



Timothy M. Keller, Mayor

ALBUQUERQUE/BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD
ACID RAIN PERMIT #AR0499-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 0585
Return Receipt Requested

The Albuquerque Environmental Health Department (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, New Mexico Administrative Code (NMAC), Chapter 11 (20.11 NMAC), chapter 11, Part 42 (20.11.42 NMAC), Operating Permits; and Part 62 (20.11.62 NMAC) Acid Rain hereby issue Acid Rain Permit **#AR0499-RN2** to Public Service Company of New Mexico (Permittee). This permit AR0499-RN2 supersedes permit AR0499-RN1.

Affected Source: Reeves Generating Station (Facility)	Location: 4400 Paseo del Norte NE Albuquerque, NM 87109 Lat.: 35°10'17"; Long.: 106°36'04"
Affected Units: S101, S102, S103	ORIS Code: 2450
Designated Representative: Heath Lee, Director	Effective: XXXX

This acid rain permit has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Program on February 8, 2021 which was deemed complete on April 8, 2021. The acid rain permit application is attached for reference. The term of this permit is five (5) years commencing on the effective date pursuant to 20.11.62.17.D.(4)(d) NMAC. Application for renewal of this permit is due six (6) months prior to the date of expiration or such longer time as may be approved under 40 CFR 70, pursuant to 20.11.62.14.A.(3) NMAC. This permit is deemed to incorporate the definitions under 40 CFR 72.2.

Issued on the ____ day of _____, 2023

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

**ACID RAIN PHASE II ALLOWANCE ALLOCATIONS
(40 CFR 73.10)**

Each affected unit subject to the provisions of the Acid Rain Program has been allocated sulfur dioxide emission allowances that allow for the tracking of any transfer or sale of an allowance. The Administrator is responsible for allocated allowances to the unit account for each affected unit for the years 2000 -- 2009 and for the years 2010 and thereafter. The Facility has been allocated Phase II Allowances as specified in the table, below for SO₂.

¹Column (F) is calculated as follows: Adjusted basic allowances for 2010 (not shown) – Column (E) + Additional basic (section 405(a)(3)) (not shown)

State	Plant Name	Boiler	Years 2010 and beyond	
			(E) Auction Reserve Deduction	(F) ¹ Total Annual Phase II
NM	Reeves	S101	0	6
NM	Reeves	S102	0	5
NM	Reeves	S103	3	101

Standard Requirements:

(1) Permit Requirements:

(a) The designated representative of each affected source and each affected unit at the source shall:

(i) submit a complete Acid Rain permit application in accordance with the deadlines specified in Subsection A of 20.11.62.14 NMAC,

(ii) submit in a timely manner any supplemental information that the Department determines is necessary in order to review an Acid Rain permit application.

(b) The owners and operators of each affected source and each affected unit at the source shall:

(i) operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the Department,

(ii) have an Acid Rain Permit.

(2) Monitoring Requirements:

(a) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR Part 75 and 76.

(b) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 and 76 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(c) The requirements of 40 CFR Part 75 and 76 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

(3) Sulfur Dioxide Requirements:

- (a) The Permittee shall:
 - (i) hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit, and
 - (ii) comply with the applicable Acid Rain emissions limitation for sulfur dioxide.
- (b) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (c) An affected unit shall be subject to the requirements Subparagraph (a), of Paragraph (3), of Subsection D of 20.11.62.12 NMAC as follows:
 - (i) starting January 1, 2000, an affected unit under Subparagraph (b), of Paragraph (1), Subsection A of 20.11.62.12 NMAC,
 - (ii) starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under Subparagraph (c), Paragraph (1), Subsection A of 20.11.62.12 NMAC.
- (d) Allowances shall be held in, deducted from, or transferred among ATS accounts in accordance with the Acid Rain Program.
- (e) An allowance shall not be deducted, in order to comply with the requirements under Item (i), of Subparagraph (a), of Paragraph (3), Subsection D of 20.11.62.12 NMAC prior to the calendar year for which the allowance was allocated.
- (f) An allowance allocated by the EPA under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under Subsections B and C of 20.11.62.12 NMAC and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (g) An allowance allocated by the EPA under the Acid Rain Program does not constitute a property right.

(4) Nitrogen Oxides Requirements: The affected units at the Facility are subject to the nitrogen oxide requirements of the Acid Rain program.

(5) Excess Emissions Requirements:

- (a) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan to the EPA, as required under 40 CFR Part 77, and submit a copy to the Department.
- (b) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (i) pay to the EPA without demand the penalty required, and pay to the EPA upon demand the interest on that penalty, as required by 40 CFR Part 77, and
 - (ii) comply with the terms of an approved offset plan, as required by 40 CFR Part 77.

(6) Recordkeeping and Reporting Requirements:

(a) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the EPA or Department.

- (i) The certificate of representation for the designated representative for the

source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.

(ii) All emissions monitoring information, in accordance with 40 CFR Part 75.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program.

(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(b) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 20.11.62.19 NMAC and 40 CFR Part 75.

(7) Liability:

(a) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or a written exemption under Subsections B or C, of 20.11.62.12 NMAC, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by the EPA pursuant to Section 113(c) of the Act and by the Department pursuant to ROA 1994 9-5-1-99(B)(1).

(b) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement by the EPA pursuant to Section 113(c) of the Act and 18 U.S.C. 1001 and by the Department pursuant to ROA 1994 9-5-1-99(B)(2).

(c) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

(d) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

(e) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(f) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under Subsection B of 20.11.62.15 NMAC (Phase II Repowering Extension plans), 40 CFR Part 76, and except with regard to the requirements applicable to units with a common stack under 40 CFR Part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(g) Each violation of a provision of this Part and 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

(8) Effect On Other Authorities: No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or a written exemption under Subsections B or C, of 20.11.62.12 NMAC shall be construed as:

(a) except as expressly provided in Title IV of the Act, exempting or excluding the

owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of Title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans,

(b) limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act,

(c) requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law,

(d) modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act, or

(e) interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

DRAFT