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VERSION 04.16.08

**20.2.7 NMAC – EXCESS EMISSIONS**

**INSTRUCTIONS FOR COMPLETING EXCESS EMISSIONS REPORTING (EER) FORM**

**PLEASE NOTE:**

1. A reporting submittal form (used for routine submittals required by permits and/or regulations such as Title V Annual Compliance Certification reports and NSPS Subpart KKK semi-annual reports) is **NOT** required for submitting an EER form.
2. The EER form will expand automatically to accommodate text as needed.

**SECTION I - GENERAL INFORMATION: (Note 1)**

- A. *AI Number* – Identification number for the facility assigned by the Department database. If you do not know the AI number for your facility, contact the AQB.
- B. *Activity Number* – Identification number for the excess emission event assigned by the Department database. Not required for Initial Report or Initial/Final Report. If you do not know the activity number for an Update or a Final Report, contact the AQB.
- C. *Company Name* - Identify the owner or operator of the facility.
- D. *Facility Name* – Self explanatory.
- E. *Stationary Source* - any building, structure, equipment, facility, installation (including temporary installations), or operation which emits or may emit any air contaminant.
- F. *Portable Source* – a source which can be relocated to another operating site with limited dismantling and reassembly, including for example but not limited to moveable sand and gravel processing operations and asphalt plants.
- G. *If portable source, location of source* – Indicate location in UTM coordinates (to nearest 0.1 km), or lat, long (degrees, min, sec).
- H. *TV Permit No.* – Permit number of current title V permit (i.e.; P456-R2-M1). If you do not have a Title V permit, you may leave this field blank.
- I. *NSR Permit No.* - Permit number of current state construction permit (i.e.; 9456-M1, GCP-XXX, PSD-NM- 4343).
- J. *Initial Report* – Check if you are submitting the first report for this excess emission for an ongoing event. A final report will be required after conclusion of the event. The initial report is due no later than the end of the next regular business day after the time of discovery. The end of the business day means 23:59:59.
- K. *Update Report* - Check if you are submitting (1) a report for which you have already submitted an initial report, the event is continuing, and you intend to submit additional update reports or a final report, or (2) a correction to the initial report. A final report will be required after conclusion of the event.
- L. *Initial/Final Report* – Check if you are submitting a combined initial/final report for this excess emission (i.e.; the event has already concluded, all information is available, and this is the only

report that will be submitted for the event). This report is due before the end of the next regular business day after discovery of the excess emission.

- M. *Final Report* - Check if you are submitting the final report for this excess emission (i.e.; the event has already concluded, an initial report has been submitted, all information is available, and this is the final report that will be submitted for the event). The final report is due no later than ten (10) days after the conclusion of the excess emission.
- N. *Affirmative Defense Claim* – Check if you intend to claim an affirmative defense for the excess emission. You must submit an Affirmative Defense Demonstration Form with all supporting documentation no later than thirty (30) days after the conclusion of the event. Failure to check the box or submit the form by the specified deadline shall waive the defense. PLEASE NOTE – There is no affirmative defense under state law for an excess emission due to scheduled maintenance or for a violation of a NSPS standard, however, you may be entitled to an affirmative defense under federal law for a violation of a NSPS standard.
- O. *Failure Point No.* – Permit-based emission unit designation for the specific piece of equipment that failed and caused the excess emission (i.e; EU-25, ES-01, Unit No. 007). If the equipment that failed and caused the excess emission is not permitted, (i.e.; third party electrical supply, DCS system, etc.) you may leave this field blank.
- P. *Failure Point Description* – Description of the specific piece of equipment that failed and caused the excess emission (i.e.; Inlet Turbine, Baghouse, Catalytic Converter, Third Party Electrical Supply, DCS System).
- Q. *Release Point No.* - Permit-based emission unit designation for the specific piece of equipment from which the excess emission was released (i.e; FL-25, ES-01, Unit No. 007).
- R. *Release Point Description* – Description of the specific piece of equipment from which the excess emission was released (i.e.; Emergency Flare, Turbine Stack, Baghouse Stack).
- S. *Discovery Date*, T. *Discovery Time* – Date (mm/dd/yyyy) and time (hh:mm, military format) the excess emission was discovered.
- U. *Failure Date*, V. *Failure Time* – Date (mm/dd/yyyy) and time (hh:mm, military format) the excess emission event commenced.
- W. *Corrected Date*, X. *Corrected Time* – Date (mm/dd/yyyy) and time (hh:mm, military format) the excess emission event concluded.
- Y. *1st Bus. Day After Disc.* – First business day after the excess emission was discovered. Business day means any day on which state government offices are open for normal business. Saturdays, Sundays, and official federal or state holidays are not business days (i.e.; if an excess emission is discovered on a Friday, Saturday or Sunday, Monday would be the first business day after discovery unless it is a holiday. If that Monday is a federal or state holiday, Tuesday would be the first business day after discovery).
- Z. *Person Reporting* - Self explanatory.
- AA. *Office Phone*, BB. *Cell Phone* – Office and cell phone numbers of person reporting.
- CC. *Email Address* – Email address of person reporting.

## **SECTION II. - REPORTING REQUIREMENT: (Note 2)**

- A. 20.2.7 NMAC – This box must be checked for all reports.
- B. 20.2.70.302.E NMAC (*Title V Deviation*) – If your facility has a Title V permit, you must check this box.

- C. *20.2.70.304.B NMAC (Title V Emergency)* – Check this box if your facility has a Title V permit and the excess emission was due to any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including an act of God that caused the facility to exceed a technology-based emission limitation in the permit.
- D. *NSPS* – Check this box if you exceeded an applicable NSPS standard for an emission unit not equipped with a continuous monitoring system (i.e., during a periodic emission test on a turbine subject to NSPS Subpart GG, the results indicate that the turbine exceeded the NO<sub>x</sub> emission limit in ppm specified by 40 CFR §60.332(a)).

### **SECTION III - EVENT TYPE: (Note 3)**

- A. *Malfunction* – Check if the excess emission was due to malfunction (i.e., a sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. [20.2.7.7.E NMAC]). PLEASE NOTE - A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction.
- B. *Startup* – Check if the excess emission was due to startup (i.e., the setting into operation of any air pollution control equipment or process equipment [20.2.7.7.I NMAC]).
- C. *Shutdown* – Check if the excess emission was due to shutdown (i.e., the cessation of operation of any air pollution control equipment or process equipment [20.2.7.7.H NMAC]).
- D. *Emergency* - Check if your facility has a Title V permit and the excess emission was due to any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including an act of God that caused the source to exceed a technology-based emission limitation in the permit.
- E. *Deviation* – If you are a Title V source, you must check this box.
- F. *Scheduled Maintenance* – Check if the excess emission was due to a scheduled maintenance event. PLEASE NOTE – There is no affirmative defense for an excess emission due to scheduled maintenance.
- G. *If the excess emission was due to Startup, Shutdown or Scheduled Maintenance, have you submitted a notification to the Department pursuant to 20.2.7.14 NMAC to permit these emissions?* - Check yes, no or NA.
- H. *Explain answer to G above* – Identify the date on which you submitted the notification or explain why you have not submitted such notification.

### **SECTION IV - EMISSIONS ARE IN EXCESS OF THE FOLLOWING REQUIREMENT: (Note 4)**

- A. *Citation* - List the permit number and condition or regulatory citation and section of the emission limit (or standard) that was exceeded (i.e.; Permit number P5678-R2-M1, Condition 2.1, NSPS Subpart GG, Section 60.332(a), 20.2.14.202.A NMAC).
- B. *Text* - Reproduce the text from the permit condition or the regulatory citation in its entirety (i.e.; “Table 3.2 lists the emission units and their allowable limits”).
- C. *Emission Limit* – List the value from the permit or regulatory citation (i.e.; 14.6, 0.2, 160).
- D. *Units* – List the units from the permit or regulatory citation (i.e.; lb/hr, lb/MMBtu, ppm, tons/yr).
- E. *Averaging Period* – Averaging time that is the basis of the emission limit (i.e.; for lb/hr, 1 hour, if the permit indicates three hour average, 3 hours, if the regulation indicates 30 day rolling average, 30 days). If there is no apparent averaging period, leave blank.

F. *Avg. Emission Rate* – The average emission rate over the duration of the excess emission.

G. *No. of Exceedences* – The number of exceedences of the emission limit over the duration of the excess emission. This is calculated by dividing the duration of the excess emission in hours by the averaging period (i.e.; If a permit limit based on a 3 hour average is exceeded for 24 hours, the number of exceedences would be  $24/3 = 8$ ).

**SECTION V – CAUSE AND NATURE OF EVENT (Detailed Description): (Note 5)**

Describe in detail the cause and the nature of the excess emission.

**SECTION VI – STEPS TAKEN TO LIMIT DURATION AND MAGNITUDE OF EXCESS EMISSION (Detailed Description): (Note 6)**

Describe in detail the measures taken to minimize the duration and magnitude of the excess emissions.

**SECTION VII - CORRECTIVE MEASURES (Detailed Description): (Note 7)**

Describe in detail the corrective measures implemented to eliminate the excess emissions and to prevent a recurrence.

**SECTION VIII - DURATION OF EVENT (if applicable), hh:mm: (Note 8)**

For each pollutant, provide the duration of the excess emission event in hours and minutes (hh:mm format). Aggregate the duration for noncontiguous periods constituting a single event.

If you are reporting an excess emission of a pollutant not listed in fields A to H, enter the pollutant name in field I (i.e.; PM10, PM2.5, individual HAPs such as formaldehyde, hexane, etc.) and provide the duration in hours and minutes (hh:mm format) in the text field below.

The example below is for formaldehyde, 25 hours 33 minutes:

I. Formaldehyde 25:33
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**SECTION IX - EXCESS EMISSIONS FOR EVENT, pounds (except for opacity and visible emissions): (Note 9)**

A. *NOx*, B. *SO2*, C. *CO*, D. *PM* (total particulate), E. *VOC*, F. *H2S* – Provide the quantity of the excess emission for each pollutant in pounds, regardless whether the quantity would be more conveniently expressed in tons. For exceedences of emission limits (or standards) expressed in units of lbs/MMBtu or ppm, report the quantity in pounds. Attach detailed calculations to the report. Sample calculations are provided below.

- i. The permitted emission limit for a unit is 10 lbs/hr NOx, and the emissions are 15 lbs/hr for 10 hours. Enter 50 lbs (10 hours \* 5 lbs/hr in excess of emission limit).
- ii. The emission standard is 0.2 lbs/MMBtu NOx, and the emissions are 0.3 lbs/MMBtu for 30 hours. Enter 15 lbs (30 hours \* 0.1 lbs/MMBtu in excess of standard \* 1000 Btu/scf fuel heating value \* 5000 scf/hr fuel flow rate \* 1/1E6).
- iii. The emission standard is 150 ppm NOx and the emissions are 300 ppm NOx for 50 hours. Enter 78 lbs (50 hours \* 150 ppm in excess of standard \* 1000 Btu/scf fuel heating value \* 5000 scf/hr fuel flow rate \* 1E-6 \* 8710 dscf/MMBtu \* 46.01 lb/lbmol NOx \* 2.594E-9).

G. *Opacity* – Report the average opacity (%) for the duration of the excess emission. Attach a copy of the EPA Method 9 opacity form to the EER.

H. *Visible Emissions* - Indicate Yes or No.

I. *Other (specify)* – If you are reporting an excess emission of a pollutant not listed in fields A to H, enter the pollutant name in field I (i.e.; PM10, PM2.5, individual HAPs such as formaldehyde, hexane, etc.) and provide the quantity in pounds in the text field below.

The example below is for formaldehyde, 257 pounds:

I. Formaldehyde 257
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### **SECTION X - BASIS OF ESTIMATE (attach supporting data): (Note 10)**

Provide all supporting data for each basis of estimate.

- A. *Compliance Test* - Check if the excess emission amount was calculated using data from a compliance test.
- B. *Continuous Monitor* - Check if the excess emission was calculated using continuous monitor (CEM, COM, or other) data.
- C. *Calculation* - Check if the excess emission was calculated using data from a permit application, mass balance, AP-42, or other theoretical basis.
- D. *Operating Log(s)* - Check if the excess emission was calculated using data from a plant operating log.
- E. *Other* - Check if the excess emission was calculated using data from a source other than items A – D.
- F. *If other, explain* - If you checked item E, identify the method used to calculate the excess emission.

### **SECTION XI - CERTIFICATION: (Note 11)**

The final report must be signed by the company representative submitting the report. This signature constitutes a certification of the truth, accuracy and completeness of the contents of the report and all supporting documentation.