.B NMAC, because the maximum heat input for Emission Units S101, S102, and S103 is greater than 1 million MMBtu/year each, the NO<sub>x</sub> emissions from each unit shall be limited to 0.3 lb/MMBtu based on a 30-day rolling average. Compliance with the standard shall be based on a 30-day rolling average, updated every 24 hours from midnight to midnight, representing one boiler operating day. The 30-day rolling average shall be calculated by summing the daily averages of 30 sequential (not necessarily consecutive) valid boiler operating days divided by thirty (30). A valid boiler operating day shall have at least three (3) operating hours. Daily averages shall be calculated by averaging the hourly NO<sub>x</sub> values during each day from midnight to midnight, and shall not include hours in which the unit did not operate.
- B. Compliance with the NO<sub>x</sub> tpy emission limitation for Emission Units S101, S102, and S103 shall be based on a monthly rolling 12-month total. Compliance with the lb/hr emission limits shall be demonstrated by averaging the sum of the 24-hour NO<sub>x</sub> emission values from midnight to midnight. The average shall be calculated by summing the hourly emission values during the day then divided by twenty-four (24). Hourly values in which the unit is not operating is allowed for calculating the NO<sub>x</sub> lb/hr averages. To determine compliance with the ton/yr emission limit for NO<sub>x</sub>, the hourly lb/hr NO<sub>x</sub> values shall be summed for each calendar year.
- C. Compliance with the CO lb/hr and tpy emission limitations for Emission Units S101, S102, and S103 shall be demonstrated by conducting periodic emissions tests in accordance with Condition 3.2.4.A.3).
- D. Compliance with the PM lb/hr and tpy emission limitations for Emission Units S101, S102, and S103 shall be demonstrated by monitoring visible emissions in accordance with Condition 3.2.4.A.9).
- E. In accordance with 40CFR 60, Subpart IIII §60.4205(b), Emission Unit #S109 shall comply with the emission standards in 40 CFR 89.112(a) for the maximum permitted engine power. Unit #S109 shall not exceed the more stringent of the allowable CO, NMHC+NO<sub>x</sub>, and PM emission standards in 40 CFR 89.112(a) for the maximum permitted engine power or the pound per hour (lb/hr) and opacity emission limits as specified in Condition 3.2.2, Table 5.
- F. For Emission Unit #S109, compliance with PM<sub>10</sub> pound per hour (lb/hr) emissions limits, shall be shown by meeting the requirements of CFR Title 40 Part 60 Subpart IIII §60.4211(c). Compliance with CO and NO<sub>x</sub>+NMHC pound per hour (lb/hr) limits shall be shown by meeting the manufacturer's emissions data.
- G. Visible emissions for Emission Units S101, S102, and S103 shall be limited to 20 percent opacity, 6-minute timed average. This condition is pursuant to 20.11.5.12 NMAC. Use of natural gas constitutes compliance.
- H. Emission Unit S109 shall not cause or allow visible air emissions from any stationary diesel powered engine to exceed 20 percent opacity for any six (6) minute timed average. During the first twenty (20) minutes of cold start-up, the visible emissions shall not exceed 40 percent opacity for any (6) minute timed average. No increase of load shall be applied so as to cause an emission having an opacity greater than 40 percent during any time interval. This condition is pursuant to 20.11.5.13.C NMAC and ATC Permit #2025-RV1.
- I. Emission Units S101, S102, and S103 are subject to the requirements of 40 CFR 98 – Mandatory Greenhouse Gas Reporting to the Administrator, the EPA on an annual basis. The

permittee shall comply with the General Provisions of 40 CFR 98 Subpart A and the specific requirements of 40 CFR 98 Subpart D – Electricity Generation. Pursuant to 40 CFR 98.40(b), the Electricity Generation source category does not include portable equipment, emergency equipment, or emergency generators, as defined in § 98.6.

Condition 3.2.2 is pursuant to 20.11.42.12.C.(1) NMAC and ATC Permit #2025-RV1.

### **3.2.3 Operational Requirements**

#### **A. Main Boiler Units Operational Requirements**

- 1) Emission Unit S101 shall not exceed  $4.6672 \times 10^9$  ft<sup>3</sup> of natural gas consumption based on a 12-month rolling total.
- 2) Emission Unit S102 shall not exceed  $4.6672 \times 10^9$  ft<sup>3</sup> of natural gas consumption based on a 12-month rolling total.
- 3) Emission Unit S103 shall not exceed  $6.1392 \times 10^9$  ft<sup>3</sup> of natural gas consumption based on a 12-month rolling total.

#### **B. Emergency Generator Operational Requirements**

- 1) Emission Unit S109 shall be restricted to a maximum of 500 hours of operation based on a 12-month rolling total, and shall only be operated during loss of commercial power and as required by the manufacturer for engine exercising/maintenance. Pursuant to CFR Title 40 Part 60 Subpart IIII §60.4211(e), of the 500 hours of operation per calendar year, Unit S109 shall be limited to 100 hours of maintenance checks and readiness testing. The unit shall not be operated to generate power for peak shaving or sale to third parties, but only to provide emergency power for the Facility. Routine or non-emergency operation of the unit or operation for any other purposes, except as stated above, shall be a violation of this permit and ATC Permit #2025-RV1;
- 2) Upon startup, the permittee shall meet the diesel fuel requirements as required by CFR Title 40 Part 60 Subpart IIII §60.4207(a) [requirement for low sulfur diesel fuel as provided in CFR Title 40 Part 80-Regulation of Fuels and Fuel Additives, Subpart I § 80.510(a)]. Additionally, beginning with first fueling on or after October 1, 2010 effective October 1, 2010 the permittee shall meet the diesel fuel requirements as required by CFR Title 40 Part 60 Subpart IIII §60.4207(b) [requirement for ultra-low sulfur diesel fuel as provided in CFR Title 40 Part 80-Regulation of Fuels and Fuel Additives, Subpart I § 80.510(b)]; and,
- 3) The permittee shall operate and maintain Unit S109 according to the manufacturer's written instructions, or procedures developed by the permittee that have been approved by the manufacturer. In addition, the permittee may only change those settings that are allowed by the manufacturer. The permittee must also meet the requirements of CFR Title 40 part 89, 94, and/or 1068 as they apply. This condition is Pursuant to CFR Title 40 Part 60 Subpart IIII §60.4211.

Condition 3.2.3 is pursuant to 20.11.42.12.C(1) NMAC and ATC Permit #2025-RV1.

### **3.2.4 Emissions Monitoring and Testing Requirements**

The following monitoring and/or testing requirements (except those monitoring and testing requirements

involving direct sampling of exhaust from an emission unit, and except those requirements that originate in an Applicable Requirement) shall be used as indicators of compliance with any Applicable Requirements, emission limits, and any term or condition of the permit. Monitoring indicating non-compliance does not by itself establish a non-compliance with any Applicable Requirement, but may require additional monitoring and/or testing of the affected emission units as required by the Department. Additional monitoring and/or testing may result in a determination of non-compliance with the Applicable Requirement. Monitoring and/or testing that results in emission rates greater than the permitted values shall be a violation of this permit. Failure to perform the monitoring or testing required by this permit is a violation this permit.

- A. Emissions Unit numbers S101, S102, S103, and S109 are subject to the following emissions monitoring requirements:

**Table 6. Monitoring Requirements**

<b>Emission Unit Nos.</b>	<b>Parameters to Monitor</b>	<b>To Comply With</b>	<b>Monitoring Required</b>	<b>Monitoring Method and Frequency</b>
S101,S102, S103	NO <sub>x</sub>	20.11.67 NMAC	Continuous Emissions Monitoring	See paragraph 3.2.4.A.1)
S101,S102, S103	NO <sub>x</sub>	Emission limits specified in paragraph 3.2.2	Continuous Emissions Monitoring	See paragraph 3.2.4.A.2)
S101,S102, S103	CO	Emission limits specified in paragraph 3.2.2	Periodic Emissions Testing	See paragraph 3.2.4.A.3)
S101,S102, S103	SO <sub>2</sub>	Emission limits specified in paragraph 3.2.2	Continuous Emissions Monitoring or Approved Optional Procedure	See paragraph 3.2.4.A.5)
S101,S102, S103	CO <sub>2</sub>	40 CFR 98 (GHG)	Continuous Emissions Monitoring (Federal EPA Requirement)	See paragraph 3.2.4.A.6)
S101,S102, S103	CH <sub>4</sub> , N <sub>2</sub> O	40 CFR 98 (GHG)	Recordkeeping (Federal EPA Requirement)	See paragraph 3.2.4.A.7)
S101,S102, S103	Fuel Consumption	Emission limits specified in paragraph 3.2.3.A.	Operations	See paragraph 3.2.4.A.8)
S109	Visible Emissions	20.11.05 NMAC	Opacity	See paragraph 3.2.4.A.9)
S109	Operating Hours	Operational Requirements in paragraph 3.2.3.B.1)	Operations	See paragraph 3.2.4.A.10)

- 1) Emission Units S101, S102, and S103 are each equipped with a Continuous Emissions Monitoring Systems (CEMS) for monitoring NO<sub>x</sub> emissions as required by 40 CFR 75. Each NO<sub>x</sub> CEM for Emission Units S101, S102, and S103 shall be used to demonstrate compliance with

the 0.3 lb/MMBtu NO<sub>x</sub> standard for “existing gas burning equipment” in accordance with 20.11.67.20.B NMAC. This condition is pursuant to 20.11.42.12.C(1)(a) NMAC.

- 2) Emission Units S101, S102, and S103 are equipped with CEMS for each unit and shall be used to demonstrate compliance with the lb/hr NO<sub>x</sub> emission limit in 3.2.2 Table 5 and 0.3 lb/MMBtu in 3.2.2.A. in accordance with monitoring/reporting requirements of 40 CFR 75.
- 3) The Facility shall demonstrate compliance with lb/hr CO emission limits by conducting annual emission tests for CO. The emission tests shall be conducted in accordance with EPA Method 10 for CO contained in 40 CFR 60, Appendix A, and with the requirements of Subpart A, General Provisions, Section 60.8.
- 4) The Facility shall provide for the Department’s approval a written test protocol at least thirty (30) days prior to the anticipated test date. The protocol shall describe the test methods to be used (including sampling methods and calibration procedures), shall list the equipment or devices to be tested (including sample locations), and shall describe data reduction procedures. Any variation from established sampling and analytical procedures or from Facility operating conditions shall be presented for Department approval. The Permittee shall allow a representative of the Department to be present at the test:
  - a) The Permittee shall provide (a) sampling ports adequate for the test methods applicable to the Facility, (b) safe sampling platforms, (c) safe access to sampling platforms and (d) utilities for sampling and testing equipment. The stack shall be of sufficient height and diameter so that a representative test of the emissions can be performed in accordance with EPA Method 1.
  - b) During emission tests, the unit's fuel consumption rate shall be measured continuously and recorded at least once every five minutes. If the fuel gas is other than pipeline quality natural gas, the heat content of the fuel gas shall be determined from a fuel sample obtained within 24 hours of the test. This information shall be included with the test report that is required to be furnished to the Department and shall be listed in tabular form or as part of the summary page of the test report.
  - c) Where necessary to prevent cyclonic flow in the stack, flow straighteners shall be installed.
  - d) The tests shall be conducted at four different loads specified by the Department. At least one of the test loads shall be at 90% or higher of the unit’s nominal operating capacity. Exceptions to this loading (such as loading necessitated by operating conditions) may be requested in the emissions test protocol. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the test report that is required to be furnished to the Department.
  - e) Emission Units S101, S102, and S103 shall be tested at conditions representative of the performance of each unit. Operations during startup, shutdown, and malfunction shall not constitute representative conditions. Operating conditions shall not be altered or adjustments made on each unit solely for the purpose of lowering emissions in preparation for and/or during each test. Adjusting the unit load solely for the purposes of lowering emissions is not allowed in preparation for and/or during each test.
  - f) Compliance tests may be requested by the Department, at anytime, if inspections indicate



possible noncompliance with permit conditions, noncompliance during the performance tests, or if the Department deems the tests technically unsatisfactory.

- 5) Monitor SO<sub>2</sub> emissions for Emission Units S101, S102, and S103 in accordance with 40 CFR 75.11 (d) (2) and 40 CFR 75 Appendix D.
- 6) The Facility shall comply with the general monitoring requirements found in 40 CFR 98.3. Monitoring for CO<sub>2</sub> for Emission Units S101, S102, and S103, and shall comply with the requirements of 40 CFR 98.44 and 40 CFR 75. Permittee shall follow the applicable quality assurance procedures for CO<sub>2</sub> emissions in appendices B, D, and G to 40 CFR part 75 (GHG reported to EPA).
- 7) Monitoring for CH<sub>4</sub> and N<sub>2</sub>O shall comply with the general monitoring requirements found in 40 CFR 98.3 (GHG reported to EPA).
- 8) Monitor the monthly total of natural gas consumed by each unit. Emission Units S101, S102, and S103 shall not exceed the fuel consumption rates specified in conditions 3.2.3.A.1), 2), and 3) on a 12-month rolling total.
- 9) Monitoring of visible emissions for Emission Unit S109 shall be limited to 20 percent opacity, 6-minute timed average and shall be conducted quarterly utilizing 40 CFR 60 Appendix A, Method 9 including one six-minute observation period, or by other methods as approved by the Department. Visible emissions tests shall not be conducted for the unit if it does not operate during a particular quarter.
- 10) Monitor the monthly hours of operation for Emission Unit S109.
- 11) When requested by the Department, the permittee shall provide schedules of testing and monitoring activities.
- 12) Unless otherwise identified elsewhere in this permit, all monitoring requirements are effective 120 days after the date of permit issuance.
- 13) The conditions of section 3.2.4 are pursuant to 20.11.42.12.C(3) NMAC and ATC Permit #2025-RV1.

#### **4.0 RECORDKEEPING**

**4.1 Recordkeeping Requirements:** The permittee shall follow the record keeping requirements listed below and provide any other information the Department may request to demonstrate the accuracy of the monitoring.

##### **4.1.1 Main Boiler Units**

- A. Maintain and record the NO<sub>x</sub> emissions for Emission Units S101, S102, and S103 in accordance with 40 CFR 75.12 (c) and 40 CFR Appendix F.
- B. Maintain and record the NO<sub>x</sub> emissions for Emission Units S101, S102, and S103 to demonstrate

compliance with the NO<sub>x</sub> emission limit 0.30 lb/MMBtu which is specified in 20.11.67.20.B NMAC. This record shall express NO<sub>x</sub> as NO<sub>2</sub> in lb/MMBtu based on the averaging period specified in condition 3.2.2.A.

- C. CO Emissions Records - Maintain records of annual emissions tests for CO for Emission Units S101, S102, and S103. At a minimum, these records shall show the unit load in MW, fuel flow in scf/hr, heating value of fuel in Btu/dscf, percent oxygen, CO concentration in ppm, stack gas flow rates in dscf/hr, emission rate for CO in lb/hr, and lb/MMBtu.
- D. Maintain and record monthly fuel consumption rates expressed in cubic feet of natural gas per unit.
- E. Maintain and record the SO<sub>2</sub> emissions for Emission Units S101, S102, and S103 in accordance with 40 CFR 75.11 (d) (2) and 40 CFR 75 Appendix D.
- F. The permittee shall comply with the general recordkeeping requirements found in 40 CFR 98.3. Maintain records of Greenhouse Gas emissions as specified in 40 CFR 98.37. The permittee shall comply with the recordkeeping requirements of 40 CFR 98.3(g) and §98.37.

#### 4.1.2 Emergency Generator Recordkeeping Requirements

- A. Maintain an accurate monthly log for Emission Unit S109 hours of operation, both as a monthly total and as a 12-month rolling total pursuant to 20.11.42.12.C.(3).(a), (4).(a) NMAC and ATC Permit #2025-RV1.

**4.2 Data Recording Requirements:** All sampling and measured data required by this permit for the emissions units in this Facility shall be recorded pursuant to 20.11.42.12.C.(4).(a) NMAC. The minimum information to be included in these records is:

- 4.2.1 The date, place as defined in the permit, and time of sampling or measurements;
- 4.2.2 The date(s) analyses were performed;
- 4.2.3 The company or entity that performed the analyses;
- 4.2.4 The analytical techniques or methods used;
- 4.2.5 The results of such analyses; and
- 4.2.6 The operating conditions existing at the time of sampling or measurement.

**4.3 Maintenance of Records:** The Permittee shall keep copies of all monitoring and measurement data, equipment calibration and maintenance records, original strip charts for Continuous Emission Monitoring instruments if used, other supporting information, and reports required by this permit for at least five (5) years from the time the data was gathered or the reports written. Each record shall show clearly to which emissions unit and/or piece of monitoring equipment it applies, and the date the data was gathered. This condition is pursuant to 20.11.42.12.C.(4).(b) NMAC.

**4.4 Off Permit Changes:** The Permittee shall keep a record describing off permit changes made at this source that result in emissions of a regulated air pollutant subject to an Applicable Requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes. This condition is pursuant to 20.11.42.12.C.(8).(b) NMAC.

## 5.0 REPORTING

### 5.1 Monitoring Reports

#### 5.1.1 Main Boiler Units

- A. Reports of monitoring of NO<sub>x</sub> emissions for Emission Units S101, S102, and S103 shall be expressed in lb/hr and as NO<sub>2</sub> in lb/MMBtu based on the averaging times and rolling total specified by Conditions 3.2.2.A and 3.2.2.B.
- B. Reports of annual CO emission tests shall summarize in tabular form the information required by 4.1.1.C.
- C. The Permittee shall comply with any relevant reporting requirements under the provisions of the Acid Rain Program.
- D. Reports of monitoring monthly fuel consumption rates for Emission Units S101, S102, and S103.
- E. The Permittee shall comply with the general reporting requirements found in 40 CFR 98.3. Annual Greenhouse Gas emissions reports shall comply with 40 CFR 98.46 and shall be reported to the EPA. The annual report shall comply with the data reporting requirements specified in 40 CFR 98.36(b) and, if applicable, § 98.36(c)(2) or (c)(3).

#### 5.1.2 Emergency Generator Reporting Requirements

- A. Report records of monthly hours of operation for Emission Unit S109 on a 12-month rolling total.
- B. Report records of visible emissions monitoring, if required, for Emission Unit S109.

Conditions of 5.1.2 are pursuant to 20.11.42.12.C.(5) NMAC and ATC Permit #2025-RV1.

**5.2 Reporting Schedule:** Reports of all required monitoring activities for this Facility shall be submitted to the Department on the following schedule. This condition is pursuant to 20.11.42.12.C.(5).(a) NMAC.

#### Schedule of Monitoring Activity Report Submittal:

**Table 7. Reporting Requirements**

Report for Emissions Unit Nos.	Submittal Date
S101, S102, S103 (CO periodic tests)	Within 45 days of after completion of each periodic test.
S101, S102, S103 (NO <sub>x</sub> , fuel consumption)	Within 45 days following June 30 <sup>th</sup> and December 31 <sup>st</sup> .
S109	Within 45 days following June 30 <sup>th</sup> and December 31 <sup>st</sup> .
S101, S102, S103 (GHG reporting to EPA pursuant to 40 CFR 98)	No later than March 31 of each calendar year for emissions from the previous calendar year.
S101, S102, S103 (Acid Rain reporting to EPA and Department under 40 CFR 75)	Within 30 days following the end of each calendar quarter.

**5.3 Reporting Deviations:** The permittee shall submit reports of all deviations (including emergencies) from permit requirements to the Department when they occur. The permittee shall communicate initial notice of the deviation to the Department within twenty-four (24) hours of the start of the first business

day following the start of the occurrence via telephone or facsimile. Within ten (10) calendar days of the start of the first business day following the start of the occurrence, written notice using the Excess Emissions Form (attached to this permit) shall be submitted to the Department. This condition is pursuant to 20.11.42.12.C.(5).(b) NMAC.

**5.3.1** A deviation report that results in excess emissions shall also include the specific notification requirements of 20.11.49.15 NMAC.

## **6.0 COMPLIANCE**

### **6.1 Compliance Certification**

**6.1.1** The Permittee shall submit compliance certification reports certifying the compliance status of this Facility with respect to all Applicable Requirements. These reports shall be made on copies of the Compliance Certification Report Form (attached to this permit) and submitted to the Department and to EPA every 12 months. This report is due no later than 30 days after the end of the reporting period of June 30<sup>th</sup> of every year. This condition is pursuant to 20.11.42.12.C.(5)(c) NMAC.

**6.1.2** For sources that have submitted air dispersion modeling that demonstrates compliance with state and federal standards in accordance with sections 20.11.8.11 NMAC and 20.11.8.12 NMAC, compliance with the terms and conditions of this permit regarding source emissions and operation shall be deemed to be compliance with state and federal ambient air quality standards (20.11.8 NMAC Ambient Air Quality Standards and 40 CFR 50 NAAQS).

**6.2 Inspections:** The permittee shall allow representatives of the Department, upon presentation of credentials and other documents as may be required by law, to do the following, pursuant to 20.11.42.12.C(6)(a) NMAC:

**6.2.1** Enter the permittee's premises where a source or emission unit is located, or where records that are required by this permit to be maintained are kept,

**6.2.2** Have access to and copy, at reasonable times, any records that are required by this permit to be maintained,

**6.2.3** Inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operation regulated or required under the permit,

**6.2.4** Sample or monitor any substances or parameters for the purpose of assuring compliance with this permit or Applicable Requirements or as otherwise authorized by the federal Act.

**6.3 Posting of Permit:** A copy of this permit shall be kept at the permitted Facility and shall be made available to Department personnel for inspection upon request. This condition is pursuant to 20.11.42.12.C.(6).(c) NMAC.

## **7.0 EMERGENCIES**

**7.1 Emergency Provision:** An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit 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.

**7.2** An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the permittee has demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

**7.2.1** An emergency occurred and that the permittee can identify the cause(s) of the emergency,

**7.2.2** The permitted facility was at the time being properly operated,

**7.2.3** During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit, and

**7.2.4** The Permittee fulfilled notification requirements under Subparagraph (b), of Paragraph (5), of Subsection C of 20.11.42.12 NMAC. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

**7.3** The Permittee shall identify and report all emergencies to the Department in accordance with Condition 5.3 of this permit.

**7.4** In any enforcement proceeding, the permittee has the burden of proof in seeking to establish the occurrence of an emergency.

Conditions of 7.0 are pursuant to 20.11.42.12.E(1) and (4) NMAC.

## **8.0 PERMIT REOPENING AND REVOCATION**

**8.1** This permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when 8.1.3 or 8.1.4 occurs:

**8.1.1** Additional requirements under the Federal Act become applicable to this source three (3) or more years before the expiration date of this permit. If the effective date of the requirement is later than the expiration date of this permit, then the permit is not required to be reopened unless the original permit or any of its terms and conditions has been extended due to the Department's failure to take timely action on a request by the permittee to renew this permit.

**8.1.2** Additional requirements, including excess emissions requirements, become applicable to this source under Title IV of the Federal Act (the acid rain program). Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

**8.1.3** The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms and conditions of the permit.

**8.1.4** The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an Applicable Requirement.

**8.2** Proceedings to reopen or revoke this permit shall affect only those parts of this permit for which cause to reopen or revoke exists. Units for which permit conditions have been revoked shall not be operated until permit reissuance. This condition is pursuant to 20.11.42.13.F.(1)(b) NMAC.

Conditions of 8.0 are pursuant to 20.11.42.13.F.(1)(a) NMAC.

### **9.0 ACID RAIN SOURCES (S101, S102, S103)**

- 9.1** Where an Applicable Requirement of the Federal Act is more stringent than an Applicable Requirement of regulations promulgated under Title IV of the Federal Act, both provisions are incorporated into this permit and are federally enforceable.
- 9.2** Emissions exceeding any allowances held by the permittee under Title IV of the Federal Act or the regulations promulgated thereunder are prohibited.
- 9.3** No modification of this permit is required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit modification under any other Applicable Requirement.
- 9.4** The Permittee may not use allowances as a defense to noncompliance with any other Applicable Requirement.
- 9.5** No limit is placed on the number of allowances held by the acid rain source. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the federal Act. These allowances are specified in 40 CFR 73.10. Refer to the Permittee's

Conditions of 9.0 are pursuant to 20.11.42.2.A.(3) NMAC and 20.11.62.12 NMAC.

### **10.0 CERTIFICATION**

A responsible official, as defined in 20.11.42 NMAC shall certify the accuracy, truth, and completeness of every report and compliance certification submitted to the Division or to the EPA as required by any permit condition or Applicable Requirement. This condition is pursuant to 20.11.42.12.A.(5) NMAC.

### **11.0 CONFIDENTIAL INFORMATION**

**11.1** Any records, reports, or information obtained by the Department shall be available to the public, except upon the Facility's ability to demonstrate to the Department that records, reports, or information, or particular sections thereof, would divulge confidential business records, methods, or processes entitled to protection as a trade secret. However, emission data will not be treated as confidential information. Confidential information, upon request, shall be disclosed to any officer, employee, or other authorized representative of the Department, the New Mexico Environment Department, or the EPA, or during any relevant proceedings under the A/BCAQCB Regulations, the Air Quality Control Act, or the Federal Act. (74-2-11 NMSA)

**11.2** All confidentially claims made regarding material submitted to the Department under 20.11.42.12.B NMAC shall be reviewed in accordance with the provisions of the Joint Air Quality Board Ordinances pursuant to the New Mexico Air Quality Control Act, 74-2-11 NMSA 1978, and the New Mexico Inspection of Public Records Act, 14-2-1 et seq. NMSA 1978.

**11.3** In the case where an applicant or Facility has submitted information to the Department under a claim of confidentiality, the Department may also require the applicant or Facility to submit a copy of such information directly to the Administrator. This condition is pursuant to 20.11.42.12.B.(2) NMAC.

**11.4** An operating permit is a public record, and not entitled to protection under Section 114(c) of the Federal Act.

Conditions of 11.0 are pursuant to 20.11.42 NMAC and 74-2-11 NMSA.

## **12.0 AIRBORNE PARTICULATE MATTER**

**12.1** The Permittee shall be subject to the requirements found in 20.11.20 NMAC – Fugitive Dust Control if it is engaged with new construction or site modification involving active operations that result in disturbed surface areas or involve bulk material handling to prevent or abate injury to human health and animal and plant life and to prevent or abate unreasonable interference with public welfare, visibility and the reasonable use of property.

**12.2** Each person shall use reasonably available control measures or any other effective control measure to prevent a violation of the national ambient air quality standards and meet the objective established in 20.11.20.6 NMAC, whether or not the person has been issued a fugitive dust control permit. No person shall allow fugitive dust, track out, or transported material from any active operation, open storage pile, paved or unpaved roadway or disturbed surface area, or inactive disturbed surface area to be carried beyond the property line, right-of-way, easement or any other area under control of the person generating or allowing the fugitive dust if the fugitive dust will: 1) adversely affect the health, public welfare or safety of the residents of Bernalillo county; or 2) impair visibility or the reasonable use of property; or 3) be visible longer than a total of 15 minutes in any one hour observation period using the visible fugitive dust detection method in 20.11.20.26 NMAC or an equivalent method approved in writing by the Department. To mitigate fugitive dust, all inactive disturbed surface areas must be stabilized and maintained in stable condition by the owner, operator, or person responsible for maintenance of the disturbed surface. Failure to comply with this condition shall be a violation of 20.11.20 NMAC.

**12.3** The Facility shall employ reasonable precautions to effectively limit transported material or emissions of particulate matter.

**12.4** The Facility shall employ reasonable precautions on unpaved roads and parking areas.

Conditions of 12.0 are pursuant to 20.11.20 NMAC.

## **13.0 CREDIBLE EVIDENCE**

Notwithstanding any other provisions of any applicable rule or regulation or requirement of this permit that state specific methods that may be used to assess compliance with applicable requirements, pursuant to 40 CFR Part 70 and EPA's Credible Evidence Rule, 62 Fed. Reg. 8314 (Feb. 24, 1997), any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed shall be considered for purposes of Title V compliance certifications. Furthermore, for purposes of establishing whether or not a person has violated or is in violation of any emissions limitation or standard or permit condition, nothing in this permit shall preclude the use, including the exclusive use, by any person of any such credible evidence or information.

#### 14.0 ANNUAL FEES

Condition 14 has been placed in the permit in accordance with 20.11.02 NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Department pursuant to 20.11.02 NMAC. Every owner or operator of a source that is required to obtain a source registration, a construction permit, or an operating permit shall pay an annual emissions fee pursuant to 20.11.02 NMAC.

**Table 8. Facility Wide Fee Pollutants  
(Tons Per Year)**

<b>Fee Pollutant</b>	<b>Facility Wide Fee Pollutant Totals in Tons per Year (TPY)</b>
Carbon Monoxide (CO)	3593
Oxides of Nitrogen (NO <sub>x</sub> )	3457
Particulate Matter (PM <sub>10</sub> )	82
Sulfur Dioxide (SO <sub>x</sub> )	6
Volatile Organic Compounds (VOC)	54
Hazardous Air Pollutants (HAPs)	6
<b>Facility Wide Fee Pollutants Totals (TPY)</b>	<b>7197</b>

#### 15.0 APPEAL PROCEDURES

Any person who participated in this permitting action before the Department and who is adversely affected by the action taken by the Department concerning this permit, may file a petition for a hearing before the Albuquerque/Bernalillo County Air Quality Control Board ("board"). The petition must be made in writing to the board within thirty (30) days from the date notice is given of the Department's action. This petition must specify the portions of the permitting action to which the petitioner objects and certify that a copy of the petition has been mailed or hand-delivered as required by 20.11.42.13.D(1)(b) NMAC; a copy of the permitting action for which review is sought must be attached to the petition. Upon receipt of the appeal notice, the petitioner must mail or deliver a copy of the petition to the Department, and to the applicant or permittee if the petitioner is not the applicant/permittee. Requests for a hearing shall be sent to:

Secretary, Albuquerque/Bernalillo County Air Quality Control Board  
One Civic Plaza  
400 Marquette, NW  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Unless a timely request for a hearing is made, the decision of the Department will be final. If a timely request for hearing is made, the board will hold a hearing within ninety (90) days of receipt of the petition in accordance with the New Mexico Air Quality Control Act NMSA 1978 74-2-7 and 20.11.42.13.D.(1)(c) NMAC.

Any person who is adversely affected by an administrative action taken by the board pursuant to 20.11.42.13.D.(1).(a) NMAC may appeal to the Court of Appeals in accordance with New Mexico Air Quality Control Act NMSA 1978 74-2-9. Petitions for judicial review must be filed no later than thirty (30)



days after the administrative action. This condition is pursuant to 20.11.42.13.D.(2).(a) NMAC and New Mexico Air Quality Control Act NMSA 1978 74-2-9.

#### **16.0 SUBMITTAL OF REPORTS AND CERTIFICATIONS**

Compliance notifications, monitoring results and reports, emissions sampling and measurement data, monitoring activity reports, compliance schedule progress reports, test protocols, excess emission forms, and test reports, if any and any other compliance status information required by this permit shall be certified by the responsible official and submitted to:

Compliance Officer, Quality Assurance Section  
Albuquerque Environmental Health Department  
Air Quality Program

**Mailing Address:**

P. O. Box 1293  
Albuquerque, NM 87103

**Physical Address:**

1 Civic Plaza NW  
City/County Building  
3rd Floor, Room 3023  
Phone: (505) 768-1930  
Fax: (505) 768-1977

EPA Address -- All correspondence to the EPA required by this permit shall be sent to the following address:

Director, Compliance Assurance and Enforcement Division  
U.S. EPA, Region 6  
1445 Ross Ave., Suite 700  
Dallas, TX 75202

Questions about this permit should be referred to Manager of the Permitting Section of the Air Quality Program in Albuquerque at 505-768-1972.