

**REVISED DRAFT/PROPOSED**  
**Statement of Basis - Narrative**  
**TV Permit**

**Company:** BHP Coal New Mexico - San Juan Coal Company  
**Facility:** San Juan Coal Co - San Juan Mine  
**Permit No:** P260  
**Notice of Intent:** 2537  
**Tempo/IDEA ID No.:** 1409 - PRT20120001  
**Permit Writer:** Cille Pritchard-Hoback

**Fee Tracking (not required for Title V)**

<b>Permit Review</b>	<b>Date to Enforcement:</b> 11-27-2013	<b>Inspector Reviewing:</b> Robert Samaniego
	<b>Date Enf. Review Completed:</b>	<b>Date of Reply:</b> (if necessary)
	<b>Date to Applicant:</b> 11-27-2013	<b>Date of Reply:</b>
	<b>Date of Comments from EPA:</b> TBD	<b>Date to EPA:</b> 11-27-2013
	<b>Date to Supervisor:</b> 11-8-13,	

**1.0 Plant Process Description:**

San Juan Mine’s (SJM) coal mining operation releases methane from underground coal seams and surrounding rock strata and that methane is vented to the atmosphere using ventilation and degasification systems which are required by the Mine Safety and Health Administration (MSHA) in order to maintain safe working conditions in the underground mine.

The monitoring of the methane in the vent shaft exhausts have demonstrated that the Mine emits more than 100 tpy GHG mass basis and more than 100,000 tpy CO<sub>2</sub>e,

Another regulated pollutant that is emitted from the Mine in significant amounts is particulate matter. Primary sources of particulate matter from SJM are raw coal stack-out, truck loading of raw coal, raw coal unloading to hoppers, coal crushers, vehicle travel (haul trucks, maintenance vehicles, and light-duty vehicles), bulldozer operation on raw coal storage and reclamation piles, and wind erosion from those open piles and other disturbed areas.

The aboveground Mine load-out conveyor system which serves the underground mining includes two transfer towers and a raw coal stack-out with a storage pile. Raw coal from the stack-out pile can be transported by haul trucks directly to the coal preparation plant or to one of two raw coal storage piles. Raw coal delivered to the coal prep plant is unloaded into underground hoppers. Raw coal delivered to storage piles is eventually

pushed by bulldozer into the underground hoppers of the Coal Preparation Plant.. Coal pile maintenance is performed by bulldozers. These operations are sources of particulate emissions.

The coal preparation plant sizes the raw coal using crushers and then conveys the processed coal to San Juan Generating Station which is on an adjacent property. Coal preparation facilities are partially or fully enclosed and additional moisture is added by sprays of water and or chemicals at some dust-producing operations. Per the applicant, because the coal preparation facilities are also contained within buildings, the only particulate matter emitted is that which escapes the buildings through passive ventilation.

At the reclamation areas, bulldozers contour piles of existing overburden and covered coal combustion by-products (CCBs). The CCBs (flash and gypsum) are transported by haul trucks from San Juan Generating Station to be used in the Mine's ongoing reclamation of prior surface mining areas. This process is also a source of particulate matter emissions.

The SJM operates 8,760 hours per year over three shifts per day. Particulate matter emissions from the coal preparation plant are based on the maximum coal production capacity of 13,000,000 tons per year. Particulate matter emissions from haul truck traffic are based on transport rates of 8,200,000 tpy of coal; 1,840,000 tpy of fly ash; and 390,000 tpy of gypsum.

## 2.0 **Description of this Modification:**

This is a first-time Title V Operating Permit application for San Juan Coal Company's (SJCC's) San Juan Mine (SJM) that is required by 20.2.70.200.A NMAC. New Mexico's Title V definition of "major source" was amended to include a stationary source that emits or has the potential to emit greenhouse gas (GHG) emissions in amounts of 100,000 tpy or more CO<sub>2</sub>e, and 100 tpy or more GHG mass emissions. That definition became effective for existing stationary sources on July 1, 2011. Monitoring of the methane vented from the exhausts as described above has demonstrated that the Mine emits more than 100 tpy GHG mass basis and more than 100,000 tpy CO<sub>2</sub>e. In their 2011 GHG Summary Report to EPA San Juan Mine reported 573,225.4 tpy CO<sub>2</sub> Equivalent. Therefore, the Mine is considered a "major source" for Title V purposes. Existing stationary sources that did not previously have Title V operating permits, but are "major" for GHG emissions, must submit a Title V permit application to the New Mexico Environment Department (NMED) within 12 months after July 1, 2011 .

## 3.0 **Title V and PSD Source Determination:**

1. The emission sources evaluated include:
  - a. San Juan Mine; and
  - b. San Juan Generating Station – coal-fired power plant adjacent to San Juan Mine.
  
2. Single Source Analysis:

- A. SIC Code: Do the facilities belong to the same industrial grouping (i.e., same two-digit SIC code grouping, or support activity)? **No**
- B. Common Ownership or Control: Are the facilities under common ownership or control? **No**
- C. Contiguous or Adjacent: Are the facilities located on one or more contiguous or adjacent properties? **Yes, the two facilities are on adjacent properties.**

3. As defined in 20.2.70.7.Q NMAC and in 20.2.74.7.L, AG, and AY NMAC. is the San Juan Mine, as described in the application, the entire source for 20.2.70, or 20.2.74 NMAC applicability purposes? **Yes**

4.0 **PSD Applicability:**

According to Section 22 of the permit application, the San Juan Mine is a PSD major source for Greenhouse Gas Emissions.

5.0 **History (In descending chronological order, showing NSR and TV):** \*The asterisk denotes the current active NSR and Title V permits that have not been superseded.

Permit Number	Issue Date	Action Type	Description of Action (Changes)
*P260		Title V	This permitting action is required by amendment to 20.2.70.7(AL) NMAC (effective July 1, 2011) which includes stationary sources that emit or have the potential to emit 100,000 or more tons per year CO <sub>2</sub> e. The permittee also reported in the application for the first time the following NSPS & NESHAP regulated sources: Emergency Generators (Units EG-1 thru EG-6); the gasoline dispensing facility/tank (Unit SJ-7); and the coal preparation plant equipment (Units S-5 thru S-22) and Haul Road Emissions.
*2735	4-19-2001	NOI	Based on the information provided in the application certified by the owner/operator, the Department determined that the potential uncontrolled emission rate from the facility of any regulated air pollutant was less than ten (10) pounds per hour and twenty-five (25) tons per year. Therefore, the facility did not require a minor source NSR permit per 20.2.72 NMAC. The 3 Units reported in the application for this NOI were: Units 1 & 2 (Transfer Conveyors), and Unit 3 (Stacker Conveyor). The total emissions reported for the facility were: TSP – 24.6 lb/hr, and PM <sub>10</sub> – 11.7 lb/hr.

6.0 **Public Response/Concerns:** The Department received an inquiry from WildEarth Guardians (9-16-2013) requesting a copy of our draft permit. We submitted the public notice and a copy of the draft permit on November, 26, 2013.

The Department's public notice will be published on December 5, 2013 in the Farmington Daily Times. and is posted on the AQB website, submitted to affected parties, those requested to be on a list to receive all TV public notices, and to EPA. The draft permit was made available for review on November 26, 2013.

7.0 **Compliance Testing History:** Since this is the first permit for the facility, there would be no compliance test history required by a permit to report.

8.0 **Startup and Shutdown:**

A. If applicable, did the applicant indicate that a startup, shutdown, and emergency operational plan was developed in accordance with 20.2.70.300.D (5)(g) NMAC? **Yes**

B. If applicable, did the applicant indicate that a malfunction, startup, or shutdown operational plan was developed in accordance with 20.2.72.203.A.5 NMAC? **No**

C. Did the applicant indicate that a startup, shutdown, and scheduled maintenance plan was developed and implemented in accordance with 20.2.7.14.A and B NMAC? **Yes**

D. Were emissions from startup, shutdown, and scheduled maintenance operations calculated and included in the emission tables? **Per the applicant, because of the nature of the operations and their associated emissions at San Juan Mine, no additional emissions of any pollutant are expected to occur during periods of routine or predictable startup, shutdown or scheduled maintenance. Therefore, no additional SSM emissions were reported in this permit application.**

9.0 **Compliance and Enforcement Status [Title V only]:** There have been no previous compliance requirements for this facility.

10.0 **Modeling:** Gi Dong Kim is currently reviewing air dispersion modeling submitted for TSP, PM10, and PM2.5 from fugitive coal processing and haul road emissions.

11.0 **State Regulatory Analysis(NMAC/AOCR):**

**This list is not necessarily inclusive of all applicable regulations.**

20 NMAC	Title	Applies (Y/N)	Comments
2.1	GENERAL PROVISIONS	Y	The facility is subject to Title 20 Environmental Protection Chapter 2 Air Quality of the New Mexico Administrative Code so is subject to Part 1 General Provisions, Update to Section 116 of regulation for Significant figures & rounding. Applicable with no permitting requirements.

<b>20 NMAC</b>	<b>Title</b>	<b>Applies (Y/N)</b>	<b>Comments</b>
<b>2.3</b>	Ambient Air Quality Standards	N	20.2.3 NMAC is a SIP approved regulation that limits the maximum allowable concentration of Total Suspended Particulates, Sulfur Compounds, Carbon Monoxide and Nitrogen Dioxide. 20.2.3.9 NMAC, LIMITATION OF APPLICABILITY TO 20.2.70 NMAC. The requirements of this part are not applicable requirements under 20.2.70 NMAC, as defined by that part. This section does not limit the applicability of this part to sources required to obtain a permit under 20.2.72 NMAC, nor does it limit which terms and conditions of permits issued pursuant to 20.2.72 NMAC are applicable requirements for permits issued pursuant to 20.2.70 NMAC.
<b>2.5</b>	Source Surveillance	Y, but no applicable requirements apply at this time	General recordkeeping and reporting apply only if requested by the Department per 20.2.5.108 and 20.2.5.109 NMAC.
<b>2.42</b>	Coal Mining and Preparation Plants – Particulate Matter	Y	The Coal Preparation Plant (Units S5-S22) and the Coal Haul Road (S24) are subject to this state regulation. These units are subject to this regulation regardless of any other permitting requirements. It establishes requirements and standards to minimize particulate matter emissions from becoming airborne by utilizing hoods, shields, or sprays as reasonably necessary.
<b>2.61</b>	Smoke and Visible Emissions	Y	Emergency generators (Unit #'s EG-1 through EG6) are Stationary Combustion Equipment subject to 20.2.61.109 NMAC.
<b>2.70</b>	Operating Permits	Y	Per the applicant, the source is major for Greenhouse Gases as defined at 20.2.70.7(AL) NMAC. PTE is > 100,000 tpy for CO <sub>2</sub> e, and > 100 tpy for GHG mass emissions.  Fugitive emissions from the Coal Preparation Plant (Units S5-S22) are counted toward TV applicability per 20.2.70.7.R(2)(aa) NMAC because the source was subject to an NSPS before August 7, 1980. Based on the emissions reported by the applicant, the Coal Preparation plant PM10 and PM2.5 emissions are less than 100 tpy and therefore were not previously subject to Title V.
<b>2.71</b>	Operating Permit Fees	Y	Source is subject to 20.2.70 NMAC as cited at 20.2.71.109 NMAC.

20 NMAC	Title	Applies (Y/N)	Comments
2.72	Construction Permit	Y	<p>Based on the reported emissions for the Coal Preparation Plant (Units S5-S22) in the current Title V permit application, Units S5-S22 were required to obtain an NSR minor source permit before construction in 1979.</p> <p>Fugitive dust from coal mining operations are exempt from minor source NSR permitting per 20.2.72.200.B NMAC. However, state regulation 20.2.42 NMAC applies to coal haul roads and to the coal preparation plant.</p> <p>The Title V permit includes a compliance plan to submit a 20.2.72 NMAC permit application to permit all regulated sources that are not exempt from minor source construction permitting per 20.2.72.200.B NMAC or by 20.2.72.202 NMAC.</p>
2.73	NOI & Emissions Inventory Requirements	Y	Applicable to all sources that require a title V and/or minor source NSR permit.

20 NMAC	Title	Applies (Y/N)	Comments
2.74	Permits-Prevention of Significant Deterioration	Y	<p>The facility is an existing PSD major source. Per the applicant, PTE &gt; 100,000 tpy CO<sub>2e</sub></p> <p>Any future modifications to the facility are subject to PSD applicability determination per 20.2.74.200 NMAC.</p> <p>The minor source construction permit exemptions at 20.2.72.202 NMAC do not apply to 20.2.74 NMAC PSD. If a new standby generator is added, either alone or in conjunction with another project, the PSD applicability determination must be completed before the generator can be considered exempt from the minor source permit regulation per 20.2.72.202.B NMAC.</p> <p>Fugitive emissions from the Coal Preparation Plant (Units S5-S22) are counted toward PSD applicability per 20.2.74.7.AG(5) NMAC because the source was subject to an NSPS as of August 7, 1980. Also, any emissions from any generator engines located at the Coal Preparation Plant or at the Coal Mine, that are not yet determined to be exempt units per 20.2.72.202.B and reported as such per 20.2.72.219.A(2) NMAC are counted toward PSD applicability.</p> <p>Based on the emissions reported by the applicant, the existing Coal Preparation plant PM<sub>10</sub> and PM<sub>2.5</sub> emissions are less than 250 tpy and the existing uncontrolled emissions from the all generator engines, including emergency standby generators, Gob Vent engines, and Exhauster engines are less than 250 tpy.</p>
2.75	Construction Permit Fees	N	In accordance with 20.2.75.11.E an annual NSR enforcement and compliance fee shall not apply to sources subject to 20.2.71 NMAC.
2.77	New Source Performance Standards	Y	Applies to Unit EG-1 as a stationary source which is subject to the requirements of 40 CFR 60, Subpart III, as amended through September 23, 2013.
2.78	Emissions Standards for HAPs	N	This regulation applies to 40 CFR 61 as amended through December 31, 2010. Per the applicant, no 40 CFR 61 regulations apply.
2.79	Permits – Nonattainment Areas	N	This facility is not located in nor does it affect an adjacent non-attainment area. <a href="#">Non-attainment Link</a>
2.80	Stack Heights	N	SJM does not rely on any stack with a height that exceeds good engineering practice, nor does it rely on any prohibited dispersion technique.

20 NMAC	Title	Applies (Y/N)	Comments
2.82	MACT Standards for Source Categories of HAPs	Y	The Emergency Generators (Units EG-1 thru EG-6) and the Gasoline Dispensing Facility (GDF - Unit SJ-7) are subject to the requirements of 40 CFR 63, as amended through August 29, 2013.

12.0 **Federal Regulatory Analysis:**

Air Programs Subchapter C (40 CFR 50)	National Primary and Secondary Ambient Air Quality Standards	Applies (Y/N)	Comments
C	Federal Ambient Air Quality Standards	Y	Applies to all sources of emissions for which there is a Federal Ambient Air Quality Standard.

NSPS Subpart (40 CFR 60)	Title	Applies (Y/N)	Comments
A	General Provisions	Y	Applies if any other NSPS subpart applies.
40 CFR Part 60 Subpart Y	NSPS – Coal Preparation Plants	Y	Applies to the coal preparation plant (Units S5 – S22). This facility was constructed after 10-24-1974 but before 4-28-2008 (60.254(a)), and processes more than 181 megagrams (Mg) (200 tons) of coal per day. Therefore, the 20% Opacity standard applies.
40 CFR Part 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	Y	Unit EG-1 was constructed after 6-12-06. Per the applicant, the unit is subject to emission standards and other provisions of this subpart as specified in: §60.4200(a)(2)(i); §60.4200(c); §60.4202(a)(2); §60.4205(b); §60.4207(b); §60.4209(a); §60.4211(a),(c)(f)(1), (2)(i)&(3)&(g)(1); §60.4214 §60.4219
40 CFR Part 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	N	GOB Vent Engines (#1-8) run on diesel fuel, so could be subject to NSPS IIII. However, these engines are exempt from NSPS IIII at 40 CFR 60.4200(e). Per the applicant, these engines meet all requirements of 40 CFR 60.4200(e) which are temporary replacement units that are located at a stationary source for

NSPS Subpart (40 CFR 60)	Title	Applies (Y/N)	Comments
			less than 1 year and have been properly certified as meeting the standards that would be applicable to the engines under the appropriate nonroad engine provisions.
40 CFR 60 Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	N	Exhauster Engines (EU1 and EU2) run on natural gas or on methane so could be subject to NSPS JJJJ. However, they are exempt from NSPS JJJJ at 40 CFR 60.4230(f). Per the applicant, these engines meet all requirements of 40 CFR 60.4230(f) which are temporary replacement units that are located at a stationary source for less than 1 year and have been properly certified as meeting the standards that would be applicable to the engines under the appropriate nonroad engine provisions.

MACT Subpart (40 CFR 63)	Title	Applies (Y/N)	Comments
A	General Provisions	Y	Applies if any other subpart applies.
40 CFR 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)	Y	<p>For any unit to be considered an emergency generator as defined in NESHAP ZZZZ, the unit must meet all requirements at 40 CFR 63.6640(f).</p> <p><b>Units EG-1 thru EG-6 are subject to emission standards and other requirements as specified below per applicant:</b></p> <p><b>EG-1:</b> Per 40 CFR 63.6590(c), this unit meets the requirements of NESHAP ZZZZ by meeting NSPS IIII. No other requirements apply.</p> <p><b>EG-2 to EG-6</b> are subject to emissions standards and other applicable requirements as follows:  63.6590(a)(1)(iii)  63.6595(a)(1)  63.6603(a); Table 2d, 4(a)-(c)  63.6605(a) and (b)  63.6625(e)(3), (f),(h), and(i)  63.6640(a); Table 6, 9(a)</p>

MACT Subpart (40 CFR 63)	Title	Applies (Y/N)	Comments
			63.6640(e); Table 8 63.6650(f)(1), (2)(i) and (4) 63.6645(a)(5) 63.6655(e)(2) and (3) 63.6655(f)(2) 63.6660 63.6675
40 CFR 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)	N	Per the applicant, GOB Vent Engines and Exhauster Engines (#1-8 & EU 1-2) are not subject to NESHAP ZZZZ per 40 CFR 63.6585(a). The applicant certifies that these units meet the definition of a nonroad engine per 40 CFR 1068.30 Per the applicant, these engines are subject to emission standards in 40 CFR 89.
40 CFR 63 Subpart CCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities	Y	The Gas Dispensing Tank (GDF - Unit SJ-7) is subject to this regulation. Since its monthly throughput is less than 10,000 gallons/month it is subject to meeting workplace standards and the general duties of: minimizing emissions (63.11115), preventing vapor releases for extended periods (63.11116), and certain recordkeeping requirements (63.11125).

13.0 **Title V Insignificant Equipment:** The following Table lists units that are not subject to title V permitting, 20.2.70 NMAC, according to the Department’s approved Insignificant Activities List Weblink to: [List of Insignificant Activities](#). Any source subject to an applicable requirement in 40 CFR 60, 40 CFR 61, 40 CFR 63, of other Title V applicable requirement are not insignificant regardless if the unit meets a definition on the list. The department considers emissions standards, monitoring, recordkeeping, and/or reporting applicable requirements. If the only applicable requirement is initial notification, and no other requirements apply, then the source may be insignificant for title V if the source meets a definition on the insignificant activities list.

Title V insignificant activities do not apply to the minor source construction permit regulation 20.2.72 NMAC or to PSD, 20.2.74 NMAC. To determine if a source is exempt from either of those rules, see 20.2.72.202 NMAC and 20.2.74.201 NMAC.

**Title V - INSIGNIFICANT ACTIVITIES** (Dated March 24, 2005) as defined by 20.2.70.7.P NMAC:

INSIGNIFICANT ACTIVITIES	JUSTIFICATION
(GVB-1 thru GVB-8) Gob Vent engines mounted on mobile trailers	IA List # 6

INSIGNIFICANT ACTIVITIES	JUSTIFICATION
(EU 1–2) Exhauster engines mounted on mobile trailers	IA List #6
(SJ-1) Used Oil Tank (6000 gal)	IA List #5
(SJ-2) SAE 30 Tank (3800 gal)	IA List #5
(SJ-3) SAE 10 Tank (3800 gal)	IA List #5
(SJ-4) SAE 60 Tank (2000 gal)	IA List #5
(SJ-5) Power Train Oil Tank (3800 gal)	IA List #5
(SJ-6) SAE 15-W-40 Tank (3800 gal)	IA List #5
(SJ-8) Diesel Tank (600 gal)	IA List #5
(SJ-9) Diesel Tank (21,000 gal)	IA List #5
(SJ-10) Diesel Tank (21,000 gal)	IA List #5
(SJ-11) Diesel Tank (21,000 gal)	IA List #5
(SJ-12) Diesel Tank (21,000 gal)	IA List #5
(SJ-13) Used Oil Tank 2000 gal)	IA List #5
(SJ-14) R&O 150 Oil Tank (2000 gal)	IA List #5
(SJ-15) 320 Gear Oil Tank (2000 gal)	IA List #5
(SJ-16) Power-trans Fluid Tank (2000 gal)	IA List #5
(SJ-17) SAE 15W-40 Engine Oil Tank (2000 gal)	IA List #5
(SJ-18) Hydraulic Oil Tank (2000 gal)	IA List #5
(SJ-19) Diesel Tank (7000 gal)	IA List #5
(SJ-20) Power Gear 460-T Grease Tank (400 gal)	IA List #5
(SJ-21) Power Gear EP-5 Grease Tank (400 gal)	IA List #5
(SJ-22) Diesel Tank (600 gal)	IA List #5
(SJ-23) Diesel Tank (600 gal)	IA List #5
(SJ-24) Diesel Tank (600 gal)	IA List #5
Fuel burning equipment which uses gaseous fuel, has a design rate less than or equal to 5 MMBtu/hr, and is used solely for heating buildings for personal comfort or for producing hot water for personal use.	IA List #3

14.0 New/Modified/Unique Conditions (Format: Condition#: Explanation):

**Condition for Greenhouse Gas (GHG) Emissions:** Other than obtaining a Title V permit, there are no other requirements that would require a limit of the amount of GHG emissions from the facility since there are no New Source Performance Standards (NSPS), no ambient air quality impact analysis for GHGs, nor any synthetic minor limits in the permit to avoid being a Title V or PSD major source for GHGs. Obtaining the title V permit that includes all applicable requirements as defined in 20.2.70.7.E NMAC (e.g. NSPS and NESHAP) is all that is required. If the owner/operator plans to modify the facility in the future, they would need to determine PSD applicability per 20.2.74.200 NMAC due to their being major for greenhouse gas emissions.

**All conditions are new.**

**Table 105.A Pollutant Controls:** These are the control methods that the applicant used in TSP, PM10, and PM2.5 emissions calculations. Regardless of this list of controls, the permittee must still control fugitive emissions from the source to such an extent to achieve the 20% opacity requirements in NSPS Y and fugitive control requirements in 20.2.45 NMAC.

**A106.A-F:** These are the emission standards applicable to the coal preparation plant and the generators located at the facility. Typically, no pph or tpy numerical emission limits are established for fugitive emissions such as those from the coal mine and coal preparation plant unless a numerical limit is needed to avoid PSD permitting. The operating and control requirements in this permit are used to ensure that the reported pph and tpy emissions used in dispersion modeling are met.

**Table 106.A: PM<sub>10</sub> Allowable Emission Limits:** The AQB determined that allowable emission limits for PM10 are required to be included in the permit per 20.2.70.302.A (7) and (8) NMAC. PM10 emissions are subject to NAAQS and are over 100 tpy.

**A111.A 20.2.61 NMAC Opacity requirements for generator engines:** Units EG-1 through EG-6 are subject to 20% opacity at 20.2.61.109 NMAC.

**A112 Alternative Operating Scenario:** The permittee requested an alternative operating scenario for generators EG5 and EG6. However, the Department could find no regulatory requirement in 20.2.70 NMAC to require an alternative operating scenario. Limiting the generator engines to 500 hours per year (Condition A604.C), is sufficient to limit the emissions from those units to below Title V major source thresholds and to the tpy emission rates represented by the applicant.

**A113.A Compliance Plan:** The owner/operator of San Juan Mine Coal Preparation Plant and any other regulated sources at the Coal mine or Coal Preparation plant that are not exempt per 20.2.72.200.B or 20.2.72.202 NMAC, were subject to minor source construction permitting at 20.2.72 NMAC before the facility was constructed in 1979. According to the TV application, emissions from the Coal Preparation plant are greater than 10 pph and 25 tpy for TSP, PM10, and PM2.5, but are less than the Title V and PSD applicability thresholds. This condition will bring the facility into compliance with 20.2.72 NMAC.

**A601.B 20.2.42 NMAC** Applies to the Coal Preparation Plant (S5-S22) and to the Coal haul road (S24) regardless if the facility requires a permit. Since this regulation is not SIP approved, it is state enforceable only (not federally enforceable). However, the regulation is still a Title V applicable requirement per 20.2.70.7.E(13) NMAC.

**A602.A and B** Fugitive particulate matter controls and Limits of Production Rates for coal processing. These are the controls and production rates that the applicant used to calculate TSP, PM10, and PM2.5 emission rates used in air dispersion modeling. Conditions are required to demonstrate compliance with NAAQS per 20.2.70.201.D(3) NMAC. The conditions require monitoring and records of the control effectiveness, control inspections, and of the coal production rates as required per 20.2.70.302.C(1) and D(1) NMAC.

**A603.A and B Haul Road Requirements** – See comment for A602.A and A602.B.

**A604.A and A604.B** – NSPS IIII and NESHAP ZZZZ Requirements for generator engines EG-1 through EG-6. These are the applicable Section 111 and 112 requirements from the Clean Air Act per 20.2.70.7.E(3) and E(4) NMAC. Note: maintenance, work practices, or other operating requirements that limit or control emissions are considered emission standards in 40 CFR 60 and 40 CFR 63. An NSPS or NESHAP emission standard does not require a numerical emission limit.

**A604.C – Hours of Operation** for generators EG-1 to EG-6. Neither NSPS IIII nor NESHAP ZZZZ require that the engines be limited to 500 operating hours per year, even for “emergency stationary RICE” in NESHAP ZZZZ. The units must meet all of the requirements in 40 CFR 63.6640(f) to be considered an emergency stationary rice in NESHAP ZZZZ. The 500 operating hours per year limit reflects the method used to calculate the ton per year emission rates in the permit application (20.2.70.302.A(7) NMAC). It also prevents the facility from being a title V major for NOx for due to unit EG-6 per, 20.2.70.302.A(7) NMAC, otherwise the engines would require a NOx emission limit in the permit.

**15.0 Permit specialist’s notes to other NSR or Title V permitting staff concerning changes and updates to permit conditions.** (See Section 14)