CONSTRUCTION PERMIT NO: GCP-2-Rev.3

Registration No. *(For NMED use only)*

GENERAL PERMIT CATEGORY: Quarrying, Crushing, and Screening Facilities

ISSUED BY: New Mexico Environment Department

JIM NORTON, Director
Environmental Protection Division

9/12/06
Date of Issuance

Air Quality Permit No. GCP-2 – Rev.3 for Quarrying, Crushing, and Screening Facilities ("Permit") is issued by the Air Quality Bureau (AQB) of the New Mexico Environment Department (Department) under Title 20 Chapter 2 Part 72 of the New Mexico Administrative Code [20.2.72 NMAC] – *Construction Permits*, Section 220 – *General Permits*. The Department issues general permits in order to register groups of sources that have similar operations, processes, and emissions and that are subject to the same or substantially similar requirements [20.2.72.220.A(1) NMAC]. General permits provide an additional permitting option for specific types of sources that can meet the predetermined permit requirements [20.2.72.220.C(1) NMAC].

This Permit authorizes an owner or operator to construct, modify, and operate an Aggregate Processing Facility (Facility) in New Mexico (excluding Bernalillo County and Indian lands) under the conditions set forth herein as long as all conditions of this Permit are continuously met.

An owner or operator that registers for and receives approval to construct under this Permit, will have satisfied the State of New Mexico's requirement for obtaining an air quality permit prior to constructing, modifying, or operating a source of air pollutants. However, other federal, state, or local agencies may have additional requirements such as zoning restrictions.

The GCP–2 Rev. 3 revisions require action by Facilities currently registered under this permit; therefore, a transition schedule, for those Facilities that have an earlier version of GCP-2, is available on the New Mexico Environment Department's web site at http://www.nmenv.state.nm.us/aqb

All terms written with initial capital letters are defined in Section VII – *Acronyms and Definitions,* of this Permit. Regulatory authority, if applicable, is cited in brackets. Please refer to the guidance document for this Permit for details, descriptions, and registration instructions. Questions regarding eligibility for this Permit can be directed to the Air Quality Bureau of the Environment Department at (505) 827-1494, or visit the New Mexico Environment Department's Web Site at http://www.nmenv.state.nm.us/AQB.

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SECTION I. APPLICABILITY

I.A. Facilities Allowed to Register Under This General Construction Permit

The owner or operator may apply for registration under this Permit if:

1. The Facility's SIC code is in the Major Group 14 and it's primary purpose is to produce, process, crush, screen, and/or stockpile:
   a. Crushed and broken stone including but not limited to:
      1) limestone,
      2) basalt or "traprock,"
      3) sandstone,
      4) marble,
      5) travertine,
      6) pumice,
      7) granite,
      8) quartzite,
      9) gypsum,
      10) scoria or "volcanic cinders."
   b. Sand and gravel; or
   c. Recycled concrete or asphalt.
2. The Facility can comply with all of the requirements of this permit;
3. The Facility includes any combination of the following Emissions Units and no others within the Property Boundary:
   a. Permanent or temporary crushers, or screening operations that will have an actual production rate less than or equal to 600 TPH;
   b. Internal combustion engines;
   c. Screens;
   d. Conveyers;
   e. Shakers;
   f. Bucket elevators;
   g. Feed bins;
   h. Truck loading stations;
   i. Sources exempt under 20.2.72.202 NMAC;
   j. Mobile equipment required for the Facility;
   k. Associated emission control systems (air pollution control devices);
   l. Any combination of stockpiles or haul roads; or
   m. Other equipment typically found at Aggregate Processing Facilities.

I.B. EXCLUDED SOURCES

The following Facilities cannot register for this Permit:

1. A Facility not meeting the siting requirements in Subsection III.C – *Siting Restrictions;*
2. A Facility listed by any New Source Pollution Standards (NSPS) other than 40 CFR § 60 subpart OOO;
3. A Facility subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP) or Maximum Achievable Control Technology (MACT);
4. A Facility that operates in conjunction with another Facility on the same property, except as allowed in Section III.E. - *Co-locations*;
5. A Facility that will be operated at night;
6. A Facility that mines and/or processes materials that include any listed HAP (Hazardous Air Pollutant);
7. A Facility subject to 20.2.72 NMAC, Sections 400 through 499 – *Permitting for Toxic Air Pollutants;*
8. A Facility that mines and/or processes radioactive materials;
9. A Facility that processes slag, asbestos tailings or asbestos-containing waste materials;
10. A Facility that mines and/or processes nonmetallic minerals used as fuels (such as coal);
11. A Facility that manufactures cement;
12. A Facility that mines and/or processes potash or humates;
13. A Facility equipped with fuel fired dryers; and
14. A Facility that cannot meet haul road requirements listed in Table III.F.1 – *Fugitive Emissions Control Requirements for Haul Roads.*

I.C. PERMITTING ALTERNATIVES

1. The owner or operator of a Facility subject to 20.2.72 NMAC who does not choose to register or whose Facility fails to qualify under this Permit shall apply for a Construction Permit pursuant to 20.2.72 NMAC – *Construction Permits* and must receive such permit prior to construction.

I.D. FACILITIES WITH BOTH CONSTRUCTION PERMIT (PART 72) AND GENERAL CONSTRUCTION PERMIT

1. A Facility that has a construction permit under 20.2.72 NMAC may also register for a GCP-2. Subparagraphs II.C.2.b and IV.C.1.i contain specific requirements for Facilities that have both a GCP- 2 and a Construction Permit.

SECTION II. REGISTRATION PROCESS

II.A. GENERAL

1. The applicant shall complete the current GCP-2 registration form provided by the Department, submit it to the Department, and provide a copy to the nearest Department Field Office [20.2.72.220.A(2)(b) NMAC]. Field office locations are found on the Department's website at http://www.nmenv.state.nm.us/NMED/field_op.html. Within thirty (30) days of

receiving an application to register under this Permit, the Department shall review the application and shall grant or deny the registration. The owner or operator of a Facility approved for registration will receive a package containing a copy of the registration form, a copy of this GCP, and the approval letter.

2. Construction, operation or relocation of a Facility shall not begin until the owner or operator has received written authorization from the Department. The Department shall notify the owner or operator of approval or denial by certified mail. [20.2.72.200.E NMAC and 20.2.72.220.C(6)(a) NMAC]

II.B. Public Notification

1. The applicant shall provide public notice, including newspaper advertisement and posting at the Facility site, 15 days prior to submitting the registration form to the Department, in accordance with 20.2.72.220.C(2) NMAC (See GCP-2 – *Instructions and Guidance* for a public notice template).

II.C. Registration Form

GCP–2 permit application forms, available from District offices and the Department's website at http://www.nmenv.state.nm.us/aqb, shall be completed with the following information and attachments, and submitted to the address on the registration form.

1. General Information
   a. The Facility's site name and the contact person's name, address, phone number, e-mail address, and fax number;
   b. The name of the company and the person(s) that own(s) and operate(s) the Facility;
   c. The date the application was notarized; and
   d. The primary four (4) digit Standard Industrial Classification (SIC) code.
2. Initial Facility Status
   a. Whether the Facility is currently constructed and is operating in New Mexico;
   b. Whether the Facility currently has a Construction Permit(s); if so, the current permit number(s) and whether the existing permit(s) will remain active or not;
   c. Whether the application was submitted in response to a Notice of Violation (NOV); if so, the NOV file number;
   d. Whether or not the Facility is an excluded source as described in Subsection I.B – *Excluded Sources* of this Permit; and
   e. The type of material processed by the Facility.
3. Initial Facility Location
   a. The Section, Range, Township, County, and elevation;
   b. The Universal Transverse Mercator (UTM) (specify NAD-27 or NAD-83) Easting and Northing coordinates, zone, and the latitude and longitude coordinates at the Facility's center of the Area of Operations;
   c. The name and zip code of the nearest New Mexico town or tribal community;
   d. The direction and distance from the Facility, to the nearest town or tribal community;

e. The direction and distance from the perimeter of the Area of Operations to the nearest occupied structure;

f. Detailed written driving instructions to the Facility from the nearest town or tribal community;

g. The status of the land (e.g., Private, State, Federal, Tribal); and

h. The name, location, distance and direction from the Facility to any Class I Areas within three (3) miles of the perimeter of the Area of Operations.

4. Initial Operating Schedule

a. The anticipated month and year that construction will start at this site; and

b. The anticipated month and year that operation will start at this site.

5. Initial Facility Information

a. The Facility's maximum proposed production rate, TPD and TPY;

b. The area (in acres) to which public access is restricted;

c. The area (in acres) of disturbed earth;

d. The area (in acres) covered by storage piles and operations;

e. The haul road length(s) and dust control measures;

f. The equipment list, excluding engine driven vehicles, with manufacturer and model number (if the manufacturer and model number is not available, please indicate), equipment size or capacity, and the function or purpose of each piece of equipment;

g. The manufacturer's maximum design capacity for each piece of equipment; and

h. The manufacturer's recommended flow rates and pressure drop(s) across the wet scrubber. If the manufacturer's recommendations are unavailable, or no longer relevant include a statement that the Facility will use the results of a successful compliance test to establish normal operating range.

6. Other Required Information and Attachments

a. A process flow sheet and/or block diagram indicating the individual equipment, emission points, unit number and types of controls applied to those points;

b. A plot plan drawn to scale showing emission points denoted by unit number, Area of Operations, structures, tanks, fences, the Restricted Area, and the Property Boundary of the property owned, leased or under direct control of the owner or operator;

c. An appropriate legible map, such as a 7.5 minute United States Geological Survey (USGS) Topographic Quadrangle map, showing the proposed location of the Facility;

d. Documentation showing that the applicant has given the public notice in accordance with Subsection II.B - *Public Notification*;

e. A description of the methods by which public access in the Restricted Area is limited;

f. A preliminary operational plan defining the measures to be taken to mitigate source emissions during:

(1) Facility malfunctions, startup, shutdown, or scheduled maintenance as defined in 20.2.7 NMAC, and

(2) Weather conditions that would cause an exceedence of the visible emission requirement in Subsection III.A. – *General Terms and Conditions*, paragraph 6.

Reasonable measures to be employed include, but are not limited to, application of additional water to storage piles and haul roads.

g. The contact name, address, and date that a copy of the application was sent or delivered to the field office;

h. A certification by the Facility's owner or operator, before a notary public, that all of the information included in the registration form is true and complete to the best of the signing individual's knowledge [20.2.72.203.A(12) NMAC]; and

i. A check or money order for the fees required by 20.2.75 NMAC [payable to: NM Environment Department, AQB.]

II.D. Fees

1. Permit and annual fees shall be determined pursuant to 20.2.75 NMAC – *Construction Permit Fees.*
2. A Facility that meets the definition of a Small Business [20.2.75.7.F NMAC] shall pay discounted fees [20.2.75.11.C NMAC]. A Facility that produces less than or equal to 760,000 TPY shall be considered to emit less than 50 TPY of any regulated air contaminant and 75 TPY of all regulated air contaminants.
3. In the first year after the Department approves registration under this permit, of the Facility's emissions shall be based on the proposed maximum production rate on the registration (subparagraph II.C.5.a). Each year thereafter, the Facility's emissions shall be determined by the annual production during the previous year. If the Facility's Small Business status changes, the next annual fee will change to reflect the new status. Regardless of Small Business status, the Facility may continue to operate under this GCP permit.

II.E. Modeling

1. The Department has completed general air dispersion modeling for affected Facilities and has used the results to develop the requirements in this Permit. Therefore, air dispersion modeling is not required from the Applicant.

II.F. Reasons the Department May Deny a Registration.

The Department may deny registration under this Permit if:

1. The registration form is not complete;
2. The Facility is not a source qualified to register for this general permit;
3. The Facility cannot continuously meet the terms and conditions of the Permit as determined by the review of the registration form [20.2.72.220 NMAC]; or
4. Any criteria listed in 20.2.72.208 NMAC are applicable.

SECTION III. FACILITY OPERATING REQUIREMENTS

III.A. GENERAL TERMS AND CONDITIONS

1. The owner or operator shall operate the Facility using only the equipment described in the registration form or other equipment that has been reported to the department in accordance with Subsection IV.C – *Department Notification*, paragraphs 1.c and 1.d.
2. The owner or operator shall install, operate, and maintain the equipment in accordance with manufacturer's specifications and recommendations unless otherwise specified by a condition of this GCP.
3. The Facility shall use only gasoline, pipeline quality natural gas, liquefied petroleum gas (LPG)/propane, and/or #2 diesel fuel with a sulfur content equal to or less than 0.05 % by weight to fuel engines and heaters.
4. Facility production shall not exceed 600 tons per hour of aggregate.
5. A copy of the registration forms, this GCP, and the Department's approval letter shall be maintained onsite and shall be made available to any representative of the Department upon request.
6. No visible emissions from the permitted Facility shall be observed crossing the perimeter of the Restricted Area for more than a total of five (5) minutes in any two (2) consecutive hours during Facility operation. Compliance with this condition shall be determined by fugitive emission test conducted in accordance with 40 CFR § 60.11 and Reference Method 22 in 40 CFR § 60, Appendix A. During atmospheric conditions under which emissions cannot be controlled to meet the "no visible emission" requirement, the Facility shall either:
   a. cease operations, or
   b. execute the applicable measures set out in Subsection II.C. – *Registration Form*, paragraph 6.f, and perform the notification required in Subsection IV.C. – *Department Notification*, paragraph 2.
7. The Facility shall operate during daylight hours only. Daylight hours are defined as those hours between astronomical sunrise and sunset. No Facility shall operate for more than 4,380 hours per year.

III.B. APPLICABLE REGULATIONS

1. The owner or operator registered under this Permit shall comply with any applicable portion of Title 20 of the New Mexico Administrative Code, Chapter 2, Air Quality, [20.2 NMAC].
2. A Facility registered and operating under this Permit is considered to be in compliance with the following state regulations as those regulations existed on the date of issuance of this Permit:
   a. 20.2.3 NMAC – *Ambient Air Quality Standards*
   b. 20.2.7 NMAC – *Excess Emissions During Malfunctions, Startup, Shutdown, or Scheduled Maintenance*
   c. 20.2.61 NMAC – *Smoke and Visible Air Emissions*
   d. 20.2.72 NMAC – *Construction Permits*
   e. 20.2.73 NMAC – *Notice of Intent and Emission Inventory Requirements*

f. 20.2.75 NMAC – *Construction Permit Fees*

g. 20.2.77 NMAC – *New Source Performance Standards*

3. A Facility registered and operating under this Permit is considered to be in compliance with the Federal Clean Air Act (CAA) [42 U.S.C. s/s 7401 et seq. (1970)] and the following 40 CFR § 60 New Source Performance Standards (NSPS) Subparts:

   a. A – *General Provisions*

   b. OOO - *Standards of Performance for Nonmetallic Mineral Processing Plants*

4. The owner or operator shall be responsible for compliance with the current versions of any applicable state and federal regulations.

III.C. Siting Restrictions

1. The Facility shall meet the following siting restrictions:

Table III.C.1 Siting Restrictions

	Distances 'a' and 'b' in this table shall be verified when the permitted Facility commences operation. Distance 'c' is continuously applicable during the permit period.	**Distance**
a.	Minimum distance from the perimeter of the Area of Operations to any existing state park, recreation area, schoolyard, private residence, office building, or other occupied structure.	(402.3 meters) ¼ mile
b.	Minimum distance from the perimeter of the Area of Operations to any Class I Area	(4.828 meters) 3 miles
c.	Minimum distance between any emission source of the permitted Facility and the perimeter of the Restricted Area, except where the haul road crosses the Restricted Area perimeter.	10 meters (11 yards)

III.D. Relocation

1. The owner or operator shall notify the Department of any relocation in accordance with requirements in Subsection IV.C. – *Department Notification*, subparagraphs 1.h and 1.i.

2. When operations cease at the site of a permitted Facility, prior to leaving the site, owners or operators should employ reasonable measures to reduce or avoid wind-blown particulate matter.

III.E. Co-Locations

1. A Facility registered under this permit may co-locate with a Hot Mix Asphalt (HMA) and/or Concrete Batch Plant within the Property Boundary if:
   a. Such other source is permitted under 20.2.72 NMAC – *Construction Permits* or under a GCP;
   b. Each facility meets all requirements of its own permit; and
   c. No visible emissions from any co-located facility shall cross the perimeter of the Restricted Area per the requirement in paragraph III.A.6.
2. The daily production for each co-located facility shall not exceed the limits prescribed in Table III.E.1:

Table III.E.1 Production Limitations

Facility/Source Type	Production
Aggregate Processing Facility	7800 TPD
Hot Mix Asphalt Plant	7800 TPD
Concrete Batch Plant	2400 YPD

III.F. Emissions Restrictions and Conditions

1. Fugitive particulate emissions from each affected transfer point, belt conveyor, or screen shall not exhibit greater than 10% opacity. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR § 60.675 and Reference Method 9 in 40 CFR § 60 Appendix A.
2. Fugitive particulate emissions from each crusher shall not exhibit greater than fifteen (15)% opacity. Where visible emissions exist, water shall be applied as a control measure, or other control measures at least as effective as water as determined by the Department. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR § 60.675 and Reference Method 9 in 40 CFR § 60 Appendix A.
3. As required by 40.CFR § 60, Subpart OOO, particulate emissions from any stack shall not contain a concentration of particulate matter in excess of 0.05 g/dscm (grams/dry standard cubic meter) (0.022) gr/dscf) and shall not exhibit greater than seven (7)% opacity. The 7% opacity requirement does not apply to emissions that are controlled by a wet scrubbing control device; however, additional recordkeeping and reporting is required. (see paragraph IV.B.3.k) Compliance with this condition shall be determined by particulate concentration and opacity test observations conducted in accordance with the procedures in 40 CFR § 60.675 and Reference Methods 5 for stack particulates and Method 9 for opacity in 40 CFR § 60, Appendix A.
4. No visible emissions from the Facility shall cross the Property Boundary per paragraph III.A.6.
5. The owner or operator shall control fugitive emissions to the atmosphere from haul roads between the perimeter of the Area of Operation and Property Boundary by the methods listed in Table III.F.1 - *Fugitive Emissions Control Requirements for Haul Roads.* Other methods

of haul road dust control may be used provided that they result in no visible emissions as determined by Reference Method 22 in 40 CFR § 60 Appendix A.

Table III. F.1 Fugitive Emissions Control Requirements for Haul Roads

Number of Haul Truck Trips per day (round trip)	Haul Road Length in Miles						
	<1/4 miles	1/4 – 1/2 miles	1/2 – 1 miles	1 – 2 miles	2 – 3 miles	3 – 4 miles	> 4 miles
1-90	W	W	W + BC	S	P + SW	P + SW	[Not allowed under this permit]
>90-140	W	W + BC	S	P + SW	P + SW	[Not allowed under this permit]	
>140-190	W	W + BC	S	P + SW	[Not allowed under this permit]		
>190-240	W + BC	S	P + SW	[Not allowed under this permit]			
>240-290	W + BC	S	P + SW				
>290-340	W + BC	S	P + SW				
>340	W + BC	S	P + SW				

For this table:

W = Water

W+BC = Water plus base course application

S = Surfactant application according to manufacturer's instructions

P+SW = Pave and sweep

III.G. Other Emissions Limitations

1. The annual emissions from the permitted Facility, including sources of fugitive emissions, shall not exceed the limits in Table III.G.1 - *Total Annual Emission Limitations.* [20.2.70 NMAC]

Table III.G.1 Total Annual Emission Limitations

Pollutant	Emission Limitation
Nitrogen Oxides (NO_x)	95 tons per year
Carbon Monoxide (CO)	95 tons per year
Volatile Organic Compounds (VOCs)	95 tons per year
Sulfur Dioxide (SO_2)	50 tons per year
Total Suspended Particulate (TSP)	95 tons per year
Any one of the Hazardous Air Pollutants (HAPs)	8 tons per year
Sums of all Hazardous Air Pollutants (HAPs)	23 tons per year

For co-located plants, if the plant and the co-located source 1) belong to the same "major group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement; 2) are under the control of the same person (or persons under common control); and 3) are located on one or more contiguous or adjacent properties, then the total emissions from the co-located plant and source shall not exceed the emissions limitations in this table. [40 CFR 52.21(b) (6)] These limits ensure that the plant will not be a major source under 20.2.70 NMAC.

III.H. Requirements for Stationary Internal Combustion Engines

1. This subsection does not apply to tailpipe emissions from engines used to propel vehicles on the property.
2. All combustion source emissions shall be vented vertically.
3. Emissions from stationary internal combustion engines shall not exhibit greater than 20% opacity. Compliance with this condition shall be determined by opacity test observations conducted in accordance with 20.2.61 NMAC and Reference Method 9 in 40 CFR § 60 Appendix A.

Section IV. Monitoring, Recordkeeping and Notification Requirements

IV.A. Monitoring

1. The owner or operator of any Facility registered under this Permit shall perform a six (6) minute opacity reading on each crusher, screen, conveyor drop point and hopper at least once per month using Method 9 to determine compliance with the requirements in Subsection III.F - *Emissions Restrictions and Conditions.* Records of opacity readings shall be retained in accordance with Subsection IV.B - *Recordkeeping* of this Permit.
2. The owner or operator shall continuously monitor all water sprays in operation and certify they are operating properly at the time of inspection and at least on a daily basis.

IV.B. Recordkeeping

1. Compliance with recordkeeping requirements for this Permit shall be based on Department inspections of records and logs.
2. The owner or operator shall retain records for at least two (2) years after collection either on-site or at a local business office. [40 CFR § 60.676 and 20.2.72.220.A.2. NMAC] The owner or operator shall make all records required by this permit available to Department personnel upon request.
3. The owner or operator shall collect and retain the following records:
   a. Actual hours of operation (e.g. beginning and end of daily operation) for each day of operation;
   b. Monitoring required under Subsection IV.A. - *Monitoring*;
   c. Daily total production and the monthly rolling 12 month total production;
   d. Number of haul truck trips per day;
   e. Fuel delivery manifest that includes the type of fuel, and number of gallons purchased;
   f. The quantity and frequency of water or surfactant application to haul roads;
   g. The frequency of haul road sweeping (if paved);
   h. Other haul road control measures (if used);
   i. Copies of the manufacturer's (or applicant's proposed) maintenance requirements and records demonstrating compliance with said requirements;
   j. Copies of daily water usage, a record of the daily inspection, and any maintenance of the control devices; and

k. For facilities using a scrubber as a control device, records of water inlet pressure and flowrate and differential pressure across the scrubber [40 CFR § 60.676] twice each day, once in the morning and once in the afternoon; the date and time of the measurement and the name of the person making the measurement shall be included in the record.

IV.C. Department Notification

1. The owner or operator shall notify the Department in writing:
   a. Within thirty (30) days after the actual date that operations ceased;
   b. Within fifteen (15) days if the Facility is permitted as a small business and it no longer qualifies as such, either because its rolling 12 month total production exceeds the quantity in II.D.2, or because it fails to meet any other criteria defined in 20.2.75.7.F NMAC. This notification shall contain the permit number and "Change of Small Business Status" in the subject line.
   c. Prior to making changes to the Facility that affect any information on the registration form [20.2.72.220.D NMAC]; except as noted in subparagraphs d through i of this paragraph;
   d. Prior to, but no earlier than fifteen (15) days before any changes in equipment, using the GCP-2 *Substitution and Equipment Exchange* form or the *Reporting Additional Equipment* form. (Forms are available from the Department's website);
   e. Within fifteen (15) days after a change in Facility ownership;
   f. Within fifteen (15) days after a change of the contact person's name, address, phone number, e-mail address and/or fax number;
   g. Within fifteen (15) days after the actual date of initial startup of the Facility,
   h. At least fifteen (15) days prior to any relocation of the Facility in accordance with the Department's *Relocation Application* form. Relocated Facilities shall continue to meet all requirements of this Permit. Relocation shall not occur until the owner or operator has received written authorization from the Department. [20.2.72.220.C6 (a) NMAC]
   i. On the *Relocation Application* whether the Facility will continue to operate under GCP-2 or under a regular Construction Permit, and specify the applicable permit or registration number.
2. The owner or operator of a Facility that:
   a. experiences excess emissions due to air pollution control equipment malfunctions (e.g. damaged/torn bags or failure of spray water pumps), or
   b. violates the visible emission requirement in paragraph III.A.6

   shall notify the Department within twenty-four (24) hours by telephone or fax. The owner or operator shall submit written notification to the Department within ten (10) days after the start of the next business day. All such notifications and actions shall be in accordance with the procedures in 20.2.7 NMAC – *Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance.* If the visible emission requirement in paragraph III.A.6 was exceeded due to weather conditions, the owner/operator shall document the weather parameters at the time and the measures taken to reduce or mitigate the emissions.

IV.D. COMPLIANCE TESTING

1. The owner or operator shall perform initial compliance tests on each combustion engine that has a site rating equal to or greater than 180 hp. The tests shall be conducted in accordance with EPA Reference Methods 1 through 4: Method 7E for NOx, Method 9 for opacity [20.2.61 NMAC], Method 10 for CO, contained in 40 CFR, § 60, Appendix A, and with the requirements of Subpart A, *General Provisions*, 60.8(f). For NOx and CO, portable analyzer tests will be considered equivalent if Department guidelines (available from the Compliance section of AQB's website) are followed; however, the Department reserves the right to request Method testing in specific cases. Alternative test method(s) may be used if approved by the Department. The results of the NOx tests shall be expressed as nitrogen dioxide (NO_2) using a molecular weight of 46 lb/lb mole in all calculations (each ppm of NO/NO_2 is equivalent to 1.194×10^{-7} lb/SCF).
2. Additional compliance tests shall be conducted if it is deemed necessary by the Department to demonstrate that the Facility is in compliance with all the applicable regulations or permit conditions. Compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed.
3. If any equipment required by this subsection to undergo initial compliance test(s) is added, changed out, or replaced at the permitted Facility, the owner or operator shall perform a compliance test on the new unit within 60 days of notification (IV.C.1.d), consistent with the requirements of this subsection, unless waived by the Department in writing.
4. The owner or operator shall conduct these tests within sixty (60) days of initial startup of the Facility.
5. The owner or operator shall allow a representative of the Department to be present at the test.
6. The owner or operator shall observe the following pre-testing and testing procedures:
   a. The owner or operator shall provide for the Department Enforcement Program Manager's approval, a written test protocol at least thirty (30) days prior to the anticipated pre-test meeting date.
      (1) The protocol shall describe the test methods or, if using a portable analyzer, the standard operating procedures to be used (including sampling locations), and shall describe data reduction procedures.
      (2) The owner or operator shall identify in the protocol any proposed variation from the established sampling and analytical procedures or from the conditions in this Permit.
   b. The test protocol and compliance test report shall conform to the standard format specified by the Department. The current version of the format may be obtained from the Department's web site or from the Compliance section of AQB's website.
   c. The owner or operator shall provide the following performance test facilities for the Department:

(1) Sampling ports necessary for any test methods specified by this Permit,

(2) Safe sampling platforms,

(3) Safe access to sampling platforms, and

(4) Utilities for sampling and test equipment.

d. Where necessary to prevent cyclonic flow in the stack, the owner or operator shall install flow straighteners in accordance with EPA Reference Method 1 in 40 CFR § 60, Appendix A.

7. During engine compliance tests [paragraph IV.D.1] the owner or operator shall monitor and record the Facility's hourly production rate. This information shall be included with the test report that is required to be furnished to the Department and shall be listed in tabular form or as part of the summary page of the test report.
8. Engine compliance tests [Subsection IV.D, paragraph 1] shall be conducted at 90 percent or greater of the engine's site rated capacity, as stated in the registration form of this Permit, and at additional loads when requested by the Department. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the test report to the Department.
9. The owner or operator shall perform initial compliance tests on each crusher, screen, hopper, and conveyor transfer point to determine compliance with the requirements in Subsection III.F, paragraphs 1, 2, and 3. Tests shall be conducted in accordance with 40 CFR § 60.675, EPA Reference Method 5 for stack particulates, and Method 9 for opacity [20.2.61 NMAC], contained in 40 CFR § 60, Appendix A, and with the requirements of Subpart A, *General Provisions*, 60.8(f).
10. The owner or operator shall submit one copy of the test protocol and compliance test results to the Enforcement Program Manager of the Department no later than forty five (45) days after the completion of the testing.

SECTION V. CHANGES THAT PREVENT MEETING THE GENERAL PERMIT REQUIREMENTS

1. The owner or operator shall not change or add equipment that prevents the Facility from complying with the conditions of this Permit.
2. Prior to making any modification that would result in the Facility not being able to meet the conditions of this permit; the owner or operator shall obtain a regular Construction Permit under 20.2.72 NMAC from the Department. [20.2.72.220.D(2) NMAC]

SECTION VI. RIGHTS OF THE ENVIRONMENT DEPARTMENT AND THE REGISTERED FACILITY

VI.A. PROPERTY ACCESS AND RECORD REVIEW

1. The Department may access the Facility and the nearest operations office of the Facility during operational hours to inspect the equipment at the Facility and any records to ensure that the Facility has operated and continues to operate in compliance with the conditions of this Permit. Operational hours shall include all times when employees are present and emissions may be occurring. [Air Quality Control Act, NMSA 1978. Section 74-2-5.1A]

VI.B. CANCELLATION OF REGISTRATION

1. The Department may cancel registration under this Permit if the owner or operator of the Facility has not notified the Department within two (2) years of the approved registration that the construction or modification has begun. The Department may also cancel the registration if construction work is suspended for one (1) year.
2. The Department shall cancel the registration if the owner or operator of the Facility ceases operation for five (5) years or more. [20.2.72.211.A. NMAC]

VI.C. Revocation of Registration

1. The Department may revoke a registration under this Permit in writing:
   a. If the owner or operator of the Facility has knowingly and willfully misrepresented a fact on the registration form; or
   b. Pursuant to an Administrative Compliance Order or Court Order.

VI.D. Appeals of Department Permitting Actions

1. Any party affected by the Department's approval, denial or revocation of a registration under this Permit may appeal to the Environmental Improvement Board (EIB) within thirty (30) days of the Department's decision pursuant to Subsections F through H of 20.2.72.207 NMAC and 20.2.72.220.C(5) NMAC.

VI.E. Revision of the Permit

1. The Department may revise this Permit pursuant to 20.2.72.220.B NMAC. New Facilities are required to comply with the new GCP–2 transition schedule.

SECTION VII. ACRONYMS AND DEFINITIONS

VII.A. ACRONYMS

AC	Asphalt Concrete
APF	Aggregate Processing Facility
AQB	Air Quality Bureau
AQCR	Air Quality Control Regions
CO	Carbon monoxide
CBP	Concrete Batch Plant
CEMS	Continuous Emissions Monitoring System
CFR	Code of Federal Regulations
EIB	Environmental Improvement Board
GCP	General Construction Permit
HAP	Hazardous Air Pollutant
HMA	Hot Mix Asphalt
NAAQS	National Ambient Air Quality Standards [40 CFR § 50]
NAIC	North American Industrial Classification
NESHAP	National Emission Standards for Hazardous Air Pollutants [40 CFR § 61 and 63]
NMAAQS	New Mexico Ambient Air Quality Standards [20.2.3 NMAC]
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NOI	Notice of Intent
NOV	Notice Of Violation
NO_x	Oxides of nitrogen
NSPS	New Source Performance Standards [40 CFR § 60]
MACT	Maximum Achievable Control Technology
PM	Particulate Matter
PM_{10}	Particulate Matter with an aerodynamic diameter of 10 microns or less
ppm	Parts Per Million
PSD	Prevention of Significant Deterioration [20.2.74 NMAC]
SCF	Standard Cubic Foot
SIC	Standard Industrial Classification
SO_2	Sulfur Dioxide
TPH	Tons per hour
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
YPD	(cubic) Yards Per Day
YPH	(cubic) Yards Per Hour
YPY	(cubic) Yards Per Year

VII.B. DEFINITIONS

"Area of Operations" means the area within the Restricted Area which contains all Emissions Units and activities which may produce air contaminants, including Emissions Units and activities listed in Subsection I.A. – *Facilities Allowed to Register*, paragraph 3, all disturbed lands and all haul roads except the haul road between the Restricted Area and the Property Boundary. Disturbed lands include all active mining areas, stockpiles, and overburden removal areas used for operation of the Facility.

"Aggregate Processing Facility" means any plant or facility that utilizes any combination of equipment or machinery that is used to quarry, separate, screen, combine, or crush, any non-metallic mineral.

"Air Quality Control Region" (AQCR) means an interstate or intrastate area designated by the U.S. Environmental Protection Agency (EPA) for the attainment and maintenance of National Ambient Air Quality Standards (NAAQS).

"Asphalt" means the bituminous substance used to bind aggregate together to make asphalt concrete (AC).

"Concrete Batch Plant" means any plant or facility used to manufacture concrete by mixing water, aggregate, and cement.

"Department" is the State of New Mexico Environment Department, Air Quality Bureau.

"Emissions Units" means any building, structure, equipment, facility, installation (including temporary installations), operation or stationary source, which emits or may emit any air contaminant.

"Filter" means the equipment used by the Facility to capture dust and particulate matter. As used in this GCP, the term Filter includes baghouses, fabric filters, sock filters, and cartridge filters.

"Fugitive Emissions" means those emissions, which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Haul Road" means any on-site road that is not accessible to the general public and is connected to the facility or the nearest public road.

"Hazardous Air Pollutants" are air pollutants that are designated as hazardous by the U.S. EPA in the Clean Air Act and listed in 40 CFR § 61 Section 112b.

"Hot Mix Asphalt Plant" means any plant or facility that utilizes any combination of equipment or machinery to store, deliver, or manufacture Asphalt Concrete by mixing Asphalt and heated aggregate.

"Local newspaper of general circulation" is a newspaper in general circulation in the county or counties where the Facility is or will be located.

"National Ambient Air Quality Standards" means the primary (health related) and secondary (welfare based) federal ambient air quality standards promulgated by the U.S. EPA pursuant to Section 112 of the federal Clean Air Act.

"New Source Performance Standards"(NSPS) means the regulatory requirements, guidelines and emission limitations promulgated by the U.S. EPA pursuant to Section 111 of the Federal Clean Air Act and 40 CFR § 60.

"Opacity" is the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Owner or Operator" is any person who owns or operates a process or process equipment at the source for which coverage under this Permit has been granted.

"PM_{10}" means any particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

"Property Boundary" means the outside edge of the leased property, which includes all equipment, registered under this Permit. The property may consist of one or more contiguous and adjacent properties if they are owned, leased, or under direct control of the owner or operator.

"Quarrying, Crushing, Screening Facility" means any plant or Facility, which meets the applicability requirements for this Permit defined in Section I.A.

"Restricted Area" means the area to which public access is restricted.

"Six-minute period" means any one period of the 10 equal parts of a one-hour period.

"Stack Emissions" means emissions that are released to the atmosphere from a capture system through a stack or other point source discharge on the plant.