

A State Implementation Plan (SIP) identifies how a state will attain and maintain the primary and secondary National Ambient Air Quality Standards (NAAQS). The SIP contains regulations, source-specific requirements, non-regulatory items such as plans and inventories, and other types of submittals designed to satisfy requirements promulgated by the U.S. Environmental Protection Agency (EPA). The initial SIPs for states were approved on May 31, 1972. SIPs may be revised by the state with EPA approval. The federally enforceable SIP for the state of New Mexico is compiled in Subpart GG of 40 CFR Part 52.

Section 182(a) of the federal Clean Air Act (CAA) contains requirements for marginal ozone NAAQS nonattainment areas, and § 182(a)(3)(B) describes emission statement requirements for such areas. New Mexico must ensure that its SIP provides for the implementation of the emission statement requirements and must reaffirm that the appropriate framework exists to implement such requirements. The following information meets the emission statement certification requirements of the Clean Air Act set forth:

Section 182(a)(3)(B) contains the following mandates:

Section 182 (a)(3)(B) Emissions statements:

- (i) Within 2 years after November 15, 1990, the State shall submit a revision to the State implementation plan to require that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds provide the State with a statement, in such form as the Administrator may prescribe (or accept an equivalent alternative developed by the State), for classes or categories of sources, showing the actual emissions of oxides of nitrogen and volatile organic compounds from that source. The first such statement shall be submitted within 3 years after November 15, 1990. Subsequent statements shall be submitted at least every year thereafter. The statement shall contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement.
- (ii) The State may waive the application of clause (i) to any class or category of stationary sources which emit less than 25 tons per year of volatile organic compounds or oxides of nitrogen if the State, in its submissions under subparagraphs (1) or (3)(A), provides an inventory of emissions from such class or category of sources, based on the use of the emission factors established by the Administrator or other methods acceptable to the Administrator.

The requirements of § 182(a)(3)(B) in the CAA relevant to the 2015 ozone NAAQS that are required to be in New Mexico's SIP are already contained in New Mexico's current SIP. These requirements reside in New Mexico's SIP at 20.2.73 New Mexico Administrative Code (NMAC), Notice of Intent and Emissions Inventory Requirements. EPA approved these regulations in 2012 (77 FR 70693, November 27, 2012).

20.2.73.300 Emission Inventory Requirements:

With regard to an ozone nonattainment area, this section (20.2.73.300(A) NMAC) applies to all stationary sources that have a construction permit, filed a notice of intent, or emits more than ten tons per year (tpy) of nitrogen oxides (NO<sub>x</sub>) or volatile organic compounds (VOC).

Reporting requirements (20.2.73.300(B) NMAC) include annual emissions reports for any major source with the potential to emit more than 100 tpy and any source that has the potential to emit more than 25 tpy of NO<sub>x</sub> and VOC within the nonattainment area submitted by April 1 of each year or a date set by permit conditions. Sources that emit between 10-25 tpy must keep annual emissions records and provide them in an approved format upon request from the department. Owners and operators have

the option to request the previous year's emissions reports from the department at least 90 days prior to the submittal of emissions reports.

Emissions reports must contain all contact and facility information along with a signed certifying statement from the certifying official authorized to attest to the accuracy and validity of the emissions submitted on behalf of the facility (20.2.73.300(C) NMAC). The contents of the report must also include the control equipment and the control efficiency for emissions points for each process, annual throughputs for each fuel type, stack and gas parameters, schedule of operations, fuel heat, sulfur, and ash content. The estimates of actual and fugitive emissions due to startups, shutdowns, maintenance and malfunctions for NO<sub>x</sub> and VOC including the calculations if requested by the department. At a minimum, all information required in the Air Emissions Reporting Rule must be included.

Additional reporting requirements for sources within the nonattainment area (20.2.73.300(D) NMAC) include typical daily process rates for the ozone season as determined by the department. Estimated actual emissions of NO<sub>x</sub> and VOC from each emissions point for each process and fuel type in units of tons per day for annual emissions and pounds per day for a typical ozone season day.

Waiver exemption of emissions reporting requirements (20.2.73.300(E) NMAC) does not apply for NO<sub>x</sub> and VOC within an ozone nonattainment area due to the pollutants being precursors to tropospheric ozone formation and can potentially have a negative impact on the nonattainment area.