

Timothy M. Keller, Mayor

AIR QUALITY CONSTRUCTION PERMIT #3090-RV1-EP
FACILITY CDS #NM/001/00026
Facility ID: FA0010344; Record ID: PR0014677



Dr. Whitney Craig, Director

Owner:	Operator:	Applicant/Permittee:
U.S. Air Force Kirtland Air Force Base (KAFB) 377 MSG/CEIEC, 2050 Wyoming Blvd SE, Suite A-112 Kirtland AFB, NM, 87117-5270	Government Fuels Distribution 377 MSG/CEIEC, 2050 Wyoming Blvd SE, Suite A-112 Kirtland AFB, NM, 87117-5270	Carina G. Munoz-Dyer 377 MSG/CEIEC, Air Quality Program Manager Email: Carina.munoz-Dyer@us.af.mil

Certified Mail Number:	9589071052703237848862 Return Receipt Requested
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Pursuant to the New Mexico Air Quality Control Act, NMSA 1978, Section 74-2-1 to 22 (as amended); Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Sections 9-5-1 to 9-5-99; Bernalillo County Code, Article II, Sections 30-31 to 75; Albuquerque-Bernalillo County Air Quality Control Board (Board) Regulation, Source Registration, 20.11.40 NMAC; and Board Regulation, Construction Permits, 20.11.41 NMAC, the Albuquerque-Bernalillo County Joint Air Quality Program (Program), which administers and enforces local air quality laws for the City of Albuquerque (City) and Bernalillo County (County) on behalf of the City Environmental Health Department (Department), hereby issues to **U.S. Air Force Kirtland Air Force Base (KAFB)** (Permittee) this **CONSTRUCTION PERMIT NUMBER 3090-M1-EP** (Permit) and authorizes the Permittee to commence construction of and operate the following stationary source (Facility).

Facility Name and Location	Facility Process Description	SIC	NAICS
Government Fuels Distribution Operations Kirtland Air Force Base, NM 87117 Easting 356013.02 Northing 3879673.54	Government Fuels Distribution Operations Buildings 1041, 20359, and 471	9711	928110

The Program issued this Permit "based on the information contained in the [D]epartment's administrative record of the permit application," 20.11.41.16(C) NMAC received by the Program on June 1, 2026, the additional information received on June 6, 2026; and in accordance with the National Ambient Air Quality Standards (NAAQS), New Mexico Ambient Air Quality Standards (NMAAQs), and applicable law. As these standards and regulations are updated or amended, the applicable changes will be incorporated into permit number 3090-M1-EP and will apply to the Facility. This permit supersedes all portions of Permit number 3090-RV1 issued on October 29, 2013. **Permit number 3090-RV1-EP expires on August 10, 2027.**

Issued on the 10 day of August, 2026

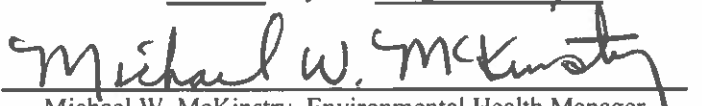

Michael W. McKinstry, Environmental Health Manager
Air Quality Program
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Definition of Abbreviations and Acronyms

<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
CAA --	The Federal Clean Air Act
CO --	Carbon Monoxide
EPA --	United States Environmental Protection Agency
EU --	Emission Unit
HAP --	Hazardous Air Pollutant
hp --	Horsepower
kW --	Kilowatt
lb/hr --	Pound per Hour
mg --	Milligram
Mg --	Megagram
MMBtu --	Million British Thermal Units
NAICS --	North American Industrial Classification System
NESHAP --	National Emission Standards for Hazardous Air Pollutants
NMSA --	New Mexico Statutes Annotated
NMAC --	New Mexico Administrative Code
NO _x --	Oxides of Nitrogen
OMP --	Operations and Maintenance Plan
PM --	Particulate Matter
PM ₁₀ --	Particulate Matter, 10 microns or less
PM _{2.5} --	Particulate Matter, 2.5 microns or less
ppm --	Parts per million
PSD --	Prevention of Significant Deterioration
PTE --	Potential to emit
SIC --	Standard Industrial Classification
SO ₂ --	Sulfur Dioxide
SSMP --	Startup Shutdown Malfunction Plan
TPY --	Tons per year
μg/m ³ --	Micrograms per cubic meter

I. CONDITIONS

Conditions have been imposed in this permit to assure continued compliance. 20.11.41.19(D) NMAC, states that any term or condition imposed by the Department on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the Facility is subject to the following conditions:

1. Construction and Operation

Compliance will be based on Department inspections of the Facility, reviews of production records, submission of appropriate permit applications for modification, and timely notification to the Department regarding equipment substitutions and relocations.

- A. This Emergency Permit authorizes the Permittee to: increase throughput of Unit #1, which consists of a 5,000-gallon aboveground storage tank (AST) and affiliated loading arm, from 90,000 gallons per year to 140,000 gallons per year.
- B. This Permit authorizes the Permittee to commence construction and operation of the following equipment:

Table 1a: Permitted Process Equipment

Process Units Number	Process Units Description	Process Unit ID and Description	Installation Date	Product Stored	Rated Process Capacity/Rate	Size or Process Rate	Unit Subject to NESHAP
1	Fuel Storage, Bulk Fuels Plant, Gasoline Storage, and Fuel Loading of Bulk Fuel Trucks, Building #1041, Unit ID# 22005, and Unit ID # 16001	Unit# 22005-2 Gasoline Above-Ground Storage Tank	1964	Regular Unleaded Gasoline	5000 gallons Storage Capacity	140,000 gallons per year and <20,000 gallons per day	BBBBBB
		Unit# 16001- Gasoline Loading of Bulk Fuel Trucks	1964	Regular Unleaded Gasoline	300 gallons per minute		
2	Fuel Storage and Dispensing, Govt. East Fuel Service Station, Facility Building #20359, Unit ID # 22003, Unit ID #22004, and Unit ID #15001	Unit # 22003 Gasoline Above-Ground Storage Tank with Submersible Pump	1995	Regular Unleaded Gasoline	10,000 gallons Storage Capacity	690,000 gallons per year	CCCCC
		Unit #22004 Gasoline Above-Ground Storage Tank with Submersible Pump	1995	Regular Unleaded Gasoline	10,000 gallons Storage Capacity		
		Unit # 15001 Gasoline Dispensing, Four Nozzles	1995	Regular Unleaded Gasoline	2400 gallons per hour		

Process Units Number	Process Units Description	Process Unit ID and Description	Installation Date	Product Stored	Rated Process Capacity/Rate	Size or Process Rate	Unit Subject to NESHAP
3	Fuel Storage and Dispensing, Govt. East Fuel Service Station, Facility Building # 20359, Unit ID # 22015, and Unit ID #15001	Unit # 22015 – E85 Above Ground Storage Tank	08/2008	E85	10,000 gallons Storage Capacity	510,000 gallons per year	CCCCC
		Unit # 15011 – E85 Dispensing, One Dispenser, Two Nozzles	08/2008	E85	1200 Gallons per hour		
4	Fuel Storage and Dispensing, Govt. West Fuel Service Station, Facility Building # 471, Unit ID # 25012, and Unit ID #15004	Unit # 25012 – Gasoline Above-Ground Storage Tank	1997	Regular Unleaded Gasoline	3,000 gallons Storage Capacity	140,000 gallons per year	CCCCC
		Unit # 15004 Gasoline Dispensing, one Dispenser, Two Nozzles	1997	Regular Unleaded Gasoline	1200 gallons per hour		

- C. All equipment shall be maintained per manufacturer specifications to ensure the emissions remain at or below the permitted levels.
- D. This Facility shall be modified and operated in accordance with the permit application dated and received **June 1, 2026**, the additional information received, including on **June 6, 2026**, and in accordance with the legal authority specified above and the conditions of this Permit. See Permit, Section II(3), Notice Regarding Accuracy of Information and Data Submitted, below. In the event of a conflict, the applicable law, and then the terms of this Permit, shall control.
- E. Process Equipment #1 is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP), Code of Federal Regulations (CFR), Title 40, Part 63, Subpart BBBBBB – Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. As specified under 40 CFR 63.11081(a) – The affected source to which this subpart applies is each area source bulk gasoline terminal, pipeline breakout station, pipeline pumping station, and bulk gasoline plant identified in paragraphs (a)(1) through (4) of this section. You are subject to the requirements in this subpart if you own or operate one or more of the affected area sources identified in paragraphs (a)(1) through (4) of this section (40 CFR 63.11081(a)(4) - A bulk gasoline plant). Pursuant to 40 CFR Part 63 Subpart BBBBBB §63.11082(d), the source is an affected source because it is an existing Bulk Gasoline Plant. As specified under 40 CFR 63.11100, a bulk gasoline plant means any gasoline storage and distribution facility that receives gasoline by pipeline, ship or barge, or cargo tank, and subsequently

loads the gasoline into gasoline cargo tanks for transport to gasoline dispensing facilities, and has a gasoline throughput of less than 20,000 gallons per day.

- F. In accordance with 63.11081(h), storage tanks such as Process Equipment #1 that are used to load gasoline into a cargo tank for the on-site redistribution of gasoline to another storage tank are subject to Subpart BBBBBB.
- G. The fuel dispensing facilities for Process Equipment Unit #2, Unit #3, and Unit #4 are subject to Federal National Emission Standards for Hazardous Air Pollutants (NESHAP), Code of Federal Regulations (CFR) Title 40, Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Sources Category: Gasoline Dispensing Facilities. As specified under 40 CFR 63.11132, a *gasoline dispensing facility (GDF)* means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment. As specified under Subpart CCCCCC §63.11112(d), Process Equipment Units #2 and #4 are existing affected sources. As specified under Subpart CCCCCC §63.11112(d), Process Equipment Unit #3 is new affected source.
- H. The following equipment located at the facility is restricted to operate the following.
 - i. Process Equipment #1 shall not exceed a maximum throughput rate of 140,000 gallons per year for gasoline or other products with a true vapor pressure equal to or less than gasoline. The annual throughput of materials from the process equipment and groups shall be as described in Table 2a in Condition 2, below.
 - ii. Process Equipment #1 shall not exceed a maximum throughput rate of 20,000 gallons per day for gasoline specified by the definition of bulk gasoline plant in § 63.11100.
 - iii. Process Equipment Unit #2 must not exceed a monthly throughput of 100,000 gallons of gasoline as specified by Subpart CCCCCC §63.11111(d). Monthly throughput is the total volume of gasoline loaded into or dispensed from all gasoline storage tanks at each Gasoline Dispensing Facility (GDF) during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.
 - iv. Process Equipment Unit #3 must not exceed a monthly throughput of 100,000 gallons of gasoline, E85, or other products with a true vapor pressure equal to or less than gasoline as specified by Subpart CCCCCC §63.11111(d).
 - v. Process Equipment Unit #4 must not exceed a monthly throughput of 100,000 gallons of gasoline as specified by Subpart CCCCCC §63.11111(d).

- vi. Process Equipment #2 shall not exceed a maximum combined throughput rate of 690,000 gallons per year for gasoline or other products with a true vapor pressure equal to or less than gasoline. The annual throughput of materials from the process equipment and groups shall be as described in Table 2a, below.
- vii. Process Equipment #3 shall not exceed a maximum throughput rate of 510,000 gallons per year for gasoline or other products with a true vapor pressure equal to or less than gasoline. The annual throughput of materials from the process equipment and groups shall be as described in Table 2a, below.
- viii. Process Equipment #4 shall not exceed a maximum throughput rate of 140,000 gallons per year for gasoline or other products with a true vapor pressure equal to or less than gasoline. The annual throughput of materials from the process equipment and groups shall be as described in Table 2a, below.
- I. Throughput records shall be maintained at the Facility on a monthly and rolling 12-month average basis for each product and for each unit specified in Table 2a of this Permit.
- J. The facility must follow the applicable management practices specified in Subpart BBBBBB §63.11085 while operating Process Equipment Unit #1.
- K. The facility must follow the applicable emission limitation requirements specified in Subpart BBBBBB §63.11086 while operating Process Equipment Unit #1.
- L. For Process Equipment Unit #1, the facility must meet all of the applicable leak inspection requirements specified in Subpart BBBBBB §63.11089 for a bulk gasoline plant.
- M. The facility must follow the applicable management practices specified in Subpart CCCCCC §63.11115 while operating Process Equipment Units #2, #3, and #4.
- N. The facility must follow the applicable requirements specified in Subpart CCCCCC §63.11117 (requirements for facilities with monthly throughput of 10,000 gallons of gasoline or more) while operating Process Equipment Units #2, #3, and #4.
- O. The facility is allowed to operate 24 hours per day, 7 days a week, for a total of **8,760** hours per year.
- P. Prior to any asbestos demolition or renovation work, the Division must be notified, and proper permits shall be obtained, and CFR Title 40, Part 61, Subpart M would apply.
- Q. Substitution of equipment is authorized, provided the equipment has the same or lower process capacity as the piece of equipment being substituted and complies with the emission limits contained in Condition 2.

- R. Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.
- S. For units subject to any 40 CFR National Emissions Standards for Hazardous Air Pollutants by Source Category (NESHAPS, Part 63), the Facility shall comply with the requirements of:
 - i. 40 CFR 63.4 Prohibited Activities and Circumvention,
 - ii. 40 CFR 63.5 Construction, Modification, or Reconstruction; and,
 - iii. 40 CFR 63.12 State Authority.
- T. As applicable per requirements specified by the subpart (e.g., Table 3 of 40 CFR 63 Subpart BBBBBB), for units subject to any NESHAPS Part 63 Subpart, the Facility shall comply with standards and maintenance requirements in 40 CFR 63.6.
- U. Each tank must comply with all relevant applicable requirements and regulations.
- V. Written monthly throughput records, annual throughput records, and any tank inspection records must be maintained in a format approved by the Department and kept on file for a minimum of three years. These records shall be maintained in a readily accessible location and be provided, upon request, to representatives of the Department.
- W. The Facility shall submit the proper documentation to the Department of any alterations to existing tanks and loading racks or construction of new tanks and new arms prior to commencement in accordance with 20.11.41 NMAC.
- X. The emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. This condition is pursuant to 20.11.49.14 NMAC.

2. Unit Emission Limits

Condition 2 has been placed in the permit in accordance with 20.11.41.19(B) NMAC, to assist the Department with determining compliance with the terms and conditions of this Permit. These were the process and emission rates stated in the permit application and are the basis of the Department's review. Compliance will be based on Department inspections of the Facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 – Compliance Tests.

- A. Emission Units #1, 2, 3, and 4 shall not exceed ton per year (tpy) emission limits stated in the table below. Tons per year (tpy) emissions for all pollutants are based on a 12-month rolling total.

Table 2a: Process Units Operational Limitations

Emission Unit No.	Emission Source	VOC Emissions		Record Keeping Requirements	Monitoring Requirements	Reporting Requirements	Compliance Testing
		Hourly Emissions (lbs/hr)	Annual Emissions (tons/yr)				
1	Gasoline Storage Bulk Plant Facility Bldg. 1041 Unit ID #22005-2	30.56	1.78	Yes	Yes	Yes	No
	Gasoline Loading B Plant Facility, Bldg. 1041, Unit ID # 16001	108.96	0.42				
	Total	139.52	2.2				
2	Gasoline Storage, Govt, East Fuel Service Station, Bldg. 20359, Unit ID #22003	2.76	3.78	Yes	Yes	Yes	No
	Gasoline Storage, Govt. East Fuel Service Station, Bldg. 20359, Unit ID #22004	2.76	2.90				
	Gasoline Dispensing Govt. East Fuel Service Station, Bldg. 20359, Unit ID # 15001	28.08	4.04				
	Total	33.60	10.72				
3	E85Storage, Govt. East Fuel Service Station, Bldg. 20359, Unit ID #22015	3.75	5.70	Yes	Yes	Yes	No
	E85 Dispensing, Govt, East Fuel Service Station, Bldg.20359, Unit ID #15011	14.04	2.98				
	Total	17.79	8.69				
4	Gasoline Storage, Govt. West Fuel Service Station, Bldg. 471, Unit ID #25012	9.96	0.58	Yes	Yes	Yes	No
	Gasoline Storage, Govt. West Fuel Service Station, Bldg. 471, Unit ID #15004	14.04	0.82				
	Total	24.00	1.40				
Total		214.91	23.01				

1. Refer to Conditions 3, 4, and 5 for unit-specific monitoring, record keeping, and reporting requirements
2. Refer to Condition 6 unit-specific compliance testing requirements

- B. VOC lb/hr emission rates for the storage tanks (Units #1, 2, 3, and 4) shall be estimated from results calculated from the EPA Tanks Emissions Estimation software for each emission unit.

3. Record Keeping

Condition 3 has been placed in the permit in accordance with 20.11.41.18.B(8) NMAC, 40 CFR 63 Subpart CCCCCC, and 40 CFR 63 Subpart BBBBBB to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of records and logs.

- A. Maintain monthly records of gasoline throughput in gallons for the storage tanks based on a 12-month rolling total. These records shall be used to demonstrate compliance with the annual emission limits stated in Condition 2.
- B. Maintain the monthly and annual (12-month rolling average) throughput records for all product storage tanks listed in Table 2a.
- C. The permittee shall comply with the applicable requirements found in Subpart CCCCCC §63.11125 Recordkeeping Requirements for owner or operator of a gasoline dispensing facilities. Records shall be kept for at least 5 years pursuant to 40 CFR 63.11125 unless otherwise stated.
- D. The permittee shall comply with the applicable requirements found in Subpart BBBBBB §63.11094 Recordkeeping Requirements for owner or operator of a bulk gasoline plant. Records shall be kept for at least 5 years pursuant to 40 CFR 63.11094 unless otherwise stated.
- E. Maintain monthly records for the VOC emissions in tons for the entire Facility. This record-keeping shall be based on a 12-month rolling total. The VOC emission calculations shall be based on the calculations and assumptions received by the Division as part of the emissions inventory reporting received annually by March 15th.
- F. This information, included in Condition 3, shall be retained at the plant site (unless otherwise specified) for the most recent two-year period and shall be made available to Division personnel upon request.

4. Monitoring

Condition 4 has been placed in the permit in accordance with 20.11.41.18(4), (6), and (7) NMAC, 40 CFR 63 Subpart CCCCCC, and 40 CFR 63 Subpart BBBBBB to allow the division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of equipment and logs.

- A. Monitor the monthly records of gasoline throughput in gallons for the storage tanks based on a 12-month rolling total. These records shall be used to demonstrate compliance with the annual emissions limits stated in Condition 2.
- B. Monitor the monthly throughput rates of all storage tanks listed in Table 2a (Emission Units #1, 2, 3, and 4).

- C. Monitor the monthly VOC emissions in tons for the entire Facility. This monitoring shall be based on a 12-month rolling total. The VOC emission calculations shall be based on the calculations and assumptions received by the Division as part of the emissions inventory reporting received annually by March 15th.
- D. The permittee shall install the appropriate equipment deemed necessary by the Division for performance testing, continuous emissions monitoring, and measuring ambient air quality and weather conditions.

5. Reporting

Condition 5 has been placed in the Permit in accordance with 40 CFR 63 Subpart CCCCCC and 40 CFR 63 Subpart BBBBBB, 20.11.41.21 NMAC, and 20.11.90 NMAC to allow the Program to determine compliance with the terms and conditions of the Permit. Compliance will be based on timely submittal of the reports, notifications, and required information and shall be made in accordance with CFR Title 40, Part 63, Subpart A -General Provisions and 20.11.41.21 NMAC.

The Permittee shall notify the Program in writing of:

- A. An updated annual (January 1 through December 31 of previous calendar year) emissions inventory for the entire Facility by March 15 every year. The emissions inventory shall include annual throughputs in gallons for each type of product for Emission Units #1, 2, 3, and 4. The emissions inventory shall also include the results of calculations using EPA TANKS Emissions Estimation software for each tank.
- B. The applicable notification requirements specified in 40 CFR 63.9(b).
- C. Any change of ownership, operator, or permittee no more than fifteen (15) days after the change has occurred (20.11.41.21(A)(5) NMAC). The Permittee shall request an administrative permit revision for any change in control or ownership, name, address, or contact information in accordance with 20.11.41.28(A) NMAC, and such change shall be effective upon the Department's revision of the Permit.
- D. The facility is subject to Initial Notification of Compliance Status requirements in compliance with Subpart BBBBBB §63.11093(a).
- E. The permittee of a source having an excess emission shall provide the department with the following reports on forms provided by the department:
 - 1) INITIAL REPORT: The Permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15(A)(1) NMAC;
 - 2) FINAL REPORT: The Permittee shall file a final report, no later than ten (10) days after the end of the excess emission. If the period of an excess emission extends beyond ten (10) days,

the Permittee shall submit the final report to the Program within seventy-two (72) hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15(A)(2) NMAC and 20.11.49.15(C) NMAC; and,

- 3) **ALTERNATIVE REPORTING:** If the Facility is subject to the reporting requirements of 40 CFR Parts 60, 61, and 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15(D) NMAC.

6. Compliance Tests

Condition 6 has been placed in the Permit in accordance with 40 CFR Part 60, Subpart A General Provisions § 60.8, CFR Title 40, Part 63, Subpart A General Provisions, 40 CFR 63 Subpart BBBBBB, 40 CFR 63 Subpart CCCCCC, 20.11.41.22 NMAC, and 20.11.90.13 NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Program, and on meeting the emission limits specified in Condition 2.

- A. Initial and annual compliance tests for emission units # 1, 2, 3, and 4 have not been imposed at this time.

Table 6a: Unit Specific Compliance Testing

Emission Unit	Initial Compliance Testing	Frequency of Compliance Test
1, 2, 3, 4	N/A*	N/A*

**No initial or annual compliance demonstration testing is required within Subpart CCCCCC for gasoline dispensing stations with a monthly throughput of less than 100,000 gallons per month. No initial or annual compliance demonstration testing is required within Subpart BBBBBB for Gasoline Bulk Plants.*

7. Modifications

Condition 7 incorporates into this Permit the requirements for the Permittee to request from the Department modifications to the Facility. Compliance will be based on Program inspections, the submittal of a new Permit application for any modification, and the issuance of a modified Permit before any modification takes place.

A modification shall be considered any “physical change in, or change in the method of operation of a source that results in an increase in the potential emission rate of any regulated air contaminant emitted by the source or that results in the emission of any regulated air contaminant not previously emitted.” Unless otherwise stated in the applicable law, 20.11.41.7(U) NMAC, no modification shall begin prior to issuance of a modified permit. *See* 20.11.41.2(A)(3) NMAC. Modifications to this Permit shall be submitted in accordance with 20.11.41 NMAC. *See* 20.11.41.29 NMAC.

8. Administrative and Technical Revisions

Condition 8 incorporates into this Permit the requirements for the Permittee to request and the Program to make administrative or technical revisions to a permit in accordance with 20.11.41.28(A) and (B) NMAC, respectively. Compliance will be based on Program inspections, the submittal of the request for an

administrative or technical revision, and the issuance of the administrative or technical revision before the changes take place.

The procedure for administrative and technical revisions “may not be used to create federally enforceable conditions or emissions limitations to avoid an applicable requirement.” 20.11.41.28(B)(5) NMAC; 20.11.41.28(A)(3) NMAC (substantially similar regulatory requirement). No administrative and technical revisions shall begin prior to Department approval. 20.11.41.2(C) NMAC; 20.11.41.28(A)(3) and (B)(5) NMAC.

9. Compliance Assurance/ Enforcement

The Facility is subject to all applicable provisions of air quality law, whether incorporated by reference in this Permit or not. The following authorities are incorporated by reference into this Permit; provided, however, nothing herein shall be construed to limit the Department’s authority under applicable law.

- A. The issuance of a permit does not relieve any person from responsibility for complying with the applicable provisions of the federal [Clean Air] [A]ct, the state [Air Quality Control] [A]ct, or a regulation of the [B]oard. 20.11.41.18 NMAC.
- B. “Every term or condition included in a permit is enforceable to the same extent as a regulation of the [B]oard.” 20.11.41.19(D) NMAC. Thus, the Department can enforce the terms and conditions of this Permit the same as a regulation.
- C. The Department is authorized to take action to ensure compliance with applicable law, which may include (i) issuing a compliance order requiring compliance with this Permit and applicable law, assessing a civil penalty, suspending or revoking this Permit or portion thereof, or a combination; or (ii) filing a civil action in district court. NMSA 1978, §§ 74-2-12(A)-(B); *see* §§ 74-2-5.1(A)-(B). Civil penalties will be in accordance with applicable law. *See* NMSA 1978, § 74-2-12.1(A)-(B), (D); § 74-2-12(B).
- D. The Department is authorized to conduct scheduled and unscheduled inspections. NMSA 1978, § 74-2-13; § 74-2-5.1(A). to determine compliance with applicable law and this Permit. The Department is also authorized to “require the production of information relating to emissions that cause or contribute to air pollution.” § 74-2-5.1(A). Upon presentation of credentials, the Program:
 - 1) “[S]hall have a right of entry to, upon or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the . . . [B]oard or by any permit condition are located.” § 74-2-13(A); *see* § 74-2-5.1(A). This right shall apply, at minimum, to the Permittee, Facility and Property, and to this Permit;
 - 2) “[M]ay at reasonable times: have access to and copy any records required to be established and maintained by regulations of the . . . [B]oard or any permit condition.” § 74-2-13(B)(1). This right, at minimum, shall apply to records required by this Permit;
 - 3) “[M]ay at reasonable times: . . . inspect any monitoring equipment and method required by regulations of the . . . [B]oard or by any permit condition.” § 74-2-13(B)(2). This right shall apply, at minimum, to the equipment of the Facility and on the Property, whether identified in this Permit or not; and

- 4) “[M]ay at reasonable times: . . . sample any emissions that are required to be sampled pursuant to regulation of the . . . [B]oard or any permit condition.” § 74-2-13(B)(3). This right shall apply, at a minimum, to the emissions stated in this Permit.
- 5) “Any credible evidence may be used to determine whether a person has violated or is in violation of the terms or conditions of a permit” or any provision of applicable law. 20.11.41.27 NMAC. Presumptively credible evidence under the law, including testing, monitoring and information gathering methods, is set forth in, but is not limited to, the regulation 20.11.41.27 NMAC).

E. Any person that violates air quality laws may be subject to criminal penalties in accordance with NMSA 1978, § 74-2-14.

10. Posting of the Permit

A copy of this Permit shall be posted in a visible location at the Facility at all times. See 20.11.41.19.B(4) NMAC. The Permit shall be made available to Program personnel for inspection upon request.

11. Annual Fees

The Permittee shall pay an annual emission fee in accordance with 20.11.2 NMAC. The Department will determine compliance with Condition 11 based on the timely receipt of the annual emissions fee due each year to the Program. At the time of issuance of this Permit, the annual emission fee shall be based on the following allowable emission rate for each fee pollutant, in accordance with 20.11.2.13(C)(3), as stated in Table 11a, below.

Table 11a: Facility-Wide Fee Pollutants based on Annual Emissions

Fee Pollutant	Tons per Year
Nitrogen Oxides (NO _x)	-
Carbon Monoxide (CO)	-
Volatile Organic Compounds (VOCs)	23
Sulfur Dioxide (SO ₂)	-
Particulate Matter ≤ 10 microns (PM ₁₀)	-
Particulate Matter ≤ 2.5 microns (PM _{2.5})	-
Hazardous Air Pollutants (HAPs)	-
Facility-Wide Fee – Total Emissions	23

“No notification or submittal will be reviewed or source registration or permit issued unless the owner or operator provides documentary proof satisfactory to the [D]epartment that either all applicable fees have been paid as required by 20.11.2 NMAC or the owner or operator has been granted a variance pursuant to 20.11.7 NMAC, Variance Procedures.” 20.11.2.11(C) NMAC.

II. ADDITIONAL REQUIREMENTS

1. Permit Cancellation

Pursuant to 20.11.41.20(A) NMAC, “[t]he [D]epartment shall cancel any permit for any source that ceases operation for five years or more, or permanently.” Additionally, pursuant to 20.11.41.20(B) NMAC, the Department may cancel this Permit if “construction . . . is “not commenced within two years from the date of issuance or, if during the construction . . . , work is suspended for a total of one (1) year”

2. Notice Regarding Scope of Permit

The Department’s issuance of an air quality permit only authorizes the use of the specified equipment pursuant to the air quality control laws, regulations and conditions. Permits relate to air quality control only and are issued for the sole purpose of regulating the emission of air contaminants from said equipment. Air quality permits are not a general authorization for the location, construction and/or operation of a facility, nor does a permit authorize any particular land use or other form of land entitlement. It is the Permittee’s responsibility to obtain and maintain all other necessary permits from the appropriate agencies, such as the City of Albuquerque Planning Department or Bernalillo County Department of Planning and Development Services, including but not limited to site plan approvals, building permits, fire department approvals and the like, as may be required by law for the location, construction and/or operation of a facility.

For more information, please visit the City of Albuquerque Planning Department website at <https://www.cabq.gov/planning> and the Bernalillo County Department of Planning and Development Services website at <https://www.bernco.gov/planning>.

3. Notice Regarding Accuracy of Information and Data Submitted

Any misrepresentation of a material fact in the application and its attachments for this Permit is cause for revocation of part or all of this resulting Permit, and revocation of the Permit for cause may limit the Permittee’s ability to obtain any subsequent air quality permit for ten (10) years. Additionally, any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under the Air Quality Control Act, NMSA 1978 §§ 74-2-1 to 74-2-17, is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per day per violation or by imprisonment for not more than twelve (12) months, or by both.

4. Requests for Information

The Permittee is an obligatory party to a permit appeal filed pursuant to 20.11.81 NMAC and shall comply with any requests by the Department for additional information in connection with such appeal or any other legal proceedings.

5. Contact Information

Application for Permit modifications, relocation notices and items listed under ADDITIONAL REQUIREMENTS shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Permitting Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103

Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Enforcement Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103

All compliance reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Compliance Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103