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RETURN RECEIPT REQUESTED

Permittee:

C & E Concrete, Inc.
P.O. Box 2547
Milan, NM 87021

NSR Air Quality Permit No. 0879-M2
600 TPH Portable Rock Crushing Facility –
Tinaja Pit
TEMPO No. 1773 – PRN20060001
AIRS No. 35-777-00270

Company Official:

Walter L. Meech
President

Jim Norton
EPD Director
New Mexico Environment Department

4/8/08
Date of Issuance

Air Quality Permit No. 0879M2 is issued by the Air Quality Bureau of the New Mexico Environment Department (Department) to C & E Concrete, Inc. pursuant to the Air Quality Control Act (Act) and regulations adopted pursuant to the Act, including Title 20, Chapter 2, Part 72 of the New Mexico Administrative Code (NMAC), (20.2.72 NMAC), Construction Permits and is enforceable pursuant to the Act and the air quality control regulations applicable to this source.

This permit authorizes C & E Concrete, Inc. to operate a 600 ton per hour (TPH) portable rock crushing facility which crushes, screens, and stockpiles aggregate material of varying sizes. This facility is authorized to be initially located near Ramah, New Mexico in Township 10 and 9 North,

Range 13 West, Sections 33 and 4 of Cibola County at the specific location described in the application. The plant shall relocate only with prior approval from the Department to the specific location described in the relocation application (see Condition 5, Plant Relocation Notice and Condition 6, Restriction on Relocation).

This modification consists of the addition of a rip rap plant, two (2) engines, a reduction in the annual operating hours of the facility, and defining the pre-existing wash plant.

This permit supersedes all portions of Air Quality Permit No. 0879M1, issued January 19, 2000, except the portion requiring compliance tests. Compliance test conditions from previous permits are still in effect, in addition to compliance test requirements contained in this permit.

The Department has reviewed the permit application for the proposed construction. Based on the control measures described in the application and the conditions of this permit, the Department has determined that the provisions of the Act and ambient air quality standards will be met. Conditions have been imposed in this permit to assure continued compliance. 20.2.72.210.D NMAC states that any term or condition imposed by the Department on a permit or permit revision is enforceable to the same extent as a regulation of the Environmental Improvement Board.

Pursuant to 20.2.75.11 NMAC, the Department will assess an annual fee for this facility. This regulation set the fee amount at \$1,500 through 2004 and requires it to be adjusted annually for the Consumer Price Index on January 1. The current fee amount is available by contacting the Department or can be found on the Department's website. The AQB will invoice the permittee for the annual fee amount at the beginning of each calendar year. This fee does not apply to sources which are assessed an annual fee in accordance with 20.2.71 NMAC. For sources that satisfy the definition of "small business" in Subsection F of 20.2.75.7 NMAC, this annual fee will be divided by two.

All fees shall be remitted in the form of a corporate check, certified check, or money order made payable to the "NM Environment Department, AQB" and shall be accompanied by the enclosed remittance slip. Fees shall be submitted to: NM Environment Department, AQB at the address shown on the invoice.

TOTAL EMISSIONS

The total potential emissions from this facility, excluding exempted activities, are shown in the following table. Emission limitations for individual units are shown in Specific Condition 2.

Total Potential Criteria Pollutant Emissions from Entire Facility (for information only, not an enforceable condition):

Pollutant	Emissions (tons per year)
Nitrogen Oxides (NO _x)	77.8
Carbon Monoxide (CO)	49.7
Volatile Organic Compounds (VOC)	44.7
Sulfur Dioxide (SO ₂)	1.5
Total Suspended Particulate Matter (TSP)	96.6
Particulate Matter less than 10 microns (PM10)	37.5

Total Potential HAPS that exceed one ton per year (for information only, not an enforceable condition):

Pollutant	Emissions (tons per year)
None	N/A

Pursuant to 20.2.72 NMAC, and the specific regulatory citations in parenthesis, the facility is subject to the following conditions.

SPECIFIC CONDITIONS

1. Construction/Modification/Revision and Operation
(20.2.72.210 NMAC; NSPS 40 CFR 60, Subparts A and OOO)

a) This permit authorizes the construction and operation of the following equipment:

Table 1.1, Equipment List used by this facility to process unsaturated sand and aggregate¹

Unit No.	Unit Type	Manufacturer	Model	Date of Mfg.	Serial Number	Process Capacity	NSPS III
31	Diesel Engine	Cummins	K-19	1998	QSK19C750	750 hp	No
46	Diesel Engine	Cummins	K-19	1998	QSK19C700	700 hp	No
84	Diesel Generator	Caterpillar	D3512	TBD	24Z09198	1542 hp	No
Crushing Plant							
Unit No.	Unit Type	Manufacturer	Model	Date of Mfg.	Serial Number	Process Capacity	NSPS OOO
1	Impact Crusher/ Vibrating Grizzly Feeder	Universal	4442	1962	N/A	600 tph	No
2, 35	Conveyor	R.C. Manufacture	NA	> 8/31/1983	NA	600 tph	Yes
3	Surge Bin	R.C. Manufacture	NA	> 8/31/1983	NA	600 tph	Yes
4-6, 16, 19, 26, 42	Conveyor	R.C. Manufacture	NA	> 8/31/1983	NA	600 tph	Yes
7	Feeder	NA	NA	> 8/31/1983	TBD	600 tph	Yes
8, 44	Feeder Conveyor	NA	NA	> 8/31/1983	NA	600 tph	Yes
9	Conveyor	R.C. Manufacture	3050	1969	NA	600 tph	Yes
10	Screen	El Jay	NA	1983	FSG-5163	600 tph	Yes
11, 17, 21, 23, 25, 34, 37, 39	Screen Conveyor	El Jay	NA	NA	NA	600 tph	Yes
12, 14, 52, 61	Conveyor	R.C. Manufacture	NA	> 8/31/1983	NA	600 tph	Yes
13	Stacker Conveyor	R.C. Manufacture	NA	> 8/31/1983	NA	600 tph	Yes
15, 22, 24, 36, 38, 41, 50, 53, 62	Stacker Conveyor	R.C. Manufacture	NA	> 8/31/1983	NA	600 tph	Yes
18	Impact Crusher	TBD	TBD	TBD	TBD	600 tph	Yes
20	Screen	El Jay	NA	TBD	TBD	600 tph	Yes
27	Pug Mill Twin Screw	R.C. Manufacture	293	1995	NA	600 tph	Yes
28	Stacker Conveyor	Petingale	NA	NA	NA	600 tph	Yes
29, 40	Conveyor	R.C. Manufacture	NA	> 8/31/1983	NA	600 tph	Yes
30	VSI Crusher	Spokane	NA	1980	82-DC-104	600 tph	No

32, 47	Conveyor	R.C. Manufacture	NA	NA	NA	600 tph	Yes
33	Screen	El Jay	NA	NA	FSG6203-32	600 tph	Yes
43	Feeder	NA	NA	NA	NA	600 tph	Yes
45	VSI Crusher	El Jay	NA	1993	41F0493	600 tph	Yes
55	VSI Crusher	TBD	NA	TBD	TBD	600 tph	Yes
56	VSI Conveyor	TBD	NA	TBD	TBD	600 tph	Yes
48	3-Deck Screen	TBD	NA	TBD	TBD	600 tph	Yes
49, 51, 60	3-Deck Screen Conveyor	TBD	NA	NA	NA	600 tph	Yes
54, 57, 59	Conveyor	R.C. Manufacture	NA	NA	NA	600 tph	Yes
58	Conveyor	R.C. Manufacture	NA	NA	NA	600 tph	Yes
Wash Plant							
65	Feeder	R.C. Manufacture	42'	TBD	TBD	600 tph	Yes
66	Conveyor	R.C. Manufacture	NA	NA	NA	600 tph	Yes
67	Fab Tec. Screen 5' x 16' with CEC Screen Sand Screw 36" x 25'	327	NA	NA	NA	600 tph	Yes
68, 71	Conveyor	R.C. Manufacture	NA	NA	NA	600 tph	Yes
69	Conveyor	R.C. Manufacture	NA	NA	NA	600 tph	Yes
70, 72	Conveyor	R.C. Manufacture	NA	NA	NA	600 tph	Yes
73	Sand Screw	Eagle	NA	TBD	TBD	600 tph	Yes
Rip Rap Plant							
75	Feeder	Simplicity	OA 140D	NA	2002	600 tph	Yes
76-78	Grizzlies	Simplicity	OA 120C	NA	2002	600 tph	Yes
79-82	Grizzlies Chutes	Simplicity	OA 120C	NA	2002	600 tph	Yes

¹ All to be determined (TBD) values shall be reported to the Department within fifteen (15) days after the startup date of each piece of equipment.

- b) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.
- c) This facility shall be constructed and operated in accordance with all representations in the permit application dated September 15, 2006 and received September 20, 2006 and in accordance with the legal authority specified above and the conditions of this permit.
- d) Crushers, screens, and conveyors, constructed, reconstructed, or modified after August 31, 1983, with a cumulative rated capacity of all initial crushers (can be fed without prior crushing) greater than 150 tons per hour of material for a portable source, and 25 ton per hour for a fixed source, are subject to federal New Source Performance Standards (NSPS), found in 40 CFR 60, Subpart A - General

Provisions, and Subpart 000 - Standards of Performance for Nonmetallic Mineral Processing Plants, and shall comply with both the notification requirements in Subpart A and the specific requirements in Subpart 000.

NOTE: Particulate emission controls and opacity limits for both NSPS affected and non-NSPS affected equipment and emission sources are specified in Specific Condition 2, Emission Limits. Equipment subject to NSPS, Subpart 000, will be referred to in this document as "NSPS affected equipment".

- e) Compression Ignited Internal Combustion engines subject to federal New Source Performance Standards (NSPS) found in 40 CFR 60, Subpart A - General Provisions, and Subpart III-Standards of Performance for Stationary Compression Ignition Internal Combustion Engines shall comply with both the notification requirements in Subpart A and with the specific requirements of Subpart III.
- f) No National Emissions Standard for Hazardous Air Pollutants (NESHAP) applies to this facility. Prior to any asbestos demolition or renovation work, the permittee shall determine whether 40 CFR 61, Subpart M, National Emissions Standards for Asbestos applies.
- g) Substitution of equipment is authorized provided the replacement equipment is functionally equivalent and has the same or lower process capacity as the piece of equipment it is replacing in the most recent permit. The replacement equipment shall comply with the opacity requirements in Specific Condition 2.

The Department shall be notified in writing within fifteen (15) days of equipment substitutions.

- h) The process rate shall not exceed 600 tons per hour. The combined total material input for the three feeders at the main crusher plant shall not exceed 600 tons per hour.
- i) This facility is authorized to operate at the initial location:
 - 1) A maximum of 10 hours per day, with no operations on Saturdays or Sundays, from December 1 through March 1.
 - 2) A maximum of 10 hours per day, with no operations on Sundays, from March 1 through June 1.
 - 3) A maximum of 14 hours per day from June 1 through October 1.
 - 4) A maximum of 11 hours per day, with no operations on Sundays, from October 1 through December 1.
 - 5) A maximum of 8400 tons per day from March 1 through October 1.

- 6) A maximum of 7200 tons per day from October 1 through February 28/29.
- 7) During daylight hours only.
- 8) A maximum of 2785 hours per year calculated weekly as a weekly rolling 52-week total.

For the purposes of this permit, "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 and a given location can be obtained at <http://aa.usno.navy.mil/>. Alternatively, the sunrise and sunset times can be obtained from The Old Farmers Almanac or from <http://www.almanac.com/rise/>).

- j) The number of haul road round trips shall not exceed 336 round trips per day for all haul trucks transporting processed material from the crusher and wash plant.
- k) Units 68, 69, 70, 71, 72, and 73 are subject to the requirements of NSPS Subpart OOO "Wet Screening Operation."
- l) Upon relocation, the facility shall maintain at least a 340 meter (1116 feet) distance between the perimeter of the area of operations⁽¹⁾ to the perimeter of the restricted area, which is the area to which public access is restricted, with restricted or controlled access to the public within that boundary.

⁽¹⁾"Area of operations" means the area within the restricted area which contains all emissions units and activities which may result in the emissions of air contaminants, including all disturbed lands, and haul roads within the area of operations (the haul roads from the area of operations to the restricted area are not included). Disturbed lands include all active mining areas, stockpiles, and overburden removal areas used for operation of the facility.
- m) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the discharge of emissions or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a revision or modification to this permit. No revision or modification shall begin prior to issuance of a permit.

- n) Each haul road segment shall be controlled as required by Table 1.2:

Table 1.2 - Haul Road Control Requirements

Haul Road Segment Description	Required Controls
Paved Access Road	Truck traffic haul road from the entrance to the facility to the truck scales shall be paved and cleaned to control particulate emissions (95% emission control allowed). This control measure shall be used on roads as far as the nearest public road.
Unpaved Access Main Loop to Crusher	Truck traffic haul roads, used by haul trucks that are removing processed materials from the crushing and wash plants, from the paved road to the crusher and wash plant sites and back to the paved road shall be watered and treated by application of base course or gravel to control particulate emissions (80% emission control allowed).
All other haul roads ⁽¹⁾ at this site	Truck traffic haul roads ⁽²⁾ from the paved road to the Pulverized Limestone Plant site shall be watered or treated by application of base coarse or gravel to control particulate emissions (60% emission control allowed).

⁽¹⁾ Excluding stock pile maintenance areas

⁽²⁾ Haul roads include all roads that move process material

This Specific Condition has been placed in the permit as a result of air dispersion modeling performed by the Department in order to meet state and federal total suspended particulate and PM10 ambient air quality standards.

- o) The fuel combusted in Units 31, 46, and 84 shall be No. 2 Diesel Fuel containing less than 0.05% sulfur by weight. Compliance with sulfur content requirement shall be demonstrated by Specific Condition 4.g.
- p) This facility is allowed to be relocated.
- q) Within ninety (90) days after the effective date of this permit, the permittee shall install a weigh-belt(s) and data logger in a location(s) such that all material introduced into the system feeding the Main Crusher Plant and prior to classification, is weighed. The weigh-belts and data logger(s) shall be operated and maintained in accordance with the manufacturer's specifications. At a minimum, the data logger shall continually record the unit number, date, the time, the process rate (tons/hr), and the daily production rate (tons/day).

- r) In the event a haul truck transporting processed material from the crusher and wash plant is not employing a tarp to cover the gravel prior to leaving the facility premises for travel on public roads in order to reduce the amount of gravel falling from the truck as it travels, a Bureau inspector shall report this to the Taxation and Revenue Motor Vehicle Division.
- s) The facility is encouraged to implement a haul truck driver safety awareness program to reduce the danger to other drivers. In the event a Bureau inspector witnesses unsafe driving on the part of a haul truck associated with the facility, the inspector shall report the incident to those responsible for issuing Commercial Driver's Licenses.

Compliance with Condition 1 will be based on Department inspections of the facility, compliance with the NSPS 40 CFR 60 Subpart A - General Provisions, Department reviews of production records, submission of appropriate permit applications for modification and/or revision, and timely notification to the Department regarding equipment substitutions and relocations.

2. Emission Limits

(20.2.72.210 NMAC paragraphs A and B.1.b; 20.2.77 NMAC; and NSPS 40 CFR 60, Subparts A and OOO)

Particulate Emissions:

- a) The equipment associated with the Wash Plant (Units 68, 69, 70, 71, 72, and 73), equipment used to process saturated material, shall exhibit no visible emissions resulting from these activities except for thirty (30) seconds during a six (6) minute period, as determined by EPA Reference Method 22.
- b) If during any compliance testing, any crusher, screen, conveyor belt, or conveyor transfer point, exhibits an opacity reading greater than 5% opacity, that emission point shall be equipped with water sprays, a dust collection and control system, a containment system, (i.e. cyclone, scrubber, baghouse, enclosures over transfer points, conveyor drop chutes), or other equally effective control measures to minimize emissions. The control measures, as required above, shall be installed within 30 days of the compliance test and operated on an "as needed" basis to meet the opacity limitations contained in this permit. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR Part 60.11 and Reference Method 9 in 40 CFR Part 60 Appendix A.
- c) Particulate emissions from NSPS affected transfer points, belt conveyors, screens or other affected facilities, as defined by Subpart OOO, shall not exhibit greater than 10% opacity. Particulate emissions from NSPS affected crushers shall not exhibit greater than 15% opacity.
- d) Particulate emissions from non-NSPS affected transfer points, belt conveyors, screens, feed bins, and from stockpiles shall not exhibit greater than 10% opacity. Particulate emissions from non-NSPS crushers shall not exhibit greater than 15% opacity.
- e) Stockpiles shall be maintained with standard industry practices and procedures to minimize fugitive emissions to the atmosphere.
- f) Sites of overburden removal and active pit areas shall be watered, dependent upon existing wind speeds and soil moisture content, as necessary to minimize dust emissions.

Combustion Emissions:

- g) The combustion emissions from this facility shall not exceed those values listed in Table 2.1 below.

Table 2.1: Allowable Emissions

Unit No.	TSP		NO _x ¹		CO		VOCs		SO ₂	
	pph	tpy	pph	tpy	pph	tpy	pph	tpy	pph	tpy
31	0.7	0.9	11.3	15.9	14.1	19.7	16.0	22.4	0.3	0.4
46	0.6	0.9	10.6	14.8	13.1	18.4	15.0	20.9	0.3	0.4
84	1.2	1.7	34.0	47.6	8.5	11.9	1.1	1.6	0.6	0.8

¹ Nitrogen dioxide emissions include all oxides of nitrogen expressed as NO₂

Compliance with Condition 2 will be based on Department inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 7 - Compliance Tests.

3. Monitoring

(20.2.72.210.C NMAC)

- a) Daily, the permittee shall ensure that adequate water is present to comply with Condition 2.a.
- b) On the first day of each calendar month, or the first business day of the month when the facility is operational, the permittee shall perform an EPA test Method 22 on Units 68, 69, 70, 71, 72, and 73.
- c) The permittee shall calibrate the weigh belt(s) as per the manufacturer's specifications, but at a minimum of once per month.

4. Recordkeeping

(20.2.72.210 NMAC, paragraphs B.4 and E; NSPS 40 CFR 60, Subparts A and OOO)

- a) The permittee shall keep daily records of the Crushing Plant:
 1. The date, start time, and end time of any production.
 2. The daily production rate.
 3. The total number of haul road trips per day for all haul trucks transporting processed material from the crusher and wash plants.
 4. The method used to determine the daily production rate.
 5. The records necessary to support the calculation of the daily production rate.
 6. The frequency, quantity, and location(s) of the water application(s), or equivalent control measures shall be maintained.

7. The use of a data logger recording the required data is sufficient to comply with sub-conditions 1, 2, 4, and 5.
 8. The production rate (tons/hr) shall be the arithmetical average of all the data collected over the previous sixty (60) minutes. The data shall be collected at least once every ten (10) minutes.
- b) The permittee shall keep daily records of the Wash Plant:
1. The date, start time, and end time of any production; and
 2. The daily production rate.
- c) The permittee shall keep daily records of the RipRap Plant:
1. The date, start time, and end time of any production; and
 2. The daily production rate.
- d) The permittee shall keep monthly records of the Wash Plant:
1. The name of the operator performing the monitoring of the material in Condition 3.b;
 2. The date and time of the monitoring and the results of the Method 22 observations; and
 3. The training that the operator performing the monitoring has received in accordance with the requirements set out in Method 22.
- e) Each calendar week, the permittee shall calculate the weekly total for the production hours in which the facility operates. The permittee shall also calculate the weekly rolling 52-week total production hours for the facility.
- f) The permittee shall maintain records of the daily rolling 365-day total of the operating hours for each of Units 31, 46, and 84. Records for Units 31, 46, and 84 shall show start and stop times.
- g) A purchase record of the fuel being combusted by Units 31, 46, and 84 shall be kept onsite to demonstrate total sulfur content of the fuel.
- h) Copies of the manufacturer's (or applicant's proposed) maintenance requirements and records demonstrating compliance with said requirements shall be maintained.
- i) The permittee shall maintain the ability to provide information from the data logger, in electronic or paper format, within one hour to the Department upon request.

- j) Records required by this permit shall be retained at the plant site for the most recent two (2) year period and shall be made available to Department personnel upon request.

Compliance with Condition 4 will be based on Department inspection of records and logs.

5. Reporting

(20.2.72 NMAC, Sections 210.E and 212; NSPS 40 CFR 60, Subpart A)

- a) The permittee shall notify the Enforcement Section, Air Quality Bureau in writing of:
1. any equipment substitutions within fifteen (15) days of such substitutions;
 2. the date the plant leaves New Mexico or the Department's jurisdiction within fifteen (15) days of leaving.
 3. the plant's proposed relocation by filing a relocation notice no sooner than fifteen (15) days from the date of the proposed relocation;
 4. the anticipated date of initial startup of the source not less than thirty (30) days prior to the date;
 5. the actual date of initial startup of the source within fifteen (15) days after the startup date and the actual date of subsequent initial startup of any equipment within fifteen (15) days after the startup date.

This notification shall contain an equipment list that includes unit number, unit type, manufacturer, model, manufacture date, serial number, and process capacity.

6. any necessary update or correction no more than sixty (60) days after the operator knows or should have known of the condition necessitating the update or correction of the permit.
- b) The permittee shall maintain a list of all equipment associated with this permit at all times. All changes to the list shall be reported to the Department by notifying the Department in accordance with the equipment substitution notification process stated in Condition 1.

The reports and notifications shall contain the required information and shall be made in accordance with 40 CFR 60, Subpart A - General Provisions.

Compliance with Condition 5 will be based on the timely submittal of the required reports.

6. Plant Relocation Notice

(20.2.72.202.B NMAC)

- a) The Department shall be notified in writing at least fifteen (15) days prior to any relocation of the plant using the Department's Relocation Notice form, which shall be accompanied by a detailed plot plan showing the leased/owned property, the area

disturbed by the operations, including the mining area and haul roads, all other particulate emitting facilities within one (1) mile of the facility's area of operations, and all occupied buildings within 1/4 mile of the facility's area of operations.

- b) At the time of notification, the operator shall also post notice of the relocation at the relocation site in such a manner that the public has access to information concerning the proposed relocation. The operation of a facility at a new location shall not commence until the Department has officially approved the new location.

Compliance with Condition 6 will be based on timely notifications, and submission of all information required in this permit condition.

7. Restriction on Relocation
(20.2.72 NMAC, Sections 200.F, 202.B, and 210.B.4)

- a) The plant is defined as the perimeter of the area of operations inclusive of all disturbed lands, including mining and overburden removal areas, used for the job. Approval of relocation may be denied if the relocation falls within any of the following categories:

1. the plant is to be relocated within any city or town boundaries, and was not initially reviewed for these conditions;
2. the plant is to be relocated within one-quarter (1/4) mile of a private residence, office building, a school or other occupied structure;
3. the plant is to be relocated within one (1) mile of another particulate-emitting facility;
4. the plant is to be relocated in an area where any Prevention of Significant Deterioration (PSD) increments, national ambient air quality standards (NAAQS), or New Mexico ambient air quality standards (NMAAQs) have been or will be exceeded,
5. the plant is to be relocated within 5 km of a Class I area.

- b) Distances are measured from the perimeter around the area of operations to the nearest property boundary. The Department will promptly notify the operator if relocation is denied. The Department may require additional controls at some relocation sites to ensure compliance with ambient air quality standards. When a plant leaves New Mexico, or the Department's jurisdiction, the Department shall be notified. When a plant intends to return to New Mexico, or the Department's jurisdiction, a relocation notice shall be filed with the Department.

Compliance with Condition 7 will be based on Department inspections of the facility and the receipt of notification of relocation at least fifteen (15) days prior to relocation.

8. Compliance Tests
(20.2.72 NMAC Sections 210.C and 213; NSPS 40 CFR 60, Subparts A and OOO)

- a) Initial compliance tests for particulate matter shall be conducted in accordance with EPA test Method 9 and 22 (if applicable) and the procedures for opacity in Appendix A of 40 CFR 60, unless otherwise approved by the Department. Compliance tests shall determine the opacity at each crusher, screen, hopper, and conveyor transfer point, including transfers to stockpiles.
- b) The owner or operator shall perform initial compliance tests for NO_x, CO, and Opacity 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 NO_x, 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 NO_x and CO, portable analyzer tests will be considered equivalent if Department guidelines 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 NO_x tests shall be expressed as nitrogen dioxide (NO₂) using a molecular weight of 46 lb/lb mole in all calculations (each ppm of NO/NO₂ is equivalent to 1.194×10^{-7} lb/SCF).
- c) The initial compliance tests shall be conducted within sixty (60) days of initial startup of the facility. 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.
- d) The owner or operator shall notify the Department at least thirty (30) days prior to the initial compliance test date and allow a representative of the Department to be present at the test. The permittee shall arrange a pretest meeting with the Department at least thirty (30) days prior to the initial compliance test date and shall observe the following pre-testing and testing procedures:
- e) The permittee shall provide for the Department's approval a written test protocol at least one (1) week prior to the anticipated pre-test meeting date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Department approval.
- f) The test protocol and compliance test report shall conform to the standard format specified by the Department. The most current version of the format may be obtained from the Enforcement Section of the Air Quality Bureau.
- g) The tests shall be conducted at ninety (90%) or greater of the maximum rated capacity of the unit as stated in this permit, or in the application if not in the permit, and at additional loads when requested by the Department. The permittee may request exceptions to this loading (such as loading necessitated by operating

condition) from the Enforcement Section of the Air Quality Bureau. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the initial compliance test report to the Department. Opacities at other production levels shall be determined at the Department's request.

- h) If testing is conducted at less than 90 % of the maximum rated capacity of the unit as stated in the permit or application (if not specified in the permit), then the facility shall not operate at loads that exceed 110% of the tested load. Sufficient records shall be kept to show the actual production rates. If the facility wishes to operate at a rate greater than 110% of the tested rate and less than the permitted maximum production rate the permittee shall re-conduct the initial compliance test.
- i) A copy of the initial compliance test results shall be submitted to the Enforcement Section within thirty (30) days after the completion of testing. Operating parameters measured during the initial compliance tests shall be listed in tabular form or as part of the summary page of the test report.
- j) The permittee shall perform six (6) minute opacity readings for each crusher, screen and stacker conveyor (material drop to storage pile) at least once per calendar month to demonstrate compliance with the opacity limitations in this permit. The test shall be done at the normal operational load of the facility. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR Part 60.11 and Reference Method 9 in 40 CFR Part 60, Appendix A. This compliance test is not required to be conducted at the wet processing plant (Units 68, 69, 70, 71, 72, and 73).
- k) Additionally, if requested by the Department in writing, the permittee shall perform six (6) minute opacity readings for each transfer conveyor at least once per calendar month to demonstrate compliance with the opacity limitations in this permit. The test shall be done at the normal operational load of the facility. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR Part 60.11 and Reference Method 9 in 40 CFR Part 60, Appendix A. This compliance test is not required to be conducted at the wet processing plant (Units 68, 69, 70, 71, 72, and 73).

Compliance with Condition 8 will be based on the satisfactory completion of the compliance tests, the timely submittal of the test results to the Department, and on meeting the opacity limits specified in this permit.

9. Revisions and Modifications

(20.2.72 NMAC, Sections 200.A.2 and E, and 210.B.4)

- a) Any future physical changes or changes in the method of operation may constitute a modification as defined by 20.2.72 NMAC, Construction Permits. Unless the source or activity is exempt under 20.2.72.202 NMAC, no modification shall begin prior to issuance of a permit.

- b) Modifications or revisions to this permit shall be processed in accordance with 20.2.72 NMAC.

Compliance with Condition 9 will be based on Department inspections and the submittal of appropriate application for permit modifications or revisions.

10. Right to Access Property and Review Records
(NMSA 1978, Section 74-2-13)

- 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. The company, upon request from an authorized representative of the Department, shall produce any records or information necessary to establish that the terms and conditions of this permit are being met.

Compliance with Condition 10 will be based on Department inspections of the facility, production records and the maintenance of any other required information, and non-restricted entry to the property as defined in this condition.

11. Posting of the Permit

- a) A copy of this permit shall be posted and in view at the plant site at all times. The permit shall be made available to Department personnel for inspection upon request.

Compliance with Condition 11 will be based on Department inspections of the facility which show that a copy of the permit has been posted.

12. Notification to Subsequent Owners
(20.2.72 NMAC Sections 7.P.1 and 212.C)

- a) The permit and conditions apply in the event of any change in control or ownership of the facility. No permit modification is required in such case; however, in the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit and the conditions. The permittee shall also notify the Department within fifteen (15) days of the change in control or ownership.
- b) Any new owner or operator shall notify the Department, within thirty (30) days of assuming ownership, of the new owner's or operator's name and address.

Compliance with Condition 12 will be determined upon the permittee's notification of the permit and its conditions to any succeeding owner and notification of the change in ownership to the Department.

13. Permit Cancellations
(20.2.72.211 NMAC)

- a) The Department shall automatically cancel any permit for any source which ceases operation for five (5) years or more, or permanently. Reactivation of any source after the five (5) year period shall require a new permit.
- b) The Department may cancel a permit if the construction or modification is not commenced within two (2) years from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year.

14. General

- a) Pursuant to 20.2.72.210.A NMAC, the contents of a permit application specifically identified by the Department shall become the terms and conditions of the permit or permit revision. Unless modified by conditions of this permit, the applicant shall construct or modify and operate the facility in accordance with all representations of the application and supplemental submittals that the Department relied upon to determine compliance with applicable regulations and ambient air quality standards. If the Department relied on air quality modeling to issue this permit, any change in the parameters used for this modeling shall be submitted to the Department for review. Upon the Department's request, the applicant shall submit additional modeling for review by the Department. Results of that review may require a permit modification.

15. Additional Requirements

- a) Applications for permit revisions and modifications, and items listed under ADDITIONAL REQUIREMENTS shall be submitted to:

Program Manager, Permits Section
New Mexico Environment Department
Air Quality Bureau
2048 Galisteo
Santa Fe, New Mexico 87505

- b) Compliance test protocols, regularly scheduled reports, a copy of the test results, and excess emission reports, shall be submitted to:

Program Manager, Compliance and Enforcement Section
New Mexico Environment Department
Air Quality Bureau
PO Box 26110
Santa Fe, New Mexico 87502-0110

16. Revocation

- a) The Department may revoke this permit if the applicant or permittee has knowingly and willfully misrepresented a material fact in the application for the permit.

Revocation will be made in writing, and an administrative appeal may be taken to the Secretary of the Department within thirty (30) days. Appeals will be handled in accordance with the Department's Rules Governing Appeals From Compliance Orders.

17. Appeal Procedures

- a) 20.2.72.207 NMAC, provides that 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 hearing before the Environmental Improvement Board. The petition shall be made in writing to the Environmental Improvement 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 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:

Environmental Improvement Board
1190 St. Francis Drive, Runnels Bldg.
P.O. Box 26110
Santa Fe, New Mexico 87502

If you have any questions regarding this permit, please contact Elizabeth Bisbey-Kuehn in Santa Fe at (505) 955-8099.

cc: Paul Wade
Class One Technical Services
3500 Comanche Road NE, Suite G
Albuquerque, NM 87107

Enclosure: Industry/Consultant Feedback Questionnaire with envelope
Relocation Form for Portable Crushers and Asphalt Plants

