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REVISED DRAFT/PROPOSED
TITLE V OPERATING PERMIT
Issued under 20.2.70 NMAC

Certified Mail No:
Return Receipt Requested

Operating Permit No: P260
Facility Name: San Juan Mine

Facility Owner/Operator: San Juan Coal Company
Permittee Name: BHP Billiton New Mexico Coal Inc.
Mailing Address: P.O. Box 561
Waterflow, New Mexico 87421

TEMPO/IDEA ID No: 1409-PRT20120001
AIRS No: 35-0450423
Permitting Action: New Title V
Source Classification: Title V Major, PSD Major
Facility Location: 36°47'39.3914" N and 108°25'55.9973" W
County: San Juan

Air Quality Bureau Contact: Cille Pritchard-Hoback
Main AQB Phone No. (505) 476-4300

TV Permit Expiration Date: _____

TV Renewal Application Due: _____

Richard L. Goodyear, PE
Bureau Chief
Air Quality Bureau

Date

[Delete all below at time final permit submitted for signature.]

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PART A FACILITY SPECIFIC REQUIREMENTS

A100 Introduction

This is a first-time Title V Operating Permit application for San Juan Coal Company’s (SJCC’s) San Juan Mine (SJM) and Coal Preparation Plant that is required by 20.2.70.200.A NMAC.

A101 Permit Duration (expiration)

A. The term of this permit is five (5) years. It will expire five years from the date of issuance. Application for renewal of this permit is due twelve (12) months prior to the date of expiration. (20.2.70.300.B.2 and 302.B NMAC)

A102 Facility: Description

A. San Juan Mine consists of underground coal mining operations, above ground raw coal material handling, storage piles, a coal preparation plant, haul roads, gob-vent engines, and standby generator engines. The underground coal mining results in Gob (waste or low grade coal and non-coal minerals) which accumulates in the mine shafts, and which emits methane. The Mine operates ventilation and degasification systems assisted by above-ground engines that exhaust air containing that methane to the atmosphere. The ventilation and degasification systems are required by the Mine Safety and Health Administration (MSHA) in order to maintain safe working conditions in the underground mine.

B. This facility is located approximately 4.6 miles NE of Waterflow, New Mexico in San Juan County. (20.2.70.302.A(7) NMAC)

C. [Table 102.A](#) and [Table 102.B](#) show the total potential emissions from this facility for information only, not an enforceable condition, excluding insignificant or trivial activities.

Table 102.A: Total Potential Pollutant Emissions from Entire Facility

Pollutant	Emissions (tons per year)
Nitrogen Oxides (NO _x)*	7.6
Carbon Monoxide (CO)*	2.2
Volatile Organic Compounds (VOC)*	1.3
Sulfur Dioxide (SO ₂)*	0.10
Total Particulate Matter (TSP)*	493.1
Particulate Matter less than 10 microns (PM ₁₀)*	160.3
Particulate Matter less than 2.5 microns (PM _{2.5})*	44.9
Greenhouse Gas (GHG) *	573,225.4

*Combustion emissions from engines assume a limit of 500 operating hours/12-months per engine. This permit requires federally enforceable conditions to limit the operating hours of the engines.

Table 102.B: Total Potential HAPs that exceed 1.0 tons per year

Pollutant	Emissions (tons per year)
Total HAPs	None reported

A103 Facility: Applicable Regulations and Non-Applicable Regulations

- A. The permittee shall comply with all applicable sections of the requirements listed in [Table 103.A](#).

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
20.2.1 NMAC General Provisions	X	Entire Facility
20.2.7 NMAC Excess Emissions	X	Entire Facility
20.2.42 NMAC Coal Mine & Preparation Plants – Particulate Matter		S5-S22 & S24 – State Enforceable Only
20.2.61 NMAC Smoke and Visible Emissions	X	Units EG-1 through EG-6
20.2.70 NMAC Operating Permits	X	Entire Facility
20.2.71 NMAC Operating Permit Emission Fees	X	Entire Facility
20.2.72 NMAC Construction Permit	X	Entire facility except Coal Mining Operations exempt per 20.2.72.200.B NMAC or Units exempt per 20.2.72.202 NMAC (NSR Exempt Units per 20.2.72.200.B NMAC include S1-S4 & S23-S45)

Applicable Requirements	Federally Enforceable	Unit No.
20.2.73 NMAC NOI & Emissions Inventory Requirements	X	Entire Facility
20.2.74 NMAC Permits – Prevention of Significant Deterioration (PSD)	X	Entire Facility
20.2.77 NMAC New Source Performance	X	Unit EG-1
20.2.82 NMAC MACT Standards for Source Categories of HAPS	X	Units EG-1 thru EG-6, and SJ-7
40 CFR 50 National Ambient Air Quality Standards	X	Entire Facility
40 CFR 60, Subpart A, General Provisions	X	Units S5-S22 & EG-1
40 CFR 60, Subpart Y Coal Preparation Plants	X	Units S5-S22
40 CFR 60, Subpart IIII NSPS CI ICE	X	Unit EG-1
40 CFR 63, Subpart A, General Provisions	X	EG-1 to EG-6 & SJ-7
40 CFR 63, Subpart ZZZZ NESHAP RICE	X	Units EG-1 to EG-6
40 CFR 63 CCCCCC NESHAP Gasoline Dispensing Facility	X	Unit SJ-7

- B. [Table 103.B](#) lists requirements that are **not** applicable to this facility but that the applicant cited as applicable. This table only includes those requirements cited in the application as applicable and determined by the Department to be not applicable, or the Department determined that the requirement does not impose any conditions on a regulated piece of equipment. (20.2.70.302.A(1)(f) NMAC)

Table 103.B: Non-Applicable Requirements

Non-Applicable Requirements	(1)	(2)	Justification For Non-Applicability
20.2.3 NMAC Ambient Air Quality Standards	X		20.2.3.9 NMAC, Limit of Applicability to 20.2.70 NMAC.
20.2.5 NMAC Source Surveillance		X	No applicable requirements unless notified by the Department to maintain records
20.2.75 NMAC Construction Permit Fees		X	Not subject at this time.

1. Not Applicable For This Facility. No existing or planned operation/activity at this facility triggers the applicability of these requirements.
2. No Requirements. Although these regulations may apply, they do not impose any specific requirements on the operation of the facility as described in this permit.

- C. Compliance with the terms and conditions of this permit regarding source emissions and operation demonstrate compliance with national ambient air quality standards for PM10 and PM2.5 specified at 40 CFR 50, which were reviewed and applicable at the time air dispersion modeling was performed for the facility’s current TV Permit P260.

A104 Facility: Regulated Sources

- A. [Table 104](#) lists the emission units authorized for this facility. Emission units identified as insignificant or trivial activities (as defined in 20.2.70.7 NMAC) and/or equipment not regulated pursuant to the Clean Air Act are not included.

Table 104: Regulated Sources List

Unit No.	Source Description	Make Model	Serial No.	Capacity	Construction / Mfg. Date
S1 to S4	Mine Conveyor, Transfer Tower 1 and 2, Truck Loading at Mine Storage Pile	not reported	not reported	13,000,000 tpy each	not reported
S5	Coal Preparation Plant: Coal Truck /Dozer Unloading to Hopper	not reported	not reported	13,000,000 tpy	not reported
S6 to S9	Coal Preparation Plant: Hoppers	not reported	not reported	3,250,00 tpy each	1979/not reported
S10 to 13	Coal Preparation Plant: Feeders	not reported	not reported	3,250,000 tpy each	
S14, S15	Coal Preparation Plant: Chutes and Conveyor 1	not reported	not reported	6,500,00 tpy each	1979/not reported
S16, S17, S22	Coal Preparation Plant: Conveyors	not reported	not reported	13,000,000 tpy	1979/not reported
S18 – S21	Coal Preparation Plant: Crushers	Pennsylvania Crusher Corp.	TK 20-54 CD Granulators	3,250,000 tpy each	1979/not reported
S23	Paved Haul Road	not reported	not reported	8507 miles/yr	not reported
S24	Coal Haul Road	not reported	not reported	374,534 miles/yr	not reported
S25 - S26	Ash & Gypsum Haul Road Traffic	not reported	not reported		not reported
S27	Misc. Unpaved Haul Roads	not reported	not reported	496,000 miles/yr	not reported
S28	PM from Grader – Road Maint.	not reported	not reported	30,000 miles/yr	not reported
S29-S37	PM from Dozer - Soil Disturbance	not reported	not reported	1863 – 4676 miles/yr	not reported
S38-S39	PM from Ventilation Shafts	not reported	not reported	8760 hrs/yr	not reported
S40 - S45	Stock Piles & Disturbed Area Wind Erosion	NA	NA	Piles range from 18,375 to 111,750 total sq. meters	NA
EG-1	Underground Control Room Emergency Standby Generator	Caterpillar C4.4	E3N00054	82.5-99.9 bhp	2/18/2010 / not reported

Unit No.	Source Description	Make Model	Serial No.	Capacity	Construction / Mfg. Date
EG-2	Tube Bundle Analyzer Emergency Standby Generator	John Deere CD4039T 429773	439TF008	73 Kw/99 hp	5/21/2001 / not reported
EG-3	ULE Emergency Escape Hoist System Emergency Standby Generator	Ford Power Products LSG- 8751- 6006-C	15789-1- 04-98	1628 hp	1/4/1998 / not reported
EG-4	Coal Plant Secondary Building Emergency Standby Generator	Briggs & Stratton 30347- 0494-01	94111111	16 hp	not reported
EG-5	KFC Emergency Escape Hoist System Emergency Standby Generator	Cummins, Inc. 4BT3.9- G3	46401271	58Kw/78 hp	6/6/2004 / not reported
EG-6	Warehoused Standby Generator	Caterpillar 3412C	6EA10707	604 Kw/810 hp	4/4/1995 / not reported
SJ-7	Gasoline Dispensing Facility	not reported	not reported	6500 gallons	not reported

A105 Facility: Control Equipment

- A. [Table 105.A](#) lists all the pollution control equipment required for this facility. Each emission point is identified by the same number that was assigned to it in the permit application.

Table 105.A: Pollutant Controls:

Control Equipment Unit No.	Control Description	Pollutant being controlled
S1 – S3	Three Quarter Enclosures over Conveyors	PM10 & PM2.5
S6 – S9	Full Enclosure over Hoppers	PM10 & PM2.5
S10 – S13	Full Enclosure over Feeders	PM10 & PM2.5
S17	Full Enclosure over Conveyor	PM10 & PM2.5
S14 – S16	Water/Chemical Sprays and Full Enclosures at Chute & Conveyor Transfer Points	PM10 & PM2.5
S18 – S21	Water/Chemical Sprays and Full Enclosures over Crushers	PM10 & PM2.5
S23	Pave and Sweep Haul Road	PM10 & PM2.5
S24 – S28	Application of Water on Unpaved Haul Roads – 24 loads/24-hours	PM10 & PM2.5

- A. Controls required in Table 105.A were those used as assumptions in air dispersion modeling that were used to demonstrate compliance with National Ambient Air Quality Standards for PM10 and PM2.5. Meeting the control requirements listed in Table 105.A does not supersede any additional controls that are necessary to meet the requirements to control particulate matter emissions in 40 CFR 60, Subpart Y – NSPS for Coal Preparation Plant and Processing Plants and 20.2.42 NMAC – Coal Mining and Preparation Plants – Particulate Matter.

A106 Facility: Allowable Emissions (20.2.70.302.A(7) NMAC)

- A. This Section lists the 20.2.42 NMAC and Federal NSPS and NESHAP emission standards applicable to this facility.
- B. The Coal Preparation Plant, Units S5-S22, and the Coal Haul Road, S24, are subject to the particulate matter emission control requirements at 20.2.42.108 NMAC and at 20.2.42.109 NMAC. (State Enforceable Only)
- C. The Coal Preparation Plant, Units S5-S22, are subject to NSPS Y emissions standards at 40 CFR 60.254.
- D. Standby Generator Unit EG-1 is subject to NSPS IIII emission standards as 40 CFR 60.4202(a)(2).
- E. Standby Generators, Units EG-2 through EG-6, are subject to NESHAP ZZZZ emission standards at 40 CFR 63.6603(a), Table 2d.
- F. Gasoline Dispensing Facility, Unit SJ-7, is subject to NEHAP CCCCCC emissions standards at 40 CFR 63.11116.

Table 106.A: Allowable Emissions

Unit No.	PM ₁₀ pph	PM ₁₀ tpy
S1 – S4 (GVB Mine Area)	1.27	4.56
S5 – S22 (Coal Prep Plant)	1.19	4.42
S23 (Paved Road)	0.12	0.51
S24 – S28 (Haul Roads/Road Maint.)	30.45	105.60
S29 – S37 (Pile Maintenance)	6.39	8.07
S38 – S39 (Ventilation Shafts)	6.10	27.00
S40 – S45 (Wind Erosion)	2.31	10.11
TOTALS ¹	47.83	160.27

¹ Totals are for information only, not enforceable conditions, and used to determine annual Operating Fees.

A107 Facility: Allowable Startup, Shutdown, & Maintenance (SSM):

- A. Separate allowable, routine and predictable, startup, shutdown, and maintenance (SSM) emission limits were not reported for this facility. The permittee shall maintain records in accordance with Condition B109.E(1). (20.2.7.14 NMAC)

A108 Facility: Hours of Operation

- A. Except as required by Condition A604.C, this facility is authorized for continuous operation. No monitoring, recordkeeping, and reporting are required to demonstrate compliance with continuous hours of operation. For limits on engine operating hours, see Condition A604.C.

A109 Facility: Reporting Schedules

- A. A Semi-Annual Report of monitoring activities is due within 45 days following the end of every 6-month reporting period. The six month reporting periods start on [determined at permit issuance] and [determined at permit issuance] of each year. (20.2.70.302.E(1)&(2) NMAC)
- B. The Annual Compliance Certification Report is due within 30 days of the end of the permittee’s 12-month reporting period. The 12-month reporting period starts on [determined at permit issuance] of each year. (20.2.70.302.E(3) NMAC)

A110 Facility: Fuel Sulfur Requirements – Not Required

A111 Facility: 20.2.61 NMAC Opacity

- A. 20.2.61 NMAC Opacity Limits – Units EG-1 through EG-6

<p>Requirement: Visible emissions from all stationary combustion emission stacks shall not equal or exceed an opacity of 20 percent. (20.2.61.109 NMAC)</p>
<p>Monitoring: Use of natural gas fuel or natural gas liquids constitutes compliance with 20.2.61 NMAC unless opacity equals or exceeds 20% averaged over a 10-minute period.</p> <p>At such time as fuel other than natural gas or natural gas liquids is used, or when any visible emissions are observed during steady state operation, opacity shall be measured over a 10-minute period in accordance with the procedures at 40 CFR 60, Appendix A, Method 9 as required by 20.2.61.114 NMAC. Opacity measurements shall continue on a quarterly basis per calendar year for each affected unit until such time as natural gas or natural gas liquids are used. (20.2.70.302.C(1) NMAC)</p>
<p>Recordkeeping: The permittee shall record dates and duration of use of any fuels other than natural gas or natural gas liquids and the corresponding opacity measurements. (20.2.70.302.D(1) NMAC)</p>
<p>Reporting: The permittee shall report in accordance with Section B110. If engines burn diesel</p>

fuel, certification of grade and characteristics as stated in permit application for fuel used during the period shall be reported. (20.2.70.302.E NMAC)

A112 Alternative Operating Scenario (Not Required)

A113 Compliance Plan

(20.2.70.302.G(3) NMAC and 20.2.72.200.A NMAC)

- A. The permittee shall perform the following activity in order to bring the permitted facility into compliance with the requirements of 20.2.72 NMAC. Within 180 days of the permit issue date for Title V Permit No. 260, the permittee shall submit an application to permit all 20.2.72 NMAC regulated sources located at the facility, except those sources that are exempt per 20.2.72.200.B NMAC and per 20.2.72.202.A and B NMAC.

A114 Reducing Facility Emissions (Not Required)

EQUIPMENT SPECIFIC REQUIREMENTS

A200 Oil and Gas Industry (Not Required)

A300 Construction Industry (Not Required)

A400 Power Generation Industry (Not Required)

A500 Solid Waste Disposal (Landfills) Industry (Not Required)

MINING INDUSTRY

A600 Mining Operations Introduction

- A. This section has common equipment related to coal mining operations.

A601 Coal Preparation Plant

- A. 40 CFR Part 60 Subpart Y, NSPS – Coal Preparation Plant (Units S5-S22)

Requirement: The following affected facilities are subject to 40 CFR 60, Subpart Y Standards of Performance for New Stationary Sources (NSPS) for Coal preparation and processing plants: coal processing and conveying equipment (including breakers and crushers), coal storage systems, and transfer and loading systems. (40 CFR 60.250)

<p>The permittee shall meet the 20% opacity standard at 40 CFR 60.254 and any other applicable requirements in 40 CFR 60, Subparts A and Y.</p>
<p>Monitoring: The Permittee shall comply with any applicable monitoring and testing requirements in 40 CFR 60, Subpart A, and Subpart Y, including but not limited to 40 CFR 60.255, 40 CFR 60.256, and 40 CFR 60.257.</p>
<p>Recordkeeping: The Permittee shall comply with any applicable recordkeeping requirements in 40 CFR 60, Subpart A, and Subpart Y, including but not limited to 40 CFR 60.258.</p>
<p>Reporting: The Permittee shall comply with any applicable reporting requirements in 40 CFR 60, Subpart A, and Subpart Y, including but not limited to 40 CFR 60.258.</p>

B. 20.2.42 NMAC Coal Mining and Preparation Plants – Particulate Matter (Units S5-S22 and S24) (State Enforceable Only)

<p>Requirement: The permittee shall meet the particulate matter control requirements at 20.2.42.108 NMAC applicable to the coal preparation plant, units S5-S22. Controls are required on all crushers, conveyors, screens, cleaners, hoppers, and chutes which are designed for the continuous transportation or preparation of coal at the coal preparation plant.</p> <p>The permittee shall meet the particulate matter control requirements at 20.2.42.109 NMAC for the coal haul road, unit S24. All coal haulage roads shall be sprayed or otherwise treated where reasonably necessary to prevent particulate matter from becoming airborne.</p>
<p>Monitoring: Coal Preparation Plant: During facility operations, at least once per month, the permittee shall inspect any hoods, shields, and/or sprays (while operating), and other methods used to prevent particulate matter from becoming airborne.</p> <p>At a minimum, the visual inspection shall include checks for malfunctions and deficiencies in dust control effectiveness, such as breaches in the physical barriers controlling dust emissions; spray nozzle clogs, misdirected sprays, or insufficient spray pressure; and/or any other dust control equipment deficiencies or malfunctions.</p> <p>Any problems with the control devices shall be corrected within 15 days of discovery.</p> <p>Coal Haul Road: Meet the monitoring required in Condition A603.A.</p> <p>(20.2.70.302.C(1) NMAC)</p>
<p>Recordkeeping: Coal Preparation Plant: Records shall be kept describing the fugitive dust control inspections, the cause of any malfunction or deficiency found, the repairs made, and the dates of inspections and repairs.</p> <p>The permittee shall meet the recordkeeping requirements in Section B110.</p>

Coal Haul Road:

Meet the recordkeeping required in Condition A603.A

(20.2.70.302.D(1) NMAC)

Reporting: The permittee shall report according to Section B110.

(20.2.70.302.E NMAC)

A602 Fugitive Particulate Matter – Process Equipment

A. Fugitive Particulate Matter Controls – Units S1-S3, S6-S13, S17, S14-S16, S18-S21

Requirement: To demonstrate compliance with the PM10 and PM2.5 ambient impact analysis and the control requirements in Table 105.A, the permittee shall meet the following particulate matter control requirements:

- S1 to S3: Three Quarter Enclosures over Conveyors
- S6 to S9: Full Enclosures over Hoppers
- S10 to S13: Full Enclosures over Feeders
- S17: Full Enclosure over Conveyors
- S14 to S16: Water/Chemical Sprays and Full Enclosures at Chute and Conveyor Transfer Points

(20.2.70.7.E(11) NMAC, 20.2.70.302.A(1) NMAC)

Monitoring: During facility operations, at least once per month, the permittee shall inspect all enclosures and, while operating the water/chemical sprays that are used to control particulate matter emissions.

At a minimum, the visual inspection shall include checks for malfunctions and deficiencies in dust control effectiveness, such as breaches in the physical barriers controlling dust emissions; spray nozzle clogs, misdirected sprays, or insufficient spray pressure; and/or any other dust control equipment deficiencies or malfunctions.

Any problems with the control devices shall be corrected within 15 days of discovery.

(20.2.70.302.C(1) NMAC)

Recordkeeping: Records shall be kept describing the fugitive dust control inspections, the cause of any malfunction or deficiency found, the repairs made, and the dates of inspections and repairs.

The permittee shall meet the recordkeeping requirements in Section B110.

(20.2.70.302.D(1) NMAC)

Reporting: The permittee shall report according to Section B110.

(20.2.70.302.E NMAC)

B. Production Rate Limits - Facility

Requirement: To demonstrate compliance with the PM10 and PM2.5 ambient impact analysis, the permittee shall not exceed the following maximum production rates.

- Maximum Hourly feed rate to Units S1-S4 of 1484 tons per hour (tph), based on a monthly average
- Annual feed rate to Units S1-S4 of 13,000,000 tons per 12-months

(20.2.70.7.E(11) NMAC, 20.2.70.302.A(1) NMAC)

Monitoring: At all times of operation, the permittee shall record the process rate, collected and recorded every 60 minutes, by using a scale or weigh belt with electronic recording device that can measure and record the totalized ton per hour throughput rates.

This weigh belt or scale shall be placed at the S1 or at the S3 conveyor.

(20.2.70.302.C(1) NMAC)

Recordkeeping: The permittee shall maintain the following records:

- the location of the scale or weigh belt
- the ton per month process rate
- the month's hours of operation
- the average ton per hour process rate (tons/month ÷ hours of operation/month)
- during the first 12-months of monitoring, the cumulative total of tons processed
- after the first 12-months of monitoring, the monthly rolling 12-month total of tons processed

(20.2.70.302.D(1) NMAC)

Reporting: The permittee shall report according to Section B111.

(20.2.70.302.E NMAC)

A603 Fugitive Particulate Matter Controls - Haul Roads

A. Unpaved Haul Roads (Units S24, S25, S26, S27)

Requirement: To demonstrate compliance with the ambient impact analysis for PM2.5 and PM10, the unpaved haul roads located at the San Juan Mine and Coal Preparation Plant shall, at a minimum, be treated with the application of water to control fugitive particulate emissions.

At a minimum, at least 24 loads of water shall be applied to each haul road per day.

(20.2.70.7.E(11) NMAC, 20.2.70.302.A(1) NMAC)

Monitoring: The permittee shall monitor the frequency, quantity, and locations of the water application, or other additional control measures used.

(20.2.70.302.C(1) NMAC)

Recordkeeping: The permittee shall keep records of the monitoring required in this condition including the times and dates that the haul roads are treated.

(20.2.70.302.D(1) NMAC)

<p>Reporting: The permittee shall report in accordance with Section B110. (20.2.70.302.E NMAC)</p>

B. Paved Haul Road (Unit S23)

<p>Requirement: To demonstrate compliance with the ambient impact analysis for PM2.5 and PM10, the paved haul road entering the mine site, shall, at a minimum, be paved and swept to control fugitive particulate emissions.</p>
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<p>(20.2.70.7.E(11) NMAC, 20.2.70.302.A(1) NMAC)</p>
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<p>Monitoring: The permittee shall monitor the frequency and any methods used to remove dirt and dust from the paved haul road.</p>
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<p>(20.2.70.302.C(1) NMAC)</p>

<p>Recordkeeping: The permittee shall keep records of the monitoring required in this condition including the dates that the haul road is cleaned.</p>

<p>(20.2.70.302.D(1) NMAC)</p>

<p>Reporting: The permittee shall report in accordance with Section B110.</p>
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<p>(20.2.70.302.E NMAC)</p>

A604 Engines

C. 40 CFR 60, Subpart IIII – Standby Emergency Generator (Unit EG-1)

<p>Requirement: Unit EG-1 is subject to 40 CFR 60, Subparts A and IIII, and shall comply with the applicable emissions standards and requirements in Subparts A and IIII.</p>
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<p>Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4211.</p>
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<p>Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4214.</p>
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<p>Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4214.</p>
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D. 40 CFR 63, Subpart ZZZZ – Standby Emergency Generators (Units EG-1 thru EG-6)

<p>Requirement: Units EG-1 through EG-6 are subject to 40 CFR 63, Subpart ZZZZ and the permittee shall comply with all applicable requirements of Subparts A and ZZZZ.</p>

<p>Monitoring: The permittee shall comply with all applicable monitoring requirements of 40 CFR 63, Subpart A and Subpart ZZZZ.</p>
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<p>Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart ZZZZ, including but not limited to 63.6655 and 63.10.</p>
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<p>Reporting: The permittee shall comply with all applicable reporting requirements of 40 CFR 63, Subpart A and ZZZZ, including but not limited to 63.6645, 63.6650, 63.9, and 63.10.</p>
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E. Hours of Operation – Standby Emergency Generators (Units EG-1 to EG-6)

<p>Requirement: So that NOx ton per year emissions from the engines are Title V synthetic minor and to demonstrate compliance with the ton per year emission rates represented in the permit application, Units EG-1 through EG-6 shall be limited to no more than 500 operating hours per 12-months, per engine.</p>
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(20.2.70.302.A(7) NMAC)
Monitoring: The permittee shall monitor the operating hours of each engine using a non-resettable hour meter. (20.2.70.302.D(1) NMAC)
Recordkeeping: The permittee shall maintain the following records: <ul style="list-style-type: none"> • during the first 12-months of monitoring, the cumulative total of operating hours per engine • after the first 12-months of monitoring, the monthly rolling 12-month total of operating hours per engine (20.2.70.302.E(1) NMAC)
Reporting: The permittee shall report according to Section B110. (20.2.70.302.E NMAC)

A605 Gasoline Dispensing Facility

A. 40 CFR 63, Subpart CCCCCC, Gasoline Dispensing Facility (Unit SJ-7)

Requirement: Unit SJ-7 is subject to 40 CFR 63, Subparts A and CCCCCC. SJ-7 has a monthly throughput less than 10,000 gallons of gasoline, and therefore, is to the requirements in 40 CFR 63.11116. The permittee shall comply with all applicable requirements in Subparts A and CCCCCC.
Each Gasoline Dispensing Facility (GDF) includes each gasoline cargo tank during the delivery of product to a GDF and also includes each storage tank.
Monitoring: The Permittee shall comply with all applicable monitoring requirements in 40 CFR 63, Subpart A and Subpart CCCCCC.
Recordkeeping: The Permittee shall comply with all applicable recordkeeping requirements in 40 CFR 63, Subpart A and Subpart CCCCCC, including but not limited to 63.11116.
Reporting: The Permittee shall report according to Section B110. (20.2.70.302.E NMAC)

PART B GENERAL CONDITIONS

B100 Introduction

A. Not Applicable

B101 Legal

A. Permit Terms and Conditions (20.2.70 sections 7, 201.B, 300, 301.B, 302, 405 NMAC)

- (1) The permittee shall abide by all terms and conditions of this permit, except as allowed under Section 502(b)(10) of the Federal Act, and 20.2.70.302.H.1 NMAC. Any permit noncompliance is grounds for enforcement action, and significant or repetitious noncompliance may result in termination of this permit. Additionally, noncompliance with federally enforceable conditions of this permit constitutes a violation of the Federal Act. (20.2.70.302.A.2.a NMAC)
- (2) Emissions trading within a facility (20.2.70.302.H.2 NMAC)
 - (a) The Department shall, if an applicant requests it, issue permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit in addition to any applicable requirements. Such terms and conditions shall include all terms and conditions required under 20.2.70.302 NMAC to determine compliance. If applicable requirements apply to the requested emissions trading, permit conditions shall be issued only to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval.
 - (b) The applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Department shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall require compliance with all applicable requirements.
- (3) It shall not be a defense for the permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (20.2.70.302.A.2.b NMAC)
- (4) If the Department determines that cause exists to modify, reopen and revise, revoke and reissue, or terminate this permit, this shall be done in accordance with 20.2.70.405 NMAC. (20.2.70.302.A.2.c NMAC)
- (5) The permittee shall furnish any information the Department requests in writing to determine if cause exists for reopening and revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. This information shall be furnished within the time period specified by the Department. Additionally, the permittee shall furnish, upon request by the Department, copies of records required by the permit to be maintained by the permittee. (20.2.70.302.A.2.f NMAC)
- (6) A request by the permittee that this permit be modified, revoked and reissued, or terminated, or a notification by the permittee of planned changes or anticipated

noncompliance, shall not stay any conditions of this permit. (20.2.70.302.A.2.d NMAC)

- (7) This permit does not convey property rights of any sort, or any exclusive privilege. (20.2.70.302.A.2.e NMAC)
- (8) In the case where an applicant or permittee has submitted information to the Department under a claim of confidentiality, the Department may also require the applicant or permittee to submit a copy of such information directly to the Administrator of the EPA. (20.2.70.301.B NMAC)
- (9) The issuance of this permit, or the filing or approval of a compliance plan, does not relieve the permittee from civil or criminal liability for failure to comply with the state or Federal Acts, or any applicable state or federal regulation or law. (20.2.70.302.A.6 NMAC and the New Mexico Air Quality Control Act NMSA 1978, Chapter 74, Article 2)
- (10) If any part of this permit is challenged or held invalid, the remainder of the permit terms and conditions are not affected and the permittee shall continue to abide by them. (20.2.70.302.A.1.d NMAC)
- (11) A responsible official (as defined in 20.2.70.7.AE NMAC) shall certify the accuracy, truth and completeness of every report and compliance certification submitted to the Department as required by this permit. These certifications shall be part of each document. (20.2.70.300.E NMAC)
- (12) Revocation or termination of this permit by the Department terminates the permittee's right to operate this facility. (20.2.70.201.B NMAC)
- (13) The permittee shall continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the permittee shall meet such requirements on a timely basis. (Sections 300.D.10.c and 302.G.3 of 20.2.70 NMAC)

B. Permit Shield (20.2.70.302.J NMAC)

- (1) Compliance with the conditions of this permit shall be deemed to be compliance with any applicable requirements existing as of the date of permit issuance and identified in [Table 103.A](#). The requirements in [Table 103.A](#) are applicable to this facility with specific requirements identified for individual emission units.
- (2) The Department has determined that the requirements in [Table 103.B](#) as identified in the permit application are not applicable to this source, or they do not impose any conditions in this permit.
- (3) This permit shield does not extend to administrative amendments (Subsection A of 20.2.70.404 NMAC), to minor permit modifications (Subsection B of 20.2.70.404 NMAC), to changes made under Section 502(b)(10), changes under Paragraph 1 of subsection H of 20.2.70.302 of the Federal Act, or to permit terms

for which notice has been given to reopen or revoke all or part under 20.2.70.405 and 20.2.70.302J(6).

- (4) This permit shall, for purposes of the permit shield, identify any requirement specifically identified in the permit application or significant permit modification that the department has determined is not applicable to the source, and state the basis for any such determination. (20.2.70.302.A.1.f NMAC)
- C. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate the source including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. (20.2.7.109, 20.2.72.210.A, 20.2.72.210.B, 20.2.72.210.C, 20.2.72.210.E NMAC) The establishment of allowable malfunction emission limits does not supersede this requirement.

B102 Authority

- A. This permit is issued pursuant to the federal Clean Air Act ("Federal Act"), the New Mexico Air Quality Control Act ("State Act") and regulations adopted pursuant to the State and Federal Acts, including Title 20, New Mexico Administrative Code, Chapter 2, Part 70 (20.2.70 NMAC) - Operating Permits.
- B. This permit authorizes the operation of this facility. This permit is valid only for the named permittee, owner, and operator. A permit modification is required to change any of those entities.
- C. The Department specifies with this permit, terms and conditions upon the operation of this facility to assure compliance with all applicable requirements, as defined in 20.2.70 NMAC at the time this permit is issued. (20.2.70.302.A.1 NMAC)
- D. Pursuant to the New Mexico Air Quality Control Act NMSA 1978, Chapter 74, Article 2, all terms and conditions in this permit, including any provisions designed to limit this facility's potential to emit, are enforceable by the Department. All terms and conditions are enforceable by the Administrator of the United States Environmental Protection Agency ("EPA") and citizens under the Federal Act, unless the term or condition is specifically designated in this permit as not being enforceable under the Federal Act. (20.2.70.302.A.5 NMAC)
- E. The Department is the Administrator for 40 CFR Parts 60, 61, and 63 pursuant to the Modification and Exceptions of Section 10 of 20.2.77 NMAC (NSPS), 20.2.78 NMAC (NESHAP), and 20.2.82 NMAC (MACT).

B103 Annual Fee

- A. The permittee shall pay Title V fees to the Department consistent with the fee schedule in 20.2.71 NMAC - Operating Permit Emission Fees. The fees will be assessed and invoiced separately from this permit. (20.2.70.302.A.1.e NMAC)

B104 Appeal Procedures
(20.2.70.403.A NMAC)

- A. Any person who participated in a permitting action before the Department and who is adversely affected by such permitting action, may file a petition for a hearing before the Environmental Improvement Board ("board"). The petition shall be made in writing to the board within thirty (30) days from the date notice is given of the Department's action and shall specify the portions of the permitting action to which the petitioner objects, certify that a copy of the petition has been mailed or hand-delivered, and attach a copy of the permitting action for which review is sought. Unless a timely request for a hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the board. Petitions for a hearing shall be sent to:

Secretary, New Mexico Environmental Improvement Board
1190 St. Francis Drive, Runnels Bldg. Rm N2153
P.O. Box 5469
Santa Fe, New Mexico 87502

B105 Submittal of Reports and Certifications

- A. Stack Test Protocols and Stack Test Reports shall be submitted electronically to Stacktest.AQB@state.nm.us or as directed by the Department.
- B. Excess Emission Reports shall be submitted as directed by the Department. (20.2.7.110 NMAC)
- C. Compliance Certification Reports, Semi-Annual monitoring reports, compliance schedule progress reports, and any other compliance status information required by this permit shall be certified by the responsible official and submitted to the mailing address below, or as directed by the Department:

Manager, Compliance and Enforcement Section
New Mexico Environment Department
Air Quality Bureau
525 Camino de los Marquez Suite 1
Santa Fe, NM 87505-1816

- D. Compliance Certification Reports shall also be submitted to the Administrator at the address below (20.2.70.302.E.3 NMAC):

Chief, Air Enforcement Section
US EPA Region-6, 6EN-AA
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

B106 NSPS and/or MACT Startup, Shutdown, and Malfunction Operations

- A. If a facility is subject to a NSPS standard in 40 CFR 60, each owner or operator that installs and operates a continuous monitoring device required by a NSPS regulation shall comply with the excess emissions reporting requirements in accordance with 40 CFR 60.7(c).
- B. If a facility is subject to a NSPS standard in 40 CFR 60, then in accordance with 40 CFR 60.8(c), operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- C. If a facility is subject to a MACT standard in 40 CFR 63, then the facility is subject to the requirement for a Startup, Shutdown and Malfunction Plan (SSM) under 40 CFR 63.6(e)(3), unless specifically exempted in the applicable subpart. (20.2.70.302.A.1 and A.4 NMAC)

B107 Startup, Shutdown, and Maintenance Operations

- A. The establishment of permitted startup, shutdown, and maintenance (SSM) emission limits does not supersede the requirements of 20.2.7.14.A NMAC. Except for operations or equipment subject to Condition B106, the permittee shall establish and implement a plan to minimize emissions during routine or predictable start up, shut down, and scheduled maintenance (SSM work practice plan) and shall operate in accordance with the procedures set forth in the plan. (20.2.7.14.A NMAC)

B108 General Monitoring Requirements

(20.2.70. 302.A and C NMAC)

- A. These requirements do not supersede or relax requirements of federal regulations.
- B. The following monitoring and/or testing requirements shall be used to determine compliance with applicable requirements and emission limits. Any sampling, whether by portable analyzer or EPA reference method, that measures an emission

rate over the applicable averaging period greater than an emission limit in this permit constitutes noncompliance with this permit. The Department may require, at its discretion, additional tests pursuant to EPA Reference Methods at any time, including when sampling by portable analyzer measures an emission rate greater than an emission limit in this permit; but such requirement shall not be construed as a determination that the sampling by portable analyzer does not establish noncompliance with this permit and shall not stay enforcement of such noncompliance based on the sampling by portable analyzer.

- C. If the emission unit is shutdown at the time when periodic monitoring is due to be accomplished, the permittee is not required to restart the unit for the sole purpose of performing the monitoring. Using electronic or written mail, the permittee shall notify the Department's Enforcement Section of a delay in emission tests prior to the deadline for accomplishing the tests. Upon recommencing operation, the permittee shall submit any pertinent pre-test notification requirements set forth in the current version of the Department's Standard Operating Procedures For Use Of Portable Analyzers in Performance Test, and shall accomplish the monitoring.
- D. The requirement for monitoring during any monitoring period is based on the percentage of time that the unit has operated. However, to invoke monitoring period exemptions at B108.D(2), hours of operation shall be monitored and recorded.
 - (1) If the emission unit has operated for more than 25% of a monitoring period, then the permittee shall conduct monitoring during that period.
 - (2) If the emission unit has operated for 25% or less of a monitoring period then the monitoring is not required. After two successive periods without monitoring, the permittee shall conduct monitoring during the next period regardless of the time operated during that period, except that for any monitoring period in which a unit has operated for less than 10% of the monitoring period, the period will not be considered as one of the two successive periods.
 - (3) If invoking the monitoring period exemption in B108.D(2), the actual operating time of a unit shall not exceed the monitoring period required by this permit before the required monitoring is performed. For example, if the monitoring period is annual, the operating hours of the unit shall not exceed 8760 hours before monitoring is conducted. Regardless of the time that a unit actually operates, a minimum of one of each type of monitoring activity shall be conducted during the five year term of this permit.
- E. The permittee is not required to report a deviation for any monitoring or testing in a Specific Condition if the deviation was authorized in this General Condition [B108](#).
- F. For all periodic monitoring events, except when a federal or state regulation is more stringent, three test runs shall be conducted at 90% or greater of the unit's capacity as stated in this permit, or in the permit application if not in the permit,

and at additional loads when requested by the Department. If the 90% capacity cannot be achieved, the monitoring will be conducted at the maximum achievable load under prevailing operating conditions except when a federal or state regulation requires more restrictive test conditions. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the monitoring report.

- G. When requested by the Department, the permittee shall provide schedules of testing and monitoring activities. Compliance tests from previous NSR and Title V permits may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions.
- H. If monitoring is new or is in addition to monitoring imposed by an existing applicable requirement, it shall become effective 120 days after the date of permit issuance. For emission units that have not commenced operation, the associated new or additional monitoring shall not apply until 120 days after the units commence operation. All pre-existing monitoring requirements incorporated in this permit shall continue to apply from the date of permit issuance. All monitoring periods, unless stated otherwise in the specific permit condition or federal requirement, shall commence at the beginning of the 12 month reporting period as defined at condition A109.B.

B109 General Recordkeeping Requirements

(20.2.70.302.D NMAC)

- A. The permittee shall maintain records to assure and verify compliance with the terms and conditions of this permit and any applicable requirements that become effective during the term of this permit. The minimum information to be included in these records is (20.2.70.302.D.1 NMAC):
 - (1) equipment identification (include make, model and serial number for all tested equipment and emission controls);
 - (2) date(s) and time(s) of sampling or measurements;
 - (3) date(s) analyses were performed;
 - (4) the company or entity that performed the analyses;
 - (5) analytical or test methods used;
 - (6) results of analyses or tests; and
 - (7) operating conditions existing at the time of sampling or measurement.
- B. The permittee shall keep records of all monitoring data, equipment calibration, maintenance, and inspections, Data Acquisition and Handling System (DAHS) if used, reports, and other supporting information required by this permit for at least

five (5) years from the time the data was gathered or the reports written. Each record shall clearly identify the emissions unit and/or monitoring equipment, and the date the data was gathered. (20.2.70.302.D.2 NMAC)

- C. If the permittee has applied and received approval for an alternative operating scenario, then the permittee shall maintain a log at the facility, which documents, contemporaneously with any change from one operating scenario to another, the scenario under which the facility is operating. (20.2.70.302.A.3 NMAC)
- D. The permittee shall keep a record describing off permit changes made at this source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes. (20.2.70.302.I.2 NMAC)
- E. Malfunction emissions and routine and predictable emissions during startup, shutdown, and scheduled maintenance (SSM):
 - (1) The permittee shall keep records of all events subject to the plan to minimize emissions during routine or predictable SSM. (20.2.7.14.A NMAC)
 - (2) If the facility has allowable SSM emission limits in this permit, the permittee shall record all SSM events, including the date, the start time, the end time, and a description of the event. This record also shall include a copy of the manufacturer's, or equivalent, documentation showing that any maintenance qualified as scheduled. Scheduled maintenance is an activity that occurs at an established frequency pursuant to a written protocol published by the manufacturer or other reliable source. The authorization of allowable SSM emissions does not supersede any applicable federal or state standard. The most stringent requirement applies.
 - (3) If the facility has allowable malfunction emission limits in this permit, the permittee shall record all malfunction events to be applied against these limits, including the date, the start time, the end time, and a description of the event. **Malfunction means** any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions. (40 CFR 63.2, 20.2.7.7.E NMAC) The authorization of allowable malfunction emissions does not supersede any applicable federal or state standard. The most stringent requirement applies. This authorization only allows the permittee to avoid submitting reports under 20.2.7 NMAC for total annual emissions that are below the authorized malfunction emission limit.

B110 General Reporting Requirements
(20.2.70.302.E NMAC)

- A. Reports of required monitoring activities for this facility shall be submitted to the Department on the schedule in section A109. Monitoring and recordkeeping requirements that are not required by a NSPS or MACT shall be maintained on-site or (for unmanned sites) at the nearest company office, and summarized in the semi-annual reports, unless alternative reporting requirements are specified in the equipment specific requirements section of this permit.
- B. Reports shall clearly identify the subject equipment showing the emission unit ID number according to this operating permit. In addition, all instances of deviations from permit requirements, including those that occur during emergencies, shall be clearly identified in the reports required by section A109. (20.2.70.302.E.1 NMAC)
- C. The permittee shall submit reports of all deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. These reports shall be submitted as follows:
 - (1) Deviations resulting in excess emissions as defined in 20.2.7.7 NMAC (including those classified as emergencies as defined in section B114.A) shall be reported in accordance with the timelines specified by 20.2.7.110 NMAC and in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC)
 - (2) All other deviations shall be reported in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC).
- D. The permittee shall submit reports of excess emissions in accordance with 20.2.7.110.A NMAC.
- E. Results of emission tests and monitoring for each pollutant (except opacity) shall be reported in pounds per hour (unless otherwise specified) and tons per year. Opacity shall be reported in percent. The number of significant figures corresponding to the full accuracy inherent in the testing instrument or Method test used to obtain the data shall be used to calculate and report test results in accordance with 20.2.1.116.B and C NMAC. Upon request by the Department, CEMS and other tabular data shall be submitted in editable, MS Excel format.
- F. At such time as new units are installed as authorized by the applicable NSR Permit, the permittee shall fulfill the notification requirements in the NSR permit.
- G. Periodic Emissions Test Reporting: The permittee shall report semi-annually a summary of the test results.
- H. The permittee shall submit an emissions inventory for this facility annually. The emissions inventory shall be submitted by the later of April 1 or within 90 days after the Department makes such request. (20.2.73 NMAC and 20.2.70.302.A.1 NMAC)

- I. Emissions trading within a facility (20.2.70.302.H.2 NMAC)
- (1) For each such change, the permittee shall provide written notification to the department and the administrator at least seven (7) days in advance of the proposed changes. Such notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.
 - (2) The permittee and department shall attach each such notice to their copy of the relevant permit.

B111 General Testing Requirements

- A. Compliance Tests
- (1) Compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed. Compliance tests may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions. (20.2.72 NMAC Sections 210.C and 213)
 - (2) Compliance tests shall be conducted within sixty (60) days after the unit(s) achieve the maximum normal production rate. If the maximum normal production rate does not occur within one hundred twenty (120) days of source startup, then the tests must be conducted no later than one hundred eighty (180) days after initial startup of the source.
 - (3) Unless otherwise indicated by Specific Conditions or regulatory requirements, the default time period for each test run shall be **at least** 60 minutes and each performance test shall consist of three separate runs using the applicable test method. For the purpose of determining compliance with an applicable emission limit, the arithmetic mean of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Department approval, be determined using the arithmetic mean of the results of the two other runs.
 - (4) Testing of emissions shall be conducted with the emissions unit operating at 90 to 100 percent of the maximum operating rate allowed by the permit. If it is not possible to test at that rate, the source may test at a lower operating rate, subject to the approval of the Department.
 - (5) Testing performed at less than 90 percent of permitted capacity will limit emission unit operation to 110 percent of the tested capacity until a new test is conducted.

- (6) If conditions change such that unit operation above 110 percent of tested capacity is possible, the source must submit a protocol to the Department within 30 days of such change to conduct a new emissions test.

B. EPA Reference Method Tests

- (1) All compliance tests required by this permit, unless otherwise specified by Specific Conditions of this permit, shall be conducted in accordance with the requirements of 40 CFR 60, Subpart A, General Provisions, and the following EPA Reference Methods as specified by 40 CFR 60, Appendix A:
 - (a) Methods 1 through 4 for stack gas flowrate
 - (b) Method 5 for TSP
 - (c) Method 6C and 19 for SO₂
 - (d) Method 7E for NO_x (test results shall be expressed as nitrogen dioxide (NO₂) using a molecular weight of 46 lb/lb-mol in all calculations (each ppm of NO/NO₂ is equivalent to 1.194 x 10⁻⁷ lb/SCF)
 - (e) Method 9 for opacity
 - (f) Method 10 for CO
 - (g) Method 19 may be used in lieu of Methods 1-4 for stack gas flowrate upon approval of the Department. A justification for this proposal must be provided along with a contemporaneous fuel gas analysis (preferably on the day of the test) and a recent fuel flow meter calibration certificate (within the most recent quarter).
 - (h) Method 7E or 20 for Turbines per 60.335 or 60.4400
 - (i) Method 29 for Metals
 - (j) Method 201A for filterable PM₁₀ and PM_{2.5}
 - (k) Method 202 for condensable PM
 - (l) Method 320 for organic Hazardous Air Pollutants (HAPs)
 - (m) Method 25A for VOC reduction efficiency
- (2) Alternative test method(s) may be used if the Department approves the change.

C. Periodic Monitoring and Portable Analyzer Requirements

- (1) Periodic emissions tests (periodic monitoring) may be conducted in accordance with EPA Reference Methods or by utilizing a portable analyzer. Periodic monitoring utilizing a portable analyzer shall be conducted in accordance with the requirements of ASTM D 6522-00. However, if a facility has met a previously approved Department criterion for portable analyzers, the analyzer may be operated in accordance with that criterion until it is replaced.

- (2) Unless otherwise indicated by Specific Conditions or regulatory requirements, the default time period for each test run shall be **at least 20 minutes**.

Each performance test shall consist of three separate runs. The arithmetic mean of results of the three runs shall be used to determine compliance with the applicable emission limit.
- (3) Testing of emissions shall be conducted in accordance with the requirements at Section B108.F.
- (4) During emissions tests, pollutant, O₂ concentration and fuel flow rate shall be monitored and recorded. This information shall be included with the test report furnished to the Department.
- (5) Pollutant emission rate shall be calculated in accordance with 40 CFR 60, Appendix A, Method 19 utilizing fuel flow rate (scf) and fuel heating value (Btu/scf) obtained during the test.

D. Test Procedures:

- (1) The permittee shall notify the Department's Program Manager, Compliance and Enforcement Section at least thirty (30) days before the test to afford a representative of the Department an opportunity to be present at the test. (40CFR 60.8(d))
- (2) Equipment shall be tested in the "as found" condition. Equipment may not be adjusted or tuned prior to any test for the purpose of lowering emissions, and then returned to previous settings or operating conditions after the test is complete.
- (3) Contents of test notifications, protocols and test reports shall conform to the format specified by the Department's Universal Test Notification, Protocol and Report Form and Instructions. Current forms and instructions are posted to NMED's Air Quality web site under Compliance and Enforcement Testing.
- (4) The permittee shall provide (a) sampling ports adequate for the test methods applicable to the facility, (b) safe sampling platforms, (c) safe access to sampling platforms and (d) utilities for sampling and testing equipment.
- (5) The stack shall be of sufficient height and diameter and the sample ports shall be located so that a representative test of the emissions can be performed in accordance with the requirements of EPA Method 1 or ASTM D 6522-00 as applicable.
- (6) Where necessary to prevent cyclonic flow in the stack, flow straighteners shall be installed
- (7) Unless otherwise indicated by Specific Conditions or regulatory requirements, test reports shall be submitted to the Department no later than 30 days after completion of the test.

B112 Compliance

- A. The Department shall be given the right to enter the facility at all reasonable times to verify the terms and conditions of this permit. Required records shall be organized by date and subject matter and shall at all times be readily available for inspection. The permittee, upon verbal or written request from an authorized representative of the Department who appears at the facility, shall immediately produce for inspection or copying any records required to be maintained at the facility. Upon written request at other times, the permittee shall deliver to the Department paper or electronic copies of any and all required records maintained on site or at an off-site location. Requested records shall be copied and delivered at the permittee's expense within three business days from receipt of request unless the Department allows additional time. Required records may include records required by permit and other information necessary to demonstrate compliance with terms and conditions of this permit. (NMSA 1978, Section 74-2-13)
- B. A copy of the most recent permit(s) issued by the Department shall be kept at the permitted facility or (for unmanned sites) at the nearest company office and shall be made available to Department personnel for inspection upon request. (20.2.70.302.G.3 NMAC)
- C. Emissions limits associated with the energy input of a Unit, i.e. lb/MMBtu, shall apply at all times unless stated otherwise in a Specific Condition of this permit. The averaging time for each emissions limit, including those based on energy input of a Unit (i.e. lb/MMBtu) is one (1) hour unless stated otherwise in a Specific Condition of this permit or in the applicable requirement that establishes the limit. (20.2.70.302.A.1 and G.3 NMAC)
- D. The permittee shall submit compliance certification reports certifying the compliance status of this facility with respect to all permit terms and conditions, including applicable requirements. These reports shall be made on the pre-populated Compliance Certification Report Form that is provided to the permittee by the Department, and shall be submitted to the Department and to EPA at least every 12 months. For the most current form, please contact the Compliance Reports Group at email: reportsgroup.aqb@state.nm.us. For additional reporting guidance see http://www.nmenv.state.nm.us/aqb/enforce_compliance/TitleVReporting.htm. (20.2.70.302.E.3 NMAC)
- E. The permittee shall allow representatives of the Department, upon presentation of credentials and other documents as may be required by law, to do the following (20.2.70.302.G.1 NMAC):
- (1) enter the permittee's premises where a source or emission unit is located, or where records that are required by this permit to be maintained are kept;

- (2) have access to and copy, at reasonable times, any records that are required by this permit to be maintained;
- (3) inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operations regulated or required under this permit; and
- (4) sample or monitor any substances or parameters for the purpose of assuring compliance with this permit or applicable requirements or as otherwise authorized by the Federal Act.

B113 Permit Reopening and Revocation

- A. This permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when A(3) or A(4) occurs. (20.2.70.405.A.1 NMAC)
- (1) Additional applicable requirements under the Federal Act become applicable to a major source three (3) or more years before the expiration date of this permit. If the effective date of the requirement is later than the expiration date of this permit, then the permit is not required to be reopened unless the original permit or any of its terms and conditions has been extended due to the Department's failure to take timely action on a request by the permittee to renew this permit.
 - (2) Additional requirements, including excess emissions requirements, become applicable to this source under Title IV of the Federal Act (the acid rain program). Upon approval by the Administrator, excess emissions offset plans will be incorporated into this permit.
 - (3) The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms and conditions of the permit.
 - (4) The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an applicable requirement.
- B. Proceedings to reopen or revoke this permit shall affect only those parts of this permit for which cause to reopen or revoke exists. Emissions units for which permit conditions have been revoked shall not be operated until new permit conditions have been issued for them. (20.2.70.405.A.2 NMAC)

B114 Emergencies

(20.2.70.304 NMAC)

- A. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under

the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, or careless or improper operation.

- B. An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations contained in this permit if the permittee has demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - (2) This facility was at the time being properly operated;
 - (3) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit; and
 - (4) The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of 20.2.70.302.E.2 NMAC. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- C. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- D. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

B115 Stratospheric Ozone
(20.2.70.302.A.1 NMAC)

- A. If this facility is subject to 40 CFR 82, Subpart F, the permittee shall comply with the following standards for recycling and emissions reductions:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices, except for motor vehicle air conditioners (MVAC) and MVAC-like appliances. (40 CFR 82.156)
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment. (40 CFR 82.158)
 - (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program. (40 CFR 82.161)

B116 Acid Rain Sources

(20.2.70.302.A.9 NMAC)

- A. If this facility is subject to the federal acid rain program under 40 CFR 72, this section applies.
- B. Where an applicable requirement of the Federal Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Federal Act, both provisions are incorporated into this permit and are federally enforceable.
- C. Emissions exceeding any allowances held by the permittee under Title IV of the Federal Act or the regulations promulgated thereunder are prohibited.
- D. No modification of this permit is required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit modification under any other applicable requirement.
- E. The permittee may not use allowances as a defense to noncompliance with any other applicable requirement.
- F. No limit is placed on the number of allowances held by the acid rain source. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Federal Act.
- G. The acid rain permit is an enclosure of this operating permit.

B117 Risk Management Plan

(20.2.70.302.A.1 NMAC)

- A. If this facility is subject to the federal risk management program under 40 CFR 68, this section applies.
- B. The owner or operator shall certify annually that they have developed and implemented a RMP and are in compliance with 40 CFR 68.
- C. If the owner or operator of the facility has not developed and submitted a risk management plan according to 40 CFR 68.150, the owner or operator shall provide a compliance schedule for the development and implementation of the plan. The plan shall describe, in detail, procedures for assessing the accidental release hazard, preventing accidental releases, and developing an emergency response plan to an accidental release. The plan shall be submitted in a method and format to a central point as specified by EPA prior to the date specified in 40 CFR 68.150.b.

PART C MISCELLANEOUS**C100 Supporting On-Line Documents**

- A. Copies of the following documents can be downloaded from NMED's web site under Compliance and Enforcement or requested from the Bureau.
- (1) Excess Emission Form (for reporting deviations and emergencies)
 - (2) Compliance Certification Report Form
 - (3) Universal Stack Test Notification, Protocol and Report Form and Instructions
 - (4) SOP for Use of Portable Analyzers in Performance Tests

C101 Definitions

- A. **“Daylight”** is defined as the time period between sunrise and sunset, as defined by the Astronomical Applications Department of the U.S. Naval Observatory. (Data for one day or a table of sunrise/sunset for an entire year can be obtained at <http://aa.usno.navy.mil/>. Alternatively, these times can be obtained from a Farmers Almanac or from <http://www.almanac.com/rise/>).
- B. **“Exempt Sources”** and **“Exempt Activities”** is defined as those sources or activities that are exempted in accordance with 20.2.72.202 NMAC. Note; exemptions are only valid for most 20.2.72 permitting action.
- C. **“Fugitive emission”** means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. (20.2.70.7M NMAC)
- D. **“Insignificant Activities”** means those activities which have been listed by the department and approved by the administrator as insignificant on the basis of size, emissions or production rate. (20.2.70.7Q NMAC)
- E. **“Natural Gas”** is defined as a naturally occurring fluid mixture of hydrocarbons that contains 20.0 grains or less of total sulfur per 100 standard cubic feet (SCF) and is either composed of at least 70% methane by volume or has a gross calorific value of between 950 and 1100 Btu per standard cubic foot. (40 CFR 60.631)
- F. **“Natural Gas Liquids”** means the hydrocarbons, such as ethane, propane, butane, and pentane, that are extracted from field gas. (40 CFR 60.331)
- G. **“National Ambient Air Quality Standards”** means the primary (health-based) and secondary (welfare-related) federal ambient air quality standards promulgated by the US EPA pursuant to Section 109 of the Federal Act. (20.2.72.7Q NMAC)

- H. **"NO₂"** or **"Nitrogen dioxide"** means the chemical compound containing one atom of nitrogen and two atoms of oxygen, for the purposes of ambient determinations. The term **"nitrogen dioxide,"** for the purposes of stack emissions monitoring, shall include nitrogen dioxide (the chemical compound containing one atom of nitrogen and two atoms of oxygen), nitric oxide (the chemical compound containing one atom of nitrogen and one atom of oxygen), and other oxides of nitrogen which may test as nitrogen dioxide and is sometimes referred to as NO_x or NO₂. (20.2.2.7U NMAC)
- I. **"NO_x"** see NO₂
- J. **"Potential Emission Rate"** means the emission rate of a source at its maximum capacity to emit a regulated air contaminant under its physical and operational design, provided any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is enforceable by the department pursuant to the Air Quality Control Act or the Federal Act. (20.2.72.7Y NMAC)
- K. **"Restricted Area-Non Military"** is an area to which public entry is effectively precluded. Effective barriers include continuous fencing, continuous walls, or other continuous barriers approved by the Department, such as rugged physical terrain with a steep grade that would require special equipment to traverse. If a large property is completely enclosed by fencing, a restricted area within the property may be identified with signage only. Public roads cannot be part of a Restricted Area.
- L. **"Shutdown"**, for requirements under 20.2.72.7BB NMAC, means the cessation of operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing out of batch process units.
- M. **"SSM"**, for requirements under 20.2.7 NMAC, means routine or predictable startup, shutdown, or scheduled maintenance.
- (1) **"Shutdown"**, for requirements under 20.2.7.7H NMAC, means the cessation of operation of any air pollution control equipment or process equipment.
- (2) **"Startup"**, for requirements under 20.2.7.7I NMAC, means the setting into operation of any air pollution control equipment or process equipment.
- N. **"Startup"**, for requirements under 20.2.72.7DD NMAC, means the setting into operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing in of batch process units.

C102 Acronyms

2SLB	2-stroke lean burn
4SLB	4-stroke lean burn
4SRB	4-stroke rich burn
acfm	actual cubic feet per minute
AFR	air fuel ratio
AP-42	EPA Air Pollutant Emission Factors
AQB	Air Quality Bureau
AQCR	Air Quality Control Region
ASTM	American Society for Testing & Materials
BTU	British Thermal Unit
CAA	Clean Air Act of 1970 and 1990 Amendments
CEM	continuous emissions monitoring
cfh	cubic feet per hour
cfm	cubic feet per minute
CFR	Code of Federal Regulation
CI	compression ignition
CO	carbon monoxide
COMS	continuous opacity monitoring system
EIB	Environmental Improvement Board
EPA	United States Environmental Protection Agency
gr/100 cf	grains per one hundred cubic feet
gr/dscf	grains per dry standard cubic foot
GRI	Gas Research Institute
H ₂ S	hydrogen sulfide
HAP	hazardous air pollutant
hp	horsepower
IC	Internal Combustion
KW/hr	kilowatts per hour
lb/hr	pounds per hour
lb/MMBtu	pounds per million British Thermal Unit
MACT	Maximum Achievable Control Technology
MMcf/hr	million cubic feet per hour
MMscf	million standard cubic feet
N/A	not applicable
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emission Standards for Hazardous Air Pollutants
NG	natural gas
NGL	natural gas liquids
NMAAQs	New Mexico Ambient Air Quality Standards
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMSA	New Mexico Statutes Annotated
NO _x	nitrogen oxides

NSCR	non-selective Catalytic Reduction
NSPS	New Source Performance Standard
NSR	New Source Review
PEM	parametric emissions monitoring
PM	particulate matter (equivalent to TSP, total suspended particulate)
PM ₁₀	particulate matter 10 microns and less in diameter
PM _{2.5}	particulate matter 2.5 microns and less in diameter
pph	pounds per hour
ppmv	parts per million by volume
PSD	Prevention of Significant Deterioration
RATA	relative accuracy test assessment
RICE	reciprocating internal combustion engine
rpm	revolutions per minute
scfm	standard cubic feet per minute
SI	spark ignition
SO ₂	sulfur dioxide
SSM	Startup Shutdown Maintenance (see SSM definition)
TAP	Toxic Air Pollutant
TBD	to be determined
THC	total hydrocarbons
TSP	Total Suspended Particulates
tpy	tons per year
ULSD	ultra-low sulfur diesel
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator Coordinate System
UTMH	Universal Transverse Mercator Horizontal
UTMV	Universal Transverse Mercator Vertical
VHAP	volatile hazardous air pollutant
VOC	volatile organic compounds