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20.11.90.13 SOURCE SURVEILLANCE:

F. Performance Tests:

(1) As required by the director, the owner or operator of a stationary source shall conduct performance tests and furnish the director with a written report of the results.

(2) Performance tests shall be conducted and the results reported in accordance with the test method, as set forth in [~~the Federal Register, Volume 36, No. 247, December 23, 1971,~~] either 40 CFR Part 60.8, or an approved alternate test method. The director shall have [(~~ten~~)] 10 days prior notice before such testing is performed.

(3) The owner or operator shall permit the director to conduct performance tests at any reasonable time and shall operate the stationary source for such testing purposes as the director shall specify.

(4) Each performance test shall consist of three repetitions of the applicable test procedure. For the purpose of determining compliance with an applicable standard of performance, the average results of all repetitions shall apply.

(5) The director shall determine that the performance test method has been properly performed before accepting the results submitted by the owner or operator of the source.

20.11.69.25 UPSET CONDITION:

A. The provisions of [~~20.11.90 NMAC~~] 20.11.49 NMAC shall not apply to any PWD.

B. Whenever the temperature requirements of Sections [~~203 or 205~~] 15 or 17 of 20.11.69 NMAC or any emission limit in 20.11.69.13 NMAC for which compliance is based on continuous emissions monitoring, is exceeded, the operator shall take the following actions:

(1) cut off waste charging to the combustion unit,

(2) notify the Department verbally of the exceedence within four hour of its occurrence or prior to twelve noon of the next business day should the exceedence occur during non-business hours,

(3) note in the operating record the time and date of the exceedence, when shutdown began, and when shutdown was complete,

(4) identify and correct the cause of the upset condition before resuming operation of the unit, and

(5) note in the operating record the corrective action taken and the time and date of startup.

20.11.49.13 APPLICABILITY:

A. Any source:

(1) whose operation results in an emission of a regulated air pollutant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition; or

(2) subject to the requirements of 20.11.47 NMAC, *Emissions Inventory Requirements*, 20.11.41 NMAC, *Authority-To-Construct*, 20.11.42 NMAC, *Operating Permits*, 20.11.61 NMAC, *Prevention of Significant Deterioration*, or 20.11.60 NMAC, *Permitting In Nonattainment Areas*.

B. Deviations under 20.11.42 NMAC, *Operating Permits*, [~~that~~] which do not result in excess emissions are not subject to the provisions of 20.11.49 NMAC.

C. 20.11.49 NMAC does not create a separate cause of action for failure to obtain a permit under 20.11.41 NMAC, *Authority-To-Construct*, 20.11.42 NMAC, *Operating Permits*, 20.11.61 NMAC, *Prevention of Significant Deterioration*, or 20.11.60 NMAC, *Permitting In Nonattainment Areas*.