

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 11 ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**
3 **PART 48 GREENHOUSE GAS EMISSIONS REPORTING**
4

5 **20.11.48.1 ISSUING AGENCY:** Albuquerque-Bernalillo County Air Quality Control Board, c/o Environmental
6 Health Department, P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone: (505) 768-2738.
7 [20.11.48.1 NMAC - N, 1/1/08]
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9 **20.11.48.2 SCOPE:** 20.11.48 NMAC applies to each person who owns or operates a source of greenhouse gas within
10 Bernalillo county shall submit an annual greenhouse gas emissions report to the department. 20.11.48 NMAC does not apply
11 to sources in Bernalillo county that are located on Indian lands over which the Albuquerque-Bernalillo county air quality
12 control board lacks jurisdiction.
13 [20.11.48.2 NMAC - N, 1/1/08]
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15 **20.11.48.3 STATUTORY AUTHORITY:** 20.11.48 NMAC is adopted pursuant to the authority provided in the New
16 Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance,
17 Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of
18 Albuquerque ROA 1994 Section 9-5-1-4.
19 [20.11.48.3. NMAC - N, 1/1/08]
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21 **20.11.48.4 DURATION:** Permanent.
22 [20.11.48.4 NMAC - N, 1/1/08]
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24 **20.11.48.5 EFFECTIVE DATE:** January 1, 2008, unless a later date is cited at the end of a section
25 [20.11.48.5 NMAC - N, 1/1/08]
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27 **20.11.48.6 OBJECTIVE:** The objective of 20.11.48 NMAC is to establish requirements for the annual reporting of
28 greenhouse gas emissions to the department using tools and procedures similar to the tools and procedures used by
29 greenhouse gas emissions registries
30 [20.11.48.6 NMAC - N, 1/1/08]
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32 **20.11.48.7 DEFINITIONS:** In addition to the definitions in 20.11.48.7 NMAC and 20.11.48 NMAC, the definitions
33 in 20.11.1 NMAC shall apply unless there is a conflict between definitions, in which case the definition in 20.11.48.7 NMAC
34 shall govern.

35 **A. "California climate action registry"** means the voluntary registry established pursuant to California
36 Health and Safety Code D. 26, Pt. 4, Ch. 6, as amended.

37 **B. "Carbon dioxide equivalent"** means a quantity of a given greenhouse gas multiplied by a conversion
38 factor provided in the emissions reporting tool and procedures under subsection B of 20.11.48.202 NMAC.

39 **C. "Direct emissions"** means emissions from sources at the facility.

40 **D. "Emission report" or "emissions inventory"** means a listing, by source, of the amount of air
41 contaminants and greenhouse gas emissions discharged into the atmosphere.

42 **E. "Equity share"** means the extent of economic interest held in a facility, which is typically the same as
43 ownership percentage.

44 **F. "Facility"** means any building, structure, facility, or installation that emits or may emit any greenhouse
45 gas.

46 **G. "Indirect emissions"** means emissions that are a consequence of the operation under the control of the
47 person filing a report, but which occur at a source owned or controlled by another entity.

48 **H. "Metric ton"** means 2204.62 pounds.

49 **I. "Operational control"** means having the authority to introduce and implement operating policies at the
50 facility or operation.

51 **J. "Reporting year"** means the calendar year in which emissions required to be reported under 20.11.48
52 NMAC occurred.

53 **K. "The climate registry"** means the nonprofit corporation entitled "the climate registry" that is incorporated
54 pursuant to the District of Columbia nonprofit corporation act for the purpose of creating and operating a multi-state
55 greenhouse gas emissions registry.
56 [20.11.48.7 NMAC - N, 1/1/08]

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2 **20.11.48.8 VARIANCES:** No person can obtain a variance from the requirements of 20.11.48 NMAC.
3 [20.11.48.8 NMAC - N, 1/1/08]
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5 **20.11.48.9 SEVERABILITY:** If for any reason any section, subsection, sentence, phrase, clause or wording of
6 20.11.48 NMAC is held to be unconstitutional or otherwise invalid by any court or the United States environmental
7 protection agency, the decision shall not affect the validity of remaining portions of 20.11.48 NMAC.
8 [20.11.48.9 NMAC - N, 1/1/08]
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10 **20.11.48.10 CONSTRUCTION:** 20.11.48 NMAC shall be liberally construed to carry out its purpose.
11 [20.11.48.10 NMAC - N, 1/1/08]
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13 **20.11.48.11 SAVINGS CLAUSE:** The filing of 20.11.48 NMAC, Emissions Inventory Requirements, and the filing of
14 any amendment to 20.11.48 NMAC with the state records center and archives shall not affect any action pending for
15 violation of a city or county ordinance, a board regulation, or a permit, and shall not affect a petition filed pursuant to
16 20.11.48 NMAC. Prosecution for violation of a prior statute, ordinance, part or permit shall be governed and prosecuted
17 under the statute, ordinance, part or permit wording in effect at the time the violation was committed.
18 [20.11.48.11 NMAC - N, 1/1/08]
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20 **20.11.48.12 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with 20.11.48 NMAC does not relieve a
21 person from responsibility for complying with any other applicable federal, state, or local regulations.
22 [20.11.48.12 NMAC - N, 1/1/08]
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24 **20.11.48.13 DOCUMENTS:** Documents incorporated and cited in 20.11.48 NMAC may be viewed at the
25 Albuquerque environmental health department, Suite 3023, One Civic Plaza, 400 Marquette NW, Albuquerque, NM.
26 [20.11.48.13 NMAC - N, 1/1/08]
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28 **20.11.48.14 to 20.11.48.199 [RESERVED]**
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30 **20.11.48.200 APPLICABILITY**

31 **A.** The owner or operator of the following facilities shall report greenhouse gas emissions to the department.
32 Calendar year 2008 shall be the first year the owner or operator of the following facilities shall compile greenhouse gas
33 emissions data:

34 (1) a facility at which the sum of the nameplate capacity of all electrical generating units is equal to or greater
35 than 25 megawatts of electricity;

36 (2) a petroleum refining facility with a North American industry classification system code 32411; or

37 (3) a cement manufacturing facility with a North American industry classification system code 32731.

38 **B.** Owners or operators that are not required by 20.11.48 NMAC or another board regulation to report
39 greenhouse gas emissions may report voluntarily.

40 **C.** Owners or operators required by 20.11.48 NMAC to report greenhouse gas emissions may register and
41 verify their greenhouse gas emissions with the climate registry or the California climate action registry. Compliance with
42 Subsection C of 20.11.48.200 NMAC shall constitute compliance with greenhouse gas emissions for the greenhouse gas
43 emissions reporting year if:

44 (1) the greenhouse gas emissions report complies with all other requirements of 20.11.48 NMAC; and

45 (2) the owner or operator has provided the department with access to, the information required by 20.11.48
46 NMAC.

47 [20.11.48.200 NMAC - N, 1/1/08]
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49 **20.11.48.201 GREENHOUSE GAS EMISSIONS REPORTING REQUIREMENTS**

50 **A.** Requirements for the first reporting year. By July 1, 2009, the owner or operator shall submit to the
51 department a greenhouse gas emissions report regarding greenhouse gas emissions during calendar year 2008 or provide
52 access to the required data to the department. The 2009 first report shall include all direct emissions of carbon dioxide from
53 the facility, except direct emissions from motor and nonroad vehicles.

54 **B.** Requirements for the second reporting year. By July 1, 2010, the owner or operator shall submit to the
55 department a greenhouse gas emissions report regarding greenhouse gas emissions during calendar year 2009 or provide
56 access to the required data to the department. The 2010 second report shall include:

- 1 (1) all direct emissions of carbon dioxide from the facility except direct emissions from motor vehicles and
2 nonroad vehicles;
3 (2) indirect greenhouse gas emissions from all electricity, steam, and heat purchased for and consumed at the
4 facility; and
5 (3) all other emissions information required by the department in writing.

6 C. Requirements for the third year and each year thereafter. By July 1, 2011, and by July 1 of each year
7 thereafter, the owner or operator shall submit to the department a greenhouse gas emissions report or provide access to the
8 required data to the department regarding the immediately-preceding year. The owner or operator shall report:

- 9 (1) all direct emissions of greenhouse gases from the facility, except direct emissions from motor vehicles and
10 nonroad vehicles; and
11 (2) indirect greenhouse gas emissions from all electricity, steam, and heat purchased for and consumed at the
12 facility.
13 (3) all other emissions information required by the department in writing.

14 [20.11.48.201 NMAC - N, 1/1/08]

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16 **20.11.48.202 GREENHOUSE GAS EMISSIONS REPORTING PROCEDURES**

17 A. Owners or operators that meet the applicability requirements in section 20.11.48.200 NMAC shall submit
18 annual greenhouse gas emissions reports as required by 20.11.48 NMAC. Each greenhouse gas emissions report shall
19 include a full 12-month calendar year.

20 B. Except as provided under Subsection C of 20.11.48.200 NMAC, reporting shall be conducted using the
21 greenhouse gas emissions reporting tool and procedures provided by the department. The reporting tool and procedures
22 shall:

23 (1) be made available by the department to the public for review and comment at least 60 days before the
24 beginning of a greenhouse gas emission reporting year; department notifications of the availability of the tool and procedures
25 for review may be made electronically or in writing;

26 (2) as determined by the department, be consistent with emissions quantification methods and best practices
27 accepted by the climate registry or the California climate action registry;

28 (3) include references to recommended methods for estimating greenhouse gas emissions from equipment and
29 processes regarding which emissions calculations are required;

30 (4) include conversion factors for each greenhouse gas into carbon dioxide equivalent; and

31 (5) include the process for the source to submit and obtain approval for alternate methods for estimating
32 greenhouse gases;

33 (6) include methods for estimating greenhouse gases, if alternate methods are available;

34 (7) provide for simplified and limited documentation of emissions that collectively account for five percent or
35 less of total facility emissions, expressed as carbon dioxide equivalent;

36 (8) require the owner or operator to include in each annual report a certification signed by the owner or
37 operator attesting that the statements and information contained in the emissions report are true and accurate to the best
38 knowledge and belief of the certifying official; the certification shall include the full name, title, signature, date of signature,
39 and telephone number of the certifying official; and

40 (9) include provisions to report:

41 (a) the name and address of the reporting owner or operator;

42 (b) the name and telephone number of the person to contact regarding the emissions report;

43 (c) emissions from facilities within the jurisdiction of the air quality control board;

44 (d) if reported, emissions from facilities located on Indian lands and the name of the Indian nation, tribe
45 or pueblo;

46 (e) if reported, emissions from facilities located in another state or territory of the United States, and the
47 name of the state or territory;

48 (f) if reported, emissions from facilities located in another country and the name of the country;

49 (g) fuel use directly related to reported emissions, including amounts and specifications for each fuel
50 type;

51 (h) how the department can determine the methods utilized to make emissions calculations, if
52 different than the methods incorporated in the tool;

53 (i) calculations for emissions of each reported greenhouse gas and the method for totaling all reported
54 greenhouse gases; emissions data shall be provided in units of metric tons of carbon dioxide equivalent, including emissions
55 that occur during regular operation, maintenance, start-ups, shutdowns, upsets, and malfunctions; and

1 (j) a listing of the owners of equity shares of the emissions reported and the respective percentages of
2 ownership.
3 C. If approved in writing by the department, the owner or operator may deliver to the department simplified and
4 limited documentation of emissions that collectively account for five percent or less of total facility emissions, expressed as
5 carbon dioxide equivalent.
6 D. The owner or operator shall include in each annual report a certification signed by the owner or operator
7 attesting that the statements and information contained in the emissions report are true and accurate to the best knowledge
8 and belief of the certifying official; the certification shall include the full name, title, signature, date of signature, and
9 telephone number of the certifying official.

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11 [20.11.48.202 NMAC - N, 1/1/08]

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13 **HISTORY OF 20.11.48 NMAC:**
14 **Pre-NMAC History:**

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16 **History of Repealed Material:** [RESERVED]

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18 **Other History:**
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