

# Section 13

## Determination of State & Federal Air Quality Regulations

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**This section lists each state and federal air quality regulation that may apply to your facility and/or equipment that are stationary sources of regulated air pollutants.**

Not all state and federal air quality regulations are included in this list. Go to the Code of Federal Regulations (CFR) or to the Air Quality Bureau's regulation page to see the full set of air quality regulations.

### **Required Information for Specific Equipment:**

For regulations that apply to specific source types, in the 'Justification' column **provide any information needed to determine if the regulation does or does not apply. For example**, to determine if emissions standards at 40 CFR 60, Subpart IIII apply to your three identical stationary engines, we need to know the construction date as defined in that regulation; the manufacturer date; the date of reconstruction or modification, if any; if they are or are not fire pump engines; if they are or are not emergency engines as defined in that regulation; their site ratings; and the cylinder displacement.

### **Required Information for Regulations that Apply to the Entire Facility:**

See instructions in the 'Justification' column for the information that is needed to determine if an 'Entire Facility' type of regulation applies (e.g. 20.2.70 or 20.2.73 NMAC).

### **Regulatory Citations for Regulations That Do Not, but Could Apply:**

If there is a state or federal air quality regulation that does not apply, but you have a piece of equipment in a source category for which a regulation has been promulgated, you must **provide the low level regulatory citation showing why your piece of equipment is not subject to or exempt from the regulation. For example** if you have a stationary internal combustion engine that is not subject to 40 CFR 63, Subpart ZZZZ because it is an existing 2 stroke lean burn stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, your citation would be 40 CFR 63.6590(b)(3)(i). **We don't want a discussion of every non-applicable regulation, but if it is possible a regulation could apply, explain why it does not. For example**, if your facility is a power plant, you do not need to include a citation to show that 40 CFR 60, Subpart OOO does not apply to your non-existent rock crusher.

### **Regulatory Citations for Emission Standards:**

**For each unit that is subject to an emission standard in a source specific regulation, such as 40 CFR 60, Subpart OOO or 40 CFR 63, Subpart HH, include the low level regulatory citation of that emission standard.** Emission standards can be numerical emission limits, work practice standards, or other requirements such as maintenance. **Here are examples:** a glycol dehydrator is subject to the general standards at 63.764C(1)(i) through (iii); an engine is subject to 63.6601, Tables 2a and 2b; a crusher is subject to 60.672(b), Table 3 and all transfer points are subject to 60.672(e)(1)

### **Federally Enforceable Conditions:**

All federal regulations are federally enforceable. All Air Quality Bureau State regulations are federally enforceable except for the following: affirmative defense portions at 20.2.7.6.B, 20.2.7.110(B)(15), 20.2.7.11 through 20.2.7.113, 20.2.7.115, and 20.2.7.116; 20.2.37; 20.2.42; 20.2.43; 20.2.62; 20.2.63; 20.2.86; 20.2.89; and 20.2.90 NMAC. Federally enforceable means that EPA can enforce the regulation as well as the Air Quality Bureau and federally enforceable regulations can count toward determining a facility's potential to emit (PTE) for the Title V, PSD, and nonattainment permit regulations.

INCLUDE ANY OTHER INFORMATION NEEDED TO COMPLETE AN APPLICABILITY DETERMINATION OR THAT IS RELEVANT TO YOUR FACILITY'S NOTICE OF INTENT OR PERMIT.

**EPA Applicability Determination Index for 40 CFR 60, 61, 63, etc:** <http://cfpub.epa.gov/adi/>

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**Table for STATE REGULATIONS:**

<b><u>STATE REGULATIONS CITATION</u></b>	<b>Title</b>	<b>Applies? Enter Yes or No</b>	<b>Unit(s) or Facility</b>	<b>JUSTIFICATION: (You may delete instructions or statements that do not apply in the justification column to shorten the document.)</b>
20.2.1 NMAC	General Provisions	Yes	Facility	General Provisions apply to Notice of Intent, Construction, and Title V permit applications.
20.2.3 NMAC	Ambient Air Quality Standards NMAAQs	Yes	Facility	20.2.3 NMAC is a SIP approved regulation that limits the maximum allowable concentration of Sulfur Compounds, Carbon Monoxide and Nitrogen Dioxide.
20.2.7 NMAC	Excess Emissions	Yes	Facility	This facility is subject to 20.2.7 NMAC.
20.2.11 NMAC	Asphalt Process Equipment	Yes	P2HM AFIL, P2HM ASTK, P5HM AFIL, P5HM ASTK	These sources are subject to 20.2.11.108 NMAC and 20.2.11.109 NMAC.
20.2.61.109 NMAC	Smoke & Visible Emissions	Yes	P2HM AHT, P5HM AHT, CH_E, SS_E	Engines and heaters are Stationary Combustion Equipment. Specify units subject to this regulation. The facility stationary combustion equipment are subject to a 20 percent opacity limit.
20.2.70 NMAC	Operating Permits	No	Facility	This facility is not a Title V Operating Permit source. The facility consists of aggregate processing plants and HMA plants. Aggregate processing falls under 2-digit SIC Code Group 14 and HMA plants falls under 2-digit SIC Code Group 29. While aggregate material from aggregate processing plants is used in the HMA plant, since they are operating under different SIC Codes they are separate facilities for major source determination.
20.2.71 NMAC	Operating Permit Fees	No	Facility	This facility is not a Title V Operating Permit source.
20.2.72 NMAC	Construction Permits	Yes	Facility	Potential emission rate (PER) for the facility is greater than 10 pph or greater than 25 tpy for any pollutant subject to a state or federal ambient air quality standard.
20.2.73 NMAC	NOI & Emissions Inventory Requirements	Yes	Facility	<b>NOI:</b> 20.2.73.200 NMAC applies (requiring a NOI application) <b>Emissions Inventory Reporting:</b> 20.2.73.300 NMAC applies.
20.2.74 NMAC	Permits – Prevention of Significant Deterioration (PSD)	No	Facility	This facility is not a PSD major source.
20.2.75 NMAC	Construction Permit Fees	Yes	Facility	This facility is subject to 20.2.72 NMAC and is in turn subject to 20.2.75 NMAC.
20.2.77 NMAC	New Source Performance	Yes	Units subject to 40 CFR 60	This is a stationary source, which is subject to the requirements of 40 CFR Part 60.
20.2.78 NMAC	Emission Standards for HAPS	No	Units Subject to 40 CFR 61	This facility doesn't emit hazardous air pollutants which are subject to the requirements of 40 CFR Part 61.
20.2.79 NMAC	Permits – Nonattainment Areas	No	Facility	This facility is located in an Attainment Area.

<u>STATE REGU- LATIONS CITATION</u>	Title	Applies? Enter Yes or No	Unit(s) or Facility	<b>JUSTIFICATION:</b> <b>(You may delete instructions or statements that do not apply in the justification column to shorten the document.)</b>
20.2.80 NMAC	Stack Heights	Yes	P2HM ASTK, P2HM AHT, P5HM ASTK, P5HM AHT, CH_E, SS_E	The objective of this Part is to establish requirements for the evaluation of stack heights and other dispersion techniques in permitting decisions. The Department shall give no credit for reductions in emissions due to the length of a source's stack height that exceeds good engineering practice or due to any other dispersion technique. The facility will meet all requirements of good engineering practices.
20.2.82 NMAC	MACT Standards for source categories of HAPS	Yes	CH_E, SS_E	This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63.

**Table for Applicable FEDERAL REGULATIONS:**

<b><u>FEDERAL REGU- LATIONS CITATION</u></b>	<b>Title</b>	<b>Applies? Enter Yes or No</b>	<b>Unit(s) or Facility</b>	<b>JUSTIFICATION:</b>
40 CFR 50	NAAQS	Yes	Facility	This is a 20.2.72 NMAC permit application.
NSPS 40 CFR 60, Subpart A	General Provisions	Yes	Units subject to 40 CFR 60	Subparts OOO, IIII, and I in 40 CFR 60 applies.
NSPS 40 CFR60.40, Subpart I	Subpart I, Performance Standards for <b>Hot Mix Asphalt Facilities</b>	Yes	P2HMASTK, P2HMAFIL, P5HMASTK, P5HMAFIL	The affected facility, that commences construction or modification after June 11, 1973, to which the provisions of this subpart apply is each hot mix asphalt facility. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.
NSPS 40 CFR 60, Subpart Kb	Standards of Performance for <b>Volatile Organic Liquid Storage Vessels</b> (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced <b>After</b> July 23, 1984	No		This facility does not have storage vessels with a capacity greater than or equal to 75 cubic meters (m <sup>3</sup> ) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.
NSPS 40 CFR Part 60 Subpart OOO	Standards of Performance for <b>Nonmetallic Mineral Processing Plants</b>	Yes	CH, CH_C1, CH_S, CH_SC1, CH_RC, CH_C2, CH_C3, CH_SC2, CH_STK	NSPS standards for non-metallic minerals apply to applicable crushers, screens, and conveyors.
NSPS 40 CFR 60 Subpart IIII	Standards of performance for Stationary Compression Ignition Internal Combustion Engines	Yes	CH_E	The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE). Units CH_E is applicable to 60.4202(a) and Subpart IIII Table 1 emission standards for its year and size category.
NSPS 40 CFR Part 60 Subpart JJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	No		See 40 CFR 60.4230 and EPA Region 1's Reciprocating Internal Combustion Guidance website.
NESHAP 40 CFR 61 Subpart A	General Provisions	No	Units Subject to 40 CFR 61	Applies if any other Subpart in 40 CFR 61 applies.
MACT 40 CFR 63, Subpart A	General Provisions	Yes	Units Subject to 40 CFR 63	Applies if any other Subpart in 40 CFR 63 applies.

<u>FEDERAL REGU- LATIONS CITATION</u>	<b>Title</b>	<b>Applies? Enter Yes or No</b>	<b>Unit(s) or Facility</b>	<b>JUSTIFICATION:</b>
MACT 40 CFR 63 Subpart <i>ZZZZ</i>	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines ( <b>RICE MACT</b> )	Yes	CH_E, SS_E	Facilities are subject to this subpart if they own or operate a stationary RICE, except if the stationary RICE is being tested at a stationary RICE test cell/stand.