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ENVIRONMENT DEPARTMENT

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DRAFT

CERTIFIED MAIL NO. P 7004 0750 0001 3305 5291 DRAFT - 03/29/2007
RETURN RECEIPT REQUESTED

Permittee:

Western Water and Power Production LLC
809 Suzanne Lane SE
Albuquerque, NM 87123

NSR Air Quality Permit No. 3434
Estancia Basin Biomass Power Generation
Plant
TEMPO No. 25625 – PRN20060001
AIRS No. 35-057-0010

Company Official:

Jack Maddox
Vice President

Mary Uhl
Bureau Chief
Air Quality Bureau

Date of Issuance

Air Quality Permit No. 3434 (Permit) is issued by the Air Quality Bureau of the New Mexico Environment Department (Department) to Western Water and Power Production LLC (Permittee) 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), Construction Permits and is enforceable pursuant to the Act and the air quality control regulations applicable to this facility.

This Permit authorizes the modification and operation of the Estancia Basin Biomass Power

Generation Plant. The function of the facility is to combust wood waste to generate 35 megawatts of electrical power. This facility is located in Township 05N, Range 08E, Section 10, approximately 7.5 miles southwest of Estancia in Torrance County, New Mexico.

The Department has reviewed the permit application for the proposed construction and has determined that the provisions of the Act, including ambient air quality standards, will be met. Conditions have been imposed in the Permit to assure continued compliance. 20.2.72.210.D NMAC states that any term or condition imposed by the Department on a permit 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 20.2.75.7.F NMAC, this annual fee is 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 mailed to the address shown on the invoice, and shall be accompanied by the remittance slip attached to 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)	231.0
Carbon Monoxide (CO)	221.0
Volatile Organic Compounds (VOC)	48.3
Sulfur Dioxide (SO ₂)	40.3
Particulate Matter as Total Suspended Particulates (TSP)	79.0
Particulate Matter less than 10 microns (PM ₁₀)	65.0
Particulate Matter less than 2.5 microns (PM _{2.5})	59.7
Condensable PM	35.9

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

Pollutant	Emissions (tons per year)
Formaldehyde	3.6
Acrolein	3.2
Styrene	1.6
Manganese	1.3
Total HAP	9.7

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

Pollutant	Emissions (pounds per hour)
Ammonia (TAP)	2.8
Wood Dust (TAP)	1.5

SECTION I: SPECIFIC CONDITIONS

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

1. Construction / Modification / Revision and Operation

(20.2.72 NMAC; NSPS 40 CFR 60, Subparts A and Db)

a. The equipment regulated by this Permit is specified in the following table.

Table 1.1: Regulated Equipment List

Unit No.	Make Model	Serial No.	Capacity	Manufacture Date	Unit Description
1 and 2 Fugitive Emissions	TBD	TBD	54.9 Ton Per Hour (TPH)	TBD	Trailer Dump/ Feed Hopper
4 Fugitive Emissions	TBD	TBD	54.9 Ton Per Hour (TPH)	TBD	Disc Screen/Hammer HOG
6 Fugitive Emissions	TBD	TBD	54.9 Ton Per Hour (TPH)	TBD	Fuel Stockpile Stacker Conveyor Transfer
7 Fugitive Emissions	TBD	TBD	54.9 Ton Per Hour (TPH)	TBD	Conveyor Transfer
8, 9, 10, 11 Fugitive Emissions	TBD	TBD	54.9 Ton Per Hour (TPH)	TBD	Metering Bins
13	TBD	TBD	483 MM BTU/hr	TBD	Fluidized Bed Combustion Boiler
14, 15, 17, 19 (Ash)	NA	NA	NA	NA	Bottom Ash Collection
21 (Ash)	NA	NA	NA	NA	Fly Ash Hopper
22 (Ash)	NA	NA	NA	NA	Fly Ash Hopper
26	TBD	TBD	30,000 gal/min	TBD	Cooling Tower
29	NA	NA	NA	NA	Haul Roads
33	NA	NA	9,000 gallons	NA	Ammonia Tank

b. The Permittee shall provide the "To Be Determined" (TBD) values listed in Table 1.1 no less than 15 days after the startup date.

c. This facility is authorized to operate 24 hours per day, 7 days per week, and 52 weeks per year, for a total of 8760 hours per year.

d. This facility is subject to all applicable requirements including, the following regulations:

Table 1.2: Applicable Requirements

Citation	Title
40 CFR Part 50 Subchapter C	Federal Ambient Air Quality Standards
40 CFR Part 60, Subpart A	General Provisions
40 CFR Part 60 Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
20.2.3 NMAC	Ambient Air Quality Standards
20.2.7 NMAC	Excess Emissions During Malfunction
20.2.8 NMAC	Emissions Leaving New Mexico
20.2.10 NMAC	Wood Waste Burners
20.2.70 NMAC	Operating Permits
20.2.71 NMAC	Operating Permit Fees
20.2.72 NMAC	Construction Permits
20.2.73 NMAC	NOI & Emissions Inventory Requirements
20.2.75 NMAC	Construction Permit Fees
20.2.77 NMAC	New Source Performance Standards

- e. Unit 13 - Fluidized Bed Combustion Boiler is subject to the federal New Source Performance Standards (NSPS) in 40 CFR 60, Subpart A – General Provisions, and Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, including the notification requirements in Subpart A and the specific requirements in Subpart Db.
- f. Air pollution control equipment shall be used at all times when Unit 13 is operating and/or when the facility receives, processes, handles or stores boiler fuel. Air pollution control equipment for this unit shall include a baghouse or electrostatic precipitator and Selective Non-Catalytic Reduction (SNCR) system.
- g. Truck (Biomass Material) Unloading (Unit 1 and 2) These units shall include a three-sided enclosure surrounding the truck dump hopper. The enclosure shall be ventilated with fans that will exhaust air through fabric filters (baghouses) to remove wood dust. The open end of the dump station shall have flexible curtains to limit the amount of ventilation air needed to insure dust produced in the unloading operation is collected by the system and does not escape from the open end of the enclosure. The baghouse system shall be operated during all periods of material delivery. The baghouse fans shall either be run continuously during plant operation or shall be equipped to automatically turn on whenever a truck enters the unloading station.
- h. A Dust Control System to control TSP emissions from the receiving, processing and handling of wood waste and ash, and TSP emissions from high winds on wood waste and ash, shall be installed and operated as described in the Dust Control Plan submitted to the Department.

6	0.6	2.4	0.2	0.9								
7	0.3	1.2	0.1	0.4								
8, 9, 10, 11	0.6	2.4	0.2	0.9								
13	13.5	58.9	13.5	58.9	52.7	230.9	50.5	221.0	11.0	48.3	9.2	40.3
14, 15, 17, 19	NA	0.2	NA	NA								
21 and 22	0.2	0.7	NA	0.2								
26	0.4	1.7	0.1	0.5								
29	3.1	10.8	0.8	2.8								
32	NA	NA	NA	NA								

¹NOx include all oxides of nitrogen expressed as NO₂.

² NA – Emission Value is less than 0.1

- a. Unit 13 shall not emit TSP in excess of 0.10 pounds per million Btu heat input. (40CFR 60.43b.c.1).
- b. Unit 13 shall not discharge into the atmosphere any gas that exhibits greater than 20 percent opacity (on a 6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity. (40 CFR 60.43b.f).

3. Monitoring

(20.2.72.210.C NMAC, NSPS 40 CFR 60, Subparts A and Db)

- a. Unit 13 shall be equipped with a NO_x continuous emission monitoring system (CEMS). The CEMS shall be installed and maintained according to the manufacturer's intended purpose, specifications, and recommended procedures. (40 CFR 60.48b.b).
- b. The CEMS shall be operated and data shall be recorded during all periods of operation of Unit 13, including calibration checks and zero and span adjustments, excluding only data recorded during malfunction and repair of the CEMS. (40 CFR 60.48b.c).
- c. NOx emission rates measured by the CEMS shall be expressed in ng/J or lb/million Btu heat input and shall be used to calculate the average emission rate. The 1-hour averages shall be calculated using the data points required by 40 CFR 60.13(b). At least 2 data points must be used to calculate each 1-hour average. (40 CFR 60.48b.d).
- d. When NOx emission data are not obtained because of malfunction, repair, calibration checks, or zero and span adjustments of the CEMS, NOx emission data shall be obtained by

- using standby monitoring systems, Method 7, Method 7A, or another approved reference method to provide emission data for a minimum of 75 percent of the operating hours for Unit 13's operating day on at least 22 out of 30 successive operating days. (40 CFR 60.48b.f).
- e. Compliance with the NO_x emission standard shall be determined using a 30-day rolling average. (40 CFR 60.46b.e.3).
 - f. Unit 13 shall be equipped with a continuous opacity monitoring system (COMS) on the boiler exhaust. The COMS shall be installed and maintained according to the manufacturer's intended purpose, specifications, and recommended procedures. (40 CFR 60.48b.a)
 - g. The CEMS and COMS shall comply with the requirements of the NSPS 40 CFR 60.13 and 40 CFR 60.48b. (40 CFR 60.48b.e).
 - h. The TSP and opacity limits for Unit 13 apply at all times, except during periods of startup, shutdown or malfunction. (40 CFR 60.43b.g).
 - i. The Permittee shall ensure that all monitoring systems required by this Permit are installed and all certification tests are completed no later than 90 days after the date the unit commences commercial operation.
 - j. Units 1, 2 shall be equipped with fabric filter baghouses, the baghouses shall be monitored by a differential pressure gauge and recorded on a daily basis.
 - k. Unit 13 shall be equipped with a fabric filter baghouse or an electrostatic precipitator. If a baghouse is used, it shall be monitored by a differential pressure gauge and recorded on a daily basis. If an electrostatic precipitator is used, the voltage and amps for each of the transformer rectifier cells shall be monitored and recorded daily.
 - l. During initial startup and on a quarterly basis thereafter, the Permittee shall sample the wood waste stored, handled and combusted to determine silt content using a method approved by the Department. These samples shall be collected by "grabbing" a five gallon bucket of material from a material transfer point after processing through the rotating screen and the hammer hog. The sample shall be weighed (adjusting for the bucket tare weight), passed through a 200-mesh sieve, and weighed again.
 - m. An automated water spray system shall be installed in accordance with the company's Dust Control Plan and shall be inspected daily to insure proper operation. If a component of the Dust Control System malfunctions or becomes inoperable, then the Permittee shall take immediate corrective action.
 - n. The cooling tower (Unit 26) shall be inspected monthly for mechanical integrity of drift eliminators and records of the inspections shall be kept.

4. Recordkeeping
(20.2.72.210.E NMAC, NSPS 40 CFR 60, Subparts A and Db)

The Permittee shall:

- a. Generate and maintain records of all measurements and monitoring required by Condition 3 for a period of five (5) years, and make available to the Department upon request.
- b. Comply with the recordkeeping requirements in NSPS, Subparts A and Db.
- c. Generate and maintain records of the amounts of each fuel combusted during each day and calculate and maintain records of the annual capacity factor individually for natural gas, agricultural waste, and wood. The annual capacity factor shall be determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month. (40 CFR 60.49b.d).
- d. Generate and maintain records of opacity. (40 CFR 60.49b.f).
- e. Generate and maintain records for Unit 13 for each operating day in accordance with 40 CFR 60.49b.g.
- f. Generate and maintain records of startups, shutdowns, and malfunctions of the fluidized bed boiler and control devices; and periods that the CEMS and COMS are inoperative.
- g. Generate and maintain records for the CEMS and COMS of all performance test measurements, performance evaluations, COMS calibration checks, zero and span adjustments, malfunctions, maintenance, and periods of inoperability.
- h. Generate and maintain records of all maintenance and repair work on Unit 13.
- i. Monitor and record all inconsistencies with permit conditions and regulations, including all instances of excess emissions, and comply with 20.2.7 NMAC.
- j. Generate and maintain records of the annual amount (tons) of wood waste **and agricultural waste** received at the facility on a monthly basis using a 12-month rolling total.
- k. Generate and maintain records of Unit 13's annual wood **and agricultural waste** consumption (tons) on a monthly basis using a 12-month rolling total.
- l. Maintain records of the data generated by 3(j) & 3(l).
- m. Generate and maintain records of the dates and times that the haul road has had base course applied, the dates and times the haul road is watered, and the quantity of water used.
- n. Generate and maintain manifest records for wood waste received at the facility, including the date of receipt, source, quantity, and description of wood **and agricultural** waste.

- o. Generate and maintain records for the Dust Control Activities.
 - Daily for the haul roads (Unit 29)
 - Daily biomass material transfer points (Units 7, 8, 9, 10 and 11)
 - Daily for the disc screen and hammer hog (Unit 4)
 - Monthly for the cooling tower drift eliminators (Unit 26)
 - Monthly for the integrity of the bottom ash enclosed transfer (Units 14, 15, 17 and 19)
 - Monthly for the integrity of the fabric filter and fly ash enclosed transfer (Units 21 and 22)

5. Reporting
(20.2.72 NMAC, Sections 210 and 212; NSPS 40 CFR 60, Subparts A and Db)

The Permittee shall:

- a. Comply with 40 CFR 60.7, notification of the date of initial startup and record keeping. (40 CFR 60.49b.a), including:
 - Report to the Department the design heat input capacity of the facility and the fuels to be combusted, and
 - Report to the Department the annual capacity factor at which the owner or operator anticipates operating the facility based on (i) fuels fired, and (ii) each individual fuel fired.
- b. Comply with the applicable reporting requirements of 40 CFR Subpart A and Db.
- c. Submit to the Department the data and results of initial performance tests and all performance evaluations of the CEMS and COMS using the applicable performance specifications. (40 CFR 60.49b(b)).
- d. Submit to the Department the excess emissions reports for any exceedance of the NO_x and opacity standards for any calendar quarter during which there are excess emissions. The Permittee shall report semiannually if there are no excess emissions. (40 CFR 60.49.b(h)).
- e. Submit to the Department a quarterly report containing the information recorded under 40 CFR 60.49b (g). (40 CFR 60.49b(i)).
- f. Notify the Department of the actual start date of construction and anticipated completion date. This notification shall be made to the Department within fifteen 15 days after the actual start of construction.
- g. Notify the Department of the actual date that construction is complete within 30 days after completion.

- h. Comply with 20.2.7 NMAC for all inconsistencies with a permit condition or regulation, including all instances of excess emissions.

6. Compliance Testing

(20.2.72 NMAC Sections 210.C and 213; NSPS 40 CFR 60, Subparts A and Db)

- a. The Permittee shall conduct compliance tests on Unit No.13 **as follows**. The first test shall be performed for wood waste **fuel only**. **The second test** shall be performed when agricultural waste is first **combusted**. **Additional tests shall be performed** whenever the ratio of agricultural waste-to-wood waste increases by more than 10% from the last test.

All compliance tests shall be performed for the following pollutants:

- i. NO_x, CO, TSP, PM₁₀, condensable PM, and SO₂ to determine compliance with emission limits in permit condition 2, Table 2.1.
 - ii. Formaldehyde, Acrolein, Styrene, Manganese and Ammonia to verify emission calculations submitted with the permit application.
 - iii. Opacity, to determine compliance with permit condition 2.b.
- b. The first compliance test (wood waste **fuel** only) shall be conducted within 60 days after Unit 13 achieves maximum normal production. If the maximum normal production rate does not occur within 120 days of source startup, then the tests must be conducted no later than 180 days after initial startup of the facility.
- c. **All compliance tests** shall be conducted in accordance with the requirements of CFR Title 40, Part 60, Subpart A, General Provisions, §60.8(f), and the following EPA Reference Methods as specified by CFR Title 40, Part 60, Appendix A:
 - i. Methods 1 through 4 for stack gas flowrate
 - ii. Method 7E for NO_x (test results shall be expressed as nitrogen dioxide (NO₂) using a molecular weight of 46 lb/lbmol in all calculations (each ppm of NO/NO₂ is equivalent to 1.194×10^{-7} lb/SCF)
 - iii. Method 10 for CO
 - iv. Method 5 for TSP
 - v. Method 6 for SO₂
 - vi. Method 29 for Manganese
 - vii. Method 320 for Formaldehyde, Acrolein, Styrene and Ammonia.
 - viii. Method 9 for opacity
 - ix. Method 201 for filterable PM₁₀
 - x. Method 202 for condensable PM₁₀

Alternative test methods may be used if approved in advance by the Department.

Test results for each pollutant (except opacity) shall be reported in pounds per hour and tons per year. Opacity shall be reported in percent.

- d. **All** compliance test for filterable PM10 shall be conducted in accordance with 40 CFR 51, Appendix M, Method 201. The source may use Method 5 results to demonstrate compliance with PM10 emission limits. An alternative test method may be used if approved in advance by the Department.
- e. **During all** compliance tests for PM, the **operating parameters for the** control system shall be in compliance with the manufacturer's specifications.
- f. The Department may require additional compliance tests for any reason, including suspected noncompliance with permit conditions, noncompliance during the initial compliance or subsequent compliance tests, or technically unsatisfactory tests.

If you have any questions about this Permit, please call Lawrence Alires of the AQB New Source Review (NSR) Unit in Santa Fe at (505) 955-8020.

Cc: Ralph Williams, Class One Technical Services, Inc.

Enclosure: Industry/Consultant Feedback Questionnaire with envelope

SECTION II: GENERAL CONDITIONS1. Reporting

(20.2.72 NMAC Sections 210 and 212)

- a) The Permittee shall notify the Department in writing of or provide the Department with:
 - i) the anticipated date of initial startup of each new or modified source not less than thirty (30) days prior to the date;
 - ii) the equipment serial number and the actual date of initial startup of each new or modified source within fifteen (15) days after the startup date;
 - iii) the date when each new or modified emission source reaches the maximum production rate at which it will operate within fifteen (15) days after that date;
 - iv) any change of operators within fifteen (15) days of such change;
 - v) 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.

2. Revisions and Modifications

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

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.

Changes in plans, specifications, and other representations stated in the application documents shall not be made if they cause a change in the method of control of emissions or in the character of emissions, or will increase the discharge of emissions. Any such proposed changes shall be submitted as a revision or modification.

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

3. Notification to Subsequent Owners

(20.2.72 NMAC Sections 7.P.1 and 212.C)

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 conditions and shall notify the Department of the change in ownership within fifteen (15) days of that change.

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.

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

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 either a verbal or written 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.

5. Posting/Retention of the Permit

A copy of this permit shall be posted at the plant site or retained at the plant site at all times and shall be made available to Department personnel for inspection upon request.

6. Permit Cancellations
(20.2.72 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.

7. 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.

8. Prior to any asbestos demolition or renovation work, the permittee shall determine whether 40 CFR 61 Subpart M, National Emissions Standards for Asbestos applies.
9. For engines or turbines equipped with catalytic converters and/or air-fuel ratio (AFR) controllers, or similar device which performs the same function of maintaining appropriate air and fuel ratios, records shall be made and maintained by the owner or operator for a period of at least two (2) years from the date of generation and a summary of quarterly reports shall be submitted to the Department annually, which:

For each AFR controlling type device, demonstrate that the manufacturer's or supplier's recommended maintenance is performed, including replacement of oxygen sensor as necessary for oxygen-based controllers. Verification of proper operation of the controller shall be demonstrated at least quarterly by measuring and recording exhaust oxygen or NO_x concentrations with a properly calibrated portable analyzer as specified in the most current version of the SOP for "Use of Portable Analyzers in Performance Tests".

For any engine equipped with a non-selective catalytic converter, demonstrate the maintenance of the NO_x and CO reduction efficiency across the catalyst bed. This test shall be performed within ninety (90) days following initial startup and on a quarterly basis thereafter, unless an alternative testing schedule is specified by the department. Properly calibrated portable analyzers are acceptable for this demonstration. The test shall be conducted at ninety percent (90%) or greater of full load and shall include the exhaust volume flow rate (dscf) and the NO_x and CO emission rate (lb/hr). (20. 2.72 NMAC, Section 210.B(4)).

- a. For any engine equipped with a selective catalytic converter, demonstrate the maintenance of the CO reduction efficiency across the catalyst bed. This test shall be performed within ninety (90) days following initial startup and on a quarterly basis thereafter, unless an alternative testing schedule is specified by the department. Properly calibrated portable analyzers are acceptable for this demonstration. The test shall be conducted at ninety percent (90%) or greater of full load and shall include the exhaust volume flow rate (dscf) and the NO_x and the CO emission rate (lb/hr). (20. 2.72 NMAC, Section 210.B(4)).
10. For engines equipped with catalytic converters, the engine shall not be operated without the catalytic converter, specifically including catalyst maintenance periods. During periods of catalyst maintenance, the permittee shall either (1) shut down the engine(s); or (2) replace the catalyst with a functionally equivalent spare to allow the engine to remain in operation.
11. Any engine equipped with a catalytic converter shall also have an AFR controlling device, or similar device that performs the same function of maintaining an appropriate air-fuel ratio.
12. Flares used to as control devices to comply with any NSPS (40 CFR Part 60) or NESHAP

(40 CFR Part 61) requirement shall be tested in accordance with the requirements contained in 40 CFR 60, Subpart A, General Provisions, paragraph 60.8 (performance tests) and 60.18 (general control device requirements). Flares used as control devices to comply with any MACT requirement (40 CFR Part 63) shall be tested in accordance with the requirements contained in 40 CFR 63, Subpart A, General Provisions, Section 63.7 (performance tests) and 63.11 (general control device requirements).

13. Except as provided in the Specific Conditions, records shall be maintained on-site for a minimum of two (2) years from the time of recording and shall be made available to Department personnel upon request. Sources subject to 20.2.70 NMAC "Operating Permit" shall maintain records on-site for a minimum of five (5) years from the time of recording.
14. If this permit requires any compliance testing, the owner or operator shall notify the Department at least thirty (30) days prior to the test date and allow a representative of the Department to be present at the test. The permittee shall submit a testing protocol to the Department at least thirty (30) days prior to the test date and shall observe the following testing procedures:
 - a. 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 and Compliance Section of the Air Quality Bureau.
 - b. Pursuant to 20.2.72.210.C NMAC, for combustion sources with stacks, the permittee shall also provide a one-quarter (1/4) inch stainless steel sampling line adjacent to the sampling ports and extending down to within four (4) feet above ground level to provide access for future audits. The line shall extend into the stack a distance of 1/4 the stack diameter, but not less than one inch from the stack wall. The sampling line shall be maintained clear of blockage at all times. This line shall be in place at the time of any required compliance tests. For any source for which compliance tests are not required or for previously existing sources this line shall be installed no later than one hundred and eighty (180) days from the date of this permit.
 - c. As an alternative, the owner or operator may provide a portable sampling line that is readily available which allows the Department to safely obtain representative stack gas samples at the time of compliance audits or site inspections.
 - d. A physical configuration of the facility that conforms to the emissions testing requirements of 20.2.72.210.C NMAC and of 40 CFR 60.8(e), which is imposed under the authority of 20.2.72.210.C.4 NMAC.
15. Unless stated otherwise in this permit or another applicable regulation, pipeline quality natural gas shall be defined as a naturally occurring fluid mixture of hydrocarbons that contains 20.0 grains or less of total sulfur per 100 standard cubic feet (SCF) and is either

composed of at least 70% methane by volume or has a gross calorific value of between 950 and 1100 Btu per standard cubic foot.

16. “Daylight” is defined as the time period between sunrise and sunset, as defined by the Astronomical Applications Department of the U.S. Naval Observatory. (Data for one day or a table of sunrise/sunset for an entire year can be obtained at <http://aa.usno.navy.mil/>. Alternatively, these times can be obtained from a Farmers Almanac or from <http://www.almanac.com/rise/>).

ADDITIONAL REQUIREMENTS

Applications for permit revisions and modifications shall be submitted to:

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

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

REVOCATION

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.

APPEAL PROCEDURES

20.2.72.207.F 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